United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 107th CONGRESS, SECOND SESSION

Vol. 148 WASHINGTON, TUESDAY, OCTOBER 1, 2002 *No. 126*

House of Representatives

The House met at 10:30 a.m. and was called to order by the Speaker pro tempore (Mr. PENCE).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
October 1, 2002.

I hereby appoint the Honorable MIKE PENCE to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate agreed to the following resolution:

S. RES. 331

Resolved, That the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable Patsy T. Mink, late a Representative from the State of Hawaii.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That when the Senate adjourns or recesses today, it stand adjourned or recessed as a further mark of respect to the memory of the deceased Representative.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 23, 2002, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Arkansas (Mr. BOOZMAN) for 5 minutes.

IN SUPPORT OF MOSQUITO ABATEMENT FOR SAFETY AND HEALTH ACT (MASH)

Mr. BOOZMAN. Mr. Speaker, my brother Fay Boozman, the director of Arkansas's Department of Health, recently testified before a congressional committee that it is very possible more Arkansans will be infected with the West Nile virus this year. Arkansas has seen six human cases of the virus so far, including one death. This time last year, Louisiana had only seen one human case. This year Louisiana has documented more than 260 cases.

States like Arkansas cannot afford to dip into their emergency funds to combat the spread of West Nile every year. This bill will help States and localities fight this virus by authorizing matching grants by up to $100,000 for the mosquito abatement programs.

I commend the gentleman from Louisiana (Mr. TAUZIN), chairman, and the gentleman from Louisiana (Mr. JOHN) for their leadership in this area and for producing and introducing this bill in the House. I encourage my colleagues to pass this bill and provide much-needed relief to our State and local governments who are on the frontlines of this fight.

QUESTIONING THE PRESIDENT'S POLICY CONCERNING IRAQ

The SPEAKER pro tempore. Pursuant to the order of the House of January 23, 2002, the gentleman from New Mexico (Mr. UDALL) is recognized during morning hour debates for 5 minutes.

Mr. UDALL of New Mexico. Mr. Speaker, on September 11, the world watched with horror the terrorist attack on the United States. Congress acted by granting President Bush authority to mount a strong response. Congress appropriated money to rebuild New York and the Pentagon and roused popular support for the President as we took each step against terror. Congress and the President jointly exercised their constitutional responsibilities.

Our efforts required and received the support from the community of responsible nations. The strong backing of our allies was a reassuring sign that our international partners stood beside us as we faced this new danger.

The President now wants to reposition our efforts from fighting a war on terrorism to fighting a war against Saddam Hussein, to reposition our longstanding national policy of containment and deterrence to a policy of unilateral preemption. Over the last few weeks Members of Congress have questioned the President on this change of focus. Sadly, some in his party have said that to question the President is unpatriotic. I disagree. To question the President sends an unequivocal message to those who would attack America that our democratic system is alive and well.

Like many of my colleagues, I held a series of town hall meetings in August across my district. Virtually without dissent I heard New Mexicans express their strong concerns about a possible war with Iraq. From Gallup to Santa Fe to Clovis, it was clear that the overwhelming majority were opposed to a unilateral invasion by the United States. Some told me they believed the President should involve the Congress in a decision to go to war. Others were concerned about getting support from our allies around the world. Others were concerned about the rush. Not surprisingly, I have continued to hear from my constituents, and their questions need to be answered.

I am pleased that President Bush has taken the initial steps to seek the approval of both the Congress and the

Printed on recycled paper.

United Nations before engaging in preemptive strikes on Iraq. I firmly believe that Congress has a vital role to play and a constitutional responsibility to act on matters of national security. However, I also believe there are several questions that must be answered before we rush into war.

Was Iraq involved in the September 11 attack on the United States? I have seen no evidence that it was. A tough and strong war against terrorism in response to September 11 does not reasonably extend to launching a war against Iraq. Indeed, attacking Iraq may be a distraction from the war against terrorism, not a continuation. Al Qaeda and Saddam Hussein are natural enemies, not allies. The al Qaeda terrorist movement is based on the belief that secular regimes in the Arab world are antithetical to the fundamental teachings of Islam.

Does Iraq pose an immediate and independent threat to the United States and our allies? The President has identified the key threat from Iraq as its development of weapons of mass destruction and the potential for Iraq to transfer these weapons to the terrorist groups it sponsors. I agree with this concern. However, what weapons of mass destruction does Iraq now have at its disposal? Does Iraq now have the capability to deliver and use these weapons against the United States? The answer is we do not know. Without reinserting the U.N. weapons inspectors, we may never know.

Why do we not allow the inspections process to take place? Why do we not allow the United Nations to work its will? The first resolution the President sent to Congress would allow him to use all means he determines to be appropriate, including force. Giving the President a blank check to act alone will increase the danger of unilateral military action by others in the future. It will undermine our broader foreign policy goals. It will divert much-needed resources from our pressing domestic needs.

The President has submitted a second draft resolution. Although it is an improvement, I still have serious reservations. While I am confident that the leadership of both parties can work together to draft a more balanced resolution, we need more diplomacy, we need more information, and we need more international allies. I have no doubt that our military can defeat Saddam Hussein in a war. My doubts lie in what happens after we remove Saddam from power. Without the backing of the international community and, most importantly, the Arab world, the aftermath will be uncertain and precarious.

Other questions must be answered before we vote. How much will the war cost? How many American soldiers will be seriously wounded or lose their lives? How many innocent Iraqi civilians will perish?

I am disheartened that we appear to be following this course. If we take politics out of this decision, our voice will be stronger. I believe that we should not vote on this before this election. We should take politics out of it, and I think if we do that, our message to the world will be clearer. The decision is ours.

THE NATIONAL ECONOMY

The SPEAKER pro tempore. Pursuant to the order of the House of January 23, 2002, the gentleman from Missouri (Mr. GEPHARDT) is recognized during morning hour debates for 15 minutes.

Mr. GEPHARDT. Mr. Speaker, I rise to urge the House Republican leadership to address people's serious economic concerns. Today we awoke to reports on the radio which said that the front pages of major newspapers were dominated by the failed performance of our stock market.

Mr. Speaker, our Nation needs an economic plan that will address some of the challenges we face today, like restoring economic growth and opportunity. While the economy is crashing around us, the House Republican leadership continues to answer by passing more tax breaks for the wealthiest Americans and legislation that blames their failure to act on the other body. At a time of mounting economic pain, Republicans have ignored the people's priorities, from investor rights to Social Security, prescription drugs to education, to economic growth.

The Census Bureau reported this week that in the last year, the number of people without health insurance rose by 1.4 million due to a faltering economy and the rise in unemployment. Republicans will pass this week another non-sense of the House resolution calling for tax cuts 9 years from now, in 2011. CNN reported this week that U.S. stocks, and I quote, looked to wrap up what might be the worst September since the Great Depression and had their worst third quarter since 1987.

In a few days Americans will start receiving 401(k) statements showing another drop, a sharp drop, in their retirement savings. Senate Democrats will attempt to extend unemployment benefits today to 1.1 million people whose benefits have been exhausted, which is the right and responsible thing to do.

Today is the first day of the new fiscal year, yet as a result of their failed economic program, the Republicans have been unable to carry out their most fundamental responsibility by passing necessary budget bills. So they will have to bring to the floor this week a second continuing resolution in as many weeks to keep the government simply operating. Their failed economic plan now threatens to cut back resources for the Securities and Exchange Commission, cut back on medical expenses for the Veterans Affairs Department, cut back education, and cut back on front-line resources for homeland defense.

Last week I discussed on this floor this bankrupt economic agenda embraced by the House Republican leadership. Today let me discuss some basic facts about our Nation's economic future. In order to make progress for all Americans, we need to understand the results that the Democratic budget produced in 1993 versus the Republican economic plan that was passed in 2001. In 1993, the House of Representatives had an impassioned debate about America's economic future. Republicans predicted then that the Democratic economic plan to cut deficits and grow the economy would drive our economy into a ditch.

If you look at this chart, Mr. ARMEY on August 5, 1993, said that ''this Democratic plan is not a recipe for new jobs. It is a recipe for disaster.'' On another chart, Mr. DELAY said that ''this plan has got to be the biggest rip-off in modern history.'' Finally, on another chart, Mr. HASTERT predicted that ''the Democratic plan would add more than $2 trillion to the national debt.''

The House Republican leadership could not have been more wrong about that Democratic economic agenda to secure the future for all Americans. In the 2 years after Democrats enacted this plan, the unemployment rate dropped by almost 2 percent. Real incomes after inflation for average families increased by more than 10 percent. We created more than 8 million jobs. The poverty rate came down. The stock market shot up. The Federal budget deficit was reduced by $126 billion in just 2 years' time and became a surplus within 5 years. Our economic plan defeated the 1991 recession, and the lives of almost every American citizen were improved due in large part to this responsible economic agenda promoting opportunity in people's lives.

□ 1045

Deficits came down; interest rates came down. The American people created a high-tech revolution that raised living standards and inspired hope in communities nationwide.

Under the Democratic plan, the facts speak for themselves. People created opportunity for themselves, their families, and they created opportunity for their fellow Americans. For almost 8 years we had record economic prosperity due to responsible economic policies that Democrats enacted.

Then, in the spring of 2001, the Republican economic plan passed the Republican House, the then-Republican Senate; and the Republican President signed it into law. But I would like to point to some other statements that were made at the time.

The gentleman from Texas (Mr. DELAY), on this chart, on March 28, 2001, said that the President's budget will spur job creation. Again on the chart, the gentleman from Oklahoma (Mr. WATTS) boasted that their budget not only provides tax relief, but secures jobs and grows the economy. But he said, we also fund our Nation's priorities and pay down the debt. Finally, the majority leader, the gentleman

from Texas (Mr. ARMEY), said that the plan will promote economic growth, a strong economy, and new and better jobs for our workers.

So the question now is, Where are we today? Did the predictions come true? Well, today, 18 months after these big and bold predictions, the Nation's economy and all of the economic indicators have headed south. The stock market has lost $4.5 trillion since President Bush took office.

If we look at this chart, over 2 million people have lost their jobs since President Bush took office and the economic plan was passed. Income for American families in middle-income brackets has declined 2.2 percent since the Republicans took office and, last week, for the first time in 8 years, the poverty rate in our country went up again. Consumer confidence has dropped in each of the last 4 months and is at the lowest level since November 2001. The Federal budget, in just over a year, went from a $236 billion surplus to a $165 billion deficit. That is over a $300 billion swing, almost $400 billion. And if we look at this chart, turned record surpluses into deficits for the decade ahead. An amazing, unbelievable, incomprehensible change in our economic budget health.

A wave of corporate scandals has eroded people's faith and trust in our Nation's free markets. As Ronald Brownstein wrote yesterday in the Los Angeles Times, he said, ''Almost all of the key measures of economic well-being for average families improved during Bill Clinton's 8 years in the White House and now, under the second President Bush, the trend lines are pointing down again.''

This is a Republican group that has been wrong, and I mean dead wrong, twice. They were wrong about the Democratic plan in 1993, and they were again wrong when they talked about their own plan more than a year ago.

Today, they have an opportunity to sit down with Democrats and write a new economic plan in a bipartisan way that would create long-term economic growth and opportunity for all Americans. But to date, they refuse to reconsider any aspect of a plan that was passed long before September 11, 2001. In fact, what they are doing today is simply keeping on passing bills to make their failed economic plan permanent. I guess the byline here is if it is bad and not working, let us make it permanent. Let us rigidly, tenaciously hold on to what is not working, so that it can continue to not work.

The sole passion of House Republicans has been to reward their wealthy political clientele for the next decade and beyond at the expense of every need of the American people. They are content wasting the people's time with ridiculous, nonbinding House resolutions when they have at least 20 major economic issues to address that might and would affect people's lives in a positive way.

Where is the debate on the future of Social Security? Where is the minimum wage increase legislation? Where is education funding so that we really leave no child behind? Where is the real pension legislation so that we protect people's pensions against corporate misbehavior? Where is the real prescription drug legislation that will actually at least get the price down for people's prescriptions? Where is the health care and Medicare-buttressing legislation?

Well, I will tell my colleagues where it all is. It is nowhere. They have nothing better to do. They cannot finish the budget. They have put nothing substantial on the floor since the August recess. We have been here 3 days a week doing nothing but renaming post offices. We are fiddling while America's economy implodes around the American people's ears.

Mr. Speaker, I think it is time to wake up and address the most important problems that we face. Let us come together on a new budget for America, a new economic plan for America, and let us stop talking about meaningless nonsense resolutions about something that might or might not happen 10 years from now. The American people are living in today and tomorrow. They are not waiting for what might or might not happen 10 years from now. Let us stop the meaningless nonsense resolutions when we ought to be dealing with the American people's important problems today.

HONORING THE LIFE OF GUADALUPE CANTU

The SPEAKER pro tempore (Mr. PENCE). Pursuant to the order of the House of January 23, 2002, the gentleman from Texas (Mr. HINOJOSA) is recognized during morning hour debates for 5 minutes.

Mr. HINOJOSA. Mr. Speaker, I rise today to pay tribute to a great man, Mr. Guadalupe Cantu, who passed away on May 11, 2002 in McAllen, Texas, at the age of 79. I want to express my condolences to his wife, Elida, and his son and daughters, Alonzo, Elvia, and Hilda.

Guadalupe Cantu was not famous. Outside of my Texas congressional district, very few people knew him. But to me, he epitomized what every man should strive to become. Guadalupe Cantu and his wife came to this country in search of democracy and hope and promise for a better life. He began his adult life as a Mexican migrant farm worker and expert carpenter. He traveled throughout the country doing the hard manual farm labor that most Americans refuse to do; and yet, because of his hard work and the work of others like him, America produces food enough to feed our Nation and most of the world as well.

Guadalupe Cantu was never ashamed of the hard work he did, but he wanted something better for himself and his family. He strove for personal excellence and became a successful general contractor. Mr. Cantu knew that education was the key to future success. He and his wife, Elida, made sure that their three children went to school and stayed in school. No matter where the family traveled as they followed the harvest, they always returned to the Rio Grande Valley in time for the first day of school.

Guadalupe and his wife, Elida, made the great sacrifices necessary and ensured that each of their children received a college education. From Mr. Cantu's work in the fields and in his construction business, he understood that no one can accomplish anything alone. He realized early on the power of working together and involving the community. He passed along to his son, Alonzo, the construction and building skills that he had learned so well. Armed with a college education and his father's guidance, Alonzo has become the largest and most successful residential and commercial developer in McAllen, Texas. Mr. Cantu encouraged his daughter, Elvia, to pursue a career in pharmacy entrepreneurship. Today, she and her husband own several independent pharmacies. His daughter, Hilda, inherited his love of learning and became a wonderful school teacher.

More importantly, Mr. Cantu passed along to his children a passion for working hard, perseverance, and setting high goals. Both he and his wife became American citizens to enjoy the opportunities and the freedom in this great Nation. His example of doing his best, taking responsibility, caring for others, exercising integrity, and community service was learned well by his children and grandchildren.

Guadalupe Cantu never forgot where he came from, and believed that everyone had a duty to help those less fortunate. He inspired his son, Alonzo, to initiate the McAllen Affordable Homes Project and to build the Los Encinos Project. This nationally recognized housing project has provided safe, affordable homes to many families leaving the welfare rolls. The planned community includes an elementary school, a police and fire substation, a boys and girls club satellite building, baseball and soccer fields, and other amenities. Residents of the community take pride in their homes and are building home equity.

Mr. Speaker, if all of us use Guadalupe Cantu as our example, our children would be well educated and very successful, our community would be stronger, our friends would be numerous, and our world would be a better place. I can think of no better example of greatness. Many of Mr. Cantu's hopes and dreams for his children and grandchildren were fulfilled. He will truly be missed by all, but his goodness lives on through his family and their countless accomplishments and good deeds. His kindness and generosity will never be forgotten.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until noon today.

Accordingly (at 10 o'clock and 58 minutes a.m.), the House stood in recess until noon.

□ 1200

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. BOOZMAN) at noon.

PRAYER

The Reverend Neil D. Smith, Faith Evangelical Presbyterian Church, Alexandria, Virginia, offered the following prayer:

Almighty God, from whom all blessings flow and to whom all praise belongs, acknowledging both our dependence upon You and our accountability to You, we ask Your blessings upon this House and all our Nation's leaders as they carry out their duties under Your sovereign rule.

Grant to the Members of this body both the wisdom to know what is right in Your eyes and the resolve to do it.

Lead them in the paths of righteousness and truth for Your name's sake, so that they may serve Your purposes in this generation.

May Your grace abound to them in both their personal and public lives so that in all things, at all times, having all that they need, they may abound in every good work.

This we pray in the name of Jesus Christ, who is before all things and in whom all things hold together.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Indiana (Mr. PENCE) come forward and lead the House in the Pledge of Allegiance.

Mr. PENCE led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

PRIVATE CALENDER

The SPEAKER pro tempore. This is Private Calendar day. The Clerk will call the first individual bill on the Private Calendar.

NANCY B. WILSON

The Clerk called the bill (H.R. 392) for the relief of Nancy B. Wilson.

Mr. BARR of Georgia. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

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

There was no objection.

The SPEAKER pro tempore. This concludes the call of the Private Calendar.

WELCOMING THE REVEREND NEIL D. SMITH

(Mr. PENCE asked and was given permission to address the House for 1 minute.)

Mr. PENCE. Mr. Speaker, on behalf of the gentleman from Oklahoma (Mr. WATTS), the conference chairman, it is my honor today to welcome Reverend Neil Smith to this Chamber, the senior pastor of Faith Evangelical Presbyterian Church in Kingstowne, Virginia, a midsized church in the Evangelical Presbyterian denomination in northern Virginia. Faith Church is the church home to numerous congressional staffers, and its ministry is felt daily here on Capitol Hill.

Reverend Smith has spearheaded his church's effort toward outreach, both in the local community and around the world, with a missions presence. He is also very active in his growing denomination, attending session and general assembly meetings around the country. Last year he served as moderator of the Presbytery of the East of the Evangelical Presbyterian Church.

Pastor Smith was born and raised in western Pennsylvania, graduated with highest honors and a BA degree from Grove City College in Pennsylvania in 1977. In 1983, he graduated from Princeton Theological Seminary with an M.Div. degree, again with highest honors, and was ordained as a Presbyterian minister. From 1983 to 1997, he served in churches in Downingtown and Altoona, Pennsylvania. Since mid-1997, he has been senior pastor at Faith Evangelical Presbyterian Church.

He and his wife Mary Sue, who joins him here today, have just celebrated 25 years of matrimony. They have three children: daughter, Erin, 19, a sophomore at Grove City College in Pennsylvania; daughter Lindsay, who is a junior at West Springfield High School in Virginia, turned 16 today; and a very special boy, Nathan, 10 years old, a fifth-grader at my son's school here in Springfield, Virginia. They reside in Springfield, and, Mr. Speaker, we join in welcoming Reverend Smith and his wonderful family to this Chamber on this occasion.

TIME TO PASS A RESPONSIBLE BUDGET

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, today is the very first day of the new fiscal year, and yet the government's budget is not in order. The Senate has not even passed a budget, while the House, we continue to fight all appropriation bills, to keep all appropriation bills in line with the President's responsible budget request.

All the while political rhetoric continues to fly in the face of the real facts. Most recently I heard the troubling rumor that somehow we are trying to cut the education budget. Nothing, Mr. Speaker, could be further from the truth.

In fact, under Republican leadership in the House, Federal funding for education has more than doubled over the past 6 years. Since 1998, the overall education budget will have increased by nearly 70 percent. The President's budget for the Department of Education for fiscal year 2003 is $1.8 billion more than last year.

Mr. Speaker, these are the facts. In spite of the twin challenges of war and economic recovery, House Republicans remain committed and dedicated to funding our priorities. It is time others joined in our efforts in this regard.

CONGRATULATING RICOH ELECTRONICS ON ENVIRONMENTAL POLICIES

(Ms. SANCHEZ asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SANCHEZ. Mr. Speaker, I rise today to commend Orange County-based Ricoh Electronics, Incorporated, for their exceptional environmental practices. Since 1997, Ricoh Electronics has been dedicated to establishing a progressive environmental management system within their company.

In 1999, 2000, 2001, they were awarded for their outstanding waste reduction efforts by the California Waste Management Board. In 2001, all Ricoh facilities were certified Zero Waste to Landfill by eliminating all land disposal of waste from their office areas and manufacturing units.

They have also been accepted into the EPA's premier environmental recognition program, the National Performance Track, by promoting sound environmental management, continuous environmental improvement, public outreach and sustained environmental compliance.

Once again, I commend Ricoh Electronics on being an excellent example of how today's corporations can increase protection of public health and the environment in the workplace.

U.N. CREDIBILITY

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, tyrants speak only one language, and that is the language of raw power. Neville Chamberlain learned that the hard way

when he came back from his meeting with Hitler and proclaimed peace. We cannot negotiate, we cannot reason, we cannot expect them to keep their word.

Saddam Hussein has already broken every promise he has made. He broke his promise to allow inspections by the United Nations. He broke his promise to return hundreds of Kuwaiti civilian prisoners. He broke his promise not to use oil revenue to buy weapons, and just about every day he breaks his promise not to shoot our planes in the no-fly zones.

Saddam Hussein is a proven liar, but somebody who orders chemical weapons used on his own people is not about to be bothered by a few lies. Some on the other side of the aisle, some nations in Europe are suggesting that we take him at his word. Somehow we are supposed to believe that this time he is telling the truth.

If the U.N. and the civilized nations of the world have learned anything in the past few years, it should be that we cannot believe Saddam Hussein. If the U.N. wants to have any credibility at all, it should enforce its resolutions that Saddam Hussein has consistently violated and authorize decisive action before it is too late.

COMMEMORATING THE 136TH ANNIVERSARY OF BETHEL AFRICAN METHODIST EPISCOPAL CHURCH

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, on Sunday our family was honored to be special guests for the 136th anniversary service of Bethel African Methodist Episcopal Church in Columbia, South Carolina.

Bethel has a rich history that is interwoven into the history of the city of Columbia, as well as the State of South Carolina. The church was organized 1 year after the close of the Civil War. It has built several historic sanctuaries, and during construction in 1921, the Bethel congregation worshipped in my family's home church, First Presbyterian of Columbia, ARP.

Reverend Ronnie E. Brailsford, Sr., with his first lady Carolyn, has been pastor of Bethel AME Church since 1992, inspiring a renaissance and revival. The membership has quadrupled to over 1,100 members, and the campus of sanctuary and support buildings make it one of the largest African Methodist Episcopal-owned campuses in the world.

The anniversary address was presented by Bethel native son Bishop John Hurst Adams, senior bishop of the 11th Episcopal District of Florida.

God has truly blessed this dear congregation, but a beloved hymn during the service was prophetic, ''The Best Is Yet To Come.''

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered or on which the vote is objected to under clause 6 of rule XX.

Record votes on motions to suspend the rules ordered prior to 6:30 p.m. may be taken today.

Record votes on remaining motions to suspend the rules will be taken tomorrow.

MOSQUITO ABATEMENT FOR SAFETY AND HEALTH ACT

Mr. TAUZIN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4793) to authorize grants through the Centers for Disease Control and Prevention for mosquito control programs to prevent mosquito-borne diseases, as amended.

The Clerk read as follows:

H.R. 4793

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Mosquito Abatement for Safety and Health Act''.

SEC. 2. GRANTS REGARDING PREVENTION OF MOSQUITO-BORNE DISEASES.

Part B of title III of the Public Health Service Act (42 U.S.C. 243 et seq.), as amended by section 4 of Public Law 107–84 and section 312 of Public Law 107–188, is amended—

(1) by transferring section 317R from the current placement of the section and inserting the section after section 317Q; and

(2) by inserting after section 317R (as so transferred) the following section:

''SEC. 317S. MOSQUITO-BORNE DISEASES; ASSESSMENT AND CONTROL GRANTS TO POLITICAL SUBDIVISIONS; COORDINATION GRANTS TO STATES.

''(a) PREVENTION AND CONTROL GRANTS TO POLITICAL SUBDIVISIONS.—

''(1) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, may make grants to political subdivisions of States for the operation of mosquito control programs to prevent and control mosquito-borne diseases (referred to in this section as 'control programs').

''(2) PREFERENCE IN MAKING GRANTS.—In making grants under paragraph (1), the Secretary shall give preference to political subdivisions that—

''(A) have an incidence or prevalence of mosquito-borne disease, or a population of infected mosquitoes, that is substantial relative to other political subdivisions;

''(B) demonstrate to the Secretary that the political subdivisions will, if appropriate to the mosquito circumstances involved, effectively coordinate the activities of the control programs with contiguous political subdivisions; and

''(C) demonstrate to the Secretary (directly or through State officials) that the State in which the political subdivision is located has identified or will identify geographic areas in the State that have a significant need for control programs and will effectively coordinate such programs in such areas.

''(3) REQUIREMENT OF ASSESSMENT AND PLAN.—A grant may be made under paragraph (1) only if the political subdivision involved—

''(A) has conducted an assessment to determine the immediate needs in such subdivision for a control program, including an entomological survey of potential mosquito breeding areas; and

''(B) has, on the basis of such assessment, developed a plan for carrying out such a program.

''(4) REQUIREMENT OF MATCHING FUNDS.—

''(A) IN GENERAL.—With respect to the costs of a control program to be carried out under paragraph (1) by a political subdivision, a grant under such paragraph may be made only if the subdivision agrees to make available (directly or through donations from public or private entities) non-Federal contributions toward such costs in an amount that is not less than ⅓ of such costs ($1 for each $2 of Federal funds provided in the grant).

''(B) DETERMINATION OF AMOUNT CONTRIBUTED.—Non-Federal contributions required in subparagraph (A) may be in cash or in kind, fairly evaluated, including plant, equipment, or services. Amounts provided by the Federal Government, or services assisted or subsidized to any significant extent by the Federal Government, may not be included in determining the amount of such non-Federal contributions.

''(C) WAIVER.—The Secretary may waive the requirement established in subparagraph (A) if the Secretary determines that extraordinary economic conditions in the political subdivision involved justify the waiver.

''(5) REPORTS TO SECRETARY.—A grant may be made under paragraph (1) only if the political subdivision involved agrees that, promptly after the end of the fiscal year for which the grant is made, the subdivision will submit to the Secretary, and to the State within which the subdivision is located, a report that describes the control program and contains an evaluation of whether the program was effective.

''(6) AMOUNT OF GRANT; NUMBER OF GRANTS.—A grant under paragraph (1) for a fiscal year may not exceed $100,000. A political subdivision may not receive more than one grant under such paragraph.

''(b) ASSESSMENT GRANTS TO POLITICAL SUBDIVISIONS.—

''(1) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, may make grants to political subdivisions of States to conduct the assessments and to develop the plans that are required in paragraph (3) of subsection (a) as a condition of receiving a grant under paragraph (1) of such subsection.

''(2) AMOUNT OF GRANT; NUMBER OF GRANTS.—A grant under paragraph (1) for a fiscal year may not exceed $10,000. A political subdivision may not receive more than one grant under such paragraph.

''(c) COORDINATION GRANTS TO STATES.—

''(1) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, may make grants to States for the purpose of coordinating control programs in the State.

''(2) PREFERENCE IN MAKING GRANTS.—In making grants under paragraph (1), the Secretary shall give preference to States that have one or more political subdivisions with an incidence or prevalence of mosquito-borne disease, or a population of infected mosquitoes, that is substantial relative to political subdivisions in other States.

''(3) CERTAIN REQUIREMENTS.—A grant may be made under paragraph (1) only if—

''(A) the State involved has developed, or agrees to develop, a plan for coordinating control programs in the State, and the plan takes into account any assessments or plans described in subsection (a)(3) that have been

conducted or developed, respectively, by political subdivisions in the State;

''(B) in developing such plan, the State consulted or will consult (as the case may be under subparagraph (A)) with political subdivisions in the State that are carrying out or planning to carry out control programs; and

''(C) the State agrees to monitor control programs in the State in order to ensure that the programs are carried out in accordance with such plan, with priority given to coordination of control programs in political subdivisions described in paragraph (2) that are contiguous.

''(4) REPORTS TO SECRETARY.—A grant may be made under paragraph (1) only if the State involved agrees that, promptly after the end of the fiscal year for which the grant is made, the State will submit to the Secretary a report that—

''(A) describes the activities of the State under the grant; and

''(B) contains an evaluation of whether the control programs of political subdivisions in the State were effectively coordinated with each other, which evaluation takes into account any reports that the State received under subsection (a)(5) from such subdivisions.

''(5) AMOUNT OF GRANT; NUMBER OF GRANTS.—A grant under paragraph (1) for a fiscal year may not exceed $10,000. A State may not receive more than one grant under such paragraph.

''(d) APPLICATIONS FOR GRANTS.—A grant may be made under subsection (a), (b), or (c) only if an application for the grant is submitted to the Secretary and the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out this section.

''(e) TECHNICAL ASSISTANCE.—The Secretary may provide training and technical assistance with respect to the planning, development, and operation of control programs under subsection (a) and assessments and plans under subsection (b). The Secretary may provide such technical assistance directly or through awards of grants or contracts to public and private entities.

''(f) DEFINITIONS.—For purposes of this section:

''(1) The term 'control program' has the meaning indicated for such term in subsection (a)(1).

''(2) The term 'political subdivision' means the local political jurisdiction immediately below the level of State government, including counties, parishes, and boroughs. If State law recognizes an entity of general government that functions in lieu of, and is not within, a county, parish, or borough, the Secretary may recognize an area under the jurisdiction of such other entities of general government as a political subdivision for purposes of this Act.

''(g) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $100,000,000 for fiscal year 2003, and such sums as may be necessary for each of the fiscal years 2004 through 2007. In the case of control programs carried out in response to a mosquito-borne disease that constitutes a public health emergency, the authorization of appropriations under the preceding sentence is in addition to applicable authorizations of appropriations under the Public Health Security and Bioterrorism Preparedness and Response Act of 2002.''.

SEC. 3. RESEARCH PROGRAM OF NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES.

Subpart 12 of part C of title IV of the Public Health Service Act (42 U.S.C. 285 et seq.) is amended by adding at the end the following section:

''METHODS OF CONTROLLING CERTAIN INSECT POPULATIONS

''SEC. 463B. The Director of the Institute shall conduct or support research to identify or develop methods of controlling the population of insects that transmit to humans diseases that have significant adverse health consequences.''.

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

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

GENERAL LEAVE

Mr. TAUZIN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

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

There was no objection.

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

Mr. Speaker, I am pleased that today the House is considering legislation to address the West Nile virus outbreak. The gentleman from Louisiana (Mr. JOHN) is the author of this legislation, and I am pleased that he joins me on the floor today to help secure House passage.

There is a reason the Chair may have said the gentleman from Virginia, because obviously there are lots of folks in Louisiana right now moving north with a new storm approaching in the Gulf of Mexico, and the gentleman from Louisiana (Mr. JOHN) was one of those who was here working in the Nation's Capital while we watched our citizens and our friends in Louisiana being threatened once again.

Last week when Isidore came through and dumped as much as 24 inches of water on my State, it created another impending threat to the problems of mosquito growth and the spread of this virus in our home State, and we are about to see another hurricane on its way this week.

Since the Committee on Energy and Commerce reported this legislation 1 month ago, the number of human cases reported to the Centers for Disease Control and Prevention has increased 160 percent. Over 2,300 human cases are known, and almost every State in the Nation now, 43 in total, are reporting laboratory-positive West Nile virus infections in mosquitoes, animals or humans.

Three years ago, West Nile virus was detected in New York City. It was the first time the disease had been reported in this hemisphere, let alone in the United States. My home State of Louisiana, as my colleagues know, has been particularly hard hit, with 200 of the human cases reported from my home State in Louisiana.

The Bush administration has responded quickly to the West Nile virus outbreak, transferring over the past 2 months an additional $17 million in emergency funds to assist State's efforts to control the spread of the disease, and I want to thank Secretary Tommy Thompson, who took money out of his personal budget to send it to States hard hit like our own, for responding so rapidly.

□ 1215

But the rapid outbreak of this disease this summer demands that we more effectively control the mosquito population to help reduce the risk of West Nile virus in its transmission.

Today we are considering legislation that complements the work of the Centers for Disease Control and Prevention that they are already doing in so many mosquito-borne illnesses including, by the way, the discovery here recently of malaria.

The Mosquito Abatement for Safety and Health Act provides authority for the Secretary of Health and Human Services to make grants to political subdivisions to develop comprehensive mosquito control plans and programs. And historically, mosquito control programs have been operated at the local level, and we do not want to change that. Nothing in this bill will change that. It is clear, however, that currently many of the local communities are facing hardships. The rapid outbreak across this country is fast outpacing the predictions of many scientists, and it is very difficult for communities to respond.

In Louisiana only 18 of our 64 parishes have mosquito control programs in operation. The additional Federal dollars will make the difference in saving lives not only in Louisiana but across the country. And although mosquito control programs are indeed operated locally, infected mosquitos do not voluntarily stay confined to one area. They move around, as we know, and create havoc. So this act will give some assistance from the Federal Government to make sure that these local authorities have the tools to work with.

But I want to commend the Centers for Disease Control; they have done a great job. We thank them. This bill will give them a lot more help. And the MASH Act will also direct the National Institutes of Health to conduct or support research and develop methods to control these insect populations and hopefully one day to find preventative vaccines or cures for some of these diseases. This legislation is only one way we can help Americans to ''fight the bite,'' if you will. And I want to thank my colleague, the gentleman from Louisiana (Mr. JOHN) who saw this problem coming before anyone else in this body, who filed this legislation months ago before it became such a severe national threat. This was great insight, and I think all of us in the Nation are indebted to him for the work he has done on this bill.

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

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

I thank the gentleman for allowing me a few minutes to talk about H.R. 4793, the Mosquito Abatement for Health and Safety Act.

I want to thank the gentleman from Louisiana (Mr. TAUZIN), the chairman, and the gentleman from Michigan (Mr. DINGELL), the ranking member, for having the vision and having the seriousness and understanding the seriousness of this issue and expediting it through the Committee on Commerce. I really appreciate working with the staffs, both the majority and the minority staffs, working very hard to try to address this threat because without their leadership, we could not have been here today; and I really appreciate their help.

I introduced this bill back in May to address an emerging threat of mosquito-borne illness. Today it is West Nile. Tomorrow it could be any number of different diseases. We could be discussing malaria or any of the other diseases today. And since May, since I introduced the bill, the gentleman from Louisiana (Mr. TAUZIN) said there were over 2,300 cases. In fact, talking to the CDC today, there are reported cases every day. There are now confirmed when I left my office a few minutes ago 2,405 cases across the Nation and 117 deaths as of this morning.

As we can see from this map behind me, 42 States today have experienced some cases of human or animal infections. The red States are where the human cases have been found, and the blue States where they have found infected animals. As we can see from this visual, this is a national threat. This is not just about an insect that we like to call the State insect in Louisiana, but this is about a national threat to public health, especially for our most vulnerable citizens, our senior citizens, who are most vulnerable to this disease as depicted in research from the Centers for Disease Control and Prevention.

The threat today will soon force some of our State health departments into a financial crisis trying to deal with the spread of this disease, trying to deal with the health expenditures that are being caused not just in a certain section of the United States but all over including the State of California, which is now experiencing this.

In Louisiana alone we have experienced 287 cases and 14 deaths. One would think that that would top the charts, but it did not. In the State of Illinois, 551 cases, 29 deaths. In the State of Michigan, 314 cases and 16 deaths. So this is truly a national threat. Parishes and counties have stretched their budgets in trying to combat and to cover the cost of mosquito abatement, and they have just been stretched to the limits.

What H.R. 4793 would do would establish a one-time two-for-one grant program through the Centers for Disease Control and Prevention. Local governments today have tax bases, and historically that is what they have used to fund these programs. But if we can pass 4793, this will enable the local governments to fund for the purchasing of equipment, for improving laboratories, or more importantly to establish a mosquito abatement program.

In my parish of Acadia Parish, we have tried many times to establish it, but it is a very rural parish. It is mosquito prone, it is rice fields, it is bayous, lots of mosquitos; and we are trying very hard to establish a mosquito program, and this will go a long way to help that become a reality because the most effective way to combat this disease that is widespread is through education and most importantly abatement.

Today the Centers for Disease Control and Prevention provides funding for education, but no Federal agency across the gamut of all of our Federal agencies addresses the need of expenses for abatement programs whether on the State level or on the parish or county level. I know that Tommy Thompson, the Department of Health and Human Services, along with the President and the Governor of our great State, have worked together to provide some emergency money for some emergency spending. We appreciate that, but we need a solid ongoing program to help. Unfortunately, not many parishes and/or counties can afford this. So that is the real need for this program. Not only is it an epidemic, but I also think the Federal Government should play a role in this.

Again, I want to thank the gentleman from Louisiana (Mr. TAUZIN) and the gentleman from Michigan (Mr. DINGELL) for working together with me and the other co-sponsors of this bill. When I first filed this bill, never did I envision that I would have this many co-sponsors but certainly never envisioned that it would be as widespread as it is just a few months after introduction of the bill.

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

Mr. TAUZIN. Mr. Speaker, I yield 3 minutes to the gentleman from Indiana (Mr. SOUDER), whose hometown, by the way, has suffered 49 cases of West Nile virus.

Mr. SOUDER. Mr. Speaker, I thank the gentleman from Louisiana (Mr. TAUZIN), the distinguished chairman, and the other gentleman from Louisiana (Mr. JOHN). Our mosquitos may not be as big as Louisiana. I know that one time I tried to camp in a bayou outside New Orleans, and we quickly moved into the car. It did not fully digest the car, but we decided not to camp. But we have our own mosquito problems in the Midwest as evident from the Illinois and Michigan cases, and in northeast Indiana we have one of the highest rates of West Nile virus in the country, 157 probable cases as of 2 days ago, but another batch was due in yesterday. Forty-nine of those in my home area in Allen County in Fort Wayne, Indiana including three deaths. That is 10 times our population base in the country.

I strongly support this. Our Committee on Government Reform subcommittee that I chair has jurisdictions over matters of public health, and I join with the gentleman from Louisiana (Mr. TAUZIN) and the gentleman from Louisiana (Mr. JOHN) in supporting this bill, H.R. 4793, to help equip our communities to have the tools necessary to control the mosquito-borne diseases. We need to help rather than hinder the ability of States and municipalities to do the proper spraying.

We have had a major debate in the city of Fort Wayne that has been a controversial point about whether to spray, and we waited, bluntly put, too long to spray, and part of that was financial, part of it were other debates; but we need this type of legislation that requires that the political subdivisions do the assessments and then they are eligible for the grants.

On Thursday afternoon of this week, I will be chairing a hearing on the West Nile virus where we are going to have the Illinois Health Commissioner, Florida Health Commissioner, and the Allen County Health Commissioner, as well as the Centers for Disease Control and Prevention and NIH to look at some of these questions about research-funding levels, efficacy of mosquito spraying, the viruses communicability through blood transfusions and organ transplants and how difficult it is and what we have not learned and some of the difficulties that they have faced in being able to come up with quicker ways to get feedback to individuals for vaccines. One of the most troubling aspects in my hometown is that one cannot find out for sure whether one has West Nile. A number of people have taken 3 weeks, are down to 10 days, and if they have a severe case, the cases where they have identified it, they have died shortly thereafter because they cannot find out soon enough.

I wanted to just read a couple of comments from one couple that went public about his struggles after he received the West Nile virus and how his body started to deteriorate, how initially one of the things that is panicking everybody on the news is they say if one starts to have a headache, if one gets a neck ache and so on, they may have West Nile. So they go in for a test and this particular gentleman went in for the test, but then it was just the start. His fever climbed to 103. His body shook with chills. He became dizzy, began losing his balance, reached the point where he could not walk. After a blood test revealed that his white blood cell count was extremely high, indicating an infection of some kind, his doctor drew blood for the West Nile test. Now he has to wait multiple weeks until they can figure out what is happening. And the symptoms vary, ranging from the mild flu to this more

severe case. In his case the tests came back positive. He became dehydrated. Furthermore, he got sicker. He lost 15 pounds, dry heaves, and then eventually started to get mentally confused and is still battling this even though he did not die, which is the good news.

I thank the gentlemen again for their leadership.

Mr. JOHN. Mr. Speaker, I continue to reserve the balance of my time.

Mr. TAUZIN. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. UPTON) whose State, by the way, now is second only to Illinois in the number of reported cases.

Mr. UPTON. Mr. Speaker, I thank the chairman for his leadership and also the gentleman from Florida (Mr. BILIRAKIS) and the gentleman from Louisiana (Mr. JOHN) and others, the gentleman from Michigan (Mr. DINGELL), for moving this legislation so quickly.

Michigan is known as a Great Lakes State. I look at the other Great Lakes States. I look at Minnesota, the State of 10,000 lakes. Michigan has more than 11,000 inland lakes. But we have had 343 cases of West Nile this year, and the gentleman from Louisiana (Mr. JOHN) remarked that there were 16 reported deaths because of West Nile in Michigan. Actually, since those statistics, within the last couple of weeks, we have actually gone up to 21 deaths. So we are second only to the State of Illinois, which took a pounding by the Wolverines this past weekend, 45 to 28.

But in all serious, Mr. Speaker, this is a grave problem that not only Michigan but Louisiana, all States across the Nation are facing. It is important that this legislation pass today, and then the next step is to make sure that we have adequate funding so that the CDC through the Labor-HHS appropriation bill in fact have right resources to make sure that not only can we help eradicate mosquitos wherever they may be across this country but we also find a cure for those who are impacted.

I again thank the gentlemen for their leadership on this issue.

Mr. JOHN. Mr. Speaker, I yield 1 minute to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Speaker, I thank the gentleman for yielding me this time, and I also want to commend and thank the sponsors for the introduction of this legislation.

As has already been mentioned, Illinois has been seriously hit, hardpressed. As a matter of fact, people are afraid to go out in late evenings and early mornings for fear, and I think that this legislation will go a long way towards providing abatement resources so that people can function in safety and security; and so I thank them, commend them, and urge swift passage of this bill.

Mr. TAUZIN. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. SHIMKUS), who also, again, represents a State with the highest incidence of this disease.

Mr. SHIMKUS. Mr. Speaker, I thank the chairman for yielding me this time. I am pleased to follow the gentleman from Illinois (Mr. DAVIS), as we have struggled with this West Nile, and we have throughout the country.

As a young child, fogging was pretty common. I remember being at the local community pool and the truck would go buy, and we would all dunk underneath the water; and as it would go out, then we would get up and swim. And then we had a long reprieve from the aspects of really going after and attacking the mosquito populations, and we can no longer afford to do that, especially with the West Nile virus, and it is being carried.

□ 1230

Yes, Illinois has been hit hard. Illinois has had its fair share of deaths; and yes, we at the Federal level need to partner and assist our local responders. We need to move through this authorization, and, more importantly, work with the appropriators to help bring the resources needed to partner with the local communities.

This is a very important bill. It directly affects our constituents. This is the Federal Government responding in a timely manner to be involved in this outbreak and this attack on our citizens. I applaud the gentleman from Louisiana (Mr. TAUZIN) and the gentleman from Louisiana (Mr. JOHN) and the chairmen of the subcommittees for moving this expeditiously to the floor.

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

Mr. TAUZIN. Mr. Speaker, I yield 1 minute to the gentleman from Florida (Mr. BILIRAKIS).

Mr. BILIRAKIS. Mr. Speaker, I support the bill. I am up here mostly to express my gratitude and acknowledgment to the gentleman from Louisiana (Mr. TAUZIN) and the gentleman from Louisiana (Mr. JOHN) for their efforts in bringing this important public health legislation to the floor.

It is significant that we keep pounding away on the fact that of the 239 cases of infection that we know about, three-quarters of those infections caused either meningitis or encephalitis, which are severe, life-threatening brain infections. So authorizing these centers to award grants to work with local authorities is certainly the way to do, and it is imperative that we do so. I urge Members to join us all in supporting this very important bill.

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

Mr. Speaker, I thank all Members who have cosponsored the bill, and all Members who have worked so hard on this issue. I thank all Members for helping put this bill together and making this bill a reality.

Mr. DINGELL. Mr. Speaker, I would first like to thank my distinguished colleagues Representative CHRIS JOHN and Representative TAUZIN for introducing H.R. 4793, the ''Mosquito Abatement for Safety and Health Act,'' and for working so diligently on behalf of the people and States who have been ravaged by the West Nile virus.

Less than one month ago, on September 5th, the Committee on Energy and Commerce unanimously reported this bill out of committee. Since then, we have seen the number of confirmed human cases of West Nile virus in the United States jump dramatically from 638 to 2,206 today. In just these few weeks, we have seen the number of West Nile deaths climb from 31 to 108. Since our committee markup, 275 more people in my home State of Michigan have contracted this deadly virus and 13 more people in Michigan have died.

H.R. 4793 authorizes the secretary, acting with the Director of the Centers for Disease Control and Prevention (CDC), to make grants available, on a matching-funds basis, to political subdivisions of States for the operation of mosquito control programs to prevent and control mosquito-borne diseases. Among other necessary expenses, these grants will help pay for the costs of purchasing or updating equipment and laboratory facilities to cope with this fairly recent, evolving, and unpredictable epidemic.

In addition, the ''Mosquito Abatement for Safety and Health Act'' would require that the Director of the National Institutes of Health (NIH) conduct or support research to identify and develop methods of controlling the population of insects that transmit to humans diseases that have significant adverse health consequences.

In order to fight the West Nile virus, and to prevent future illness and death, we must equip States with the necessary tools to fight this deadly disease and we must aid our medical community in gathering and analyzing information.

I urge all of my colleagues to join me in support of H.R. 4793, the ''Mosquito Abatement for Safety and Health Act.'' This bill is an important, and potentially life-saving, piece of legislation.

Mr. BENTSEN. Mr. Speaker, I rise in strong support of H.R. 4793, the Mosquito Abatement for Safety and Health Act. I would Like to commend the efforts of my colleagues, Energy and Commerce Chairman BILLY TAUZIN and Congressman CHRIS JOHN, in bringing this much-needed legislation to the House floor for consideration. I am cosponsoring H.R. 4793 because I believe it provides the crucial federal assistance needed by our local and state governments in stemming the spread of the West Nile Virus and other mosquito-borne diseases.

My own state and district have already witnessed the rapid spread of the West Nile Virus, with the number of confirmed cases in Harris County rising from 4 to 19 in under 2 months, with already 2 fatalities. Probable cases now number at least 58. And across our country West Nile Virus is present in at least 41 states, with 2,404 people already infected and 117 having already died from the West Nile Virus. The grant programs and provisions of H.R. 4793 is an encouraging indication that federal, state, and local authorities can work together to combat and reverse this alarming trend of new cases. I believe the efforts of the federal government to assist state and local health authorities could have come no sooner, as many of these entities are already straining to protect our most vulnerable citizens on limited budgets.

By focusing on those areas that have suffered a high incidence of mosquito-borne diseases, H.R. 4793 will provide the targeted financial assistance needed by local communities to expand their mosquito spraying programs, purchase new equipment, or update their laboratories. The CDC has recommended mosquito control measures as one of the most effective methods of West Nile prevention. H.R. 4793 provides the federal assistance to help local communities maintain and expand those spraying programs. Mosquito control programs also have the added benefit of protecting local communities from a host of other diseases besides West Nile Virus, including St. Louis encephalitis, La Crosse encephalitis, and dengue fever.

For all of these reasons, I support the passage of H.R. 4793 and urge my colleagues to support this measure as well. And I will continue to work with my colleagues to ensure that adequate funding for these programs is secured to safeguard our local communities from this national public health threat.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I am a cosponsor and firm supporter of H.R. 4793, the Mosquito Abatement for Safety and Health—or MASH—Act. We have a public health emergency on our hands. What was once an obscure African disease buried in the back of medical school pathology books, has the potential for turning into a full-blown epidemic if we do not make smart policy and well-directed investments in prevention and education.

So far this year 2,405 people have tested positive for West Nile Virus in the United States. The infection that starts with flu-like symptoms can end in swelling of the brain, and eventually death. There is no known cure for, or vaccine against, West Nile Virus. Out of the 2,405 infected this year, the virus has killed 117 people. And the season is not near over.

The 18th Congressional District of Texas that I represent has not been spared this insidious disease. Two months ago tragedy struck Houston when one of my constituents became the first Texan to die of complications of West Nile infection. Two weeks later, I walked the streets of her community, to check on her neighbors, and to get information and advice to those in need. I was accompanied by West Nile experts from health departments of every level—Texas, Harris County, and the City of Houston.

Although I was pleased with the expertise and dedication of those officials, I was struck by two problems. One, was that there are too many gaps in the funding and efforts to tackle this problem at the state and local levels. For example, although Harris County was playing a huge and important role in monitoring disease spread and spraying insecticides to control the mosquitoes that carry the virus—the county could not directly receive any money directly form the Centers for Disease Control and Prevention. They were forced to apply through the city of Houston or through the State Health Department, and then wait as funds trickled down to them, hoping it would get there in time to stem the tide of the encroaching epidemic.

This was unacceptable. I made calls and wrote letters to extract funds from the CDC, and ensured efficient flow of the funds down to the local levels where they could actually be put to work. But, this is not the way the system should have to work. The MASH Act addresses this problem, by providing for Mosquito Control Program Grants issued directly to counties. The grants would provide $2 of Federal funding for every $1 of local funding. The Secretary could even waive the matching portion in cases of extraordinary economic conditions. This is how to get things done.

To ensure that funds are used effectively, the MASH Act requires the counties conduct assessments and surveys of the needs of the county submit plan of attack, and, afterward, a report that describes the effectiveness of the program. West Nile Virus is probably here to stay. These reports will enable us to hone our national strategy for controlling the associated disease.

The MASH Act also funds a one-time grant of up to $10,000 to States to develop a plan to coordinate programs within the State. This will ensure good coordination and flow of information throughout each affected state.

The other problem I notice during my walk through the neighborhood in my district struck by West Nile Virus, is that too many people are still scared and confused. Some seemed to feel like hostages in their homes. It is the elderly who are most vulnerable to West Nile Virus, and these seniors are being told to go out in their yards and remove all standing water, such as cement birdbaths and old tires. They are told by public service announcements and the news not to go without DEET-containing mosquito repellent, but of course they have to go outside to get to the drugstore to buy some. And if they do find a way to get to the drugstore to protect themselves, they find that 56 percent of mosquito repellents that contain DEET—do not have the word DEET written anywhere on the label. I am continuing my work with the EPA and industry leaders to make sure that all DEET-containing product are clearly labeled by next season, to cut down on confusion and save lives. But, we need some quick fixes to these other pressing problems as well.

The MASH Act will provide funds directly to the people who know the needs of the community. The funds will enable them to establish appropriate budgets to control mosquitoes—I hope, by going straight out into the communities, clearing out tires and stagnant water, and delivering DEET with clear labels. Most importantly, they need to get the word out that West Nile Virus is a serious problem, but with smart precautions, and a well-funded and well-coordinated effort—it does not need to become a national disaster.

I support the MASH Act and encourage my colleagues to do the same.

Mr. JOHN. Mr. Speaker, I yield back the balance of my time.

Mr. TAUZIN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BOOZMAN). The question is on the motion offered by the gentleman from Louisiana (Mr. TAUZIN) that the House suspend the rules and pass the bill, H.R. 4793, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

HEALTH CARE SAFETY NET IMPROVEMENT ACT

Mr. BILIRAKIS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3450) to amend the Public Health Service Act to reauthorize and strengthen the health centers program and the National Health Service Corps, and for other purposes.

The Clerk read as follows:

H.R. 3450

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Health Care Safety Net Improvement Act''.

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

Sec. 1. Short title; table of contents.

TITLE I—CONSOLIDATED HEALTH CENTER PROGRAM AMENDMENTS

Sec. 101. Health centers.
Sec. 102. Migratory and seasonal agricultural workers.

TITLE II—RURAL HEALTH

Subtitle A—Rural Health Care Services Outreach, Rural Health Network Development, and Small Health Care Provider Quality Improvement Grant Programs

Sec. 201. Grant programs.

Subtitle B—Telehealth Grant Consolidation

Sec. 211. Short title.
Sec. 212. Consolidation and reauthorization of provisions.

Subtitle C—Mental Health Services Telehealth Program and Rural Emergency Medical Service Training and Equipment Assistance Program

Sec. 221. Programs.

TITLE III—NATIONAL HEALTH SERVICE CORPS PROGRAM

Sec. 301. National Health Service Corps.
Sec. 302. Designation of health professional shortage areas.
Sec. 303. Assignment of Corps personnel.
Sec. 304. Priorities in assignment of Corps personnel.
Sec. 305. Cost-sharing.
Sec. 306. Eligibility for Federal funds.
Sec. 307. Facilitation of effective provision of Corps services.
Sec. 308. Authorization of appropriations.
Sec. 309. National Health Service Corps Scholarship Program.
Sec. 310. National Health Service Corps Loan Repayment Program.
Sec. 311. Obligated service.
Sec. 312. Private practice.
Sec. 313. Breach of scholarship contract or loan repayment contract.
Sec. 314. Authorization of appropriations.
Sec. 315. Grants to States for loan repayment programs.
Sec. 316. Demonstration grants to States for community scholarship programs.

TITLE IV—ADDITIONAL PROVISIONS

Sec. 401. Community access demonstration program.
Sec. 402. Expanding availability of dental services.
Sec. 403. Study regarding barriers to participation of farmworkers in health programs.
Sec. 404. Eligibility of certain entities for grants.
Sec. 405. Conforming amendments.

TITLE I—CONSOLIDATED HEALTH CENTER PROGRAM AMENDMENTS

SEC. 101. HEALTH CENTERS.

(a) INCREASE OF AUTHORIZATION OF APPROPRIATIONS FROM $802,124,000 FOR FISCAL YEAR

1997 TO $1,293,000,000 FOR FISCAL YEAR 2002.—Section 330(l)(1) of the Public Health Service Act (42 U.S.C. 254b(l(1))) is amended by striking ''$802,124,000'' and all that follows and inserting ''$1,293,000,000 for fiscal year 2002, and such sums as may be necessary for each of the fiscal years 2003 through 2006.''.

(b) ADDITIONAL AMENDMENTS.—Section 330 of the Public Health Service Act (42 U.S.C. 254b) is amended—

(1) in subsection (b)(1)(A)—

(A) in clause (i)(III)(bb), by striking ''screening for breast and cervical cancer'' and inserting ''appropriate cancer screening'';

(B) in clause (ii), by inserting ''(including specialty referral when medically indicated)'' after ''medical services''; and

(C) in clause (iii), by inserting ''housing,'' after ''social,'';

(2) in subsection (b)(2)—

(A) by redesignating subparagraphs (A) and (B) as subparagraphs (B) and (C), respectively; and

(B) by inserting before subparagraph (B) (as so redesignated) the following:

''(A) behavioral and mental health and substance abuse services;'';

(3) in subsection (c)(1)—

(A) in subparagraph (B)—

(i) in the heading, by striking ''COMPREHENSIVE SERVICE DELIVERY'' and inserting ''MANAGED CARE'';

(ii) in the matter preceding clause (i), by striking ''network or plan'' and all that follows to the period and inserting ''managed care network or plan.''; and

(iii) in the matter following clause (ii), by striking ''Any such grant may include'' and all that follows through the period; and

(B) by adding at the end the following:

''(C) PRACTICE MANAGEMENT NETWORKS.—The Secretary may make grants to health centers that receive assistance under this section to enable the centers to plan and develop practice management networks that will enable the centers to—

''(i) reduce costs associated with the provision of health care services;

''(ii) improve access to, and availability of, health care services provided to individuals served by the centers;

''(iii) enhance the quality and coordination of health care services; or

''(iv) improve the health status of communities.

''(D) USE OF FUNDS.—The activities for which a grant may be made under subparagraph (B) or (C) may include the purchase or lease of equipment, which may include data and information systems (including paying for the costs of amortizing the principal of, and paying the interest on, loans for equipment), the provision of training and technical assistance related to the provision of health care services on a prepaid basis or under another managed care arrangement, and other activities that promote the development of practice management or managed care networks and plans.'';

(4) in subsection (d)—

(A) by striking the subsection heading and inserting ''LOAN GUARANTEE PROGRAM.—'';

(B) in paragraph (1)—

(i) in subparagraph (A), by striking ''the principal and interest on loans'' and all that follows through the period and inserting ''the principal and interest on loans made by non-Federal lenders to health centers, funded under this section, for the costs of developing and operating managed care networks or plans described in subsection (c)(1)(B), or practice management networks described in subsection (c)(1)(C), and for the costs of acquiring or leasing buildings, or purchasing or leasing equipment.'';

(ii) in subparagraph (B)—

(I) in clause (i), by striking ''or'';

(II) in clause (ii), by striking the period and inserting ''; or''; and

(III) by adding at the end the following:

''(iii) to refinance a loan to the center or centers, if the Secretary determines that—

''(I) such refinancing will result in more favorable terms;

''(II) the savings resulting from the refinancing will be beneficial to both the center (or centers) and the Government; and

''(III) the center (or centers) can demonstrate an ability to repay the refinanced loan equal to or greater than the ability of the center (or centers) to repay the original loan on the date the original loan was made.''; and

(iii) by adding at the end the following:

''(D) PROVISION DIRECTLY TO NETWORKS OR PLANS.—At the request of health centers receiving assistance under this section, loan guarantees provided under this paragraph may be made directly to networks or plans that are at least majority controlled and, as applicable, at least majority owned by those health centers.''; and

(C)(i) by striking paragraphs (6) and (7); and

(ii) by redesignating paragraph (8) as paragraph (6);

(5) in subsection (e)—

(A) in paragraph (1), by adding at the end the following:

''(C) OPERATION OF NETWORKS AND PLANS.—

''(i) IN GENERAL.—The Secretary may make grants to health centers that receive assistance under this section, or at the request of the health centers, directly to a network or plan (as described in subparagraphs (B) and (C) of subsection (c)(1)) that is at least majority controlled and, as applicable, at least majority owned by such health centers receiving assistance under this section, for the costs associated with the operation of such network or plan, including the purchase or lease of equipment (including the costs of amortizing the principal of, and paying the interest on, loans for equipment).

''(ii) CERTAIN REQUIREMENTS.—Subsection (j) applies with respect to grants under clause (i) to the same extent and in the same manner as such subsection applies with respect to grants under subparagraph (A) or (B), except to the extent that as applied to clause (i) the Secretary waives any requirement under subsection (j) on the basis that the requirement is not necessary with respect to the purposes for which grants under clause (i) are made.''; and

(B) in paragraph (5)—

(i) in subparagraph (A), by inserting ''subparagraphs (A) and (B) of'' after ''any fiscal year under'';

(ii) by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively; and

(iii) by inserting after subparagraph (A) the following:

''(B) NETWORKS AND PLANS.—The total amount of grant funds made available for any fiscal year under paragraph (1)(C) and subparagraphs (B) and (C) of subsection (c)(1) to a health center shall be determined by the Secretary, but may not exceed 2 percent of the total amount appropriated under this section for such fiscal year.'';

(6) in subsection (h)—

(A) in paragraph (1), by striking ''homeless children and children at risk of homelessness'' and inserting ''homeless children and youth and children and youth at risk of homelessness'';

(B)(i) by redesignating paragraph (4) as paragraph (5); and

(ii) by inserting after paragraph (3) the following:

''(4) TEMPORARY CONTINUED PROVISION OF SERVICES TO CERTAIN FORMER HOMELESS INDIVIDUALS.—If any grantee under this subsection has provided services described in this section under the grant to a homeless individual, such grantee may, notwithstanding that the individual is no longer homeless as a result of becoming a resident in permanent housing, expend the grant to continue to provide such services to the individual for not more than 12 months.''; and

(C) in paragraph (5)(C) (as redesignated by subparagraph (B)), by striking ''and residential treatment'' and inserting '', risk reduction, outpatient treatment, residential treatment, and rehabilitation'';

(7) in subsection (j)(3)—

(A) in subparagraph (E)—

(i) in clause (i)—

(I) by striking ''(i)'' and inserting ''(i)(I)'';

(II) by striking ''plan; or'' and inserting ''plan; and''; and

(III) by adding at the end the following:

''(II) has or will have a contractual or other arrangement with the State agency administering the program under title XXI of such Act (42 U.S.C. 1397aa et seq.) with respect to individuals who are State children's health insurance program beneficiaries; or''; and

(ii) by striking clause (ii) and inserting the following:

''(ii) has made or will make every reasonable effort to enter into arrangements described in subclauses (I) and (II) of clause (i);'';

(B) in subparagraph (G)—

(i) in clause (ii)(II), by striking ''; and'' and inserting '';'';

(ii) by redesignating clause (iii) as clause (iv); and

(iii) by inserting after clause (ii) the following:

''(iii)(I) will assure that no patient will be denied health care services due to an individual's inability to pay for such services; and

''(II) will assure that any fees or payments required by the center for such services will be reduced or waived to enable the center to fulfill the assurance described in subclause (I); and'';

(C) in subparagraph (K)(ii), by striking ''and'' after the semicolon at the end;

(D) in subparagraph (L), by striking the period at the end and inserting ''; and''; and

(E) by adding at the end the following subparagraph:

''(M) the center encourages persons receiving or seeking health services from the center to participate in any public or private (including employer-offered) health programs or plans for which the persons are eligible.'';

(8) by striking subsection (k) and inserting the following:

''(k) TECHNICAL ASSISTANCE.—The Secretary shall establish a program through which the Secretary shall provide technical and other assistance to eligible entities to assist such entities to meet the requirements of paragraphs (2) and (3) of subsection (j) and in developing plans for, and operating health centers. Services provided through the program may include necessary technical and nonfinancial assistance, including fiscal and program management assistance, training in program management, operational and administrative support, and the provision of information to the entities of the variety of resources available under this title and how those resources can be best used to meet the health needs of the communities served by the entities.'';

(9)(A) in subsection (l) (as amended by subsection (a) of this section), by striking ''(l) AUTHORIZATION'';

(B) by transferring such undesignated subsection to the end of the section;

(C) by redesignating subsections (m) through (q) as subsections (l) through (p), respectively; and

(D) in the subsection transferred by subparagraph (B), by inserting ''(q) AUTHORIZATION'' before ''OF APPROPRIATIONS.—''; and

(10) in subsection (q) (as transferred and redesignated by paragraph (9)), in paragraph (2)—

(A) in subparagraph (A), by striking ''(j)(3)(G)(ii)'' and inserting ''(j)(3)(H)''; and

(B) by striking subparagraph (B) and inserting the following:

''(B) DISTRIBUTION OF GRANTS.—For fiscal year 2002 and each of the following fiscal years, the Secretary, in awarding grants under this section, shall ensure that the proportion of the amount made available under each of subsections (g), (h), and (i), relative to the total amount appropriated to carry out this section for that fiscal year, is equal to the proportion of the amount made available under that subsection for fiscal year 2001, relative to the total amount appropriated to carry out this section for fiscal year 2001.''.

(c) TELEMEDICINE; INCENTIVE GRANTS REGARDING COORDINATION AMONG STATES.—

(1) IN GENERAL.—The Secretary of Health and Human Services may make grants to State professional licensing boards to carry out programs under which such licensing boards of various States cooperate to develop and implement State policies that will reduce statutory and regulatory barriers to telemedicine.

(2) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out paragraph (1), there are authorized to be appropriated $10,000,000 for fiscal year 2002, and such sums as may be necessary for each of the fiscal years 2002 through 2006.

SEC. 102. MIGRATORY AND SEASONAL AGRICULTURAL WORKERS.

Section 330(g) of the Public Health Service Act (42 U.S.C. 254b(g)) is amended—

(1) in paragraph (2)—

(A) in subparagraph (A), by inserting ''and seasonal agricultural worker'' after ''agricultural worker''; and

(B) in subparagraph (B), by striking ''and members of their families'' and inserting ''and seasonal agricultural workers, and members of their families,''; and

(2) in paragraph (3)(A), by striking ''on a seasonal basis''.

TITLE II—RURAL HEALTH

Subtitle A—Rural Health Care Services Outreach, Rural Health Network Development, and Small Health Care Provider Quality Improvement Grant Programs

SEC. 201. GRANT PROGRAMS.

Section 330A of the Public Health Service Act (42 U.S.C. 254c) is amended to read as follows:

''SEC. 330A. RURAL HEALTH CARE SERVICES OUTREACH, RURAL HEALTH NETWORK DEVELOPMENT, AND SMALL HEALTH CARE PROVIDER QUALITY IMPROVEMENT GRANT PROGRAMS.

''(a) PURPOSE.—The purpose of this section is to provide grants for expanded delivery of health care services in rural areas, for the planning and implementation of integrated health care networks in rural areas, and for the planning and implementation of small health care provider quality improvement activities.

''(b) DEFINITIONS.—

''(1) DIRECTOR.—The term 'Director' means the Director specified in subsection (d).

''(2) FEDERALLY QUALIFIED HEALTH CENTER; RURAL HEALTH CLINIC.—The terms 'Federally qualified health center' and 'rural health clinic' have the meanings given the terms in section 1861(aa) of the Social Security Act (42 U.S.C. 1395x(aa)).

''(3) HEALTH PROFESSIONAL SHORTAGE AREA.—The term 'health professional shortage area' means a health professional shortage area designated under section 332.

''(4) MEDICALLY UNDERSERVED COMMUNITY.—The term 'medically underserved community' has the meaning given the term in section 799B.

''(5) MEDICALLY UNDERSERVED POPULATION.—The term 'medically underserved population' has the meaning given the term in section 330(b)(3).

''(c) PROGRAM.—The Secretary shall establish, under section 301, a small health care provider quality improvement grant program.

''(d) ADMINISTRATION.—

''(1) PROGRAMS.—The rural health care services outreach, rural health network development, and small health care provider quality improvement grant programs established under section 301 shall be administered by the Director of the Office of Rural Health Policy of the Health Resources and Services Administration, in consultation with State offices of rural health or other appropriate State government entities.

''(2) GRANTS.—

''(A) IN GENERAL.—In carrying out the programs described in paragraph (1), the Director may award grants under subsections (e), (f), and (g) to expand access to, coordinate, and improve the quality of essential health care services, and enhance the delivery of health care, in rural areas.

''(B) TYPES OF GRANTS.—The Director may award the grants—

''(i) to promote expanded delivery of health care services in rural areas under subsection (e);

''(ii) to provide for the planning and implementation of integrated health care networks in rural areas under subsection (f); and

''(iii) to provide for the planning and implementation of small health care provider quality improvement activities under subsection (g).

''(e) RURAL HEALTH CARE SERVICES OUTREACH GRANTS.—

''(1) GRANTS.—The Director may award grants to eligible entities to promote rural health care services outreach by expanding the delivery of health care services to include new and enhanced services in rural areas. The Director may award the grants for periods of not more than 3 years.

''(2) ELIGIBILITY.—To be eligible to receive a grant under this subsection for a project, an entity—

''(A) shall be a rural public or private entity;

''(B) shall represent a consortium composed of members—

''(i) that include 3 or more health care providers; and

''(ii) that may be nonprofit or for-profit entities; and

''(C) shall not previously have received a grant under this subsection for the same or a similar project, unless the entity is proposing to expand the scope of the project or the area that will be served through the project.

''(3) APPLICATIONS.—To be eligible to receive a grant under this subsection, an eligible entity, in consultation with the appropriate State office of rural health or another appropriate State entity, shall prepare and submit to the Secretary an application, at such time, in such manner, and containing such information as the Secretary may require, including—

''(A) a description of the project that the eligible entity will carry out using the funds provided under the grant;

''(B) a description of the manner in which the project funded under the grant will meet the health care needs of rural underserved populations in the local community or region to be served;

''(C) a description of how the local community or region to be served will be involved in the development and ongoing operations of the project;

''(D) a plan for sustaining the project after Federal support for the project has ended; and

''(E) a description of how the project will be evaluated.

''(f) RURAL HEALTH NETWORK DEVELOPMENT GRANTS.—

''(1) GRANTS.—

''(A) IN GENERAL.—The Director may award rural health network development grants to eligible entities to promote, through planning and implementation, the development of integrated health care networks that have combined the functions of the entities participating in the networks in order to—

''(i) achieve efficiencies;

''(ii) expand access to, coordinate, and improve the quality of essential health care services; and

''(iii) strengthen the rural health care system as a whole.

''(B) GRANT PERIODS.—The Director may award such a rural health network development grant for implementation activities for a period of 3 years. The Director may also award such a rural health network development grant for planning activities for a period of 1 year, to assist in the development of an integrated health care network, if the proposed participants in the network do not have a history of collaborative efforts and a 3-year grant would be inappropriate.

''(2) ELIGIBILITY.—To be eligible to receive a grant under this subsection, an entity—

''(A) shall be a rural public or private entity;

''(B) shall represent a network composed of participants—

''(i) that include 3 or more health care providers; and

''(ii) that may be nonprofit or for-profit entities; and

''(C) shall not previously have received a grant under this subsection (other than a grant for planning activities) for the same or a similar project.

''(3) APPLICATIONS.—To be eligible to receive a grant under this subsection, an eligible entity, in consultation with the appropriate State office of rural health or another appropriate State entity, shall prepare and submit to the Secretary an application, at such time, in such manner, and containing such information as the Secretary may require, including—

''(A) a description of the project that the eligible entity will carry out using the funds provided under the grant;

''(B) an explanation of the reasons why Federal assistance is required to carry out the project;

''(C) a description of—

''(i) the history of collaborative activities carried out by the participants in the network;

''(ii) the degree to which the participants are ready to integrate their functions; and

''(iii) how the local community or region to be served will benefit from and be involved in the activities carried out by the network;

''(D) a description of how the local community or region to be served will experience increased access to quality health care services across the continuum of care as a result of the integration activities carried out by the network;

''(E) a plan for sustaining the project after Federal support for the project has ended; and

''(F) a description of how the project will be evaluated.

''(g) SMALL HEALTH CARE PROVIDER QUALITY IMPROVEMENT GRANTS.—

''(1) GRANTS.—The Director may award grants to provide for the planning and implementation of small health care provider quality improvement activities. The Director may award the grants for periods of 1 to 3 years.

''(2) ELIGIBILITY.—To be eligible for a grant under this subsection, an entity—

''(A)(i) shall be a rural public or rural nonprofit private health care provider or provider of health care services, such as a critical access hospital or a rural health clinic; or

''(ii) shall be another rural provider or network of small rural providers identified by the Secretary as a key source of local care; and

''(B) shall not previously have received a grant under this subsection for the same or a similar project.

''(3) APPLICATIONS.—To be eligible to receive a grant under this subsection, an eligible entity, in consultation with the appropriate State office of rural health, another appropriate State entity, or a hospital association, shall prepare and submit to the Secretary an application, at such time, in such manner, and containing such information as the Secretary may require, including—

''(A) a description of the project that the eligible entity will carry out using the funds provided under the grant;

''(B) an explanation of the reasons why Federal assistance is required to carry out the project;

''(C) a description of the manner in which the project funded under the grant will assure continuous quality improvement in the provision of services by the entity;

''(D) a description of how the local community or region to be served will experience increased access to quality health care services across the continuum of care as a result of the activities carried out by the entity;

''(E) a plan for sustaining the project after Federal support for the project has ended; and

''(F) a description of how the project will be evaluated.

''(4) EXPENDITURES FOR SMALL HEALTH CARE PROVIDER QUALITY IMPROVEMENT GRANTS.—In awarding a grant under this subsection, the Director shall ensure that the funds made available through the grant will be used to provide services to residents of rural areas. The Director shall award not less than 50 percent of the funds made available under this subsection to providers located in and serving rural areas.

''(h) GENERAL REQUIREMENTS.—

''(1) PROHIBITED USES OF FUNDS.—An entity that receives a grant under this section may not use funds provided through the grant—

''(A) to build or acquire real property; or

''(B) for construction, except that such funds may be expended for minor renovations relating to the installation of equipment.

''(2) COORDINATION WITH OTHER AGENCIES.—The Secretary shall coordinate activities carried out under grant programs described in this section, to the extent practicable, with Federal and State agencies and nonprofit organizations that are operating similar grant programs, to maximize the effect of public dollars in funding meritorious proposals.

''(3) PREFERENCE.—In awarding grants under this section, the Secretary shall give preference to entities that—

''(A) are located in health professional shortage areas or medically underserved communities, or serve medically underserved populations; or

''(B) propose to develop projects with a focus on primary care, and wellness and prevention strategies.

''(i) REPORT.—Not later than September 30, 2005, the Secretary shall prepare and submit to the appropriate committees of Congress a report on the progress and accomplishments of the grant programs described in subsections (e), (f), and (g).

''(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $40,000,000 for fiscal year 2002, and such sums as may be necessary for each of fiscal years 2003 through 2006.''.

Subtitle B—Telehealth Grant Consolidation

SEC. 211. SHORT TITLE.

This subtitle may be cited as the ''Telehealth Grant Consolidation Act of 2001''.

SEC. 212. CONSOLIDATION AND REAUTHORIZATION OF PROVISIONS.

Subpart I of part D of title III of the Public Health Service Act (42 U.S.C. 254b et seq) is amended by adding at the end the following:

''SEC. 330I. TELEHEALTH NETWORK AND TELEHEALTH RESOURCE CENTERS GRANT PROGRAMS.

''(a) DEFINITIONS.—In this section:

''(1) DIRECTOR; OFFICE.—The terms 'Director' and 'Office' mean the Director and Office specified in subsection (c).

''(2) FEDERALLY QUALIFIED HEALTH CENTER AND RURAL HEALTH CLINIC.—The term 'Federally qualified health center' and 'rural health clinic' have the meanings given the terms in section 1861(aa) of the Social Security Act (42 U.S.C. 1395x(aa)).

''(3) FRONTIER COMMUNITY.—The term 'frontier community' means an area with fewer than 6 residents per square mile, based on the latest population data published by the Bureau of the Census.

''(4) MEDICALLY UNDERSERVED AREA.—The term 'medically underserved area' has the meaning given the term 'medically underserved community' in section 799B.

''(5) MEDICALLY UNDERSERVED POPULATION.—The term 'medically underserved population' has the meaning given the term in section 330(b)(3).

''(6) TELEHEALTH SERVICES.—The term 'telehealth services' means services provided through telehealth technologies.

''(7) TELEHEALTH TECHNOLOGIES.—The term 'telehealth technologies' means technologies relating to the use of electronic information, and telecommunications technologies, to support and promote, at a distance, health care, patient and professional health-related education, health administration, and public health.

''(b) PROGRAMS.—The Secretary shall establish, under section 301, telehealth network and telehealth resource centers grant programs.

''(c) ADMINISTRATION.—

''(1) ESTABLISHMENT.—There is established in the Health and Resources and Services Administration an Office for the Advancement of Telehealth. The Office shall be headed by a Director.

''(2) DUTIES.—The telehealth network and telehealth resource centers grant programs established under section 301 shall be administered by the Director, in consultation with the State offices of rural health, State offices concerning primary care, or other appropriate State government entities.

''(d) GRANTS.—

''(1) TELEHEALTH NETWORK GRANTS.—The Director may, in carrying out the telehealth network grant program referred to in subsection (b), award grants to eligible entities for projects to demonstrate how telehealth technologies can be used through telehealth networks in rural areas, frontier communities, and medically underserved areas, and for medically underserved populations, to—

''(A) expand access to, coordinate, and improve the quality of health care services;

''(B) improve and expand the training of health care providers; and

''(C) expand and improve the quality of health information available to health care providers, and patients and their families, for decisionmaking.

''(2) TELEHEALTH RESOURCE CENTERS GRANTS.—The Director may, in carrying out the telehealth resource centers grant program referred to in subsection (b), award grants to eligible entities for projects to demonstrate how telehealth technologies can be used in the areas and communities, and for the populations, described in paragraph (1), to establish telehealth resource centers.

''(e) GRANT PERIODS.—The Director may award grants under this section for periods of not more than 4 years.

''(f) ELIGIBLE ENTITIES.—

''(1) TELEHEALTH NETWORK GRANTS.—

''(A) GRANT RECIPIENT.—To be eligible to receive a grant under subsection (d)(1), an entity shall be a nonprofit entity.

''(B) TELEHEALTH NETWORKS.—

''(i) IN GENERAL.—To be eligible to receive a grant under subsection (d)(1), an entity shall demonstrate that the entity will provide services through a telehealth network.

''(ii) NATURE OF ENTITIES.—Each entity participating in the telehealth network may be a nonprofit or for-profit entity.

''(iii) COMPOSITION OF NETWORK.—The telehealth network shall include at least 2 of the following entities (at least 1 of which shall be a community-based health care provider):

''(I) Community or migrant health centers or other Federally qualified health centers.

''(II) Health care providers, including pharmacists, in private practice.

''(III) Entities operating clinics, including rural health clinics.

''(IV) Local health departments.

''(V) Nonprofit hospitals, including community access hospitals.

''(VI) Other publicly funded health or social service agencies.

''(VII) Long-term care providers.

''(VIII) Providers of health care services in the home.

''(IX) Providers of outpatient mental health services and entities operating outpatient mental health facilities.

''(X) Local or regional emergency health care providers.

''(XI) Institutions of higher education.

''(XII) Entities operating dental clinics.

''(2) TELEHEALTH RESOURCE CENTERS GRANTS.—To be eligible to receive a grant under subsection (d)(2), an entity shall be a nonprofit entity.

''(g) APPLICATIONS.—To be eligible to receive a grant under subsection (d), an eligible entity, in consultation with the appropriate State office of rural health or another appropriate State entity, shall prepare and submit to the Secretary an application, at such time, in such manner, and containing such information as the Secretary may require, including—

''(1) a description of the project that the eligible entity will carry out using the funds provided under the grant;

''(2) a description of the manner in which the project funded under the grant will meet the health care needs of rural or other populations to be served through the project, or improve the access to services of, and the quality of the services received by, those populations;

''(3) evidence of local support for the project, and a description of how the areas, communities, or populations to be served will be involved in the development and ongoing operations of the project;

''(4) a plan for sustaining the project after Federal support for the project has ended;

''(5) information on the source and amount of non-Federal funds that the entity will provide for the project;

''(6) information demonstrating the long-term viability of the project, and other evidence of institutional commitment of the entity to the project; and

''(7) in the case of an application for a project involving a telehealth network, information demonstrating how the project will promote the integration of telehealth technologies into the operations of health care providers, to avoid redundancy, and improve access to and the quality of care.

''(h) TERMS; CONDITIONS; MAXIMUM AMOUNT OF ASSISTANCE.—The Secretary shall establish the terms and conditions of each grant program described in subsection (b) and the maximum amount of a grant to be awarded to an individual recipient for each fiscal year under this section. The Secretary shall publish, in a publication of the Health Resources and Services Administration, notice of the application requirements for each grant program described in subsection (b) for each fiscal year.

''(i) PREFERENCES.—

''(1) TELEHEALTH NETWORKS.—In awarding grants under subsection (d)(1) for projects involving telehealth networks, the Secretary shall give preference to an eligible entity that meets at least 1 of the following requirements:

''(A) ORGANIZATION.—The eligible entity is a rural community-based organization or another community-based organization.

''(B) SERVICES.—The eligible entity proposes to use Federal funds made available through such a grant to develop plans for, or to establish, telehealth networks that provide mental health, public health, long-term care, home care, preventive, or case management services.

''(C) COORDINATION.—The eligible entity demonstrates how the project to be carried out under the grant will be coordinated with other relevant federally funded projects in the areas, communities, and populations to be served through the grant.

''(D) NETWORK.—The eligible entity demonstrates that the project involves a telehealth network that includes an entity that—

''(i) provides clinical health care services, or educational services for health care providers and for patients or their families; and

''(ii) is—

''(I) a public school;

''(II) a public library;

''(III) an institution of higher education; or

''(IV) a local government entity.

''(E) CONNECTIVITY.—The eligible entity proposes a project that promotes local connectivity within areas, communities, or populations to be served through the project.

''(F) INTEGRATION.—The eligible entity demonstrates that health care information has been integrated into the project.

''(2) TELEHEALTH RESOURCE CENTERS.—In awarding grants under subsection (d)(2) for projects involving telehealth resource centers, the Secretary shall give preference to an eligible entity that meets at least 1 of the following requirements:

''(A) PROVISION OF SERVICES.—The eligible entity has a record of success in the provision of telehealth services to medically underserved areas or medically underserved populations.

''(B) COLLABORATION AND SHARING OF EXPERTISE.—The eligible entity has a demonstrated record of collaborating and sharing expertise with providers of telehealth services at the national, regional, State, and local levels.

''(C) BROAD RANGE OF TELEHEALTH SERVICES.—The eligible entity has a record of providing a broad range of telehealth services, which may include—

''(i) a variety of clinical specialty services;

''(ii) patient or family education;

''(iii) health care professional education; and

''(iv) rural residency support programs.

''(j) DISTRIBUTION OF FUNDS.—

''(1) IN GENERAL.—In awarding grants under this section, the Director shall ensure, to the greatest extent possible, that such grants are equitably distributed among the geographical regions of the United States.

''(2) TELEHEALTH NETWORKS.—In awarding grants under subsection (d)(1) for a fiscal year, the Director shall ensure that—

''(A) not less than 50 percent of the funds awarded shall be awarded for projects in rural areas; and

''(B) the total amount of funds awarded for such projects for that fiscal year shall be not less than the total amount of funds awarded for such projects for fiscal year 2001 under section 330A (as in effect on the day before the date of enactment of the Health Care Safety Net Improvement Act).

''(k) USE OF FUNDS.—

''(1) TELEHEALTH NETWORK PROGRAM.—The recipient of a grant under subsection (d)(1) may use funds received through such grant for salaries, equipment, and operating or other costs, including the cost of—

''(A) developing and delivering clinical telehealth services that enhance access to community-based health care services in rural areas, frontier communities, or medically underserved areas, or for medically underserved populations;

''(B) developing and acquiring, through lease or purchase, computer hardware and software, audio and video equipment, computer network equipment, interactive equipment, data terminal equipment, and other equipment that furthers the objectives of the telehealth network grant program;

''(C)(i) developing and providing distance education, in a manner that enhances access to care in rural areas, frontier communities, or medically underserved areas, or for medically underserved populations; or

''(ii) mentoring, precepting, or supervising health care providers and students seeking to become health care providers, in a manner that enhances access to care in the areas and communities, or for the populations, described in clause (i);

''(D) developing and acquiring instructional programming;

''(E)(i) providing for transmission of medical data, and maintenance of equipment; and

''(ii) providing for compensation (including travel expenses) of specialists, and referring health care providers, who are providing telehealth services through the telehealth network, if no third party payment is available for the telehealth services delivered through the telehealth network;

''(F) developing projects to use telehealth technology to facilitate collaboration between health care providers;

''(G) collecting and analyzing usage statistics and data to document the cost-effectiveness of the telehealth services; and

''(H) carrying out such other activities as are consistent with achieving the objectives of this section, as determined by the Secretary.

''(2) TELEHEALTH RESOURCE CENTERS.—The recipient of a grant under subsection (d)(2) may use funds received through such grant for salaries, equipment, and operating or other costs for—

''(A) providing technical assistance, training, and support, and providing for travel expenses, for health care providers and a range of health care entities that provide or will provide telehealth services;

''(B) disseminating information and research findings related to telehealth services;

''(C) promoting effective collaboration among telehealth resource centers and the Office;

''(D) conducting evaluations to determine the best utilization of telehealth technologies to meet health care needs;

''(E) promoting the integration of the technologies used in clinical information systems with other telehealth technologies;

''(F) fostering the use of telehealth technologies to provide health care information and education for health care providers and consumers in a more effective manner; and

''(G) implementing special projects or studies under the direction of the Office.

''(l) PROHIBITED USES OF FUNDS.—An entity that receives a grant under this section may not use funds made available through the grant—

''(1) to acquire real property;

''(2) for expenditures to purchase or lease equipment, to the extent that the expenditures would exceed 40 percent of the total grant funds;

''(3) in the case of a project involving a telehealth network, to purchase or install transmission equipment (such as laying cable or telephone lines, or purchasing or installing microwave towers, satellite dishes, amplifiers, or digital switching equipment);

''(4) to pay for any equipment or transmission costs not directly related to the purposes for which the grant is awarded;

''(5) to purchase or install general purpose voice telephone systems;

''(6) for construction, except that such funds may be expended for minor renovations relating to the installation of equipment; or

''(7) for expenditures for indirect costs (as determined by the Secretary), to the extent that the expenditures would exceed 10 percent of the total grant funds.

''(m) COLLABORATION.—In providing services under this section, an eligible entity shall collaborate, if feasible, with entities that—

''(1)(A) are private or public organizations, that receive Federal or State assistance; or

''(B) are public or private entities that operate centers, or carry out programs, that receive Federal or State assistance; and

''(2) provide telehealth services or related activities.

''(n) COORDINATION WITH OTHER AGENCIES.—The Secretary shall coordinate activities carried out under grant programs described in subsection (b), to the extent practicable, with Federal and State agencies and nonprofit organizations that are operating similar programs, to maximize the effect of public dollars in funding meritorious proposals.

''(o) OUTREACH ACTIVITIES.—The Secretary shall establish and implement procedures to carry out outreach activities to advise potential end users of telehealth services in rural areas, frontier communities, medically underserved areas, and medically underserved populations in each State about the grant programs described in subsection (b).

''(p) TELEHEALTH.—It is the sense of Congress that, for purposes of this section, States should develop reciprocity agreements so that a provider of services under this section who is a licensed or otherwise authorized health care provider under the law of 1 or more States, and who, through telehealth technology, consults with a licensed or otherwise authorized health care provider in another State, is exempt, with respect to such consultation, from any State law of the other State that prohibits such consultation on the basis that the first health care provider is not a licensed or authorized health care provider under the law of that State.

''(q) REPORT.—Not later than September 30, 2005, the Secretary shall prepare and submit

to the appropriate committees of Congress a report on the progress and accomplishments of the grant programs described in subsection (b).

''(r) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

''(1) for grants under subsection (d)(1), $40,000,000 for fiscal year 2002, and such sums as may be necessary for each of fiscal years 2003 through 2006; and

''(2) for grants under subsection (d)(2), $20,000,000 for fiscal year 2002, and such sums as may be necessary for each of fiscal years 2003 through 2006.''.

Subtitle C—Mental Health Services Telehealth Program and Rural Emergency Medical Service Training and Equipment Assistance Program

SEC. 221. PROGRAMS.

Subpart I of part D of title III of the Public Health Service Act (42 U.S.C. 254b et seq.) (as amended by section 212) is further amended by adding at the end the following:

''SEC. 330J. RURAL EMERGENCY MEDICAL SERVICE TRAINING AND EQUIPMENT ASSISTANCE PROGRAM.

''(a) GRANTS.—The Secretary, acting through the Administrator of the Health Resources and Services Administration (referred to in this section as the 'Secretary') shall award grants to eligible entities to enable such entities to provide for improved emergency medical services in rural areas.

''(b) ELIGIBILITY.—To be eligible to receive a grant under this section, an entity shall—

''(1) be—

''(A) a State emergency medical services office;

''(B) a State emergency medical services association;

''(C) a State office of rural health;

''(D) a local government entity;

''(E) a State or local ambulance provider; or

''(F) any other entity determined appropriate by the Secretary; and

''(2) prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, that includes—

''(A) a description of the activities to be carried out under the grant; and

''(B) an assurance that the eligible entity will comply with the matching requirement of subsection (e).

''(c) USE OF FUNDS.—An entity shall use amounts received under a grant made under subsection (a), either directly or through grants to emergency medical service squads that are located in, or that serve residents of, a nonmetropolitan statistical area, an area designated as a rural area by any law or regulation of a State, or a rural census tract of a metropolitan statistical area (as determined under the most recent Goldsmith Modification, originally published in a notice of availability of funds in the Federal Register on February 27, 1992, 57 Fed. Reg. 6725), to—

''(1) recruit emergency medical service personnel;

''(2) recruit volunteer emergency medical service personnel;

''(3) train emergency medical service personnel in emergency response, injury prevention, safety awareness, and other topics relevant to the delivery of emergency medical services;

''(4) fund specific training to meet Federal or State certification requirements;

''(5) develop new ways to educate emergency health care providers through the use of technology-enhanced educational methods (such as distance learning);

''(6) acquire emergency medical services equipment, including cardiac defibrillators;

''(7) acquire personal protective equipment for emergency medical services personnel as required by the Occupational Safety and Health Administration; and

''(8) educate the public concerning cardiopulmonary resuscitation, first aid, injury prevention, safety awareness, illness prevention, and other related emergency preparedness topics.

''(d) PREFERENCE.—In awarding grants under this section the Secretary shall give preference to—

''(1) applications that reflect a collaborative effort by 2 or more of the entities described in subparagraphs (A) through (F) of subsection (b)(1); and

''(2) applications submitted by entities that intend to use amounts provided under the grant to fund activities described in any of paragraphs (1) through (5) of subsection (c).

''(e) MATCHING REQUIREMENT.—The Secretary may not award a grant under this section to an entity unless the entity agrees that the entity will make available (directly or through contributions from other public or private entities) non-Federal contributions toward the activities to be carried out under the grant in an amount equal to 25 percent of the amount received under the grant.

''(f) EMERGENCY MEDICAL SERVICES.—In this section, the term 'emergency medical services'—

''(1) means resources used by a qualified public or private nonprofit entity, or by any other entity recognized as qualified by the State involved, to deliver medical care outside of a medical facility under emergency conditions that occur—

''(A) as a result of the condition of the patient; or

''(B) as a result of a natural disaster or similar situation; and

''(2) includes services delivered by an emergency medical services provider (either compensated or volunteer) or other provider recognized by the State involved that is licensed or certified by the State as an emergency medical technician or its equivalent (as determined by the State), a registered nurse, a physician assistant, or a physician that provides services similar to services provided by such an emergency medical services provider.

''(g) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 2002 through 2006.

''(2) ADMINISTRATIVE COSTS.—The Secretary may use not more than 10 percent of the amount appropriated under paragraph (1) for a fiscal year for the administrative expenses of carrying out this section.

''SEC. 330K. MENTAL HEALTH SERVICES DELIVERED VIA TELEHEALTH.

''(a) DEFINITIONS.—In this section:

''(1) ELIGIBLE ENTITY.—The term 'eligible entity' means a public or nonprofit private telehealth provider network that offers services that include mental health services provided by qualified mental health providers.

''(2) QUALIFIED MENTAL HEALTH PROFESSIONALS.—The term 'qualified mental health professionals' refers to providers of mental health services reimbursed under the medicare program carried out under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) who have additional training in the treatment of mental illness in children and adolescents or who have additional training in the treatment of mental illness in the elderly.

''(3) SPECIAL POPULATIONS.—The term 'special populations' refers to the following 2 distinct groups:

''(A) Children and adolescents in mental health underserved rural areas or in mental health underserved urban areas.

''(B) Elderly individuals located in long-term care facilities in mental health underserved rural areas or in mental health underserved urban areas.

''(4) TELEHEALTH.—The term 'telehealth' means the use of electronic information and telecommunications technologies to support long distance clinical health care, patient and professional health-related education, public health, and health administration.

''(b) PROGRAM AUTHORIZED.—

''(1) IN GENERAL.—The Secretary, acting through the Director of the Office for the Advancement of Telehealth of the Health Resources and Services Administration, shall award grants to eligible entities to establish demonstration projects for the provision of mental health services to special populations as delivered remotely by qualified mental health professionals using telehealth and for the provision of education regarding mental illness as delivered remotely by qualified mental health professionals and qualified mental health education professionals using telehealth.

''(2) POPULATIONS SERVED.—The Secretary shall award the grants under paragraph (1) in a manner that distributes the grants so as to serve equitably the populations described in subparagraphs (A) and (B) of subsection (a)(4).

''(c) USE OF FUNDS.—

''(1) IN GENERAL.—An eligible entity that receives a grant under this section shall use the grant funds—

''(A) for the populations described in subsection (a)(3)(A)—

''(i) to provide mental health services, including diagnosis and treatment of mental illness, in public elementary and public secondary schools as delivered remotely by qualified mental health professionals using telehealth; and

''(ii) to collaborate with local public health entities to provide the mental health services; and

''(B) for the populations described in subsection (a)(3)(B)—

''(i) to provide mental health services, including diagnosis and treatment of mental illness, in long-term care facilities as delivered remotely by qualified mental health professionals using telehealth; and

''(ii) to collaborate with local public health entities to provide the mental health services.

''(2) OTHER USES.—An eligible entity that receives a grant under this section may also use the grant funds to—

''(A) pay telecommunications costs; and

''(B) pay qualified mental health professionals on a reasonable basis as determined by the Secretary for services rendered.

''(3) PROHIBITED USES.—An eligible entity that receives a grant under this section shall not use the grant funds to—

''(A) purchase or install transmission equipment (other than such equipment used by qualified mental health professionals to deliver mental health services using telehealth under the project involved); or

''(B) build upon or acquire real property.

''(d) EQUITABLE DISTRIBUTION.—In awarding grants under this section, the Secretary shall ensure, to the greatest extent possible, that such grants are equitably distributed among geographical regions of the United States.

''(e) APPLICATION.—An entity that desires a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary determines to be reasonable.

''(f) REPORT.—Not later than 4 years after the date of enactment of the Health Care Safety Net Improvement Act, the Secretary shall prepare and submit to the appropriate committees of Congress a report that shall evaluate activities funded with grants under this section.

''(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $20,000,000 for fiscal year 2002 and such sums as may be necessary for fiscal years 2003 through 2006.''.

TITLE III—NATIONAL HEALTH SERVICE CORPS PROGRAM

SEC. 301. NATIONAL HEALTH SERVICE CORPS.

(a) IN GENERAL.—Section 331 of the Public Health Service Act (42 U.S.C. 254d) is amended—

(1) by adding at the end of subsection (a)(3) the following:

''(E)(i) The term 'behaviorial and mental health professionals' means health service psychologists, licensed clinical social workers, licensed professional counselors, marriage and family therapists, psychiatric nurse specialists, and psychiatrists.

''(ii) The term 'graduate program of behavioral and mental health' means a program that trains behavorial and mental health professionals.'';

(2) in subsection (b)—

(A) in paragraph (1), by striking ''health professions'' and inserting ''health professions, including schools at which graduate programs of behavioral and mental health are offered,''; and

(B) in paragraph (2), by inserting ''behavioral and mental health professionals,'' after ''dentists,''; and

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

''(c)(1) The Secretary may reimburse an applicant for a position in the Corps (including an individual considering entering into a written agreement pursuant to section 338D) for the actual and reasonable expenses incurred in traveling to and from the applicant's place of residence to an eligible site to which the applicant may be assigned under section 333 for the purpose of evaluating such site with regard to being assigned at such site. The Secretary may establish a maximum total amount that may be paid to an individual as reimbursement for such expenses.

''(2) The Secretary may also reimburse the applicant for the actual and reasonable expenses incurred for the travel of 1 family member to accompany the applicant to such site. The Secretary may establish a maximum total amount that may be paid to an individual as reimbursement for such expenses.

''(3) In the case of an individual who has entered into a contract for obligated service under the Scholarship Program or under the Loan Repayment Program, the Secretary may reimburse such individual for all or part of the actual and reasonable expenses incurred in transporting the individual to the site of the individual's assignment under section 333. The Secretary may establish a maximum total amount that may be paid to an individual as reimbursement for such expenses.''.

(b) DEMONSTRATION PROJECTS.—Section 331 of the Public Health Service Act (42 U.S.C. 254d) is amended—

(1) by redesignating subsection (i) as subsection (j); and

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

''(i)(1) In carrying out subpart III, the Secretary may, in accordance with this subsection, carry out demonstration projects in which individuals who have entered into a contract for obligated service under the Loan Repayment Program receive waivers under which the individuals are authorized to satisfy the requirement of obligated service through providing clinical service that is not full-time.

''(2) A waiver described in paragraph (1) may be provided by the Secretary only if—

''(A) the entity for which the service is to be performed—

''(i) has been approved under section 333A for assignment of a Corps member; and

''(ii) has requested in writing assignment of a health professional who would serve less than full time;

''(B) the Secretary has determined that assignment of a health professional who would serve less than full time would be appropriate for the area where the entity is located;

''(C) a Corps member who is required to perform obligated service has agreed in writing to be assigned for less than full-time service to an entity described in subparagraph (A);

''(D) the entity and the Corps member agree in writing that the less than full-time service provided by the Corps member will not be less than 16 hours of clinical service per week;

''(E) the Corps member agrees in writing that the period of obligated service pursuant to section 338B will be extended so that the aggregate amount of less than full-time service performed will equal the amount of service that would be performed through full-time service under section 338C; and

''(F) the Corps member agrees in writing that if the Corps member begins providing less than full-time service but fails to begin or complete the period of obligated service, the method stated in 338E(c) for determining the damages for breach of the individual's written contract will be used after converting periods of obligated service or of service performed into their full-time equivalents.''.

SEC. 302. DESIGNATION OF HEALTH PROFESSIONAL SHORTAGE AREAS.

(a) IN GENERAL.—Section 332 of the Public Health Service Act (42 U.S.C. 254e) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by inserting after the first sentence the following: ''All Federally qualified health centers and rural health clinics, as defined in section 1861(aa) of the Social Security Act (42 U.S.C. 1395x(aa)), that meet the requirements of section 334 shall be automatically designated as having such a shortage. Not earlier than 6 years after such date of enactment, and every 6 years thereafter, each such center or clinic shall demonstrate that the center or clinic meets the applicable requirements of the Federal regulations, issued after the date of enactment of this Act, that revise the definition of a health professional shortage area for purposes of this section.''; and

(B) in paragraph (3), by striking ''340(r)) may be a population group'' and inserting ''330(h)(4)), seasonal agricultural workers (as defined in section 330(g)(3)) and migratory agricultural workers (as so defined)), and residents of public housing (as defined in section 3(b)(1) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(1))) may be population groups'';

(2) in subsection (b)(2), by striking ''with special consideration to the indicators of'' and all that follows through ''services.'' and inserting a period; and

(3) in subsection (c)(2)(B), by striking ''XVIII or XIX'' and inserting ''XVIII, XIX, or XXI''.

(b) REGULATIONS.—

(1) REPORT.—

(A) IN GENERAL.—The Secretary shall submit the report described in subparagraph (B) if the Secretary, acting through the Administrator of the Health Resources and Services Administration, issues—

(i) a regulation that revises the definition of a health professional shortage area for purposes of section 332 of the Public Health Service Act (42 U.S.C. 254e); or

(ii) a regulation that revises the standards concerning priority of such an area under section 333A of that Act (42 U.S.C. 254f–1).

(B) REPORT.—On issuing a regulation described in subparagraph (A), the Secretary shall prepare and submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report that describes the regulation.

(2) EFFECTIVE DATE.—Each regulation described in paragraph (1)(A) shall take effect 180 days after the committees described in paragraph (1)(B) receive a report referred to in paragraph (1)(B) describing the regulation.

(c) SCHOLARSHIP AND LOAN REPAYMENT PROGRAMS.—The Secretary of Health and Human Services, in consultation with organizations representing individuals in the dental field and organizations representing publicly funded health care providers, shall develop and implement a plan for increasing the participation of dentists and dental hygienists in the National Health Service Corps Scholarship Program under section 338A of the Public Health Service Act (42 U.S.C. 2541) and the Loan Repayment Program under section 338B of such Act (42 U.S.C. 2541–1).

(d) SITE DESIGNATION PROCESS.—

(1) IMPROVEMENT OF DESIGNATION PROCESS.—The Administrator of the Health Resources and Services Administration, in consultation with appropriate State and territorial dental directors, dental societies, and other interested parties, shall revise the criteria on which the designations of dental health professional shortage areas are based so that such criteria provide a more accurate reflection of oral health care need, particularly in rural areas.

(2) PUBLIC HEALTH SERVICE ACT.—Section 332 of the Public Health Service Act (42 U.S.C. 254e) is amended by adding at the end the following:

''(i) DISSEMINATION.—The Administrator of the Health Resources and Services Administration shall disseminate information concerning the designation criteria described in subsection (b) to—

''(1) the Governor of each State;

''(2) the representative of any area, population group, or facility selected by any such Governor to receive such information;

''(3) the representative of any area, population group, or facility that requests such information; and

''(4) the representative of any area, population group, or facility determined by the Administrator to be likely to meet the criteria described in subsection (b).''.

(e) GAO STUDY.—Not later than February 1, 2005, the Comptroller General of the United States shall submit to the Congress a report on the appropriateness of the criteria, including but not limited to infant mortality rates, access to health services taking into account the distance to primary health services, the rate of poverty and ability to pay for health services, and low birth rates, established by the Secretary of Health and Human Services for the designation of health professional shortage areas and whether the deeming of Federally qualified health centers and rural health clinics as such areas is appropriate and necessary.

SEC. 303. ASSIGNMENT OF CORPS PERSONNEL.

Section 333 of the Public Health Service Act (42 U.S.C. 254f) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) in the matter before subparagraph (A), by striking ''(specified in the agreement described in section 334)'';

(ii) in subparagraph (A), by striking ''nonprofit''; and

(iii) by striking subparagraph (C) and inserting the following:

''(C) the entity agrees to comply with the requirements of section 334; and''; and

(B) in paragraph (3), by adding at the end ''In approving such applications, the Secretary shall give preference to applications in which a nonprofit entity or public entity shall provide a site to which Corps members may be assigned.''; and

(2) in subsection (d)—

(A) in paragraphs (1), (2), and (4), by striking ''nonprofit'' each place it appears; and

(B) in paragraph (1)—

(i) in the second sentence—

(I) in subparagraph (C), by striking ''and'' at the end; and

(II) by striking the period and inserting '', and (E) developing long-term plans for addressing health professional shortages and improving access to health care.''; and

(ii) by adding at the end the following: ''The Secretary shall encourage entities that receive technical assistance under this paragraph to communicate with other communities, State Offices of Rural Health, State Primary Care Associations and Offices, and other entities concerned with site development and community needs assessment.''.

SEC. 304. PRIORITIES IN ASSIGNMENT OF CORPS PERSONNEL.

Section 333A of the Public Health Service Act (42 U.S.C. 254f–1) is amended—

(1) in subsection (a)(1)(A), by striking '', as determined in accordance with subsection (b)'';

(2) by striking subsection (b);

(3) in subsection (c), by striking the second sentence;

(4) in subsection (d)—

(A) by redesignating paragraphs (1) through (3) as paragraphs (2) through (4), respectively;

(B) by inserting before paragraph (2) (as redesignated by subparagraph (A)) the following:

''(1) PROPOSED LIST.—The Secretary shall prepare and publish a proposed list of health professional shortage areas and entities that would receive priority under subsection (a)(1) in the assignment of Corps members. The list shall contain the information described in paragraph (2), and the relative scores and relative priorities of the entities submitting applications under section 333, in a proposed format. All such entities shall have 30 days after the date of publication of the list to provide additional data and information in support of inclusion on the list or in support of a higher priority determination and the Secretary shall reasonably consider such data and information in preparing the final list under paragraph (2).'';

(C) in paragraph (2) (as redesignated by subparagraph (A)), in the matter before subparagraph (A)—

(i) by striking ''paragraph (2)'' and inserting ''paragraph (3)'';

(ii) by striking ''prepare a list of health professional shortage areas'' and inserting ''prepare and, as appropriate, update a list of health professional shortage areas and entities''; and

(iii) by striking ''for the period applicable under subsection (f)'';

(D) by striking paragraph (3) (as redesignated by subparagraph (A)) and inserting the following:

''(3) NOTIFICATION OF AFFECTED PARTIES.—

''(A) ENTITIES.—Not later than 30 days after the Secretary has added to a list under paragraph (2) an entity specified as described in subparagraph (A) of such paragraph, the Secretary shall notify such entity that the entity has been provided an authorization to receive assignments of Corps members in the event that Corps members are available for the assignments.

''(B) INDIVIDUALS.—In the case of an individual obligated to provide service under the Scholarship Program, not later than 3 months before the date described in section 338C(b)(5), the Secretary shall provide to such individual the names of each of the entities specified as described in paragraph (2)(B)(i) that is appropriate for the individual's medical specialty and discipline.''; and

(E) by striking paragraph (4) (as redesignated by subparagraph (A)) and inserting the following:

''(4) REVISIONS.—If the Secretary proposes to make a revision in the list under paragraph (2), and the revision would adversely alter the status of an entity with respect to the list, the Secretary shall notify the entity of the revision. Any entity adversely affected by such a revision shall be notified in writing by the Secretary of the reasons for the revision and shall have 30 days to file a written appeal of the determination involved which shall be reasonably considered by the Secretary before the revision to the list becomes final. The revision to the list shall be effective with respect to assignment of Corps members beginning on the date that the revision becomes final.'';

(5) by striking subsection (e) and inserting the following:

''(e) LIMITATION ON NUMBER OF ENTITIES OFFERED AS ASSIGNMENT CHOICES IN SCHOLARSHIP PROGRAM.—

''(1) DETERMINATION OF AVAILABLE CORPS MEMBERS.—By April 1 of each calendar year, the Secretary shall determine the number of participants in the Scholarship Program who will be available for assignments under section 333 during the program year beginning on July 1 of that calendar year.

''(2) DETERMINATION OF NUMBER OF ENTITIES.—At all times during a program year, the number of entities specified under subsection (c)(2)(B)(i) shall be—

''(A) not less than the number of participants determined with respect to that program year under paragraph (1); and

''(B) not greater than twice the number of participants determined with respect to that program year under paragraph (1).'';

(6) by striking subsection (f); and

(7) by redesignating subsections (c), (d), and (e) as subsections (b), (c), and (d) respectively.

SEC. 305. COST-SHARING.

Subpart II of part D of title III of the Public Health Service Act (42 U.S.C. 254d et seq.) is amended by striking section 334 and inserting the following:

''SEC. 334. CHARGES FOR SERVICES BY ENTITIES USING CORPS MEMBERS.

''(a) AVAILABILITY OF SERVICES REGARDLESS OF ABILITY TO PAY OR PAYMENT SOURCE.—An entity to which a Corps member is assigned shall not deny requested health care services, and shall not discriminate in the provision of services to an individual—

''(1) because the individual is unable to pay for the services; or

''(2) because payment for the services would be made under—

''(A) the medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.);

''(B) the medicaid program under title XIX of such Act (42 U.S.C. 1396 et seq.); or

''(C) the State children's health insurance program under title XXI of such Act (42 U.S.C. 1397aa et seq.).

''(b) CHARGES FOR SERVICES.—The following rules shall apply to charges for health care services provided by an entity to which a Corps member is assigned:

''(1) IN GENERAL.—

''(A) SCHEDULE OF FEES OR PAYMENTS.—Except as provided in paragraph (2), the entity shall prepare a schedule of fees or payments for the entity's services, consistent with locally prevailing rates or charges and designed to cover the entity's reasonable cost of operation.

''(B) SCHEDULE OF DISCOUNTS.—Except as provided in paragraph (2), the entity shall prepare a corresponding schedule of discounts (including, in appropriate cases, waivers) to be applied to such fees or payments. In preparing the schedule, the entity shall adjust the discounts on the basis of a patient's ability to pay.

''(C) USE OF SCHEDULES.—The entity shall make every reasonable effort to secure from patients fees and payments for services in accordance with such schedules, and fees or payments shall be sufficiently discounted in accordance with the schedule described in subparagraph (B).

''(2) SERVICES TO BENEFICIARIES OF FEDERAL AND FEDERALLY ASSISTED PROGRAMS.—In the case of health care services furnished to an individual who is a beneficiary of a program listed in subsection (a)(2), the entity—

''(A) shall accept an assignment pursuant to section 1842(b)(3)(B)(ii) of the Social Security Act (42 U.S.C. 1395u(b)(3)(B)(ii)) with respect to an individual who is a beneficiary under the medicare program; and

''(B) shall enter into an appropriate agreement with—

''(i) the State agency administering the program under title XIX of such Act with respect to an individual who is a beneficiary under the medicaid program; and

''(ii) the State agency administering the program under title XXI of such Act with respect to an individual who is a beneficiary under the State children's health insurance program.

''(3) COLLECTION OF PAYMENTS.—The entity shall take reasonable and appropriate steps to collect all payments due for health care services provided by the entity, including payments from any third party (including a Federal, State, or local government agency and any other third party) that is responsible for part or all of the charge for such services.''.

SEC. 306. ELIGIBILITY FOR FEDERAL FUNDS.

Section 335(e)(1)(B) of the Public Health Service Act (42 U.S.C. 254h(e)(1)(B)) is amended by striking ''XVIII or XIX'' and inserting ''XVIII, XIX, or XXI''.

SEC. 307. FACILITATION OF EFFECTIVE PROVISION OF CORPS SERVICES.

(a) HEALTH PROFESSIONAL SHORTAGE AREAS.—Section 336 of the Public Health Service Act (42 U.S.C. 254h–1) is amended—

(1) in subsection (c), by striking ''health manpower'' and inserting ''health professional''; and

(2) in subsection (f)(1), by striking ''health manpower'' and inserting ''health professional''.

(b) TECHNICAL AMENDMENT.—Section 336A(8) of the Public Health Service Act (42 U.S.C. 254i(8)) is amended by striking ''agreements under''.

SEC. 308. AUTHORIZATION OF APPROPRIATIONS.

Section 338(a) of the Public Health Service Act (42 U.S.C. 254k(a)) is amended—

(1) by striking ''(1) For'' and inserting ''For'';

(2) by striking ''1991 through 2000'' and inserting ''2002 through 2006''; and

(3) by striking paragraph (2).

SEC. 309. NATIONAL HEALTH SERVICE CORPS SCHOLARSHIP PROGRAM.

Section 338A of the Public Health Service Act (42 U.S.C. 254l) is amended—

(1) in subsection (a)(1), by inserting ''behavioral and mental health professionals,'' after ''dentists,'';

(2) in subsection (b)(1)(B), by inserting '', or an appropriate degree from a graduate program of behavioral and mental health'' after ''other health profession'';

(3) in subsection (c)(1)—

(A) in subparagraph (A), by striking ''338D'' and inserting ''338E''; and

(B) in subparagraph (B), by striking ''338C'' and inserting ''338D'';

(4) in subsection (d)(1)—

(A) in subparagraph (A), by striking ''and'' at the end;

(B) by redesignating subparagraph (B) as subparagraph (C); and

(C) by inserting after subparagraph (A) the following:

''(B) the Secretary, in considering applications from individuals accepted for enrollment or enrolled in dental school, shall consider applications from all individuals accepted for enrollment or enrolled in any accredited dental school in a State; and'';

(5) in subsection (f)—

(A) in paragraph (1)(B)—

(i) in clause (iii), by striking ''and'' after the semicolon;

(ii) by redesignating clause (iv) as clause (v); and

(iii) by inserting after clause (iii) the following new clause:

''(iv) if pursuing a degree from a school of medicine or osteopathic medicine, to complete a residency in a specialty that the Secretary determines is consistent with the needs of the Corps; and''; and

(B) in paragraph (3), by striking ''338D'' and inserting ''338E''; and

(6) by striking subsection (i).

SEC. 310. NATIONAL HEALTH SERVICE CORPS LOAN REPAYMENT PROGRAM.

Section 338B of the Public Health Service Act (42 U.S.C. 254l–1) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by inserting ''behavioral and mental health professionals,'' after ''dentists,''; and

(B) in paragraph (2), by striking ''(including mental health professionals)'';

(2) in subsection (b)(1), by striking subparagraph (A) and inserting the following:

''(A) have a degree in medicine, osteopathic medicine, dentistry, or another health profession, or an appropriate degree from a graduate program of behavioral and mental health, or be certified as a nurse midwife, nurse practitioner, or physician assistant;'';

(3) in subsection (e), by striking ''(1) IN GENERAL.—''; and

(4) by striking subsection (i).

SEC. 311. OBLIGATED SERVICE.

Section 338C of the Public Health Service Act (42 U.S.C. 254m) is amended—

(1) in subsection (b)—

(A) in paragraph (1), in the matter preceding subparagraph (A), by striking ''section 338A(f)(1)(B)(iv)'' and inserting ''section 338A(f)(1)(B)(v)''; and

(B) in paragraph (5)—

(i) by striking all that precedes subparagraph (C) and inserting the following:

''(5)(A) In the case of the Scholarship Program, the date referred to in paragraphs (1) through (4) shall be the date on which the individual completes the training required for the degree for which the individual receives the scholarship, except that—

''(i) for an individual receiving such a degree after September 30, 2000, from a school of medicine or osteopathic medicine, such date shall be the date the individual completes a residency in a specialty that the Secretary determines is consistent with the needs of the Corps; and

''(ii) at the request of an individual, the Secretary may, consistent with the needs of the Corps, defer such date until the end of a period of time required for the individual to complete advanced training (including an internship or residency).'';

(ii) by striking subparagraph (D);

(iii) by redesignating subparagraphs (C) and (E) as subparagraphs (B) and (C), respectively; and

(iv) in clause (i) of subparagraph (C) (as redesignated by clause (iii)) by striking ''subparagraph (A), (B), or (D)'' and inserting ''subparagraph (A)''; and

(2) by striking subsection (e).

SEC. 312. PRIVATE PRACTICE.

Section 338D of the Public Health Service Act (42 U.S.C. 254n) is amended by striking subsection (b) and inserting the following:

''(b)(1) The written agreement described in subsection (a) shall—

''(A) provide that, during the period of private practice by an individual pursuant to the agreement, the individual shall comply with the requirements of section 334 that apply to entities; and

''(B) contain such additional provisions as the Secretary may require to carry out the objectives of this section.

''(2) The Secretary shall take such action as may be appropriate to ensure that the conditions of the written agreement prescribed by this subsection are adhered to.''.

SEC. 313. BREACH OF SCHOLARSHIP CONTRACT OR LOAN REPAYMENT CONTRACT.

(a) IN GENERAL.—Section 338E of the Public Health Service Act (42 U.S.C. 254o) is amended—

(1) in subsection (a)(1)—

(A) in subparagraph (A), by striking the comma and inserting a semicolon;

(B) in subparagraph (B), by striking the comma and inserting ''; or'';

(C) in subparagraph (C), by striking ''or'' at the end; and

(D) by striking subparagraph (D);

(2) in subsection (b)—

(A) in paragraph (1)(A)—

(i) by striking ''338F(d)'' and inserting ''338G(d)'';

(ii) by striking ''either'';

(iii) by striking ''338D or'' and inserting ''338D,''; and

(iv) by inserting ''or to complete a required residency as specified in section 338A(f)(1)(B)(iv),'' before ''the United States''; and

(B) by adding at the end the following new paragraph:

''(3) The Secretary may terminate a contract with an individual under section 338A if, not later than 30 days before the end of the school year to which the contract pertains, the individual—

''(A) submits a written request for such termination; and

''(B) repays all amounts paid to, or on behalf of, the individual under section 338A(g).'';

(3) in subsection (c)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking ''338F(d)'' and inserting ''338G(d)''; and

(ii) by striking subparagraphs (A) through (C) and inserting the following:

''(A) the total of the amounts paid by the United States under section 338B(g) on behalf of the individual for any period of obligated service not served;

''(B) an amount equal to the product of the number of months of obligated service that were not completed by the individual, multiplied by $7,500; and

''(C) the interest on the amounts described in subparagraphs (A) and (B), at the maximum legal prevailing rate, as determined by the Treasurer of the United States, from the date of the breach;

except that the amount the United States is entitled to recover under this paragraph shall not be less than $31,000.'';

(B) by striking paragraphs (2) and (3) and inserting the following:

''(2) The Secretary may terminate a contract with an individual under section 338B if, not later than 45 days before the end of the fiscal year in which the contract was entered into, the individual—

''(A) submits a written request for such termination; and

''(B) repays all amounts paid on behalf of the individual under section 338B(g).''; and

(C) by redesignating paragraph (4) as paragraph (3);

(4) in subsection (d)(3)(A), by striking ''only if such discharge is granted after the expiration of the five-year period'' and inserting ''only if such discharge is granted after the expiration of the 7-year period''; and

(5) by adding at the end the following new subsection:

''(e) Notwithstanding any other provision of Federal or State law, there shall be no limitation on the period within which suit may be filed, a judgment may be enforced, or an action relating to an offset or garnishment, or other action, may be initiated or taken by the Secretary, the Attorney General, or the head of another Federal agency, as the case may be, for the repayment of the amount due from an individual under this section.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a)(4) shall apply to any obligation for which a discharge in bankruptcy has not been granted before the date that is 31 days after the date of enactment of this Act.

SEC. 314. AUTHORIZATION OF APPROPRIATIONS.

Section 338H of the Public Health Service Act (42 U.S.C. 254q) is amended to read as follows:

''SEC. 338H. AUTHORIZATION OF APPROPRIATIONS.

''(a) AUTHORIZATION OF APPROPRIATIONS.—For the purposes of carrying out this subpart, there are authorized to be appropriated $146,250,000 for fiscal year 2002, and such sums as may be necessary for each of fiscal years 2003 through 2006.

''(b) SCHOLARSHIPS AND LOAN REPAYMENTS.—With respect to certification as a nurse practitioner, nurse midwife, or physician assistant, the Secretary shall, from amounts appropriated under subsection (a) for a fiscal year, obligate not less than a total of 10 percent for contracts for both scholarships under the Scholarship Program under section 338A and loan repayments under the Loan Repayment Program under section 338B to individuals who are entering the first year of a course of study or program described in section 338A(b)(1)(B) that leads to such a certification or individuals who are eligible for the loan repayment program as specified in section 338B(b) for a loan related to such certification.''.

SEC. 315. GRANTS TO STATES FOR LOAN REPAYMENT PROGRAMS.

Section 338I of the Public Health Service Act (42 U.S.C. 254q–1) is amended—

(1) in subsection (a), by striking paragraph (1) and inserting the following:

''(1) AUTHORITY FOR GRANTS.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, may make grants to States for the purpose of assisting the States in operating programs described in paragraph (2) in order to provide for the increased availability of primary health care services in health professional shortage areas. The National Advisory Council established under section 337 shall advise the Administrator regarding the program under this section.'';

(2) in subsection (e), by striking paragraph (1) and inserting the following:

''(1) to submit to the Secretary such reports regarding the States loan repayment program, as are determined to be appropriate by the Secretary; and''; and

(3) in subsection (i), by striking paragraph (1) and inserting the following:

''(1) IN GENERAL.—For the purpose of making grants under subsection (a), there are authorized to be appropriated $12,000,000 for fiscal year 2002 and such sums as may be necessary for each of fiscal years 2003 through 2006.''.

SEC. 316. DEMONSTRATION GRANTS TO STATES FOR COMMUNITY SCHOLARSHIP PROGRAMS.

Section 338L of the Public Health Service Act (42 U.S.C. 254t) is repealed.

TITLE IV—ADDITIONAL PROVISIONS

SEC. 401. COMMUNITY ACCESS DEMONSTRATION PROGRAM.

Part D of title III of the Public Health Service Act (42 U.S.C. 254b et seq.) is amended by inserting after subpart IV the following new subpart:

''Subpart V—Community Access Demonstration Program

''SEC. 340. GRANTS TO STRENGTHEN EFFECTIVENESS, EFFICIENCY, AND COORDINATION OF SERVICES FOR THE UNINSURED AND UNDERINSURED.

''(a) IN GENERAL.—

''(1) GRANTS.—The Secretary may make not more than 35 grants for the purpose of carrying out demonstration projects to improve the effectiveness, efficiency, and coordination of services for uninsured and underinsured individuals.

''(2) PROJECT PERIOD.—A demonstration project under this section may not receive funding under this section for more than three fiscal years.

''(b) ELIGIBLE ENTITIES.—To be eligible to receive a grant under this section, an entity must—

''(1) be an entity that is a public or private entity such as—

''(A) a Federally qualified health center (as defined under section 1861(aa)(4) of the Social Security Act);

''(B) a hospital that meets the requirements of section 340B(a)(4)(L) (or, if none are available in the area, a hospital that is a provider of a substantial volume of nonemergency health services to uninsured individuals and families without regard to their ability to pay) without regard to 340B (a)(4)(L)(iii); or

''(C) a public health department; or

''(2) represent a consortium of providers and, as appropriate, related agencies or entities—

''(A) whose principal purpose is to provide a broad range of coordinated health care services in a geographic area defined in the entity's grant application;

''(B) that includes health care providers that serve such geographic area and that have traditionally provided care (beyond emergency services) to uninsured and underinsured individuals without regard to the individuals' ability to pay; and

''(C) that may include other health care providers and related agencies and organizations;

except that preference may be given to applicants that are health care providers identified in paragraph (1).

''(c) APPLICATIONS.—To be eligible to receive a grant under this section, an eligible entity shall submit to the Secretary an application, in such form and manner as the Secretary shall prescribe, that shall—

''(1) define a geographic area of uninsured and underinsured individuals;

''(2) identify the providers who will participate in the consortium's program under the grant, and specify each one's contribution to the care of uninsured and underinsured individuals in such geographic area, including the volume of care it provides to medicare and medicaid beneficiaries, to individuals served by the program under title XXI of the Social Security Act (relating to SCHIP), and to privately paid patients;

''(3) describe the activities that the applicant and the consortium propose to perform under the grant to further the purposes of this section;

''(4) demonstrate the consortium's ability to build on the current system for serving uninsured and underinsured individuals by involving providers who have traditionally provided a significant volume of care for that community;

''(5) demonstrate the consortium's ability to develop coordinated systems of care that either directly provide or ensure the prompt provision of a broad range of high-quality, accessible services, including, as appropriate, primary, secondary, and tertiary services, as well as substance abuse treatment and mental health services in a manner which assures continuity of care in the community;

''(6) provide evidence of community involvement in the development, implementation, and direction of the program that it proposes to operate;

''(7) demonstrate the consortium's ability to ensure that individuals participating in the program are enrolled in public insurance programs for which they are eligible (or know of private insurance options available to them, if any);

''(8) present a plan for leveraging other sources of revenue, which may include State and local sources and private grant funds, and integrating current and proposed new funding sources in a way to assure long-term sustainability;

''(9) describe a plan for evaluation of the activities carried out under the grant, including measurement of progress toward the goals and objectives of the program;

''(10) demonstrate fiscal responsibility through the use of appropriate accounting procedures and appropriate management systems;

''(11) include such other information as the Secretary may prescribe; and

''(12) demonstrate the commitment to serve individuals in the geographic area without regard to the ability of the individual or family to pay by arranging for or providing free or reduced charge care for the poor.

''(d) PRIORITIES.—In awarding grants under this section, the Secretary may accord priority to applicants—

''(1) whose consortium includes public hospitals, Federally qualified health centers (as defined in section 1905(l)(2)(B) of the Social Security Act), and other providers that are covered entities as defined by section 340B(a)(4) of this Act (or that would be covered entities as so defined but for subparagraph (L)(iii) of such section);

''(2) that identify a geographic area has a high or increasing percentage of individuals who are uninsured;

''(3) whose consortium includes other health care providers that have a tradition of serving uninsured individuals and underinsured individuals in the community;

''(4) who show evidence that the program would expand utilization of preventive and primary care services for uninsured and underinsured individuals and families in the community, including mental health services or substance abuse services;

''(5) whose proposed program would improve coordination between health care providers and appropriate social service providers, including local and regional human services agencies, school systems, and agencies on aging;

''(6) that demonstrate collaboration with State and local governments;

''(7) that make use of non-Federal contributions to the greatest extent possible; or

''(8) that demonstrate a significant likelihood that the proposed program will continue after support under this section ceases.

''(e) USE OF FUNDS.—

''(1) USE BY GRANTEES.—

''(A) IN GENERAL.—Except as provided in paragraphs (2) and (3), a grantee may use amounts provided under this section only for—

''(i) direct expenses associated with operating the greater integration of a health care delivery system so that it either directly provides or ensures the provision of a broad range of services, as appropriate, including primary, secondary, and tertiary services, as well as substance abuse treatment and mental health services; and

''(ii) direct patient care and service expansions to fill identified or documented gaps within an integrated delivery system.

''(B) SPECIFIC USES.—The following are examples of purposes for which a grantee may use grant funds, when such use meets the conditions stated in subparagraph (A):

''(i) Increase in outreach activities.

''(ii) Improvements to case management.

''(iii) Development of provider networks.

''(iv) Recruitment, training, and compensation of necessary personnel.

''(v) Acquisition of technology for the purpose of coordinating health care.

''(vi) Identifying and closing gaps in health care services being provided.

''(vii) Improvements to provider communication, including implementation of shared information systems or shared clinical systems.

''(viii) Other activities that may be appropriate to a community that would increase access to the uninsured.

''(2) RESERVATION OF FUNDS FOR NATIONAL PROGRAM PURPOSES.—The Secretary may use not more than 3 percent of funds appropriated to carry out this section for technical assistance to grantees, obtaining assistance of experts and consultants, meetings, dissemination of information, evaluation, and activities that will extend the benefits of funded programs to communities other than the one funded.

''(f) MAINTENANCE OF EFFORT.—With respect to activities for which a grant under this section is authorized, the Secretary may award such a grant only if the recipient of the grant and each of the participating providers agree that each one will maintain its expenditures of non-Federal funds for such activities at a level that is not less than the level of such expenditures during the year immediately preceding the fiscal year for which the applicant is applying to receive such grant.

''(g) REPORTS TO THE SECRETARY.—The recipient of a grant under this section shall report to the Secretary annually regarding—

''(1) progress in meeting the goals stated in its grant application; and

''(2) such additional information as the Secretary may require.

The Secretary may not renew an annual grant under this section unless the Secretary is satisfied that the consortium has made reasonable and demonstrable progress in meeting the goals set forth in its grant application for the preceding year.

''(h) AUDITS.—Each entity which receives a grant under this section shall provide for an independent annual financial audit of all records that relate to the disposition of funds received through this grant.

''(i) TECHNICAL ASSISTANCE.—The Secretary may, either directly or by grant or

contract, provide any funded entity with technical and other non-financial assistance necessary to meet the requirements of this section.

''(j) REPORT.—Not later than September 30, 2005, the Secretary shall submit to the Congress a report describing the extent to which demonstration projects under this section have been successful in improving the effectiveness, efficiency, and coordination of services for uninsured and underinsured individuals in the geographic areas served by such projects, including providing better quality health care for such individuals, and at lower costs, than would have been the case in the absence of such projects.

''(k) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $40,000,000 for fiscal year 2002, and such sums as may be necessary for each of fiscal years 2003 through 2006.''.

SEC. 402. EXPANDING AVAILABILITY OF DENTAL SERVICES.

Part D of title III of the Public Health Service Act (42 U.S.C. 254b et seq.) is amended by adding at the end the following:

''Subpart X—Primary Dental Programs

''SEC. 340F. DESIGNATED DENTAL HEALTH PROFESSIONAL SHORTAGE AREA.

''In this subpart, the term 'designated dental health professional shortage area' means an area, population group, or facility that is designated by the Secretary as a dental health professional shortage area under section 332 or designated by the applicable State as having a dental health professional shortage.

''SEC. 340G. GRANTS FOR INNOVATIVE PROGRAMS.

''(a) GRANT PROGRAM AUTHORIZED.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, is authorized to award grants to States for the purpose of helping States develop and implement innovative programs to address the dental workforce needs of designated dental health professional shortage areas in a manner that is appropriate to the States' individual needs.

''(b) STATE ACTIVITIES.—A State receiving a grant under subsection (a) may use funds received under the grant for—

''(1) loan forgiveness and repayment programs for dentists who—

''(A) agree to practice in designated dental health professional shortage areas;

''(B) are dental school graduates who agree to serve as public health dentists for the Federal, State, or local government; and

''(C) agree to—

''(i) provide services to patients regardless of such patients' ability to pay; and

''(ii) use a sliding payment scale for patients who are unable to pay the total cost of services;

''(2) dental recruitment and retention efforts;

''(3) grants and low-interest or no-interest loans to help dentists who participate in the medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) to establish or expand practices in designated dental health professional shortage areas by equipping dental offices or sharing in the overhead costs of such practices;

''(4) the establishment or expansion of dental residency programs in coordination with accredited dental training institutions in States without dental schools;

''(5) programs developed in consultation with State and local dental societies to expand or establish oral health services and facilities in designated dental health professional shortage areas, including services and facilities for children with special needs, such as—

''(A) the expansion or establishment of a community-based dental facility, free-standing dental clinic, consolidated health center dental facility, school-linked dental facility, or United States dental school-based facility;

''(B) the establishment of a mobile or portable dental clinic; and

''(C) the establishment or expansion of private dental services to enhance capacity through additional equipment or additional hours of operation;

''(6) placement and support of dental students, dental residents, and advanced dentistry trainees;

''(7) continuing dental education, including distance-based education;

''(8) practice support through teledentistry conducted in accordance with State laws;

''(9) community-based prevention services such as water fluoridation and dental sealant programs;

''(10) coordination with local educational agencies within the State to foster programs that promote children going into oral health or science professions;

''(11) the establishment of faculty recruitment programs at accredited dental training institutions whose mission includes community outreach and service and that have a demonstrated record of serving underserved States;

''(12) the development of a State dental officer position or the augmentation of a State dental office to coordinate oral health and access issues in the State; and

''(13) any other activities determined to be appropriate by the Secretary.

''(c) APPLICATION.—

''(1) IN GENERAL.—Each State desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

''(2) ASSURANCES.—The application shall include assurances that the State will meet the requirements of subsection (d) and that the State possesses sufficient infrastructure to manage the activities to be funded through the grant and to evaluate and report on the outcomes resulting from such activities.

''(d) MATCHING REQUIREMENT.—The Secretary may not make a grant to a State under this section unless that State agrees that, with respect to the costs to be incurred by the State in carrying out the activities for which the grant was awarded, the State will provide non-Federal contributions in an amount equal to not less than 40 percent of Federal funds provided under the grant. The State may provide the contributions in cash or in kind, fairly evaluated, including plant, equipment, and services and may provide the contributions from State, local, or private sources.

''(e) REPORT.—Not later than 5 years after the date of enactment of the Health Care Safety Net Improvement Act, the Secretary shall prepare and submit to the appropriate committees of Congress a report containing data relating to whether grants provided under this section have increased access to dental services in designated dental health professional shortage areas.

''(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $50,000,000 for the 5-fiscal year period beginning with fiscal year 2002.''.

SEC. 403. STUDY REGARDING BARRIERS TO PARTICIPATION OF FARMWORKERS IN HEALTH PROGRAMS.

(a) IN GENERAL.—The Secretary shall conduct a study of the problems experienced by farmworkers (including their families) under Medicaid and SCHIP. Specifically, the Secretary shall examine the following:

(1) BARRIERS TO ENROLLMENT.—Barriers to their enrollment, including a lack of outreach and outstationed eligibility workers, complicated applications and eligibility determination procedures, and linguistic and cultural barriers.

(2) LACK OF PORTABILITY.—The lack of portability of Medicaid and SCHIP coverage for farmworkers who are determined eligible in one State but who move to other States on a seasonal or other periodic basis.

(3) POSSIBLE SOLUTIONS.—The development of possible solutions to increase enrollment and access to benefits for farmworkers, because, in part, of the problems identified in paragraphs (1) and (2), and the associated costs of each of the possible solution described in subsection (b).

(b) POSSIBLE SOLUTIONS.—Possible solutions to be examined shall include each of the following:

(1) INTERSTATE COMPACTS.—The use of interstate compacts among States that establish portability and reciprocity for eligibility for farmworkers under the Medicaid and SCHIP and potential financial incentives for States to enter into such compacts.

(2) DEMONSTRATION PROJECTS.—The use of multi-state demonstration waiver projects under section 1115 of the Social Security Act (42 U.S.C. 1315) to develop comprehensive migrant coverage demonstration projects.

(3) USE OF CURRENT LAW FLEXIBILITY.—Use of current law Medicaid and SCHIP State plan provisions relating to coverage of residents and out-of-State coverage.

(4) NATIONAL MIGRANT FAMILY COVERAGE.—The development of programs of national migrant family coverage in which States could participate.

(5) PUBLIC-PRIVATE PARTNERSHIPS.—The provision of incentives for development of public-private partnerships to develop private coverage alternatives for farmworkers.

(6) OTHER POSSIBLE SOLUTIONS.—Such other solutions as the Secretary deems appropriate.

(c) CONSULTATIONS.—In conducting the study, the Secretary shall consult with the following:

(1) Farmworkers affected by the lack of portability of coverage under the Medicaid program or the State children's health insurance program (under titles XIX and XXI of the Social Security Act).

(2) Individuals with expertise in providing health care to farmworkers, including designees of national and local organizations representing migrant health centers and other providers.

(3) Resources with expertise in health care financing.

(4) Representatives of foundations and other nonprofit entities that have conducted or supported research on farmworker health care financial issues.

(5) Representatives of Federal agencies which are involved in the provision or financing of health care to farmworkers, including the Health Care Financing Administration and the Health Research and Services Administration.

(6) Representatives of State governments.

(7) Representatives from the farm and agricultural industries.

(8) Designees of labor organizations representing farmworkers.

(d) DEFINITIONS.—For purposes of this section:

(1) FARMWORKER.—The term ''farmworker'' means a migratory agricultural worker or seasonal agricultural worker, as such terms are defined in section 330(g)(3) of the Public Health Service Act (42 U.S.C. 254c(g)(3)), and includes a family member of such a worker.

(2) MEDICAID.—The term ''Medicaid'' means the program under title XIX of the Social Security Act.

(3) SCHIP.—The term ''SCHIP'' means the State children's health insurance program under title XXI of the Social Security Act.

(e) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary shall transmit a report to the President and the Congress on the study conducted under this section. The report shall contain a detailed statement of findings and conclusions of the study, together with its recommendations for such legislation and administrative actions as the Secretary considers appropriate.

SEC. 404. ELIGIBILITY OF CERTAIN ENTITIES FOR GRANTS.

If under a program established in this Act (other than section 401), or if pursuant to an amendment made by this Act, a private entity that is not a nonprofit entity is eligible for an award of a grant, contract, or cooperative agreement, such an award may not be made to such private entity unless the entity is the only available provider of quality health services in the geographic area involved.

SEC. 405. CONFORMING AMENDMENTS.

(a) HOMELESS PROGRAMS.—Subsections (g)(1)(G)(ii), (k)(2), and (n)(1)(C) of section 224, and sections 317A(a)(2), 317E(c), 318A(e), 332(a)(2)(C), 340D(c)(5), 799B(6)(B), 1313, and 2652(2) of the Public Health Service Act (42 U.S.C. 233, 247b–1(a)(2), 247b–6(c), 247c–1(e), 254e(a)(2)(C), 256d(c)(5), 295p(6)(B), 300e–12, and 300ff–52(2)) are amended by striking ''340'' and inserting ''330(h)''.

(b) HOMELESS INDIVIDUAL.—Section 534(2) of the Public Health Service Act (42 U.S.C. 290cc–34(2)) is amended by striking ''340(r)'' and inserting ''330(h)(5)''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. BILIRAKIS) and the gentleman from Texas (Mr. GREEN) each will control 20 minutes.

The Chair recognizes the gentleman from Florida (Mr. BILIRAKIS).

GENERAL LEAVE

Mr. BILIRAKIS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation, and to insert extraneous material on the bill.

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

There was no objection.

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

Mr. Speaker, I rise in strong support of H.R. 3450, the Health Care Safety Net Improvement Act. This bill reauthorizes our Nation's key health care delivery systems and creates additional efficiencies. Specifically, this bill reauthorizes the Community Health Center program, the National Health Service Corps and rural outreach grants. Each of these programs ensures that both the uninsured and the underinsured have access to quality health care services.

Since 1965, America's health centers have delivered comprehensive services to people who otherwise would face major barriers to obtaining quality, affordable health care. Health centers serve those who are hardest to reach and are required by law to make their services accessible to everyone, regardless of their ability to pay.

Our legislation increases the funding authorization for health centers to $1.293 billion. We have included language allowing health centers to provide behavioral, mental health, and substance abuse services if they choose. The legislation also creates a new program for practice management networks. These networks will improve access to care and reduce costs of delivering the high-quality care that health centers provide.

Many community health centers are located in America's inner cities, isolated rural areas, and migrant farm worker communities, which often lack adequate numbers of health professionals. H.R. 3450 ensures that health centers will have an easier process for becoming designated as a health professional shortage area. The HPSA designation is important because it will help health centers access health professionals through other Federal programs.

One of the most important programs for ensuring an adequate supply of health professionals is the National Health Service Corps. The National Health Service Corps recruits, trains, and places primary care providers in both urban and rural health care shortage areas. Program participants are health professionals who receive educational assistance in return for a period of obligated service.

Our legislation reauthorizes this vital program, which serves as a pipeline for health care facilities that have trouble attracting health professionals. The bill strengthens the service obligation requirements of the National Health Service Corps. By strengthening this provision, health care facilities using program graduates can be certain that health corps personnel will fulfill their entire service contract, something I have been concerned with for years and years.

H.R. 3450 also recognizes the importance of oral health care and authorizes the inclusion of primary dental care education. The bill creates flexibility for the HHS Secretary in administering the program to ensure that resources are maximized between the loan repayment and the scholarship programs.

Another area of focus in the Safety Net Improvement Act is in the rural health arena. Often rural communities have trouble developing capacity and maintaining health care facilities. Our bill includes programs that will help rural providers develop new service capacity and integrated health delivery networks. It will help rural facilities implement quality improvement initiatives.

A concern for many rural communities is the delivery of adequate specialty care and mental health services. Our bill consolidates programs within the Office of Telehealth to build on them to deliver services via teletechnologies. We authorize funding for the creation of programs that will expand access to, coordinate, and improve the quality of health services. These programs will also improve and expand the training of health care providers and the quality of health information available to underserved communities.

Mr. Speaker, I believe using telehealth technologies is an effective and efficient way to expand access to care for those in the most remote locations of our country. H.R. 3450 authorizes for the first time a demonstration program to coordinate the care that individuals receive in a particular geographic area. I believe that programs like this may help reduce duplicative services and lead to greater efficiencies within our systems, and I anxiously await the GAO study on this program so we may better evaluate its overall effectiveness.

As health care delivery becomes more complex, we must be sure that we have the trained professionals and the necessary infrastructure to address the increasing demand for health care services.

Mr. Speaker, given recent events and news of increasing numbers of uninsured, it is vitally important that we keep our safety net strong. I believe this bill is a good start, and I am certain it will improve services for our most vulnerable populations. I urge Members to support H.R. 3450, the Health Care Safety Net Improvement Act.

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

Mr. GREEN of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 3450, the Health Care Safety Net Improvement Act, and I thank the gentleman from Florida (Mr. BILIRAKIS) and the gentleman from Ohio (Mr. BROWN) for bringing this important legislation to the floor today. I would also like to thank the gentleman from Louisiana (Chairman TAUZIN) and the ranking member, the gentleman from Michigan (Mr. DINGELL), for their efforts to improve access to quality preventive and primary health care for the millions of medically underserved Americans who rely on these programs.

This important legislation strengthens our health care safety net by reauthorizing the Consolidated Health Centers program, the National Health Services Corps, certain rural health programs, and creating a new Community Access Demonstration Program.

This legislation could not come at a better time. The U.S. Census Bureau announced on Sunday that the number of uninsured people in the United States increased by 1.4 million in 2001 to more than 41 million Americans.

With the decline in the economy and escalating health care costs, the ranks of the uninsured will continue to grow. We must act now to ensure that our health care safety net is prepared for the flood of newly uninsured individuals. These programs ensure that all Americans have access to health care, regardless of their ability to pay.

I would like to take a moment to talk about the Community Access Program, or CAP program, as this is an

issue I have been working on for a number of years. The CAP program was launched as a demonstration project in fiscal year 2000, providing grants to 23 communities across the country. This program has expanded in fiscal year 2001 to 77 communities, and again in fiscal year 2002 to a total of 136 communities.

The CAP program provides grants to help agencies coordinate preventive and primary care for that 41 million Americans without insurance. The uninsured and underinsured tend to be more expensive to treat, often because they fall through the cracks in our health care system. Instead of getting checkups and having small problems looked at, the uninsured often ignore the symptoms of what might be larger problems because they simply cannot afford to go to the doctor. CAP can help fill the gaps in our health care safety net by improving infrastructure and communication among the agencies to ensure that care is continuous.

With better information, agencies can provide preventive, primary, and emergency clinical health services in an integrated and coordinated manner.

I am particularly proud of the CAP program in Houston, Texas, which has been operating for the past 2 years. Using Federal CAP funds, the Harris County Community Access Collaborative was able to grow into an organization consisting of 78 member and affiliate groups working together to coordinate and improve access to health care. In just the last year, over 9,000 persons have been assisted during the 15,000 interventions to procure access to care through navigation services.

And after-hours telephone service called Ask Your Nurse has been opened that is designed to provide health care information to 20,000 callers per year as an alternative to emergency rooms. The collaborative is also supporting the redesign of existing safety net services in order to assist them to use their resources more efficiently resulting in the increase of services to 18,000 to 24,000 additional persons. This kind of program not only helps ease some of the burdens on our health care system, but makes a tremendous difference in the quality of life for many of these patients. That is why I am pleased to support H.R. 3450, including a 3-year demonstration program for the CAP program.

However, I am concerned that H.R. 3450 limits the number of grants nationally to 35 and that the initial authorization level in the bill will not adequately support the program or provide for its growth.

Given that there are currently 136 grantees and many more prospective CAP participants, I support efforts to achieve the strongest CAP provisions possible as the bill moves forward. It is my hope in the closing days of the 107th Congress, we are able to work out the differences and produce a strong and effective CAP program.

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

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

Mr. Speaker, I want to acknowledge the work of the gentleman from Texas (Mr. GREEN) on the entire issue of the Safety Net Community Health Centers, and particularly the CAP program. It sounds like a terrific concept, and we are continuing to talk on it and hopefully improve on what we have in this legislation insofar as that area is concerned. But it is important also that we have oversight, and take a look at how it is working and is it working, as we hope and dream that it is working.

Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. SHIMKUS).

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

□ 1245

Mr. SHIMKUS. Mr. Speaker, as a cosponsor of the bill and as a proud member of the Committee on Energy and Commerce, I would like to commend the distinguished gentleman from Florida (Mr. BILIRAKIS), the Commerce Subcommittee on Health and all those who have worked to bring this legislation to the floor. This bill will improve access to quality preventative and primary health care for the medically underserved, including the millions of Americans, many who reside in Illinois, without health insurance coverage.

First and foremost, H.R. 3450 would reauthorize the critically important Community Health Centers Program for another 5 years, including reaffirmation that health centers be located in high-need areas; provide comprehensive preventive and primary health care services; governed by community boards made up of a majority of current health care center patients to assure responsiveness to local needs; and open to everyone in the communities they serve, regardless of ability to pay.

I have been in love with community health centers since I have been involved here in Washington. They are meeting a great need. That is why I wholeheartedly support what we are doing here.

This legislation also authorizes for the very first time the Community Access Program, the CAP program as has been talked about earlier before me, which supports the development of communitywide networks to organize and improve access to health care in low-income and uninsured populations. The CAP program has proven successful in improving health care access, reducing emergency room use and saving money through shared resources and economies of scale.

I have had the opportunity to observe the benefits of this important program up close when I visited Macoupin County Health Department and the Springfield and Sangamon County Comprehensive Community Health Initiative, two innovative CAP projects in my district. I am proud to report that these two projects have helped tremendously to both expand and strengthen the health care safety net in the communities I represent.

I am pleased that H.R. 3450 includes a 5-year authorization for the CAP program. However, as has been stated by the chairman and the gentleman from Texas, H.R. 3450 limits the number of grants nationally to 35. Given that there are currently 136 grantees and many more prospective CAP participants, I strongly support efforts to achieve the strongest CAP provisions possible as the bill moves forward, most importantly the elimination of the bill's limit on the number of CAP grantees.

Again, I am pleased to support passage of H.R. 3450, and I stand ready to work with my esteemed colleagues to ensure that the Health Care Safety Net Improvement Act is enacted into law. I look forward to working with the gentleman from Florida (Mr. BILIRAKIS) and the gentleman from Texas (Mr. GREEN) in the future.

Mr. GREEN of Texas. Mr. Speaker, I yield 4 minutes to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. I thank the gentleman from Texas for yielding me this time and also for his outstanding work on this legislation.

Mr. Speaker, as a cosponsor of the bill, former president of the National Association of Community Health Centers, cochair of the Health Center Caucus, former employee of two community health centers, and with 26 community health centers in my district, I rise to add my strong support for H.R. 3450, the Health Care Safety Net Improvement Act. I would like to commend the distinguished gentleman from Florida (Mr. BILIRAKIS), chairman of the House Energy and Commerce Subcommittee on Health, and the distinguished gentleman from Ohio (Mr. BROWN), ranking member of the House Energy and Commerce Subcommittee on Health, for bringing this important legislation to the floor today. I would also like to commend the distinguished gentleman from Louisiana (Mr. TAUZIN), chairman of the Committee on Energy and Commerce and the distinguished gentleman from Michigan (Mr. DINGELL), the ranking member, for their efforts to improve access to quality preventative and primary health care for the medically underserved, including the millions of Americans without health insurance coverage.

The Federal Health Centers Program was designed as a unique public-private partnership, with Federal resources provided directly to community organizations for the development and operation of local health care systems. Under program rules, a majority of the membership on the policy boards of the local health centers must consist of individuals who receive their health care at the local center and who represent the community being served. In this way communities in need are given the

resources to address their most pressing health problems, and they are held responsible for doing so.

Mr. Speaker, community health centers are truly integral threads of America's health care safety net. That is why I am pleased to support reauthorization of this critically important program for another 5 years.

Most importantly, H.R. 3450 strongly reaffirms the four foundations of the health centers programs that, one, health centers be located in high-need areas; two, provide comprehensive preventive and primary health care services; three, be governed by community boards made up of a majority of current health center patients to assure responsiveness to local needs; and, four, be open to everyone in the communities they serve, regardless of ability to pay. It is these requirements of the Health Centers Program that have made it a model of health care delivery for more than 30 years, providing high-quality, cost-effective primary and preventive health care to all who need it.

I am pleased, Mr. Speaker, that H.R. 3450 reauthorizes the Health Centers Program so that these centers can continue their proven record of attacking some of the most challenging health problems that exist. One example of this program's effectiveness is the tenacity with which health centers have addressed the racial and ethnic disparities in health care, a growing issue highlighted by the Institute of Medicine's March 2002 report entitled ''Unequal Treatment: Confronting Racial and Ethnic Disparities in Health Care.'' This report found overwhelming evidence that minorities in America generally receive poor health care even when income, insurance and medical conditions are similar. The report identified a number of causes for racial health disparities, including language barriers, inadequate coverage, provider bias, and lack of minority doctors. For most of us, this is not new.

This bill also expands the availability of dental health services at community health centers, which is so greatly and vitally needed even for senior citizens who have Medicare and still cannot get dental services.

Mr. Speaker, this is an outstanding program. I commend all of those who continue to make it happen.

Mr. BILIRAKIS. Mr. Speaker, I, too, thank the gentleman for his kind remarks and endorse his remarks.

Mr. Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. FOLEY).

Mr. FOLEY. Mr. Speaker, let me thank, first of all, the gentleman from Florida (Mr. BILIRAKIS), who is known as Mr. Health in the Florida delegation for his timely passage of H.R. 3450, and urge adoption. Coming from Florida, many people think of us as a very large urban regional center. They think of Palm Beach, they think of Tampa, they think of St. Petersburg, Jacksonville. They do not recognize the small agrarian rural counties that are contained in 67 counties in the great State of Florida.

I happen to represent communities that go from the east coast to the west coast, and they include such impoverished communities as Glades and Henry, where average, hard-working families have absolutely no access to quality health care. Fortunately, due to the work of the gentleman from Florida (Mr. BILIRAKIS) and the Committee on Energy and Commerce, we have seen an outpouring and a growth, if you will, of community health centers throughout these areas.

Five years ago most of these families would have had to travel to Lee County to gain any type of health care at all. Oftentimes doctors were not even available in the communities. You could not attract or recruit them. This bill goes a long way to ensuring not only do we have a quality work force of doctors, but trained professionals to assist.

The gentleman from Illinois just mentioned another important provision in this bill, which is dental health. Dental health is part of the physical being. If we do not adequately care for the dentures, the teeth, the jaws and gums of the individuals we serve, they will have a decline, if you will, of quality of life.

The mental health coverage provided in this bill is expanded, and it brings about new innovations.

We mentioned again about providing help to migratory and seasonal agricultural workers. Oftentimes if we can catch their illnesses early, we can actually save society a great deal of money. The sicker a person becomes, whether it is pneumonia or some other disease, the more expensive it is and typically will be treated in an emergency room where the cost is that much greater for Medicaid and some of the other delivery services. Some of the hospitals in my district are going uncompensated for the care of some of these individuals.

This is the underpinnings of this very well-crafted legislation, that it reaches out and not only provides a safety net for our communities, but actually strengthens the communities through a delivery system of quality health care. Every citizen in this country is entitled to quality health care regardless of their ability to pay and regardless of their ability to speak English, because oftentimes they are the hardest working among us.

Again, I commend and salute the chairman, the ranking member, and the gentleman from Texas for his hard work on this issue. I urge all colleagues to strongly support H.R. 3450.

Mr. BARR of Georgia. Mr. Speaker, since its creation in 1972, the National Health Service Corps (NHSC) has made a significant impact both in improving the distribution of health care providers (physicians, physician assistants, nurse practitioners and dentists) in the underserved areas of our country and increasing primary care access for at-risk populations.

The NHSC operates two programs to help meet the needs of underserved communities: the scholarship program and the loan repayment program. The scholarship program provides funds to students for educational living expenses during health care practitioner training. The loan repayment program provides financial assistance to help newly graduated practitioners repay their educational loans. For each year of NHSC scholarship or loan repayment support, participants are obligated to provide one year of medical care in underserved communities.

Noteworthy research comparing the effectiveness of the NHSC scholarship and loan repayment programs was conducted by The Cecil G. Sheps Center at UNC Chapel Hill, NC and Mathematica Policy Research—''Evaluation of the Effectiveness of the National Health Service Corps'' HRSA Contract No. 240–95–0038, May 31, 2000. This research confirmed that only 20.7 percent of NHSC scholarship recipients stayed at least one month beyond their service obligation, compared to 57.2 percent of NHSC loan repayment recipients.

In addition, the General Accounting Office (GAO), in a 1995 report entitled, ''National Health Service Corp: Opportunities to Stretch Scarce Dollars and Improve Provider Placement,'' concluded that the NHSC scholarship program was significantly more expensive than the NHSC loan repayment program. The report stated that ''loan repayment recipients cost the federal government one-half to one-third less than scholarship recipients and . . . the loan repayment program offers a better long term investment of limited federal dollars.''

Given this information from both the Sheps Center/Mathematica study and the GAO report, I am a strong advocate for removing the current 30 percent set aside for NHSC scholarships. The legislation before us today, H.R. 3450, does not include a 30 percent set aside for NHSC scholarships. Instead, the legislation leaves the division of resources between the scholarship and loan repayment programs up to the experts at the Health Resources Services Administration (HRSA). This way HRSA officials can look at all of the data collected on these programs and determine the best use of taxpayer money.

We all want to see America's safety net of community health care centers, rural health care clinics, and providers for underserved areas grow stronger and more stable. The NHSC loan repayment program has proven its effectiveness in this area and I am proud to say that the House-version of this legislation will enable the fullest possible support of that program.

Mr. BROWN of Ohio. Mr. Speaker, I want to thank the Chairman of the Energy and Commerce Health Subcommittee, Mr. BILIRAKIS, for his hard work on this bill. And a special thanks to staff members Steve Tilton, Erin Okunzzi, and Pat Morissey, on the Republican side, and David Nelson and John Ford on ours.

Community Health Centers and the National Health Service Corps provide health care to an underserved and uninsured population. A population that faces poverty, hunger, poor living conditions—all of which exacerbate the need for health care and all but guarantee disenfranchisement from the private health insurance system so many of us take for granted.

Community Health Centers and the National Health Service Corps serve populations that otherwise would fall through the cracks of our

patch-work public/private healthcare system. In Ohio, over 217,000 patients receive services through Community Health Centers. Life-saving services like treatment for dehydration and for exposure to extreme heat and cold. Services as fundamental—and fundamentally important—as immunizations, child health exams, and breast and cervical cancer screening. And services as sophisticated as treatment for heart disease, diabetes, asthma and mental illness.

Since 1972, the National Health Service Act has reach millions of Americans living in areas where health care is scarce. The Corps has encouraged health professionals to go where other health professionals would not, providing access to health care and working to eliminate health disparities in underserved areas. Reauthorization of the Corps will only make this public program stronger.

Health centers and the National Health Service Corps continue to improve the quality of life for so many uninsured families. I urge my colleagues to support this popular bill.

While the committee did not report the bill, I have discussed interpretation of certain provisions with the Chairman, and the explanation follows.

We recognize the critically important role that translation and interpretation services, as well as health care services provided in a culturally competent manner, play in ensuring the delivery of appropriate health care services to patients who have limited ability to speak English, and applaud the efforts of health centers to deliver linguistically and culturally appropriate care.

We recognize that health centers serve increasing numbers of patients speaking a variety of languages and representing a variety of racial and ethnic backgrounds.

We also recognize that the particular community health centers that serve limited English proficient populations bear a disproportionate financial, administrative and clinical burden above and beyond costs associated with providing health services and other general enabling services.

It is our expectation that the Secretary will work with health centers to enable them to provide, to the maximum extent feasible, appropriate translation and interpretation services for all of the patients they serve.

Mr. CAPUANO. Mr. Speaker, I rise today in support of H.R. 3450, the Health Care Safety Net Improvement Act. As a cosponsor of this bill and Co-Chair of the Community Health Center Caucus I'd like to thank Mr. BILIRAKIS and Mr. BROWN for their leadership in bringing this legislation to the floor today.

As you know, health centers were established over 35 years ago to provide access to quality preventive and primary health care for the medically underserved—including the millions of Americans without health insurance, low income working families, members of minority groups, residents of rural areas, homeless persons, and agricultural farmworkers. Since their inception, health centers have served as a prototype for effective public-private partnerships, demonstrating an ability to meet pressing local health needs while being held accountable for meeting national performance standards.

H.R. 3450 would reauthorize the National Health Service Corps program and authorize the Community Access Program. According to the Department of Health and Human Services, over 50 million people do not have a regular health care provider, including millions with public or private health insurance coverage. This legislation is vital in light of this data, including yesterday's Census Bureau study reporting the number of Americans who lack health coverage has increased again after a two-year decline. Specifically, one-third of Latinos lack coverage, far more than any other racial or ethnic group. More than 4 in 10 residents who are not citizens are uninsured, and more than one-quarter of high school dropouts have no insurance.

Health Centers focus their efforts on these underserved and uninsured populations. H.R. 3450 continues to reaffirm the principles of health centers, by focusing on high-need areas while ensuring care to all, regardless of their ability to pay. Health centers across the nation have begun a five-year effort to expand services to millions more underserved patients. My District has over twenty-five health centers and my constituents rely on the dedicated staff to provide health care services to them and their families. We cannot jeopardize the extraordinary work of the health centers because of a lack of federal authorization.

Mr. Speaker, I urge all Members of the House to support this bill and to ensure its passage and enactment this year. The House must move quickly to ensure that health centers can continue to provide high quality health care services to vulnerable populations in underserved communities across America.

Ms. PELOSI. Mr. Speaker, I rise in strong support of H.R. 3450, the Health Care Safety Net Improvement Act. By reauthorizing the Community Health Centers program and the National Health Service Corps, this important legislation will preserve and expand access to culturally and linguistically appropriate primary health care services for the millions of uninsured and underinsured Americans who rely on these programs.

Just this week, the Census Bureau released figures showing that the number of uninsured Americans increased by 1.4 million last year to a total of 41.2 million, or 14.6 percent of the total population. Community Health Centers create a cost-effective alternative to the emergency room for those without adequate access to health care by providing comprehensive primary and preventive care to 12 million people each year, including 5 million uninsured Americans, in more than 3400 urban and rural communities. H.R. 3450 will expand the availability of cancer screening and housing service at Health Centers, and create new grants to increase access to health services in rural areas.

Existing shortages in the health professions, especially in nursing, have strained all aspects of the health care system. The National Health Services Corps helps increase the number of trained health professionals available to meet the personnel needs of safety net providers by providing scholarship and loan repayment support to 2500 health professionals, who then agree to serve in Community Health Centers and other locations in underserved communities.

H.R. 3450 also authorizes the Healthy Communities Access Program, which has demonstrated ability to strengthen our health care safety net through improved information systems, telecommunication, integrated networks, and better care management. Coordination of care is an issue that is consistently raised as one of the challenges associated with reducing the number of uninsured Americans. The Healthy Communities Access Program is the only federal program designed to address this need, and today's legislation will ensure that it is preserved.

In my district, the San Francisco Community Clinics Consortium has used these funds to build a system that will link community health centers to each other and to family planning clinics, Ryan White grantees, and all of our city's providers that serve uninsured San Franciscans. The result is a cohesive system of care that includes a common registration system, installation of electronic medical record software, standardization of referral systems, and integration of behavioral health care with primary care.

Expanding access to quality health care is one of our most important responsibilities in Congress. I urge my colleagues to vote in support of H.R. 3450.

Mr. DINGELL. Mr. Speaker, I support H.R. 3450, the ''Health Care Safety Net Improvement Act,'' an important piece of legislation. Its progress has been delayed for nearly a year by a Republican leadership that was willing to jeopardize a bill of vital importance to millions of Americans by attempting to attach an extremely controversial, yet completely non-related, amendment to this bill. Thankfully we now have an opportunity, though long overdue, to pass this legislation.

H.R. 3450 will reauthorize the National Health Service Corps (NHSC), the Community Health Centers program, and will establish a Community Access demonstration program (CAP). H.R. 3450 is vital to providing health care services to the uninsured and under-insured. Health centers are located in more than 3,400 communities in all 50 states and often are the only available source of care for uninsured and medically under served individuals.

Health centers provide primary health care services to more than 12 million people per year—nearly five million of whom have no health insurance coverage. Currently, there are over 41 million uninsured Americans and untold numbers of under-insured. Due to the slowing economy, this number is increasing rapidly. As a result, demand for health care services has increased drastically, forcing risky delays for important primary and preventive health care services.

Health centers are effective and efficient providers of care to millions of our country's most vulnerable people. Ensuring access to primary and preventive care, regardless of insurance status or income, is an important component of H.R. 3450.

While health centers provide quality care to the uninsured for nearly one dollar per patient per day, they cannot continue to expand care to the growing number of uninsured who seek their care without a significant increase in their appropriations. This legislation is valuable because it authorizes such appropriations as may be necessary for community health centers for FY 2003 through FY 2006 so that these centers may continue to serve the public and the communities that depend on them for reliable, quality health care services. We should be passing legislation that would double these programs now, but this bill authorizes needed funding to community health centers and we should therefore support its passage.

This bill, however, has two noteworthy shortcomings. The Administration has chosen

to minimize the CAP program that permits local communities to coordinate the use of scarce healthcare dollars, event though where implemented that program that has been praised by local officials. Secondly, all authorizations for construction of the physical facilities have been struck from the bill, because the Republican leadership has refused to allow vote on a bill that provides the basic labor protections found in the Davis-Bacon Act for all direct Federal construction projects. Such protections would pass if a vote were allowed, and needed construction could begin.

Though this bill is far from perfect, I urge all of my colleagues to join me in support of H.R. 3450, the ''Health Care Safety Net Improvement Act.'' This is an important piece of legislation and its passage is long overdue.

Mr. BEREUTER. Mr. Speaker, as a cosponsor of the bill, this Member wishes to add his strong support for H.R. 3450, the Health Care Safety Net Improvement Act. Furthermore, this Member would like to commend the distinguished gentleman from Florida [Mr. BILIRAKIS], the Chairman of the House Energy and Commerce Subcommittee on Health, and the distinguished gentleman from Ohio [Mr. BROWN], the ranking member of the House Energy and Commerce Subcommittee on Health, for bringing this important legislation to the House Floor today. This Member would also like to commend the distinguished gentleman from Louisiana [Mr. TAUZIN], Chairman of the House Energy and Commerce Committee, and the distinguished gentleman from Michigan [Mr. DINGELL], the ranking member of the House Energy and Commerce Committee, for their efforts to improve access to quality preventive and primary health care for the medically underserved—including the millions of Americans without health insurance coverage.

The Health Care Safety Net Improvement Act would:

(1) reauthorize the critically important Community Health Centers program for another five years, including reaffirmation that Health Centers should be: located in high-need areas; provide comprehensive preventive and primary health care services; governed by community boards made up of a majority of current health center patients to assure responsiveness to local needs; and, open to everyone in the communities they serve, regardless of ability to pay; and

(2) reauthorize the important Telehealth Programs, as well as the Rural Health Outreach and the Rural Health Network Development. In addition, H.R. 3450 would authorize a new Small Health Care Provider Quality Improvement Program. These programs would go a long way to facilitate the provision of care to vulnerable populations living in rural areas all across the country.

This Member is particularly pleased that language is included in H.R. 3450 that would provide automatic designation to Federally Qualified Health Centers (FQHC) and Federally Certified Rural Health Clinics as Health Professional Shortage Areas (HPSA) facilities for a period of six years. This Member recognizes that the National Health Service Corps plays a critical role in providing care for underserved populations by placing clinicians in urban and rural areas. However, it has come to this Member's attention that health centers and rural clinics must obtain Health Professional Shortage Area designation to become eligible for the placement of Nation Health Service Corps personnel. While this Member is pleased to see that H.R. 3450 would improve on the current HPSA designation process, he would have preferred that the bill include permanent automatic designation, which would have guaranteed that FQHCs and rural health clinics would not have to return to the current, cumbersome HPSA designation process. This is a process that certainly seems unnecessary and duplicative, and which in some cases may result in delays in the placement of needed practitioners at high-need health centers and rural health clinics. Last year, this Member sent a letter, along with several colleagues, to the Chairman of the Energy and Commerce Subcommittee on Health requesting this change on a permanent basis and greatly appreciates the inclusion of the provision—even in the short term.

In closing, Mr. Speaker, this Member looks forward to working with the Committee and Subcommittee leadership, as earlier noted, on this important issue and this important bill as H.R. 3450 moves foward.

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

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

The SPEAKER pro tempore (Mr. BOOZMAN). The question is on the motion offered by the gentleman from Florida (Mr. BILIRAKIS) that the House suspend the rules and pass the bill, H.R. 3450.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

RECOGNIZING THE DEVASTATING IMPACT OF FRAGILE X

Mr. SHIMKUS. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 398) recognizing the devastating impact of fragile X, urging increased funding for research on fragile X, and commending the goals of National Fragile X Research Day, and for other purposes.

The Clerk read as follows:

H. RES. 398

Whereas fragile X is the most common inherited cause of mental retardation, affecting people of every race, income level, and nationality;

Whereas 1 in every 267 women is a carrier of the fragile X;

Whereas children born with fragile X typically require a lifetime of special care at a cost of over $2,000,000 each;

Whereas fragile X frequently remains undetected because the defect was relatively recently discovered and there is a lack of awareness about the disease, even within the medical community;

Whereas the gene causing fragile X has been discovered and is easily identified by testing;

Whereas inquiry into fragile X is a powerful research model for neuropsychiatric disorders, such as autism, schizophrenia, pervasive developmental disorders, and other forms of X-chromosome-linked mental retardation;

Whereas individuals with fragile X can provide a homogeneous research population for advancing the understanding of neuropsychiatric disorders;

Whereas with concerted research efforts, a cure for fragile X may be developed;

Whereas fragile X research, both basic and applied, has been vastly underfunded despite the prevalence of the disorder, the potential for the development of a cure, the established benefits of available treatments and interventions, and the significance that fragile X research has for related disorders;

Whereas Members of Congress are in unique positions to help raise public awareness about the need for increased funding for research and early diagnosis and treatment for fragile X; and

Whereas throughout the United States, families and friends of individuals with fragile X have designated October 5 as National Fragile X Research Day to promote efforts to find a treatment and cure for fragile X: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the devastating impact of fragile X on thousands of people in the United States and their families;

(2) calls on the National Institutes of Health, the Centers for Disease Control and Prevention, and other sources of Federal and private research funds to enhance and increase their efforts and commitments to fragile X research;

(3) calls on medical schools and other health educators, medical societies and associations, and Federal, State, and local health care facilities to promote research that will lead to a treatment and cure for fragile X; and

(4) commends the goals and ideals of a National Fragile X Research Day and supports interested groups in conducting appropriate ceremonies, activities, and programs to demonstrate support for such a day.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. SHIMKUS) and the gentleman from Texas (Mr. GREEN) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois (Mr. SHIMKUS).

GENERAL LEAVE

Mr. SHIMKUS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous material on the resolution.

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

There was no objection.

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

Mr. Speaker, I am pleased that today the House is considering House Resolution 398 introduced by the gentleman from Oklahoma (Mr. WATKINS) to recognize the impact of fragile X on thousands of people in the United States and their families. The Committee on Energy and Commerce approved this resolution unanimously last week, and I encourage my colleagues to adopt the resolution today on the floor.

Fragile X syndrome is the most common genetically inherited form of mental retardation. Patients diagnosed with fragile X may experience mental impairments that range from mild learning disabilities and hyperactivity

to severe mental retardation and autism. While there is no specific treatment for fragile X syndrome, health care professionals have directed their efforts toward training and education so that children with fragile X can reach their maximum potential.

The resolution before us today calls on both public and private researchers to enhance their efforts to find a treatment and cure for fragile X. The resolution also commends the work that advocates are doing nationwide to raise awareness about fragile X.

I would also like to express my appreciation for the outstanding work that the gentleman from Oklahoma has done to raise awareness about this genetic disorder. The work that scientific researchers are conducting throughout the United States we hope will ultimately lead to a cure. Until then it is important that all of us show our support for families affected by fragile X. I encourage my colleagues to support the resolution.

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

Mr. GREEN of Texas. Mr. Speaker, I yield myself such time as I may consume. I rise to express my support for House Resolution 398, a resolution recognizing the devastating impact of fragile X, urging increased funding for fragile X research, and commending the goals of National Fragile X Research Day.

Fragile X is the most common inherited cause of mental retardation, affecting 1 in 2,000 boys and 1 in 4,000 girls. This condition causes a host of mental and physical problems, including learning disabilities, mental retardation, attention deficit and hyperactivity disorders, anxiety, autistic-like behaviors, physical abnormalities and seizures.

Despite the prevalence of this illness, many Americans, including health care providers, are unfamiliar with fragile X. As a result, 80 to 90 percent of individuals with fragile X are often misdiagnosed. Without proper diagnosis many children are unable to reach their full potential or get the education or treatment they need to better cope with fragile X.

Fragile X is also a very expensive disease to treat. Most children with fragile X require a lifetime of special care at a cost of over $2 million each. The lost wages, special education and health care costs associated with fragile X create a significant societal burden that justifies additional Federal research in this area. Advances in the current research indicate that this would be a worthwhile investment.

Many prominent scientists have undertaken fragile X research projects, rapidly accelerating the progress and leading to new breakthroughs about its cause. Researchers have identified the set of genes which are normally regulated by the fragile X gene.

□ 1300

This set is also associated with other neurological and psychiatric problems, and these advances could lead to breakthroughs in two other neurological and psychiatric disorders, such as autism, pervasive development disorder, Rett Syndrome, schizophrenia, obsessive-compulsive disorder, Tourette's Syndrome, and numerous other disorders.

Research into the treatment of this genetic malfunction could benefit the hundreds of thousands of people suffering from these diseases.

Mr. Speaker, I would like to thank my colleagues, the gentleman from Oklahoma (Mr. WATKINS) and the gentleman from Massachusetts (Mr. DELAHUNT) for their commitment to finding a cure for fragile X, and I urge my colleagues to join me in supporting this important cause.

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

Mr. SHIMKUS. Mr. Speaker, I yield such time as he may consume to the gentleman from Oklahoma (Mr. WATKINS).

Mr. WATKINS of Oklahoma. Mr. Speaker, I rise today in support of House Resolution 398, legislation that recognizes National Fragile X Research Day this Saturday, October 5, 2002.

For several years, my good friend, the gentleman from Massachusetts (Mr. DELAHUNT), and I have actively supported the goals of fragile X families in order to help raise public awareness about the need for increased funding for research and to provide early diagnosis and effective treatment for fragile X. We have worked for funding for research, and we have now introduced this noncontroversial and much-needed resolution to show congressional support for improving the treatment and finding a cure for this disease by observing the first National Fragile X Research Day on this coming Saturday, October 5, 2002.

Mr. Speaker, fragile X is the most commonly inherited cause for mental retardation, which affects, as the gentleman from Texas (Mr. GREEN) just said, one in every 2,000 newborn boys and one in every 4,000 newborn girls in this country. One in every 261 women is a carrier and has a 50 percent chance in each pregnancy of having a child with fragile X. Most of these afflicted children will require a lifetime of special care.

In recent years, however, there have been great strides made toward finding a cure for this genetic disease. Current research holds great promise for the development of effective treatments, but additional support for these efforts are urgently needed by this Congress. Thanks to the recent increase in Federal funding, many prominent scientists have undertaken fragile X research projects for the first time, rapidly accelerating progress and leading to new breakthroughs about its cause. As one of the first discoveries of the Human Genome Project, the cause of fragile X has been linked to the absence of a single protein. Since then, our understanding of how this disease causes mental retardation, seizures, aggressive outbursts, and severe anxiety has dramatically increased. This research has lead Dr. James Watson, who shared the Nobel Prize for discovering DNA, to believe that a cure for this terrible disease is within sight, with our help, with our help from Congress.

Mr. Speaker, my cousin was afflicted by this condition, a fact which has profoundly affected our families. I have worked both to provide funding for its research and to raise public awareness of this particular problem. Additionally, I would like to mention McCall's Chapel in Ada, Oklahoma, where my wife and I raised our family in that community in my district. McCall's Chapel provides a facility for families who lots of times have no facility willing to help them and help the children who continue to suffer from mental retardation as adults. McCall's Chapel is always there with open and welcoming arms. Few States have places today that will accommodate and serve those mentally retarded adults, but many families have been blessed by the works of the good people at McCall's Chapel. Many of these families I know personally.

Mr. Speaker, I would like to mention and thank my good friends who are with us today, David and Mary Beth Busby, parents of two fragile X boys of their own. I know both of these young men and they are a great inspiration to me. This family is inspiring, and they are educating me and also a lot of other people about the need for research and treatment of fragile X.

Mr. Speaker, I urge all of my colleagues to adopt this resolution.

Mr. GREEN of Texas. Mr. Speaker, I yield 7 minutes to the gentleman from Massachusetts (Mr. DELAHUNT).

Mr. DELAHUNT. Mr. Speaker, I thank the gentleman for yielding me this time.

It was I think 4 years ago that a friend of mine in the Boston area approached me and described to me the characteristics and the symptoms of this disorder called fragile X. Like most Americans, I had never heard of fragile X, but he told me there was a fellow from Oklahoma, a Republican by the name of Wes Watkins, that was the champion of those who were afflicted with this particular disorder, and he encouraged me to seek him out. I am glad I did.

Fragile X, as others have said, is the most common inherited cause of mental retardation. We have heard the statistics, the high incidence rate, the fact that fragile X is relatively unknown, even among medical professionals. It is easily identified by a simple blood test, yet families are left often struggling for months, even years, searching for explanations for alarming developmental delays and behavioral problems associated with fragile X; and they live in a time of uncertainty. There are some common physical signs such as large ears, long faces,

and flat feet; but half of fragile X children do not exhibit any of these characteristics. Other symptoms are less obvious, including hyperactivity, attention deficits, severe anxiety, and even violent seizures, making diagnosis difficult.

Again, I think it was the gentleman from Texas (Mr. GREEN) who indicated that it is estimated that somewhere between 80 and 90 percent of children with fragile X are currently undiagnosed or misdiagnosed. So it is fitting that today we consider a resolution recognizing National Fragile X Research Day and the urgency of the need to increase funding for fragile X research.

Mr. Speaker, 2 years ago this week, Congress enacted another bill sponsored by the gentleman from Oklahoma (Mr. WATKINS) and myself; it was labeled the Fragile X Research Breakthrough Act as part of the Children's Health Act of 2000. This law directed an arm of the National Institutes of Health to expand and coordinate research of fragile X and authorize the establishment of at least three fragile X research centers. I am pleased to report significant progress towards implementing these provisions. Early this year, the institute began accepting applications for the fragile X research centers, which hopefully will be ready to open their doors this coming spring.

Thanks to this Federal commitment, many prominent scientists have undertaken fragile X research projects, rapidly accelerating the progress and leading to new breakthroughs about its cause. In a series of landmark discoveries, researchers have identified the set of genes which are normally regulated by the fragile X gene. Scientists are also now pursuing promising drug therapies for fragile X as new evidence has shown that this type of defect may be blocked by relatively simple medications. These new discoveries may not only lead to treatments for fragile X, but also have uncovered striking connections between fragile X and a whole litany of other neurological and psychiatric disorders. So all of this holds great promise for the development of safe and effective treatments. But as the gentleman from Oklahoma (Mr. WATKINS) has indicated, there is a great more still to be done.

So I encourage all of my colleagues to support this resolution. Again, I want to commend the gentleman from Oklahoma (Mr. WATKINS). His work in this particular endeavor is part of a wonderful legacy that he can take with him as he leaves this institution after some 20 years. So I want to extend my congratulations.

Mr. WATKINS of Oklahoma. Mr. Speaker, will the gentleman yield?

Mr. DELAHUNT. I yield to the gentleman from Oklahoma.

Mr. WATKINS of Oklahoma. Mr. Speaker, as the gentleman indicated, and the gentleman is my friend, and believe me, I truly feel that. The gentleman indicated that I am leaving. This is something I am very proud of in a humanitarian way, and I am going to be, hopefully, asking the gentleman to continue this work. I am going to be leaving the House. But I know that the gentleman will continue that effort.

Mr. Speaker, I would like to dedicate this day to a classmate that I had who had this when I was growing up. I used to sit next to him at this country school with a popsicle, and I always shared half that popsicle with him. So I dedicate this day to Herman Samples, that classmate of mine.

Mr. DELAHUNT. Mr. Speaker, reclaiming my time, I promise my friend and my colleague that I will take up this cause, and I will always remember this particular story that the gentleman concluded his remarks with. I too want to share in dedicating this day to him. Again, I thank the gentleman for everything that he has done for so many.

Mr. BILIRAKIS. Mr. Speaker, I rise today in support of H. Res. 398, which recognizes the devastating impact of Fragile X, the most common inherited cause of mental retardation.

Fragile X mental impairment may range from mild learning disabilities and hyperactivity to severe mental retardation. In addition to intellectual disabilities, some individuals with Fragile X display common physical traits and characteristic facial features. Children with Fragile X often appear normal in infancy but develop typical physical characteristics during their lifetimes. Because of scientific advances, improvements in genetic testing, and increased awareness, the number of children diagnosed with Fragile X has increased significantly over the last decade.

I was proud to have worked with my friend from Ohio, Mr. BROWN, to expand research on a number of disorders that disproportionately affect children, including Fragile X, through the Children's Health Act of 2000. The law urges the Director of the National Institutes of Health (NIH) to expand, intensify, and coordinate research on Fragile X at NIH.

Mr. Speaker, I urge my colleagues to support H. Res. 398, which recognizes the devastating impact of Fragile X on thousands of people in the United States and their families. Furthermore, this resolution calls for additional Fragile X research and supports National Fragile X Research Day.

Mr. BEREUTER. Mr. Speaker, as an original cosponsor of the resolution, this Member wishes to add his strong support for H. Res. 398, which would recognize the impact of Fragile X and would call upon the Federal Government to enhance and increase its efforts and commitments to Fragile X research.

This Member would like to commend the distinguished gentleman from Louisiana [Mr. TAUZIN], the Chairman of the House committee on Energy and Commerce, and the distinguished gentleman from Michigan [Mr. DINGELL], the ranking member of the House Committee on Energy and Commerce, for bringing this important resolution to the House Floor today. This Member would also like to commend the gentleman from Oklahoma [Mr. WATKINS] for sponsoring H. Res. 398 and for his personal interest in Fragile X.

Fragile X syndrome is a hereditary condition which causes a wide range of mental impairment, from mild learning disabilities to severe mental retardation. It is the most common cause of genetically-inherited mental impairment. In addition to mental impairment, Fragile X is associated with a number of physical and behavioral characteristics.

House Resolution 398 would recognize the devastating impact of Fragile X on thousands of people in the United States and their families. In addition, the resolution would call on the National Institutes of Health, the Centers for Disease Control and Prevention, and other sources of Federal and private research funds to enhance and increase their efforts and commitment to Fragile X research.

Furthermore, the resolution also would call upon medical schools and other health care educators, medical societies, and associations, and Federal, state, and local health care facilities to promote research that will lead to a treatment and cure for Fragile X. Finally, H. Res. 398 would comment the goals and ideas of a National Fragile X Research Day and would support interested groups in conducting appropriate ceremonies, activities, and programs to demonstrate support for such a day.

Mr. Speaker, in closing, this Member urges his colleagues to support H. Res. 398.

Mr. GREEN of Texas. Mr. Speaker, I yield back the balance of my time.

Mr. SHIMKUS. Mr. Speaker, I want to thank the gentleman from Oklahoma and the gentleman from Massachusetts for their fine work on this bill, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BOOZMAN). The question is on the motion offered by the gentleman from Illinois (Mr. SHIMKUS) that the House suspend the rules and agree to the resolution, H. Res. 398.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. GREEN of Texas. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8, rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

EXPRESSING THE SENSE OF THE CONGRESS WITH RESPECT TO THE DISEASE ENDOMETRIOSIS

Mr. SHIMKUS. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution, (H. Con. Res. 291) expressing the sense of the Congress with respect to the disease endometriosis.

The Clerk read as follows:

H. CON. RES. 291

Whereas endometriosis is a painful, chronic gynecologic disease;

Whereas, with such disease, tissue that is similar to the endometrium (the tissue lining the inside of the uterus) grows outside the uterus in the abdominal cavity and results in internal bleeding, inflammation, and

the development of scar tissue because the tissue has no means of leaving the body (unlike the monthly development and shedding of the endometrium through the menstruation process);

Whereas an estimated 10 to 20 percent of American women of childbearing age have endometriosis;

Whereas endometriosis is a poorly understood disease and can strike women of any socioeconomic class, age, or race;

Whereas the disease can affect a woman's ability to work, ability to reproduce, and relationships with her mate, children, and everyone around her;

Whereas infertility occurs in about 30 to 40 percent of women with endometriosis;

Whereas the cause of endometriosis is unknown;

Whereas the disease can only be definitively diagnosed through gynecologic surgery;

Whereas studies have shown that the average delay in actual diagnosis is more than nine years; and

Whereas there is no definitive cure for endometriosis: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) strongly supports efforts to raise public awareness of endometriosis throughout the medical and lay communities; and

(2) recognizes the need for better support of patients with endometriosis, the need for physicians to better understand the disease, the need for more effective treatments, and ultimately, the need for a cure.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. SHIMKUS) and the gentleman from Texas (Mr. GREEN) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois (Mr. SHIMKUS).

GENERAL LEAVE

Mr. SHIMKUS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous material.

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

There was no objection.

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

Mr. Speaker, today the House is considering House Concurrent Resolution 291, a resolution expressing the sense of the Congress with respect to endometriosis.

Reported unanimously by the Committee on Energy and Commerce, this resolution will help raise awareness about a common disease that can unfortunately lead to devastating consequences for many women.

Endometriosis is a painful, chronic gynecologic disease affecting approximately 10 to 20 percent of American women of childbearing age. Of those affected, about 30 to 40 percent will experience infertility.

Unfortunately, the cause of endometriosis is unknown, and there is still no cure. Diagnosis can be difficult to confirm without surgery, and it is typically delayed by an average of 9 years. The National Institutes of Health is currently conducting several studies that may lead to other treatment options. Hormone treatments may show some success so that women affected by endometriosis may still be able to bear children.

The resolution before us today recognizes the need for improved patient support, improved physician awareness, and more effective treatments, including a cure. I would like to thank the gentleman from California (Mr. MCKEON) for his leadership in helping to raise awareness of endometriosis.

Mr. Speaker, I encourage my colleagues to adopt the resolution.

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

□ 1315

Mr. GREEN of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of House Concurrent Resolution 291. This legislation will bring recognition and hope to those who suffer endometriosis.

Endometriosis is a serious affliction that affects between 10 percent and 20 percent of American women of childbearing age, more than 26 million women. Endometriosis is a disease where tissue similar to the lining of a woman's uterus grows outside the uterus and into the abdominal cavity. This growth leads to internal bleeding, inflammation and scar tissue.

This disease, which is such a mystery to the medical community, has no known cause or cure. It can strike women of any age, race, income level, and it can hamper a woman's ability to work and start a family. For 30 to 40 percent of those afflicted, this disease causes infertility.

House Concurrent Resolution 291 will help raise the awareness of this devastating disorder not just to the public, but to the medical community as well. It is my hope that this resolution will lead to better support for patients who suffer from this disease, a better understanding by physicians of the needs of those who have endometriosis, and more research for treatments, and ultimately a cure for all women with this disease.

I would like to thank my colleague and good friend, the gentleman from California (Mr. MCKEON), for introducing this resolution and bringing it to our attention. I urge passage. The sooner we educate ourselves about this disease, the sooner a cure will be found. I urge my colleagues to support it.

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

Mr. SHIMKUS. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. MCKEON), the author of the legislation.

Mr. MCKEON. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise in strong support of this resolution. I introduced House Concurrent Resolution 291 to bring awareness of a serious yet obscure disease from which many American women of childbearing age suffer. Endometriosis is a disease in which tissue similar to the tissue inside of the uterus grows outside of the uterus in the abdominal cavity. Because the tissue has no natural way to leave the body, the result is internal bleeding, inflation, scar tissue, and pain.

I had never heard of endometriosis until a constituent, Mary Prenger, brought it to my attention. Since then I have come to learn that 10 to 20 percent of all women suffer from the disease, and infertility occurs in about 30 to 40 percent of all women who suffer from it.

Endometriosis is a nondiscriminating disease. It affects women from all walks of life. Socioeconomic background and race have no bearing. Because such a large percentage of women who have the disease become infertile, endometriosis has the potential to be not only a great physical disability, but also the emotional and psychological burden is great.

Mr. Speaker, it is my hope that by passing this resolution, both the medical and the lay communities will become more aware of endometriosis. It is only through awareness of the disease that we will be able to grow closer to a cure.

Mr. DINGELL. Mr. Speaker, I rise in support of H. Con. Res. 291, raising public awareness on the disease endometriosis.

Endometriosis is a painful, chronic gynecologic disease affecting 10 to 20 percent of American women of childbearing age and causing infertility in an estimated 30 to 40 percent of those afflicted. Studies have shown that the average delay in actual diagnosis of endometriosis is in excess of nine years. It is time we work together to find a cure for this life-altering, devastating disease.

H. Con. Res. 291 support efforts to raise public awareness of endometriosis throughout the medical and lay communities. It also recognizes the need for better support of patients with endometriosis, the need for physicians to better understand the disease, the need for more effective treatments, and ultimately, the need for a cure.

I urge my colleagues to join me in supporting H. Con. Res. 291.

Mr. BILIRAKIS. Mr. Speaker, today I rise in support of H. Con. Res. 291, which expresses the sense of the Congress with respect to the disease endometriosis.

Endometriosis is a painful, chronic gynecologic disease where the lining of the uterus grows in other parts of the abdominal cavity and results in internal bleeding, inflammation, and the development of scar tissue. Endometriosis affects an estimated 10 percent of reproductive age women and may cause infertility in 30 to 40 percent of all women who suffer from this disease. Roughly 99 percent of women state that they experienced pelvic pain for about 10 years before they were diagnosed with endometriosis.

The cause of the disease is unknown but researchers have found that family members of women with endometriosis more commonly suffered from the disease. Diagnosis can be difficult to confirm without surgery.

This resolution strongly supports efforts to raise public awareness of endometriosis and

recognizes the need for improved patient support, improved physician awareness and understanding, and more effective treatment, including finding a cure. Mr. Speaker, I urge my colleagues to support H. Con. Res. 291.

Mr. GREEN of Texas. Mr. Speaker, I yield back the balance of my time.

Mr. SHIMKUS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BOOZMAN). The question is on the motion offered by the gentleman from Illinois (Mr. SHIMKUS) that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 291.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. GREEN of Texas. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

RARE DISEASES ACT OF 2002

Mr. SHIMKUS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4013) to amend the Public Health Service Act to establish an Office of Rare Diseases at the National Institutes of Health, and for other purposes.

The Clerk read as follows:

H.R. 4013

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Rare Diseases Act of 2002''.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress makes the following findings:

(1) Rare diseases and disorders are those which affect small patient populations, typically populations smaller than 200,000 individuals in the United States. Such diseases and conditions include Huntington's disease, amyotrophic lateral sclerosis (Lou Gehrig's disease), Tourette syndrome, Crohn's disease, cystic fibrosis, cystinosis, and Duchenne muscular dystrophy.

(2) For many years, the 25,000,000 Americans suffering from the over 6,000 rare diseases and disorders were denied access to effective medicines because prescription drug manufacturers could rarely make a profit from marketing drugs for such small groups of patients. The prescription drug industry did not adequately fund research into such treatments. Despite the urgent health need for these medicines, they came to be known as ''orphan drugs'' because no companies would commercialize them.

(3) During the 1970s, an organization called the National Organization for Rare Disorders (NORD) was founded to provide services and to lobby on behalf of patients with rare diseases and disorders. NORD was instrumental in pressing Congress for legislation to encourage the development of orphan drugs.

(4) The Orphan Drug Act created financial incentives for the research and production of such orphan drugs. New Federal programs at the National Institutes of Health and the Food and Drug Administration encouraged clinical research and commercial product development for products that target rare diseases. An Orphan Products Board was established to promote the development of drugs and devices for rare diseases or disorders.

(5) Before 1983, some 38 orphan drugs had been developed. Since the enactment of the Orphan Drug Act, more than 220 new orphan drugs have been approved and marketed in the United States and more than 800 additional drugs are in the research pipeline.

(6) Despite the tremendous success of the Orphan Drug Act, rare diseases and disorders deserve greater emphasis in the national biomedical research enterprise. The Office of Rare Diseases at the National Institutes of Health was created in 1993, but lacks a statutory authorization.

(7) The National Institutes of Health has received a substantial increase in research funding from Congress for the purpose of expanding the national investment of the United States in behavioral and biomedical research.

(8) Notwithstanding such increases, funding for rare diseases and disorders at the National Institutes of Health has not increased appreciably.

(9) To redress this oversight, the Department of Health and Human Services has proposed the establishment of a network of regional centers of excellence for research on rare diseases.

(b) PURPOSES.—The purposes of this Act are to—

(1) amend the Public Health Service Act to establish an Office of Rare Diseases at the National Institutes of Health; and

(2) increase the national investment in the development of diagnostics and treatments for patients with rare diseases and disorders.

SEC. 3. NIH OFFICE OF RARE DISEASES AT NATIONAL INSTITUTES OF HEALTH.

Title IV of the Public Health Service Act (42 U.S.C. 281 et seq.), as amended by Public Law 107–84, is amended by inserting after section 404E the following:

''OFFICE OF RARE DISEASES

''SEC. 404F. (a) ESTABLISHMENT.—There is established within the Office of the Director of NIH an office to be known as the Office of Rare Diseases (in this section referred to as the 'Office'), which shall be headed by a Director (in this section referred to as the 'Director'), appointed by the Director of NIH.

''(b) DUTIES.—

''(1) IN GENERAL.—The Director of the Office shall carry out the following:

''(A) The Director shall recommend an agenda for conducting and supporting research on rare diseases through the national research institutes and centers. The agenda shall provide for a broad range of research and education activities, including scientific workshops and symposia to identify research opportunities for rare diseases.

''(B) The Director shall, with respect to rare diseases, promote coordination and cooperation among the national research institutes and centers and entities whose research is supported by such institutes.

''(C) The Director, in collaboration with the directors of the other relevant institutes and centers of the National Institutes of Health, may enter into cooperative agreements with and make grants for regional centers of excellence on rare diseases in accordance with section 404G.

''(D) The Director shall promote the sufficient allocation of the resources of the National Institutes of Health for conducting and supporting research on rare diseases.

''(E) The Director shall promote and encourage the establishment of a centralized clearinghouse for rare and genetic disease information that will provide understandable information about these diseases to the public, medical professionals, patients and families.

''(F) The Director shall biennially prepare a report that describes the research and education activities on rare diseases being conducted or supported through the national research institutes and centers, and that identifies particular projects or types of projects that should in the future be conducted or supported by the national research institutes and centers or other entities in the field of research on rare diseases.

''(G) The Director shall prepare the NIH Director's annual report to Congress on rare disease research conducted by or supported through the national research institutes and centers.

''(2) PRINCIPAL ADVISOR REGARDING ORPHAN DISEASES.—With respect to rare diseases, the Director shall serve as the principal advisor to the Director of NIH and shall provide advice to other relevant agencies. The Director shall provide liaison with national and international patient, health and scientific organizations concerned with rare diseases.

''(c) DEFINITION.—For purposes of this section, the term 'rare disease' means any disease or condition that affects less than 200,000 persons in the United States.

''(d) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as already have been appropriated for fiscal year 2002, and $4,000,000 for each of the fiscal years 2003 through 2006.''.

SEC. 4. RARE DISEASE REGIONAL CENTERS OF EXCELLENCE.

Title IV of the Public Health Service Act (42 U.S.C. 281 et seq.), as amended by section 3, is further amended by inserting after section 404F the following:

''RARE DISEASE REGIONAL CENTERS OF EXCELLENCE

''SEC. 404G. (a) COOPERATIVE AGREEMENTS AND GRANTS.—

''(1) IN GENERAL.—The Director of the Office of Rare Diseases (in this section referred to as the 'Director'), in collaboration with the directors of the other relevant institutes and centers of the National Institutes of Health, may enter into cooperative agreements with and make grants to public or private nonprofit entities to pay all or part of the cost of planning, establishing, or strengthening, and providing basic operating support for regional centers of excellence for clinical research into, training in, and demonstration of diagnostic, prevention, control, and treatment methods for rare diseases.

''(2) POLICIES.—A cooperative agreement or grant under paragraph (1) shall be entered into in accordance with policies established by the Director of NIH.

''(b) COORDINATION WITH OTHER INSTITUTES.—The Director shall coordinate the activities under this section with similar activities conducted by other national research institutes, centers and agencies of the National Institutes of Health and by the Food and Drug Administration to the extent that such institutes, centers and agencies have responsibilities that are related to rare diseases.

''(c) USES FOR FEDERAL PAYMENTS UNDER COOPERATIVE AGREEMENTS OR GRANTS.—Federal payments made under a cooperative agreement or grant under subsection (a) may be used for—

''(1) staffing, administrative, and other basic operating costs, including such patient care costs as are required for research;

''(2) clinical training, including training for allied health professionals, continuing

education for health professionals and allied health professions personnel, and information programs for the public with respect to rare diseases; and

''(3) clinical research and demonstration programs.

''(d) PERIOD OF SUPPORT; ADDITIONAL PERIODS.—Support of a center under subsection (a) may be for a period of not to exceed 5 years. Such period may be extended by the Director for additional periods of not more than 5 years if the operations of such center have been reviewed by an appropriate technical and scientific peer review group established by the Director and if such group has recommended to the Director that such period should be extended.

''(e) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as already have been appropriated for fiscal year 2002, and $20,000,000 for each of the fiscal years 2003 through 2006.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. SHIMKUS) and the gentleman from Texas (Mr. GREEN) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois (Mr. SHIMKUS).

GENERAL LEAVE

Mr. SHIMKUS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on this legislation.

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

There was no objection.

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

Mr. Speaker, I would like to commend the distinguished gentleman from Louisiana (Chairman TAUZIN) and my good friend, the gentleman from Florida (Mr. FOLEY), for their work in bringing attention to rare diseases and disorders.

In the United States today, one in nine Americans suffer from a known rare disease or disorder for which there is often no good treatment or cure. The legislation sponsored by my colleagues works to correct that problem. Taken together, the Rare Diseases Act and its companion bill, the Rare Disease Orphan Product Development Act, encourage the development of better treatments, diagnostic procedures, and cures for large numbers of rare diseases and disorders.

There are over 6,000 known rare diseases, and although each of them individually affects less than 200,000 people, the total number of Americans affected is over 25 million people. These acts build on the success of the Orphan Drug Act of 1983, which has led to the development of over 220 treatments for rare diseases and disorders, including Huntington's disease, Lou Gehrig's disease, and Tourette syndrome.

Still, patients with rare diseases continue to face challenges in receiving appropriate and adequate treatment. The National Commission on Orphan Diseases estimated that only one-third of patients receive an accurate diagnosis in the 3 to 5 years after the onset of symptoms, and 50 percent of the population is not accurately diagnosed until 7 or more years after the onset of symptoms.

Research into rare diseases and disorders provides hope for thousands of Americans and their families. This legislation does not detract from other worthy congressional research priorities of the NIH, such as the Children's Health Act of 2000. Instead, these bills increase funding for two programs that have already had a direct and positive impact on this community. They expand and enhance existing research under way at various institutes of the NIH.

Again, I am pleased to support passage of these two pieces of legislation and stand ready to work with my esteemed colleagues to ensure that they are enacted into law.

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

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

Mr. Speaker, I rise in support of H.R. 4013, the Rare Diseases Act of 2002. I am proud to have introduced this piece of legislation with my colleague, the gentleman from Illinois (Mr. SHIMKUS). This is a bill which would work to the benefit of those suffering from rare diseases both by establishing an Office of Rare Diseases at the National Institutes of Health, and by providing for rare disease regional centers of excellence.

A rare disease is defined in the United States as one affecting fewer than 200,000 Americans. There are around 6,000 known rare diseases, and it is estimated that about 25 million Americans are affected by them. Over 220 treatments have been developed in the last two decades for rare diseases, but many more are needed.

The Office of Rare Diseases at the National Institutes of Health was established in 1993 to promote research and provide information. However, this office was not given any authority. Also, although Congress has substantially increased research funding for NIH, funding for rare diseases has only increased slightly. This legislation increases to $25 million the Orphan Product Research Grant Program administered by the Office of Orphan Product Development at the Food and Drug Administration, thus encouraging more extensive research, testing, and attention.

The Rare Diseases Act of 2002 establishes the Office of Rare Diseases as a Federal office, including its ability to coordinate research and establish regional centers of excellence for clinical research.

This is an important piece of legislation, and I urge all my colleagues to join me in supporting its passage.

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

Mr. SHIMKUS. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. FOLEY), who has been an ardent spokesperson and supporter of this legislation.

Mr. FOLEY. Mr. Speaker, I thank the gentleman for yielding time to me. I thank the gentleman from Illinois (Mr. SHIMKUS) for his leadership on these very important pieces of legislation today, as well as the gentleman from California (Mr. WAXMAN) for his many, many years of outstanding service on the Subcommittee on Health.

Mr. Speaker, many people are unfamiliar with some of the diseases that were mentioned earlier. Today in Palm Beach County, there are a lot of diseases that have tremendous charity organizations helping to support them, to raise money. In fact, there is a ball a day that is pretty much dedicated to raising resources and to not only find research dollars, but hopefully find cures for diseases that ravage mankind, but most all of them are popular and well known. They may be AIDS, Alzheimer's, things that people are well familiar with.

Regrettably, the rare diseases do not have the same fan club. They do not have the same outreach, and they certainly do not have the same support network as some of the bigger charities are fortunate to have in my district and throughout the country. That is why it is critically important to pass both of these pieces of legislation today, because they create the framework to bring about an educational process, to create the framework to channel resources into the National Institutes of Health and other entities in order to find the potential cures, as well as the subsequent bill we will talk about that helps to provide, if you will, the kind of dollars necessary for pharmaceutical companies and others to be able to pursue what is not a profitable research path, but is a research path, nonetheless, that yields great results to the person suffering.

So again, I commend the gentleman from Illinois (Mr. SHIMKUS), and I am certain the citizens of Illinois appreciate the fact that he is on this very important subcommittee of the Committee on Commerce dealing with the health care of many millions of Americans who are silent on the floor today, but are watching with great anticipation as we hopefully unlock the key to one of the many doors that block some of the research available.

Hopefully with these bills we will see an outpouring of support not only into research endeavors, but also into long-term sustainability of the lives of these very important Americans we are speaking about today.

Mr. WAXMAN. Mr. Speaker, I am pleased to yield such time as he may consume to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Speaker, I want to, first of all, thank the gentleman from California (Mr. WAXMAN) for yielding time to me, and commend him and the gentleman from Illinois (Mr. SHIMKUS) for introducing this legislation.

I also want to thank the former commissioner of the Chicago Metropolitan Water Reclamation District, the distinguished JoAnn Alter, for bringing this matter to my attention. Therefore, I rise in support of H.R. 4013, the Rare Diseases Act of 2002.

Mr. Speaker, with a large low-income population, 24 hospitals, 5 medical schools, and several research institutions in my district, I know firsthand the heartbreak faced by people who struggle to find the appropriate medical treatment for themselves and their families.

We have made tremendous strides in education, research, and medical protocols for individuals with diseases that affect large populations. Much funding has been dedicated and continues to be directed to treatment of diseases such as cancer, heart disease, and diabetes, and this is all good.

There are, however, a number of rare diseases which affect 200,000 or fewer Americans which continue to go underresourced. While statistically 200,000 people may be a small number, it is a large number when we consider it represents people needing medical treatment. However, if we aggregate the number of people suffering from at least 1 of the 6,000 known rare diseases and disorders, we are talking about 25 million Americans, 1 in 9, suffering from a rare disease.

Several months ago a mother and her young son, who suffers from Crohn's disease, traveled hundreds of miles from Virginia to Northwestern Memorial Hospital in my district to see if he could be accepted into a special treatment program that was offered nowhere near his home. He wrote a letter to me thanking me for the fact that he was indeed able to get into Northwestern and to be considered for treatment for his very rare disease.

This bill, H.R. 4013, which establishing an Office of Rare Diseases at the National Institutes of Health, by increasing the national investment in the development of diagnostics and treatment for patients with rare diseases and disorders, and by allowing for rare disease regional centers of excellence, is a quantum leap in the right direction. I again commend my colleagues for its introduction and urge swift passage of this resolution.

□ 1330

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

Mr. KIRK. Mr. Speaker, I rise today in strong support of H.R. 4013, the Rare Disease Act of 2002. Currently, more than 6,000 rare diseases affect 25 million Americans each year. While some progress has been made to fight rare diseases over the last twenty years, we must commit greater resources to this effort, particularly through the National Institutes of Health.

My own constituents have been very active in this fight. Families of Spinal Muscular Atrophy, based in Libertyville, Illinois, have been working to enhance research efforts of this and other rare diseases since 1984. I commend Audrey Lewis and all of the Families of SMA's staff and volunteers for their continued dedication and hard work in this field.

SMA is just one of the thousands of rare diseases that continues to impact American families, and is the number one genetic killer of children under the age of two. A child of parents who both carry the SMA gene has a one in four chance of developing this devastating disease. Inflicted children are forced to live with neuromuscular deterioration that can affect crawling, walking, head control and swallowing.

We must make every effort to expand research efforts so that those with SMA and other rare diseases have a change to live long and healthy lives. I hope that Congress can send a united message of the importance of enhanced research efforts in this field by supporting this bill. An Office of Rare Diseases at the National Institutes of Health is an essential element in our efforts to raise awareness and research for SMA and the thousands of other rare diseases affecting Americans. I urge my colleagues to support H.R. 4013.

Mr. PITTS. Mr. Speaker, the legislation before us today represents the latest steps in Congress' twenty year commitment to Americans with rare ''orphan'' diseases. Since its passage in 1983, the Orphan Drug Act has stimulated the development of 231 new marketed orphan products, with several hundred more in the pipeline for which we all have great hopes. Yet, there are still more than 5,000 rare diseases with no specialized treatment at all. For this reason, H.R. 4013 and H.R. 4014 represent major advances in stimulating new therapies for those with rare diseases, as well as improved care.

It is important to note, however, that even those 231 marketed orphan drugs, biologics, foods and devices are not always readily available to patients because of geographical and insurance barriers. One of the unfinished pieces of business facing this Congress is to make sure that Medicare is not contributing to this problem.

Three years ago, when Congress created the Medicare Hospital Outpatient Prospective Payment System, known as HOPPS, Congress placed all orphan products into a pass-through category where they would be paid at a higher rate. Even still, many hospitals have lost money when they stocked orphan drugs to treat patients with rare diseases.

Now we are faced with a situation where CMS has proposed a regulation for the 2003 HOPPS program that leaves most orphan drugs, biologicals and blood plasma therapies and their recombinant analogs such as clotting factors for individuals with Hemophilia without adequate reimbursement. Many hospitals will refuse to stock these drugs because of the large loss they will incur for treating a small number of patients. Without appropriate reimbursement, patients may be turned away from hospital emergency rooms or directed to alternative facilities if the location does not stock their product. The consequences of inadequate or non-existent access would be devastating, particularly in rural areas where the nearest hospital to stock a particular orphan drug may be a hundred or more miles away.

Mr. Speaker, it is critical that the House of Representatives act this year to ensure that orphan drugs are properly reimbursed.

Mr. KIND. Mr. Speaker, I rise in support of both the Rate Diseases Act (H.R. 4013) and Rare Diseases Orphan Product Development Act (H.R. 4014). A rare disease is defined as one that afflicts fewer than 200,000 individuals. Our country has over 6,000 rare diseases that affect more than 25 millions Americans.

Both of these measures will provide necessary incentives to find a cure for these ailments. H.R. 4013 establishes an Office of Rare Diseases within the National Institutes of Health director's office. In addition, the bill creates Rare Disease Regional Centers of Excellence to conduct research and training in the diagnosis, prevention, control and treatment of rare diseases. H.R. 4014 would double the funding to $25 million for the successful FDA grant program for research on orphan drugs. Since 1983, the FDAa has approved more than 200 treatments for rare diseases, this additional funding will be critical to increasing the number of treatments available.

A wonderful family in my hometown, the Kirches, brought the issue of rare diseases to my attention. I have had the opportunity to meet with Larry, Susan and their daughter Allyson to hear about their struggles and triumphs with Allyson's battle with Mucopolysachharidosis (MPS) III. MPS III is a genetic disorder that results in the body's inability to produce certain enzymes. This lack of enzyme production interrupts the usual breakdown of complex carbohydrates that are stored in almost every cell in the body. Without the breakdown, storage progressively builds in each cell causing damage in multiple systems within the body including respiratory, bones, internal organs, and nervous system. The results of this damage include mental retardation, short stature, cornea damage, loss of mobility, and most importantly a drastically shortened life span. At present there is no cure for MPS III.

Allyson's future depends on investment in scientific and biomedical research by the public and private sector and, we owe it to all children with these disorders to make every effort to improve their quality of life and ultimately contribute to efforts in developing effective treatments. I urge my colleagues to support these measures and assist families like the Kirches all across our country.

Mr. DINGELL. Mr. Speaker, I rise in strong support of H.R. 4013, the ''Rare Diseases Act of 2002,'' of which I am proud to be an original cosponsor. I would like to thank my colleagues on both sides of the aisle for working together to introduce this important legislation and for working on behalf of the 25 million American people who suffer from rare diseases.

Rare, or orphan diseases affect fewer than 200,000 individuals in America. Nearly one million people in my home state of Michigan are afflicted with a rare disease. There are more than 6,000 rare diseases. Enactment of the Orphan Drug Act of 1983 provided incentives for drug and biological manufacturers to invest in treatment for rare diseases.

While the Orphan Drug Act has achieved dramatic increases in research into, and treatments for rare diseases, more still needs to be done. One positive step includes authorizing, in statute, the Office of Rare Diseases.

In addition, H.R. 4013 authorizes regional centers of excellence for rare disease research. This will enable the National Institutes of Health (NIH) to select sites to concentrate on finding cures and treatment methods for rare diseases.

I urge all of my colleagues to join me in support of H.R. 4013.

Mr. BILIRAKIS. Mr. Speaker, I rise today in support of H.R. 4013, the Rare Diseases Act of 2002. This bill, which was introduced by the gentleman from Illinois, Mr. SHIMKUS, would help improve research on rare diseases at the National Institutes of Health. I urge my colleagues to join me today in supporting this important piece of legislation.

A rare or ''orphan'' disease affects fewer than 200,000 people in the United States. There are more than 6,000 rare disorders that, taken together, affect approximately 25 million Americans. One in every 10 individuals in this country has received a diagnosis of a rare disease.

H.R. 4013 will help focus research on rare diseases at NIH. The bill also specifically gives NIH the authority to support regional centers of excellence in rare disease research. This bill will help strengthen our national research infrastructure in this area and improve our ability to treat and hopefully cure numerous rare diseases.

The Energy and Commerce Committee approved H.R. 4013 in late June, and I again urge my colleagues to support this important bill.

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

The SPEAKER pro tempore (Mr. BOOZMAN). The question is on the motion offered by the gentleman from Illinois (Mr. SHIMKUS) that the House suspend the rules and pass the bill, H.R. 4013.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. WAXMAN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8, rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

RARE DISEASES ORPHAN PRODUCT DEVELOPMENT ACT OF 2002

Mr. SHIMKUS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4014) to amend the Federal Food, Drug, and Cosmetic Act with respect to the development of products for rare diseases.

The Clerk read as follows:

H.R. 4014

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Rare Diseases Orphan Product Development Act of 2002''.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress makes the following findings:

(1) Rare diseases and disorders are those which affect small patient populations, typically populations smaller than 200,000 individuals in the United States. Such diseases and conditions include Huntington's disease, amyotrophic lateral sclerosis (Lou Gehrig's disease), Tourette syndrome, Crohn's disease, cystic fibrosis, cystinosis, and Duchenne muscular dystrophy.

(2) For many years, the 25,000,000 Americans suffering from the over 6,000 rare diseases and disorders were denied access to effective medicines because prescription drug manufacturers could rarely make a profit from marketing drugs for such small groups of patients. The prescription drug industry did not adequately fund research into such treatments. Despite the urgent health need for these medicines, they came to be known as ''orphan drugs'' because no companies would commercialize them.

(3) During the 1970s, an organization called the National Organization for Rare Disorders (NORD) was founded to provide services and to lobby on behalf of patients with rare diseases and disorders. NORD was instrumental in pressing Congress for legislation to encourage the development of orphan drugs.

(4) The Orphan Drug Act created financial incentives for the research and production of such orphan drugs. New Federal programs at the National Institutes of Health and the Food and Drug Administration encouraged clinical research and commercial product development for products that target rare diseases. An Orphan Products Board was established to promote the development of drugs and devices for rare diseases or disorders.

(5) Before 1983, some 38 orphan drugs had been developed. Since the enactment of the Orphan Drug Act, more than 220 new orphan drugs have been approved and marketed in the United States and more than 800 additional drugs are in the research pipeline.

(6) Despite the tremendous success of the Orphan Drug Act, rare diseases and disorders deserve greater emphasis in the national biomedical research enterprise.

(7) The Food and Drug Administration supports small clinical trials through Orphan Products Research Grants. Such grants embody successful partnerships of government and industry, and have led to the development of at least 23 drugs and four medical devices for rare diseases and disorders. Yet the appropriations in fiscal year 2001 for such grants were less than in fiscal year 1995.

(b) PURPOSES.—The purpose of this Act is to increase the national investment in the development of diagnostics and treatments for patients with rare diseases and disorders.

SEC. 3. FOOD AND DRUG ADMINISTRATION; GRANTS AND CONTRACTS FOR THE DEVELOPMENT OF ORPHAN DRUGS.

Subsection (c) of section 5 of the Orphan Drug Act (21 U.S.C. 360ee(c)) is amended to read as follows:

''(c) For grants and contracts under subsection (a), there are authorized to be appropriated such sums as already have been appropriated for fiscal year 2002, and $25,000,000 for each of the fiscal years 2003 through 2006.''.

SEC. 4. TECHNICAL AMENDMENT.

Section 527(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360cc(a)) is amended in the matter following paragraph (2)—

(1) by striking '', of such certification,''; and

(2) by striking '', the issuance of the certification,''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. SHIMKUS) and the gentleman from California (Mr. WAXMAN) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois (Mr. SHIMKUS).

GENERAL LEAVE

Mr. SHIMKUS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to insert extraneous material on the bill, H.R. 4014.

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

There was no objection.

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

Mr. Speaker, this is really my first day ever managing a bill on the floor of the House. I have done a lot of other things from speaking to presiding but never actually managing a bill; and it is really appropriate that this legislation that we just took up, H.R. 4013, and this piece of legislation, H.R. 4014, I cannot think of a better bill to have a chance to manage. And so I thank my chairman and the subcommittee chairman for doing that.

Mr. Speaker, I also want to take this time to say that it is an honor to be managing with my friend, the gentleman from California (Mr. WAXMAN), because many times we are opponents on the legislative battles and the agenda. One of the great things about this institution is when we can work together from across the political divide and ideological divide to find issues that we become impassioned about and we join in forces that really help move legislation. So I extend my thanks to my friend from California (Mr. WAXMAN) and this will be a memorable day for me as I think back on my congressional career.

Mr. Speaker, I rise today in support of this legislation, H.R. 4014, the Rare Disease Orphan Product Development Act of 2002. This bill is sponsored by my good friend, the gentleman from Florida (Mr. FOLEY), who will join us in a minute, and the gentleman from California (Mr. WAXMAN), and will increase the authorization for grants given to researchers who are developing cures and treatments for rare diseases. With more money available to these researchers, we will be better able to find cures for the 6,000 rare diseases affecting nearly 25 million Americans. And when you know a family who has someone affected by rare diseases, it does not seem that rare because it is time consuming, it is costly, and it makes you really be passionate about making sure everybody has some help in trying to find cures and drugs to help them alleviate the onset of their disease.

Prior to the passage of the Orphan Drug Act in 1983, only a handful of drug and biologics had been developed to treat rare diseases. The reasons for this were simple. There was very little economic incentive for drug companies to spend the hundreds of millions of dollars it takes to develop a drug for a patient population totalling in the thousands. That is why prior to 1983 only 38 drugs had been developed for rare diseases.

The Orphan Drug Act changes this by doing three things: offering greater exclusivity for drugs designed to treat diseases affecting fewer than 200,000 Americans, the establishing of a grant program for researchers performing clinical trials on orphan drugs, and providing a tax incentive program.

The Orphan Drug Act has been a resounding success. Whereas fewer than 40 drugs have been developed in the past for rare diseases, in the past few decades more than 200 drugs have been developed and approved to treat these diseases. The bill before us today reauthorizes a grant program contained within the bill. Presently the government funds fewer than 100 researchers performing clinical trials into rare diseases, cures and therapies. While the demand is much higher, funding has been limited. This bill reauthorizes the grant program at 25 million in fiscal years 2003 through 2006, meaning more monies will be available to finding cures for these diseases.

Mr. Speaker, I rise in strong support of this bill and commend the gentleman from Florida (Mr. FOLEY) and the gentleman from California (Mr. WAXMAN) for their sponsorship of this legislation.

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

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

Mr. Speaker, I also rise in support of this bill, and I am honored to be a cosponsor with the gentleman from Florida (Mr. FOLEY) and the gentleman from Illinois (Mr. SHIMKUS) in this legislation.

This bill and the previous one are two bills that are furthering the cause of developing drugs for people with rare diseases. It is very important for the progress of research on treatments and to find cures for rare diseases. There are 6,000 rare diseases that affect approximately 25 million Americans. These diseases include cystic fibrosis, Lou Gehrig's disease and muscular dystrophy, to mention three of the well-known diseases that affect less than 200,000 people, and, therefore, are designated as rare.

The availability of safe and effective treatments for rare diseases has historically been limited due to the lack of incentive for pharmaceutical firms to commercialize such medications. To address this problem, Congress passed the Orphan Drug Act, which allows for market exclusivity for products developed for rare diseases, as well as special tax treatment for the companies that are willing to make that investment.

In addition, the Food and Drug Administration supports small clinical trials through orphan products research grants. These grants have led to the development of at least 23 drugs and four medical devices for rare diseases. The purpose of this legislation is to increase the national investment in the development of diagnostics and treatments for people with rare diseases.

H.R. 4014 is for the funding of the Orphan Product Research Grant Program, and increases the national investment in the development of diagnostics and treatment for patients with these rare diseases. It is a good piece of legislation. I am pleased and honored to join with my colleagues on a bipartisan basis. There should be no partisanship or conflict that we see on other issues when it comes to trying to help Americans overcome the terror of diseases that afflict them and is such a burden to their families. I urge all of my colleagues to join all of us in supporting H.R. 4014.

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

Mr. SHIMKUS. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. FOLEY), a major sponsor of the legislation.

Mr. FOLEY. Mr. Speaker, I congratulate the gentleman on his management of this important piece of legislation.

If I were Speaker of the House, I would probably declare that the only business on the House floor would be health care legislation because the bipartisanship displayed in this very important legislation is really indicative of the heart and soul of this Chamber.

Many people see us in vigorous debate over issues and why they cannot get along. Yet today you see the gentleman from Illinois (Mr. SHIMKUS) and the gentleman from California (Mr. WAXMAN) and myself all really focused on people who have been heard by us but have not been heard by society in general.

Today I rise in strong support of our mutually agreed-upon bill, H.R. 4014, the Rare Disease Orphan Product Development Act of 2002. This important piece of bipartisan legislation will encourage better treatment, diagnostic procedures, and cures for large numbers of rare diseases and disorders.

The gentleman from California (Mr. WAXMAN) mentioned the statistics, 25 million people suffering from more than 6,000 rare diseases. A rare disease, to underscore, is one that affects the population under 200,000 people, or about one in 11 Americans.

Mr. Speaker, I would like to mention just one of those Americans, a little girl fighting for her life. Her name is Madison, but her parents call her Maddy. She is a 5-year-old constituent of mine who contracted MPS 1, Hurler Syndrome, one year after she was born. This horrible disease causes shortness of stature, mental retardation, speech and hearing impairments, heart disease, and worst of all a shortened life span.

As with most persons suffering from rare diseases, her situation is made worse because there may be only one or two doctors in the world working on a cure for her disease. Our bill would double the amount currently authorized for the Orphan Product Development Grant Program from $12 million to $25 million per year. This grant program is considered one of the most successful programs at the Food and Drug Administration. To date, 23 drugs and four medical devices have been developed as a direct result of this medical program, 23 drugs and four medical devices. This is an extraordinary achievement, given these products are generally not financially profitable for the companies that make them.

Let me stop there and go just a bit off text because during the political season it is very, very easy to beat up the pharmaceutical industry. It seems to be a target on both sides of the aisle. And yet today we are talking about companies that truly do God's work here on Earth. They are working hard to develop the kind of resources and procedures, medications and things necessary to save lives. So while we can have our quarrel and disagreement with the industry over certain items, I do think it appropriate that on occasion we speak up for their great research. We are the envy of the world in development of products, pharmaceutical aids, and other things in this country. We are the envy of the world, and we should not lose sight that scientists are working collaboratively with some of these well-known brand-name manufacturers who are in fact shining some light and hopefully some hope for the people suffering.

Mr. Speaker, this medical minority cannot be ignored any longer. We cannot afford to keep paying 50 cents on the dollar when these patients are feeling 100 percent of the pain. It is time to raise the level of awareness of these diseases once and for all.

Mr. Speaker, I want to thank the gentleman from Illinois (Mr. SHIMKUS) for introducing H.R. 4013, the Rare Disease Act of 2002, which would permanently establish the Office of Rare Diseases at the National Institutes of Health. His bill will allow for continued research and information-sharing among those scientists and doctors who are in the front lines of finding cures with these horrible diseases.

I would like to thank the gentleman from Louisiana (Mr. TAUZIN), the gentleman from Florida (Mr. BILIRAKIS), and the gentleman from California (Mr. WAXMAN), the ranking member, for their extraordinary efforts for bringing this issue to the national spotlight and for bringing these bills to the floor. I also want to commend my staff legislative counsel, Bradley Shieber, who is here on the floor with me today who brought these bills to my attention months ago. It is actually the fastest piece of legislation in my 7½-plus years in Congress that has come from a drafting, to a conclusion, to an introduction on the House floor, to hopefully a successful passage today.

Mr. Speaker, I would also like to thank Senator EDWARD KENNEDY of Massachusetts and Senator ORRIN HATCH of Utah for their leadership on our companion measures that reside in the other Chamber.

Again, I would thank everyone for participating in the debate. I urge my

colleagues' strong approval of both bills before us, H.R. 4013 and H.R. 4014, as we proceed on these important measures today.

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

Mr. Speaker, I want to use this opportunity to give some historical perspective on some of these issues with regard to the pharmaceutical industry.

Mr. Speaker, I think that the pharmaceutical industry could be credited with the enormous contribution they make in curing diseases. But I think we need to recognize that when the Orphan Drug Act was first talked about, it was due to the fact that the pharmaceutical industry did not pay attention to people who had rare diseases because the profit potential was not there for them to make the investment. They were much more interested, as any business would be, in trying to manufacture drugs that could have a widespread audience, so to speak, to buy their product.

A lot of the work they do is based on the government investment and research. We give money to the National Institutes of Health, and they work with grants and contracts with leading researchers all around the country to do the basic work. The pharmaceutical industry then takes the benefit of that public investment and finds an application which leads to products that they are able to market. They then get a patent on the product. I have always regretted the fact that the public does not get its share of the return on our investment for some of these very same products.

But in the Orphan Drug Act we said, look, we will give you every incentive in the pharmaceutical industry to make the investment because we want people with rare diseases not to be ignored. So we gave them an exclusivity. If they developed a drug for patients with rare diseases, we gave them tax breaks. We funded research as this bill and the previous one will do at the NIH and at the FDA, but we found that while in most cases it barely offered any real profit numbers to be attractive to pharmaceutical industries, they responded well to the incentives.

□ 1345

In some cases, there were diseases that were classified as rare diseases which became a windfall for the pharmaceutical industry. The pharmaceutical industry, for example, when the HIV/AIDS epidemic hit, were able to classify their drugs as orphan drugs because the patient population was not that large at that time.

Later it mushroomed, of course, as the epidemic progressed, and the Congress revisited the issues through hearings as to whether we were being much too generous to the pharmaceutical industry in giving them the exclusivity which meant they could block competition. We were willing to give them exclusivity for a disease that did not offer much profit potential, but when it was extremely profitable, there was not really any justification for that exclusivity over and above their patents and other rights that pharmaceutical manufacturers have. But we have never been able to take anything back from the drug companies once they have gotten it in law, even when it was not justified for them to have it.

There was another example of this, by the way, earlier this year. I was involved in the original legislation to say to the manufacturers, do the research on children when they get a drug approved, do that research so that we can know what the needs are for children, if they could use a certain pharmaceutical product. We tried to use a carrot and a stick. A stick would be if they were coming up with a new drug, FDA should require those tests before it approved the new drug, but a carrot for those drugs that are already on the market, we gave them an exclusivity of 6 months. Does not sound like a lot of time.

Then when we revisited the issue, it turned out that the companies were using that exclusivity in a way to enhance their monopoly over drugs that are widely used even though the studies for the children required a minimal amount of investment. Not only that, they were doing the minimal amount investment on the use for children, on drugs that were rarely used by children, so they could get the monopoly on the pharmaceuticals that were used by adults. And monopoly is a real incentive for research, but it can be abusive, because after a while monopolies are simply a way to keep out competition, and we know what happens when there is no competition. It means consumers pay the highest prices.

So we have some pharmaceuticals where there are wonderful drugs, the public investment in research paid off when they were applied by the pharmaceutical industry to get these drugs, but it meant that some consumers could not even afford the drugs that were developed.

This bill before us today is a good one. We want to encourage the development of drugs for rare diseases, and I commend the drug companies for their work, but we need to keep it in perspective, that sometimes we have to come back and review these special breaks that we give to the companies because they are willing to take a loophole and expand it so enormously that it outprices many consumers for their product. We want to give them the incentive to develop the product, but we want to let the public be able to purchase the product as well.

I take these few minutes to give some expansion of the historical perspective on the Orphan Drug Act, the pediatric exclusivity, and we will save for another time the abuses the Hatch-Waxman Act, which we, hopefully we are this year going to try to end by following the example of the U.S. Senate in stopping the loopholes that have been so abused by pharmaceutical companies, far beyond anything that any of us ever envisioned when we adopted the original Hatch-Waxman Act.

I ask my colleagues to join me in supporting this legislation.

Mr. Speaker, I yield back the balance of my time.

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

I appreciate my colleague's historical background. I am a relatively new Member still, in my sixth year, and I know there is a lot of water underneath the bridge on a lot of these issues, and it is always good to look back.

He has been a leader and has been helpful on orphan drugs and pediatric exclusivity, and I am proud to have a chance to work with him on this legislation. I look forward to the opportunity to work with him more in the future as we try to make sure that all our citizens in this country have access to affordable health care.

Mr. DINGELL. Mr. Speaker, I am proud to be an original cosponsor of the bill before us today, H.R. 4014, the ''Rare Diseases Orphan Product Development Act of 2002.'' I would like to thank my colleagues, particularly Representatives WAXMAN, BROWN, and RUSH, for their work on this legislation.

Approximately 25 million Americans suffer from more than 6,000 rare diseases. These diseases include Huntington's disease, Lou Gehrig's disease, cystic fibrosis, and Duchenne muscular dystrophy. Because of the relatively small patient populations associated with rare diseases, pharmaceutical firms are concerned about receiving an adequate return on their investment in developing medications to treat them.

In response to this problem, Congress passed the Orphan Drug Act, which allows for market exclusivity for products developed for rare diseases. Additionally, the Food and Drug Administration (FDA) has been able to support small clinical trials through Orphan Products Research Grants. These grants have been effective, leading to the development of more than 23 drugs and four medical devices for rare diseases.

The purpose of this legislation is to increase the national investment in the development of diagnostics and treatments for patients suffering from rare diseases. H.R. 4014 continues the Orphan Products Research Grant program for clinical research needed to evaluate the safety and efficacy of therapies to treat rare diseases. Specifically, this legislation authorizes such sums as already have been appropriated for fiscal year 2002, and $25 million for each of the fiscal years 2003 through 2006.

This is good legislation and I urge all of my colleagues to join me and support H.R. 4014.

Mr. BILIRAKIS. Mr. Speaker, I am also pleased today to support H.R. 4014, the Rare Diseases Orphan Product Development Act of 2002. This bill, which was introduced by our colleague from Florida, Mr. FOLEY, will ensure that cutting-edge treatments are available for a myriad of rare diseases.

Specifically, H.R. 4014 will increase funding for the Food and Drug Administration's Orphan Product Research Grants Program. This crucial program provides funding to academic scientists and small companies to conduct clinical trials on new orphan drugs, medical devices, and medical foods for rare diseases.

By definition, ''orpahn products'' are treatments for rare conditions that have small potential markets and thus are not attractive investments for the private sector. Such treatments were not being developed for rare diseases until the Orphan Drug Act was enacted in 1983, and it has become a highly successful government/industry partnership. Prior to 1983, only ten orphan products had come to the market, while more than 200 drugs and biological products for rare diseases have been brought to market since passage of the Orphan Drug Act.

H.R. 4014 ensures that adequate funding is available for the development of orphan products. I commend my colleagues for their bipartisan efforts in this area and look forward to voting for this legislation.

Mr. SHIMKUS. Mr. Speaker, I have no other speakers on my side, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BOOZMAN). The question is on the motion offered by the gentleman from Illinois (Mr. SHIMKUS) that the House suspend the rules and pass the bill, H.R. 4014.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. WAXMAN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8, rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

CANCELING LOANS TO ALLOW SCHOOL SYSTEMS TO ATTRACT CLASSROOM TEACHERS ACT

Mr. MCKEON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5091) to increase the amount of student loan forgiveness available to qualified teachers, with an emphasis on special education teachers, as amended.

The Clerk read as follows:

H.R. 5091

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Canceling Loans to Allow School Systems to Attract Classroom Teachers Act''.

SEC. 2. ADDITIONAL QUALIFIED LOAN AMOUNTS FOR STUDENT LOAN FORGIVENESS.

(a) FFEL LOANS.—Section 428J(c) of the Higher Education Act of 1965 (20 U.S.C. 1078–10(c)) is amended by adding at the end the following new paragraph:

''(3) ADDITIONAL AMOUNTS; PRIORITY.—

''(A) LARGER AMOUNTS FROM APPROPRIATED FUNDS.—Notwithstanding the amount specified in paragraph (1), the aggregate amount that the Secretary may, from funds appropriated under subparagraph (C), repay under this section is a total amount equal to not more than $17,500.

''(B) AWARD BASIS; PRIORITY.—The Secretary shall make payments under this paragraph to elementary or secondary school teachers who meet the requirements of subsection (b) on a first-come first-served basis, subject to the availability of appropriations, but shall give priority in providing loan repayment under this paragraph for a fiscal year to teachers who—

''(i)(I) are employed as special education teachers whose primary responsibility is to teach or support children with disabilities (as defined in section 602 of the Individuals with Disabilities Act); and

''(II) as certified by the chief administrative officer of the public or nonprofit private elementary or secondary school in which the borrower is employed, are teaching children with disabilities that correspond with the borrower's training and have demonstrated knowledge and teaching skills in the content areas of the elementary or secondary school curriculum that the borrower is teaching;

''(ii) are employed as teachers in local educational agencies that are determined by a State educational agency under section 2141 of the Elementary and Secondary Education Act of 1965 to have failed to make progress toward meeting the annual measurable objectives described in section 1119(a)(2) of such Act for 2 consecutive years; or

''(iii) are employed as teachers of mathematics or science.

''(C) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this paragraph such sums as may be necessary for fiscal year 2003 and for each of the 4 succeeding fiscal years.''.

(b) DIRECT LOANS.—Section 460(c) of the Higher Education Act of 1965 (20 U.S.C. 1087j(c)) is amended by adding at the end the following new paragraph:

''(3) ADDITIONAL AMOUNTS; PRIORITY.—

''(A) LARGER AMOUNTS FROM APPROPRIATED FUNDS.—Notwithstanding the amount specified in paragraph (1), the aggregate amount that the Secretary may, from funds appropriated under subparagraph (C), repay under this section is a total amount equal to not more than $17,500.

''(B) AWARD BASIS; PRIORITY.—The Secretary shall make payments under this paragraph to elementary or secondary school teachers who meet the requirements of subsection (b) on a first-come first-served basis, subject to the availability of appropriations, but shall give priority in providing loan repayment under this paragraph for a fiscal year to teachers who—

''(i)(I) are employed as special education teachers whose primary responsibility is to teach or support children with disabilities (as defined in section 602 of the Individuals with Disabilities Act); and

''(II) as certified by the chief administrative officer of the public or nonprofit private elementary or secondary school in which the borrower is employed, are teaching children with disabilities that correspond with the borrower's training and have demonstrated knowledge and teaching skills in the content areas of the elementary or secondary school curriculum that the borrower is teaching;

''(ii) are employed as teachers in local educational agencies that are determined by a State educational agency under section 2141 of the Elementary and Secondary Education Act of 1965 to have failed to make progress toward meeting the annual measurable objectives described in section 1119(a)(2) of such Act for 2 consecutive years; or

''(iii) are employed as teachers of mathematics or science.

''(C) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this paragraph such sums as may be necessary for fiscal year 2003 and for each of the 4 succeeding fiscal years.''.

SEC. 3. CANCELLATION OF STUDENT LOAN INDEBTEDNESS FOR SPOUSES, SURVIVING JOINT DEBTORS, AND PARENTS.

(a) DEFINITIONS.—For purposes of this section:

(1) ELIGIBLE PUBLIC SERVANT.—The term ''eligible public servant'' means an individual who—

(A) served as a police officer, firefighter, other safety or rescue personnel, or as a member of the Armed Forces; and

(B) died (or dies) or became (or becomes) permanently and totally disabled due to injuries suffered in the terrorist attack on September 11, 2001;

as determined in accordance with regulations of the Secretary.

(2) ELIGIBLE VICTIM.—The term ''eligible victim'' means an individual who died (or dies) or became (or becomes) permanently and totally disabled due to injuries suffered in the terrorist attack on September 11, 2001, as determined in accordance with regulations of the Secretary.

(3) ELIGIBLE SPOUSE.—The term ''eligible spouse'' means the spouse of an eligible public servant, as determined in accordance with regulations of the Secretary.

(4) ELIGIBLE SURVIVING DEBTOR.—The term ''eligible surviving debtor'' means an individual who owes a Federal student loan that is a consolidation loan that was used, jointly by that individual and an eligible victim, to repay the Federal student loans of that individual and of such eligible victim.

(5) ELIGIBLE PARENT.—The term ''eligible parent'' means the parent of an eligible victim if—

''(A) the parent owes a Federal student loan that is a consolidation loan that was used to repay a PLUS loan incurred on behalf of such eligible victim; or

''(B) the parent owes a Federal student loan that is a PLUS loan incurred on behalf of an eligible victim who became (or becomes) permanently and totally disabled due to injuries suffered in the terrorist attack on September 11, 2001.

(6) SECRETARY.—The term ''Secretary'' means the Secretary of Education.

(7) FEDERAL STUDENT LOAN.—The term ''Federal student loan'' means any loan made, insured, or guaranteed under part B, D, or E of title IV of the Higher Education Act of 1965.

(b) RELIEF FROM INDEBTEDNESS.—

(1) IN GENERAL.—The Secretary shall provide for the discharge or cancellation of—

(A) the Federal student loan indebtedness of an eligible spouse;

(B) the consolidation loan indebtedness of an eligible surviving debtor;

(C) the portion of the consolidation loan indebtedness of an eligible parent that was incurred on behalf of an eligible victim, if the amount of such indebtedness with respect to such eligible victim may be reliably determined on the basis of records available to the lender; and

(D) the PLUS loan indebtedness of an eligible parent that was incurred on behalf of an eligible victim described in subsection (a)(5)(B).

(2) METHOD OF DISCHARGE OR CANCELLATION.—A loan required to be discharged or canceled under paragraph (1) shall be discharged or canceled by the method used under section 437(a), 455(a)(1), or 464(c)(1)(F) of the Higher Education Act of 1965 (20 U.S.C. 1087(a), 1087e(a)(1), 1087dd(c)(1)(F)), whichever is applicable to such loan.

(c) FACILITATION OF CLAIMS.—The Secretary shall—

(1) establish procedures for the filing of applications for discharge or cancellation under this section by regulations that shall be prescribed and published within 90 days

after the date of enactment of this Act and without regard to the requirements of section 553 of title 5, United States Code; and

(2) take such actions as may be necessary to publicize the availability of discharge or cancellation of Federal student loan indebtedness for eligible spouses, eligible surviving debtors, and eligible parents under this section.

(d) AVAILABILITY OF FUNDS FOR PAYMENTS.—Funds available for the purposes of making payments to lenders in accordance with section 437(a) for the discharge of indebtedness of deceased or disabled individuals shall be available for making payments under section 437(a) to lenders of loans to the eligible spouses, eligible surviving debtors, and eligible parents as required by this section.

(e) APPLICABLE TO OUTSTANDING DEBT.—The provisions of this section shall be applied to discharge or cancel only Federal student loans (including consolidation loans) on which amounts were owed on September 11, 2001.

SEC. 4. INFORMATION ON BENEFITS TO RURAL SCHOOL DISTRICTS.

The Secretary shall—

(1) notify local educational agencies eligible to participate in the Small Rural Achievement Program authorized under subpart 1 of part B of Title VI of the Elementary and Secondary Education of 1965 of the benefits available under the amendments made by section 2 of this Act to the teachers in the rural schools of such agencies; and

(2) encourage such agencies to notify their teachers of such benefits.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. MCKEON) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. MCKEON).

GENERAL LEAVE

Mr. MCKEON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 5091.

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

There was no objection.

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

Mr. Speaker, I rise in strong support of H.R. 5091, the Canceling Loans to Allow School Systems to Attract Classroom Teachers Act, or the CLASS Act, which will help low-income school districts recruit and retain high-quality teachers. The bill would provide up to $17,500 in student loan forgiveness for teachers who agree to serve in low-income schools, with a priority on special education, math and science teachers.

We all know that in order to ensure the academic success of our Nation's students, there must be a highly qualified teacher in the classroom. In fact, outside of the influence of parents, no other factor has a greater correlation to student success.

Already the Nation faces a serious teacher shortage, and over the next decade we must prepare for recruitment of an even larger pool of teachers.

Over the last few years this Congress has looked for ways to provide a major boost to schools in their effort to establish and support a high-quality teaching force. With passage of the No Child Left Behind Act, we have gone a long way toward improving our children's education by allowing greater flexibility for local school districts which would make it easier for them to recruit and retain excellent teachers.

One of the hallmarks of the law asks States to have a highly qualified teacher in every public classroom by the year 2005, emphasizing State and local methods. Since passage of the law, there have been numerous reports about the difficulty that some States will have in meeting this deadline. This is especially true in those States where experienced teachers are in short supply, particularly in schools serving low-income and minority children.

In my home State of California, it will be a tremendous undertaking due to the fact that we have more than 50,000 teachers who do not have full credentials now. The ranks of these newcomers are expected to grow as retirements and attrition take place over the next few years.

While States should continue to work with the Department of Education to meet these challenges, Congress must continue to work to increase the number and quality of teachers in the classrooms. The CLASS Act helps accomplish this goal by providing local and State school systems with a powerful teacher recruitment tool. It will provide a positive incentive for college students to enter the field of teaching and to make a long-term commitment to the classrooms and students that need them most.

No job is more important to this Nation's future than the education of its children. For this reason, I would like to thank the gentleman from South Carolina (Mr. GRAHAM), my good friend and colleague, for his long-standing commitment to improving the quality of education in our Nation's schools, as well as his commitment to the teachers in this country.

This bill recognizes and supports the service and commitment of both teachers who serve our children every day in the classroom. I urge my colleagues to vote yes on H.R. 5091 and continue our commitment to the men and women of this country who do so much for us each day.

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

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 5091, the CLASS Act. This bill would forgive student loans for teachers and of certain September 11 victims. I support this legislation to provide loan forgiveness for teachers in high-poverty schools and for special ed teachers. This legislation will be a very, very important tool in terms of recruiting and our desire to recruit and our ability to recruit and retain those teachers in high-poverty schools.

All Members of Congress are pretty familiar with the challenges that are faced by teachers who are teaching in high-poverty schools and the set of circumstances that they confront. We believe by directing loan forgiveness to these individuals that we will have an opportunity not to have them just come in on a revolving-door basis, where they come in for 1 year and then bid out of those systems, but they will stay in those systems for 4 or 5 years, they will provide some continuity to those children, and we will get the results that we desire to have under the Leave No Child Behind Act.

I appreciate the opportunity to work with the gentleman from South Carolina (Mr. GRAHAM) and others on this legislation. I will have to say, however, that I wish that we would have been able to support the gentleman from South Carolina's (Mr. GRAHAM) original legislation, which was to provide that this forgiveness would be guaranteed and not subject to a year-to-year appropriations. That effort we will have to continue to work on.

My concern is there teachers will not know that this incentive is really going to be in place on a year-to-year basis, and it will make our job more difficult in getting highly qualified individuals into high-poverty schools. If it was not subject to appropriations, then we could assure individuals who qualify for it that it would be available over the time that they spent in those schools.

We have a similar program and equally important program dealing with child care providers. It is subject to annual appropriations, and so far I think we have only helped 76 people nationwide. That is not the kind of program that we envision for this piece of legislation, but it is also the kind of guarantee that we should be able to provide to teachers that that would not happen in this program. Depending on what happens in year-to-year budgets within the House of Representatives or in years like this where we do not get budgets, we do not get appropriations bills, what happens to the teachers who have already started teaching for this year? Would they know or not know whether they would be eligible for loan forgiveness?

Next year in March in the State of California that my colleague has spoken to, and we are terribly concerned about the teacher shortage and recruitment in these schools, next year in March they will be getting pink slips because of the Federal funding. If we kick over the continuing resolution until March of next year, those teachers will not have the certainty of whether or not this appropriation would be available. That happens, unfortunately, all too often in the Congress, and that is why I would hope that this would be a guaranteed entitlement program for the length of the program.

Finally, that part of the problem could be solved if we would, in fact,

pass an education budget, if we would pass the education appropriations bill, but we will hear more about that on the topic of the continuing resolution tomorrow when it comes before this House where, once again, we will have to pass a continuing resolution because we have not been able to pass the appropriations bill because of the fight within the Republican Caucus dealing with the Education, Health and Human Services bill that has not been brought to the floor, although we were told in July it would be the first bill brought to the floor when we returned from our August break.

Finally, let me just mention a portion of this bill. It is a rather small portion, but I think a terribly important portion in terms of a statement by this Congress, and a very humane statement by this Congress, and a compassionate statement of this Congress, and that is a provision that was added to this bill in committee by our colleague, the gentlewoman from New York (Mrs. MCCARTHY). She represents a district in New York that suffered a great many losses from individuals who were killed in the vicious attacks of September 11 on the World Trade Center in New York City. Many people in the district suffered losses of friends in the attack of the Pentagon and the downing of the plane in Pennsylvania.

This legislation that was added to the bill is to provide for loan forgiveness to the families of firefighters, police officers and military personnel killed on September 11. The gentlewoman from New York (Mrs. MCCARTHY) fought for this legislation almost immediately after September 11, and it took a whole year. We tried to offer it numerous times on the floor of the House. It was not allowed to come up. We tried to offer it as amendments. It was not allowed to come up. We were given assurances early on that it would be considered on the floor of the House last year. That turned out to be a hollow promise. It did not happen.

□ 1400

Finally, this year the gentleman from Ohio (Mr. BOEHNER), our chairman, gave his word that the committee would address this legislation. His word was good. The deal stuck, and because of that guarantee by him and the tenacity and the doggedness of the gentlewoman from New York (Mrs. MCCARTHY) to make sure that this provision was brought to the Congress so the Congress would have a chance to vote on it so these families would get relief because of the economic setbacks that they suffered along with the tragedy they suffered of the loss of a member of their family in that tragedy, I simply want to recognize her for her effort.

She was told so many times a lesser person might have gone away and figured out it could not be done. She continued to scheme and to persuade and to work on and to lobby Members of the House and the leadership and the rest to get this done, and I believe now today with the passage of this legislation she is going to realize the success that should have been hers many, many months ago and the benefits that will go to these families now; and I want to thank her, and I know Members of the committee want to thank her, for all of her effort on behalf of these families who suffer the tragedy of September 11.

Mr. Speaker, I yield the balance of my time to the gentlewoman from New York (Mrs. MCCARTHY) to manage the bill.

The SPEAKER pro tempore (Mr. BOOZMAN). Without objection, the gentlewoman from New York (Mrs. MCCARTHY) will manage the remainder of the time.

There was no objection.

Mr. MCKEON. Mr. Speaker, I yield 3 minutes to the gentleman from South Carolina (Mr. GRAHAM), the author of this very important bill.

Mr. GRAHAM. Mr. Speaker, I thank the chairman for yielding me this time.

About this committee, there is so much going on in America that is uncertain, with a potential military confrontation around the corner, a downturn in the economy, how to fix it. There is much to be debated on the floor of the House before we leave. The committee is operating in a fashion, the Committee on Education and the Workforce, that I am very proud of; and the gentleman from Ohio (Mr. BOEHNER), chairman, and the gentleman from California (Mr. GEORGE MILLER), ranking member, deserve much credit. Not enough is being said about how this committee has produced quality legislation to address real problems. There is no uncertainty about teacher recruitment. We are going to have to replace half of the teachers that exist today in the next decade. And how do we get quality teachers to fill in those slots?

Most college students graduating from college, the biggest debt they face is a student loan. It is a good investment to get a college degree. I think it is a good investment for the taxpayers to help forgive those loans if those college graduates go into teaching into hard-to-recruit areas. And we are not just talking about putting bodies into classrooms; we are talking about quality. And what I like most about this bill is it does provide an incentive for people who graduate college to go into teaching in the hardest-to-recruit areas. Title I schools are usually urban and rural poor schools, a hard place to recruit. So if one will teach in one of those school systems for 5 years, we will forgive their student loans in a mandatory fashion at $5,000 with this bill, up to $17,500 in discretionary money to be appropriated over time.

I wish it had been mandatory too, but we are living in a world where there is a downturn in the economy and there is a war. I am confident that the money will be there for teachers in the years to come that will get a benefit of this program, but we want quality. They have to maintain their certification. Secondary teachers have to teach in the area that they are trained, math teachers teaching math, history teachers teaching history. Elementary education teachers have to be certified to be competent. So we marry up the need for quality and the problem of recruiting in the poor urban and rural schools by putting some money on the table, $17,500, to be earned for 5 years of service in those schools.

What does it mean to America? CBO says it will result at a minimum of 35,000 new teachers coming into the profession. I think that is something to be proud of. The cost of the bill is very manageable. It is over a 5-year period, 300-and-something million dollars, which is a lot of money; but if we can get 35,000 new teachers with quality into hard-to-recruit areas, I think we all can tell the taxpayers that is a good deal because to get the money, they have got to earn it, they have got to work for 5 years; and I think that is a good deal for everybody involved.

I appreciate what the gentleman from California (Mr. GEORGE MILLER) has done to make sure this passed in a bipartisan fashion. And the part of the bill that he mentioned about the gentlewoman from New York's (Mrs. MCCARTHY) provision about survivors, family members of those people who lost their lives in 9–11, it is small. It is an asterisk in terms of funding. It is not going to cost that much, but the impact it will have is huge; and I want to congratulate her for what she has done to help those families in a very significant way.

Mrs. MCCARTHY of New York. Madam Speaker, I yield myself such time as I may consume.

Before I begin my statement, I would like to take a moment to remember a great colleague and friend in the Committee on Education and the Workforce, the gentlewoman from Hawaii. She will be greatly missed and always remembered for her compassion and dedication to the people of Hawaii.

Madam Speaker, I rise today in strong support of H.R. 5091, the CLASS Act. Under this bill, special education teachers and math and science teachers who have served in a high-poverty school for 5 years are eligible for having up to $17,500 in student loans forgiven.

Giving relief to the men and women who teach children in America really is homeland security, and I hope this is the first step to forgiving the loans for all teachers who work in underserved schools.

Madam Speaker, I would like also to take this opportunity to personally thank the gentleman from Ohio (Mr. BOEHNER), the gentleman from California (Mr. GEORGE MILLER), the gentleman from California (Mr. MCKEON), and my colleagues for working with us on this, including my language to forgive student loans for the spouses of

emergency personnel affected by the September 11 attacks.

Unfortunately, due to the tragic events of September 11, many spouses who lost loved ones in the attacks are enduring financial hardships. Charitable organizations have offered some assistance, but the Federal Government must also play a role. That is why I fought so hard to get these loans forgiven. Currently, individuals who die have their loans forgiven, but that is not the case for the spouses who have relied upon the income of their lost loved ones to pay the loans.

This legislation authorizes the Secretary of Education to discharge or cancel Federal student loans for the spouses. This relief is only for the spouses of policemen, firemen, emergency personnel, and members of the Armed Forces who died or became permanently disabled in the line of duty on 9–11. Relieving a student loan expense helps financially strained spouses provide for their children as well as themselves during this difficult time. This is a very low-cost, tailored provision that will help the families of our bravest men and women who perished a year ago last month.

I thank again the gentleman from Ohio (Mr. BOEHNER) and the gentleman from California (Mr. GEORGE MILLER) for their teamwork on this legislation. I know it has been a tough time getting here, but we all did pull together and we all did work together to get this done because our committee did know this was the right thing to do; and I appreciate all the help that everyone on the other side of the aisle gave me for this.

I urge all of my colleagues to join me in my support of this very important legislation, and I ask all my colleagues to vote ''yes'' on this bill.

Madam Speaker, I reserve the balance of my time.

Mr. MCKEON. Madam Speaker, I yield such time as he may consume to the full committee chairman, the gentleman from Ohio (Mr. BOEHNER).

Mr. BOEHNER. Madam Speaker, I thank the gentleman from California (Mr. MCKEON) for yielding me this time.

Before I talk about the bill that we have on the floor today, let me pay tribute to a colleague and friend, PATSY MINK. It is my understanding the House will consider and adopt a formal resolution this week honoring her service to our country, and I am pleased that we will have that opportunity to pay tribute to her in that fashion.

PATSY was a vibrant, passionate, and effective voice for the principles that she believed in. She was a true leader on our committee, and I am deeply saddened by the news of her passing. As chairman of the committee over the last 2 years, we worked together on the historic No Child Left Behind Act, as well as bipartisan legislation to improve access to higher education for our Nation's youth. PATSY fought tirelessly for the causes she supported, and I think we are all grateful for her long record of public service. Her passing is a significant loss for our committee, the people of Hawaii, and the people of the United States. And I offer my sincerest condolences to her family and her constituents. She will be greatly missed.

Madam Speaker, today I rise in support of H.R. 5091, the Canceling Loans to Allow School Systems to Attract Classroom Teachers Act, or as we call it the CLASS Act, and I want to applaud the gentleman from South Carolina (Mr. GRAHAM), my friend and colleague, for his commitment to the education of our Nation's children and for sponsoring the legislation that we have before us today. This bill provides an important opportunity for high-need schools and school districts to recruit and retain highly qualified and committed teachers, and we are asking a lot of our Nation's teachers and they deserve our full support.

The No Child Left Behind Act calls for States to have a qualified teacher in every public classroom by the end of the 2005–2006 school year. With large numbers of teachers retiring over the next 10 years, estimates are that more than 2 million teachers will be needed to fill these vacancies, and that will be no easy task. Demand for high-quality teachers has never been higher, but in some cases unqualified teachers are being hired to fill these open vacancies.

This bill, I think, will help solve that problem. It provides an increase in the total amount of loan forgiveness for teachers now provided in the Higher Education Act from a maximum of $5,000 to a new level of $17,500. This bill also places a priority for providing loan forgiveness to those teachers teaching special education, mathematics, science, or those teaching in schools that are failing to adequately recruit highly qualified teachers as required by No Child Left Behind. This loan forgiveness is provided to teachers who teach for 5 consecutive years at a title I school, and as my colleagues know, these schools serve a high concentration of students from low-income families.

As a result of President Bush's involvement in No Child Left Behind, Federal funding for teacher programs is being increased by 38.1 percent, or $787 million, this year to help States train, recruit and retain quality teachers. This historical level of support for teachers is maintained in the President's fiscal year 2003 budget and the budget resolution passed this spring by the House. This bill continues the commitment that we have shown in supporting quality teachers for all of our Nation's children.

We have all had that one special teacher who had an impact on our lives, that one teacher who has helped us find the success and direction that we now enjoy. And this bill will help make it possible for all children to have that qualified and caring teacher who will have a positive impact on their lives.

The new realities of a wartime budget and economic recovery now require us to exercise fiscal discipline and responsibility; and to meet this important responsibility, we have crafted this program as a discretionary, rather than mandatory, program. At this time, budgetary offsets necessary to make this a mandatory spending program have not been found. However, we think it is vitally important to get the program authorized, and then we will work with our appropriators and our colleagues on both sides of the aisle to fund this program in a responsible, bipartisan way.

In addition, H.R. 5091 contains a provision authored by my good friend and colleague, the gentlewoman from New York (Mrs. MCCARTHY), that would forgive the student loans of the spouses of fire, police, military, and rescue personnel who were victims of the September 11, 2001, tragedy. We can never fully repay the debt we owe these families, but I believe this provision can help bring a small element of healing to the families of those heroes.

Finally, I want to thank the gentleman from California (Mr. GEORGE MILLER), the ranking member of our committee, for his help in pushing this bill through and dealing with the gentlewoman from New York's (Mrs. MCCARTHY) provision as well.

This bill exemplifies the commitment that this Congress has shown to education, and I urge my colleagues to vote ''yes'' on this important bill for our Nation's teachers.

Mrs. MCCARTHY of New York. Madam Speaker, I yield such time as he may consume to the gentleman from Wisconsin (Mr. KIND), my colleague who sits on our committee.

Mr. KIND. Madam Speaker, I thank the gentlewoman from New York (Mrs. MCCARTHY) for yielding me this time.

Madam speaker, I want to preface my remarks by stating that today is truly a sad day in the House of Representatives for the people of the second district of Hawaii, for the people of the Nation who may not have seen or appreciated the fine work that PATSY MINK did in representing her constituents in Hawaii. In all my years of public service, Madam Speaker, I never met anyone with a deeper commitment and passion for serving her constituents than PATSY MINK. I believe she was the first woman of color to be elected to the United States Congress, and I have had the pleasure of serving with her for three terms now on the Committee on Education and the Workforce.

The depth of knowledge that she brought to the committee on issues of education, her fight to ensure that quality of education was a reality for native Hawaiian children was unrivaled; and we will miss her guidance and her leadership and her expertise in these areas. Most of all, we will miss her for what she was, and that

was a dynamic personality with unlimited energy and compassion for the issues she felt so deeply about. I hope that the people will in the next week take a little time to read a little bit about PATSY MINK, the stories being written, to better understand her contribution for our great democracy and for the people of the second district in Hawaii.

Madam Speaker, I rise in support of H.R. 5091, the CLASS Act. I think this is an important piece of legislation to be able to attract young, qualified teachers into at-risk school districts where recruitment has proven difficult, where retention of quality teachers in the classroom has proven to be a great challenge.

□ 1415

We know that the second most important determinative of how well a child is going to succeed in school is the quality of the teacher in front of them in the classroom. That is why this legislation is long overdue. We had some differences of opinion in the committee in regards to whether this should be a mandatory program as opposed to a discretionary program. I would hope that even though we went the discretionary route, effort would still be given to try to find offsets to make this a mandatory program. I think it is important to be able to offer this type of incentive for young, qualified teachers to enter very difficult school districts and to serve children in need.

Madam Speaker, I also want to commend the gentlewoman from New York (Mrs. MCCARTHY) for her passion in being able to bring loan forgiveness to the victims of September 11. She was there from the very beginning, advocating the importance of doing this. It is a token gesture, but I think an important gesture for those families that carry student loan debts that those be forgiven in recognition of the events of September 11.

I also thank the leadership on the committee for accepting my amendment, which is a notification requirement to rural school districts so they too will recognize the existence of this program and will better understand how they can qualify and apply for loan forgiveness. Oftentimes rural school districts are understaffed, underfinanced, and do not have professional grant writers to really take advantage of the various educational programs that exist at the Federal level.

This notification requirement is a small way to help get word out to school districts throughout the country that this is available and another tool of recruitment for rural school districts that are facing very difficult challenges in attracting young, qualified bright minds into the school system.

Many of my school districts in western Wisconsin have a difficult time finding any AP teachers to teach high school classes. If it were not for certain online opportunities, many of the students would have to go without because of the shortage and great demand for teachers. Hopefully with this notification requirement, more rural school districts will realize the availability of the program and the additional tool that they can now use to attract young teachers into the classroom.

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

Madam Speaker, I associate myself with the remarks of the gentleman from Ohio (Mr. BOEHNER), the gentleman from Wisconsin (Mr. KIND), and the gentlewoman from New York (Mrs. MCCARTHY) regarding Mrs. MINK. The gentlewoman will be missed by all of us, but I will especially miss her because for the last 2 years she has been the ranking member on this subcommittee, and we have had the opportunity of getting to go know each other and working well together. I will miss her greatly.

Madam Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. ISAKSON).

Mr. ISAKSON. Madam Speaker, I want to add my expression of sympathy to the family of PATSY MINK and to the citizens of Hawaii and recommend Members read an editorial that I read on the plane today about the contributions of her life, in particular in the field of politics and the law where she broke the glass ceiling for women in an era and a period where that ceiling was very low. She was an outstanding colleague and an outstanding individual, and she shall be missed.

Mr. Speaker, I commend the gentleman from South Carolina (Mr. GRAHAM) for his contribution to improving the education of America's most needy and in-need students. With the addition of the CLASS Act and the incentive to attract teachers to our title I schools in rural and urban poor centers, what the gentleman from South Carolina (Mr. GRAHAM) has done is he has the second one-two punch to what this Congress and this President has done to really focus on where educational needs are the greatest.

If we combine the ability to attract teachers through loan forgiveness, to make the commitment to our children who are the most in need, with the investment this Congress made last year in No Child Left Behind in our title I schools, we will find the two greatest contributions, in my opinion, ever by the Congress of the United States in terms of truly meeting the needs we will have in the 21st century to be sure that opportunity is available to every child and that no child is left behind.

On a side note, I want to commend the gentleman from Ohio (Mr. BOEHNER) and the gentlewoman from New York (Mrs. MCCARTHY), who is one of the sweetest people in the whole world. Her amendment and the Kind amendment being in this bill recognize and represent what the gentleman from Ohio (Mr. BOEHNER) has done, and that is pull together bipartisan ideas to improve the education of America's children, to join them together and bring them to the floor of this Congress, and take them to the President for his signature and enact them into law for our children.

I commend the chairman for his leadership, the gentleman from Wisconsin (Mr. KIND) and the gentlewoman from New York (Mrs. MCCARTHY) for their amendments, and I acknowledge the gentleman from South Carolina (Mr. GRAHAM), who in this Congress is making a most significant investment in the improvement of the lives of our most needy children.

Mrs. MCCARTHY of New York. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, number one, I would like to say that working on the Committee on Education and the Workforce has been truly a wonderful experience. To me it is a committee that actually has worked very well bipartisanly to get things done. I appreciate that. Sometimes I wish other committees could look at how our committee works to get things done so we can sign legislation into law. I also would like to thank the staff for all of the hard work they put in. A lot of people do not realize how much work the staff does to make this legislation come through.

The gentleman from South Carolina (Mr. GRAHAM), he and I will be working very hard to make sure that this legislation now moves in the Senate to get signed by the President. Madam Speaker, today we are talking about the next step about providing needy relief to the victims of September 11. It is my hope that the other body will move quickly to pass this important legislation so we can send this bill to the President for his signature.

Madam Speaker, I commend my colleagues, especially the gentleman from Ohio (Mr. BOEHNER) and the gentleman from California (Mr. GEORGE MILLER), who have spoken in favor of this bill; and I urge Members to vote in favor of this legislation, H.R. 5091.

Madam Speaker, I yield back the balance of my time.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. BIGGERT). Members are reminded that they should avoid urging action by the Senate.

Mr. HOLT. Madam Speaker, we have a responsibility to them to ensure that every public school and every teacher is able to help all of our school children reach their full potential.

Over 35 years ago, Congress passed the Elementary and Secondary Education Act to help improve our public schools. With its main focus on improving the educational opportunities for disadvantaged children, ESEA established bold new goals for schools to prepare children, no matter what their background, to succeed in this world by mastering the basics and reaching high standards of achievement.

Our schools are facing new and different challenges. We have an increasingly diverse and growing student population. We are facing

a massive teacher shortage. In fact, over the next ten years, we will need to recruit and hire 2.2 million teachers just to keep up with the attrition of our teaching force.

We made great stride toward meeting these challenges with the passage of H.R. 1. Today we have opportunity to go further buy encouraging student to go into the important field of teaching through loan forgiveness. The loan forgiveness program—which began in 1998 and provides up to $5,000 in student loan relief—helps ensure that disadvantaged students are taught by high quality professionals. This program must be extended to reflect the true cost of college.

This bill will increase loan forgiveness to $17,500 for Special Education, Math and Science teachers. I am pleased the majority accepted my amendment to add Math and Science teachers as a priority to the bill.

Forty-three percent of math teachers in high poverty schools have neither majored nor minored in math related fields, compared to 27 in low poverty school. Over the next 10 years, large numbers of teachers will retire, leaving American classrooms with a serious teacher shortage, especially rural and inner city schools that already face one. By encouraging students to become math, science and special education teachers we can address this inequity.

As recent reports by the National Assessment Education Progress (NAEP) on November 21, 2001 and the Organization for Economic Co-operation and Development (OECD) on December 4, 2001 have indicated, American students are severely under-performing in math and science. According to the NAEP study, 82 per cent of high school seniors were less than proficient in science last year, while OECD reports that only four out of the 28 countries OECD tested performed worse than American students in science and five in math.

Given new challenges to our homeland defense, I think it should be obvious that having weak math and science education is not in our national interest. If we given short shrift to math and science education, how will future generations of Americans develop the vaccines to fight biological terror or the defense technology to track down and eliminate terrorists and other threats?

While this bill does not provide mandatory funding for teacher loan forgiveness, as I would have preferred it is a step in the right direction and I ask my colleagues to support it.

Mr. MOORE. Madam Speaker, I rise today to express my strong support for H.R. 5091, the Canceling Loans to Allow School Systems to Attract Classroom Teachers Act, and I encourage my colleagues to support this important legislation.

I have long recognized the great need for teacher loan forgiveness to help our local school districts address the nationwide teacher shortage. Urban, rural and suburban districts are all struggling with this problem caused by a combination of demographic trends and a low teacher retention rate.

Under current law, teachers can receive up to $5,000 in loan forgiveness after five years of service. H.R. 5091 would expand the program to forgive up to $17,500 in loans and give priority to special education teachers.

Although I am a strong supporter of this legislation, I believe that it could be greatly improved. I introduced a bill on February 14, 2001, that I believe would go much farther in addressing our national teacher shortage. H.R. 687, the Teacher Recruitment and Retention Act, would forgive up to $10,000, over five years, for any newly qualified educator who: teaches in a low-income school, teaches special education, or teaches in a designated teacher shortage area.

I believe that offering loan forgiveness in the first year of teaching, as I have provided for in H.R. 687, would do more to encourage young teachers to stay in the profession. Also, loan forgiveness needs to be extended far beyond special education teachers. local school districts also struggle when hiring math, science and foreign language teachers.

I am glad that my colleagues have recognized our national teacher shortage as a national priority worthy of Federal investment. I believe that it is time for the Federal government to assist States and local school districts in attracting and keeping qualified teachers, and I am happy to offer my support for this legislation, which represents an important first step.

Mr. FALEOMAVAEGA. Mr. Speaker, today I rise in support of H.R. 5091, the Cancelling Loans to Allow School Systems to Attract Classroom Teachers Act. This act would increase the amount of student loan forgiveness available to qualified teachers. Loan cancellations would be made on a first-come, first-served basis, subject to the availability of appropriations, and with emphasis on special education, mathematics and science teachers.

I believe this legislation is solid and it is necessary legislation. As we are aware, across this Nation, States and Territories struggle to retain and attract teachers. Our school systems are overcrowded. Our test scores are down, and our resources are limited. Many of our students are also disadvantaged by poverty and live in communities that are unable to raise revenue to meet the growing challenge of elevating learning.

As lawmakers, we are painfully aware that we must provide adequate funding for education if we are to maintain cohesion in our society. As lawmakers, we also agree that no child should be left behind. This is why we are disappointed that President Bush signed legislation promising a $5.65 billion increase in the No Child Left Behind legislation, but 4 weeks later provided an increase of only $1 billion. We are also disappointed that the President's budget holds aid to local schools virtually flat.

Lie every other State and Territory, American Samoa depends on Federal assistance to improve classroom learning. We struggle to recruit, certify, and retain teachers. Yet we also want to ensure that our children are not left behind.

Passage of H.R. 5091 is a small step in the right direction. It will help alleviate some of the National and local problems we all face. For American Samoa, it will help us bring back and retain some of our own teachers. I support this legislation and I ask my colleagues to also support passage of H.R. 5091.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. MCKEON) that the House suspend the rules and pass the bill, H.R. 5091, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: ''A bill to increase the amount of student loan forgiveness available to qualified teachers, and for other purposes.''.

A motion to reconsider was laid on the table.

RECOGNIZING CONTRIBUTIONS OF HISPANIC-SERVING INSTITUTIONS

Mr. MCKEON. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 561) recognizing the contributions of Hispanic-serving institutions.

The Clerk read as follows:

H. RES. 561

Whereas there are more than 200 Hispanic-serving institutions in the United States;

Whereas Hispanic-serving institutions provide the quality education so essential to full participation in a complex, highly technological society;

Whereas the number of Hispanic Americans enrolled in college is growing twice as quickly as enrollment at all colleges, according to a recent report from the Department of Education;

Whereas Hispanic-serving institutions have allowed many students to attain their full potential through higher education;

Whereas the achievements and goals of Hispanic-serving institutions are deserving of national recognition; and

Whereas Hispanic Heritage Month is an appropriate time to express that recognition: Now, therefore, be it

Resolved,

SECTION 1. RECOGNITION OF HISPANIC-SERVING INSTITUTIONS.

The House of Representatives—

(1) recognizes the significance of Hispanic-serving institutions;

(2) recognizes that Hispanic-serving institutions are indispensible in meeting the educational needs of one of the Nation's youngest and fastest-growing populations;

(3) commends the Nation's Hispanic-serving institutions for their commitment to academic excellence for all students, including low-income and educationally disadvantaged students;

(4) urges the presidents, faculty, and staff of the Nation's Hispanic-serving institutions to continue their efforts to recruit, retain, and graduate students who might otherwise not pursue a postsecondary education;

(5) recognizes the importance of title V of the Higher Education Act of 1965, which aids in strengthening the academic quality, institutional management, and financial stability of Hispanic-serving institutions; and

(6) requests that the President issue a proclamation calling on the people of the United States and interested groups to demonstrate support for Hispanic-serving institutions in the United States during that month with appropriate ceremonies, activities, and programs.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. MCKEON) and the gentleman from Texas (Mr. HINOJOSA) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. MCKEON).

GENERAL LEAVE

Mr. MCKEON. Madam Speaker, I ask unanimous consent that all Members

may have 5 legislative days within which to revise and extend their remarks on H. Res. 561.

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

There was no objection.

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

Madam Speaker, I rise in support of House Resolution 561, in recognition of the contributions that Hispanic-serving institutions make in helping educate America's youngest and fastest-growing population. Hispanic-serving institutions are vital components of the higher education equation. Not only do they improve access to higher education for Hispanic Americans, they are committed to providing academic excellence to low-income and disadvantaged students.

HSIs enroll and graduate thousands of impressive students each year, despite often-limited resources. Prior to the reauthorization of the Higher Education Act of 1998, HSIs were eligible for Federal funds under title III, part A, the strengthening institutions program.

During reauthorization, we created a separate program and funding stream for Hispanic-serving institutions in an effort to expand educational opportunities for Hispanic students. The new program under title V allows institutions to use Federal money to build their endowments and provide scholarships and fellowships for needy students. The gentleman from Texas (Mr. HINOJOSA) is the one that brought that to our attention, and I thank the gentleman for his effort in that regard.

Since the Higher Education Act of 1998, Federal support of HSIs has increased to $86 million, and President Bush's budget, passed by the House earlier this year, would increase support for HSIs by an additional 3.5 percent.

It is important to also note that today's recognition of HSIs and last week's resolution recognizing the Historically Black Colleges and Universities are a continued commitment by this Congress to increase access to post-secondary education for not only minority students, but to all American students.

For example, Congress has made the Pell Grant program their highest priority for post-secondary education. Since 1995, we have increased the maximum Pell Grant every year. For 2002, the maximum Pell Grant reached a record high of $4,000, up from just $2,340 in 1995. This is a 71 percent increase in the maximum Pell Grant award and helps over 4.4 million low-income students each year. Next year, the Committee on Education and the Workforce will begin the process of reauthorizing the Higher Education Act, where our main focus will center on examining Federal policy that provides access to a high-quality and affordable college education.

During the process, we will continue to promote the role of HSIs in higher education and celebrate contributions they make to better the lives of so many young Americans.

Finally, I want to take this opportunity to highlight California State University Northridge, a Hispanic-serving institution located in my congressional district in California. According to the U.S. Department of Education, CSUN ranked among the top 100 universities nationwide in graduating Hispanic students at the bachelor's and master's level. The university also places highly in Hispanic Outlook in Higher Education and Black Issues in Higher Education rankings for degrees awarded.

I am pleased to be able to recognize the impact that institutions like Cal State Northridge make on local and national communities. I urge the House to adopt this important resolution.

Madam Speaker, I reserve the balance of my time.

Madam Speaker, I ask unanimous consent to have the time I control be controlled by the gentleman from Georgia (Mr. ISAKSON).

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

There was no objection.

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

Madam Speaker, I also want to first express my condolences to the family of my good friend and colleague, PATSY MINK. The people of Hawaii and this Nation have experienced a tremendous loss. I worked with PATSY MINK for 6 years on the Committee on Education and the Workforce and always found her to be a tireless advocate for children and workers. I will truly miss her wisdom, her wit, and her fighting spirit. She fought for all students to have an opportunity to access quality education and have access to higher education.

Madam Speaker, with those thoughts having been expressed, I rise today to strongly support H. Res. 561, honoring the contributions of the more than 200 Hispanic-serving institutions, known as HSIs, throughout the United States.

□ 1430

I want to acknowledge the assistance of the gentleman from Ohio (Mr. BOEHNER) and the gentleman from California (Mr. MCKEON) in bringing this bill to the House floor. I also want to acknowledge the contributions which the gentleman from California (Mr. GEORGE MILLER) has made to HSIs over the years. It is encouraging to see bipartisan support for these educational institutions of higher learning.

I was very pleased to hear the gentleman from California (Mr. MCKEON) talk about the opportunity that I had in 1997–1998 during reauthorization of higher education to raise the level of awareness of the Nation for the work that the Hispanic-serving institutions are making in helping so many Latino students go to college and be able to raise the level of education attainment for this community. This bipartisan support will become increasingly important as we reauthorize the Higher Education Act in 2003.

In the last decade we have made significant progress in narrowing the gap of achievement between minority students and Anglo-Saxon students. We must continue to close that gap for Hispanics so that they, too, are successful in their higher education pursuits. Why is this important? It is important because Latinos are the fastest-growing population in the country. If Latinos are to fully contribute to society and this great Nation, then Hispanic students must be given access to educational opportunities. While the increase in Hispanics pursuing a post-secondary education is significant, it is still not keeping pace with the Hispanic American presence in the general population, nor with the pool of Latino high school graduates.

For my colleagues who are not familiar with HSIs, they are defined as institutions of higher learning with a Hispanic student enrollment of 25 percent or greater. A percentage must be low-income and first-generation students. These college institutions are often located in low tax-base communities and too often are grossly underfunded. Until 1996, there were 200 eligible HSIs competing for only $10 million for the whole country. Needless to say, only a small percentage received funding.

During the 1997–1998 reauthorization of the Higher Education Act, Congress included for the first time language that addressed these woefully neglected institutions. Since then, funding has significantly increased. Yes, as the gentleman from California (Mr. MCKEON) said earlier, it has now gotten up to $86 million. We certainly hope that the leadership will consider some amount greater than 3 or 4 percent, but instead possibly looking at a 25 percent increase to be able to keep up with the need that we have for HSIs.

Yet despite these increases, it has been difficult to further develop these institutions because funding remains problematic at both the State and Federal levels. This neglect is a national crisis because HSIs produce most of the Nation's Hispanic college graduates receiving associate's, bachelor's, master's and doctoral degrees. Almost two-thirds of the 1.5 million Hispanic students in higher education are enrolled in these HSIs. These colleges offer a real future to those who successfully complete their high school requirements.

The majority of HSIs are found in California, Arizona, Florida, Puerto Rico, New York and Illinois. There are also institutions in Washington State and New Jersey. Due to the projected growth of the Hispanic population nationwide, the number of HSIs are expected to increase significantly. There

are currently 100 additional institutions on the verge of being declared HSIs.

In closing, today we are honoring and recognizing the tremendous positive contributions that HSIs are making in training the next generation of Americans. However, we need to do more than commend HSIs. We need to give them the resources they need to continue their work. I strongly urge all my colleagues to support House Resolution 561.

Madam Speaker, I reserve the balance of my time.

Mr. ISAKSON. Madam Speaker, I yield such time as he may consume to the distinguished gentleman from Ohio (Mr. BOEHNER), chairman of the committee.

Mr. BOEHNER. Madam Speaker, I thank the gentleman from Georgia for yielding me this time. I want to thank and congratulate the gentleman from California (Mr. MCKEON), chairman of the Subcommittee on 21st Century Competitiveness, for introducing this important resolution, and I appreciate his efforts to recognize the importance of Hispanic-serving institutions.

Let me also congratulate the gentleman from Texas (Mr. HINOJOSA) for his work in the last reauthorization and his continued commitment to helping these very important institutions.

Hispanic-serving institutions, or HSIs as we like to call them, have played an important role in educating America's students. HSIs are defined as those institutions with Hispanic enrollments of at least 25 percent, with 50 percent of those students being low-income. As we all know, Hispanics are one of the fastest growing populations in the United States, and we need to reaffirm our commitment to those institutions serving this vital population.

I am proud of the efforts put forward by this Congress and by this administration to help meet the needs of HSIs. In fiscal year 2002, we provided $86 million to support these institutions, and President Bush has increased that commitment again this fiscal year.

I applaud the efforts of the HSIs in the country for their commitment to academic excellence and to serving low-income and disadvantaged students. For many, without the commitment of institutions such as these, achieving a postsecondary education would be all but impossible. The work done by HSIs and their dedicated faculty and staff, I think, are critical to the success of the country as a whole. As the Committee on Education and the Workforce moves forward with the reauthorization of the Higher Education Act next year, we will do all we can to continue to support these institutions and the academic excellence they provide to their students.

I urge my colleagues to support the resolution today. It recognizes and honors the important work that Hispanic-serving institutions are doing in this country as we look forward to helping students from all walks of life learn and prepare to pursue the American dream.

Mr. HINOJOSA. Madam Speaker, I yield 3 minutes to the gentleman from California (Mr. BACA), a good friend and important member of the Hispanic Caucus.

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

Mr. BACA. Madam Speaker, first of all I would like to commend the gentleman from California (Mr. MCKEON) and the gentleman from Texas (Mr. HINOJOSA) for bringing this resolution before us, which I strongly support, H. Res. 561, recognizing the contributions of Hispanic-serving institutions. Hispanic-serving institutions are located in fast-growing Hispanic communities. As we look at the number of Hispanics and growth within our communities, Hispanic-serving institutions continue to provide services to our communities. They are reaching out not only to low-income people, but are providing an opportunity to many individuals that otherwise would not have an opportunity to go to a State college or university to pursue their dreams and fulfill those dreams to become productive citizens in our communities.

It is the Hispanic-serving institutions within our communities that are now reaching out and providing opportunities not only in academics, but opportunities in careers and the potential to fulfill the goals for many of these students who will end up being our mayors, our city council members, our Members of Congress, and members of our communities who are contributing.

Recent studies by the Department of Education shows that the number of Hispanics are growing, and enrollment is increasing within our Hispanic communities. It is important that we continue to fund Hispanic-serving institutions to make sure that no child is left behind, that no student is left behind, and that each student has an opportunity to be all that he or she wants to be. This can only happen if we continue to provide the funding to these important institutions that are reaching out and giving an opportunity to many kids that do not have one.

I commend the Hispanic-serving institutions in providing this important vehicle and an opportunity such as those that I have in my district. I have two community colleges, San Bernardino Valley College and Cal State San Bernardino, with the possibility of UC-Riverside being another Hispanic-serving institution. These are a few of the many that we are going to see in the future, but it is our responsibility to make sure that they have the funds to provide for books, professors, laboratories, curriculum and other services that are rapidly growing within the Hispanic population to make sure that these students have the needs and the tools to perform in school. Hispanic-serving institutions provide that vehicle.

I want to commend our colleagues for bringing this resolution forward. I encourage the administration to continue to support the growth that we have.

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

Mr. HINOJOSA. Madam Speaker, I yield 2 minutes to the gentleman from New Mexico (Mr. UDALL).

Mr. UDALL of New Mexico. Madam Speaker, I rise today in support of H.R. 561, recognizing the contributions of Hispanic-serving institutions. It is important that Congress credit the institutions' commitment to academic excellence through high-quality education. These institutions have worked with students from low-income and disadvantaged backgrounds to successfully help them achieve their academic ambitions and continue to strive for loftier goals upon graduation. Hispanic students are at greater risk of not enrolling or graduating from college. This disparity continues to increase. Without the continued efforts of Hispanic-serving institutions towards recruitment and retention in postsecondary schools, these students would have missed the opportunity to contribute their knowledge and insight to our evolving technological work force.

In my district, 10 Hispanic-serving institutions reach out to students throughout rural northern New Mexico. They present students with opportunities for higher education through universities, community colleges, vocational and technical institutes in a traditional and/or long-distance learning setting. The degree and certificate programs give students the tools they need to move beyond their history of disadvantages and towards a future of successful endeavors.

I urge my colleagues to support Hispanic-serving institutions and recognize the valuable academic support these centers have given to the recruitment and retention of our Nation's youngest and fastest-growing population.

Mr. HINOJOSA. Madam Speaker, I am very pleased to yield 3 minutes to the gentlewoman from California (Ms. SANCHEZ).

Ms. SANCHEZ. Madam Speaker, I would like to thank the gentleman from Texas for working so hard on this issue of Hispanic-serving institutions. Obviously I am a proud cosponsor of House Resolution 561, which recognizes the contributions of Hispanic-serving institutions.

As a Hispanic, it might be a little different than what most people realize is going on in our Nation. First of all, the youngest population in the United States, the largest group of youngsters is the Hispanic population. In fact, over 50 percent of the Hispanic population in the Nation is under 18 years of age. We also make more and more of the work force every single day. The projection into the future will be that the workers of this country will be a large group of Hispanic people. So we need to educate them.

We have seen the graduation rates be very low for Hispanics. In fact, I would venture to say that unofficially probably about 50 percent of Hispanic students do not graduate from high school. Why is that? Because if someone goes and gets a job at McDonald's before they graduate from high school, he is not considered a dropout. He is considered an employed person. But when you take a look at the population of Hispanics, it is a very high ratio. So we are not only trying to increase the number of Hispanics who graduate from the high school level, but also to prepare them well so that they can go on to universities, community colleges, et cetera.

Our Hispanic-serving institutions work very well in that arena. They work with the middle and high schools in the area to help to ensure that the students are taking the right classes, the building blocks they need to get into the university. And then they welcome them into the university, and they retain them.

One of the biggest problems the Hispanic population has is that we drop out of college, so it is important to acknowledge the contribution to this Nation, to America, that the Hispanic-serving institutions are doing. I would like to in particular acknowledge the two Hispanic-serving institutions that I have in Orange County in my area. Santa Ana College ranks 30th among the top 100 associate's degree producers in the Nation, and it is the second highest producer of minority graduates in California.

□ 1445

Also, Cal State Fullerton, which also does extensive outreach to ensure that our Hispanic students are getting to college, are learning in college, and are graduating from college so that they can enter the workforce.

Mr. HINOJOSA. Madam Speaker, I yield myself the balance of the time.

Madam Speaker, I wish to say that this resolution is recognizing over 200 HSIs that are making a great contribution towards raising the level of education attainment for thousands and thousands of minority students. I want to say that on a personal note, in my congressional district I have four colleges and universities with this HSI designation. The first one, the University of Texas Pan American, with over 14,000 students and how, in these last 5 years, we have seen a tremendous increase of students now enrolled at that university.

The Texas A&M Kingsville, another fine university with over 5,000 students also issuing lots of degrees in engineering and Ph.D.s in both education and engineering and other majors. Also, the South Texas Community College in the Rio Grande Valley of south Texas with an enrollment of over 13,000 students of which 95 percent are Hispanic. They are doing a wonderful job. Within only 8 years of having been founded, I can see the difference that it is making in our region of the country. The fourth one is the Coastal Bend Community College, with more than 5,000 students, in the center part of my district. Again, they are raising those opportunities and the hope for so many young men and women.

So again, it is an honor for us to be able to speak to this resolution and to be working on a bipartisan manner with our friends on the other side of the aisle. We are very appreciative of the support that is being given by all of our colleagues, and I urge that they approve this wonderful resolution.

Madam Speaker, I yield back the balance of my time.

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

I am very pleased to commend this resolution to the House and to commend the gentleman from California (Mr. MCKEON), the chairman of the subcommittee, who took the initiative during Hispanic Heritage Month in America to introduce this resolution to commend Hispanic-serving institutions who are providing postsecondary education to the growing number of Hispanic American students. I want to also acknowledge the statements of the gentlewoman from California (Ms. SANCHEZ).

Many of the Hispanic American children in school today, elementary and high school in America, came to America or were born in America to parents whose jobs were on the low end, many times, of the employment spectrum. And to raise the opportunity for a postsecondary education by having available institutions like these to provide Hispanic American children with a higher education will ensure a richer life for them and for their children to come.

Madam Speaker, I commend this resolution to the body. I thank the gentleman from Texas (Mr. HINOJOSA) for his leadership. He is a tireless worker on behalf of the Hispanic American community.

Ms. NAPOLITANO. Madam Speaker, it is with great pleasure that I rise today in support of the resolution to honor the contributions of Hispanic-Serving Institutions (HSIs) to our nation. The 203 Hispanic-Serving Institutions throughout the country comprise two-thirds of the 1.5 million Hispanic students in postsecondary programs. Without these dedicated HSIs, many Hispanic students would not have the opportunity to go to college and realize their full academic and professional potential.

There are two HSIs in my district—Rio Hondo College and Cerritos College—and I have personally seen the impact these schools have on young Latinos in my community. Rio Hondo College has a wide variety of course offerings in fields including math, natural science, social science, humanities, communications and the arts. Rio Hondo College also offers pre-professional courses in fields such as nursing, psychology, education, law enforcement, fire-fighting and international trade. Cerritos College also offers courses in a number of fields, including health occupations, social sciences, technology training and liberal arts. Cerritos College is also providing Ford Motor Company Foundation mechanic training. Through a Department of Labor grant, Cerritos College also provides high-tech, high-numeric engineering training to fill the gap left by retiring workers.

Schools like these reach out to the Hispanic population and provide them with the opportunities and support they need. In addition to helping students continue their education, HSIs help current workers update their skills and help older as well as non-traditional students prepare to re-enter the workforce.

Despite the success of HSIs, Hispanics still suffer the lowest high school and college completion rates of any racial or ethnic group in our country. The high school dropout rate among Hispanics remains over 40 percent, and in some areas is as high as 70 percent. These statistics are very troubling. We must provide our Latino youth with high quality education to ensure that they are prepared to enter the workforce, become productive and involved citizens, and lead the next generation of Hispanics in the U.S.

It is clear that more work is needed, and we must build upon the achievements of our Hispanic-Serving Institutions and provide them with the funding they need to continue their valuable task of educating the Latino population in the U.S. This is not only good for Latinos, but will benefit our entire economy. More education and training leads to better jobs, and the more money Latinos make, the more they can spend and put back into our economy. We are taking an important step today by honoring HSIs and recognizing their importance to our nation. I look forward to working with my colleagues as we continue to help HSIs in their excellent work.

Mr. RODRIGUEZ. Mr. Speaker, I rise today to recognize the contributions of Hispanic Serving Institutions (HSI's). An HSI is defined as an institution that has at least 25 percent full time Hispanic enrollment, and of the Hispanic student enrollment, at least 50 percent are low income. There are over 200 HSI's in the United States, and eight in my 28th Congressional District in Texas. As a former educator, I understand the importance of a quality education—both to the success of the individual student, and ultimately to the success of our country. It should be clear that in order for America to maintain and build upon our global competitiveness we must have a capable and technologically advanced workforce. Studies show that by the year 2008, 60 percent of all new jobs will require skills that are held by just 20 percent of the current workforce.

To meet this goal, we must ensure quality instruction and resources at our institutions of higher learning, especially in the areas of science and mathematics. Even if students do not pursue a career in these fields, they still will need basic knowledge in science and technology to be successful in our competitive work force. As a country we cannot afford to have students complete high school and pursue a higher education scientifically and technologically illiterate.

According to a study by the Department of Education the number of Hispanic Americans enrolled in college is growing twice as quickly as overall enrollment at all colleges. With the beginning of the 21st Century, a larger proportion of the U.S. population will be composed of African Americans, Hispanics, and Native

Americans. As a group, these populations have traditionally been underrepresented in the science and engineering disciplines compared to their proportion of the total population.

A recent report produced by the National Science Foundation (NSF) reveals that African Americans, Hispanics and Native Americans as a whole comprise 23 percent of the population and earn, as a whole, 14.7 percent of the bachelor degrees, 8.2 percent of the masters degrees, and 5.5 percent of the doctorate degrees in science and engineering.

There are few within the scientific community who argue about the effect of demographics on the future science and engineering workforce. These fields have been the primary domain of white males. This can and must change. African Americans, Hispanics, and Native Americans, with Hispanics, being the fastest-growing, will comprise a more significant segment of the workforce and will need to fill more positions within the scientific community.

Hispanics are improving their academic achievement levels. They have increased their share of earned bachelors degrees from 4 percent in 1990 to 6.5 percent in 1998. The proportion of masters degrees received by Hispanics increased from 2.2 percent in 1990 to 3.5 percent in 1998. In doctoral candidates our progress has slowed in 1990 at 2 percent in 1998 at 2.8 percent. We must continue to move forward and in order to succeed it will take a national commitment to education. The success illustrated by these increases reflect the hard work of HSI's and other institutions in recruiting, and retaining Hispanic students.

Today I congratulate all HSI's, especially those in San Antonio: Our Lady of the Lake University Palo Alto College, San Antonio College, St. Mary's University, St. Phillips College, The University of Texas at San Antonio, The University of Texas Health Science Center, and The University of the Incarnate Word, for all their wonderful contributions. HSI's recognize how indispensable the contributions of Hispanics will be in the future, as they continue on their path of growth and dominance within our workforce. I commend HSI's for their many contributions to the academic excellence within the Hispanic community and society at large. Further, I encourage all the presidents, faculty and staff of our nation's HSI's to continue their efforts in recruiting, retaining and graduating students who might otherwise not purse a post-secondary education. Our country's future is in your hands.

Mr. REYES. Madam Speaker, I am proud to be an original co-sponsor of House Resolution 561, Recognizing the Contributions of Hispanic-Serving Institutions, and I commend my colleague and fellow Texan, Congressman RUBÉN HINOJOSA, for authoring it. It is most fitting that during Hispanic Heritage Month we take a moment to reflect on the tremendous contributions made to the Latino community and the nation as a whole by Hispanic-Serving Institutions (HSIs).

Over 200 colleges and universities across the country are considered HSIs as defined by the Higher Education Act. Together, these HSIs serve over 1.5 million Latino students, about forty percent of all Latinos in higher education. Thousands of future teachers, engineers, businessmen and women, lawyers, doctors, authors and artists are currently conducting their undergraduate studies at HSIs, and many more are yet to come. Hispanics form the fastest-growing sub-population of students in the country, making the continued support of HSIs all the more important.

Since coming to Congress, I have worked hard to increase the resources available to HSIs. Working with Congressman HINOJOSA, who chairs the Congressional Hispanic Caucus' Education Task Force, we have increased Title V funding for the infrastructure and faculty development of HSIs from $12 million in 1998 to $86 million this year.

We are working to see that number increase again in the fiscal year 2003 appropriations, currently stalled in the House. What a fine tribute to HSIs it would be if we could move the Labor-HHS-Education appropriations bill through the House and include a hefty increase in HSI funding, and funding for all Hispanic-serving education programs because if we fail to help children succeed in elementary and secondary school, they will never make it an HSI or any other institution of higher education.

As Chair of the Congressional Hispanic Caucus, I am pleased to recognize the role HSIs play in the advancement of the Latino community and urge all my colleagues to show their support for HSIs today and in the coming months and years.

Mr. ORTIZ. Madam Speaker, I rise in support of H. Res. 561 Recognizing the Contributions of Hispanic Serving Institutions. Hispanic Serving Institutions are an important link in our institutions of higher learning.

It is the education provided by our colleges and universities upon which the future of our labor force and our economy depend. Hispanic Serving Institutions are the keyhole through which average students in Hispanic enclaves around the nation can unlock an education to prepare them for a career of professional work.

Here are some of the successful Hispanic Serving institutions in my congressional district: Coastal Bend College, Del Mar College, South Texas Community College, Texas A&M-Corpus Christi, Texas A&M-Kingsville, Texas State Technical College, and the University of Texas at Brownsville and Texas Southmost College. I want to offer my personal thanks to those institutions, and to their presidents and faculty, for the education that so many Hispanics have achieved at these great schools, these pillars of our economy.

Hispanic Serving Institutions are an important tool in developing Hispanic talent in communities, which is an even more important tool in local economic development and prosperity. By focusing on institutions of higher education with a population of at least 25 percent Hispanic students, we have focused federal efforts on schools that can make the most difference in Hispanic communities.

By further targeting schools with a high enrollment of disadvantaged students, and low general expenditures—and where 50 percent of Hispanic students are from low-income families—we are making maximum effort where the need is the greatest for young Hispanics trying to get an education.

Mr. Speaker, Hispanic Heritage Month is an appropriate time for Congress to formally show our appreciation for the significance of Hispanic-serving institutions, and to commend these higher-education institutions for their commitment to academic excellence. Title V of the Higher Education Act strengthened the academic quality and financial stability of Hispanic-serving institutions and insured their longevity.

I join my colleagues in supporting this resolution, which urges the president to issue a proclamation calling on the American people and interested groups to demonstrate support for Hispanic educational institutions during National Hispanic Heritage Month.

We should be grateful for the people who created and nurtured this program; we are a stronger society for it. I urge the presidents and faculty of these institutions to continue recruiting, retaining and graduating students who might not otherwise pursue higher education.

Mr. SERRANO. Madam Speaker, it with great pride that I rise to recognize the extensive contributions of Hispanic-Serving Institutions. The opportunity to go to college is one that many Americans take for granted because it has become an accepted norm for many families in our society. For too many Hispanic families, however, it is not the norm and for many it is even seen as an unattainable reality. The increase and development of HSIs is significantly changing that, however. At this very moment, nearly half a million Hispanic youth are studying at these 219 exceptional institutions and realizing the dreams of their grandparents. These young people will become critical actors in many parts of our society and will hopefully lead and inspire the next generation of Hispanic-Americans, so that going to college will become a norm, and not a rare privilege in our community. With steadfast support and dedication to the proliferation of HSIs, Hispanic parents attending their son's or daughter's college graduation will become a customary occurrence.

An education revolution is necessary in this country for Hispanic and African-American youth to catch up to their peers. The key to increasing college enrollment for these communities lies in the reformation of elementary and secondary schools, where overcrowded classrooms, under-trained educators, limited resources, and social risk factors make academic success a near impossibility. However, along with working to improve these fundamental aspects of education, we must support an celebrate the accomplishments of HSIs, which allow students of exceptional aptitude the opportunity to succeed, no matter what barriers they may have encountered.

Madam Speaker, when an institution is identified as an HSI, this means that this school is responsible for educating a large number of Hispanic students who come from economically adverse backgrounds. These schools successfully educate these young people and prepare them for fruitful careers in a myriad of professions. This is important work—crucial work—and is worthy of unfailing support and commemoration. HSIs have helped to realize the dreams of generations and empower the entire Hispanic community.

Mr. ISAKSON. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from California (Mr. MCKEON) that the House suspend the rules and agree to the resolution, H. Res. 561.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

EXPRESSING GRATITUDE FOR FOREIGN GUEST LABORERS, KNOWN AS BRACEROS, WHO WORKED IN THE UNITED STATES FROM 1942 TO 1964

Mr. BOEHNER. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 522) expressing gratitude for the foreign guest laborers, known as Braceros, who worked in the United States during the period from 1942 to 1964.

The Clerk read as follows:

Whereas because of a labor shortage resulting from the entry of the United States into World War II, the Federal Government issued contracts to Mexican, Canadian, Jamaican, and Puerto Rican citizens willing to cross into the United States to accept temporary employment;

Whereas hundreds of thousands of these men and women, known as Braceros, labored in the Nation's agricultural, transportation, and other industries during the period from 1942 to 1964;

Whereas the first 1,500 Braceros arrived in California from Mexico City, Mexico, on September 29, 1942, to work in the sugar beet fields until December 24 of that year;

Whereas thousands of Braceros labored on the Nation's railroads, maintaining and expanding critical infrastructure for the transportation of food, equipment, and other valuable supplies during and after World War II;

Whereas the heroic work effort of the Braceros has been recognized by many State and local governments around the Nation, but has not been recognized by the Federal Government;

Whereas the Nation and the world owe a debt of gratitude for the contribution the Braceros made to the war effort that defeated fascism in Europe and Asia;

Whereas more than 1,000,000 Braceros and their families or descendants are still United States residents or citizens; and

Whereas September 29, 2002, is the 60th anniversary of the first arrival of Bracero guest workers in the United States: Now, therefore, be it

Resolved, That the House of Representatives—

(1) expresses gratitude for the foreign guest laborers, known as Braceros, who worked in the United States during the period from 1942 to 1964; and

(2) recognizes the Braceros for their contributions to the war effort and for their hard work, which helped to keep the United States strong and prosperous during this challenging period.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. BOEHNER) and the gentleman from Texas (Mr. HINOJOSA) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. BOEHNER).

GENERAL LEAVE

Mr. BOEHNER. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Resolution 522.

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

There was no objection.

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

I rise today in support of this resolution sponsored by my friend and colleague, the gentleman from California (Mr. OSE), which recognizes and honors the foreign guest laborers who worked here in the United States during a 22-year period from 1942 to 1964.

As a result of severe wartime shortages, the United States entered into an agreement with Mexico for the legal employment of agricultural workers from Mexico. During this time, between 4 and 5 million guest workers known as ''braceros,'' were employed in the United States. They were an important source of labor during this period, helping to alleviate shortages of workers, particularly in the agricultural industry.

Thousands of braceros also labored on our Nation's railroads, maintaining and expanding critical infrastructure that provided transportation for food and supplies during and after World War II.

This past Sunday marked the 60th anniversary of the arrival of the first of these guest workers in the United States. They constituted an important part of our country's workforce during World War II, when labor became a valuable commodity, especially on farms. Today, many of these workers and their families or descendants are residents of the United States.

Madam Speaker, I urge my colleagues today to join me in supporting this resolution expressing gratitude for the braceros and acknowledging their hard work and important contribution to our economy during a most challenging period in our Nation's history.

Madam Speaker, I reserve the balance of my time.

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

Madam Speaker, I want to thank my good friend, the gentleman from Ohio (Mr. BOEHNER), the chairman of the committee, as well as my good friends, the gentleman from California (Mr. OSE) and the gentleman from Illinois (Mr. GUTIERREZ), for their work in bringing H.R. 522 to the floor today.

During World War II, America experienced an enormous labor shortage. The U.S. asked the Mexican Government to send guest workers to help relieve the shortage, particularly in the agricultural regions of California and Texas, as well as Florida. Between 1942 and the 1960s, approximately 5 million guest workers called braceros came and worked in America's fields and on our railroads. They helped us grow the food we needed to feed American soldiers. By maintaining the railroads, they kept our guns and tanks and military equipment moving to our ports for shipment to soldiers overseas.

When we asked them to come, they came and did the back-breaking manual labor necessary to get the job done. The braceros asked for very little in return. They only wanted a fair wage for their work. As government contract workers, they were required to have 10 percent of their wages withheld. This money was to be placed in savings accounts and paid to the workers upon their return to Mexico.

Unfortunately, many braceros fell prey to abusive employers and the negligence of the U.S. Government and the Mexican Government. This money, estimated between 60 and $70 million, was never repaid; and there is no clear accounting of where it went. A class action suit has been filed on their behalf to finally bring them redress, relief from distress.

Despite the way they were treated, these braceros valued their contributions to the United States. Many have kept their identification cards as a proud remembrance of their service to this country. Many ultimately settled here and have raised families.

More than 1 million braceros and their descendants are now permanent residents, or they have applied for and received American citizenship. Sunday, September 29, 2002 was the 60th anniversary of the day the first braceros arrived in this country. It is fitting that today we take this time to finally say ''thank you'' to these workers who came and helped us in our time of need.

Madam Speaker, I urge my colleagues to support this resolution.

Madam Speaker, I reserve the balance of my time.

Mr. BOEHNER. Madam Speaker, I yield such time as he may consume to the gentleman from California (Mr. OSE), the sponsor of this resolution.

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

Mr. OSE. Madam Speaker, I rise today to honor a group of individuals known as the braceros for their incredible contributions to our great Nation. As a result of the bombing of Pearl Harbor on December 7, 1941, the United States formally entered the Second World War. This was a fight for freedom, both foreign and domestic, to protect our allies and our own Nation, and to end a war we neither started nor wanted. This part of the history lesson is taught in virtually every school in our Nation. It is well known by our students, far and wide. However, one particular group is often left out of the history books.

World War II forced our Nation to shift our economy. Throughout the war, upwards of 13 million men and women served in our Nation, roughly one-tenth of the total population. While our service people were fighting across the oceans, millions more were working constant shifts in the factories to support the effort. This resulted in a severe labor shortage in concentrated areas, such as agriculture.

In an effort to minimize this loss of labor, the United States and our good friend to the south, Mexico, entered into a bilateral agreement in August of

1942 to provide contract labor. These guest workers known as braceros, literally meaning ''strong arms,'' were recruited and hired to work in the fields and on the railroads across the United States.

The first 1,500 braceros to enter the United States arrived in California to work in the sugar beet fields outside of Stockton on September 29, 1942, where they worked until December 24th of that same year. I would like to point out, as the gentleman from Texas has, my good friend, that this past Sunday marked the 60th anniversary of the first braceros in the United States.

Over the course of the next 22 years, as many as 5 million braceros participated in the program supporting our critical infrastructure. It was through their hard work that our Nation was able to effectively sustain our agricultural economy, as well as expand and maintain our railroads, resulting in a safe, reliable, and effective means of transporting food, medicine, troops, and other supplies for the war.

In 1964, the last braceros fulfilled their contracts and the program came to an end. However, their contributions last even today.

The United States did suffer a severe labor shortage as a result of World War II, but thanks to the efforts and hard work of millions of braceros from our good neighbor to the south, our Nation survived and today prospers. It is time we honor their contributions during this time of crisis and recognize the braceros for their place in American history. I rise today to say ''thank you'' to those who lent a hand.

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

I was very pleased to hear my friend, the gentleman from California (Mr. OSE), talk about the need for the braceros who came to the United States to help us, who had strong arms, as he said. They also had strong backs. They worked very hard, just like our friends from other countries who came at the turn of the century from the European countries that included the Irish and included the Polish and Czechoslovakians and Germans and many others who came to help us build our country.

I am very pleased that I was invited to come and speak on behalf of this resolution, H.R. 522, because I come from Mexican immigrants, Mexican immigrant parents who came in 1910 as children.

□ 1500

My father was 9 years old and had just lost his father during the beginning of the Mexican Revolution of 1910, and my mother came at the age of 5 with her parents from Chihuahua, Mexico, so I can relate to many of the braceros who came to work in agricultural fields and other jobs where we needed them in the United States. I have seen how this kaleidoscope of people from different countries has helped us build a country that we enjoy today.

Madam Speaker, I yield 6 minutes to our good friend, the gentleman from California (Mr. GEORGE MILLER), the ranking member of the subcommittee.

Mr. GEORGE MILLER of California. Madam Speaker, I thank the gentleman for yielding time to me.

Madam Speaker, I rise in support of this resolution to honor the foreign guest workers who worked in the United States from 1942 to 1964. Those of us who represent California and Texas and other areas along the border can clearly remember the hard work performed by the braceros.

When I was a young person going to school, I worked alongside of many of the braceros in what is now my congressional district in the fields there and in the orchards, with people who worked very, very hard, toiled at great length, and provided badly needed labor in our agricultural sector of the California economy.

As many have pointed out, they originally came here in World War II so we could free many of our citizens to go off and fight in the Second World War and they could continue to provide work here on the home front. This resolution honors those individuals, and it honors their dignity, and it honors the contribution that they have given to this country.

What we should not honor is the conditions under which they worked, the conditions under which they were forced to live, the conditions under which they were separated from their families, the hours that they were required to toil, and the actual working conditions.

We had what became a big issue, a critical issue of the short-handled hoe that they were required to work with that led to disabilities of very young people, and in many instances permanent disabilities of their ability to work.

It was a fact that many of their children were kept from the schools of various States and this Nation, and there was very little or no sanitation for these individuals; that they were required to work constantly around pesticides that at that time were literally put on the crops without protective gear, without being able to wash up after work, without being able to protect their families and places that they lived from those very same pesticides.

I say that because I spent time in what we called the bracero camps at that time, with as many as 12 or 14 people sharing a single room, or multiple families, or families sharing space with individuals, or individuals sleeping in the trucks at night when they were not used by the farmers that they were working for.

So while we think back about the dignity of those workers and the contribution they made to this Nation, Madam Speaker, we should understand the problems that they had when they tried to get fair wages; when, in many instances, they worked and were not paid; when, in many instances, they were worked, and unjust withholding was taken from their paycheck.

Yet out of this incredibly disgraceful treatment of these individuals, we saw the growth and the beginning of a very powerful movement that gave additional dignity and power to these men and women, led by Cesar Chavez and Dolores Huerta of the United Farm Workers Union, born in the 1960s, to demand decent living and working conditions. That movement brought to the attention of consumers across this Nation how the inexpensive food, fruits and vegetables they were eating were subsidized by the poor working conditions and the poor wages of these individuals, which led to a nationwide boycott of the grape industry that was one of the most successful in the history of this country. That continues today to vigorously pursue the rights of these individuals to improve their working conditions.

Just this week, Governor Gray Davis signed into legislation a bill that requires mandatory mediation of labor disputes in the agricultural industry in our State. Why? Because many of these workers had a right to a union 23 years ago, and they still have not gotten the union. They won the elections, they won them all. They have not been recognized. Now we are saying if, after 3 years, you cannot get it, we will have mandatory mediation.

He also signed legislation to try to get back the wages that were withheld from them so they could pay for their trip back to Mexico, but they were never returned to them, the 10 percent that was withheld. I wish this House would address that same issue. I wish this House would address agricultural labor. I wish this House would address the restitution to these people.

So as we speak here today and we talk about their dignity and their contribution, we have to recognize that many of these same conditions exist today. We have to recognize that this House, the Republican leadership, refuses to bring to the floor a resolution honoring Dolores Huerta, one of the most powerful labor leaders in the country, one of the most importantly symbolic labor leaders in this country with respect to females working in the agricultural movement and working in so many endeavors in this country; a woman who gave almost her life with the terrible illnesses, from all of her exposures in the field, this last year. Yet this House cannot summon its ability to recognize her dignity and her contribution to the American fabric and the fabric of this society.

So I join this, because these people were entitled to this recognition. But this cannot be the only agenda for people who continue to toil in our fields, for people who continue to be exploited, for people who even have less status than the braceros, people who are hired every day. They are hired on Monday, and come payday on Friday, they call the INS service rather than pay them, and the government rounds

up the workers in the Napa Valley, in the Central Valley, in the Imperial Valley of California, people who today have no housing, no housing. These are people today who harvest the grapes that go into a $100 or $200 bottle of wine, and they have no housing. They sleep in the fields, in the cars, in the culverts. Those are the descendents of the braceros.

There are some who want to create a new bracero program. While we honor their dignity and contribution, let us remember before we ever contemplate a new bracero program that these people had no status in terms of their ability to have decent working conditions, decent living conditions, and decent wages. We can never recreate that situation in the United States.

I thank my colleagues on the committee for bringing this legislation to the floor. I hope the braceros and their descendants will understand what we are trying to do with this legislation, but I also would hope that they understand that the struggle continues, and I would hope that this Congress understands that the struggle continues for these people to receive economic and social justice, and dignity for their families.

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

Madam Speaker, I wish to associate myself with the remarks of the gentleman from California (Mr. GEORGE MILLER), because I agree with all that he says of the injustices that braceros and guest workers have had to face over the many years that they have been helping us here in the United States.

I wish to say that the story that I was telling you before I recognized the gentleman from California (Mr. GEORGE MILLER) was that my parents were Mexican immigrants. They met here in the United States as adults, married, and had 11 children. I happened to be the eighth of those 11 children. They went on to become American citizens, and my father was an entrepreneur who created a small meat processing company, and it grew to where they hired over 350 employees. Over the last 54 years, that business has been one that has been recognized here by the Department of Commerce and the Small Business Administration.

All of this is to say that many of the immigrants, from whatever country they came from, have been making great contributions. So this resolution that we are asking our colleagues to support, H.R. 522, is one that is very noble and one that we urge everyone to support.

Madam Speaker, I yield back the balance of my time.

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

Madam Speaker, let me congratulate my colleague, the gentleman from California (Mr. OSE), for bringing this resolution honoring the braceros and their contribution to our country during a very difficult period.

Mr. GUTIERREZ. Madam Speaker, I am pleased to express my support for House Resolution 522. This resolution is a modest, but important, first step in recognizing and honoring the tremendous contributions of Mexican guest workers, known as braceros, to our country in a time of great need.

On September 29, 1942, sixty years ago this past Sunday, the U.S. government entered into a program that was designed to help America get through the economic challenges that accompanied World War II. Under the program, nearly 5 million workers came to the U.S. from Mexico, to carry out the back-breaking labor that kept our nation going. They filled in where labor was in short supply—especially in agriculture. Their work allowed America to carry out its war effort and to feed the country and its troops.

In the years that followed, the program was expanded to include railroad laborers and guest workers from other nations. Working under harsh conditions and living far from their families and loved ones, these guest workers filled critical jobs, bolstered wartime production, put food on our tables, and helped build our country's transportation system. Braceros represented up to twenty-five percent of farm workers in several states, providing a significant source of labor that secured our nation's global leadership in agriculture. Many of the workers ultimately settled in the United States and raised families—more than one million braceros and their descendants are now permanent residents or citizens of our nation.

Despite these significant contributions, however, braceros suffered neglect and injustice at the hands of our government, the Mexican government, and many of the contractors that employed them. Despite putting in a full day's work in the fields, despite being fully exposed to the elements and a full range of other challenges, braceros did not receive compensation for their back-breaking work in full. As many as 400,000 workers saw their paychecks reduced by ten percent, totaling an estimated $70 million.

During the first seven years of the program, the explicit policy governing the program required that each worker sacrifice ten percent of his or her salary, with the promise that it would be available to them upon their return to Mexico. These deductions disappeared and went unaccounted for. At least $70 million of it—which, with interest, may be worth as much as $500 million to a billion dollars today—was gone.

Do we know where the money went? No. However, we do know this: under the bracero program, the U.S. government acted as the employer. Workers were contracted out to various businesses—farms, for example. The U.S. government withheld ten percent of their wages. The funds were then to be transferred to Wells-Fargo bank. The bank would transfer it to the Banco de Mexico which would then (supposedly) transfer it to regional banks.

Somehwere along the way—sometime during a process which we know began on U.S. soil and may, for all we know, ended on U.S. soil, too—the money was lost or taken away. All we know for sure is one thing: the money is still owed.

In June of this year, I was pleased to introduce legislation that sought to secure relief for braceros who have long-awaited the compensation that they are due. My bill, the Bracero Justice Act of 2002, H.R. 4918, would allow people to seek resources in a venue that so often has protected the most vulnerable in our society: the federal judicial system. In short, my bill would help secure a deserving group of people their day in court and to have their case heard on the merits.

Madam Speaker, I urge my colleagues to vote in favor of H. Res. 522. This nation owes the braceros a great debt for having helped us win World War II. Let us regard this resolution as the first step on the road to justice for these former guest workers, who, despite their sacrifices and suffering, remained hard-working compatriots in the war effort. I urge my colleagues to recognize the invaluable contributions of the braceros on this sixtieth anniversary and to support this resolution.

Ms. SCHAKOWSKY. Madam Speaker, I rise today to honor the hundreds of thousands of foreign workers, or braceros, who came to this country between 1942 and the late 1960s and to urge my colleagues to vote for H. Res. 522, expressing gratitude for their work. However, for Congress to truly honor the legacy of the braceros, it must pass the Bracero Justice Act. As many as 400,000 Mexico braceros who came to the U.S. before 1949 had money withheld from their paychecks, with the promise that it would be saved on their behalf, yet it was never returned. The Bracero Justice Act would help right this wrong.

In many cases, braceros left their families in Mexico to come work for our benefit. For the most part, braceros took physically demanding jobs in agriculture and railroad construction, and worked for as little as 40 cents an hour. Many had to put up with slave-like conditions, working long hours with few or no breaks, suffering injuries, and dealing with abusive employers. Many of the bracero families were impoverished. The time to honor these workers and the sacrifices they made is long overdue.

It would be a shame if further efforts to demand fairness for braceros were dismissed. It is unacceptable that workers who came to the U.S. in response to our call for help and our need for workers now be denied a voice to fight for what has always been theirs. The money taken from the braceros' paychecks could have been extremely helpful to their families, either at the time or had it been returned to them when they returned to Mexico, as was promised. Instead, it was never seen.

Bracero workers of the past and immigrant workers today continue to contribute to the richness and diversity of this country. I am grateful for the work and sacrifices the braceros made. I will continue to work for the passage of the Bracero Justice Act. Justice and fairness have been denied these workers and their families for too long.

Mrs. NAPOLITANO. Madam Speaker, it is with great pleasure that I rise today in support of the resolution to honor our guest laborers from the Republic of Mexico, known as the Braceros, who worked here from 1942 to 1964 and assisted the United States during World War II's severe labor shortage. It is most appropriate that we honor these Braceros now, on the 60th anniversary of the arrival of the first Braceros in the U.S. Without them, this country would have been in dire straits.

At the start of the World War II, the United States needed hundreds of thousands of new workers to help with the war effort and make

up for those who left their jobs to serve in the military. Men and women worked 24 hour shifts, seven days a week to maintain the war effort, all the while trying to live their normal lives. We all recognize the image of Rosie the Riveter, but few know about another key and important element of the wartime workforce—the Mexican Braceros.

In August 1942, the United States and Mexico signed a historic treaty for the purpose of recruiting and hiring Mexicans to work in agriculture and to expand and maintain U.S. railroads. These guest workers were known as the Braceros, literally meaning ''strong arms''. It was through their hard work that our agricultural economy was able to survive and our railroads were able to safely and effectively transport food, medicine, equipment, and soldiers for the war.

The first 1,500 Braceros in the United States arrived for work in California on September 29, 1942, where they worked in the sugar beet fields outside of Stockton until December 24 of that year. Over the next twenty years, hundreds of thousands of Braceros labored across the United States supporting our critical infrastructure. Braceros constituted up to twenty-five percent of farm workers in several states, providing a significant source of labor that secured our nation's global dominance in agriculture.

Join me as I enthusiastically support this long overdue resolution to honor the Braceros. We cannot allow such an important part of our nation's history to continue to be overlooked. Americans owe a debt of gratitude to them and their families.

Mr. RODRIGUEZ. Madam Speaker, I rise today to recognize the contributions of ''Braceros,'' to the United States workforce. During World War II the United States suffered from a shortage of labor as young men from across the country were shipped overseas in the armed forces or took factory jobs to support the war effort. In order to compensate for the lack of workers, especially in physically demanding jobs such as agriculture and railroad construction, the United States made arrangements with Mexico, Canada, Jamaica, and Puerto Rico to welcome hundreds of thousands of guest workers a year to fill the labor gap—the birth of the Bracero.

On August 4, 1942, the United States government signed the Mexican Farm Labor Program Agreement with Mexico, the first among several agreements aimed at legalizing and controlling Mexican migrant farm workers along the southern border of the United States. Managed by several government agencies, including the Department of Agriculture, as a temporary, war-related measure to supply much-needed workers during the early years of World War II, the Bracero program continued uninterrupted until 1964. The agreement guaranteed a minimum wage of thirty cents an hour and humane treatment (in the form of adequate shelter, food, sanitation, etc.) of Mexican farm workers in the United States.

It has been estimated that in the 1950s the United States welcomed as many as 300,000 Mexican workers annually. By the end of the 1950s, Texas and other border states were receving large numbers of Braceros. Mexican agricultural workers, ofter considered an unlimited supply of cheap labor, have unfortunately often been the target of repressive work and living conditions and have been forced to seek assistance from a host of economic, political, social and humanitarian interests. Regrettably, poor wages, lack of educational opportunities for their children, malnutrition, poor sanitation, and discrimination have often colored these workers' exposure to the United States. These inexcusable conditions did not discourge or slow the flow of workers, but rather raised consciousness and unity amongst these exploited class of workers—leading to the creation of several mutual aid societies and the facility of labor organizing. Between 1942 and 1964 more than 4.5 million Braceros entered the United States. Most remained to contribute their labor to the domestic economy.

September 29, 2002, marks the 60th anniversary of the first arrival of Bracero guest workers into the United States. Without the many and great contributions of Braceros, the foundation upon which our great country has been built would not exist. I congratulate the more than 1,000,000 Braceros and their families or descendants who still live in the United States for their relentless work ethic, pride, strength and endurance. I congratulate you today not only for the historic contributions you have made to our workforce, but also for your commitment to seek justice and equity in your homes and workplace. You have been relentless in your pursuit of enhanced opportunity for all workers and the improvement of opportunities available to you and your families through political and legal advocacy.

Mr. REYES. Madam Speaker, I am proud to support this resolution that recognizes the countless contributions of thousands of hard-working immigrants who came to the U.S. more than fifty years ago to work in our nation as guest workers. They worked in our farms and railroads and produced with their labor the many things we needed at the time.

They gave part of their lives to the United States and followed the rules as they were told.

It is only fitting that today this House recognize their many contributions.

As Chair of the Congressional Hispanic Caucus, just like I am proud to support this recognition, I am also disappointed that this House has been unable to respond to the plight of the very same people we honor today by enacting the Bracero Justice Act.

The Bracero Justice Act would go beyond the recognition that we support today and allow thousands of Braceros to be heard in court and make their case, and potentially receive money owed to them.

Braceros came to work for America. They fulfilled their part of the agreement that brought them here, but apparently money that had been withheld from their paychecks never made it back to their hands as was promised. And now we are looking for that lost money and we want the courts to look into the allegations of these hard-working individuals and see that justice is done.

It is only fair that if money was withheld and never made it back to the people who earned it we do the right thing for the Braceros and their families, and give them the opportunity to get it back.

I strongly support this symbolic resolution and express my gratitude for all the contributions Braceros made to our country. I also call on this Congress to take a look at the Bracero Justice Act, to do the right thing and to move to help thousands of Braceros and their families.

Mr. FILNER. Madam Speaker, I rise today to convey my support for H. Res. 522. A great debt is owed to the workers who came to our country during World War II, known as Braceros, when we were experiencing a labor shortage. We needed these workers in order to keep our agricultural and transportation sectors going. Indeed, we needed them in order to keep our entire country going. Without the work of these men and women on the railroads, we could not have transported the food and supplies needed at home and for the war effort. Without their labor in the fields, we would not have had an ample food supply here at home or for our soldiers. While long over due, this resolution is a token of our country's gratitude for the contributions these men and women made to our country. I am proud to support this resolution.

Ms. ROYBAL-ALLARD. Madam Speaker, I rise today in support of House Resolution 522 that celebrates the contributions that braceros have made to America.

From 1942 to 1950, nearly 400,000 Mexican guest workers, known as braceros, were recruited to work in the United States in response to the severe labor shortage during World War II.

They toiled in our fields and on our railroads 10 to 12 hours a day.

Eager to make better lives for themselves and their families, these tireless workers helped to keep the United States stable and strong during a said chapter in our nation's history.

The contributions of braceros to our country and its economy were immeasurable.

It is for that reason that we must also pass the Bracero Justice Act. For in spite of the hard work performed by the braceros, many never received full compensation for their work.

In fact, an estimated $60 million dollars was withheld from their paychecks. Sixty years later thousands are still waiting to receive wages they earned.

Men like 75-year-old Mr. Andres Islas, a naturalized U.S. citizen, from my district, who performed backbreaking work in the agriculture fields of California in the 1940s.

Mr. Islas, the father of Bell councilwoman Theresa Jacobo, recalls being told that the U.S. government was taking a portion of his paycheck, but was never told how or where he could reclaim it.

He and all the braceros of that time have a right to be paid for their hard work during this time of crisis in our nation's history.

The Bracero Justice Act, currently before the House of Representatives, will help this to happen by requiring the U.S. and Mexican governments to give these men their day in court.

Justice is long overdue for Mr. Islas, his family, and the other braceros of that era, who sadly are passing away before this issue is resolved.

This resolution correctly praises the braceros for their contributions and should be passed, but there is still an injustice that needs rectification.

I urge the House leadership to bring the Bracero Justice Act to the floor for a vote and send a clear message that the U.S. is fair, just, and appreciative of those who toil on behalf of our country.

Mr FARR of California. Madam Speaker, I strongly support H. Res. 522, a long overdue

resolution to thank the Braceros for their contributions to the war effort.

As the Representative of California's Central Coast, I have the distinct honor of representing the Salad Bowl of the Country, the Salinas Valley, known world wide for its lettuce and strawberry fields.

The agriculture industry in the Salinas Valley was memorialized in John Steinbeck's novel, ''Grapes of Wrath.'' I am proud to state that the Bracero workforce contributed significantly to the economic development of the Salinas Valley and the surrounding region.

Their hard labor then became the foundation for a thriving $2 billion fresh produce industry today.

At the onset of WWII, many Americans left their civilian jobs to join the war effort. This left labor shortages in many sectors of the national economy, particularly in agriculture and transportation. The U.S. government looked to Mexico as a ready source to fill these labor needs.

For the first time in our relationship with Mexico, the U.S. need for cooperation gave the Mexican government unprecedented bargaining power. The Mexican government insisted on a bilateral treaty to goven any large scale recruitment and movement of Mexican workers to the U.S.

In 1942, a treaty between the two governments was signed that allowed for the recruitment and employment of agricultural workers and contemplated that further agreements might be negotiated for recruitment of workers in other industries. The agreement regarding railroad workers followed shortly thereafter. This program became known as The Bracero Program.

These agreements covered a number of topics regarding recruitment, transport, salary and other terms and conditions of employment. The treaty contained a requirement that 10% of the salary of each worker was to be deducted by his employer and transmitted to the U.S. government for transfer to banks in Mexico. This 10% deduction was to be used for creation of a savings fund that the bracero could claim upon his return to Mexico. The savings fund for agricultural workers was to be held by Banco de Credito Rural; for railroad workers, by Banco del Ahorro National. Both banks were wholly owned by the Mexican government, and the transfers were to occur through the Banco de Mexico, the equivalent of our Federal Reserve Bank.

According to documents from that era, an estimated $35 million was transferred through these various deduction programs between 1942 and 1949. In 1949, the two governments dropped the 10% savings withholding and made several other reforms to the program. The Bracero program continued until 1964, but without the wage withholding provision.

Due to a series of problems, including maladministration of the program, delays in the sending of funds from the U.S. to Mexico, the lack of adequate information regarding how to retrieve funds, worker illiteracy, and the difficulty for workers residing in isolated rural areas in Mexico to access funds held in banks headquartered in Mexico City, a significant percentage of this money was never retrieved by the workers for whose benefit it was supposedly being held. The facts regarding the deduction and transmission of these funds have only recently come to light as a result of investigations of the savings fund program undertaken by bracero advocates in recent years. Most of these workers appear to have been unaware of the savings funds supposedly held on their behalf until recent publicity regarding this program and the filing of the lawsuit.

In consequence, many Mexican workers—some of whom made a significant contribution to the effort of democratic governments to defeat fascism in Europe and Asia, never received the full salary to which they were entitled for their work. These men are now in their 60's, 70's, 80's and 90's. Many of them are in ill health. Due to the economic crises that have plagued Mexico for the last several decades, many are poor, and without any source of income to provide even the barest of necessities.

While this resolution is a good first step, it is only that, a first step. What this body really needs to do is pass H.R. 4918, the Bracero Justice Act of 2002. That bill will provide standing to the Braceros to take their case to court, statute of limitations notwithstanding. The responsible parties in this matter have made it clear that they intend to hide behind legal technicalities to prevent these Mexican workers and their families from recouping what they lost. H.R. 4918 would ensure that the workers receive these long overdue funds.

So I ask my colleagues today to pass H. Res. 522, but also to bring true justice to the Braceros and pass H.R. 4918 as well.

Ms. SOLIS. Madam Speaker, I rise in strong support of House Resolution 522, honoring braceros. During World War II, working people across the country left their jobs to fight the war in Europe and the Pacific. Under an agreement between Mexico and the United States, thousands of Mexicans, known as braceros, left their homelands and came to the United States to help fill the labor shortage.

The braceros performed labor-intensive work, toiling in the fields and building railroads. Their work kept the U.S. strong during a time of tremendous need and helped the Allies win World War II. Today, on International Bracero Day, we honor these hard-working men and pay them the respect they deserve.

Unfortunately, the braceros' struggle for full recognition of their work continues. The agreement between the U.S. and Mexican governments called for 10 percent of their wages to be deducted, with the promise that the money would be refunded when the workers returned to Mexico. Sixty years later, that promise has yet to be kept. Thousands have never received these wages.

I commend California Governor Gray Davis who recognized this struggle by signing into law yesterday a measure to help former braceros recover millions of dollars in lost wages by extending the applicable California statute of limitations.

The braceros worked hard and played by the rules established by the U.S. and Mexican governments. Some eventually served in the military defending our nation an became United State citizens. In return for their hard work, the braceros simply asked to be treated fairly and honorably. It is time that we honor our commitment to the braceros and their families. I am glad that the House is taking a step in that direction today.

Mr. BOEHNER. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from Ohio (Mr. BOEHNER) that the House suspend the rules and agree to the resolution, House Resolution 522.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

HONORING CAEL SANDERSON FOR HIS PERFECT COLLEGIATE WRESTLING RECORD

Mr. ISAKSON. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 399) honoring Cael Sanderson for his perfect collegiate wrestling record, as amended.

The Clerk read as follows:

H. RES. 399

Whereas Cael Sanderson, continuing the storied tradition of Iowa State University wrestling, achieved a perfect collegiate wrestling record of 159 wins and no losses and is the first person ever to finish undefeated in collegiate wrestling;

Whereas Cael Sanderson is a four-time national wrestling champion, a four time National Collegiate Athletic Association championship outstanding wrestler, and a three time winner of the Dan Hodge Trophy;

Whereas the April 1, 2002, issue of Sports Illustrated ranked Cael Sanderson's perfect wrestling record second in a list of the top ten ''most impressive college sports feats ever'';

Whereas Cael Sanderson is a two-time Academic All-American, a champion in the classroom as well as on the mat;

Whereas Cael Sanderson's achievements have set a new benchmark for excellence in the sport of wrestling and will forever have an impact on college wrestling; and

Whereas through his persistence, hard work, and dedication, Cael Sanderson has set an example for all: Now, therefore, be it

Resolved, That the House of Representatives—

(1) congratulates Cael Sanderson for finishing his career as the first ever undefeated collegiate wrestler;

(2) recognizes the contributions of Cael Sanderson's parents, Stephen and Debbie Sanderson, his coach, Robert ''Bobby'' Douglas, the support staff of Iowa State University, and Cyclone fans;

(3) directs the Clerk of the House of Representatives to transmit an enrolled copy of this resolution to—

(A) Cael Sanderson;

(B) Coach Robert ''Bobby'' Douglas of Iowa State University; and

(C) Cael Sanderson's parents, Stephen and Debbie Sanderson.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. ISAKSON) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia (Mr. ISAKSON).

GENERAL LEAVE

Mr. ISAKSON. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Resolution 399.

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

There was no objection.

Mr. ISAKSON. Madam Speaker, I yield such time as he may consume to the distinguished gentleman from the State of Iowa (Mr. LATHAM).

Mr. LATHAM. Madam Speaker, I thank the gentleman from Georgia for yielding time to me.

Madam Speaker, I include for the RECORD a resolution from the Iowa State University Government of the Student Body.

The document referred to is as follows:

Iowa State University,
Government of the Student Body

SENATE RESOLUTION 2001–3–060SR THE GREATEST EVER

Whereas, Cael Sanderson, an Art and Design major, has recently completed his four seasons as a collegiate athlete, and

Whereas, Mr. Sanderson has won more matches than any other wrestler in collegiate history, and

Whereas, Mr. Sanderson is the first wrestler ever to win the Dan Hodge Trophy three (3) years in a row and the first three-time winner of this honor, and

Whereas, Mr. Sanderson has won the national championship each of the four years he has competed, and

Whereas, Mr. Sanderson was the first college wrestler to ever win the NCAA Tournament's Outstanding Wrestler award four times, and

Whereas, Mr. Sanderson has finished his collegiate career with a 159–0 record, and

Whereas, Mr. Sanderson has brought new spectators to his sport in droves, and

Whereas, Mr. Sanderson is not only a great wrestler, but also a humble contributor to the Iowa State Community, be it therefore

Resolved, That the Government of the Student Body recognizes Cael Sanderson as a legendary campus figure whose athletic achievements are unparalleled not only at Iowa State, but unparalleled throughout collegiate history, and be it further

Resolved, That the achievements of Cael Sanderson have made the students of Iowa State University very proud, and be it further

Resolved, The students of Iowa State University wish to commemorate Cael Sanderson and his accomplishments on our campus, and be it further

Resolved, That copies of this legislation be sent to Cael Sanderson, President Gregory Geoffroy, Board of Regents, State of Iowa, Vice President Warren Madden, Vice President for Student Affairs Thomas Hill, Athletic Director Bruce Van De Veldc, The ISU Foundation, ISU Alumni Association, ESPN, Sports Illustrated, and all other appropriate print and broadcast media.

Madam Speaker, this is a great day to be an Iowa State fan. It is a great day to be from the State of Iowa to show honor and recognition for a tremendous young man, a tremendous athlete who did an astounding thing through his collegiate career at Iowa State. Cael Sanderson is that young man.

We just had the honor to be with the President, Cael, myself, and the Speaker, down in the Oval Office, and the chance to visit with the President. Cael, all the honors bestowed on him are very, very much deserved. I congratulate him, as the entire House will, with this resolution.

Cael is now married to Kelly. His parents, Steve and Debbie, had four sons, Cody, Cole, Cyler, and Cael. Apparently they wrestled a lot in the house. They are still trying to fix a few walls around there from all the wrestling going on.

Cael Sanderson is truly the pride of Iowa State; and not only really Iowa State, but the entire State. With the history we have, the tradition of wrestling in the State of Iowa, he is someone that we hold in extraordinary high esteem. Not since Dan Gable back in my days at Iowa State has there been anything close to what Cael has accomplished. I would like to really personally thank him. I have a new bobblehead doll of Cael Sanderson which will be my number one prize possession now.

Just to bring part of the record forward for Cael, he had a perfect collegiate record, which had never been achieved before: 159 wins, no losses. He was four-time NCAA national champion; he was four-time NCAA outstanding wrestler; and three times a winner of the Dan Hodge Trophy, which is the highest acknowledgment that you can have as a college wrestler.

I would say, Madam Speaker, that Cael Sanderson is much more. He is a tremendous young man. He was a two-time All-American academic winner at Iowa State. He is truly an inspiration and an example for all young people today. The way Cael conducts himself makes us all very, very proud. He is the type of young man that we would like all of our young people to emulate.

We hear so many times about the problems we have today with our youth, and some troubles they get into; but someone like Cael Sanderson is an individual that these young people can look up to as an example of someone with his leadership that they can follow and really get themselves on the right path in life.

Just on behalf of the Iowa delegation, all Iowans and, I think, all Americans, we want to congratulate Cael Sanderson and thank him for his tremendous achievements, and wish him and his wife Kelly the best of luck. Cael is going to be in the Olympics in 2004 and is working very hard towards that goal.

We wish him the best of luck, and we thank especially his family for all their tremendous support; and the family at Iowa State, Coach Bobby Douglas and everyone, especially the fans at Iowa State, for the tremendous support they have given to Cael, and wrestling in general at Iowa State.

Madam Speaker, again, congratulations and thanks to Cael Sanderson.

□ 1515

Mr. GEORGE MILLER of California. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, those of us who have followed wrestling and have followed Iowa State, if you were just named one of the outstanding wrestlers at Iowa State, you would think you had had a very successful career. But to achieve this feat of 159 matches without a loss, for those of you who are better at mathematics than I am, you can figure out the probabilities of that happening. I once read the mathematics of Joe DiMaggio's 56 straight games and that streak and what it meant and what the probabilities were for happening. But this is an incredible feat. And I note here that ''Sports Illustrated'' said this is a most impressive college feat of all time, and they rated this the second. The first-place winner was Jessie Owens, who set four world records in 1935, which puts Cael Sanderson ahead of Barry Sanders, Jim Brown, Oscar Robinson and so many others that we are familiar with this string. And he is certainly due the congratulations and the honor of this resolution of this House.

Madam Speaker, I would urge all Members to support this resolution and extend to him our congratulations. I thank the committee for bringing this resolution to the floor.

Madam Speaker, I yield back the balance of my time.

Mr. ISAKSON. Madam Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. BOEHNER), the chairman of the Committee on Education and the Workforce.

Mr. BOEHNER. Madam Speaker, I thank my friend and colleague, the gentleman from Georgia (Mr. ISAKSON) for yielding me time and congratulate the gentleman from Iowa (Mr. LATHAM) for bringing this resolution to the floor today.

This really is quite an accomplishment that Cael Sanderson has contributed; 159 wins, no losses in a 4-year college career is really unheard of. I think his contributions as a two-time academic all-American also speak loudly to his dedication not only to his sport but to his academic studies. So Cael is a shining example of what someone can do with determination, commitment and a sense of excellence. And I am happy to rise today in support of the Latham resolution.

Mr. ISAKSON. Madam Speaker, I yield 2 minutes to the gentleman from Iowa (Mr. GANSKE).

Mr. GANSKE. Madam Speaker, it is my privilege to join in recognizing one of the greatest athletes in American history, a wrestler who went through college undefeated. I saw another great wrestler, Dan Gable, in his last match in college. Dan was undefeated in high school and college, but fell short in his final match. He used that defeat as motivation and then won the Olympics without a point being scored on him. Big shoes to fill.

But Cael Sanderson of the same Iowa State Cyclones as Dan Gable wrestled for has now surpassed Dan's achievements at the college level. The pressure on him was immense. The way he wrestled his last NCAA tournament is a testament to his greatest. He wrestled aggressively but intelligently. He never coasted on a lead. His athletic prowess is awesome. But it is his soft

spoken humility, his grace under pressure, his good sportsmanship, his example as a role model for younger kids that make him special to Iowans.

He is the Cyclone version of Nile Kinnick, and whether we are Hawkeyes or Cyclones or UNI Panthers, we are proud of him. And we all hope that he too wins the Olympics. But if Cael Sanderson never stepped on a mat again, we would still have to say, thanks for the great memories.

Mr. ISAKSON. Madam Speaker, I yield myself the balance of my time.

I acknowledge that the Speaker of this House, the gentleman from Illinois (Mr. HASTERT), is a famous wrestler and wrestling coach of great renown; and I am confident, were he not busy working on the business of the American people, he would be here on this floor to commend not only Cael but also to commend his parents, his coach and his supporters.

In a time of desperate need in America for role models for our young people, it is only appropriate that this House acknowledge a young man who has distinguished himself by achieving a record never before accomplished at a time while still maintaining an average to become an Academic All American 2 years in a row.

I join my other colleagues who have spoken in commending Cael Sanderson for his achievement and his contribution and his role model life that he leads in the State of Iowa.

Madam Speaker, I rise in support of House Resolution 399. This resolution congratulates Cael Sanderson for finishing his career as the first ever undefeated collegiate wrestler. This resolution provides much deserved recognition to Mr. Sanderson's parents, Steven and Debbie Sanderson as well as his Iowa State University coach, Robert Douglas.

Our distinguished Speaker of the House, himself, was once a wrestling coach on the high school level, and I am sure would want to extend his congratulations to this accomplished young man, as well.

Mr. Sanderson has completed his college career with a perfect record of 159 wins and no losses and is the first undefeated four-time Division I college-wrestling champion. Mr. Sanderson has quite an outstanding record of achievement, including being a four-time NCAA champion, a four-time NCAA outstanding wrestler, a three-time Hodge award winner and a two-time Academic All American. This young man has a great deal to be proud of and I am happy to join my colleague, Representative LATHAM, in honoring him and all he has accomplished.

I want to thank my colleague from Iowa for introducing this resolution and extend my congratulations to Mr. Sanderson, his family, his coach and Iowa State University.

I ask all my colleagues to support this resolution.

Mr. HASTERT. Madam Speaker, I rise today to recognize the remarkable accomplishments of Cael Sanderson, who this year became the first in his sport to finish undefeated over the course of four seasons and only the second NCAA Division I wrestler in history to win four NCAA Championships.

Growing up in Utah, Cael Sanderson was one of four wrestling brothers, who over the years combined for 11 Utah prep crowns. During this prep years, Cael was coached by his father at Wasatch High, where he was a four-time State Champ. After high school, Cael decided to follow in his older brothers' footsteps by attending Iowa State University where he would leave his mark on the sport of wrestling, which I believe is safe to say will never be forgotten.

After 4 years at Iowa State University, Cael broke virtually every record and received every award he could garner. As I previously mentioned, Cael is a four-time national wrestling champion and finished his career with an overall record of 159–0. Moreover, he is also a four-time national Collegiate Athletic Championship Outstanding Wrestler, a three-time recipient of the Dan Hodge Trophy, given to the sport's most outstanding collegiate wrestler and was recently named the 2001–2002 Big 12 Conference Male Athlete of the Year.

In addition to taking care of business on the mat, Cael Sanderson also excelled in the classroom as he has twice been named an Academic All-American. Graduating in December 2001 with a Bachelor's degree in art and design, Cael showed patience, hardwork and dedication as he was able to balance the popularity that comes with being a collegiate star, as well as the long hours needed to accommodate a full academic schedule.

Finally, Cael Sanderson has been a model member of the community and has had a positive impact on all those around him. Besides offering his time to a number of community services, Cael also makes frequent visits to elementary schools and Boys and Girls Clubs in the Ames area, and spends his summers as a wrestling spokesman traveling across the nation to various wrestling camps, generating interest in the sport.

As a teacher and former wrestling coach, I commend Cael Sanderson on his many accomplishments on and off the mat. I think all of us in this body can appreciate the time and effort he has put into the sport so many of us love. Cael is a champion in the true sense of the word, as well as an inspiration and role model, not just to wrestling fans, but to everyone chasing a goal of a dream.

Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from Georgia (Mr. ISAKSON) that the House suspend the rules and agree to the resolution, H. Res. 399, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

EXPRESSING THE SENSE OF CONGRESS REGARDING PERSONAL SAFETY FOR CHILDREN

Mr. CASTLE. Madam Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 484) expressing the sense of the Congress regarding personal safety for children, and for other purposes.

The Clerk read as follows:

H. CON. RES. 484

Whereas 840,279 individuals were reported missing in 2001, and 85 to 90 percent of these missing persons were children;

Whereas approximately 58,200 children were abducted by nonfamily members in 1999, often in connection with another crime;

Whereas 115 of all nonfamily abductions (those perpetrated by strangers) resulted in the child being kept overnight, held for ransom, or killed;

Whereas over 50 percent of the children kidnapped in nonfamily abductions were taken away from the street in a vehicle or from a park or wooded area;

Whereas a central element of the congressionally-mandated mission of the National Center for Missing and Exploited Children (NCMEC) is the prevention of child victimization;

Whereas the National Center for Missing and Exploited Children, with the help of parents, local communities, and law enforcement, has assisted in the recovery of approximately 67,000 children;

Whereas the Departments of Justice, Health and Human Services, and Education recently developed a booklet, entitled ''Personal Safety for Children'', which offers easy-to-read tips for parents to discuss safety and protection measures with their children;

Whereas parents and educators need to teach children about safety measures they can use to protect themselves against abduction and exploitation and to encourage them to be smart, strong, and safe; and

Whereas President George W. Bush plans to convene the first-ever White House Conference on Missing, Exploited, and Runaway Children with policymakers, experts, community leaders, teachers, and law enforcement to discuss how to prevent the victimization of children: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That—

(1) it is the sense of the Congress that—

(A) Federal, State, and local law enforcement agencies and communities should work together to prevent the victimization of children; and

(B) communities, schools, and parents should learn more about the steps that may be taken to safeguard children and teach children the skills they need to be safe; and

(2) the Congress recognizes the booklet, ''Personal Safety for Children'', as one of the tools available to help parents and teachers talk with children about personal safety.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Delaware (Mr. CASTLE) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Delaware (Mr. CASTLE).

GENERAL LEAVE

Mr. CASTLE. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Con. Res. 484.

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

There was no objection.

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

Madam Speaker, I rise in strong support of H. Con. Res. 484, a resolution which recognizes the importance of personal safety for children.

Last summer, child abductions dominated the news. Five-year-old Samantha Runnion was taken from the driveway in front of her home in Stanton, California. Six-year-old Cassandra

Williamson was abducted from her home in St. Louis, Missouri. And 7-year-old Erica Pratt of Philadelphia, Pennsylvania, was snatched from her yard but managed to escape from her kidnappers.

Last year 725,000 children were reported missing or abducted. Although many of these children ran away or were taken by a parent, 3,000 to 5,000 of these child abductions did not involve a family member, and 115 of these cases were the most serious type, where the stranger was the perpetrator and the child was kept overnight, held for ransom or killed.

Fortunately, increased public awareness and a more coordinated response to child abductions has resulted in a decline of this most serious type of abduction. Thanks to law enforcement, the National Center on Missing and Exploited Children, media saturation and a concerned public, the recovery rate of missing children is up from 62 percent just 10 years ago to 93 percent.

While we are all thankful to those who have helped return so many of our children safely home, I believe we can do more to prevent crimes against our children. Parents need to keep current photos of their child, as well as a detailed description, including eye color, weight and height, in the event of the unthinkable; and they need to talk to their children about personal safety.

Recognizing that many parents do not know how to talk about safety in a way that does not unduly alarm children and that Federal, State and local law enforcement agencies and communities need to work together to protect children, President and Mrs. Bush are hosting a conference tomorrow, October 2, to raise public awareness about child victimization and help families and communities to share ideas how they can protect children.

In addition, the Departments of Justice, Health and Education, and the National Center on Missing and Exploited Children created a booklet, ''Personal Safety for Children, a Guide for Parents,'' which will help parents discuss what children may be hearing about child abductions. Among other things, the book gives parents commonsense tips to help keep children safe, such as teaching them never to go anywhere without permission. It gives children simple-to-follow safety rules such as saying no if someone treats them in a way that makes them feel scared or uncomfortable.

At President Bush's request, this booklet has been distributed by the Department of Education to every school in the country. The recent rash in child abductions and murders reminds us that we must work harder to keep children and youth from becoming victims. Our children need to understand that they are our number one priority and their safety is our number one concern. To that end, I urge parents, schools and communities to learn more about the steps they can take to safeguard their children. I encourage all parents to use the booklet ''Personal Safety for Children,'' available at www.missingkids.com as a tool to talk to their children about personal safety and keep them smart, safe and strong.

Madam Speaker, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in strong support of this legislation and the resolution to draw attention to the victimization of missing and exploited children.

Madam Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. LAMPSON), who has given an extraordinary amount of his time and effort and public service on this issue.

Mr. LAMPSON. Madam Speaker, I thank the gentleman from California (Mr. GEORGE MILLER) for yielding me time to speak on this issue that I have indeed considered a passion of my service in Congress and have done a great deal of work. I also want to thank the gentleman from Delaware (Mr. CASTLE) for the wonderful work he has done. He is the former Governor of Delaware. I thank the gentleman for the work that he has done not only when he served that State in the capacity as Governor; but since he has been in Congress, he has been one of the true leaders on the issue that has to do with child safety. We have worked on not just this piece of legislation today, but others; and I thank the gentleman for that. I think the people of the country will be indebted to the gentleman forever.

Madam Speaker, I am proud to ask all of my colleagues to support H. Con. Res. 484. We all know now the names of Elizabeth Smart and Michelle VanDamme and all the other children who were tragically abducted this summer. This sense of Congress expresses that we, the representatives of children all across America, care about their well-being and safety.

In 1996 just after I was elected, shortly after I took the oath of office to this wonderful body, I did not even know about the issue. I had not spoken about it. I knew a little bit about it because I have children myself; but it came to my attention in such a way that it was dramatic in that a little girl, Laura Kate Smither, was abducted and murdered in my district. The search for her went on for 2½ weeks before her body was found in a drainage ditch. The outpouring of support that came from Friendwood, Texas, the support that the friends and neighbors of the Smithers showed, and in the hurt that I saw in the eyes of Bob and Gaye Smither when they learned of the death of their daughter was phenomenal to me; and I vowed to come back here to Washington, D.C. to do my best to make some kind of a difference on these horrendous issues that affect so many of our children.

We soon found the wonderful people at the National Center for Missing and Exploited Children and learned of the need to have a coordinated effort here in the House of Representatives, that we might be able to work on legislation that so many different Members were working on in a coordinated manner. So I was proud to be the person who spearheaded the founding of the Congressional Caucus on Missing and Exploited Children. The goal of that caucus was to serve as a unified voice for missing and exploited children and to increase awareness on this issue.

This resolution serves both of those purposes. I stand here today with my Republican and Democratic colleagues to say that missing kids are not a partisan issue. We have worked together on this legislation and many other pieces of legislation, including legislation on the Amber Plan and Code Adam and the wonderful work that the gentleman from Delaware (Mr. CASTLE) has done on curriculum that has been distributed. And one of the things I often tell people at home when they ask, What is it we can do? What can we do? It is easy for folks to pick up the telephone and call a local school and ask them what their curriculum is to teach children and at what levels. They need to be taught all the way through school about what they can do.

It is no longer a simple matter of telling people, Do not talk to strangers. The issue is much more significant than that. We say to the public, Congress is concerned about our American children and their safety. We believe that Federal, State and local law enforcement and communities should work together to prevent the victimization of children, and we are indeed trying to do just that.

The program that we have been hearing about with the Amber Alert that I have just mentioned is one where the public becomes a partner with law enforcement and extends law enforcement's ability to do significantly greater things within our communities.

□ 1530

We say to communities, schools and parents should learn more and teach their children the skills they need to be safe.

I want to thank the gentleman from Delaware (Mr. CASTLE) for introducing this legislation and letting me join him in the work on it and all of our other colleagues. Together, Republican and Democrat alike, we can make a difference in the lives of children everywhere. We are doing so with this and other pieces of legislation.

I urge my colleagues to support H. Con. Res. 484.

Mr. CASTLE. Madam Speaker, I yield myself 30 seconds just to thank the gentleman from Texas (Mr. LAMPSON) for all the work he has done. They say nice things about the rest of us in terms of what we have done, but he has spearheaded the movement to help in this area of safety of children and deserves a tremendous amount of credit for that. I just wanted to make sure that was understood.

Madam Speaker, I yield such time as he may consume to the distinguished gentleman from Pennsylvania (Mr. GEKAS).

Mr. GEKAS. Madam Speaker, I thank the gentleman from Delaware (Mr. CASTLE) for yielding me the time.

I rise in support of the resolution that he has brought to the floor and commend him for the timeliness of it, the timeliness of it in several different respects. It is very timely with respect to the national discourse that is taking place on the exploitation of children, the victimization of children in every kitchen across the Nation, abduction of children, murder of children, kidnapping, exploitation of every type. So it is timely in the national discourse.

But in the work of the Congress it is also timely, because tomorrow the Committee on the Judiciary will be putting finishing touches on an omnibus bill that includes many of the elements outlined in the resolution that we are now considering.

I myself remember that about a month ago or so, I introduced a bill which passed the House that had to do with offering more monitoring capability on the part of judges to watch a sexual predator of children after he is convicted and after his release to make sure that perhaps even for a lifetime of that offender there is monitoring taking place. That bill, which passed the House, is going to be part of this omnibus bill tomorrow, as will several other items of new ideas in the question of victimization of children.

Then, as the gentleman himself observed, tomorrow many of us will be joining the President and the First Lady in the conference on victimization on children, missing children, exploited children, and that will highlight even more the awareness to which the gentleman from Delaware has contributed by this resolution.

It seems to me that we are all on our way as Members of Congress in reflecting the high level of concern that our families across the Nation are feeling about the new wave of dastardly things that are happening to our children, and so we are now in a position well poised with the President and some of the initiatives to actually adopt concrete measures dealing with the problem.

Mr. GEORGE MILLER of California. Madam Speaker, I yield myself such time as I may consume.

I just would say in closing that again I want to thank the gentleman from Texas (Mr. LAMPSON) and the gentleman from Delaware (Mr. CASTLE) for their work on this legislation, and the fact that this legislation is on the floor, I think, is a tribute. I am sure many of us have heard our parents or grandparents say, out of a dark cloud comes a silver lining, and that is that some of these parents who have suffered some of the most horrible things that we could imagine happening to us, our families, our children, ourselves, have found the energy to carry on in the name of their children, efforts at the local community level and now at the national level with the national center. There are so many local organizations.

I know in my own area in Contra Costa County and Solasta County, we have had a number of children who have gone missing; not only gone missing and later found, but clearly children who have gone missing and were killed and violently assaulted, that local organizations have come into existence because of the energy of these parents and of the community to help other parents and families when this happens to them and in a number of instances have, because of their quick response, because of their understanding of the nature of this crime and what needs to be done in the first few hours of the discovery, have facilitated the rescue of some children. And the national center has continued that effort and has provided recognition of those local programs, of those local individuals who really have taken a tragedy and turned it to positive energy, and have taken the tragic loss and victimization of a child and used that to save other children and to prevent other children and families having to go through this.

I would say as part of this resolution to recognize those individuals, I think almost tragically so, but almost every Member of Congress has experienced this in their own congressional district where these individuals have gone on, where we think one would be so devastated that they would cease to function, they have gone on to provide an incredible amount of leadership, and fortunately the national center has recognized these individuals and their efforts.

We had a young girl, Ms. Sanchez, who I had the opportunity to give an award to because of her courage, who was abducted, kidnapped, taken, but somehow found it within herself at a given moment when her abductor happened to look the other way, since he stopped to ask directions from somebody, she ran from his vehicle and was saved by a passing truck driver. Her own personal courage has been an example, and she shared that with other children.

Amber Schwarz, who many years ago disappeared from our community in Pinole. Her mother has gone on to develop the Amber Foundation, which has provided assistance to law enforcement, assistance to families and to communities to cope with these incidents and to bring resources to try and save and recover these children, and the Amber Alert in California that was so successful just recently and now many States are looking at replicating.

We owe a great deal of thanks to those families who have been able to summon the courage and the wherewithal to share their tragedy with others to try and avoid that tragedy from happening to other children and to the families. And again, I thank the gentleman from Delaware (Mr. CASTLE) so much for shepherding this resolution to the floor of the House.

Madam Speaker, I yield back the balance of my time.

Mr. CASTLE. Madam Speaker, I yield myself such time as I may consume, which will not be much.

Let me start by thanking the gentleman from California, whose interest in children is well-defined and well-known throughout this body, particularly in that of education; again, the gentleman from Texas (Mr. LAMPSON) for his abiding and continuing concern for the children of America; for the gentleman from Pennsylvania (Mr. GEKAS) for the same, for his abiding and continuing concern for the children of America, indeed for all the Members of the House and of, I am sure, the Senate. It is a concern of all of us, and I am delighted this conference is going to take place.

I think we all realize that the Presidential conference will call attention to an issue as much as anything that can happen. So I look forward to that happening tomorrow, and today we look forward to passing this resolution.

Mr. BOEHNER. Madam Speaker, I rise today in support of this resolution, which expresses the sense of Congress about the safety of America's children and points out the need for parents and educators to teach our children about safety measures they can use to protect themselves against abduction and exploitation.

During the past spring and summer, the American public has watched in horror as daily news reports have highlighted numerous stories of kidnapped children. According to the National Incidence Studies of Missing, Abducted, Runaway, and Thrownaway Children, there were 203,900 children abducted by family members and 58,200 children abducted by non-family members in 1999, the most recent year of collected and analyzed data. The U.S. Department of Justice's Office of Juvenile Justice and Delinquency Prevention released part of this study in August 2002, and the remainder of study will be released in November this year. Non-family abductions are the smallest category of missing children, but the one in which the child is at greatest risk of injury or death.

These statistics highlight the need for communities, schools, and parents to learn more about the specific steps that can be taken to facilitate children's safety and teach children the skills and know-how they need to enable them to stay safe. I commend the Departments of Justice, Health and Human Services, and Education for their recently developed booklet, ''Personal Safety for Children,'' which offers tips to parents for discussing safety and protection measures with their children. For example, the booklet instructs parents to make a list with their children of their neighborhood boundaries, choosing significant landmarks and telling their children whose homes they are allowed to visit.

I would also like to commend the National Center for Missing and Exploited Children for their fight to prevent child victimization and their assistance in the recovery of countless missing children. Furthermore, the President will convene a White House Conference on

Missing, Exploited and Runaway Children tomorrow, October 2. The Conference will promote public awareness of the cause of missing, exploited and runaway children, and it will bring policymakers, experts, key officials, community leaders, teachers and law enforcement officials together to share progress made and generate new ideas to help prevent the victimization of children. In August the President stated that the ''Personal Safety for Children'' handbook holds practical advice to help families and communities make their homes, their schools, and their neighborhoods safer and added that he was calling on ''all Federal, State and local law enforcement agencies and our communities and our citizens to work together to do everything in our power to better protect our children.''

I would also remind my colleagues that the House more than six months ago overwhelmingly passed bipartisan legislation, H.R. 3839, the Keeping Children and Families Safe Act, to help ensure that assistance is provided in the most effective manner for children caught in abusive situations. That bipartisan bill is the product of efforts by members on both sides of the aisle to ensure that all children grow up in a safe and loving environment.

I am pleased that my colleague and friend from Delaware has brought this issue to the Floor of the U.S. Congress, and I urge my colleagues to support this resolution.

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

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from Delaware (Mr. CASTLE) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 484.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

RECOGNIZING IMPORTANCE OF TEACHING U.S. HISTORY IN ELEMENTARY AND SECONDARY SCHOOLS

Mr. OSBORNE. Madam Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 451) recognizing the importance of teaching United States history in elementary and secondary schools, and other purposes, as amended.

The Clerk read as follows:

H. CON. RES. 451

Whereas gaining a sense of history is a gradual and cumulative process, and history education should therefore begin at the early stages of a student's classroom experience and continue to develop throughout a student's entire educational career and beyond;

Whereas when students study United States history they become familiar with the development and expansion of the country, which enables them to better understand the present relationship between the United States and other countries and to anticipate future international interaction;

Whereas when students have a foundation of basic United States history they can better understand their roles and responsibilities as citizens of the United States and as a part of the global community;

Whereas the National Assessment of Educational Progress (NAEP) United States History Assessment of 2001 found that 89 percent of high school seniors, 84 percent of 8th graders, and 82 percent of 4th graders scored below ''proficient'' levels;

Whereas the results of the 1998 National Assessment of Educational Progress Civics Assessment showed that 77 percent of all 4th graders sampled scored below ''proficient'' levels and showed similar results for 8th and 12th graders, with approximately three-fourths of students at both grade levels scoring below ''proficient'' levels;

Whereas the 1998 National Assessment of Educational Progress Civics Assessment showed that one-third of 4th graders could not explain the meaning of ''I pledge allegiance to the flag'' on a multiple-choice test and a majority of 4th graders could not answer why ''citizens elect people to make laws for them'' in a democracy;

Whereas in 1999, the United States placed 6th in the International Civic Education (CivEd) Study, a study of 27 countries sponsored by The National Center for Education Statistics (NCES) designed to tap the civic knowledge and skills of 14-year-olds and their attitudes toward democracy and citizenship;

Whereas according to the CivEd study, 12 percent of students in the United States reported never or hardly ever studying history in school, and the majority of 9th graders typically spent less than one hour per week doing history homework;

Whereas according to the Center for Survey Research and Analysis, fewer than half of the seniors surveyed at top universities across the United States can identify crucial events in United States history;

Whereas distinguished historians and intellectuals fear that without a common civic memory and common understanding of the remarkable individuals, events, and ideals that have shaped the Nation, people in the United States risk losing much of what it means to be an American, as well as the ability to fulfill the fundamental responsibilities of citizens in a democracy; and

Whereas citizens who lack knowledge of United States history will also lack an understanding and appreciation of the democratic principles that define and sustain the Nation as a free people, such as liberty, justice, government by consent of the governed, and equality under the law: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) recognizes the importance of teaching United States history and civics in elementary and secondary schools;

(2) expresses concern regarding the lack of basic understanding of United States history among students of all levels in the United States; and

(3) strongly supports efforts to promote the value of education in United States history and to ensure that students in the United States graduate from high school with a significant understanding of United States history and civics.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nebraska (Mr. OSBORNE) and the gentleman from Wisconsin (Mr. KIND) each will control 20 minutes.

The Chair recognizes the gentleman from Nebraska (Mr. OSBORNE).

GENERAL LEAVE

Mr. OSBORNE. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Con. Res. 451.

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

There was no objection.

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

Madam Speaker, I rise in support of H. Con. Res. 451, recognizing the importance of teaching U.S. history and civics. I would particularly like to thank the gentleman from Wisconsin (Mr. KIND) for introducing this piece of legislation and for his leadership in this area.

As I thought about speaking on this subject today, I was reminded of the fact that a couple of months ago, I had a civics teacher from Nebraska who came into my office. This particular individual had paid his own way back to Washington, and I asked him what was on his mind, and he said, well, he had been teaching U.S. government for over 20 years, and he was really distressed by the fact that he had seen his students become increasingly less and less engaged with the political process, or even being interested in government, certain issues. So his sole purpose of paying his way back here was just to try to talk to people and apprise us of the situation.

Of course, this has certainly not been a very encouraging trend. In 2001, the NAEP test indicated that in testing 4th, 8th and 12th graders, that between 80 to 90 percent of those students were below acceptable levels of achievement in history and government. Actually, the 12th graders had 89 percent of the students below satisfactory level. Again, this is a rather alarming trend because a democracy depends upon an informed, engaged electorate, and it is alarming to see that we apparently have been losing ground in this regard.

One might ask, well, why this decline; why have things gone south on us in this regard? I would say, I would suggest maybe two reasons. One, I think there has been an increasing lack of emphasis in the schools on teaching of history, particularly U.S. history and U.S. government, and this is reflected in the test scores and in some of the apathy.

I think second, and we are all probably somewhat involved here, there has been an increasing cynicism on the part of the general public in regard to the political process. We may say, well, why are people more cynical today? I think one reason is that they feel more powerless. I think they see the emphasis upon money, the factor that many special interest groups play in the legislative process.

Then the other night I was reminded as I sat on the floor and listened to the debate, which became increasingly rancorous and increasingly partisan, and I thought if I were a young person who was just kind of getting acquainted with the political process, how would I feel about what is going on on the floor? These are the Representatives, these are the people who are supposed

to be striving for the common good and are supposed to be representing us, and I think to some degree the attack ads, the partisanship and some of the negativity that we hear right here on the floor has also led to some of the disaffection that people have with the political process.

I do not want to be totally negative here today, because I think there are some answers. I think there are some things being done. President Bush has announced three initiatives that are designed to support teaching American history and civics. The first of these are some grants to develop curricula and to train teachers, particularly in these areas; second, an Internet program which will provide historical documents on the Internet and also promote a greater understanding of U.S. history; and third, a forum at the White House which is intended to address these very issues that we have been talking about.

The second initiative I think is very important and is something called Freedom's Answer, and this is something that has been espoused and promoted by the gentleman from Texas (Mr. DELAY) and the gentlewoman from California (Ms. PELOSI). It is a nonpartisan campaign extending from September 11 to November 5, encouraging young people to register to vote. A great many young people are too young to vote, but they are encouraged to promote an interest on the part of their parents to get into the legislative process and to vote as well.

I certainly urge support for H. Con. Res. 451. Again I would like to thank the gentleman from Wisconsin (Mr. KIND) for his leadership on the issue.

Madam Speaker, I reserve the balance of my time.

□ 1545

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

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

Mr. KIND. Madam Speaker, I am passionate about American history. I believe there is an important role for it to play and be taught in our elementary and our secondary schools throughout the country, especially in light of modern times, especially in light of the last year that our Nation has gone through; and I want to thank the leadership, first of all, Madam Speaker, for bringing this resolution to the floor today. I also want to thank the chairman and the ranking member and their respective staffs on the committee. But most of all, I would like to thank the gentleman from Nebraska (Mr. OSBORNE) for co-sponsoring this legislation with me, for championing it through the Committee on Education and the Workforce, for being here on the floor today.

On September 17, 1787, the delegates to the Constitutional Convention signed the United States Constitution. Consideration of this resolution, H. Con. Res. 451, recognizes the importance of teaching American history and civics, and it coincides nicely with the 215th anniversary of the signing of our Constitution and with the President's recent announcements supporting new policies and initiatives for teaching American history and civics. I commend the administration's efforts to encourage the teaching of these important issues, and I will continue to work to build support for them in this body.

When students have a solid foundation of basic American history and civics, they can better understand their roles and responsibilities as citizens of this great Nation and as a part of our global community. Furthermore, when students study U.S. history, they becoming familiar with the development and the expansion of our own country. This knowledge enables youth to better understand the present relationship between the United States and other countries and to anticipate future international relations.

Since the tragic events of September 11, 2001, this has become even more imperative. Knowing our Nation's history and our civic duties as citizens of the United States is vital to preventing similar attacks both here and abroad and provides an important knowledge on how to cope with a drastically changed world for us.

I believe that one of the most important parts of teaching history and learning civic education is to prepare people for bad times. The question is not whether people will remember the right phrases but whether they will turn words and lessons into practice when they fear for their freedom and their security. The chances for democratic principles to survive such crises depend upon the number of citizens who remember how free societies have responded to crises in the past, how free societies have acted to defend themselves and emerge from the bad times.

Why have some societies fallen and others have stood fast? Citizens need to tell one another what struggles have had to be accepted, what sacrifices borne, and comforts given up to preserve freedom and justice. The deep discriminating historical knowledge required to ward off panic, self-pity, and resignation is not always fun to acquire; but it is important.

Sadly, results recently revealed, as the gentleman from Nebraska (Mr. OSBORNE) recently indicated, from the 2001 study by the National Assessment of Educational Progress of U.S. History found 89 percent of high school seniors, 84 percent of eighth graders, 82 percent of fourth graders scored below proficient levels in the understanding of their history. In addition, in 1999, the International Civic Education study of 14-year-old students reported the majority of ninth graders typically spent less than 1 hour per week doing history homework. Unfortunately, this is not only true in the elementary and secondary schools. It also appears to be prevalent in our universities. According to the Center for Survey Research and Analysis, fewer than half of the seniors surveyed at top universities across the United States can identify crucial events in our Nation's history.

Thus in light of these troubling facts, this resolution before us today recognizes the importance of teaching American history and civics in elementary and secondary schools. Further, it supports efforts that ensure students graduate from high school with significant understanding of these issues. Our elementary and secondary schools are a vital resource to teach, study, and disseminate the information about past and present events. Gaining a sense of history is a gradual and cumulative process. Therefore, history education should begin at the earliest stages of a student's classroom experience and continue to develop through a student's entire educational career and then beyond.

I am pleased that the reauthorization of the Elementary and Secondary Education Act included the Teaching American History grant program and the Civic Education program. I would like to see American history and civic education remain a fundamental part of our schools' curriculum. The Teaching American History program supports programs to raise student achievement by improving teachers' knowledge of understanding and appreciation of American history. It also prioritizes teaching American history as a separate academic subject. This program received $50 million in the 2002 fiscal year, and it must receive adequate appropriations again for the next fiscal year.

Just this last week I was notified by the Department of Education that the Cooperative Education Service Agency District 10 in my congressional district received a grant under this program for nearly $1 million for the next 3 years. This grant will serve 30 school districts, 200 teachers, and 5,205 students. I applaud the school districts for applying and receiving this grant.

The Civic Education Program in ESEA is a combination of domestic and international initiatives. The We the People program promotes civic competence and responsibility by educating elementary and secondary students about the institutions of our constitutional democracy. The International Education Initiative provides assistance to ensure that children in emerging democracies throughout the world are exposed to democratic principles. The Civic Education Program received $27 million in this last fiscal year but was zeroed out, unfortunately, in the next fiscal year appropriations bill.

I urge the appropriators to fund this initiative, and at its authorization level of $30 million. Now is not the time to eliminate a program that has continually shown that students involved in civic education develop

greater commitment to democratic principles and values.

Madam Speaker, I urge my colleagues to support this resolution today. Citizens who lack knowledge of United States history will also lack an understanding and appreciation of the democratic principles that define and sustain the Nation as a free people, such as liberty, justice, government by consent of the governed, and equality under the law.

Mr. BOEHNER. Madam Speaker, I rise today in support of this resolution to recognize the importance of teaching United States history and civics in elementary and secondary schools. I would like to thank Mr. KIND and Mr. OSBORNE for sponsoring the resolution, and I appreciate their efforts to bring it before the House today.

Madam Speaker, our nation's students do not have even the most basic knowledge of American history. The 1998 National Assessment of Educational Progress—or NAEP—on U.S. history showed that one-third of our 4th graders could not explain the meaning of ''I pledge allegiance to the flag'' on a multiple-choice test and a majority of 4th graders could not answer why ''citizens elect people to make laws for them'' in a democracy. Furthermore, the 2001 NAEP found that 89 percent of high school seniors, 84 percent of 8th graders, and 82 percent of 4th graders scored below ''proficient'' levels.

As President Bush recently noted, ''This is more than academic failure. Ignorance of American history and civics weakens our sense of citizenship. To be an American is not just a matter of blood or birth; we are bound by ideals, and our children must know those ideals.''

I agree with President Bush and believe that our children truly benefit when they learn about our nation's victory in the Revolutionary War or the debates that took place at the Constitutional Convention. It is critical that they understand the meaning of the Declaration of Independence and the Bill of Rights.

Last January, President Bush signed into law the No Child Left Behind Act, which will help address this problem. First, the law authorizes the Civic Education program, which supports the Center for Civic Education and its program that encourages instruction on: the principles of our constitutional democracy; the history of the Constitution and the Bill of Rights; and how the Congress functions on a day-to-day basis.

Secondly, the No Child Left Behind Act also authorizes the ''Teaching American History Grant Program,'' in which the Education Secretary will award grants to help local educational agencies develop, implement, and strengthen American history programs. These grants will also be used for professional development and teacher education programs in American history.

Madam Speaker, teaching United States history and civics in our schools has never been more important. This resolution builds on our efforts in No Child Left Behind Act and I ask my colleagues to vote ''yes'' on it.

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

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

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from Nebraska (Mr. OSBORNE) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 451, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed to.

The title of the concurrent resolution was amended so as to read: ''Concurrent resolution recognizing the importance of teaching United States history and civics in elementary and secondary schools, and for other purposes.''.

A motion to reconsider was laid on the table.

LEACH-LaFALCE INTERNET GAMBLING ENFORCEMENT ACT

Mr. LEACH. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 556), to prevent the use of certain bank instruments for unlawful Internet gambling, and for other purposes, as amended.

The Clerk read as follows:

H.R. 556

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Leach-LaFalce Internet Gambling Enforcement Act''.

SEC. 2. FINDINGS.

The Congress finds as follows:

(1) Internet gambling is primarily funded through personal use of bank instruments, including credit cards and wire transfers.

(2) The National Gambling Impact Study Commission in 1999 recommended the passage of legislation to prohibit wire transfers to Internet gambling sites or the banks which represent them.

(3) Internet gambling is a major cause of debt collection problems for insured depository institutions and the consumer credit industry.

(4) Internet gambling conducted through offshore jurisdictions has been identified by United States law enforcement officials as a significant money laundering vulnerability.

SEC. 3. PROHIBITION ON ACCEPTANCE OF ANY BANK INSTRUMENT FOR UNLAWFUL INTERNET GAMBLING.

(a) IN GENERAL.—No person engaged in the business of betting or wagering may knowingly accept, in connection with the participation of another person in unlawful Internet gambling—

(1) credit, or the proceeds of credit, extended to or on behalf of such other person (including credit extended through the use of a credit card);

(2) an electronic fund transfer or funds transmitted by or through a money transmitting business, or the proceeds of an electronic fund transfer or money transmitting service, from or on behalf of the other person;

(3) any check, draft, or similar instrument which is drawn by or on behalf of the other person and is drawn on or payable at or through any financial institution; or

(4) the proceeds of any other form of financial transaction as the Secretary may prescribe by regulation which involves a financial institution as a payor or financial intermediary on behalf of or for the benefit of the other person.

(b) DEFINITIONS.—For purposes of this Act, the following definitions shall apply:

(1) BETS OR WAGERS.—The term ''bets or wagers''—

(A) means the staking or risking by any person of something of value upon the outcome of a contest of others, a sporting event, or a game subject to chance, upon an agreement or understanding that the person or another person will receive something of greater value than the amount staked or risked in the event of a certain outcome;

(B) includes the purchase of a chance or opportunity to win a lottery or other prize (which opportunity to win is predominantly subject to chance);

(C) includes any scheme of a type described in section 3702 of title 28, United States Code;

(D) includes any instructions or information pertaining to the establishment or movement of funds in an account by the bettor or customer with the business of betting or wagering; and

(E) does not include—

(i) any activity governed by the securities laws (as that term is defined in section 3(a)(47) of the Securities Exchange Act of 1934) for the purchase or sale of securities (as that term is defined in section 3(a)(10) of such Act);

(ii) any transaction conducted on or subject to the rules of a registered entity or exempt board of trade pursuant to the Commodity Exchange Act;

(iii) any over-the-counter derivative instrument;

(iv) any other transaction that—

(I) is excluded or exempt from regulation under the Commodity Exchange Act; or

(II) is exempt from State gaming or bucket shop laws under section 12(e) of the Commodity Exchange Act or section 28(a) of the Securities Exchange Act of 1934;

(v) any contract of indemnity or guarantee;

(vi) any contract for insurance;

(vii) any deposit or other transaction with a depository institution (as defined in section 3(c) of the Federal Deposit Insurance Act);

(viii) any participation in a simulation sports game or an educational game or contest that—

(I) is not dependent solely on the outcome of any single sporting event or nonparticipant's singular individual performance in any single sporting event;

(II) has an outcome that reflects the relative knowledge and skill of the participants with such outcome determined predominantly by accumulated statistical results of sporting events; and

(III) offers a prize or award to a participant that is established in advance of the game or contest and is not determined by the number of participants or the amount of any fees paid by those participants; and

(ix) any lawful transaction with a business licensed or authorized by a State.

(2) BUSINESS OF BETTING OR WAGERING.—The term ''business of betting or wagering'' does not include, other than for purposes of subsection (e), any creditor, credit card issuer, insured depository institution, financial institution, operator of a terminal at which an electronic fund transfer may be initiated, money transmitting business, or international, national, regional, or local network utilized to effect a credit transaction, electronic fund transfer, stored value product transaction, or money transmitting service, or any participant in such network, or any interactive computer service or telecommunications service.

(3) DESIGNATED PAYMENT SYSTEM DEFINED.—The term ''designated payment system'' means any system utilized by any creditor, credit card issuer, financial institution, operator of a terminal at which an electronic fund transfer may be initiated, money transmitting business, or international, national, regional, or local network utilized to effect a credit transaction, electronic fund transfer, or money transmitting service, or any participant in such network, that the Secretary, in consultation with the Board of Governors of the Federal Reserve System and the Attorney General, determines, by regulation or order, could be utilized in connection with, or to facilitate, any restricted transaction.

(4) INTERNET.—The term ''Internet'' means the international computer network of interoperable packet switched data networks.

(5) INTERACTIVE COMPUTER SERVICE.—The term ''interactive computer service'' has the same meaning as in section 230(f) of the Communications Act of 1934.

(6) RESTRICTED TRANSACTION.—The term ''restricted transaction'' means any transaction or transmittal involving any credit, funds, instrument, or proceeds described in any paragraph of subsection (a) which the recipient is prohibited from accepting under subsection (a).

(7) UNLAWFUL INTERNET GAMBLING.—The term ''unlawful Internet gambling'' means to place, receive, or otherwise transmit a bet or wager by any means which involves the use, at least in part, of the Internet where such bet or wager is unlawful under any applicable Federal or State law in the State in which the bet or wager is initiated, received, or otherwise made.

(8) OTHER TERMS.—

(A) CREDIT; CREDITOR; AND CREDIT CARD.—The terms ''credit'', ''creditor'', and ''credit card'' have the meanings given such terms in section 103 of the Truth in Lending Act.

(B) ELECTRONIC FUND TRANSFER.—The term ''electronic fund transfer''—

(i) has the meaning given such term in section 903 of the Electronic Fund Transfer Act; and

(ii) includes any fund transfer covered by Article 4A of the Uniform Commercial Code, as in effect in any State.

(C) FINANCIAL INSTITUTION.—The term ''financial institution'' has the meaning given such term in section 903 of the Electronic Fund Transfer Act.

(D) MONEY TRANSMITTING BUSINESS AND MONEY TRANSMITTING SERVICE.—The terms ''money transmitting business'' and ''money transmitting service'' have the meanings given such terms in section 5330(d) of title 31, United States Code.

(E) SECRETARY.—The term ''Secretary'' means the Secretary of the Treasury.

(c) CIVIL REMEDIES.—

(1) JURISDICTION.—The district courts of the United States shall have original and exclusive jurisdiction to prevent and restrain violations of this section by issuing appropriate orders in accordance with this section, regardless of whether a prosecution has been initiated under this section.

(2) PROCEEDINGS.—

(A) INSTITUTION BY FEDERAL GOVERNMENT.—

(i) IN GENERAL.—The United States, acting through the Attorney General, may institute proceedings under this subsection to prevent or restrain a violation of this section.

(ii) RELIEF.—Upon application of the United States under this subparagraph, the district court may enter a preliminary injunction or an injunction against any person to prevent or restrain a violation of this section, in accordance with Rule 65 of the Federal Rules of Civil Procedure.

(B) INSTITUTION BY STATE ATTORNEY GENERAL.—

(i) IN GENERAL.—The attorney general of a State (or other appropriate State official) in which a violation of this section allegedly has occurred or will occur may institute proceedings under this subsection to prevent or restrain the violation.

(ii) RELIEF.—Upon application of the attorney general (or other appropriate State official) of an affected State under this subparagraph, the district court may enter a preliminary injunction or an injunction against any person to prevent or restrain a violation of this section, in accordance with Rule 65 of the Federal Rules of Civil Procedure.

(C) INDIAN LANDS.—

(i) IN GENERAL.—Notwithstanding subparagraphs (A) and (B), for a violation that is alleged to have occurred, or may occur, on Indian lands (as that term is defined in section 4 of the Indian Gaming Regulatory Act)—

(I) the United States shall have the enforcement authority provided under subparagraph (A); and

(II) the enforcement authorities specified in an applicable Tribal-State compact negotiated under section 11 of the Indian Gaming Regulatory Act shall be carried out in accordance with that compact.

(ii) RULE OF CONSTRUCTION.—No provision of this section shall be construed as altering, superseding, or otherwise affecting the application of the Indian Gaming Regulatory Act.

(3) EXPEDITED PROCEEDINGS.—In addition to any proceeding under paragraph (2), a district court may, in exigent circumstances, enter a temporary restraining order against a person alleged to be in violation of this section upon application of the United States under paragraph (2)(A), or the attorney general (or other appropriate State official) of an affected State under paragraph (2)(B), in accordance with Rule 65(b) of the Federal Rules of Civil Procedure.

(4) LIMITATION RELATING TO INTERACTIVE COMPUTER SERVICES.—

(A) IN GENERAL.—Relief granted under this subsection against an interactive computer service shall—

(i) be limited to the removal of, or disabling of access to, an online site violating this section, or a hypertext link to an online site violating this section, that resides on a computer server that such service controls or operates; except this limitation shall not apply if the service is subject to liability under this section pursuant to subsection (e);

(ii) be available only after notice to the interactive computer service and an opportunity for the service to appear are provided;

(iii) not impose any obligation on an interactive computer service to monitor its service or to affirmatively seek facts indicating activity violating this section;

(iv) specify the interactive computer service to which it applies; and

(v) specifically identify the location of the online site or hypertext link to be removed or access to which is to be disabled.

(B) COORDINATION WITH OTHER LAW.—An interactive computer service that does not violate this section shall not be liable under section 1084 of title 18, except this limitation shall not apply if an interactive computer service has actual knowledge and control of bets and wagers and—

(i) operates, manages, supervises, or directs an Internet website at which unlawful bets or wagers may be placed, received, or otherwise made or at which unlawful bets or wagers are offered to be placed, received, or otherwise made; or

(ii) owns or controls, or is owned or controlled by, any person who operates, manages, supervises, or directs an Internet website at which unlawful bets or wagers may be placed, received, or otherwise made or at which unlawful bets or wagers are offered to be placed, received, or otherwise made.

(5) FACTORS TO BE CONSIDERED IN CERTAIN CASES.—In considering granting relief under this subsection against any payment system, or any participant in a payment system that is a creditor, credit card issuer, financial institution, operator of a terminal at which an electronic fund transfer may be initiated, money transmitting business, or international, national, regional, or local network utilized to effect a credit transaction, electronic fund transfer, or money transmitting service, or a participant in such network, the court shall consider the following factors:

(A) The extent to which such person is extending credit or transmitting funds knowing the transaction is in connection with unlawful Internet gambling.

(B) The history of such person in extending credit or transmitting funds knowing the transaction is in connection with unlawful Internet gambling.

(C) The extent to which such person has established and is maintaining policies and procedures in compliance with regulations prescribed under subsection (f).

(D) The feasibility that any specific remedy prescribed in the order issued under this subsection can be implemented by such person without substantial deviation from normal business practice.

(E) The costs and burdens the specific remedy will have on such person.

(6) NOTICE TO REGULATORS AND FINANCIAL INSTITUTIONS.—Before initiating any proceeding under paragraph (2) with respect to a violation or potential violation of this section by any creditor, credit card issuer, financial institution, operator of a terminal at which an electronic fund transfer may be initiated, money transmitting business, or international, national, regional, or local network utilized to effect a credit transaction, electronic fund transfer, or money transmitting service, or any participant in such network, the Attorney General of the United States or an attorney general of a State (or other appropriate State official) shall—

(A) notify such person, and the appropriate regulatory agency (as determined in accordance with subsection (f)(5)) for such person, of such violation or potential violation and the remedy to be sought in such proceeding; and

(B) allow such person 30 days to implement a reasonable remedy for the violation or potential violation, consistent with the factors described in paragraph (5) and in conjunction with such action as the appropriate regulatory agency may take.

(d) CRIMINAL PENALTY.—

(1) IN GENERAL.—Whoever violates this section shall be fined under title 18, United States Code, or imprisoned for not more than 5 years, or both.

(2) PERMANENT INJUNCTION.—Upon conviction of a person under this subsection, the court may enter a permanent injunction enjoining such person from placing, receiving, or otherwise making illegal bets or wagers or sending, receiving, or inviting information assisting in the placing of bets or wagers.

(e) CIRCUMVENTIONS PROHIBITED.—Notwithstanding subsection (b)(2), a creditor, credit card issuer, financial institution, operator of a terminal at which an electronic fund transfer may be initiated, money transmitting business, or international, national, regional, or local network utilized to effect a credit transaction, electronic fund transfer, or money transmitting service, or any participant in such network, or any interactive computer service or telecommunications service, may be liable under this section if such creditor, issuer, institution, operator,

business, network, or participant has actual knowledge and control of bets and wagers and—

(1) operates, manages, supervises, or directs an Internet website at which unlawful bets or wagers may be placed, received, or otherwise made or at which unlawful bets or wagers are offered to be placed, received, or otherwise made; or

(2) owns or controls, or is owned or controlled by, any person who operates, manages, supervises, or directs an Internet website at which unlawful bets or wagers may be placed, received, or otherwise made or at which unlawful bets or wagers are offered to be placed, received, or otherwise made.

(f) POLICIES AND PROCEDURES TO IDENTIFY AND PREVENT RESTRICTED TRANSACTIONS IN PAYMENT FOR UNLAWFUL INTERNET GAMBLING.—

(1) REGULATIONS.—Before the end of the 6-month period beginning on the date of the enactment of this Act, the Secretary of the Treasury, in consultation with the Board of Governors of the Federal Reserve System and the Attorney General, shall prescribe regulations requiring any designated payment system to establish policies and procedures reasonably designed to identify and prevent restricted transactions in any of the following ways:

(A) The establishment of policies and procedures that—

(i) allow the payment system and any person involved in the payment system to identify restricted transactions by means of codes in authorization messages or by other means; and

(ii) block restricted transactions identified as a result of the policies and procedures developed pursuant to clause (i).

(B) The establishment of policies and procedures that prevent the acceptance of the products or services of the payment system in connection with a restricted transaction.

(2) REQUIREMENTS FOR POLICIES AND PROCEDURES.—In prescribing regulations pursuant to paragraph (1), the Secretary shall—

(A) identify types of policies and procedures, including nonexclusive examples, which would be deemed to be ''reasonably designed to identify'' and ''reasonably designed to block'' or to ''prevent the acceptance of the products or services'' with respect to each type of transaction, such as, should credit card transactions be so designated, identifying transactions by a code or codes in the authorization message and denying authorization of a credit card transaction in response to an authorization message;

(B) to the extent practical, permit any participant in a payment system to choose among alternative means of identifying and blocking, or otherwise preventing the acceptance of the products or services of the payment system or participant in connection with, restricted transactions; and

(C) consider exempting restricted transactions from any requirement under paragraph (1) if the Secretary finds that it is not reasonably practical to identify and block, or otherwise prevent, such transactions.

(3) COMPLIANCE WITH PAYMENT SYSTEM POLICIES AND PROCEDURES.—A creditor, credit card issuer, financial institution, operator of a terminal at which an electronic fund transfer may be initiated, money transmitting business, or international, national, regional, or local network utilized to effect a credit transaction, electronic fund transfer, or money transmitting service, or a participant in such network, meets the requirement of paragraph (1) if—

(A) such person relies on and complies with the policies and procedures of a designated payment system of which it is a member or participant to—

(i) identify and block restricted transactions; or

(ii) otherwise prevent the acceptance of the products or services of the payment system, member, or participant in connection with restricted transactions; and

(B) such policies and procedures of the designated payment system comply with the requirements of regulations prescribed under paragraph (1).

(4) NO LIABILITY FOR BLOCKING OR REFUSING TO HONOR RESTRICTED TRANSACTIONS.—A person that is subject to a regulation prescribed or order issued under this subsection and blocks, or otherwise refuses to honor, a restricted transaction, or as a member of a designated payment system relies on the policies and procedures of the payment system, in an effort to comply with this section shall not be liable to any party for such action.

(5) ENFORCEMENT.—This subsection shall be enforced by the Federal functional regulators and the Federal Trade Commission under applicable law in the manner provided in section 505(a) of the Gramm-Leach-Bliley Act.

SEC. 4. INTERNET GAMBLING IN OR THROUGH FOREIGN JURISDICTIONS.

(a) IN GENERAL.—In deliberations between the United States Government and any other country on money laundering, corruption, and crime issues, the United States Government should—

(1) encourage cooperation by foreign governments and relevant international fora in identifying whether Internet gambling operations are being used for money laundering, corruption, or other crimes;

(2) advance policies that promote the cooperation of foreign governments, through information sharing or other measures, in the enforcement of this Act; and

(3) encourage the Financial Action Task Force on Money Laundering, in its annual report on money laundering typologies, to study the extent to which Internet gambling operations are being used for money laundering.

(b) REPORT REQUIRED.—The Secretary of the Treasury shall submit an annual report to the Congress on the deliberations between the United States and other countries on issues relating to Internet gambling.

SEC. 5. AMENDMENTS TO GAMBLING PROVISIONS.

(a) AMENDMENT TO DEFINITION.—Section 1081 of title 18, United States Code, is amended—

(1) by designating the five undesignated paragraphs that begin with ''The term'' as paragraphs (1) through (5), respectively; and

(2) in paragraph (5), as so designated—

(A) by striking ''wire communication'' and inserting ''communication'';

(B) by inserting ''satellite, microwave,'' after ''cable,''; and

(C) by inserting ''(whether fixed or mobile)'' after ''connection''.

(b) INCREASE IN PENALTY FOR UNLAWFUL WIRE TRANSFERS OF WAGERING INFORMATION.—Section 1084(a) of title 18, United States Code, is amended by striking ''two years'' and inserting ''5 years''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Iowa (Mr. LEACH) and the gentleman from New York (Mr. LAFALCE) each will control 20 minutes.

The Chair recognizes the gentleman from Iowa (Mr. LEACH).

GENERAL LEAVE

Mr. LEACH. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous material.

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

There was no objection.

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

First, let me express my gratitude to the gentleman from Ohio (Mr. OXLEY), the gentleman from Wisconsin (Mr. SENSENBRENNER), the gentleman from New York (Mr. LAFALCE), the gentleman from Alabama (Mr. BACHUS), the gentlewoman from New York (Mrs. KELLY), the gentleman from Virginia (Mr. GOODLATTE), the gentleman from Virginia (Mr. WOLF), the gentleman from Nebraska (Mr. OSBORNE), the gentleman from Michigan (Mr. ROGERS), as well as the gentleman from Pennsylvania (Mr. PITTS) for their commitment and leadership on this subject.

I would also like to express my appreciation to groups ranging from the Christian Coalition to the Family Research Council, from the NCAA to the NFL and Major League Baseball for their support of this legislation.

The problem posed by Internet gambling is one we ignore at our peril. Gambling on the Internet is fast becoming one of the most critical issues confronting the American family. Casino gambling as it has been sanctioned in Western democracies is only allowed to exist with comprehensive regulation, to protect participants from fraud, and to prevent criminal manipulation of the industry. Generally, casinos also add entertainment and involve elements of socialization. Gambling alone, on the other hand, whether using a laptop at home or computer in the workplace, involves no entertainment or socialization element and lacks the fundamental protections of law and regulation.

The very characteristics that make the Internet such a valuable resource are also the reasons why it has such huge potential to impinge on the stability of the American family, American financial institutions, and our national security. The easy access, anonymity, and speed of transactions which make such positive contributions to efficiency and cost for legitimate American enterprises also in the case of gambling make safeguards for society impractical. Internet gambling increases consumer debt, makes bankruptcy more likely, money laundering an easy endeavor, and identity theft a likely burden.

The financial and economic implications of Internet gambling cannot be exaggerated. It is simply not good for the economy at large to have Americans send billions to overseas Internet casinos which often have shady or unknown owners. Nearly 80 percent of the money handed over to this industry is impossible to account for because these illegal gambling sites are located in the Caribbean or other jurisdictions with no effective regulation of gambling.

By definition, activities of these gambling sites are illegal under U.S. law, which means that over 1 million Americans are giving their personal financial information to criminals on a daily basis. Because this industry cannot and is not regulated, there is no way to track how this personal financial information is being used or by whom.

The FBI has testified that Internet gambling is a haven for money laundering and that Internet gambling remains a loophole in our fight against terrorist financing. Additionally, a recent GAO report highlights the ease at which criminal proceeds can be obscured through Internet gambling. Given the commitment of this Congress to quash the money-laundering efforts of terrorists and narco-traffickers, it would be irresponsible to leave such an enormous institutional loophole unplugged.

It is a myth to think that gambling alone only affects gamblers. Gambling losses and the resulting debt spill over to the financial and social services system and to those who may never engage in gambling. Not only does Internet gambling put strains on financial standing but those who become addictive gamblers frequently find themselves contemplating divorce and in some cases suicide.

This bill, which represents the group efforts of the Committee on Financial Services and the Committee on the Judiciary, gives law enforcement new tools to enforce existing laws in a three-pronged approach.

First, it creates a new crime—accepting identifiable instruments such as credit cards or fund transfers for debts incurred in illegal Internet gambling. Secondly, because the perpetrators of this crime are often offshore and beyond the reach of traditional law enforcement, the bill enables State and Federal Attorneys General to request that injunctions be issued to any party such as a financial institution, credit card company, Internet service provider, computer software provider, to assist in the prevention and restraint of this crime. And, thirdly, the bill allows Federal bank regulators to create rules which will require financial institutions to use designated methods to filter illegal Internet gambling transactions.

In conclusion, let me just stress that at a personal level I am a skeptic about all forms of gambling, but each of us is obligated to the maximum extent possible to be respectful of legitimate choices made by others. The problem is that Internet gambling serves no legitimate purpose in our society. It is a danger to the family. It is a danger to society at large. It should be ended.

Madam Speaker, I reserve the balance of my time.

□ 1600

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

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

Mr. LAFALCE. Madam Speaker, 3 years have passed since the congressionally mandated National Gambling Impact Study Commission released its final report on gambling in the United States. While reaffirming the principle of State regulation of gambling, the commission did make an important exception for Internet gambling. The report called on Congress to enact legislation to restrict illegal Internet gambling, and specifically, legislation to prohibit wire transfers and other payments to known Internet gambling sites.

The bill before us today implements this important recommendation of the national commission. Contrary to what some would have us believe, the bill does not purport to prohibit Internet gambling, nor interfere with any State and tribal rights to regulate gambling within their jurisdiction.

Internet gambling is already illegal under a variety of Federal statutes. What the bill does is provide new enforcement tools for blocking credit card, wire transfer and other forms of payment to illegal Internet gambling sites identified by law enforcement. It simply blocks the payments that permit on-line betting and makes Internet gambling possible.

Any American with a computer and a credit card can find numerous opportunities for high-stakes gambling on the Internet. The number of Internet gambling sites has grown geometrically in recent years. Where the National Commission identified approximately 90 online casinos in 1998, a recent study by Bear Stearns & Company estimated that there are now more than 1,500 such sites. The typical Internet gambling operation is located in places such as Antigua or the Netherlands Antilles, which impose little regulatory scrutiny other than collecting licensing fees. This should make most of these sites highly suspect.

There is no meaningful way to determine the legitimacy of the games or the gambling operators. There are little or no protections against security breaches, hacking, diversion of credit card payments or identity theft.

More importantly, there is a high probability that many offshore gambling operations are being used as part of money laundering and other criminal operations, including terrorist financing. The FBI director recently testified before us and said offshore Internet gambling is a substantial problem as a loophole in our fight against terrorist financing.

Despite these obvious problems, online gambling continues to attract gamblers and has become extremely lucrative for both the site operators and the host countries. Combined annual revenues received by Internet gambling sites nearly tripled between 1999 and 2001 from $1.3 billion to $3.1 billion, and this year revenues will easily exceed $4 billion.

Over 80 percent of the bets received by Internet gambling sites come from the United States, and almost all of this is illegal under United States law. The very features that make the Internet so attractive, its accessibility, convenience and anonymity, combine to enable and encourage ordinary people to break the law. The Internet breaks down inhibitions to violate the law because the risks appear so much lower. As ''Business Week'' noted last week, people who would not even jaywalk find themselves bombarded with offers to place bets at offshore casinos that are hard to resist.

The national commission emphasized that the social and economic problems associated with traditional gambling will increasingly be exacerbated by Internet gambling. The problems with compulsive gambling, which were largely confined to areas that legalized high-stakes casino gambling, can now be found virtually anywhere where there is a personal computer. This poses significant risks for our Nation's youth.

A number of factors converge to make today's youth particularly vulnerable to the lure of Internet gambling. They are more experienced and comfortable with computers than their parents and have grown up playing a wide variety of computer and video games, and most have broad access to the Internet, and large numbers of youth now have access to some form of credit, debit or stored-value cards to make online bets. Banks and credit card companies have aggressively marketed credit cards on college campuses for years and have recently initiated new programs to market stored-value cards to high school-aged youth.

A young person sitting alone, whether at home or in a college dormitory with a laptop, can gain access to thousands of gambling sites across the world and can easily run up the credit line on their own credit cards or parents' credit cards on games that appear little different than the computer card games they have played since childhood. It seems an easy opportunity to win a big jackpot, could result in financial losses that could harm their families and destroy their future plans.

Madam Speaker, this is a problem that must be dealt with. The bill does it in a surgical manner. It does it by blocking the source of credit, blocking the use of that credit card so that kids in their college dormitory rooms will not be able to gamble at thousands of casino online sites across the world.

The issue that needs to be addressed is how we can protect our nation's youth from the growing availability and potential negative consequences of Internet gambling. To me, the answer is simple. We cut off Internet gambling at its soruce by prohibiting the primary payment vehicles that make illegal on-line betting possible. H.R. 556 would prohibit known Internet gambling sites from accepting any check, credit card, debit card or other form of electronic transfer as payment of any bet or wager over the Internet. The effect of this prohibition is to deny known Internet gambling

sites from being approved for credit card, debit and other electronic transfer accounts. This is currently being done voluntarily by numerous credit card banks—including American Express, Bank of America, Providian, Citibank and Discover—and there is substantial justification for making this practice obligatory for all institutions and payment networks.

The bill incorporates proposals suggested by Visa and MasterCard that would permit payment transfer networks to establish policies and procedures for identifying and blocking payments to known Internet gambling sites. Financial institutions who are members of these networks and follow these procedures would be considered in compliance under the bill. I believe this is a reasonable accomodation that will expand the means to block illegal gambling payments and also ease the compliance concerns and burdens of individual institutions.

H.R. 556 is endorsed by many of the nation's largest credit card companies and by the largest online payment service, PayPal. It is supported by a growing number of Internet service providers and their trade groups, including NetCoalition.com and the United States Telecom Association. It is supported by law enforcement groups at all levels, including the FBI, the Federal Law Enforcement Officers Associaiton and the Fraternal Order of Police. And it has the support of religious and family organizations across the nation.

Madam Speaker, the time has come to protect our youth from the unnecessary and potentially disastrous consequences of Internet gambling. It is time to eliminate Internet gambling as a convenient financial tool for criminals and terrorists. And it is time to provide law enforcement with the tools its needs to address this growing illegal activity. H.R. 556 can achieve all of these important objectives and deserves our support.

Madam Speaker, I reserve the balance of my time.

Mr. LEACH. Madam Speaker, I yield 3½ minutes to the gentleman from Ohio (Mr. OXLEY), the chairman of the Committee on Financial Services, who has led this effort with great distinction.

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

Mr. OXLEY. Madam Speaker, this bill is the product of a lot of hard work on the part of many Members, and I want to pay special tribute to the gentleman from Iowa (Mr. LEACH) for his dogged determination, as well as the hard work of the gentleman from New York (Mr. LAFALCE) in maybe his last major effort on a piece of legislation. Well, we hope to get to terrorism insurance before we adjourn; but the gentleman's work has been extraordinary, along with the gentleman from Virginia (Mr. GOODLATTE) as well as the gentleman from Virginia (Mr. WOLF) for their efforts.

This bill has been touted by a number of groups, Madam Speaker. It enjoys universal support from family and religious groups, antigambling groups, professional sports, college athletics, major players in the banking and credit card industries, and law enforcement and Internet service providers. The list goes on and on and is getting larger every day. This is why this bill needs to pass, because of its broad base of support.

Five years ago, Internet gambling was almost nonexistent. The Internet was just coming into its own; but apparently this kind of activity abhors a vacuum, and we have seen a huge growth of this type of gambling taking place, preying on the most vulnerable in our society, including our college-aged students and people who can least afford it.

We heard testimony in the committee from the Department of Justice and the FBI that Internet gambling serves as a haven for money launderers and that unregulated offshore gambling sites can be exploited by terrorists to launder money. That position was reiterated just recently by FBI Director Mueller when he cited Internet gambling as a substantial problem for law enforcement.

We know of at least two open cases before the bureau involving Internet gambling as a conduit for money laundering by organized crime. The GAO, in an interim report to our committee, highlighted law enforcement's concerns with Internet gambling and its vulnerability to money laundering, ''including the volume, speed, and international reach of Internet transactions and the offshore locations of Internet gambling sites'' which ''can promote a high level of anonymity and give rise to difficult jurisdictional issues.''

The Financial Action Task Force, an international body that seeks to combat money laundering, stated in a February 2001 report that some member countries had evidence that criminals were using Internet gambling to launder their illicit funds.

For the record, let us make clear what the bill does and what it does not do. It does prohibit the acceptance of U.S. financial instruments, such as credit cards, for use in unlawful Internet gambling transactions. By so doing, it cuts off the financial lifeblood of the illegal Internet gambling industry. It does not expand gambling in any way, shape or form. Those who claim otherwise are not telling the truth, or they simply do not get it.

The bill's provisions kick in only where a court or banking regulator determines that an illegal activity is taking place and relies on current Federal and State law to guide it in that determination.

H.R. 556 protects the right of States to regulate gambling within their borders. It neither expands nor limits gambling beyond what is allowed under existing Federal, State, and tribal law.

This bill represents legislation at its best. It is a direct approach to a serious problem. It will give law enforcement an important new tool to fight crime and will protect families throughout America. It deserves the support and vote of every Member of this House.

Mr. LAFALCE. Mr. Speaker, I yield 4 minutes to the gentleman from Michigan (Mr. CONYERS), the ranking member of the Committee on the Judiciary.

Mr. CONYERS. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, this is a bill that had joint jurisdiction at one time. The Committee on Financial Services and the Committee on the Judiciary were working on it together. It is interesting that the Committee on the Judiciary came forward with a bill that affirmed that all Internet wagers were illegal. But what happened?

On page 6 of the bill that is before us, we find that all Internet gambling transactions are illegal, except ''any transaction authorized under State law with a business licensed or authorized by a State.''

Mr. Speaker, I refer Members to this crucial phrase, a legal phrase. Contrary to the Wire Act of 1949, which has already made any interstate gambling by wire illegal, we have created this wonderful little exception. I wonder what it means. And I wonder why the credit card companies are for this bill if they are prohibited from the bill.

And would somebody in the course of this brief discourse before us on this suspension explain to me how the Christian Right, a great group of American patriots in this country, have been persuaded that this bill bans gambling on the Internet; but yet two other industries, the horse racing industry, is supporting this bill because they are persuaded it does not, and State lotteries are found to be supporting the bill because they feel that they will be exempted under this beautiful little provision, section (ix) on page 6, which says any lawful transaction with a business licensed or authorized by the State is exempt from this bill.

We cannot have it both ways. So we are doing nothing here but making some wonderfully effective speeches about what we are stopping from happening on the Internet, but somebody besides the Committee on the Judiciary must be aware that this is not the case.

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

Mr. CONYERS. I yield to the gentleman from Iowa.

Mr. LEACH. Mr. Speaker, nothing in this bill is designed to overturn the Wire Act, Federal prohibitions on lotteries, or the Gambling Ship Act.

Mr. CONYERS. Reclaiming my time, this bill exempts any lawful transaction with a business licensed or authorized by the State, including lotteries. The gentleman must know that is a State business.

Mr. LEACH. Mr. Speaker, if the gentleman would continue to yield, only for intra-, not inter-, state and only if authorized by the State law of the State.

This bill is an enforcement mechanism that stops the ability of all interstate Internet gambling.

□ 1615

Mr. CONYERS. Let me ask the gentleman, why are they supporting the bill?

Mr. LEACH. It is in the national interest.

Mr. CONYERS. I thank the gentleman.

Mr. LEACH. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Alabama (Mr. BACHUS), who has led this fight so well.

Mr. BACHUS. Mr. Speaker, I think my comments may shed some light on the last speaker and some of what he said.

Imagine, if you will, if you heard news from home that they had built a casino next to your house, and, worse than that, they had invited your kids over to gamble in the casino which was built next door. You would say that was about as bad a news as you could receive. But it is actually worse than that. Sitting right on the computer desk in your home, or better still up in your child's bedroom, is a computer. On that computer today, there is a child-accessible casino, because we have got 1,500 offshore, and they are offshore, this may address the last speaker's concerns, because it is against the law in all 50 States to operate these Internet gambling sites. It is against the law in all the States, so they are all offshore. Your child could go in, he could turn on his computer, and he could gamble.

Mr. Speaker, I have five children. I knew nothing about this. We ought to thank the gentleman from Iowa (Mr. LEACH) and the gentleman from Virginia (Mr. GOODLATTE). It is also, I think, fortuitous that the gentleman from Iowa sits on the Committee on Financial Services and the gentleman from Virginia sits on the Committee on the Judiciary, because I know that the gentleman from Virginia will continue to do what he can in the Committee on the Judiciary, and this bill which the gentleman from Iowa has offered is going to go a long way.

What about the demographics? What did we hear? We heard that in the over-65 age group, only 1 in 10 senior citizens in that group uses a computer as a hobby or to pursue their interests in an active way. We heard that 7 out of 10 in the 18-to-24 group use a computer. American Demographics, a study 2 years old, 7 out of 10 18-to-24-year-olds are on the computer. A survey for Public Participation in the Arts did a study about 5 years ago, and they said that the average teenager or college student is spending 4 hours on the computer.

What else do we know about college kids? Eighty percent of them have credit cards. What do they need to play on the Internet? All they need is the use of a computer, which they are on 4 hours a day, and a credit card. They have that.

Are they doing it? You bet they are doing it. The NCAA came to us and told us testimony about students losing $10,000, $5,000. Gambling addiction by college students as a result partially of Internet gambling on these illegal sites is reaching epidemic proportions.

I guess the most chilling testimony, and I will close with this, is what Dr. Howard Shaffer at Harvard University said. He said, I would compare what this illegal Internet gambling is doing to our youth in the gambling spectrum to what we saw with the introduction of crack cocaine, where it changed the drug experience and caused millions of people to become addicted within a year or two. He said the same thing is happening today with illegal Internet gambling.

We have got to move against it. I commend the gentleman from Virginia. I commend the gentleman from Iowa. This bill shuts off the money. That is what these people are there for, the money. If we shut off the money, we shut off the sites.

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

Mr. LEACH. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from New York (Mrs. KELLY).

Mrs. KELLY. I thank the gentleman from Iowa for yielding me this time.

Mr. Speaker, I would like to enter into a colloquy with the gentleman from Iowa, the author of this bill.

Certain State, tribal and private entities have raised concerns, and I would like to clarify the intention of the drafters of H.R. 556 on one point. Section 3, subsection (b)(1)(E)(ix) exempts from the bill's provisions lawful transactions carried out with a business licensed or authorized by a State. Some parties have raised concerns that this could be read broadly to allow the transmission of casino or lottery games in interstate commerce, for example, over the Internet, simply because one State authorizes its businesses to do so.

I want to make clear that this exception will not expand the reach of gambling in any way. It is simply intended to recognize current law, which allows States jurisdiction over wholly intrastate activity, not interstate but intrastate activity, where bets or wagers, or information assisting bets or wagers, do not cross State lines or enter into interstate commerce. The exemption would leave intact the current interstate gambling prohibitions such as the Wire Act, Federal prohibitions on lotteries, and the Gambling Ship Act so that casino and lottery games could not be placed on the Internet.

Put another way, this exemption does not allow for interstate wagering. For example, under this bill a resident of one State could not legally use the Internet to purchase a lottery ticket in another State. This exemption is simply intended to recognize current law, which allows States to regulate wholly intrastate gambling activity and would leave intact the current Wire Act, which prohibits interstate gambling. Is that correct?

Mr. LEACH. Mr. Speaker, will the gentlewoman yield?

Mrs. KELLY. I yield to the gentleman from Iowa.

Mr. LEACH. Mr. Speaker, the gentlewoman's assessment is entirely accurate. I thank the gentlewoman for clarifying this point.

Mrs. KELLY. Reclaiming my time, Mr. Speaker, I thank the gentleman for that clarification. I strongly support this legislation and urge my colleagues to join us in standing against illegal Internet gambling and voting for this bill.

In a few short years, the Internet gambling industry has exploded. According to an Internet gambling committee of the National Association of Attorneys General, there were less than 25 such sites on the Web in the mid-1990s. Bear Stearns, one of the nation's leading securities firms, estimates that there are between 1,200 and 1,400 e-gaming Web sites. Bear Stearns projects that as the industry continues to grow; such Internet sites could generate an estimated $5 billion in revenues by 2003. That figure approximates roughly half of last year's casino earnings in the State of Nevada.

Internet gambling presents a complex set of legal, financial, technical, and social challenges. On the legal front, it is believed that most forms of interstate Internet gambling are prohibited by Federal law under the Interstate Wire Act in Section 1084 of Title 18 of the U.S. Code. For years, authorities have used the Wire Act to combat illegal betting by phone or other wire communications. Now, with the advent of Internet technology, the Wire Act and other related provisions of Federal law also stand as a legal obstacle against the establishment of Internet casinos on U.S. soil.

The most serious offenders in the Internet gambling arena are the virtual casinos operating offshore, beyond the research of U.S. law. One estimate puts the number of foreign jurisdictions authorizing or tolerating Internet gambling at fifty. This includes not just the well-known bank secrecy jurisdiction of the Caribbean but other countries like Australia.

The lure of lucrative licensing fees and the possibility of sharing in gambling receipts are proving to be powerful incentives to enter the Internet gambling business. Antigua and Barbuda have reportedly licensed more than 80 Internet gaming websites already, charging a $75,000–$85,000 licensing fee for a sports betting site and $100,000 for a virtual casino. A report prepared for the South African government, as reported in the Bear Stearns study, revealed that Internet gaming revenues could yield up to $140 million in foreign exchange.

While Internet gambling represents a jackpot for such foreign justifications, it is a wheel of misfortune for far too many Americans who struggle with gambling addictions and the loss of jobs, wrecked marriages, and destroyed finances that often follow. With a click of a computer mouse, any American armed with a credit card can have instant, anonymous access to round-the clock gambling from the privacy of their homes. All of the social hazards associated with problem gambling at brick-and-mortar sites are of equal, if not greater, concern when it comes to on-line gambling.

Furthermore, Internet gambling poses a serious problem to our youth. In the areas in

which gambling is legal, strict laws have been enacted to ensure our children are prohibited from participating. In many homes the children are far more computer literate than the parents. What possibly would stop a child from placing a bet with their parent's credit card? Since our society has made a conscious decision to keep children from this activity we must take steps to ensure that online casinos do not victimize our children. The issue of what can we do to protect children from these sites will be one of my first questions for our panelists today.

In addition to the social problems associated with Internet gambling, U.S. authorities warn that Internet gaming offers a powerful vehicle for laundering funds from illicit sources as well as to evade taxes. A 2001-2002 Financial Action Task Force (FATF) report on money laundering typologies indicates that there is evidence in some FATF jurisdictions that criminals are using the Internet gambling industry to commit crime and to launder the proceeds thereof. The use of credit cards and the placement of sites offshore make locating the relevant parties, gathering the necessary evidence, and prosecuting those parties difficult if not impossible.

Despite the many problems associated with Internet gambling, there is clearly money to be made in this business, and U.S. firms are increasingly eager to claim their share. U.S., software firms, public relations and advertising companies, and other U.S.-based enterprises are already knee-deep in the Internet gambling business. Within the last year, two U.S. companies—MGM Mirage and Harrah's—have announced new on-line play-for-free or play-for-prizes operations that are but a short step away from actual Internet gambling. Nevertheless, it is clear that absent strong Congressional action, the United States may be poised itself to head down the slippery slope of Internet gambling.

In 1999, the Congressionally-mandated National Gambling Impact Study Commission unanimously recommended a Federal ban on Internet gambling. Testifying at a hearing before the Banking Committee last Congress, Commission Member Richard Leone explained that unlike the regulatory regimes that have accompanied the expansion of other forms of gambling in the United States, the emergence of Internet gambling has occurred with no regulatory structure. As a result, the current framework of Federal and State laws governing gambling can be easily circumvented. The Commission noted that the problems associated with Internet gambling include: (1) the potential for abuse by gambling operators who can alter, move, or entirely remove sites within minutes; (2) the ability of gambling operators or computer hackers to tamper with gambling software to manipulate games to their benefit; and (3) the provision of additional means for individuals to launder money derived from criminal activities.

The Commission concluded that because Internet gambling crossed state lines, it would be difficult for States to effectively control it and that Federal legislation was the only recourse. The Commission further rejected the argument that Internet gambling could be effectively regulated. and recommended, instead, a ban on any Internet gambling not already authorized by law, and without new or expanded exemptions. Although the States do not normally welcome Federal legislation on such matters, the National Association of Attorneys General, speaking on behalf of State Attorneys General, has indicated strong support for Federal action.

In response to the Commission's recommendations and testimony from other interested parties, the House Financial Services Committee approved this legislation now before us, H.R. 556, the Unlawful Internet Gambling Funding Prohibition Act. This bill tackles the problem of Internet gambling by prohibiting gambling operations from accepting credit cards, checks, or other bank instruments in connection with illegal Internet gambling. The justification for this bill is simple: if we cut off the internet gambling industry's access to money it will die.

If we fail to act and pass this legislation I fear that our actions will be misinterpreted as a green light to those in U.S. industry who are interested in launching on-line gambling operations of one type or another. This issue can no longer simply be left to random events and foreign jurisdictions. It is time for Congress to address these issues and identify an appropriate public policy response. It is time for Congress to pass the Unlawful Internet Gambling Funding Prohibition Act. I ask all my colleagues on both sides of the aisle to join me in support of this important legislation.

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

Let me point out a little bit of history. In 1994, as chairman of the Committee on Small Business, I conducted some hearings into the problems of the proliferation of gambling across the United States of America. At that time I introduced a bill to create a national commission to study the impact of gambling. In the November elections we lost, and the chief cosponsor of my bill was the gentleman from Virginia (Mr. WOLF).

In the next Congress the gentleman from Virginia became the chief sponsor of the bill, and I became the chief cosponsor. With his great leadership and the assistance of a good many groups, and most especially the Christian Coalition, we were able to get the commission enacted into law. It had a difficult time getting started, having members appointed who would give us the type of objective analysis we wanted, but finally it did render a report, and there was one specific provision that, as I recall, they were unanimous on, and that was the issue of Internet gambling.

It has taken us a long time. As soon as they came out with that recommendation, I introduced a bill in the House that proceeded through the payment mechanism. The gentleman from Iowa (Mr. LEACH) introduced a bill, too, that took slightly different approaches, although we were both going in exactly the same direction. The gentleman from Virginia (Mr. GOODLATTE) has been magnificent over the years in pursuing it, especially in the Committee on the Judiciary and working with the religious organizations.

Can we nitpick a bill? Sure we can. But as far as I am concerned, if this bill is not perfect, it is 99 percent close to perfect. It is pretty good. It is certainly as good as we are going to be able to pass, and it does block off Internet gambling at its source by going to the credit card, the debit card, any electronic funds transfer. This is a growing, growing problem.

I hope, also, there are countless other problems in the United States of America associated with gambling, that we will have the courage to deal with those problems, because right now we have legalized gambling within about a half an hour drive of virtually any spot in the United States of America. So it is no longer an economic development tour. Now it is just a way of snaring people's discretionary money, and usually in preying upon people. It needs far more effective regulation than it is receiving from either the Federal or the State governments.

We do not deal with all those problems here. We deal with one very, very narrow but large problem, and that is the problem of Internet gambling, not just because of the way it is preying on our youth, but because of the way it is being used for money laundering, the way it is being used for terrorist activity, et cetera, et cetera. This bill should be passed unanimously.

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

Mr. LEACH. Mr. Speaker, I yield 1 minute to the gentleman from Virginia (Mr. WOLF), one of the Congress' profoundest voices on moral issues, a great friend and a man I admire greatly.

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

Mr. WOLF. Mr. Speaker, I want to personally thank the gentleman from Iowa for staying with this and having the courage, and, as people back in Iowa ought to know, that because of him this thing is up.

I also thank the gentleman from New York (Mr. LAFALCE), who unfortunately is going to be leaving us, the gentleman from Ohio (Mr. OXLEY) and the gentleman from Virginia (Mr. GOODLATTE). Because of them this bill is here.

To vote against this bill would be unbelievable. If anyone votes against this bill, I will not understand it. I just appreciate the gentleman from New York's comments on the critical nature with regard to the terrorism. The FBI has testified there is a huge potential for offshore gambling sites being used for money laundering, for terrorist and criminal activities. We have said it. Terrorist and criminal activities.

Again, the gentleman from Iowa (Mr. LEACH) should be thanked by everyone in the country. The gentleman from New York (Mr. LAFALCE) should be thanked by everyone in the country, as should the gentleman from Ohio (Mr. OXLEY) and the gentleman from Virginia (Mr. GOODLATTE). They have made a difference and will save a lot of lives and will really put a stake in the heart with regard to terrorism.

Mr. Speaker, I rise in strong support of H.R. 556 and want to commend my colleagues JIM

LEACH, JOHN LAFALCE, and MIKE OXLEY and Virginia colleague BOB GOODLATTE for their partnership, their hard work and persistence to get this bill to the floor today.

The legislation before us has at its heart the kind of consensus building and compromise that I believe can attract the level of support needed to pass this important measure to give law enforcement agencies the tools they need to stop the criminal activity associated with unlawful Internet gambling.

In 1999, The National Gambling Impact Study Commission issued a report urging Congress to pass legislation ''prohibiting wire transfers to known Internet gambling sites, or to the banks that represent them.'' As the author of the legislation that established the Commission, I have maintained a keen interest in following through on its recommendations which included addressing the explosive growth in Internet gambling.

According to the National Gambling Impact Study Commission, gambling on the Internet is especially enticing to youth, pathological gamblers, and criminals. There are currently no mechanisms in place to prevent youth—who make up the largest percentage of Internet users from using their parents' credit card numbers to register and set up accounts for use at Internet gambling sites.

In addition, pathological gamblers may become easily addicted to online gambling because of the Internet's easy access, anonymity and instant results. Dr. Howard J. Shaffer, director of addiction studies at Harvard University, likens the Internet to new delivery forms of addictive drugs: ''As smoking crack cocaine changed the cocaine experience, I think electronics is going to change the way gambling is experienced.''

Finally, Internet gambling can provide a nearly undetectable harbor for criminal enterprises. The anonymity associated with the Internet makes online gambling more susceptible to crime.

In 2001, Chairman LEACH and Chairman GOODLATTE listened to the Commission's request and introduced two separate bills to fight illegal Internet gambling. Over the August recess, provisions from the two measures were combined into an amended version of H.R. 556, the Leach-LaFalce Internet Gambling Enforcement Act, which is before us today.

This balanced compromise worked out between the Financial Services and Judiciary committees makes it a crime to accept payment for illegal Internet gambling transactions by credit card, check, or electronic funds transfer. Under the bill, banks and credit card companies would be required to block payments to Internet casinos and other illegal Internet gambling operations. As a testament to the fairness of this bill, it has attracted the support of the major issuers of credit cards including Bank of America, MBNA America, American Express, Citigroup, and Discover Financial Services, among others.

The negative consequences of online gambling can be as detrimental to the families and communities of addictive gamblers as if a bricks and mortar casino were built right next door. Internet gambling is affiliated with a host of social ills, including gambling addiction, bankruptcy, divorce, and even suicide and just as with traditional forms of gambling, the costs must ultimately be borne by society.

As the gambling commission noted, one of the most troubling aspects of Internet gambling is that many of those enticed into addictive online gambling behavior are school-aged children with no previous exposure to gambling. Internet gambling also has been linked to specific cases of corruption in professional and amateur sports.

As a result, H.R. 556 has been endorsed by a host of anti-gambling organizations, including the American Family Association, Christian Coalition of America, Concerned Women for America, Focus on the Family, Family Research Council, the Traditional Values Coalition, the National Collegiate Athletic Association, the National Football League and Major League Baseball, among others.

There is one final and perhaps most critical issue that unlawful Internet gambling raises—Internet gambling has been linked by the FBI to organized crime and international money laundering.

The FBI has testified that there is a huge potential for offshore gambling sites to be used for money laundering for terrorist and criminal activity. The FBI and law enforcement organizations including the Federal Law Enforcement Officers Association and the Fraternal Order of Police agree about the necessity for this legislation to thwart Internet gambling operators attempts to launder money and engage in terrorist and other illegal activities.

Mr. Speaker, it is time for this Congress to address the growing problems associated with illegal Internet gambling. I urge a unanimous vote for H.R. 556, and again want to express my deep gratitude to Mr. LEACH, Mr. LAFALCE, Mr. OXLEY and Mr. GOODLATTE for their commitment and their work to pass this legislation.

Mr. LAFALCE. Mr. Speaker, I yield myself 30 seconds. I just want to point out that one of the individuals who was arrested and living in Lackawanna a few weeks or so ago was found to have expended $89,000 at Casino Niagara in Niagara Falls, Canada. The Governor of the State of New York now has an application pending with the Department of the Interior to establish Indian gambling in Niagara Falls, New York. So these individuals would not have had to go to Canada if we are able to establish Indian gambling in Niagara Falls. They would be able to go to Niagara Falls, New York, to do whatever they want with their money.

Mr. LEACH. Mr. Speaker, I yield 3 minutes to the gentleman from Virginia (Mr. GOODLATTE), who has worked harder on this issue and is more thoughtful on this subject than anyone in the history of the Congress.

Mr. LAFALCE. Mr. Speaker, I yield 1 minute to the gentleman from Virginia (Mr. GOODLATTE).

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

Mr. GOODLATTE. Mr. Speaker, I would like to start by thanking the gentleman from Iowa for yielding me this time and for his perseverance. I know that his work on this dates back a long time, including to when he was chairman of the Committee on Financial Services.

Likewise, I thank the gentleman from New York (Mr. LAFALCE). He and I have had many conversations and have worked on this for a long time. I know his dedication to dealing with this problem.

Likewise, I thank the gentleman from Wisconsin (Mr. SENSENBRENNER), and the gentleman from Texas (Mr. SMITH) of the Committee on the Judiciary, and the gentleman from Ohio (Mr. OXLEY), and the gentleman from Alabama (Mr. BACHUS) of the Committee on Financial Services for their hard work on this as well.

Mr. Speaker, just over 40 years ago, Attorney General Robert Kennedy in the midst of a fight in the war against organized crime sent legislation to Congress targeted at organized crime to crack down on gambling over telephone wires. That legislation was passed by the Congress, signed into law and has become commonly known as the Wire Act. However, because the Internet does not always travel over telephone wires, this law, which was written before the invention of the World Wide Web, has become outdated. Therefore, it is fitting that 40 years after enactment of the Wire Act and in the midst of a new war on terrorism, we are considering legislation to update the Wire Act to clarify the state of the law by bringing the current prohibition against wireline interstate gambling up to speed with the development of new technology.

□ 1630

I have long been a champion of the Internet and an advocate of limited government regulation of this new medium. However, that does not mean that the Internet should be a regulatory free zone or that our existing laws should not apply to the Internet. I think we can all agree that it would be very bad public policy to allow offline activity deemed criminal by States to be freely committed online and to go unpunished simply because we are reluctant to apply our laws to the Internet.

Gambling on the Internet has become an extremely lucrative business. Numerous studies have charted the explosive growth of this industry, both by the increases in gambling Web sites available and via industry revenues.

Almost all of the more than 1,400 Internet gambling sites are offshore. Why? Because they seek to evade the laws of this country. This bill is directly targeted at those scofflaws sucking billions of dollars out of this country who are unaccountable to the people who go online and place bets, not knowing whether they are going to get fair odds, not knowing whether they are even going to get paid. This indeed will be very effective, so I commend the gentlemen from Iowa and New York.

Mr. Speaker, it adds three provisions from the Committee on the Judiciary bill, which was a tough bill and which I would love to see passed. But we have spent a long time juggling the interests of all of the various legal gambling organizations, and this approach is the right approach at this time, just targeting the offshore folks.

I want to explain to everybody these three provisions. They are very important and valuable additions to the Committee on Financial Services bill. First, there is a provision that will allow law enforcement to obtain the cooperation of Internet service providers to not only deal with the credit cards and other financial transactions, but to require the taking down of those prolific ads on the Internet where you can click here and be at some offshore site. Those ads, if they are involving an entity that is engaged in illegal activity, will be subject to being taken down with a court order by the Internet service providers.

Secondly, it increases the penalties for violating the Wire Act from 2 years to 5 years. Finally, it makes it clear, and this is vitally important, it makes it clear that despite the changes in technologies, these new technologies being deployed today do not bypass the Wire Act. It makes it clear that the Wire Act applies regardless of the technology.

So I urge my colleagues to support this fine legislation.

A study by the research group Christiansen/Cumming Associates estimated that between 1997 and 1998, Internet gambling more than doubled, from 6.9 million to 14.5 million gamblers, with revenues doubling from $300 million to $651 million. More recently, Bear, Stearns & Co. Inc. reported that there were at that time as many as 1,400 gambling sites, up from 700 just a year earlier. Other estimates indicate that Internet gambling could soon easily become a $10 billion a year industry.

Almost all virtual betting parlors accepting bets from individuals in the United States have attempted to avoid the application of United States law by locating themselves offshore and out of our jurisdictional reach. These offshore, fly-by-night Internet gambling operators are unlicensed, untaxed and unregulated and are sucking billions of dollars out of the United States.

The FBI and the Department of Justice have testified that Internet gambling serves as a vehicle for money laundering activities and can be exploited by terrorists to launder money.

The negative consequences of online gambling can be as detrimental to the families and communities of addictive gamblers as if a bricks and mortar casino was built right next door. Online gambling can result in addiction, bankruptcy, divorce, crime, and moral decline just as with traditional forms of gambling, the costs of which must ultimately be borne by society.

Internet gambling is especially enticing to youth, pathological gamblers, and criminals. There are currently no mechanisms in place to prevent youth—who make up the largest percentage of Internet users—from using their parents' credit card numbers to register and set up accounts for use at Internet gambling sites. In addition, pathological gamblers may become easily addicted to online gambling because of the Internet's easy access, anonymity and instant results. Dr. Howard J. Shaffer, director of addiction studies at Harvard, likens the Internet to new delivery forms of addictive drugs: ''As smoking crack cocaine changed the cocaine experience, I think electronics is going to change the way gambling is experienced.'' Finally, Internet gambling can provide a nearly undetectable harbor for criminal enterprises. The anonymity associated with the Internet makes online gambling more susceptible to crime.

Gambling is currently illegal in the United States unless regulated by the States. As such, every state has gambling statutes to determine the type and amount of legal gambling permitted. With the development of the Internet, however, prohibitions and regulations governing gambling have been turned on their head. Since 1868, the federal government has enacted federal gambling statutes when a particular type of gambling activity has escaped the ability of states to regulate it. For over one hundred years, Congress has acted to assist states in enforcing their respective policies on gambling when developments in technology of an interstate nature, such as the Internet, have compromised the effectiveness of state gambling laws.

The more than 1,400 gambling websites from the Caribbean and elsewhere are unlicensed, untaxed, and unregulated by any state, and thus violate all 50 state laws in which they are available. That is why state attorneys general, pro-family/anti-gambling groups, professional and amateur sports leagues, and the Department of Justice all agree that federal legislation is needed to clarify federal law that offshore Internet gambling businesses are illegal.

The National Gambling Impact Study Commission recommended to Congress that federal legislation is needed to halt the expansion of Internet gambling and to prohibit wire transfers to known Internet gambling sites, or the banks who represent them.

Under current federal law, it is unclear that using the Internet to operate a gambling business is illegal. The closest useful statute is the Wire Act which prohibits gambling over telephone wires. However, because the Internet does not always travel over telephone wires, the Wire Act, which was written well before the invention of the World Wide Web, has become outdated—it is not clear that it applies to the Internet at all.

H.R. 556, as amended by provisions in Internet gambling legislation I introduced, clarifies the state of the law by amending the Wire Act to bring the current promotion against wireline interstate gambling up to speed with the development of new technology. This provision settles the uncertainty about whether the Wire Act applies to the Internet and at the request of the Justice Department, makes the Wire Act technology neutral so that the law applies to both the telephone and the Internet.

Language has also been included in H.R. 556 from my bill that provides for further cooperation between law enforcement and Interactive Computer Service Providers to combat illegal Internet gambling. This provision provides for ISPs to respond to injunctions to take down illegal gambling websites or websites containing hypertext links hosted by the ISP. The bill makes clear that such injunctions would issue only after the opportunity for a hearing, would specify the service to which the order applies, and provide enough information so that the interactive computer service could locate the site or hypertext link. As a result of striking this balance between the responsibilities of Internet companies and the needs of law enforcement, the bill has the support of the ISP community.

As the National Gambling Impact Study Commission has documented, and Senate and House hearings have confirmed, Internet gambling is growing at an explosive rate. It evades existing anti-gambling laws, endangers children in the home, promotes compulsive gambling among adults, preys on the poor, and facilitates fraud. H.R. 556 will put a stop to this harmful activity before it spread further.

Mr. LEACH. Mr. Speaker, if I could first inquire of my good friend, the gentleman from New York (Mr. LAFALCE), we have two speakers and only 1½ minutes remaining.

Mr. LAFALCE. Mr. Speaker, I yield 1 minute to the gentleman from Iowa (Mr. LEACH).

Mr. LEACH. Mr. Speaker, I thank the gentleman from New York (Mr. LAFALCE) for yielding me time.

Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania (Mr. PITTS), and I note that the gentleman has worked on this very assiduously and is a man of great dignity and respect.

Mr. PITTS. Mr. Speaker, first of all, I want to thank and commend the gentleman from Iowa (Mr. LEACH), the gentleman from Ohio (Mr. OXLEY), the gentleman from Virginia (Mr. GOODLATTE), and the gentleman from New York (Mr. LAFALCE), and the other sponsors for developing and moving this important legislation.

In the last couple of decades, gambling has exploded across this country, both legal and illegal forms of gambling. While many of us are concerned about legal gambling and its impact on society, this bill is about illegal gambling.

The Internet has made it possible to gamble away your money to offshore criminals right from your bedroom. Millions of Americans send these crooks their money; and up until now, the States have been powerless to do anything about it. With this bill, we solve the problem. It may be impossible to keep illegal gambling sites off the World Wide Web, but it is entirely possible to prevent American credit cards companies from completing these transactions that these crooks need to make their money, and that is what this bill does. It does nothing to roll back legal gambling in this country. This is entirely about activities that are already against the law and need to be stopped. Some Americans do not seem to have discretion not to do this; this will help keep the money out of the hands of illegal people running these gambling sites, and I urge my colleagues to support the bill.

Mr. LEACH. Mr. Speaker, I yield 1 minute to the gentleman from Nebraska (Mr. OSBORNE), one of Congress's most unique and distinguished Members.

Mr. OSBORNE. Mr. Speaker, I rise in support of H.R. 556. Like others, I would like to thank the gentleman from Iowa (Mr. LEACH) for his work; the ranking member, the gentleman from New York (Mr. LAFALCE); the gentleman from Virginia (Mr. GOODLATTE); and others for their leadership.

The main reason I am here today is that I am really interested in young people, and I am interested in sports gambling; and of course, Internet gambling has really lead to an explosion of gambling of intercollegiate athletics, and that is one reason why the NCAA, the NFL, and Major League Baseball all support this legislation.

College students often run up huge credit card debts on these sites, and this is involved with sports betting. According to the Federal Trade Commission, Internet gambling sites are advertising on Web pages normally visited by children. A child cannot gamble in a casino or race track or any other establishment because of age limits, but some young people are using parents or their own credit cards on these sites. One really alarming statistic I want to mention: it is estimated that 1.1 million adolescents between the ages of 12 and 18 are pathological gamblers. This is a higher percentage than adults by age group. Young people become addicted to alcohol, drugs, and gambling more quickly than adults because of psychological and physiological immaturity. So I believe this is especially pernicious and particularly dangerous; and I urge support of this important legislation.

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

I think this is an extremely important bill. I think it is an extremely important bill for all Americans, but most especially for our youth who use computers every single day, hours and hours every day, and have countless, in the course of a week, dozens or hundreds of opportunities flashed in their face to engage in Internet gambling. They are flooded with credit cards that if they use them will extend their credit far beyond their capacity to pay, perhaps for the next 40, 50 years or so.

There has been a growing tendency too of obtaining student loans to pay off credit card debt, credit card debt that has often been incurred during the course of Internet gambling. There is a difficulty. Student loans cannot be discharged in bankruptcy. So the lives of these students are at stake, and we can do something about it. We can follow the recommendation of the national commission. We can follow the recommendations of the various religious organizations across America, the various athletic associations across America. We can follow the recommendations of the police organizations across America. We can follow the recommendations and vote ''yes,'' or we could ignore them and flaunt them and vote ''no.''

Mr. Speaker, I yield back the balance of my time.

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

Let me just conclude by thanking, if I can, the gentleman from New York (Mr. LAFALCE) and all of the others who have led this charge. I will just conclude with one observation. Gambling alone leads too easily to addiction. It leads to a situation where fathers lose their homes, mothers their families, students access to college and, in far too many instances, violence to the person and to their friends. This is a family issue. It is a national issue. We must act. I urge its adoption.

Mr. BACA. Mr. Speaker, I oppose H.R. 556, the Unlawful Internet Gambling Funding Prohibition Act. Although this bill is entitled a ''prohibition'' act, it is really an authorization act. Section 3 of the bill provides a carve-out for transactions with businesses licensed or authorized by States. It provides exemptions that, in essence, would allow States to license new Internet gaming operations for lotteries, horse tracks, and corporate gambling operations. The House Judiciary Committee rejected a similar provision in July when it adopted an amendment to delete all authorizations for interstate Internet gaming.

Although the bill grants States these exemptions, it does not provide Tribal governments with the same exemptions. I would not be standing here today, in opposition to this bill, if there were a flat prohibition on internet gaming. But that is not what this bill does.

The bill gives an advantage to private gaming enterprises. It does not treat tribal governments as equals. Just when we think that the centuries of mistreatment and discrimination are ending, something comes up to show us that they haven't. We are learning that the more things change, the more they stay the same.

Once again, Congress is trying put tribal governments at a disadvantage. And once against, I will stand up and defend the sovereignty of tribal governments! I will stand up and make sure that our government lives up to its trust responsibility!

Gaming provides the financial resources that tribes need to survive and to bring economic development to their people. It provides the resources that tribal governments need to provide health, education and hope to their people. It is the lifeblood of our Native American brothers and sisters! I will not stand by and watch as Congress puts tribes behind the eight-ball.

I urge my colleagues to vote ''no'' on H.R. 556.

Mr. PAUL. Mr. Speaker, H.R. 556 limits the ability of individual citizens to use bank instruments, including credit cards or checks, to finance Internet gambling. This legislation should be rejected by Congress since the federal government has no constitutional authority to ban or even discourage any form of gambling.

In addition to being unconstitutional, H.R. 556 is likely to prove ineffective at ending Internet gambling. Instead, this bill will ensure that gambling is controlled by organized crime. History, from the failed experiment of prohibition to today's futile ''war on drugs,'' shows that the government cannot eliminate demand for something like Internet gambling simply by passing a law. Instead, H.R. 556 will force those who wish to gamble over the Internet to patronize suppliers willing to flaunt the ban. In many cases, providers of services banned by the government will be members of criminal organizations. Even if organized crime does not operate Internet gambling enterprises their competitors are likely to be controlled by organized crime. After all, since the owners and patrons of Internet gambling cannot rely on the police and courts to enforce contracts and resolve other disputes, they will be forced to rely on members of organized crime to perform those functions. Thus, the profits of Internet gambling will flow into organized crime. Furthermore, outlawing an activity will raise the price vendors are able to charge consumers, thus increasing the profits flowing to organized crime from Internet gambling. It is bitterly ironic that a bill masquerading as an attack on crime will actually increase organized crime's ability to control and profit from Internet gambling.

In conclusion, Mr. Speaker, H.R. 556 violates the constitutional limits on federal power. Furthermore, laws such as H.R. 556 are ineffective in eliminating the demand for vices such as Internet gambling; instead, they ensure that these enterprises will be controlled by organized crime. Therefore I urge my colleagues to reject H.R. 556, the Internet Gambling Prohibition Act.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. GILCHREST). The question is on the motion offered by the gentleman from Iowa (Mr. LEACH) that the House suspend the rules and pass the bill, H.R. 556, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

PROTECTION OF FAMILY FARMERS ACT OF 2002

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5472) to extend for 6 months the period for which chapter 12 of title 11 of the United States Code is reenacted.

The Clerk read as follows:

H.R. 5472

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Protection of Family Farmers Act of 2002''.

SEC. 2. 6-MONTH EXTENSION OF PERIOD FOR WHICH CHAPTER 12 OF TITLE 11 OF THE UNITED STATES CODE IS REENACTED.

(a) AMENDMENTS.—Section 149 of title I of division C of Public Law 105–277 is amended—

(1) by striking ''January 1, 2003'' each place it appears and inserting ''July 1, 2003''; and

(2) in subsection (a)—

(A) by striking ''May 31, 2002'' and inserting ''December 31, 2002''; and

(B) by striking ''June 1, 2002'' and inserting ''January 1, 2003''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on January 1, 2003.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Pennsylvania (Mr. HOLDEN) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all

Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 5472, the bill currently under consideration.

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

There was no objection.

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

Mr. Speaker, I have a lengthy statement which I shall put into the RECORD; but, basically, this bill reenacts and extends chapter 12 of the bankruptcy code, which is a specialized form of bankruptcy relief for family farmers, for a period of 6 months from January 1, 2003 until July 1, 2003.

Currently, chapter 12 expires on January 1 of next year. There is a permanent extension and recodification of chapter 12 and the conference report on H.R. 333, the bankruptcy reform legislation which the conferees have agreed on, but which have not been scheduled for House consideration, it is my hope that the House and the Senate will pass this conference report before adjournment; but, since we do not know when adjournment will be, and since we do not know whether there will be a lame duck session, this is an essential safety valve to keep chapter 12 in place should, for any reason whatsoever, the bankruptcy conference report fail enactment during the current Congress.

So I would urge my colleagues to support this legislation.

Mr. Speaker, I rise in support of H.R. 5472.

This bill reenacts and extends Chapter 12 of the Bankruptcy Code—a specialized form of bankruptcy relief for family farmers—for a period of six months, from January 1, 2003 until July 1, 2003. This extension is necessary in light of the pending expiration of Chapter 12—due to occur on January 1st of next year.

Chapter 12 was enacted on a temporary basis in 1986 in response to the financial upheaval farmers were facing at that time. Owing to the continued volatility of the agricultural market, Chapter 12 has been extended on several occasions over the years. The most recent extension was enacted as part of the Farm Security and Rural Investment Act of 2002, which became law last May.

Without question, family farmers play a critical role in our nation's health and economic well-being. Unfortunately, recurrent bad weather, rising energy costs, unpredictable market conditions, and competition from large agribusinesses and overseas producers are just some of the economic forces experienced by family farmers across our nation.

Chapter 12 addresses the special needs of family farmers by giving them the tools, under the protection of bankruptcy, to facilitate their financial rehabilitation. On the other hand, Chapter 12 is utilized infrequently. While total bankruptcy filings in each of the past six years surpassed more than one million cases, the number of Chapter 12 cases exceeded one thousand on only one occasion and that was back in 1996. In the absence of Chapter 12, family farmers may apply for relief under the Bankruptcy Code's other alternatives, although these generally do not work quite as well for farmers as Chapter 12.

Nevertheless, Chapter 12 is important for family farmers and—to his great credit—my colleague from the Commonwealth of Pennsylvania (Mr. GEKAS) should be commended for his leadership and unwavering efforts over the years to make this form of bankruptcy relief a permanent component of the Bankruptcy Code. As you know, the conference report on H.R. 333, the ''Bankruptcy Abuse Prevention and Consumer Protection Act,'' would not only make Chapter 12 permanent, but amend the current law to include many other significant farmer-friendly provisions. These provisions include the following.

First, H.R. 333 would increase the debt eligibility maximum and require this cap to be automatically adjusted for inflation on a periodic basis. In addition, H.R. 333 would lower the income percentage limit so that more family farmers will be able to file for Chapter 12 relief.

Second, H.R. 333 gives farmers more protections with respect to how they may treat the claims of creditors.

For example, it allows certain tax claims to be reclassified in order to free up assets so that they can be sold. This will enhance a farmer's ability to propose a plan of repayment to creditors and help the farmer better effectuate his or her financial ''fresh start.''

Third, H.R. 333 prohibits a farmer from being required, under a modified plan of reorganization, to make payments that would leave the farmer with insufficient funds to maintain the farm's operations after all payments under the modified plan are made.

In addition, H.R. 333—for the first time in the history of Chapter 12—would allow certain family fishermen to be eligible for this special form of bankruptcy relief.

I ask all of you who say they support Chapter 12 and family farmers to put your words into action and support final passage of the conference report on H.R. 333.

H.R. 5472 is good for family farmers because it ensures Chapter 12 will be available in the upcoming months while we continue our efforts to complete consideration of the bankruptcy conference report, which will provide even more protections for family farmers when enacted.

Accordingly, I urge my colleagues to support H.R. 5472.

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

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

Mr. Speaker, I rise to reluctantly offer my support for H.R. 5472, the Family Farmer Protection Act of 2002. I say ''reluctantly'' because the legislation before us today is an incomplete solution to a problem that has existed for more than 5 years.

In 1997, Mr. Speaker, the National Bankruptcy Review Commission recommended that chapter 12 of the Federal Bankruptcy Code, the chapter which contains bankruptcy protections for family farmers, be made permanent.

The bill we are considering today marks the sixth time we are ignoring that 1997 recommendation and are instead extending chapter 12 on a temporary basis. It does not make sense. Chapter 12 is by no means a controversial issue. It was enacted in 1986 as a temporary measure to allow family farmers to repay their debts according to a plan under court supervision. Chapter 12 prevents the situation from occurring where a few bad crop years results in the loss of the family farm. In the absence of chapter 12, family farmers are forced to file for bankruptcy relief under the bankruptcy code's other alternatives, none of which work quite as well for farmers as chapter 12 does. Chapter XI, for example, will require a farmer to sell the family farm to pay the claims of creditors. How can a farmer be expected to come up with the money to pay off his debts when he is out of his farm?

Chapter XI is an expensive process that does not accommodate the special needs of farmers. This Congress, just as in previous Congresses, the larger Bankruptcy Reform Act includes a provision that will permanently extend chapter 12. Also, in this Congress, just as in previous Congresses, the larger Bankruptcy Reform Act remains a controversial bill whose enactment is an uncertainty. For 5 years now, family farmers have been held hostage by the contentious debate surrounding the larger bankruptcy issue. For years they have been made to sit on pins and needles waiting to see if Congress will extend these protections for another few months until we reach the next legislative hurdle on the larger bankruptcy issue.

Mr. Speaker, family farmers have waited long enough. The games must stop. Right now, family farmers are making plans to borrow money based on next year's expected harvest. As these farmers leverage themselves, they need to have the assurance that chapter 12 family farmer bankruptcy protections are going to be there for them on a long-term basis. Sporadic and temporary extensions do not do the job.

Permanently extending chapter 12 will give farmers the kinds of protections they desperately need, the kind of protections we already voted for three times in the 107th Congress.

Mr. Speaker, this bill does little more than extend for another 6 months the time when family farmers are, once again, put at risk. I will support this bill today, because it is the only option available. But I continue to urge my friends on the other side, let us end this cliff-hanger once and for all; let us give family farmers the permanent protection they deserve.

□ 1645

Mr. Speaker, I have a chart detailing each of the occasions that Chapter 12 has been extended.

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

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

Mr. Speaker, I notice that none of the Committee on the Judiciary Democrats decided to take the time to come to the floor to manage this legislation,

and that the Democratic manager is someone who does not serve on the Committee on the Judiciary.

Be that as it may, I appreciate the support for my bill.

Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. GEKAS), who has spent much more time in the vineyards of trying to pass bankruptcy reform than our newfound convert over on the other side of the aisle.

Mr. GEKAS. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, it is true that from the very first moment that we began the movement for bankruptcy reform, farmers in Chapter 12 were always one of the priorities, and not a day passed in the formation of the new bankruptcy reform bill that we did not insist that the final version that we were going to pass in this House and hopefully in the Senate and sign into law would contain Chapter 12 permanency for our farmers.

What happened was that even though we made measured progress by passing the bankruptcy reform bill overwhelmingly in the House and overwhelmingly in the Senate at different times, the conference that was then formed never came to fruition. When it finally did, and we did pass it and presented it to the then incumbent President, Bill Clinton, he allowed it to fade into oblivion through a pocket veto.

So we are back at it again. We passed another bankruptcy reform bill. Again, we had the farmers in mind in Chapter 12, because we made it permanent. It is a permanent solution to a vexing problem, and it is in bankruptcy reform.

Now we have again at hand a conference report that treats our farmers in Chapter 12 the way they deserve to be treated, along with many other elements of our society who are protected and whose lives are enhanced by the other provisions in the bankruptcy reform measure. We await now the dissolution of that one little quarter-inch problem that vexes us that keeps us from final passage of bankruptcy reform.

In the meantime, we will continue with our vigilance for the farmers under Chapter 12 by passing this legislation.

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

Mr. Speaker, I say to my friend, the gentleman from Wisconsin, he is right, I do not serve on the Committee on the Judiciary, but I proudly serve on the Committee on Agriculture, and have done so for the past 10 years.

During that time period, I have worked very closely with my farmers in my congressional district, as well as farmers throughout the Commonwealth of Pennsylvania. I can tell the Members that they want to have us permanently extend or to make permanent Chapter 12 of the bankruptcy code. They do not want us to continually just do it as we go along, giving them an extension; they want it to be made permanent.

I am here to lend my support to that. I will support this bill today, but hopefully we will be able to make Chapter 12 permanent in the very near future.

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

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

Mr. Speaker, we would not be here today talking about Chapter 12 or the whole issue of bankruptcy reform had not former President Clinton pocket-vetoed the bankruptcy reform bill introduced by the gentleman from Pennsylvania (Mr. GEKAS) in the last Congress, which passed both Houses, and then President Clinton decided that he would let the 10 days go by after the adjournment of Congress, and the bill did not become law because of a pocket veto. Because of that pocket veto, we have been struggling with bankruptcy reform again during this Congress.

Now, the gentleman from Pennsylvania (Mr. GEKAS) has been a leader since 1998 in bankruptcy reform. He introduced the first bill to make Chapter 12 permanent. He introduced a bill in the last Congress to make Chapter 12 permanent. He has been the principal author of the bill in this Congress to make Chapter 12 permanent.

Now, maybe my other friend, the gentleman from Pennsylvania, maybe his farmers are a little different from Wisconsin farmers. Wisconsin farmers do not want to go bankrupt. Chapter 12 is not a very commonly used provision in the bankruptcy law, but it is a necessary provision in the bankruptcy law.

I appreciate the recent interest of the gentleman from Pennsylvania (Mr. HOLDEN) in this issue. Unlike the other the gentleman from Pennsylvania (Mr. GEKAS), he has not introduced a single bill on Chapter 12. He has cosponsored one, but that was just very recently.

So I hope that we can have a groundswell of support, and I welcome him aboard.

Mr. BEREUTER. Mr. Speaker, this Member rises today to express his support for H.R. 5472, which extends Chapter 12 bankruptcy for family farms and ranches to July 1, 2002. Chapter 12 bankruptcy once again is set to expire on January 1, 2002. This legislation is very important to the nation's agriculture sector.

This Member would express his appreciation to the distinguished gentleman from Wisconsin (Mr. SENSENBRENNER), the Chairman of the House Judiciary Committee, for introducing H.R. 5472. In addition, this Member would like to express his appreciation to the distinguished gentleman from Michigan (Mr. SMITH) for his efforts in getting this measure to the House Floor for consideration.

This extension of Chapter 12 bankruptcy is supported by this Member as it allows family farmers to reorganize their debts as compared to liquidating their assets. The use of the Chapter 12 bankruptcy provision has been an important and necessary option for family farmers throughout the nation. It has allowed family farmers to reorganize their assets in a manner which balances the interests of creditors and the future success of the involved farmer.

If Chapter 12 bankruptcy provisions are not extended for family farmers, it will be another very painful blow to an agricultural sector already reeling from low commodity prices. Not only will many family farmers have no viable option other than to end their operations, but it will also cause land values to likely plunge. Such a decrease in value of farmland will negatively affect the ability of family farmers to earn a living. In addition, the resulting decrease in farmland value will impact the manner in which banks conduct their agricultural lending activities. Furthermore, this Member has received many contacts from his constituents supporting the extension of Chapter 12 bankruptcy because of the situation now being faced by our nation's farm families—it is clear that the agricultural sector is hurting.

Mr. Speaker, in closing, this Member urges his colleagues to support H.R. 5472.

Mr. SENSENBRENNER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. GILCHREST). The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 5472.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

NOTIFICATION OF INTENTION TO OFFER RESOLUTION RAISING QUESTION OF PRIVILEGES OF THE HOUSE

Mr. HOLDEN. Mr. Speaker, pursuant to rule IX, clause 1, I rise to give notice of my intent to present a question of the privileges of the House. The form of the resolution is as follows:

A resolution in accordance with House Rule IX, expressing a sense of the House that its integrity has been impugned and its Constitutional duty hampered by the inability of the House to bring to the floor, a clean bill permanently extending Chapter 12 of title 11 of the U.S. Code which provides bankruptcy protections to family farmers.

Whereas, Chapter 12 of the Federal bankruptcy code was enacted in 1986 as a temporary measure to allow family farmers to repay their debts according to a plan under court supervision, preventing a situation from occurring where a few bad crop years lead to the loss of the family farm; and

Whereas, in the absence of Chapter 12, farmers are forced to file for bankruptcy relief under the Bankruptcy Code's other alternatives, none of which work quite as well for farmers as chapter 12; and

Whereas, since its creation, the Chapter 12 family farmer bankruptcy protection has been renewed regularly by Congress and has never been controversial; and

Whereas in 1997, the National Bankruptcy Review Commission recommended that Chapter 12 be made permanent; and

Whereas in this Congress, just as in previous Congresses, the larger Bankruptcy Reform Act includes a provision that permanently extends Chapter 12. And, in this Congress, just as in previous Congresses, the larger Bankruptcy Reform Act is a controversial bill whose enactment is an uncertainty; and

Whereas, for 5 years now, family farmers have been held hostage by the contentious debate surrounding the larger bankruptcy issue. For 5 years, the family farmer has been waiting to see if Congress will extend these protections for another few months until we reach the next legislative hurdle on the larger bankruptcy issues; and

Whereas right now, family farmers are making plans to borrow money based on next year's expected harvest in order to be able to buy the seeds needed to plant the crops for that harvest. As these farmers leverage themselves, they need to have the assurance that Chapter 12 family farmer bankruptcy protections are going to be there for them on a permanent basis. Sporadic and temporarily extensions do not do the job.

Now therefore, be it resolved that it is the sense of the House of Representatives that the Speaker should immediately call up for consideration by this body, HR 5348, the Family Farmers and Family Fishermen Protection Act of 2002, which will once and for all give family farmers the permanent bankruptcy protections they have been waiting over five years for.

The SPEAKER pro tempore. Under rule IX, a resolution offered from the floor by a Member other than the majority leader or the minority leader as a question of the privileges of the House has immediate precedence only at a time designated by the Chair within 2 legislative days after the resolution is properly noticed.

Pending that resolution, the form of the resolution noticed by the gentleman from Pennsylvania will appear in the RECORD at this point.

The Chair will not at this point determine whether the resolution constitutes a question of privilege. That determination will be made at the time designated for consideration of the resolution.

Mr. HOLDEN. Mr. Speaker, I ask to be heard at the appropriate time on the question of whether this resolution constitutes a question of privilege.

The SPEAKER pro tempore. That time will be designated.

FEDERAL COURTS IMPROVEMENT ACT OF 2002

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4125) to make improvements in the operation and administration of the Federal courts, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4125

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Federal Courts Improvement Act of 2002''.

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

Section 1. Short title; table of contents.

TITLE I—JUDICIAL PROCESS IMPROVEMENTS

Sec. 101. Authority of bankruptcy administrators to appoint trustees and to serve as trustees in bankruptcy cases in the States of Alabama and North Carolina.

Sec. 102. Change in composition of divisions of Eastern District of Texas.

Sec. 103. Conditions of probation and supervised release.

Sec. 104. Reporting of wiretap orders.

Sec. 105. Clarifying the scope of diversity of citizenship for resident aliens.

Sec. 106. Authority of district courts regarding jurors.

Sec. 107. Deletion of automatic excuse from jury service for members of the Armed Forces, members of fire and police departments, and public officers.

Sec. 108. Elimination of the public drawing requirements for selection of juror wheels.

Sec. 109. Supplemental attendance fee for petit jurors serving on lengthy trials.

Sec. 110. Change in composition of divisions in Western District of Tennessee.

Sec. 111. Place of holding court in the Southern District of Ohio.

Sec. 112. Place of holding court in the Northern District of New York.

TITLE II—JUDICIAL PERSONNEL ADMINISTRATION, BENEFITS, AND PROTECTIONS

Sec. 201. Disability retirement and cost-of-living adjustments of annuities for territorial judges.

Sec. 202. Federal Judicial Center personnel matters.

Sec. 203. Annual leave limit for judicial branch executives.

Sec. 204. Supplemental benefits program.

Sec. 205. Inclusion of judicial branch personnel in organ donor leave program.

Sec. 206. Maximum amounts of compensation for attorneys.

Sec. 207. Maximum amounts of compensation for services other than counsel.

Sec. 208. Protection against malicious recording of fictitious liens against Federal judges.

Sec. 209. Appointing authority for circuit librarians.

TITLE III—ADDITIONAL PROVISIONS

Sec. 301. Monitoring of communications of officers and employees of judicial branch.

Sec. 302. Clerical amendments.

TITLE I—JUDICIAL PROCESS IMPROVEMENTS

SEC. 101. AUTHORITY OF BANKRUPTCY ADMINISTRATORS TO APPOINT TRUSTEES AND TO SERVE AS TRUSTEES IN BANKRUPTCY CASES IN THE STATES OF ALABAMA AND NORTH CAROLINA.

Until the amendments made by subtitle A of title II of the Bankruptcy Judges, United States Trustees, and Family Farmer Bankruptcy Act of 1986 (28 U.S.C. 581 note; Public Law 99–554; 100 Stat. 3088) become effective in and with respect to a judicial district in the State of Alabama, or in and with respect to a judicial district in the State of North Carolina—

(1) a reference in sections 303(g), 701(a), 703(b), 703(c), 1102(a), 1104(d), 1163, 1202, and 1302 of title 11, United States Code, to the United States trustee shall be deemed to be a reference to the bankruptcy administrator appointed and serving in such district under the authority of section 302(d)(3)(I) of such Act;

(2) a reference in sections 1202(a) and 1302(a) of title 11, United States Code, to section 586(b) of title 28, United States Code, shall be deemed to be a reference to such section as modified in operation by the other provisions of this section;

(3) a reference in sections 701(a)(1) and 703(c) of title 11, United States Code, to a panel of private trustees established under section 586(a)(1) of title 28, United States Code, shall be deemed to be a reference to the panel of private trustees established in such district under the authority of section 302(d)(3)(I)(i) of such Act; and

(4) a reference in subsections (b), (d), and (e) of section 586 of title 28, United States Code—

(A) to the Attorney General shall be deemed to be a reference to the Director of the Administrative Office of the United States Courts;

(B) to the United States trustee for the region shall be deemed to be a reference to the bankruptcy administrator appointed for such district;

(C) to a standing trustee shall be deemed to be a reference to a standing trustee appointed by the bankruptcy administrator;

(D) to the designation of one or more assistant United States trustees shall be disregarded; and

(E) to the deposit in the United States Trustee System Fund shall be deemed to be a reference to the payment to the clerk of the court for deposit in the Treasury;

for purposes of cases pending under title 11, United States Code, in such district.

SEC. 102. CHANGE IN COMPOSITION OF DIVISIONS OF EASTERN DISTRICT OF TEXAS.

(a) IN GENERAL.—Section 124(c) of title 28, United States Code, is amended—

(1) in paragraph (3)—

(A) by striking ''Denton, and Grayson'' and inserting ''Delta, Denton, Fannin, Grayson, Hopkins, and Lamar''; and

(B) by inserting ''and Plano'' after ''held at Sherman'';

(2) by striking paragraph (4) and redesignating paragraphs (5) through (7) as paragraphs (4) through (6), respectively; and

(3) in paragraph (5), as so redesignated, by inserting ''Red River,'' after ''Franklin,''.

(b) TEXARKANA.—Sections 83(b)(1) and 124(c)(5) (as redesignated by subsection (a) of this section) of title 28, United States Code, are each amended by inserting after ''held at Texarkana'' the following: '', and may be held anywhere within the Federal courthouse in Texarkana that is located astride the State line between Texas and Arkansas''.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—This section and the amendments made by this section shall take effect on the date of the enactment of this Act.

(2) PENDING CASES NOT AFFECTED.—This section and the amendments made by this section shall not affect any action commenced before the effective date of this section and pending in the United States District Court for the Eastern District of Texas on such date.

(3) JURIES NOT AFFECTED.—This section and the amendments made by this section shall not affect the composition, or preclude the service, of any grand or petit jury summoned, impaneled, or actually serving in the Eastern Judicial District of Texas on the effective date of this section.

SEC. 103. CONDITIONS OF PROBATION AND SUPERVISED RELEASE.

(a) CONDITIONS OF PROBATION.—Section 3563(a)(2) of title 18, United States Code, is amended by striking ''(b)(2), (b)(3), or (b)(13)'' and inserting ''(b)(2) or (b)(12)''.

(b) SUPERVISED RELEASE AFTER IMPRISONMENT.—Section 3583(d) of title 18, United States Code, is amended by striking ''section 3563(b)(1)'' and all that follows through ''appropriate.'' and inserting ''section 3563(b) and any other condition it considers to be appropriate, except that a condition set

forth in subsection 3563(b)(10) shall be imposed only for a violation of a condition of supervised release in accordance with subsection (e)(2) of this section and only when facilities are available.''.

(c) CONFORMING AMENDMENT.—Section 3563(b)(10) of title 18, United States Code, is amended by inserting ''or supervised release'' after ''probation''.

SEC. 104. REPORTING OF WIRETAP ORDERS.

Paragraph (1) of section 2519 of title 18, United States Code, is amended by striking all that precedes ''(a)'' and inserting the following:

''(1) In January of each year, any judge who has issued an order (or extension thereof) under section 2518 which expired during the preceding year or who has denied approval of an interception during that year, shall report to the Administrative Office of the United States Courts—''.

SEC. 105. CLARIFYING THE SCOPE OF DIVERSITY OF CITIZENSHIP FOR RESIDENT ALIENS.

Section 1332(a) of title 28, United States Code, is amended by striking the last sentence and inserting the following: ''The district courts shall not have original jurisdiction under paragraph (2) or (3) where the matter in controversy is between a citizen of a State and a citizen or subject of a foreign state admitted to the United States for permanent residence and domiciled in the same State.''.

SEC. 106. AUTHORITY OF DISTRICT COURTS REGARDING JURORS.

Section 1866(g) of title 28, United States Code, is amended in the first sentence—

(1) by striking ''shall'' and inserting ''may''; and

(2) by striking ''his'' and inserting ''the''.

SEC. 107. DELETION OF AUTOMATIC EXCUSE FROM JURY SERVICE FOR MEMBERS OF THE ARMED FORCES, MEMBERS OF FIRE AND POLICE DEPARTMENTS, AND PUBLIC OFFICERS.

(a) REMOVAL OF EXEMPTION.—Section 1863(b) of title 28, United States Code, is amended by striking paragraph (6) and redesignating paragraphs (7) and (8) as paragraphs (6) and (7), respectively.

(b) CONFORMING AMENDMENTS.—(1) Section 1865(a) of title 28, United States Code, is amended in the first sentence by striking '', or exempt,''.

(2) Section 1866 of title 28, United States Code, is amended—

(A) in the first sentence of subsection (a), by striking ''exempt or'';

(B) in the first sentence of subsection (c)—

(i) by striking ''or (6)''; and

(ii) by striking ''excused, or exempt'' and inserting ''or excused''; and

(C) in subsection (d), by striking ''exempt,''.

(3) Section 1869 of title 28, United States Code, is amended—

(A) in the first sentence of subsection (h), by striking ''or exempted''; and

(B) by repealing subsection (i).

(c) DISCRETIONARY EXEMPTION FROM SERVICE.—(1) Section 982 of title 10, United States Code, is amended—

(A) by amending the section heading to read as follows:

''§ 982. Members: service on Federal, State, and local juries'';

and

(B) by striking ''State or'' and inserting ''Federal, State, or''.

(2) The item relating to section 982 in the table of sections for chapter 49 of title 10, United States Code, is amended to read as follows:

''982. Members: service on Federal, State, and local juries.''.

SEC. 108. ELIMINATION OF THE PUBLIC DRAWING REQUIREMENTS FOR SELECTION OF JUROR WHEELS.

(a) DRAWING OF NAMES FROM JURY WHEEL.—Section 1864(a) of title 28, United States Code, is amended—

(1) in the first sentence, by striking ''publicly''; and

(2) by inserting after the first sentence the following new sentence: ''The clerk or jury commission shall post a general notice for public review in the clerk's office explaining the process by which names are periodically and randomly drawn.''.

(b) SELECTION AND SUMMONING OF JURY PANELS.—Section 1866(a) of title 28, United States Code, is amended—

(1) in the second sentence, by striking ''publicly''; and

(2) by inserting after the second sentence the following new sentence: ''The clerk or jury commission shall post a general notice for public review in the clerk's office explaining the process by which names are periodically and randomly drawn.''.

(c) CONFORMING AMENDMENT.—Section 1869(k) of title 28, United States Code, is repealed.

SEC. 109. SUPPLEMENTAL ATTENDANCE FEE FOR PETIT JURORS SERVING ON LENGTHY TRIALS.

Section 1871(b)(2) of title 28, United States Code, is amended by striking ''thirty'' each place it appears and inserting ''five''.

SEC. 110. CHANGE IN COMPOSITION OF DIVISIONS IN WESTERN DISTRICT OF TENNESSEE.

(a) IN GENERAL.—Section 123(c) of title 28, United States Code, is amended—

(1) in paragraph (1)—

(A) by inserting ''Dyer,'' after ''Decatur,''; and

(B) in the last sentence, by inserting ''and Dyersburg'' after ''Jackson''; and

(2) in paragraph (2)—

(A) by striking ''Dyer,''; and

(B) in the second sentence, by striking ''and Dyersburg''.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—This section and the amendments made by this section shall take effect on the date of the enactment of this Act.

(2) PENDING CASES NOT AFFECTED.—This section and the amendments made by this section shall not affect any action commenced before the effective date of this section and pending in the United States District Court for the Western District of Tennessee on such date.

(3) JURIES NOT AFFECTED.—This section and the amendments made by this section shall not affect the composition, or preclude the service, of any grand or petit jury summoned, impaneled, or actually serving in the Western Judicial District of Tennessee on the effective date of this section.

SEC. 111. PLACE OF HOLDING COURT IN THE SOUTHERN DISTRICT OF OHIO.

Section 115(b)(2) of title 28, United States Code, is amended by striking ''and Steubenville'' and inserting '', Steubenville, and St. Clairsville''.

SEC. 112. PLACE OF HOLDING COURT IN THE NORTHERN DISTRICT OF NEW YORK.

Section 112(a) of title 28, United States Code, is amended by striking ''and Watertown'' and inserting ''Watertown, and Plattsburgh''.

TITLE II—JUDICIAL PERSONNEL ADMINISTRATION, BENEFITS, AND PROTECTIONS

SEC. 201. DISABILITY RETIREMENT AND COST-OF-LIVING ADJUSTMENTS OF ANNUITIES FOR TERRITORIAL JUDGES.

Section 373 of title 28, United States Code, is amended—

(1) by amending subsection (c)(4) to read as follows:

''(4) Any senior judge performing judicial duties pursuant to recall under paragraph (2) of this subsection shall be paid, while performing such duties, the same compensation (in lieu of the annuity payable under this section) and the same allowances for travel and other expenses as a judge on active duty with the court being served.'';

(2) by amending subsection (e) to read as follows:

''(e)(1) Any judge of the District Court of Guam, the District Court of the Northern Mariana Islands, or the District Court of the Virgin Islands who is not reappointed (as judge of such court) shall be entitled, upon attaining the age of sixty-five years or upon relinquishing office if the judge is then beyond the age of sixty-five years—

''(A) if the judicial service of such judge, continuous or otherwise, aggregates fifteen years or more, to receive during the remainder of such judge's life an annuity equal to the salary received when the judge left office; or

''(B) if such judicial service, continuous or otherwise, aggregated less than fifteen years, to receive during the remainder of such judge's life an annuity equal to that proportion of such salary which the aggregate number of such judge's years of service bears to fifteen.

''(2) Any judge of the District Court of Guam, the District Court of the Northern Mariana Islands, or the District Court of the Virgin Islands who has served at least five years, continuously or otherwise, and who retires or is removed upon the sole ground of mental or physical disability, shall be entitled to receive during the remainder of such judge's life an annuity equal to 40 percent of the salary received when the judge left office or, in the case of a judge who has served at least ten years, continuously or otherwise, an annuity equal to that proportion of such salary which the aggregate number of such judge's years of judicial service bears to fifteen.''; and

(3) by amending subsection (g) to read as follows:

''(g) Any retired judge who is entitled to receive an annuity under this section shall be entitled to a cost-of-living adjustment in the amount computed as specified in section 8340(b) of title 5, except that in no case may the annuity payable to such retired judge, as increased under this subsection, exceed the salary of a judge in regular active service with the court on which the retired judge served before retiring.''.

SEC. 202. FEDERAL JUDICIAL CENTER PERSONNEL MATTERS.

Section 625 of title 28, United States Code, is amended—

(1) in subsection (b)—

(A) by striking '', United States Code,'';

(B) by striking ''pay rates, section 5316, title 5, United States Code'' and inserting ''under section 5316 of title 5, except that the Director may fix the compensation of 4 positions of the Center at a level not to exceed the annual rate of pay in effect for level IV of the Executive Schedule under section 5315 of title 5''; and

(C) by striking ''the Civil'' and all that follows through ''Code'' and inserting ''subchapter III of chapter 83 of title 5 shall be adjusted pursuant to the provisions of section 8344 of such title, and the salary of a reemployed annuitant under chapter 84 of title 5 shall be adjusted pursuant to the provisions of section 8468 of such title'';

(2) in subsection (c), by striking '', United States Code,''; and

(3) in subsection (d)—

(A) by striking ''United States Code,''; and

(B) by striking '', section 5332, title 5, United States Code'' and inserting ''under section 5332 of title 5''.

SEC. 203. ANNUAL LEAVE LIMIT FOR JUDICIAL BRANCH EXECUTIVES.

Section 6304(f)(1) of title 5, United States Code, is amended—

(1) in subparagraph (D), by striking ''or'';

(2) in subparagraph (E), by striking the period and inserting ''; or''; and

(3) by adding at the end the following:

''(F) the judicial branch designated as a court unit executive position by the Judicial Conference of the United States or designated as an executive position in the Federal Judicial Center by the Board of the Federal Judicial Center.''.

SEC. 204. SUPPLEMENTAL BENEFITS PROGRAM.

Section 604(a) of title 28, United States Code, is amended—

(1) by redesignating paragraphs (6) through (24) as paragraphs (7) through (25), respectively; and

(2) by inserting after paragraph (5) the following:

''(6) In the Director's discretion, establish a program of benefits, in addition to those otherwise provided by law, for officers and employees of the judicial branch, including justices and judges of the United States;''.

SEC. 205. INCLUSION OF JUDICIAL BRANCH PERSONNEL IN ORGAN DONOR LEAVE PROGRAM.

Section 6327(a) of title 5, United States Code, is amended by inserting ''or an entity of the judicial branch'' after ''An employee in or under an Executive agency''.

SEC. 206. MAXIMUM AMOUNTS OF COMPENSATION FOR ATTORNEYS.

Paragraph (2) of subsection (d) of section 3006A of title 18, United States Code, is amended—

(1) by striking ''$5,200'' and inserting ''$7,000'';

(2) by striking ''$1,500'' and inserting ''$2,000'';

(3) by striking ''$3,700'' and inserting ''$5,000'';

(4) by striking ''$1,200'' each place it appears and inserting ''$1,500''; and

(5) by striking ''$3,900'' and inserting ''$5,000''.

SEC. 207. MAXIMUM AMOUNTS OF COMPENSATION FOR SERVICES OTHER THAN COUNSEL.

Subsection (e) of section 3006A of title 18, United States Code, is amended—

(1) in paragraph (2)—

(A) in subparagraph (A), by striking ''$300'' and inserting ''$500''; and

(B) in subparagraph (B), by striking ''$300'' and inserting ''$500''; and

(2) in paragraph (3), by striking ''$1,000'' and inserting ''$1,600''.

SEC. 208. PROTECTION AGAINST MALICIOUS RECORDING OF FICTITIOUS LIENS AGAINST FEDERAL JUDGES.

(a) IN GENERAL.—Chapter 73 of title 18, United States Code, is amended by adding at the end thereof the following:

''§ 1521. Retaliating against a Federal judge by false claim or slander of title

''(a) Whoever files or attempts to file, in any public record or in any private record which is generally available to the public, any lien, encumbrance, civil claim, or other document against a Federal judge or against the real or personal property of a Federal judge, knowing or having reason to know that such claim, lien, encumbrance, or document is false or contains any materially false, fictitious, or fraudulent statement or representation, shall be fined under this title or imprisoned for not more than five years, or both. In the case of an offense under this subsection which was committed after the defendant had previously been convicted of an earlier offense under this subsection, the defendant shall be fined under this title or imprisoned for not more than ten years, or both.

''(b) As used in this section, the term 'Federal judge' means a justice or judge of the United States as defined in section 451 of title 28, a judge of the United States Court of Federal Claims, a United States bankruptcy judge, a United States magistrate judge, and a judge of the United States Court of Appeals for the Armed Forces, United States Court of Appeals for Veterans Claims, United States Tax Court (including any special trial judge appointed under section 7443A of the Internal Revenue Code of 1986), District Court of Guam, District Court of the Northern Mariana Islands, or District Court of the Virgin Islands.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 73 of title 18, United States Code, is amended by adding at the end the following new item:

''1521. Retaliating against a Federal judge by false claim or slander of title.''.

SEC. 209. APPOINTING AUTHORITY FOR CIRCUIT LIBRARIANS.

Section 713 of title 28, United States Code, is amended—

(1) in subsection (a)—

(A) by striking ''Each court of appeals'' and inserting ''The judicial council of each circuit''; and

(B) by striking ''the court'' and inserting ''the judicial council''; and

(2) in subsection (b), by striking ''court'' each place it appears and inserting ''judicial council''.

TITLE III—ADDITIONAL PROVISIONS

SEC. 301. MONITORING OF COMMUNICATIONS OF OFFICERS AND EMPLOYEES OF JUDICIAL BRANCH.

Section 604 of title 28, United States Code, is amended by adding at the end the following:

''(i)(1) The Judicial Conference should take such steps as it deems necessary and appropriate to safeguard the privacy of officers and employees of the judicial branch by ensuring that—

''(A) the Director does not intercept electronic communications of any such officer or employee (including any electronic communication consisting of an electronic mail message or a transfer of information by means of the World Wide Web or the Internet) between or among computers, or hire or enter into a contract with another entity to monitor or intercept such communications, except pursuant to—

''(i) a law enforcement investigation;

''(ii) prior authorization by the Judicial Conference or its Executive Committee; or

''(iii) a policy adopted by the Judicial Conference setting forth the procedures under which the interception of such communications may be authorized; and

''(B) any information obtained pursuant to interception of communications authorized under subparagraph (A) is used solely for the purposes for which the interception is authorized.

''(2) In this subsection—

''(A) the term 'electronic communication' has the meaning given that term in section 2510 of title 18;

''(B) the terms 'by means of the World Wide Web' and 'Internet' have the meanings given those terms in section 231(e) of the Communications Act of 1934 (47 U.S.C. 231(e)); and

''(C) the term 'computer' has the meaning given that term in section 1030(e) of title 18.''.

SEC. 302. CLERICAL AMENDMENTS.

Section 332 of title 28, United States Code, is amended—

(1) in subsection (a)(3), by striking ''371(f)(1)'' and inserting ''371(e)(1)'';

(2) by striking the second subsection designated ''(h)''; and

(3) in subsection (f)(4), by striking '', United States Code''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Pennsylvania (Mr. HOLDEN) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.R. 4125, the bill under consideration.

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

There was no objection.

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

Mr. Speaker, this bill is necessary for the proper functioning of the Federal court system. The legislation addresses various judicial process matters, as well as personnel and compensation issues. I will briefly mention a few of the major provisions included in this legislation.

The bill makes changes in places of holding court in order to alleviate hardships placed upon parties, jurors, lawyers, and judges that must otherwise travel great distances to participate. This will have a positive impact on the administration of justice.

The bill will permit judges to submit annual summary reports on wiretap orders acted on during the previous calendar year, such as prosecutors do. This change would simplify the reporting requirements for the judges and their staffs without affecting the accuracy or timeliness of the reporting required by statute.

The bill gives territorial judges in the District Courts of Guam, the Northern Mariana Islands, and the Virgin Islands comparable retirement arrangements as other judges.

The bill includes the judicial branch personnel in the Organ Donor Leave Program, and provides Federal judges with protection against the malicious recording of fictitious liens.

The manager's amendment makes only noncontroversial technical changes.

Section 101 is amended to clarify that bankruptcy administrators in North Carolina and Alabama have the same authority as U.S. trustees to appoint bankruptcy case trustees, standing trustees, examiners, and committees of creditors and equity security holders. It also corrects several highly technical drafting errors.

Finally, Mr. Speaker, section 204 authorizes the Director of the Administrative Office to establish a program of benefits not currently authorized by law. The Judicial Conference request for this authority is based on the conclusion that the health benefits provided for employees of the judicial

branch need to be upgraded to attract and retain employees in future years.

The Administrative Office intends to expand an existing cafeteria health benefit plan by adding a dental benefits program to it. The judiciary currently provides health benefit programs which involve the use of employee compensation contributions to medical savings accounts and long-term disability accounts. These health care costs can then be paid with pretax dollars. The dental program will require appropriated funds, and enactment of section 204 will allow the judiciary to seek funding for it from the Committee on Appropriations.

The authority provided in section 204 is not intended to provide open-ended discretion to the Director of the Administrative Office to establish benefit programs. The Committee on the Judiciary and Committee on Government Reform will exercise their oversight responsibility on this program. Also, the Committee on Appropriations will have a significant role to play as appropriations are requested to continue and expand judiciary employee benefits in the future.

I am assured that the Judicial Conference will work closely with the Congress as these programs progress in future years.

Mr. Speaker, H.R. 4125 will greatly assist the Federal courts in their operation. This is noncontroversial legislation, and I urge my colleagues to support it.

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

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

Mr. Speaker, I rise in support of H.R. 4125, the Federal Courts Improvement Act of 2002. H.R. 4125 is a noncontroversial bill that will contribute to judicial efficiency and promote the sound management of the judicial branch.

H.R. 4125 and its predecessor have been fully considered by the Committee on the Judiciary. On July 17, 2001, the Subcommittee on Courts, the Internet, and Intellectual Property of the Committee on the Judiciary held a legislative hearing on H.R. 2522, the precursor to H.R. 4125. Based on testimony received at the hearing and subsequent reaction, the subcommittee chairman, the gentleman from North Carolina (Mr. COBLE), and the ranking member, the gentleman from California (Mr. BERMAN), introduced a clean bill, H.R. 4125, devoid of all controversial items.

On May 2, the subcommittee conducted a markup of H.R. 4125. On September 10, 2002, the full Committee on the Judiciary held a markup, adopted several amendments, and reported H.R. 4125 favorably.

□ 1700

The version of H.R. 4125 before the House today contains several amendments to the version reported by the Committee on the Judiciary. Most of these amendments are technical but one is substantive. The amendments in section 101 ensure that the bankruptcy administrators have the same powers as bankruptcy trustees, no more and no less. With these amendments and those made during the committee consideration, I believe that H.R. 4125 has been rendered wholly noncontroversial.

H.R. 4125 contains a variety of noteworthy provisions, but I wish to highlight one in particular. Section 301 states that the Judicial Conference of the U.S. Courts should take certain steps to protect the privacy of judges and judicial employees. Namely, the Judicial Conference should ensure that the Administrative Office of the U.S. Courts does not intercept electronic communications of judges and judicial employees without authorization from the Judicial Conference.

I fully support H.R. 4125 and encourage my colleagues to do the same.

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

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

The SPEAKER pro tempore (Mr. GILCHREST). The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 4125, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. SENSENBRENNER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

RECOGNIZING AND HONORING THE CAREER AND WORK OF JUSTICE C. CLIFTON YOUNG

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 417) recognizing and honoring the career and work of Justice C. Clifton Young.

The Clerk read as follows:

H. RES. 417

Whereas Justice C. Clifton Young, a native Nevadan, has served in public office since 1950;

Whereas Justice Young was elected to the House of Representatives in 1952 where he served for 2 terms and never missed a vote;

Whereas Justice Young served for 14 years in the Nevada State Senate where he focused principally on land use issues;

Whereas Justice Young has served on the Nevada Supreme Court since 1984;

Whereas Justice Young was inducted into the Nevada State Senate Hall of Fame in 1995;

Whereas in addition to his service in elected office, Justice Young has remained active in various community and service organizations, including serving as President of the National Wildlife Foundation;

Whereas Justice Young attended the University of Nevada in Reno, and Harvard Law School;

Whereas Justice Young proudly served as an officer in the 103rd Infantry Division in France, Germany, and Austria during World War II;

Whereas Justice Young has been a loving husband to Jane Hempfling Young for almost 50 years, and together they have raised 5 children; and

Whereas Justice Young stands as a role model to all people of the United States as a proud and successful public servant: Now, therefore, be it

Resolved, That the House of Representatives—

(1) honors the dedication and commitment of Justice C. Clifton Young to the people of Nevada and the United States;

(2) congratulates Justice Young on his long and successful career; and

(3) expresses its best wishes to Justice Young upon his retirement from the Nevada Supreme Court.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Pennsylvania (Mr. HOLDEN) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Res. 417.

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

There was no objection.

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

Mr. Speaker, this resolution was introduced by our distinguished colleague, the gentleman from Nevada (Mr. GIBBONS).

The honoree, C. Clifton Young, was a Member of Congress representing Nevada and currently serves on the Nevada Supreme Court. He has had a remarkable career beginning in his childhood where he sold newspapers, was the local soda jerk, the valedictorian of his high school class, went to the University of Nevada at Reno, and was the only student with membership in both the University Singers and the college wrestling team. He joined the Army after college and served tours of duty in France, Germany and Austria and was honorably discharged as a major at the age of 23. He then went to Harvard Law School. I think that may have compromised his Western values a bit. But from there he went on to have over a half century of public service.

He served two terms as Nevada's then lone representative in Congress. He was elected to the Nevada State Senate, following his service in Congress, and served 14 years there. And in 1984 he was elected to the Nevada Supreme Court and will have served 18 years until his retirement at the end of the year.

He has been active in the Boy Scouts, the YMCA, and he also served as president of the National Wildlife Federation. I have a lengthy statement I will put in the RECORD, but I think that he is really an example of the American dream come true and an individual who returned many of his talents to his community, his State and his Nation, serving both in volunteer capacities and in the legislative and judicial branches of government.

H. Res. 417 introduced by Representative GIBBONS of Nevada, recognizes the career and efforts of former Member C. Clifton Young, Currently serving on the Nevada Supreme Court, Justice Young will be retiring from the Court at the end of this year when his term expires, thus completing a career which was comprised of decades of selfless public service.

Justice C. Clifton Young prepared for his illustrious career growing up in Lovelock, Nevada, selling newspapers and Grit magazine, shining shoes, painting houses, and satisfying the community thirst in the hot Nevada plains as the local soda jerk. Even with all of these commitments Young graduated Valedictorian of his High School class.

At the University of Nevada in Reno, Young remained active, becoming President of the Lamda Chi Fraternity, cadet commander of the campus ROTC, and was perhaps the only student with membership in both the University Singers and the college wrestling team.

Young went on to join the army after college, and spent the next three and a half years in the Infantry of the 103rd Division. After serving tours of duty in France, Germany, and Austria, he was honorably discharged as a Major at the age of 23.

After the war, Young went on to graduate from Harvard Law School. From there Young set in for the beginnings of what would become over a half century of public service. From a country public administrator, Young went on to become Nevada's then lone Representative in Congress, and over his two terms never missed a vote. In 1966 he was elected to the Nevada State Senate, where he served for 14 years.

He was then elected in 1984 to the Nevada Supreme Court, where he will have served for 18 years upon his retirement. While engaged in all of these life activities, Young also found time to be active in the Boy Scouts, YMCA, and serve as President of the National Wildlife Federation.

C. Clifton Young has given much to his community, and I support this resolution recognizing his public service. And let me just state that Justice Young deserves something back from the District of Columbia. You see, when he first came here with his wife back in 1952, full of the excitement of representing the people of Nevada, he was greeted by the District not with parades or fanfare, but instead by having his car stolen. We cannot replace his car, but we can support this resolution, which I urge all Members to do.

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

Mr. HOLDEN. Mr. Speaker, I rise in support of H. Res. 417, which honors the life and work of Nevada Justice C. Clifton Young, and I urge my colleagues to vote for this resolution.

This bill was marked up by the Committee on the Judiciary in June of this year. No objections have been registered about this bill either before, during or after the Committee on the Judiciary considered the resolutions. In fact, H. Res. 417 has garnered universal support. While I do not know Justice Young personally, I was told in the committee's consideration of this bill, and it became apparent he is quite a remarkable man.

Justice Young has led a life of public service. He served his country as an officer in the 103rd Infantry Division in France, Germany and Austria in World War II. He has served on the Nevada Supreme Court since 1984. He also served as president of the National Wildlife Foundation.

Sadly, Justice Young is retiring from the Nevada Supreme Court. It is only right at this time Congress pause to honor Justice Young and reflect on his public service. Once again, I urge all my colleagues to support H. Res. 417.

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

Mr. SENSENBRENNER. Mr. Speaker, I yield such time as he may consume to the gentleman from Nevada (Mr. GIBBONS).

Mr. GIBBONS. Mr. Speaker, I thank my friend, the chairman of the Committee on the Judiciary, for yielding me time.

Mr. Speaker, it is my great honor today to be on the floor to speak in favor of H. Res. 417, a resolution I introduced to recognize the distinguished career and extraordinary life of Justice C. Clifton Young. Justice Cliff Young will be retiring this year after serving 18 years on the Nevada Supreme Court. However, this achievement is only one in a long list of accomplishments which span Justice Young's lifetime.

As a young boy in the rural, agricultural community of Lovelock, Nevada, Cliff Young was the son of pioneers and soon learned at an early age the value of hard work. As a youth he had a series of odd jobs from shining shoes to painting houses to installing sidewalks.

His work ethic earned him the honor of being named valedictorian of his high school class and then earning the highest scholastic achievement at graduation from the University of Nevada at Reno. He would eventually continue his studies at Harvard Law School thanks to the G.I. Bill, but before he embarked on a career in law and public service, Justice Young served his Nation as an officer in the 103rd Infantry Division during World War II. He was honorably discharged as a major at the sage age of 23.

After his military service and finishing law school, Cliff Young was elected to his first public office, the Washoe County public administrator. Two years later he would be elected the Representative of Nevada in this Chamber, the House of Representatives, where he served two terms, never missing a single vote. His time in Washington proved to be quite eventful and not solely due to legislation which came before Congress. Upon his arrival to the Nation's Capital with his wife, their car was stolen. Then while serving in Congress, shots were fired into the Chamber wounding the Member sitting next to him.

Yes, Justice Young's service in Congress was certainly eventful. After serving two terms, Cliff Young would return home to the State of Nevada. He would then serve 14 years in the Nevada State senate and be elected to the Nevada Supreme Court in 1984. At the end of this term, Justice Young will have completed 50 years of public service to his State and to the Nation. All the while he remained active in his local community as a member of various organizations including serving as President of the YMCA, State chairman of the Nevada Cancer Association Campaign, and chairman of the Washoe County Parks and Recreation Board.

Justice Young not only devoted his life to public service but also to our legal system as a leader for meaningful judicial reform. His years of commitment to fairness and equality set him apart and earned him the respect of his colleagues and fellow Nevadans.

Justice Young stands as a role model to all Americans. This resolution celebrates Justice Young's life, his work and, yes, his dedication. May this recognition inspire others to follow in his footsteps and embark on similar courses of distinguished service.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and agree to the resolution, H. Res. 417.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

ROBERT WAYNE JENKINS STATION

Mr. SULLIVAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4851) to redesignate the facility of the United States Postal Service located at 6910 South Yorktown Avenue in Tulsa, Oklahoma, as the ''Robert Wayne Jenkins Station.''

The Clerk read as follows:

H.R. 4851

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

SECTION 1. ROBERT WAYNE JENKINS STATION.

(a) DESIGNATION.—The facility of the United States Postal Service located at 6910 South Yorktown Avenue in Tulsa, Oklahoma, and known as the Southside Station, shall be known and designated as the ''Robert Wayne Jenkins Station''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the Robert Wayne Jenkins Station.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Oklahoma (Mr. SULLIVAN) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Oklahoma (Mr. SULLIVAN).

GENERAL LEAVE

Mr. SULLIVAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 4851.

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

There was no objection.

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

Mr. Speaker, I am pleased to have the House consider H.R. 4851, a bill to designate the postal facility located at 6910 South Yorktown Avenue in Tulsa, Oklahoma, as the Robert Wayne Jenkins Station. I would like to thank my colleagues from Oklahoma for co-sponsoring this legislation.

On December 21, 2001, Robert Wayne Jenkins left his home to go to work at the Southside Postal Station in Tulsa, leaving his wife Amber and daughter Caitlyn safely at home. He arrived at work in his usual quiet, but friendly, demeanor and proceeded to prepare his mail route.

Before leaving the office to deliver his route, he told a fellow letter carrier, ''Be safe,'' and then he left to deliver his own route. He was shot at about 2:45 in the afternoon by an armed assailant and died instantly.

Robert was in his sixth year of service and had just turned 30 years old and had recently become a father. He had gained the respect and admiration of his colleagues for his professionalism and devotion to his wife and daughter. My heart goes out to his wife, Amber, and daughter, Caitlyn.

His co-workers began working towards this honor for him immediately after the tragedy, and I was notified of the request from Dick Schweitzer of the Oklahoma division of the U.S. Postal Service. I am happy to introduce this bill because I believe that it is most appropriate to honor a man who asked for so little but gave so much to his family, his friends, the U.S. Postal Service and the Tulsa community.

I think it is right to remember Robert Wayne Jenkins, the victim of a horrific senseless crime, by renaming the facility he worked for after him. Postal workers work through many tough conditions every day throughout our country, and I believe we honor both Robert Wayne Jenkins and all of his honorable public servants by passing this bill. Therefore, I urge all Members to support the adoption of H.R. 4851.

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

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as a Member of the House Committee on Government Reform, I rise to join my colleague in the consideration of H.R. 4851, which names a postal facility in Tulsa, Oklahoma, after Robert Wayne Jenkins.

H.R. 4851, which enjoys the support and co-sponsorship of the entire Oklahoma delegation, was introduced by the gentleman from Oklahoma (Mr. SULLIVAN) on May 23, 2002. Mr. JENKINS was a postal letter carrier who was delivering mail on his route when he was shot to death for no reason. A 9-year career letter carrier, Mr. JENKINS was a dedicated and trusted postal employee who went about his job in an efficient and effective manner. Sadly, he leaves behind a wife, Amber, and her infant, Caitlyn.

Mr. Speaker, I applaud the support of naming a post office after Mr. Robert Wayne Jenkins, slain postal letter carrier. But I am deeply disappointed and saddened that we were unable to also consider additional naming postal legislation today. Let me explain.

Last week two postal naming bills were placed on the postal naming list for floor consideration and subsequently removed from consideration. Those bills were H.R. 5340, sponsored by the gentleman from California (Mr. SHERMAN), which names a post office after the late great broadcaster Francis Dayle ''Chick'' Hearn, and H.R. 2578, sponsored by the gentlewoman from California (Ms. WATERS), which names a postal facility after former Representative Augustus F. Hawkins. These bills too have met the Committee on Government Reform policy and have been co-sponsored by the entire California delegation.

□ 1715

They, too, deserve prompt consideration and name postal facilities after deserving individuals. Both H.R. 5340 and H.R. 2578 deserve immediate consideration on the House floor.

While we will not object to today's bill, we will object to future bills if the Republican leadership does not schedule Democratic postal-naming bills for a House vote so that there can be equity and fairness in the process.

Mr. Jenkins was a letter carrier, one of a proud group of employees who performed a valuable service to our country. In serving his country, Mr. Jenkins could not have paid a higher price. I believe that we should honor him by naming a postal facility after him. I shall indeed vote for H.R. 4851 and urge my colleagues to take similar action. However, I reiterate and urge the Republican leadership to schedule votes on H.R. 5340, H.R. 2578, and other Democratic postal-naming bills so that we can honor these deserving individuals by naming postal facilities after them.

I commend the gentleman from Oklahoma for introducing this legislation, urge its passage.

Mr. Speaker, I yield back the balance of my time.

Mr. SULLIVAN. Mr. Speaker, I urge the adoption of this measure, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SHIMKUS). The question is on the motion offered by the gentleman from Oklahoma (Mr. SULLIVAN) that the House suspend the rules and pass the bill, H.R. 4851.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

NOTIFICATION OF INTENTION TO OFFER RESOLUTION RAISING QUESTION OF PRIVILEGES OF THE HOUSE

Mr. BROWN of Ohio. Mr. Speaker, pursuant to House rule IX, clause 1, I rise to give notice of my intent to present a question of privileges of the House.

The form of the resolution is as follows:

A resolution, in accordance with House Rule IX, expressing a sense of the House that its integrity has been impugned due to the failure of the House to fulfill its obligations under Article I, Section VIII of the Constitution

Whereas Article I, Section VIII, of the Constitution states Congress shall have Power to promote the progress of Science and the useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries;

Whereas such protections on Writings and Discoveries have been promulgated by patent, copyright, and other laws, including Public Law 98–417, affording Authors and Inventors the exclusive Right to their respective Writings and Discoveries for a limited period of time;

Whereas Public Law 98–417 breaches this constitutional requirement by failing to impose such limitation on the protection of certain medical inventions;

Whereas provisions of Public Law 98–417 imbue the Food and Drug Administration with the authority to secure for limited time for Inventors the exclusive Right to their respective Medical Inventions;

Whereas public Laws 98-417 fails to provide the Food and Drug Administration the authority to refrain form securing this exclusive right for inventors if the conditions for such exclusivity are not met;

Whereas due to the failure of Congress to provide the Food and Drug Administration with the proper authority to fulfill obligations under the Act, certain medical inventions have received the exclusive Right to their respective Inventions without limitation;

Whereas the unlimited exercise of exclusivity by prescription drug manufacturers subjects healthcare consumers and third party payers to no-competitive prices and results in significantly higher prescription drug costs for purchasers;

Whereas health care costs increased by 5% in 2001, 3.7 times faster than overall inflation rate;

Whereas prescription drug cost spending is the fastest growing component of health care costs, and rose 17% in 2001;

Whereas health insurance premiums rose by 11% in 2001, driven largely by the increased cost of prescription drugs;

Whereas state Medicaid spending increased by 11% in Fiscal year 2002, driven primarily by increased prescription drug spending and enrollment growth;

Whereas the number of individuals with health insurance declined by 1.4 million in 2001, a function of the faltering economy, rapid health inflation, and a growing number of states in which public insurance programs are outpacing budgets;

Whereas prescription drugs are prescribed by licensed healthcare professionals to consumers as a non-discretionary purchase essential to their welfare;

Whereas it is in the public interest to grant a limited period of exclusivity to inventors of prescription drugs, but extending that exclusivity places an inappropriate fiscal burden on consumers, insurers, and pubic sector payers;

Whereas generic drugs are sold as alternatives to medical inventions for which exclusivity is no longer available;

Whereas generic drugs have the same dosage, safety, strength, quality, and performance as the medical inventions for which they serve as substitutes, according to the Food and Drug Administration;

Whereas limitations on exclusivity have allowed prescription drug prices to drop 40–80 percent when generic drugs enter the market;

Whereas limitations allowing generic drugs to enter the market saved consumers $8–$10 billion in 1994 alone, according to the Congressional Budget Office;

Whereas the failure to apply limitations to the Exclusive rights granted under Public Law 98–622 has afforded widely used medicines, including Prilosec and Paxil, an indefinite period of exclusivity;

Whereas Prilosec and Paxil were among the 50 medicines seniors used most in 2001;

Whereas the Senate has passed S. 812, which amends Public Law 98–417 to restore constitutionally mandated limitation on medical inventions;

Whereas the House has not considered Legislation to amend Public Law 98-417 to restore constitutionally mandated limitations in medical inventions;

Whereas it is the obligation of the House to consider such legislation in keeping with its constitutionally mandated obligations to secure for Limited Times to Authors and inventors the right to their Writings and Inventions;

Whereas the failure of the House to restore limitations on the exclusivity afforded to the inventors of prescription drugs, if not remedied, will cost consumers and other purchasers $60 billion over the next ten years, according to the Congressional Budget Office;

Whereas the failure of the House to restore limitations on the exclusivity afforded to the inventors of prescription drugs, if not remedied, will leave more seniors and other Americans without access to needed medicines;

Resolved, that it its the sense of the House of Representatives that the House should consider pending legislation to amend Public Law 98–417 to restore constitutionally mandated limitations on medical inventions on behalf of American consumers, including seniors, American businesses, and tax-funded federal and state health insurance programs.

The SPEAKER pro tempore. Under rule IX, a resolution offered from the floor by a Member other than the majority leader or the minority leader as a question of the privileges of the House has immediate precedence only at a time designated by the Chair within 2 legislative days after the resolution is properly noticed.

Pending that designation, the form of the resolution noticed by the gentleman from Ohio will appear in the RECORD at this point.

The Chair will not at this point determine whether the resolution constitutes a question of privilege. That determination will be made at the time designated for consideration of the resolution.

Mr. BROWN of Ohio. Mr. Speaker, I ask to be heard at the appropriate time on the question of whether this resolution constitutes a question of privilege.

The SPEAKER pro tempore. That time will be designated.

CONGRATULATING OAKLAND ATHLETICS FOR SETTING MAJOR LEAGUE BASEBALL RECORD FOR LONGEST WINNING STREAK

Mr. SULLIVAN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 530) congratulating the players, management, staff, and fans of the Oakland Athletics organization for setting the Major League Baseball record for the longest winning streak by an American League baseball team.

The Clerk read as follows:

H. RES. 530

Whereas on September 4, 2002, the Oakland Athletics set the Major League Baseball record for the longest winning streak by an American League baseball team by winning 20 consecutive games;

Whereas before September 4, 2002, the record for the longest winning streak by an American League baseball team had stood for 55 years;

Whereas the only other 2 American League baseball teams to win 19 consecutive games were the 1947 New York Yankees and the 1906 Chicago White Sox;

Whereas only 2 Major League Baseball teams have won 20 or more consecutive games—this year's Oakland Athletics with 20 consecutive wins and the 1935 Chicago Cubs with 21 consecutive wins;

Whereas the team also set a record for the Oakland Athletics by winning 24 games during the month of August;

Whereas during their winning streak the Oakland Athletics outscored their opponents 141 to 65 and trailed their opponents during only 10 innings of the 180 innings of the streak;

Whereas the starting pitchers of the Oakland Athletics—Barry Zito, Tim Hudson, Mark Mulder, and Cory Lidle—pitched into the seventh inning in all but 6 of the games won as part of the streak and were credited with 15 of the 20 consecutive wins;

Whereas shortstop Miguel Tejada and first baseman Scott Hatteberg each hit walk-off hits or home runs during the streak;

Whereas the Oakland Athletics were 4½ games out of first place in the Western Division of the American League and 2½ games out of the lead for the American League wild card at the beginning of the streak, and ended the streak with a 2 game lead in the division;

Whereas the Oakland Athletics accomplished this feat with the help of wise decisions by Manager Art Howe and General Manager Billy Beane; and

Whereas the Oakland Athletics had to sweep some formidable opponents in order to achieve this record, including the leader of the Central Division of the American League, the Minnesota Twins: Now, therefore, be it

Resolved, That the House of Representatives congratulates the players, management, staff, and fans of the Oakland Athletics organization for setting the Major League Baseball record for the longest winning streak by an American League baseball team.

The SPEAKER pro tempore (Mr. SHIMKUS). Pursuant to the rule, the gentleman from Oklahoma (Mr. SULLIVAN) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Oklahoma (Mr. SULLIVAN).

GENERAL LEAVE

Mr. SULLIVAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Res. 530.

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

There was no objection.

Mr. SULLIVAN. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I am pleased to have the House consider House Resolution 530, legislation introduced by my distinguished colleague from California (Mr. OSE). This resolution congratulates the players, management, staff and fans of the Oakland Athletics organization for setting the Major League Baseball record for the longest winning streak by an American League baseball team.

The Athletics, or A's as they are affectionately known, won 20 straight games earlier this season en route to winning their second American League West Division championship in the last three seasons.

During their remarkable streak, the A's outscored their opponents 141 to 62. The A's were defeated 2 to 1 on August 12 by the Toronto Blue Jays and did not lose until September 6 against the Minnesota Twins.

After the game that ended the improbable streak, Twins third baseman Corey Koskie said, ''To win 20 games in a row, I don't know too many high school teams that do that. To do that at the major league level is an amazing feat.''

Mr. Speaker, manager Art Howe and the Oakland Athletics have enjoyed a wonderful season, winning 103 games and qualifying for the playoffs, highlighted by their phenomenal 20-game winning streak.

I ask that all Members honor the efforts of the Oakland Athletics this season by supporting the adoption of House Resolution 530.

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

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, on the evening of Wednesday, September 4, the Oakland

Athletics made baseball history by becoming the first American League team to win 20 consecutive games.

With a 12–11 victory over the Royals before a record crowd at Network Associates Coliseum of 55,528 fans, the A's passed the 1947 Yankees and the 1906 White Sox for the longest-running streak in American League history.

The game had plenty of drama and made-for-television episodes. The A's jumped out to an 11–0 lead after 3 innings, but ended up getting caught with 11 unanswered runs. The game was tied when the A's pulled off a game-winning homer in the bottom of the ninth.

The Oakland A's accomplished this feat by beating many formidable opponents, and I, too, want to congratulate the team for earning its place in the baseball record book, and I would urge adoption of this resolution.

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

Mr. SULLIVAN. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. OSE).

Mr. OSE. Mr. Speaker, I thank the gentleman from Oklahoma for yielding me the time.

Mr. Speaker, it is October 1, and every October 1 every American wakes up and realizes that it is playoff time. Today we across the country and in the cities fortunate to enough to have teams still participating, those playoffs started.

In the National League, the defending world champion Arizona Diamondbacks face off against the St. Louis Cardinals while the San Francisco Giants challenge the Atlanta Braves. Over in the American league, the Yankees face the Anaheim Angels, and the Oakland A's take on the Minnesota Twins.

It is only appropriate that we take this opportunity at the end of the season to look back at the season and at an amazing record by those amazing A's.

The truly historic part of this past season is what we are here to honor today, and that is the record 20-game winning streak of the Oakland A's. When the A's took the field on August 14, they were 4½ games back in the American League West division standings. They were 2½ games out in the wild card race, and they got hot. They did not just get hot, Mr. Speaker, they started to cook.

Left-handed pitcher Barry Zito took the mound that night and, as he has for much of the Athletics' season, set the tone for what was to come. Zito led the A's to a narrow 5-to-4 victory, and he started something truly amazing.

The A's won their next 19 games in a row. They had a second victory against Toronto.

They took three against the White Sox where shortstop Miguel Tejada got his 100th RBI of the season.

They took four against the Cleveland Indians, including pitcher Corey Lidle's one-hit shutout.

They took three against Detroit where even Mother Nature, Mother Nature, conspired to try to stop them, but where the A's returned from a 2-hour rain delay to keep on winning.

They won three against Kansas City, took all three, and Zito led them to their 10th straight road victory.

At that point, they took three more against Minnesota where Tejada went yard off the almost unhittable Twins closer Eddie Guardado and kept the streak alive.

Then two more against the Royals where Tejada and first baseman Scott Hatteberg led the A's back in the late innings with game-winning hitting, but as everything must, this came to an end.

Finally, Twins pitcher Brad Radke stopped the seemingly unstoppable A's, and that is what makes today's game, incidentally between the A's and the Twins, round 1 in the American League West playoffs. That is all much more exciting. Guess who is pitching for the Twins today? It is Brad Radke, and I just want to bring my colleagues up to date.

It is the third inning, and the A's are up 5 to 3.

□ 1730

The 20 games the A's won is the longest winning streak in American League history. In the past 55 years, no team had even won 19 in a row. In fact, the only two American League teams to win 19 straight were the 1947 Yankees and the 1906 Chicago White Sox. In fact, only one other Major League Baseball team has ever won 20 in a row and that is the '35 Chicago Cubs who won 21 consecutive games.

Baseball is a game of statistics. Think about this. This is truly amazing. Every year every major league team has 142 opportunities to create a 20-game win streak; yet for 55 years, 55 years, this is 2002, so that would have been back to just after the end of World War II, for 55 years no team has accomplished what the A's did this year. Right in the face of a heated pennant race, they kept at it.

Let us look at some of their numbers. During this winning streak, the A's outscored their opponents 141 to 65 and trailed their opponents during only 10 innings of the 180 innings of the streak. Their starting pitchers, Zito, Tim Hudson, Mark Mulder, and Corey Lidle, pitched into the seventh inning in all but six of the 20 games won and were credited with 15 of the 20 wins; and even when they did trail, as we all would hope, they fought back.

I mentioned that Tejada and Hatteberg each had walk-off hits contributing to victories, game-ending rallies. This is a team that was trailing the Seattle Mariners and the Anaheim Angels when August began, and they came back to win the division. It was a great run.

Mr. Speaker, as in everything we do in this country, this 20-game winning streak took true teamwork. Defense, baseball is defense, baseball is pitching, baseball is offense, baseball is scouting. Credit not only goes to the players, but to the entire A's organization. I join with my colleagues in congratulating owners Steve Schott and Ken Hoffman; Billy Beane, who used to play himself; manager Art Howe, who used to play for Houston; and the other members of staff who contributed to building this record-setting team. They put this remarkable squad together despite losing many team leaders to free agency and with one of the smallest budgets of the league. Despite these challenges, they not only set records, the A's finished the season with a better record this year than last. In Sacramento, home of the A's AAA affiliate, the Sacramento River Cats, we watch many of the young men hope to make it to the big leagues with Oakland. It is truly a great pleasure to see them move up and move into the majors and make such an impact.

I look forward to seeing more great baseball as the playoffs begin today, but in my mind 2002 will always be the year of the Oakland streak.

I would like to thank my colleagues for their support of this resolution, especially my cosponsors, the gentlewoman from California (Ms. LEE), the gentleman from California (Mr. POMBO), the gentleman from California (Mr. CALVERT), the gentleman from California (Mr. HERGER), the gentleman from California (Mr. MATSUI), the gentlewoman from California (Mrs. NAPOLITANO), the gentleman from California (Mr. RADANOVICH), the gentleman from California (Mr. SHERMAN), the gentleman from California (Mr. STARK), the gentlewoman from California (Mrs. TAUSCHER), the gentleman from California (Mr. THOMAS), the gentleman from California (Mr. THOMPSON), the gentleman from California (Mr. MCKEON), and the gentleman from California (Mr. BACA).

Mr. Speaker, it is still 5 to 3. The A's are winning. The streak is alive.

Mr. DAVIS of Illinois. Mr. Speaker, I yield such time as she may consume to the gentlewoman from California (Ms. LEE). I do not know if she has had a 20 and 0 record, but I know that she has won many victories for the people of Oakland and for people all over the country.

Ms. LEE. Mr. Speaker, first I want to thank the gentleman from Illinois (Mr. DAVIS), the very distinguished member of the Committee on Government Reform, for yielding me this time and for his leadership on so many issues that we are tackling here in this House.

Also I want to thank the gentleman from California (Mr. OSE) for his efforts in bringing this resolution to commend my hometown team of the Oakland A's to the floor today.

This is a bipartisan effort; and, Mr. Speaker, as a Democratic sponsor of this resolution, I rise today to congratulate the amazing Oakland A's, the players, the management, and the staff, for setting the Major League

Baseball record for the longest winning streak by an American League baseball team.

On September 4, 2002, the Oakland A's set the major league record for the longest winning streak by an American League baseball team by winning 20 consecutive games. Prior to this accomplishment, the record for longest winning streak by an American League baseball team had stood for 55 years. Only two major league baseball teams have won 20 or more consecutive games, this year's Oakland Athletics with 20 consecutive wins, and, it is my understanding, the 1935 Chicago Cubs with 21 consecutive wins.

During the winning streak, the Athletics outscored their opponents 141 to 65 and trailed their opponents in only 10 of the 180 innings of the streak. The key to any successful baseball team is of course its pitching staff. During the streak and for the duration of the season, Oakland's pitchers have been nothing short of spectacular. During the streak, Cy Young hopeful Barry Zito, Tim Hudson, Mark Mulder, and Corey Lidle pitched into the seventh inning in all six of the games, won as a part of the streak, and were credited with 15 of the 20 consecutive wins.

The phenomenal success of the Oakland Athletics can also be attributed to the team's clutch hitting. While the A's have a different hero really every night, Miguel Tejada's emerging superstardom and really uncanny knack for late-game heroics has led the A's and truly energized the fans. The A's began the streak four and a half games out of first place in the Western Division of the American League and just concluded the regular session four games ahead of second place Anaheim. Remarkably, the A's accomplishments and continued success has come with the third-lowest payroll in the major leagues. Who said that low-budget teams cannot compete and really win?

The success of the A's can also be attributed to the managerial skills of Art Howe and the unique ability of general manager Billy Beane to build a perennial contender with a very limited budget.

The winning streak and success of the Oakland A's has brought together people from all walks of life and has really brought a new-found excitement to Oakland fans and the community. The accomplishments of the Oakland Athletics organization really extend far beyond their 20-game winning streak or their American League West title. For example, the Oakland A's community fund supports charitable organizations in their efforts to improve educational programs, aid to the underprivileged. They assist in crime and drug prevention and service to children, service to our senior citizens and those who work to improve the quality of life for people throughout the Bay Area.

On September 15, another example, the Oakland Athletics organization hosted their fourth annual Breast Cancer Awareness Day and raised over $100,000 for the cause. The athletic scholarship programs, disaster support fund, Little A's, and A's Amigos are just a few examples of how the athletics organization is really truly involved in our entire community. The accomplishments and contributions of the Oakland Athletics organization both on and off the field are worthy of recognition. So today I would like to congratulate the A's and its fans on a truly remarkable record-breaking regular session.

Mr. Speaker, does the gentleman from California (Mr. OSE) know are we still in the third inning with the A's up?

Mr. OSE. Mr. Speaker, will the gentlewoman yield?

Ms. LEE. I yield to the gentleman from California.

Mr. OSE. Mr. Speaker, I do not know. My last report is 3 to 5 A's. Go A's.

Ms. LEE. The fans are rooting and cheering them on to win their real first post-season game. I know that I am not alone in wishing the amazing A's the very best in their race for the pennant. Mr. Speaker, I want to thank the gentleman from California (Mr. OSE) and the gentleman from Illinois (Mr. DAVIS) for yielding me the time.

Mr. SULLIVAN. Mr. Speaker, I have no further speakers, and I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I have no further speakers, and I am pleased and delighted that Oakland has had such a great run. It is also great to know that Chicago teams, although quite aways back, 1905 and 1936, at least we were there at that time; but I certainly congratulate Oakland fans, the team, its management.

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

Mr. SULLIVAN. Mr. Speaker, I thank my distinguished colleague from California for bringing this resolution to the floor. We congratulate the Oakland Athletics for the terrific 2002 season highlighted by their 20-game winning streak. I urge all Members to support this resolution.

Mr. POMBO. Mr. Speaker, growing up in Tracy, California, I have been a fan of the Oakland Athletics ever since they first came to Oakland in 1968. I was 7 years old at the time.

I remember their World Series Championship three-peat teams from 1972, 1973 and 1974, which featured players like Vida Blue, Bert Campaneris, Rollie Fingers, Jim ''Catfish'' Hunter, Joe Rudi and a young ''Mr. October,'' Reggie Jackson. Being from the northern part of California's Central Valley, just over the Altamont Pass, the fact that their 1974 World Series Championship came by defeating the Los Angeles Dodgers made the victory even sweeter.

And what baseball fan can forget the 1989 World Series, the ''Bay Bridge Series'' between Oakland and the San Francisco Giants? A great Oakland team, led by Jose Canseco, Dennis Eckersley, Rickey Henderson, Mark McGwire, and Dave Stewart prevailed in that series, but it was an earthquake that registered 7.1 on the Richter Scale, and the area uniting in response to the emergency situation, that we remember best.

Today, Mr. Chairman, as the Major League Baseball postseason begins, I am proud that the House of Representatives is taking a moment to recognize the latest accomplishment by the Oakland A's, their amazing 20 game-winning streak. And I am proud to be an original cosponsor of this resolution honoring this great team.

Mr. Chairman, winning 20 games in a row is no fluke. It takes a sustained effort both by the pitching staff and batting line up to win 20 in a row. I'm proud to say that the fearsome Oakland starting pitching staff, Barry Zito, Tim Hudson, Mark Mulder and Corey Lidle won 15 of the 20 games in the streak.

At the plate, the A's showed a never say die attitude, with shortstop Miguel Tejada and first baseman Scott Hatterberg each hitting an RBI at the final at bat of the game, winning the game and keeping the streak alive. This streak is the longest in American League history, second only to the 1935 Chicago Cubs' 21 game-winning streak. As we enter baseball's post season, the 20 game-winning streak serves notice to the other teams in the playoffs that the Oakland A's are a team to be reckoned with.

I congratulate Manager Art Howe, General Manager Billy Beane and the entire Oakland Athletics organization.

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

The SPEAKER pro tempore (Mr. SHIMKUS). The question is on the motion offered by the gentleman from Oklahoma (Mr. SULLIVAN) that the House suspend the rules and agree to the resolution, H. Res. 530.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

HONORING JOHNNY UNITAS AND EXTENDING CONDOLENCES TO HIS FAMILY ON HIS PASSING

Mr. SULLIVAN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 538), honoring Johnny Unitas and extending condolences to his family on his passing.

The Clerk read as follows:

H. RES. 538

Whereas, as a member of the Baltimore Colts, Johnny Unitas' leadership and passing skills helped change the game of football;

Whereas throughout his life, Unitas defined humility, grace, and determination;

Whereas in 1955 Unitas played for the love of the sport of football, earning just $6 per game as a player in the Greater Pittsburgh Football League;

Whereas Unitas led the Baltimore Colts over the New York Giants for the 1958 NFL championship in what came to be known as ''The Greatest Game Ever Played'' and quarterbacked the Colts to a 2nd consecutive title in 1959;

Whereas Unitas threw a touchdown pass in the Colts victory over the Dallas Cowboys in Super Bowl V;

Whereas when Unitas retired from the NFL in 1974, he held 22 NFL records, including the record of 47 consecutive games with a touchdown pass;

Whereas Unitas was named Player of the Year in 1959, 1964, and 1967, and played in 10 Pro Bowls;

Whereas Unitas completed 2,830 of 5,186 passes for 40,239 yards and 290 touchdowns during his career;

Whereas Unitas was elected to the Pro Football Hall of Fame in 1979;

Whereas Unitas was named the ''Greatest Player in the First 50 Years of Pro Football'', and named to the NFL's 75th Anniversary Team;

Whereas throughout his career Unitas played for the love of the game, his city, and its fans;

Whereas Unitas established the Johnny Unitas Golden Arm Educational Foundation, supported cystic fibrosis research, and with his wife Sandra, sought to assist victims of sexual assault and domestic violence; and

Whereas Unitas' compassion and sense of charity gave hope to those in need in Baltimore and throughout the Nation: Now, therefore, be it

Resolved, That the House of Representatives—

(1) celebrates the remarkable life of Johnny Unitas and his indelible impression on the City of Baltimore;

(2) honors him for his leadership, sportsmanship, and outstanding achievements on the football field;

(3) recognizes his remarkable spirit and tireless work to improve the lives of those in need; and

(4) extends its heartfelt condolences to the family of Johnny Unitas on his passing.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Oklahoma (Mr. SULLIVAN) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Oklahoma (Mr. SULLIVAN).

GENERAL LEAVE

Mr. SULLIVAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Resolution 538.

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

There was no objection.

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

Mr. Speaker, I am pleased to have the House consider House Resolution 538, important legislation introduced by my distinguished colleague, the gentleman from Maryland (Mr. EHRLICH). This resolution celebrates the life and achievements of the greatest quarterback who ever lived, Johnny Unitas.

Johnny Unitas passed away suddenly last month at the age of 69. He may be gone but his greatness on the football field will never be forgotten. Unitas played 17 seasons for the Baltimore Colts. He led the Colts to three NFL championships and held nearly every NFL passing record at the time of his retirement in 1973. He was the first quarterback to throw over 40,000 yards in a career and holds the record for throwing a touchdown pass in an incredible 47 consecutive games, nearly a 4-year span of games. But numbers alone do not adequately tell the story of his greatness on the football field.

Considered the ultimate team leader, Unitas is credited with inventing the 2-minute drill, leading the Colts to many victories in the final seconds of the game. His most famous game-winning drive came in 1958 when he led the Colts on an 80-yard drive in a sudden death overtime to beat the Giants for the NFL championship. To this day the 1958 championship game is known as the greatest game ever played. His composure and courage on the field were legendary. Former teammate John Mackey, himself a Hall of Famer and considered by many the best tight end to have played, once said of Unitas, ''It's like being in the huddle with God.''

Unitas led by example. On a Colts team full of tough, gritty players, former teammate and fellow Hall of Famer Art Donovan was asked who he considered to be the toughest of all. Without hesitation Donovan said ''Unitas, because he took the punishment. And never said a word about it.''

After his football career ended in 1973, Unitas made Baltimore his home. The city loved and admired Unitas not only for his toughness and ability on the field but for his humanity. Even though he was revered by millions, he was a humble and gracious man. At his funeral mass in Baltimore, his youngest daughter, Paige, spoke of her father's tenderness. When she once grew impatient with fans seeking his autograph, Unitas told her, ''It takes so little to make people smile.'' He was untiring in his work for charity, including supporting research for leukemia, cystic fibrosis, and prostate cancer. Also, he formed the Johnny Unitas Golden Arm Educational Foundation to provide financial assistance to underprivileged and deserving young scholar-athletes.

Johnny Unitas may have left us too soon, but his legend will live on. The sight of a hunched-over Johnny U., No. 19, slowly walking off the field at Baltimore's Memorial Stadium in his black high-topped shoes after throwing a touchdown pass will be etched in the memories of football fans for years to come. We offer condolences to Unitas's family and celebrate the life of the greatest quarterback who ever played the game, Johnny Unitas. Mr. Speaker, I ask all Members to support this resolution.

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

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I might consume.

National Football League Commissioner Paul Tagliabue said, ''Unitas epitomized football, the enduring values of toughness and competition, and he epitomized this community and America.''

□ 1745

Johnny Unitas, the Hall of Fame quarterback who broke nearly every National Football League passing record and won three championships with the Baltimore Colts in an 18-year career, died of a heart attack in Baltimore on September 11.

Born in Pittsburgh, Pennsylvania, in 1933, Johnny Unitas was raised in a working-class family during the Depression. His father, a coal delivery man, died when he was 5, and his mother worked two jobs to raise four kids.

Inducted into the Pro Football Hall of Fame in Canton, Ohio, in 1979, Unitas retired after the 1973 season with 22 National Football League records, among them marks for the most passes attempted and completed, most yards gained passing, most touchdown passes, and most seasons leading the league in touchdown passes.

Unitas was voted the Most Valuable Player in 1964 and in 1967, and played in 10 Pro Bowls. He led Baltimore to the National Football League championship in 1958, 1959, and the Super Bowl in 1970. He was named the Greatest Player in the First 50 Years of Pro Football, and was named to the National Football League's 75th anniversary team.

This long list of accomplishments stems from a player who hitchhiked home from his first National Football League training camp after the Pittsburgh Steelers cut him in 1955. He spent that season playing semipro football on rock-and-glass covered fields in Pittsburgh for $6 a game and working as a pile driver at a construction site.

At his induction in the Pro Football Hall of Fame, Unitas said, ''A man never gets this station in life without being helped, aided, shoved, pushed and prodded to do better. I want to be honest with you: the players I played with and the coaches I had, they are directly responsible for my being here. I want you all to remember that. I always will.''

Those who helped, aided, shoved, pushed and prodded him to do better, the players he played with and the coaches, as well as those who simply enjoyed watching him play the game of football, will always remember him and his contributions to the sport. His comments epitomize the career of Johnny Unitas, who was always giving credit to others for helping to make him the star that he was.

Mr. Speaker, I urge Members to support this resolution.

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

Mr. SULLIVAN. Mr. Speaker, I yield 3 minutes to the gentleman from Maryland (Mr. EHRLICH).

Mr. EHRLICH. Mr. Speaker, we have heard about the numbers, about the greatest game ever played; and I just spoke with the gentleman from Maryland (Mr. CARDIN) about what a sad day it was at the funeral.

But I have a quick story about my friend and constituent. A couple years ago, Johnny Unitas was doing an event for me and the Q&A time came. The question was, ''Mr. Unitas, if you were playing today, how much money would you be making?''

The gentleman from Nebraska (Mr. OSBORNE) will appreciate this. Johnny thought for a second and said, ''About 3 million bucks.''

There was a murmur in the crowd, and they were all thinking 3 million bucks for Johnny U, and that players get $100 million contracts these days and so the questioner said, ''Aren't you really underselling yourself, the greatest quarterback who ever played?''

Johnny thought for a second and said, ''Well, I am 66 years old.''

Mr. Speaker, I have told that story a lot because it says all one needs to know about my friend and my constituent. And as Kendall Ehrlich, my wife, always likes to say, the coolest celebrity she has ever met because Johnny U. will always be the coolest celebrity one could ever meet because he was an ordinary person who was able to achieve extraordinary things on the football field and he never took himself too seriously. He always had time for whomever wanted an autograph or needed help, the charity of the day, the week, the month or of the year in Baltimore, the State of Maryland, or in the United States of America.

That was our Johnny U. I will miss him. The people of Baltimore, the State of Maryland, United States of America, sports fans around the world will miss No. 19.

Mr. DAVIS of Illinois. Mr. Speaker, I yield such time as he may consume to the gentleman from Maryland (Mr. CARDIN).

Mr. CARDIN. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, let me pay my respects to Johnny Unitas, what he meant as an individual and what he meant to our community. I agree with the gentleman from Maryland (Mr. EHRLICH) and his comments. I feel very privileged because I had the opportunity to witness Johnny play at just about every one of his home football games in Baltimore.

During the NFL's 50th anniversary, he was voted the Greatest Quarterback of All Times, and clearly he was the greatest quarterback of all times on the field. He established just about every record during his time, and currently holds the record for throwing a touchdown pass in the most consecutive games, a record that is not likely to be challenged for a long time to come.

But that is just half the story about Johnny Unitas. Members know him as a great athlete, a person during the time of football when the quarterback really controlled the game, called the plays, was responsible for the leadership of the team. Johnny Unitas represented the best that there was in that regard. He is responsible for getting the American public interested in the game of football. He probably is responsible for a lot of the high salaries today because of the interest on television for football today.

But the other story is Johnny Unitas the individual, off the field. I feel privileged not only to have witnessed him as a great athlete on the field, but to see how he worked within our community. He was always there to help our community. Baltimore was his adopted home. He came to us through other towns, but Baltimore is where he lived his life and where he gave back so much to the community. He was responsible for a lot of charitable activities. He always worked with young people and never turned down a request for an autograph, not because he was honored to be asked to give an autograph, but because he did not want to disappoint anybody. That was the type of life he lived. He was a great individual.

He will always be remembered as the person who led Baltimore to championships, the person who always was on the sidelines during all of our games. His number 19, of course, is known by all; but he is clearly number one in the hearts of all of the people of the Nation. I thank the gentleman for bringing this resolution before us.

Mr. SULLIVAN. Mr. Speaker, I yield 3 minutes to the gentleman from Nebraska (Mr. OSBORNE).

Mr. OSBORNE. Mr. Speaker, I rise in support of H. Res. 538. I was fortunate enough to play in several games against Johnny Unitas, I guess maybe a better word is ''unfortunate'' because Johnny's team always came out on top.

One time we played in Baltimore, and they had a white horse that ran around the field every time Baltimore scored. On that day we almost killed the horse because the horse ran around the field 15 to 20 times. Johnny was sharp that day, and we were not very good.

Johnny had a quick release, excellent skills, arm strength and accuracy. But as many Members have mentioned, probably his greatest attribute was physical toughness because at the time Johnny played, we did not have the rules protecting the quarterback that we have today. Today players can hardly touch a NFL quarterback, but Johnny took a licking for 18 years, and he always got up. I was impressed by his leadership and his physical toughness.

He did not have early NFL success. As was mentioned, he was cut by the first team he tried out for. He played semipro football for $6 a game, a tough league. Many Members have mentioned the 1958 championship game against the Giants, which the Colts won 23 to 17. That was a landmark game. I remember watching that game that day. That was the game that caught people's attention. That was the game that launched the National Football League as it is today.

Johnny played at a unique time. The top players were paid $10,000 a year. When compared to today's salaries, just imagine the difference. Most players at that time worked in the off season to make ends meet. He had no agent. He had great loyalty to his team and community. He did not bounce around for the best deal. He stayed most all of his career in one place.

When he played, there were 36 players on a team. Today there are 53, so every one of those 36 players had to contribute. At that time there were about one dozen NFL teams. Today there are roughly 30.

I think today's NFL teams and players owe a lot to Johnny Unitas and others like him who played at that time. He was a great humanitarian and a great human being. Much has been said about his 22 NFL passing records, his three NFL MVPs, his 18 years with one team; but probably the greatest credit to Johnny was the fact that he was named the greatest NFL player in the first 50 years of the league. Of course, that takes in a lot of great players. I urge support of this resolution and again would like to offer my condolences to the family and in support of Johnny and all that he represents.

Mr. DAVIS of Illinois. Mr. Speaker, I do not have any additional requests for time, and I yield back the balance of my time.

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

Mr. Speaker, I thank the gentleman from Maryland for bringing this resolution to the floor and giving this House the opportunity to express its admiration for this extraordinary athlete and extraordinary man.

We extend our condolences to the Unitas family on the death of Johnny Unitas. To us, he was the greatest quarterback to ever play the game of football, a man whose toughness and compassion embodied the spirit of Baltimore and whose talent on the gridiron made him a legend in his own time.

But he was much more. They know him as a husband and father and had the opportunity to share in his extraordinary life.

We can only hope that the outpouring of admiration from the many people who were touched in some way by Johnny Unitas will provide a comfort to them in the days ahead. I urge all Members to support this resolution.

Mrs. MORELLA. Mr. Speaker, I rise in favor of H. Res. 538 honoring Johnny Unitas and extending condolences to his family on his passing. I thank my Maryland colleague and friend Congressman EHRLICH for introducing this legislation.

Johnny Unitas set 22 NFL records, went to 10 pro bowls, was player of the year 3 times, and was named Pro Football's Greatest Player in the first 50 years. But interestingly, all this came from an inauspicious beginning.

Notre Dame didn't want him because he was thought to be too small. Others didn't think he had the smarts to play quarterback. The Pittsburgh Steelers drafted and promptly cut him. Later, with the Baltimore Colts, Johnny Unitas was put in for their injured starter, and his pass was intercepted. On the next two possessions, he fumbled. Since the other Colts backup quarterback had decided to go to law school, Unitas started the next game. Unitas and the Colts beat the Green Bay Packers; then they beat the Cleveland Browns; and so began Johnny Unitas's ascendance. Later that very season, he began

his string of 47 consecutive games with a touchdown pass. That record is still unrivaled to this day. And no one has even come close.

He typified an athletic style that at times seems of a bygone era. He was famously hard-working, had a self-effacing manner, and was public spirited with an uncanny devotion to his adopted city and fans. With his modest style, it was said that one couldn't tell from the way Johnny Unitas walked off a football field whether he'd thrown a touchdown or an interception. In fact, the photo of him taken moments after he threw the game-winning overtime touchdown in the 1958 NFL Championship—in what is known as the Greatest Game Ever Played—shows Johnny Unitas, head bent, walking toward the Colts bench as if nothing much had happened.

His skills, warmth, charities, and remarkable life have touched people far beyond the gridiron. During his funeral, a small plane pulled the same banner that flew above Memorial Stadium on his last game in Baltimore. It read: ''Unitas We Stand.''

He played for the love of the game, his city, and its fans. He was Baltimore. Our prayers are with the Unitas family. We all miss you, Johnny U.

Mr. CUMMINGS. Mr. Speaker, I rise today to honor the life of Johnny Unitas—a great football player, a great Baltimorean, and a great human being. Johnny Unitas epitomized all that is right about sports, and he put Baltimore on the map with his dazzling skill and workmanlike attitude.

Johnny Unitas hitchhiked home from his first training camp in 1955, cut from the Pittsburgh Steelers. He spent that year playing semipro ball for $6 a game, and working at a construction site nearby to make ends meet. The rest, as they say, is history.

The Baltimore Colts signed Unitas the next year. He retired after the 1973 season, setting 22 NFL records, including the most passes attempted and completed, most yards gained passing, most touchdown passes and most seasons leading the league in TD passes.

Unitas completed 2,830 of 5,186 passes for 40,239 yards and 290 touchdowns. He completed at least one touchdown pass in 47 straight games, a record not challenged since it was set from 1956–60.

Johnny Unitas was the Most Valuable Player in 1964 and 1967 and played in 10 Pro Bowls. He led Baltimore to the NFL championship in 1958 and 1959 and the Super Bowl in 1970. On the NFL's 50th anniversary in 1969, Unitas was voted the greatest quarterback of all time. He also was selected at quarterback for the NFL's All-Time team in 2000 by the 36 Pro Football Hall of Fame voters.

To many, including myself, Johnny Unitas was the greatest quarterback to play the game. He left an indelible mark on football, Baltimore, and this nation.

Johnny never strayed far from the game. After his retirement in 1973, he was a fixture in the Baltimore football scene that he made famous, watching the Baltimore Colts move to Indianapolis and the Ravens take their place.

Johnny was famous for saying, ''Talk is cheap. Let's go play.'' I believe this is advice we could all afford to heed.

On September 11, at the age of 69, Johnny Unitas suffered a heart attack and passed away.

I extend my condolences to the family of Johnny Unitas, to his fans, and to all those people he touched. He will be missed.

Mr. SULLIVAN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SHIMKUS). The question is on the motion offered by the gentleman from Oklahoma (Mr. SULLIVAN) that the House suspend the rules and agree to the resolution, H. Res. 538.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. SULLIVAN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

FEDERAL-UTAH STATE TRUST LANDS CONSOLIDATION ACT

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4968) to provide for the exchange of certain lands in Utah, as amended.

The Clerk read as follows:

H.R. 4968

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Federal-Utah State Trust Lands Consolidation Act''.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds the following:

(1) The San Rafael Swell in Utah is a 900-square mile, wild and beautiful region west of the Green River. The San Rafael Swell is dominated by the jagged, uplifted San Rafael Reef, which has nearly two dozen major canyons and many side draws and box canyons. The San Rafael Swell towers above the desert like a wilderness castle, ringed by 1,000-foot ramparts of Navajo sandstone. Its highlands have been fractured by uplift and scooped hollow by erosion over countless millennia, leaving a tremendous basin punctuated by mesas, buttes, and canyons and traversed by sediment-laden desert streams.

(2) The San Rafael Swell region was one of the country's last frontiers and possesses important natural, historical, and cultural resources, including exceptional backcountry recreation opportunities, productive habitat for Desert Bighorn Sheep, important historical sites, including sections of the Old Spanish Trail and the Outlaw Trail, significant paleontological resources, and multiple wilderness study areas created pursuant to section 603 of the Federal Lands Policy and Management Act of 1976, or otherwise identified by local government and conservation interests as having significant conservation values. The beautiful rural landscapes, historic and cultural landscapes, and spectacular scenic vistas of the San Rafael Swell region contain significant undeveloped recreational opportunities for people throughout the United States.

(3) The State of Utah owns approximately 102,871 acres of land located in the San Rafael Swell region and administered by the Utah School and Institutional Trust Lands Administration. These lands were granted by the Congress to the State of Utah pursuant to the Utah Enabling Act of 1894 (chapter 138; 23 Stat. 107), to be held in trust for the benefit of the State's public school system and other public institutions. The lands are largely scattered in checkerboard fashion amidst the Federal lands comprising the remainder of the San Rafael Swell area.

(4) Development of surface and mineral resources on State trust lands within the San Rafael Swell area, or the sale of such lands into private ownership, could be incompatible with management of such lands for nonimpairment of their wilderness characteristics pursuant to section 603(c) of the Federal Land Policy and Management Act of 1976, with future congressional designation of the lands as wilderness, or with future designation of such lands as a national monument, national heritage area, or other conservation designation.

(5) The State of Utah also owns 3,533 acres of land within or directly adjacent to the Manti-La Sal National Forest in Grand and Emery Counties, Utah, and 6,411 acres of land within the Red Cliffs Desert Reserve, a conservation reserve established in 1995 by the United States and Washington County, Utah, to implement a multiple-species habitat conservation plan approved by the Fish and Wildlife Service under section 10(a) of the Endangered Species Act of 1973. The Reserve contains the highest density of critical habitat for the Mojave desert tortoise, a threatened species, in the United States. These State trust lands are also administered by the Utah School and Institutional Trust Lands Administration, but the use of such lands by the State is limited because of the conservation designations of surrounding Federal lands.

(6) The United States owns lands and interests in lands elsewhere in Utah that can be transferred to the State of Utah in exchange for the San Rafael Swell inholdings, the Manti-La Sal forest lands, and the Red Cliffs Desert Reserve lands without jeopardizing Federal management objectives or needs.

(7) The large presence of State trust land inholdings in the San Rafael Swell region, the Manti-La Sal National Forest, and the Red Cliffs Desert Reserve makes land and resource management in these areas difficult, costly, and controversial for both the State of Utah and the United States.

(8) It is in the public interest to reach agreement on exchange of such inholdings, on terms fair to both the State of Utah and the United States. Such an agreement, subject to ratification by Congress and consent by the Utah legislature, would save much time and delay in meeting the legitimate expectations of the State school and institutional trusts, in simplifying management of Federal lands, and in avoiding the significant time and expense associated with administrative land exchanges.

(9) The State of Utah and the United States have reached an agreement under which the State would exchange certain State trust lands within the San Rafael Swell region, the Manti-La Sal National Forest, and the Red Cliffs Desert Reserve for various Federal lands outside of those areas but in the same region of Utah.

(10) The parties agreed at the outset of negotiations to avoid identifying Federal assets for conveyance to the State where any of the following was known to exist or likely to be an issue as a result of foreseeable future uses of the lands:

(A) Wilderness study areas.

(B) Areas proposed for wilderness designation in pending Federal legislation.

(C) Significant endangered species habitat.

(D) Significant archaeological resources.

(E) Areas of critical environmental concern.

(F) Other lands known to raise significant environmental concerns of any kind.

(11) Because the State trust lands to be acquired by the Federal Government include

properties within some of the most spectacular wild areas in the western United States, and because a mission of the Utah School and Institutional Trust Lands Administration is to produce economic benefits for Utah's public schools and other beneficiary institutions, the exchange of lands called for in this agreement will resolve longstanding environmental conflicts with respect to existing and proposed wilderness study areas, place important natural lands into public ownership, and further the interests of the State trust lands, the school children of Utah, and these conservation resources.

(12) Under this agreement, the State interests to be conveyed to the United States by the State of Utah, and the Federal interests to be conveyed to the State of Utah by the United States, have been examined by licensed independent real estate consultants and, taken as a whole, have been found to be approximately equal in value.

(b) PURPOSE.—The purpose of this Act is to enact into law and direct prompt implementation of this agreement, and thereby to further the public interest by consolidating State and Federal lands into manageable units while facilitating the protection of lands with significant scientific, cultural, and natural resources.

SEC. 3. RATIFICATION OF THE AGREED EXCHANGE BETWEEN THE STATE OF UTAH AND THE UNITED STATES.

(a) AGREEMENT.—The State of Utah, the Department of the Interior, and the Department of Agriculture have agreed to exchange certain Federal lands in the State of Utah for lands of approximately equal value managed by the Utah School and Institutional Trust Lands Administration in the San Rafael Swell area of Utah, the Manti-La Sal National Forest, and the Red Cliffs Desert Reserve.

(b) RATIFICATION.—All terms, conditions, procedures, covenants, reservations, and other provisions set forth in the document entitled ''Agreement for Exchange of Lands 2002 Federal-Utah State Trust Lands Consolidation'', dated June 18, 2002 (in this Act referred to as ''the Agreement''), are hereby incorporated in this Act, are ratified and confirmed, and set forth the obligations of the United States, the State of Utah, and the Utah School and Institutional Trust Lands Administration, as a matter of Federal law.

SEC. 4. CONVEYANCES.

(a) CONVEYANCES.—All conveyances under sections 2, 3, and 4 of the Agreement shall be completed not later than 70 days after enactment of this Act.

(b) MAPS AND LEGAL DESCRIPTIONS.—

(1) IN GENERAL.—The maps and legal descriptions referred to in the Agreement depict the lands subject to the conveyances under the Agreement.

(2) PUBLIC AVAILABILITY.—The maps and legal descriptions referred to in the Agreement shall be on file and available for public inspection in the offices of the Secretary of the Interior, the Secretary of Agriculture, the Intermountain Regional Office of the Forest Service, and the Utah State Director of the Bureau of Land Management.

(3) CONFLICT.—In case of any conflict between the maps and the legal descriptions in the Agreement, the legal descriptions shall control.

(c) CERTAIN COAL LANDS.—

(1) IDENTIFICATION.—The Secretary of the Interior shall prepare legal descriptions for the approximately 4,000 acres of Federal lands that State of Utah and the Secretary have identified within sections 1 through 17 of township 22 south, range 6 east, and within township 22 south, range 7 east, Salt Lake Base and Meridian, Utah.

(2) RESTRICTION ON CONVEYANCE.—Conveyance of the lands identified in paragraph (1) shall reserve to the United States the coal estate and the right to develop the coal estate.

(3) FUTURE DISPOSITION.—Reservation of the coal estate pursuant to paragraph (2) shall not restrict future disposition of the coal estate pursuant to applicable law.

(d) SPECIES IDENTIFICATION.—Prior to any conveyances under this Act, the Secretary of the Interior shall identify Federal lands subject to the Agreement which contain wildlife species, or habitat of wildlife species, listed as a threatened species or an endangered species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) or that is a candidate for such a listing.

(e) INDEPENDENT MINERAL ASSESSMENT.—Prior to any conveyances under this Act, the Secretary of the Interior and the State of Utah shall select an independent qualified mineral appraiser, or other qualified expert agreeable to both parties, who shall determine whether the terms of the Agreement related to the UA/UB parcel, identified in section 3(d) of the Agreement, are fair and equitable to both parties. If there is a contrary determination, the Secretary and the State shall adjust the exchange or terms of the Agreement so that the terms are fair and equitable to both parties.

(f) EXCEPTIONS TO CONVEYANCES.—

(1) LEGAL DESCRIPTIONS.—The Secretary of the Interior shall prepare legal descriptions, using the smallest possible aliquot parts, for lands within sections 4, 5, 8, and 9, township 22 south, range 7 east, and within section 12, township 22 south, range 6 east, Salt Lake Base and Meridian, and which are identified on the map entitled ''Emery County Lands'', dated September 27, 2002.

(2) LANDS NOT AUTHORIZED TO BE CONVEYED.—The lands identified in paragraph (1) shall not be conveyed pursuant to subsection (a). In addition, lands within section 17, township 22 south, range 7 east, and within section 33, township 21 south, range 7 east, Salt Lake Base and Meridian, shall not be conveyed pursuant to subsection (a).

(3) LANDS NOT AUTHORIZED TO BE ACCEPTED.—The Secretary of the Interior shall not accept conveyance of section 36, township 24 south, range 6 east; section 32, township 24 south, range 14 east; and section 2, township 26 south, range 8 east, Salt Lake Base and Meridian, Utah, pursuant to subsection (a).

SEC. 5. PLANT AND WILDLIFE SPECIES.

For the lands identified under section 4(d), and the lands identified in Exhibit E to the Agreement, the Secretary of the Interior and the State of Utah shall enter into an agreement which provides a process for the State to consult or take other appropriate action to avoid, offset, or mitigate adverse effects to any species or habitat identified.

SEC. 6. MINERAL DEVELOPMENT.

All payments received by the United States pursuant to section 13(c) of the Agreement shall be subject to sharing with the State of Utah in the same manner the United States shares bonus bids, rentals, and royalties with the State of Utah under section 35 of the Mineral Leasing Act (30 U.S.C. 191).

SEC. 7. AUTHORIZATION.

There are authorized to be appropriated such sums as are necessary to carry out this Act, including such sums as may be desired to reduce the balance of the interest and principal amounts owed by the United States to the Trust Lands Administration pursuant to sections 4 and 5 of the Agreement.

SEC. 8. COSTS.

The United States and the State of Utah shall each bear its own respective costs incurred in the implementation of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentleman from West Virginia (Mr. RAHALL) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

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

Mr. Speaker, H.R. 4968, introduced by the gentleman from Utah (Mr. CANNON), would ratify a land exchange between the State of Utah and the Departments of the Interior and Agriculture. The bill would exchange approximately 108,000 acres of State trust lands for 136,000 acres of Federal land.

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

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

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

□ 1800

Mr. RAHALL. Mr. Speaker, the gentleman from Utah has adequately explained this bill. We have no problem on my side of the aisle. I support the gentleman's legislation.

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

Mr. HANSEN. Mr. Speaker, I yield such time as he may consume to the gentleman from Utah (Mr. CANNON), the author of the bill.

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

Mr. CANNON. Mr. Speaker, I rise in support of H.R. 4968, the Federal-Utah State Trust Lands Consolidation Act. This land exchange represents the third major effort by Congress, the School and Institutional Trust Lands Administration, the State of Utah and the Department of the Interior to block up the checkerboard ownership of lands dedicated to the benefit of Utah's schoolchildren.

H.R. 4968 will ratify an agreement signed by the Secretary of the Interior, the Secretary of Agriculture and the Governor of Utah that agrees to exchange over 100,000 acres of land within Emery, Uintah, Utah, Washington and Sevier Counties. The Federal Government will gain ownership of spectacular lands located within the San Rafael Swell area, critical species habitat in the Red Cliffs Desert Reserve in Washington County and in—holdings within the Manti-La Sal National Forest. In return, the school children of Utah will receive developable lands that may contain recoverable oil, gas, coal or other resources.

In this exchange, the two parties took a real world, businesslike approach. As someone with a background in business, I am fully aware of the extreme difficulty in negotiating the value of assets. In particular, I am aware of how difficult it is to place a value on something as intangible as the worth of a coherent, manageable piece of land as compared to scattered, checkerboard parcels of land. The two parties in this exchange have done as good a job as can be done.

Futhermore, this exchange has been certified by an outside, third party expert who has fully analyzed these lands and minerals and submitted a report stating that this is an equal-value exchange.

Mr. Speaker, this is a fair exchange that continues our efforts to protect those funds in

Utah that should not be developed and allows the school children of Utah to fully appreciate the assets they own. We have wide spread support for this effort throughout the State, among the Congressional delegation, from the NEA, PTA, the Administration and members of the environmental community. Critics of the exchange have made completely contradictory claims. They have asserted that the federal lands being granted to the state have huge value, but then say that the lands won't generate significant revenue. In reality, the lands that the Utah school trust will acquire have potential to generate reasonable future income, which will provide additional income to each of Utah's public schools, in a state where every penny counts.

This bill has received prominent attention in the national press. Much of that attention has been focused on what Utah stands to gain from the exchange. It is important that we look at the other side of the exchange as well. Under H.R. 4968, the Federal Government will acquire over 100,000 acres of conservation lands in the San Rafael Swell, as well as the balanced of the Red Cliffs Desert Reserve in Washington County, in exchange for less sensitive federal lands that can generate revenue for Utah's schools.

This is the third land exchange in Utah in the last three Congresses. We are improving the process and we will do better next time. It is imperative that these exchanges to be transparent and evenhanded. It is important that valuable resources are protected and that both parties be treated equitably. I am convinced this exchange meets those criteria.

I urge my colleagues to support H.R. 4968.

Mr. RAHALL. Mr. Speaker, I yield back the balance of my time.

Mr. HANSEN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SHIMKUS). The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 4968, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

COAL ACCOUNTABILITY AND RETIRED EMPLOYEE ACT FOR THE 21ST CENTURY

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3813) to modify requirements relating to allocation of interest that accrues to the Abandoned Mine Reclamation Fund, as amended.

The Clerk read as follows:

H.R. 3813

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Coal Accountability and Retired Employee Act for the 21st Century''.

SEC. 2. TREATMENT OF ABANDONED MINE RECLAMATION FUND INTEREST.

(a) IN GENERAL.—Notwithstanding any other provision of law, any interest credited to the fund established by section 401 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1231) shall be transferred to the Combined Fund identified in section 402(h)(2) of such Act (30 U.S.C. 1232(h)(2)), up to such amount as is estimated by the trustees of such Combined Fund to offset the amount of any deficit in net assets in the Combined Fund.

(b) PROHIBITION ON OTHER TRANSFERS.—Except as provided in subsection (a), no principal amounts in or credited to the fund established by section 401 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1231) may be transferred to the Combine Fund identified in section 402(h)(2) of such Act (30 U.S.C. 1232(h)(2)).

(c) LIMITATION.—This section shall cease to have any force and effect after September 30, 2004.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentleman from West Virginia (Mr. RAHALL) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

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

H.R. 3813 the Coal Accountability and Retired Employee Act for the 21st Century introduced by the gentleman from West Virginia (Mr. RAHALL) transfers any interest credited to the Abandoned Mine Reclamation Fund established under the Surface Mining Control and Reclamation Act of 1977 to the Combined Benefit Fund for 2 years.

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

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

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

Mr. RAHALL. Mr. Speaker, enactment this year of the pending legislation will stave off any potential reduction in health care coverage for 54,000 retired coal miners and their widows, whose average age is 78 years old. These miners bravely served their country through both war and peace, many of them working deep within the bowels of this Earth to produce the coal that powered this Nation through both the industrial and now the technological revolution. We owe them a debt of gratitude and as a society would be ill-served by not keeping the promise to them of lifetime health care.

In this regard I do want to express my sincere appreciation to the gentleman from Utah (Mr. HANSEN), chairman of the Committee on Resources, for his support of this legislation. He has not only been of tremendous help on this, but a great many other pieces of legislation that this committee has produced. I salute him for his leadership.

I also want to thank the gentleman from Ohio (Mr. NEY), who is an original cosponsor of this bill, who does care very deeply about our Nation's coal miners. I salute him for his work as well.

Finally, I want to say to the gentlewoman from Wyoming (Mrs. CUBIN), I thank her for working with me on this bill and for helping to make it possible for this legislation to be considered on the floor today.

Mr. Speaker, I yield back the balance of my time.

Mr. HANSEN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 3813, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

YANKTON SIOUX TRIBE AND SANTEE SIOUX TRIBE EQUITABLE COMPENSATION ACT

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 434) to provide equitable compensation to the Yankton Sioux Tribe of South Dakota and the Santee Sioux Tribe of Nebraska for the loss of value of certain lands, as amended.

The Clerk read as follows:

S. 434

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

TITLE I—YANKTON SIOUX AND SANTEE SIOUX TRIBES EQUITABLE COMPENSATION

SEC. 101. SHORT TITLE.

This title may be cited as the ''Yankton Sioux Tribe and Santee Sioux Tribe Equitable Compensation Act''.

SEC. 102. FINDINGS.

Congress finds that—

(1) by enacting the Act of December 22, 1944, commonly known as the ''Flood Control Act of 1944'' (58 Stat. 887, chapter 665; 33 U.S.C. 701–1 et seq.) Congress approved the Pick-Sloan Missouri River Basin program (referred to in this section as the ''Pick-Sloan program'')—

(A) to promote the general economic development of the United States;

(B) to provide for irrigation above Sioux City, Iowa;

(C) to protect urban and rural areas from devastating floods of the Missouri River; and

(D) for other purposes;

(2) the waters impounded for the Fort Randall and Gavins Point projects of the Pick-Sloan program have inundated the fertile, wooded bottom lands along the Missouri River that constituted the most productive agricultural and pastoral lands of, and the homeland of, the members of the Yankton Sioux Tribe and the Santee Sioux Tribe;

(3) the Fort Randall project (including the Fort Randall Dam and Reservoir) overlies the western boundary of the Yankton Sioux Tribe Indian Reservation;

(4) the Gavins Point project (including the Gavins Point Dam and Reservoir) overlies the eastern boundary of the Santee Sioux Tribe;

(5) although the Fort Randall and Gavins Point projects are major components of the Pick-Sloan program, and contribute to the economy of the United States by generating a substantial amount of hydropower and impounding a substantial quantity of water, the reservations of the Yankton Sioux Tribe

and the Santee Sioux Tribe remain undeveloped;

(6) the United States Army Corps of Engineers took the Indian lands used for the Fort Randall and Gavins Point projects by condemnation proceedings;

(7) the Federal Government did not give the Yankton Sioux Tribe and the Santee Sioux Tribe an opportunity to receive compensation for direct damages from the Pick-Sloan program, even though the Federal Government gave 5 Indian reservations upstream from the reservations of those Indian tribes such an opportunity;

(8) the Yankton Sioux Tribe and the Santee Sioux Tribe did not receive just compensation for the taking of productive agricultural Indian lands through the condemnation referred to in paragraph (6);

(9) the settlement agreement that the United States entered into with the Yankton Sioux Tribe and the Santee Sioux Tribe to provide compensation for the taking by condemnation referred to in paragraph (6) did not take into account the increase in property values over the years between the date of taking and the date of settlement; and

(10) in addition to the financial compensation provided under the settlement agreements referred to in paragraph (9)—

(A) the Yankton Sioux Tribe should receive an aggregate amount equal to $23,023,743 for the loss value of 2,851.40 acres of Indian land taken for the Fort Randall Dam and Reservoir of the Pick-Sloan program; and

(B) the Santee Sioux Tribe should receive an aggregate amount equal to $4,789,010 for the loss value of 593.10 acres of Indian land located near the Santee village.

SEC. 103. DEFINITIONS.

In this title:

(1) INDIAN TRIBE.—The term ''Indian tribe'' has the meaning given that term in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)).

(2) SANTEE SIOUX TRIBE.—The term ''Santee Sioux Tribe'' means the Santee Sioux Tribe of Nebraska.

(3) YANKTON SIOUX TRIBE.—The term ''Yankton Sioux Tribe'' means the Yankton Sioux Tribe of South Dakota.

SEC. 104. YANKTON SIOUX TRIBE DEVELOPMENT TRUST FUND.

(a) ESTABLISHMENT.—There is established in the Treasury of the United States a fund to be known as the ''Yankton Sioux Tribe Development Trust Fund'' (referred to in this section as the ''Fund''). The Fund shall consist of any amounts deposited in the Fund under this title.

(b) FUNDING.—On the first day of the 11th fiscal year that begins after the date of enactment of this Act, the Secretary of the Treasury shall, from the General Fund of the Treasury, deposit into the Fund established under subsection (a)—

(1) $23,023,743; and

(2) an additional amount that equals the amount of interest that would have accrued on the amount described in paragraph (1) if such amount had been invested in interest-bearing obligations of the United States, or in obligations guaranteed as to both principal and interest by the United States, on the first day of the first fiscal year that begins after the date of enactment of this Act and compounded annually thereafter.

(c) INVESTMENT OF TRUST FUND.—It shall be the duty of the Secretary of the Treasury to invest such portion of the Fund as is not, in the Secretary of Treasury's judgment, required to meet current withdrawals. Such investments may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States. The Secretary of the Treasury shall deposit interest resulting from such investments into the Fund.

(d) PAYMENT OF INTEREST TO TRIBE.—

(1) WITHDRAWAL OF INTEREST.—Beginning on the first day of the 11th fiscal year after the date of enactment of this Act and, on the first day of each fiscal year thereafter, the Secretary of the Treasury shall withdraw the aggregate amount of interest deposited into the Fund for that fiscal year and transfer that amount to the Secretary of the Interior for use in accordance with paragraph (2). Each amount so transferred shall be available without fiscal year limitation.

(2) PAYMENTS TO YANKTON SIOUX TRIBE.—

(A) IN GENERAL.—The Secretary of the Interior shall use the amounts transferred under paragraph (1) only for the purpose of making payments to the Yankton Sioux Tribe, as such payments are requested by that Indian tribe pursuant to tribal resolution.

(B) LIMITATION.—Payments may be made by the Secretary of the Interior under subparagraph (A) only after the Yankton Sioux Tribe has adopted a tribal plan under section 106.

(C) USE OF PAYMENTS BY YANKTON SIOUX TRIBE.—The Yankton Sioux Tribe shall use the payments made under subparagraph (A) only for carrying out projects and programs under the tribal plan prepared under section 106.

(e) TRANSFERS AND WITHDRAWALS.—Except as provided in subsections (c) and (d)(1), the Secretary of the Treasury may not transfer or withdraw any amount deposited under subsection (b).

SEC. 105. SANTEE SIOUX TRIBE DEVELOPMENT TRUST FUND.

(a) ESTABLISHMENT.—There is established in the Treasury of the United States a fund to be known as the ''Santee Sioux Tribe Development Trust Fund'' (referred to in this section as the ''Fund''). The Fund shall consist of any amounts deposited in the Fund under this title.

(b) FUNDING.—On the first day of the 11th fiscal year that begins after the date of enactment of this Act, the Secretary of the Treasury shall, from the General Fund of the Treasury, deposit into the Fund established under subsection (a)—

(1) $4,789,010; and

(2) an additional amount that equals the amount of interest that would have accrued on the amount described in paragraph (1) if such amount had been invested in interest-bearing obligations of the United States, or in obligations guaranteed as to both principal and interest by the United States, on the first day of the first fiscal year that begins after the date of enactment of this Act and compounded annually thereafter.

(c) INVESTMENT OF TRUST FUND.—It shall be the duty of the Secretary of the Treasury to invest such portion of the Fund as is not, in the Secretary of Treasury's judgment, required to meet current withdrawals. Such investments may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States. The Secretary of the Treasury shall deposit interest resulting from such investments into the Fund.

(d) PAYMENT OF INTEREST TO TRIBE.—

(1) WITHDRAWAL OF INTEREST.—Beginning on the first day of the 11th fiscal year after the date of enactment of this Act and, on the first day of each fiscal year thereafter, the Secretary of the Treasury shall withdraw the aggregate amount of interest deposited into the Fund for that fiscal year and transfer that amount to the Secretary of the Interior for use in accordance with paragraph (2). Each amount so transferred shall be available without fiscal year limitation.

(2) PAYMENTS TO SANTEE SIOUX TRIBE.—

(A) IN GENERAL.—The Secretary of the Interior shall use the amounts transferred under paragraph (1) only for the purpose of making payments to the Santee Sioux Tribe, as such payments are requested by that Indian tribe pursuant to tribal resolution.

(B) LIMITATION.—Payments may be made by the Secretary of the Interior under subparagraph (A) only after the Santee Sioux Tribe has adopted a tribal plan under section 106.

(C) USE OF PAYMENTS BY SANTEE SIOUX TRIBE.—The Santee Sioux Tribe shall use the payments made under subparagraph (A) only for carrying out projects and programs under the tribal plan prepared under section 106.

(e) TRANSFERS AND WITHDRAWALS.—Except as provided in subsections (c) and (d)(1), the Secretary of the Treasury may not transfer or withdraw any amount deposited under subsection (b).

SEC. 106. TRIBAL PLANS.

(a) IN GENERAL.—Not later than 24 months after the date of enactment of this Act, the tribal council of each of the Yankton Sioux and Santee Sioux Tribes shall prepare a plan for the use of the payments to the tribe under section 104(d) or 105(d) (referred to in this subsection as a ''tribal plan'').

(b) CONTENTS OF TRIBAL PLAN.—Each tribal plan shall provide for the manner in which the tribe covered under the tribal plan shall expend payments to the tribe under section 104(d) or 105(d) to promote—

(1) economic development;

(2) infrastructure development;

(3) the educational, health, recreational, and social welfare objectives of the tribe and its members; or

(4) any combination of the activities described in paragraphs (1), (2), and (3).

(c) TRIBAL PLAN REVIEW AND REVISION.—

(1) IN GENERAL.—Each tribal council referred to in subsection (a) shall make available for review and comment by the members of the tribe a copy of the tribal plan for the Indian tribe before the tribal plan becomes final, in accordance with procedures established by the tribal council.

(2) UPDATING OF TRIBAL PLAN.—Each tribal council referred to in subsection (a) may, on an annual basis, revise the tribal plan prepared by that tribal council to update the tribal plan. In revising the tribal plan under this paragraph, the tribal council shall provide the members of the tribe opportunity to review and comment on any proposed revision to the tribal plan.

(3) CONSULTATION.—In preparing the tribal plan and any revisions to update the plan, each tribal council shall consult with the Secretary of the Interior and the Secretary of Health and Human Services.

(4) ANNUAL REPORTS.—Each tribe shall submit an annual report to the Secretary describing any expenditures of funds withdrawn by that tribe under this title.

(d) PROHIBITION ON PER CAPITA PAYMENTS.—No portion of any payment made under this title may be distributed to any member of the Yankton Sioux Tribe or the Santee Sioux Tribe of Nebraska on a per capita basis.

SEC. 107. ELIGIBILITY OF TRIBE FOR CERTAIN PROGRAMS AND SERVICES.

(a) IN GENERAL.—No payment made to the Yankton Sioux Tribe or Santee Sioux Tribe pursuant to this title shall result in the reduction or denial of any service or program to which, pursuant to Federal law—

(1) the Yankton Sioux Tribe or Santee Sioux Tribe is otherwise entitled because of the status of the tribe as a federally recognized Indian tribe; or

(2) any individual who is a member of a tribe under paragraph (1) is entitled because

of the status of the individual as a member of the tribe.

(b) EXEMPTIONS FROM TAXATION.—No payment made pursuant to this title shall be subject to any Federal or State income tax.

(c) POWER RATES.—No payment made pursuant to this title shall affect Pick-Sloan Missouri River Basin power rates.

SEC. 108. STATUTORY CONSTRUCTION.

Nothing in this title may be construed as diminishing or affecting any water right of an Indian tribe, except as specifically provided in another provision of this title, any treaty right that is in effect on the date of enactment of this Act, or any authority of the Secretary of the Interior or the head of any other Federal agency under a law in effect on the date of enactment of this Act.

SEC. 109. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this title, including such sums as may be necessary for the administration of the Yankton Sioux Tribe Development Trust Fund under section 104 and the Santee Sioux Tribe Development Trust Fund under section 105.

SEC. 110. EXTINGUISHMENT OF CLAIMS.

Upon the deposit of funds under sections 104(b) and 105(b), all monetary claims that the Yankton Sioux Tribe or the Santee Sioux Tribe of Nebraska has or may have against the United States for loss of value or use of land related to lands described in section 102(a)(10) resulting from the Fort Randall and Gavins Point projects of the Pick-Sloan Missouri River Basin program shall be extinguished.

TITLE II—MARTIN'S COVE LAND TRANSFER

SEC. 201. SHORT TITLE.

This title may be cited as the ''Martin's Cove Land Transfer Act''.

SEC. 202. CONVEYANCE TO THE CORPORATION OF THE PRESIDING BISHOP.

(a) CONVEYANCE REQUIRED.—Notwithstanding the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), the Secretary of the Interior (hereafter in this section referred to as the ''Secretary'') shall offer to convey to the Corporation of the Presiding Bishop, all right, title, and interest of the United States in and to the public lands identified for disposition on the map entitled ''Martin's Cove Land Transfer Act'' numbered MC/0002, and dated May 17, 2002, for the purpose of public education, historic preservation, and the enhanced recreational enjoyment of the public. Such map shall be on file and available for public inspection in the offices of the Director of the Bureau of Land Management and the Lander District of the Bureau of Land Management.

(b) CONSIDERATION.—

(1) IN GENERAL.—The Corporation of the Presiding Bishop shall pay to the United States an amount equal to the historic fair market value of the property conveyed under this section, including any improvements to that property.

(2) DETERMINATION OF FAIR MARKET VALUE.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall determine the historic fair market value of the property conveyed under this section, including any improvements to the property.

(c) ACCESS AGREEMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretary and the Corporation of the Presiding Bishop shall enter into an agreement, binding on any successor or assignee, that ensures that the property conveyed shall, consistent with the historic purposes of the site—

(1) be available in perpetuity for public education and historic preservation; and

(2) provide to the public, in perpetuity and without charge, access to the property conveyed.

(d) RIGHT OF FIRST REFUSAL.—As a condition of any conveyance under this section, the Secretary shall require that the Church of Jesus Christ of Latter Day Saints and its current or future affiliated corporations grant the United States a right of first refusal to acquire all right, title, and interest in and to the property conveyed under this section, at historic fair market value, if the Church of Jesus Christ of Latter Day Saints or any of its current or future affiliated corporations seeks to dispose of any right, title, or interest in or to the property.

(e) DISPOSITION OF PROCEEDS.—Proceeds of this conveyance shall be used exclusively by the National Historic Trails Interpretive Center Foundation, Inc., a nonprofit corporation located in Casper, Wyoming, for the sole purpose of advancing the public understanding and enjoyment of the National Historic Trails System in accordance with subsection (f).

(f) USE OF PROCEEDS.—Funds shall be used by the Foundation only for the following purposes and according to the following priority:

(1) To complete the construction of the exhibits connected with the opening of the National Historic Trails Center scheduled for August 2002.

(2) To maintain, acquire, and further enhance the exhibits, artistic representations, historic artifacts, and grounds of the Center.

(g) NO PRECEDENT SET.—this title does not set a precedent for the resolution of land sales between or among private entities and the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentleman from West Virginia (Mr. RAHALL) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

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

S. 434 would provide compensation for the Yankton Sioux and Santee Sioux Indian tribes for tribal lands condemned for the Pick-Sloan Missouri River Basin program project.

The second title of this bill is the text of my bill, H.R. 4103, which has already passed the House. It would direct the Secretary of the Interior to offer to sell 940 acres of BLM land in the Natrona County, Wyoming, to the LDS Church for the purpose of its historic preservation, public education and enjoyment of the public. Funds from the sale would be directed for the sole purpose of public understanding and enjoyment of the National Historic Trail System at the National Historic Trails Interpretive Center in Casper, Wyoming.

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

Mr. RAHALL. Mr. Speaker, I yield myself such time as I may consume. The minority has reviewed the legislation and has no problem with it.

Mr. Speaker, I yield back the balance of my time.

Mr. HANSEN. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Wyoming (Mrs. CUBIN).

Mrs. CUBIN. Mr. Speaker, I rise very reluctantly today to oppose this bill. First of all, this is occurring in my State. We tried to get through to the chairman's staff, to his chief of staff, all day today. We could not find out that this Martin's Cove bill was on the Senate bill, S. 434, until late this afternoon, at which time we had to call the Democrat side to find out that it was hooked on to this bill.

I have agreed that I would work with the chairman on finding a way to get a vote on this bill in the Senate because it did pass the House. However, Mr. Speaker, we all know the backlog of House bills, over 60, that are sitting at the floor of the Senate, and for us to attach a piece of legislation in a Member's district without the Member having any knowledge whatsoever of this until late this afternoon on a Tom Daschle bill, Mr. Speaker, this is just wrong.

There has to be another way for the chairman to deal with the Martin's Cove bill. I am willing to work with him, but I have to speak against this right now because we were totally left out of the loop. I believe that the chairman's chief of staff deliberately would not call us back and let us know. He e-mailed us finally late in the afternoon after many attempts to find out. We certainly thank the gentleman from West Virginia and his staff for letting us know what happened, or what was going to happen before this came up.

At any rate, Mr. Speaker, I am opposed for that reason. I think we need to look at these things separately. I will be calling for a vote, and very regretfully so.

Mr. THUNE. Mr. Speaker, I would like to thank you for bringing this bill to the floor, which would provide compensation to the Yankton and Santee Sioux Tribes for the land they sacrificed in the construction of the Pick-Sloan water project on the Missouri River. I would also like to thank Congressman OSBORNE for introducing H.R. 2408, the House version of this important piece of legislation, of which I am proud to be a cosponsor.

The Pick-Sloan Missouri River program authorized in 1944 was implemented to ease downstream funding of the Missouri River, offer irrigation water for farmers and ranchers, and produce hydroelectric power.

While the intentions of these projects proved to be fruitful for some, it is fair to say that the Pick-Sloan program has certain negative impacts on the Yankton and Santee Sioux Tribes. Much of the land taken and destroyed to create the Ft. Randall and Gavins Point Dams and reservoirs belonged to these tribes.

H.R. 2408 and S. 434 would offer monetary compensation to these tribes for their lost and destroyed land along the Missouri River. These funds will be held in trust by the Department of Interior and will be released contingent upon a Tribal plan. The Tribal plan will be designed to promote economic development, infrastructure, education, health care and social welfare for the Yankton and Santee Sioux Tribes.

These funds will be of great benefit to the Yankton and Santee Sioux tribes as they work

to improve the standard of living for the members of their tribe. These tribes, like many others, face significant challenges such as meeting important health care and education needs.

This legislation is not the first time tribes will have been compensated for destroyed and lost land as a result of the Pick Sloan project. In my state alone, the Standing Rock, Lower Brule, Cheyenne River and Crow Creek Sioux Tribes have received compensation for land taken by the Pick-Sloan project. It is now time for the Yanton and Santee Sioux tribes to be compensated.

It is now time for action on this bill. I urge all of my colleagues to support this legislation, so these tribes may receive the much-needed compensation they truly deserve.

Mr. OSBORNE. Mr. Speaker, I am pleased that today the House is taking up S. 434, the Yankton and Santee Sioux Compensation Act. Today's mark-up is the culmination of many years of work on the part of the Santee Sioux tribe, which I represent, and the Yankton Sioux Tribe. I want to thank Chairman HANSEN for bringing this legislation forward. I also want to thank Chairman HANSEN's Chief Counsel, Lisa Pittman, as well as Mike Olsen and former staffer Renee Howell in the Committee's Office of Native American and Insular Affairs, who were instrumental in its drafting.

S. 434 would provide long overdue compensation by establishing two trust funds to be used by the Santee Sioux and Yankton Sioux tribes. Specifically, this bill directs the U.S. Treasury to deposit about $23 million into a special trust fund account for the Yankton Sioux and approximately $4.7 million for the Santee Sioux. The tribes would then be allowed to draw on the interest earned from the trust funds for economic and infrastructure development and other activities. The tribes would also be required to adopt economic development plans to account for the way in which these funds will be spent.

This legislation is necessary because when the Federal Government built the dams on the upper reaches of the Missouri River under the Pick-Sloan Missouri River Basin program, the Yankton Sioux and Santee Sioux were not provided compensation for the taking of their land. While the dams were designed to promote general economic development in the region, provide for irrigation, and protect from flooding, their construction inundated productive agricultural and pastoral lands and the traditional homeland of the tribes. In the case of the Santee Sioux, the Gavins Point Dam permanently flooded about 600 acres of the tribe's land.

S. 434 is not without precedent. Over the past decade, Congress has passed three laws providing compensation to other tribes affected by the Pick-Sloan projects. Additional tribes were compensated in 1992, 1996, and 1997. I believe it is only fair that we work to find a way to compensate the Yankton Sioux and Santee Sioux tribes.

I am so pleased that the House is taking up this legislation today. This bill will provide the necessary resources to compensate for a longstanding debt owed to these tribes. Perhaps just as important, the compensation provided in this bill has the potential to change the lives of members of these tribes who face numerous challenges. On behalf of the Santee Sioux tribe in particular, I am so grateful that this bill has been brought forward. I strongly urge its passage.

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

The SPEAKER pro tempore (Mr. GOODLATTE). The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the Senate bill, S. 434, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mrs. CUBIN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

RECLAMATION RECREATION MANAGEMENT ACT OF 2002

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5460) to reauthorize and amend the Federal Water Project Recreation Act, and for other purposes, as amended.

The Clerk read as follows:

H.R. 5460

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Reclamation Recreation Management Act of 2002''.

SEC. 2. AMENDMENTS TO THE FEDERAL WATER PROJECT RECREATION ACT.

(a) CONGRESSIONAL POLICY.—The first section of the Federal Water Project Recreation Act (16 U.S.C. 460*l*–12) is amended by striking ''public bodies'' and inserting ''entities''.

(b) ALLOCATION OF COSTS.—Section 2 of the Federal Water Project Recreation Act (16 U.S.C. 460*l*–13) is amended—

(1) in subsection (a) by striking '', before authorization of a project,'';

(2) in subsection (a), by striking ''public bodies'' and inserting ''entities'' and by striking ''Projects authorized during the calendar year'' and all that follows to the end of the subsection;

(3) in subsection (b) by striking ''non-Federal interests'' each place it appears and inserting ''non-Federal entities'';

(4) in subsection (b)(2)—

(A) by striking '': *Provided*, That the source of repayment may be limited to'' and inserting ''. The source of repayment may include''; and

(B) by inserting ''and retained'' after ''collected''; and

(5) in subsection (b)(2) by adding at the end the following: ''Fees and charges may be collected, retained and used by the non-Federal entities for operation, maintenance, and replacement of recreation facilities on project lands and waters being managed by the non-Federal entities. As established by the Secretary, any excess revenues will be credited to the Reclamation Fund to remain available, without further Act of appropriation, to support recreation development and management of Bureau of Reclamation land and water areas.''.

(c) RECREATION AND FISH AND WILDLIFE ENHANCEMENT.—Section 3 of the Federal Water Project Recreation Act (16 U.S.C. 460*l*–14) is amended—

(1) by striking subsection (a), redesignating subsection (b) as subsection (a), and inserting after subsection (a) (as so redesignated) the following:

''(b) In the absence of a non-Federal managing partner, the Secretary of the Interior, acting through the Commissioner of Reclamation, is authorized, as a part of any water resource development project under the Secretary's control heretofore or hereafter authorized or reauthorized, to investigate, plan, construct, replace, manage, operate and maintain or otherwise provide for public use and enjoyment of project lands, facilities, and water areas in a manner coordinated with the other project purposes; the costs of which are nonreimbursable.'';

(2) in subsection (a) (as so redesignated)—

(A) by inserting ''or enhance'' after ''project construction to preserve'';

(B) by striking ''enhancement potential'' each place it appears and inserting ''resources'';

(C) by striking ''public bodies'' each place it appears and inserting ''entities'';

(D) by striking ''public body'' and inserting ''entity''; and

(E) by striking ''or, in the absence thereof, will not detract from that potential'';

(3) in subsection (c)(1)(B) by striking ''public body'' each place it appears and inserting ''entity''; and

(4) by adding at the end of subsection (c) the following:

''(3) In the absence of a non-Federal managing partner, the Secretary of the Interior, acting through the Commissioner of Reclamation, may modify or expand existing facilities, the costs of which are nonreimbursable.''.

(d) LEASE OF FACILITIES.—

(1) REPEAL.—Section 4 of the Federal Water Project Recreation Act (16 U.S.C. 460*l*–15) is repealed, and sections 5 through 12 of such Act are redesignated as sections 4 through 11, respectively.

(2) CONFORMING AMENDMENT.—Section 6(e) of the Federal Water Project Recreation Act (16 U.S.C. 460*l*–17(e)) is amended by striking ''4, and 5'' and inserting '', and 4''.

(e) POST AUTHORIZATION DEVELOPMENT.—Section 5 of the Federal Water Project Recreation Act (16 U.S.C. 460*l*–16) is amended by striking ''public bodies'' and inserting ''entities''.

(f) PROVISION OF FACILITIES.—Section 7 of the Federal Water Project Recreation Act (16 U.S.C. 460*l*–18) is amended—

(1) in subsection (e) by striking ''and 5'' and inserting ''and between 3 and 4'';

(2) in subsection (g) by striking ''3(b)'' and inserting ''3(a)''; and

(3) in subsection (h) by striking ''public bodies'' and inserting ''entities''; and by striking ''3(b)'' and inserting ''3(a)''.

(g) MISCELLANEOUS REPORTS.—Section 6 of the Federal Water Project Recreation Act (16 U.S.C. 460*l*–17) is amended by adding at the end the following:

''(i) Amounts collected under section 2805 of Public Law 102–575 for admission to or recreation use of project land and waters shall be deposited in a special account in the Reclamation Fund and remain available to the Commissioner of Reclamation without further appropriation until expended. Such funds may be used for the development, reconstruction, replacement, management, and operation of recreation resources on project lands and waters with not less than 60 percent being used at the site from which the fees were collected.''.

(h) MANAGEMENT FOR RECREATION, FISH AND WILDLIFE, AND OTHER RESOURCES.—Section 7 of the Federal Water Project Recreation Act (16 U.S.C. 460*l*–18) is amended—

(1) by amending subsection (a) to read as follows:

''(a) The Secretary of the Interior, acting through the Commissioner of Reclamation, is authorized, in conjunction with any water resource development project heretofore or hereafter constructed or which is otherwise under the Secretary's control, to—

''(1) investigate, plan, design, construct, replace, manage, operate, and maintain or otherwise provide for recreation and fish and wildlife enhancement facilities and services, the costs of which may be nonreimbursable;

''(2) provide for public use and enjoyment of project lands, facilities, and water areas in a manner coordinated with the other project purposes, including by entering into grants, cooperative agreements, and similar instruments with non-Federal entities, without cost sharing, for recreation projects and activities; and

''(3) to acquire or otherwise make available such adjacent lands or interests therein as are necessary for public recreation or fish and wildlife use.'';

(2) in subsection (b)—

(A) by inserting '', acting through the Commissioner of Reclamation,'' after ''the Secretary of the Interior'';

(B) by inserting ''and management'' after ''administration'';

(C) by striking ''lease''; and

(D) by adding at the end the following: ''All such agreements or contracts for administration or management shall identify the terms and conditions of administration, management, and use, approvals required from Bureau of Reclamation, and assure public access to project lands managed for recreation.'';

(3) by adding at the end the following:

''(d) The Secretary of the Interior, acting through the Commissioner of Reclamation, is also authorized to enter into agreements with other non-Federal entities for recreation and concession management at Bureau of Reclamation projects. All such agreements or contracts for management shall identify the terms and conditions of management and use, approvals required from the Bureau of Reclamation, and assure public access to project lands managed for recreation.''; and

''(e) The Secretary of the Interior, acting through the Commissioner of Reclamation, is authorized to approve the administration, management, and use of Bureau of Reclamation lands, waters, and the resources thereon by means of easements, leases, licenses, contracts, permits, and other forms of conveyance instruments.

''(f) The Secretary of the Interior, acting through the Commissioner of Reclamation, is authorized to produce, sell, or otherwise make available to the public: information about Bureau of Reclamation programs including publications, photographs, computer discs, maps, brochures, posters, videos, and other memorabilia related to the Bureau of Reclamation, and the natural, historic, and cultural resources of the area; and, other appropriate and suitable merchandise to enhance the public's use of the area. Income from such sales shall be credited to the Reclamation Fund to remain available, without further Act of appropriation, to pay costs associated with the production and sale of items, and any remaining revenue shall be available, without further Act of appropriation, to support recreation development and management of Bureau of Reclamation land and water areas.''.

(i) DEFINITIONS.—Section 10 of the Federal Water Project Recreation Act (16 U.S.C. 460*l*–21) is amended by adding at the end the following:

''(f) The term 'non-Federal entity' means non-Federal public bodies, nonprofit organizations, Indian tribes, or entities within the private sector.''.

(j) AUTHORIZATION OF APPROPRIATIONS.—The Federal Water Project Recreation Act (16 U.S.C. 460*l*–12 et seq.) is amended by redesignating section 11 (as redesignated by subsection (d) of this section) as section 12, and by inserting after section 10 the following:

''SEC. 11. AVAILABILITY OF APPROPRIATIONS.

''Funds appropriated under this section may remain available until expended.''.

(k) LIMITATION ON APPLICATION.—This section and the amendments made by this section shall apply only to water resource development projects under the control of the Secretary of the Interior.

SEC. 3. RECREATIONAL FACILITIES AT LOST CREEK RESERVOIR.

(a) CONSTRUCTION OF FACILITIES.—As soon as practicable after funds are made available for this section, the Secretary of the Interior shall construct recreational facilities at Lost Creek Reservoir in Utah.

(b) MAINTENANCE AND OPERATION OF FACILITIES.—Construction of recreational facilities under subsection (a) shall begin only after the Secretary has entered into a cooperative agreement with the State of Utah that provides for the operation and maintenance of the recreational facilities.

(c) COST SHARING.—The Federal share of the cost of construction carried out under this section shall be 50 percent.

SEC. 4. TECHNICAL CORRECTION.

Section 1(g) of Public Law 107–69 (115 Stat. 595) is amended by striking ''section 2(c)(1)'' and inserting ''subsection (c)(1)''.

SEC. 5. AUTHORIZATION OF AUSTIN, TEXAS, WASTEWATER RECLAMATION AND REUSE PROJECT.

(a) AUTHORIZATION OF PROJECT.—The Reclamation Wastewater and Groundwater Study and Facilities Act (Public Law 102–575, title XVI; 43 U.S.C. 390h et seq.) is amended by adding at the end the following:

''SEC. 1635. AUSTIN, TEXAS, WATER RECLAMATION AND REUSE PROJECT.

''(a) AUTHORIZATION.—The Secretary, in cooperation with the City of Austin Water and Wastewater Utility, Texas, is authorized to participate in the planning (including an appraisal and feasibility study), design, and construction of, and land acquisition for, a project to reclaim and reuse wastewater, including degraded groundwaters, within and outside of the service area of the City of Austin Water and Wastewater Utility, Texas.

''(b) COST SHARE.—The Federal share of the cost of the project authorized by this section shall not exceed 25 percent of the total cost of the project.

''(c) LIMITATION.—The Secretary shall not provide funds for the operation and maintenance of the project authorized by this section.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 2 of Public Law 102–575 (106 Stat. 4600) is amended by adding at the end of the items relating to chapter XVI the following:

''Sec. 1635. Austin, Texas, Water Reclamation and Reuse Project.''.

SEC. 6. WILLARD BAY RESERVOIR ENLARGEMENT STUDY.

(a) AUTHORIZATION OF FEASIBILITY STUDY.—Pursuant to the reclamation laws, the Secretary of the Interior, through the Bureau of Reclamation, may conduct a feasibility study on raising the height of Arthur V. Watkins Dam and thereby enlarging the Willard Bay Reservoir for the development of additional storage to meet water supply needs within the Weber Basin Project area. The feasibility study shall include such environmental evaluation as required under the National Environmental Policy Act of 1969 and a cost allocation as required under the Reclamation Projects Act of 1939.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit a report on the results of the study to the Congress for review and approval.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section $2,000,000.

SEC. 7. REAUTHORIZATION OF WATER DESALINATION ACT OF 1996.

(a) AUTHORIZATION OF COOPERATIVE AND INTERAGENCY AGREEMENTS.—Section 3(a) of the Water Desalination Act of 1996 (42 U.S.C. 10301 note) is amended in the first sentence by inserting ''and cooperative and interagency agreements'' after ''contracts''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 8 of such Act is amended—

(1) in subsection (a) by striking ''1997 through 2002'' and inserting ''2003 through 2008''; and

(2) in subsection (b) by striking ''$25,000,000 for fiscal years 1997 through 2002'' and inserting ''$25,000,000 for fiscal years 2003 through 2008''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentleman from West Virginia (Mr. RAHALL) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

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

This legislation provides the Bureau of Reclamation the authority to develop and manage recreation at reclamation water projects. The legislation also authorizes the Secretary of the Interior to participate in the design, planning and construction of a project to reclaim and reuse wastewater within the city of Austin, Texas.

Furthermore, the bill provides for the reauthorization of the Water Desalinization Act of 1996 and provides authority for the Secretary to study the feasibility of raising Willard Bay Reservoir in Utah.

Mr. Speaker, I include the following for the RECORD:

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
Washington, DC, October 1, 2002.

Hon. JAMES HANSEN,
Chairman, Committee on Resources, Washington, DC.

DEAR CHAIRMAN HANSEN: I am writing with regard to H.R. 5460, to reauthorize and amend the Federal Water Project Recreation Act, which was referred to the Committee on Resources on September 25, 2002. This legislation affects programs under the jurisdiction of the Transportation and Infrastructure Committee.

I recognize your desire to bring this bill before the House in an expeditious manner. Accordingly, I will not exercise my Committee's right to a sequential referral of the legislation. By agreeing to waive its consideration of the bill, however, the Committee on Transportation and Infrastructure does not waive its jurisdiction over H.R. 5460. In addition, the Transportation and Infrastructure Committee reserves its authority to seek conferees on provisions of the bill that are within its jurisdiction during any House-Senate conference that may be convened on this legislation. I ask for your commitment to support any request by the Transportation and Infrastructure Committee for conferees on H.R. 5460.

I request that you include a copy of our exchange of letters in the CONGRESSIONAL RECORD during consideration on the House Floor. Thank you.

Sincerely,

DON YOUNG,
Chairman.

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

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

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

Mr. RAHALL. Mr. Speaker, this is legislation that was introduced by the gentleman from Texas (Mr. DOGGETT). I want to commend him for this very worthy piece of legislation and his persistence and dedication to helping provide his people high-quality water supplies.

Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, I thank the gentleman from West Virginia for his help on this legislation, and I thank the gentleman from Utah (Mr. HANSEN), the chairman of the committee, as well as the gentleman from California (Mr. CALVERT), the subcommittee chairman who was very helpful to us during the subcommittee proceedings on this legislation, which has now been appended to some legislation of the gentleman from California (Mr. CALVERT).

Mr. Speaker, I would also want to recognize the contribution of Mayor Gus Garcia of Austin. He ably presented the city's case for this legislation in his first testimony before the Congress as our mayor.

After witnessing the catastrophic floods that struck central Texas earlier this year, many people may wonder why we need to conserve water. But, in fact, though we have some mighty powerful rivers, we also have a mighty thirsty State. Austin is a city that has been blessed with many resources. We believe that by conserving these resources in part through this bill that we will have an ample water supply in the future. This legislation will enable the city of Austin, with the assistance of the Bureau of Reclamation, to conserve our water supply through planning and development of a project to reclaim and reuse treated wastewater. The initiative will reduce demand on Austin's water supply and conserve water for human consumption. It is estimated that the project can save as much as 9 billion gallons of water each year.

Austin is already a recognized leader in water resource planning, and with this Federal legislative backup, our community can further address water conservation and sustainable development.

The growth of the city of Austin has been tremendous in the last decade and has presented us with challenges, one of which is planning for our water needs. This legislation will help assure that. The water reclamation project will provide assistance to beneficiaries as diverse as the city itself, from municipal parks to schools to industrial facilities. Indeed, our high-tech manufacturing plants are major water consumers and with this legislation they are assured not only greater water availability, but water at a lesser cost, which is very important to them.

Mr. Speaker, I believe it was Ben Franklin who said, ''When the well is dry, we know the worth of water.'' Fortunately, there is no danger of the Colorado River running dry, but there are many demands on water rights from that river, and it is well that through this legislation we move forward progressively, working with the Federal Government and the Bureau of Reclamation to assure that we have our water needs met in the future.

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

Mr. RAHALL. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 5460, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

CEDAR CREEK AND BELLE GROVE NATIONAL HISTORICAL PARK ACT

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4944) to designate the Cedar Creek Battlefield and Belle Grove Plantation National Historical Park as a unit of the National Park System, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4944

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Cedar Creek and Belle Grove National Historical Park Act''.

SEC. 2. PURPOSE.

The purpose of this Act is to establish the Cedar Creek and Belle Grove National Historical Park in order to—

(1) help preserve, protect, and interpret a nationally significant Civil War landscape and antebellum plantation for the education, inspiration, and benefit of present and future generations;

(2) tell the rich story of Shenandoah Valley history from early settlement through the Civil War and beyond, and the Battle of Cedar Creek and its significance in the conduct of the war in the Shenandoah Valley;

(3) preserve the significant historic, natural, cultural, military, and scenic resources found in the Cedar Creek Battlefield and Belle Grove Plantation areas through partnerships with local landowners and the community; and

(4) serve as a focal point to recognize and interpret important events and geographic locations within the Shenandoah Valley Battlefields National Historic District representing key Civil War battles in the Shenandoah Valley, including those battlefields associated with the Thomas J. (Stonewall) Jackson campaign of 1862 and the decisive campaigns of 1864.

SEC. 3. FINDINGS.

Congress finds the following:

(1) The Battle of Cedar Creek, also known as the battle of Belle Grove, was a major event of the Civil War and the history of this country. It represented the end of the Civil War's Shenandoah Valley campaign of 1864 and contributed to the reelection of President Abraham Lincoln and the eventual outcome of the war.

(2) 2,500 acres of the Cedar Creek Battlefield and Belle Grove Plantation were designated a national historic landmark in 1969 because of their ability to illustrate and interpret important eras and events in the history of the United States. The Cedar Creek Battlefield, Belle Grove Manor House, the Heater House, and Harmony Hall (a National Historic Landmark) are also listed on the Virginia Landmarks Register.

(3) The Secretary of the Interior has approved the Shenandoah Valley Battlefields National Historic District Management Plan and the National Park Service Special Resource Study, both of which recognized Cedar Creek Battlefield as the most significant Civil War resource within the historic district. The management plan, which was developed with extensive public participation over a 3-year period and is administered by the Shenandoah Valley Battlefields Foundation, recommends that Cedar Creek Battlefield be established as a new unit of the National Park System.

(4) The Cedar Creek Battlefield Foundation, organized in 1988 to preserve and interpret the Cedar Creek Battlefield and the 1864 Valley Campaign, has acquired 308 acres of land within the boundaries of the National Historic Landmark. The foundation annually hosts a major reenactment and living history event on the Cedar Creek Battlefield.

(5) Belle Grove Plantation is a Historic Site of the National Trust for Historic Preservation that occupies 383 acres within the National Historic Landmark. The Belle Grove Manor House was built by Isaac Hite, a Revolutionary War patriot married to the sister of President James Madison, who was a frequent visitor at Belle Grove. President Thomas Jefferson assisted with the design of the house. During the Civil War Belle Grove was at the center of the decisive battle of Cedar Creek. Belle Grove is managed locally by Belle Grove, Incorporated, and has been open to the public since 1967. The house has remained virtually unchanged since it was built in 1797, offering visitors an experience of the life and times of the people who lived there in the 18th and 19th centuries.

(6) The panoramic views of the mountains, natural areas, and waterways provide visitors with an inspiring setting of great natural beauty. The historic, natural, cultural, military, and scenic resources found in the Cedar Creek Battlefield and Belle Grove Plantation areas are nationally and regionally significant.

(7) The existing, independent, not-for-profit organizations dedicated to the protection and interpretation of the resources described above provide the foundation for public-private partnerships to further the success of protecting, preserving, and interpreting these resources.

(8) None of these resources, sites, or stories of the Shenandoah Valley are protected by or interpreted within the National Park System.

SEC. 4. DEFINITIONS.

In this Act:

(1) COMMISSION.—The term ''Commission'' means the Cedar Creek and Belle Grove National Historical Park Advisory Commission established by section 9.

(2) MAP.—The term ''Map'' means the map entitled ''Boundary Map Cedar Creek and Belle Grove National Historical Park'', numbered CEBE–80,001, and dated September 2002.

(3) PARK.—The term ''Park'' means the Cedar Creek and Belle Grove National Historical Park established under section 5 and depicted on the Map.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

SEC. 5. ESTABLISHMENT OF CEDAR CREEK AND BELLE GROVE NATIONAL HISTORICAL PARK.

(a) ESTABLISHMENT.—There is established the Cedar Creek and Belle Grove National Historical Park, consisting of approximately 3,000 acres, as generally depicted on the Map.

(b) AVAILABILITY OF MAP.—The Map shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior.

SEC. 6. ACQUISITION OF PROPERTY.

(a) REAL PROPERTY.—The Secretary may acquire land or interests in land within the boundaries of the Park, from willing sellers only, by donation, purchase with donated or appropriated funds, or exchange.

(b) BOUNDARY REVISION.—After acquiring land for the Park, the Secretary shall—

(1) revise the boundary of the Park to include newly acquired land within the boundary; and

(2) administer newly acquired land subject to applicable laws (including regulations).

(c) PERSONAL PROPERTY.—The Secretary may acquire personal property associated with, and appropriate for, interpretation of the Park.

(d) CONSERVATION EASEMENTS AND COVENANTS.—The Secretary is authorized to acquire conservation easements and enter into covenants regarding lands in or adjacent to the Park from willing sellers only. Such conservation easements and covenants shall have the effect of protecting the scenic, natural, and historic resources on adjacent lands and preserving the natural or historic setting of the Park when viewed from within or outside the Park.

(e) SUPPORT FACILITIES.—The National Park Service is authorized to acquire from willing sellers, land outside the Park boundary but in close proximity to the Park, for the development of visitor, administrative, museum, curatorial, and maintenance facilities.

SEC. 7. ADMINISTRATION.

The Secretary shall administer the Park in accordance with this Act and the provisions of law generally applicable to units of the National Park System, including—

(1) the Act entitled ''An Act to establish a National Park Service, and for other purposes'', approved August 25, 1916 (16 U.S.C. 1 et seq.); and

(2) the Act entitled ''An Act to provide for the preservation of historic American sites, buildings, objects, and antiquities of national significance, and for other purposes'', approved August 21, 1935 (16 U.S.C. 461 et seq.).

SEC. 8. MANAGEMENT OF PARK.

(a) MANAGEMENT PLAN.—The Secretary, in consultation with the Commission, shall prepare a management plan for the Park. In particular, the management plan shall contain provisions to address the needs of owners of non-Federal land, including independent nonprofit organizations within the boundaries of the Park.

(b) SUBMISSION OF PLAN TO CONGRESS.—Not later than 3 years after the date of the enactment of this Act, the Secretary shall submit the management plan for the Park to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

SEC. 9. CEDAR CREEK AND BELLE GROVE NATIONAL HISTORICAL PARK ADVISORY COMMISSION.

(a) ESTABLISHMENT.—There is established the Cedar Creek and Belle Grove National Historical Park Advisory Commission.

(b) DUTIES.—The Commission shall—

(1) advise the Secretary in the preparation and implementation of a general management plan described in section 8; and

(2) advise the Secretary with respect to the identification of sites of significance outside the Park boundary deemed necessary to fulfill the purposes of this Act.

(c) MEMBERSHIP.—

(1) COMPOSITION.—The Commission shall be composed of 15 members appointed by the Secretary so as to include the following:

(A) 1 representative from the Commonwealth of Virginia.

(B) 1 representative each from the local governments of Strasburg, Middletown, Frederick County, Shenandoah County, and Warren County.

(C) 2 representatives of private landowners within the Park.

(D) 1 representative from a citizen interest group.

(E) 1 representative from the Cedar Creek Battlefield Foundation.

(F) 1 representative from Belle Grove, Incorporated.

(G) 1 representative from the National Trust for Historic Preservation.

(H) 1 representative from the Shenandoah Valley Battlefields Foundation.

(I) 1 ex-officio representative from the National Park Service.

(J) 1 ex-officio representative from the United States Forest Service.

(2) CHAIRPERSON.—The Chairperson of the Commission shall be elected by the members to serve a term of one year renewable for one additional year.

(3) VACANCIES.—A vacancy on the Commission shall be filled in the same manner in which the original appointment was made.

(4) TERMS OF SERVICE.—

(A) IN GENERAL.—Each member shall be appointed for a term of 3 years and may be reappointed for not more than 2 successive terms.

(B) INITIAL MEMBERS.—Of the members first appointed under paragraph (1), the Secretary shall appoint—

(i) 4 members for a term of 1 year;

(ii) 5 members for a term of 2 years; and

(iii) 6 members for a term of 3 years.

(5) EXTENDED SERVICE.—A member may serve after the expiration of that member's term until a successor has taken office.

(6) MAJORITY RULE.—The Commission shall act and advise by affirmative vote of a majority of its members.

(7) MEETINGS.—The Commission shall meet at least quarterly at the call of the chairperson or a majority of the members of the Commission.

(8) QUORUM.—8 members shall constitute a quorum.

(d) COMPENSATION.—Members shall serve without pay. Members who are full-time officers or employees of the United States, the Commonwealth of Virginia, or any political subdivision thereof shall receive no additional pay on account of their service on the Commission.

(e) TRAVEL EXPENSES.—While away from their homes or regular places of business in the performance of service for the Commission, members shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703 of title 5, United States Code.

(f) HEARINGS; PUBLIC INVOLVEMENT.—The Commission may, for purposes of carrying out this Act, hold such hearings, sit and act at such times and places, take such public testimony, and receive such evidence, as the Commission considers appropriate. The Commission may not issue subpoenas or exercise any subpoena authority.

SEC. 10. CONSERVATION OF CEDAR CREEK AND BELLE GROVE NATIONAL HISTORICAL PARK.

(a) ENCOURAGEMENT OF CONSERVATION.—The Secretary and the Commission shall encourage conservation of the historic and natural resources within and in proximity of the Park by landowners, local governments, organizations, and businesses.

(b) PROVISION OF TECHNICAL ASSISTANCE.—The Secretary may provide technical assistance to local governments, in cooperative efforts which complement the values of the Park.

(c) COOPERATION BY FEDERAL AGENCIES.—Any Federal entity conducting or supporting activities directly affecting the Park shall consult, cooperate, and, to the maximum extent practicable, coordinate its activities with the Secretary in a manner that—

(1) is consistent with the purposes of this Act and the standards and criteria established pursuant to the general management plan developed pursuant to section 8;

(2) is not likely to have an adverse effect on the resources of the Park; and

(3) is likely to provide for full public participation in order to consider the views of all interested parties.

SEC. 11. ENDOWMENT.

(a) IN GENERAL.—In accordance with the provisions of subsection (b), the Secretary is authorized to receive and expend funds from an endowment to be established with the National Park Foundation, or its successors and assigns.

(b) CONDITIONS.—Funds from the endowment referred to in subsection (a) shall be expended exclusively as the Secretary, in consultation with the Commission, may designate for the interpretation, preservation, and maintenance of the Park resources and public access areas. No expenditure shall be made pursuant to this section unless the Secretary determines that such expenditure is consistent with the purposes of this Act.

SEC. 12. COOPERATIVE AGREEMENTS.

(a) IN GENERAL.—In order to further the purposes of this Act, the Secretary is authorized to enter into cooperative agreements with interested public and private entities and individuals (including the National Trust for Historic Preservation, Belle Grove, Inc., the Cedar Creek Battlefield Foundation, the Shenandoah Valley Battlefields Foundation, and the Counties of Frederick, Shenandoah, and Warren), through technical and financial assistance, including encouraging the conservation of historic and natural resources of the Park.

(b) TECHNICAL AND FINANCIAL ASSISTANCE.—The Secretary may provide to any person, organization, or governmental entity technical and financial assistance for the purposes of this Act, including the following:

(1) Preserving historic structures within the Park.

(2) Maintaining the natural or cultural landscape of the Park.

(3) Local preservation planning, interpretation, and management of public visitation for the Park.

(4) Furthering the goals of the Shenandoah Valley Battlefields Foundation related to the Park.

SEC. 13. ROLES OF KEY PARTNER ORGANIZATIONS.

(a) IN GENERAL.—In recognition that central portions of the Park are presently owned and operated for the benefit of the public by key partner organizations, the Secretary shall acknowledge and support the continued participation of these partner organizations in the management of the Park.

(b) PARK PARTNERS.—Roles of the current key partners include the following:

(1) CEDAR CREEK BATTLEFIELD FOUNDATION.—The Cedar Creek Battlefield Foundation may—

(A) continue to own, operate, and manage the lands acquired by the Foundation within the Park;

(B) continue to conduct reenactments and other events within the Park; and

(C) transfer ownership interest in portions of their land to the National Park Service by donation, sale, or other means that meet the legal requirements of National Park Service land acquisitions.

(2) NATIONAL TRUST FOR HISTORIC PRESERVATION AND BELLE GROVE INCORPORATED.—The National Trust for Historic Preservation and Belle Grove Incorporated may continue to own, operate, and manage Belle Grove Plantation and its structures and grounds within the Park boundary. Belle Grove Incorporated may continue to own the house and grounds known as Bowman's Fort or Harmony Hall for the purpose of permanent preservation, with a long-term goal of opening the property to the public.

(3) SHENANDOAH COUNTY.—Shenandoah County may continue to own, operate, and manage the Keister park site within the Park for the benefit of the public.

(4) PARK COMMUNITY PARTNERS.—The Secretary shall cooperate with the Park's adjacent historic towns of Strasburg and Middletown, Virginia, as well as Frederick, Shenandoah, and Warren counties in furthering the purposes of the Park.

(5) SHENANDOAH VALLEY BATTLEFIELDS FOUNDATION.—The Shenandoah Valley Battlefields Foundation may continue to administer and manage the Shenandoah Valley Battlefields National Historic District in partnership with the National Park Service and in accordance with the Management Plan for the District in which the Park is located.

SEC. 14. AUTHORIZATION OF APPROPRIATIONS.

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

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

Mr. HANSEN. Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia (Mr. WOLF), the author of the bill.

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

Mr. WOLF. Mr. Speaker, I rise in support of H.R. 4944, a bill to create the Cedar Creek and Belle Grove National Historical Park. I want to personally thank my good friend, the gentleman from Utah (Mr. HANSEN), for moving this bill so much. I really want to thank him.

I also want to acknowledge our former colleague, French Slaughter, who has passed away, for creating this idea. I want to acknowledge the gentleman in the chair, Mr. GOODLATTE, who has been such a help.

Mr. Speaker, I rise in support of H.R. 4944, a bill to create the ''Cedar Creek and Belle Grove National Historical Park.''

I want to thank Chairman HANSEN and the Resources Committee staff for their valuable assistance in moving this bill.

I also want to recognize the efforts of one of our former colleagues: the late D. French Slaughter who served in the House from 1985 until 1991. He help lay the ground work for the creation of this park.

This legislation is the result of the tireless work of a number of people and organizations, including the National Park Service, local elected officials and landowners in the Shenandoah Valley, and prominent historians and preservationists.

An outgrowth of the efforts of the Shenandoah Valley Battlefields National Historic District Commission established by Congress in 1996, the park will help preserve and interpret the rich history of the Shenandoah Valley.

In addition to preserving the site of the Civil War Battle of Cedar Creek—it was the last battle of the 1864 Civil War Valley campaign, marking the end of Confederate power in the Valley and its timing just three weeks before the 1864 presidential election also unquestionably influenced the magnitude of President Lincoln's reelection—the park will help tell the story of Native American burial grounds in the region, the influence of German settlers who migrated to the area along the Great Wagon Road and the creation of massive wheat plantations that foreshadowed the Valley's future as the ''Breadbasket of the Confederacy.''

Historic Belle Grove Plantation also will be within the park's boundaries. It was built by Major Isaac Hite, who served in the Continental Army during the Revolutionary War, and married Nelly Conway Madison, the sister of President James Madison.

Belle Grove is one of the many outstanding mansions of the Shenandoah Valley and like other period houses built in that region, the design shows Thomas Jefferson's influence from the Tidewater and Piedmont areas, and also Classical Revival elements, an architectural innovation of the day.

The park also will help protect the historic scenic landscape of the region which features panoramic views of the Blue Ridge mountains, natural areas and waterways in the northern Shenandoah Valley.

The proposed park boundary includes approximately 3,000 acres at the intersection of Frederick, Shenandoah and Warren counties and is based on the 1969 boundary established for the Cedar Creek and Belle Grove National Historic Landmark.

What makes this park even more special is that it will serve as a model for future national parks because:

It is based on partnerships and local community involvement;

Private organizations, families, and individuals will continue to live and work within its boundaries;

Landowners hold their right to sell their land whenever and to whomever they choose;

No land will be condemned or taken by eminent domain;

The Park Service will only purchase land from willing sellers; and

Finally, land use and zoning decisions within the park's boundaries will continue to be administered by local authorities at the county or municipal levels.

This park will go a long way toward preserving an important part of our Nation's rich heritage and history.

It also has the full support of the local community.

I urge support for H.R. 4944.

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

(Mrs. CHRISTENSEN asked and was given permission to revise and extend her remarks.)

Mrs. CHRISTENSEN. Mr. Speaker the purpose of H.R. 4944 has been explained by the majority and our colleague on the other side. This legislation is a result of a National Park Service study that worked with the local community on developing joint efforts to protect these Civil War resources. We have no objection to its passage.

Mr. GOODLATTE. Mr. Speaker, I would like to thank the gentleman from Utah for yielding. I would also like to thank Congressman WOLF for his vision and leadership in bringing this legislation to the floor. I am pleased to share a bordering district with Mr. WOLF and share part of the Cedar Creek and Belle Grove properties.

I have the distinct honor of representing a significant part of the Shenandoah Valley. The Valley is one of the most diverse and beautiful regions in the country, and is noted for its role in Civil War history—even being referred to by historians as the ''breadbasket of the confederacy'' for supplying food to soldiers. While my district is dotted with national parks, I would like to see added a new national park—the Cedar Creek Battlefield and Belle Grove Plantation National Historical Park to ensure the preservation of the history surrounding this site.

This park will also serve as a new model for future development of national parks because it is a collaboration of efforts between public and private entities. What is also unique about this park is that all landowners will continue working collectively for the visiting public while continuing to retain the right to sell their land—whenever and to whomever they choose. In addition, the park will work hand-in-hand with the local community because land use and zoning will continue to be administered by local authorities at the county or municipal level.

In addition, there are 9 other Civil War battlefield sites within the Shenandoah Valley that will also benefit from the national involvement in the Shenandoah Valley, while continuing to maintain its rural character and be protected and managed at a local level. Increased visitation to the new park and surrounding battlefields will bring added value and benefits to the local economy and play a significant role in hosting visitors from all over the country.

I would also like to take this time to pay tribute to Mr. Carrington Williams. I am deeply saddened by his recent death. It was an honor to work with Carrington in establishing and securing funds for the Shenandoah Valley Battlefields Commission. He was a true leader in the appreciation and preservation of our nation's Civil War Battlefields and his passion for

protecting American heritage will be sorely missed. From his military service to this great Nation to his public service in the Virginia House of Delegates and his extensive community service, Carrington was a respected civic leader and visionary.

I appreciate the historic value and significance of Cedar Creek and Belle Grove. During my weekly drives through the Valley on my way to D.C. or back home to Roanoke, I am reminded almost every stretch of mile of the historic role the Shenandoah Valley has played during the events of the Civil War. I believe it is important to preserve this battlefield so it will continue to provide a historical lesson and glimpse into our nation's past for future generations.

Mr. Speaker, I urge the adoption of this measure and yield back the remainder of my time.

Mrs. CHRISTENSEN. Mr. Speaker, I yield back the balance of my time.

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

□ 1815

The SPEAKER pro tempore (Mr. SHIMKUS). The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 4944, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: ''A bill to designate the Cedar Creek and Belle Grove National Historical Park as a unit of the National Park System, and for other purposes.''.

A motion to reconsider was laid on the table.

EDUCATION LAND GRANT CONVEYANCE REVIEW COST ACT

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3802) to amend the Education Land Grant Act to require the Secretary of Agriculture to pay the costs of environmental reviews with respect to conveyances under that Act, as amended.

The Clerk read as follows:

H.R. 3802

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

SECTION 1. COSTS OF REVIEWS FOR CONVEYANCES UNDER EDUCATION LAND GRANT ACT.

Section 202 of the Education Land Grant Act (16 U.S.C. 479a) is amended by adding at the end the following:

''(f) COSTS OF REVIEW.—The Secretary shall pay the costs of all action required under section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) with respect to any conveyance under this section.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

Mr. HANSEN. Mr. Speaker, the bill, H.R. 3802, was introduced by the gentleman from Arizona (Mr. HAYWORTH), and I yield such time as he may consume to the gentleman to explain this legislation.

Mr. HAYWORTH. Mr. Speaker, I thank the gentleman from Utah for yielding me this time. He has done an outstanding job as chairman of the Committee on Resources and we shall miss him very much in that capacity.

Mr. Speaker, the Education Land Grant Act set up a national mechanism to convey small parcels of U.S. Forest Service land to local educational agencies for the purpose of renovation, expansion, or construction of school facilities. Mr. Speaker, the good news is that this bill was signed into law on December 28 of the year 2000.

Here is where the difficulty has arisen, Mr. Speaker. In implementing this law, Forest Service staff have administratively determined that schools that apply for a conveyance under this act would need to pay various administrative costs, analyses, and environmental compliance assessments. In fact, the interim directive that has now finally been distributed states various costs to be borne by the school districts. I quote: ''Nominal costs includes the nominal fee of $10 per acre conveyed, plus all costs directly associated with the project that the Forest Service may incur to evaluate and process at the school district's request to acquire national Forest Service lands under the Education Land Grant Act, such as costs associated with National Environmental Policy Act compliance, document preparations, surveys, posting of property monuments, markers, or posts, and recordation.''

In fact, another memo mentioned that even staff time, even staff time used to process requests will need to be paid by school districts.

Mr. Speaker, here we have an example of bureaucrats trying to reinterpret what was very clear in the law. That is why we come to the floor today with H.R. 3802.

This bill simply requires the Forest Service to bear the cost of environmental assessments and administrative costs associated with an exchange under the Education Land Grant Act. The purpose of the act in the first place was to help those cash-strapped districts to make sure their funds were going to help teachers teach and help children learn. Now we have a situation, through bureaucratic extrapolation, where the unelected are trying to reinterpret the will of the Congress.

So, Mr. Speaker, we come here today to speak unequivocally to say that the Congress makes it very clear. Here are the instruments that will be utilized to help these cash-strapped districts realize the benefits of the Education Land Grant Act, and this legislation is the last step toward making school construction and expansion a reality for many rural schools across our country.

So it is in that spirit, Mr. Speaker, that I urge this House to adopt H.R. 3802.

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

(Mrs. CHRISTENSEN asked and was given permission to revise and extend her remarks.)

Mrs. CHRISTENSEN. Mr. Speaker, H.R. 3802 would require the Secretary of Agriculture to pay the costs of environmental reviews conducted pursuant to the Education Land Grant Act. The majority, in the person of the gentleman from Arizona (Mr. HAYWORTH), has very clearly and passionately explained the bill. We have no objection, Mr. Speaker.

Mr. Speaker, I yield back the balance of my time.

Mr. HANSEN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 3802, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

RED ROCK CANYON NATIONAL CONSERVATION AREA PROTECTION AND ENHANCEMENT ACT OF 2002

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4141) to authorize the acquisition by exchange of lands for inclusion in the Red Rock Canyon National Conservation Area, Clark County, Nevada, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4141

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Red Rock Canyon National Conservation Area Protection and Enhancement Act of 2002''.

SEC. 2. DEFINITIONS.

In this Act, the following definitions apply:

(1) CORPORATION.—The term ''Corporation'' means The Howard Hughes Corporation, an affiliate of the Rouse Company, with its principal place of business at 10000 West Charleston Boulevard, Las Vegas, Nevada.

(2) RED ROCK.—The term ''Red Rock'' means the Red Rock Canyon National Conservation Area, consisting of approximately 195,780 acres of public lands in Clark County, Nevada, specially designated for protection in the Red Rock Canyon National Conservation Area Establishment Act of 1990 (16 U.S.C. 460ccc et seq.), as depicted on the Red Rock Map.

(3) RED ROCK MAP.—The term ''Red Rock Map'' means the map entitled ''H.R. 4141–Boundary Modifications'', dated July 1, 2002.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

SEC. 3. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress makes the following findings:

(1) Red Rock is a natural resource of major significance to the people of Nevada and the

United States. It must be protected in its natural state for the enjoyment of future generations of Nevadans and Americans, and enhanced wherever possible.

(2) In 1998, the Congress enacted the Southern Nevada Public Lands Management Act of 1998 (Public Law 105–263), which provided among other things for the protection and enhancement of Red Rock.

(3) The Corporation owns much of the private land on Red Rock's eastern boundary, and is engaged in developing a large-scale master-planned community.

(4) Included in the Corporation's land holdings are 1,071 acres of high-ground lands at the eastern edge of Red Rock. These lands were intended to be included in Red Rock, but to date have not been acquired by the United States. The protection of this high-ground acreage would preserve an important element of the western Las Vegas Valley view-shed.

(5) The Corporation has volunteered to forgo development of the high-ground lands, and proposes that the United States acquire title to the lands so that they can be preserved in perpetuity to protect and expand Red Rock.

(b) PURPOSES.—This Act has the following purposes:

(1) To accomplish an exchange of lands between the United States and the Corporation that would transfer certain high-ground lands to the United States in exchange for the transfer of other lands of approximately equal value to the Corporation.

(2) To protect Red Rock and to expand its boundaries as contemplated by the Bureau of Land Management, as depicted on the Red Rock Map.

(3) To further fulfill the purposes of the Southern Nevada Public Lands Management Act of 1998 and the Red Rock Canyon National Conservation Area Establishment Act of 1990.

SEC. 4. RED ROCK LAND EXCHANGE.

(a) ACQUISITION REQUIREMENT.—If the Corporation offers to convey to the United States all right, title, and interest in and to the approximately 1,082 acres of nonfederal land owned by the Corporation and depicted on the Red Rock Map as ''OFFERED LANDS TO BE INCORPORATED INTO NCA'', the Secretary shall accept such offer on behalf of the United States, and not later than 90 days after the date of the offer, except as otherwise provided in this Act, shall make the following conveyances:

(1) To the Corporation, the approximately 998 acres of Federal lands depicted on the Red Rock Map as ''BLM LANDS SELECTED FOR EXCHANGE''.

(2) To Clark County, Nevada, the approximately 1,221 acres of Federal lands depicted on the Red Rock Map as ''BLM LANDS FOR CLARK COUNTY PARK''.

(b) SIMULTANEOUS CONVEYANCES.—Title to the private property and the Federal property to be conveyed pursuant to this section shall be conveyed at the same time.

(c) MAP.—The Secretary shall keep the Red Rock Map on file and available for public inspection in the Las Vegas District Office of the Bureau of Land Management in Nevada, and the State Office of the Bureau of Land Management, Reno, Nevada.

(d) CONDITIONS—

(1) HAZARDOUS MATERIALS.—As a condition of the conveyance under subsection (a)(1), the Secretary shall require that the Corporation be responsible for removal of and remediation related to any hazardous materials that are present on the property conveyed to the United States under subsection (a).

(2) SURVEY.—As a condition of the conveyance under subsection (a)(1), the Secretary shall require that not later than 90 days after the date of the offer referred to in subsection (a), the Corporation shall provide a metes and bounds survey, that is acceptable to the Corporation, Clark County, and the Secretary, of the common boundary between the parcels of land to be conveyed under subsection (a).

(3) LANDS CONVEYED TO CLARK COUNTY.—As a condition of the conveyance under subsection (a)(2), the Secretary shall require that—

(A) the lands transferred to Clark County by the United States must be held in perpetuity by the County for use only as a public park or as part of a public regional trail system; and

(B) if the County attempts to transfer the lands or to undertake a use on the lands that is inconsistent with their preservation and use as described in subparagraph (A), such lands shall revert to the United States.

SEC. 5. STATUS AND MANAGEMENT OF LANDS.

(a) INCLUSION OF BASIN LANDS.—Upon the date of the enactment of this Act, the Secretary shall administer the lands depicted on the Red Rock Map as ''Flood Control Detention Basin Lands'', exclusive of those lands used for the Corps of Engineers R–4 Detention Basin, as part of Red Rock and in accordance with the Red Rock Canyon National Conservation Area Establishment Act of 1990 (16 U.S.C. 460ccc et seq.), the Southern Nevada Public Lands Management Act of 1998 (Public Law 105–263), and all other applicable laws.

(b) INCLUSION OF ACQUIRED LANDS; MAPS REFLECTING BOUNDARY ADJUSTMENTS.—Upon acquisition by the United States of lands under this Act, the Secretary shall—

(1) administer the lands as part of Red Rock and in accordance with the Red Rock Canyon National Conservation Area Establishment Act of 1990 (16 U.S.C. 460ccc et seq.), the Southern Nevada Public Lands Management Act of 1998 (Public Law 105–263), and all other applicable laws; and

(2) create new maps showing the boundaries of Red Rock as modified by or pursuant to this Act, and make such maps available for review at the Las Vegas District Office of the Bureau of Land Management and the State Office of the Bureau of Land Management, Reno, Nevada.

(c) CONFORMING AMENDMENT.—Section 3(a)(2) of the Red Rock Canyon National Conservation Area Establishment Act of 1990 (16 U.S.C. 460ccc–1(a)(2)) is amended by inserting before the period the following: '', and such additional areas as are included in the conservation area pursuant to the Red Rock Canyon National Conservation Area Protection and Enhancement Act of 2002''.

SEC. 6. GENERAL PROVISIONS.

(a) REVIEW OF APPRAISAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall complete a review of the appraisal entitled ''Complete Self-Contained Appraisal Red Rock Exchange, Las Vegas, Nevada'', completed on or about June 3, 2002. The difference in appraisal values shall be reimbursed to the Secretary by the Corporation in accordance with the Southern Nevada Public Lands Management Act of 1998.

(b) VALID EXISTING RIGHTS.—The land exchange under this Act shall be subject to valid existing rights. Each party to which property is conveyed under this Act shall succeed to the rights and obligations of the conveying party with respect to any lease, right-of-way, permit, or other valid existing right to which the property is subject.

(c) TECHNICAL CORRECTIONS.—Nothing in this Act prohibits the parties to the conveyances under this Act from agreeing to the correction of technical errors or omissions in the Red Rock Map.

(d) WITHDRAWAL OF AFFECTED LANDS.—To the extent not already accomplished under law or administrative action, the Secretary shall withdraw from operation of the public land and mining laws, subject to valid existing rights—

(1) those Federal lands acquired by the United States under this Act; and

(2) those Federal lands already owned by the United States on the date of the enactment of this Act but included within the Red Rock National Conservation Area boundaries by this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

Mr. HANSEN. Mr. Speaker, I yield such time as he may consume to the gentleman from Nevada (Mr. GIBBONS) as the author of this bill to explain this legislation.

Mr. GIBBONS. Mr. Speaker, I thank the gentleman from Utah (Mr. HANSEN), the chairman of the Committee on Resources, for yielding me this time to speak on this important piece of legislation.

Mr. Speaker, a previous bill considered by this Congress, the Southern Nevada Public Land Management Act of 1998, was enacted to provide for the orderly disposal of Federal lands in Clark County, Nevada, and to provide for the acquisition of environmentally sensitive lands in the State. Pursuant to these goals, and to those of the Recreation and Public Purposes Act, on April 10 of this year I introduced H.R. 4141 to further enhance the Red Rock Canyon National Conservation Area.

This legislation will promulgate the exchange of approximately 1,000 acres of private, environmentally-sensitive, mountainous land on the eastern border of the Red Rock National Conservation Area held by the Howard Hughes Corporation for approximately 1,000 acres of Bureau of Land Management lands. In addition, approximately 1,200 acres of BLM land will be transferred to Clark County to be used as a public park.

The exchange is fully consistent with the objectives of the Southern Nevada Public Land Management Act to dispose developable Federal lands in exchange for those that are environmentally sensitive. The land to be conveyed to the BLM by the Howard Hughes Corporation has archeological, scenic, and recreational values. The public lands to be acquired by the Hughes Corporation in exchange are adjacent to the Hughes Corporate land holdings and lie within the disposable boundaries identified by the Southern Nevada Public Land Management Act for development.

Mr. Speaker, Congress recognized the benefit of conveying Federal lands to local government without compensation for recreational purposes when it passed the Recreation and Public Purposes Act of 1954. The transfer of approximately 1,200 acres to Clark County to be used as a park or part of the trail system meets with the objectives of the Recreation and Public Purposes Act, as well as the Southern Nevada Public Land Management Act.

Mr. Speaker, H.R. 4141 is a bill that has strong support of both Nevada's

Senators, both of Nevada's Representatives, Clark County, and the city of Las Vegas.

Further, the Southern Nevada Group of the Sierra Club has stated in a communication to the Howard Hughes Corporation that they are not opposed to this bill and that it will be a positive gain for public holdings, which make this bill a bill to celebrate.

The Howard Hughes Corporation deserves praise for its advocacy of an exchange that not only benefits their development interests, but also those of the local public. This sentiment is echoed by longtime southern Nevada environmentalist Jeff van Ea who said, ''Never in my history of environmental activism have I seen a developer or corporation that has been more responsive to orderly environmental-conscious development than Howard Hughes Corporation. I often say that they are setting the example for others to follow.''

Mr. Speaker, I want to make it clear that this is probably the last time that this proposal will come before this body. If this legislation fails to pass, it is very possible that the Hughes Corporation will choose a course of planning action that would not be as favorable to the multiple environmental interests that have expressed their support. I encourage my colleagues to pass this legislation which blends development and consideration interests into a wise and sensible solution for Red Rock Canyon and the citizens of Nevada.

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

(Mrs. CHRISTENSEN asked and was given permission to revise and extend her remarks.)

Mrs. CHRISTENSEN. Mr. Speaker, while H.R. 4141 has been explained by the majority, the legislation raises a number of concerns. Land exchanges in Las Vegas have been an ongoing problem. In fact, these land exchanges have been such a problem that in 1998 Congress enacted Public Law 105–263 to basically halt land exchanges in this particular area and, instead, direct that public lands be disposed of by auction with the proceeds earmarked to the acquisition of conservation and recreational lands in Nevada.

Mr. Speaker, H.R. 4141 bypasses that policy and appears to reopen ongoing issues with land exchanges, such as land selection, valuation, and environmental reviews. The lands that are proposed to be exchanged by the bill have been altered several times over the past 2 years. With the high prices being paid for public land sales in Las Vegas, these lands present a significant economic resource.

An amendment was adopted by the Committee on Resources that made a number of changes to alleviate the most serious problems with the bill as introduced. I appreciate the efforts of my colleague, the gentlewoman from Nevada (Ms. BERKLEY), to facilitate these improvements to the bill. It is a better bill today than what was attempted to be passed just 2 months ago.

While the legislation continues to cut corners and avoid the normal review and appraisal requirements of land exchange, we will not object to its passage today. It is our hope that as H.R. 4141 continues through the legislative process, that further improvements can be made to the bill.

Mr. Speaker, I yield such time as she may consume to the gentlewoman from Nevada (Ms. BERKLEY), and I want to thank her for her leadership and her hard work in making this bill the better bill that it is before us today.

Ms. BERKLEY. Mr. Speaker, I would like to thank the gentlewoman from the Virgin Islands for being so sensitive about the needs of my community.

Mr. Speaker, I rise in support of this legislation. I would like to thank the gentleman from Nevada for his work on this bill and the members of the committee on both sides of the aisle for coming up with a compromise that serves the people that I represent very well.

Mr. Speaker, the Red Rock Canyon National Conservation Area is one of our Nation's great treasures. Its spectacular views and exciting trails have provided tremendous enjoyment to the people of Nevada and the United States. Everyone who visits agrees that Red Rock Canyon must be protected in its natural state for future generations to come.

Development in Las Vegas now threatens approximately 1,000 acres of high-ground lands at the eastern edge of Red Rock. This land directly connects to some of the mountains surrounding Red Rock Canyon, making protection of this high-ground acreage an important element of the western Las Vegas Valley view-shed.

While these acres appear to be part of the Red Rock Canyon National Conservation Area, they are actually owned by the Howard Hughes Corporation. We are extremely fortunate that the Howard Hughes Corporation never developed this land. In fact, it is the Howard Hughes Corporation who has volunteered to forgo development of the high-ground lands and proposed that the United States acquire title to the land so that they can be preserved in perpetuity to protect and expand Red Rock.

This bill would accomplish that acquisition. It would transfer the high-ground lands to the United States in exchange for the transfer of other lands of approximately equal value to the corporation. The net effect will be to expand the Red Rock Canyon area.

The bill also contains a provision that will provide Clark County with over 1,000 acres of land for the purpose of developing a nature park. Clark County will construct the trails and the trail heads within this open space with the intent of leaving portions of the Old Mormon/Spanish Trail with the regional trail system.

Mr. Speaker, under this bill, our entire community will benefit. The Federal Government obtains invaluable environmentally-sensitive land, Clark County obtains a nature park that it will care for, and the Howard Hughes Corporation obtains lands that it will be able to develop. As someone that grew up in the southern Nevada area, I cannot emphasize how beautiful this area is and how important this legislation is to protect it. My entire community supports this legislation. Environmental groups, nature lovers, homeowners, and the Howard Hughes Corporation, have been instrumental in our efforts to preserve Red Rock Canyon so that future generations of Nevadans and generations to come, my children and my children's children, and beyond that will all be able to look up and enjoy Red Rock Canyon just as I did as a child.

□ 1830

Mrs. CHRISTENSEN. Mr. Speaker, I yield back the balance of my time.

Mr. HANSEN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SHIMKUS). The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 4141, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

CIVIL WAR BATTLEFIELD PRESERVATION ACT OF 2002

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5125) to amend the American Battlefield Protection Act of 1996 to authorize the Secretary of the Interior to establish a battlefield acquisition grant program, as amended.

The Clerk read as follows:

H.R. 5125

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Civil War Battlefield Preservation Act of 2002''.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds the following:

(1) Civil War battlefields provide a means for the people of the United States to understand a tragic period in the history of the United States.

(2) According to the Report on the Nation's Civil War Battlefields, prepared by the Civil War Sites Advisory Commission, and dated July 1993, of the 384 principal Civil War battlefields—

(A) almost 20 percent are lost or fragmented;

(B) 17 percent are in poor condition; and

(C) 60 percent have been lost or are in imminent danger of being fragmented by development and lost as coherent historic sites.

(b) PURPOSES.—The purposes of this Act are—

(1) to act quickly and proactively to preserve and protect nationally significant Civil War battlefields through conservation easements and fee-simple purchases of those battlefields from willing sellers; and

(2) to create partnerships among State and local governments, regional entities, and the private sector to preserve, conserve, and enhance nationally significant Civil War battlefields.

SEC. 3. BATTLEFIELD ACQUISITION GRANT PROGRAM.

The American Battlefield Protection Act of 1996 (16 U.S.C. 469k) is amended—

(1) by redesignating subsection (d) as paragraph (3) of subsection (c), and indenting appropriately;

(2) in paragraph (3) of subsection (c) (as redesignated by paragraph (1))—

(A) by striking ''APPROPRIATIONS'' and inserting ''APPROPRIATIONS''; and

(B) by striking ''section'' and inserting ''subsection'';

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

''(d) BATTLEFIELD ACQUISITION GRANT PROGRAM.—

''(1) DEFINITIONS.—In this subsection:

''(A) BATTLEFIELD REPORT.—The term 'Battlefield Report' means the document entitled 'Report on the Nation's Civil War Battlefields', prepared by the Civil War Sites Advisory Commission, and dated July 1993.

''(B) ELIGIBLE ENTITY.—The term 'eligible entity' means a State or local government.

''(C) ELIGIBLE SITE.—The term 'eligible site' means a site—

''(i) that is not within the exterior boundaries of a unit of the National Park System; and

''(ii) that is identified in the Battlefield Report.

''(D) SECRETARY.—The term 'Secretary' means the Secretary of the Interior, acting through the American Battlefield Protection Program.

''(2) ESTABLISHMENT.—The Secretary shall establish a battlefield acquisition grant program under which the Secretary may provide grants to eligible entities to pay the Federal share of the cost of acquiring interests in eligible sites for the preservation and protection of those eligible sites.

''(3) NONPROFIT PARTNERS.—An eligible entity may acquire an interest in an eligible site using a grant under this subsection in partnership with a nonprofit organization.

''(4) NON-FEDERAL SHARE.—The non-Federal share of the total cost of acquiring an interest in an eligible site under this subsection shall be not less than 50 percent.

''(5) LIMITATION ON LAND USE.—An interest in an eligible site acquired under this subsection shall be subject to section 6(f)(3) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–8(f)(3)).

''(6) REPORTS.—

''(A) IN GENERAL.—Not later than 5 years after the date of the enactment of this subparagraph, the Secretary shall submit to Congress a report on the activities carried out under this subsection.

''(B) UPDATE OF BATTLEFIELD REPORT.—Not later than 2 years after the date of the enactment of this subsection, the Secretary shall submit to Congress a report that updates the Battlefield Report to reflect—

''(i) preservation activities carried out at the 384 battlefields during the period between publication of the Battlefield Report and the update;

''(ii) changes in the condition of the battlefields during that period; and

''(iii) any other relevant developments relating to the battlefields during that period.

''(7) AUTHORIZATION OF APPROPRIATIONS.—

''(A) IN GENERAL.—There are authorized to be appropriated to the Secretary from the Land and Water Conservation Fund to provide grants under this subsection $10,000,000 for each of fiscal years 2004 through 2008.

''(B) UPDATE OF BATTLEFIELD REPORT.—There are authorized to be appropriated to the Secretary to carry out paragraph (6)(B), $500,000.''; and

(4) in subsection (e)—

(A) in paragraph (1), by striking ''as of'' and all that follows through the period and inserting ''on September 30, 2008.''; and

(B) in paragraph (2), by inserting ''and provide battlefield acquisition grants'' after ''studies''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

Mr. HANSEN. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. GARY G. MILLER) to explain this legislation.

Mr. GARY G. MILLER of California. Mr. Speaker, I rise today in support of H.R. 5125, the Civil War Battlefield Preservation Act of 2002.

On July 15, I introduced this bill, along with five of my colleagues, to show Congress's continued commitment to preserving these historic sites.

I believe by preserving history, we teach future generations not only where we are from, but also what we are about and where we are heading. Preserving our past allows us to teach our children about the valor of the soldiers who fought and died, the strife families overcame, challenges that our society met, and struggles our ideals conquered. These battlefields are living classrooms to remind future generations of our Nation's history.

If enacted, this measure seeks to authorize the American Battlefield Preservation Program, ABPP, a proven program Congress funded in 1999 at $8 million and again in 2002 at $11 million.

The Civil War Battlefield Preservation Program, CWBPP, has been enormously successful. The fiscal year 1999 appropriations were used to save nearly 7,000 acres of battlefield land, and generated an additional $16 million in non-Federal money for preservation.

This is a fiscally responsible program that promotes non-Federal partnerships with States and localities. Grants are competitively awarded through the American Battlefield Protection Program, ABPP, an arm of the National Park Service.

Money authorized in H.R. 5125 is to be used for the acquisition from willing sellers of priority battlefield properties outside NPS boundaries. Last year 63 Members and 12 Senators signed bipartisan letters supporting the fiscal year 2002 appropriation for this same purpose.

A companion bill, S. 2968, was introduced with tripartisan support. Senators SARBANES, SESSIONS and JEFFORDS are all in support of this. Funding will take place in 2002 after last year's $11 million appropriation is exhausted. Thereafter the bill authorizes $10,000 a year for Civil War battlefield preservation, with a minimum one-to-one match requirement.

This bill also authorizes $500,000 for ABPP to update the 993 Civil War Sites Advisory Commission report, which prioritizes the 384 major conflicts of the Civil War by the status of threats to their integrity.

This authorization bill, which would fund battlefield preservation from fiscal year 2004 through 2008, would provide predictability and certainty to the program's nonfunded partners as they prepare grant applications and make budgetary decisions.

I would like to thank the gentleman from Utah (Chairman HANSEN) and the gentleman from California (Mr. RADANOVICH), as well as the gentleman from West Virginia (Mr. RAHALL) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) for their commitment to preserving our Nation's past.

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

(Mrs. CHRISTENSEN asked and was given permission to revise and extend her remarks.)

Mrs. CHRISTENSEN. Mr. Speaker, this bill has a very worthy goal, and we have no objection to its passage.

Mr. Speaker, I yield back the balance of my time.

Mr. HANSEN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 5125, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

CENTRAL UTAH PROJECT COMPLETION ACT AMENDMENTS ACT

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4129) to amend the Central Utah Project Completion Act to clarify the responsibilities of the Secretary of the Interior with respect to the Central Utah Project, to redirect unexpended budget authority for the Central Utah Project for wastewater treatment and reuse and other purposes, to provide for prepayment of repayment contracts for municipal and industrial water delivery facilities, and to eliminate a deadline for such prepayment, as amended.

The Clerk read as follows:

H.R. 4129

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

SECTION 1. AMENDMENTS TO THE CENTRAL UTAH PROJECT COMPLETION ACT.

(a) TREATMENT OF INVESTIGATION COSTS.—Section 201(b) of the Central Utah Project Completion Act (106 Stat. 4607) is amended following paragraph (2) by inserting the following: ''All amounts previously expended in planning and developing the projects and features described in this subsection including amounts previously expended for investigation of power features in the Bonneville Unit shall be considered non-reimbursable and non-returnable.''.

(b) CLARIFICATION OF SECRETARIAL RESPONSIBILITIES.—Section 201(e) of the Central Utah Project Completion Act (106 Stat. 4608) is amended—

(1) in the first sentence—

(A) by striking ''identified in this Act'' and inserting ''identified in this title and the Act of April 11, 1956 (chapter 203; 70 Stat. 110 et seq.), popularly known as the Colorado River Storage Project Act,'';

(B) by inserting ''relating to the Bonneville Unit of the Central Utah Project including oversight for all phases of the Bonneville Unit, the administration of all prior and future contracts, operation and maintenance of previously constructed facilities'' before ''and may not delegate'';

(C) by striking ''his responsibilities under this Act'' and inserting ''such responsibilities''; and

(D) by striking the period after ''Reclamation'' and inserting: '', except through the pilot management program hereby authorized. The pilot management program will exist for a period not to exceed 5 years and shall provide a mechanism for the Secretary and the District to create a mutually acceptable organization within the Bureau of Reclamation to assist the Secretary in his responsibilities for the long-term management of the Bonneville Unit. Such pilot management program may be extended indefinitely by mutual agreement between the Secretary and the District.'';

(2) in the second sentence—

(A) by inserting ''technical'' before ''services''; and

(B) by inserting ''for engineering and construction work'' before ''on any project features''; and

(3) by inserting at the end thereof the following new sentence: ''These provisions shall not affect the responsibilities of the Bureau of Reclamation and the Western Area Power Administration regarding all matters relating to all Colorado River Storage Project power functions, including all matters affecting the use of power revenues, power rates and ratemaking.''.

(c) MUNICIPAL AND INDUSTRIAL WATER.—Section 202(a)(1)(B) of the Central Utah Project Completion Act (106 Stat. 4608) is amended in the last sentence by inserting ''and municipal and industrial water'' after the word ''basin''.

(d) USE OF UNEXPENDED BUDGET AUTHORITY.—Section 202(c) of the Central Utah Project Completion Act (106 Stat. 4611) is amended to read as follows: ''The Secretary is authorized to utilize all unexpended budget authority for units of the Central Utah Project up to $300,000,000 and the balance of such budget authority in excess of this amount is deauthorized. Such $300,000,000 may be used to provide 65 percent Federal share pursuant to section 204, to acquire water and water rights for project purposes including instream flows, to complete project facilities authorized in this title and title III, to implement water conservation measures under section 207, including use of reverse osmosis membrane technologies, water recycling, and conjunctive use, to stabilize high mountain lakes and appurtenant facilities, to develop power, and for other purposes. In addition, funds may be provided by the Commission for fish and wildlife purposes. The District shall comply with the provisions of sections 202(a)(1), 205(b), and Title VI with respect to the features to be provided for in this subsection.''.

(e) PREPAYMENT OF REPAYMENT.—Section 210 of the Central Utah Project Completion Act (106 Stat. 4624) is amended—

(1) in the second sentence—

(A) by inserting ''or any additional or supplemental repayment contract'' after ''1985,''; and

(B) by inserting ''of the Central Utah Project'' after ''water delivery facilities''; and

(2) by striking ''The District shall exercise'' and all that follows through the end of that sentence.

SEC. 2. USE OF PROJECT FACILITIES FOR NONPROJECT WATER.

The Secretary of the Interior may enter into contracts with the Provo River Water Users Association or any of its member unit contractors for water from Provo River, Utah, under the Act of February 21, 1911 (43 U.S.C. 523), for—

(1) the impounding, storage, and carriage of nonproject water for domestic, municipal, industrial, and other beneficial purposes, using facilities associated with the Provo River Project, Utah; and

(2) the exchange of water among Provo River Project contractors, for the purposes set forth in paragraph (1), using facilities associated with the Provo River Project, Utah.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

Mr. HANSEN. Mr. Speaker, I yield such time as he may consume to the gentleman from Utah (Mr. CANNON), the author of this legislation, to explain this legislation.

Mr. CANNON. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise in support of H.R. 4129, the Central Utah Project Completion Act Amendments Act.

As in most Western States, water in Utah is a valuable and rare resource. Some of the most difficult and important decisions we make today are about how water should be conserved, transported, and allocated. This bill will help us move in the right direction by providing CUP with the necessary flexibility to meet the existing and future water needs of the State.

This bill provides fine-tuning to the original CUPCA authorization to make changes to CUP reflecting the current needs of Utah's water users.

H.R. 4129 modifies reimbursement costs for investigation of certain power features in the Bonneville unit. It also modifies the repayment schedule for CUP projects. The bill will give CUP the opportunity to fund projects that have been promised but not yet constructed.

H.R. 4129 does not add any additional authorization to the Central Utah Project, but rather, enables the CUP to take the money granted under previous Central Utah Project Completion Act authorizations and redirect it to other projects.

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

Mr. Speaker, the bill has been explained, and we support it.

Mr. Speaker, I yield back the balance of my time.

Mr. HANSEN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 4129, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

DISCLAIMER OF INTEREST IN LANDS ADJACENT TO SPIRIT LAKE AND TWIN LAKES, IDAHO

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4874) to direct the Secretary of the Interior to disclaim any Federal interest in lands adjacent to Spirit Lake and Twin Lakes in the State of Idaho resulting from possible omission of lands from an 1880 survey.

The Clerk read as follows:

H.R. 4874

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

SECTION 1. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds the following:

(1) The meander lines in the original surveys by John B. David, deputy surveyor, of two lakes in the State of Idaho, Spirit Lake, formerly known as Lake Tesemini, located in T. 53 N., R. 4 W., Boise Meridian, and Twin Lakes, formerly known as Fish Lake, located in T. 52 N. and T. 53 N., R. 4 W., Boise Meridian, do not reflect the current line of ordinary high water conditions.

(2) All lands adjacent to the original meander lines have been patented.

(b) PURPOSE.—The purpose of this Act is to direct the Secretary of the Interior to issue a recordable disclaimer of interest by the United States to any omitted lands or lands lying outside the record meander lines in the vicinity of the lakes referred to in subsection (a).

SEC. 2. DEFINITIONS.

In this Act:

(1) RECORDABLE DISCLAIMER OF INTEREST.—The term ''recordable disclaimer of interest'' means a document recorded in the county clerk's office or other such local office where real property documents are recorded, in which the United States disclaims any right, title, or interest to those lands found lying outside the recorded meander lines of the lakes referred to in section 1(a)(1), including omitted lands, if any.

(2) OMITTED LANDS.—The term ''omitted lands'' means those lands that were in place on the date of the original surveys referred to in section 1(a)(1) but were not included in the survey of the township and the meander lines of the water body due to gross error or fraud by the original surveyor.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

SEC. 3. SURVEYS.

The Secretary shall—

(1) conduct a survey investigation of the conditions along the lakeshores of Spirit Lake and Twin Lakes in the townships referenced in section 1(a); and

(2) after the completion of the survey investigation, resurvey the original meander lines along the lakeshores, using the results of the survey investigation.

SEC. 4. DISCLAIMER OF INTEREST IN LANDS ADJACENT TO SPIRIT LAKE AND TWIN LAKES, IDAHO.

Upon acceptance and approval of the surveys under section 3 by the Secretary, the Secretary shall—

(1) prepare a recordable disclaimer of interest with land descriptions, using the lot or tract numbers of the omitted lands, if any, and lands lying outside the record meander lines, as shown on the survey plats; and

(2) record such recordable disclaimer of interest simultaneously with the filing of the surveys.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to the Secretary $400,000 to carry out this Act. Funds appropriated to carry out the purposes of this Act may be available without fiscal year limitation.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

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

Mr. Speaker, H.R. 4874, introduced by our colleague on the Committee on Resources, the gentleman from Idaho (Mr. OTTER), would direct the Secretary of the Interior to disclaim any Federal interests in lands adjacent to Spirit Lake and Twin Lakes in the State of Idaho resulting from faulty Federal surveys conducted in the 1880s.

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

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

(Mrs. CHRISTENSEN asked and was given permission to revise and extend her remarks.)

Mrs. CHRISTENSEN. Mr. Speaker, the correction of the survey errors are long overdue. We support H.R. 4874.

Mr. Speaker, I yield back the balance of my time.

Mr. HANSEN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 4874.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

CALLING FOR FULL APPROPRIATION OF STATE AND TRIBAL SHARES OF ABANDONED MINE RECLAMATION FUND

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 425) calling for the full appropriation of the State and tribal shares of the Abandoned Mine Reclamation Fund.

The Clerk read as follows:

H. CON. RES. 425

Whereas the Surface Mining Control and Reclamation Act of 1977 (33 U.S.C. 1201 et seq.) created the Abandoned Mine Reclamation Fund capitalized with a reclamation fee assessed on every ton of domestic coal production, for the purposes of protecting the environment by restoring lands and waters adversely affected by past mining practices;

Whereas under the Act, each State and Indian tribe having a federally approved abandoned mine reclamation program is to be allocated 50 percent of the reclamation fees collected in such State, or collected with respect to Indian lands under the jurisdiction of such tribe, respectively, subject to appropriations;

Whereas by the end of March 2002, $6,400,000,000 in reclamation fees had been deposited into the Abandoned Mine Reclamation Fund, but only $5,000,000,000 had been appropriated from the fund, leaving an unappropriated balance of $1,400,000,000;

Whereas by the end of March 2002, the State and tribal share of the unappropriated balance in the Abandoned Mine Reclamation Fund was $876,000,000;

Whereas—

(1) the State of Alabama should have received $15,000,000 of the unappropriated balance in the Abandoned Mine Reclamation Fund;

(2) the State of Alaska should have received $1,800,000 of such unappropriated balance;

(3) the State of Arkansas should have received $4,000 of such unappropriated balance;

(4) the State of Colorado should have received $19,300,000 of such unappropriated balance;

(5) the State of Illinois should have received $26,000,000 of such unappropriated balance;

(6) the State of Iowa should have received $38,000 of such unappropriated balance;

(7) the State of Kansas should have received $393,000 of such unappropriated balance;

(8) the State of Kentucky should have received $109,800,000 of such unappropriated balance;

(9) the State of Louisiana should have received $1,100,000 of such unappropriated balance;

(10) the State of Maryland should have received $2,600,000 of such unappropriated balance;

(11) the State of Missouri should have received $901,000 of such unappropriated balance;

(12) the State of Montana should have received $39,800,000 of such unappropriated balance;

(13) the State of New Mexico should have received $18,200,200 of such unappropriated balance;

(14) the State of North Dakota should have received $10,200,000 of such unappropriated balance;

(15) the State of Ohio should have received $21,500,000 of such unappropriated balance;

(16) the State of Oklahoma should have received $1,900,000 of such unappropriated balance;

(17) the State of Pennsylvania should have received $51,600,000 of such unappropriated balance;

(18) the State of Texas should have received $17,300,000 of such unappropriated balance;

(19) the State of Utah should have received $12,300,000 of such unappropriated balance;

(20) the State of Virginia should have received $23,200,000 of such unappropriated balance;

(21) the State of West Virginia should have received $107,400,000 of such unappropriated balance;

(22) the State of Wyoming should have received $323,900,000 of such unappropriated balance;

(23) the Crow Tribe should have received $6,200,000 unappropriated balance;

(24) the Hopi Tribe should have received $4,700,000 unappropriated balance;

(25) the Navajo Tribe should have received $26,000,000 unappropriated balance; and

Whereas such States and tribes are being denied the use of the unappropriated balance in the Abandoned Mine Reclamation Fund for the benefit of their citizenry and their environment: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Federal budget for fiscal year 2004 should keep faith with the goals of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 et seq.) by providing to eligible States and Indian tribes their lawful share of the unappropriated balance in the Abandoned Mine Reclamation Fund so that they may further protect and enhance the environments of their States and tribal lands.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

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

Mr. Speaker, House Concurrent Resolution 425 encourages the administration to pay down the debt owed to 25 States and Indian tribes as part of their share to the Abandoned Mine Reclamation Fund, or AMR Fund.

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

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

(Mrs. CHRISTENSEN asked and was given permission to revise and extend her remarks.)

Mrs. CHRISTENSEN. Mr. Speaker, we support this resolution.

Mr. GEKAS. Mr. Speaker, as an original cosponsor of H. Con. Res. 425, I rise today to support its passage and to highlight the problem of abandoned mines in the Commonwealth of Pennsylvania.

The industrialization of the United States was fueled largely by Pennsylvania coal. Today, the Commonwealth still bears the scars from centuries of mining. Acid discharge still pollutes our streams and abandoned strip mines still make parts of Pennsylvania look like a lunar landscape. It is sad to see our environment in such a state but it is even more tragic that these abandoned mines pose a serious threat to the general public. So far this year, 26 people have died as a result of accidents at abandoned mine sites. Since January 2000, 78 individuals have died at abandoned mine sites. From hunters who have stumbled off rock faces to the youth who drown to the nine miners who were rescued from the Quecreek Mine after their mine was flooded by an adjacent abandoned mine, we in Pennsylvania know all too well the dangers these abandoned mines pose.

I applaud the gentlewoman from Wyoming, Mrs. CUBIN, for introducing H. Con. Res. 425, and my many colleagues from Pennsylvania for cosponsoring it. The Abandoned Mine Land Trust Fund was created to erase the scars that mining has left and the Federal budget for FY 2004 should keep faith with the goals of the Surface Mining Control and Reclamation Act of 1977 by providing to eligible states their share of the unappropriated balance in the fund so that they may further protect and enhance the environments of their states. Pennsylvania is essentially owed $51.6 million from the fund and has more abandoned mines yet to be reclaimed than any other state.

On August 22 of this year I toured the Keim Tunnel in Dauphin County, one of the many abandoned mines in my district. I saw the effects it has on nearby streams and the potential dangers it poses to the public. In the past I have always advocated that Pennsylvania receive its full share of the Abandoned Mine Land Trust Fund. I will continue this important work and I genuinely hope that the passage of H. Con. Res. 425 will bring us one step closer to this goal.

Mr. Speaker, as we consider H. Con. Res. 425 today, we must also remember that in the very near future we will be debating the reauthorization of the Abandoned Mine Land Trust Fund. I hope that when that time arises Members of Congress from mining states, current and past, and non-mining states can get together and once and for all come up with a way to get abandoned mines in states like Pennsylvania cleaned up immediately. We owe this not only to our environment which has been scarred but also to the many people who have been killed or injured as a direct result of these abandoned mines.

Mr. RAHALL. Mr. Speaker, I join in the support of this resolution.

It is no secret that for many years I have worked to liberate the unspent balance in the Abandoned Mine Reclamation Fund for its intended purpose. And that is, the restoration of abandoned coal mines sites which pose a threat to human health, safety and the environment of coalfield residents.

The program has enjoyed success, to date, $1.4 billion worth of public health and safety coal related problems have been addressed. Yet, at the same time, there exists an unspent balance in the fund of an estimated $1.9 billion as of the end of fiscal year 2002.

The expenditure of these funds is certainly need. There remains about $2.8 billion or so worth of outstanding high priority problems.

While record keeping is sporadic, just last week the New York Times reported there have been 78 deaths in abandoned or inactive mines since January 2000, including 26 this year.

And the West Virginia Charleston Gazette noted in an September 13th editorial: ''If West Virginia could simply get its share of the $1.4 billion locked up in the Abandoned Mine Lands reclamation fund, hundreds, if not thousands, of miners oculd be put to work cleaning up the industry's past messes.''

It should be noted that this fund is not financed by general taxpayer dollars, but rather, from a fee assessed on every ton of mined coal. Yet, to date, both the Administration and the Congress have failed to keep faith to the coal producing States by making this money available on a more sufficient basis.

I thank the gentlelady from Wyoming, the author of this resolution, for her efforts in this matter.

I urge all Members with an interest in this issue to work with this gentleman from West Virginia to press for greater appropriations from the Abandoned Mine Reclamation Fund.

Mr. KANJORSKI. Mr. Speaker, I rise today to speak in favor of and express my strong support for House Concurrent Resolution 425, which the gentlelady from Wyoming, Congresswoman BARBARA CUBIN, introduced. I am pleased to be an original cosponsor of this important legislation.

Although more than $1.5 billion collected from coal producers and dedicated for cleaning up our Nation's abandoned coal mine sites is currently available for reclamation projects in Pennsylvania and throughout the United States, these funds sit unappropriated in the Abandoned Mine Land Trust Fund. As a result, we are needlessly postponing important reclamation work so that the federal government's bookkeepers can offset other expenditures from the Federal budget.

In fiscal 2002, Congress appropriated $203.5 million for abandoned mine land reclamation projects nationwide. For fiscal 2003, however, the Administration has requested just $175.5 million for this critical program, a cut of almost 14 percent. With an estimated total cost of abandoned coal land reclamation at $20 billion, we need to do more to fix this problem.

Past coal mining practices have had a devastating effect on the environment and the economic potential of our Nation. Additionally, this problem is widespread. In fact, more than 120 congressional districts in 27 states, represented by both political parties, are affected by the problem of abandoned mines. At the current rate of expenditures for mine land cleanup, however, some of our Nation's abandoned coal land areas will remain unreclaimed 200 years from now. That is wrong.

To fix this problem, House Concurrent Resolution 425 would ensure that the goals of the Surface Mining Control and Reclamation Act of 1977 are met by providing the States with their lawful share of the unappropriated balance of the Abandoned Mine Land Trust Fund. States need these funds to revitalize their economies, restore their environments, and protect the safety of their citizens. I therefore commend Congresswoman CUBIN for helping to bring this legislation to the Floor.

In addition to cosponsoring this important resolution, I have introduced a bill to establish an alternative to the trust fund. H.R. 3218, the Abandoned Mine Land Area Redevelopment Act would provide capital to fund the health, safety, and environmental restoration and economic redevelopment of abandoned coal mine land areas.

More specifically, my bill would allow for comprehensive regional cleanup efforts without reliance on federal appropriations by authorizing a qualified entity to issue special tax credit bonds. Holders of the Abandoned Mine Land Area Redevelopment Bonds would receive a federal tax credit in lieu of interest. Regions afflicted by abandoned coal lands would then use the proceeds from the sale of the bonds to design, undertake, and oversee a reclamation and redevelopment plan.

As we have heard today, while the Abandoned Mine Land Trust Fund provides much-needed resources for redeveloping areas devastated by coal mining, these funds have proven insufficient to address all of health, safety, and environmental problems of abandoned mine land areas. The tax credit system established by my bill would result in the complete restoration of our Nation's abandoned coal land areas in roughly 30 years.

In closing, Mr. Speaker, I again thank Congresswoman CUBIN for introducing House Concurrent Resolution 425, and I encourage my colleagues to support this legislation to help our Nation's mining communities. I also look forward to working with her and my other colleagues to consider other innovative solutions like the Abandoned Mine Land Area Redevelopment Act for addressing this long-standing problem in the near future.

Mrs. CHRISTENSEN. Mr. Speaker, I yield back the balance of my time.

Mr. HANSEN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 425.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

SOUTHERN CAMPAIGN OF THE REVOLUTION HERITAGE AREA STUDY ACT

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4830) to direct the Secretary of the Interior to conduct a study of the suitability and feasibility of establishing the Southern Campaign of the Revolution Heritage Area in South Carolina, and for other purposes.

The Clerk read as follows:

H.R. 4830

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Southern Campaign of the Revolution Heritage Area Study Act''.

SEC. 2. STUDY.

The Secretary of the Interior, in consultation with appropriate State historic preservation officers, States historical societies, and other appropriate organizations, shall conduct a study regarding the suitability and feasibility of designating the study area described in section 3 as the Southern Campaign of the Revolution Heritage Area. The study shall include analysis, documentation, and determination regarding whether the study area—

(1) has an assemblage of natural, historic, and cultural resources that together represent distinctive aspects of American heritage worthy of recognition, conservation, interpretation, and continuing use, and are best managed through partnerships among public and private entities and by combining diverse and sometimes noncontiguous resources and active communities;

(2) reflects traditions, customs, beliefs, and folklife that are a valuable part of the national story;

(3) provides outstanding opportunities to conserve natural, historic, cultural, or scenic features;

(4) provides outstanding recreational and educational opportunities;

(5) contains resources important to the identified theme or themes of the study area that retain a degree of integrity capable of supporting interpretation;

(6) includes residents, business interests, nonprofit organizations, and local and State governments that are involved in the planning, have developed a conceptual financial plan that outlines the roles of all participants (including the Federal Government), and have demonstrated support for the concept of a national heritage area;

(7) has a potential management entity to work in partnership with residents, business interests, nonprofit organizations, and local and State governments to develop a national

heritage area consistent with continued local and State economic activity; and

(8) has a conceptual boundary map that is supported by the public.

SEC. 3. STUDY AREA.

(a) IN GENERAL.—

(1) SOUTH CAROLINA.—The study area shall include the following counties in South Carolina: Pickens, Greenville County, Spartanburg, Cherokee County, Greenwood, Laurens, Union, York, Chester, Darlington, Florence, Chesterfield, Marlboro, Fairfield, Richland, Lancaster, Kershaw, Sumter, Orangeburg, Georgetown, Dorchester, Colleton, Charleston, Beaufort, and Williamsburg.

(2) NORTH CAROLINA.—The study area may include sites and locations in North Carolina as appropriate.

(b) SPECIFIC SITES.—The heritage area may include the following sites of interest:

(1) NATIONAL PARK SERVICE SITE.—Kings Mountain National Military Park, Cowpens National Battlefield, Fort Moultrie National Monument, Charles Pickney National Historic Site, and Ninety Six National Historic Site as well as the National Park Affiliate of Historic Camden Revolutionary War Site.

(2) STATE-MAINTAINED SITES.—Colonial Dorchester State Historic Site, Eutaw Springs Battle Site, Hampton Plantation State Historic Site, Fort Watson, Landsford Canal State Historic Site, Andrew Jackson State Park, and Musgrove Mill State Park.

(3) COMMUNITIES.—Charleston, Beaufort, Georgetown, Kingstree, Cheraw, Camden, Winnsboro, Orangeburg, and Cayce.

(4) OTHER KEY SITES OPEN TO THE PUBLIC.—Middleton Place, Goose Creek Church, Hopsewee Plantation, Walnut Grove Plantation, and Historic Brattonsville.

SEC. 4. REPORT.

Not later than 3 fiscal years after the date on which funds are first made available for this Act, the Secretary of the Interior shall submit to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on the findings, conclusions, and recommendations of the study.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

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

Mr. Speaker, H.R. 4830, introduced by the gentleman from South Carolina (Mr. SPRATT), would authorize the Secretary of the Interior to conduct a study of the suitability and feasibility of establishing the Southern Campaign of the Revolution Heritage Area.

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

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

(Mrs. CHRISTENSEN asked and was given permission to revise and extend her remarks.)

Mrs. CHRISTENSEN. Mr. Speaker, we fully support H.R. 4830.

Mr. Speaker, I yield 30 seconds to the gentleman from South Carolina (Mr. SPRATT), the sponsor of this bill.

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

Mr. SPRATT. Mr. Speaker, I thank the gentlewoman for yielding time to me.

Mr. Speaker, this is about the most important part of the campaign for the revolution, the revolution in the South, where the revolution was largely won after the fall of Charleston in the back country.

The whole matter has been popularized by Mel Gibson and others in a movie called The Patriot. The story now needs to be told right. There are over 200 battles and skirmishes, military incidents. We need this national corridor to tell it right.

We had 1 million visitors to 8 different battlefields in South Carolina in the year 2000, and even more now. This is a perfectly fit bill for those circumstances. The story needs to be told right and well.

I would like to commend the chairman and the ranking member for allowing this bill to come to the floor. I urge everyone to vote for it.

Mrs. CHRISTENSEN. Mr. Speaker, I yield back the balance of my time.

Mr. HANSEN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 4830.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

ANDERSONVILLE NATIONAL HISTORIC SITE BOUNDARY ADJUSTMENT ACT

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4692) to amend the Act entitled ''An Act to authorize the Establishment of the Andersonville National Historic Site in the State of Georgia, and for other purposes'', to provide for the addition of certain donated lands to the Andersonville National Historic Site.

The Clerk read as follows:

H.R. 4692

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

SECTION 1. ADDITIONAL LANDS AUTHORIZED TO BE ADDED TO HISTORIC SITE.

The first section of the Act entitled ''An Act to authorize the establishment of the Andersonville National Historic Site in the State of Georgia, and for other purposes'', approved October 16, 1970, is amended by striking ''five hundred acres'' and inserting ''520 acres''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

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

Mr. Speaker, H.R. 4692, introduced by the gentleman from Georgia (Mr. BISHOP), would amend the enabling legislation of the Andersonville National Historic Site to authorize the addition of 20 acres.

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

(Mrs. CHRISTENSEN asked and was given permission to revise and extend her remarks.)

Mrs. CHRISTENSEN. Mr. Speaker, I commend the gentleman from Georgia (Mr. BISHOP) for his work on this bill. We are in support of its passage.

Mr. Speaker, I yield 30 seconds to the gentleman from Georgia (Mr. BISHOP), the sponsor of the bill.

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

Mr. BISHOP. Mr. Speaker, I thank the gentlewoman for yielding time to me. I thank the committee for their strong support of this legislation.

Mr. Speaker, this bill is designed to increase the size of the Andersonville National Historic Site in Andersonville, Georgia, which is the site of America's only official National Prisoner of War Museum, exhibit, and the Andersonville National POW Cemetery.

It is necessary to expand the size because it is statutorily limited. In order to make the road safer and provide for better security, the Friends of Andersonville, a 501(c)(3) corporation, purchased the land and wishes to donate it. With this legislation, it can receive the land. The land can be made safer, and the Prisoners of War and America's people can properly recognize and commend the work of our POWs.

□ 1845

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

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

The SPEAKER pro tempore (Mr. GOODLATTE). The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 4692.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

CHEROKEE, CHOCTAW, AND CHICKASAW NATIONS CLAIMS SETTLEMENT ACT

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3534) to provide for the settlement of certain land claims of Cherokee, Choctaw, and Chickasaw Nations to the Arkansas Riverbed in Oklahoma, as amended.

The Clerk read as follows:

H.R. 3534

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Cherokee, Choctaw, and Chickasaw Nations Claims Settlement Act''.

SEC. 2. FINDINGS.

The Congress finds the following:

(1) It is the policy of the United States to promote tribal self-determination and economic self-sufficiency and to encourage the resolution of disputes over historical claims through mutually agreed-to settlements between Indian Nations and the United States.

(2) There are pending before the United States Court of Federal Claims certain lawsuits against the United States brought by the Cherokee, Choctaw, and Chickasaw Nations seeking monetary damages for the alleged use and mismanagement of tribal resources along the Arkansas River in eastern Oklahoma.

(3) The Cherokee Nation, a federally recognized Indian tribe with its present tribal headquarters south of Tahlequah, Oklahoma, having adopted its most recent constitution on June 26, 1976, and having entered into various treaties with the United States, including but not limited to the Treaty at Hopewell, executed on November 28, 1785 (7 Stat. 18), and the Treaty at Washington, D.C., executed on July 19, 1866 (14 Stat. 799), has maintained a continuous government-to-government relationship with the United States since the earliest years of the Union.

(4) The Choctaw Nation, a federally recognized Indian tribe with its present tribal headquarters in Durant, Oklahoma, having adopted its most recent constitution on July 9, 1983, and having entered into various treaties with the United States of America, including but not limited to the Treaty at Hopewell, executed on January 3, 1786 (7 Stat. 21), and the Treaty at Washington, D.C., executed on April 28, 1866 (7 Stat. 21), has maintained a continuous government-to-government relationship with the United States since the earliest years of the Union.

(5) The Chickasaw Nation, a federally recognized Indian tribe with its present tribal headquarters in Ada, Oklahoma, having adopted its most recent constitution on August 27, 1983, and having entered into various treaties with the United States of America, including but not limited to the Treaty at Hopewell, executed on January 10, 1786 (7 Stat. 24), and the Treaty at Washington, D.C., executed on April 28, 1866 (7 Stat. 21), has maintained a continuous government-to-government relationship with the United States since the earliest years of the Union.

(6) In the first half of the 19th century, the Cherokee, Choctaw, and Chickasaw Nations were forcibly removed from their homelands in the southeastern United States to lands west of the Mississippi in the Indian Territory that were ceded to them by the United States. From the ''Three Forks'' area near present day Muskogee, Oklahoma, downstream to the point of confluence with the Canadian River, the Arkansas River flowed entirely within the territory of the Cherokee Nation. From that point of confluence downstream to the Arkansas territorial line, the Arkansas River formed the boundary between the Cherokee Nation on the left side of the thread of the river and the Choctaw and Chickasaw Nations on the right.

(7) Pursuant to the Act of April 30, 1906 (34 Stat. 137), tribal property not allotted to individuals or otherwise disposed of, including the bed and banks of the Arkansas River, passed to the United States in trust for the use and benefit of the respective Indian Nations in accordance with their respective interests therein.

(8) For more than 60 years after Oklahoma statehood, the Bureau of Indian Affairs believed that Oklahoma owned the Riverbed from the Arkansas State line to Three Forks, and therefore took no action to protect the Indian Nations' Riverbed resources such as oil, gas, and Drybed Lands suitable for grazing and agriculture.

(9) Third parties with property near the Arkansas River began to occupy the 3 Indian Nations' Drybed Lands—lands that were under water at the time of statehood but that are now dry due to changes in the course of the river.

(10) In 1966, the 3 Indian Nations sued the State of Oklahoma to recover their lands. In 1970, the Supreme Court of the United States decided in the case of Choctaw Nation vs. Oklahoma (396 U.S. 620), that the Indian Nations retained title to their respective portions of the Riverbed along the navigable reach of the river.

(11) In 1987, the Supreme Court of the United States in the case of United States vs. Cherokee Nation (480 U.S. 700) decided that the riverbed lands did not gain an exemption from the Federal Government's navigational servitude and that the Cherokee Nation had no right to compensation for damage to its interest by exercise of the Government's servitude.

(12) In 1989, the Indian Nations filed lawsuits against the United States in the United States Court of Federal Claims (Case Nos. 218–89L and 630–89L), seeking damages for the United States' use and mismanagement of tribal trust resources along the Arkansas River. Those actions are still pending.

(13) In 1997, the United States filed quiet title litigation against individuals occupying some of the Indian Nations' Drybed Lands. That action, filed in the United States District Court for the Eastern District of Oklahoma, was dismissed without prejudice on technical grounds.

(14) Much of the Indian Nations' Drybed Lands have been occupied by a large number of adjacent landowners in Oklahoma. Without Federal legislation, further litigation against thousands of such landowners would be likely and any final resolution of disputes would take many years and entail great expense to the United States, the Indian Nations, and the individuals and entities occupying the Drybed Lands and would seriously impair long-term economic planning and development for all parties.

(15) The Councils of the Cherokee and Choctaw Nations and the Legislature of the Chickasaw Nation have each enacted tribal resolutions which would, contingent upon the passage of this Act and the satisfaction of its terms and in exchange for the moneys appropriated hereunder—

(A) settle and forever release their respective claims against the United States asserted by them in United States Court of Federal Claims Case Nos. 218–89L and 630–89L; and

(B) forever disclaim any and all right, title, and interest in and to the Disclaimed Drybed Lands, as set forth in those enactments of the respective councils of the Indian Nations.

(16) The resolutions adopted by the respective Councils of the Cherokee, Choctaw, and Chickasaw Nations each provide that, contingent upon the passage of the settlement legislation and satisfaction of its terms, each Indian Nation agrees to dismiss, release, and forever discharge its claims asserted against the United States in the United State Court of Federal Claims, Case Nos. 218–89L and 630–89L, and to forever disclaim any right, title, or interest of the Indian Nation in the Disclaimed Drybed Lands, in exchange for the funds appropriated and allocated to the Indian Nation under the provisions of the settlement legislation, which funds the Indian Nation agrees to accept in full satisfaction and settlement of all claims against the United States for the damages sought in the aforementioned claims asserted in the United States Court of Federal Claims, and as full and fair compensation for disclaiming its right, title, and interest in the Disclaimed Drybed Lands.

(17) In those resolutions, each Indian Nation expressly reserved all of its beneficial interest and title to all other Riverbed lands, including minerals, as determined by the Supreme Court in Choctaw Nation v. Oklahoma, 397 U.S. 620 (1970), and further reserved any and all right, title, or interest that each Nation may have in an to the water flowing in the Arkansas River and its tributaries.

SEC. 3. PURPOSES.

The purposes of this Act are to resolve all claims that have been or could have been brought by the Cherokee, Choctaw, and Chickasaw Nations against the United States, and to confirm that the 3 Indian Nations are forever disclaiming any right, title, or interest in the Disclaimed Drybed Lands, which are contiguous to the channel of the Arkansas River as of the date of the enactment of this Act in certain townships in eastern Oklahoma.

SEC. 4. DEFINITIONS.

For the purposes of this Act, the following definitions apply:

(1) DISCLAIMED DRYBED LANDS.—The term ''Disclaimed Drybed Lands'' means all Drybed Lands along the Arkansas River that are located in Township 10 North in Range 24 East, Townships 9 and 10 North in Range 25 East, Township 10 North in Range 26 East, and Townships 10 and 11 North in Range 27 East, in the State Oklahoma.

(2) DRYBED LANDS.—The term ''Drybed Lands'' means those lands which, on the date of enactment of this Act, lie above and contiguous to the mean high water mark of the Arkansas River in the State of Oklahoma. The term ''Drybed Lands'' is intended to have the same meaning as the term ''Upland Claim Area'' as used by the Bureau of Land Management Cadastral Survey Geographic Team in its preliminary survey of the Arkansas River. The term ''Drybed Lands'' includes any lands so identified in the ''Holway study.''

(3) INDIAN NATION; INDIAN NATIONS.—The term ''Indian Nation'' means the Cherokee Nation, Choctaw Nation, or Chickasaw Nation, and the term ''Indian Nations'' means all 3 tribes collectively.

(4) RIVERBED.—The term ''Riverbed'' means the Drybed Lands and the Wetbed Lands and includes all minerals therein.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(6) WETBED LANDS.—The term ''Wetbed Lands'' means those Riverbed lands which lie below the mean high water mark of the Arkansas River in the State of Oklahoma as of the date of the enactment of this Act, exclusive of the Drybed Lands. The term Wetbed Land is intended to have the same meaning as the term ''Present Channel Claim Areas'' as utilized by the Bureau of Land Management Cadastral Survey Geographic Team in its preliminary survey of the Arkansas River.

SEC. 5. SETTLEMENT AND CLAIMS; APPROPRIATIONS; ALLOCATION OF FUNDS.

(a) EXTINGUISHMENT OF CLAIMS.—Pursuant to their respective tribal resolutions, and in exchange for the benefits conferred under this Act, the Indian Nations shall, on the date of enactment of this Act, enter into a consent decree with the United States that waives, releases, and dismisses all the claims

they have asserted or could have asserted in their cases numbered 218–89L and 630–89L pending in the United States Court of Federal Claims against the United States, including but not limited to claims arising out of any and all of the Indian Nations' interests in the Disclaimed Drybed Lands and arising out of construction, maintenance and operation of the McClellan-Kerr Navigation Way. The Indian Nations and the United States shall lodge the consent decree with the Court of Federal Claims within 30 days of the enactment of this Act, and shall move for entry of the consent decree at such time as all appropriations by Congress pursuant to the authority of this Act have been made and deposited into the appropriate tribal trust fund account of the Indian Nations as described in section 6. Upon entry of the consent decree, all the Indian Nations' claims and all their past, present, and future right, title, and interest to the Disclaimed Drybed Lands, shall be deemed extinguished. No claims may be asserted in the future against the United States pursuant to sections 1491, 1346(a)(2), or 1505 of title 28, United States Code, for actions taken or failed to have been taken by the United States for events occurring prior to the date of the extinguishment of claims with respect to the Riverbed.

(b) RELEASE OF TRIBAL CLAIMS TO CERTAIN DRYBED LANDS.—

(1) IN GENERAL.—Upon the deposit of all funds authorized for appropriation under subsection (c) for an Indian Nation into the appropriate trust fund account described in section 6—

(A) all claims now existing or which may arise in the future with respect to the Disclaimed Drybed lands and all right, title, and interest that the Indian Nations and the United States as trustee on behalf of the Indian Nation may have to the Disclaimed Drybed Lands, shall be deemed extinguished;

(B) any interest of the Indian Nations or the United States as trustee on their behalf in the Disclaimed Drybed Lands shall further be extinguished pursuant to the Trade and Intercourse Act of 1790, Act of July 22, 1790 (ch. 33, 1 Stat. 137), and all subsequent amendments thereto (as codified at 25 U.S.C. 177);

(C) to the extent parties other than the Indian Nations have transferred interests in the Disclaimed Drybed Lands in violation of the Trade and Intercourse Act, Congress does hereby approve and ratify such transfers of interests in the Disclaimed Drybed Lands to the extent that such transfers otherwise are valid under law; and

(D) the Secretary is authorized to execute an appropriate document citing this Act, suitable for filing with the county clerks, or such other county official as appropriate, of those counties wherein the foregoing described lands are located, disclaiming any tribal or Federal interest on behalf of the Indian Nations in such Disclaimed Drybed Lands. The Secretary is authorized to file with the counties a plat or map of the disclaimed lands should the Secretary determine that such filing will clarify the extent of lands disclaimed. Such a plat or map may be filed regardless of whether the map or plat has been previously approved for filing, whether or not the map or plat has been filed, and regardless of whether the map or plat constitutes a final determination by the Secretary of the extent of the Indian Nations' original claim to the Disclaimed Drybed Lands. The disclaimer filed by the United States shall constitute a disclaimer of the Disclaimed Drybed Lands for purposes of the Trade and Intercourse Act (25 U.S.C. 177).

(2) SPECIAL PROVISIONS.—Notwithstanding any provision of this Act—

(A) the Indian Nations do not relinquish any right, title, or interest in any lands which constitute the Wetbed Lands subject to the navigational servitude exercised by the United States on the Wetbed Lands. By virtue of the exercise of the navigational servitude, the United States shall not be liable to the Indian Nations for any loss they may have related to the minerals in the Wetbed Lands;

(B) no provision of this Act shall be construed to extinguish or convey any water rights of the Indian Nations in the Arkansas River or any other stream or the beneficial interests or title of any of the Indian Nations in and to lands held in trust by the United States on the date of enactment of this Act which lie above or below the mean high water mark of the Arkansas River, except for the Disclaimed Drybed Lands; and

(C) the Indian Nations do not relinquish any right, title, or interest in any lands or minerals of certain unallotted tracts which are identified in the official records of the Eastern Oklahoma Regional Office, Bureau of Indian Affairs. The disclaimer to be filed by the Secretary of the Interior under section 5(b)(1) of this Act shall reflect the legal description of the unallotted tracts retained by the Nations.

(3) SETOFF.—In the event the Court of Federal Claims does not enter the consent decree as set forth in subsection (a), the United States shall be entitled to setoff against any claims of the Indian Nations as set forth in subsection (a), any funds transferred to the Indian Nations pursuant to section 6, and any interest accrued thereon up to the date of setoff.

(4) QUIET TITLE ACTIONS.—Notwithstanding any other provision of law, neither the United States nor any department of the United States nor the Indian Nations shall be made parties to any quiet title lawsuit or other lawsuit to determine ownership of or an interest in the Disclaimed Drybed Lands initiated by any private person or private entity after execution of the disclaimer set out in section 5(b)(1). The United States will have no obligation to undertake any future quiet title actions or actions for the recovery of lands or funds relating to any Drybed Lands retained by the Indian Nation or Indian Nations under this Act, including any lands which are Wetbed Lands on the date of enactment of this Act, but which subsequently lie above the mean high water mark of the Arkansas River and the failure or declination to initiate any quiet title action or to manage any such Drybed Lands shall not constitute a breach of trust by the United States or be compensable to the Indian Nation or Indian Nations in any manner.

(5) LAND TO BE CONVEYED IN FEE.—To the extent that the United States determines that it is able to effectively maintain the McClellan-Kerr Navigation Way without retaining title to lands above the high water mark of the Arkansas River as of the date of enactment of this Act, said lands, after being declared surplus, shall be conveyed in fee to the Indian Nation within whose boundary the land is located. The United States shall not be obligated to accept such property in trust.

(c) AUTHORIZATION FOR SETTLEMENT APPROPRIATIONS.—There is authorized to be appropriated an aggregate sum of $40,000,000 as follows:

(1) $10,000,000 for fiscal year 2004.
(2) $10,000,000 for fiscal year 2005.
(3) $10,000,000 for fiscal year 2006.
(4) $10,000,000 for fiscal year 2007.

(d) ALLOCATION AND DEPOSIT OF FUNDS.—After payment pursuant to section 7, the remaining funds authorized for appropriation under subsection (c) shall be allocated among the Indian Nations as follows:

(1) 50 percent to be deposited into the trust fund account established under section 6 for the Cherokee Nation.

(2) 37.5 percent to be deposited into the trust fund account established under section 6 for the Choctaw Nation.

(3) 12.5 percent to be deposited into the trust fund account established under section 6 for the Chickasaw Nation.

SEC. 6. TRIBAL TRUST FUNDS.

(a) ESTABLISHMENT, PURPOSE, AND MANAGEMENT OF TRUST FUNDS.—

(1) ESTABLISHMENT.—There are hereby established in the United States Treasury 3 separate tribal trust fund accounts for the benefit of each of the Indian Nations, respectively, for the purpose of receiving all appropriations made pursuant to section 5(c), and allocated pursuant to section 5(d).

(2) AVAILABILITY OF AMOUNTS IN TRUST FUND ACCOUNTS.—Amounts in the tribal trust fund accounts established by this section shall be available to the Secretary for management and investment on behalf of the Indian Nations and distribution to the Indian Nations in accordance with this Act. Funds made available from the tribal trust funds under this section shall be available without fiscal year limitation.

(b) MANAGEMENT OF FUNDS.—

(1) LAND ACQUISITION.—

(A) TRUST LAND STATUS PURSUANT TO REGULATIONS.—The funds appropriated and allocated to the Indian Nations pursuant to sections 5(c) and (d), and deposited into trust fund accounts pursuant to section 6(a), together with any interest earned thereon, may be used for the acquisition of land by the 3 Indian Nations. The Secretary may accept such lands into trust for the beneficiary Indian Nation pursuant to the authority provided in section 465 of title 25, United States Code, and in accordance with the Secretary's trust land acquisition regulations at part 151 of title 25, Code of Federal Regulations, in effect at the time of the acquisition, except for those acquisitions covered by paragraph (1)(B).

(B) REQUIRED TRUST LAND STATUS.—Any such trust land acquisitions on behalf of the Cherokee Nation shall be mandatory if the land proposed to be acquired is located within Township 12 North, Range 21 East, in Sequoyah County, Township 11 North, Range 18 East, in McIntosh County, Townships 11 and 12 North, Range 19 East, or Township 12 North, Range 20 East, in Muskogee County, Oklahoma, and not within the limits of any incorporated municipality as of January 1, 2002, if—

(i) the land proposed to be acquired meets the Department of the Interior's minimum environmental standards and requirements for real estate acquisitions set forth in 602 DM 2.6, or any similar successor standards or requirements for real estate acquisitions in effect on the date of acquisition; and

(ii) the title to such land meets applicable Federal title standards in effect on the date of the acquisition.

(C) OTHER EXPENDITURE OF FUNDS.—The Indian Nations may elect to expend all or a portion of the funds deposited into its trust account for any other purposes authorized under paragraph (2).

(2) INVESTMENT OF TRUST FUNDS; NO PER CAPITA PAYMENT.—

(A) NO PER CAPITA PAYMENTS.—No money received by the Indian Nations hereunder may be used for any per capita payment.

(B) INVESTMENT BY SECRETARY.—Except as provided in this section and section 7, the principal of such funds deposited into the accounts established hereunder and any interest earned thereon shall be invested by the Secretary in accordance with current laws and regulations for the investing of tribal trust funds.

(C) USE OF PRINCIPAL FUNDS.—The principal amounts of said funds and any amounts earned thereon shall be made available to the Indian Nation for which the account was established for expenditure for purposes which may include construction or repair of health care facilities, law enforcement, cultural or other educational activities, economic development, social services, and land acquisition. Land acquisition using such funds shall be subject to the provisions of subsections (b) and (d).

(3) DISBURSEMENT OF FUNDS.—The Secretary shall disburse the funds from a trust account established under this section pursuant to a budget adopted by the Council or Legislature of the Indian Nation setting forth the amount and an intended use of such funds.

(4) ADDITIONAL RESTRICTION ON USE OF FUNDS.—None of the funds made available under this Act may be allocated or otherwise assigned to authorized purposes of the Arkansas River Multipurpose Project as authorized by the River and Harbor Act of 1946, as amended by the Flood Control Act of 1948 and the Flood Control Act of 1950.

SEC. 7. ATTORNEY FEES.

(a) PAYMENT.—At the time the funds are paid to the Indian Nations, from funds authorized to be appropriated pursuant to section 5(c), the Secretary shall pay to the Indian Nations' attorneys those fees provided for in the individual tribal attorney fee contracts as approved by the respective Indian Nations.

(b) LIMITATIONS.—Notwithstanding subsection (a), the total fees payable to attorneys under such contracts with an Indian Nation shall not exceed 10 percent of that Indian Nation's allocation of funds appropriated under section 5(c).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentleman from Oklahoma (Mr. CARSON) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

Mr. HANSEN. Mr. Speaker, I yield such time as he may consume to the gentleman from Oklahoma (Mr. WATKINS).

(Mr. WATKINS of Oklahoma asked and was given permission to revise and extend his remarks.)

Mr. WATKINS of Oklahoma. Mr. Speaker, I thank the chairman for yielding me time.

Mr. Speaker, I fully support H.R. 3534 and express my thanks to the people.

Mr. Speaker, I rise today in support of the Cherokee, Choctaw, and Chickasaw Nations Claims Settlement Act. I am happy to be an original co-sponsor of H.R. 3534 and I thank Mr. HANSEN, the gentleman from Utah, Ranking Member Mr. RAHALL, the gentleman from West Virginia, and my colleague, Mr. CARSON, the gentleman from Oklahoma, for their work in bringing this legislation to the House Floor.

In 1970 the United States Supreme Court ruled the Tribes were the true owners of the Arkansas Riverbed. After many attempts to settle with the government for the mismanagement of the riverbed, the tribes files lawsuits for damages in 1989. These lawsuits are still pending in Federal Court and without this legislation as many as 1200 potential future lawsuits will be filed.

The Arkansas Riverbed encompasses over 7,500 acres of the Indian Nations' drybed lands that have been occupied and settled by a large number of adjacent landowners in Oklahoma. Without a settlement, further litigation against thousands of landowners would be likely. The potential of these lawsuits and the time and increased expense to not only the government and tribes, but also to the private citizens is in my opinion a valid enough and strong enough reason to settle the Arkansas Riverbed issue once and for all.

This legislation would bring a quick settlement to a claim the tribes have had against the United States for over 30 years. It would end the pending lawsuits between the Tribes and the United States. H.R. 3534 would allow for a multi-year payment totaling 40 Million to be divided among the tribes. This amount represents a settlement agreement made by the tribes and the Departments of Interior and Department of Justice. Most of all, settling with the tribes would avoid thousands of future lawsuits brought by the United States against individuals who currently own drybed lands.

It is in the best interest of not only the tribes, but also the United States to pass H.R. 3534 and I urge my colleagues to support this legislation.

Mr. CARSON of Oklahoma. Mr. Speaker, I yield myself such time as I may consume.

(Mr. CARSON of Oklahoma asked and was given permission to revise and extend his remarks.)

Mr. CARSON of Oklahoma. Mr. Speaker, I would like to thank the gentleman from Oklahoma (Mr. WATKINS) for his great leadership on this bill.

Mr. Speaker, I would like to thank the gentleman from Utah Mr. HANSEN and the gentleman from West Virginia Mr. RAHALL for working on the details of the bill, supporting it and bringing it to the Floor.

I would also like to take this opportunity to extend a special thank you to my colleagues the gentleman from Oklahoma Mr. WATKINS, the gentleman from Oklahoma Mr. SULLIVAN, and the gentleman from Michigan Mr. KILDEE for their strong support and co-sponsorship of this legislation.

I rise in strong support of H.R. 3534, the Cherokee, Chacotaw, and Chickasaw Nations Claims Settlement Act. The dispute involving the three tribes along the Arkansas River has been ongoing since 1907. This settlement will lay to rest and compensate these three tribes for the lands and resources that have been wrongfully taken from them, misused, and left dormant. The leaders of the tribal nations—Principal Chief Chad Smith of the Cherokee Nation, Governor Bill Anoatubby of the Chickasaw Nation and Chief Gregory Pyle of the Choctaw Nation have all communicated to me and the Resources Committee their unanimous support for the legislation and the great need for settlement.

First, in order to understand the need for this legislation, you must turn to the history of these tribal lands. In the 1830s, the Cherokee, Choctaw, Chickasaw, Creek and Seminole Nations were forcibly removed to Indian Territory, now known as Oklahoma, to occupy lands ceded to them by the United States, through which the Arkansas River runs. In 1907, due to an erroneous legal opinion, the Arkansas riverbed was conveyed to the new State of Oklahoma. All navigable rivers of the United States were deemed property of the State under the Equal Footing Doctrine. However, the treaties of the three tribes came long before the Equal Footing Doctrine. And, in 1970, in Choctaw Nation vs. Oklahoma, the U.S. Supreme Court ruled in favor of the tribes and determined that the tribes, indeed, were the rightful owners of the riverbed and not the State of Oklahoma.

Nevertheless, from 1907 through 1970, the Bureau of Indian Affairs acted on the assumption that Oklahoma owned the riverbed and, therefore, took no action to protect tribal resources such as oil and gas production, sand and gravel, grazing and croplands. The Government itself constructed hydroelectric powerheads and other improvements in the channel of the river on tribal lands, using sand and gravel belonging to the three Indian Nations. Due to the Bureau's inaction, individuals with property near the Arkansas River also began to occupy the three Indian Nations' ''dry-bed'' lands—amounting to approximately 7,750 acres of land that was under water at the time of statehood but that is now dry due to changes in the course of the river.

Enactment of H.R. 3534 will bring about clear and tangible benefits to Indians and non-Indians. In exchange for $40 million dollars provided to the Nations under this settlement legislation, the Indian Nations agree to dismiss and release claims asserted against the United States in the Court of Federal Claims. The Indian Nations also agree to disclaim its right, title and interest in the 7,750 acres of disclaimed drybed lands, thus eliminating the need for the Department of Justice to bring hundreds of defendants into court due to their occupancy on parts of the drybed lands. The Indian Nations reserve the beneficial interest and title to all other Riverbed lands, including minerals, and the right, title and interest that each Nation may have in any water flowing in the Arkansas River and its tributaries. H.R. 3534 directs that the $40 million dollars be disbursed in four annual installments and deposited into a tribal trust fund for the Indian Nations. I would like to make it clear that the funds appropriated into the tribal trust funds are to be made available to the tribes as the funds are appropriated. This will assist the Indian Nations in further economic development in the region, benefiting Indian and non-Indian members of these communities alike.

Since the Supreme Court decision of 1970, there has been little disagreement that a settlement should be reached. Recent discussions between Federal, State and tribal entities involved in this dispute have been extremely productive and make the 107th Congress a most appropriate time for settlement.

I urge my colleagues to support this legislation and bring closure to an

issue that has plagued eastern Oklahoma for far too long.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 3534, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HANSEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the 14 bills just considered.

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

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will now put the question on motions to suspend the rules on which further proceedings were postponed earlier today.

Votes will be taken in following order:

H. Res. 398, de novo;
H. Con. Res. 291, de novo;
H.R. 4013, de novo;
H.R. 4014, de novo;
S. 434, yeas and nays;
H.R. 4125, yeas and nays;
H. Res. 538, yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

RECOGNIZING THE DEVASTATING IMPACT OF FRAGILE X

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 398.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. SHIMKUS) that the House suspend the rules and agree to the resolution, H. Res. 398.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

EXPRESSING THE SENSE OF THE CONGRESS WITH RESPECT TO THE DISEASE ENDOMETRIOSIS

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 291.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. SHIMKUS) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 291.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

RARE DISEASES ACT OF 2002

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 4013.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. SHIMKUS) that the House suspend the rules and pass the bill, H.R. 4013.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

RARE DISEASES ORPHAN PRODUCT DEVELOPMENT ACT OF 2002

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 4014.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. SHIMKUS) that the House suspend the rules and pass the bill, H.R. 4014.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

YANKTON SIOUX TRIBE AND SANTEE SIOUX TRIBE EQUITABLE COMPENSATION ACT

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the Senate bill, S. 434, as amended.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the Senate bill, S. 434, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 357, nays 37, not voting 37, as follows:

[Roll No. 424]

YEAS—357

Abercrombie	Engel	Lantos
Ackerman	English	Larsen (WA)
Akin	Eshoo	Larson (CT)
Allen	Etheridge	Latham
Andrews	Evans	LaTourette
Armey	Farr	Leach
Baca	Ferguson	Lee
Bachus	Filner	Levin
Baird	Flake	Lewis (CA)
Baker	Fletcher	Lewis (GA)
Baldacci	Foley	Lewis (KY)
Baldwin	Forbes	Linder
Ballenger	Ford	Lipinski
Barr	Frank	LoBiondo
Barrett	Frelinghuysen	Lofgren
Bartlett	Frost	Lowey
Bass	Ganske	Lucas (KY)
Bentsen	Gekas	Lucas (OK)
Bereuter	Gephardt	Luther
Berkley	Gibbons	Lynch
Berman	Gilchrest	Maloney (CT)
Berry	Gillmor	Maloney (NY)
Biggert	Gilman	Manzullo
Bilirakis	Gonzalez	Markey
Bishop	Goode	Matheson
Blumenauer	Goodlatte	Matsui
Boehlert	Gordon	McCarthy (MO)
Boehner	Goss	McCarthy (NY)
Bonilla	Graham	McCollum
Bono	Granger	McCrery
Boozman	Graves	McGovern
Boswell	Green (TX)	McHugh
Boucher	Green (WI)	McInnis
Boyd	Greenwood	McIntyre
Brady (PA)	Grucci	McKeon
Brady (TX)	Gutierrez	McNulty
Brown (FL)	Gutknecht	Meehan
Brown (SC)	Hansen	Meek (FL)
Bryant	Hart	Meeks (NY)
Burr	Hastings (WA)	Mica
Burton	Hayes	Millender-McDonald
Buyer	Hayworth	Miller, Dan
Calvert	Herger	Miller, Gary
Camp	Hill	Miller, George
Cannon	Hilliard	Mollohan
Cantor	Hinchey	Moore
Capito	Hinojosa	Moran (KS)
Capps	Hoeffel	Morella
Capuano	Hoekstra	Murtha
Cardin	Holden	Myrick
Carson (IN)	Holt	Nadler
Carson (OK)	Honda	Napolitano
Castle	Hooley	Neal
Clay	Horn	Nethercutt
Clayton	Hostettler	Ney
Clement	Houghton	Northup
Clyburn	Hoyer	Nussle
Conyers	Hulshof	Oberstar
Cooksey	Hunter	Obey
Costello	Hyde	Olver
Coyne	Inslee	Ortiz
Cramer	Isakson	Osborne
Crane	Israel	Ose
Crenshaw	Issa	Otter
Crowley	Istook	Owens
Culberson	Jackson (IL)	Oxley
Cunningham	Jackson-Lee (TX)	Pascrell
Davis (CA)	Jefferson	Pastor
Davis (FL)	Johnson (CT)	Pelosi
Davis (IL)	Johnson (IL)	Pence
Davis, Jo Ann	Johnson, E. B.	Peterson (MN)
Davis, Tom	Johnson, Sam	Peterson (PA)
DeFazio	Kanjorski	Petri
DeGette	Kaptur	Phelps
Delahunt	Keller	Pickering
DeLauro	Kelly	Pitts
DeLay	Kennedy (MN)	Platts
DeMint	Kennedy (RI)	Pombo
Deutsch	Kildee	Pomeroy
Dicks	Kilpatrick	Pryce (OH)
Dingell	Kind (WI)	Putnam
Doggett	King (NY)	Quinn
Dooley	Kingston	Radanovich
Doolittle	Kirk	Rahall
Doyle	Kleczka	Ramstad
Dreier	Knollenberg	Rangel
Duncan	Kolbe	Regula
Dunn	Kucinich	Rehberg
Edwards	LaFalce	Reynolds
Ehlers	Lampson	Rivers
Ehrlich	Langevin	Rodriguez
Emerson		

Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Roybal-Allard
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Schiff
Schrock
Scott
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solis
Souder
Spratt
Stark
Stupak
Sununu
Sweeney
Tancredo
Tauzin
Taylor (MS)
Terry
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)

NAYS—37

Aderholt
Barton
Blunt
Brown (OH)
Callahan
Chabot
Chambliss
Coble
Collins
Cubin
Everett
Fattah
Fossella
Hall (TX)
Hefley
Hobson
Jenkins
Jones (NC)
Kerns
Miller, Jeff
Norwood
Paul
Riley
Saxton
Schaffer
Sensenbrenner
Slaughter
Snyder
Stearns
Stenholm
Strickland
Taylor (NC)
Thomas
Vitter
Weller
Whitfield
Young (FL)

NOT VOTING—37

Barcia
Becerra
Blagojevich
Bonior
Borski
Combest
Condit
Cox
Cummings
Deal
Diaz-Balart
Gallegly
Harman
Hastings (FL)
Hilleary
John
Jones (OH)
LaHood
Mascara
McDermott
McKinney
Menendez
Moran (VA)
Pallone
Payne
Portman
Price (NC)
Reyes
Rothman
Roukema
Royce
Stump
Sullivan
Tanner
Tauscher
Thompson (CA)
Wexler

□ 1910

Mr. HEFLEY changed his vote from ''yea'' to ''nay.''

Mr. SMITH of New Jersey changed his vote from ''nay'' to ''yea.''

So (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill, as amended, was passed.

The result of the vote was announced as above recorded.

The title of the Senate bill was amended so as to read: ''An Act to provide equitable compensation to the Yankton Sioux Tribe of South Dakota and the Santee Sioux Tribe of Nebraska for the loss of value of certain lands, and for other purposes.''.

A motion to reconsider was laid on the table.

MOURNING THE PASSING OF THE HON. PATSY MINK

(Mr. ABERCROMBIE asked and was given permission to address the House for 1 minute.)

Mr. ABERCROMBIE. Mr. Speaker, it is very difficult for me to grasp that I would be standing here this evening to announce to the House, with the most profound regret, that our dear friend and colleague PATSY MINK has passed away.

I know there are many Members who wish to express their respects to John Mink and Wendy Mink, PATSY's husband and daughter, and to share with other Members and perhaps those who are observing our proceedings the measure of their feelings for PATSY and about her.

So at the proper time, Mr. Speaker, which I believe is after the votes which will be called, I will call up a resolution expressing the sorrow of the House of Representatives upon her death and offer the opportunity for such Members as would like to speak to indicate to the House their feelings on this most sad, profoundly sad, occasion.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. GOODLATTE). Without objection, and pursuant to clause 8 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting on each additional motion to suspend the rules on which the Chair has postponed further proceedings.

There was no objection.

FEDERAL COURTS IMPROVEMENT ACT OF 2002

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 4125, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 4125, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 370, nays 21, not voting 40, as follows:

[Roll No. 425]

YEAS—370

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barr
Barrett
Bartlett
Barton
Bass
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Cooksey
Costello
Coyne
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Dicks
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (TX)
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
LaFalce
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, George
Miller, Jeff
Moore
Moran (KS)
Morella
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pascrell
Pastor
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reynolds
Riley
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Roybal-Allard
Royce
Ryan (WI)
Ryun (KS)
Sanchez
Sandlin
Schaffer
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sununu
Sweeney
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NAYS—21

Capuano
Conyers
DeFazio
DeGette
Dingell
Filner

Jackson (IL)
Kerns
Kucinich
Lewis (GA)
Mollohan
Obey
Paul
Rivers
Sabo
Sanders
Sawyer
Stark
Waters
Watson (CA)
Woolsey

NOT VOTING—40

Armey
Barcia
Becerra
Blagojevich
Bonior
Borski
Combest
Condit
Cox
Cummings
Deal
Diaz-Balart
Gallegly
Hansen
Harman
Hastings (FL)
Hilleary
John
Jones (OH)
LaHood
Mascara
McDermott
McKinney
Menendez
Moran (VA)
Murtha
Pallone
Payne
Price (NC)
Reyes
Ros-Lehtinen
Rothman
Roukema
Rush
Saxton
Stump
Tanner
Tauscher
Thompson (CA)
Wexler

□ 1925

Mr. SAWYER and Ms. WATERS changed their vote from ''yea'' to ''nay.''

Mr. WATT of North Carolina, Mr. GEORGE MILLER of California, and Ms. RIVERS changed their vote from ''nay'' to ''yea.''

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

HONORING JOHNNY UNITAS AND EXTENDING CONDOLENCES TO HIS FAMILY ON HIS PASSING

The SPEAKER pro tempore (Mr. GOODLATTE). The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 538.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Oklahoma (Mr. SULLIVAN) that the House suspend the rules and agree to the resolution, H. Res. 538, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 389, nays 0, not voting 42, as follows:

[Roll No. 426]

YEAS—389

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barr
Barrett
Bartlett
Barton
Bass
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Conyers
Cooksey
Costello
Coyne
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frelinghuysen
Frost
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (TX)
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, George
Miller, Jeff
Mollohan
Moore
Moran (KS)
Morella
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pascrell
Pastor
Paul
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sununu
Sweeney
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—42

Armey
Barcia
Becerra
Blagojevich
Bonior
Borski
Combest
Condit
Cox
Cummings
Deal
Diaz-Balart
Frank
Gallegly
Hansen
Harman
Hastings (FL)
Hilleary
Horn
John
Jones (OH)
LaHood
Mascara
McCrery
McDermott
McKinney
Menendez
Moran (VA)
Murtha
Pallone
Payne
Phelps
Price (NC)
Reyes
Ros-Lehtinen
Rothman
Roukema
Stump
Tanner
Tauscher
Thompson (CA)
Wexler

□ 1934

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY COMMITTEE ON RULES REGARDING AMENDMENTS TO S. 2690, PLEDGE OF ALLEGIANCE REAFFIRMATION ACT

(Mr. SESSIONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SESSIONS. Mr. Speaker, a ''Dear Colleague'' letter is being sent to all Members informing them that the Committee on Rules may meet this week to grant a rule for S. 2690, to reaffirm the reference to ''one Nation under God'' in the Pledge of Allegiance, which may require that amendments be printed in the CONGRESSIONAL RECORD prior to their consideration on the floor.

Amendments should be drafted to the text of the bill as reported by the Committee on the Judiciary, which was filed September 17, 2002. Members should use the Office of Legislative Counsel to ensure that their amendments are properly drafted and should check also with the Office of the Parliamentarian to be certain their amendments comply with the rules of the House.

ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 3295, HELP AMERICA VOTE ACT OF 2001

Mrs. MEEK of Florida. Mr. Speaker, pursuant to clause 7(c) of rule XX, I hereby announce my intention to offer a motion to instruct conferees on H.R. 3295 tomorrow.

The form of the motion is as follows:

Mrs. MEEK of Florida moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendments to the bill H.R. 3295 be instructed to take such actions as may be appropriate—

(1) to convene a public meeting of the managers on the part of the House and the managers on the part of the Senate; and

(2) to ensure that a conference report is filed on the bill prior to October 4, 2002.

PERSONAL EXPLANATION

Mr. GREEN of Texas. Mr. Speaker, last Thursday I was unavoidably detained and missed rollcall vote No. 423. Had I been present, I would have voted ''aye.''

EXPRESSING SORROW OF THE HOUSE AT THE DEATH OF THE HONORABLE PATSY T. MINK, MEMBER OF CONGRESS FROM THE STATE OF HAWAII

Mr. ABERCROMBIE. Mr. Speaker, I offer a privileged resolution (H. Res. 566) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 566

Resolved, That the House has heard with profound sorrow of the death of the Honorable PATSY T. MINK, a Representative from the State of Hawaii.

Resolved, That a committee of such Members of the House as the Speaker may designate, together with such Members of the Senate as may be joined, be appointed to attend the funeral.

Resolved, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions and that the necessary expenses in connection therewith be paid out of applicable accounts of the House.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

Resolved, That when the House adjourns today, it adjourn as a further mark of respect to the memory of the deceased.

The SPEAKER pro tempore (Mr. GOODLATTE). The gentleman from Hawaii (Mr. ABERCROMBIE) is recognized for 1 hour.

Mr. ABERCROMBIE. Mr. Speaker, I ask unanimous consent that at the end of the allotted time, the House rise for a moment of silence out of respect for the Honorable PATSY T. MINK.

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

There was no objection.

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

Mr. Speaker, it is with a heavy heart that I take this action. The hearts of all of us here go out in sympathy to PATSY's husband, John, and her daughter, Gwen; to her brother, Eugene; to her staff in Washington and in Hawaii; and to her large family of friends and admirers.

Mr. Speaker, I am devastated by her loss. PATSY MINK was more than my friend and my colleague; she was a true daughter of Hawaii. She was a person of enormous spirit and tenacity and inner strength. I will miss her terribly. I will especially miss her wisdom, her energy, her readiness to fight for principle. She fought all her life for social and economic justice.

Throughout nearly 50 years of public service, she championed America's most deeply held values: equality, fairness, above all honesty. Her courage, her willingness to speak out and champion causes that others might shun resulted in tremendous contributions in the fields of civil rights and education. She has earned in my estimation an honored place in the history of the United States House of Representatives as the co-author of title IX, which guarantees equality for women in education programs.

Every single woman in this Nation who today has the advantage of the capacity to command equal opportunity in education, and by extension in virtually every other field of endeavor, owes the impetus to that in modern times to PATSY MINK. She was one of the pioneers who transformed Hawaii and transformed this Nation. Her legacy will live on in every campus in America and in the heart of every American woman who aspires to greatness. Most profoundly, it lives on in my estimation in hope, hope for the millions of lives that she touched.

Mr. Speaker, it is difficult for me to realize that I am standing here this evening paying my respects to the memory of PATSY MINK because my first memories of her go back to when I was a student at the University of Hawaii involved in one of her first campaigns, not for elective office because she did that when Hawaii was still a territory.

She came back to Hawaii from her early plantation days, running around as a little kid in the plantation ditches over in Maui, encouraged by her family, most particularly her father, to reach for her star in the Hawaii firmament.

She was turned down for medical school, discriminated against because she was female, because she was Japanese, because she came from an unknown territory out in the Pacific. That is why she went to law school, fought her way into law school so that she could achieve a degree that would enable her to fight against the discrimination she had suffered.

She was a champion then. We all recognized it. She was smart and she was tough and she was articulate and she would not quit. She was an inspiration then and now.

Whenever any of us felt some sense of discouragement, whenever any of us felt some sense of despair or feeling that we could not succeed, it was only required for PATSY to come in the room to change the atmosphere.

□ 1945

PATSY MINK had the capacity to make dead air move. PATSY MINK, this little lady from Hawaii, was a giant in her heart and in her commitment. With every breath that she took, she championed those who had no one to stand up and speak out for them. A little lady with a big heart, a lioness. We will not see her like again. Someone will take her place here in the House, that is the way of it in our democracy, but no one will replace her in the hearts of the people of Hawaii. No one will replace her in the role that she played in this House of Representatives. No one was more beloved than PATSY MINK in this House.

Mr. Speaker, as an expression of the gravity of the feelings of the Members of this House, I yield 4 minutes to the gentlewoman from Ohio (Ms. KAPTUR), whom I think has an opportunity for Members of the House to be able to express in a more concrete fashion the feelings that we all have for PATSY.

Ms. KAPTUR. Mr. Speaker, I would like to thank the distinguished gentleman from Hawaii (Mr. ABERCROMBIE), now the senior Member representing that great State here for our Republic in the House, and rise in support of his Resolution with all of our colleagues on both sides of the aisle to honor our friend and colleague Congresswoman PATSY MINK, as this beautiful, beautiful poster indicates, a woman of hope.

PATSY's service, now 24 years, places her among the longest-serving women in the House, certainly currently. She was honest and intelligent, gifted and dedicated, and leaves behind a stellar record of accomplishments. For almost half a century, she was a devoted advocate for her constituents and her native State of Hawaii. She served America with distinction. She will be deeply missed.

She was a trailblazer. Her career embodied a series of firsts. She was the first Asian American woman to practice law in Hawaii, and the first Asian American woman to be elected to the Hawaii Territorial Legislature. And then in 1964 she became the first, in her own words, woman of color ever elected to the United States Congress, an Asian American woman of Japanese American heritage from the then new State of Hawaii.

She transcended race and gender throughout her life. She was a leader on women's rights, social and economic justice, health care and child care, and no one here knew more about education. She came to this House at the beginning of the 88th Congress in 1965, served until 1977, and then again from 1990 until her untimely passing this past Sunday.

When PATSY first began her career in this Congress, she was one of only 11 women serving in the House. She watched as Members came in the 1980s and began to double the number of women to 24, up to the current ? level of 62 with 13 women now in the Senate.

I agree with my colleagues that PATSY viewed as her most important achievement passage of Title IX of the Education Amendments of 1972. She, as the gentleman from Hawaii indicated, had experienced race and gender discrimination. She often said her life experiences challenged her to lead the

fight for women and girls to have equal access to education and athletic opportunities. Title IX has torn down barriers for women and girls in America. Title IX has had a dramatic impact on women's access to higher education opportunities, especially medical and law school, in addition to the more publicized impact on girls' and women's athletics.

Throughout our Nation, millions of girls participate in sports programs today, and millions of girls and women have more opportunities available to them because of Congresswoman PATSY MINK. She stood up for them and for us. Her legacy will survive in every classroom, every school and every campus. In celebrating the 30th anniversary of Title IX, PATSY stated her belief that ''we must rededicate ourselves to the continued pursuit of educational opportunities for girls and women.'' Her leadership on a wide range of issues, the environment, poverty, civil rights, helped shape a stronger America.

PATSY will live forever in our hearts and in this great institution. She truly remains America's daughter for all time, a woman of hope.

In that regard, Mr. Speaker, I would like to place on the record and ask my colleagues to sign a letter being sent to the Speaker from all of us that asks the Speaker to work with the membership as the Speaker deems appropriate to commission a portrait or sculpture of Congresswoman MINK to memorialize her contributions to our Nation. We would expect that the costs of this effort would be privately financed, working with an appropriate nonprofit entity, and that following the completion of this work of appropriate artistic quality, we would like to have it placed in a fitting public space here in the Capitol, perhaps in the new Capitol Visitors Center, so that her story can continue to inspire the millions of visitors who come to Washington to learn more about our democratic system, which she strengthened every day of her service to our country and indeed the world.

Mr. Speaker, the text of the letter is as follows:

CONGRESS OF THE UNITED STATES,
Washington, DC, October 1, 2002.

Hon. DENNIS HASTERT,
Speaker of the House, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Appreciation for the diversity and accomplishment of our nation's leaders throughout our history strengthens people's understanding of freedom's legacy and potential. This is a key reason why so many of us have urged that the artwork displayed in the public spaces of the House be more representative of this rich history of accomplishment, including correcting the underrepresentation of women in the current collection on display.

The passing of our beloved colleague, PATSY TAKEMOTO MINK of Hawaii, offers us the opportunity to both improve our representation of women who have contributed to this institution and our nation, as well as pay proper recognition to a woman whose path-breaking efforts have shaped a more optimistic future for generations of Americans.

Congresswoman MINK's life embodied a series of firsts.

She was the first Asian-American woman to practice law in Hawaii, and was the first Asian American Women to be elected to the Territorial House before Hawaii became a State in 1959, and she was one of the pioneers that advocated for Hawaii's statehood.

In 1964, she became, in her words, the first woman of color ever elected to the U.S. Congress. As the first Asian American woman of Japanese-American heritage elected, she served with distinction twelve terms in the House of Representatives for two 12-year periods.

Congresswoman MINK transcended race and gender discrimination throughout her career. Her life experiences challenged her to lead the fight for women and girls to have equal access to education and athletic opportunities. She played the leading role in the enactment of Title IX of the Education Amendments of 1972, which prohibited for the first time gender discrimination by federally funded institutions. That law has become the major tool for women's fuller participation not only in sports, but also in all aspects of education.

PATSY's leadership on a wide range of issues as the environment, poverty, education, and civil rights shaped a stronger America. During her tenure in Congress Mrs. MINK helped write environmental protection laws safeguarding land and water, and communities affected by coal strip mining.

For these reasons, Mr. Speaker, we respectfully request the opportunity to work with you and other officials of the House whom you deem appropriate to commission a portrait or sculpture of Congresswoman MINK to memorialize her contributions. We would expect that the costs of this effort would be privately financed, with an appropriate nonprofit entity being designated for the receipt of any contributions. Following the completion of this work of appropriate artistic quality, we would like to have it displayed in a fitting public space of the House, including possibly the new Capitol Visitors' Center, so that her story can continue to inspire the millions of visitors who come to Washington to learn more about our democratic system which calls for the inclusion of all Americans, regardless of race, gender, or origin.

We look forward to this opportunity to work with you.

Sincerely,

NEIL ABERCROMBIE,
MARCY KAPTUR,
ROBERT A. UNDERWOOD,
DIANE E. WATSON,
MICHAEL M. HONDA,
ROBERT T. MATSUI,
Members of Congress.

Mr. ABERCROMBIE. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. MICA), who was Representative MINK's chairman in the 107th Congress.

Mr. MICA. Mr. Speaker, I thank the gentleman for yielding time, and I also extend my condolences to the Hawaii delegation and especially to John Mink, to John and his daughter Wendy.

It is hard to believe that PATSY MINK is gone. PATSY MINK was truly an American icon. I had the wonderful privilege and opportunity to serve with PATSY. She was my ranking member as I chaired the Subcommittee on Criminal Justice, Drug Policy and Human Resources. Sometimes in this body we get to know folks from a distance, but sometimes when you work with them as I worked with PATSY, you get to know them as a friend.

This House and this Nation and certainly Hawaii just received a tremendous legacy from her service. This lady served in this Chamber as a role model for young women, for Asian Americans and for all Americans. I remember PATSY because of her conviction, because of her determination, because of her caring and love for people truly in her heart, and I honestly cannot believe she has left us. Not only will she be remembered for her public service in local government, in the territory of Hawaii and in the State of Hawaii, but for all she has done for so many people. She worked with me on our national drug policy, and the education program that we now have nationally is a legacy from PATSY MINK.

Again, her heart, her trust, and her love was with the people that she represented. So I salute her on her years of service. I will miss her from the bottom of my heart. As I came to the Capitol, I saw the flags flying at half mast, and how proud she would be that we honor her today for her service, which she so richly deserves. She was a great American and a great colleague, PATSY MINK, the gentlewoman from Hawaii.

Mr. ABERCROMBIE. Mr. Speaker, I yield 2½ minutes to the gentleman from California (Mr. MATSUI).

Mr. MATSUI. I thank the gentleman from Hawaii for yielding me this time.

Mr. Speaker, first I would like to offer my condolences to John, PATSY's husband, and Wendy, PATSY's daughter, and obviously her staff both in Hawaii and in Washington, for the wonderful job that they have given her and the people of her State over the past 24 years. And this goes from the time she was in Congress, from 1964 to 1976, and from 1990 until she passed away last Saturday.

It is somewhat unique when a colleague of ours dies. I remember when Walter Capps, the member from California, passed away. We had a chance then to look at his accomplishments over the years, and we began then to realize what a great human being he really was. We see our colleagues on the floor every day, and we obviously know them, we like them, we have friendships, but until they leave us do we really have an opportunity to really look at their careers. Unlike Members of the other body and unlike Governors in statehouses, we do not have an opportunity to view our colleagues as we do PATSY MINK today.

Her political career went over 46 years. If one really thought about it, she was the first Asian American, she was the first woman of color to enter the House of Representatives. I had not known that until this week. I think many of my colleagues did not know that. She was the first Asian American woman to be admitted to the Hawaii bar, and she had to do it by challenging the residency requirements because her husband was from Pennsylvania, and in those days she had to take the residency of her husband, and so she was

first not admitted. But at the age of 26, PATSY MINK challenged the Hawaii residency requirements in respect to admission to the bar, and her life was like that.

I think the gentlewoman from Ohio stated that PATSY was the one who made an amendment through the Higher Education Act, Title IX, back in 1972. Because of her, young elementary schoolgirls can say that they want to be like Mia Hamm. A young woman in college now can aspire to be a professional player in the WNBA. She has just done so much.

Two things stick out in my mind about PATSY, if I may just say this, and I know there are so many speakers that want to talk about PATSY. When she came back in 1990, Bill Ford was the chairman of what was then known as the Committee on Education and Labor. Bill said, ''PATSY MINK, she's coming back. I'm going to get her on my committee. She's just a great Member.''

I said, ''Yeah, I know.''

He said, ''No, no, you don't understand. PATSY MINK is a great legislator. She knows how to bring people together, she knows how to develop a consensus, she knows how to use words that are words of art. She is a legislator's legislator.'' I think all of us that have worked with PATSY know that.

Last, let me just say that I have worked with PATSY on welfare and on a number of issues. I have never seen anyone in this body, or in any body, any more impassioned, any more committed to the forgotten people, the people that perhaps do not have the chance that many of us have, for people that really want to aspire in America. That is what PATSY MINK means to me and to all of us. She is truly a role model not just for Asian Americans or women, but for all Americans.

Mr. ABERCROMBIE. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. GILMAN).

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

Mr. GILMAN. Mr. Speaker, I thank the gentleman from Hawaii for bringing this resolution to the floor and for yielding me this time.

Mr. Speaker, on days such as this, we sadly woe the present but nostalgically reflect upon the past. Hawaii and the Congress has lost one of its great leaders this week, a Congresswoman whose life and her 24-year congressional career have been nothing short of amazing. The passing of Congresswoman PATSY MINK is felt not only by her family, her husband John and daughter Wendy, and those close to her, but also by her constituents and all of us in the Congress who had the privilege to serve with PATSY.

□ 2000

I served with her on the Committee on Education years ago. Known for her strong, sincere demeanor, PATSY MINK has been an outstanding asset to Hawaii's Second Congressional District. She achieved significant support for the people of Hawaii. In those respects, PATSY was close to us all. Mrs. MINK was one of our Nation's strongest proponents of women's equality, pushing feminism from a fringe cause to an important rallying cry. Her sense of what was needed to be done to help her native Hawaiians and immigrant citizens alike has marked her as a sympathetic and caring congressional Member. She championed important reforms in education, such as smaller class sizes, passage of title IX, and more spending on special education and school construction, and the need to provide more assistance for Impact Aid, for which I had the honor and pleasure of working with PATSY.

All of PATSY's work in education demonstrates her desire to improve the future of our children who one day will be our Nation's leaders. This Congress will sorely miss PATSY MINK. She will be remembered for her leadership, her concerns, her compassion, for her positive aspects and the efforts she has undertaken to make Hawaii a strong political force in our Nation. May it be of some consolation to her husband, John, to her daughter, Wendy, that the people of Hawaii and so many others across the country will not forget our outstanding colleague, Congresswoman PATSY MINK.

Mr. ABERCROMBIE. Mr. Speaker, I yield such time as he may consume to the gentleman from Massachusetts (Mr. TIERNEY).

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

Mr. TIERNEY. Mr. Speaker, I rise to express my condolences on the death of the Honorable PATSY MINK.

Mr. Speaker. I rise this evening to join my colleagues in commemoration of the remarkable life and tremendous achievements of the woman who served with great distinction in the House of Representatives, PATSY MINK. I offer my condolences to the Mink family, especially her husband John and daughter Wendy, and to the people of her district who have lost a leader and a friend.

From age 4 when she insisted on joining her brother at school to her service as the first Asian-American woman to practice law in Hawaii, and to her election as the first woman of color to Congress, PATSY broke down barriers—first for herself, and then for others. PATSY left a legacy for millions of working families she helped lift out of poverty with education and job training programs ranging from the War on Poverty to Welfare Reform, and the generation of female student athletes for whom she drafted, passed and implemented Title IX, the 30 year anniversary of which we just commemorated this June.

I was proud to serve with PATSY on both the House Education and the Workforce Committee and the Government Reform Committee, where she gave a voice to the voiceless every day that she served.

PATSY provided vision, courage and leadership—speaking out on all the vital issues of the day and inspiring us, her colleagues, with here fiery oratory on the House Floor and policy negotiations that combined her mastery of education, labor and economic issues with the persuasive power of Hawaiian chocolate-covered macadamia nuts.

Mr. Speaker, the Members and staff of this great institution mourn the loss of a valued friend and colleague whose distinguished service to the House made a difference in the lives of millions of Americans. We will miss her dearly.

Mr. ABERCROMBIE. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Florida (Ms. BROWN).

(Ms. BROWN of Florida asked and was given permission to revise and extend her remarks.)

Ms. BROWN of Florida. Mr. Speaker, I would just make a quick comment to the family. My favorite scripture is ''To whom God has given much, much is expected.'' Our colleague has given much to this country on women's issues and on education. She has done her work. We have to carry on the legacy.

Mr. ABERCROMBIE. Mr. Speaker, I yield 2½ minutes to the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Speaker, I thank the gentleman for yielding me this time, and I thank him for bringing this together this evening to be able to express ourselves about PATSY and the wonderful person she was.

PATSY had a wonderful sense of urgency about being a Member of Congress. She was so clearly aware that she had been given a gift by the people of Hawaii, and she was so clearly aware that it was not to be wasted and not a moment was to be wasted as long as she was in this body.

When I first came here in 1974, she was a very senior member of the Committee on Natural Resources and of the Committee on Education and Labor, and I was the most junior member. When PATSY came back, I was one of the most senior members of those two committees, and she was the junior member of those two committees. The relationship never changed from the first day in 1974. I admired her skill on the Committee on Natural Resources as we argued mining law, public lands issues, forest issues, law of the sea. I asked her once, How do you do it? How do you do it? She was so engaged in the debate, and that is when debate really took place in the House of Representatives. She said, Read the bill and make them defend it. Make them defend it. And she did. She read every word in the legislation. And in those committee hearings, you had to defend your amendment; you had to defend your bill. And if you could not, she was not with you.

No matter what the topic was, whether it was title IX or pay equity or natural resources or mining law, the issues that she was involved in span the globe, but the reason was always the same: economic and social justice. She never waivered. It did not matter if it was welfare reform or water reform. She wanted to know what the

implications were for economic and social justice, who was getting and who was giving.

She never waivered from that, and for that she made many of us uncomfortable, as we thought we could waiver; and she would reach out and grab you and say, you cannot do that. You cannot be for this. You cannot vote for this. She said it to me when I was her chairman, and she said it to me when I was her ranking member; and she said it to me when I was a freshman member. That little woman that the gentleman from Hawaii (Mr. ABERCROMBIE) described was so full of commitment that she was compelling in all of our lives. There are so many firsts in her history.

But her sense of urgency and her sense of justice were her guiding stars. I think that when I came here at the end of a war, and here we are on possibly the eve of yet another war, and of those battles inside of the democratic study group which basically amends organization, and this woman went at it toe to head to toe to head on the arguments of ending the war.

I also think tonight that we send Ben Rosenthal and Bella Abzug and Phil Burton a great companion in heaven.

Mr. ABERCROMBIE. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. MILLENDER-MCDONALD).

Ms. MILLENDER-MCDONALD. Mr. Speaker, I rise to highlight the legacy of one of the most distinguished and honorable women of this august body, my friend, my colleague, Congresswoman PATSY MINK.

I shall remember her as a giant who spoke in gentle tones, but very fierce and very deliberate, whose frame towered with her ability to rise above the fray and get to the substantive issues at hand. In a career that began before territorial Hawaii became a State in 1959, PATSY MINK, with authority, wit, and clear perspective, became one of the best-known women politicians in these United States and, of course, as everyone has said, the first woman of color.

I stand today to celebrate the role that PATSY played in the life of this great Nation. Her career spanned over 24 years of service in this House of Representatives; and PATSY concentrated upon the removal of negative factors, social, economic, and educational restrictions which had been directed against minority groups, and which prevented the full development of an individual's ability and dignity.

It is hardly possible to stand here today to recapitulate on the extraordinary career of PATSY MINK, except to point out that a succession of legislative victories are owed to her tireless work. Later on next week, the women of the House will highlight the many legislative victories that this great woman has brought to the forefront, like improved opportunity in education, elimination of much overt discrimination, and modifying environmental policies which were part of the hallmark of her career.

Her persistent and passionate campaign for equity for women is credited as a centerpiece for the Democratic Party today. I can recall a couple of months ago when PATSY celebrated 30 years of the passage of title IX, and I came on the floor to talk with her and I asked PATSY, I said, PATSY, are all of the States in compliance with this law? She says, JUANITA, I don't know, but why don't you get on that? And Mr. Speaker, I have begun to get on that. I thank her so much for giving me the courage and tenacity to move forward on title IX.

Mr. ABERCROMBIE. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, until last Saturday, PATSY was one of the three people left in this House who was here when I first came. At that time, she was one of a handful of progressives who would gather each week to discuss ways that we could prod our own party into being more aggressive in pushing for education and health and retirement needs of working people. I learned oh, so much from her. She was one of the best debaters in this House. She was a superb legislative craftsman; and above all, she had steel, and she had something else. She had a passion for justice, for women, for minorities, and the poor. She had a sense of rage about the opportunities that this House misses every day to do more for the people who have no other resource. We respected her, we loved her, this tiny woman with that giant heart. We were very lucky to have her as long as we had her. She made us all better than we ever expected to be.

Mr. ABERCROMBIE. Mr. Speaker, I yield 2½ minutes to the gentlewoman from California (Ms. WATSON).

Ms. WATSON of California. Mr. Speaker, I join my colleagues in paying tribute to an outstanding United States Congresswoman. I am saddened, like the rest of my colleagues, by the loss of a tireless advocate for civil rights for women and minorities, especially native Hawaiians.

First elected in 1965, PATSY MINK was a pioneer for women across this country. As the first minority woman elected to Congress, PATSY has always been an inspiration to me as an elected official. On the path of good policy, PATSY MINK never backed down and she never gave up. PATSY was a true champion for American values and ideals. Early in her first term, she lent her unyielding support to the creation of Medicare. I first became directly involved with PATSY and her work when title IX was passed 30 years ago. Back then, as a member of the Los Angeles Unified School Board, I was charged with implementing a title IX plan for the Los Angeles Community College system. I have followed and I have had admiration for PATSY's work and for her public service career ever since then.

Now as a Member of the 107th Congress, replacing another strong public servant prematurely taken from us, Julian Dixon, and one of the highlights of my short time here so far has been the opportunity to work with PATSY on welfare reform. In the fast-moving world of Congress, I was able to spend some quality time with PATSY after going on a trip to Sacramento to collect the data on our welfare reform program. We worked together to compile information for legislation. We might have been unsuccessful; but in working with her, I knew I had someone who really understood what we were trying to achieve.

Mr. Speaker, although our most recent attempt for meaningful change was rebuffed in committee, I want my colleagues to know that PATSY, that working with her, she leaves a legacy that we can all model after. Her dedication, her strength, her principled and hard-working self will remain with us forever. PATSY, thank you for what you have done for all of us, especially women.

Mr. ABERCROMBIE. Mr. Speaker, I yield 2 minutes to the gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS. Mr. Speaker, I thank the gentleman for yielding me this time.

PATSY MINK was a thoughtful, passionate, kind, strong, gentle, and lovely person who bravely and courageously fought and spoke out for those who could not always do it for themselves. She fought undeterred for social and economic justice in our country and around the world, and she never gave up. She is, in my eyes, Winston Churchill's ideal model when he spoke to a group of young men, young boys during the war, the Second World War, and told them ''Never, give up. Never give up. Never, never, never give up.''

She was a giant. I did not even know that she was small in figure. She always, to me, was a giant, a champion and someone I wanted to know better. I loved her passion, but I loved more understanding why she felt so passionate. She wanted to make a difference in this place. I want her family to know her efforts were worth every minute. She did make a difference, a huge difference. I loved, no, I want to say I love PATSY MINK.

Mr. ABERCROMBIE. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT. Mr. Speaker, I rise today to pay tribute to a distinguished legislator and an amazing activist and a wonderful person, PATSY MINK. President Kennedy once said, ''A nation reveals itself not only by the men it produces, but also by the men it honors, the men it remembers.'' Because of PATSY, both from her example and her legislative teachings, we know that quote needs to be amended, for a Nation is revealed not only by its men, but also by the women produced, honored, and remembered.

□ 2015

As we know from working with her, PATSY made sure that, as a Nation, we

honored and remembered those who might otherwise be pushed aside and forgotten. PATSY was a voice, loud and strong, for those who had no voice, or those whose voices were in danger of being drowned out.

As the author of Title IX, she drew attention to women's educational needs and abilities. When we consider that over 80 percent of women in senior executive positions today report having participated in organized sports after grammar school, we can know that PATSY MINK's work has changed the face of the Nation.

Through her years in the House, she tirelessly fought for women, for the poor, for immigrants, for children, for workers. She fought for civil rights, for health care, education, child care, teachers' professional development.

I had the honor of knowing PATSY for the last 10 years. We were on the Committee on Education and the Workforce, where I had the privilege of watching her at her best.

Although we mourn the loss of PATSY, I will always honor the privilege of having served alongside such a tenacious and thoughtful legislator. The legacy of her life and accomplishments are great lessons to us all. We owe many thanks to her work and her memory, and that has revealed a lot about this Nation. So today we are better for honoring and remembering the gentlewoman from Hawaii, the Honorable PATSY MINK.

Mr. ABERCROMBIE. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. FARR).

(Mr. FARR of California asked and was given permission to revise and extend his remarks.)

Mr. FARR of California. Mr. Speaker, I rise to speak of the gentlewoman from Hawaii, PATSY MINK, and especially to her daughter, my constituent, Wendy.

GENERAL LEAVE

Mr. ABERCROMBIE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks in support of the pending resolution.

The SPEAKER pro tempore (Mr. PLATTS). Is there objection to the request of the gentleman from Hawaii?

There was no objection.

Mr. ABERCROMBIE. Mr. Speaker, I yield 2 minutes to the gentlewoman from Florida (Mrs. MEEK).

Mrs. MEEK of Florida. Mr. Speaker, my dear departed friend and colleague, PATSY MINK, was a big girl. She was slight and small in stature, but great in spirit and heart.

I think God thought about PATSY and decided he needed somebody in the Congress who could reach out to everyone, who could make laws, who could extend her hand to everyone. God needed a very strong person. He needed a woman who would stand up against everybody and bring a voice to this Congress for the voiceless people.

That is what he did: He chose PATSY. She came in and broke down barriers. She opened doors. She did everything God would have her do. In terms of race, color, gender, she had nothing to stop her.

PATSY was a woman of great honor, and we come here tonight to honor her, because God chose PATSY. She spent a lot of her time working for all of us. Every woman in this country stands now on the shoulders of PATSY MINK. I feel much stronger and taller because of what PATSY left, the legacy she left to us. She was a tireless advocate for her constituents in Hawaii. She was a great leader. She was a great model.

I remember the many things, being one of the older women here in the Congress, of the work that PATSY did: Equal pay for equal work; all of it. There is a litany of things that PATSY did which I will put in the RECORD.

She was a great friend and kindred spirit. She used to send me candy on my birthday; and I had plenty of those, Mr. Speaker. She would send me whatever those nuts are that they grow in Hawaii.

Mr. ABERCROMBIE. Mr. Speaker, will the gentlewoman yield?

Mrs. MEEK of Florida. I yield to the gentleman from Hawaii.

Mr. ABERCROMBIE. Mr. Speaker, I will keep on doing that for the gentlewoman.

Mrs. MEEK of Florida. Good. I hope the gentleman will keep it up.

PATSY MINK was the first woman of color admitted in Congress, and the first Japanese woman admitted to the bar in Hawaii.

So I say, I stand on her shoulders, Mr. Speaker, and I pray that each of us here would take a pattern from PATSY, because she was a great leader who gave service to God for the space she occupied.

Mr. ABERCROMBIE. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Mrs. DAVIS).

Mrs. DAVIS of California. Mr. Speaker, with real sorrow I come to the podium today to honor a truly memorable colleague, the Honorable PATSY MINK. As a freshman Member, it has been so inspiring to serve on a committee with a role model who has made a real mark on our society through her lengthy service in the House of Representatives.

It was an honor for me to join her at this podium on June 19 in the commemoration of the 30th anniversary of Title IX. Seldom does one get to join forces with one of the original sponsors of legislation that was not only landmark legislation for our country, but was so formative for my children's generation.

When I was a local school board member, I remember how hard we had to work to change the culture of our society to implement the equality embodied in this bill. She lived the battle for equal opportunity that that bill codified.

I was so touched that she thanked those of us who spoke honoring this legislation by presenting us with the T-shirt that I wear very, very proudly today.

The comment has already been made: We know how giving PATSY was, because whenever we did something that she liked, she showered us with macadamia nuts so we would have a taste of Hawaii.

I thank my colleague, the gentleman from Hawaii (Mr. ABERCROMBIE), for bringing us all together this evening. No one will easily fill the chair of PATSY MINK, but we were all privileged to call ourselves her colleague, and we will rekindle the commitment she made to the issues which empowered her life: working for children, their education, their homes, and their health care. I thank her for showing us the way.

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

Just before I go on, Mr. Speaker, I most deeply want to thank everyone who has spoken so far. There are many more people to come, as we can see, Mr. Speaker, but the depth and the breadth of what PATSY accomplished I think is now going on the RECORD here in the 107th Congress. It will be there for all to see and view, and I know it will be an inspiration.

I am very, very grateful, as are the people of Hawaii, to all who have appeared so far and are yet to come for letting everyone know of PATSY's legacy.

Mr. Speaker, I yield 2 minutes to the gentlewoman from Indiana (Ms. CARSON).

Ms. CARSON of Indiana. Mr. Speaker, I thank the honorable gentleman from Hawaii (Mr. ABERCROMBIE) for yielding time to me.

Mr. Speaker, I want to first include for the RECORD comments from my predecessor, the Honorable Congressman from Indianapolis, Mr. Andy Jacobs, who was in the class of the honorable gentlewoman from Hawaii, Mrs. MINK. He wrote a letter to the family, John and Wendy, which simply says: ''I hurt, dear God, do I hurt. You are in my prayers and in my heart, Andy Jacobs.''

The letter referred to is as follows:

CONGRESSMAN ANDY JACOBS (RET.)
D—INDIANA.

TO JOHN—WENDY,
I hurt, Dear God do I hurt.
You are in my prayers and in my heart.
ANDY JACOBS.

Mr. Speaker, in the greatest book ever written, in the most universally read book of all times, it is worth recalling in this most special period in the U.S. House of Representatives an inscription in the book of Ecclesiastes.

It says: ''For everything there is a season, and a time for every purpose under heaven: A time to be born, and a time to die; a time to plant, and a time to pluck up that which has been planted.''

Representative PATSY MINK represented her seasons and her purpose

under heaven. She planted great, eternal seeds in her season, and certainly fertilized them well.

Often when I would see Mrs. MINK fight for a cause on the floor, I was reminded of a cliche that we often used when we were coming up describing PATSY MINK: She was a little piece of leather, but well put together.

Today I am filled with sorrow over the passing of Congresswoman PATSY MINK. She was a remarkable, extraordinary woman, and certainly a wonderful friend. Perhaps I can shed a few of those pounds that I kept saying that I was going to do now that she is no longer here. The gentleman from Hawaii (Mr. ABERCROMBIE) promised he was going to bring some to us.

Congresswoman MINK had on her Web page a quote from a 1973 news article. She said: ''It is easy enough to vote right and be consistently with the majority, but it is more often more important to be ahead of the majority, and this means being willing to cut the first furrow in the ground and stand alone for a while if necessary.''

So please know, to the Mink family, her husband John and daughter Wendy, her many loyal constituents, they are all in my thoughts and prayers these days. I extend to all of them my heartfelt appreciation for loaning us PATSY, even if it was just for a little while, and something called the chicken pox came through and decided that she needed to do work elsewhere.

Mr. ABERCROMBIE. Mr. Speaker, I yield 2½ minutes to the gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Speaker, I thank the gentleman for yielding time to me, and for bringing this resolution honoring our colleague, the gentlewoman from Hawaii, and our dear friend.

First I want to begin by extending my deepest and most heartfelt condolences to PATSY's family, to John, Wendy, friends, and constituents, and to the entire State of Hawaii. My thoughts and prayers are with them during this very difficult period.

In the words of our Secretary of Transportation, Norm Mineta, Norm said: PATSY MINK spoke for the forgotten, the disenfranchised, the poor, and worked unceasingly to remind the Nation of its obligations to those whom it sometimes forgets.

PATSY spoke not only for the forgotten, the disenfranchised, the poor, but also to the conscience of all Americans. The leadership that PATSY commanded on the welfare reauthorization debate this year really exemplified her values and her character.

During that debate and during our work on that bill, PATSY MINK authored a fair and compassionate bill that would have helped women provide for their families and enhance their futures through education. Although that bill was not voted out of the House, it was really the right bill, and many of my colleagues, myself included, supported it. We were determined to stand by PATSY through this. I am glad we did. She was right.

I also appreciate her passion for peace. PATSY was an early opponent of the Vietnam War, and accompanied another great woman, Bella Abzug of New York, to Paris to participate during the Vietnam-era peace talks.

In 1967, right here on this floor, and I want to quote this, because PATSY spoke of peace instead of war, she said right here, ''America is not a country which needs to punish its dissenters to preserve its honor.'' PATSY said, ''America is not a country which needs to demand conformity of all its people, for its strength lies in all of our diversities converging in one common belief, that of the importance of freedom as the essence of our country.'' PATSY said that in 1967 right here.

Of course, I have thought long on this issue, and truly respect PATSY for her courage and her fortitude.

She was tremendously supportive of me on many tough issues and truly was an inspiration. PATSY had a brilliant intellect, yet a big heart and a lot of soul. As a leader and advocate on so many issues, she always took the time to say thank you, as we heard earlier. Sometimes she sent candy or flowers or nuts or coffee from her home State as a token of her appreciation and her friendship.

To know PATSY was really to love her. Many of us, myself included, have benefited from PATSY's warm hospitality when visiting her beautiful home, the State of Hawaii. She happily shared information and knowledge about her home, and wanted her friends to experience it to its fullest, and to really feel at home.

Mr. Speaker, let me just say, I will miss PATSY. She was a woman whose wisdom and genius really helped us make a better world. May she rest in peace.

Mr. ABERCROMBIE. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. LEWIS).

Mr. LEWIS of Georgia. Mr. Speaker, I thank the gentleman for yielding time to me. I know this is a very hard and difficult time for the gentleman and for all of us, and for the people of Hawaii.

Mr. Speaker, I rise today in support of this resolution remembering the life and the work of our colleague, the gentlewoman from Hawaii, PATSY MINK. PATSY was beautiful and smart. I loved this woman. I loved PATSY MINK. Sometimes on this floor when PATSY was sitting here, I would just walk over and say, hello, PATSY, how are you? What are you thinking about?

I first met PATSY when she was a keynote speaker at a Democratic convention during the 1960s. PATSY was one of the most liberal and most progressive Members of this Congress.

□ 2030

When PATSY spoke, she spoke from her soul. She spoke from her heart. She had the capacity to get our attention and hold our attention when she stepped in the well of this House. She spoke with passion. Determined, dedicated and committed, PATSY was a fighter. She fought for civil rights, social justice and equality. She was a champion of education. PATSY stood by her convictions. She would not yield to the prevailing wind. She did not put her fingers into the air to see which way the wind was blowing.

PATSY will be forever missed. We will miss her as a Nation and as a people. We will never be so lucky, not so blessed to see her likeness again.

Mr. Speaker, when the Master created PATSY MINK, he threw away the mold. May the mercy and the grace of God be with her family and with all of us.

Mr. ABERCROMBIE. Mr. Speaker, I yield 2¼ minutes to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, I thank the gentleman from Hawaii for bringing us together to acknowledge our dear and loved colleague.

It is a sad day for the House of Representatives. We mourn the loss of a great American, not only a friend whom we loved but a dedicated public servant who loved her country, and through the course of her life literally changed the course of history. How many people can we say that about?

We all come to this institution with the hope in trying to make a difference. PATSY MINK made a difference, whether it was fighting poverty, standing up for civil rights, for education, for women's rights or her passionate and articulate opposition to the Vietnam War.

PATSY MINK was there in the forefront fighting for the causes she believed in and for the people she believed society had forgotten. She gave voice to those who did not have a voice. Her legacy was about more than issues. PATSY MINK personified the fight for social change, for social justice, and for equality among all people, no matter their race, religion or gender. PATSY may have been small in stature, as we have said; but she was a giant when it came to fighting for the causes that she believed in. There would be no title IX without PATSY MINK. She was the mother of title IX. And when we look at those soccer fields with those little girls in their uniforms or when we watch the UCONN women Huskies play that game, we know who was responsible for making that happen. And only just 3 months ago, we honored her and her 30th anniversary on title IX, perhaps her greatest triumph in a large and distinguished career. But when you also think about education, less than one in five young women completed 4 or more years of college 30 years ago, but by the middle of this decade women are expected to earn more than half of all bachelors degrees.

PATSY MINK made a difference. That we have come so far is PATSY's legacy. She knew what it required to put our country on a path to social justice. She knew how to make her case, to bring

people together, and make us a better and more understanding Nation for it.

Pushing against the social norms is what trail blazers do, and PATSY MINK was a trail blazer to her core. PATSY changed so many lives during her time here. We will miss her passion and her voice; but what we will most miss is her spirit, her easy-going sense of humor, her laughter, and her eyes crinkled up when she laughed. She was a good friend to me, a kind soul, reliable, and profoundly decent. We loved her and we will miss her more than words can say.

Mr. ABERCROMBIE. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON).

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to pay tribute to my dear friend and colleague, Congresswoman PATSY MINK. PATSY spoke for the women of the world, children of the world, and really broke so many barriers that she also was a role model for women and children of the world. She was an aggressive fighter for what was best for citizens of the second district in Hawaii, but also for the Nation and for the whole world.

She was a tireless supporter of the Congressional Black Caucus and its agenda. She was a disciplined and focused advocate for the voiceless, and she was my dear friend. As heaven gains another angel, we in Congress mourn our unfortunate loss. May God be with the Mink family.

Mr. Speaker, I rise today to pay final tribute to my dear friend and colleague, Congresswoman PATSY MINK.

Congresswoman MINK was able to break through racial and gender barriers to attain goals that others thought were impossible. Her career was a series of firsts: the first woman of color elected to Congress, the first Asian-American woman to practice law in Hawaii, the first Asian-American woman to be elected to the Territorial House.

Representative MINK entered this world as a fighter for equality. Born in Maui in December of 1928, from her earliest years, she was encouraged to excel in academic courses. As a four year old, she recalled how she hung onto the shirt of her older brother, demanding, and eventually winning the right to accompany him to the first grade.

As PATSY MINK grew up in Hawaii, she saw her life change overnight with the bombing of Pearl Harbor. She turned 14 the day before the bombing of Pearl Harbor. At that time, anyone who was looked up to in the Japanese community was seen as a threat; this included her father. He was taken away for questioning but returned to the family. PATSY realized that anyone could be arrested for no reason except that they were Japanese.

MINK attended Maui High School, where she played basketball at a time when girls played half-court because, as MINK put it, ''they said it was too strenuous for us.'' When she ran for student body president during her junior year in high school and won that campaign, she began her unofficial political career. In 1944 she graduated as high school class valedictorian.

Representative MINK went on to attend college at the University of Hawaii, but transferred to the University of Nebraska where she faced a policy of segregated student housing. She arrived at the campus and was housed at the international house. When she found that this housing was for the ''colored'' students, she was outraged. PATSY wrote a letter of protest and sent it to the local newspaper. The accompanying protests and objections resulted in the University changing its policies.

However, PATSY was not able to enjoy the changes she had caused to be made because she became very ill and had to return to Hawaii where she finished her baccalaureate degree.

She returned to the University of Hawaii to prepare for medical school and graduated with a degree in zoology and chemistry. However, in 1948, none of the twenty medical schools to which she applied would accept women.

She decided to study law and was accepted by the University of Chicago because they considered her a ''foreign student.'' Choosing not to inform the University that Hawaii was an American territory, she obtained her Doctor of Jurisprudence in 1951.

Getting a job in the legal field was not easy for a woman at that time, but that did not deter PATSY. No one was willing to hire her, even as a law clerk. She worked at the University of Chicago Law School library until the eighth month of her pregnancy. Six months after giving birth, she, her husband John and baby daughter Gwendolyn moved to Hawaii.

When she found no law firm that would hire a woman, she decided to start her own firm. She became the first Japanese-American woman lawyer in Hawaii. She also taught at the University of Hawaii.

In 1965, PATSY MINK was elected to the U.S. House of Representatives and began the first of six consecutive terms in the House of Representatives. Again, she was the first woman of color to be elected to Congress.

MINK'S ability to build coalitions for progressive legislation continued during her tenure in Congress. She introduced the first comprehensive Early Childhood Education Act and authorized the Women's Educational Equity Act.

MINK believed one of her most significant accomplishments in Congress was Title IX of the Education Act, which she helped authored in 1972. It mandated gender equality in any education program or activity receiving federal financial assistance. Title IX has become the major tool for women's fuller participation, not only in sports, but in all aspects of education. The law promotes equality in school athletics. Scholarship money for women increased from $100,000 in 1972 to $179 million in 1997, but was equally important in opening academics.

Representative MINK was an early opponent of the Vietnam War and accompanied fellow Representative Bella Abzug, D–N.Y., to Paris to talk to participants in the Vietnam War peace talks. She supported women's rights, was against the death penalty and had as her spending priorities education, housing and health. MINK's strong liberal stands led conservative opponents to dub her ''PATSY Pink.''

Her career included an appointment by President Jimmy Carter as Assistant Secretary of State for Oceans, International, Environmental and Scientific Affairs from 1977 to 1978.

PATSY MINK returned to Washington, DC in 1991 and has been here ever since.

Congresswoman PATSY MINK was an aggressive fighter for what was best for citizens of the second district in Hawaii, as well as this nation as a whole. She was a tireless supporter of the Congressional Black Caucus. She was a disciplined and focused advocate for the voiceless. And she was my dear friend. As Heaven gains another angel, we in Congress morn our unfortunate loss. May God be with the Mink family.

Mr. ABERCROMBIE. Mr. Speaker, I yield 2½ minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I cannot thank the distinguished gentleman from Hawaii (Mr. ABERCROMBIE) enough for bringing us together for this very special tribute. Might I also add my deepest sympathy to PATSY's husband and daughter.

I cannot recall when I last saw John with PATSY, but I can assure you I have never seen such a bond, such a sense of connection and friendship, such a joy of being together. And I hope that as he mourns the loss of his dearly beloved wife, he will remember her with the wonderful memories that so many of us saw.

This past summer I had the opportunity to speak in Hawaii, and I took time to visit in and about the area and mentioned PATSY's name frequently to those I would meet. And interestingly enough, as I called her name PATSY, it is not out of disrespect. It is because those who lived there, they would say, That is our PATSY. That is how we know her. That is how we vote for her. That is how she comes to us. That is our PATSY.

That is the way the Congresswoman was to her colleagues as well, caring and nurturing; and I stand here this evening just to thank the gods, if you will, to have allowed me to not be in that time frame between 1977 and 1990 but to come to this House when PATSY came back to this House.

We deal a lot now with 9–11 issues and there is fear in America, but PATSY stood above that fear. And I want to pay tribute to her ancestry, which is a noted classic story of immigrants seeking and determined to live a better life in America for themselves and their families. Her four grandparents immigrated from Japan in the late 1800's to work as contract laborers in Maui's sugar plantations. That is why she was a person who believed in lifting the boats of all others. And if there was ever any legislation to join, if you knew PATSY had authored it, you needed to be on it. You needed to be on her welfare reform legislation because she was ready to fight against those who did not understand the need for child care and transportation and training.

And then, of course, if you just take a moment, just a second of quietness, you can see PATSY running to the front, coming to this mike, and then speaking in a booming voice on her beliefs and causes.

Thank you, Congresswoman MINK for title IX because I knew what it was like when I grew up; but what joy as I watch the Olympics time after time after time to see young women rising because of you.

I close briefly because I know time draws nigh to simply say this in PATSY's words. She was asked what she wished someone had said to her when she started and she said.

When I was in high school and college I wanted to become a medical doctor. I wish someone had told me then that medical schools in the U.S. did not admit women students except for one all-female school. I wish someone had told me about sex discrimination and about how deeply embedded it is and about how every day would be a struggle to overcome it.

PATSY, they may not have told you, but you were a fighter. May you rest in peace.

I would like to express my heart-felt condolences to the many colleagues, constituents, friends, and relatives of Congresswoman PATSY MINK of the 2nd Congressional District of Hawaii. A coalition builder for greater understanding, the Honorable PATSY MINK served in the House of Representatives for twelve terms as the first woman of Asian descent to serve in the U.S. Congress.

Representative MINK was the first woman of an ethnic minority elected to federal office and had been a member of the House for 24 years over two different stretches. She won re-election two years ago by a nearly two-to-one margin, and has been considered a sure winner in the November 5 general election.

Her ancestry has been noted as a classic story of immigrants seeking and determined to live a better life in America for themselves and their families. Her four grandparents emigrated from Japan in the late 1800's to work as contract laborers in Maui's sugar plantations.

She supported women's rights, was against the death penalty and had as her spending priorities: education, housing and health. Among her legislative involvement and victories are the first comprehensive Early Childhood Education Act and the enactment of Title IX of the Higher Education Act Amendments, prohibiting gender discrimination by federally funded institutions. Her legislation has served both as a catalyst and a major tool for women's fuller participation both in sports and in all aspects of education.

From her scholastic accolades to her congressional achievements, Congresswoman MINK accomplished much in sustaining the American spirit. This very truth was exhibited throughout her earlier academic years as a student government representative and on through her political career. As she galvanized individuals to unite for the common good, I am reminded of her leadership and keen ability to build coalitions for progressive legislation throughout her tenure in Congress.

When asked, ''What advice do you wish you had when you started?,'' she responded by saying:

When I was in high school and college, I wanted to become a medical doctor. I wish someone had told me then that medical schools in the U.S. didn't admit women students—except for one all-female school. I wish someone had told me about sex discrimination—about how deeply embedded it is and about how everyday would be a struggle to overcome it. I wouldn't have lived my life differently. But I wish I had known that opportunities would not come easily and that to excel in my work. I also would have [fought] discrimination, not only for myself, but for and with others (Rep. PATSY MINK).

Toward this end, she shall be remembered life-long advocate for equal opportunity.

Further, while we mourn her death, we are greatly appreciative and shall be ever mindful of the legacy that she has left for many generations to follow. Let it be said that she was a champion for the rights of all human beings and that she was bold in the face of adversity.

Mr. ABERCROMBIE. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. HOUGHTON), one of PATSY's oldest and dearest friends.

Mr. HOUGHTON. Mr. Speaker, I would like to tell you a story. There was a man called Robert Fulghum and he wrote a book called ''Everything I Ever Learned I Learned In Kindergarten.''

He was in college and there was a Greek immigrant called Dr. Papaderos and at the end of one of the courses he said, What is the meaning of life, Dr. Papaderos? And everybody laughed. And Dr. Papaderos took this thing very seriously. He said, I will tell you a story. When I was a little boy in Greece I ran across a German motorcycle and there was a glass on the ground, a mirror. And I did not have any toys to play with and I picked up the glass and I ground it and I ground it. Soon it was perfectly circular. It was a wonderful play thing for me, but as I grew up and went into life, I realized it was sort of a metaphor for what we were all about. When I used to shine this mirror into dark places, it would light up and I could see things. And he said, One of things that it taught me is that we are not the light, we are not the source of the light; but through our own lives, we can shine certain pieces of material, in this particular case it was the glass, so that we can illuminate an issue.

This is the thing I think that PATSY did more than anything for me on the other side of the aisle. She was able to illuminate and humanize issues in a way I will never forget.

Mr. ABERCROMBIE. Mr. Speaker, I yield 2¼ minutes to the gentleman from North Carolina (Mr. ETHERIDGE).

Mr. ETHERIDGE. Mr. Speaker, I thank my friend from Hawaii (Mr. ABERCROMBIE) for yielding and thank him for this special evening for a very special lady that all of us appreciate.

Mr. Speaker, I rise tonight to join my colleagues in honoring the passing of a great Member of the U.S. House, Congresswoman PATSY MINK, and offer my condolences to her family and to the members of her staff and her many friends.

As others have noted, Representative MINK was a trail blazer whose career in Congress spanned 4 decades and whose service has left our country a far better place.

I want to focus my remarks very briefly on the work that PATSY and I had an opportunity to do just on education; it was a passion of hers and certainly is one of mine.

Prior to my service in this body, I served as the State superintendent of schools in my home State of North Carolina; and when I came here in 1996, I was appointed as co-chair along with PATSY and a number of others to the Democratic Caucus Task Force. I wanted to thank PATSY tonight for looking after the children of North Carolina as I did many times.

She was a long-time champion of the efforts to help our public schools, and she fought when others were not willing to fight. And as task force cochairs, PATSY and I worked side by side with our other colleagues here in Washington on some very positive progressive policies to strengthen public education in this country.

We may have seemed something like an odd couple. Me, a tall lanky Southerner and PATSY a little short lady from Hawaii, but she was tough as a leather knot, as we say in North Carolina, and a good Hawaiian lawyer and we made a good team along with others.

Together with the gentleman from Texas (Mr. HINOJOSA), the gentleman from Indiana (Mr. ROEMER), the gentleman from New Jersey (Mr. MENENDEZ), and the gentleman from New York (Mr. OWENS) and a number of others, we repeatedly fought back the efforts to cut education, against private school vouchers and other anti-education items. We pushed our message so successfully and PATSY was out there hammering so hard, that the other party's Presidential candidate borrowed our message and used it to talk about improving quality public education in this country.

PATSY would be proud of that tonight, as she is. Indeed, she made a difference. The list of her accomplishments have been listed already. And I thank PATSY for title IX and my daughter thanks her. All the daughters of America thank her. She made a difference in this country, in the title I children that would not have had a chance, the poor children, and all the others. I could not go through the list. Others have gone through them. I will not read them.

But most importantly, PATSY MINK was a leader whose country will forever owe her a great debt of gratitude, and there is a bright star burning in heaven tonight.

□ 2045

Mr. ABERCROMBIE. Mr. Speaker, PATSY was so moved by the gentleman from North Carolina's (Mr. ETHERIDGE) remarks that she let him know what she thought about it. She is our guardian angel here tonight. She makes her presence known.

Mr. Speaker, I yield 2¼ minutes to the gentleman from California (Mr.

HONDA), who I might say could also look Mrs. MINK eye to eye.

Mr. HONDA. Mr. Speaker, I think this is what she has done a lot is draw the podium down to her height.

I thank the gentleman from Hawaii for yielding me the time and for putting this session together, and I also would like to share my deepest sympathies with PATSY MINK's family, John Francis, her husband, her daughter Wendy and her brother Eugene Takemoto. I also want to share my sympathies to the people of Hawaii.

Many things have been said here this evening, and as a child growing up I remember reading about her. I remember hearing about her in the community, her accomplishments, PATSY MINK, and this session, my first session, I had the privilege to get to know her, sit next to her through the debates and through different issues that came up on the floor, but what everybody said here this evening was new to me. So I appreciate the Members sharing.

I appreciate her life. I also appreciate the accomplishments and the work that she has done because although we say here tonight of her work, there would be many people and future generations who will not know of her work, but will be touched by her work. To her, I thank her for that.

Many quotes were given that she had said on the floor. Many thoughts were shared by them of her, and I had not had the fortune of being able to work with her through many issues on the floor and in this body, but I am the recipient of her work. I am the recipient of her toil.

One thing I did learn listening to people tonight is that many people did say, I did not know that she was the first woman of color here. I learned that, too, and I think there will be many people in this country who will learn and do well by the lessons that she has done through her life.

When I hear other people talk, I understood that she took her private and personal life and converted that into public policy that would affect this country.

Let me close with a quote that she has left behind. Many things, people have been memorialized by statutes and by the inscription of their sayings. Here is one I would like to share with my colleagues that she said, and it is especially poignant today because of what we face as a Nation: ''If to believe in freedom and equality is to be a radical, then I am a radical. So long as there remains groups of our fellow Americans who are denied equal opportunity and equal protection in the law, we must remain steadfast to all shades of man we stand beside in dignity and self-respect, to truly enjoy the fruits of this great land.''

Hawaii was found by Polynesians following the stars. Tonight in the skies of Hawaii there is another star to lead the islanders.

Mr. ABERCROMBIE. Mr. Speaker, I yield 2½ minutes to the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Speaker, when the gentleman from Hawaii (Mr. ABERCROMBIE) said to me last week he was concerned about PATSY, that he thought she was at risk, I could not grasp what he was saying to me. I could not think about her being at the kind of risk that would cause her death.

My sincere condolences to John and to her family. PATSY was my friend. I knew her long before I ever came to the Congress of the United States. PATSY was on the cutting edge of the women's movement. PATSY was there when all of the great strategies were formed, when all of the great organizations got started. PATSY was there with Bella Abzug and Gloria Steinem and women who dedicated their lives so that women could have justice and equality in America.

She was there for ERA. She was there for pay equity, and certainly it has been mentioned time and time again that she cosponsored Title IX, women's educational equity.

It was just a few months ago that I sat at the WNBA All Star Game where PATSY was honored for 30 years' recognition of PATSY's work. As I looked at all of those strong, tall women out there playing and my dear child, Lisa Leslie, who won the All-Star honor that evening, I thought it was a short, little woman that caused this tall, big woman to be able to realize her dreams, to be able to hone her talents. What a wonderful moment that was.

We are going to miss her because she was a woman of impeccable integrity. She was not about misleading anybody. She did not do a lot of small talk. She was a passionate woman, a brilliant woman, who was a passionate and articulate debater and debate she could. When PATSY took the floor and she decided to let anybody have it, she really could do it.

Let me just say, PATSY was an expert on any number of subjects and certainly on education, but the mark of this woman was the fact that this brilliant woman devoted her time to poor women. Many people get very sophisticated and want to talk about other kinds of subjects once they have served in the Congress of the United States, but she stayed with poor women.

She was an advocate for poor women. She fought for poor women to have a safety net as we debated welfare reform, and people tried to make it something else. She simply talked about the need for poor women and their children to have a place to live and food to eat.

We love you, PATSY. We will miss you.

Mr. ABERCROMBIE. Mr. Speaker, I yield 2½ minutes to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Speaker, I thank my good friend and classmate the gentleman from Hawaii (Mr. ABERCROMBIE) for yielding me the time, and I remember that PATSY was here a few months ahead of us in the special election. She got the jump on us in seniority. Actually she had been here 25 years ahead of us. PATSY had a second coming, and the House is all the better for it, but the heart of the House is broken today. Historic woman, first woman of color, came here 4 years before even the great Shirley Chisholm, the first African American, came to the House.

She is known for two signature issues among the many issues that are around her name, education and equality. PATSY, of course, is the mother and the godmother and the protector and the fighter for Title IX. I think she would want this memorial to serve a purpose, especially today when Title IX is under attack.

I remember 2 months ago when she came to this floor to commemorate Title IX, and she said this: We have heard much about the many successes of Title IX, particularly in athletics. Most do not know of the long, arduous course we took before the enactment of Title IX and the battles that we have fought to keep it intact. And as we remember her tonight, remember, we are fighting a battle to keep it intact tonight.

She recounted some of those battles. She talked about 1975 when there was an amendment to keep then HEW from promulgating regulations under Title IX. That is how deep it got. Even after Title IX was passed, she had a way of piercing to the truth, when they said there is no Title IX. It took four men to summarize what she said on the floor, 2 months ago, that reductions in men's sports are due to choices made by college administrators in favor of the big-budget, revenue-generating programs such as football and basketball. She told it like it was. She could not help it.

Let us remember as we commemorate and celebrate Title IX and celebrate PATSY's life what we are going through today. There is an administration task force. With all her being, PATSY opposed to fix what is not broken, Title IX, 30 years later when we go from 32,000 female athletes to 150,000. Instead of commemorating, the administration is fixing. Leave Title IX alone. Let it stand. Let it be. Do it for women, and do it for PATSY MINK.

Mr. ABERCROMBIE. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York (Ms. VELÁZQUEZ).

Ms. VELÁZQUEZ. Mr. Speaker, the mark of an American hero is a person who created reality and shaped the values that we take for granted today. PATSY MINK is one such American hero. Each time we look around at what America is today, we should think of PATSY MINK because our Nation is a better place due to the contributions she made throughout her life on education, immigrants' rights, health care, and protecting the poor.

She fought for civil rights in an era of segregation. She was an advocate for Asian Americans after the internment policy of World War II. She opposed a

war before it made headlines. She fought to provide every child with a quality education, and she created opportunities for girls to play college sports, sparking a revolution for an entire generation that is now the envy of the world.

She was the first in so many things, the first female student body president, the first Japanese American woman to practice law in Hawaii, the first woman of color to serve in the United States Congress, all things we take for granted today. We should always remember it was PATSY who fought to get us here, especially women.

Perhaps PATSY herself could sum up her life and legacy best when she said, my career in politics has been a crucible of challenges and crises where in the end the principles to which I was committed prevailed.

We should all strive to be as dedicated to our process and as passionate in our arguments as PATSY was to hers. For the many causes she championed, there was no fiercer advocate than PATSY MINK. I will miss her friendship, her spirit and her sense of humanity.

Mr. ABERCROMBIE. Mr. Speaker, I ask unanimous consent to extend the debate time on the resolution honoring PATSY MINK by 30 minutes and that this time be controlled by the gentlewoman from Ohio (Ms. KAPTUR).

The SPEAKER pro tempore (Mr. REHBERG). Is there objection to the request of the gentleman from Hawaii?

There was no objection.

Mr. ABERCROMBIE. Mr. Speaker, I yield 1¾ minutes to the gentleman from New Jersey (Mr. ANDREWS).

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

Mr. ANDREWS. Mr. Speaker, I thank my friend from Hawaii for yielding me the time.

I rise in sincere remembrance of a gentle soul and a good friend, PATSY MINK. I offer my condolences to her husband John, daughter Wendy, and my thanks to the service that the entire family has given by permitting their wife and mother to serve this Nation.

PATSY has gone from our lives, but she will touch the lives of so many people tomorrow whose names she will never know. Tomorrow there will be welfare mothers who will get up and have a first-rate child care center to take their sons and daughters to because PATSY MINK made sure that would happen. Tomorrow there will be young women who will have a chance to learn math or science or go on to engineering careers because PATSY MINK helped lead the fight to let little girls know that they could be anything they wanted to achieve in any discipline through her work on women's equity in education.

A few hours ago on the east coast, and Mr. Speaker, right now across the country, young women are coming home from sports practice, from soccer and field hockey and all the other sports that young women play.

□ 2100

And the most talented ones know that they have a chance to compete now at the intercollegiate level because PATSY MINK wrote title IX and made sure it stuck.

PATSY MINK will touch my life for years to come. My two greatest achievements are 9 years old and 7 years old, my two daughters; and I take comfort at this time of great loss from the fact that they will live in a world where they can be anything they set their minds to, reach any heights to which they aspire, because in large part this firebrand of a woman stood on this floor and served this country.

It is my honor to call her a friend. My great expression of condolences to her family. May God rest her soul.

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

I would like the record to show that I am assuming this responsibility for the next 30 minutes only in that the rules do not allow the gentleman from Hawaii (Mr. ABERCROMBIE) to remain on the floor for more than 1 hour. He is present in the Chamber and right here at my side. We will continue paying tribute to our beloved friend, Congresswoman PATSY MINK, and send our sympathies to her precious family.

Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. LOFGREN).

Ms. LOFGREN. Mr. Speaker, this is a very sad day. I remember when I first met PATSY and saw PATSY. It was in 1970, and I was on the staff of then-Congressman Don Edwards, and I thought this was really somebody, this was really somebody; and I watched her and I watched her on the ERA, and I never dreamed that many years later after she had gone back to Hawaii and come back to the House that I would get to serve with her, and I really value the years I served with PATSY. I knew her really as just a tireless champion for the underdog. She believed in the power of education, and she fought to make sure that every person had the opportunity to do more in life because they had an education.

I remember participating in a Special Order with PATSY before the August recess, and we think about title IX rightly about sports; but really PATSY and I were talking about the other aspect of title IX when there were limits, there were quotas on how many women would be admitted to a college, and there were courses of study that women were not allowed to take. So I know I benefited personally from what PATSY did on title IX and my daughter still benefits from what PATSY did.

Patsy made her mark and she changed America. There are not very many women in the House who are lawyers. PATSY was one of them, and she had a fine legal mind. She was someone who I always listened to when she had advice to give. She was not afraid to lead. And petite as she was, she was always big enough to share the limelight. How someone could be so tough and so firm and yet be also warm and kind is a wonder. She was funny, smart, brave, a visionary. She helped teach all of us, and we are in her debt.

I give thanks to her husband, John, and her daughter, Wendy, for sharing her with us and thanks to the people of Hawaii for sending her to the Nation. People of Hawaii have no idea how she and NEIL would stand up and fight for them whenever they needed them to do so. So I know I am not alone in finding it hard to reconcile myself to her absence. I miss her and America is profoundly improved by her gift of time, energy, and pure goodness.

Ms. KAPTUR. Mr. Speaker, I yield 2 minutes on behalf of the gentleman from Hawaii (Mr. ABERCROMBIE) and myself to the gentlewoman from California (Ms. SOLIS).

Ms. SOLIS. Mr. Speaker, buenos noches, America. Today we stand here in celebration of a dynamic woman, this woman here, this face that many of us here in the House have come to know, and I as a new Member am proud to say I that was able to witness her intelligence, her tenacity, her wherewithal, a true steel magnolia, a true profile in courage, someone who fought even the last few days that we were arguing about welfare reform, how important it was for us to decide upon providing women with the ability to have child care because if they chose to go to work and could find work, the only way they were going to escape poverty was to be able to get child care. And she fought tooth and nail even sometimes against our own leadership, and many of us stood with her.

I learned a great deal from her, her compassion, and she did shower us with support and friendship. And as a new Member here in the House, she was someone I looked up to in our Committee on Education and the Workforce, always moving me, pushing me along: ''Hilda, keep going. Do not give up. Stand up to those people. Do not let people make you turn your back.''

She taught us a powerful lesson. She is the first in many categories in her own State and somebody who should be given the dignity and honor to stand with us forever, and that is by paying tribute to her and in either having a commissioned portrait or a statue, a woman to represent us, so proud, and throughout the world.

I am proud to know her and her family and to have worked with her staff and someone that we have to somehow undertake the courage that she had to continue the fight because PATSY is watching us and PATSY is going to hold us accountable, and she is going to say, My work was not done in vain because I have helped to lift so many people out of poverty and give them hope.

And I know she has given us that. I have heard many here speak about her attributes and everything that she gave so unselfishly; and I too, like my colleagues, join the world in praying for her because she is a wonderful, wonderful role model for so many of us. I

thank this House for the opportunity to be able to pay tribute to her tonight.

Ms. KAPTUR. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Speaker, I thank the gentleman from Hawaii (Mr. ABERCROMBIE) for making this possible for all of us to come here to honor our colleague, PATSY MINK, with the resolution and with memories that say so very much about this woman that we loved so dearly. But as everyone has heard, no words can capture the great loss that we feel. The Congress, our country, and the rest of this world have lost a most remarkable woman. I knew of PATSY MINK from Hawaii by reputation for many, many years before I met her. In fact, PATSY is one of the reasons I decided to run for the House of Representatives. I was convinced that I would be a help to her in her work for civil rights and economic justice; but once I was elected and sworn in in 1993, I think I was more work to PATSY than I was help for her because she became a mentor, a mentor to me, and through her I learned so very much about standing up for my beliefs even when they were not always popular, knowing and trusting my constituents, remembering that those were the people that I work for and passionately fighting for those who are less well off who need a hand up.

Women and minorities in our country have benefited greatly because of PATSY MINK. She has taught us all so very much. PATSY MINK will never be forgotten, and she will always be honored.

Ms. KAPTUR. Mr. Speaker, I yield 2 minutes and 15 seconds to the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN).

Mrs. CHRISTENSEN. Mr. Speaker, I thank the gentleman from Hawaii (Mr. ABERCROMBIE) for bringing us together.

I rise to join our other colleagues to pay tribute to PATSY MINK's outstanding legacy which spanned more than 24 years. Though small in stature, as many of us have made reference to, the death of our dear friend, colleague, and leader on so many important issues has left a very large void in this body. Our hearts and prayers go out to her husband, John; daughter, Wendy; brother; and other family members and the community that she loved and served so well.

I consider myself privileged to have had the wonderful opportunity to have worked with her on a number of issues. I have been particularly grateful for her tenacity in our work to eliminate health disparities for women and people of color. Just this past spring, PATSY joined me in a forum on improving health care quality for minority Americans. As ranking member on the Subcommittee on 21st Century Competitiveness of the Committee on Education and the Workforce, the gentle lady from Hawaii used her position to influence and improve education and work opportunities for all.

This summer we were all fortunate to be able to follow her leadership as she worked to craft commonsense welfare reform legislation which would not only prepare those on welfare for work but lift them out of poverty and give them the opportunity to improve their status and the status of their families. She was always sensitive to the unique issues of my district and the other offshore territories.

Congresswoman Mink is most remembered for her work on title IX of the education amendments of 1972 to eliminate sex discrimination in all educational institutions receiving Federal funds. PATSY MINK displayed a thirst for justice, a drive to convince others that it is in the best interest of all that women be treated equally, a zeal to ensure that no young girl would ever be told that she could not achieve her goals, and a disdain for any antiquated approaches which would leave women behind.

By challenging discrimination both at home and in the Nation at large, she helped this country to better live up to its obligation to improve the health and well-being of all its residents and to close the wide gaps in service and status for women and people of color.

PATSY gave herself generously. She was a warrior who never shied from the challenge when the cause was just; and by her life, her service, she has lifted us all. I am, we are all honored by having had the opportunity to know her, to serve with her, and partake of her wisdom, her warmth, and her friendship.

Mr. Speaker, I rise to join our other colleagues to pay tribute to PATSY MINK's outstanding legacy which spanned more than 24 years.

Through small in stature, the death of our dear friend, colleague and leader on so many important issue, has left a very large void in this Body. Our hearts and prayers go out to her husband, John, daughter Windy, brother, other family members, and the community she loved and served so well.

I consider myself privileged to have had the wonderful opportunity to work with her on a number of issues. I have been particularly grateful for her tenacity in our work to eliminate health disparities for women and people of color.

Just this past spring, PATSY joined me in a forum on improving health care quality for minority Americans.

As ranking member on the education and workforce subcommittee on 21st century competitiveness, the gentle lady from Hawaii used her position to influence and improve education and work opportunities for all.

This summer we were all fortunate to be able to follow her leadership as she worked to craft common sense welfare reform legislation which would not only prepare those on welfare for work, but lift them out of poverty and give them the opportunity to improve their status and the status of their families. She was always sensitive to the unique issues of my district and the other offshore territories.

Congresswoman MINK is most remembered for her work on the title IX of the education amendments of 1972 to eliminate sex discrimination in all educational institutions receiving Federal funds.

PATSY MINK displayed a thirst for justice, a drive to convince others that it is in the best interest of all that women be treated equally, a zeal to ensure that no young girl would ever be told that she could not achieve her goals, and a disdain for antiquated approaches which would leave women behind.

By challenging discrimination both at home and in the Nation at large, she helped this country to better live up to its obligation to improve the health and well-being of all of its residents and to close the wide gaps in service and status for women and people of color.

It is her legacy that allows the women of Congress to walk these hallowed halls with sure footing. I thank PATSY MINK for her grateful heart, her strong spirit, for breaking down barriers, and for leading the way as the first woman of color in the Congress of the United States. Through her presence and her determination, she set the stage to ensure that all issues—that minority issues and womens' issues are also American issues.

To her family, staff and constituents, I express my sincere condolences and that of my constituents of the U.S. Virgin Islands.

PATSY gave of herself generously. she was a warrior who never shied from a challenge when the cause was just, and by her life, and her service she has lifted us all.

I am, we all, are honored by having had the opportunity to know her, serve with her, and partake of her wisdom, her warmth and her friendship.

Ms. KAPTUR. Mr. Speaker, I yield 2 minutes to the gentlewoman from North Carolina (Mrs. CLAYTON).

Mrs. CLAYTON. Mr. Speaker, I thank the gentlewoman from Ohio (Ms. KAPTUR) for yielding me this time. I thank the gentleman from Hawaii (Mr. ABERCROMBIE) for organizing, introducing the legislation allowing us to reflect on PATSY MINK's life. I think all of us have a sense of loss and especially those of us who feel that somehow we just did not take seriously that she was that ill and we just felt that we will have the rejoicing of her coming back and to feel that somehow we did not understand that. But perhaps it was wise that we did not. I was back there when the gentleman from Hawaii (Mr. ABERCROMBIE) mentioned that too.

I want to extend my sympathy to the family, John and her daughter. I got to travel on three occasions with PATSY, and I also got to feel that I knew her husband. And I remember PATSY sharing with me why I had wanted to be a doctor and missionary, and she shared with me she wanted to be a doctor and she had been discriminated against. She could not be. I shared with her the reason I did not become a doctor was because I did not do that well in organic chemistry. And graduating from the University of Chicago as a woman in 1971, an honor student, and she told me she could hardly find a job as a clerk and the difficulty they gave her in her birthplace to even pass the bar.

I also went to law school and I did not finish. I had four kids, but I understood what it meant when she was denied the right as a person, a resident of

Hawaii not to be allowed to take the bar other than through her husband. That was a way of discriminating even among her own natives. I will remember PATSY for a lot of reasons, for all the legislative reasons that my colleagues know even better; but one thing I remember about PATSY is that she was a little person but had a loud voice and a very forceful voice. And the 58th chapter of Isaiah says this, and I am reading from the English version. It says: ''The Lord says shout as loud as you can, tell my people Israel about their sins.''

PATSY spoke loudly but clearly, eloquently, about the injustice, inequality, and she also is known not for what she passed in legislation but what she was willing to fight against. So we remember PATSY with passion and dignity, and we pray that her life will be a shining life for the rest us to carry on in the same way.

Ms. KAPTUR. Mr. Speaker, I thank the gentlewoman from North Carolina (Mrs. CLAYTON) for those eloquent words.

Mr. Speaker, I yield 2 minutes to the gentleman from Oregon (Mr. WU).

Mr. WU. Mr. Speaker, I rise to honor our friend and colleague, PATSY MINK. I was honored to serve with her on the Committee on Education and the Workforce, and I am proud to be one of her successors as Chair of the Asian Pacific American Caucus.

PATSY was an absolutely wonderful, wonderful person from a wonderful place. Mr. Speaker, I can share with my colleagues that the first time I was ever recognized on this floor, I was recognized as the gentleman from Hawaii, and I had to resist the temptation then, representing my wonderful folks, the sensible folks from Oregon, from saying yes, yes, I am the gentleman from Hawaii.

□ 2115

Mr. Speaker, Hawaii is a wonderful place, a great culture, good people and fine Representatives here in the United States Congress. It has a wonderful language, words like ohana and aloha. Sometimes we wonder whether they found too much use for consonants, but a wonderful, beautiful language; and those words embody for me what PATSY and her service here was all about, community. Communities where children, where every child would have a chance to build a better future, where all of us will go forward together rather than divided against each other.

Aloha, the spirit of aloha where PATSY was so helpful to us freshmen and junior Members. She was like a gentle Hawaiian breeze, but we all knew about her issues; she could storm up like a typhoon. I had the misfortune to follow her on a podium once, and after my rather tepid remarks, she pounded home her views and she was Olympian in her stature, and it was like thunderbolts were coming from her forehead.

There is a time when God calls us all home; and I have to say, PATSY, you are fortunate that God has called you home to Hawaii. We will miss you.

Ms. KAPTUR. Mr. Speaker, I yield 4 minutes to the gentleman from American Samoa (Mr. FALEOMAVAEGA).

Mr. FALEOMAVAEGA. Mr. Speaker, it is with great sadness that I rise to participate in this Special Order to share with my colleagues of the House and with the American people the tremendous loss to our Nation and the good people of the State of Hawaii, the recent passing of the gentlewoman from Hawaii, PATSY TAKEMOTO MINK.

PATSY was more than a friend to this Member. She was my mentor, my teacher, my senior advisor on the nuances of this institution. She was my champion fighter on any issues taken by this body on anything relating to the rights and lives of millions of American women, children, minorities, and last but not least, the poor and the needy.

Some of my colleagues have outlined a listing of so many of the accomplishments of PATSY's career in public service. So as not to be repetitious, I want to share with my colleagues and our Nation how I feel about PATSY MINK as a person.

PATSY did not share much with me concerning her early youth, born of a humble family and grew up on the Island of Maui, graduated from high school on Maui, and then enrolled at the University of Hawaii. But as I can remember, remember and well imagine the hardships PATSY had to endure, especially after the sudden attack of Pearl Harbor by Japanese war planes that Americans of Japanese ancestry immediately, herded like cattle and placed in what was then described as relocation camps but I consider them as concentration camps, I have no doubt that PATSY and her family were severely affected socially and psychologically.

How a Nation can unilaterally terminate the constitutional rights of its citizens solely on the basis of race, their lands and properties were confiscated, and some 100,000 American citizens, men, women and children, who happened to be of Japanese ancestry were placed in these so-called relocation camps throughout the United States. Despite all this, at the height of racism, hatred and bigotry placed against Japanese Americans during World War II, some 10,000 Japanese Americans, like Senator DAN INOUYE and the late Senator Spark Matsunaga among them, nevertheless volunteered to fight against our Nation's enemies in Europe. That was part of PATSY's early youth and the legacy that was given under the 100 Battalion 442nd Infantry and what they did when they fought against enemy forces in Europe.

Mr. Speaker, this was the kind of atmosphere that PATSY grew up with. The irony of it all is that PATSY MINK wanted very much to be a doctor, a healer. I guess after personally witnessing the horrors of war during her youth, PATSY wanted to enter a profession that would save lives rather than destroy them.

Mr. Speaker, I want to convey my sincere aloha pumehana and my sincere condolences on behalf of our Samoan community living in the State of Hawaii to PATSY's dear husband and my friend for many years, John Mink, and their daughter, Wendy, and her brother, Eugene Takemoto, and to Joan Manke, her administrative assistant, and members of her staff.

PATSY TAKEMOTO MINK, may you have a successful journey.

Ms. KAPTUR. Mr. Speaker, I yield 4 minutes to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. Mr. Speaker, I thank the gentlewoman for yielding me this time, and I thank the gentleman from Hawaii (Mr. ABERCROMBIE) for his leadership on this and so many important issues before this body.

It is with great sadness that we come to the floor this evening to honor the legacy and hard work of my good friend and colleague, PATSY MINK. She was a champion for women's rights, education, civil rights, and America's workers. She was a tireless advocate for our Nation.

I have a long list of firsts where PATSY was the first person to do a particular job or make a particular gift to this Nation, and I would like to enter this into the RECORD.

In fact, she told me she never intended to come to Congress. It was her dream to be a doctor. Like many very talented and intelligent women, she applied to medical school, and every single one of them turned her down. She told me that she faced great discrimination in her life, yet she turned adversity into a positive life of working to help improve the lives of women, children, minorities, and the equality of all people.

One of the things that I loved about PATSY, there was never an issue that was too large or too small for her to champion and for her to work extremely hard on. Unlike many of us, she was able to see the fruits of her hard work. As one of the principle authors of title IX, she saw the benefits of a whole generation of young women, including my two daughters, who have benefited from the equality in treatment of women in education and sports.

When I first came to Congress, I would sometimes call one of my friends and mentors from New York, Bella Abzug, and Bella would always end the conversation by saying, ''Carolyn, why in the world are you calling me when you could talk to PATSY MINK on the floor?''

PATSY told me that many of her colleagues would call her in Hawaii, and because of the time difference, they would wake her up at 2, 3 in the morning; yet she would always wake up and be there to help.

It is impossible to name all of PATSY's great accomplishments, but

tonight we can take the baton on one that is tremendously important. PATSY authored the Women's Educational Equity Act, and I call upon Members to name this important act for PATSY. I am circulating a letter which builds on PATSY's work. PATSY was working to restore the funding for the Women's Educational Equity Act, which has zeroed out; and the letter calls upon our President to restore the $3 million and to name this important act after our beloved friend and colleague, PATSY MINK.

PATSY did so much and I am saddened tonight, and I am going to close by saying I am saddened for many reasons, and one is that I can no longer pick up the phone and call PATSY and say, ''Let me pick your brain.'' She would always have an idea. She would always have a strategy, and she was always helpful. We will build on her work, and we will succeed on the issues PATSY cared about because for over 150 years women have fought against much larger odds than the ones we now face in Congress. We will succeed because PATSY MINK succeeded before us and because of those who succeeded before her.

PATSY the great, I am honored to have known her. She will always be an inspiration to me and to women around the world. My condolences to her family and her constituents.

CONGRESS OF THE UNITED STATES,
Washington, DC, October 1, 2002.

Hon. GEORGE W. BUSH,
President of the United States, The White House, Washington, DC.

DEAR PRESIDENT BUSH: We have stood together many times with Representative Patsy Mink to help the women and girls of this country. As you may know, Mrs. Mink was the strongest proponent of the Women's Educational Equity Act (WEEA) and worked very diligently in Committee to succeed in getting WEEA on the list of authorized programs. Unfortunately, your Administration zeroed out the funding for this very important act.

Mr. President, in honor of the memory of Representative Mink, we ask that you fully fund the $3 million for the Women's Educational Equity Act. We cannot think of a better way to commemorate the work and dedication Mrs. Mink offered to this body and to the people of this country.

As you know, the purpose of WEEA is to promote equal educational opportunities for girls and women by providing funds and assistance to help educational agencies and institutions to meet the requirements of Title IX of the Educational Amendments of 1972. WEEA provides grants and contracts for the development, implementation, and evaluation of a broad range of programs at the community, state, and national levels. WEEA grantees have offered leadership for inclusive education reform and many of the participants and beneficiaries of WEEA projects are at the core of the development of equity initiatives in education, work, and public life.

Mr. President, on behalf of all girls and women in America, and in memory of Representative Patsy Mink, we request full funding of $3 million for the Women's Educational Equity Act.

Sincerely,

Carolyn B. Maloney, Zoe Lofgren, Lynn C. Woolsey, Nydia M. Velázquez, David Wu, Jan Schakowsky, Lynn N. Rivers, Eni Faleomavaega, Robert E. Andrews, Neil Abercrombie, Corrine Brown, Michael M. Honda, Eddie Bernice Johnson, Sheila Jackson-Lee, Bob Etheridge, Eleanor H. Norton, Maxine Waters, Donna M. Christensen, Marcy Kaptur.

Ms. KAPTUR. Mr. Speaker, I yield such time as she may consume to the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Speaker, I thank the gentlewoman for yielding me this time and for joining the gentleman from Hawaii (Mr. ABERCROMBIE) for having this resolution on the floor tonight.

My condolences go to PATSY's family; and our condolences, of course, go to the people of Hawaii who have suffered a great loss.

For almost a generation, anyone who served in this House of Representatives has had the privilege of serving with PATSY MINK, has had the honor of calling her colleague. Anyone who knew her, worked with her on a daily basis, had his or her day brightened by the communication from PATSY. She was a patriotic, committed, dedicated American.

She was enthusiastic about America's children. She worked her heart out for them. She literally gave her life ministering to their needs, visiting a clinic for poor children where she contracted chicken pox. It just does not seem real that we have lost such a valuable, valuable person on this Earth.

I know it was intended by the gentleman from Hawaii (Mr. ABERCROMBIE) and the gentlewoman from Ohio (Ms. KAPTUR) for this to be a resolution with an hour of time, but the people of Hawaii should know because of the outpouring of love for PATSY MINK, it has not turned out to be an hour of debate on a bill, but a vigil in honor of a beloved Member of Congress.

We all know how much the people of Hawaii thought of PATSY MINK. We want them to know how much Members of Congress revered her, respected her as a person, and are mourning her leaving us so deeply.

I am sure colleagues have spoken about her incredible leadership on title IX. She conceived this idea and worked very hard for its passage, and then an accident that harmed her dear daughter, Wendy, called her away from the floor on the day of the vote, and the bill lost by one vote. True to her family values, she left immediately to go to her daughter's side. PATSY did something so incredible. She came back to Congress at a future time and persuaded the speaker, then-Speaker Carl Albert to bring the bill up again. That was not the normal regular order, but he did, and it then passed. And now generations of young women in our country can tear down the ''no girls allowed'' sign off the school locker rooms and, in fact, corporate board rooms, because it started momentum for women and girls.

I thank PATSY for being a mentor to so many of us, a joy in our lives. Even when PATSY was fighting in her toughest time, and she would be fighting as hard as she possibly could, she always did it with a smile. She always did it with a smile. So she attracted people to her. She attracted people to her point of view. She attracted people to her State, which she loved; and some of us will be talking about PATSY for a long time to come. We will never forget her. We will always be inspired by her, and we know that although she is no longer with us physically, that PATSY MINK lives.

She lives in the spirit of young girls playing sports all over America. She lives in the school rooms of America for all she did for America's children. She lives in the spirit that she leaves us with as she departs in such an untimely fashion.

Again, many of us will be going on Thursday, returning Friday night. The plane leaves at the close of business. I hope many Members will join those of us who are going to Hawaii to bid to our dear PATSY MINK, aloha.

□ 2130

Ms. KAPTUR. Mr. Speaker, I would like to thank all of those who have participated this evening and give special regard and thanks to the gentleman from Hawaii (Mr. ABERCROMBIE), who has brought us all together, and who has been with us on the floor working to design this resolution and to assure that all Members had an opportunity to speak this evening.

Mr. Speaker, I yield such time as he may consume to the gentleman from Hawaii (Mr. ABERCROMBIE) for the next proceeding.

Mr. ABERCROMBIE. As we draw the discussion for the passage of this resolution to a conclusion, I would ask, Mr. Speaker, that at the appropriate time if you could indicate to the House that perhaps we could rise and observe a moment of silence in honor of PATSY MINK with the passage of the resolution, I would be very appreciative, and I think it is the appropriate way to finish our commemoration.

Let me conclude my remarks, then, Mr. Speaker. I had not intended to speak much further because of the eloquent, articulate, certainly comprehensive manner in which the Members tonight have discussed the great contributions of PATSY to this body and to the Nation. But all through this evening, Mr. Speaker, I have been unable to avoid looking at the picture that has been down by the podium on the floor. That picture of PATSY really captures the essence of this tiny giant. You can see her steadfastness, her sense of perseverance, the stalwart person that she was on behalf of all those who had no hope.

Mr. Speaker, it never occurred to me in my youth that I would have the honor and privilege of serving in the people's house, the House of Representatives. I look around the floor at my colleagues here. I see my dear friend DANA ROHRABACHER and others here on

the floor; NANCY PELOSI, who has just finished speaking of her friendship and love for PATSY, and I understand what it was that I knew intellectually so many years ago when I worked on PATSY's first campaign as a college student at the University of Hawaii when she first came here to the House of Representatives. I understood intellectually what it was to serve in the House of Representatives. But I am sure, Mr. Speaker, you know, as all of our colleagues do here in the people's house, that those of us who have sworn an oath to uphold and defend the Constitution in this house of freedom know what it means to have had the presence of someone like PATSY MINK.

Surely, Mr. Speaker, there is no other people so fortunate as we, free men and women, in the freest country on the face of the Earth, in the history of the planet. No one has embodied more the spirit of this House than this gentlewoman from Hawaii, a true daughter of Hawaii who celebrated in herself and in her service the true spirit and meaning of aloha.

Aloha means that our diversity defines us rather than divides us. In this world of adversity and pain and terror and cruelty and horror, PATSY MINK was able to stand for those who could not speak for themselves and was the living embodiment of what aloha meant not just for our Rainbow State, not just for our multicultural, multiethnic, multiracial people, but it gave the message of aloha to this House, to this Nation and to this world.

Aloha, PATSY.

Mr. Speaker, I believe that the time is appropriate to call for an expression of assent to the resolution before us, and if I could ask for that to be in the form of Members rising, Members and those present to rise with a moment of silence not only in commemoration of PATSY MINK, but to constitute passage of the resolution.

Mr. FALEOMAVAEGA. Mr. Speaker, it is with great sadness that I rise to participate in this special order to share with my colleagues of the House, and with the American people—a tremendous loss to our nation, and the good people of the State of Hawaii—the recent passing of the gentle lady from Hawaii—Congresswoman PATSY TAKEMOTO MINK.

PATSY was more than a friend to this member. She was my mentor, my teacher, my senior advisor on the resources of this institution. She was my champion fighter when this body takes up issues that affect the rights and the lives of millions of Americans who are women, children, minorities—and last but not least the poor and the needy.

Mr. Speaker, some of my colleagues have already outlined a listing of so many of the accomplishments of PATSY's career in public service. So as not to be repetitious, I want to share with my colleagues and to our Nation—how I feel about PATSY MINK the person.

PATSY did not share much with me in her early youth—born of a lovable family and grew up on the island of Maui—graduated from high school in Maui and then enrolled at the University of Hawaii.

But I can well imagine the hardships PATSY had to endure especially after the sudden attack of Pearl Harbor by Japanese war planes—that Americans of Japanese ancestry immediately herded like cattle and place in what was then described as ''relocation camps,'' but I consider them as concentration camps. I have no doubt PATSY and her family were severely affected socially and psychologically—how a nation can unilaterally terminate the constitutional right of its citizens solely on the basis of race. Their lands and properties were confiscated, and some 100,000 American citizens—men, women and children who happen to be of Japanese ancestry were placed in these so-called relocation camps throughout the United States.

And despite all this, Mr. Speaker—at the height of racism, hatred and bigotry placed against Japanese Americans during World War II—some ten thousand young Japanese-American men—Senator DAN INOUYE and the late Senator Spark Matsunaga—among them—nevertheless volunteered to fight against out nation's enemies in Europe.

This was the kind of atmosphere PATSY grew up with—and the irony of it all, Mr. Speaker, PATSY MINK wanted very much to be a doctor—a healer—and I guess after personally witnessing the horrors of war during her youth—PATSY wanted to enter a profession that would save lives, rather than destroy them.

Things did not get any better—after submitting applications to medical schools, PATSY soon realized that she was denied admission for two reasons: her ethnicity and because of her gender.

PATSY's attention turned to law—and thanks to one of our more progressive law schools in the country, she was admitted to attend the University of Chicago Law School.

With a law degree from the University of Chicago, and after gaining admission to practice law in Hawaii, PATSY MINK started her law practice, but eventually ended up in the state senate and elected as a Member of Congress.

It was in this institution that PATSY made her mark not only as an outstanding legislator to her constituents in Hawaii, but to our Nation as well. As a senior member of the House Education and Labor Committee, PATSY's commitment to provide greater educational opportunities for the less fortunate—the protection of the rights of women and children throughout our nation was women and children equal no compromise! synonymous with the name of this great lady from Hawaii—Congresswoman PATSY TAKEMOTO MINK.

I want to convey my aloha punehana sincere condolences on behalf of our Samoan community living in Hawaii, to PATSY's dear husband and my friend for years—John Mink and their daughter, Wendy, her brother Eugene Takemoto, and Joan Manke her Administrative Assistant and members of her staff—PATSY TAKEMOTO MINK—Ia manuia lace faiga malaga (May you have a successful journey).

Mr. OWENS. Mr. Speaker, PATSY MINK will be remembered with a broad array of accolades. She was a warm compassionate colleague, civil and generous even to the opponents who angered her the most.

For me, she will be remembered as my friend, mentor and personal whip on the floor. At the door of the House Chamber she would often meet me with instructions: ''We'' are voting No or ''We'' are voting Yes on this one. I consider it an honor to have been invited to function as an ideological twin to PATSY MINK.

In the Education and Workforce Committee as well as on the House Floor, I was always inspired by PATSY'S convictions. She was always an independent spirit and she pursued her causes with total dedication. She was not just another advocate for education, for women, for job training, for welfare mothers. PATSY MINK was forever a fiery and intense advocate on these issues. She frequently exuded an old-fashioned righteous indignation that seems to have become extinct. For PATSY there were the right policies and laws which she pushed with all the zeal she could muster. And there were wrongheaded, hypocritical, selfish and evil policies which had to be confronted and engaged to the bitter end. When colleagues spoke of bi-partisan compromise negotiations, PATSY would quickly warn Democrats to beware of an ambush or a trap.

Her profound wisdom on all matters related to education and human resources resulted from her long years of service on the Education and Labor Committee which later became the Education and Workforce Committee. Too many of us have forgotten the value of the institutional memory. While the House is filled with members who speak as experts on education, Congresswoman MINK was among the few with hard earned credentials. She was a part of the development and nurturing of Title I to the point where it has become the cornerstone of federal education reform. Title IX as a landmark reform to end the gender gap in school athletics was conceived and defended by PATSY right up until the recent skirmish in this 107th Congress. In this Congress, PATSY also declared war on the oppressors of welfare women. No one was more incensed and outraged that the member from Hawaii when the so called welfare reform program of President Bush threatened greater burdens and smaller subsidies for welfare recipients. All of PATSY's proposals in the House were voted down. But briefly PATSY MINK stirred up a long dormant conscience among Democrats which produced a continuing debate in the Senate. That fight still goes on.

PATSY MINK was a role model for decisionmakers of this Congress and for the future. Compassion and righteous indignation are still vital qualifications for the leaders of a great nation. PATSY MINK was a great leader for this great nation.

Mr. GREEN. Mr. Speaker, I rise to remember my colleague of these past ten years, Representative PATSY MINK, who passed away this weekend.

During my first years in Congress, I worked closely with PATSY when we both served on the Education and Labor Committee.

PATSY was a wonderful person who believed in the power of education. She wanted to ensure that all Americans, especially women, received a quality education.

She was a tireless warrior for women and education, authoring the Women's Educational Equity Act of 1974, which provided funding for schools attempting to eliminate inequities and discrimination against women as required by Title IX.

She worked to increase Impact Aid to Hawaiian public schools, which helps offset the cost of educating the children of Federal employees and military personnel.

But PATSY did not limit herself to only education issues.

She was also a champion of all working Americans, fighting to protect the landmark

Davis-Bacon Act, which requires federal contractors to pay local prevailing wages.

She lead efforts to protect the Legal Services Corporation, which provides needy individuals nationwide with legal assistance.

In short, PATSY was a champion of the forgotten—the poor, the homeless, those who needed financial assistance for college, those who were without health insurance, and those who were unemployed.

And like the best Members of Congress, PATSY fought hardest for her people at home.

She was a champion for native Hawaiians, and actively sought to make sure their interests were protected at the Federal level.

I have a special affinity for PATSY, for personal reasons as well. When my son, Chris, graduated from college, he went to Hawaii to work.

I could always count on PATSY to occasionally check on Chris, and tell me how he was doing when we both came back to Washington the next week.

Mr. Speaker, PATSY MINK, has been part of the Hawaiian political landscape since before statehood, and has served as a mentor to generations of young Hawaiians.

Her presence will be missed, both here in Washington, but even more back home. This institution will miss her greatly.

Mr. GEPHARDT. Mr. Speaker, PATSY MINK was my friend and my colleague and I am deeply saddened by her death.

PATSY fought hard every day for the values and ideals that make our nation great. She worked to ensure access to good public schools for every American child. She stood out as a leading voice for women's rights, civil rights and labor unions devoted to raising living standards and providing opportunities to all Americans. And PATSY MINK never lost her passion for righting the economic and social injustices in Hawaii and across America.

PATSY MINK blazed a trail unlike few members in the history of the House. She was the first Asian American woman admitted to the Hawaii bar, the first Asian American woman elected to the state legislature and the first woman of color to win national office in 1964. She knew first-hand the sting of discrimination as a young Asian-American woman growing up in Hawaii, and she had the ability to use her experience to lift up the hopes and dreams of other human beings. I will always admire her willpower, courage and faith in her country and in her fellow Americans.

Through sheer force of her personality, PATSY breathed life into the values and ideals enshrined in our Constitution. While she had many legislative accomplishments, her leadership on Title IX deserves special recognition for opening doors to women's achievements in athletics and beyond. As a woman of color advocating for economic and social justice as a leader of America, PATSY MINK demonstrated that one person, fighting for what's right, respecting every person, can make a difference in the lives of her fellow citizens.

I will miss her progressive voice and aggressive leadership on issues important to the American people. I hope and pray that this House will dedicate itself to working in her extraordinary spirit in the important days and months ahead.

Mr. DINGELL. Mr. Speaker—I rise in sorrow to express my sadness at the loss of the Hon. PATSY MINK, a distinguished colleague and great public servant.

She was a great lady, a superb legislator, an idealist who loved her country and her fellow Americans. She believed in the Congress and our system of Government, and she worked hard within the institution for its protection and for the betterment of our people.

She knew she was here to serve, and to serve those who have the least and need the most. She knew our system is good, but that it could be made better, and she worked to make it so, and to make it better serve those who most need the help of our country to realize their full potential as valuable, productive and happy citizens.

PATSY worked for the young, for the health, education, for their nutrition and training.

PATSY used her place in Congress to better the lives of the young with legislation which helped them to achieve their real value in our society.

Every program to help people with greatest need enacted by this Congress during her career bears the mark of her character, her leadership, and her goodness.

Her labors for the poor, downtrodden, the sick are her shining monument. Her compassion, her energy, her dedication and decency are her hallmark, and made her a leader for those who needed her most.

She is properly loved, will be long remembered for her goodness and work. She will be missed, and never will be replaced. We love her, we honor her memory and her labors and accomplishments.

We pray for her soul, we know God will receive her lovingly. We know He greeted her warmly, with the statement, ''Well done, good and faithful servant. Welcome home. You have earned your place here in Heaven.''

Mr. ORTIZ. Mr. Speaker, I thank my colleague, the gentlewoman from California, Ms. MILLENDER-MCDONALD, for organizing this tribute to a giant in the House of Representatives.

PATSY MINK was a fighter. She fought every day of her public service for the inclusion of women at every level of government and society. She was an inspiration to so many people: women, Pacific Islanders, mothers, children, and the working poor.

PATSY was my neighbor in the southeast corner of the Rayburn building for several years. We often walked back and forth to votes together. We rarely found ourselves on the same side of political issues, but we always marveled that our party was big enough to include both of us.

PATSY always spoke candidly, and never strayed from the business at hand. Her office brightened our corner of the hallway with beautiful, fresh exotic flowers from Hawaii every week.

Through her life, and via her work in Congress, PATSY redefined the possibilities for generations of women to come. She forced educational institutions to find equity in education between men and women through her work on Title IX.

PATSY's championed her vision of equality and justice in the Congress. From her support of Medicare in her first term of service in the House—to her work in education, labor, and Hawaiian agriculture—PATSY's legacy will live on in classrooms, union halls and farm fields in Hawaii and around the nation.

Mrs. MCCARTHY of New York. Mr. Speaker, I rise today saddened by the death of a dear friend and colleague, the Honorable PATSY MINK. Throughout her public service career, she was a tremendous force in breaking gender and racial barriers by being the first Asian-American woman to be elected to Congress, and the first woman of color. Her dedication and drive had a major impact both at state and national levels.

One of PATSY's most influential pieces of legislation, Title IX, which she co-authored in 1972, is credited by many with changing the face of women's sports and societal attitudes about women, and bans gender discrimination in schools that receive federal funding.

During my 6 years in Congress it was both an honor and a joy to work with Congresswoman MINK on the Education Committee. I will always remember her as a strong, compassionate woman who was not only a superior colleague but also a great friend.

Not only will I miss her intelligence and her wit, but I will also miss her generosity. Congresswoman MINK's generosity was famous here in the House because of the delicious chocolate covered macadamia nuts she brought to late night sessions. Her passing not only leaves a void in Congress, but also the district and the state she represented so proudly and honorably. We will all miss her.

Ms. ROYBAL-ALLARD. Mr. Speaker, it is with a heavy heart that I rise to express my deep sadness upon he passing of my fellow congresswoman and friend, PATSY MINK.

I had the privilege of knowing PATSY and of serving with her in the House of Representatives for many years, specifically on the Budget Committee and in the Congressional Women's Caucus.

PATSY was a trailblazer, a fighter for the rights of women and minorities, and a role model for women and people of color everywhere.

Long before becoming the first Asian-American woman elected to the U.S. House of Representatives, PATSY was breaking barriers, refusing to let society's unfair and discriminatory practices sand in the way of achieving her goals.

When PATSY was told she could not live in regular student housing but had to live at the segregated ''International House'' for minorities at the University of Nebraska, she successfully lead the effort that changed the university's policies.

When no law firm in her home state of Hawaii would hire her because she was a woman, PATSY opened her own practice and became the first Japanese-American woman lawyer in Hawaii.

After losing her first race for Congress, being a woman of determination and perseverance, PATSY ran again, in 1964, became the first Asian-American woman and woman of color elected to the U.S. House of Representatives.

PATSY MINK will be remembered as a Member of this House who dedicated her career in Congress to opening doors of opportunity for others. For example, PATSY played a key role in the enactment of Title IX—landmark legislation that ensures equal educational opportunities for women and girls in our country.

Mr. Speaker, PATSY will be sorely missed in this House, but she will be fondly remembered as a woman who used her success and talents to tear down barriers and provide fairness and equal opportunity for others, particularly women and minorities. Her hard work, perseverance, and dedication to the principles of equality will serve as an enduring model to us all.

I join with my colleagues and send my sincere condolences to PATSY MINK's family and friends, and to the constituents she represented so well.

Mr. GUTIERREZ. Mr. Speaker, I rise today with a heavy heart to honor and say goodbye to our good friend and colleague Congresswoman PATSY MINK. For 24 years, Congresswoman MINK served as a strong and courageous voice for those who are not always heard in our political process. She was an unwavering champion and tireless advocate for women's rights, including authoring the landmark Title IX section of the Education Act. Among her many accomplishments, we should never forget her ardent and selfless struggles to promote equal opportunity for all races, to improve the current education system across the nation and to protect our environment.

As impressive as her legislative accomplishments were, the personal and professional barriers that she had to overcome in her life were, equal, if not more, impressive: she was the first Asian-American woman to practice law in Hawaii; the first Asian-American woman elected to her state legislature and the first Asian-American woman elected to Congress. The courageous choices she made in her life made her a unique role model and afforded countless others the opportunity to follow in her amazing footsteps.

Make no mistake about it, what PATSY may have lacked in physical stature, she more than made up for with a heart that could fill this room and the courage and tenacity to match it.

Robert F. Kennedy once said, ''It is not enough to understand, or to see clearly. The future will be shaped in the arena of human activity by those willing to commit their minds and their bodies to the task.''

To the end, Congresswoman MINK embodied those attributes and served as role model and beacon in the fight for social and economic justice. I am humbled to have had the opportunity to work closely with her.

Congresswoman MINK received her law degree at the University of Chicago. Although there is no doubt she would have made enormous contributions to our city, PATSY was destined to return to Hawaii, where her devotion and dedication to public service helped shape the state and also our nation.

Our hearts and prayers go out to PATSY's husband, John, and daughter, Wendy.

Congresswoman MINK was a true star from heaven, who walked among us and touched our lives in countless ways.

She will be greatly missed.

Mr. HINOJOSA. Mr. Speaker, I rise tonight to honor one of my esteemed colleagues, Congresswomen PATSY MINK of Hawaii, who passed away this weekend, on September 28, 2002. This is a very sad day for me and for all of Congress as we mourn the loss of a colleague, a patriot and a friend.

While PATSY's death does bring deep sadness to this Congress and the state of Hawaii, this is a day for us to reflect on the wonderful legacy that she has left behind. I would like to state first and foremost that Congresswoman MINK was indeed a true pioneer and a maverick. I am honored to have served on the House Education and Workforce Committee with her during my tenure here in Congress. She served as a great example of someone who believed in her causes and would stop at nothing to bring her dreams and those of her constituents to fruition. PATSY will be remembered as a champion of minority education, especially Title IX legislation that mandated equal financing for women's athletics and academics at institutions receiving federal money. She will also be remembered as someone who defended worker's rights and fought for a welfare system that truly helped people receive the training and child care services they need to move into the workplace.

PATSY had the great distinction of being the first Asian American woman elected to Congress. Most of her career was spent in politics, where her focus was on education, childcare, the environment and equal opportunity. Her dedication and drive resulted in a significant impact on politics at both the state and national levels.

PATSY MINK grew up in Hawaii. After graduating as valedictorian of Maui High School, she went on to the University of Hawaii in Honolulu with hopes of becoming a doctor. After the end of the war, PATSY had planned on going to medical school. Luckily for us in Congress, for those in her district and for the United States, PATSY instead was accepted at the University of Chicago School of Law, married and returned to Hawaii. She became the first Japanese-American woman lawyer in Hawaii. Since no law firm would hire her because she was a woman, PATSY decided to open her own practice. She also taught at the University of Hawaii. She became increasingly involved in politics, and she started the Oahu Young Democrats and then the Hawaii Young Democrats. From there, PATSY worked on the 1954 elections. She decided to run for Congress and easily won a seat in the Territory of Hawaii House of Representatives in 1956. In 1959, she became a member of the Territory of Hawaii Senate. When Hawaii became a state in 1959, PATSY ran for Congress but lost to DANIEL INOUYE. In 1960, she attended the Democratic National Convention and was chosen to give the speech for the civil rights plank. In 1962, she returned to the campaign trail and easily won a seat in the Hawaii State Senate. In 1964, she ran for U.S. Congress once more. This time, she won and was sworn in on January 4, 1965. She had worked long and hard to win that seat, and she served 12 non-consecutive terms.

Recently, Congresswoman MINK and I had worked closely on H.R. 1, the ''No Child Left Behind Act'' which passed both houses of Congress and the President signed into law. PATSY served as a key negotiator during our Committee's consideration of that bill. I will always admire her for being the first Member of the Education Committee to stand by my side when I called for a boycott over the manner in which the Majority was organizing the Education Committee this Congress. Because of her determination and courage, all of the Democrats stood beside us. Consequently, we won the fight, and jurisdiction over Hispanic Serving Institutions now resides in the Subcommittee on 21st Century Competitiveness where it belongs. What is truly unfortunate for us here in Congress is that Congresswoman MINK will be unable to play a key role in the upcoming reauthorization of the higher education reauthorization act. Her institutional knowledge of the subject is irreplaceable.

Again, Mr. Speaker, I rise to express my sadness at the loss of a great person in PATSY MINK. I wish to express my sympathy to her family and to her constituents. This Congress, Hawaii and this nation have lost a truly wonderful person. History will be kind to her.

Mr. BERMAN. Mr. Speaker, PATSY MINK was a wonderful person with a compassionate heart and a warm and loving spirit. She was tireless and forceful in her advocacy for civil rights, for justice, for the environment, and for adequate health care and education for the disadvantaged.

Throughout her distinguished legislative career, her work was characterized by great skill and a straightforward approach that instilled confidence and won her a reputation for being forthright and honest. She was known for her ability to build coalitions for progressive legislation.

Hawaii was not yet a state when PATSY started down the path of political activism. As the first Asian-American woman elected to Congress, indeed the first woman of any ethnic minority elected to Congress, she took very seriously her responsibilities as a role model and mentor. She fought fiercely against words, actions, and policies that she saw as unfair or intolerant. She spent her life breaking down barriers and dedicated herself to fighting for equality.

For me, PATSY was not only a talented professional, but a friend and I will miss her greatly.

Ms. MCCARTHY of Missouri, Mr. Speaker, I rise today to honor and remember the works of a great mentor, friend, colleague, and champion in Congress, Representative PATSY MINK.

I am saddened by the sudden loss of such a great leader and heroine. She inspired many of us through her tireless work, commitment, and dedication throughout her tenure in Congress. I send my love and condolences to Representative MINK'S family, Mr. John Francis Mink, her husband, and Gwendolyn Rachel Mink, her daughter. You are in my thoughts and prayers.

Congresswoman MINK was the first Asian American woman to serve in Congress. During her time in Congress she championed many issued including women's rights, education, the environment, equal opportunity for all citizens, and Title IX of the Education Act. She will always be remembered as an outspoken advocate for women, children, the under represented and humanity. She was the kind of public servant we all want to emulate.

She left a lasting legacy behind that has inspired us to continue her work. She touched the lives of many individuals, particularly women through her work on Title IX, which mandates gender equality in any education program or activity receiving federal financial assistance. Title IX has been instrumental in prohibiting discrimination on the basis of sex in educational programs and sports activities that receive federal funding. Before Title IX, many schools saw no problem in maintaining strict limits on the admission of women or simply refusing to admit them. Since the passage of Title IX, this has changed dramatically. In 1994, women received 38% of medical degrees, 43% of law degrees, and 44% of all

doctoral degrees. In 1972, women received only 9% of medical degrees, 7% of law degrees and 25% of doctoral degrees.

Female participation in sports, like receiving a college education, has had unexpected benefits for women through Title IX. Studies have shown that values learned from sports participation, such as teamwork, leadership, discipline and pride in accomplishment, are important attributes as women increase their participation in the workforce, as well as their entry into business management and ownership positions.

More and more women are entering and graduating from college and graduate school. More women are entering and excelling sports activities. And, more women are entering the corporate world and holding management positions. Representative MINK's leadership is enacting Title IX will continue to make a difference for young women. Thanks to her courage and foresight the country is better as women have the opportunity to achieve their full position.

Her work enabled many young women to enter the field of sports, medicine, law, and business. Women today have been empowered to reach as far as they want because of the work Representative MINK championed in Congress.

Representative PATSY MINK'S dedication and perseverance will be admired. She will be forever known as a strong, intelligent, and inspirational woman. She left a legacy behind that motivated and touched me deeply. Her work has allowed women to accomplish and reach for any dream they desire to achieve. Thank you, PATSY MINK.

Mr. SKELTON. Mr. Speaker, as we gather in the House chamber with tremendous sadness over the passing of our dear friend and colleague, the Honorable PATSY MINK of Hawaii, I want to take this opportunity to pay tribute to the career of a distinguished public servant who dedicated her life to the people of Hawaii and the United States.

PATSY graduated valedictorian of her Maui High School class and received a bachelor's degree in zoology and chemistry from the University of Hawaii and a law degree from the University of Chicago, graduating as only one of two women in a class of 200. She practiced law and turned her sights to public service while mobilizing the Democratic party to take control of the Hawaii territorial government in the mid-1950s. From that time, PATSY served as an elected representative in the territorial and state legislatures, a city councilwoman, a federal official, and a Member of Congress.

In Congress, as a member of the House Education and Workforce Committee, she consistently championed legislation that would improve education, child care, welfare, and gender equality. PATSY was an especially fierce advocate for women's issues and was instrumental in the creation of Title 9 of the federal education act, which has opened many opportunities for women athletes in schools and colleges across America.

PATSY also cared deeply about the men and women who serve in our nation's military. The State of Hawaii and its citizens play an instrumental role in advancing U.S. national security presence throughout the Pacific region. As a representative from Hawaii PATSY recognized the important military function in her state, and promoted the welfare of our troops and their families.

As members of the House pay tribute to the legacy of this stateswoman, we should also take a moment to thank PATSY's staff in Washington and in Hawaii for their hard work and dedication. Because PATSY's office neighbors mine in the Rayburn building, I have seen her staff members burning the midnight oil on more than one occasion. With several time zones between Washington and Hawaii, they have often worked long hours to get the job done.

Mr. Speaker, Congresswoman PATSY MINK was a remarkable person who always stood for what she believed. She was a strong, brave American who is a role model for women throughout the nation. Most importantly, however, PATSY was a dear friend, and I will miss her. My wife Susie and I offer our condolences to PATSY's husband, John, and to their daughter Wendy.

Mr. DAVIS of Illinois, Mr. Speaker, for those who knew her, PATSY MINK was a tiny woman physically. But don't let appearances fool you—PATSY MINK was a giant. This Nation has lost a great public servant and a true crusader for social justice. For 74 years, every time she came to a door that was slammed tightly closed—for no good reason—she used those tiny feet of hers to kick it open—and to let others follow behind her.

And those who benefited from her tenacity have not forgotten PATSY MINK's pioneering steps. The National Organization for Women, in its tribute to Representative MINK, wrote ''Girls and women . . . lost one of their most valiant and steadfast champions. Every woman today who is enjoying the fruits of her education and job opportunities, and every girl who has a chance to play sports in school, owes a nod of thanks to MINK who unremittingly and dauntlessly challenged old stereotypes about 'women's place' and helped engineer the steady progress for women over the last four decades—parallel to MINK's career in politics.''

PATSY MINK was born in Maui, Hawaii, in December 1927, and began her political career when she ran for and won the election for student body president during her junior year in high school—she was the first girl to run. She later went on to graduate as the class valedictorian of Maui High School—but her academic achievement became less important than her race and sex when she set off to college. She attended Wilson College, in Chambersburg, Pennsylvania, and then the University of Nebraska, where she faced segregated student housing. PATSY MINK worked with others to end this discriminatory policy. She returned to finish her studies in chemistry and zoology from the University of Hawaii in 1948, with full intentions of attending medical school. However, 20 medical schools rejected her—obviously, it was not because of her grades, but because they would not accept women.

She then decided to go to law school, and graduated with her J.D. degree in 1951 from the University of Chicago. Ironically enough, she was accepted into the school because they hadn't realized that Hawaii was an American territory at the time, and she was accepted as a foreign student!

Armed with her law degree, PATSY MINK returned to Hawaii and became the first Asian American woman to practice law, the first Asian American woman elected to the Territorial House of Representatives, and then the first Asian American woman to serve in the U.S. House of Representatives. For 24 years over two different periods she served in this body, and was re-elected two years ago by two-to-one margin. Incidentally, when she arrived in Congress, she wasn't allowed in the House gym because it was a male-only venue.

As a champion for civil rights, family rights, education, civil liberties, and equal rights and opportunities, Rep. MINK will be remembered for many things. She wrote the Women's Educational Equity Act, sponsored the first Early Childhood Education Act, and was a passionate advocate for poor families, supporting measures to provide education and skills to assist families. However, her most crowning achievement was Title IX of the Education Amendments of 1972 to the Civil Rights Act of 1964. By prohibiting schools that receive Federal funding from discriminating because of sex, Title IX has singularly been credited with changing the face of education and sports for American women—and opening up many of those closed doors. There are many who believe we would not have seen such a rise in women's athletics were it not for Title IX.

Rep MINK said of Title IX: ''It's rare as a legislator that you fight for legislation you believe in and stay around or live long enough to see it come to fruition . . . To be frank, I thought this was great, a beginning statement of policy and intent. At the moment we were doing it, we didn't think it would have this fantastic momentum and the enforcement of the courts.''

I think The Honolulu Advertiser summed it up right when it said: ''In a day when politics appears driven by polls and focus groups, MINK stood out as a politician who was true, first and foremost, to herself and the people she served.''

I will truly miss working with PATSY MINK, but I am honored to have served with her. She set the standard for public servants, and leaves some very big shoes to fill.

Mr. RAHALL. Mr. Speaker, I rise today to pay tribute to a treasured colleague, Congresswoman PATSY MINK, whom has passed. I would also like to extend my heartfelt sympathy to her family and to her staff.

Congresswoman MINK leaves this Earth as a great leader of her community, a dynamic Member of Congress and as a strong woman. Most importantly, she leaves a legacy of work that will continue on after her passing. PATSY MINK spent a life in public service working to improve the lives of her constituents, her beloved state of Hawaii, the environment, the rights of minority communities and the equality of women. She broke barriers. She opened doors of opportunity. She gave a voice to causes and people once silenced in political arenas.

Congresswoman MINK's life was a series of firsts. She was the first female student body president at Maui High School where she went on to become the class valedictorian months later. She was the first Asian-American woman to practice law in Hawaii and the first to be elected to the Territorial House. And Congresswoman MINK was the first woman of color to be elected to the United States House of Representatives.

One of Congresswoman MINK's most important legislative victories opened the doors of collegiate sports to women. She coauthored the trailblazing Title IX of the Higher Education Act Amendments in 1972 which prohibited gender discrimination by educational institutions receiving federal funds. Thirty years after

the passage of this remarkable legislation we can look back at a great legacy of American women's athletics and forward to its future; a future made possible by a Congresswoman's desire to see that women be treated equally on the playing field.

I join with my colleagues in Congress mourning the passing Congresswoman PATSY MINK—a trailblazing political leader, a champion of civil rights, a strong woman and a great friend whom will be missed.

Mr. REYES. Mr. Speaker, this House, the State of Hawaii, and the nation lost a powerful figure on Saturday. Sadly, our colleague, Congresswoman PATSY MINK, passed away in her home state of Hawaii. My condolences, thoughts and prayers are with her family and friends.

PATSY spent more than four decades advancing civil rights, expanding educational and health care opportunities, and combating poverty. Her particular efforts in promoting women's rights and equality have helped change the face of this country for the better. My daughters, and my granddaughter, have had and will have greater opportunities to achieve their dreams in this great country, thanks in part to the efforts of PATSY MINK.

Earlier this year, PATSY played a key role in a joint retreat of Members of the Congressional Black, Hispanic and Asian-Pacific Caucuses, contributing her enthusiasm to strengthening bridges that unite Americans of different backgrounds. As the current Chair of the Congressional Hispanic Caucus, it has been a pleasure and inspiration to work with her on important issues such as providing assistance to low income families and protecting immigrants' rights.

Witnessing the energy PATSY brought to her work this year never would have led me to believe I would have to bid her farewell so soon. A woman of her stature, experience, expertise and dedication will be impossible to replace. PATSY MINK will be sorely missed.

Mr. BACA. Mr. Speaker, I would like to pay tribute to PATSY T. MINK a very special individual to me and to the entire 107th Congress. She was truly a beloved woman.

Born December 6, 1927, PATSY was destined for greatness. She made history as the first Asian Pacific American woman admitted the bar of Hawaii, the first Asian Pacific American woman elected to state office in Hawaii, and in 1964 became the first woman of color to be elected to the United States House of Representatives. Furthermore, her vision to change the status quo and better the livelihood of all Americans led her to sponsor Title IX of the Education Act of 1972, paving the way for every woman athlete in America.

PATSY represented her constituents of the 2nd Congressional District of Hawaii, to the fullest of her ability. Before being elected to Congress she served in both Hawaii State House of Representatives and Senate. With more than 40 years in the political arena she possessed a wealth of knowledge that poised her as one of the most revered Members of Congress. She dedicated her life to serving her fellow Hawaiians through diligently working on legislation that addressed education, health, women and veteran issues. She was a beloved community figure whose passionate voice spoke for every person regardless of race or gender.

PATSY is survived by her husband John and daughter Wendy. My prayers and condolences are with her family and friends as they have lost a great, loving, and kind woman. She will be greatly missed.

And so Mr. Speaker, I submit this loving memorial to be included in the archives of the history of this great nation, for women like PATSY T. MINK are unique in their generous contributions to this country.

Mr. PAYNE. Mr. Speaker, I join with my colleagues in expressing profound sorrow over the loss this weekend of our esteemed colleague, Congresswoman PATSY MINK of Hawaii. While her passing saddens me immensely, I find myself reflecting this evening not so much on the loss of a respected colleague and dear friend but rather on the remarkable life of PATSY MINK, one of the most courageous and inspiring women I have ever known.

I had the great privilege of serving on the Committee on Education and the Workforce with Congresswoman MINK, whose political journey began in 1956 in the U.S. territory of Hawaii, where she was elected to the Territorial House of Representatives. She had originally intended to become a medical doctor, but in 1948 few opportunities existed for women wishing to pursue a career in medicine. PATSY MINK applied to twenty medical schools, and was rejected by all of them—not because of her academic record, which was highly commendable, but rather because of her gender. She did not abandon her dream of a challenging and meaningful career, however, she simply shifted her focus. She decided to pursue a career in law instead, and was accepted by the University of Chicago School of Law. Upon finishing her legal education in Chicago, she returned to Hawaii, where she became the first Asian American woman to practice law in the territory. In 1965, PATSY MINK became the first woman of color elected to the U.S. House of Representatives. She would go on to serve twelve two year terms in Congress. During her time in office, Congresswoman MINK fought tirelessly for those issues she cared about so passionately: the environment, poverty, civil rights and, most notably, education and equality for women. In fact, she was a pioneer in the struggle for the equitable treatment of women in education, authoring the Women's Educational Equity Act. Additionally, Congresswoman MINK worked to increase funding for research on diseases primarily affecting women and to expand opportunities for women to become physicians. Unquestionably, however, her greatest accomplishment came with the passage of Title IX of the federal education act in 1972, which she co-authored. Congresswoman MINK played an instrumental role in the passage of this groundbreaking legislation, which prohibits gender discrimination by federally funded institutions. This law has become the vehicle by which girls and woman have achieved greater opportunities in the professions and, most notably, athletics.

I know that I am not alone when I say that I will sorely miss the extraordinary PATSY MINK, an admirable woman who bravely challenged the status quo—tirelessly fighting for progressive legislation which has transformed not only her home state of Hawaii but also the entire nation.

Mr. CUMMINGS. Mr. Speaker, I rise today in honor of the passing of one of our own—Representative PATSY MINK was in the truest sense a leader by example, and she will be missed.

PATSY's life is a remarkable story of achievement and bravery, of fighting for what she believed in, and—at the end of the day—of incredible success in improving the lives of Hawaiians and all Americans.

I think that to understand PATSY's determination to make the United States a nation of equal opportunity is to understand her personal history. PATSY created opportunity for herself, and in her success, she has helped make opportunity for all Americans less elusive.

PATSY TAKEMATO was born to poor parents on a sugar plantation on the island of Maui in Hawaii. An excellent student, she was elected president of her high school class and, after graduation, attended the University of Hawaii. PATSY then enrolled in the prestigious University of Chicago School of Law. With her law degree, she returned to Hawaii and became the first Japanese-American woman to hold a law license in the state's history. As she was her entire life, PATSY remained unfazed by doing what had not been done before—with the bravado and grace that, as her colleagues, we all know well.

After election to the Hawaii Territorial Legislature in 1956, and the Hawaii State Senate in 1958, Ms. MINK was elected to the House of Representatives in 1965. Since then, she has championed causes that mattered to her with a rare sense of determination.

I have long marveled at PATSY's ability to get things done. She was a powerful advocate for the equal rights and fair treatment of American women—among her many achievements in this arena, she was a leading sponsor of Title IX funding that ensured that women's sports were supported at equal levels as those of men. She was an eloquent voice of caution during the unfolding debacle of Vietnam. She was an ardent supporter of civil rights. She was, in her later terms, one of the truly wise voices of this body.

Mr. Speaker, I believe I speak for all of us when I say that I am a better legislator and this is a better institution because of PATSY MINK. And I know I speak for women, minorities, and all disadvantaged communities in America when I say that this is a better nation because of the service of Congresswoman MINK.

I would like to take this opportunity to send my condolences to the entire Mink family, and to all of the people who have shared in sustaining this loss.

Ms. SLAUGHTER. Mr. Speaker, I rise today to honor my friend and colleague, Congresswoman PATSY TAKEMOTO MINK, beloved representative from the State of Hawaii for over 24 years, who passed away last week at age 74. She is survived by her husband John Mink, and their daughter, Gwendolyn, and I extend my deepest and most heartfelt condolences to them on their loss.

Congresswoman MINK has had a distinguished and extraordinary career, both in the private sector and public service. After serving the Hawaii state legislature, she was first elected to the House of Representatives in 1965, and was the first minority woman to serve in the U.S. Congress. However, this was not the first barrier she broke through. Congresswoman MINK earned a law degree at the University of Chicago in 1951, and subsequently was the first Japanese-American woman attorney in Hawaii.

Her frustration at her inability to find employment due to her gender led to her first involvement in politics. According to The Honolulu Advertiser, Congresswoman MINK recalled that ''I didn't start off wanting to be in politics—I wanted to be a learned professional, serving the community. But they weren't hiring women just then. Not being able to get a job from anybody changed things.''

Her early first-hand experience with these issues led to her vocal championing of legislative responses to the problem—most notably the landmark Women's Educational Equality Act, otherwise known as Title IX, which was passed 30 years ago and mandates gender equality in any education program or activity receiving federal financial assistance. In the years since, the athletic scholarship money available to women has increased from $100,000 in 1972 to $197 million in 1997. However, Title IX also has a significant impact in the fight for parity in academic fields. One of the most important areas to reach parity in is math and science education and access to technology and technological training. These areas hold the key to achievement and employment for women now and in the future. The gains we have made in each of these areas could not have been possible without her principled leadership.

Another issue on which Congresswoman MINK led was opposition to the Vietnam War. After being elected in the fall of 1964, she was one of Congress' most vocal opponents of the prolonged military campaign. Indeed, she and fellow member Representative Bella Abzug of New York flew to Paris to talk to participants in the Vietnam War Peace Talks. Although this position brought her scathing criticism from many sources, including her own constituents, she always did what she felt was right, even in the face of namecalling, as she was labeled ''Patsy Pink''.

After leaving the House to pursue other political opportunities in the 70's, she returned to the House in 1990. Since then, she has continued to be a vocal leader for progressive causes, most recently as the lead sponsor of vital legislation on welfare reform. This legislation would have expanded educational opportunities for women struggling to leave government assistance, and provided ample funding for child care. Her commitment to the needs of women and children could never be questioned. Indeed, in lieu of flowers, her family has asked that donations be made to the Patsy Takemoto Mink Education Fund for Low-Income Women and Children, which will be established in her honor. What a fitting tribute to her work.

I am proud to have served with such a remarkable woman. Congresswoman MINK will be greatly missed both in this chamber and in her home state.I thank the Speaker.

Mr. ROEMER. Mr. Speaker, I rise to express my heartfelt condolences to the family of the late Congresswoman PATSY MINK, including her husband John and daughter Wendy, and the people of Hawaii's Second Congressional District who share our recent loss.

PATSY MINK was a dedicated public servant and an inspiring example of the great strides minority women have achieved in our society. She was a fierce and courageous advocate for women rights and whose powerful voice during political rallies and congressional debate belied her petite frame.

I am very proud of my 12 years together with her on the Education and Labor Committee. I always admired her compassion, insight, and extensive knowledge of each matter considered before our committee. My colleagues and I will miss her presence on the dais, but her spirit will live on in the memory of her enduring contributions to her priorities in education, women's rights, housing and health care.

I believe PATSY's greatest accomplishment was the addition of Title IX to the Education Act, which she helped write in 1972. This landmark measure has a proven track record for increasing scholarships for women and promoting equality in athletics. Her contributions positively impacted the lives of tens of thousands of young American women. Without her leadership, the Women's National Basketball Association, women's soccer and other athletic endeavors for women would not be flourishing as they do today. The Women's Educational Equity Act and Native Hawaiian Education Act were also directly shaped by PATSY's vision of equality and opportunity.

I will always remember PATSY's friendship, collegiality and generosity, particularly several boxes of chocolate macadamia nuts from her native Hawaii that my family and I have enjoyed so much over the years! My thoughts and prayers remain with her family and constituents as we remember PATSY MINK's contributions to Congress and public service in America.

The SPEAKER pro tempore (Mr. GRUCCI). Pursuant to the request of the gentleman from Hawaii, the Chair requests that all Members stand to observe a moment of silence in memory of the late Honorable PATSY T. MINK, a Representative from the great State of Hawaii.

Without objection, the previous question is ordered on the resolution.

There was no objection.

The SPEAKER pro tempore. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

REREFERRAL OF H.R. 5498 TO COMMITTEE ON RESOURCES

Mr. ROHRABACHER. Mr. Speaker, I ask unanimous consent that the bill, H.R. 5498, be rereferred to the Committee on Resources.

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

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings this evening on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Any record votes on postponed questions will be taken tomorrow.

REMOTE SENSING APPLICATIONS ACT OF 2002

Mr. ROHRABACHER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2426) to encourage the development and integrated use by the public and private sectors of remote sensing and other geospatial information, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2426

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Remote Sensing Applications Act of 2002''.

SEC. 2. FINDINGS.

The Congress finds that—

(1) although urban land use planning, growth management, and other functions of State, local, regional, and tribal agencies are rightfully within their jurisdiction, the Federal Government can and should play an important role in the development and demonstration of innovative techniques to improve comprehensive land use planning and growth management;

(2) the United States is making a major investment in acquiring remote sensing and other geospatial information from both governmental and commercial sources;

(3) while much of the data is being acquired for scientific and national security purposes, it also can have important applications to help meet societal goals;

(4) it has already been demonstrated that Landsat data and other earth observation data can be of enormous assistance to Federal, State, local, regional, and tribal agencies for urban land use planning, coastal zone management, natural and cultural resource management, and disaster monitoring;

(5) remote sensing, coupled with the emergence of geographic information systems and satellite-based positioning information, offers the capability of developing important new applications of integrated sets of geospatial information to address societal needs;

(6) the full range of applications of remote sensing and other forms of geospatial information to meeting public sector requirements has not been adequately explored or exploited;

(7) the Land Remote Sensing Policy Act of 1992, Presidential Decision Directive 23 of 1994, and the Commercial Space Act of 1998 all support and promote the development of United States commercial remote sensing capabilities;

(8) many State, local, regional, tribal, and Federal agencies are unaware of the utility of remote sensing and other geospatial information for meeting their needs, even when research has demonstrated the potential applications of that information;

(9) remote sensing and other geospatial information can be particularly useful to State, local, regional, and tribal agencies in the area of urban planning, especially in their efforts to plan for and manage the impacts of growth, development, and sprawl, as well as in environmental impact and disaster relief planning and management;

(10) the National Aeronautics and Space Administration, in coordination with other agencies, can play a unique role in demonstrating how data acquired for scientific purposes, when combined with other data sources and processing capabilities, can be applied to assist State, local, regional, and tribal agencies and the private sector in decisionmaking in such areas as agriculture, weather forecasting, and forest management; and

(11) in addition, the National Aeronautics and Space Administration, in conjunction with other agencies, can play a unique role

in stimulating the development of the remote sensing and other geospatial information sector through pilot projects to demonstrate the value of integrating governmental and commercial remote sensing data with geographic information systems and satellite-based positioning data to provide useful applications products.

SEC. 3. DEFINITIONS.

In this Act—

(1) the term ''Administrator'' means the Administrator of the National Aeronautics and Space Administration;

(2) the term ''geospatial information'' means knowledge of the nature and distribution of physical and cultural features on the landscape based on analysis of data from airborne or spaceborne platforms or other types and sources of data; and

(3) the term ''institution of higher education'' has the meaning given that term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

SEC. 4. PILOT PROJECTS TO ENCOURAGE PUBLIC SECTOR APPLICATIONS.

(a) IN GENERAL.—The Administrator shall establish a program of grants for competitively awarded pilot projects to explore the integrated use of sources of remote sensing and other geospatial information to address State, local, regional, and tribal agency needs.

(b) PREFERRED PROJECTS.—In awarding grants under this section, the Administrator shall give preference to projects that—

(1) make use of existing public or commercial data sets;

(2) integrate multiple sources of geospatial information, such as geographic information system data, satellite-provided positioning data, and remotely sensed data, in innovative ways;

(3) include funds or in-kind contributions from non-Federal sources;

(4) involve the participation of commercial entities that process raw or lightly processed data, often merging that data with other geospatial information, to create data products that have significant value added to the original data; and

(5) taken together demonstrate as diverse a set of public sector applications as possible.

(c) OPPORTUNITIES.—In carrying out this section, the Administrator shall seek opportunities to assist—

(1) in the development of commercial applications potentially available from the remote sensing industry; and

(2) State, local, regional, and tribal agencies in applying remote sensing and other geospatial information technologies for growth management.

(d) DURATION.—Assistance for a pilot project under subsection (a) shall be provided for a period not to exceed 3 years.

(e) REPORT.—Each recipient of a grant under subsection (a) shall transmit a report to the Administrator on the results of the pilot project within 180 days of the completion of that project.

(f) WORKSHOP.—Each recipient of a grant under subsection (a) shall, not later than 180 days after the completion of the pilot project, conduct at least one workshop for potential users to disseminate the lessons learned from the pilot project as widely as feasible.

(g) REGULATIONS.—The Administrator shall issue regulations establishing application, selection, and implementation procedures for pilot projects, and guidelines for reports and workshops required by this section.

SEC. 5. PROGRAM EVALUATION.

(a) ADVISORY COMMITTEE.—The Administrator shall establish an advisory committee, consisting of individuals with appropriate expertise in State, local, regional, and tribal agencies, the university research community, and the remote sensing and other geospatial information industry, to monitor the program established under section 4. The advisory committee shall consult with the Federal Geographic Data Committee and other appropriate industry representatives and organizations. Notwithstanding section 14 of the Federal Advisory Committee Act, the advisory committee established under this subsection shall remain in effect until the termination of the program under section 4.

(b) EFFECTIVENESS EVALUATION.—Not later than December 31, 2006, the Administrator shall transmit to the Congress an evaluation of the effectiveness of the program established under section 4 in exploring and promoting the integrated use of sources of remote sensing and other geospatial information to address State, local, regional, and tribal agency needs. Such evaluation shall have been conducted by an independent entity.

SEC. 6. DATA AVAILABILITY.

The Administrator shall ensure that the results of each of the pilot projects completed under section 4 shall be retrievable through an electronic, Internet-accessible database.

SEC. 7. EDUCATION.

The Administrator shall establish an educational outreach program to increase awareness at institutions of higher education and State, local, regional, and tribal agencies of the potential applications of remote sensing and other geospatial information.

SEC. 8. COST SENSITIVITY STUDY.

The Administrator shall conduct a study of the effect of remote sensing imagery costs on potential State, local, regional, and tribal agency applications. The study shall identify applications that are likely to be most affected by reductions in the cost of remote sensing imagery. Not later than 2 years after the date of the enactment of this Act, the Administrator shall transmit to the Congress the results of the study conducted under this section.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Administrator $15,000,000 for each of the fiscal years 2003 through 2007 to carry out this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. ROHRABACHER) and the gentleman from Colorado (Mr. UDALL) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. ROHRABACHER).

GENERAL LEAVE

Mr. ROHRABACHER. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and insert extraneous material on H.R. 2426.

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

There was no objection.

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

First of all, I congratulate the gentleman from Colorado (Mr. UDALL) for having this bill come to the floor and the hard work that he has put into this bill. He has been a tremendous inspiration to us in working for high technology and a great environment at the same time. This bill, I think, exemplifies that type of attitude and commitment. So I congratulate him first and foremost for the great work he has done that has manifested itself in this bill.

I support H.R. 2426, the Remote Sensing Applications Act of 2002. This bill provides incentives to make federally funded remote sensing data accessible and useful to address current needs in local communities. This has been a great concern of mine for several years. Since getting to Congress, I have always talked about getting down-to-earth benefits for the taxpayer from satellite data. So I am very pleased to support this legislation that will result in benefits for a broad range of users.

This bill establishes a pilot program to enable the development of creative ideas for applying remote sensing toward societal needs. These applications will benefit all who depend on or work in the areas of agriculture, urban planning, environmental management, weather forecasting, resource management and disaster relief, just to name a few. I would suggest that perhaps we could add to that list, and I hope with his leadership to work with him on this, see a way that we can use satellite sensing to help discover sources of pollution in the ocean which plague the coastal areas of California where I happen to represent.

I have always strongly supported the use of satellite remote sensing data to address current problems in our society, with tangible benefits, of course, to the taxpayers who are paying for these satellites in the first place.

This bill is not another big government program with no end, however. Yes, we are providing a service, but instead we are doing so in a very responsible way. Instead, it is a limited 3-year pilot program to jump-start projects that will benefit thousands, maybe millions of citizens. These projects will be competitively selected with preference given to those that partner with non-Federal sources of support. These projects will be evaluated for their effectiveness with the results made available to everyone through the Internet. Successful ideas will spur private industry to develop more and more useful applications for remote sensing with direct benefits, of course, to the citizens of the United States and to the world.

I urge my colleagues to support H.R. 2426 as a remarkably forward-thinking piece of legislation. Again, I would like to mention to the gentleman from Colorado (Mr. UDALL), I know that there was an older Udall that was here when I first came here. This is a bill in keeping with that fine tradition that he left in this body.

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

Mr. UDALL of Colorado. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as the author of this legislation, I obviously support passage

of the bill. I want to thank the gentleman from California (Mr. ROHRABACHER) for his kind words and also his support. I also wanted to thank the gentleman from New York (Mr. BOEHLERT), the chairman of the Committee on Science, and the gentleman from Texas (Mr. HALL), the ranking member, for making it possible for the House to consider the bill today.

I introduced the Remote Sensing Applications Act in June 2001 to address a real problem we have in Colorado, the problem of excess growth and sprawl. My goal was to point to a way to utilize the resources of the Federal Government to help foster wise community planning and management at the local level. As a member of the House Committee on Science and the Subcommittee on Space and Aeronautics, it made sense to me to look for ways to help communities grow in a smarter way through the use of technology.

One new space-age tool, and the gentleman from California was talking about it, is the use of satellites to provide images of the Earth's surface. We now have the technology, using geospatial data from satellites, that can produce very accurate maps that show information about vegetation, wildlife habitat, flood plains, transportation corridors, soil types and many other things. By giving State and local governments and communities greater access to geospatial data from commercial sources and Federal agencies such as NASA, I believe that the Federal Government can help bring valuable and powerful informational planning resources to the table.

H.R. 2426 would facilitate this transfer of information. The bill would establish in NASA a program of grants for competitively awarded pilot projects. The purpose of the grants would be to explore the integrated use of sources of remote sensing and other geospatial information to address State, local, regional and tribal agency needs. This legislation would build on and complement an applications program that NASA's Office of Earth Science announced last year.

State and local governments and communities can use this geospatial data in a wide variety of applications, in such areas as urban land use planning, coastal zone management and erosion control, transportation corridors, environmental planning, and agricultural and forest management.

One potential application that has garnered much attention since the tragic events of last September 11 is the use of geospatial technology to bolster our homeland security.

□ 2145

Emergency management has always been an important responsibility of State and local governments; but in the aftermath of the terrorist attacks, the scope of this responsibility has broadened. Geospatial technology can help States and localities identify the location, nature, and scope of potential vulnerabilities and the impact of potential hazards, as well as how to respond to events and recover from them.

Certainly, it is important that we continue to add to our database of available geospatial information. More information is always better than less, but we have to also make sure that we have maximum use of the information that we already have at hand, and that is the need that this bill would address.

State and local officials are becoming more familiar with the uses of geospatial technology for various planning purposes. However, there is a need for Federal agencies such as NASA, which has been pioneering the use of satellite remote sensing technologies, to work with State and local organizations to demonstrate how remote sensing and other geospatial data can offer a cost-effective planning and assessment tool.

I am pleased that there is broad bipartisan cosponsorship of the bill and that it has earned the endorsement of a number of important national organizations. The supporters of H.R. 2426 understand the importance of targeting geospatial information at the places where it will have the greatest impact, that being local and regional levels. This act can help begin to bridge the gap between established and emerging technology solutions and the problems and challenges that State and local communities face regarding growth management, homeland security, forest fire management, and other issues.

Mr. Speaker, I believe this bill will be welcomed by States and localities nationwide, and I urge its adoption.

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

Mr. ROHRABACHER. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. SMITH).

Mr. SMITH of Michigan. Mr. Speaker, my compliments to my colleagues, the gentleman from California (Mr. ROHRABACHER) and the gentleman from Colorado (Mr. UDALL), on moving this ahead. My colleagues talk very calmly about what can be a useful tool in so many areas. From my experiences in agriculture, I have learned that we now have the remote sensing capability that we are really not using to predict insect infestation, to predict how the yields are going to accommodate the demand for food in this world. So with useful information of satellites and assisted land set help from the U.S. Department of Agriculture and our university of systems, so many things that we can do to make sure that we can plan ahead for such things as drought or insects or low production in certain parts of the world so we can accommodate increased production in other areas.

So I commend my colleagues for moving this bill ahead; I hope we will pass and, more than that, I hope we will eventually have the kind of funding so that we can maximize the use of these tools and techniques.

Mr. UDALL of Colorado. Mr. Speaker, I have no further speakers, and I yield back the balance of my time.

Mr. ROHRABACHER. Mr. Speaker, I have no other speakers. I would just close by again congratulating my colleague, the gentleman from Colorado (Mr. UDALL); and I would like to thank him for the many hours of hard work he has put in to getting the bill to the floor like this. In this Congress, during this wartime has not been an easy thing. He has put in a lot of time and effort, and he is to be commended for it.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of H.R. 2426, the Remote Sensing Applications Act. This good common sense legislation will not cost much, but will enable us to extract huge benefits from programs that already exist.

Geospatial satellite data is expensive. Usually when groups present in the Science Committee with communications or surveillance needs, we immediately start talking about hundreds of millions, or even billions of dollars in potential funding. However, once those satellites are successfully deployed, the data they collect and transmit back is invaluable. It just makes sense that we milk every bit of useful information out of that data, and get it to the American people who pay for it. H.R. 2426 will do just that.

The National Aeronautics and Space Administration is the world leader in space and satellite technology, and commercial space entities in the U.S. are driving an exciting and growing international sector of space-based industry. From the networks of satellites produced by these groups stream a wealth of data, that needs to be put to work. Countless groups are already lining up to start taking advantage of it. For example, the American Planning Association endorses the Remote Sensing Applications Act, because it will enable them to visualize changes in patters of urban development, and to plan emergency procedures accordingly. Environmental groups and ecologists are excited because they may be able to access the best images available to follow changes in our coastlines and our forests. The U.S. Chamber of Commerce supports this bill, because possibilities for the commercial use of geospatial data are nearly limitless. Legislation like this will most-likely lead to a new generation of consumer products—maps, weather information, land-management systems, etcetera—that will improve the lives of Americans.

H.R. 2426 will bring about these great changes by establishing a program of grants to fund pilot projects meant to bridge the gap between remote sensing technology, and the needs of the public. Project-proposals would be reviewed and funded on a competitive basis. To ensure that the pilot projects would be fruitful, the Administrator would give preference to projects that make use of existing data sets, integrate data in innovative ways, involve collaborations with and contributions from non-federal sources, and demonstrate good potential for future public sector applications. I have long felt that collaborations with NASA could be of great use in increasing homeland security by improving our nation's cyber- and satellite-security. In that same spirit, H.R. 2426 takes advantage of the great technology and expertise at NASA, and uses it to the betterment of the nation.

The bill would authorize $15 million for each of fiscal years 2002 through 2006. This is a bargain considering the potential benefits of the program. I strongly support H.R. 2426, The Remote Sensing Application Act.

Mr. BOEHLERT. Mr. Speaker, I submit the following correspondence:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON SCIENCE,
Washington, DC September 30, 2002.

The Hon. J. DENNIS HASTERT,
Office of the Speaker, House of Representatives, Washington, DC.

DEAR SPEAKER HASTERT: I am writing to inform you that the Committee on Science has discharged from further consideration H.R. 2426, the ''Remote Sensing Applications Act of 2002.'' H.R. 2426 was referred to this Committee on June 28, 2001.

Sincerely,

SHERWOOD L. BOEHLERT,
Chairman.

Mr. ROHRABACHER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. GRUCCI). The question is on the motion offered by the gentleman from California (Mr. ROHRABACHER) that the House suspend the rules and pass the bill, H.R. 2426, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

CHARLES ''PETE'' CONRAD ASTRONOMY AWARDS ACT

Mr. ROHRABACHER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5303) to authorize the Administrator of the National Aeronautics and Space Administration to establish an awards program in honor of Charles ''Pete'' Conrad, astronaut and space scientist, for recognizing the discoveries made by amateur astronomers of asteroids with near-Earth orbit trajectories, as amended.

The Clerk read as follows:

H.R. 5303

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Charles 'Pete' Conrad Astronomy Awards Act''.

SEC. 2. PETE CONRAD ASTRONOMY AWARD PROGRAM.

(a) PROGRAM AUTHORIZED.—The Administrator of the National Aeronautics and Space Administration (hereafter referred to as the ''Administrator'') is authorized to establish the Charles ''Pete'' Conrad Astronomy Awards Program. The Administrator is authorized to contract with the Minor Planet Center of the Smithsonian Astrophysical Observatory (hereafter referred to as the ''Minor Planet Center'') to administer the program.

(b) PURPOSE.—The purpose of the program authorized by subsection (a) shall be to award outstanding amateur astronomers who make asteroid discoveries and to augment asteroid discovery efforts by the Government.

(c) AWARD CATEGORIES.—The award program authorized under subsection (a) shall consist of 3 categories of awards as follows:

(1) FIRST CATEGORY.—An award in the first category shall be presented annually to the amateur astronomer who, using amateur equipment only, discovers the largest absolute magnitude new asteroid having a near-Earth orbit during the preceding calendar year.

(2) SECOND CATEGORY.—An award in the second category shall be presented annually to an amateur astronomer for pre-discovery and recovery efforts, including—

(A) the discovery of asteroids by an amateur as a result of information produced by professional telescopes or as a result of the amateur's use of time on professional equipment; and

(B) efforts to locate newly discovered asteroids using old images and already discovered near-Earth orbit asteroids that have been ''lost''.

(3) THIRD CATEGORY.—An award in the third category shall be presented annually to the amateur astronomer, or professional not funded for optical astronomy, who provides the greatest service to update the minor planet catalogue. Eligible discoveries may be made by visual, photographic, or electronic means.

(d) GUIDELINES FOR AWARDING PRIZES.—General guidelines for the awarding of prizes are as follows:

(1) Prizes shall be awarded to the person or group with the greatest contributions as determined by the Minor Planet Center for the second and third categories.

(2) The award in the first category shall not be presented for years in which there are no eligible asteroid discoveries.

(3) All awards are reserved for United States citizens.

(4) The decisions of the Minor Planet Center in administering the award program are final.

(e) ELIGIBILITY.—Individuals are eligible to apply for the awards authorized under this section if the following conditions are satisfied:

(1) All applicants must demonstrate that they are not funded to use professional telescopes or observations and are acting solely in an amateur capacity.

(2) Government and professional astronomers associated with the near-Earth orbit asteroid project, as well as members of their immediate families, are not eligible for the awards.

(f) REGULATIONS.—The Administrator or the Minor Planet Center may prescribe such regulations as may be necessary to implement the program authorized by this section.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $10,000 for each of fiscal years 2003 and 2004 to carry out this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. ROHRABACHER) and the gentleman from Colorado (Mr. UDALL) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. ROHRABACHER).

GENERAL LEAVE

Mr. ROHRABACHER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 5303.

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

There was no objection.

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

Mr. Speaker, one of my top priorities as chairman of the Subcommittee on Space and Aeronautics has been addressing the threat posed by near-Earth objects, or NEOs. Our subcommittee will, in fact, hold a second hearing on this subject this Thursday. In our first hearing, we heard disturbing testimony about the potential for a close encounter or a collision between Earth and one of these objects that are meandering around space.

Mr. Speaker, three times this year alone, two astroids came close enough to the Earth to pass within the distance between the Moon and the Earth, and the other passed at a slightly greater distance. In astronomical terms, they missed our planet by a hair.

Given the vast number of astroids and comets that inhabit our Earth neighborhood, a greater effort for tracking and monitoring these objects is critical. This is why I rise in support of H.R. 5303, the Charles ''Pete'' Conrad Astronomy Awards Act.

This bill is intended to encourage amateur astronomers to discover new and track previously identified large astroids, particularly those that threaten a close approach to the Earth. The bill establishes an award for outstanding amateur astronomers who make astroid discoveries.

The act contains three categories of awards to be presented annually. The first category awards amateur astronomers who discover the largest new astroid having a near-Earth orbit. The second category awards amateur astronomers for discovery of astroids using the information derived from professional sources and locating newly discovered astroids. And the third category awards those who provide the greatest service to update the Minor Planet Center's catalog of known astroids. The funds for the annual awards shall be $2,000 per category.

This bill is a tribute to Pete Conrad for his tremendous contributions to aerospace and to his country over the last 4 decades. Pete Conrad was a pilot, explorer, and entrepreneur of the highest caliber. He commanded Apollo 12 and, during that mission, became the third man to walk on the Moon. He saw space as a place to get to, to explore, and to do business. Space exploration and commercialization is what he did. It was his job to explore the Moon. He then worked to develop new spacecraft and space transportation systems.

I might add that later in his career he lived in my congressional district and had a business in my congressional district, a space-related business of managing satellites. An interesting aside to this is that, as we are naming this bill after Pete Conrad and we are trying to encourage young astronomers, one aside of this is that a recent analysis of an orbiting object which was identified by an amateur astronomer suggests that this object, which no one could figure out what it was, they thought it might be some near-

Earth object or an astroid or a comet, but it turns out that it probably is the remains of a Saturn 5 third-stage rocket, and it is most likely that this near-Earth object that has just been discovered by an amateur astronomer was part of Pete Conrad's Apollo mission. So this is a slight bit of irony as we discuss this issue today.

I find no better way to honor Pete Conrad than to establish an annual astronomer's award for the future astroid discoveries in his name. He always wanted people to be looking up with a positive can-do American spirit. This was, perhaps, exemplified by his historic description upon landing on the Moon, and Pete's description, of course, was ''whoopee.''

Pete was a fun-loving man who did serious things. I remember having many discussions with him because he was a constituent and he came to my office discussing new ideas; and every time we would come up with an idea, he would go ''super,'' and that is the kind of man Pete Conrad was. Of course, he was a man filled with energy, but everybody also knew the serious nature of the work that he was in. There is a serious threat of an astroid causing great damage, if it would hit the Earth; and this is, of course, a very serious matter.

The idea of a catastrophic astroid or comet impacting on the Earth has, of course, caught the attention of Hollywood and the mass media in the past. Nevertheless, it is vital for all of us to realize that this is not science fiction that we are talking about. The Earth's moon and many other planetary bodies in our solar system are covered with impact craters. Most people have heard, of course, of the ''dinosaur extinction'' theory, or perhaps have seen pictures of the meteor crater in Arizona; and I remember as a young boy being taken to that meteor crater in Arizona. But however remote is the possibility of a near-Earth object striking the Earth and causing a worldwide calamity, it may be remote; but the threat is real, nonetheless.

In a hearing that we had, it was described as perhaps you have no greater chance of being killed by a comet or an astroid than getting a straight flush in Las Vegas. I remember after the witness said that, I remembered that I had gotten a straight flush in Las Vegas, a royal straight flush. And oh, my gosh. So we have to take this very seriously.

So this is no fantasy. We have to look at this as a potential threat, put it in perspective, and move forward. This bill does precisely that, and it is a first good step in cataloging these potential dangers. Indeed, the near-Earth object issue has given the topic of planetary defense a serious tone within many quarters of the space community. So far, NASA has surveyed 600 astroids, but this is but a fraction of the total number of astroids and objects in space. What needs to be done now is to fully understand the scope and the breadth of the near-Earth objects that may and could possibly hit the Earth and would be coming in our direction.

While the astroids that killed the dinosaurs is estimated to have happened perhaps 100 million years ago or more, and it may only happen that often; smaller, yet still incredibly hazardous, astroids impact happen much more frequently. For example, the destructive force of the 1908 astroid that hit in Siberia was roughly equal to a 10-megaton blast of TNT. An astroid hit South America in the 1930s; an astroid struck central Asia in the 1940s and, in 1996, satellites detected high-altitude bursts over Greenland involving an astroid which had the destructive force of 100 tons of TNT.

Ironically, if you look at an astroid from the perspective of our national goals in space, they also offer opportunities as well as dangers. In terms of pure science, astroids are geological time capsules from the era of when our solar system was formed. Even better, they are orbiting mines of metals, minerals, and other resources we can use to possibly build structures in space and carry things up or to and from Earth.

□ 2200

They are readily accessible compared to, for example, going to the moon or going to Mars, because the orbits of these asteroids may bring them closer to the Earth than the moon, and certainly than Mars.

In closing, asteroids deserve a lot more attention from the scientific community. The first step, however, is tracking all of the sizable near-Earth objects. That is what H.R. 5303 is all about. It is a modest step towards this goal.

I urge my colleagues to support this bill, and I urge them to remember Pete Conrad. A few years ago, Pete died in a motorcycle accident. That is it. The man who went to the moon, rode there on the top of a large rocket, died when his motorcycle hit a drainage ditch on a mountain road.

But Pete would want us to keep moving on. Pete would not want us to look back, and he would not want us to look down. He would always want us to keep looking up. That is what this bill is all about.

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

Mr. UDALL of Colorado. Mr. Speaker, I yield myself such time as I may consume.

(Mr. UDALL of Colorado asked and was given permission to revise and extend his remarks.)

Mr. UDALL of Colorado. Mr. Speaker, I, too, rise in support of H.R. 5303, the Charles ''Pete'' Conrad Astronomy Awards Act.

The bill which was introduced by the gentleman from California (Chairman ROHRABACHER) is a bill, as he so eloquently outlined for us, that has two important purposes. By establishing an awards program, it recognizes the important role amateur astronomers can play in detecting potentially hazardous Earth-crossing asteroids, and it honors the memory of a genuine American hero, Apollo astronaut Charles ''Pete'' Conrad, who led the second expedition to land humans on the moon.

I have to tell my colleague, the gentleman from California, that I enjoyed hearing more about Pete Conrad. He was a true American hero, and he lived life to the fullest. I thank the gentleman for sharing some of those stories and insights into what made Pete Conrad the man that he was.

The Committee on Science has focused attention on the importance of detecting and cataloging Earth orbit-crossing asteroids for more than a decade. I venture to say that my colleague, the gentleman from California (Mr. ROHRABACHER), has led much of that work. I want to commend him for his attention to this important area.

The late Chairman George Brown held hearings on the topic early in the last decade, and Congress subsequently passed legislation directing NASA to establish a near-Earth object detection program. There is a growing scientific consensus that asteroid impacts have had profound effects on the history of our planet and may have helped lead to the demise of the dinosaurs.

I remember growing up in Arizona. In Arizona in the northern section is Meteor Crater. We were very familiar with that incredible event that led to a crater being created there that is over a mile wide, and quite an object to behold.

The gentleman mentioned later this week that the Subcommittee on Space and Aeronautics will be holding a hearing on near-Earth objects. At that hearing the subcommittee will receive an update on the nature of the potential threat posed by Earth orbit-crossing asteroids, as well as the status of the international efforts to detect them.

As noted in H.R. 5303, amateur astronauts can play a useful role in detecting asteroids, and their efforts should be recognized.

Mr. Speaker, the bill before us today is a constructive measure, and I want to commend the gentleman from California (Chairman ROHRABACHER) for his initiatives.

I urge my colleagues to suspend the rules and pass this bill.

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

Mr. ROHRABACHER. Madam Speaker, I yield myself the balance of my time.

Madam Speaker, I would just say that this bill accomplishes a number of things that we have gone over today. I think perhaps the most important element of this legislation is that it is designed to try to enlist young people in America's space program in a very meaningful way. This bill will encourage young people, boys and girls in grade school and in scouting units and perhaps junior high schools and high

schools and colleges, to actually go out and to look into the heavens and get to know about the intricacies and the stories and the forces at work in this vast area around this planet and around this universe and around our solar system.

It will, I believe, go a long way to encouraging young people who, let us say if we inspire them with this bill, they might make a lifetime of contributions. We may be encouraging a young lady or a young man who later on would become the Pete Conrad of the next generation, because he or she would be so excited in understanding that they had seen something in space that perhaps no one else had seen, and strive towards that type of accomplishment.

I think that that is one element of this legislation that we should not overlook. It is very futuristic-oriented, but there are some real positive benefits today, as well.

One last note about George Brown, who was the chairman of the Committee on Science while I was a junior member of the Committee on Science. Let me say that for George Brown, this was an area of his interest. I forgot about that until I was just reminded by my friend, the gentleman from Colorado. George Brown took a personal interest in this.

I will have the Members know that George Brown was one of the most admired men here in Congress. He was such a fine person, and his memory to this day, I am glad the gentleman brought it up here in remembering Pete, these were the kinds of Americans that really made this country. George Brown was really kind of a real liberal guy compared to my political area in the spectrum, and Pete, I guess, was a little more conservative, on the conservative side of the spectrum, although he was nonpolitical. He was just a real professional in that business.

But I would say that what we are talking about when we talk about developing technologies and taking America into the future and creating this type of a vision, it is something that can unite a country and a people and has served to unite us in the past.

I believe that America's space program has not gotten the attention it deserves in these last, I would say, 15 years. That was something that George Brown was fighting for when he was alive. That is what he really wanted to do, and I am sorry that he was not able to fully succeed in reenergizing America's space program; and I do not think we have, either. We are all working on it.

Perhaps if we can attract the younger generation by offering them a chance like this to actually participate and to find some things in space, we should go out of our way to make sure that we do that. That is what this bill does. I am sorry, maybe I should have named it the Pete Conrad and the George Brown bill, but we remember George tonight as we debate this, because I am sure he would be more than happy to be here tonight helping out, if he was alive and with us. I remember his passing, and I miss him very much.

So, Madam Speaker, I ask my fellow colleagues to support this legislation and to remember Pete Conrad and keep looking up, as we do.

Mr. BOEHLERT. Mr. Speaker, I submitted the following correspondence:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON SCIENCE,
Washington, DC September 30,2002.

Hon. J. DENNIS HASTERT,
Speaker, Office of the Speaker, House of Representatives, Washington, DC.

DEAR SPEAKER HASTERT: I am writing to inform you that the Committee on Science has discharged from further consideration H.R. 5030, the ''Charles 'Pete' Conrad Astronomy Awards Act.'' H.R. 5303 was referred to this Committee on July 26, 2002.

Sincerely,

SHERWOOD, L. BOEHLERT,
Chairman.

Mr. UDALL of Colorado. Madam Speaker, I yield back the balance of my time.

Mr. ROHRABACHER. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Ms. HART). The question is on the motion offered by the gentleman from California (Mr. ROHRABACHER) that the House suspend the rules and pass the bill, H.R. 5303, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

EXPRESSING SUPPORT FOR GOALS AND IDEAS OF DAY OF TRIBUTE TO ALL FIREFIGHTERS

Mr. SMITH of Michigan. Madam Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 476) expressing support for the goals and ideas of a day of tribute to all firefighters who have died in the line of duty and recognizing the important mission of the National Fallen Firefighters Foundation in assisting family members to overcome the loss of their fallen heroes.

The Clerk read as follows:

H. CON. RES. 476

Whereas for over 350 years the Nation's firefighters have dedicated their lives to the safety of their fellow Americans;

Whereas throughout the Nation's history many firefighters have fallen in the line of duty, leaving behind family members and friends who have grieved their untimely losses;

Whereas these individuals served with pride and honor as volunteer and career firefighters;

Whereas until 1980 there was not a national tribute to honor these heroes for their acts of valor or a support system to help the families of these heroes rebuild their lives;

Whereas in 1992 Congress created the National Fallen Firefighters Foundation to lead a nationwide effort to remember the Nation's fallen firefighters through a variety of activities;

Whereas each year the National Fallen Firefighters Foundation hosts an annual memorial service to honor the memory of all firefighters who die in the line of duty and bring support and counseling to their families;

Whereas in 2002 the memorial service will take place the weekend of October 5 and 6;

Whereas 446 fallen firefighters, including firefighters from 34 States, will be honored in 2002; and

Whereas many of their family members are expected to attend the memorial service: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress supports the goals and ideas of a day of tribute to all firefighters who have died in the line of duty and recognizes the important mission of the National Fallen Firefighters Foundation in assisting family members to overcome the loss of their fallen heroes.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. SMITH) and the gentleman from Colorado (Mr. UDALL) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan (Mr. SMITH).

GENERAL LEAVE

Mr. SMITH of Michigan. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material in the RECORD on H. Con. Res. 476.

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

There was no objection.

Mr. SMITH of Michigan. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, this important resolution that I cosponsored with my friend, the gentleman from Pennsylvania (Mr. WELDON), provides us with an opportunity to honor the commitment and bravery of those firefighters who gave their lives while in the line of duty during the year 2001. It also recognizes the important mission and contributions of the National Fallen Firefighters Foundation.

In 1992, Congress created the National Fallen Firefighters Foundation to lead a nationwide effort to remember our fallen heroes of these first responders. The Foundation has successfully met this challenge, providing a variety of supporting activities to surviving family members, including emotional support, awards, scholarships for surviving spouses and children, and the establishment of the national park in Emmitsburg, Maryland, to memorialize the fallen firefighters.

Madam Speaker, this Sunday the Foundation will honor 446 firefighters that lost their lives in the line of duty at an annual ceremony usually held in Emmitsburg, but this year held here in Washington. The Foundation is expecting over 20,000 people to attend this year's memorial weekend, a record number. Many of these people will be spouses and children of the 343 firefighters that perished September 11.

On that warm September morning in 2001, the firefighters of the New York

City Fire Department reported to work as they did every day, ready to respond to whatever emergency situation might occur. But that morning was different. The 110-story World Trade Centers that were both literally and symbolically the center of world commerce were hit by two hijacked 747s.

The firefighters of the New York Fire Department received the most terrifying and overwhelming emergency call that this Nation has ever known. Still, they responded with true bravery, rushing into that burning building without hesitation. They helped evacuate 25,000 people, 25,000, the largest evacuation in the history of the world, and certainly they struggled until the last possible moments to free those who were trapped. Three hundred forty-three of them lost their lives in doing so. It was on that September day that the American firefighter, I think, became the symbol of American freedom and American bravery to not only those of us in the United States, but certainly to millions around the world.

In addition to the heroism displayed on 9–11, we know that first responders all over the country display similar heroism every day, not just when major disaster strikes, but every day, as full-time and volunteers often risk their lives to protect the lives and property of people around the country.

Fire and emergency service personnel respond to over 16 million calls annually. In addition to the 343 heroes that gave their lives in New York City on 9–11, last year we lost another 99 firefighters, volunteers and full-time, working in the line of duty to save property and lives.

I think we all agree that it is our job as Americans and as Members of Congress to never forget the sacrifices of those who protect us, and I commend the National Fallen Firefighters Foundation for its exceptional efforts in leading this charge. I offer my strongest support to this resolution, and certainly invite my colleagues to attend this Sunday's tribute.

Madam Speaker, I reserve the balance of my time.

Mr. UDALL of Colorado. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in strong support of House Concurrent Resolution 476. As my friend, the gentleman from Michigan, has so articulately pointed out, this resolution salutes the memory of the brave firefighters who gave their lives to help their citizens during the past year. It also recognizes the efforts of the National Fallen Firefighters Foundation to help our Nation honor the firefighters who die in the line of duty each year.

The National Fallen Firefighters Foundation is a charitable, nonprofit corporation funded by donations from individuals and corporations. The Foundation maintains and preserves the National Fallen Firefighters Memorial, which is on the grounds of the National Fire Academy in Emmitsburg, Maryland. This memorial is a 7-foot stone monument topped by a sculptured bronze Maltese cross, which is a traditional symbol of the fire service. The monument is encircled by plaques listing the names of those who have died in service to their communities.

□ 2215

In 1990, Congress approved a joint resolution to designate this striking monument as the official national memorial to volunteer and career firefighters who die in the line of duty. Each October during Fire Prevention Week, the National Fallen Firefighters Foundation organizes a memorial service held at the monument to honor all of the career and volunteer firefighters who were killed in the line of duty during the previous year. This year the ceremony will take place this coming weekend of October 5 and 6. The ceremony will honor 446 firefighters from 34 States who gave their lives last year. This includes the 347 heroes who perished at the World Trade Center. The National Fallen Firefighters Foundation will provide support for the firefighters' families wishing to attend the memorial service in honor of their loved ones. It is appropriate that Congress by means of the resolution now before the House calls to the Nation's attention the dedication and sacrifice of the fire services during this week leading to the ceremony in Washington.

I want to thank my friend, the gentleman from Michigan (Mr. SMITH), and I want to thank the gentleman from Pennsylvania (Mr. WELDON) for taking the lead in developing H. Con. Res. 476 and for their leadership in the House on fire service-related issues. And I also wanted to thank the chairman of the Committee on Science, the gentleman from New York (Mr. BOEHLERT), for his efforts to bring the resolution to the floor.

Madam Speaker, I urge my colleagues to support passage of the measure.

Madam Speaker, I reserve the balance of my time.

Mr. SMITH of Michigan. Madam Speaker, I yield 7 minutes to the gentleman from Pennsylvania (Mr. WELDON), the author of this important resolution but also a firefighter himself, the motivator for the assistance of the Firefighter Grant Program that we started a couple years ago.

(Mr. WELDON of Pennsylvania asked and was given permission to revise and extend his remarks.)

Mr. WELDON of Pennsylvania. Madam Speaker, I thank my good friend and colleague for yielding me time, and I thank my friend and colleague on the other side for support. I also thank the gentleman from New York (Mr. BOEHLERT) and the gentleman from Texas (Mr. HALL) who have been outstanding advocates for the firefighters of America.

As my colleagues know, I would not be in public life were it not for the fire service, having grown up in a fire service family. The earliest recollections of spending time with my father was at the firehouse with him and with my six older brothers. It was only natural that when I became 18 I joined the department and eventually worked up to becoming president and chief. I then went back to school while teaching during the day to get a degree in fire protection. So all of my life has been devoted to these outstanding men and women who protect us in 32,000 departments and consist of 1.2 million men and women.

Madam Speaker, this resolution as has been outlined by my colleagues recognizes America's domestic defenders. These are the people who protect our country every day of the year and have been doing so for 350 years, longer than the country has been a country. Because when Ben Franklin started the first fire department in Philadelphia, it was an all-volunteer group, and it was in fact started before America became a Nation. They have been our domestic defenders ever since. In fact, I call them our first responders. Much like our military protects us against threats from outside of our country, our domestic defenders protect us from those threats within America. And in fact they are being asked to do more and more as we face the threats of terrorism on our soil.

Madam Speaker, each year we have in fact acknowledged those who have lost their lives. We average about a hundred deaths a year at Emmitsburg, the National Fallen Firefighters Memorial. I have made that trip at least three times since I have been in Congress, and I can tell you there is no more of a memorable event than to spend time with those families of brave Americans who pay the ultimate price.

Madam Speaker, as founder and original chairman of the Congressional Fire and EMS Caucus, which now has 340 members of the House and Senate, I have traveled to every disaster we have had in the country in the past 16 years. From the wild lands fires in the western part of the country, in California, in the north, in Yellowstone Park, to the hurricanes down in the South, Andrew and Hugo, the Murrah Building bombing down in Oklahoma City, the Northridge and Loma Prieta earthquake. I was up at the World Trade Center in 1993 and back 2 days after September 11.

Madam Speaker, when I went up to the Trade Center in 1993, I was escorted through that building, that bombed-out parking garage, by a rising young emerging chief of the New York City Fire Department. He and I became good friends, and we traveled around the country over the past 9 years talking about the need to understand the first responders and provide support for them.

On two o'clock on September 11, I got a frantic phone call on my cell phone from my friends in New York that my good friend who had taken me through

the Trade Center in 1993 was killed when the buildings collapsed.

Ray Downing was the chief of all rescue operations for New York City on September 11. He was the guy who was overseeing the bulk of the 343 New York City firefighters who were going up in the buildings when the buildings were coming down. Ray Downing left behind a wife and five kids and grandkids. In fact, 1 month after September 11, I brought them all down to my district. We had a parade with 40,000 people to honor Ray Downing as an American hero.

Perhaps one of the most emotional days I have had during my tenure in Congress was when I went to Ground Zero and spent 12 hours there 2 days after it occurred with my friends of the New York City Fire Department. We went around the back of what used to be one of the huge towers, which is now a seven-story pile of rubble; and I saw two firefighters in their turn-out gear among thousands who were collecting rubble. And I looked on the back of their turn-out gear and on the bottom were the names Downing and Downing, because Ray Downing's two sons are officers in the New York City Fire Department. One is a captain; one is a lieutenant.

They were looking for the remains of their dad. We did not find the remains of Ray Downing until 3 months ago. It when through DNA sampling. We were able to determine that Ray in fact had been accounted for.

Madam Speaker, this coming Sunday we will honor these brave firefighters, the 343 from New York and the others that combined for a total of 442 brave Americans. Anytime this country has gone to war and lost 442 of our sons and daughters, we have mourned as a Nation. Well, this past year we have lost 442 brave Americans. They were not soldiers on the battlefield overseas. They were our defenders here at home. And it is certainly fitting and proper that we set aside a day to honor them, that we have turn out, as I will be in attendance on Sunday, to pay our respects at the MCI Center here in Washington.

It is my fervent hope that all Americans pause as we begin to celebrate the national week of recognition for the fire service, always the first week in October, and pay tribute to our true American heroes.

As I have said time and time around the country, the firefighter is more than just a person who puts out the fires. It is the person you call upon to handle the hazmat incidents, the fires, and the conflagrations, the floods, the tornados, the earthquakes, the terrorist bombings. They are the people you call when the cat is in the tree, when the cellar has been flooded. They are the first group you call to organize a search party to find your lost child.

In many of our small towns, the fire house is where you vote on election day. It is the organization that hosts the July 4 and Memorial Day parades. It is the organization where the Boy Scout troops and Girl Scout troops meet. It is the organization that makes our towns what they are. It really is, in my opinion, the heart and soul of America. I can think of no better group that represents what America is all about.

Amazingly, 85 percent of these people are volunteers. What other group in America has their volunteers killed each year in protecting the community while going out and raising the money to buy those fire trucks which costs from 4 to $600,000 by having chicken dinners and tag days? Imagine having our police departments or trash departments out and raise the money to buy the trash trucks and the police cars.

In every fire department in America, in all of our districts there are volunteers out there just doing that. In fact, this past Labor Day at Jerry Lewis' annual telethon, as has been the case every year, the IAFF Firefighters Union was the largest contributor to the fight against muscular dystrophy, the number one group in the country in reaching out to help other people.

These truly are the heroes of our country. They are the people who time and again have allowed us to understand what America is all about, selfless service to help others. And as our friend, the gentleman from Michigan (Mr. SMITH), said, we lost 343 at the Trade Center; but the real story is the success they had in rescuing tens of thousands of people that are today united with their families.

So I ask all of my colleagues to join with us in supporting this resolution and paying tribute to America's heros.

Mr. SMITH of Michigan. Madam Speaker, I yield 3 minutes to the gentleman from Connecticut (Mr. SHAYS), who has been very instrumental because of many of his constituents that were involved in September 11 of 2001.

Mr. SHAYS. Madam Speaker, I thank the gentleman for yielding me time.

We appreciate what our chairman has done in regards to the National Fallen Firefighters Foundation and his strong support of H. Con. Res. 476. I also thank the gentleman from Michigan (Mr. SMITH) for his pursuing this effort, and, particularly, the gentleman from Pennsylvania (Mr. WELDON) who has rightfully identified that the volunteer firefighters and the paid firefighters are a unique group within our country, that captures the soul and camaraderie of the spirit of America.

I do say and acknowledge that after September 11, I think all of us thought a little longer and a little harder about how much we owe to our firefighters, how much we appreciate what they do for us and how grateful we are to them.

I was reading in preparing for today to think that 446 firefighters lost their lives in the line of duty during the past year. And even if you subtract out the incredibly large number of 343 whose lives were taken on September 11, it is amazing to me to think that over 100 firefighters sacrificed themselves for the protection of their community. I am very grateful to them.

I am very grateful to our other service industry providers, our police, our EMS and others; but tonight we are recognizing the firefighters, and this is a resolution that clearly will have 100 percent support and for very good reason. We owe a debt of gratitude to our firefighters and appreciation as well to the National Fallen Firefighters Association.

Mr. UDALL of Colorado. Madam Speaker, I again want to urge support for this important resolution.

Madam Speaker, I yield back the balance of my time.

Mr. SMITH of Michigan. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I thank the gentleman from Colorado (Mr. UDALL). I will, Madam Speaker, close by saying this is a very partial tribute by the effort of every community, and certainly Congress should exert to help our firefighters throughout this country.

As the gentleman from Pennsylvania (Mr. WELDON) said, can you imagine between 70 and 85 percent, depending on the State, of these first responders, firefighters are volunteers? In the urban areas, that full-time firefighter is crucial; but in the remote villages in the rural townships, they depend on the volunteers to make sure that we have the kind of fire protection and the first responder protection that is necessary to save lives and protect property.

Tomorrow in our Committee on Science we will be taking up my bill, H.R. 4548, that continues the firefighter grant program and the gentleman from New York's (Mr. BOEHLERT) bill on legislation additionally assisting firefighters throughout the country with H.R. 3992. With that, I invite my colleagues again to attend this Sunday's ceremony.

Mrs. MCCARTHY of New York. Madam Speaker, as we begin Nation Fire Prevention Week, I rise in support of H. Con. Res. 476, a resolution paying tribute to firefighters who have died in the line of duty, and recognizing the importance of the National Fallen Firefighters Foundation which assists families of firefighters killed on the job.

On September 11, 2001, the country watched brave firefighters from New York and around the country risk their lives to save others. Firefighters have a special dedication to their jobs, community and fellow man. They willingly put their lives at risk to save the life of someone unknown to them. To do this, they train hard physically, mentally and emotionally—they are the consummate professionals. They are fearless men and women, who face death with each call.

In fact, approximately 100 firefighters die each year battling what they refer to as ''the dragon.'' As the name implies, ''the dragon'' is a firefighter's vernacular for a fire. The dragon does not discriminate when it come to who or what it destroys, man, women, child or firefighter. Duty-related incidents include structural fires, wild land fires, vehicles fires, hazardous material fires, rescues and responding to the scene of an emergency.

From 1981–2001, New York lists the highest number of firefighters in the country who were lost in the line of duty. New York is at the very top of an extremely unfortunate list. Last year alone there were 347 dedicated firefighters who died in the World Trade Center disaster. Overall, the dragon kills about 4,500 people per year, more than all natural disasters combined. Another 27,000 people are injured, not to mention the emotional and financial injuries incurred by the families of fallen firefighters.

The families of firefighters live a life of uncertainty as to whether their loved one will come home each day after work. When a family receives the dreaded news that their loved one will not be returning home chaos sets in, and these survivors desperately need support. As part of an effort to remember America's fallen firefighters and to provide assistance to their survivors. Congress created the National Fallen Firefighters Foundation (NFFF) in 1992.

The foundation is a nonprofit organization located in Maryland which receives funding from private donations from individuals, organizations, corporations and foundations, as well as federal grant money. NFFF provides resources to families of fallen firefighters, such as a grieving network, special scholarships, and important information to families regarding federal, state, and local benefits. These benefits include lump sum death payments, workers' compensation, funeral benefits, pensions and retirement programs and private support.

NFFF also provides services such as regional training sessions to help fire departments handle a line of duty death, and an Annual National Tribute which honors survivors of firefighters who died in the previous year. This year's ceremony is scheduled for October 5 and 6, and will honor 445 firefighters, including those killed at the World Trade Center.

Last September, the entire world watched with bated breath as firefighters unselfishly and effectively did their jobs. These acts of honor and bravery were in sharp contrast to the cowardly acts of violence perpetrated on America. Our lives depend on firefighters and we are beholden to them for so very much.

I support this Resolution which reminds us all of what a difficult job firefighters have, and the sacrifices their families make. I am proud to honor the lives lost, the thousands of firefighters who continue to work tirelessly and bravely, as well as their families.

Mr. GRUCCI. Madam Speaker, I would first like to thank my colleague Congressman WELDON for his tireless efforts on behalf of America's firefighters, and for bringing this measure to the floor today.

Few images throughout history more clearly illustrate heroism better than the images of brave firefighters entering the World Trade Center—knowing they very well may never return—with one selfless goal in mind: to save lives.

On that tragic day—September 11, 2001—347 firefighters died in the line of duty, several from my own district on Long Island.

While the heroic efforts of these brave men and women may be more clear on that day there isn't a day that passes when firefighters do not risk their own lives to save others.

Last year alone, 442 firefighters sacrificed their lives in order to save the lives of innocent victims of fire and other emergencies.

Later this week, the National Fallen Firefighters Foundation will honor these firefighters and their families for the sacrifices made over the last year. We will remember the impact these brave firefighters have made in towns and communities throughout America and the heroism that has saved countless lives.

On behalf of the First Congressional District of New York—home to several fallen firefighters—I join my colleagues in support of H. Con. Res. 476.

Mr. GEKAS. Madam Speaker, I rise today in strong support of H. Con. Res. 476 and urge my colleagues to support this important piece of legislation as well.

Our firefighters protect us every day and sometimes give up their own lives to protect and serve their communities and their fellow man. This was never more evident than on September 11, 2001. On that day, as frightened and wounded civilians ran from the World Trade Center, brave firefighters rushed in, in a determined effort to save others. These brave individuals risked everything in an effort to render aid and evacuate the people trapped in the towers. This effort cost many firefighters their lives. The September 11, 2001, attacks highlighted the spirit and courage of firefighters across the nation. Mostly volunteers, these men and women protect our lives and property, and while they never boast of their heroic deeds, they are truly heroes.

H. Con. Res. 476 reaffirms that Congress supports the goals and ideas of a day of tribute to all firefighters who have died in the line of duty and recognizes the important mission of the National Fallen Firefighters Foundation in assisting family members to overcome the loss of their fallen heroes. I am thankful to be able to rise today and proclaim support of H. Con. Res. 476 on behalf of every firefighter in Pennsylvania's 17th Congressional District.

Madam Speaker, this is the very least we can do. I salute Congressman WELDON for sponsoring this resolution and would like to thank him for his leadership on the Congressional Fire Services Caucus, of which I am a member. The firefighters of the United States should know that the Congressional Fire Services Caucus is continually striving to respond to their needs and to deliver to them the equipment and resources they need to do their job in a safe and effective manner.

Firefighting will never be a safe endeavor but we in Congress must do all we can to help our firefighters. No matter what we provide to our firefighters we will never equal the sacrifices they make for us. Collectively, we in Congress thank you and the passage of H. Con. Res. 476 is just a small token of appreciation. We will never be able to thank you enough.

Madam Speaker, I reaffirm my support of H. Con. Res. 476 and of the firefighters of Pennsylvania's 17th Congressional District.

Mr. BOEHLERT. Mr. Speaker, I rise in strong support of H. Con. Res. 476, recognizing the goals and ideas of a day of tribute for fallen firefighters, and supporting the important mission of the National Fallen Firefighters Foundation.

Congress created this non-profit foundation ten years ago to lead a national effort to honor firefighters who have died in the line of duty and to assist surviving firefighters and family members in rebuilding their lives.

The Foundation has been steadily expanding its activities. In addition to providing emotional support services to survivors and scholarship awards for surviving spouses and children, the Foundation is now creating the first National Park to memorialize fallen firefighters in Emmitsburg, Maryland. And this Sunday, October 6th, the Foundation will sponsor a memorial weekend to honor the commitment, bravery and sacrifice of the 446 firefighters who died in the line of duty in the past year, 343 whose lives were taken on September 11th, 2001.

No one could have anticipated the magnitude of destruction and loss of life that occurred last September. In the wake of those tragic events, the value and contributions of the National Fallen Firefighters Foundation became unmistakably clear.

At the request of the Federal Emergency Management Agency, the National Fallen Firefighters Foundation sent support staff to Ground Zero within days of the attacks, working around the clock to coordinate chaplain support services, survivor support services, as well as logistical and administrative support association with the loss of the firefighters.

The Foundation's efforts in New York City during its time of greatest need were truly invaluable, and I proudly support its cause, as well this resolution recognizing its importance.

U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, September 30, 2002.

Hon. J. DENNIS HASTERT
Office of the Speaker, U.S. House of Representatives, Washington, DC.

DEAR SPEAKER HASTERT, I am writing to inform you that the Committee on Science has discharged from further consideration H. Con. Res. 476, a resolution ''Expressing support for the goals and ideas of a day of tribute to all firefighters who have died in the line of duty and recognizing the important mission of the National Fallen Firefighters Foundation in assisting family members to overcome the loss of their fallen heroes.'' H. Con. Res. 476 was referred to this Committee on September 19, 2002.

Sincerely,

SHERWOOD L. BOEHLERT,
Chairman

Mr. SMITH of Michigan. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Ms. HART). The question is on the motion offered by the gentleman from Michigan (Mr. SMITH) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 476.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. SMITH of Michigan. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

□ 2230

HOUSES OF WORSHIP POLITICAL SPEECH PROTECTION ACT

Mr. HERGER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2357) to amend the Internal Revenue Code of 1986 to permit churches

and other houses of worship to engage in political campaigns.

The Clerk read as follows:

H.R. 2357

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Houses of Worship Political Speech Protection Act''.

SEC. 2. HOUSES OF WORSHIP PERMITTED TO ENGAGE IN POLITICAL CAMPAIGNS, ETC.

(a) IN GENERAL.—Paragraph (3) of section 501(c) of the Internal Revenue Code of 1986 is amended—

(1) by striking ''and which does not'' and inserting ''except in the case of an organization described in section 508(c)(1)(A) (relating to churches), which does not'', and

(2) by inserting before the period ''and, in the case of an organization described in section 508(c)(1)(A), no substantial part of the activities of which is participating in, or intervening in (including the publishing or distributing of statements), any political campaign on behalf of (or in opposition to) any candidate for public office''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to expenditures made after the date of the enactment of this Act.

The SPEAKER pro tempore (Ms. HART). Pursuant to the rule, the gentleman from California (Mr. HERGER) and the gentleman from Georgia (Mr. LEWIS) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. HERGER).

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

Madam Speaker, I rise today in strong support of legislation introduced by the gentleman from North Carolina (Mr. JONES) to protect the first amendment rights of men and women of faith across America. Our Nation's pastors, priests, rabbis and clerics should be free to express their political opinions just as every other American is free to do so.

Unfortunately, many church leaders today are afraid to voice their political opinions because they fear that the IRS may revoke their tax-exempt status. This is exactly what happened to a church which criticized the views of then Governor Bill Clinton in 1992. Should any American have to forfeit their first amendment freedom of speech just because they have a religious affiliation? I certainly hope not.

The legislation before us attempts to recognize the need for an appropriate separation of church and state while not silencing the opinions of religious leaders in the process. Many conservative church leaders in particular have voiced concerns that they may be targeted by the IRS if they simply inform their parishioners of a candidate's position on an issue. These religious leaders point out that the IRS has recently investigated a number of conservative groups while leaving unscathed liberal churches which actively promote a candidate or political party.

Madam Speaker, this is wrong. During the 2000 election campaign, Americans United for the Separation of Church and State, a liberal special interest group, sent letters to houses of worship across the country warning them against distributing Christian Coalition voter guides lest they be in danger of losing their tax-exempt status. This type of action has a chilling effect on political speech due to the current ambiguity of the Federal Tax Code.

The gentleman from North Carolina's (Mr. JONES) bill will go a long way towards clarifying the tax law with respect to religious institutions and their participation in the political process.

Madam Speaker, at a time when our society can most benefit from a wide diversity of views informed by faith and conscience, we should be doing everything we can to promote freedom of speech by both religious and secular institutions. I urge my colleagues to support this bill.

Madam Speaker, I reserve the balance of my time.

Mr. LEWIS of Georgia. Madam Speaker, I yield myself 4½ minutes.

From the outset, Madam Speaker, I want to make it clear that this piece of legislation that we are considering tonight never was voted out of the subcommittee or the full committee of the Committee on Ways and Means of the House. There was only a hearing in the Subcommittee on Oversight.

Madam Speaker, the sponsor of this bill will have us believe that they are merely protecting free speech, but do not be fooled. This legislation has one purpose and one purpose only, to allow our houses of worship to become vehicles for partisan political activity.

As someone who stood alongside Dr. Martin Luther King, Jr., and the other great leaders of the civil rights movement of the 1960s, I can tell my colleagues that they would be dismayed by this legislation. During the civil rights movement, we fought to end legal segregation and break down barriers to political participation. The church was the heart and soul of our efforts because ministers had the moral authority and respect to stand against immoral and indefensible laws, bad laws, bad customs, bad tradition.

Ministers who led the civil rights movement did not select political candidates and operate our churches like political action committees. Although their churches and leaders faced violence and hatred for their efforts to protect human rights and human dignity, they were free and even protected by the Constitution to speak out on these issues. At no time did we envision or even contemplate the need for our houses of worship to become partisan pulpits.

Make no mistake, partisan politics has its place. President John F. Kennedy once said that both major parties today serve the national interest, but when party and officeholder differ as to how the national interest is to be served, we must place first the responsibility we owe not to our party or even to our constituents, but to our individual consciences.

Madam Speaker, in this matter we owe our allegiance to our individual consciences, and we owe it to those ministers and the other religious leaders and churches and institutions who speak out on the issues to protect them. Our religious organizations should continue to be places that ministers, priests and rabbis, and imams give moral and spiritual guidance. We should not allow them to be transformed into institutions that tell their members and their parishioners how to vote.

If this legislation is allowed to stand or pass, we can have a minister, a priest, a rabbi or a mosque coming in the pulpit saying vote against so and so, or God told me vote against so and so, taking up offerings in the church, in the synagogue, in the temple, in the mosque, tax-exempt organizations.

Finally, Madam Speaker, if my colleagues think that ministers and religious leaders are muzzled politically and are clamoring for this legislation, look at the list of more than 200 mainstream churches and religious organizations who are opposed to this bill: the African Methodist Episcopal Church, the American Baptist Church, the American Jewish Congress, the Islamic Supreme Council, Evangelical Lutherans, Presbyterians, Buddhists, Quakers, and the list goes on and on.

We cannot allow supporters of this measure, however well-intended they may be, to influence us to recklessly discard the time-tested system we now have in place or substitute it with a dangerous experiment in mixing religion with partisan politics.

This bill before us tonight, Madam Speaker, threatens not only our quest for meaningful campaign finance reform, but threatens the very integrity and independence of our churches and others houses of worship. Any time the wall of separation between church and State is breached, religious liberty is threatened. The wall between church and state must be solid. It has guided us for 220 years. It must not be breached for any reason. I urge my colleagues to protect our tradition of religious liberty and vote against this bill.

Madam Speaker, I reserve the balance of my time.

Mr. HERGER. Madam Speaker, I yield 6 minutes to the gentleman from North Carolina (Mr. JONES), the sponsor of this legislation.

Mr. JONES of North Carolina. Madam Speaker, I thank the gentleman from California for yielding me the time, and certainly the gentleman from Georgia, who I have great respect for, as well as the gentleman from Texas. And what makes this great body, what it is, is the freedom that we all enjoy to disagree and many times agree.

Let me talk a little bit about the history of this issue. If this was 1953, we would not be debating this issue because it would not be an issue. The

churches in this country had the freedom to talk about the issues of the day, whether they be political issues or nonpolitical issues. There was no restriction from the beginning of the churches in this country.

There was never a restriction until Lyndon Johnson put an amendment on a revenue bill going through the Senate with no debate, and Mr. Johnson was opposed to the H.L. Hunt family, who were working against his reelection, and they had established two 501(c)(3)s, and so Mr. Johnson put an amendment on without any debate that said if an organization is a 501(c)(3), they may not have political speech.

Let me tell my colleagues that most of the experts, and I am certainly not an expert, most of the experts have said in analyzing this issue, and it has been analyzed by many researchers through the years; that probably Lyndon Johnson did not mean to stifle the churches or synagogues in this country, and let me explain that.

Lyndon Johnson was the VP on the ticket with John Kennedy in 1960, and the churches in Texas, many of the churches, were opposed to John Kennedy being a Catholic, being the first Catholic in the White House. So those who have researched this issue say that if Johnson had intended for the churches to be stifled in speech, that probably Mr. Johnson, being a powerful man, would have picked up the phone and called the Internal Revenue Service and said they need to look into this church. Johnson never made any call or any complaints. So the experts, which I am not one, have said that they believe that Mr. Johnson did not intend to put the muzzle on the churches and synagogues throughout this country.

Let me make a couple of other points real quickly. The letter that the gentleman from California (Mr. HERGER) made reference to that was sent out by Barry Lynn, this is how this came to my attention, quite frankly. I had a Baptist minister in my district ask me to speak in September of the year 2000 to his adult men's class, and I went, and he showed me a letter, this is a copy of it, from Barry Lynn that went to over 285,000 churches, and it is a warning to the minister that he not violate the 501(c)(3) status known as the Johnson amendment.

Let me tell my colleagues what really interests me, because I do not agree with Mr. Lynn on much, and he does not agree with me, and that is what makes America the great Nation it is. But let me read this first sentence to my colleagues because this tells it better than I can tell it.

''The first amendment of the U.S. Constitution protects the right of pastors and church leaders to speak out on religious, moral and political issues.'' He acknowledges that is what the Constitution guarantees, but his second sentence is, however, houses of worship, as a nonprofit entity under section 501(c)(3), cannot have political speech.

So my point is I do agree with what he said, and he was right, the Constitution does guarantee this, and Lyndon Johnson took it away from them. Maybe he did not intend to, but the churches in many places, in my opinion, the priests, the rabbis and the clerics have not had the freedom to speak about the moral and political issues of the day, and many times the moral issues become political issues, and the political issues moral issues, and we all know that.

I tell my colleagues what really concerns me even more is that Mr. Lynn, about a month later, sent out a press release. I checked with the Internal Revenue Service yesterday. We have over 880,000 houses of worship. Mr. Lynn, in 2000, sent out a press release that said, we plan to mail it to approximately 285,000 houses of worship. I am confident that every church targeted by the coalition will receive this letter.

My question to Mr. Lynn and to those who believe this is a good law, maybe we ought to hire 880,000 inspectors to represent the Internal Revenue Service at every church and every synagogue and every mosque in this Nation during the months of September and October. If we want to make the law fair so it applies to everybody, then make it fair for everybody. Do not just single out certain groups and target certain groups.

The last point I would like to make on this issue is that when we had the hearing, and I want to thank the gentleman from New York (Mr. HOUGHTON), even though he does not agree with the legislation, he did hold a hearing that was very bipartisan, and I am going to wait until the next round to go into details of the testimony, but I am pleased to tell my colleagues that two great men of God came to testify, Dr. D. James Kennedy and Pastor Walter Fauntroy right here in Washington, D.C., a former Member of Congress that we all served with.

Again, I have great respect for the gentleman from Georgia (Mr. LEWIS), and I have great respect for Pastor Fauntroy, and I know he marched with my colleague to bring civil rights to this country, to the people of this country so they could enjoy equal rights and civil rights. I applaud them, and I applaud Walter Fauntroy and certainly Martin Luther King.

In addition, I am pleased to tell my colleagues that I had a long conversation with Floyd Flake. Mr. Flake was one of the finest Members of Congress. He is a man of God. He is a man I respect. We might not politically always agree, but a man I fully respect.

□ 2245

And he is very supportive of this legislation, along with numerous other men and women of faith who are spiritual leaders.

With that I will wait until my next round.

Mr. LEWIS of Georgia. Madam Speaker, I yield 3 minutes to the gentleman from New York (Mr. HOUGHTON), chairperson of the Subcommittee on Oversight of the Committee on Ways and Means.

Mr. HOUGHTON. Madam Speaker, I thank the gentleman from Georgia (Mr. LEWIS) for yielding me this time.

I have a great deal of respect for the gentleman from North Carolina (Mr. JONES) and the gentleman from California (Mr. HERGER). I just happen to disagree with them on this particular issue, and let me tell my colleagues why. This is really a tax consideration, and all tax bills really should go through the Committee on Ways and Means, and this has not. I have been on the Subcommittee on Oversight of the Committee on Ways and Means. We reviewed this in May. We had a good meeting. There was no consensus on the part of the religious community for Tax Code change. So the whole concept of the 501(c)(3) which includes religious groups, United Way, hospitals, so on and so forth, they receive tax preferential treatment, and there is a trade-off. For that there are no political campaign activities. And today churches are free to talk about the issues in any way they want, but they cannot use the church resources on a tax deductible basis to campaign for a candidate. I think that makes perfectly good sense. They can do what they want, but they should not use the Tax Code the way no one else can use the Tax Code for this political purpose.

Mr. LEWIS of Georgia. Madam Speaker, I yield 4 minutes to the honorable gentleman from Texas (Mr. EDWARDS), my friend and colleague.

Mr. EDWARDS. Madam Speaker, from the time I was a small child my parents taught me that our church was a sacred house of worship, a spiritual place where people of faith could meet, honor God and thank Him for our many blessings. Now as a father, it is my hope that my two young sons will have the same sense of reverence for our church and all houses of worship.

Based on those values, it is my opinion that this bill demeans religion and demeans houses of worship by converting them into political campaign organizations. According to the bill itself, its purpose is ''to permit churches and other houses of worship to engage in political campaigns.'' Madam Speaker, this bill would go so far as to even allow churches to endorse political candidates and to contribute church funds to political campaigns.

If I had a malicious intent to import divisiveness into our churches, I could find no better way to do it than to pass this ill-conceived bill into law. That is why this is not just a bad bill, it is a dangerous bill.

Think about life under this bill. Our churches, synagogues, and mosques could cut back on their spiritual worship time so they could hear from their campaign committee. Then rather than

taking time to praise God, our congregations could entertain divisive partisan political debates as to which local, county, State, and Federal candidates to endorse each year. Active political partisans in each house of worship could then fight over candidates and whether one or the other is truly the faithful one. Perhaps church committees could have religious litmus tests for candidates, thus thrusting aside the spirit of article 6 of our Constitution which prohibits religious tests for positions of public trust.

After acrimonious endorsement debates for dozens of candidates, then our houses of worship could each year determine which mission fund or program for the poor could be scrapped on the alter of political contributions.

Madam Speaker, it is no surprise that so many religious organizations are opposing this bill, and I hope the national press and American people wake up to the quiet, but dangerous, effort, well intentioned or not, in this Congress that would basically interject government and politics into our churches and into our personal faith.

For example, with charitable choice legislation pending in Congress, an administration could dole out literally billions of dollars directly to preferred houses of worship; and then with the Jones bill, those same houses of worship could endorse in the next election the administration that has just given them those tax dollars, thus obliterating the wall of separation between church and State.

If I had planned a lifetime to undermine religious liberty and tolerance in America and to demean houses of worship, I could not have ever devised a more effective plan than to combine charitable choice legislation with this bill. Thankfully through the wisdom of Mr. Madison and Mr. Jefferson, the first amendment places religion on a pedestal far above the reach of politics and politicians. To drag religion down from that lofty pedestal of protection into the quagmire of political endorsements is to demean religion, not protect it; and Madam Speaker, for any bill that deals with the fundamental constitutional principles of church and State to be brought to this House floor under a suspension calendar late at night with only a handful of Members present is a disservice to this House and to the profound importance of religious liberty.

Whether one agrees or disagrees with my position on this bill, I would remind all of us that religious liberty is a gift of God and that for over 200 years our Bill of Rights has protected that divine gift for all our citizens and that any congressional action that treats the fundamental issue of church and State and religious liberty with less than the greatest of careful deliberation puts at risk America's historic legacy of religious freedom and tolerance.

Mr. HERGER. Madam Speaker, I yield 3 minutes to the gentleman from Indiana (Mr. HOSTETTLER).

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

Mr. HOSTETTLER. Madam Speaker, I thank the gentleman for yielding me this time.

I rise today in strong support of the Houses of Worship Political Speech Protection Act and commend the gentleman from North Carolina (Mr. JONES) for sponsoring this important piece of legislation.

H.R. 2357 seeks to allow our churches and religious institutions to address the moral and political issues of the day, as they have for the first 300-plus years of America's history, without fear of the IRS imposing financial penalties or revoking their tax-exempt status altogether. This legislation frees our clergy to speak their consciences from the pulpit on all issues, even those which may stem from the political arena, without the chilling effect that the Tax Code has on our houses of worship. As the French author, Alexis de Tocqueville, observed in 1835 in his published accounts of life in American society: ''Religion in America takes no direct part in the government of society but it must be regarded as the first of their political institutions for if it does not impart a taste for freedom, it facilitates the use of it.''

Our clergy and religious institutions have played a significant role in our Nation's political life from the earliest days of our Republic. A clear example can be found right here in the Capitol. The statue of Reverend John Peter Gabriel Muhlenberg depicts him removing his clerical robes to reveal the uniform of a military officer following his farewell sermon to his Virginia congregation on January 21, 1776. From the pulpit Muhlenberg declared that ''there is a time to fight, and that time has now come.'' Reverend Muhlenberg's rousing sermon led 300 men from his congregation to join him that day in America's war for independence. Reverend Muhlenberg was not interested in the endorsement of a political candidate. He preached the overthrow of the government of the colonies.

While this illustrates only one incident in our Nation's past, it still leads one to consider what the fabric of American society would look like today without our past clergymen and women denouncing the evils of tyranny, slavery, and segregation.

H.R. 2357 simply attempts to return our houses of worship to the role they have historically held as an active participant in the political process, addressing the important issues of the day. This bill assures that those who hold to fundamental truths are not divorced from the arena of ideas simply because they happen to be standing behind a pulpit.

I urge my colleagues to support the Houses of Worship Political Speech Protection Act.

Mr. LEWIS of Georgia. Madam Speaker, I yield 3 minutes to the gentleman from Connecticut (Mr. SHAYS), my friend and colleague.

Mr. SHAYS. Madam Speaker, I want to first say that I was deeply impressed by the presentation made by the gentleman from Texas (Mr. EDWARDS), and I could feel his pain as he spoke on this legislation and against it because I believe he is a deeply religious man. And this is an awkward issue for us, but we need to speak plainly about it. I too strongly oppose H.R. 2357, the House of Worship Political Speech Protection Act, because I believe it flies in the face of our campaign finance laws and more importantly would create a large soft money loophole. I also have serious concerns the legislation would erode the separation of church and State, a bedrock value of our Nation and one I strongly support.

Religious institutions should be able to speak out on issues, and current law already gives these institutions the absolute right to use their pulpit to address an issue they wish. One has to wonder, therefore, why this legislation is necessary. What religious institutions cannot do is use their tax-exempt donations to contribute to a candidate's political campaign.

H.R. 2357 would allow religious organizations to maintain their 501(c)(3) tax-exempt status, which allows them to receive tax-deductible contributions while permitting them to contribute to politicians and political campaigns. This legislation does not extend the same privilege to nonreligious 501(c)(3) organizations.

In February, this body demonstrated a strong commitment to reforming our campaign finance laws when it voted to ban the use of soft money, corporate treasury money, union dues money, and unlimited sums from individuals. H.R. 2357 would be a major step backward. This legislation, if enacted, would permit big-dollar political donors, corporate, union, or individual, to funnel soft money through partisan incorporated religious organizations and fund sham issue ads, really campaign ads with these funds.

I strongly urge my colleagues to vote against H.R. 2357. We should not allow tax-exempt institutions to make campaign contributions.

Mr. HERGER. Madam Speaker, I yield 4 minutes to the gentleman from Indiana (Mr. SOUDER).

Mr. SOUDER. Madam Speaker, I thank the chairman and I also want to thank my friend and colleague, the gentleman from North Carolina (Mr. JONES), for his efforts. We are here on the floor again with some deep differences of people who share very strong commitments on this issue and of the role of how we work through as Christians and people of multiple and diverse faiths in America, how we work through the role of those who have deeply felt views and how they can express those and participate.

I do want to correct a couple of things on the record from the gentleman from Texas (Mr. EDWARDS) because I think there is a little bit of overparanoia.

One is that in the idea that charitable choice is somehow going to be tied in with this, as the gentleman knows, while the bill passed the House, it is pending in nowhere. We have agreed with a compromise, and many of us here tonight have agreed with compromise, and then the Senate developed a compromise and there will be no charitable choice grants coming through, authorized by Congress. They are working through some of those things in the executive branch, but we have worked out that we have shared concerns about the Federal Government getting it directly into funding and what that could mean to the separation of church and State if churches become dependent on Federal funding.

Furthermore, the statement that we are doing this late at night is because of the death of our friend and colleague, PATSY MINK, we had a waiver. This was originally scheduled to occur much earlier in the evening. We had a 2-hour debate tonight and that pushed it later in the evening. This in fact would have been debated in prime time. It is near prime time in much of the country anyway. But this is, first, a fundamental disagreement about what the bill is. I do not believe nor do any of the people who wrote the bill nor do most people who do not have a position that is overtly against the conservative churches basically being able to speak out believe this affects money. This affects endorsement. I do not believe it changes campaign finance one wit. And I was talking with my dear friend, the gentleman from Connecticut (Mr. SHAYS) because I share his concern about churches having, as the gentleman from Georgia (Mr. LEWIS), my friend, said, taking up collections for political campaigns. That would be horrendous.

□ 2300

That is not what this bill does. We have fundamental disagreements even about what the bill does. This is supposed to be able to clarify Internal Revenue Code that pastors who speak on behalf of the church can say what they believe.

We know in America that many churches in fact do that. In fact, in the civil rights movement had brave people not been willing to stand up and register in churches, and Reverend Jesse White is getting a statue in Fort Wayne for his work. He was active through his church in registering voters, bringing in candidates, endorsing candidates because he felt that was the only way in my home area to change some of the civil rights areas.

In the Vietnam War era, pastors were endorsing candidates in liberal churches. There are many conservative Christians in this country who deeply feel in the fundamental part of their heart, and we can see it in which groups are backing this, that conservative churches, once they got active, and most denominations like mine are very separatist and would never endorse from the pulpit and believe in that separation.

But many churches believe, including those churches that do not endorse, that there has been a difference in America; and when the conservative churches started to get politically involved, the Clinton administration came down on them. And that belief is deeply felt. That is what we are trying to address.

We believe that all people ought to be created equally. There should not be direct funding. That is covered in campaign finance law. There should not be church funds intermingled. That is the point of (c)(3)s and (c)(4)s. But when there are deeply felt issues like abortion that conservatives feel deeply about; the pastor should be allowed to say this is what we believe. These are candidates who share those views. They should not be able to use church funds to promote that view. That is the point of (c)(3)s. They can have their voter guides outside the sanctuary, and they can do other things with non-church money; but they ought to be allowed, when a Christian world view is fully comprehensive, the beliefs of Jesus Christ are not just faith, they are also works. If one believes they are works, a pastor whether he sees civil rights or war or abortion or pornography, he ought to be allowed to speak out and the congregation ought to be allowed to speak out.

Mr. LEWIS of Georgia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, there is not one thing in the present code that would prohibit ministers, religious leaders, rabbis, any church organization from speaking out on the great issues of our time.

Mr. Speaker, I yield 4 minutes to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT. Mr. Speaker, I rise in opposition to this bill. Once again we are here debating a very controversial bill with profound constitutional implications which has bypassed the regular order in the committee of jurisdiction, has been placed on the suspension calendar late at night with limited time for debate and no amendments allowed.

I do not know what the supporters of the bill think it does, but this bill is in fact a tax bill and describes what a church can do and still maintain its tax exemption. The legislation before us allows a religious tax-exempt organization to engage in political activities, partisan political activities, while using tax-exempt resources so long as those activities are not more than an ''insubstantial part'' of their activities.

Pursuant to the Tax Code, that means anywhere from 5–15 percent of an organization's budget can be used for partisan political activities. For a church with a $1 million budget, that is 50,000 to $150,000 in campaign cash.

Mr. Speaker, we also have to consider the bill in light of legislation that has already passed the House, and that is H.R. 7, the so-called Charitable Choice bill, which allows the church to be directly funded with government contracts. This bill will allow those churches to show their appreciation to the government officials that helped them with campaign contributions amounting to 5–15 percent of the grant. This gives a new meaning to the idea of tithing.

Contrary to assertions, churches and other houses of worship can and do speak out on issues of the day. When the gentleman from California says they cannot speak, it is true, they cannot take out a paid political ad paid for with tax-deductible money. But under current law, churches can host candidate forums, can issue unbiased voting guides, engage in lobbying activities on legislation, endorse or oppose referendums, constitutional amendments or other ballot initiatives, and they can certainly speak out on the moral issues of the day, whether it be civil rights, universal health care, or education.

Furthermore, ministers or religious leaders in their private capacity can and do endorse political candidates and even become candidates themselves. In fact, my representative in the Virginia Senate is a pastor of a Baptist church. The difference is they cannot use the resources of a tax-exempt church in a partisan political campaign.

Churches, like other tax-exempt organizations, are prohibited from using tax-exempt church contributions for candidates. They cannot create PACs or solicit or provide financial support to a candidate. That would change under this legislation, which specifically allows our houses of worship to funnel tax-exempt funds to candidates in political parties. There are other issues that we have to consider as we debate this measure.

For example, houses of worship are exempt from certain Internal Revenue filings; and, therefore, we will never know whether they are spending 5 percent or 50 percent of their funds on political activities unless the supporters expect the IRS to be auditing church finances.

In addition, unlike other organizations exempt under section 501(c), churches do not have to file for incorporation. Essentially any organization claiming to be a church gets automatic tax-exempt status from the IRS. As a result, during election cycles we might see the formation of new churches formed for the express purpose of political activity on behalf of a candidate or political party.

Mr. Speaker, current law treats our houses of worship and secular nonprofits with respect to partisan political activity equally. Neither can use tax-exempt resources for partisan political activities. If they want their organizational resources to be used for partisan political activities, they can. They just cannot get tax deductions and use tax-deductible resources for that purpose. Should this legislation pass, our houses of worship may risk becoming sham political organizations.

As the gentleman from Connecticut (Mr. SHAYS) explained, we would have created a gaping loophole in our campaign finance laws. I strongly urge rejection of this legislation.

Mr. LEWIS of Georgia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in closing, let me just relate that a leading supporter of this piece of legislation, a minister, is sending out fund-raising literature, seeking tax-deductible contributions to support the church's efforts in lobbying the Congress to pass H.R. 2357. What this minister really wants and gets under the bill is the ability to use unreported, unlimited charitable contributions to defeat or elect someone in Congress or some place else.

Is this what we want happening in November, on November 5, or some other time? Of course not. Churches, synagogues, temples, and mosques are houses of worship. Let us keep them that way and not let politics get in the way. Let us keep a separation of church and State. Keep that wall solid and strong. If churches, synagogues, mosques and temples want to go out and raise money and have their leaders preaching from the pulpit, then they should form another organization or group. I ask Members to vote against this legislation.

Mr. Speaker, I yield back the balance of my time.

Mr. HERGER. Mr. Speaker, I yield the balance of my time to the gentleman from North Carolina (Mr. JONES).

Mr. JONES of North Carolina. Mr. Speaker, I would like to say to the gentleman from Georgia (Mr. LEWIS), I agree totally with the gentleman's statement. This is a separation of church and State. The reason it is is that the State, being the Internal Revenue Service, should not influence any statement or comment that the church pulpit, the preacher, the priest, the rabbi might want to make.

□ 2310

This way, because of the Johnson amendment, they do have influence as to what can be said.

To the gentleman from Texas, whom I like very much, I want to say that he is right. I agree with him up to 152 years, but the last 48 years since 1954, Lyndon Johnson's amendment put the Internal Revenue Service into the churches as to restricting what they can and cannot say. Prior to that time, he and I agree 100 percent.

Let me also say to the gentleman from New York (Mr. HOUGHTON) that when churches qualified for the status of 501(c)(3)s, and I have researched this, there is no restriction in the law as to what they could and could not say when they became classified as 501(c)(3)s.

Let me also say that one of the biggest concerns that some people have mentioned tonight, I cannot begin to tell you, when D. James Kennedy came to testify, he brought over 60,000 petitions to present to the committee. In addition to that, this past week over 4,500 ministers throughout this country, some being Baptist, wrote and said they were in strong support of this legislation.

Let me also say to my friend, the gentleman from Connecticut (Mr. SHAYS), who is my friend, that under the Bipartisan Campaign Finance Reform Act of 2002, which amends the Federal Election Campaign Act, all corporations including tax-exempt churches and nonprofit corporations are barred from making hard-money contributions or any direct or indirect disbursement for electioneering communications. That is on page 101 and 102 (A and B). I just want to get that on the record, also.

Let me also say that, again, when you think about the fact that prior to 1954 there were no restrictions of speech on our churches, and I am pleased to say that the gentleman from Georgia (Mr. LEWIS), for whom I do have great respect, during the hearing with the Internal Revenue Service, his question to Mr. Miller who worked with IRS is: As a rule do you monitor the activities of churches during the political season?

Mr. Miller's answer to Mr. LEWIS is: We do monitor churches. So our monitoring is mostly as a recipient of information from third parties who are looking in. That is Barry Lind looking in. What are you saying? ''I'm going to report you to the Internal Revenue Service.'' That is not America. If a priest wants to say that George Bush is prolife, let the priest say George Bush is prolife. If my dear friend and your dear friend Floyd Flake wants to have Al Gore in his church, and when Al Gore finishes speaking he puts his hand on his shoulder and he says, ''I think this is the right man to lead America,'' he should be able to do it. He got a letter of reprimand from the Internal Revenue Service. Somebody snitched on him because the Internal Revenue Service is dependent on a third party to report because, quite frankly, I will be honest with the gentleman from Virginia (Mr. SCOTT), they cannot enforce the law to begin with. That is an absolute joke. They cannot enforce the law. So they are dependent on a third party.

That somewhat reminds me of my history about Germany, quite frankly, somebody looking in on what the priest says or the preacher says or what the rabbi might say. That in itself should be enough to offend all of us on both sides of the aisle who raise our hand to defend the constitutional rights of the American people, that we make sure that anyone, whether they be a preacher, a priest, a rabbi or a cleric, that they have a right to speak from their heart, and if they believe that that is the right thing to say to educate their people in that congregation, then they should say it.

Let me close this way from Floyd Flake, a great, great man of spiritual faith and a spiritual leader. He says, ''It is unjust that churches and clergy men and women are unfairly targeted when they exercise their rights as American citizens. I am pleased to offer my wholehearted support with sincere prayer for passage of this important and liberating legislation. Floyd Flake.'' He is talking about H.R. 2357.

Mr. WATTS of Oklahoma. Mr. Speaker, under the First Amendment to the United States Constitution, Americans have the freedom of speech. In the same amendment, our founding fathers declared Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof.

Much to the dismay of many of my friends on the other side of the aisle, the two concepts do not cancel out each other. They are not mutually exclusive. Americans who believe in God ought not to have their freedom of speech muzzled in the name of the law.

I am pleased to be a co-sponsor of this legislation to stop harassing churches and other places of worship when someone mentions politics. Those of us who support this bill are not advocating turning religious organizations into political parties. Rather, the legislation before us would permit the occasional discussion of issues of importance to congregations comprised of voting citizens.

The gag rule on pastors, priests, rabbis and other religious leaders was not part of the Bill Of Rights. It was an amendment to a 19–54 tax bill by Senator Lyndon Johnson. There were no hearings. Rather, restrictions were imposed on people of faith as revolutionaries began their quest to remove any reference to a Creator from our one nation under God.

I don't believe Al Gore or HILLARY CLINTON should be banned from speaking at Riverside Baptist Church just because it is a place of religion. When the pastor invites them up to the pulpit during their campaigns, he should not have to worry about breaking the law or losing his tax-exempt status. But if this bill fails, the pastor will have no choice but to say no.

Churches have integrity. They are sacred places, protected under law and deserving of the liberties afforded to the rest of our great nation.

The First Amendment rights of our constituents shouldn't be curtailed because they happen to be sitting in a pew or on bended knee. I commend the gentleman from North Carolina for his leadership on the bill and urge my colleagues to support the Houses of Worship Political Speech Protection Act.

Mr. CRANE. Mr. Speaker, I rise in support of the Houses of Worship political speech protection act. I believe that we must remove the Gag that restricts our clergymen from discussing candidates for office or political issues. Religious organizations are the moral compass for tens of millions of Americans and I have no qualms about their leaders articulating the pros and cons of a particular candidate for office or issue.

While I strongly commend the gentleman from North Carolina for advancing this issue, I do have some concerns with the way this particular bill has been drafted. In my opinion, the substantiality test in the code is entirely too ambiguous. It has not been defined by Congress, the Treasury Department or the courts, so passage of this bill will require that

we wait until the IRS prosecutes a church for a violation to learn what substantial means.

Since the 104th Congress, I have introduced the Brightline Act that clearly defines, using dollar limitations, the activities that religious organizations may engage in while maintaining their tax-exempt status. It is a clean, easy way for churches to know whether or not they have run afoul of the Internal Revenue Code. I hope, that as we continue to move this issue forward, the gentleman from North Carolina will be willing to work with me to ensure that whatever we put on the President's desk for signature provides churches with clear rules so that this matter is not resolved by the courts.

Finally, I would be remiss if I didn't take a moment to thank the people who have worked so hard over the years to advance this issue. First and foremost, I want to thank the millions of Americans at the grassroots level who have contacted their members of Congress to get their support. Second, and most importantly, I want to thank my good friend Reverend Lou Sheldon for his tireless efforts to advance this issue. Pastor Lou has led the change on this issue since 1994 and I hope those who support this bill will recognize his hard work.

Mr. SMITH of New Jersey. Mr. Speaker, today I rise in strong support of the Houses of Worship Political Speech Act, introduced by my good friend, WALTER JONES. For too long, the separation of church and state has been tilted too far towards one extreme and has restricted the free speech rights of religious communities in America. HR 2357 attempts to restore balance and reasonableness by amending the Internal Revenue Code to permit churches and other houses of worship to fully participate in the democratic political process.

I believe that the First Amendment's prohibition against the establishment of an official religion akin to the Church of England in the UK was never meant to mean that communities of faith were barred from a robust participation in all aspects of our nation's political life. America's system is weaker and less representative when important voices are excluded from the political dimension.

Prior to 1954, pastors and religious leaders spoke freely about candidates and political issues that directly affected the interests of their congregations. The anti-slavery and abolitionist organizations and the civil rights movement are examples of church-inspired political agents of change in our society. In fact, churches played a central role in dismantling the Jim Crow laws that so egregiously violated the civil rights of African Americans. Our society would have been much worse off if historically black churches and clergy were prohibited from sermonizing or distributing materials.

The origins of current law, which this bill seeks to correct, are very instructive. In 1954, Senator Lyndon Johnson added language to pending tax legislation to prevent two nonprofit groups that opposed him in 1948 from speaking out against him in his 1954 re-election.

The vexing perception is that the IRS is empowered with sweeping powers to strip a church's tax-exempt status if clergymen express particular views on a candidate. That is clearly wrong and the framers of the Constitution would be appalled at this abuse of power. Priests, pastors, rabbis, or any religious leader should not be bullied into silence by the IRS.

LBJ's capricious and punitive tax proviso has been used in an arbitrary manner to silence political speech in America's houses of worship. The Church at Pierce Creek in Vestal, New York, for example, came under IRS' sanction when it published an ''open letter'' to then-candidate Bill Clinton in 1992. The church took issue with Mr. Clinton's stances on several compelling moral issues. Even though the church leadership cited biblical passages to buttress its argument, the IRS revoked its tax-exempt status in 1995.

The American Center for law and Justice, which represented the Church at Pierce Creek, has subsequently documented more than 500 instances where candidates had appeared before churches. Yet no enforcement action was taken in those cases perhaps suggesting a double standard. Mr. Speaker, I ask that these instances be made a part of the record.

Approximately two years ago, former President Bill Clinton stood in the pulpit of the Alfred Street Baptist Church in Alexandria, Virginia—just a few miles from this building—and openly urged parishioners to vote for then-Senator Chuck Robb and Vice President Al Gore.

Mr. Speaker, why is it permissible for Bill Clinton to make partisan speeches in churches, while other church leaders are gagged if they critique Bill Clinton?

In a national poll conducted this summer by The Poling Company, 84 percent of men, and 77 percent of women agreed that the First Amendment should protect religious leaders from being penalized for political speech.

I want to remind my colleagues that the separation of church and state stemmed from Americans' desire to have church and state operate independently from one another, in order to avoid the establishment of a state church. The affairs of states however often compare with, contradict or comply with the moral imperatives found in Holy Writ.

Nothing in this legislation demands that a church get involved in the political dialogue of our nation. Issues of war and peace and other important issues shouldn't be the exclusive preserve of the political elite. The Jones bill would simply allow them that opportunity should they choose to speak about those matters, without the coercive power of government putting their tax-exempt status at risk.

TABLE OF CONTENTS

	Date	Candidate	Church	Activity
1.	9/11/94	Sue V. Mills (P.G. County, Exec.)	Nat'l Church of God, Fort Washington, MD	Addressed church members from the pulpit.
2.	10/9/94	George Pataki (NY Gub. Cand.)	Abyssinian Baptist, Harlem, NY	Addressed church members from the pulpit.
3.	10/9/94	Carl McCall (NY State Comptroller)	Abyssinian Baptist, Harlem, NY	Addressed church members from the pulpit.
4.	9/8/94	Ron Simms (U.S. Senate candidate)	First A.M.E. Church, Seattle, WA	Breakfast Forum, Debate.
5.	9/8/94	Scott Hardman (U.S. Senate candidate)	First A.M.E. Church, Seattle, WA	Breakfast Forum, Debate.
6.	9/8/94	Mike James (U.S. Senate candidate)	First A.M.E. Church, Seattle, WA	Breakfast Forum, Debate.
7.	9/8/94	Jesse Wineberry (U.S. Senate candidate)	First A.M.E. Church, Seattle, WA	Breakfast Forum, Debate.
8.	10/10/94	All Candidates for City Council	Bethlehem Missionary Baptist Church, Memphis, TN	Meeting/Forum at church open to public.
9.	5/24/92	Gov. Clinton (Pres. Cand.)	Greater Paradise Miss., Baptist Church	Addressed parishioners & ''campaigning''.
10.	3/13/92	Gov. Clinton (Pres. Cand.)	Pleasant Grove Baptist Church, Chicago, IL	Addressed parishioners from pulpit.
11.	10/12/94	School Board Candidates	Oak Falls Church, Sacramento, CA	Candidates forum.
12.	9/30/94	All Candidates (600)	Calvary Chapel, Costa Mesa, Ca	Candidates results distributed to more than 50,000 people.
13.	11/22/92	Pres. Clinton (President)	St. Theresa's Catholic Church, Little Rock, AR	Jesse Jackson endorsed Bill Clinton from the pulpit.
14.	3/29/88	Jesse Jackson (Pres. Cand.)	Unknown, Flint, MI	Addressed the parishioners.
15.	7/2/88	George Bush (Pres. Cand.)	Greek Orthodox Ch., Mass	Church dinner.
16–515.	1/31/88	Jesse Jackson (Pres. Cand.)	St. Joseph's Cath. Ch., West Liberty IA Fellowship Missionary Baptist Church, Chicago, & 498 others	Collection for Jackson from all 500 churches.
516–518.	11/22/92	Wyche Fowler (U.S. Senate run-off Cand.)	3 Black Churches, Savannah, GA	Gore spoke to 3 churches supporting people voting (Fowler ''got help from'' Gore's efforts).
519.	2/8/88	J. Jackson	Lutheran Church, Clinton, IA	Jackson ''opposed'' there.
520.	2/25/92	B. Clinton	A.M.E. Church, Memphis, TN	Clinton gave a speech to delegates to the church reception.
521.	4/26/87	Gary Hart (Pres. Cand.)	Antioch Baptist Ch., Atlanta, GA	Hart took the pulpit to deliver combination ''stump'' speech & sermon.
522.	1/20/93	Clinton/Gore	A Small Meth.-Epis. Ch, Washington, DC	Official inaugural church ceremony.
523.	1/93 (preinaug.)	Clinton/Gore	First Baptist Church, Washington, DC	Private, preinaug. gathering for supporters.
524.	1/16/94	Clinton	Temple of the Church of God in Christ, Memphis, TN	Delivered a speech from the pulpit.
525.	3/8/92	Clinton	Lyons Unity Church, Houston, TX	After speech, he received congrats. from church members.
526.	8/14/94	Clinton	Full Gospel A.M.E. Zion Church, Temple Hills, MD	Speaking from the pulpit, delivered a political speech.
527.	1/27/92	Tom Harkin (Pres. Cand.)	Heritage United Church of Christ, Baltimore, MD	Delivered speech in church.
528.	9/25/94	Mario Cuomo	Bethel A.M.E. Church, Harlem, NY	Delivered praises to Clinton from pulpit.
529.	9/25/94	Cuomo	Bethel A.M.E. Church, Harlem, NY	Clinton endorsed Cuomo & told parishioners to support him.
530.	4/5/92	Clinton	Bridge Street, A.M.E., Harlem, NY	Courted black voters w/a speech to parishioners.
531.	5/10/92	Clinton	Unknown, S.F., CA	Speeches at a church.
532.	5/10/92	Clinton	Unknown, S.F., CA	Speeches at a church.
533.	8/14/90	Marion Barry, (D.C. Mayoral Cand.)	Israel Baptist Ch., Washington, D.C	Attendance & a ''victory dance''.
534.	8/19/88	Dukakis, (Pres. Cand.)	Sixth Ave. Bap. Ch., Birmingham, AL	Spoke to a black church.
535.	11/8/86	Marion Barry	NY Ave. Presby, Ch., Washington, D.C	Jesse Jackson endorsed Marion Barry.
536.	1/15/89	Jesse Jackson	Unknown, Harlem, NY	Speech at a church.
537.	3/4/88	Jesse Jackson	Westside Baptist Ch., St. Louis, MO	His son delivered speech for him at the church.
538.	11/6/88	Dukakis/Bentsen	Macedonia Miss. Bapt. Church, Flint, MI	Endorsement by Jesse Jackson from pulpit.
539.	3/18/88	Jesse Jackson	Chapel Hill Bapt. Ch., Detroit, MI	Addressed the church's ''rally''.
540.	1/15/90	Mayor Maynard Jackson	Ebenezer Baptist Ch., Atlanta, GA	Delivered speech at an ecumenical service.
541.	1/15/90	Mayor David Dinkins	Unknown, New York, NY	Gave a speech at a church.
542.	4/10/88	Jesse Jackson	Abyssinian Bap. Ch., New York, NY	Delivered speech to the church parishioners demeaning two other candidates.

TABLE OF CONTENTS—Continued

	Date	Candidate	Church	Activity
543.	4/16/84	Jesse Jackson	Second Bapt. Ch., Columbia, MD	Speech.
544.	8/21/92	Clinton/Gore	Olivet Instit. Bap. Chur., Cleveland, OH	Speeches at a rally.
545.	10/26/92	Gore	Black Church, Atlanta, GA	Speech to parishioners.
546.	10/26/92	Gore	Black Church, Atlanta, GA	Speech to parishioners.
547.	1/10/93	Clinton	Immanuel Bapt. Ch., Little Rock, AR	Speech (took to the podium bade farewell).
548.	9/10/94	Kathleen Brown (CA Gubernt, Race)	1st Church of God in Christ, Los Angeles, CA	Attending.
549.	9/10/94	Kathleen Brown (CA Gubernt. Race)	Bethel A.M.E. Ch., Los Angeles, CA	Attending.
550.	9/10/94	Kathleen Brown (CA Gubernt. Race)	Mount Tabor Miss. Baptist Church, Los Angeles, CA	Attending.
551.	9/10/94	Kathleen Brown (CA Gubernt. Race)	1st A.M.E. Church, Los Angeles, CA	Attending.
552.	9/10/94	Kathleen Brown (CA Gubernt. Race)	West Angeles Ch. of God, Los Angeles, CA	Attending.
553.	9/3/94	Ken Connor (FL Gub. Cand.)	Coral Ridge Presby., Ft. Lauderdale, FL	Attending.
554.	3/1/92	George Bush	1st Baptist Church, Atlanta, GA	Attending.
555.	4/9/90	Ann Richards	Various churches, Dallas, TX	Visited.
556.	4/9/90	Jim Mattox	Various churches	Visited.
557.	10/23/94	Charles Robb	Trinity Baptist Church, Richmond, VA	Speech to parishioners from pulpit.
558.	10/23/94	Charles Robb	Trinity Baptist Church, Richmond, VA	Wilder endorsed Robb from pulpit.
559.	10/23/94	Oliver North	Cedar St. Baptist Church, Virginia	Introduced by minister, gave brief remarks (not political).
560.	10/18/94	Phil Bredesen (TN Gub. Cand.)	Greater Second Baptist Ch., Chattanooga, TN	Addressed TN Baptist Missionary and Education Convention.
561.	3/8/94	Clinton	Southern Churches	Courted black votes.
562.	3/8/94	Tsongas	Southern Churches	Courted black votes.

Mr. CLEMENT. Mr. Speaker, I want to express my strong support for this legislation and to thank my colleague Representative WALTER JONES for his leadership on this important issue. Passage of H.R. 2537, the Houses of Worship Political Speech Protection Act is vital to ensure that churches and synagogues are free to speak out on the many moral and political issues affecting our nation.

For the first 178 years in our nation's history, America's religious leaders had the right to speak their conscience on issues of politics and morality. Then, in 1954, an amendment was added to a revenue bill that extended the reach of the Internal Revenue Service into our nation's houses of worship. That amendment has had the effect of restricting freedom of speech, by threatening to revoke the tax-exempt status of any house of worship whose ministers speak out on moral and political concerns.

Since that time, the IRS has used the church tax exemption to discourage members of the clergy from communicating even the fundamental principles of their faith in anyway that might be viewed as ''partisan political issues'' during an election period. And the scope of the ban goes well beyond a prohibition on active political campaigning. The restrictions bans all forms of political expression, which has prompted some churches to avoid distributing voter guides and from taking positions on issues that are debated in political campaigns.

Mr. Speaker, this prohibition on free speech has limited the ability of houses of worship to exercise their freedom of speech, as guaranteed under our Constitution. It burdens the free exercise of religion by telling houses of worship how they can and cannot practice their religion. And the ban has been enforced in a way that prevents religious leaders from speaking on religious issues that are also political, for fear that such speech might be viewed as support for a candidate or party. Any member of the clergy, for example, who takes a position against defense spending or abortion during a campaign season may have their speech and tax-exempt status scrutinized by the IRS. That is simply not right—not in America.

I strongly support this bill because I believe churches and synagogues have a right, based on the First Amendment, to speak about issues they believes are important to our nation. Additionally, I do not think churches should be scrutinized by the IRS for freely expressing political views—a form of speech that is protected in every other venue. Quite simply, our houses of worship should be places free from government control.

Finally, I want to point out that this is not a partisan issue. I am proud to work with my colleagues—Democrats and Republicans alike—to pass this important legislation. I urge my colleagues to help restore freedom of speech to churches, synagogues and other houses of worship by voting yes on this critical legislation.

Mr. STARK. Mr. Speaker, I rise today in opposition to H.R. 2357, the Houses of Worship Political Speech Protection Act.

This bill is an assault on the Constitution's fundamental separation between church and state. It was crafted with the single purpose of giving right-wing religious groups—like the Christian Coalition—a special advantage in the political process. It would allow them to promote their narrow political agenda while exploiting the tax-exempt status traditionally reserved for non-partisan religious and charitable organizations.

Various types of organizations are allowed to be tax exempt because they do not engage in or sponsor partisan political activity. This bill would grant religious organizations a special right to maintain that tax-exempt status while freely engaging in partisan politics.

Supporters of H.R. 2357 have cloaked the real intent of the bill in the blatant falsehood that religious leaders cannot speak on moral and political issues. This right is freely exercised and clearly protected by the Constitution.

In addition to speaking freely from the pulpit, members of the clergy can endorse partisan candidates, publicly express their opinion on political issues, and contribute their time and money to any political campaign they choose. Under their current tax-exempt status, religious organizations are allowed to work in a non-partisan capacity to register voters, provide voter education, and encourage people to go to the polls on Election Day.

A wide array of religious leaders have spoken out in opposition to this bill because they don't want the integrity of their institutions undermined by partisan politics. This bill puts partisanship ahead of piety in the nation's churches, synagogues, and mosques. It allows religious institutions to endorse political candidates, broadcast issue ads, conduct voter mobilization, and engage in political fundraising.

This would blow a gaping hole through the landmark campaign finance reform law enacted this year. In allowing tax-exempt and tax-deductible money to be given for political purposes, churches would now be allowed to launder soft-money contributions. Many churches—those that are not incorporated—would be exempt from campaign finance laws altogether.

I urge my colleagues to vote no on this cynical scheme to breach the separation of church and state and give special interests a blank check to undermine our democracy. Vote no on H.R. 2357.

PARLIAMENTARY INQUIRY

Mr. EDWARDS. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore (Mr. REHBERG). The gentleman will state it.

Mr. EDWARDS. Mr. Speaker, in the spirit of honest discussion on an issue that was so important that Mr. Madison and Mr. Jefferson debated it for 10 years in the Virginia Legislature, I am wondering if it would be within the rules of the House for me to now ask for unanimous consent to have 3 minutes of discussion with the author of the bill so I can clarify what the direct impact of this bill would be. If I do have that parliamentary right, I would like to make that unanimous-consent request.

The SPEAKER pro tempore. By unanimous consent, there would have to be 3 minutes equally divided.

Mr. EDWARDS. That would be fine.

Mr. JONES of North Carolina. Mr. Speaker, I object to that for this reason. I respect the man, and this just continues this debate. Obviously I would have liked to have been here earlier this afternoon. I was hoping we would be here earlier. But at 11:15 at night, I think I know your position, which I respect, and you know my position, so I object.

The SPEAKER pro tempore. Objection is heard.

The question is on the motion offered by the gentleman from California (Mr. HERGER) that the House suspend the rules and pass the bill, H.R. 2357.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. LEWIS of Georgia. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. HERGER. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and to include extraneous material on the subject of H.R. 2357.

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

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. ROS-LEHTINEN) is recognized for 5 minutes.

(Ms. ROS-LEHTINEN addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

IS WAR THE ANSWER?

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, as so many of my colleagues, I went home this weekend and talked to our constituents about the very serious and all-important subject of war, and I thought that I would put some of this on the record tonight, because my constituents are asking me, is war the answer? Is war the answer to meet the terrorist threat? Who is really the enemy, and what are the roots of the terrorism that America faces?

I found a great ambivalence among the people, wanting to say, ''Well, we want to be united even though we do not understand the cause. We want to stand with the President. We may not agree with what is being done, but if we stand united, then we will win whatever we go into because we remember Vietnam, and the reason we lost in Vietnam is we were not united, and so this time united we stand.''

I just wanted to say to those who may not have lived during the Vietnam period, America did not lose in Vietnam because she was not united. America did not carry the day because there was no way any Western power could have carried the day in a country that was undergoing regime change, fundamental, a fight we never should have been into in the first place, and we asked the impossible.

□ 2320

So we think about what is happening with the terrorist situation and some of the breeding grounds for those who hate the West in the Middle East and Central Asia, and it is important to ask ourselves whether war will solve the problem; will solve the problem of growing terrorism; will solve the problem of hatred expressed against the United States and other Western countries and installations.

I have done quite a bit of research, and I want to put on the RECORD tonight what I call a terrorism chart that covers the entirety of the 20th century and goes back actually to 1902 and to how the original countries in the Middle East and Central Asia were formed. But it reminds us also, it takes us through the Suez crisis back in 1956; and then when I came of political age, the assassination of Robert Kennedy as a Democratic candidate for President by a Jordanian Arab national who felt he had lost his homeland in east Jerusalem. And still remaining, the Israeli-Palestinian conflict that remains unsolved and remains a lightning rod and source of discontent in that region of the world. Then, in 1968, the beginning of mass terrorism. One can go through 1979; we probably remember the Iranian hostage-takers, held 52 Americans for 444 days.

The point I wish to make is, with all of the turmoil, all of the assassinations, and the growing level of violence, did the Persian Gulf War really solve the growing level of terrorism and violence we see? Did the wars of the Middle East and Central Asia solve the terrorism that we now see springing up all the way from Malaysia to central and East Africa?

I think it is important for us to understand the roots of the terrorism that have resulted in the loss now last year of 3,025 additional lives here in our country. So I wish to place on the RECORD this summary. It also exists on our Web site.

Mr. Speaker, I wanted to quote from a very, very prescient author, Robin Wright, ''Sacred Rage,'' written back during the 1980s and recently updated from the first chapter where she talks about the crusade, that, indeed, the challenge of terrorism is really the challenge of meeting a different point of view arising globally from many sources. She quotes the former Lebanese Prime Minister, Saeb Salam, who said, ''The growth of Islamic fundamentalism is an earthquake.''

I can remember being elected in 1982, coming here in 1983, in the fall; and we saw the U.S. marine command center at Beirut's International Airport devastated by two car bombs and we lost 240 Marines, and Navy personnel dead. I can remember at that time becoming brutally aware of a changing world and the shifting sands of the politics of that region of the world.

In Robin Wright's book she talks about a wall in our State Department where if you walked in the door at that time, two greenish-black stone plaques listed in gold letters the names and dates of diplomats of the United States killed in the line of duty since the founding of our Republic. Over that period, from 1780 to 1967, over 187 years, we had lost 143 U.S. diplomats killed in the line of duty. But the second plaque that sits at the State Department was filled in equal number in almost 18 years. And, if one looks at the pace of terrorist attacks against the West, one sees that the pace is increasing in spite of wars, in spite of additional military actions. So one has to ask ourselves whether more wars lead to less terrorism or more terrorism, and whether war is really the answer to give at the root of what the problem is.

I commend this book, ''Sacred Rage,'' to those who are listening among our colleagues here and only end with one of the sentences in the book that points out some of the mistakes, particularly by the West, that have only provoked the Muslim fundamentalists rather than cope realistically with what they represent: ''The stakes have never been so high, the potential for misunderstanding and further violence never so great.''

Mr. Speaker, war may not be the answer to solving the terrorist threat.

THE NATIONAL PARK SYSTEM

The SPEAKER pro tempore (Mr. REHBERG). Under a previous order of the House, the gentleman from Indiana (Mr. SOUDER) is recognized for 5 minutes.

Mr. SOUDER. Mr. Speaker, we have many, many difficult and complex issues that we each face every day. We just heard from the gentlewoman from Ohio (Ms. KAPTUR), my friend and colleague, about war. Most of us spend probably the majority of our time, or at least the largest percentage of our time, dealing with economic growth and recovery, jobs, and what we need to do to help attract or keep companies in our district, and the regulatory issues, and many other things. We also work regularly on other issues that come up. For example, I am chairing a hearing Thursday on the West Nile virus which has particularly hit my hometown hard. We just had an hour debate on moral issues.

But in addition to these kinds of issues, we deal inside the Federal budget with an incredible array of issues. I would like to address one tonight that is in danger of being overlooked as we address the big issues that are in front of Congress.

Former President Theodore Roosevelt once said: ''Nothing short of defending this country during wartime,'' which is now, ''compares in importance with the great task of leaving this land a better land for our descendants than it is for us.''

His legacy was the National Park system. I want to talk a little bit about the financial pressures on our National Park system. This legacy is important. It is not just what we are doing today with the different pieces of legislation, but what are we going to leave for future generations; what are they going to remember America by; are they going to have the natural and cultural beauty.

The Park Service manages 385 sites; has more than 83 million acres of land

to manage; habitat for 168 threatened and endangered species; more than 80 million museum artifacts, some of the greatest collections of museum artifacts than other museums combined, for the most part; 1.5 million archeological sites; and 26,000 historic structures.

Now, the problem that we have is that we have a shortfall of $600 million just to keep the maintenance backlog covered, which amounts to 32 percent of what the Park Service needs to fulfill its mission, and we are falling more and more deeply behind. What I wanted to address in addition to the very specific thing that a number of us have requested is that the conference committee, and the gentleman from Georgia (Mr. LEWIS), who just a little bit ago and I were debating on another matter have cosponsored legislation or efforts to raise the National Parks funding to $280 million. We were successful in getting an additional $118.5 million, working with the gentleman from New Mexico (Mr. SKEEN) and the gentleman from Washington (Mr. DICKS), the chairman and ranking member. And the wonderful people on the Interior Committee on Appropriations actually boosted the park funding over the President's request. However, the Senate bill is much less, and we need to make sure we hold that House position.

Let me give an illustration of why this is so important. Earlier this month, this House passed these boundary adjustments for the Pemberton's headquarters in Vicksburg National Military Park, the George Washington Birthplace National Monument, the Santa Monica Mountains National Recreation area, the Golden Gate Recreation Area boundary adjustment, and the Allegheny Portage, Pennsylvania Railroad National Historical Park.

We also did land acquisition at the Salt Lake City Museum of Natural History, Salt River Bay St. Croix, Virgin Islands and Timpanogos Cave National Monument, Grand Teton land exchange, James V. Hansen Shoshone National Trail, the Mcloughlin House Preservation and the William Jefferson Clinton Birthplace.

We also passed in this House a study for feasibility and inclusion of the Miami Circle site, a very expensive site, by the way, in the city of Miami, but worthwhile; Gateway Communities Cooperation, Mount Nebo Wilderness Boundary, and Bainbridge Island Japanese American Memorial.

We also voted to establish Victims of Terrorist Attacks Memorial in Washington, D.C. We also asked for more funding for Historically Black Colleges and Universities; historic preservation, which could be as high as $120 million from 2003 to 2007; and we passed the Vancouver, Washington National Historic Reserve Development costs from 5 million to $25 million.

Tonight, alone, on Monday night we passed the Cedar Creek Battlefield and Belle Grove Plantation National Historical Park Act. We passed the Spirit Lake and Twin Lakes Land Adjustment Act. We passed the Red Rock Canyon National Conservation Area Protection Enhancement Act of 2002. We passed tonight the Southern Campaign of the Revolution Heritage Area Study Act. We passed tonight the Andersonville National Historic Site Boundary Adjustment Act.

□ 2330

We also have passed the Civil War Battlefield Preservation Act to preserve Civil War battlefields.

These are all worthy projects, but how can we stand here and pass bill after bill after bill after bill after bill to go into the National Park Service, and then say we have no more money, when we have a backlog of $600 million? There has to be some sort of accountability within this Congress.

I supported these bills. I was here tonight and let them go through on unanimous consent. But then I have an obligation to say we are going to fund these efforts, because otherwise we are pulling the wool over the Americans' eyes. We cannot keep saying that we are going to do this new park, this new park, this new heritage area, we are going to maintain Glacier and Yellowstone National Parks, we are going to make sure the campgrounds are up to snuff, we are going to make sure there are decent roads, we are going to make sure the resources are protected, and then not do the funding.

We need to make sure we hold the House funding level. It is a critical part of our national heritage.

The SPEAKER pro tempore (Mr. REHBERG). Under a previous order of the House, the gentleman from Texas (Mr. GREEN) is recognized for 5 minutes.

(Mr. GREEN of Texas addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. DREIER) is recognized for 5 minutes.

(Mr. DREIER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. MILLENDER-MCDONALD) is recognized for 5 minutes.

(Ms. MILLENDER-MCDONALD addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. FILNER) is recognized for 5 minutes.

(Mr. FILNER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

Mr. BROWN of Ohio addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from the District of Columbia (Ms. NORTON) is recognized for 5 minutes.

(Ms. NORTON addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) is recognized for 5 minutes.

(Ms. EDDIE BERNICE JOHNSON of Texas addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. ETHERIDGE) is recognized for 5 minutes.

(Mr. ETHERIDGE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. MALONEY) is recognized for 5 minutes.

(Mrs. MALONEY of New York addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

(Mr. DEFAZIO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. ROYBAL-ALLARD) is recognized for 5 minutes.

(Ms. ROYBAL-ALLARD addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. HONDA) is recognized for 5 minutes.

(Mr. HONDA addressed the House. His remarks will appear hereafter in the Extensions of Remarks).

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PAYNE) is recognized for 5 minutes.

(Mr. PAYNE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Mrs. DAVIS) is recognized for 5 minutes.

(Ms. DAVIS of California addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Illinois (Ms. SCHAKOWSKY) is recognized for 5 minutes.

(Ms. SCHAKOWSKY addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Guam (Mr. UNDERWOOD) is recognized for 5 minutes.

(Mr. UNDERWOOD addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Ms. SLAUGHTER) is recognized for 5 minutes.

(Ms. SLAUGHTER addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. SAWYER) is recognized for 5 minutes.

(Mr. SAWYER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. SHERMAN) is recognized for 5 minutes.

(Mr. SHERMAN addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. LOFGREN) is recognized for 5 minutes.

(Ms. LOFGREN addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. LEE) is recognized for 5 minutes.

(Ms. LEE addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Mrs. NAPOLITANO) is recognized for 5 minutes.

(Mrs. NAPOLITANO addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WATSON) is recognized for 5 minutes.

(Ms. WATSON addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) is recognized for 5 minutes.

(Mrs. CHRISTENSEN addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. FARR) is recognized for 5 minutes.

(Mr. FARR of California addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. SPRATT) is recognized for 5 minutes.

(Mr. SPRATT addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. OBEY) is recognized for 5 minutes.

(Mr. OBEY addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. SOLIS) is recognized for 5 minutes.

(Ms. SOLIS addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

(Ms. WOOLSEY addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

(Ms. JACKSON-LEE of Texas addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. OWENS) is recognized for 5 minutes.

(Mr. OWENS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from American Samoa (Mr. FALEOMAVAEGA) is recognized for 5 minutes.

(Mr. FALEOMAVAEGA addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

BUDGET

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from Texas (Mr. SANDLIN) is recognized for half the time before midnight as the designee of the minority leader.

Mr. SANDLIN. Mr. Speaker, I think it is important that we ask ourselves: What are we doing here today? What have we been doing recently?

During the day we waste our time on mostly ridiculous nonbinding resolutions while major economic issues are needed to be addressed. Where is the debate on Social Security? What are we doing about economics? What about our education reform? Where is some real pension reform legislation? What about a real prescription drug plan for this country? What about health care, Medicare? What about these issues? What are we doing; and importantly, where are we on the budget?

Mr. Speaker, today, as we stand here today, it marks the first day of the fiscal new year. As Alan Jackson, a country western singer, says, Who says you can't have it all? Well, apparently not our friends on the other side of the aisle. While most New Years are a cause for celebration, this particular fiscal new year is anything but joyous and provides us with a very sober opportunity to examine the sorry state of our country's fiscal health: $6.15 trillion in debt, $1 billion a day interest payments, increasing obligations, decreasing investments, and broken promises.

The Blue Dog Coalition has worked hard to sustain the Federal budget surpluses that our country has enjoyed for the last several years. Make no mistake about it, we have huge deficits, we have huge debts. Those deficits are growing day by day. Right now, as our friend Chris Farley would say, we do not have Jack squat.

The deteriorating state of our Nation's fiscal situation is well known to Members of the Congress and to the public, though it is worth recalling exactly how drastically our budget surpluses have turned into budget deficits.

Just last year, in 2001, the CBO projected that the Federal Government would run a 10-year budget surplus of $3.4 trillion, excluding the Social Security surplus. The CBO now predicts that the government will run a 10-year budget deficit of $1.5 trillion, a staggering reversal of approximately $5 trillion.

Further, the CBO estimates that the Federal Government will run a unified deficit of $157 billion in fiscal year 2002. When the Social Security surplus is excluded, however, the CBO projects a deficit of $314 billion. For the current

fiscal year, which starts today, the CBO estimates a unified budget deficit of $145 billion and a deficit of $315 billion when the Social Security surplus is excluded.

Now, while Members of both parties argue over the specific reasons for the shift from surpluses to deficits, the fact remains that the Federal budget is now in the red and will remain in the red for the foreseeable future. Further, though our country's anticipated effort to disarm Saddam Hussein's weapons of mass destruction is necessary, any future action in Iraq will increase Federal spending and almost certainly expand deficits in the near future.

In light of our current and anticipated deficits, the Blue Dogs believe that the Congress must take several vitally important steps to return our Federal budget to fiscal health and fiscal responsibility.

For starters, the other body needs to extend the pay-go provision of the Budget Enforcement Act, which expired just yesterday. Our country is in real danger of suffering from a budget hangover in the aftermath of this fiscal new year. As we all know, pay-go restrains the natural tendencies of Congress to overspending by renewing enforceable spending limits. As called for in the Blue Dogs' ABC budget plan, Congress can take the necessary first step towards reestablishing balanced budgets and possibly budget surpluses.

As Federal Reserve Chairman Alan Greenspan noted recently in his September 12 testimony before the Committee on the Budget, ''The pay-go rules served as useful tools to control the deficits. In essence, the rules provided a means for advancing the broader good of sound fiscal policy over narrower interests.''

Chairman Greenspan went on to assert that ''now is not the time to abandon the discipline and structure that worked so well for so long. The framework enacted in the Budget Enforcement Act of 1990 and extended several times must be preserved.''

But the pay-go rules to which Congress has adhered for the past decade are not an end to themselves. They serve only as a means to very important ends. The people of east Texas in my district have felt the negative impact of the national economic downturn, and seniors in my district need assurances that Congress will not end up raiding the Social Security fund to make up for budget shortfalls.

During 2001, Congress and the President promised to secure the Social Security Trust Fund surplus in a so-called lockbox. The Democrats proposed a true lockbox. The Republican lockbox had a trap door and is nothing more than a figment of their collective imagination. Our country's anticipated budget deficits will siphon money out of the Social Security Trust Fund for years and years and years and years to come.

Last year a number of Blue Dogs, including myself, introduced the Restore Fiscal Discipline and Safeguard Social Security Act. This legislation, which would require Congress and the President to have a midyear review if the CBO projects ongoing deficits during its annual budget reestimates in August, is an important step toward ensuring the continued existence of the Social Security Trust Fund.

Unfortunately, the Blue Dogs' efforts to offer this measure on the House floor were repeatedly denied by the Republican House leadership. Budget deficits have consequences and are financed by sacrificing national priorities like Social Security and Medicare.

The Federal Government is projected to borrow nearly all of the Social Security surpluses to pay for the deficits in the remainder of the budget. We are scheduled to borrow nearly all of it, $964 billion over the next 5 years, and more than $2 trillion over the next 10 years.

Mr. Speaker, deficit spending to compensate for a downturn in the economy and a war in Iraq should not jeopardize the retirement security of our Nation's seniors, who in most cases have contributed to the Social Security system for all of their working lives.

In addition to preserving Social Security for current and future generations, the Blue Dogs continue to work for fiscal discipline in an effort to lower long-term interest rates. Congress has a significant role to play in keeping the growth of long-term interest rates in check through the enforcement of fiscal discipline.

□ 2340

According to Alan Greenspan in his testimony, ''If you watch the way markets behave, long-term interest rates, both real and nominal, are affected in a significant manner by the long-term fiscal outlook, and when you change the long-term fiscal outlook or, more exactly, when the markets perceive a change in the long-term fiscal outlook, interest rates react immediately.''

Lower interest rates represent a de facto tax cut for millions of American families and serve as an effective economic stimulus as families and individuals save money on their mortgages, save money on their car loans, save money on their credit cards payments, save money on all consumer debt. It is the best tax cut of all for American families.

The Blue Dogs remain committed to strong economic growth which does not represent party labels and it benefits all Americans. Fiscal responsibility includes transparent budgeting, paying down the debt, balancing the budget, and keeping our commitment to respect our seniors and invest in the children of America.

Let us give the budget debate the time it deserves. Let us do it now. Let us stay here hour to hour, day to day, week to week and, yes, month to month until the important work of the people is complete.

We need a prescription drug plan. We need legislation to protect pensions and to jail corporate thieves. We need a true Patients' Bill of Rights. We need to protect Social Security from privatization. To address these needs we need a firm financial foundation.

Mr. Speaker, to address these needs we need a fiscally responsible budget. Let us do it. Let us do it now. Let us take the time to do the people's work.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BECERRA (at the request of Mr. GEPHARDT) for today on account of personal reasons.

Mr. HASTINGS of Florida (at the request of Mr. GEPHARDT) for today and the balance of the week on account of official business.

Ms. MCKINNEY (at the request of Mr. GEPHARDT) for today on account of a family emergency.

Mr. MASCARA (at the request of Mr. GEPHARDT) for today on account of illness in the family.

Mr. MENENDEZ (at the request of Mr. GEPHARDT) for today on account of a death in the family.

Mr. TANNER (at the request of Mr. GEPHARDT) for today and October 2 on account of a death in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. SANDLIN) to revise and extend their remarks and include extraneous material:)

Ms. KAPTUR, for 5 minutes, today.

Mr. GREEN of Texas, for 5 minutes, today.

Ms. MILLENDER-MCDONALD, for 5 minutes, today.

Mr. FILNER, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Ms. EDDIE BERNICE JOHNSON of Texas, for 5 minutes, today.

Mr. ETHERIDGE, for 5 minutes, today.

Mrs. MALONEY of New York, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. ROYBAL-ALLARD, for 5 minutes, today.

Mr. HONDA, for 5 minutes, today.

Mr. PAYNE, for 5 minutes, today.

Mrs. DAVIS of California, for 5 minutes, today.

Ms. SCHAKOWSKY, for 5 minutes, today.

Mr. UNDERWOOD, for 5 minutes, today.

Ms. SLAUGHTER, for 5 minutes, today.

Mr. SAWYER, for 5 minutes, today.

Mr. SHERMAN, for 5 minutes, today.

Ms. LOFGREN, for 5 minutes, today.

Ms. LEE, for 5 minutes, today.

Mrs. NAPOLITANO, for 5 minutes, today.

Ms. WATSON of California, for 5 minutes, today.

Mrs. CHRISTENSEN, for 5 minutes, today.

Mr. FARR of California, for 5 minutes, today.

Mr. SPRATT, for 5 minutes, today.

Mr. OBEY, for 5 minutes, today.

Ms. SOLIS, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Mr. OWENS, for 5 minutes, today.

Mr. FALEOMAVAEGA, for 5 minutes, today.

(The following Members (at the request of Mr. SOUDER) to revise and extend their remarks and include extraneous material:)

Ms. ROS-LEHTINEN, for 5 minutes, today, October 2 and 3.

Mr. PAUL, for 5 minutes, October 2 and 3.

Mr. GUTKNECHT, for 5 minutes, October 2.

Mr. KENNEDY of Minnesota, for 5 minutes, October 2.

Mr. SOUDER, for 5 minutes, today.

Mr. PENCE, for 5 minutes, October 2.

Mr. DREIER, for 5 minutes, today and October 2.

BILL PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House reports that on September 30, 2002 he presented to the President of the United States, for his approval, the following bill.

H.R. 1646. To authorize appropriations for the Department of State for fiscal year 2003, to authorize appropriations under the Arms Export Control Act and the Foreign Assistance Act of 1961 for security assistance for fiscal year 2003, and for other purposes.

ADJOURNMENT

Mr. SANDLIN. Mr. Speaker, pursuant to House Resolution 566, I move the House do now adjourn in memory of the late Hon. PATSY T. MINK.

The motion was agreed to; accordingly (at 11 o'clock and 43 minutes p.m.), pursuant to House Resolution 566, the House adjourned until tomorrow, Wednesday, October 2, 2002, at 10 a.m. in memory of the late Hon. PATSY T. MINK.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

9437. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Establishment of Minimum Quality and Handling Standards for Domestic and Imported Peanuts Marketed in the United States and Termination of the Peanut Marketing Agreement and Associated Rules and Regulations [Docket No. FV02-996-1 IFR] received September 26, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9438. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Oranges, Grapefruit, Tangerines, and Tangelos Grown in Florida; Limiting the Volume of Small Red Seedless Grapefruit [Docket No. FV02-905-5 IFR] received September 26, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9439. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Vidalia Onions Grown in Georgia; Revision of Reporting and Assessment Requirements [Docket No. FV02-955-1 FIR] received September 26, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9440. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Nectarines Grown in California; Decreased Assessment Rate [Docket No. FV02-916-2 FIR] received September 26, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9441. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Sucrose Octanoate Esters; Exemption from the Requirement of a Tolerance [OPP-2002-0016; FRL-7199-1] received September 24, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9442. A letter from the Principal Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Pseudozyma flocculosa strain PF-A22 UL; Exemption from the Requirement of a Tolerance [OPP-2002-0233; FRL-7198-8] received September 24, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9443. A letter from the Comptroller General, General Accounting Office, transmitting a report of deferrals of budget authority for information technology and business management systems that should have been, but were not, reported to the Congress by the President, pursuant to 2 U.S.C. 685; (H. Doc. No. 107—269); to the Committee on Appropriations and ordered to be printed.

9444. A letter from the Comptroller, Department of Defense, transmitting the Department's letter certifying that the current Future Years Defense Program fully funds the support costs associated with the UH-60/MH-60 multiyear program; to the Committee on Armed Services.

9445. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule — Final Flood Elevation Determinations — received September 27, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

9446. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule — Changes in Flood Elevation Determinations [Docket No. FEMA-D-7527] received September 27, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

9447. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule — Changes in Flood Elevation Determinations — received September 27, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

9448. A letter from the Director, Cooperative and State Programs, Department of Labor, transmitting the Department's final rule — Changes to State Plans: Revision of Process for Submission, Review and Approval of State Plan Changes [Docket No. T-035] (RIN: 1218-AB91) received September 25, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

9449. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule — State Children's Health Insurance Program; Eligibility for Prenatal Care and Other Health Services for Unborn Children [CMS-2127-F] (RIN: 0938-AL37) received September 27, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9450. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — OMB Approvals Under the Paperwork Reduction Act; Technical Amendment [FRL-7381-4] received September 24, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9451. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — State Implementation Plan Revisions for Ozone (1-Hour Standard), California —— San Joaquin Valley [CA-084-FON; FRL-7387-9] received September 26, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9452. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of State Implementation Plans; Ohio [OH153-1a; FRL-7386-9] received September 26, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9453. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Louisiana; Baton Rouge Nonattainment Area; Ozone; 1-Hour Ozone Attainment Demonstration; Attainment Date Extension, and Withdrawal of Nonattainment Determination and Reclassification [FRL-7387-5] received September 26, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9454. A letter from the Principal Deputy Associate Administrator, Envrionmental Protection Agency, transmitting the Agency's final rule — Revocation of Significant New Uses of Certain Chemical Substances [OPPT-2002-0030; FRL-7186-9] (RIN: 2070-AB27) received September 24, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9455. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Industry Codes and Standards; Amended Requirements (RIN: 3150-AG61) received September 26, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9456. A letter from the Director, International Cooperation, Department of Defense, transmitting a copy of Transmittal No. 28-02 which informs of our intent to sign an Amendment to the Memorandum of Understanding (MOU) between the United States, the United Kingdom, Canada, Denmark, The Netherlands, Norway, Italy, Turkey and Australia concerning the Cooperative Framework for the System Development and Demonstration (SDD) Phase of the Joint Strike Fighter (JSF) Program and the Australian Supplement between the United States and Australia, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

9457. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification for FY 2003 that no United Nations organization or United Nations affiliated agency grants and official status, accreditation, or recognition to any organization which promotes, condones, or seeks the legalization of pedophilia, or which includes as a subsidiary or member any such organization, pursuant to Public Law 103—

236, section 565(b) (108 Stat. 845); to the Committee on International Relations.

9458. A letter from the Auditor, District of Columbia, transmitting a copy of a report entitled, ''Audit of Advisory Neighborhood Commission 2B for Fiscal Years 2000, 2001, and 2002 Through March 31, 2002,'' pursuant to D.C. Code section 47—117(d); to the Committee on Government Reform.

9459. A letter from the Comptroller General, General Accounting Office, transmitting the Month in Review: July 2002 Reports, Testimony, Correspondence, and Other Publications; to the Committee on Government Reform.

9460. A letter from the Assistant Secretary of the Interior, Bureau of Land Management, Department of the Interior, transmitting the Department's final rule — Permits for Recreation on Public Lands [WO- 250-1220-PA-24 1A] (RIN: 1004-AD25) received September 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9461. A letter from the Assistant Secretary, Land and Minerals Management, Department of the Interior, transmitting the Department's final rule — Rights-of-Way Under The Mineral Leasing Act; Timing of Approvals [WO-350-1430-PE-24-1A] (RIN: 1004-AD55) received September 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9462. A letter from the Senior Regulations Analyst, Department of Transportation, transmitting the Department's final rule — Withdrawal of Proposed Rulemaking Actions; Nondiscrimination on the Basis of Age, Charter Transportation, Notice of Terms of Contract of Carriage Part 399--Statement of General Policy, Simplified Airline Counter Sign Notices, Rules of Practice in Board Proceedings--Fees and Charges for Special Services; and Statements of General Policy, Baggage Liability Notices in International Air Transportation, Price Advertising, Procedures for Transportation Workplace Drug Testing Programs, and Transportation for Individuals with Disabilities [Docket No. OST-02-13179] (RIN: 2105-AD16) Received September 27, 2002, to the Committee on Transportation and Infrastructure.

9463. A letter from the Senior Regulations Analyst, Department ofTransportation, transmitting the Department's final rule — Procedures for Transportation Workplace Drug and Alcohol Testing Programs; Procedures for Non-Evidential Alcohol Screening Devices [Docket OST-02] (RIN: 2105-AD13) received September 27, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9464. A letter from the Deputy Assistant Administrator for Satellite and Information Services, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Call for Proposals for Research in Satellite Data Assimilation for Numerical and Climate Prediction Models [Docket No. 020821203-2203-01] (RIN: 0648-ZB24) received September 27, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

9465. A letter from the Chief, Regulations Unit, Department of the Treasury, transmitting the Department's final rule — Extension of Import Restrictions Imposed on Archaeological Material from Guatemala [T.D. 02-56] (RIN: 1515-AD17) received September 26, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9466. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Amounts received under accident and health plans (Rev. Rul. 2002-58) received September 27, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9467. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Changes in accounting periods and in methods of accounting (Rev. Proc. 2002-65) received September 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9468. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Archer MSA's (Announcement 2002-90) received September 27, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. TAUZIN: Committee on Energy and Commerce. H.R. 4014. A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the development of products for rare diseases (Rept. 107–702)). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Transportation and Infrastructure. H.R. 5083. A bill to designate the United States courthouse at South Federal Place in Santa Fe, New Mexico, as the ''Santiago E. Campos United States Courthouse'' (Rept. 107–703). Referred to the House Calendar.

Mr. YOUNG of Alaska: Committee on Transportation and Infrastructure. H.R. 5335. A bill to designate the Federal building United States courthouse located at 200 West 2nd Street in Dayton Ohio, as the ''Tony Hall Federal Building and United States Courthouse'' (Rept. 107–704). Referred to the House Calendar.

Mr. HANSEN: Committee on Resources. H.R. 4141. A bill to authorize the acquisition by exchange of lands for inclusion in the Red Rock Canyon National Conservation Area, Clark County, Nevada, and for other purposes; with an amendment (Rept. 107–705). Referred to the Committee of the Whole House on the State of the Union.

Mr. HANSEN: Committee on Resources. S. 434. An act to provide equitable compensation to the Yankton Sioux Tribe of South Dakota and the Santee Sioux Tribe of Nebraska for the loss of value of certain lands (Rept. 107–706). Referred to the Committee of the Whole House on the State of the Union.

Mr. HANSEN: Committee on Resources. H.R. 5097. A bill to adjust the boundaries of the Salt River Bay National Historical Park and Ecological Preserve located in St. Croix, Virgin Islands; with an amendment (Rept. 107–707). Referred to the Committee of the Whole House on the State of the Union.

Mr. HANSEN: Committee on Resources. H.R. 3476. A bill to protect certain lands held in fee by the Pechanga Band of Luiseno Mission Indians from condemnation until a final decision is made by the Secretary of the Interior regarding a pending fee to trust application for that land, and for other purposes (Rept. 107–708). Referred to the Committee of the Whole House on the State of the Union.

Mr. HANSEN: Committee on Resources. H.R. 4968. A bill to provide for the exchange of certain lands in Utah; with an amendment (Rept. 107–709). Referred to the Committee of the Whole House on the State of the Union.

Mr. HANSEN: Committee on Resources. H.R. 5125. A bill to amend the American Battlefield Protection Act of 1996 to authorize the Secretary of the Interior to establish a battlefield acquisition grant program; with an amendment (Rept. 107–710). Referred to the Committee of the Whole House on the State of the Union.

Mr. HANSEN: Committee on Resources. H.R. 4830. A bill to direct the Secretary of the Interior to conduct a study of the suitability and feasibility of establishing the Southern Campaign of the Revolution Heritage Area in South Carolina, and for other purposes (Rept. 107–711). Referred to the Committee of the Whole House on the State of the Union.

Mr. HANSEN: Committee on Resources. H.R. 4692. A bill to amend the Act entitled ''An Act to authorize the Establishment of the Andersonville National Historic Site in the State of Georgia, and for other purposes'', to provide, for the addition of certain donated lands to the Andersonville National Historic Site (Rept. 107–712). Referred to the Committee of the Whole House on the State of the Union.

Mr. HANSEN: Committee on Resources. H.R. 4944. A bill to designate the Cedar Creek Battlefield and Belle Grove Plantation National Historical Park as a unit of the National Park System, and for other purposes; with amendments (Rept. 107–713). Referred to the Committee of the Whole House on the State of the Union.

Mr. THOMAS: Committee on Ways and Means. H.R. 4889. A bill to amend title XI of the Social Security Act to improve patient safety: with an amendment (Rept. 107–714 Pt. 1). Ordered to be printed.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 4889. Referral to the Committee on Energy and Commerce extended for a period ending not later than October 4, 2002.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. SHIMKUS (for himself, Mr. TAUZIN, Mr. WALDEN of Oregon, Mr. PICKERING, Mr. TERRY, Mrs. BONO, and Mr. BARTON of Texas):

H.R. 5504. A bill to provide for the improvement of the safety of child restraints in passenger motor vehicles, and for other purposes; to the Committee on Energy and Commerce.

By Mr. HOUGHTON:

H.R. 5505. A bill to simplify certain provisions of the Internal Revenue Code of 1986 and to establish a uniform pass-thru regime; to the Committee on Ways and Means.

By Mr. MICA:

H.R. 5506. A bill to amend title 49, United States Code, to provide relief to the airline industry, to reform the Federal Aviation Administration, and to make technical corrections, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. LAFALCE:

H.R. 5507. A bill to amend the Truth in Lending Act to adjust the exempt transactions amount for inflation; to the Committee on Financial Services.

By Mr. DEAL of Georgia (for himself and Mr. TOWNS):

H.R. 5508. A bill to amend title XVIII of the Social Security Act to exclude brachytherapy devices from the prospective payment system for outpatient hospital services under the Medicare Program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BROWN of South Carolina:

H.R. 5509. A bill to permit the transportation of passengers between United States ports by certain foreign-flag vessels and to encourage United States-flag vessels to participate in such transportation; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CONYERS (for himself, Mr. FROST, Mr. RANGEL, Ms. JACKSON-LEE of Texas, Ms. WATERS, Mr. CLYBURN, Mr. DAVIS of Illinois, Mr. BROWN of Ohio, Mr. RUSH, Mr. OWENS, Ms. KILPATRICK, Mr. WYNN, Mr. JACKSON of Illinois, Mr. HASTINGS of Florida, Mr. FATTAH, Ms. LEE, Mr. CUMMINGS, Mr. HILLIARD, Mr. BRADY of Pennsylvania, Mr. FORD, Mrs. JONES of Ohio, Ms. SCHAKOWSKY, Mr. LEWIS of Georgia, and Ms. NORTON):

H.R. 5510. A bill to secure the Federal voting rights of persons who have been released from incarceration; to the Committee on the Judiciary.

By Ms. DELAURO:

H.R. 5511. A bill to amend title XVIII of the Social Security Act to provide for coverage under part B of the Medicare Program of paramedic intercept services provided in support of public, volunteer, or non-profit providers of ambulance services; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. DUNN (for herself, Mr. DICKS, Mr. HASTINGS of Washington, and Mr. LARSEN of Washington):

H.R. 5512. A bill to provide for an adjustment of the boundaries of Mount Rainier National Park, and for other purposes; to the Committee on Resources.

By Mr. HAYWORTH (for himself, Mr. STUMP, and Mr. FLAKE):

H.R. 5513. A bill to authorize and direct the exchange of certain land in the State of Arizona between the Secretary of Agriculture and Yavapai Ranch Limited Partnership; to the Committee on Resources.

By Ms. KILPATRICK (for herself, Ms. LEE, Mr. FROST, Mr. RANGEL, Mr. OWENS, Mr. MATSUI, and Mrs. MALONEY of New York):

H.R. 5514. A bill to provide grants to States for establishing sexual assault response team programs, and for other purposes; to the Committee on the Judiciary.

By Mrs. MORELLA (for herself and Ms. NORTON):

H.R. 5515. A bill to authorize the Court Services and Offender Supervision Agency of the District of Columbia to provide for the interstate supervision of offenders on parole, probation, and supervised release; to the Committee on Government Reform.

By Mr. PAUL:

H.R. 5516. A bill to amend the Communications Act of 1934 with respect to retransmission consent and must-carry for cable operators and satellite carriers; to the Committee on Energy and Commerce.

By Mr. REYES:

H.R. 5517. A bill to provide for the conveyance of the reversionary interest of the United States in certain lands to the Clint Independent School District, El Paso County, Texas; to the Committee on International Relations.

By Mr. SCHROCK:

H.R. 5518. A bill to provide liability protection to nonprofit volunteer pilot organizations flying for public benefit and to the pilots and staff of such organizations; to the Committee on the Judiciary.

By Mr. SMITH of Texas:

H.R. 5519. A bill to prohibit an individual from knowingly opening, maintaining, managing, controlling, renting, leasing, making available for use, or profiting from any place for the purpose of manufacturing, distributing, or using any controlled substance, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. YOUNG of Florida:

H.J. Res. 112. A joint resolution making further continuing appropriations for the fiscal year 2003, and for other purposes; to the Committee on Appropriations.

By Mr. ROHRABACHER:

H. Con. Res. 492. Concurrent resolution welcoming Her Majesty Queen Sirikit of Thailand upon her arrival in the United States; to the Committee on International Relations.

By Mrs. JONES of Ohio (for herself, Mr. OWENS, Mr. LIPINSKI, and Mr. FROST):

H. Con. Res. 493. Concurrent resolution expressing the sense of the Congress that the United States Postal Service should issue a commemorative stamp on the subject of school safety awareness; to the Committee on Government Reform.

By Mr. ORTIZ (for himself, Mr. HINOJOSA, Mr. REYES, Mr. RODRIGUEZ, Mr. GREEN of Texas, Mrs. NAPOLITANO, Mr. PASTOR, Mr. BONILLA, Mr. FROST, and Mr. BENTSEN):

H. Con. Res. 494. Concurrent resolution expressing the sense of the Congress regarding the obligations of Mexico under the Treaty Between the United States of America and Mexico of 1944 relating to the use of the Colorado, Rio Grande, and Tijuana Rivers; to the Committee on International Relations.

By Mr. KNOLLENBERG (for himself and Mr. EHLERS):

H. Res. 565. A resolution honoring Ernie Harwell; to the Committee on Government Reform.

By Mr. ABERCROMBIE:

H. Res. 566. A resolution expressing the condolences of the House of Representatives on the death of the Honorable Patsy T. Mink, a Representative from Hawaii; considered and agreed to.

By Mr. GARY G. MILLER of California (for himself, Mr. YOUNG of Alaska, Mr. OBERSTAR, Mr. BLUMENAUER, Mr. HONDA, Mr. ROGERS of Michigan, Mr. OTTER, Mr. GRAVES, Mr. SHUSTER, Mr. PLATTS, Mr. BROWN of South Carolina, Mr. ISAKSON, and Mr. BOOZMAN):

H. Res. 567. A resolution recognizing the importance of surface transportation infrastructure to interstate and international commerce and the traveling public and the contributions of the trucking, rail, and passenger transit industries to the economic well being of the United States; to the Committee on Transportation and Infrastructure.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 239: Mr. HONDA.

H.R. 280: Mr. GRAVES.

H.R. 344: Mr. BROWN of Ohio.

H.R. 438: Mr. GRAVES.

H.R. 826: Ms. BACHUS and Mr. LUCAS of Oklahoma.

H.R. 914: Mr. DEAL of Georgia, Mr. MCKEON, Mr. BACHUS, and Mr. YOUNG of Alaska.

H.R. 952: Mr. QUINN.

H.R. 968: Mr. CRANE.

H.R. 1090: Mr. PASCRELL.

H.R. 1324: Mr. ETHERIDGE.

H.R. 1368: Mr. JEFF MILLER of Florida.

H.R. 1581: Mr. SAM JOHNSON of Texas.

H.R. 1642: Mr. LOFGREN.

H.R. 1786: Mrs. KELLY, Mr. CAMP, and Ms. NORTON.

H.R. 1808: Mr. FARR of California.

H.R. 1839: Mr. ALLEN.

H.R. 1911: Mr. MALONEY of Connecticut.

H.R. 1918: Mr. GREEN of Texas.

H.R. 1983: Mr. JONES of North Carolina.

H.R. 2053: Mr. FRANK and Ms. WATERS.

H.R. 2125: Mrs. CUBIN, Mr. SABO, and Mr. DINGELL.

H.R. 2207: Mr. ENGEL and Ms. MCCOLLUM.

H.R. 2357: Mr. KENNEDY of Minnesota.

H.R. 2457: Mr. COMBEST.

H.R. 2527: Ms. SOLIS, Ms. SLAUGHTER, and Mr. ADERHOLT.

H.R. 2609: Ms. SLAUGHTER.

H.R. 2755: Mr. RODRIGUEZ.

H.R. 2836: Mr. MOORE.

H.R. 2868: Mr. KILDEE, Ms. BROWN of Florida, Ms. CARSON of Indiana, and Mr. DEUTSCH.

H.R. 2874: Ms. PELOSI.

H.R. 2908: Mr. FATTAH.

H.R. 3053: Ms. HARMAN.

H.R. 3183: Ms. LOFGREN.

H.R. 3320: Mr. HAYWORTH.

H.R. 3414: Ms. ESHOO, Mr. MENENDEZ, Mr. WU, and Mr. SMITH of Washington.

H.R. 3450: Mrs. CAPPS.

H.R. 3808: Mr. RADANOVICH.

H.R. 3831: Mr. DEUTSCH and Mr. CANNON.

H.R. 3974: Ms. NORTON.

H.R. 4018: Ms. LOFGREN.

H.R. 4058: Ms. DAVIS of California.

H.R. 4524: Mrs. TAUSCHER.

H.R. 4548: Mr. HILLEARY

H.R. 4614: Mr. FROST.

H.R. 4706: Mrs. JONES of Ohio.

H.R. 4748: Ms. VELAZQUEZ.

H.R. 4763: Mr. GORDON, Ms. LEE, Mr. GREEN of Texas, Mrs. BIGGERT, Mr. STUMP, Ms. HOOLEY of Oregon, Mr. GOODE, and Mr. FILNER.

H.R. 4780: Ms. MCCOLLUM and Ms. SANCHEZ.

H.R. 4840: Mr. LEWIS of Kentucky.

H.R. 4875: Mr. TANCREDO.

H.R. 4943: Mrs. JO ANN DAVIS of Virginia.

H.R. 4963: Mr. CROWLEY.

H.R. 5047: Mr. GONZALEZ and Mr. ALLEN.

H.R. 5061: Mrs. MCCARTHY of New York, Mr. HINCHEY, Ms. BROWN of Florida, Ms. NORTON, and Mr. WEXLER.

H.R. 5078: Mr. WEXLER.

H.R. 5089: Mr. BERMAN.

H.R. 5125: Mr. ISAKSON and Ms. MCCARTHY of Missouri.

H.R. 5158: Mr. PASCRELL.

H.R. 5191: Mr. UDALL of New Mexico.

H.R. 5226: Mr. WAXMAN.

H.R. 5250: Mr. GUTIERREZ, Mr. ANDREWS, Mr. BOOZMAN, Mr. CUMMINGS, Mr. RAMSTAD, Mr. GREEN of Texas, Ms. LEE, Mr. PASCRELL, Mr. HOLT, Mr. STUPAK, Ms. BALDWIN, Mr. MCINTYRE, Ms. CARSON of Indiana, Ms. LOFGREN, Ms. MILLENDER-MCDONALD, Mr. KENNEDY of Rhode Island, and Mr. JEFF MILLER of Florida.

H.R. 5253: Mr. KANJORSKI.

H.R. 5272: Mr. ABERCROMBIE.

H.R. 5317: Mr. BISHOP.

H.R. 5322: Mr. KENNEDY of Minnesota, Mr. JEFF MILLER of Florida, and Mr. DEAL of Georgia.

H.R. 5326: Ms. PELOSI and Mrs. DAVIS of California.

H.R. 5334: Mr. PASTOR, Ms. NORTON, Mr. BACA, Mr. BENTSEN, Mr. BOEHLERT, and Mr. MATHESON.

H.R. 5346: Ms. KAPTUR, Mr. BROWN of Ohio, and Ms. CARSON of Indiana.

H.R. 5348: Mr. UDALL of New Mexico.

H.R. 5358: Mr. BARRETT, Mr. MCDERMOTT, Mr. WEXLER, and Mr. PASCRELL.

H.R. 5359: Mr. STRICKLAND.

H.R. 5476: Mr. MCKEON, Mr. HASTINGS of Washington, Mr. CALVERT, Mr. THOMAS, and Mr. THUNE.

H.R. 5383: Mr. MEEKS of New York, Mr. SANDERS, Mr. COOKSEY, Mr. BOUCHER, Mr. DINGELL, Mr. ETHERIDGE, Mr. TANCREDO, Mr. QUINN, Mr. ENGLISH, and Mr. WILSON of South Carolina.

H.R. 5396: Mr. QUINN, Mr. DINGELL, Mr. SAXTON, Mr. GEORGE MILLER of California, Ms. LEE, and Mr. MCGOVERN.

H.R. 5409: Mr. GARY G. MILLER of California.

H.R. 5413: Mr. KINGSTON, Mr. FOLEY, Mr. SOUDER, Mr. ARMEY, and Mr. SENSENBRENNER.

H.R. 5414: Mrs. ROUKEMA.

H.R. 5416: Ms. NORTON.

H.R. 5422: Mr. GREEN of Wisconsin, Mr. KELLER, Mr. SWEENEY, Mr. STENHOLM, Mr. ROGERS of Michigan, Mr. MOORE, Mr. CANNON, Mr. CHABOT, Mr. MEEHAN, Mr. JENKINS, Mr. SCHIFF, Mr. PENCE, Mr. COBLE, Ms. HART, and Mr. GRAHAM.

H.R. 5439: Mr. REGULA, Mr. SAWYER, Mr. HOBSON, Mr. TIBERI, Mr. LATOURETTE, Mr. BROWN of Ohio, Mrs. JONES of Ohio, Mr. OXLEY, Mr. BOEHNER, Mr. CHABOT, Ms. PRYCE of Ohio, Mr. PORTMAN, Mr. NEY, Mr. KUCINICH, Ms. KAPTUR, and Mr. STRICKLAND.

H.R. 5445: Mr. BARTLETT of Maryland, Mr. VISCLOSKY, Mr. BOOZMAN, and Mr. HOSTETTLER.

H.R. 5449: Mr. ORTIZ and Ms. VELAZQUEZ.

H.R. 5469: Mr. UNDERWOOD, Mr. ENGLISH, Mr. PENCE, Ms. RIVERS, Ms. DUNN, and Mr. COX.

H.R. 5491: Mr. MEEHAN.

H.R. 5493: Mr. INSLEE and Mr. LATOURETTE.

H.R. 5499: Mrs. ROUKEMA, and Mr. BAKER.

H.J. Res. 23: Mr. JEFF MILLER of Florida.

H.J. Res. 108: Mr. TURNER and Mr. JONES of North Carolina.

H. Con Res. 116: Mr. DELAHUNT.

H. Con Res. 177: Mrs. WILSON of New Mexico and Mr. LEVIN.

H. Con Res. 418: Ms. MCCOLLUM.

H. Con Res. 445: Mr. WOLF, Mr. DELAY, Mr. VITTER, Mr. TIAHRT, Mr. HUNTER, Mr. HAYES, Mr. CANNON, Mr. HERGER, and Mr. ISSA.

H. Con Res. 459: Mr. BORSKI.

H. Con Res. 462: Mr. DINGELL, Mr. ALLEN, Mr. VISCLOSKY, and Ms. MCCARTHY of Missouri.

H. Con Res. 466: Mr. GRAVES, Mr. NETHERCUTT, Mr. STENHOLM, and Mr. GUTKNECHT.

H. Con Res. 473: Mr. GUTIERREZ, Mr. TOWNS, Mr. BONIOR, Mr. SANDERS, and Mr. COYNE.

H. Con Res. 476: Mr. CASTLE, Mr. WALSH, Mr. GONZALEZ, Mr. BALLENGER, Mr. WALDEN of Oregon, Mr. WELDON of Florida, Mr. ROHRABACHER, Mr. GREENWOOD, Mr. GORDON, Ms. NORTON, Mrs. BIGGERT, Mr. SMITH of New Jersey, Mr. COLLINS, Mr. SHERWOOD, Mr. FOSSELLA, Mrs. MORELLA, Mrs. THURMAN, and Mr. WOLF.

H. Con Res. 479: Mr. SMITH of New Jersey, Mr. GALLEGLY, Mrs. MORELLA, Mr. BILIRAKIS, Ms. WATSON, Mr. KENNEDY of Rhode Island, Mr. NADLER, Mr. CHABOT, Mr. SWEENEY, Mr. KIRK, Mr. ROYCE, Mr. GILMAN, Mr. ENGEL, Mr. LANTOS, Mr. DIAZ-BALART, Mr. MANZULLO, Mr. WELDON of Pennsylvania, Mr. DREIER, Mr. HOEFFEL, Mr. BEREUTER, and Mr. HOLT.

H. Res. 429: Mr. SCOTT, Mr. GRAHAM, Mr. OLVER, Mr. SHOWS, Mr. PALLONE, Mr. CASTLE, Mr. FERGUSON, Mr. WU, Mr. CRENSHAW, Mr. KELLER, Mrs. KELLY, Mr. EHRLICH, Ms. MILLENDER-MCDONALD, Ms. NORTON, Mr. UDALL of New Mexico, Mr. STUPAK, Mr. ROYCE, Mr. CAPUANO, and Mr. NEY.

H. Res. 467: Mr. MALONEY of Connecticut.

H. Res. 468: Mr. CAMP.

H. Res. 499: Ms. BERKLEY.

H. Res. 505: Mr. STRICKLAND.

H. Res. 530: Mr. BACA and Mr. MCKEON.

H. Res. 538: Mr. DOYLE, Mr. HOYER, and Mr. COBLE.

H. Res. 548: Mr. DOYLE.

H. Res. 549: Mr. WATKINS, Mr. HORN, Mr. WILSON of South Carolina, Mr. WELDON of Florida, Mr. SCHROCK, Mrs. TAUSCHER, Mr. FORBES, and Mr. BROWN of South Carolina.

H. Res. 555: Mr. HOUGHTON, Mr. ISSA, Mr. CRANE, Mr. KIRK, Mr. SHAW, Mr. ROHRABACHER, Mr. SAWYER, Mr. ACKERMAN, Mr. BLUMENAUER, Mr. HORN, Mr. OXLEY, Mr. HYDE, Mr. ENGEL, Mr. KING, Mr. KOLBE, Mr. BERMAN, Mr. LANTOS, Mr. LEACH, Mr. BRADY of Texas, Mr. KNOLLENBERG, Mrs. NAPOLITANO, Mr. MARKEY, Mr. BALLENGER, and Mr. CROWLEY.

H. Res. 557: Mr. TOWNS, Mr. BOYD, Mr. STUPAK, Mr. TAYLOR of Mississippi, Mr. ROSS, and Mr. OBERSTAR.

H. Res. 559: Mr. RADANOVICH, Mr. LINDER, and Mr. GRUCCI.

H. Res. 561: Mr. BACA.

H. Res. 564: Mr. LIPINSKI, Mr. BORSKI, Mr. DINGELL, Mr. MALONEY of Connecticut, Ms. KILPATRICK, Mr. LAFALCE, and Mr. MCNULTY.

United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE *107th* CONGRESS, SECOND SESSION

Vol. 148 WASHINGTON, TUESDAY, OCTOBER 1, 2002 *No. 126*

Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable ZELL MILLER, a Senator from the State of Georgia.

The PRESIDING OFFICER. Today's prayer will be offered by Rabbi Gerald Kane of Temple Beth-El, Las Cruces, NM.

PRAYER

The guest Chaplain offered the following prayer:

In these most challenging of times, may this parable from Jewish tradition provide inspiration and guidance to you, the distinguished Senators of our wonder-filled country.

A man, wandering lost in a dark forest for several days, finally encounters another. He calls out: ''Brother, show me the way out of here.''

The man replies: ''Brother, I too am lost. I can only tell you this: the paths I have tried to get out of this forest have led me nowhere. They have only led me astray. Here, take hold of my hand, and let us search for a way out of this dark place together.''

''And so it is with us,'' the author of the parable concludes. ''When we go our separate ways, we may go astray. Let us join hands and look for the path out of the darkness together.''

Dear God, inspire those gathered in this historic chamber to walk on the path of freedom, respect, and solidarity together in to the light of a sun-filled day.

Imbue them with Your wise guidance, tremendous strength, and awesome courage. Together may we better pursue the high ideals of liberty, justice, and equality for all upon which this, our great Nation, is founded.

Lift up Thy countenance upon us, and grant us Thy most precious of blessings, the gift of shalom, balance, and peace. Amen.

PLEDGE OF ALLEGIANCE

The Honorable ZELL MILLER led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, October 1, 2002.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable ZELL MILLER, a Senator from the State of Georgia, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. MILLER thereupon assumed the Chair as Acting President pro tempore.

The ACTING PRESIDENT pro tempore. The Senator from Nevada is recognized.

SCHEDULE

Mr. REID. Mr. President, the Chair will shortly announce a period of morning business with the first half under the control of the Republicans and the second half under the control of the majority. I ask unanimous consent that after the Chair's ruling the Senator from New Mexico be recognized for up to 5 minutes to speak, as the guest Chaplain is from the State of New Mexico. I ask unanimous consent that the time not be charged against either the Democrats or the Republicans in that morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from New Mexico is recognized.

THE GUEST CHAPLAIN

Mr. BINGAMAN. Mr. President, I wish to take a moment of the Senate's time to particularly acknowledge the presence of our guest Chaplain, Gerald Kane, who is the Rabbi of Temple Beth-El in Las Cruces, NM.

Rabbi Kane was ordained first in Cincinnati in 1970 at the Hebrew Union College-Jewish Institute of Religion. He has served pulpits in Portland, OR, New Orleans, Phoenix, and in Kansas City, before coming to Las Cruces some 3 years ago.

Las Cruces is the second largest city in my home State of New Mexico, a very vibrant, growing metropolitan area. It is one of only five communities in New Mexico that has a synagogue. It has the third synagogue that was built in our State.

Our Jewish community has always had a special role in the life of Las Cruces. Three of the mayors of that city have been of the Jewish faith.

Following the September 11 attacks, Rabbi Kane, together with other religious leaders in Las Cruces, issued a statement of unity and support at the Las Cruces Islamic Center. He has coordinated clergy participation in this year following 9/11, and has worked very hard to bring the community together in that regard.

We are very proud that he is here. In talking with him this morning, we were at a loss to think when we last had a clergyman from New Mexico as our guest Chaplain in the Senate. But it is entirely appropriate that we do today.

I am very honored that Rabbi Kane was able to be with us.

Also, I wish to acknowledge the presence of his wife Cyrille, who is here with him. They have four children and nine grandchildren.

Let me also acknowledge the very good work of one of the staff people who works with me, Jeff Steinborn, who works in our Las Cruces office and who helped make the arrangements today for Rabbi Kane to be here.

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

Printed on recycled paper.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 11 a.m., with Senators permitted to speak therein for up to 10 minutes each. Under the previous order, the first half of the time shall be under the control of the Republican leader or his designee.

The Senator from Florida is recognized.

ORDER OF PROCEDURE

Mr. NELSON of Florida. Mr. President, I have already cleared this with the Senator from Wyoming. I ask unanimous consent that I be allowed to speak for up to 10 minutes and it be charged against the Democrat's time.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

DEFICIT SPENDING

Mr. NELSON of Florida. Mr. President, during the last few weeks, there has been much discussion about whether or not we should expand our war against terrorism to a specific war in Iraq. A lot of us have been on the talk shows and on the news programs. This morning Senator BROWNBACK of Kansas and I were on CNN talking about this very subject. It is expected that we will take up a resolution with regard to a war with Iraq probably later this week.

In the midst of this very public discussion, largely neglected have been conversations about a battle we are in the midst of fighting on our own soil—an economic battle against the long-term fiscal stability of our country, an economic battle involving the condition of our budget and our national economy.

As we talk about protecting against terrorism and protecting against Saddam Hussein in Iraq, clearly, we have to talk about military strength. But there is also a major component to being militarily strong; that is, to be economically strong.

Let's look at our condition. Last year the administration told us we could expect over $5 trillion of surpluses over the next decade. As a member of the Budget Committee, having gone through a similar situation way back in the early 1980s, I warned that that was a risky gamble. I cited the experiences of 1981 when we voted for a huge tax cut. I recalled, as we had this debate over a year ago about the projected surpluses over time, that those surpluses may not materialize. If you give a tax cut that is too large, it is going to throw you back into deficit financing.

Indeed, that is what happened in 1981. We had a tax cut that was so huge, we had to undo it—not once, not twice, but three times in the decade of the 1980s.

Last year when we were having this debate, I suggested that you just couldn't count on a 10-year forecast, that there was too much risk associated with planning that far in advance. At the time I supported a huge tax cut. I supported one version on an amendment that was up to $1.2 trillion over a decade and one that would give back to our citizens and assist those who were struggling to make ends meet but one that wouldn't break the back of the Federal Government should things not appear quite as rosy as we thought they were going to be, which has been the case.

Things didn't turn out anywhere close to the rosy picture that was painted for us a year ago. After passing last year's tax cut, which goes upwards of $2 trillion over a decade, we find that if we adopt over the next decade the administration's, the President's spending and tax policies, we will not see the $5.6 trillion of surpluses, but we will see instead $400 billion of deficits.

Some point to congressional spending as the root of this problem. That is simply not accurate. We will experience these deficits using the administration's, the President's, the White House's own proposals for spending and additional tax cuts. This doesn't even take into account the trillions of dollars of Social Security funds that are also going to be spent.

The true deficit, not counting Social Security surpluses, is not $400 billion. Over that decade, it is going to be $2.7 trillion. Remember, in the election of 2000 we all said we were not going to touch the surpluses in Social Security; that we were going to leave those alone; that there was going to be a fence off of Social Security surpluses. Then those surpluses would pay off the national debt over a 12-year period. That didn't happen.

The Congressional Budget Office tells us nearly $6 trillion of last year's projected surplus is gone. There is nothing left.

Now, let's recap where it went. According to CBO, 34 percent of the lost surplus went to last year's tax cuts. Twenty-nine percent of it was lost due to the overestimations of revenue by the administration; that was the rosy picture of what the surpluses were going to be, projecting over 10 years. In other words, lost revenue accounts for 63 percent of the disappearance of last year's surplus.

The remainder of the lost surplus went to the war on terrorism—something we obviously have to finance—or was directly related to the recession. Twenty-two percent of that went to increased spending on national defense, and only 15 percent of the disappearance of the surplus is as a result of the economic downturn.

For all of those folks asserting the overspending has eaten through our surplus projects, that is simply not accurate. The two largest reasons for the disappearance of the surplus are tax cuts and the administration's rosy estimates of the revenue.

The third biggest reason is what you would expect: Spending on defense. The smallest cause of the disappearance is the economic downturn.

The fact is, the surplus is gone. We are back up to our eyeballs in national debt. Last year, the administration said the debt held by the public would be virtually eliminated. Last year, the administration said the debt would be eliminated by 2008. It didn't happen that way.

Now we are in the middle of deficit financing. Instead of having no debt, we are going to be stuck over that decade with $3.8 trillion of debt, and the consequences of this enormously increased debt are that the interest cost to the Federal Government will have tripled from $620 billion over the decade to $1.9 trillion. That is going to have real consequences in our national economy.

Why do you think the stock market is going in the tank, it is right now? Every day it is losing. It is down in the 7,000 range on the Dow Jones. It is not just because of the threatened war on Iraq. That is one element of it. But it is a fact that the Federal Government has now gone back into its old ways of deficit financing; that is, borrowing money to pay present bills every year, projected over this decade to the point that we said we were not going to do it. We must pay attention to our bottom line and to the economic security and the fundamental financial strength of America. That is what gives texture and vibrancy for us as a Nation that needs to be militarily strong, as well as morally strong. We need that undergirding of economic strength.

With deficits projected the rest of the decade, we are going to be digging a deeper national debt hole. And when is that going to occur? Lo and behold, it is going to occur just at the time that all of the baby boomers are going to retire and our cashflow situation is going to get worse.

We are living right now on the positive cashflow out of the Medicare and the Social Security trust funds. But by the year 2016, those trust funds go from cash positive to cash negative, and they do it in a very big way.

We cannot afford to continue to cut receipts in the hope that doing so will somehow miraculously turn into more revenues. We have to begin to think more realistically before our overly rosy optimism financially paralyzes our Federal Government. At the same time, our economy is continuing to be sluggish. Although most analysts remain optimistic that we will pull out of this recession eventually, the path is not rising very fast, if it is rising at all.

The economic indicators are disturbing: Last week, leading economic indicators dropped for the third month

in a row, and Nasdaq hit a 6-year low. The Dow Jones is down 1,200 points since August 22. Oil prices just recently spiked to a 19-month high, and consumer confidence is at its lowest since November 2001.

Since the beginning of 2001, 2 million jobs have been lost, the first decline in the number of private sector jobs in 50 years. The U.S. poverty rate rose last year for the first time in 8 years.

Last year's administration spending and tax cut plan has resulted in today's collision course of more deficits, more debt, more economic insecurity, higher interest rates, lower economic growth and lower employment.

All of this is occurring right under our noses. Yet I do not believe that the administration is paying attention. I appreciate the ongoing dialog about a potentially impending war in the Middle East—but we also need to pay attention to the battles that we are already waging. We must do something to reinvigorate the economy. We must pay attention to our Government bottom line. We must not continue to raise the debt for our grandchildren to later pay off.

The ACTING PRESIDENT pro tempore. The Senator from Wyoming.

Mr. THOMAS. Mr. President, I want to make a few short comments before I turn it over to my friend from Iowa. I have been listening to my friend from Florida. He is blaming the administration for the deficit. I remind him who it is that spends the money. The administration cannot spend a dime unless it is authorized by the Congress.

We find ourselves in a Congress that doesn't even have a budget. When we talk about spending and deficits, we should talk about ourselves and wonder why we haven't done one of the things we have done every year, and that is have a budget. We don't have a budget.

So I agree, as a matter of fact, with the spending, but we need to take action.

SENATE AGENDA

Mr. THOMAS. Mr. President, there are a lot of rumors about where we are going in the next few days we have remaining, basically the rest of this week and I presume next week, as to what is going to be done. There is talk about pulling homeland defense. I hope that is not the case. Of all the issues we have before us, certainly that has to be one of the most important.

There is talk of bringing all the kind of politically oriented issues to the floor, knowing they will not pass, but to be able to say we tried. I don't think that is the best way to govern. It seems to me we have to make some priorities. We have a shortage of time. We have to decide what are the most important things that need to be done during that time. It seems to me they are fairly clear.

I hope we will address those things. Homeland defense has been on the floor for 4 weeks now. It is one that, obviously, is necessary. I don't think there is a soul here who believes we ought not to be doing that. We have argued about governmental employee unions. Certainly, the highest priority of this administration, and I think for the Congress, would be to put into place a homeland defense program, which we have before us.

The Iraq resolution apparently is coming to the floor, hopefully tomorrow, to be discussed a rather short time. It is very obvious that needs to be done.

We have passed no appropriations this year. We are supposed to have been finished with appropriations. Today, we start a new fiscal year—without the passage of any appropriations bills. Obviously, we plan to go with a continuing resolution for most of them, but we cannot do that for Defense or military construction. We have to decide those as priorities. Then we have to have a continuing resolution to carry on Government operations until sometime in the future—whether it is a November return, December, January or February, whatever. That has to be done and, I hope, in a clean way that allows us to move forward with attaching a great many things to it.

So that is where we are. Certainly, we are all aware of the necessity of accomplishing those things in a reasonably short time we have in which to do that. So I urge the leadership and all of us to try to decide how we handle those things and do them as quickly as we can, so we will be able to leave here when the time comes. These things must be done in the meantime.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Iowa is recognized.

DEMOCRATIC LEADERSHIP'S ATTACK ON PRESIDENT BUSH'S FISCAL POLICIES

Mr. GRASSLEY. Mr. President, I want to respond to what has been a coordinated attack by the Democratic leadership on President Bush. This drumbeat, as we all know, started a couple of weeks ago. Our distinguished majority leader, Senator DASCHLE, took the lead on a Senate floor speech to question the leadership of President Bush. He was joined by others in the Democratic leadership who pummeled the President and used many colorful charts and other props to make their points. I was tempted to respond at that time, but, as you know, the Senate has been in debate on homeland security, so I didn't have an opportunity at that time.

It is probably good to reflect upon what was said 2 weeks ago and remind the public once again. The attack basically blamed the President for all that ails our economy. There was an article in the Wall Street Journal, dated September 18 of this year, the day the attacks started, summarizing the strategy of the other party and the substance of their arguments. I will put that article in the RECORD. I will quote from it:

> In a Senate floor speech he plans to make following the breakfast meeting with Mr. Bush, Mr. DASCHLE . . . expected to say the President's policies are responsible for U.S. job losses, weak economy, declining business investment, shrinking retirement accounts, an erosion of consumer confidence, rising health care costs, vanishing budget surpluses and record executive pay.

Indeed, we have seen our Democratic friends on several occasions use charts with the listing referenced in the article. Let me be clear on the attack because this kind of summarizes the various issues I am going to address. According to the Democratic leadership, the President's policies are the cause of job losses, weak economic growth, declining business investment, shrinking retirement accounts, an erosion in consumer confidence, rising health care costs, vanishing budget surpluses, and record executive pay—meaning record executive pay in the private sector.

I will tell you, Mr. President, that is an awesome amount of power that has been attributed to one individual—the President of the United States. But there is a little bit of irony here. The distinguished majority leader ascribes so much power to the President you could almost make the public believe the President is a king. Maybe this much power makes the President an emperor. Now, how many times have we heard another Democrat—the distinguished chairman of the Appropriations Committee, Senator BYRD—pull his Constitution out of his pocket and say the President is not a king. So who is right? Is it Senator DASCHLE, who has made the President such an imperial figure, or is it Senator BYRD, who says the President is not a king?

I think we need to work through this. My view is reality and history favor Senator BYRD's point of view that the President is only the President of the United States and not an imperial power.

So I want to go through the Democratic leadership's attack point by point. According to Senator DASCHLE, the President singlehandedly fired millions of workers. Funny, Mr. President, I thought employers laid off workers, not the President of the United States. It seems to me the President can fire political appointees, such as White House staff, but I don't think he can even fire Federal workers in America. Heck, right now we are hung up on the homeland security debate. That is a fight over the extent of the President's powers with respect to Federal workers in the Department of Homeland Security.

The next charge, Mr. President. All by himself, the President has slowed economic growth. Funny, I thought we had a global economic downturn, we had war on terrorism, we had overcapacity in telecom, and we had a bubble in the stock market during the Clinton years. These things might have had something to do with it—but not acccording to Senator DASCHLE. No.

Under the Democratic leadership's theory, all of these things are the fault of the President of the United States.

A third charge. Declining business investment is all George W. Bush's fault under the Daschle theory as well. Funny, I thought businesses made investment decisions, not the President of the United States. Actually, we had a stimulus package pushed by the President. Well, that hasn't had any effect, according to Democratic leadership. I guess the business cycle doesn't exist under Daschle economics.

The fourth charge. Democratic leaders blame recent decline in 401(k) accounts all on President Bush. Senator DASCHLE seems fixated on recent stock market decline. I have a lot of concern myself.

The Democratic leadership, however, seems very obsessed with assigning blame. By contrast, folks in the heartland, such as my State of Iowa, tell me they want us to look forward and do something. They do not want a bunch of political fingerpointing.

If we look forward, we see some very good issues in the area of retirement security. In fact, last year's bipartisan tax relief bill contained the largest expansion of tax incentives for retirement security in a whole generation. There is $50 billion in new incentives. I guess Senator DASCHLE's opposition to the largest increase in IRA and 401(k) account contributions in last year's tax bill does not make a bit of difference; it just does not matter. While some may want to find fault, constructive legislators can point to bipartisan initiatives on retirement security that workers can look forward to in the future.

Why scare workers? Why whip up anger? Why not work together? Why not recognize some good we do around here, such as the retirement security package that phases in as part of the bipartisan tax relief legislation?

Why not bring up the bipartisan Finance Committee pension bill which has been on the calendar for the last 3 months? I introduced it only this year as a consensus document, and the Finance Committee approved it. Let's get out of the partisan blame game and do some bipartisan work for the benefit of our workers. Let's build on what we did last year.

The fifth charge: Senator DASCHLE blames an erosion in consumer confidence all on President Bush. Funny, it seems to me that the President, although being a very important leader, cannot stimulate consumer confidence all by himself. What he can do is propose to return more taxpayers' money to the taxpayers so they have a brighter future. As policymakers in a time of slackening demand, we hope consumers will spend the extra tax dollars that were left in their pockets by this tax bill.

So the Bush tax cut, the largest tax cut in a whole generation, with checks to every taxpayer, which the Democratic leadership opposed, had a negative effect on consumer confidence? Give me a break. But that is the charge Senator DASCHLE has made. More money to spend for every American on their needs negatively affects their confidence? That is the charge.

It goes to tell you, this makes no sense. In the parlance of a hunter, that dog does not hunt.

The sixth charge: The Democratic leadership says rising health care costs are all the fault of the President. Funny, the last time I checked, the President of the United States was not a physician. He is not a nurse. He is not an insurance company executive. He is not a pharmaceutical executive. He is not a trial lawyer who sues physicians, nurses, and hospitals. The President of the United States does not send you a health care bill. But none of that matters. It just does not matter. No, ignore market dynamics and other conditions. According to Daschle economics, the President all by himself is responsible for these rising health care costs.

The seventh charge: Vanishing budget surpluses are all the President's fault, according to Senator DASCHLE. According to the Democratic leadership, their spending demands have never fit into the ledger. The recession does not matter. The money for rebuilding New York after September 11 does not matter. Bailing out airlines has no consequences on the budget, or fighting the war in Afghanistan and the war on terrorism have no consequences. These are all unanticipated bipartisan responses to unexpected events, and all that does not matter.

No, under Daschle economics, it is all the fault of President Bush. Just plain and simple, it is the President's fault.

Fairminded folks back home know it is not that plain. They know it is not that simple. And the folks in the heartland of America are right. I will get back to that in just a minute. I want to go to the eighth and final charge. And hold on to your hat. This one is pretty amazing.

According to the Democratic leadership, record executive pay is all the President's fault. Apparently, Senator DASCHLE thinks the President votes every share, controls every board of every corporation that has suffered from excessive executive pay. So folks such as Terry McAuliffe, the Democratic National Committee chairman who profited from insider deals, are somehow not accountable for their own actions. The boards of directors do not matter, according to Daschle economics.

Oh, and there is another thing. Just ignore the fact that a lot of these sweetheart insider deals occurred long before President Bush was ever sworn in on January 20, 2001. Do not let that little fact get in the way of the debate.

How can anyone take that charge seriously, that the President of the United States is responsible for excessive executive pay of corporations? The President no more sets executive pay than you or I do, Mr. President. It is true that we can affect how executive pay is taxed, or disclosure, but we do not decide the level of that pay.

Let's be clear: Either the President is an imperial figure or the charges made by the Democratic leadership are without merit. Both cannot be true in a modern global economy.

I will take a few minutes to talk specifically about the bipartisan tax relief package enacted last year. Despite the-sky-is-falling partisan opposition during the tax debate last year, the passage of time tells a very different story and it discounts the fictitious picture of doom and gloom portrayed last year by my big-spending friends, most on the other side of the aisle.

According to revised economic data released by the Federal Government in August, the economy started to falter earlier than previously believed. The figures from economists show that the economy started negative growth as early as January 2001, 20 days before President Bush was sworn in. This proves the economy needed a shot in the arm sooner rather than later to get things rolling again; quite frankly, even more so than we thought at the time we passed the tax bill.

What is more, the primary weakness causing the economy to sputter was lackluster business investment, not a waning of personal consumption and the expenditure by our consumers.

Clearly, the job-creating machine in America needed a tuneup, and that is just what the President set out to do when he took his oath of office. As a cornerstone of his campaign for the White House, the President made good on his pledge to return more hard-earned money to the working men and women of America.

As the chairman of the Senate Finance Committee at that time, I had the privilege of steering through Congress the largest Federal income tax cut in a generation.

The best way to grow the economy is not by growing Government, it is by allowing the industrious people of the United States to manage their own income.

Reducing marginal tax rates on income and investment was exactly the right policy prescription to cure sluggish business investments and prime the pumps that enable American entrepreneurs, small business owners, manufacturers, and corporate employers to grow the economy and create jobs.

It was the right policy. We thought so at the time. History now, learning that the recession started on January 1, 2001, and not in the fall 2001, as we had anticipated, it was absolutely the right policy to do. And we are fortunate it came along at the time it did, in the middle of that recession.

Letting workers, investors, entrepreneurs, employers, families, and retirees keep more of their money unleashes chain reaction because they spend two-thirds of the economy. They save it—not enough of our economy. They invest it—probably not enough of

our economy. But they open small businesses, creating jobs; they pay higher wages, or they buy a house, upgrade manufacturing equipment, pay for higher education. The list goes on.

It is a fundamental principle that policymakers need to remember. Money recycled through Washington does not squeeze the most bang out of our almighty dollar, and yet plenty of critics continue to blame the Republican tax cut rather than the bipartisan tax cut for the Federal budget shortfall. This was a bipartisan tax bill because one-quarter of the Democratic caucus in the Senate voted for the tax cuts. In an election year, too many candidates still like to divide the American electorate, and they do that in the demagogic way of pitting the rich against everyone else.

I am sure voters will get their fill of statistics claiming that the Bush tax cut hands out 40 percent of the benefit to the top 1 percent of the taxpayers. This is not merely misleading, it is outright false. Some folks must be under the impression that as long as something is repeated often enough, it will become true. That was how Adolf Hitler got to the top.

The facts certainly are thorny little details for the critics of the bipartisan tax relief package. According to the Joint Committee on Taxation, Congress's official nonpartisan scorekeeper, the Federal Tax Code became more progressive with the tax relief package passed in Congress last year, and taxpayers in the lower to middle income brackets get the biggest break.

For example, taxpayers with incomes between $10,000 and $20,000 will see their taxes reduced almost 14 percent when the tax cut takes full effect, whereas taxpayers with over $200,000 a year in income will see their taxes reduced by a mere 6 percent compared to that 14 percent.

As for the budget, the bipartisan tax cut was a minimal factor in the Federal Government's surplus to deficit situation. In its first year, the tax cut accounted for just 8 percent of the shortfall. Indeed, increased spending outpaced tax cuts by $6 billion. In other words, Congress spent $6 billion more than the taxpayers got back in their pocket from the tax bill.

Over the long term, the 10-year surplus declines from $5.6 trillion to $300 billion. The tax cut represents 33 percent of the decline. Those who are looking to lay blame need to point their fingers then at Congress's appetite to spend. Folks who decry the tax cut should instead weep for the hard-working taxpayer because of the bite that Uncle Sam takes out of their paychecks.

The Bush tax cut saved Iowa households $752, on average, in its first year. So I ask Iowans if they can't use that money and if that money probably has not been put to good use, now that the economy has slowed, to keep the economy out of recession once again.

Even with that tax cut, the Federal Government takes 19 cents out of every dollar earned. That is a record burden, higher than any decade since World War II. So thanks in part to the bipartisan tax cut enacted in the summer of 2001, things are starting to turn around. Weaknesses persist in the manufacturing and employment sectors, but regardless, the U.S. economy is as resilient as the spirit of the American people.

Lowering the tax burden in America triggers growth, creates jobs, spreads economic opportunity. Plus, tax cut opponents need to be reminded that a bigger economic pie will dish up a bigger slice of revenue to fulfill the Government's needs and priorities, including what is a result of the war on terrorism and the need for homeland security.

As the top Republican on the Senate tax-writing committee, I will continue to champion progrowth economic policies. That includes making last year's tax cuts a permanent part of the Tax Code.

We have, as I am told, maybe just a handful of days between now and the end of the session. There are a lot of bipartisan measures that are on the agenda that are going to be left undone because we have wasted the whole month of September not wanting to vote on a lot of critical issues.

We have the Enron-induced 401(k) refinements so that workers can control their own 401(k). We have prescription drugs for senior citizens on the agenda. We have the bipartisan approach to recapturing lost corporate tax revenue because corporations overseas set up shell corporations to avoid tax policy. We have welfare reform that needs to be reauthorized. We can go on and on.

Not just economic policy but the management of the Senate needs to be an issue in this election because with so much left undone on the Senate calendar that is bipartisan, there is no excuse for that not having been done because somebody does not want to take some hard political votes between now and the election that could have moved the Interior appropriations bill and homeland security along very quickly.

Management of the Senate is a very important issue in this upcoming election based upon what is left on the calendar's unfinished business.

The PRESIDING OFFICER (Mr. CARPER). The Senator from New York.

THE ECONOMY

Mrs. CLINTON. Mr. President, I rise to talk about hard-working Americans, their needs in our current economy, and the kind of obligations we owe to one another.

I have the greatest respect for the ranking member on the Finance Committee. Senator GRASSLEY is an extraordinarily effective advocate and Senator on behalf not only of the people from Iowa he represents but on behalf of Americans. Of course, we have a difference of opinion about what is the best thing to do to get the economy going, to start creating jobs, to put people back to work, and to make sure that the economic prospects are bright for our young people. That is an honest disagreement, but there could be no disagreement that we do, unfortunately, at this moment have what is called a jobless recovery.

That is half right. I think the jobless part is right. I think the recovery part is a bit of a stretch. Unfortunately, many hard-working Americans, from New York City to Des Moines to San Francisco, have been unemployed through no fault of their own but through the downturn in the economy, through the economic impacts of the disastrous and horrible terrorist attacks we suffered. I think we owe something to these hard-working Americans. Every other Congress, every other administration, has recognized that obligation.

When you do what you are supposed to, when you get up, you go to your job, and you do what you are asked to do to get the paycheck at the end of the week to support yourself and your family, that is what we want for all Americans. The goal of our economic policy in this wonderful free enterprise society that we cherish is to create enough jobs so everyone who is willing to work can work.

Unfortunately, we now have rising unemployment, and 1.2 million Americans have exhausted the safety net that has always been there for people who lose their jobs. That is called unemployment insurance. Believe me, no one I know wants to be on unemployment insurance instead of having a job. It does not provide enough benefits. It does not take you anywhere. It is the dead end of all dead ends, but it does provide subsistence support for you and your family. I have been talking with so many of the Americans, especially New Yorkers, who are unemployed. That is what they tell me. They have been looking for work.

The economy of the 1990s has receded. There are not enough jobs for the people who are looking for work. Many have told me heartbreaking stories of going to job fairs, of walking the streets, of answering every ad they can find, of absolutely making a nuisance of themselves to try to find some job opening to get working again. Unfortunately, there are not enough jobs right now.

We have an honest disagreement in this Chamber about the best way to start creating jobs again. It will not surprise my colleagues that I come from the Clinton school of economics. We need a balanced approach. Stimulate the economy, have targeted tax cuts, pay down the debt, and make investments that will lead to our Nation being richer, safer, smarter, and stronger.

The administration and my colleagues on the other side of the aisle have a different theory. Evidence does count for something. The evidence is on our side, not their side. Eventually

they will get around to recognizing that and we will go back to a sensible economic policy. In the meantime, honest, hard-working Americans should not bear the brunt for bad economic policies. They should not bear the brunt because the administration does not have an economic plan. We need to help them. We have the means to do so. We should act immediately.

Around the country the headlines read: ''Prospects for Work Fade with Economy,'' ''Jobless Recovery,'' ''Help is Needed on the Home Front,'' ''The Jobless Need the Helping Hand of Congress and the President.''

In addition to no jobs for honest, hard-working people looking for jobs, the poverty rate has gone back up. For the first time in 8 years, the poverty rate increased by 1.3 million people. For families, that number increased by almost half a million. For the first time since 1991 the median household income dropped by 2.2 percent. The DOW has had its worst September since 1937. The number of Americans who no longer have health insurance has increased by 1.4 million.

How much more of a wakeup call do we need to penetrate the fog of ideology that sits over this Capitol? How much more information and evidence do we require to admit we have millions of Americans who are unemployed, on the brink of financial ruin because we are not giving them a helping hand? We can take steps right now to extend unemployment insurance. It may seem like a small step to some who are not unemployed. That is always the problem. We are sitting here with a cushy job, and we hear of people who do not have work, thinking good luck to them. That is inexcusable. Those fortunate enough to have a job to count on during a jobless recovery know there are a lot of people ''there but for the grace of God go us.'' We should be there with a helping hand. It is not right to ignore their plight any longer.

Many Americans are exhausting all of their unemployment benefits. That is understandable; we only extended it for 13 weeks. I keep thinking of the contrast between the recession of the early 1990s and this recession. In the early 1990s, former President Bush extended unemployment three times. And then President Clinton extended it twice until the economy began picking up and jobs began to be available again. I don't think we need to look any further than our own history of the past 10 years.

When times get tough and people cannot find work because the economy is not creating jobs, that is what unemployment insurance is for. It is not only the right thing to do, it is also smart. It provides a direct stimulus into our economy. Every dollar we spend on unemployment insurance generates $2.15 in our gross domestic product. It puts into the hands of people who will spend that money immediately the means to pay their rent, to buy the food, to buy the school books, to pay the mortgage, to pay the car payment.

I don't think there is any doubt that Americans are the hardest working people in the world. We do not take vacations like the rest of the developed world. We work longer hours. Some of us take more than one job in order to get ahead. It is the story of America. It is a great story. It is filled with optimism. It rests on the bedrock belief that hard work will pay off.

Sometimes, through no fault of someone, something terrible happens, something unforeseen happens. A CEO of a major corporation starts looting the corporation to have a $100 million house or a $30 million boat. All of a sudden people are down the drain: Their jobs, their income, their pensions, their retirement security. They are unemployed. Sometimes the worst happens and the waiters and waitresses and janitors and maintenance people who got up every day and for years went to work at the World Trade Center see not just their jobs but their friends' lives and literally the buildings in which they work collapse.

I am hoping we will extend benefits once again. We have only done it once. We have the money in the fund to pay for the right thing and the smart thing. We need to do it because so many of our unemployed will run out of benefits completely by the end of December. I am hoping this Congress will act to extend unemployment insurance and disaster unemployment assistance for an additional 13 weeks for all States and 20 weeks for States such as New York that are suffering from high unemployment, much of it directly related to the attacks we also suffered. I don't think we should take another day. We should send a clear message that we care about the working men and women of this country. We care about their families. We are going to try to help them get back on their feet. We will give them the help they deserve because they paid into this fund. We just have to pull the trigger so it goes out to them in their time of need.

The PRESIDING OFFICER. The Senator from Utah.

THE ECONOMY

Mr. BENNETT. Mr. President, I have listened with some interest to the Senator from New York and I have some comments to make which I hope will clearly set the record in some areas.

She referred to the jobless recovery in which we find ourselves. This is exactly parallel to the jobless recovery that occurred in the early 1990s as we came out of the recession that started in 1990, and the recovery started in 1991. There was a period when the Congress was concerned about the fact that we were recovering, but not enough jobs were created. That is fairly typical of a recovery.

The present recovery is no different in that regard.

Mrs. CLINTON. Will the Senator yield?

Mr. BENNETT. I will be happy to yield for a comment.

Mrs. CLINTON. The Senator is correct, we had a jobless recovery in the early 1990s, and a jobless recovery in the early part of this new century. In the early jobless recovery of the early 1990s, the first President Bush extended unemployment benefits three times. Is it the position of the Senator that this job of recovery means it is so different we shouldn't extend the same helping hand the President did in the early nineties to those who lost their jobs then?

Mr. BENNETT. I have not gotten to the issue of extending unemployment. I have no particular objection to extending unemployment. I am trying to set the record straight about some of the statistics that are being quoted.

Mrs. CLINTON. I thank the Senator for his lack of objection, and I hope it transforms into support for extending unemployment insurance.

Mr. BENNETT. When the bill comes to the floor of the Senate, I will be happy to give it consideration, and I see no reason at the moment why I should oppose it.

The Senator commented on unemployment rising. The fact is the unemployment rate is falling. The unemployment rate hit its high in the circumstance of 6 percent and starting to come down in August. It was 5.7 percent. We do not have the September numbers yet.

I remember being taught in economics if we were at 6 percent unemployment, we were at full employment. The assumption was the economy could not absorb more jobs than that without going into inflation. We have proven that is not the case.

But to panic because unemployment hits 6 percent and is now falling and to say we are not in recovery is, frankly, not accurate. We are in a recovery. However slow it may be, however sluggish it may be, it is a genuine recovery, and we should not panic everybody into believing we are on the verge of a double dip or a major recurrence of recession.

Personal income was unchanged in July and rose in August. The Senator said personal income was falling. Again, that is not sustained by the actual numbers. Personal income is rising, and the recovery is stronger than the Senator from New York would have us believe.

I spoke on this issue yesterday, and pointed out we were in a recovery which began in the fourth quarter of 2001 when the gross domestic product rose at 2.7 percent. From the first quarter of this year, gross domestic product rose at 5 percent. Previous figures for the second quarter of this year indicate the gross domestic product was rising at 1.1 percent. Those figures have now been revised. They have been revised upward.

Looking back over it, we are now told the recovery continued in the second quarter with gross domestic product rising at 1.3 instead of 1.1, and the blue-chip forecast which said in the current quarter—the third quarter—we would see gross domestic product rising at 2.7, the same rate it did in the fourth quarter of last year, that those figures are low; that, in fact, the forecast now is the third quarter of this year will see gross domestic product numbers closer to 3 percent instead of 2.7 as previously forecast.

I don't expect anyone to remember all of these numbers I recite. I hope they will remember that the general trend is up and is more encouraging than the Senator from New York and others would lead us to believe.

We keep being told we are in a period of great distress and disaster, and we must do something and do something drastic about it. One of the things that is proposed is we must postpone the effect of the tax cut that was passed by wide margins—both in this body and the other body—at the beginning of the Bush Presidency.

I want to discuss that for just a moment. It has been framed with the same kind of statistical maneuvering I have tried to address here. The question that makes for a good headline in a political stump speech is who lost the surplus? They are talking about a $5.6 trillion surplus that was projected at the time we had the tax cut debate. That surplus has now disappeared in the projections that were being made, and we are being asked again and again, Who lost the surplus?

The first point I want to make on that score is the surplus never existed. The surplus was a projection. I can take the Nation back through every projection made by the CBO; before that by the Office of Management and Budget; before the Congressional Budget Office was created, by the old Bureau of Budget; and before the Office of Management and Budget was created, and demonstrate virtually every projection of surplus or deficit made by those entities has always been wrong. Sometimes it has been wrong on the high side. Sometimes it has been wrong on the low side. But the one consistency is every project, surplus, or deficit in future years has always been wrong.

It comes as no surprise to discover the projection of the $5.6 trillion surplus was wrong in this case as well.

I remember a discussion with Alan Greenspan when he was before the Banking Committee, or perhaps the Joint Economic Committee. I sit on both, and he testifies before both. Someone asked him about the projections that were being given to us at the time with great confidence. They said, Mr. Chairman, how likely is it this projection will be realized? He said it will not be realized. This projection will be wrong. He said I cannot tell you whether it will be wrong on the high side or the low side. I cannot tell you and neither can any other economist tell you whether we will reap the benefits of the new age economy to a degree far greater than demonstrated by this projection or whether we will fall on our face and come in flat.

The problem is—I am not now quoting Greenspan—with an economy doing something like $11 trillion a year and subject to the uncertainties of the business cycle as well as the outside shocks that can occur in this world, no one can look 10 years into a crystal ball and tell you with absolute certainty what is going to happen.

I find it interesting that those who insist the loss of the $5.6 trillion surplus is due to the Bush tax cut and solely to the Bush tax cut also say to us why don't we deal with our current economic problems by postponing the effective date of the Bush tax cut? And, after all, that is going to take place in the outyears, anyway. So postponing the effective date will have no particular impact short term.

All right. Hold onto that argument for just a minute and listen to the other argument that we are being told.

We are being told it was the Bush tax cut that blew the hole into the surplus. Wait a minute. If the impact of the Bush tax cut is going to come in later years so it can be postponed without making any difference, how could it have been the primary mover in creating the deficit right now? Well, I can tell you how. I was part of the discussions as we crafted the tax cut. Democrats said to us at the time the tax cut was being considered it would have to have an immediate impact. We have to put money in the hands of people right now. We can't wait for the tax cut impact in the outyears.

The proposal was made primarily from the Democratic side of the aisle that in addition to cutting the marginal rates for taxes there be an immediate rebate, $300 per taxpayer, right away. That was not part of the original Bush proposal. That came out of Democratic proposals. And, frankly, it seemed like a good idea. The Bush administration embraced it. We have a combination of cutting the marginal tax rates over a period of time into the future and a rebate to get money into the hands of the economy and into the hands of people right away.

If, indeed, it was the tax cut that destroyed the surplus right away, it was the rebate side of the tax cut that was proposed by Members of the Democratic party and endorsed certainly by me and other Members of the Republican party.

You cannot have it both ways. You cannot say postponing the effective date of the tax cut won't affect the present situation. You cannot say there was an immediate impact which was bad and then say our proposal will have no immediate impact and that is good. This debate has gotten somewhat into Alice in Wonderland. I hope we can stay with the facts.

The PRESIDING OFFICER. The deputy majority leader.

ORDER OF PROCEDURE

Mr. REID. Mr. President, the majority has 21 minutes. I am going to use a few minutes. Following my remarks, I ask unanimous consent that the Senator from Missouri, Mrs. CARNAHAN, have 6 minutes; the Senator from Washington, Ms. CANTWELL, have 5 minutes; and Senator KENNEDY have 10 minutes. And if we use extra time, that would just be counted against the time we have before the cloture vote. We each have a half hour on that.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

THE ECONOMY

Mr. REID. Mr. President, my friend from Utah—and he is my friend; I think the world of him—has a unique argument: Who lost the surplus? I never heard that until he talked about it. I think we all know who lost the surplus. He never answered that question.

And then the unique observation is: It never existed. We never had a surplus.

Talk about Alice in Wonderland. About a month ago—actually it was in August—I went on a family vacation. I had not read ''Alice in Wonderland'' for a long time. I read ''Alice in Wonderland,'' and there are a lot of strange things that go on in that little girl's life when she takes this strange odyssey.

But part of that is, as the Senator from Utah mentioned, Alice in Wonderland, because the statements he has just made really are—I say this respectfully—illogical and illusionary. They simply do not exist.

The fact is we have, in the Bush economic record, weak economic growth, record job loss, declining business investment, a falling stock market, shrinking retirement accounts, eroding consumer confidence, rising health care costs, escalating foreclosures, vanishing surpluses, higher interest costs, raiding Social Security, record executive pay, and stagnating minimum wage.

In the Bush world, everything that should be up is down, and everything that should be down is up. Job losses should be down; they are up. Health care costs should be down; they are up. Foreclosures should be down; they are up. The national debt should be down; it is up. Federal interest costs should be up; they are down. The Social Security trust, we should not be raiding it. In fact, we are doing just the opposite of what we should be doing.

Those things that should be going up in the Bush economic plan are going down: economic growth, going down; business investment, going down; the stock market, going down; retirement accounts, going down; consumer confidence, going down; minimum wage, going down. Everything you would think should be up economically is down.

They have things reversed.

For someone to come on this floor and tell people we are in the midst of a recovery? Come on. We are in the midst of a recovery? I talked to Senator JOHN KERRY today. He indicated that a company in Massachusetts is laying off, I think he said, 9,000 or 10,000 people today. That is economic recovery? Last week we had all these layoffs taking place with a phone company where they laid off 14,000 people.

More than 2 million jobs have been lost in 18 months. That is economic recovery? We have the weakest economic growth in 50 years. That is economic recovery? Business investment was down each of the last six quarters; the weakest trend in 50 years. That is economic recovery?

There has been $4.5 trillion of lost stock market wealth; the sharpest decline since President Hoover was President of the United States in the early 1930s; $440 billion of lost 401(k) and IRA retirement savings in the last year. That is economic recovery?

The Nasdaq Stock Exchange is down to its lowest level in 6 or 7 years; the Dow Jones Industrial Average is down drastically and still going down; the poverty rate up for the first time since 1992.

Let's at least talk realism. We are not in an economic recovery. We have to address the economy, as Congress should. We are not doing that. We are focusing on only Iraq. I have no problem with focusing on Iraq, but we can do more than one thing. This is the beginning of the fifth week since we came back after the August recess, and we have not done a single thing to address the staggering, faltering, stumbling economy.

Mr. President, was my unanimous consent request granted?

The PRESIDING OFFICER. It was.

Mr. REID. I thank the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

EXTENSION OF UNEMPLOYMENT COMPENSATION

Mrs. CARNAHAN. Mr. President, the state of our economy is causing great concern. The experts may tell us the recession is officially over, but that is cold comfort to many Americans.

Last week, we got some startling new numbers on the pain being felt by working families. The income of middle-class families fell for the first time since the last recession. And for the first time in 12 years, our national poverty rate grew. Today, almost 33 million Americans live below the poverty line.

The stock market is also reflecting the uncertainty Americans feel. Yesterday, the market finished its worst quarter since 1987. The Dow Jones lost nearly 1,200 points in the last month, and the Nasdaq just hit a 6-year low.

These losses are more than numbers. They are a crushing reality for far too many Americans who are working hard to save for their retirement.

The recent declines are especially painful to our seniors who are living off their savings or planned to in the next couple of years.

Congress has taken some important steps to address our economic woes. In July, we worked together to pass accounting reform legislation to begin restoring investor confidence. The American people are now receiving accurate information about a company's financial condition.

Congress also worked across party lines last spring to enact a stimulus package. That legislation provides tax incentives for businesses to help them grow, invest, and avoid laying off employees.

That law also extended unemployment insurance for workers who were hit the hardest by the economic slowdown. At that time, we made sure workers who had lost their jobs and exhausted their State employment compensation received an additional 13 weeks of unemployment insurance while they were looking for jobs.

It is urgent that Congress act again. Our economic recovery is disappointingly slow.

Last quarter, our economy grew at a meager 1.3 percent. Such an anemic growth rate means businesses are struggling to stay afloat and workers are struggling to pay their bills.

Some have called this a jobless recovery. But there is no recovery for the jobless. Over the last year, my home State of Missouri has lost more than 55,000 jobs in manufacturing and farming.

More than 8 million Americans are unemployed today. An alarming number of unemployed workers have been looking for jobs for more than 6 months. By the end of the year, more than 2 million workers are expected to exhaust their unemployment compensation.

Unemployment benefits are supposed to help tide workers over during hard times. It is intended to help them support their families, to help them pay the rent, and put food on the table.

Right now our economy is not creating enough jobs for these people to get back to work. It will take more time for them to find a job.

It is appropriate that we respond to this emergency as we have done in the past. In the early 1990s, Congress provided 26 weeks of additional unemployment insurance.

I am very pleased to be a cosponsor of legislation introduced last week that will provide the same temporary relief. Our bill will ensure that if a worker cannot find a new job, and if that worker has completely exhausted the unemployment insurance currently available, then that worker could receive another 13 weeks of assistance.

Workers and their families deserve this safety net. Congress cannot turn a blind eye to the hardships of jobless men and women, those who are hurting in this economy: the hurting, the helpless, and the hopeless.

I urge my colleagues to act quickly. The time is running out for too many Americans.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Ms. CANTWELL. Mr. President, I rise today to urge my colleagues to consider a bipartisan effort to pass legislation on which Senators KENNEDY, CLINTON, and WELLSTONE have worked so hard. Their leadership has shown it is critical that we pass this legislation now.

No other State, probably, needs this legislation more than Washington.

Washington State is in the middle of an economic crisis resulting from a downturn in both our aviation and high-tech sectors. With the jobless rate at 7.2 percent, we are teetering among the highest, if not the highest, unemployment rates in the country.

Mr. President, 202,000 Washingtonians are unable to find work. And over the last 12 months, our State has lost 50,000 jobs, and 60 percent of those are in the high-paying manufacturing sector.

Just in the last 2 weeks, Boeing announced it would exceed its original projections of 30,000 layoffs that it has already carried out.

Last month alone, 56,000 unemployed workers of Washington State received extended unemployment benefits. But all those benefits will expire on December 31, 2002, unless we take the proposal before us today and pass it into legislation. That means if we don't pass this legislation, those 56,000 workers will not be adding to our State's troubled economy.

We can no longer wait because things are not getting better. Our State economist Chang Mook Sohn issued a report saying we are not going to see a recovery anytime soon and very little growth in the next 6 months.

We understand that unemployment checks are not long-term answers; jobs are. But while people look for new work, extending unemployment benefits will help unemployed workers make mortgage payments, put food on the table, pay utility bills, health care bills, and, in my State, the high cost of energy bills.

Extending unemployment benefits will give people a new opportunity to upgrade their skills. As has been pointed out, extending benefits will also boost our economy, injecting into communities that have already been strapped with high unemployment rates a little bit of stimulus. A 1999 Department of Labor study concluded that for every dollar spent on unemployment, it generates $2.15 of economic activity. This proposal for Washington State over the next 6 months would mean over $1 billion in economic stimulus.

The cost of extending this program will be paid by the unemployment insurance trust fund, which has nearly $30 billion in it and is a very healthy account.

Congress created unemployment insurance in 1935 to help unemployed workers get through the Great Depression. In the 1990s, we expanded that five times and even higher for the States that had high unemployment. So far this year, Congress has only done this once.

We, in Washington State, need the support of our colleagues and of the White House in dealing with this economic crisis. It is clearly imperative that we should pass the Kennedy-Clinton-Wellstone legislation and do so immediately so that as our economy continues to struggle, we bridge the gap with a stimulus and a helping hand to working men and women in America.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I bring to the attention of the Senate a major challenge facing many of the families in my State of Massachusetts, and that is the continued escalation of those on the unemployment list. We have seen that grow to a figure of 175,000.

In Massachusetts, we have the highest number of unemployed workers of any of the New England States. Two years ago we had the lowest unemployment of any of the States. Now we have the highest, with very little hope in the future for getting these workers back to work.

There has been a reduction in the total number of jobs. We have more workers searching for fewer jobs than at any time in recent history. These are not just figures developed by the Democratic Party. They are figures developed by the Department of Labor: 8.1 million unemployed, trying to fill 3.2 million positions. The disparity between the high number of unemployed and the available jobs is one of the highest percentages of any recent time, and that is true all over this country.

The people of my State are wondering how they are going to make ends meet, whether they are going to see the expiration of their unemployment compensation.

I was here in the early 1990s, when on four to five different occasions we had bipartisan support for extension of unemployment compensation.

The purpose of unemployment compensation is to reach out a helping hand to workers who work hard, play by the rules, are trying to pay a mortgage, trying to pay for children's school clothes, and to live a somewhat normal life, but because of the economic exigencies they are out of a job.

The unemployment fund is now at a surplus of some $25 billion. It was developed for just the kinds of reasons we are facing today. We, on this side, believe we ought to have an opportunity to extend unemployment compensation to the families of this country thrown out of work through no fault of their own. They ought to be able to at least have this lifeline that will help support them during this difficult time before they are able to get back on their feet.

That is the issue. It is one of decency, fairness, and humanity. At other times in our history, Republicans and Democrats in this body came together in order to provide that.

Now we are finding the Republican leadership opposing this proposal, effectively saying thumbs down to workers in my State, thumb downs to workers all across New England and all across the country. It is the wrong policy at the wrong time.

I join with my colleagues, with Senator WELLSTONE, who has been the leader in this battle for extended unemployment compensation, and my friend and colleague, Senator CLINTON, Senator CARNAHAN, Senator CANTWELL and others, urging the Senate to take action. We can do it. It has been done in a bipartisan way. It should not be partisan. This is about hard-working Americans. Are we going to reach out with a helping hand to make sure their interests are going to be protected?

We ask the Senate for consent to provide additional unemployment benefits for millions of out-of-work Americans. I urge my colleagues to give that consent.

Over 2 million Americans who have lost their jobs are about to also lose their unemployment benefits. The Emergency Unemployment Compensation Act of 2002 will extend their benefits just as we have every recession over the past three decades. Families are struggling, and we must act.

In fact, since President Bush assumed office in January 2001, the economic well-being of America's families has dramatically deteriorated. This is not just an economic coincidence, it is the result of the economic policies of this administration—policies which neglect the basic needs of working men and women, lavish extravagant tax breaks on the wealthiest taxpayers, and allow corporate abuse and excess to go unchecked.

President Bush says he has already taken care of the troubled economy by cutting taxes and, instead of supporting our bill, called on Congress to make the tax cuts permanent.

There are now 8.1 million unemployed Americans, 2.2 million more than when President Bush took office. And no amount of tax cuts for the wealthy can restore their jobs and pay their bills.

But this is deja vu all over again. The first President Bush twice blocked legislation to provide much-needed unemployment benefits before finally signing into law three benefit extensions. In this recession, 800,000 more workers are expected to run out of unemployment benefits than in the last recession during the early 1990s. It will only get worse if we don't act.

Last March, Congress extended benefits for the first and only time during this recession. That is not enough. Already, more than 1 million workers have exhausted these benefits without finding a new job, and another 2 million will join their ranks by the end of the year.

Most of them have families to support. They are scrimping on school supplies; maxing out credit cards; and juggling electric bills with mortgage payments. These are our fellow citizens, and they need help now.

We are supporting legislation that mirrors the benefits signed into law by the first President Bush in the early 1990s. The bill will extend benefits for workers in all States, and provide additional benefits for those in high-unemployment States. This bill will ensure that workers can keep a roof over their heads and food on their tables while they search for jobs in this tight economy.

This Bush administration has fought efforts to provide adequate unemployment assistance to workers. But the administration can no longer afford to ignore the pain and the needs of struggling families. We must act—and act now—to live up to our obligations to help our fellow citizens in their time of need.

Alan Gonsenhauser of Northborough, MA, is one of those workers who has exhausted his benefits. Formerly the vice president of a consulting firm whose largest client was Enron, he was laid off last December. Nine months later, he is still looking for a job. He, his wife, and their two children have relied on unemployment benefits and personal savings to cover family expenses, but his benefits expired last month.

Many hard-working Americans and their families have suffered as a result of the recent spate of corporate scandals and the failure of the administration to take decisive action. At WorldCom, more than 20,000 workers were laid off. At Arthur Andersen, 7,000 workers were laid off. At Global Crossing, over 9,000 workers were laid off. Enron laid off about 4,000 workers.

Americans who are out of work are watching their savings shrink while the cost of living just grows and grows. The cost of health insurance for families has risen 16 percent in the last year and a half, and 27 percent for single individuals. Even more workers are being forced to go without health insurance. The cost of prescription drugs is going up at three times the rate of inflation. Yet this administration repeatedly sides with the health care industry and against working families.

Families are struggling to pay for college for their children. Tuition alone at a public 4-year college costs nearly 8 percent more this year than last year—an increase of more than triple the rate of inflation. The importance of higher education is increasing but the ability of middle-class families to pay for it is decreasing.

Out-of-work Americans are not only losing their health benefits, they are also losing their homes. According to new data from the Mortgage Bankers Association of America, home foreclosures are at all-time highs. Families who spent years saving to purchase their dream homes are now unable to afford to keep them.

These are the economic fears which are keeping American workers up at night—losing their job, losing their homes, losing their retirement savings, losing their health care, and paying for college.

Millions more of them are kept awake by these fears today than were 18 months ago. The Bush economy has turned the American dream into a nightmare for them.

It's time to restore economic security for workers and the Nation. Democrats support extending unemployment benefits, guaranteeing retirement security through pension reform, raising the minimum wage, insuring health care for the uninsured, and making prescription drugs and college more affordable for millions of Americans. America's working families deserve nothing less.

The PRESIDING OFFICER. The majority leader.

Mr. DASCHLE. Mr. President, I compliment the distinguished Senator from Massachusetts for his powerful statement and my colleagues, the Senators from New York, Missouri, and Washington State, and others, in support of the Wellstone unanimous consent request. I know he will propound it momentarily. We are waiting for the assistant Republican leader to come to the Chamber.

In the meantime, I add my voice to those who have spoken this morning. The economic conditions in this country continue to worsen. We now have 2 million jobs that have been lost over the last 20 months. The number of the private sector unemployed has gone up by over 2 million people. We have seen the number of long-term unemployed go from about 650,000 now to 1.5 million people—those who are unemployed for more than 6 months. We have seen a $4.5 trillion loss in market capitalization. We have seen the number of foreclosures go up at a rate higher than anything in recent years.

Over and over, every single indicator points to the fact that this economy continues to worsen. Yet we have an administration that, for whatever reason, chooses to ignore it entirely.

The point we make this morning and have made now for some time is that at the very least we ought to be sensitive to those who are the victims of this tragic set of economic circumstances.

Felix Batista is one of those people. I heard about Mr. Batista when I was in New York in the last couple of days. Felix Batista worked for the World Trade Center for 23 years. After the tragedy of 9/11, Mr. Batista was left unemployed. He has yet to find a job more than a year later, in spite of the fact that he was an outstanding employee, that he has family, that he has run out of his unemployment benefits. He has no recourse but to continue to plead for help, ask for our understanding. I don't know whether Mr. Batista is watching this morning, but I am sure if there are those who are unemployed with access to C–SPAN, they have to be wondering, hoping, wishing the Senate would act expeditiously.

They didn't have to hope or wait 10 years ago. We went through a recession at that time and we extended unemployment benefits—not once, not twice, but on three occasions. We provided the safety net to those who were unemployed in the long term. We provided some hope, some opportunity to have a sense of worth. That is all we are asking, Mr. President. Give these people a chance. Give them the hope and the real opportunity they need to be able to pay their bills, buy groceries, to ensure that their rent payments are made so they are not evicted in addition to being unemployed. So I hope that, at the very least, we can extend unemployment benefits again. We have done it before. The need could not be more urgent.

While we can talk about all the other things we need to do about the economy, there should not be any difference in opinion whatsoever, Republican or Democrat, when it comes to economic security for these unemployed workers, these families left with nothing—the Felix Batistas of the world, who are good employees, who work hard, who expect at least some understanding for their circumstances now.

I yield to the Senator from Minnesota to make his unanimous consent request.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. WELLSTONE. Mr. President, I know the Senator wants to speak on this matter as well. I can do this in a very brief timespan, though I think this is a critically important issue. I thank, as always, my colleague Senator KENNEDY for his leadership, along with Senator CLINTON.

My State of Minnesota has lost 40,000 jobs in the last 18 months. I have not seen anything like this for a long time. We have 123,000 Minnesotans who are officially unemployed, and that doesn't include people who are self-employed, people who work part time, and those people who have become discouraged workers. Right now, unemployed workers in Minnesota are looking for jobs, and they outnumber unfilled jobs by 2 to 1. This is a serious situation.

Look at the reports today about the stock market and the economy. The good thing we did in the 1990s, in a bipartisan way, is that when we were in the earlier years, before President Clinton, in recession, we extended the unemployment benefits another 13 weeks. That is exactly what we are talking about here—the Emergency Unemployment Compensation Act. It is a bipartisan measure. It is critically important. Basically what we are saying is that we ought to at least, with this Economic Security Act, provide an additional 13 weeks of extended benefits for workers who are either running out of benefits and won't even get the 13 weeks they are due in December or those who have already run out of all of their benefits. For those States with high levels of unemployment, we are talking about another 20 weeks of unemployment benefits.

Colleagues, this is compassion. This is bipartisan. The economy is not doing well, and the families we represent in our States are not doing well.

UNANIMOUS CONSENT REQUEST—S. 3009

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 619, S. 3009, a bill to provide economic security for America's workers; that the bill be read the third time, passed, and the motion to reconsider be laid upon the table, without intervening action or debate.

I say to my colleague from Oklahoma, I don't know whether he wants to do this. I know Senator SMITH wanted to speak. If you are going to support this, I hope he can speak after—or maybe you want to let him speak a few words before. Would that be possible?

Mr. NICKLES. Is the Senator going to make a unanimous consent request?

Mr. WELLSTONE. The Senator can follow then. I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 619, S. 3009, a bill to provide economic security for American workers—this is to extend it another 13 weeks, and we should do that—that the bill be read three times, passed, and the motion to reconsider be laid upon the table, without intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. NICKLES. Mr. President, reserving the right to object, I need to ask my colleague a couple of questions.

I am sympathetic to granting an extension of unemployment compensation. As the Senator mentioned, we have done it in the past. I am not familiar with the Senator's bill. Has the bill been printed yet? Not to get in too big a hurry, but is the bill available? My staff said maybe we can find it on the Internet, but I don't believe it has been printed yet.

Mr. WELLSTONE. I have a copy of the bill that I would be pleased to give to the Senator.

Mr. NICKLES. I would appreciate a copy. I would like to look at it.

Mr. WELLSTONE. There is nothing really complicated about this. We have a lot of people out of work. The economy is not doing well. They have run out of benefits, and they need another 13 weeks.

Mr. NICKLES. I don't think asking a couple of questions is too much to ask. Is this a clean 13-week extension in unemployment compensation?

Mr. WELLSTONE. The Senator is absolutely correct.

Mr. NICKLES. Is that all it is?

Mr. WELLSTONE. The Senator is correct. Although it is 13 weeks, it is 20 weeks for States with higher levels of unemployment.

Mr. NICKLES. Back to my question, it is not just a 13-week extension of unemployment compensation——

Mr. WELLSTONE. The same way, I say to my colleague, we did it in a bipartisan way in the early 1990s, where it was 13 weeks, and for States with higher levels of unemployment, it went to 20 weeks. We have done it before, and we can do it again right now.

Mr. NICKLES. I will just inform my colleague that I just need to see his bill.

One additional question: Has there been a cost estimate? I think I am familiar with old cost estimates on a clean 13-week extension, but I am not familiar with how much additional the Senator is asking. Does he have a cost estimate on his bill?

Mr. WELLSTONE. CBO has not given us an estimate. I think it will be $10 billion to $13 billion. If I may say to my colleague for a moment, I appreciate his question and what he is talking about, and we will let you read it. But people are flat on their backs. In the case of States with high unemployment, it would be 20 weeks. We have done it before. The CBO estimate—I have given you what I believe it is going to be. I am not neutral. We need to do this. We need to take this action.

Mr. NICKLES. Just for my colleagues' information, I have not seen his bill. I understand from staff it was introduced on Thursday, but it has not been printed yet. I would appreciate a copy of the bill. We would like to review it and see what it is. I will work with my colleague and my friend from Oregon, who I know is interested in the bill as well. We have other colleagues who are also interested in passing some extension of unemployment. Whether it goes beyond the 13 weeks or not needs to be discussed. There are Democrats and Republicans—other Senators—besides just a couple who want to address this issue.

At this point, I will object. But I will tell my colleague that I will work with all interested Senators to see if we can pass some form of unemployment compensation extension before we adjourn in the next week or so. We at least need to see the bill. This idea of having a bill introduced on Thursday and not printed in the RECORD yet, and then wanting to pass it on Tuesday, without other people looking at it, I think is premature. So at this point I shall object.

The PRESIDING OFFICER. Objection is heard.

Mr. WELLSTONE. Mr. President, if I may say to my colleague from Oklahoma, I appreciate what I heard and his willingness to move forward. I can guarantee him that he will have the bill in a matter of seconds, lest we harp on the complexity of all of this to the point where it becomes a reason for not taking action; it is very simple and straightforward, as I have defined. We have done this before in a bipartisan way. God knows, there is not one Senator in here who doesn't understand the economy in their State. We can take prompt action right away, and for people out of work in Minnesota and around the country, they need this. We are pleased to do this. We will come back to the floor ASAP and pass it in a bipartisan fashion.

The PRESIDING OFFICER. At this time, all time remaining under morning business belongs to the minority.

Mr. REID. Parliamentary inquiry, Mr. President. The minority has how much time remaining?

The PRESIDING OFFICER. Two minutes 17 seconds.

Mr. REID. Mr. President, we have a number of people who wish to speak. We are told we are not going to be able, even though we are going forward for the fifth time, to invoke cloture. I do not think on our side we need all that time. Each side has a half hour. While my friend, the distinguished Senator from Oklahoma, is in the Chamber, I am wondering if we can have 15 minutes on our side for Senator LIEBERMAN to talk about cloture, and the other 15 minutes would be for morning business because Senator KENNEDY has been here all morning wishing to speak, Senator SARBANES is here, and Senator DURBIN has shown up.

I, therefore, ask unanimous consent we have the vote at 12:15 p.m. rather than 12 o'clock, and that the time be apportioned accordingly.

The PRESIDING OFFICER. Is there objection?

Mr. NICKLES. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, the vote was originally scheduled for 12 o'clock, with 1 hour debate equally divided. I know my colleague from Oregon wishes to speak on the unemployment compensation issue. I know he has not had a chance. Does the Senator want to move the vote to 12:15 p.m.?

Mr. REID. Yes, we want to use 15 minutes of Senator LIEBERMAN's time for morning business. Senator LIEBERMAN only needs 15 minutes. He is so good he can handle it in 15 minutes.

Mr. NICKLES. That is perfectly acceptable. The assistant majority leader is basically saying this side gets 30 minutes and his side gets 30 minutes, and he is going to change the time allocation of the 30 minutes?

Mr. REID. That is right.

Mr. NICKLES. I have no objection, except I would like the Senator from Oregon to be able to speak.

Mr. SMITH of Oregon. I wonder if I may take the remaining 2 minutes on the minority side even though I am speaking for the majority position.

Mr. NICKLES. The Senator is entitled to speak. They can get their vote at 12:15 p.m. Can the Senator from Oregon have 5 minutes to speak on the unemployment compensation issue, and then we will divide the hour as described?

Mr. REID. The Republican side has 2 minutes left. He can take that 2 minutes.

Mr. NICKLES. We will give him 5 minutes.

Mr. REID. From where does his 5 minutes come? I do not care as long I know.

Mr. NICKLES. Mr. President, I ask unanimous consent that the Senator from Oregon have 5 minutes and then the hour be apportioned as described by the assistant Democratic leader.

Mr. REID. I dare the Presiding Officer to tell us what we have just done.

Mr. NICKLES. The Senator from Oregon gets 5 minutes and then we have 1 hour.

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

Mr. REID. I ask the Chair, how much time do we have for the three speakers on our side?

The PRESIDING OFFICER. Thirty minutes.

Mr. REID. Ten minutes per speaker. Ten minutes to Senator KENNEDY, 10 minutes to Senator SARBANES——

Mr. SARBANES. Five minutes. We are saving 15 minutes for Senator LIEBERMAN. It will be 5 minutes.

Mr. REID. Five minutes for Senator KENNEDY, 5 minutes for Senator SARBANES, 5 minutes for Senator DURBIN, and then the other 15 minutes for Senator LIEBERMAN. If he feels very generous, he can yield part of his 15 minutes to these other Senators.

The PRESIDING OFFICER. The Senator from Oregon.

EMERGENCY UNEMPLOYMENT COMPENSATION ACT OF 2002

Mr. SMITH of Oregon. Mr. President, I probably will not use all the 5 minutes allocated. I thank my colleagues for their courtesy in granting me this time.

I have been on the floor this morning listening to charges and countercharges between the parties as to who is to blame for the current state of the economy. Frankly, I do not believe we planned this economy. I think Congresses and Presidents are given too much credit and blame for the free-market system. I think the people at home could care less about all the fingerpointing. In my view, now is the time to come together, not as partisans but as Americans and as bipartisans, if you will, to support legislation that is critical to those who are bearing the brunt of the economic downturn our country has been experiencing.

I have joined Senator KENNEDY as the lead cosponsor of this legislation to extend emergency benefits for workers who have already exhausted their benefits under the Unemployment Insurance Program. I am here again to offer my support for another attempt to extend the emergency benefits for unemployed workers.

Last week, Senator KENNEDY, Senator WELLSTONE, and I introduced the Emergency Unemployment Compensation Act of 2002. This is yet another effort to push the issue to provide benefits from this Congress before it adjourns.

I note for the record, I have been pushing emergency benefits for unemployed workers in Oregon for a year

now, since October of 2001. After months of work, last March Congress finally extended emergency unemployment benefits to workers who have lost their jobs during the economic downturn, but this is no longer adequate.

Under the extension, unemployed workers in 48 States received 13 additional weeks of benefits, and those in 2 States received 26 weeks. My State, the State of Oregon, was one of those two States, as our economy has been hurt, in a relative sense, worse than any other in the United States.

Now those benefits are ending for Oregonians. Starting this month about 1,000 Oregonians a week will stop receiving badly needed emergency unemployment benefits. That is a lot of buying power that will leave the economy of the State of Oregon if it happens but, more importantly, there will be an awful lot of human hardship that will ensue among these Oregonians if it happens.

These benefits are not gratuitous. They are not excessive. They are the barest of safety nets required by these families. For many of these families, as I have said, 1,000 a week, these benefits will cease if we do not act before we go home. For that reason, we are, again, introducing legislation, this time the Emergency Unemployment Compensation Act of 2002, in an effort to provide for these families.

Under this new legislation, those Oregonians will receive up to an additional 20 weeks of emergency benefits. This is a temporary extension through July of 2003. Oregon's unemployment rate is simply the highest in America, and this is the least we can do for those who are bearing most of the burden of this economic downturn.

I am going to join with Senator KENNEDY and Senator WELLSTONE again to work in a bipartisan way to get this bill passed before we go home and influence our leadership to come to an agreement, as the assistant Republican leader indicated his willingness to do. This is a must-do before we go home.

I thank my colleagues for the time and yield the floor.

Mr. BINGAMAN. Mr. President, I rise today to address the increasingly serious problem of unemployment in the United States, in particular the number of workers who have exhausted their unemployment insurance benefits and are still unable to find work.

According to the latest data from the Department of Labor, the adjusted unemployment rate in the United States is now 5.7 percent, with over 8.1 million, 8.1 million, workers now unemployed. 1.4 million other workers who want work but cannot find it are not included in this total because they had not looked for work in the four weeks before the survey was completed.

In my State of New Mexico, we are doing much, much worse than this. Our adjusted unemployment rate is 6.3 percent, which puts us at number nine in the Nation in terms of the worst unemployment rate. Our unadjusted unemployment rate is 6.6 percent. We have had an increase of 31.6 percent in initial unemployment insurance claims since July 2001, and an increase of 33.4 percent in continued unemployment insurance claims in that same timeframe.

The bottom line in my State and across the Nation is that jobs are being lost, and there are no new jobs being created that workers can apply for. Even worse, the workers that have not been able to find work now face an additional crisis, that being that they have been on unemployment insurance for as long as allowed and will soon no longer be eligible for new benefits.

According to the Department of Labor, by the end of August over 1.1 million workers have exhausted the extended unemployment insurance benefits provided by the stimulus legislation and now have no funding at all available to them. According to the Center for Budget and Policy Priorities, this number will rise to over 2.2 million by the end of 2002. The number of workers who exhausted their regular unemployment insurance benefits in August 2002 was 46 percent higher than the number of who exhausted such benefits in August 2001. The number who exhausted their regular unemployment benefits in the first six months of 2002 is 75 percent greater than the number who exhausted these benefits in the first eight months of 2001, and is more than double the number who exhausted these benefits during the same months of 2000.

For workers in New Mexico and across the Nation, these data are truly frightening. And in spite of these data, the comments we keep hearing from the administration is that we are on the verge of a recovery, or we have a strong foundation for a recovery, or the recovery is just around the corner. But I see no evidence of this. Investment in new research and development is falling. Investment in new equipment is flat. Production is falling. Layoffs are rising. From what I can tell the economy stalled, and I have seen no evidence at all that the administration knows what to do. Even worse, from what I can tell there is a complete lack of concern in the administration about where the economy is going right now. Nothing is being said about what should be done or when it should be done.

Given this lack of response by the administration, I say it is time we in Congress act. The Emergency Unemployment Insurance Act of 2002 is a very positive step in this direction. Its purpose is very straightforward: it will revise and extend the temporary unemployment program to provide an additional 20 weeks of temporary extended benefits for ''high unemployment'' States, States like New Mexico, and an additional 13 weeks to all other states until June 2003.

As a practical matter, this means workers can continue to get unemployment insurance benefits while they continue to search for work. In my view it is the least we can do for these folks. Unemployment insurance offers at most a subsistence-level existence, and most workers who receive benefits are forced to choose between paying for education, health care, mortgages, and food. These are folks that have played by the rules over the years and now find themselves in hard times. Personally, I would prefer that we offer them more, but if we cannot, then it seems to me we should be able to offer them some minimal financial security when they need it the most.

So I want to add my voice to the others today and say that we must pass this legislation before we go out on recess. American workers deserve to be dealt with in a fair and equitable manner, especially in this time of need. They need a lifeline, and its up to us to provide it. I recognize that there are a number of important issues that we have to address in a very short timeframe. But from where I sit, this is a priority. The administration can talk all it wants about how the economy is going to improve, but what matters to the folks in my home state is whether they can find good jobs and keep them. Right now, they can't do that. We need to give them some help until they can. This is one step in that direction.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mrs. CARNAHAN.) Morning business is closed.

HOMELAND SECURITY ACT OF 2002

The PRESIDING OFFICER. Under the previous order, the hour of 11 a.m. having arrived, the Senate will resume consideration of H.R. 5005, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 5005) to establish the Department of Homeland Security, and for other purposes.

Pending:

Lieberman amendment No. 4471, in the nature of a substitute.

Gramm-Miller amendment No. 4738 (to amendment No. 4471), of a perfecting nature, to prevent terrorist attacks within the United States.

Nelson of Nebraska amendment No. 4740 (to amendment No. 4738) to modify certain personnel provisions.

The PRESIDING OFFICER. Under the previous order, there will now be an hour for debate equally divided between the two leaders or their designees. The Senator from Maryland.

Mr. SARBANES. Madam President, pursuant to the unanimous consent agreement, I have been allocated 5 minutes to speak?

The PRESIDING OFFICER. The Senator is correct.

EMERGENCY UNEMPLOYMENT COMPENSATION ACT OF 2002

Mr. SARBANES. Madam President, I rise in very strong support of the legislation to extend unemployment insurance benefits, the Emergency Unemployment Compensation Act, which Senator WELLSTONE and others have introduced. I am very pleased to have joined in cosponsoring this legislation.

I have a few points to make in the limited amount of time that has been allotted to me this morning. First of all, we have extended unemployment benefits in every previous recession. The concept behind extending benefits is that when the economy goes soft and people lose their jobs, in order to help support them, we extend unemployment benefits beyond the standard 26 weeks. Otherwise, benefits are limited to 26 weeks. Let me underscore we are talking about working people. One cannot draw unemployment insurance if one has not been working. So by definition, the people we are trying to help are people who were working and producing and helping to move our economy forward and, because of conditions beyond their control, find themselves out of a job. Therefore, they are out of income that is needed in order to support themselves and often their families.

Traditionally, we give benefits for 26 weeks and then we figure that people will find a job and go back to work. But when the economy goes soft, then we have a very difficult problem on our hands, which is there are not any jobs to go back to.

Most of the economic indicators now are trending downwards. We continue to face a serious economic problem, and the effort to extend the unemployment insurance benefits is a response to this pressing need. This need is felt by unemployed workers all across the country as they confront the problem of how will they take care of their families, and where will they find the income with which to make it from day to day.

Unemployment insurance pays only a small percentage of what people were previously earning. When a person is receiving unemployment insurance benefits their income takes a real hit. In any event, these benefits provide unemployed workers some support so that they are not completely cast out without any means of sustenance.

Unemployment insurance has been carefully devised to be a countercyclical measure against recession because it provides extra income at a time of economic downturn. Almost by definition this money will be spent since the formerly employed workers are receiving benefits that are far below what they were previously earning. Thus, these benefits will all go into the income stream. They will help to provide an impetus to the economy. Those who talk about how can we get the economy moving again, this is one way to do it.

Furthermore, there is a trust fund that is designed to take care of paying these unemployment benefits. Payments have been made into the trust fund in good times, such as when we experienced low unemployment rates over the last 7 or 8 years, and as a result of this we have well over $20 billion in that Federal trust fund. That money is in the trust fund because it was paid for the purpose of paying unemployment benefits when we confronted an economic downturn.

People ask: Where is the money going to come from? It is going to come from the trust fund. It ought to come from the trust fund. That is why the trust fund is there, and that is why the money has been paid into the trust fund—for the purpose of providing a safety net at the very time that we run up against the kind of economy we are witnessing today.

So the rationale for extending these unemployment benefits is overwhelming. It is consistent with past precedents. We have done it in every previous recession. It conforms to the structure of the system in the sense that we have paid into a trust fund to pay this money out. It will meet the pressing needs of formerly employed workers now confronting the very real problem of how they are going to support their family now that they have lost their income, and it will provide a boost to the economy because this money will be paid to formerly employed workers who will spend this money back into the economy, helping to boost this economy.

The PRESIDING OFFICER. The Senator has used 5 minutes.

Mr. SARBANES. I urge my colleagues to support this legislation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Madam President, it is my understanding that I was allotted 5 minutes under the unanimous consent request.

The PRESIDING OFFICER. The Senator is correct.

Mr. DURBIN. Madam President, we are discussing unemployment insurance. A few of these charts really tell the story. If we take a look at the economic record over the last year and a half, we see some rather dramatic things have occurred. When President Bush took office in January 2001, 648,000 Americans were listed as ''long-term unemployed.'' That is more than just a temporary loss of a job. These are people who have been unemployed for more than 26 weeks.

By August of this year, that number had more than doubled to 1.4 million Americans facing long-term unemployment. In fact, if we compare the record of the Bush administration on private sector jobs, it is a dramatic indication of the failure of our economic policy.

This chart starts with President Eisenhower, goes through every single President, all the way to President George W. Bush. Without exception, every one of these Presidents saw an increase in private sector jobs during their administration. The largest increases came under President Johnson, then President Carter and President Clinton. There is only one President who has seen a decline in the number of private sector jobs in their administration, and that is the current President, George W. Bush.

So fewer jobs are being created, and there is higher unemployment. Traditionally, the Senate has not wasted any time in reacting. Take a look at what happened in the second worst record of the last 50 years—under President Bush's father—when they had a job increase of only four-tenths of 1 percent. When they faced high unemployment under President Bush's father, the Senate went to great lengths to pass extensions of unemployment benefits, realizing there were hundreds of thousands, perhaps millions, of Americans out of work. Look at how quickly Congress responded, not only once but five times, to increase and extend unemployment benefits.

Then look at the votes in the Senate. There is not a single vote with fewer than 66 Senators supporting it. In some cases, as many as 94 Senators supported it. So there has been strong bipartisan support.

I cannot understand this, but why is this administration resisting the effort of providing unemployment compensation to Americans who have lost their jobs? The President's economic policy has failed. It has created an economy which is sluggish. Take a look at the stock market on a day-to-day basis and tell me there is any indication of hope on the horizon.

This morning, I met with representatives of major businesses. I went around the table and asked: What do you think the future holds? And not a single one of them is optimistic beyond the range of a year or two from now. So more and more people will face unemployment.

Why, then, should unemployment insurance become this political football? The Democratic side is insisting we extend unemployment insurance, to make certain that people have some more money to live on in the hopes that they can find another job or at least keep their families together during some of the most perilous times.

In the State of Illinois, we announced an unemployment rate in the month of August that put us fifth in the Nation for the highest unemployment rate. We frankly have a situation now where across this country many people are losing their jobs and, frankly, have nowhere to turn. The August 2002 unemployment rate of 5.7 percent nationwide is more than 18 percent higher than it was the year before.

So under the Bush administration, the value of people's savings has declined because of the stock market crashing. We have seen people's pension plans decimated and their plans for their actual activity changed because they have had to decide to go back to work.

I heard a report recently where one investment counselor said: I never dreamed there would come a day when I had to call a retired person and say I am sorry, I have taken a look at your portfolio, and you are not going to make it. You have to go back to work. But this person said they had to do it. That is a reality. That is what is facing people.

So there is a rush on for these jobs and for a lot of people who have lost their pension savings. Now, there is a situation where people who are unemployed have nowhere to turn. They have run out of unemployment insurance benefits.

This morning, the minority whip, Senator NICKLES from Oklahoma, said the Senate Republicans would certainly consider unemployment insurance extensions.

The PRESIDING OFFICER. The Senator has used 5 minutes.

Mr. DURBIN. Madam President, I believe Senator KENNEDY was given 5 minutes, and I ask unanimous consent that I be given that time pending his return.

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

Mr. DURBIN. The point I am getting to is that this effort by Senator KENNEDY, Senator CLINTON, Senator WELLSTONE, myself, and Senator SMITH of Oregon is a really tradition that we have seen over and over again in the Senate and the Congress. When we are in a recession, the best thing that can be done to spark economic activity is to give some buying power to people who are out of work. We have done that repeatedly, no questions asked.

For some reason, the Bush administration, which has presided over this recession getting deeper, darker, and gloomier, does not want to do that. They do not want to provide the basic necessities of life for these people. I do not understand that. One would think the President would have stepped up as his father did three different times and say we are going to provide the resources for these people who, through no fault of their own, are out of work. Yet the Bush administration has not done it.

The situation gets worse. The Bush economic record shows in private sector jobs, we have lost more than 2 million jobs. We had 111.7 million private sector jobs when President George W. Bush took office. Today, we are down to 109.6 million. It is an indication of how serious it is. Unemployment has become a national phenomenon under this failed Bush economic record.

I mentioned earlier the situation with people and their savings and investments. This chart is a graphic presentation of something we all know. Look at the impact of President Bush's policies on worker retirement savings. Take an average person. Assume, for example, they had $100,000 in their 401(k) retirement plan as of the date President George W. Bush took office and they had it invested in the Standard & Poors 500—considered a pretty good barometer of business success in America. They would have lost 30 percent of the value of their retirement. People who were tied into it have seen their retirement savings go down. Many have been forced to go back to work. The stock market losses, $4.5 trillion, are an indication of lost stock market wealth since President Bush took office. I caution people who are following this debate, this chart was prepared last week. The numbers are worse today. We know what is going on.

We need to do something in this country. We focus on national security. We should. Shouldn't we spend time discussing economic security? Or some time addressing this dramatic loss of wealth and savings in America through no fault of the families who thought they were well invested in a strong economy? This economy has hit the skids under President Bush. His idea to hold a conference with close friends in Texas will not cut it. We need to do things to make a dramatic difference.

Ask economists the thing to do to put life back in the economy, and they say: Put buying power back in the hands of people who are unemployed. They will spend the money. They have to, for the necessities of life. Spending it, with the multiplier in our economy, creates jobs as a result.

This Senate, before it adjourns and goes home to campaign or relax or whatever individual Senators care to do, should face its responsibility. The responsibility faced earlier by President Bush's father should be faced by this President Bush as well, to extend the unemployment benefits.

This bill we are supporting, the Emergency Unemployment Compensation Act of 2002, ensures that the millions of workers exhausting their regular unemployment benefits will have a safety net on which they can rely. It ensures that over 800,000 workers benefitting from temporary extended benefits at the end of the year will not be faced with the abrupt expiration of that benefit on December 28. It ensures that over 863,000 workers who have already exhausted their temporary extended benefits and remain unemployed for over 39 weeks have a place to which to turn. It is basic. It is essential.

For goodness' sake, don't we owe it to the people of America to talk about the issues that hit them at home? Hit them in their pocketbooks? It is enough to talk about the Middle East and Iraq 23 hours a day, but can we spend an hour a day on the economy? I don't think it is unreasonable. If the President would suspend his conversations relative to campaigns for 1 hour a week to address the economy, it is something the American people believe is long overdue.

I hope my colleagues will support this extension of unemployment benefits.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. SPECTER. Parliamentary inquiry: Are we on the homeland security bill?

The PRESIDING OFFICER. The Senator is correct.

Mr. SPECTER. Madam President, I have sought recognition to urge my colleagues to work to resolve the outstanding differences on the labor-management issues because I believe the two sides are very close. I submit further that it is of vital importance that the Congress proceed to enact legislation on homeland security and the Senate move ahead to iron out the remaining differences, go to conference with the House, and then present a bill to the President for signature. It is imperative that all of the intelligence agencies be brought under one umbrella in an effort to avoid a repetition of 9/11.

My analysis shows me that had all of the dots been put together prior to 9/11, 9/11 might well have been avoided. I am not prepared to accept the Intelligence Committee's analysis that another terrorist attack will occur. I believe if we put all the dots together, we can prevent it.

Had we had the Phoenix FBI report, together with the information from Kuala Lumpur about two of the hijackers known to the CIA, not told to the FBI or INS, had we had the National Security Agency warning on September 10 that something was going to happen the next day, had the warrant under the Foreign Intelligence Surveillance Act been pursued as to Mr. Zacarias Moussaoui, there would have been a blueprint. But the system broke down because there was not one overall umbrella.

What we are faced with now, the differences in the two positions, involves the labor-management issues. Last Thursday, we had a discussion in the Senate where it was agreed that the provisions of the Nelson-Chafee-Breaux amendment did not supplant the provisions of title V which have a national security exemption but were in addition to the existing provisions of title V on collective bargaining. When you take a look at the language in the Nelson amendment, it is very close to the language of the existing law. The existing law refers to counterintelligence, investigative, or national security, and the Nelson amendment refers to counterintelligence or investigative work directly related to terrorism investigation.

It may be that the language of Nelson would have to be modified slightly so that instead of providing for a ''majority'' of such employees, it would be a ''significant number'' of such employees.

Then with respect to the issue of negotiability, the Gramm-Miller bill has six categories: Performance appraisal under chapter 43, classification under chapter 51, pay rates and systems under chapter 53, labor-management relations under chapter 71, adverse actions under chapter 75, and appeals under chapter 77.

The Nelson amendment would leave in four of those categories—performance appraisal, classification, pay rates and systems, and adverse actions—and would subject their implementation to review by the Federal Services Impasses Panel, seven appointees, all appointed by the President.

It seems to me we could borrow the language from chapter 71 under labor-management relations, under a national security waiver, and provide flexibility which the President is seeking in the event that there is a national security issue.

I believe it is very important we resolve this matter so we can move ahead with enactment of a homeland security bill. As I said last Thursday and repeated yesterday, I have not taken a position in favor either of the provisions of the Nelson amendment or of the provisions which are in the Gramm amendment.

But I believe we are so close together these differences can be reconciled.

I wonder if I might have the attention of the manager of the bill, the Senator from Connecticut. Will the Senator from Connecticut respond to a question?

I ask unanimous consent I may ask a question of the Senator from Connecticut without losing my right to the floor.

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

Mr. SPECTER. My question to the Senator from Connecticut is:

When you take the language of title V, chapter 71, which specifies the President may issue an order excluding any agency or subdivision thereof from coverage under this chapter if the President determines (a) the agency or subdivision has as a primary function intelligence, counterintelligence, investigative or national security work; and, (b) the provisions of this chapter cannot be applied to that agency or subdivision in a manner consistent with national security requirements or considerations;

And, add to that the language from the Nelson-Chafee-Breaux amendment which specifies that the President could not use his authority without showing that, (1) the mission and responsibilities of the agency or subdivision materially change; and, (2) a majority of such employees within such agency or subdivision have as their primary duty intelligence, counterintelligence or investigative work directly related to terrorism investigation.0

My question is, isn't it true the provisions of existing law and the additions made by the Nelson amendment are very close?

Mr. LIEBERMAN. Responding, Madam President, to the Senator from Pennsylvania, that is my understanding as well. The language with regard to the particular section cited by the Senator from Pennsylvania in the Nelson-Chafee-Breaux language is supplementary to what is in the statute, and essentially adds those two extra determinations the President makes to waive collective bargaining rights of Federal employees because of national security reasons, and the determination is totally that of the President.

Mr. SPECTER. Madam President, I direct another question to the Senator from Connecticut; that is, it has been reported to me the White House may be willing to accept the language of Nelson on the clause if a ''majority'' of such employees was modified to ''significant number'' of such employees. I ask the Senator from Connecticut if he thinks we might be able to make that minor modification if that would in fact close the area of disagreement on this issue.

Mr. LIEBERMAN. Madam President, responding to my friend from Pennsylvania, I think the question in the report of what the White House has really demonstrates how close we are to an agreement. I prefer the word ''majority;'' that is, to set some standard. Basically, this provision of Nelson-Chafee-Breaux gives some minimal due process protection for Federal workers in the future from a President who would arbitrarily apply this national security waiver to remove collective bargaining rights of Federal employees.

One of the elements of due process is to say for the determination to be made, a ''majority'' of the employees of the agency or office department would have to be involved and, speaking generally, national security. A ''significant'' number seems a little lower. I think we can probably find a word. It is a little too low, it seems to me, between those two words to grant both some comfort level for Federal employees without diminishing the authority of the President.

I say again these statements are some of the reasons the President will have to make his determination. But the President's determination, for all intents and purposes, is final. As we discussed last week, there is one reported case where an appeal was made of a determination by President Reagan. He just gave an order. He didn't make a determination. The circuit court even upheld that because the presumption in favor of the President when he invokes national security is so high.

But I welcome this colloquy with the Senator from Pennsylvania. I think somewhere, if the concern of the White House on this particular section is about the word ''majority,'' we can find another word which I hope can satisfy all concerned and still provide that minimal due process for Federal employees.

After this vote that is coming up, I hope we will continue to work. I fear cloture will not be invoked. I think the Senator from Pennsylvania, along with my colleague, the Senator from Tennessee, can play a critical role in getting us over this last obstacle which stands between us and adopting a bill we all say we agree on 95 percent of, except this major disagreement.

Mr. SPECTER. Madam President, I thank the Senator from Connecticut for that answer. The purpose of the question and the colloquy is to demonstrate how close we are; that when the Senator from Connecticut says he prefers language of a ''majority'' of such employees to a ''significant number'' of such employees, I can understand his preference. But what I especially liked about his answer was his determination which matches mine to find language which will find another word which will bridge the gap. When we talk about a 95 percent agreement, I think we are really much closer than that when you really strip down all the language.

If I might have the attention of the Senator from Connecticut again for another question, moving now to the issue of so-called flexibility where the Nelson amendment is willing to give the flexibility which the President sought under four of the six chapters, subject only to reference to the Federal Services Impasses Panel in the event of disagreement over implementation—again, noting that all seven of those appointees are designated by the President—the thought I believe might bridge the gap would be if as to five of these areas—performance appraisal, chapter 43; classification, chapter 51; pay raise systems, chapter 53; adverse actions, chapter 75; and appeals, chapter 77, excluding only labor-management relations under chapter 71, for which there already is a national security waiver—my question to the Senator from Connecticut is whether we might be able to bridge the gap by giving the President national security authority for waiver to devise the human resource management system in the event the President makes a determination national security requires it, borrowing the language from chapter 71 where the agency or subdivision has a primary function of intelligence, counterintelligence, investigative or national security work, and the human resources arrangements cannot be applied in a manner consistent with national security requirements and considerations so in effect we are borrowing the national security waiver provisions which apply as to collective bargaining for the other five categories where the President is seeking some flexibility.

Mr. LIEBERMAN. Madam President, responding through you to the Senator from Pennsylvania, I genuinely appreciate the thought and effort he is giving to this to try to find a way out of an impasse that is stopping us from

doing what we really have a responsibility to do, which is to create the Department of Homeland Security as soon as possible. And he has just offered, on the floor of the Senate, a new idea, at least one I had not heard before and I do not believe has been part of the negotiations.

I think we ought to try to sit down—involving, obviously, some of those who have been working on this compromise; Senators NELSON, CHAFEE, BREAUX, folks from the White House, Senator THOMPSON and I and yourself, I say to you, Senator SPECTER—as soon as we can to see whether this idea you have offered can be a breakthrough.

The fact is, on collective bargaining rules, as I have been saying throughout this debate, not on a national security premise for eliminating the right to be a member of a union, but throughout the statute there is a system that says that a President, a Secretary, an agency head, in time of national emergency, can do almost anything to override collective bargaining provisions because the national emergency, national security comes first.

In a way, you are suggesting a similar priority, hierarchy, for the civil service rules. It is an idea very much worth considering. I fear we are kind of on automatic pilot, with a cloture vote—the fifth one, if I count correctly—on which we are not going to invoke cloture. And the clock is running because we are heading, soon, towards a debate on an Iraq resolution, which would take the homeland security measure back to the calendar.

So I welcome your thoughtful initiative. I, for one, will be glad to spend any amount of time with you and the others I mentioned, and anyone else, to see if we can break this logjam, present some due process for Federal workers—which I know is your desire as well, I say to Senator SPECTER—but also preserve the executive authority, not just of this President but of the Presidency on into the future, particularly when national security is involved.

So I thank my colleague, and I hope we can go to work on this idea.

Mr. SPECTER. Madam President, I thank the Senator from Connecticut for that answer. When he focuses in on the national security requirements, I think he puts his finger on the nub of the issue: That if there is a national security interest here that would warrant the waiver on the collective bargaining matters, which are already set forth in existing law, the same rationale ought to apply to give the President greater authority under the other chapters where there really is a national security issue at stake.

I quite agree with the statement by the Senator from Connecticut that we have to move with speed because if we do not come to terms, this matter will be removed from the calendar in deference to the consideration of a resolution authorizing the use of force as to Iraq.

We all know there is a target date of this Friday, October 4, which has been delayed until next Friday, October 11; and that is the date by which we are likely to be out of session. So if we do not bridge this narrow gap now, and if we then go on to the resolution for the use of force, it is highly likely we will not conclude the legislation on homeland security before we recess. I think that would be a grave mistake.

The proponents of the Gramm-Miller amendment have asked for a vote on their amendment without any intervening second-degree amendments. And while I would be prepared to give the proponents of Gramm-Miller such a vote, the proponents of the Nelson amendment have a right, as a second-degree amendment, to proceed to have a vote on their second-degree amendment.

So while I supported the position and voted against cloture when the cloture motion was made on Gramm-Miller last week—and I did so in part to give an opportunity for compromise on this matter, but also in part to leave an opportunity for an amendment which this Senator intends to offer, which would bring all of the intelligence agencies under one umbrella—but it seems to me at this point that we ought to move ahead and invoke cloture on Gramm-Miller. That will then bring to a head the second-degree amendment offered by Senator NELSON. And then we would finally get down to some of the really tough negotiations to try to bridge the gap. There is nothing that promotes the negotiations like the imminence of a vote on a specific subject.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. THOMPSON. May I inquire as to how much time we have left?

The PRESIDING OFFICER. Does the Senator from Pennsylvania yield?

Mr. SPECTER. I do, without losing my right to the floor, for a question.

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

Mr. THOMPSON. Madam President, let me withdraw that inquiry for the moment and say that it appears we are about out of time with regard to those who oppose cloture. The time has been running against us. And now it appears that the Senator from Pennsylvania supports cloture. I would suggest that the time should not run against those of us who oppose cloture. Should that time not be allocated differently?

Mr. SPECTER. Madam President, I think the Senator from Tennessee raises a very good point. I will yield the floor momentarily. But before doing so, if I might have the attention of the Senator from Tennessee. I will yield the floor after a question to the Senator from Tennessee.

The Senator from Connecticut and the Senator from Tennessee and I had been in the cloakroom discussing these matters, and we had discussed how close we are. As the Senator from Tennessee has noted, the Senator from Connecticut ventured the view that we were very close on the two labor-management issues, as to adding the language of Nelson to the existing law which retains the national security waiver, and then the suggestion of giving the President flexibility where the President makes a determination of national security.

I inquire of the Senator from Tennessee what his view is as to how close we are to resolving these two outstanding issues.

Mr. THOMPSON. Madam President, if I may respond.

Unfortunately, not as close as I think the Senator apparently thinks. With regard to the labor-management relations issue that was referred to initially by the Senator from Pennsylvania, and was the subject of the conversation, the dialog, a moment ago with the Senator from Connecticut with regard to the Presidential authority, the point was made that there is a disagreement with the wording of the portion of the amendment that refers to the ''majority of the employees.'' The suggestion was made it should be ''substantial number of employees.'' The Senator is correct that is a point, but it is only one point.

My understanding is we have submitted language to those on the other side of this issue that addresses, in addition to that, the concern that the President is limited to acting with regard to matters of terrorism only.

It is the last couple of lines of page 12, of the draft that I have anyway, where the current language says ''or investigative work directly related to terrorism investigation.''

The language that has been submitted by us is ''or preventing investigation or responding to terrorists or other serious threats to homeland security.'' In other words, why should this President be limited to exercising his authority to a more narrow range of activity—that would be terrorism—when there could be some other national security issues that prior Presidents have had the opportunity to deal with that this President would not? So the compromise was suggested to keep the focus on terrorism but also add other serious threats to homeland security.

As I understand it, that suggestion lies at this moment with the other side. We have not had a response to that. I wouldn't want those listening to think there is only a one-word difference between us with regard to that issue, as unfortunate as that may be.

Mr. SPECTER. Madam President, I thank the Senator from Tennessee for that response. He raises a good issue. I agree with him the earlier language which exists presently, categorizing national security generally and consistent with national security requirements and considerations, is the broader language. I do not think the additional language of terrorism seeks to limit that, but I think the Senator from Tennessee raises a good point that it ought to be clarified so the national security considerations are broader than just terrorism.

I direct the attention of the Senator from Tennessee to the second consideration; that is, whether a national security waiver or determination by the President of national security considerations would be sufficient on the issues of the flexibility on the other five chapters.

Mr. THOMPSON. Madam President, that is certainly worth considering, as Senator LIEBERMAN reflected a moment ago. Once you get down to it, the issue has to do with two situations, as I see it. One has to do with disputes involving collective bargaining agreements and what you do about that. There are issues as to matters somewhat minor, if not frivolous. Some matters have taken years to resolve—whether or not the annual company picnic was called off and things of that nature.

On the other hand, there are other issues that may be part of a collective bargaining agreement that might limit, for example, the authority to transfer someone to a border where that was needed.

Unless there is a national emergency situation, the President or the Secretary should not be limited to situations that have already become emergencies. They should be proactive and preventive. That is one category of issues.

I could see why we might have the status quo with regard to the run-of-the-mill kind of collective bargaining issues we have, limit the Secretary's flexibility even with regard to those matters, as long as with regard to the matters that really mattered, the President had such a waiver or a certain amount of discretion in that area.

The same thing could be said with regard to the second category of matters at issue; that is, matters concerning individual employees in terms of dismissal, discipline, things of that nature. It often takes up to 18 months to process—multilevel, multiappeal, multiavenue, multimonths, into years. The status quo with the national security waiver would be less likely to work in such a situation because I can't imagine a situation where the President would want to step in and intervene with regard to the disciplining of one particular employee.

There is a category, that first category I mentioned, of things where what the Senator suggests should be seriously considered.

The PRESIDING OFFICER (Mrs. CLINTON). Time allotted to the minority has expired.

The Senator from Connecticut.

Mr. LIEBERMAN. Madam President, had my friend from Tennessee used his time?

The PRESIDING OFFICER. Yes.

Mr. THOMPSON. In a manner of speaking, I have now discovered that the Senator from Pennsylvania is on the other side of this issue.

Mr. LIEBERMAN. May I say to my friend from Tennessee, that was a surprise to me as well, a pleasant surprise in my case, one I appreciate.

Mr. THOMPSON. Madam President, I ask whether or not the Senator would entertain a unanimous consent request perhaps for however much time the Senator needs, 15 minutes, and perhaps 10 minutes additional time for me.

Mr. REID. Reserving the right to object, we have our party conferences starting at 12:30. We really have a lot to do today. If we do that, this vote will not be completed until nearly 1 o'clock. I would have to respectfully object.

The PRESIDING OFFICER. The Senator from Connecticut has 12 minutes 30 seconds remaining.

Mr. THOMPSON. Would the Senator from Connecticut give me a couple of minutes of his time?

Mr. REID. Madam President, I ask unanimous consent that the Senator from Tennessee have 3 minutes on his own time.

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

Mrs. FEINSTEIN. Mr. President, I rise to express my deep disappointment in the language in the Gramm substitute related to unaccompanied alien children. As a result, I stand in support of Title XII of the Lieberman substitute, which contains provisions based on S. 121, bipartisan legislation I introduced in Jan. 2001.

My disappointment is best understood with the following example. Not long ago, the Nation's attention was focused on the plight of Elian Gonzalez and whether he should be allowed to stay in the U.S. or return to Cuba.

At the same time, a young 15-year old Chinese girl stood before a U.S. immigration court facing deportation proceedings.

She had found her way to the United States as a stowaway in a container ship captured off Guam, hoping to escape the repression she had experienced in her home country.

And although she had committed no crime, the INS sent her to a Portland jail, where she languished for seven months. When the INS brought her before an immigration judge, she stood before him confused, not understanding the proceedings against her.

Tears streamed down her face, yet she could not wipe them away because her hands were handcuffed and chained to her waist.

While the young girl eventually received asylum in our country, she unnecessarily faced an ordeal no child should bear under our immigration system.

This young Chinese girl represents only one of 5,000 foreign-born children who, without parents or legal guardians to protect them, are discovered in the United States each year in need of protection.

When discovered by Federal authorities, these children are not always greeted with the special care and attention they deserve. Nearly 2,000 of them served time in juvenile jails, even though most had committed no crime. One child was even detained for 5 years. Many are handcuffed and placed in cells with other juveniles who have committed serious violent crimes.

Because of their age and inexperience, children may not be able to articulate their fears or testify to their needs with the same degree of accuracy as adults. Yet despite these facts, no Federal laws and policies have been developed and implemented, thus far, to protect them.

While not all children will merit asylum, providing them appointed counsel would help the INS and the courts understand the special circumstances of the child's arrival in the United States, while at the same time help the child to understand the process he or she is undergoing.

In my mind this goes a long way in explaining my opposition to the Gramm substitute as it relates to unaccompanied alien children and why the Lieberman substitute is much stronger in this regard.

Both pieces of legislation sought comprehensive reform in the way in which these vulnerable children are treated while under the watch of immigration authorities.

The Gramm substitute, however, would strip many of the important reforms relating to unaccompanied alien children from the homeland security bill.

Moreover, the provisions with respect to these children included in the Gramm substitute are nothing more than a legislative sleight of hand that appears to make reforms, but in reality would render those provisions meaningless.

Clearly, most unaccompanied alien children do not pose a threat to our national security, and must be treated with all the care and decency they deserve outside the reach of this new Department.

More specifically, the unaccompanied child protection provisions now contained in Title XII of the Lieberman substitute would make critical reforms to the manner in which unaccompanied alien children are treated under our immigration system.

These provisions would also: preserve the functions of apprehending and adjudicating immigration claims of such children, and, when the situation warrants, of repatriating a child to his home country, within the Immigration Affairs Agency, and under the larger umbrella of homeland security.

The unaccompanied alien child protection provisions would transfer the care and custody of these children to the Department of Health and Human Services. Its Office of Refugee Resettlement has real expertise in dealing with both child welfare and immigration issues.

At the same time, these provisions would establish minimum standards for the care of unaccompanied alien children; provide mechanisms to ensure that unaccompanied alien children have access to counsel; permit the Director of the Office of Refugee Resettlement to appoint guardian ad litem,

if necessary, to look after the children's interests; and provide safeguards to ensure that children engaged in criminal behavior remain under the control of immigration enforcement authorities at all times.

Roughly 5,000 foreign-born children under the age of 18 enter the United States each year unaccompanied by parents or other legal guardians. Some have fled political persecution, war, famine, abusive families, or other life-threatening conditions in their home countries.

They often have a harder time than adults in expressing their fears or testifying in court, especially if they lack English language proficiency.

Unbelievably, some of these children are subjected to such punitive actions as shackling, the use of leg manacles, and strip searches while in INS custody. Others are housed with violent juvenile offenders, or subjected to solitary confinement.

Despite these horrific circumstances, the Federal response has fallen short in providing for their protection.

Unaccompanied minors are among the most vulnerable of the world's asylum seekers, and they deserve our support and protection.

And yet, no immigration laws or policies currently exist that effectively meet the needs of these children. Instead, children are being forced to struggle through a complex system that was designed for adults.

It is important that we address this issue in this present legislation for a number of reasons.

First of all, as we contemplate transferring the functions of the Immigration and Naturalization Service (INS) into the proposed new Department of Homeland Security, we must ensure that the new Department is not burdened with functions that do not relate to its core mission.

For decades now, the INS has failed in its responsibility to care for these vulnerable children. As we transfer and reshape the INS in this legislation, it is imperative to relieve the agency of its responsibility of the care and custody of unaccompanied children.

Doing so would accomplish two ends: one, it would permit the INS to focus its energies, efforts, and attention on its core missions; and two, it would transfer the care and custody of the these children to the Office of Refugee Resettlement, ORR, an office that is better suited and much more experienced in handling the complexities of the children's situations.

As we turn over these responsibilities to a different agency, Congress must clearly define its expectations of the agency regarding the standards of care for these children.

It would be irresponsible for us to do anything less.

Quite frankly, it confounds me that, after more than a century since the first federal immigration law was enacted, our immigration system is still incapable of meeting the special needs of these children, whether those needs are medical, psychological, or legal.

This is why, in an effort to change current U.S. policy toward the treatment of unaccompanied foreign-born children, I introduced the ''Unaccompanied Alien Child Protection Act'', S. 121.

The overall purpose of this legislation is to refocus our policy away from treating these children like criminals, and to move toward a system that protects and serves their best interests.

Sometimes, this means safely returning them to a parent or guardian in their home country.

In other, more extraordinary cases, a child's best interest may involve a grant of asylum.

As introduced, S. 121 was a reasonable, moderate, bipartisan bill with the main purpose of reforming the care of unaccompanied alien children who come to the attention of Federal authorities.

As reasonable as it was, my staff and I conducted numerous meetings and phone calls with the Department of Justice and the INS, to further refine the bill's provisions.

Last February, the Judiciary Subcommittee in Immigration held a hearing on the legislation.

I listened to all of the ideas that they expressed, and I addressed almost all of them in the modifications that were made in the version of the legislation now included in Title XII of the Lieberman substitute.

Still, after all this compromise, the administration did not bother to even mention Title XII in its statement of administration policy of this legislation.

Given the moderate nature of Title XII, and given the fact that so many Republicans are cosponsors of it, I urge the Senate to maintain the provisions I have outlined today, rather than accept the evisceration of the bill's core protections that would result under the Gramm substitute.

If it becomes necessary, in the coming days I intend to offer an amendment to restore these important provisions to the homeland security bill.

And I will call on my colleagues to support that amendment.

Mr. AKAKA. Mr. President, today I rise once again to point out problems with the amendment offered by Senators GRAMM and MILLER which would take away the rights of Federal workers. Last week I spoke of the need to provide full whistleblower protection to employees in the new Department of Homeland Security, and how the Gramm-Miller amendment fails to provide such protection despite claims to the contrary. While the substantive rights are maintained for whistleblowers, the methods to enforce such rights are not part of the amendment.

And despite claims made by the Senator from Tennessee, Senator THOMPSON, yesterday that veterans' preference would be protected, the Gramm-Miller amendment fails to fully protect veterans in the new Department.

It appears that my colleagues believe that by maintaining the merit system principles, the new Department will protect our Federal employees from retaliation for blowing the whistle and from violations of veterans' preference requirements. However, simply following the merit principles will not fully protect the Federal workers who protect our Nation from terrorist attacks. We must provide a neutral third-party method to enforce such rights.

The Gramm-Miller amendment fails to do this.

Currently, Federal employees, who believe that they have been denied a position or have been subject to a designer Reduction-In-Force, RIF, action in violation of veterans' preference requirements, can challenge such wrongful actions through the Merit Systems Protection Board or through a union grievance procedure. Whistleblowers who allege that they have been subject to a prohibited personnel practice may go through the Office of Special Counsel and to the MSPB for corrective action. In addition, whistleblowers can bring allegations of retaliation through the union grievance procedure. The Gramm-Miller substitute amendment would block both routes for redress.

Under Gramm-Miller, the Department of Homeland Security could waive any and all due process appeals to the Merit Systems Protection Board. Instead, the due process procedures in current law would be replaced with an internal department appeals process. By allowing the agency, rather than an independent third party, to determine whether the agency violated veterans' preference or other employee protection laws, we will have removed the impartiality of the process.

However, under the Lieberman substitute, as well as the Nelson-Chafee-Breaux amendment, veterans' rights are not compromised. The appeals to the MSPB under 5 U.S.C. Chapter 77 may not be waived.

In addition, Chapter 71 of Title 5 which relates to Labor-Management Relations, may not be waived. This allows veterans and whistleblowers who are in collective bargaining units to exercise their right to use a negotiated grievance process to challenge violations of veterans' preference requirements or the Whistleblower Protection Act. Under the Gramm-Miller substitute, the new Department could waive the labor-management statutory requirements in Title 5. As such, grievance rights and union representation could quickly disappear.

Quite simply, under the Gramm-Miller substitute, veterans may still have veterans' preference rights, but they will have no way to seek redress for any violation of those rights. We have a proud history of protecting the rights of veterans and federal workers who protect this country. Whether they are whistleblowers or veterans, these Federal employees serve their Nation well. We need to support those who are willing to serve their Government.

Mrs. FEINSTEIN. Mr. President, I rise to reaffirm my overall support for a Department of Homeland Security. And I remain convinced that it is still possible to reach a consensus on this critical issue, and that we must strive to do so before the end of this session.

However, after giving this matter a great deal of thought, I must stand in opposition to the provisions in the Gramm-Miller bill that would strip many of the protections afforded to employees of the new Department.

As it stands, the bill's language would take away rights from some 200,000 Federal employees, rights that have been available for decades to most of the Federal workforce.

None of us dispute that any organization, particularly one entrusted with such a vital mission as homeland security, can function properly only if its managers have the authority both to offer incentives to talented employees and to fire negligent or ineffective employees.

And despite a great deal of rhetoric to the contrary, such flexibility already exists under the current labor provisions that govern the Federal workforce.

This flexibility was granted under the terms of the Civil Service Reform Act of 1978, allowing managers to: performance standards, and have the power to fire employees for performance failures as long as there is at least some plausible evidence.

In light of these facts, it is downright wrong to suggest that the Government cannot fire employees who, say, are drunk on the job or who commit crimes.

In fact, under current law, managers can remove such employees from their jobs immediately, while the employees' appeal can be settled definitively within 30 days.

Under current law, managers also have wide latitude in transferring, suspending, and reassigning employees, as well as in appointing candidates from outside the federal government to fill open positions.

On both sides of the aisle, there is virtual unanimity that any homeland security legislation must include a package of additional flexibilities regarding hiring, training, separation, and retirement. These additional flexibilities are in the Lieberman substitute.

And yet, the President has threatened to veto the Lieberman substitute, unless the Senate agrees to the labor provisions of the Gramm-Miller substitute.

Apparently, the President is willing to scrap crucial legislation to protect our country from terrorism if he is not given open-ended authority to abolish or limit federal employee rights and protections.

In my view, this threat is unnecessary, unwarranted, and highly unproductive.

And now the President has rejected a perfectly sound bipartisan compromise proposed by Senators NELSON, BREAUX, and CHAFEE. This compromise, which I support, provides what he wants, management flexibility authority, and what the Federal Government requires, safeguards to ensure that he cannot abuse that power.

This amendment provides the President broad leeway to change the civil service rules governing hiring, promotions, dismissals, performance appraisals, classifications, and pay rates for Homeland Security Department employees.

At the same time, Federal employee unions could object. If the two sides could not agree on the changes, then the Federal Services Impasses Panel, a board of seven presidential appointees, would arbitrate.

This amendment allows the President to revoke an employee's rights to collectively bargain and to form unions, if that employee's duties materially change and these duties directly relate to intelligence, counter-intelligence, or investigations relating to terrorism.

In threatening to veto this compromise, the administration has tried to frame the debate in terms of national security.

For instance, the President's spokesman recently said that the compromise bill would prevent the president ''from making decisions based on national security, no matter how urgent a crisis we find ourselves in.''

I find it disturbing that the administration has suggested that putting any restriction on the President's authority to limit or abolish federal employee rights and protections somehow jeopardizes our national security.

The way I see it, the administration is getting it exactly backwards.

The administration's attempt to give the executive branch total authority to rewrite the civil service system without consulting anyone would not help protect our country. Indeed, it would leave it more vulnerable.

At a time of such massive restructuring of the federal government, it is absolutely critical that we maintain as much continuity as possible.

Yet the Gramm-Miller substitute's open-ended language would allow the President to eliminate, by fiat, many important workers' rights.

This would be a huge blow to the morale and productivity of many thousands of Federal employees, and would risk the loss of many highly qualified individuals to the private sector.

There is also a large percentage of workers who, if push comes to shove, can option for early retirement. This is no time for the federal government to suffer a so-called ''brain drain,'' and be forced to train novices from scratch.

In the middle of our war on terrorism, the last thing we want to do is lose experienced employees on the front lines of this war.

We are talking about employees at the Coast Guard, the Department of Defense, the Federal Emergency Management Administration, the Border Patrol, the Federal Aviation Authority, and other agencies.

We are talking about men and women who are working around the clock to prevent another terrorist attack and to protect our citizens.

I for one do not see any inherent clash between collective bargaining rights and homeland security.

For example, Department of Defense civilians with top secret clearances are long-standing union members whose membership has not compromised our national security.

And many of the heroes of September 11 were unionized. The New York City firefighters who ran up the Twin Towers did not see any conflict between worker rights and emergency response.

And let's not forget that Federal employees do not have the right to strike.

Why haven't supporters of the President's proposal not been able to identify one instance of a labor dispute which contributed to a breakdown in our national security?

I have heard from many Federal employees in California who would be affected by this legislation. I would like to share with you the words of just one.

Joseph Dassaro is a Senior Border Patrol Agent assigned to the San Diego Sector of our southern border. He has been an agent for ten years, and is President of the San Diego Chapter of the National Border Patrol Council. In his words: ''The loss of collective bargaining rights and civil service protections would force me to leave the Border Patrol. Simply put, without the union and the Civil Service Reform Act . . .''

''I have no faith in the ability of the agency, or any subsequently created agency, to provide working conditions in which I can operate in the best interests of this nation. Additionally, based on the vast input I have received from the many agents I represent, I can assure you that [if the President's proposal is enacted], Border Patrol attrition rates would more than double . . .

''At record levels, agents are applying for local police positions in Southern California. Recently, the San Diego County Sheriffs [Department] interviewed over twelve agents from one Border Patrol station. Not only do these agencies offer better pay, incentives, and working conditions, they also offer an environment which rewards merit and seniority.''

Mr. Dassaro, along with the hundreds of thousands of other Federal employees, has been working day in and day out to keep our country secure.

I do not know why the administration wants to take fundamental rights and protections away from these patriotic Americans. We should not be attacking job security under the guise of national security.

This debate on homeland security should not be an exercise in scoring political points at the expense of labor protections for Federal employees, protections that are already in place at

virtually every other Federal agency and which have functioned smoothly for many years.

Which is why I ask my colleagues to vote against the anti-union provisions in Gramm-Miller, while urging the Bush Administration to reconsider the compromise offered by Senators NELSON, BREAUX and CHAFEE.

Mr. KENNEDY. Mr. President, we know that our Nation faces a very serious threat of terrorism. To protect our national security in today's world, we need an immigration system that can carefully screen foreign nationals seeking to enter the United States and that can protect our Nation's borders. We need a system that can make effective use of intelligence information and identify those who seek to harm us.

Unfortunately, our current Immigration and Naturalization Service is not up to these challenges. For years, INS has been plagued with problems, from mission, overload to mismanagement to inadequate resources. As a result, INS has been unable to meet its dual responsibility to enforce our immigration laws and to provide services to immigrants, refugees, and aspiring citizens.

The immigration reforms in the Lieberman substitute amendment are carefully designed to correct these problems and bring our immigration system into the 21st century. The amendment untangles the overlapping and often confusing structure of the INS and replaces it with two clear lines of command, one for enforcement and the other for services. It also includes a strong chief executive officer, the Under Secretary for Immigration Affairs, who, under the direction of the Secretary of Homeland Defense, will act as a central authority to ensure a uniform immigration policy and provide effective coordination between the service and the enforcement functions. Developed on a bipartisan basis, in consultation with respected experts, the immigration reforms in the Lieberman substitute emphasize clear direction, close coordination, and genuine accountability to the American people.

On these key issues, the Gramm-Miller substitute moves in exactly the wrong direction. Rather than establishing a single, accountable director for immigration policy, Gramm-Miller establishes three: the Under Secretary for Border and Transportation Security, the Under Secretary for Immigration Affairs, and the Chief of Immigration Policy within the Deputy Secretary's office. Little coordination is provided among these three positions. These officials will have authority to issue conflicting policies and conflicting interpretations of law. The result for the Nation's immigration system is likely to be a new period of disarray, not real reform.

Given the vast responsibilities of our immigration agency, the large number of people who cross our borders, and the major national-security concerns that have arisen since September 11, we will do the country a great disservice if we enact a so-called ''reform'' that makes the chronic problems of the INS even worse. We deserve a well-thought-out, effective reform, like that included in the Lieberman substitute, not the proposal offered by Gramm-Miller.

We need a separate and comprehensive directorate within which we can balance border security, provision of services, and efficient and fair enforcement of the immigration laws. Within this separate directorate, it is essential to include both the service and the enforcement components of immigration policy. Nearly every immigration-related action involves both enforcement and service components. Coordination between the two is critical to ensure that the laws are interpreted and implemented consistently. Coordination cannot be achieved merely by sharing a database or having a common management structure far up the ladder. Coordination will not be achieved if enforcement and services are housed in different departments.

That, however, is exactly what the Gramm-Miller proposal does. The two most critical enforcement functions, border patrol and inspections, will be taken from other immigration functions and placed in the Border and Transportation Protection Directorate. The formulation of immigration policy, our only chance to achieve coordination between these dispersed functions, will be subject to the conflicting views of various officials spread out in the new Department. With its dispersed immigration functions and failure to provide centralized coordination, Gramm-Miller is a recipe for failure.

Consider this example. An executive for a large international corporation arrives in the United States with a business visa that expires in 30 days. The inspector is reluctant to admit the executive, since his visa will soon expire. The executive states that his attorney has filed for a renewal of the visa. Under Gramm-Miller, with its failure to provide coordination between the service and enforcement functions, the inspector will not be able to verify that a renewal application has been filed, and the executive will be denied admission. Such a mistake, repeated many times each year, will be disruptive to our economy.

Or consider an asylum seeker picked up by a border patrol agent. He claims that he will face persecution if returned to his home country. His brother enters the U.S. with a visa and is granted asylum, a service bureau function. Without effective coordination between services and enforcement, the brother processed by the service bureau will be allowed to stay and become a permanent resident, while the brother picked up by the border patrol may be returned to face persecution or even death. These are mistakes that we cannot tolerate.

We need a reform that ensures uniform policies and consistent interpretations of the law. We know from painful experience that inconsistencies in interpretation and enforcement, with no one in charge to resolve differences, can lead to unacceptable results. We need an immigration system that works. The Lieberman substitute will give us that system. The Gramm-Miller substitute will repeat—and increase—the mistakes of our past.

The Lieberman substitute also deals with another serious flaw in our current immigration system—the care and custody of unaccompanied alien children. Senator FEINSTEIN has been working on this issue for many years, and her bipartisan legislation is included in our reforms. It addresses the needs of children arriving alone in the United States. Often, these children have fled from armed conflict and abuses of human rights. They are traumatized and desperately need protection. As children, they deserve special care and protection.

Jurisdiction over their care and custody does not belong in a department dedicated to preventing security threats. Our plan transfers responsibility for these children to the Office of Refugee Resettlement in the Department of Health and Human Services, an office that has decades of experience working with foreign-born children and is well-equipped to place these children in appropriate facilities where they will receive the care and attention they deserve.

We also provide safeguards to ensure that children have the assistance of counsel and guardians in the course of their proceedings. Currently, over half of the children in immigration proceedings are unrepresented by counsel. Children as young as 18-months-old have appeared in immigration court without a lawyer. These children simply cannot be expected to effectively represent themselves when faced with the complexities of U.S. immigration law.

The Gramm-Miller substitute provides plainly inadequate protections for these vulnerable children. Although care and custody is transferred to the Office of Refugee Resettlement, this substitute leaves out the counsel and guardian provisions.

The fear that providing government-funded counsel for children will set a precedent for the provision of counsel for other populations in immigration proceedings is unfounded. Our plan contains a very narrow exception for vulnerable children, and only Congress can extend that exception to other groups.

Guardians are crucial in order to ensure that the best interests of children are addressed throughout their immigration proceedings. Guardians would ensure that the child understands the nature of the proceedings. Immigration proceedings are the only legal proceedings in the United States in which children are not provided the assistance of a guardian or court-appointed special advocate.

Finally, the Lieberman substitute remedies decades-old problems with our immigration court system. That system—called the Executive Office for Immigration Review—is part of the Department of Justice. Every day, immigration courts make life-altering decisions. The interests at stake are significant, especially for persons facing persecution and for long-time permanent residents, who face permanent separation from family members.

Despite these major responsibilities, the immigration court system exists by regulation only. As such, it can be moved, dissolved, or reconfigured at any time, without Congressional involvement. For years, immigration judges have been criticized because they are too closely aligned with immigration enforcers. Their impartiality is jeopardized when both judge and prosecutor are too closely linked. These criticisms will only intensify if the immigration courts are relocated to the new security agency.

We need an immigration court system that provides individuals with a fair hearing before an impartial and independent tribunal, and meaningful appellate review. The Lieberman substitute maintains the immigration court system at the Justice Department, so that immigration judges and immigration enforcers are effectively separated. It also codifies the existing court structure and its components, making it a permanent part of our immigration system.

The Gramm-Miller substitute would seriously undermine the role of immigration judges. It vests the Attorney General with all-encompassing authority, depriving immigration judges of their ability to exercise independent judgement. Even more disturbing, the Gramm-Miller proposal could curtail the right to appeal adverse decisions, since the Attorney General will have the authority to change or even eliminate appellate review. This result is a recipe for mistakes and abuse. An independent judicial system is essential to our system of checks and balances. Immigrants who face the severest of consequences deserve their day in court.

In reforming our immigration system, we must isolate terrorists without isolating America. We must protect our Nation, and we must also protect immigrants. In strengthening our defenses against terrorism, we must settle for nothing less. Americans are united in our commitment to win the war on terrorism and protect the country from future attack. An essential part of meeting this challenge is protecting the ideals that America stands for here at home and around the world.

The Lieberman substitute acts on this principle by providing basic civil rights and privacy safeguards in the new Department of Homeland Security. A civil rights officer will oversee civil rights issues and advise the Secretary on policy matters. A privacy officer will perform similar functions on privacy issues. An official in the Inspector General's office will investigate civil rights abuses.

We have heard no complaint from either the administration or our Republican colleagues about these civil rights provisions. The administration's detailed Statement of Policy on September 3rd did not contain a single objection to them. Nevertheless, all of these provisions have been removed from the Gramm-Miller substitute.

Today, many Americans are concerned about the preservation of basic liberties protected by the Constitution. There continues to be a debate over the constitutionality and wisdom of some of the administration's polices and actions since September 11. Clearly, as we work together to bring terrorists to justice and enhance our security, we must also act to preserve and protect our Constitution.

The civil rights provisions in the Lieberman substitute are limited in scope, but will be essential to the proper role of the new Department of Homeland Security. They should be included in whatever bill the Senate ultimately passes, and I urge the Senate to accept them.

Earlier this week, our committee held a hearing on the grave public health challenge of West Nile fever. We heard how vital it is for CDC, NIH and FDA to work together closely to respond to this deadly epidemic. The same health agencies that are responding to West Nile today may need to respond to a biological attack tomorrow. The last thing we should do is disrupt the close coordination among our health agencies that will be needed for an effective response to such an attack. Yet this is exactly what the Gramm-Miller amendment would do by transferring responsibilities for bioterrorism research and response to the new Department of Homeland Security. While claiming to enhance our preparedness for bioterrorism, the amendment would actually diminish it by needlessly splitting responsibilities for bioterrorism between HHS and the new Department.

We heard from Dr. Tony Fauci, the Nation's leading expert on infectious disease, that NIH is working swiftly to develop a new vaccine against the West Nile virus. Dr. Fauci and the other medical leaders at NIH should retain the responsibility for developing new vaccines for anthrax, Ebola and other biological weapons. These responsibilities should not be transferred to a new department with unproven scientific expertise. Certainly, the new Department should set broad priorities for our homeland security research program, but the funding and the scientific responsibility for carrying out that research should remain with NIH.

Sadly, the Gramm-Miller amendment also includes fails to include protections for the ethical treatment of human subjects in research. America has a tragic history of ethical abuses in national security research. In our Senate inquiries during the 1970s, we learned how the CIA had given LSD and other dangerous drugs to experimental subjects without their knowledge or their consent. These shameful experiments led to the death by suicide of an agent in New York.

We must not let history repeat itself in the research carried out by this new Department. Basic protections for human subjects cover research conducted by all other Federal agencies. They should also apply to the new Department. These protections should not be discretionary. They should be a required element of every research project that the new Department conducts.

I also want to speak today about America's workers. We live in a nation forever changed by the tragic events of September 11. The dreadful images seared into our memories on that fateful day were grim proof to every American that we are vulnerable to grave new threats. We must take the necessary steps to protect America from these new dangers. We must act wisely as we create a new Department of Homeland Security. We must ensure that our actions truly enhance, rather than diminish, our Nation's security. And we must meet our security needs in ways that reflect the values that make America the envy of the world.

As we debate the formation of this new agency, we should remember the events of September 11 and the heroism of our Nation's union workers in the cause of homeland security. Union members risked and lost their lives and saved countless others through their actions on September 11. We will never forget the example that firefighters, construction workers and many government workers set that day.

Union workers have also shown great bravery and extraordinary sacrifice in the service of homeland security since September 11. The postal workers and the hospital worker killed as a result of bioterrorism were all union members. The brave flight attendant, whom the President recognized in the State of the Union Address for preventing terrorism, is a member of a union.

The dedication and resolve of these union members truly represents the best of America. Over 43,000 of the Federal workers affected by the proposed Government reorganization are currently union members. These are the workers who risk their lives each day to protect our Nation's borders. They are the workers from the Federal Emergency Management Authority who coordinated the Federal emergency response on September 11. These workers are out every day on the high seas to rescue those in need and to prevent dangerous cargo from reaching our shores. They are also the workers dedicated to making our Nation safer from the threat of bioterrorism.

Among the ranks of unionized Federal workers are true heroes who have served their Nation with distinction in battle and are now contributing to our Nation as civilian employees and as active members of their community. I am

talking about Federal workers like Robert J. Patterson, who was awarded the Purple Heart medal and the Bronze Star and many other honors for his service in Vietnam. He was ambushed and shot in the legs, the stomach and the shoulder while on patrol in Vietnam, but he still managed to call for backup and save the lives of many other members of his squad. For nearly 20 years now, Mr. Patterson has worked as a civilian employee for the Federal Government, and he now serves as Vice Commander of his local VFW post and is active with the Boy Scouts and as a mentor for troubled youth.

Dedicated Federal workers like Mr. Patterson take pride in their work, love their country, and have served it with distinction for decades. Nearly half a million Federal workers are veterans of our Nation's armed services. Veterans are represented at twice the rate in the Federal workforce as in the private sector. Disabled veterans, those who have paid a great price for serving this Nation, are five times more likely to work in the Federal Government as the private sector.

On September 11, unionized Federal workers were on the scene and played critical roles at both the World Trade Center and the Pentagon as they worked round-the-clock to make our homeland secure. Denise Dukes, of the Federal Emergency Management Agency, worked a 24-hour shift in Washington on September 11 to ensure that food and water was reaching the rescue personnel at Ground Zero. Afterwards, she left her two children to go to New York and coordinate the response and recovery effort on the ground. As Ms. Dukes explains of her fellow Federal workers: ''We were proud and eager to serve our fellow Americans, and we would never allow anything to stand in the way of that mission.''

Michael Brescio, who works for the Environmental Protection Agency's Response Team, got tens of thousands of urgently needed respirators to the rescue workers at Ground Zero immediately after the attack. Far away in Kodiak, AK, Mark Andrew Jamison went on high security alert in order to protect our Nation's coastline. Mr. Jamison, a veteran of our Nation's armed services who was entrusted with a top secret security clearance, loves his job because, as he put it: ''Above all . . . I'm a patriot like the hundreds of thousands of other Federal employees who keep our country secure and safe day-in and day-out.''

We must protect the rights of these dedicated Federal workers to remain union members and we must allow other workers in the new department to exercise their fundamental right to form a union.

Unions are critical to protecting our Nation's homeland security. Many Federal workers would not speak out about security lapses without the protection of a union because of the legitimate fear of retaliation by their supervisors. After September 11, an 18-year veteran of the U.S. Border Patrol named Mark Hall bravely spoke out about the vulnerability of our Northern border after INS management ignored this concern. Mr. HALL was threatened with being fired by the INS and faced a 90-day suspension without pay for speaking out to protect the American public.

The actions of Mr. HALL helped to make our borders safer. Congress subsequently acted to triple the border patrol personnel on the Northern border. Union membership was critical to Mr. HALL's ability to speak out in the first place. As he explains, he ''would never have spoken out if I hadn't had my union behind me because whistleblower protections alone would not have been enough.'' Federal workers who are denied union rights will be far less likely to speak out and protect the public in the future for fear of unjust retaliation. Denying Federal workers fundamental rights will undermine our Nation's homeland security at a time when we can ill afford it.

The President now has the executive authority to exclude workers engaged in intelligence work or particularly sensitive investigative work from basic collective bargaining. Past presidents have used this authority sparingly, out of respect for government workers—even in times of war. They have barred collective bargaining only in highly specialized and sensitive positions, such as U.S. Army Intelligence, Naval Intelligence, Naval Special Warfare Development Group and the Air Force Office of Special Investigations.

This administration has already demonstrated its intention to go far beyond every past administration in its use of this authority. Earlier this year, this Administration stripped clerical and other workers in the Department of Justice and the U.S. Attorney's office of their long-held union membership. After decades of dedicated service to this Nation as union members, secretaries in the civil division of the U.S. Attorney's office were excluded from collective bargaining. These secretaries were not involved in national security; they were processing claims by people injured on government property and others suing over their denial of benefits. Nonetheless, this administration chose to deny these dedicated workers their fundamental rights.

We all know that this administration is not a champion of worker rights. They do not support a much-needed extension of unemployment insurance benefits. They oppose an increase in the minimum wage for the millions of Americans who work hard but still don't make enough to stay above the poverty line. This administration opposes ergonomic protections that would keep millions of workers from suffering debilitating injuries while at work. Immediately after taking office, this administration overturned rules requiring Federal contractors to obey our Nation's labor laws and undermined protections for Federal workers. But how far is this anti-worker agenda going to go?

We have witnessed the bravery of these workers, their dedication to their country, their military service, their contributions to their communities. Yet, this administration displays a contempt for workers and particularly for the Federal workers who serve with dedication every day to keep our Nation safe.

These unionized contract workers maintain the highest security clearances and do extensive work for the Department of Defense. Under the administration's proposal, we could well see Federal workers working alongside contractors with the federal workers being denied the same fundamental rights and protections that the contractors continue to hold.

These are the very rights held by the brave firefighters and police in New York City who paid the ultimate price to protect others. They are the rights that allowed those courageous border patrol officers to speak out and improve homeland security. It is essential that any reorganization respect and protect the rights of these, and thousands of other hardworking Federal employees, whose work is so vital to the new Department's success and the Nation's security. Denying basic rights to those who strive and sacrifice to make us safer will not protect homeland security.

Some on the other side of the aisle claim that union membership is inconsistent with service to our country. For example, Senator GRAMM claims that union workers kept Logan Airport's luggage inspection area from being renovated by the Customs Service. He claims that the renovation had to be negotiated with the union as part of a collective bargaining agreement.

This is just one example of the many distortions being offered on the other side by those who want to deny dedicated Federal workers their fundamental rights. In fact, the collective bargaining agreement of those dedicated Customs workers did not prevent the Customs Service from renovating the terminal. The union did not have the right to bargain over whether any renovation could take place. The agreement between these workers and the Customs service simply provided that the workers should be notified of the change and be able to discuss the impact of the particular implementation of the change. Since the workers were not notified, the new construction was poorly done. It left the Customs inspectors with an obstructed view, making it much harder for them to do their job well. The result was that the rate of Customs seizures subsequently went down at the airport.

This case is a perfect example of how ignoring the front-line workers who protect America day in and day out will not make us safer. These workers want to do the best job possible each and every day. For that reason, they challenged the Customs service for failing to properly notify and consult the

workers and won the case before the Federal Labor Relations Authority.

The real test of our core values come not during easy times but during times of crisis. We must stand up for the right of free association and the basic protections for these dedicated Federal workers. This is the real test of who we are as a nation. By being true to the values that make America great, we honor the sacrifices of America's veterans even as we protect the security of our homeland.

Mr. LIEBERMAN. Madam President, we have now entered the sixth week in which the Senate has been considering legislation to create a Department of Homeland Security which all of us, most all of us, agree is urgently necessary because the current disorganization in the Federal homeland security apparatus is dangerous. This is the sixth week, not all day every day, but parts of 6 weeks, beginning today.

Second, we are about to have the fifth opportunity to invoke cloture on this bill, to stop the debate in deference to the urgent national security interests in adopting this legislation.

I fear the majority of my colleagues are on automatic pilot in which they are, once again, for reasons I consider to be peripheral, marginal, and unknowing, insensitive to the fact that the Senator from Texas, Mr. GRAMM, and I and everybody else have acknowledged that on more than 90 percent of this bill, we all agree. So we are prohibiting action on a matter of urgent national security importance because of a small disagreement.

There is a lot of interest in it. It means a lot to Members on both sides. Why not follow the leadership and independence of the Senator from Pennsylvania who has just said: My Republican colleague, this is too urgent a matter to delay any longer. I will vote for cloture.

There is nothing like cloture and the imminence of a vote on the underlying bill to force the kind of compromise that we need to have in the interest of national security and that we are so close to having.

Up until this time, largely through the good work of Senators BEN NELSON, JOHN BREAUX, LINCOLN CHAFEE, encouraged by a lot of us, there has been a show of flexibility with regard to the protections for homeland security workers and the President's desire for executive authority, particularly in cases of national emergency, that Federal employees and those who are concerned about their rights in the Chamber have moved.

In fact, the Nelson-Chafee-Breaux compromise moves back from the protections for homeland security workers our bipartisan committee bill provided.

I supported those compromises, and the Federal employee associations, workers groups, unions also supported them because they know how urgent it is to adopt a homeland security bill.

The White House regrettably has moved hardly at all. The Senator from Texas who led the debate on the other side has moved hardly at all. That is why we are at this impasse.

Mr. DURBIN. If the Senator will yield, I want to point out how hard the Senator has worked on this, even before the President announced his commitment to a Department of Homeland Security. The Senator worked through the Governmental Affairs Committee on a bill. There were long hearings and markups, and they brought it to the floor, and now for 6 weeks we have been on it. This is the fifth time we are going to try to bring debate to a close and a final vote.

I say to my colleague from Connecticut, if the Senate Republicans reject this effort to end the debate, I frankly think we ought to harken back to the Cub fans back in Chicago, who said: It is time to wait until next year.

Mr. LIEBERMAN. I thank my friend from Illinois for his kind comments. I hate to say it because, by nature, I am an optimistic and trusting person. As we all know, the clock is ticking and the Senate is going to move to debate on a resolution concerning possible military action in Iraq. That means this will go back to the calendar. Will it ever emerge? I don't know. I would hate to think that will happen on a matter of such critical national security interest. This is the protection of the lives and safety of the American people we are discussing.

The evidence grows that the disorganization of the Federal bureaucracy contributed to the vulnerability that the terrorists took advantage of on September 11. As I say, I am a trusting person. So I keep asking myself, why won't the White House negotiate on these matters? I have been reading and listening with alarm to some of the things being said, and they trouble me because I worry now that we are being stopped from achieving an agreement on a matter that we agree 95 percent on, for reasons that have something to do with the election.

Last week on this floor, Senator HARRY REID of Nevada introduced into the RECORD an e-mail sent apparently to almost 2 million people on the Republican National Committee mailing list that said the Senate is more interested in special interests in Washington and not in the security of the American people, and we will not accept a Homeland Security Department that doesn't allow this President and—et cetera, et cetera, and then quoting President Bush. It also says the bipartisan approach is stalled in the Senate because some Democrats chose to put special interests and Federal Government employees ahead of the American people. That is untrue.

President Bush altered his rhetoric at the end of last week after the eruption over that language and toned it down a bit—but still kept it in a political context. In Flagstaff, AZ, last week, reading from the Washington Post of September 28, the day before, the reporter Edward Walsh says:

> The President today portrayed his differences with the Senate over the creation of a Department of Homeland Security as a struggle between common sense and business as usual, and he urged the election of Republicans to help him implement his idea.

Mort Kondracke reports yesterday Roll Call a conversation with our colleague, the other Senator from Tennessee, Mr. FRIST, chair of the National Republican Senate Committee:

> In an interview, Bill Frist, chairman of the NRSC told me he has no intention of turning Iraq into a campaign issue, but every intention of doing so with homeland security.

Of course, it is the right of the Republican Party and the President to make an election issue out of anything they want to make an election issue out of, but this is a matter on which we should not be engaged in politics. This is a matter on which we should be reasoning together to get over the small differences that remain on this question, to reach common ground and get this done. The Gramm-Miller substitute leaves out some very critical parts that our committee put in. Senator DURBIN has a part on information technology. Of course we should support it. Senators CARNAHAN and COLLINS put in an amendment to create a COPS-like program for firefighters. There should be broad, bipartisan agreement on that. I could go on. Senator CARPER has a provision relating to the safety and security of Amtrak facilities. None of those are in Gramm-Miller. If we can reach agreement on this question of protection for Federal Homeland Security workers and protecting also the President's prerogatives regarding national security, I would guess that the Gramm-Miller substitute, as amended by NELSON-CHAFEE-BREAUX, would have a real head of steam behind it and would probably find its way rapidly to the conference committee.

Let me make this appeal to my colleagues on the other side. We are not a unicameral legislature. The White House seems to be insisting that we negotiate to the final point here in the Senate bill, and with that stubborn intransigence they are blocking us from achieving all the rest that we want to achieve in terms of homeland security. We can pass the bill here. It then goes to conference. The process continues.

So let's not have it reach a dead end here, which it is rapidly approaching, as we move on to the Iraq resolution and the probability of adjourning—or at least recessing—quite soon thereafter. I appeal to my colleagues—mostly Republicans, but some of those Democrats who voted against cloture the first time on Gramm-Miller—to listen to the words of the Senator from Pennsylvania. The best way to get this moving is to invoke cloture, force the compromises we need. Let's have the meetings that Senator THOMPSON, Senator SPECTER and I have talked about with Senators NELSON, BREAUX, CHAFEE, and anybody else who wants to come. This is an eminently solvable

dispute, if we have the will to do it. Then we can go on to protect the security of our people and dispatch our responsibility under the Constitution.

How much time do I have remaining?

The PRESIDING OFFICER. Two minutes.

Mr. LIEBERMAN. I yield that time to the Senator from Louisiana, unless the Senator from Tennessee wishes to go forward.

Mr. THOMPSON. No.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Mr. BREAUX. Mr. President, I think the Senator is right on target. We have two differences of opinion about how to approach this matter, and there is not a dime's worth of difference between the two. The easiest way to figure out how to reach a legitimate compromise is to vote cloture, and then we can negotiate what is the proper approach to this legislation. If you read both offerings in this particular area, we will give the President essentially the authority to take away collective bargaining rights of American workers if they are related to national security or threats of national security. We also basically give him the authority to make management changes. I will address this quickly.

If you are going to make management changes, do you want the people whose jobs are being changed to be involved in that decision or do you want to take away their collective bargaining rights, one, and tell them arbitrarily what they are going to have to do? What type of a worker are you going to have if you take that away and then not even let them talk about what their duties are going to be. You are going to have a very reluctant workforce, which is not in the interest of this country from a homeland security standpoint. We have suggested models after the IRS, which say let them come in and negotiate, talk, and find out what their duties are going to be. If you cannot agree, we suggested turning it over to a Federal board that the President appoints to resolve the conflict and let them make the decision. At least the workers will have an opportunity to be heard. I don't think that is asking too much when you have taken away all of their collective bargaining rights.

This thing can be resolved. We are going to continue our meetings this afternoon. We have taken 3, 4 weeks already and have not made a lot of headway. Perhaps we ought to appoint a Federal negotiating board to handle the Senate, and maybe we can resolve it that way because, obviously, right now we are not making progress. But we are going to continue our efforts.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. THOMPSON. Madam President, the issue here with regard to this cloture motion is whether or not the President of the United States is entitled to an up-or-down vote on his proposal to make this country more safe. I repeat. The issue—and the only issue—on this cloture vote is whether or not the President of the United States, at this time in our history, is entitled to an up-or-down vote on his proposal to make this country safer. I think the answer to that is yes and the answer to cloture should therefore be no.

If there is not a dime's worth of difference between these proposals, I would like to think the President in this time in our history would be given the benefit of the doubt on these issues, which our friends on the other side say are really insignificant.

The Senator from Connecticut says the evidence mounts as to shortcomings of the Federal bureaucracy and that it contributed to the problem we had on September 11. I could not agree more. My only question is: Then why are we not allowed to make some changes that might improve the situation?

Gramm-Miller does provide for consultation. The implication has just been made that Gramm-Miller does not provide for consultation. Why shouldn't employees be brought in and enter into a dialog? It provides for that.

However, the Nelson-Chafee-Breaux so-called compromise still puts additional hurdles in the path of this President that other Presidents have not had. For some reason, at this time, with regard to this Department of Homeland Security, we are putting forward additional hurdles and additional determinations this President must make that other Presidents have not had to make.

The Nelson-Chafee-Breaux compromise takes the issue of labor-management and the issue of appeals off the table altogether and says: You shall make no changes, regardless of the myriad indications we have had where we have deficiencies in our system with regard to these issues.

There is no reason why these issues should take years and years to resolve. There is no reason why we should fiddle while Rome is burning. Surely we can do better, but this so-called compromise takes those issues off the table and out of the power to make any kind of adjustments. I suggest that is not a reasonable compromise. I suggest the President is entitled to an up-or-down vote.

I agree with my good friend from Connecticut; we are in the last stages of this discussion. If we do not resolve this matter within the next day or so, there will be no homeland security bill this year. That is a tragedy for this country. We apparently divided sides and decided who benefits. That is the fact, and, therefore, I urge no on the cloture vote.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

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 the Gramm-Miller amendment No. 4738:

Joseph Lieberman, Max Baucus, Ben Nelson of Nebraska, Dianne Feinstein, Tim Johnson, Patrick Leahy, Jeff Bingaman, Jack Reed, Hillary Rodham Clinton, Jim Jeffords, Debbie Stabenow, Daniel K. Akaka, Harry Reid, Maria Cantwell, Byron L. Dorgan, Herb Kohl.

By unanimous consent, the mandatory quorum call under the rule is waived.

The question is, Is it the sense of the Senate that debate on the Gramm-Miller amendment No. 4738 to H.R. 5005, an act to establish the Department of Homeland Security, and for other purposes, shall be brought to a close? The yeas and nays are required under the rule. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from New Jersey (Mr. CORZINE) and the Senator from New Jersey (Mr. TORRICELLI) are necessarily absent.

I further announce that, if present and voting, the Senator from New Jersey (Mr. CORZINE) would vote ''aye''.

Mr. NICKLES. I announce that the Senator from Colorado (Mr. ALLARD) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 45, nays 52, as follows:

[Rollcall Vote No. 228 Leg.]

YEAS—45

Akaka	Dodd	Levin
Baucus	Dorgan	Lieberman
Bayh	Durbin	Lincoln
Biden	Edwards	Mikulski
Bingaman	Feinstein	Murray
Breaux	Graham	Nelson (FL)
Cantwell	Harkin	Nelson (NE)
Carnahan	Hollings	Reed
Carper	Inouye	Reid
Chafee	Jeffords	Rockefeller
Cleland	Johnson	Schumer
Clinton	Kerry	Specter
Conrad	Kohl	Stabenow
Daschle	Landrieu	Wellstone
Dayton	Leahy	Wyden

NAYS—52

Allen	Fitzgerald	Murkowski
Bennett	Frist	Nickles
Bond	Gramm	Roberts
Boxer	Grassley	Santorum
Brownback	Gregg	Sarbanes
Bunning	Hagel	Sessions
Burns	Hatch	Shelby
Byrd	Helms	Smith (NH)
Campbell	Hutchinson	Smith (OR)
Cochran	Hutchison	Snowe
Collins	Inhofe	Stevens
Craig	Kennedy	Thomas
Crapo	Kyl	Thompson
DeWine	Lott	Thurmond
Domenici	Lugar	Voinovich
Ensign	McCain	Warner
Enzi	McConnell	
Feingold	Miller	

NOT VOTING—3

Allard	Corzine	Torricelli

The PRESIDING OFFICER. On this vote, the yeas are 45, the nays are 52.

Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 having come and gone, the Senate will now stand in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:52 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. CLELAND).

The PRESIDING OFFICER. The Senator from Nevada.

ORDER OF PROCEDURE

Mr. REID. Mr. President, the majority leader shortly wishes to make a statement. I see my friend from Missouri is in the Chamber, and a number of other Senators.

Do any of the Senators wish to speak now?

I yield to my friend from Missouri for purposes of a question. Does the Senator wish to speak now?

Mr. BOND. Mr. President, I have a number of issues to speak about. I wish to speak in relation to a welcoming resolution, and then I have further remarks upon which I wish to expound.

I am happy to accommodate the floor leader's desire. I ask what his intentions are.

Mr. REID. My intention was that we go into a quorum call until the majority leader appears on the floor. But maybe—and does the Senator from Louisiana wish to speak?

Ms. LANDRIEU. Yes. Thank you, I say to the assistant majority leader. I wish to talk about the West Nile virus for a few moments because it is an issue that is so important to Louisiana and many States.

Mr. REID. How long does the Senator wish to speak?

Ms. LANDRIEU. Maybe 10 minutes. But we may not be ready. The House is passing their bill. I am kind of open to the time.

Mr. REID. How long does the Senator from Missouri wish to speak, approximately?

Mr. BOND. Mr. President, I have one matter that will take 2 minutes and another matter that will take 10 to 15 minutes. And if nothing else is happening, I could go for another 20.

Mr. REID. I am wondering if my two friends, the Senator from Louisiana and the Senator from Missouri, if the majority leader comes to the floor, would be willing to yield to him for his statement?

Mr. BOND. Pardon?

Mr. REID. I said, if the majority leader appears on the floor, will you be willing to yield to him for a statement?

Mr. BOND. Mr. President, of course. I am always happy to accommodate my colleague.

Mr. REID. Mr. President, I ask unanimous consent that the Senator from Missouri be recognized for up to 20 minutes; and that following that, the Senator from Louisiana be recognized for 10 minutes; and that they both agree, when the majority leader appears, that they will yield to him for his statement.

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

Mr. BOND. Mr. President, I thank my good friend, the majority floor leader. My first item should be a noncontroversial one.

WELCOMING HER MAJESTY QUEEN SIRIKIT OF THAILAND

Mr. BOND. Mr. President, we are going to be having a visit from a very important leader of a great ally, the Queen of Thailand. Her Majesty Queen Sirikit arrives here in Washington on Friday of this week.

We know that Thailand and the United States have a shared commitment to peace, liberty, democracy, and free enterprise. We are very dependent upon that country for economic trade as well as security. Queen Sirikit has done a remarkable job in leading the way in humanitarian efforts, including in rural Thailand.

Mr. President, we are experiencing a period of national tension as the United States girds itself to confront those nations and those faceless individuals who would threaten our prosperity, our security and, indeed, our very lives. However, in such times of anxiety, it is important that we recall that the globe is populated much more heavily with our friends than with our enemies and that, while we must face those enemies, we should also pause to honor our faithful allies.

With this thought in mind, I take a moment to draw the attention of the Senate to the Government and people of Thailand whose Queen, Her Majesty Queen Sirikit, arrives here in Washington, D.C. on Friday, October 4, 2002.

The United States enjoys a long and constructive relationship with the people of Thailand, dating back to 1833 when the administration of President Andrew Jackson negotiated and signed the Treaty of Amity and Commerce in which the two signatories pledged to establish ''a perpetual peace'' between them. That treaty, the first such that the United States signed with any Asian nation, commenced a 169-year period of amicable, mutually beneficial relations.

Thailand and the United States enjoyed a shared commitment to peace, liberty, democracy and free enterprise, enabling us to cooperate both in the broadening and the protection of those values. Thailand is one of the only five countries in Asia with whom the United States has a bilateral security agreement. Furthermore, this country has a military assistance agreement with Thailand that was negotiated and signed following the end of the conflict in the Korean peninsula. Each year, our armed forces join with the Thai defense establishment in military maneuvers dubbed ''Cobra Gold''. These are the largest military exercises involving U.S. forces in the whole of the Asian continent.

We are all aware of, and deeply regret, the pain that many of the Thai people have had to absorb following the recent retreat of many Asian economies. However, after implementing painful but necessary reforms, the Thai economy is clearly bouncing back, with a recovered currency and annual economic growth that could prove to be as high as 5 percent his year. The U.S. remains Thailand's largest export market while Thailand ranks 22nd as a destiny of U.S. exports. This nation has an aggregate investment of almost $20 billion, while 600 U.S. companies, large and small, are currently doing business there.

But I do not wish to talk solely of general U.S.-Thai relations. I also wish to acquaint the Senate with the splendid humanitarian work of Queen Sirikit, who has worked tirelessly to promote the well being of both Thais and non Thais alike. For the past 46 years she has served as President of the Thai Red Cross Society. In this capacity, she had to address the massive humanitarian problems posed by the influx of 40,000 Cambodian refugees as they flooded across the Thai border to flee the turmoil in their country. Many of those people lived for years in the Khao Larn Center that she set up to shelter, feed and care for families with small children and unaccompanied orphans.

Her own people have similarly benefited from Her Majesty's close attention. To increase the income of the country's rural families, Her Majesty has initiated many projects, such as the Foundation for the Promotion of Supplementary Occupations and Techniques, better known as the SUPPORT Foundation. This is certainly a model for other developing countries as many are discovering to their cost that the early stages of economic development can often prompt a rush from the land to the city that the nascent urban economy is often unable to bear. If developing nations are to achieve sustainable growth, they will have to emulate Queen Sirikit's attention to the needs of the rural population.

I am by no means the first person to recognize Her Majesty's accomplishments. She has been awarded the prestigious CERES medal by the Food and Agriculture Organization of the United Nations. Tufts University has honored her with an Honorary Doctorate in Humane Letters in recognition of her work for the rural poor of Thailand. Her care for the health of those same people has won her an Honorary Fellowship from Great Britain's Royal College of Physicians.

I ask my colleagues from both sides of the aisle to join me in welcoming Queen Sirikit to the United States. I understand that Her Majesty will preside over an event at the Library of

Congress next Wednesday, October 9 during which the work and activities of the SUPPORT Foundation will also be exhibited and I look forward to seeing many of you there.

I have a resolution that I hope to be able to bring up which will join with the House in extending the welcome of Congress to Her Majesty, the Queen. We look forward to discussing that with the leaders on both sides. And I hope to be able to address that later on.

SENATE INACTION

Mr. BOND. Mr. President, I think it is time that we take a look at where we are and determine what is happening in this body. We have not completed an energy bill, a Defense authorization bill, a terrorism reinsurance bill, a homeland security bill, or a bill to provide a prescription drug benefit.

Even though we are beginning the new fiscal year today, this is not a happy occasion. We have not considered a budget on this floor. We have not completed and sent to the President a single 1 of the 13 appropriations bills. I fear that the President's pen may dry up before we send him a bill to sign or veto.

Our distinguished former colleague and leader, Senator Bob Dole, once said:

> I do believe we spend a lot of time doing very little, and that may be an understatement.

Meanwhile, there are great needs. Our economy struggles. We have not passed a terrorism risk reinsurance bill that would put our construction industry back to work. We haven't passed an energy bill that could put literally three-quarters of a million people to work in the construction area, in the development of the goods and the products, the pipelines we need to secure our energy future.

The economy is a problem. This summer, the Governor of the State of Missouri announced that Missouri's relative job loss was the highest in the Nation over the past year. There are measures pending before us that have been recommended that we have not passed. Here we are, the first day of the new fiscal year, and we have not yet begun to debate a budget that would be the framework for our appropriations bills. It was to be completed on April 15. We worked on it in the Budget Committee. It was a contentious debate. But we said at the time that the bill that was reported out of the Budget Committee was not one that could pass. Unfortunately, we were correct. It has not even been brought up.

The majority has not even brought up their own budget bill to be amended or to be debated on the floor. Even if the bill is not perfect, we should at least bring it up for debate so we can proceed to get a budget. Since 1976, when the Congressional Budget Act of 1974 first went into effect, this has never happened. This is the first time the Senate has not seen fit to consider a budget since the Ford administration.

Historically, the budget resolution has been a difficult matter to resolve. On average, it has been adopted late some 40 days. It is never pleasant. I see the distinguished former chairman of the Budget Committee on the floor. He has fought many difficult battles, but he has accomplished the purpose. And we passed a budget so we could pass appropriations bills; so we have some discipline. This one is over 5 months late and counting.

One of the key congressional responsibilities provided for in the Constitution remains unscheduled. Furthermore, as of midnight last night, there are no budget enforcement provisions, no pay-as-you-go requirements, no points of order against overspending. They are all relaxed. As of today, all budget enforcement provisions have expired. I hope nobody will take this as an invitation to break the budget with more directed spending.

On top of this, we have not completed a single appropriations bill, which was supposed to have been completed by midnight last night. We have begun the fiscal year of 2003 with a record of zero for 13—not a very good average. Only three bills have completed Senate consideration in appropriations.

We all know resolving spending matters is always difficult. There is always someone else to blame. But clearly the Senate has not completed its most primary responsibility, which is expressing the will of the public in the form of a budget. I understand in the last 8 weeks we have not completed action and had a rollcall vote to pass a major piece of legislation. We have been on the Interior appropriations bill for 4 weeks. This is week 5.

In this case, we are making no progress because the majority will not permit the Senate to cast a vote on an amendment designed to prevent forest fires from destroying forests and homes and taking human life.

I know members of the Appropriations Committee are ready to bring their bills before the Senate for consideration. The chairman, Senator BYRD, and ranking member, Senator STEVENS, reported all 13 bills out of the Appropriations Committee by the end of July.

The Senator from Maryland, Ms. MIKULSKI, and I are ready to bring our bill to the floor to fund veterans and housing and the environment and space and science and emergency management. Well, it is not there. We go into the new year without any of these bills being passed.

I don't want to be confrontational with those managing the Senate, but this is week 5 on a bill that should have taken 2 days. As someone who has spent a lot of time in my few years working with the majority and minority and with the House and the administration resolving difficult matters of disagreement, I know how difficult it is to complete spending bills. However, I fear this process is bogged down by design.

Last week, we were told we may have to vote on Saturday. But instead of voting on Saturday, we canceled votes on Friday and Monday. On the Interior bill, western Senators have an amendment to protect their forests and their citizens from fire. But the majority, apparently on behalf of certain interest groups, will not permit the Senate to vote. We should vote. That is our job. We vote up or down. We should vote, win or lose. The whole purpose of this delay, regrettably, is to avoid voting.

What is reprehensible is that the authors of the amendment to prevent devastating, deadly fires—deadly to humans, to forests, property, and wildlife—are not even given an opportunity to get a vote. If we would vote, we could get to the remaining amendment, pass this bill, and move on in the next day or two.

Some are suggesting—this I believe is outrageous—that the sponsors of the amendment should have to pull their amendment so we would not have to vote. We have only cast 227 votes this year. I can't remember any year in my history where we passed so few. But this would be a good time to pass another one. We could cast another vote and pass this bill.

The sponsors of this amendment have had people in their States die. They have had millions of acres of trees, including old-growth trees, habitat, and wildlife ruined, killed by fire, and houses burned. They have a solution on which the Senate should have the courtesy, if not the common sense, to vote. How poorly is the majority leadership willing to treat Senators from these States?

The Senators and their constituents deserve a vote, period. If Senators want to vote against it, then do so. Senator CRAIG has not had the opportunity to slip this provision into a conference report, so he is doing what the Senator is paid to do, which is to offer an amendment up or down and have a vote. Why can't we? Should the sponsors be asked to ignore their burning States and set their amendments aside or should the people preventing a vote decide that the Senate should do what we are paid to do? To me, the answer is obvious.

We have been in session for over 4 weeks. The last 4 weeks, we have cast a whopping 19 votes, many of them on noncontroversial judges. I compliment our colleagues from South Dakota for figuring out a way to protect their State from fire. But I want others to have the same opportunity. I have farmers who want farm aid. The Senator from South Dakota got his vote on farm aid. I voted for it. It was not germane to the bill, it was not relevant to the bill, but I voted for it because it is important to farmers all across the heartland of America.

Why can't the Senators whose States are on fire or threatened to be on fire have a vote? I haven't heard one good

explanation as to why Members whose States are on fire should not be entitled to a vote. I would urge the leadership to explain to the people of the western States that are on fire why they are not deserving of a vote.

The amendment is pending. Let us vote. South Dakota got the protection. Are California or New Mexico less important?

Mr. DOMENICI. Will the Senator yield?

Mr. BOND. I am happy to yield.

Mr. DOMENICI. If you think through the Craig-Domenici amendment, which was going to permit us to have a vote in reference to the thinning of forest accumulations in certain parts of the West to avoid fire, here is the logic: We won't let you vote. But do you know why they won't let us vote?

Mr. BOND. I am puzzled why we can't get a vote on this commonsense, sound forest management plan. I defer to my colleague and ask for his guidance.

Mr. DOMENICI. Two reasons: One, some of their Senators would have to vote for it because it is such a good amendment; they know some of them are yearning to vote for it so they get to vote. Secondly, if it got enough votes, they would have to filibuster it—''they'' being the other side of the aisle—because it would then be an amendment that the environmentalists who don't support it would insist that their Members on that side vote against.

It is the strangest kind of filibuster you ever saw. It is a filibuster so as to never let an amendment pass so that the majority won't have to vote on it. And if it were to pass, they would have to filibuster it. So they are clean and blaming us for the filibuster.

Mr. BOND. Mr. President, I thank my colleague from New Mexico for the informative discussion. Maybe they have the votes to defeat it. If they defeat it, then there is no problem. But I have to say, having studied this issue and having been added as a cosponsor of this amendment, as one whose hobby and avocation is forestry and having talked to Forest Service personnel in my State, to leading academic foresters from institutions in my State and across the West, this is just common sense. The foresters, the academic foresters, the professional Forest Service people, know you cannot leave the fuel that sets off catastrophic fires in the forests or you will have catastrophic fires.

In my State, we have not only oak decline and beetle infestation; we have had tornadoes. They have knocked over trees. Guess what. It was a very dry summer. These trees have dried out. A spark from lightning or any kind of manmade spark could set these off. Ours is not the biggest problem. The biggest problems are faced by our colleagues in the West. I simply want to get an up-or-down vote. I know somebody might be put in a difficult spot. They have to either vote for their constituents and the safety of forests or for the environmental groups who don't seem to understand the problems that arise in the forests of the West. I daresay none of those groups live next to the forests, which could become a raging inferno if those fuels are not removed from the forests.

I think we are going to have to make a choice. Do we want to serve our citizens and protect the environment, prevent catastrophic forest fires or do we want to take care of politically active and well-financed interest groups? I can certainly understand the free speech and the desire for people in the environmental groups to have their views and express them, but I don't believe we are obliged to skip a vote on the amendment because they oppose it. They have a right to jump up and explain their arguments and try to urge people not to vote for it. Senator CRAIG, Senator KYL, Senator DOMENICI, and I would be happy to try to discuss that with anybody. But we have discussed it. It is about time we vote. I think it should be resolved with a vote. They can move to table and vote up or down. The effort of Senator CRAIG to prevent forest fires is worth the Senate's time and I would like to hear from somebody why it should not be voted on. We have lost forests the size of New Jersey. Firefighters have died. South Dakota is protected, but Idaho, New Mexico, Montana, Missouri, and other Western States deserve to be protected as well.

I think we at least have a right to have a vote on it. I plead with those objecting to permit us to do what the people sent us to do—cast a vote.

Mr. DOMENICI. Will the Senator yield whatever time he has remaining?

Mr. BOND. Yes. How much time do I have remaining?

The PRESIDING OFFICER. Four minutes.

Mr. BOND. I yield 4 minutes to the Senator from New Mexico.

Mr. DOMENICI. Mr. President, I want to merely comment on the issue raised by my good friend from Missouri. I think the people in the West understand we are not being dealt with fairly. The Western States have this large accumulation of debris and forests are burning down. Our amendment would permit some help to those States where we see these enormous accumulations going up in flames. We could take that out.

NEW FISCAL YEAR—2003

Mr. DOMENICI. Mr. President, Happy New Fiscal Year.

Mr. President, the new fiscal year began at midnight last night and none of the 13 regular appropriation bills has been enacted. Over the last decade, this has happened only two other times—in 1996 and last year.

Now, one could make a good argument that the failure to complete any of the regular appropriations bills last year was completely understandable given the events of last September.

But I think the failure this year to complete any appropriations bills before the beginning of this fiscal year today lies squarely at the foot of the Congress for not adopting a congressional budget resolution last spring.

There is a reason why we have a congressional budget process! And I think if ever we needed an example of why we must not let this process atrophy and die on the vine, this year is a good example of why we need this process.

For the first time in the 27-year history of the Congressional Budget and Impoundment Control Act, the U.S. Senate did not consider and did not adopt its own budget plan for this year.

To be completely accurate, we do have in place a congressional budget resolution but it is the one that I helped to have enacted in the spring of 2001. And that Fiscal Year 2002 budget resolution remains in effect until replaced with a new one, but I think we all know that the economic downturn that became clear after that resolution was adopted and the attacks of last September have made many of the numbers in that resolution outdated for guiding fiscal policy here in the Congress.

Further, let us remember that many of the Budget Enforcement Act provisions that were enacted in 1990 and extended in the negotiated 1997 Balanced Budget agreement, expired at midnight last night.

I am talking about no appropriation spending caps for this year or beyond. This will be the first time since 1987 that we have not had these spending caps to help guide our budgeting and appropriation process.

I am talking bout no 60-vote points of order for violation of some of the major points of order in the Budget Act. As I said, until replaced the FY 2002 Budget Resolution with its 10 year numbers is still the enforceable resolution in the Senate even if the numbers in it are outdated. But as of today we can not even enforce that resolution with our normal 60-vote points of order.

We do not have our normal 60-vote point of order for pay-as-you-go violations.

My colleagues will remember that the Senate has operated since the 1990's with this deficit-neutral requirement and they will also know that it was one of our most effective tools in our quest for balanced budgets. In the absence of this pay-as-you-go enforcement provision today, any major tax or entitlement spending program could be considered without addressing the fiscal impact that legislation will have on surpluses or deficits in the future.

Just for the record, in this 107th Congress alone, budgetary points of order have been raised in the Senate over 65 times. And on only 8 occasions did the matter receive sufficient votes—that is 60 or more—to waive the point of order.

I have helped draft with the Chairman of the Budget Committee, Leaders DASCHLE and LOTT, and with the support of President Bush, a simple Senate

resolution to extend these pay-go and other enforcement provisions that expired at midnight last night.

We should adopt this resolution without delay; it is the least we can do to keep some hope alive that the budget process will survive the set backs this last year.

I think, as Chairman Greenspan—maybe I should say Sir Chairman Greenspan in recognition of his knighting last week—that we need to do at least this small resolution to send a signal to the markets and the public that fiscal discipline has not been totally abandoned.

Again, today is the first day of a new year. October 1 is the first day of the new year under our budgets and it has been so for quite some time. It used to be July 1. Everybody thought it was too soon, so they moved it to October so there would be plenty of time. So it is the first day, but we don't have a budget resolution.

Today, we start a budget and start spending money—if we ever get around to it—under a budget that doesn't exist. I think it is time we do that. Seeing the majority leader on the floor, I want to ask in a forthright way—because I know he is aware of this—when does he think we might be able to take up the resolution I am going to introduce with the ranking member of the Budget Committee, the so-called pay-go resolution? I ask the leader, is that on his agenda somewhere? I would be here to help him if there is anything I could do to move the time.

Mr. DASCHLE. If the Senator will yield, I will be happy to respond.

Mr. DOMENICI. Yes.

Mr. DASCHLE. As he knows, we have attempted to bring debate on homeland security to a close now on 5 separate occasions. We failed to do that again this morning. It was my expectation we were going to take up the budget enforcement mechanism prior to the time we moved to the Iraqi resolution. That may be complicated now, in part, because I think we need to get started on the resolution on Iraq prior to the end of this week. But without any doubt, we will address the budget enforcement resolution the Senator has addressed prior to the time we depart, prior to adjournment.

I have made that commitment to the budget chair and I have said it on the floor on several occasions. I think it is essential. I have not heard all of his remarks, but I assume the Senator from New Mexico made a similar statement. So we will make that effort. I am quite confident when we do, it will be successful.

Mr. DOMENICI. That means before we recess, is that correct?

Mr. DASCHLE. The Senator is correct.

Mr. DOMENICI. It only has to be passed by the Senate, and we will have extended the pay-go provisions.

MOTION TO PROCEED—H.R. 2215

Mr. DASCHLE. Mr. President, I move to proceed to the conference report to accompany H.R. 2215, the 21st Century Department of Justice Appropriations Authorization Act.

The PRESIDING OFFICER. Is there objection?

Mr. NICKLES. Mr. President, reserving the right to object. I will ask the majority leader a question. The majority leader is wanting to move to a conference report on the Department of Justice reauthorization bill, is that correct?

Mr. DASCHLE. Correct.

Mr. NICKLES. So we will be setting aside the homeland security bill?

Mr. DASCHLE. No. We will only interrupt the ongoing consideration of homeland security. This does not displace homeland security on the calendar. The regular order would be we would revert right back to homeland security once the conference report has been disposed of, with no additional action required on the part of the Senate.

Mr. NICKLES. Mr. President, I appreciate the Senator's explanation. I know there have been some negotiations, though not as fruitful as we would like, on homeland security, but I trust the negotiations will be ongoing, and maybe we will have some success upon the conclusion of the DOJ authorization bill. I shall not object.

The PRESIDING OFFICER. The question is on agreeing to the motion to proceed.

The motion was agreed to.

Mr. DASCHLE. Mr. President, prior to the clerk reporting the conference report, I ask unanimous consent I be able to speak as in morning business for 3 minutes.

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

HOMELAND SECURITY

Mr. DASCHLE. Mr. President, I simply add to the comments I have just made to the Senator from Oklahoma, that we are going to finish the debate on homeland security, even if it is the night before the election. So I want those Senators on both sides of the aisle thinking that somehow this is going to go away to be very clear. We have voted now on cloture five times: Three times on the pending bill, the original bill, and twice on the Republican amendment—twice on the Republican amendment.

I have offered the Republican leadership the opportunity for an up-or-down vote on the Republican amendment, and I am still told that is not good enough. For the life of me, I do not know what else to do. But we will continue to have cloture votes. We will continue to stay here. To the extent we can, we will interrupt—and I use that word ''interrupt'' as opposed to ''displace''—homeland security with other pieces of business so we do not keep spinning our wheels.

If it is November 4, we will be here. If it is November 7, we will be here. I have heard there are those on the other side who believe somehow they can make this a political issue if we just drag it out and blame the Democrats. We are not going to do that. I think the record is abundantly clear who is holding this up. We will vote on it. We will vote on final passage at some point this fall. I just want to make sure my colleagues all understand that.

This is the sixth week—the sixth week—we have debated this bill, and there are probably 70 or 80 amendments pending. So you tell me when we will finish; I will tell you whenever that is we are going to be here. I yield the floor.

21ST CENTURY DEPARTMENT OF JUSTICE APPROPRIATIONS AUTHORIZATION ACT—CONFERENCE REPORT

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2215), to authorize appropriations for the Department of Justice for fiscal year 2002, and for other purposes, having met, have agreed that the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, and an amendment to the title, signed by all of the conferees on the part of both Houses.

The PRESIDING OFFICER. The Senate will proceed to the consideration of the conference report.

(The report is printed in the House proceedings of the RECORD of September 25, 2002.)

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I thank the distinguished majority leader for moving to the Department of Justice Authorization Act. This is the first one in 21 years. I note for my friend from South Dakota and my friend from Nevada, this passed the House of Representatives 400 to 4. The conferees, Republicans and Democrats, endorsed it unanimously. It should be able to pass, I hope, easily here.

I spoke at some length yesterday about all the items that law enforcement has asked for in this bill.

I know the distinguished Senator from Louisiana is waiting to speak. I will take only a few seconds. I wish to emphasize again, this is legislation that passed 400 to 4 in the other body. It has been endorsed across the political spectrum—law enforcement, antiterrorist groups, schools, those small towns in rural America facing drug problems. They are all looking for the adoption of this conference report.

The high-tech industry is looking for the passage of the Madrid Protocol which is in the bill.

There are 20 new judge positions. Actually, we were trying to get these authorized during the last 6 years of

President Clinton's term, and they were blocked. Now with President Bush in office, I put the same 20 in to show bipartisanship. They are back in there and should be passed. President Bush can nominate the people for these positions. I cannot believe either side would hold us up.

I hope we will have a consent agreement for a limited amount of debate at some point and then go to a vote.

Mr. REID. Will the Senator yield?

Mr. LEAHY. Yes.

Mr. REID. Under the previous unanimous consent agreement that has been granted, the Senator from Louisiana has 10 minutes before we get to debate on this bill. It has been 21 years since this bill has been reauthorized, so I do not think anyone can criticize the Senator from Vermont and/or Senator HATCH for taking a little time talking about this bill. But it appears this is such important legislation that we will probably have a rollcall vote on it, I would think.

Mr. LEAHY. I hope so.

Mr. REID. I ask my friend from Vermont, does he have an idea how long he and/or Senator HATCH will take debating this conference report?

Mr. LEAHY. I cannot speak for Senator HATCH, Mr. President, but I will be happy to vote later this afternoon at 4:30 or so.

Mr. REID. It is quarter to 3 now. So within the next couple hours, it is likely we could have a vote.

Mr. LEAHY. I hope.

Mr. REID. Has the Senator asked for the yeas and nays on this yet?

Mr. LEAHY. No, but I will. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. LEAHY. Mr. President, I yield the floor and thank my good friend from Louisiana for her usual courtesy and cooperation.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. I thank the Chair. Mr. President, I thank the Senator from Vermont and the Senator from Utah for their very hard work over a long period of time on this major piece of legislation. The vote was overwhelming in the House, and it is due to the bipartisan work that has gone into crafting the reauthorization of the Justice Department. I look forward to voting for that legislation later today.

I have been contacted by many of my sheriffs and law enforcement officials and, of course, I have been particularly interested in some specific aspects of the bill particularly dealing with violence against women and violence against children and child abuse and the good work that the Department of Justice is doing to help our local counties and communities fight these terrible incidents that occur in our country.

My heart is heavy and very sad to say that just this last weekend we lost another child to child abuse in a horrific way. A little 7-year-old was stabbed to death in front of about 10 people by a deranged and very sick individual who had threatened the life of this child's mother. The 7-year-old was trying to protect his mother and was killed on the streets of New Orleans.

The Senator from Vermont knows well the great needs of the country regarding these issues. I thank him for working so hard on them.

Mr. LEAHY. Mr. President, if the Senator will yield, due to her good work on the bill, of which she is a prime sponsor, reauthorization of the Juvenile Justice and Delinquency Prevention Act is in this bill. It tracks the Leahy-Hatch-Kennedy-Landrieu bill.

We also have authorized funding for the Centers for Domestic Preparedness. I note that because it has been the persuasive persistence of my friend from Louisiana that has improved this bill so much, and I commend her.

WEST NILE VIRUS

Ms. LANDRIEU. Mr. President, I thank the Senator. While this underlying bill is important, I wish to take a moment this afternoon to urge my colleagues to take up another bill that does not have the same breadth and depth as the one that was just described. The people of Louisiana, and I might add, the people of Illinois—Senator DURBIN has been working hard on this particular issue—and many other States have been severely affected by the West Nile virus. In fact, over 17 people have died in Louisiana and over 2,400 people have been affected and infected by this very frightening disease.

If we can manage today—and I have had discussions with the leadership—we are going to hopefully pass this bill by unanimous consent, which will give grants to our counties and parishes in Louisiana to help their local officials do more effective pest eradication, whether that is through traditional spraying or larvacide techniques that are used to kill mosquitos at their various stages before they can attack human beings and carry this deadly disease.

The effects are quite frightening. People in my State are having a very tough week. We had a terrible storm that was not a hurricane but nonetheless it was a very large and intense tropical storm. So the headlines at home have been filled with storm warnings, storm preparations, and consequences of the storm management.

Now, in the gulf, we find ourselves facing yet another potential hurricane that is moving toward the shores of Louisiana. So this summer has been a very anxious time between the storms and the West Nile virus at home where a lot of the parishes in Louisiana were affected. Seventeen deaths are quite extraordinary. I think it is the largest outbreak in many years. We are really struggling with providing some help to the local communities and parishes that, in fact, do have mosquito abatement control districts and, under normal circumstances, can take care of those needs on a local level. But when something such as this breaks out, it is important for us to step up to the plate and help.

This bill will give local governments an opportunity to submit for grants to take care of their businesses and to upgrade their eradication programs. There are other parts of the Federal Government that can be helpful in educating people about how to stay safe from this virus, such as what to do, what symptoms it shows.

This bill that I hope we can take up today will provide hard dollars, not for bureaucracies, not for a new Federal agency but to get grants to Georgia, the State of the Presiding Officer, and my State, for those local jurisdictions to get their spraying up to par and to do it in an environmentally safe way.

Hopefully, the worst is behind us, but we do need to prepare in the event we have another outbreak. Getting this grant program established will help us next year if this happens again.

I urge my colleagues to consider H.R. 4793—I am not asking that it be called up at this time—which I hope we can pass by unanimous consent later on today.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

HOMELAND SECURITY

Mr. BOND. Mr. President, it is important for us to understand where we are on the homeland security bill. This is, obviously, a very important bill for the President. The President has outlined extensively his plan of organizing this agency.

The one thing he has asked is that he be given an agency that is workable. The distinguished majority leader has pointed out there have been a number of cloture votes and we have not gotten cloture, so by that he suggests that somehow this side of the aisle is the problem.

I believe it was June of this year that the majority leader promised he would not fill up the tree. For those who may be listening at home, that is a means of adding a number of amendments so that the other side cannot offer any amendments for a vote. Well, they filled up the tree to keep the President from getting an up-or-down vote on his proposal. As a result, we have opposed cloture because it would have prevented us from getting to the President's proposal.

If we get to the President's proposal—and I hope we will—the majority leader may have the votes to defeat it. But I think, since we are dealing with this subject in wartime, where we need to reorganize Government to make it flexible, to make it responsive, to make it effective in defending the homeland, we ought to give the Commander in Chief at least a vote on his proposal.

I believe my colleagues who have been working on the bipartisan bill that reflects the President's proposals have taken some 25 different amendments to accommodate the interests of Congress and various bodies. The distinguished junior Senator from Georgia and the senior Senator from Texas have worked with the Senator from Tennessee on this measure. They have gotten to the point where they have made compromises. It comes down to the point where the President believes, and most of us on this side agree, that he could not manage the Department effectively if his hands were tied. Whether my colleagues want to vote on it or not, I think it makes sense, out of common courtesy, if nothing else, to give the Commander in Chief an up-or-down vote on his proposal.

As has been pointed out, the Senate bill does not include the managerial flexibilities the President needs to run the Department. His representative, Dr. Falkenrath, stated we think the bill, as reported by the Governmental Affairs Committee, would create an extremely rigid bureaucracy. There would be a huge gap between the responsibilities of the Secretary to integrate the units as to what it says in article 102 and actually do that in practice.

What it means is we set up a new Homeland Security Department that is supposed to be fast and responsive, assimilate the information that comes in from all the varying intelligence sources, and then develop an appropriate response. Unfortunately, too many elements of the Governmental Affairs bill tie the President's hands and keep him or his Secretary of the Department from taking a responsive action to make sure the Department is responsive and effective in searching out and trying to stop direct threats to the health, safety, and, frankly, the lives of people in America.

It was surprising to me that the bill even moved backward from where this President, the previous President, the previous President, the previous President, and so forth down the line, had the ability, in national security interests, to make some of the changes in terms of promoting and rewarding exceptional employees, assigning them to the right duties and getting rid of employees who do not want to or are not able to do the service expected of them.

When we are talking about national security, it has been the long accepted practice that commanders have to be able to command their troops. They are still protected by some 65 to 68 different provisions assuring there is no discrimination and a whole other range of protections, but to give the managers the flexibility to manage the Department of Homeland Security is simply consistent with what previous Presidents have exercised for decades. The Presidents can use the power of Commander in Chief to make sure the military works. If somebody slacks off in the Army, does not show up for a job as a sentry, they do not get 30 days of pay and a year and a half of appeals. They have real problems right now, and that is because they are dealing with national security.

I believe it is time we move on with homeland security. I was delighted to know that the majority leader is committed to moving this bill prior to our adjournment. I want to go home as much as anybody else, but the very simple way to do that would be to give us an up-or-down vote on the Gramm-Miller, or Miller-Gramm, substitute, as amended, which reflects the President's views to accommodate the interests of the reasonable requests made by Members of Congress and others who wanted to see changes in it.

We can pass this bill. All we ask for is an up-or-down vote. If we have an up-or-down vote, those who favor the system that has been reported out of the Governmental Affairs Committee may win or we may win, but we certainly ought not hold up the bill simply to prevent a vote on what the President said is a critically important issue for national security.

I believe the time has come to stop filling up the trees, trying to invoke cloture to prevent a vote, trying to lock in an amendment that would undercut the President's power before he has an opportunity to have a vote on his proposal. That does not make any sense.

This body ought to show not only concern for the Commander in Chief's request but ought to respect the needs of the American people who must be assured we are doing everything in our power to move forward on homeland security with the Department that is effectively constituted and set up to carry out the responsibilities.

USE OF FORCE AGAINST IRAQ

We also have another important issue before the Senate. Before we get out of here, I hope very shortly, we will be moving toward a resolution authorizing the use of force against the threat posed by Saddam Hussein. Let's be clear about the intent. The resolution, that I trust the House will adopt and we will adopt, should send a clear message to the world community and the Iraqi regime that the demands of the United Nations Security Council must be followed. Saddam Hussein must be disarmed.

Previous administrations, both President Clinton and Vice President Gore, have outlined the dangers that Saddam Hussein has posed. President Clinton made a very forceful statement in 1998 and then on May 23 of 2000. The Vice President, Al Gore, said we must get rid of Saddam Hussein.

Regrettably, the situation has gotten worse. Without inspectors, there has been no check on the development of weapons of mass destruction. We know from defectors and other intelligence sources he is moving forward on these issues. We know the Iraqi regime possesses biological and chemical weapons. It is rebuilding the facilities to make more. According to the report we received from British Prime Minister Tony Blair, he could launch a chemical or biological attack in as little as 45 minutes after the order is given. The regime has longstanding and continuous ties to terrorist groups. We know there are terrorists operating inside of Iraq. Members of al-Qaida and the Iraq Government have been in contact for many years. This regime is seeking a nuclear weapon and the delivery capability to go with it.

Unfortunately, he has readily available other weapons of mass destruction such as biological and chemical weapons. The Iraqi dictator has answered a decade of resolutions from the United Nations with a decade of defiance. In the southern and northern fly zones over Iraq, coalition aircraft continue to be fired upon and coalition pilots continue to put their lives on the line just to enforce these resolutions.

Unfortunately, some elected officials went to Iraq this past weekend and said: We trust Saddam Hussein; we do not trust our President. They should have watched what we have seen on television, the firing on the coalition aircraft by Iraqi forces. In the last 2 weeks alone, coalition aircraft have been fired on 67 times. Saddam Hussein claims to be willing to accept inspections. He wants to work with us. However, 67 times he has tried to kill our pilots who are flying to enforce the resolutions of the United Nations Security Council.

As President Bush stated this past weekend, the Iraqi regime is led by a dangerous and brutal man. We know he is actively seeking the destructive technologies to match his hatred. We know he must be stopped. The dangers we face will only worsen from month to month and year to year. To ignore these threats is to encourage them. When they fully materialize, it may be too late to protect ourselves and our allies. By then, the Iraqi dictator will have had the means to materialize and dominate the region and each passing day could be the one in which the Iraqi regime gives anthrax or VX nerve gas or a nuclear weapon to a terrorist group.

The mantle of leadership requires this body to act. We have seen the United Nations speak loudly and carry a soft stick too long. I am pleased to be able to work with my colleagues on both sides of the aisle. I believe we made reasonable accommodations in the resolution the President has recommended. I hope we can have hearings on that resolution. We see the final words, get it passed by the House, and pass it out of this body by a very significant majority vote of both parties. That is the clearest message we can send to the United Nations, to our allies, to those on the fence, and to the malefactors of great evil who lurk in our world today.

I yield the floor.

The PRESIDING OFFICER (Ms. CANTWELL). The Senator from Georgia.

BUS SAFETY

Mr. CLELAND. Madam President, I rise today to address two timely issues.

It is with a heavy heart over the loss of two passengers on a Greyhound bus last night in California and the injury of several others that I turn the attention of the Senate to bus security. This tragedy occurred when a passenger attacked the driver of the bus. After a heroic struggle upon being stabbed in the neck, the driver lost control of the bus. That is when the bus careened off Interstate 5. The alleged attacker was subsequently arrested by the police.

While terrorism is not suspected as the cause of the attack, no one knows what would have happened had the attacker gained control of the bus. Also, this attack occurs almost exactly 1 year after the October 3, 2001, Greyhound attack in Tennessee that left 7 dead.

However, we have seen the all-too-often result of buses used to commit terror attacks in the Middle East where suicide bombers have used buses to carry out their deadly work. Historically, between 1920 and 2000, about half of the terrorist acts in the world occurred against buses or bus companies. With intercity buses serving almost 800 million passengers annually in over 4,000 communities, I believe Congress must act to protect our travelers from being subject to the same terror and safety concerns.

Last November, I introduced S. 1739 to authorize a 2-year grant program to improve the safety and security of buses. Funding could be used for safety improvements inside the terminals and on buses—for equipment such as metal detectors, database programs for sharing passenger lists, communication technology, cameras, and more. My legislation passed the Commerce Committee earlier this year without opposition, but unfortunately, it has been stalled waiting for floor action. I urge my colleagues to clear this bill for passage by the full Senate today. We owe it to the families of those who have been touched by this tragedy, and we owe it to the millions of passengers embarking on a trip or tour via bus service.

Also, the House companion legislation, H.R. 3429, has passed the House Transportation and Infrastructure Committee and is pending on the House floor. It has strong bipartisan support, including its sponsor Committee Chairmen DON YOUNG.

Congress has already expressed its approval for funding of such security measures in the 2002 supplemental appropriations bill by providing $15 million for bus security. My legislation authorizes the program at more adequate levels and provides much-needed congressional commitment for implementation of the program. Intercity bus passengers—our fellow citizens—should feel secure and safe, and Congress should not stand in the way.

Additionally, I would like to ask my colleagues to examine the issue of access to technology, which is also important to protecting the security of our people. Over 7 months ago the Commerce committee held a hearing on the so-called digital divide at our colleges and universities that serve the largest concentrations of the Nation's minority students. We heard compelling testimony that a significant technology gap exists for a majority of these students at a time when the world economy is becoming increasingly technology driven. Only one tribal college has funding for a broadband connection, and it is not yet in place. At private historically black colleges and universities, 75 percent of their servers and printers are obsolete or nearly obsolete and in need of replacement. Half of the HBCUs surveyed in a landmark study 2 years ago by the Department of Commerce did not have computers available in the location most accessible to students—their dormitories. Hispanic students are almost 20 percent less likely than non-Hispanic whites to have a home computer and almost 25 percent less likely to use the Internet at home.

Curerntly there is no Federal program that provides funds to minority-serving colleges and universities for computer hardware and software acquisition. S. 414, the NTIA Digital Technology Program Act, would provide this critically needed resource for America's under-represented and educationally disadvantaged minorities in higher education. It has been lauded as the most significant tool for addressing the infrastructure and instrumentation needs of the Nation's minority-serving institutions since the reauthorization of title III of the Higher Education Act. It is a bipartisan bill sponsored by 18 Senators from both sides of the aisle. The bill was reported unanimously by the Senate Commerce Committee in May and also enjoys bipartisan cosponsorship and support in the House of Representatives.

In the ever-expanding world of the information highway, it should be our mandate to work to ensure that no one in this country is left behind-least of all our leaders of tomorrow.

UNANIMOUS CONSENT REQUEST—S. 414

Mr. CLELAND. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of calendar No. 487, S. 414; that the committee-reported amendments be agreed to, the bill, as amended, be read three times and passed, and the motion to reconsider be laid upon the table without further intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. BOND. Madam President, I object on behalf of Members on this side.

The PRESIDING OFFICER. Objection is heard.

UNANIMOUS CONSENT REQUEST—S. 1739

Mr. CLELAND. Madam President, I ask unanimous consent the Senate proceed to the immediate consideration of calendar No. 544, S. 1739; that the Cleland amendment at the desk be agreed to, the bill, as amended, be read three times and passed, and the motion to reconsider be laid upon the table without further intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. BOND. Madam President, I object on behalf of Members on this side.

The PRESIDING OFFICER. Objection is heard.

Mr. CLELAND. Madam President, I yield the floor.

Mr. BOND. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

HIGH COST OF HEALTH INSURANCE

Mr. BOND. Madam President, there is another matter that is extremely important for small businesses in this country; that is, the high cost of health insurance.

I have, along with my colleague, Senator HUTCHINSON from Arkansas, introduced a measure to authorize association of health plans so small businesses can come together in trade associations or other multistate bodies with similar interests to purchase their health insurance with a large pool.

If you purchase as an individual or as a very small business, it is like going into the store and buying soda one can at a time. You can't get a very good price. It also costs you a lot more in administrative costs to administer that plan if you are the sole administrator. From the health insurance standpoint, you don't share the risks over a broad group of people so that you can make an actuarially sound determination of how much health insurance costs.

We have seen health insurance costs rising all across the Nation.

Early last month, I hosted my second National Conference for Women and Small Business Owners in St. Louis. And not surprisingly, some 72 percent of them said providing health insurance, which is extremely costly, was one of the most important challenges they face.

We also found another statistic that I found very amazing. We have 39 or 40 million people without health insurance in the country today. That is far too many. But did you know that 60 percent—roughly 24 million of those

people—are either employees, employers, or members of the families of people employed in small business? Some 24 million people are without health insurance today because their chief breadwinner belongs to a small business that cannot afford health insurance.

I think that is just too many. The high costs of health insurance have made it difficult for small businesses to get the health insurance coverage they need. They do not have the bargaining power. They cannot spread the administrative cost. They cannot spread the risk. Basically, they cannot get as good a deal as a large corporation or a union or the Government can get.

We are very fortunate, as Federal employees, to have access to the Federal Employees Health Benefits Program. That is because we have a great big pool and we can bargain to get the best rates and we have choices from health insurance providers. Those choices are not available to small business. So we have developed a plan, with the full support and leadership of the President, to authorize establishing association health plans. The time has come for those health plans to be set up by legislation.

On Monday of this week, we found that there has been a jump in the number of those Americans without health insurance. It is extremely timely.

Yesterday, I understand, the Secretary of Labor wrote to the majority leader and asked that we bring up and try to pass association health plans. It has already been passed by the House. It is just sitting here.

We need to pass it. I hope before we get out of here—I hope that is October 11; I am not sure from what the majority leader said whether we will make it by October 11—but before we go, I hope we have a vote on association health plans.

The Secretary of Labor has said this is the highest priority. And the Secretary of Labor would be the one who would regulate these plans to make sure they do not cherry-pick, that they are financially sound, and that they meet the requirements of the law.

The law is carefully structured to prevent picking out only healthy insured groups. You could not set up a group of fitness instructors, for example, in a health plan because that would take the lowest risk people and give them an unfair advantage over others, when health insurance is supposed to spread the risk over a broad population.

Association health plans are just one, but a very important, step we need to take in assuring that a significant number of those 24 or more million Americans who do not have health insurance get it.

This is something I have heard from small business groups, as I have listened to them in my State and across the country, in forums of all sizes. We get e-mails. We do not get letters very often; they still get held up in the radiation process, but when we do get letters, they are still talking about the high cost of health care.

Association health plans are one way we could give small business the power to deal with the high cost of health insurance. I have spoken to my colleagues about this before. This has been an item of great interest in our Small Business Committee. I hope more colleagues will look into this question of getting adequate and affordable health insurance coverage through association health plans.

The President has made a very strong and clear statement in favor of association health plans. I would hope this body could follow the leadership of the House of Representatives, which has already passed the association health plan legislation. This would be something very important we could do for small businesses and their employees and their employees' families.

Madam President, I am happy to respond to questions from my colleagues to provide them further information. I invite their attention and I hope we can get action on that measure.

Madam President, I yield the floor. Seeing no one seeking recognition, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

ELECTION REFORM

Mr. BOND. Madam President, I was interested to read in today's Washington Post an editorial urging us to move forward on the election reform bill. This bill has been championed by Senator DODD, the chairman of the committee, and Senator MCCONNELL, the ranking member. I have had a role in some antifraud provisions.

The Florida elections of this year seem to have brought more attention to the need for election law reform. The conclusion of the Washington Post is that:

> At a time when voter turnout is at an all-time low, bolstering public confidence in the machinery of democracy is especially urgent.

I agree with that. That is why I worked so hard to see if we could get a bill passed that would do that. We need to make it easier to vote and tougher to cheat. Unfortunately, what we saw in Florida this year was the old truth: No matter how much appropriations in or what kind of legislation you have, if you have incompetence in local election officials, incompetence trumps everything. We know there were tremendous problems this year in an area where there were problems in 2000, even though they had new machines.

Nevertheless, we have worked on a bill that has many compromises and has a good structure for getting the kind of equipment we need to improve elections, providing additional safeguards, voting machines for those with disabilities and, in my view, the very important role of preventing dead people, nonexistent people, and dogs from voting.

Many of my colleagues don't want to hear me talk anymore about Ritzy Mekler, the dog that was registered in Missouri. Unfortunately, Ritzy joins a very distinguished group of dogs registered to vote around the country because motor voter does not have protection against phony registration.

We spent more than 7 months last year negotiating a bill. We brought it to the floor. There was some backsliding. We got it passed late this winter. It has been stalled in trying to work out the final details.

I have been discouraged because I have worked with the leaders from the other side on the bill to offer some compromises. We want to get the bill passed. I believe, along with Senator MCCONNELL, that we have proposed reasonable means of dealing with the problems they have. Unfortunately, the negotiations at the staff level have been stymied. Every time we get the wheelbarrow full of frogs, we find, as we try to wrap up the final details and get the final frogs in, some of the frogs have jumped out of the wheelbarrow.

Election reform is another bill that is long overdue for passage. I see my colleague from Kentucky in the Chamber who has been a champion in this area. I appreciate working with him and Senator DODD. I hope we can work with our colleagues on the House side, if we will just move forward and deal with some very important protections against more fraud in voting.

Since I see the manager of the bill is ready to go, I yield the floor.

ORDER OF PROCEDURE

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Madam President, I also see my friend from Kentucky. I want to go back to the bill.

Mr. MCCONNELL. I say to the Senator from Vermont, I am looking at 10 max, probably less.

Mr. LEAHY. I am wondering, I know the distinguished Senator from Kentucky can say more in less time than most people I know, and brilliantly. Could he perhaps say it in 5 minutes?

Mr. MCCONNELL. If I could beg the indulgence of the Senator from Vermont, this is a speech I have hoped to make on homeland security for some time now. We are only talking about 10 minutes. I would appreciate the opportunity to make the statement.

Mr. LEAHY. Madam President, I am trying to be helpful. I ask unanimous consent that the Senator from Kentucky be recognized for 10 minutes and then the floor revert to the senior Senator from Vermont.

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

The Senator from Kentucky.

HOMELAND SECURITY

Mr. MCCONNELL. Madam President, the homeland security bill is being held up because some labor unions want to put their special interests ahead of the collective interests of the Nation's security. Remember, these unions are not fighting against any increase in the President's authority to override collective bargaining agreements in the interest of national security. No, they actually want to roll back this authority that every President has had and has used since President Jimmy Carter.

How do union special interests affect national security? Here are just a few examples:

In 1987, a union objected to renovating border protection areas at Logan Airport—the same airport used by the 9–11 hijackers.

In 1990, a union prevented the INS from adding extra immigration inspectors in the Hawaii airport because it might affect the overtime pay of existing workers.

In 2000, a union objected to a Customs Service drug interdiction along the Florida coast because it would interfere with vacation days.

Let me say that again. In 2000, a union objected to a Customs Service drug interdiction along the Florida coast simply because it would interfere with vacation days.

So why are our colleagues on the other side advancing the labor union's agenda? Well, let's take a look at this chart. Four of the five major public sector unions who are publicly pushing for the Lieberman bill have showered over 93 percent of their campaign contributions to Democrats. The fifth contributed 87 percent.

Here are the top contributors supporting the Lieberman bill: American Federation of State, County, and Municipal Employees contributed 99 percent of their funds to Democrats; American Federation of Teachers, 99 percent; International Association of Fire Fighters, 87 percent; American Federation of Government Employees, 93 percent; and National Treasury Employees Union, 94 percent.

When it comes to the accusations of linking campaign contributions to political payoffs, my Democratic colleagues and their friends in the media continue to believe influence pedals down a one-way street. Remember the energy bill? You could hardly sit down to breakfast in the morning without reading about how Republicans were shamelessly catering to big oil and big energy interests at the expense of the environment. These accusations have blared forth from every corner of the media establishment. The New York Times—surprise, surprise—on several occasions editorialized about big money driving the energy bill, essentially viewing it as a payoff to oil companies and their friends in the administration, which include ''the biggest and dirtiest utilities.''

The Boston Globe judged a House-passed energy bill as ''little better than the one cobbled together by Enron, other utilities, and big oil for the Bush administration.''

The Fort Worth Star ominously warned of the ''propriety of allowing big contributors to shape public policy to their personal benefit.''

The Greensboro, North Carolina News and Register declared ''clearly something is wrong when big business shapes the nation's energy policy.''

This rhetoric also blared forth from my colleagues on the other side of the aisle who charged this bill was ''crafted behind closed doors,'' and that it ''looked like the Exxon-Mobil report,'' and that Exxon-Mobil, Enron, and Chevron enjoyed an excess bonanza at the expense of consumers.

Finally, the rhetoric blares out of our television sets every Wednesday night at 9 o'clock on the ''West Wing,'' a 60-minute political commercial masquerading as a television drama. On the premiere last week, the pretend president proclaimed, ''The Republicans are busy. They are trying to convince us that they care about new energy and that they are not in the vest pockets of big oil, and that is a tough sell.''

He then charged, ''This isn't the time for people whose doomsday scenario is a little less at the pump for Texaco and Shell. This isn't a time for people who say there aren't any energy alternatives just because they can't think of any. This is the time for American heroes, and we reach for the stars.''

Mr. President, this is a gift from NBC and GE to the Democratic Party, financed by millions of—you guessed it—corporate dollars. That is what the ''West Wing'' has been. I hope Senators don't dispute these corporations have a right to express political opinions. I do not believe political donations dictate public policy. In fact, I have been vigorously involved throughout my career defending the right of all these entities to contribute to the candidates of their choice and say, through issue advocacy, whatever they choose to say during the course of a year.

But as long as people are going to make that charge, they ought to do it evenly. For those who do believe contributions impact policy, then let's, in the name of basic fairness, apply the same scrutiny to unions on the homeland security bill that the New York Times, NBC, and my Democratic colleagues applied to energy companies on the energy bill. If they did, here is what they would find. The biggest public sector unions—American Federation of State, County, and Municipal Employees; the American Federation of Teachers; International Association of Fire Fighters; the American Federation of Government Employees; and the National Treasury Employees Union—give almost 9 out of every 10 cents to Democratic candidates. Their agenda to weaken the President's national security powers is being advanced by the beneficiaries of those contributions. But we are hard-pressed to find anybody or any hotly accusatory stories in the New York Times or on CNN.

Remember, Madam President, when corporate corruption called for a corporate accountability bill, unions—many of which were knee-deep in financial corruption themselves—rallied to block a very modest amendment to require better disclosure, simple disclosure on union financial reports.

So where are the editorials in the New York Times? Where are they connecting the dots and condemning the specter of influence peddling? Where are the rants from my colleagues on the other side of the aisle against the influence-peddling of big union bosses? Where is that episode of the ''West Wing''—you know, the one where the pretend president tells Josh and Sam, above the obligatory orchestral crescendo, how much he yearns for ''American heroes'' to sever the menacing hold unions have on the homeland security bill?

I could settle down in my favorite chair every Wednesday night at 9 p.m. waiting for that episode, but I am not a fool. My mother didn't raise any children as fools. I know that would be a wait in vain, for there are too many other Republican bogeymen to expose, too many conservative policies to mock with the elitist derision only Hollywood can muster, too many ways to stage easy political victories that real-life Democrats are simply unable to win in Congress because too many hard-working Americans do not believe in them.

I call on my colleagues to put aside the pet grievances of the labor unions and return to the task at hand because I just don't see how any of us can go home and explain to the families in our States we may be giving the President less power to protect them than he had before September 11.

So it continues to be my hope we will be able to get an up-or-down vote on the President's homeland security bill. It seems to me that is not asking too much. I know the Senator from Texas, and others, have spent an enormous amount of time to see to it the President's proposal at least gets an up-or-down vote in the Senate.

I yield the floor.

Mr. KYL. Mr. President, I come to the floor today in opposition to the Lieberman Homeland Department proposal and in support of the Gramm/Miller, administration-supported, bipartisan substitute. As Senator GRAMM and others have so ably demonstrated, the Lieberman proposal takes away the President's existing authority to exempt personnel in the new department from collective bargaining requirements when national security requires it. The substitute reinstates the President's authority in this area.

While I understand that those on the other side might have a different political agenda than the President of the United States on this, time has almost run out. If we don't soon get together and acknowledge the importance of passing a bill to allow Government to better deal with the threat of terrorism, Congress might adjourn without passing anything. After 6 weeks of Senate floor consideration, that would be a shame.

Under the Lieberman approach to providing labor flexibility to the President when it comes to issues of national security, the President would be better off with the agencies as they exist, coupled with his authority, from an administrative or executive point of view, to move people around within those agencies; he would be better able to achieve his goals without any legislation than by adopting the legislation that is before us or under the amendment being proposed by the Senators from Nebraska, Rhode Island, and Louisiana.

The labor issues that we must settle in this bill are extremely important, but I believe they are moving the debate far from some of the other important differences between the Lieberman homeland bill and the Republican homeland, Gramm-Miller, substitute. As the Senate continues to consider the homeland security proposal pending in Congress, I want to reemphasize the relatively few, but very important changes, that the Republican substitute makes to address border and immigration security concerns raised by the Lieberman substitute.

''Division B'' of the Lieberman bill creates the ''Immigration Affairs Directorate,'' with an undersecretary to oversee all immigration functions of the U.S. government. ''Division A'' of the Lieberman bill, among other things, creates the ''Border and Transportation Protection Directorate,'' with an undersecretary to manage all activities and policies related to border and transportation security.

Under Division B, all immigration functions, including all immigration enforcement functions—intelligence, investigations, detention, border patrol, and border inspections—are under the ''Immigration Affairs Directorate,'' informally referred to as the ''Immigration Affairs box.'' The problem with this approach is that it leaves a gaping hole in the ''Border and Transportation box.'' One of the biggest priorities of the Bush administration, and of the Congress, has been to create a more streamlined border, both along the U.S.-Mexico and U.S.-Canada border. The Lieberman bill, by refusing to move the Border Patrol and border inspections functions out of the Immigration Affairs box and into the Border and Transportation box, will only exacerbate the coordination problems that currently exist at our nation's southern and northern border. Most importantly, coordination of personnel and the sharing of security information will be compromised.

Mr. President, all of our Nation's immigration enforcement functions, including intelligence, detention, and investigations, have border components and could arguably be better placed with the undersecretary for Border Protection. At the very least, I repeat, the Border Patrol and Border Inspections functions should be included in the Border and Transportation box.

Instead, in the Lieberman proposal, a bare-bones, almost meaningless ''Border and Transportation'' box is created. It includes Customs, but maintains that Customs is its ''own distinct entity'' so that Customs can continue to operate almost independently of the Under Secretary of the Border and Transportation Directorate, Coast Guard—again as a distinct entity, divisions of the Animal and Plant Health Inspection Service, and the Federal Law Enforcement Training Center, FLETC. Without including Border Patrol and border inspections as a function of the Border Protection Directorate, this ''box'' will not effectively streamline much border activity at all. Another ironic point is that FLETC is included in the Border Protection box. FLETC trains Border Patrol agents and yet the Border Patrol is not included in the Border Protection box.

Mr. President, the Republican substitute, or Gramm-Miller substitute as it is known, in this area is a much wiser approach—it includes the Border Patrol and Border Inspections functions in the Border and Transportation Directorate. This will allow for better coordination of resources and elimination of duplicative functions at the border. Protecting our borders is one of our first lines of defense against terrorism, and we must get it right.

Another major problem with Division B, ''Immigration Affairs,'' of the Lieberman bill is its inclusion of language that would abolish the Executive Office for Immigration Review and create within the Department of Justice what amounts to an independent agency for immigration judges.

Immigration law is complicated. There is a process by which you have a decision made, a review of that decision, and eventually the final review all the way up the chain into the Department of Justice by the Attorney General of the United States. There is a body of case law built around this. There are procedures that are built around it. As far as I know, those procedures are working. I do not know of any reason, for homeland security, why we would want to change that.

It seems at the very least that the Lieberman language, which designates when and how this new Executive Office for Immigration Review operates, needs to be changed so that the checks and balances that exist today with respect to EOIR will continue to exist—the Gramm-Miller substitute maintains this check by keeping the currently-existing authority for review of EOIR decisions with the Attorney General.

Mr. President, one of the most critical functions of the reorganization of agencies that deal with our homeland security is the border function, and we must get it right. Let's work to pass the Gramm/Miller substitute, which, among the numerous other important improvements, incorporates two important border/immigration changes to the pending Lieberman homeland bill.

Mr. GRASSLEY. Mr. President, I would like to take a few minutes to speak in support of an amendment that Senator BAUCUS and I introduced which modifies the Customs provisions of the homeland security bill.

The creation of a Department to oversee homeland security is a tremendous undertaking for Congress and the White House which will face multiple challenges. This is certainly true in the context of incorporating the U.S. Customs Service into the new Department.

The U.S. Customs Service is one of the oldest agencies in the U.S. Government. Created in 1789 to enforce U.S. tariff policy, the agency's mission has continually adapted to meet the changing needs of our Nation.

Today, it is one of the most modernized agencies in the U.S. Government, responsible for managing over 23 million entries and 472 million passengers a year. It collects over $23 billion dollars in duties and fees and is responsible for seizing millions of pounds of contraband narcotics every year. The Customs Service is a vital component of our Government.

Given the importance of the agency in facilitating international trade and law enforcement, I think we have an obligation to do everything we can to enhance the effectiveness of the new Department as it moves from Treasury too Homeland Security.

That is why I, working closely with Senator Baucus, developed a series of recommendations regarding the Customs Service which we presented to the Committee on Governmental Affairs early in the process of developing this bill.

I would like to take this opportunity to thank Senators LIEBERMAN and THOMPSON for incorporating the vast majority of our recommendations into the homeland security bill. I especially appreciate the collegial and bipartisan spirit in which the recommendations were developed and adopted by the committee. I think we will have a much better product because of our joint efforts.

The additional changes we are offering to the bill will further enhance the effectiveness of the Customs Service as it moves into the Department of Homeland Security.

The ability of the Customs Service to effectively facilitate international trade while at the same time perform its law enforcement functions is in large part due to the cooperative relationship which the Customs Service has with much of the international trade community. This cooperative relationship benefits both parties and has

been developed over a long period of time. By understanding the business community and how international trade actually works, the Customs Service is much more adept at identifying anomalies in trade patterns that often point to illicit activity. I want to make sure these relationships are not lost with the transfer of the Customs Service to Homeland Security.

Part of the key in maintaining this traditional cooperative relationship is to maintain the advisory elements on which they are built. This means carrying forth such committees as the Treasury Advisory Committee on the Commercial Operations of the Customs Service, or COAC, to the new Department of Homeland Security. This is precisely what our amendment does.

I also want to make sure the international trade functions of the Customs Service continue to receive adequate resources to continue their work. A good example of this is the continued construction of the automated commercial environment, or ACE. Currently, the automated commercial system is the only comprehensive mechanism to monitor trade flows. Yet it is antiquated and subject to periodic slowdowns. We must do better.

That is why I strongly support rapid and efficient deployment of ACE, the automated commercial environment. The ACE system will be key to facilitating economic trade in the future. We must make sure than, even in these times of tight budget constraints and intense focus on homeland security, we continue to provide Customs with the funds needed to get the ACE system up and running. A well-functioning automated mechanism for monitoring trade flows will help facilitate international trade and help Customs more effectively perform its law enforcement functions.

Our amendment establishes a new account within the Customs Service called the Customs Commercial and Homeland Security Automation Account. For fiscal years 2003 through 2005, $350 million in Customs user fees would be allocated specifically to this account. Creation of this account will ensure that sufficient funding is available to complete construction of the automated commercial environment ACE after Customs moves from the Department of the Treasury to Homeland Security.

As we move forward in enhancing our border security efforts, it is important to keep in mind that a large part of homeland security is economic security. And, international trade is a critical component of our economic security. Exports alone accounted for 25 percent of U.S. economic growth from 1990–2000. Exports alone support an estimated 12 million jobs. Trade also promotes more competitive businesses—as well as more choices of goods and inputs, with lower prices. If we impede trade, we impede our own economic growth and our own well-being.

The tragedy of September 11 make it clear that the United States must be at the forefront in developing the border technologies and enforcement methodologies which will enable our economy to prosper and grow in the new global environment. We cannot afford to do any less. A nation which master the competing goals of international trade facilitation and border security will be a nation which can confidently embrace new world trading system. It will be a nation which prospers well into this new millennium. I stand ready to work with my colleagues and President Bush to make sure our Nation rises to meet this challenge.

Mr. FEINGOLD. Mr. President, I rise today to express my support for the amendment offered by the Senator from Nebraska, Mr. NELSON, and others to protect the rights of the thousands of Federal employees who will be transferred to the proposed Department of Homeland Security, and to express my opposition to the amendment offered by the Senator from Texas, Mr. GRAMM and the Administration's efforts to lessen those rights.

The employees of the 22 agencies that are slated to be reorganized into the Department of Homeland Security are on the front lines of the effort to respond to and investigate the September 11 attacks and to prevent further acts of terrorism. These dedicated men and women, who have served the American people during this uncertain time, are about to undergo a professional upheaval while at the same time being expected to maintain their high level of performance. This massive reorganization should not be used as an excuse to take from these employees the one constant that they expect would follow them to their new department: the Federal civil service protections which they all have in common, regardless of their current home agency.

The civil service system was put into place in order to end the corrupt patronage system that had permeated government hiring and advancement. The creation of a new department should not be used as an excuse to roll back these protections and plunge these workers into uncertainty regarding their professional futures.

I am concerned that the administration appears ready to use the creation of this new cabinet-level department as an opportunity to eliminate or weaken the civil service protections currently in place for the Federal employees who would be transferred to the that department. Unless it is amended by the Nelson amendment, the pending Gramm amendment would have this effect of weakening these civil service protections.

Some in the administration and some on this Senate floor have argued that the civil service system is rigid and could prevent the new Secretary from acting quickly in the face of an imminent threat. This is not the case. The existing civil service system already provides the administration with broad flexibility, while at the same time ensuring that Federal workers have a consistent framework of basic protections, including appeal rights. This flexibility is important in an issue as critical as our Nation's security, but the underlying Lieberman substitute and the Nelson amendment would provide the flexibility needed.

Supporters of stripping these protections also have argued that the new Department should be allowed to scrap the existing system because that system has some problems. The ongoing debate over civil service reforms should not be used as an excuse to allow the Department of Homeland Security to be the only Federal department with employees who are not covered by this system.

I regret that the administration has issued a veto threat against the Senate Homeland Security bill as reported by the Governmental Affairs Committee because it ensures that the approximately 170,000 federal workers slated to be transferred to the new department would retain basic civil service protections. Civil service protections level the playing field for Federal workers, ensuring that they are treated equitably. To propose to treat workers in one department, many of whom have had these protections for years, differently from their counterparts in other departments would undermine seriously the entire civil service system.

No one, including the President, has demonstrated how maintaining these basic protections could jeopardize our national security. We can protect both our country and the rights of our workers. In fact, we can better protect our country if our workers' rights are well-protected, too. The United States affords its workers some of the best labor and employment protections in the world. But a wholesale elimination of those rights under the guise of homeland security would send exactly the wrong message.

The amendment offered by the Senator from Nebraska would grant the new Secretary of Homeland Security expanded authority to create a new personnel system while still ensuring that the rights of workers are protected. This compromise will help to ensure that workers have input into the structure of any new system that is created. As a number of our colleagues have said, it would be harmful to worker morale and to worker-management relations to simply foist a new system upon these workers without their input and then expect them to accept it.

In addition to basic civil service protections, the Nelson amendment addresses the issue of collective bargaining. I support the right of workers to join a union and I am troubled that the administration appears poised to strip existing union representation and collective bargaining rights from many of these workers. I also am troubled by the implication that union membership is somehow a threat to our national security.

The Nelson amendment would allow workers who are covered by existing

collective bargaining agreements to keep those rights. It does not hamper the ability of the new Secretary or the President to remove collective bargaining rights from individual workers or newly-created agencies within the department if there is a valid national security concern. Simply being an employee of a department with the word ''security'' in its name is not sufficient cause to be stripped of collective bargaining rights.

I urge my colleagues to support the Nelson amendment and to oppose the Gramm amendment.

21ST CENTURY DEPARTMENT OF JUSTICE APPROPRIATIONS AUTHORIZATION ACT—CONFERENCE REPORT—Continued

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. LEAHY. Madam President, I am glad we are on the Department of Justice authorization. As I said earlier, I appreciate the fact the distinguished majority leader moved to it. This is actually a very important bill. At a time when it seems so much good legislation is being stalled, it would be a shame if this was, too.

I know since January of last year Senate Democrats have tried to bridge the gap and make bipartisan progress on campaign finance reform, corporate accountability, and a real Patients' Bill of Rights, and a number of bipartisan anticrime, antidrug, antiterrorism bills. We worked with the administration after September 11 on the USA Patriot Act; we passed that in record time. We created the September 11 victims' trust fund and we enhanced border security.

We tried to work as supportive partners in the effort against terrorism. Throughout that effort in the Judiciary Committee, we rose above the bitterness and partisanship that had been exhibited by my predecessors during the last 6 years of the previous administration. We have held more hearings on more judicial nominees and held more committee votes on them and confirmed more judges in 15 months than the Republicans were willing to confirm in the last 30 months when they controlled the Senate.

I emphasize that for the 30 months prior to the change in the control of the Senate, the Republicans controlled the Senate Judiciary Committee during both the time of President Clinton and President Bush. In the 15 months we have been in control—it has been only with President Bush—we have put through twice as many judges in 15 months. We put through more judges in 15 months than they did in 30 months.

I mention this because some at the White House, who should know better, talk about the holdup on judges but do not like it when they are reminded that we have done more under President Bush than they did for both President Bush and President Clinton during a period twice as long. It is an interesting point.

I remember Adlai Stevenson once said to some of his Republican friends: If you promise to stop talking lies about us, I will stop talking the truth about you. But I find the statements and statistics continue, so I thought I would throw a little truth on the matter.

I mention this because we have tried to go more than halfway. As I said, during 15 months, we moved more judges than the Republicans did during 30 months. We have reached out in order to pass legislation from our committee—and the distinguished Presiding Officer is a valued member of that committee—and passed out piece after piece either unanimously or by a strong bipartisan majority. We passed intellectual property legislation, consumer legislation, anticrime legislation, antidrug legislation, but then mysterious Republican holds came up and stopped them.

Here are some of the bills we passed out of the committee that have been held up on the Republican side: the Leahy-Grassley FBI Reform Act; the Hatch-Leahy Drug Abuse Education Prevention and Treatment Act; the DREAM Act, championed by Senators Durbin and Hatch; a charter amendment to the Veterans of Foreign Wars, something totally without partisanship. We passed it unanimously, as the distinguished Senator from Washington State knows. We passed out a charter amendment to the Veterans of Foreign Wars, a nonpartisan request. We cannot get it through the Senate because it is being held up on the Republican side of the aisle.

We passed out a charter amendment for AMVETS, a wonderful veterans organization. The distinguished Presiding Officer and I voted for it and it was voted unanimously out of our committee. It is being held up on the Republican side of the aisle.

We passed out a charter amendment for the American Legion. Every Democrat voted for that. Every Democrat has agreed: Move that through the Senate. It is being held up on the Republican side.

Now we find there is a Republican hold on the Department of Justice Appropriations Authorization Act. This is the first one in 21 years. It passed in the House of Representatives by a vote of 400 to 4. The chief sponsor is a leading Republican Member of the House.

We strengthen our Justice Department, increase our preparedness against terrorist attacks, prevent crime and drug abuse, improve our intellectual property and antitrust laws, strengthen our judiciary, and offer our children a safe place to go after school. It is a product of years of work.

I commend Senator DASCHLE for bringing this up for a vote. Let me show my colleagues some charts. This is not a hodgepodge where one might go in and look as to whether you wear a green tie or paisley tie or drive a blue car or a black car; this is something that really affects Americans.

It was passed by the House of Representatives. If it is allowed to come to a vote, it could pass easily in this body: border security, domestic preparedness, suppression of financing terrorism treaty.

Let me mention the last part. We worked this out with the Bush administration. They said there is a difficulty in following the money used by terrorists around the world. We know how quickly President Bush and Secretary O'Neill moved after September 11 last year to freeze the assets of some of these terrorist groups, and I commend the President for that action; I praise the President for doing that. But I wish the President now would tell his own party that we have the legislative tools that President Bush has asked for to go after the money of terrorists, and it is being blocked on the Senate floor by a Republican hold.

Let's pass this. Let's do what we all know has to be done. This is not partisan—grabbing the money of terrorist organizations that are after the United States. That is not a Democratic or Republican issue. But when every single Democrat said they will vote to go after that money, it is time for the anonymous Republican who has a hold to let us go forward.

Let me show a few other items that are in the bill. We improve law enforcement. We have FBI reform and FBI agent danger pay. Some of these FBI agents are working in some of the most dangerous places, especially overseas. Sometimes their mere presence targets them for assassination. This is agent danger pay. We ought to be doing that.

The Body Armor Act is something every law enforcement agency from which I have heard wants to protect police officers from those who would attack them. I cannot understand why this is being held up on the other side. We ought to go forward with this bill. We ought to pass it. We ought to tell our law enforcement officers that we will help them.

Senator CARNAHAN's Law Enforcement Tribute Act is in this legislation. It authorizes grants to States, local governments, and Indian tribes for memorials to honor killed or disabled officers while serving as law enforcement safety officers. How can anybody oppose that without looking terribly political? Senator CARNAHAN deserves credit for this bill.

Senator FEINSTEIN and Senator SESSIONS joined in a bipartisan effort on the Body Armor Act. That should be allowed to go through.

Then we have some ways to stop crime from happening in the first place. We reached a bipartisan agreement to give the Boys and Girls Clubs the funds they need for 1,200 additional clubs across the Nation. Next to motherhood and apple pie, I cannot imagine anything that should have more support than helping the Boys and Girls Clubs of America. We have an excellent one in Burlington, VT. I know it very well. It just celebrated its 40th birthday.

I remember that Boys and Girls Club back in the days when I was State's attorney. I know those kids who went there had a place to go, had a place to learn, had a place to gather, had a place to constructively work, and were not the kids who got in trouble. They were not the ones I saw in juvenile court. They were not the ones who made our crime list. They were the ones who made the star list in our community.

I mention this because Senator HATCH and I went to the Boys and Girls Club congressional breakfast honoring the regional youth of the year. We also honored Senator THURMOND. I heard, and I know they were sincere, Republican Senator after Republican Senator come forward and say we have to authorize and expand the Boys and Girls Clubs. All right. Let's do it.

Last week, we offered to pass this bill on a voice vote to zip it through. We polled every single member of this side of the aisle. They were all in support of that Boys and Girls Club authorization, as they were the Body Armor Act and the help for law enforcement. Every single Democrat was ready to vote for it. We were willing to have it go by on a voice vote. An anonymous objection came from the Republican side.

I know in an election year some politics gets played, but not with the Boys and Girls Clubs and not with the Violence Against Women Office. We want to increase Federal focus on this tragic and recurring problem. Preventing domestic violence is not a partisan issue.

I remember going into the emergency rooms of our hospitals at 3:00 in the morning when I was in law enforcement. I saw the results of domestic violence. I saw women beaten so badly that even though we had an idea who may have beaten them, they could not even tell us through a broken jaw, swollen lips, and bloody faces. I saw that. I saw domestic violence even in a bucolic State like mine, but the amount of domestic violence is the same in every State.

It was not just those battered individuals I saw in the emergency room—at least we had hopes they would be brought back to health. We at least had hopes that medical care would return them to their ability to function—I still have nightmares sometimes of some of the others I saw, but I didn't see them in the emergency room. I saw them one floor up in the morgue.

This happens in every single State, and I never heard a police officer say: I wonder if this victim is Republican or Democrat. The police officer said: Why don't we do something to stop it?

Here is a chance to do something. Let's vote for it.

The Crime Free Rural States Grants, we have crime in our cities, but we also have crimes in our rural areas. The distinguished Presiding Officer was Governor in one of our finest States, a State that is a part of the American heartland, a State I have had the pleasure of visiting.

In fact, there were Leahys who moved out to Nebraska in the 1850s when my great-grandfather and his brothers came over from Ireland, some staying in Vermont, some staying in New York and others going to Nebraska. I know how beautiful a State it is, and I know there are both cities and rural areas. I know how hard the distinguished Presiding Officer as Governor fought against crime in both areas. He knows, as I do, that crime is a fact of life in rural areas. It is sometimes more difficult to fight because there are not all the needed resources available. It might be a small sheriff's department. The chief of police may be the whole police force.

We can help. This legislation authorizes programs that will reduce drug abuse and recidivism, mandatory, to increased funding for drug treatment in prisons, to funding for police training in South and Central Asia. These proposals are not Republican or Democrat; these are bipartisan. Most of them were in the Hatch-Leahy Drug Abuse Education, Prevention and Treatment Act.

Drug courts, drug-free prisons, reauthorizing the Juvenile Justice and Delinquency Prevention Act—one of the saddest things is going to juvenile court and seeing 12- or 13-year-old boys and girls who are already recidivists, people who have committed crimes that one would think a child that age would not even know about.

In going back through the reports, there are steps that could have been taken 2, 3, or 4 years before that might have prevented that. Now these boys and girls are people who are probably going to end up in an adult jail somewhere, lost to society and lost to themselves. We should have stopped it. That help is in here.

That is one of the reasons the House of Representatives, facing some of the same kind of partisan divisions that we face in this great body, passed it 400 to 4. I do not need to tell the distinguished Presiding Officer the need for these kinds of investments. He has had the experience both as a Governor, a Senator, and a parent. He knows what we have to do, just as I do. Let's go ahead and do it. Let's set aside the partisanship for a while and let's do something.

There are intellectual property provisions in this bill. We are in the United States seeing an enormous loss of jobs. In the last 2 years, we have had the biggest drop in jobs that I can remember, the largest number of layoffs we have seen in years. The economy is in a tailspin. The stock market has had a greater drop than at any time since the Presidency of Herbert Hoover. If anything, we should be helping American innovators and businesses, both big and small. We want these businesses to prosper. We want these businesses to be able to compete on a worldwide scale. We want these businesses to hire the people of Nebraska, Vermont, South Dakota, New York, California, Florida, Arizona, Alabama, and all our other States. So we put in the Leahy-Hatch Madrid Protocol Implementation Act.

What this does is the sort of thing that the President and all the people around him say we need, something to simplify life for businesses. We would implement a treaty to allow American businesses to have one stop for international trademark registration which they can do only to countries that sign on to the protocol.

American businesses and companies that need to protect their trademarks if they sell their goods and services in international markets, especially over the Internet, would be helped by this legislation. Every single business leader I have heard of, regardless of their political background—from chambers of commerce, to business leaders, Republicans and Democrats alike—say pass this bill.

I checked on this side of the aisle. Every single Democrat is ready to vote for it right now. It has been held up for over a year by a Republican hold. I say to some of the businesses, talk to the Members of the Republican Party. The Democrats are ready to pass it.

We have another provision in the TEACH Act, an exemption that allows educators to use the same rich material of distance learning over the Internet as in face-to-face classrooms. Let me state why that is important. In rural areas—such as Nebraska or Vermont—there may be a number of small schools that cannot each support a library and sometimes cannot afford a teacher in a specialized area such as science, history, or math. Together they can, but you have to link them. So copyright laws apply. We worked that out. This is a no-brainer. It will help the kids. It should be a no-brainer for the Senate to pass.

We reauthorize and modernize the Patent and Trademark Office and give them funds they need. When I hear the baloney that comes out of the political people in the Attorney General's office and the White House about judges, this would be the one they should want. There are 20 new judges included to be appointed by President Bush. For a little bit of history, this is more than were created during the 6-plus years that the Republican Party controlled the Senate. The Clinton administration wanted to create these judgeships. They wanted to create new Federal judicial positions, and they were blocked by the Republicans. I believed the judicial positions were needed when President Clinton was President. I thought it was wrong that the Republicans stopped us from doing that. I did not want to do the same thing to President Bush that they did to President Clinton. Two wrongs do not make a right. So it was included. These are Federal judges in States we know are Republican and will be chosen by Republican Senators—in Arizona, Alabama, Texas. We include them just the same.

Why did that not pass last week? One may wonder, finally, having blocked it

for 6 years during the Clinton administration, now they have 20 judges President Bush may appoint—one may wonder why it has not been passed by a Democratic-controlled Senate. The Democratic-controlled Senate wanted to. But I will tell you the secret: A Republican Senator held it up. That is what happened. I hope no one comes down and says, We need more judges. We have 20 judgeships included, mostly in Republican States.

There are a lot of other provisions, including the Radiation Exposure Compensation Act. A lot of western Senators want that. We get into immigration matters. I talked a lot about rural areas.

Let me talk about the rural underserved medical areas. Every Senator has rural areas in their State. My State happens to be predominantly rural. But even the States of New York, California, Texas, and Illinois have large rural areas. It is very hard sometimes to get doctors into those areas. If you have someone injured in a farming accident, there may not be a doctor. That injured person may die for want of needed medical treatment. You may have a woman in a difficult childbirth. She may die or her baby may die for want of medical care. There may be an elderly person who just needs a certain amount of preventive care to lead a happy, productive life. We have worked on the visa provisions of INS to allow doctors from outside this country to serve in rural areas: Extend their visa providing they will stay in rural areas and help where there is a need. It allows grandparents to apply for citizenship on behalf of orphaned children, grandparents who saw their grandchildren orphaned in the tragedy of last September 11. These are some items included.

This is as much a bipartisan piece of legislation as I have seen in 28 years. The people supporting this legislation are wide ranging. By golly, I just happen to have a chart. Let's see who is in favor of this: Boys and Girls Clubs of America; the Coalition for Juvenile Justice; the Fraternal Order of Police; Family Violence Prevention Fund; National Automobile Dealers Association; National Association of Counties; National Association of Police Organizations; National Coalition Against Domestic Violence; National Mental Health Association; National Network to End Domestic Violence; Presbyterian Church, Washington office; Volunteers of America; U.S. Council for International Business; National Association of Manufacturers; the International Trademark Association; American Intellectual Property Law Association; U.S. Copyright Office; the American Library Association; Association of American Universities; American Research Libraries; Intellectual Property Owners Association; American Intellectual Property Law Association; Avon Products; Nintendo; Warner Brothers; IBM—I could go on. That is about as broad a cross section supporting this as we will see in the Senate.

I am not sure what game is being played. I urge my good friends on the other side of the aisle to come forward, belly up to the bar, pay the price, pass the bill.

I ask unanimous consent to have printed in the RECORD a number of letters of support.

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

BOYS AND GIRLS CLUBS OF AMERICA,
Rockville, MD, September 27, 2002.

Senator PATRICK LEAHY,
Chairman, Senate Judiciary Committee, Washington, DC.

DEAR SENATOR LEAHY: I am writing to you today in regard to H.R. 2215, the 21st Century Department of Justice Appropriations Authorization Act. As you know, in addition to the many other critical components of the bill, H.R. 2215 authorizes continued funding to Boys & Girls Clubs of America, so that we may continue our aggressive growth efforts in disadvantaged communities throughout the country.

Today, thanks in large part to Congress, Boys & Girls Clubs of America is serving more than 3,300,000 youth in more than 3,200 Clubs. We are located in all 50 states, and now have more than 420 Clubs in public housing and 120 Clubs on Native American lands. We are located in inner-city, and rural communities throughout America playing a vital role in the development of our children.

During the past 5 years, we have grown by more than 1,000 Clubs and 1,000,000 new youth served. The Congressional funding that we have received is matched at least dollar for dollar nationally, brining true public-private partnerships to communities all over America.

Senator, we thank you for your strong support of Boys & Girls Clubs of America, and ask that you move quickly and decisively in passing the 21st Century Department of Justice Appropriations Authorization Act.

Sincerely,

MR. ROBBIE CALLAWAY,
Senior Vice President.

NATIONAL COALITION AGAINST DOMESTIC VIOLENCE; NATIONAL NETWORK TO END DOMESTIC VIOLENCE; FAMILY VIOLENCE PREVENTION FUND; NOW LEGAL DEFENSE AND EDUCATION FUND,
September 26, 2002.

DEAR SENATOR: As national organizations working to address the varied needs of victims of domestic and sexual violence and the service providers in the field, we urge you to support the Violence Against Women Office in the Department of Justice by voting in favor of the Conference Report of H.R. 2215, the 21st Century Department of Justice (DOJ) Appropriations Authorization Act.

As you know, the Violence Against Women Office (VAWO) was created in 1995 to implement the Violence Against Women Act of 1994 and to lead the national effort to stop domestic violence, sexual assault, and stalking. Because ending violence against women is an on-going struggle, it is imperative to statutorily authorize the Violence Against Women Office in order to institutionalize policy development, observe trends, raise awareness, serve as a crucial resource for the Attorney General, prosecutors, police and other community agencies, and provide technical assistance. In addition, the Office ensures federal dollars under the Violence Against Women Act of 2000, passed by Congress with overwhelming bi-partisan support, are administered in the most effective manner possible to best serve victims and end violence.

With strong bi-partisan support, both the House and the Senate have passed H.R. 2215, which would statutorily establish a strong VAWO. On behalf of all victims of domestic and sexual violence and the service providers who help them, we thank Congress for this strong statement from our federal government that violence against women will not to tolerated. As you know, it is critical that the statutory creation of the Violence Against Women Office reflect the essential components of the office. Currently, VAWO is part of the Office of Justice Programs—the grant-making body of the Department of Justice. However, VAWO cannot serve as the leader in promoting the changes needed to effectively serve victims of domestic violence, sexual assault, stalking, and trafficking if it is merely a grant-making office. VAWO needs the authority to create policy regarding violence against women and needs to have a Presidentially-appointed, Senate-confirmed Director, in order to ensure that these issues continue to have a high profile on local, state, federal and international levels.

The Conference Report of H.R. 2215 accomplishes this and creates a separate and independent Violence Against Women Office in the Department of Justice, under the general authority of the Attorney General. We urge you to lead the way for a safer nation for women and children by voting in favor of the Conference Report of H.R. 2215, the 21st Century Department of Justice (DOJ) Appropriations Authorization Act.

If you have any questions, please do not hesitate to contact us at the numbers listed below.

Sincerely,

JULEY FULCHER,
Public Policy Director, National Coalition Against Domestic Violence;
LISA MAATZ,
Vice President of Government Relations NOW Legal Defense and Education Fund;
LYNN ROSENTHAL,
Executive Director, National Network to End Domestic Violence;
KIERSTEN STEWART,
Director of Public Policy, Family Violence Prevention Fund.

BUSINESS SOFTWARE ALLIANCE,
September 30, 2002.

Hon. PATRICK LEAHY,
Chairman, Senate Judiciary Committee, Washington, DC.

DEAR CHAIRMAN LEAHY: I am writing to support Senate passage of H.R. 2215, the Department of Justice Reauthorization Act. The members of the Business Software Alliance work with a variety of Justice departments to reduce software piracy and to ensure a safe and legal online world in this heightened cybersecurity environment.

The legislation strengthens our nation's criminal justice system and increases the frequency and quality of reports to Congress. Effective criminal enforcement requires both initiatives by prosecutors and timely action by the courts. BSA is particularly supportive of funding for the enforcement of our nation's intellectual property laws in Section 101 and the related reporting requirement contained in Section 206. The robustness of our nation's tech sector depends in part upon

the strength of the laws that govern intellectual property as well as the enforcement of such laws. Until recently, there have been few criminal copyright cases brought by the Department. Simply put, there is nowhere else to turn if the federal government does not enforce our nation's intellectual property laws.

We appreciate the longstanding efforts of Congress to strengthen our nation's criminal laws and make our nation's intellectual property laws a catalyst for growth.

Sincerely,

ROBERT W. HOLLEYMAN, II,
President and CEO.

SEPTEMBER 27, 2002.

Hon. PATRICK LEAHY,
Chairman, Senate Judiciary Committee, Washington, DC.

DEAR MR. CHAIRMAN: We are writing to express our support of the inclusion of the modified versions of H.R. 1900 and H.R. 863 in the conference report on H.R. 2215, legislation to reauthorize the Department of Justice. The undersigned members of the Juvenile Justice and Delinquency Prevention Coalition appreciate your efforts to approve a reauthorization of the Juvenile Justice and Delinquency Prevention Act (JJDPA) of 1974 that retains the rehabilitative principles of our juvenile justice system.

In particular, we appreciate your efforts to preserve current law in several key areas that has been working well for more than 25 years to ensure that youth in the juvenile justice system are protected from abuse and assault by adults in adult jails. The modified version of H.R. 1900 codifies the separation protection for youth, which requires that states prevent all contact between juvenile and adult inmates, including any 'sight or sound' contact. The proposal also drops a harmful provision that would have permitted children to be placed in adult facilities with parental consent. This provision represented a radical change from current law and would have resulted in children being unnecessarily placed in adult jails.

The revised version of H.R. 1900 also includes an appropriate concentration on prevention through the restoration of the Title V Local Delinquency Prevention Grant program. In order to ensure that children stay out of trouble and on the right track, a significant investment in and emphasis on prevention, particularly primary prevention, is crucial. The Title V program is an effective model of community collaboration in which community stakeholders—including locally elected officials, law enforcement, school officials, public recreation, private nonprofit organizations, and youth workers—come together to develop a plan for juvenile delinquency prevention. Working in more than 1,000 communities nationwide, Title V is currently the only federal program providing delinquency prevention funding to communities through a flexible, local prevention block grant approach to help communities reduce juvenile delinquency and related problems and enable young people to transition successfully into adulthood.

Finally, we are pleased that H.R. 863, legislation to authorize the Juvenile Accountability Block Grant (JAIBG), has also been included in the conference report. Never authorized, the JAIBG was created in the FY98 Commerce Justice State Appropriations bill to provide states and units of local government with funds to develop programs to promote greater accountability in the juvenile justice system. Under H.R. 863, the program purpose areas are expanded significantly to provide additional services and treatment for troubled youth. By supporting these additional purposes, JAIBG will provide needed resources to proven strategies for rehabilitating adjudicated youth and families as well as reducing juvenile re-offense rates.

We appreciate your continued efforts on behalf of children and youth and look forward to final approval of H.R. 2215.

Sincerely,

American Academy of Child and Adolescent Psychiatry; American Civil Liberties Union, Washington National Office; American Probation and Parole Association; American Psychological Association; Bazelon Center for Mental Health Law; Child Welfare League of America; Children & Adults with Attention-Deficit/Hyperactivity Disorder (CHADD); Children's Defense Fund; Coalition for Juvenile Justice; Education Fund to Stop Gun Violence; Justice Policy Institute; National Association for the Advancement of Colored People (NAACP); National Association of Counties; National Association of Criminal Defense Lawyers; National Education Association; National Mental Health Association; National Network for Youth; National Recreation and Park Association; Presbyterian Church (USA), Washington Office; Volunteers of America; Women of Reform Judaism; Youth Law Center.

Mr. LEAHY. Mr. President, we don't have one of the leaders on the floor at the present time. I was going to ask that we proceed to a vote. But I am not going to do that until the other side is represented here. But I know everyone on this side is ready to vote.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. REID. Mr. President, while the distinguished committee chairman is on the floor, Senator LEAHY, I would like to ask him a couple of questions.

Mr. LEAHY. Sure.

Mr. REID. We are now on this conference report. It is my understanding that it passed the House 400 to 4. We moved to this a couple of hours ago. Does the Senator know of any opposition to this matter on either side of the aisle?

Mr. LEAHY. Mr. President, I tell my distinguished friend, the senior Senator from Nevada, that I checked. I know his office also checked on our side of the aisle. Everybody is in favor. We were told that the Democratic side of the aisle wanted to let it go through in wrap-up last week. I am told there is a lot of legislation in here sponsored by distinguished members of the Republican Party who support it. But the hold has been a continuing hold on the Republican side. I can't understand why. This is as close to a motherhood bill as I have seen here in years.

Mr. REID. I say to my friend, the chairman of the committee, that it would seem to me that at an appropriate time we should move for a vote. We want to make sure everyone has an opportunity to speak. There is certainly ample opportunity to do that. But I hope before the day ends we can pass this very important piece of legislation. I know there are things in here which are important to the people of Nevada and to the rest of the country. I think the committee should be commended for passing this, moving it to the floor, and getting to conference.

Getting anything out of conference under the present atmosphere is a remarkable feat. Senator LEAHY is to be admired and commended for doing this. I hope that before the day is out we can pass this important piece of legislation.

Mr. LEAHY. Mr. President, I thank my friend from Nevada. The committee of conference went across the political spectrum. Every conferee—Republican and Democrat—signed that conference report. They passed it 400 to 4 in the House. I am amazed that we are still even on the floor. I have been advised by the Republican side that a Republican Senator wants to come over and speak. Otherwise, I would have said let us go to a vote now. Obviously, I don't want to cut off any Senator who wishes to speak. But I tell my friend from Nevada that, as far as this Senator is concerned, I am perfectly willing to go to a vote anytime we want. It is now 4:30. I can't imagine why we need to wait beyond 5 o'clock.

Again, just before the Senator from Nevada came to the floor I read a list.

Mr. REID. I was listening.

Mr. LEAHY. I am sure he was. I read a list of all those who support it. This is probably as broad a spectrum—National Association of Manufacturers to the Boys and Girls Clubs of America. It sure encompasses a lot.

We have a charter change for the Veterans of Foreign Wars in here; a charter change for AMVETS; a charter change for the American Legion. All of those organizations support it.

As chairman of the Judiciary Committee, I pushed that through.

This is something that the AMVETS and Veterans of Foreign Wars discussed and asked for, this charter change. They all support it. All the Republicans and Democrats on the committee support it. We ought to pass it.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. LEAHY. Mr. President, I want to make sure that it is clearly stated and make sure it is clear in the RECORD. The charter changes for the American Legion, the charter changes for AMVETS, the charter changes for Veterans of Foreign Wars are in a separate bill that has the Republican hold on it. However, there is no opposition from members of the Judiciary Committee. I

am told there is no Democrat who opposes those charter changes. I am told that every Democrat in the Senate is perfectly willing to pass the charter changes for the American Legion, for the AMVETS, and for the Veterans of Foreign Wars, and as soon as the Republican hold is lifted on the charter changes for the Veterans of Foreign Wars, the American Legion, and AMVETS, we can pass it.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KYL. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

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

The Senator from Arizona.

Mr. KYL. Mr. President, I will speak to the legislation that has been placed before us this afternoon, the Department of Justice reauthorization bill or, as it is officially titled, the 21st Century Department of Justice Appropriations Authorization Act.

I begin by putting this in the context of what I would call priorities. We are now less than 2 weeks, probably, from closing the session of this Congress, and there is a great deal of unfinished business to which we need to attend.

As a matter of fact, we are bringing this legislation up—I should say the majority leader has brought this legislation up—deferring, for our consideration, the bill that is currently on the floor, the homeland defense reorganization bill that the President asked us to deal with about 3 months ago. That bill has now been on the floor of the Senate for at least a month, and we still have not even voted on the President's proposal.

This DOJ, or Department of Justice, reauthorization bill has a lot of important provisions in it. I am going to get to those in a moment. But in terms of priorities, it seems to me the reauthorization of a Department which has not been reauthorized for more than two decades, and clearly is going to continue to operate—that is, the Department of Justice—is a little bit lower priority, at this point in this legislative session, than voting on the President's homeland reorganization legislation. It is a lower priority than adopting a resolution dealing with the Senate's position with respect to the authorization of the President to utilize force in any action he may decide to take against Iraq. And it is less of a priority than having the Senate act upon the Defense appropriations and authorization bill.

It is clear, because the majority was not able to pass out a budget this year—the first time since the creation of the Budget Act, which I think was in 1974—that we do not have a budget. That has been one of the reasons we do not have any appropriations bills done. I am not aware of any bill that has come from the House to the Senate and been voted on by both bodies and sent to the President. I might be wrong, but I do not recall any. I think we have only acted on three or four.

It is common knowledge that in order to fund the Government beyond October 1, it is going to require the adoption of what we call continuing resolutions or CRs. We have already adopted one, and we are going to have to adopt another and then another one after that. These continuing resolutions will authorize Government to continue to be funded at some level; last year's level plus some increment of inflation, I suppose.

Because we didn't pass a budget and because we haven't passed the appropriations bills, we don't have all of the other specific programmatic funding that would ordinarily be included in these appropriations bills, including new programs. That is not good.

We can get by with these continuing resolutions for a matter of weeks and perhaps a few months if we have to. Where we can't get along without an appropriations bill is for the Department of Defense and the conduct of the war. Things have changed so dramatically since last year when an appropriations bill was passed for the Department of Defense that all recognize—this is not a partisan issue; I think everybody recognizes—we are going to have to pass a Defense authorization bill and a Defense appropriations bill for the next fiscal year. We are going to have to do that as a matter separate and apart from the continuing resolutions we will adopt.

Those are the first three things we have to do before we complete our work. In one way or another they all deal with national security, which, obviously, is the first thing about which we have to be concerned. And in a time of war, I know it is very much on the minds of all Members.

Again, a Defense authorization and appropriations bill to actually provide the programs and the funding for our military forces for this next year; an authorization that this body would approve the use of some kind of force for the President, should he deem it necessary in taking action against Iraq; and completion of our work on development of the Department of Homeland Security so that the President would know how he can organize the Government to best deal with the threat to the homeland—those should be our top three priorities.

We don't yet have the Defense bill. It is ready but it hasn't been brought to the floor. The homeland security bill has been pending for 4 weeks perhaps. We still didn't even have a vote on the President's proposal for a Department of Homeland Security. The majority leader keeps filing cloture which is defeated because people are not ready to finish that bill until we have a chance to vote on the President's proposal. That is only fair. He ought to have some say in how his Department is going to be reorganized. Perhaps his idea won't prevail, but it will, if we can ever get it to a vote. He is at least entitled to a vote.

Instead of granting that, we have left that national security debate, and we are now on the question of whether we should reauthorize the Department of Justice.

What is an authorization? Ordinarily an authorization for a program tells you what you can do from year to year in this Department of Government. It is important in an organization such as the Department of Defense, where we have had such a dramatic change in requirements since last year with the war on terror.

As I said, it has been now more than two decades since the Department of Justice has had a reauthorization. All we have done in those two decades is each year appropriate money for the various programs we have passed for funding of the Department. That has worked fine. It could work, obviously, again.

One could argue that because of the war on terror, there are a lot of new things that need to be done in the Department of Justice—new authorities granted, new capabilities, new funding, and that it might justify a new authorization act. I could abide by that rationale, if we had before us a reauthorization that embodied those kinds of new programs. But that is not what we have. This is the same old, warmed over stuff that we have had for the last couple of decades.

If we want to fight the war on terror and we want to take our precious time to reauthorize the Department of Justice with that in mind, we would write an entirely different bill than this.

One example, just off the top of my head: We had testimony in the Intelligence Committee last week that there is a great deal of confusion about the FISA Act, the forward intelligence surveillance law under which our law enforcement officials have the ability to collect intelligence on people who are thought to be foreign agents or working on behalf of foreign governments or engaged in terrorist activities internationally. It is a little bit easier to collect intelligence on people like that than it is under our normal criminal justice system where a crime has been committed or is being committed and the FBI is investigating that crime.

As part of the USA Patriot Act last year, we made changes to the FISA law to make it more effective in the new era of the war on terror. We found out something. This came about in a variety of different ways, but it has all come together here. This FISA law has one aspect that needs to be fixed. Senator SCHUMER and I have a proposal to fix it, but we haven't been able to get it on to the floor. As a matter of fact, I had anticipated including it in the intelligence reauthorization. We will have the conference on that tomorrow evening. It is almost to the floor.

But I was told by Chairman GRAHAM that a member on the majority side

was going to object to the inclusion of the Schumer-Kyl provision and, therefore, would I please not include it in that bill. I said, of course, I would be happy to because we want to get the intelligence authorization passed. But at some point we have to make this change in FISA. I will describe what the change is.

It should have been in here but it is not. If we are talking about priorities, I would much rather get that done than have to wade through all of this. We have gone two decades without this. But we need to make some of these changes for law enforcement.

The evidence before the Intelligence Committee was that the FBI thought, with respect to Zacarias Moussaoui, thought to be the 20th hijacker, that he had some connection to international terrorism. He was a foreign person, not a U.S. citizen, and had engaged in flight training up in Minneapolis under conditions deemed to be suspicious by the FBI there. We all heard about the memorandum or letter from agent Rowley from the Minneapolis office complaining about the fact that the FBI had not seen fit to apply for a FISA warrant to look into Zacarias Moussaoui's computer to see what was there.

We all know that after the fact, after September 11, this was done, and certain things were found, and so on, which we don't discuss here.

The fact is, a lot of people criticized the FBI for misunderstanding or misapplying the law and not seeking a FISA warrant on Moussaoui. The testimony we had before the committee was that there was a dispute within the FBI about what they had to prove, and there was some suggestion that maybe he might have been connected in some way with a group of Chechens, but nobody could connect him to a foreign power or an international terrorist organization. Those are the two requirements for FISA to apply.

Had the change that Senator SCHUMER and I advocate been in effect, it is clear that we could have gotten a warrant against Moussaoui because it would simply add the phrase ''or foreign person,'' which would mean that if you had probable cause to believe that someone is involved in a terrorist kind of enterprise, but you don't necessarily know what country he is working for and you can't necessarily connect him to a particular terrorist organization, you think maybe he is just a terrorist, and with this warrant you might find out exactly who it is he is connected to, but you don't really have that information at this point, you could go ahead and seek the warrant to tap his telephone or look in his computer, search his house, whatever the case may be.

It is a very straightforward approach. Agent Rowley, who testified before the Intelligence Committee or the Judiciary Committee—we had a combined hearing—said she thought that would have been a very good thing and strongly supported it.

It has the support of the Department of Justice and the FBI. We have had several different witnesses from those organizations testify both before the Judiciary Committee and the Intelligence Committee, both of which I sit on. They have all indicated this would be a very helpful change in the law, so that with respect to a guy like Moussaoui, if you didn't have the evidence that he was connected to a particular terrorist organization, or that he was working for a particular foreign power, you could still get a warrant to investigate exactly what he was up to if you could demonstrate to the judge you thought he was up to something, that he was a foreign person, and that the kind of activity that he appeared to be looking at was a terrorist kind of activity.

I cannot imagine anybody who would oppose that, but I understand maybe there is somebody who would. We need to vote on that before we leave here in a way that the House can also approve it, so that we can actually improve our ability to fight international terrorism.

You would think those kinds of changes would be in this reauthorization act. It is not in here. Not only that, but one of the authors is alleged to be one of the people who would object to what Senator SCHUMER and I are trying to do. We need to get to the bottom of these things. I want to find out. If anybody objects to the Schumer-Kyl amendment, come to the Senate floor and tell us so we can find out who is behind the objection, get it on the floor, get it approved and enacted into law and signed by the President. Our law enforcement officials want it. It is important to fight the war on terror, to get after the terrorists so we can investigate them before rather than after they commit crimes against us. That is the kind of priority we ought to be engaged in here.

Instead, what does this bill have in it? Well, it is about 240 pages long. It has a lot of provisions. For example, it authorizes $75,000 for an exchange program with Thailand for prosecutors. That is probably a nice thing. I don't know of any reason why that isn't a good thing to do. But $75,000, as you know, is kind of decimal dust around here. We would ordinarily be focused on somewhat larger issues. Here is a bigger one: $5 million for a DEA training site in south and central Asia. Probably a good idea, although I don't know.

One thing that we have been asked by the administration—especially at this time of war—not to do is to impose any more reporting requirements on our agencies that are involved in the war on terror. I am trying to count the number of reports and commissions contained in the bill. There are too many to count so far. I am trying to get an accurate count. Suffice it to say there are numerous reports—report after report—that we are asking the Justice Department to prepare and send up to us on a whole variety of issues.

Oversight is very important, and we need to engage in oversight of the Department of Justice. But there is a balance between causing them to have to spend so much time preparing reports that they literally cannot do the job we ask them to do. I am not sure how some of these reports, anyway, will advance the ball with respect to justice.

The bill speaks of the 21st Century Department of Justice Appropriations Act, but it contains a lot more than just appropriations. It seems to me that we ought to be pretty well focused on the mission. If the FBI, for example, is going to literally change its focus from, first and foremost, being an investigator of crimes that have been committed so they can be prosecuted in court, to an agency—and remember it is part of the Department of Justice—which has now its first and foremost focus of preventing terrorism by conducting investigations that will potentially lead to uncovering the possibility of terrorists in the United States who would perform these horrible acts against us, if that is the new mandate—and certainly Robert Mueller, Director of the FBI, has been very forthright about the need for change in the FBI and the need to create this new priority in the FBI, and I commend him, and Attorney General John Ashcroft has supported the same kind of reformation of the Department of Justice and the FBI—then why is that kind of priority not reflected in this document? It is kind of the same old thing, rather than a new 21st century mission with terrorism at the core.

We need to find resources to fight terrorism. A lot in this bill has nothing to do with terror. That is not to say there is not a great deal the Department needs to do that doesn't relate to terrorism, and we all understand and appreciate that. One would think there would at least be something here that represents the case for looking forward into the 21st century, rather than just looking back for the last couple of decades and trying to pull together different things that we would like for the Department of Justice to do for us.

Let me get back to the issue of reports. Do we need to require the Attorney General to submit to the Committees on the Judiciary and Appropriations of both the House and the Senate a report identifying and describing every grant and cooperative agreement that was made for which additional or supplemental funds were provided in the immediately preceding year? I suppose somebody should put that information together. I wonder whether we need to mandate it in this authorization bill. Here is another report identifying and reviewing every office of justice program grant, cooperative agreement, or programmatic contract. I suppose some auditor needs to have that on the books, but is it necessary to send a report to the committees of the House and the Senate? Do we need to

require that the Attorney General submit, within 6 months of enactment, a report to the chairman and ranking member of the House and Senate Committees on the Judiciary, detailing the distribution and allocation of appropriated funds, attorneys, and pre-attorney workloads for each office of the U.S. attorney, except those at the justice management division? That is an internal matter that is important to the proper functioning and operation of the Department of Justice offices of U.S. attorney, but there is an office of U.S. attorney that is supposed to keep track of those things.

It doesn't seem to me that this rises to the level of what we are including within the reauthorization. Do we need to require the Attorney General to conduct a study of offenders with mental illness who are released from prison or jail to determine how many such offenders qualify for Medicaid, SSI, or SSDI, and other Government aid? Do we need that? Should that be included in this 21st Century Department of Justice Appropriations Authorization Act? At least, if it is, does it rise to the level of priority greater than giving the President the authority to take action to deal with Iraq, giving the President a vote on his idea for reorganizing a Department of Homeland Security and providing the Senate's approval of funding so our military can do what we ask it to do? Which of those ought to come first?

We have now taken these other items and put them over here so we can deal with this Department of Justice reauthorization—an action that doesn't need to be done at all. We haven't had a reauthorization of the Department of Justice for over 20 years and yet it has functioned very well.

There is more. I will cite one more. The bill provides the inspector general discretion to investigate allegations of criminal wrongdoing or administrative misconduct by an employee of the Department of Justice—authority which already exists—and allows the inspector general to refer such allegations to the office of professional responsibility or the internal affairs office of the appropriate component of the Department of Justice.

It seems to me that a lot of what is in the legislation is questioning the Department of Justice rather than supporting it. It is asking it to do a lot of things that will take time and money and divert resources from the job that is first and foremost on the minds of Americans. I will let that point go for the moment.

It is not that this is a bad bill. That is not my point. My point is that this is an old bill that was written for another time and which isn't really necessary today—certainly not to take the time of the Senate away from those other items that I mentioned. We should not be taking the time to debate this.

Now, I was just notified a couple hours ago that this bill was going to be brought to the floor. The problem with dealing with a bill such as this in this context is that there is naturally a tendency to hurry up and rush to get it over with because we have more important things to do. I suspect that is what you are going to hear from perhaps the chairman and ranking member of the Judiciary Committee or others—''If these other things are so important, then hurry up and pass this bill.''

That is a nice technique: find a time when we really ought to be doing something else, insert this into the agenda and argue that we better hurry and get it over with so we can get back to these more important items. If it is so all-fired important to do, then it is important enough to be done right. I will give you one example of a part of it that wasn't done right.

(Mr. KOHL assumed the chair.)

Mr. KYL. Mr. President, we have a strict rule around here that a conference report, which is what this is—and for those who are not aware, that means the Senate has passed a bill, the House has passed a bill, representatives of the two bodies have gotten together and agreed on a compromise, a conference report. They held a conference and they agreed. The bill goes to the House and the Senate, and we are supposed to act on the conference report. That is our process.

The idea is that the conference committee is supposed to iron out differences between the House and the Senate. That is what happens in a conference committee. What you do not do is bring up new issues in a conference committee. That is verboten. That is not right. If it was not in the House or the Senate bill, then it is not germane to the conference. Every now and then, people look the other way and forget about the rules and say: There is a group who wants another provision; granted it was not in the Senate bill and it was not in the House bill, but we are getting a lot of pressure to get it done, so we are going to stick it in the conference report. There is such a provision in this conference report.

I do not know if it is a good or bad provision. I have heard arguments both ways. I have gotten a lot of pressure from the group who wants it. They are good people. They are friends of mine. I would like to support them. I do not know whether they are right or wrong on the provision, and I will describe it in a moment.

The fact is, when it whizzed through the Judiciary Committee, I thought I would have an opportunity to come to the floor and hear a debate about it and perhaps be involved in that debate and ask questions, understand it, and maybe even offer an amendment or two, and then either pass it or not pass it or vote for it or vote against it.

I am not sure what I would do, but when it comes in the form of a conference report, as you know, it is unamendable. Whatever is in here, you take it or you leave it. You either take everything or the whole bill goes down. This bill may not have a whole lot that is important or good in it, but I do not know that it has a whole lot of bad provisions in it. There are at least some good provisions in the conference report. I want to make that point, and I will speak to them. There are a couple items I like in this bill.

I am not arguing this bill should not be adopted. The problem is, when the House and Senate conferees take something out of left field and stick it in the bill when it was neither in the Senate bill nor in the House bill, it comes back in a form we cannot even amend.

That is what happened with this arbitration issue. I am not sure exactly what it is called—the motor vehicle franchise dispute resolution process bill. This is a bill that is supported by a lot of local auto dealers. As I said, at least the auto dealers in Arizona are, for the most part, good folks, as far as I am concerned. They have a complaint against the motor companies whose cars they sell having to do with the contracts, the franchise agreements they sign when they become a dealer for these cars.

What they complain about is the fact that when they sign the contract, it pretty well binds them to a process of arbitrating disputes in a certain way so that if they and their parent company have a dispute, the contract says, you resolve that dispute by arbitration. In that way, the parties do not have to go to court.

Arbitration is actually a good thing, not a bad thing. I would think you would want to keep the parties from having to go to court. And if both parties, the franchisee and the franchiser, agree they will resolve their disputes through arbitration, through the American Arbitration Association, rather than going to court, one would think that is a good thing. These dealers believe it is a bad thing. They said they signed bad contracts and were under pressure by the franchisers, the big auto companies, that had bargaining power leverage over them, basically, to say: You either sign the contract the way we have presented it to you or you cannot be our franchisee. I do not know whether that is right or not, but that is their argument.

They say the Federal Government has to intervene and, in effect, create an opportunity for the voiding of those provisions of those contracts so they can literally take these disputes into court and fight it out with their lawyers in court.

They were in my office a week or so ago wanting to talk to me about this. I will honestly tell you, I had no idea this provision was coming up then. I thought: Why are you guys coming in here? It turned out there was a mixup and I could not meet with them.

I spoke with one of their representatives last Friday. I said: I am sorry you all were in and you thought we had a meeting, but I really did not think this issue was coming up. Little did I know.

They probably knew something I did not know. I guess they might have known this was coming to the floor and I did not realize that was the situation. I perhaps should have.

The problem now is that we debate this in a scenario in which there can be no amendments. The conference report, under our rules, cannot be amended. The only way to amend it is to send it back and have the conference committee revisit it, and that is a motion that very rarely is accepted. I am not even sure I would be for doing that.

This is the kind of thing that should not be done in this type of bill. It was done by a very few people. I am on the Judiciary Committee, as is the Presiding Officer. I did not know it was put in there. I did not have anything to do with it. I was not asked, and yet we are members of the Judiciary Committee and this is supposed to be our product.

Again, I do not know whether this is a good idea or a bad idea. I would have liked to have heard debate on it, perhaps an opportunity for it to be amended, but that will not be possible. That is another problem with the conference report as it has come to us.

What I am talking about is the motor vehicle franchise dispute resolution process bill. That is not the only example of items that were added to the conference report and which had never been passed by the House of Representatives or by the Senate. Let me give some examples.

In title I, subtitle A, there is something called the Law Enforcement Tribute Act. This section authorizes grants for the construction of memorials to honor the men and women in the United States who were killed or disabled while serving as law enforcement or public safety officers. Is there anything wrong with that? Absolutely not. I presume there is nothing wrong with it. I suppose if the grants for construction got out of hand from a monetary standpoint we might have some objection. We obviously want to use some prudence in what kind of money is appropriated for that purpose.

I do not know anything about that issue. I am on the Judiciary Committee and that was never considered. It did not come through the Senate. It did not come through the House. But it is in the conference report. It was put in in the conference.

There is a section 11002, disclosure of grand jury matters relating to money laundering offenses. This would add two sections relating to money laundering to the list of banking law violations where a prosecutor can disclose grand jury information to a State financial or a Federal financial institution or regulatory agency.

We have had a lot of complaints in the war on terror about the disclosure of grand jury testimony. Here national security is involved. There are some who still say that we should not release grand jury testimony on a very classified basis to other law enforcement or intelligence agencies, such as the CIA, so that it can do its work better to protect us from terrorists; that when information is presented to a grand jury, it is as if it is sacred and nobody else can know about it. We cannot even use it for protection against terrorism. But this bill, without having passed through the House or Senate, includes a section that would let grand jury information be disclosed to either a State financial or a Federal financial institution or regulatory agency.

That may well be a good thing if you are trying to go after people who launder money. That may well be a good section. I just do not know. Again, being a member of the Judiciary Committee and a Member of the Senate does not provide enough protection for us really to have had the opportunity to debate or amend this provision.

There is a section called grant program for State and local domestic preparedness support. This would seem to be a good purpose, expanding the uses of grant funds and changes the name from the Office of State and Local Domestic Preparedness Support to the Office of Domestic Preparedness. It does not seem to me there would be anything wrong with that. It did not pass the Senate. It did not pass the House.

There is a provision, section 11004, U.S. Sentencing Commission Act access to NCIC terminal. This is a big deal. It would allow the Attorney General to exchange NCIC information with the U.S. Sentencing Commission. The reason, I guess, is the Sentencing Commission has stated it is necessary for it to help complete a study that it wants to do on recidivism rates that they have been charged—by who else?—by Congress to complete. They are currently working with the FBI, and they support this.

There is another section dealing with danger pay for FBI agents, and this could conceivably fall into the category of a response to the war on terror, although I do not know.

It is the kind of thing one might expect to see in the bill even though it was not in the Senate-passed or House-passed bill. It would be interesting to find out whether or not the granting of the danger pay allowance is a response to the war on terror. That might well be an appropriate one of those rare exceptions where even though the House and Senate bills did not have this in it, it might be a good thing to include in the conference report, but one would hope there would be some description and discussion of that so we would all appreciate the reason for doing it.

There is a section on Police Corps. It provides for increases in the tuition allotments for Police Corps officers; scholarship reimbursement from $10,000 to $13,333 a year; reauthorizes the program for 4 more years. It increases the stipend for training from $250 to $400 a week and eliminates the $10,000 direct payment to participating police agencies requirement—or opportunity, I should say.

Again, that is what one ordinarily would have seen come before the committee and the Senate, but it did not pass this body. Section 11007, radiation exposure compensation technical amendments; section 11008, Federal Judiciary Protection Act of 2002—I have pages of these—persons authorized to serve search warrants; a study on reentry, mental illness and public safety; technical amendments to the Omnibus Crime Control Act; debt collection improvement; use of annuity brokerage instruction settlements.

There is a provision which I would certainly support, section 11014, reauthorization of a State criminal alien assistance program. There are those who oppose this. I favor it. For those who oppose it, maybe they would want to offer an amendment reducing the amount of it.

Frankly, I would love to offer an amendment increasing the amount because the amount that is authorized is about one-third what is necessary to reimburse the States for the housing of criminal illegal aliens who are the responsibility of the Federal Government but whom the States undertake to house in their prisons.

I am denied the opportunity to offer an amendment to increase the funding under this very good program because it comes to us in the conference report upon which we did not act.

I will not go through all of these, but there are INS processing fees; U.S. Parole Commission extension; the waiver of foreign country residence requirement with respect to international medical graduates; pretrial disclosure of expert testimony relating to a defendant's mental condition; Multiparty/Multiform Trial Jurisdiction Act of 2002; direct shipment of wine, there is a provision on that; Webster Commission Implementation Report. There is a very large provision in effect authorizing the establishment of a police force within the FBI to provide protection for FBI buildings and personnel in various areas. There is a report on information management technology; a GAO report on crime statistics. There is a big grant program—well, not big. It authorizes $30 million for the Attorney General to make grants to States for various reasons. There is a new motor vehicle franchise—excuse me, that is the one I mentioned before. There is a new holding court in a certain State. I will not mention the State, but just one State though.

The point is that this bill includes numerous provisions which did not pass the House, did not pass the Senate, which we have no opportunity therefore to seek to amend, and which are presented to us in a take-it-or-leave-it form in the conference report. It is not the right way for us to do business, again, in the last 10 days or so of our session.

I will not say anything more about the bill itself because I do not want one to get the impression that reauthorizing the Department of Justice is not

a good thing; it is—that many of the provisions I read to you are not good provisions. Some of them I know are good provisions because I know what they are. Others I presume are good, though I do not necessarily know that. But I would like to at least offer one amendment to one of them, and I know I will not be given that opportunity.

It is not what we should be doing in the context of the debate we are having in these last 10 days, which is, How do we enhance the national security of the United States of America?

I go back to the three things we should be doing right now. We should be completing our work on the Homeland Security Department. At a minimum, the President should be granted an opportunity for Senators to vote on his proposal. Why have we not been allowed to do that? Why, right after the debate on that very issue, right after another cloture motion on that failed, do we in effect call a timeout on the Homeland Security Department legislation and go to this bill instead? That is more important, and that should take precedence. So should the Defense authorization and appropriations bills.

Presumably, we are going to leave time to debate a resolution with respect to granting the President the authority he needs to take action in Iraq.

I see my good friend and colleague on both the Judiciary and Intelligence Committees, the Senator from California, is in the Chamber and appears ready to speak. I will yield the floor to her in about 1 minute.

It has always been my great pleasure first to chair and now to be the ranking Republican on the Judiciary Committee's Subcommittee on Terrorism and Technology, a committee that has worked over the years, whether under my chairmanship or Senator FEINSTEIN's chairmanship, on the kinds of legislation I was speaking of earlier, the very things we need to do to help our law enforcement agencies have the power to do the job we want them to do.

I am very proud to say that legislation we worked on together as a result of hearings we held together was finally passed as part of the USA Patriot Act, and the work that that subcommittee has done over the years has really paved the way for a lot of what we now know was important to do but until, unfortunately, after September 11 people were not willing to focus on in order to get done.

I conclude by saying it is a matter of priorities. We ought to be focused right now on first things first, and that is our national security, and that means first and foremost passing legislation such as the Schumer-Kyl amendment to FISA, getting our Homeland Security Department legislation concluded, getting our Defense authorization and appropriations bills concluded, and paving the way for action on a resolution of force with respect to Iraq.

The PRESIDING OFFICER. The Chair recognizes the Senator from California.

Mrs. FEINSTEIN. Mr. President, I appreciate the words of my distinguished colleague and friend from Arizona. I must say I differ with him on this bill because I am very much in support of this bill. In particular, I commend both Senators LEAHY and HATCH for bringing this first Department of Justice authorization report to the Senate floor in 20 years. I very much hope the Senate is going to adopt the report.

Before I go into saying what this bill does with respect to Federal judgeships, I want to comment that this bill does deal with homeland security, particularly border security. This bill specifically authorizes more than $4 billion for the administration and enforcement of laws relating to immigration, naturalization, and alien registration. More than $3.2 billion of this amount will be allotted to the National Border Patrol. That is something for which both Senator KYL and I have worked on our subcommittee for a substantial period of time, and I am very pleased to see this authorization. It deals with domestic preparedness.

For example, the Conference Report authorizes funding for the Centers for Domestic Preparedness in Alabama, Texas, New Mexico, Louisiana, Nevada, Vermont, and Pennsylvania. It adds additional uses for grants for the Office of Domestic Preparedness to support State and local law enforcement agencies. This bill also has FBI reform. It includes provisions from the Leahy-Grassley FBI Reform Act to codify the authority of the Department of Justice inspector general to investigate allegations of misconduct by FBI employees.

The conference report provides special danger pay allowances to FBI agents in hazardous duty locations outside of the United States, something we should very much want to speed through at this time.

It has the Law Enforcement Tribute Act. It has the Feinstein-Sessions-Carnahan-Durbin, James Guelff and Chris McCurley Body Armor Act, which imposes criminal penalties on individuals who use body armor in the commission of crimes of violence or drug trafficking crimes. This bill specifically originated as a product of the work of Lee Guelff, whose brother, James Guelff, was a police officer at San Francisco's northern station. Officer Guelff responded to a sniper incident at the corner of Franklin and Pine Streets and encountered an individual completely clad in Kevlar—Kevlar helmet, Kevlar vest, Kevlar pants, the whole thing—with about 1,100 rounds of ammunition. Officer Guelff only had his police revolver, which he emptied to no effect against his Kevlar protected assailant, who shot the officer in the head and killed him. It took 150 police officers to equal the firepower of this one man with semiautomatic weapons clad in Kevlar standing in the intersection.

This is a very important bill. We have worked for 6 years. To Lee Guelff, congratulations.

This bill authorizes a separate and independent Violence Against Women Office within the Department of Justice similar to S. 570 introduced by Senator BIDEN with 22 cosponsors. It is a very important step for those who would like to see this separate office set up.

The bill has crime-free rural States grants. It creates and authorizes $30 million for the crime-free rural States program to make grants to rural States to help local communities prevent and reduce crime, violence, and substance abuse.

For many of us, this bill is important because it restores a vital program, the SCAAP program, that the President cut out. SCAAP is an acronym for the State Criminal Alien Assistance Program. Under law, the Federal Government is responsible for the borders. If we do not protect the borders, people come to our country illegally. Some commit crimes, they are convicted, they do time in jails, but the local jurisdictions pay for that time in jail in State prison and in jails. SCAAP is the only program that reimburses the States for their cost of incarcerating illegal aliens. It is a very important program. Senator KYL and the people of Arizona support it. I support it. I believe every member of the Judiciary Committee supports it. I believe the Presiding Officer supports it. That authorization is in this bill.

Regarding drug abuse, this bill includes several provisions from the Hatch-Leahy-Biden-Feinstein Drug Abuse Education Prevention and Treatment Act that will move Federal antidrug policy toward a more balanced approach that includes added attention to prevention and treatment. The provisions in this bill, for example, authorize funding for drug courts. We know drug courts work in prevention of narcotic use. The bill authorizes $172 million over the next 3 fiscal years to support State and local adult and juvenile drug courts. These courts provide treatment as an alternative to jail for nonviolent offenders who stay off drugs. The statistics of recidivism show this approach works.

There are provisions with respect to drug-free prisons. The bill authorizes the use of Federal funds for jail-based substance abuse programs, for reentry programs, for DEA, and police training. It authorizes funding for the drug enforcement agency police training in South and Central Asia to reduce the supply of drugs entering the United States.

The bill has a myriad of proposals with respect to protecting intellectual property: The Madrid Protocol, distance learning, Patent and Trademark Office authorization and modernization, and enhanced enforcement of intellectual property laws.

Most importantly, this bill authorizes a number of new judgeships. It authorizes five new permanent judgeships in the southern district of California at

San Diego, as well as two in the western district of Texas. The western district of North Carolina receives one. It converts four temporary judgeships to permanent judgeships: One in the central district of Illinois, the northern district of New York, the eastern district of Virginia. And it creates seven new temporary judgeships, one in each of the northern districts of Alabama, Arizona, central district of California, southern district of Florida, district of New Mexico, western district of North Carolina, eastern district of Texas. It extends the temporary judgeship in the northern district of Ohio for 5 years.

I have heard Members of this body implore the Judiciary Committee about the need for additional judgeships. The Southern District court in San Diego, for example, has the heaviest caseload in the nation. This court has operated in a state of emergency since September, 2000. The Southern District handles complex litigation as well as major drug cases that emanate from the closeness of San Diego to the Mexican border. The district is relying on temporary and senior judges. The bench has been close to real catastrophe. This bill finally brings relief.

This bill improves civil justice; has motor vehicle franchise fairness; the Radiation Exposure Compensation Act; and the Antitrust Technical Corrections Act. There are a number of things in this bill to improve immigration procedures: The J–1 visa program, the H–1B visas, help to children, and more.

I conclude by noting that this bill is not unrelated to our present place in time. It is not unrelated to the need to protect our borders, to seeing that our nation has adequate border security, to seeing that FBI agents have hazardous duty pay, and to seeing that our visa program is improved. The bill provides authorization for the payment to State and local jurisdictions for the incarceration of illegal immigrants and for the addition of additional judgeships. It is a very important bill.

Again, I particularly thank the Chairman and the Ranking Member. Without them, this bill would not be on the floor today. It is a very important bill. I urge an ''aye'' vote.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

TRIBUTE TO JO-ANNE COE

Mr. DASCHLE. Mr. President, last week we regrettably learned of the passing of Jo-Anne Coe. She served the Senate and Senator Dole for many years. She was an admirable public servant.

From 1985 to 1987, during the 99th Congress, she became the Senate's first woman to serve as Secretary of the Senate. Our condolences and prayers go out to her daughter Kathryn Coombs, her niece Kindra, her nephew Kevin, and of course to our former colleague. Senator Bob Dole not only had an ally, a friend, a staff person, he had someone who was his presence on the floor on so many occasions. We regret her loss, not only the loss of an employee, not only the loss of an important public servant, but the loss of a friend.

ORDER OF BUSINESS

Mr. DASCHLE. Mr. President, there will be no further rollcall votes today. I yield the floor.

21ST CENTURY DEPARTMENT OF JUSTICE APPROPRIATIONS AUTHORIZATION ACT—CONFERENCE REPORT—Continued

CLOTURE MOTION

Mr. DASCHLE. Mr. President, 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 senior assistant bill 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 the conference report to accompany H.R. 2215, the 21 Century Department of Justice Appropriations Authorization Act.

Harry Reid, Jeff Bingaman, Jean Carnahan, Hillary Clinton, Thomas Carper, Richard Durbin, Paul Sarbanes, Daniel Inouye, Bill Nelson of Florida, Jack Reed, Patrick Leahy, Benjamin Nelson of Nebraska, John Edwards, Tim Johnson, Joseph Lieberman, Byron Dorgan, Tom Daschle.

Mr. DASCHLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

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

Mrs. HUTCHISON. Mr. President, I want to speak briefly on the reauthorization conference report that is before the Senate today. There are many parts of this legislation I want to talk about. One part that is very important to me is the new judgeships that would be created in the border areas of our country, including two new district judgeships in the western district of Texas, and one temporary judgeship in the eastern district of Texas.

The conference report contains language that Senator FEINSTEIN and I put forward because of the judicial emergencies that we find in our States. Largely in the border regions, we have had an onslaught of caseload that has made it very difficult for our judges to not even stay even but just to try to handle the most important cases. So we have been trying to add some judgeships, both in California and in Texas, to relieve some of this emergency.

The judgeships in the western and eastern districts of Texas have been declared ''judicial emergencies'' by the nonpartisan Judicial Conference of the United States. The creation of new judgeships will certainly bring much needed relief.

Of all the courts in the country that are desperate for judges, the United States-Mexico border courts have the most critical need. According to the statistics from last year, the western district of Texas handles the most criminal cases in the country; last year, 4,434.

Currently, the western district of Texas is facing a criminal caseload of 1,987 pending cases; that is 2,758 defendants. In El Paso, 884 cases are pending overall—more than any other region in the district. Each day, more cases are added, overwhelming an already overburdened western district.

As our war against terrorism is advancing, as well as our war against drugs, it is even more crucial we have highly qualified judges and law enforcement officials in charge of our justice system.

Mr. President, I really appreciate the fact that we do have a cloture motion on this conference report. I hope very much we will be able to pass this legislation and create these courts. Hopefully, they will be able to be up and running sometime next year and try to bring justice. Justice delayed is justice denied in many instances. We would like to clear out the backlog and let people face trials and either serve their sentences or, if they are acquitted, of course, allow them to go free. Right now, they are incarcerated, and it is creating not only a burden on the court system but on the prison system. Many of our county prisons and State prisons are overloaded and trying to help with the backlog, but it is very hard for these counties to justify the costs when they do not get full reimbursement.

So we would appreciate passing this bill so we could get these courts. I hope the Senate will act expeditiously on this bill.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. DAYTON). The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

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

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

Mr. SESSIONS. Mr. President, I wish to speak a few minutes on the Department of Justice conference report that is before the Senate.

The Department of Justice is one of the great Departments of our Government. It is one of the oldest, one of the

original Departments. I served in that Department for 15 years. It was the greatest honor for me. I believe it has worked, and I believe, all in all, this bill is a healthy bill. I am pleased to support it.

It came out of the Judiciary Committee on which I serve, and we talked about many of the issues. Hopefully, when the dust settles, the bill we pass will strengthen justice in America. I am pleased with that.

There is one provision that came out of this conference committee, however, with which I am not pleased. It was not in the Senate bill; it was not in the House bill. It was placed in the conference report without having been passed by either body, which is against the tradition of the Senate and the House. This should not be done. It is normally not done.

That provision deals with automobile dealers and arbitration clauses they have with automobile manufacturers. The truth is, most automobile dealers today are pretty sizable entities. They have lawyers. They negotiate these contracts when they have an agreement with a big company. It requires arbitration apparently in most of these contracts. They reject it. They want to alter this right of contract and eliminate it. I objected to it in committee.

I believe the question of binding arbitration is one that requires a good deal of thought. I believe pretty strongly that if we are going to change arbitration law in America to exempt people from binding arbitration, I am not sure the first place we should start is between automobile dealers and automobile manufacturers. That seems to me to be an odd place to start. There was not a lot of thought put into it. There are disputes and arguments between the dealers and the manufacturers, and the dealers believe they will have a better chance in court, if they can try the case at home, in a lawsuit, probably throwing some claims in that lawsuit. They want to do it that way.

Apparently, most of our colleagues agreed; an overwhelming number of people supported the amendment. It is now included in the bill.

I say that because I earlier introduced an arbitration bill that focuses on improving arbitration across the board. It was a broad bill and had a lot of positive changes in it. I will be introducing today another, even more comprehensive, bill to deal with arbitration. I will not go into all the details of it, but I call this bill the Arbitration Fairness Act of 2002, and it will continue the changes we offered in the 106th Congress when I introduced the consumer and employee arbitration bill of rights.

This will be a broader procedure. It will deal with the question of Federal arbitration. Congress enacted the Federal Arbitration Act in 1925. It has served us well for three-quarters of a century.

Under the act, if parties agree to a contract affecting interstate commerce that contains a clause requiring arbitration, the clause will be enforceable in court. That is the fundamental issue with which we have been dealing.

My State has had a lot of debate about arbitration. It is healthy to look at what we did 75 years ago. We found there are legitimate complaints about arbitration. Our act, a bill of rights of protections for people who are involved in arbitration, I think will take us a step in the right direction.

It will maintain cost-benefits of arbitration. Many times it is quite cost-effective to arbitrate, but there are instances in which arbitration costs more and is more of a headache than perhaps going to small claims court or other courts.

There have been some concerns that the arbitrators under these agreements are not independent and the corporation or the larger entity has too much power in selecting who might arbitrate.

The bill provides the following rights:

No. 1: Notice. Under the bill, an arbitration clause, if it is to be enforceable, would have to have a heading in large, bold print that states whether arbitration is binding or optional and identify a source that the parties may contact for more information and state that a consumer could opt out and go to small claims court.

In other words, when you have an arbitration, you have to pay the arbitrators. Both parties have to go. Many States have effective small claims courts where you file a $25 fee and an independent judge will hear the case. Sometimes that is better. This would allow an opt-out for a person who is involved in an arbitration matter if they choose and if they qualify for the small claims court. That probably is healthy.

It would eliminate a lot of the complaints we have heard about over a small item, say a television or sofa or refrigerator, that could cost more to arbitrate than the merchandise is worth. This would at least give that option, so a party could opt out if it chose.

No. 2: The independent selection of arbitrators. The bill would grant all parties the right to have potential arbitrators disclose relevant information concerning their business ties and employment. All parties to the arbitration would have an equal voice in selecting a neutral arbitrator.

This ensures that the large company that sold a consumer product will not select the arbitrator itself because the consumer with a grievance will have the right to nominate potential arbitrators, too. As a result, the final arbitrator selected will have to have the explicit approval of both parties to the dispute. This means the arbitrator will be a neutral party with no allegiance to either party. There are some instances when that has not been the case.

We deal with choice of law. We make clear that parties can be represented by counsel at their own expense. It guarantees that all parties will have a fair hearing in a forum that is reasonably convenient to the consumer or employee to prevent a large company, for example, from requiring a consumer or an employee or small business owner to travel across the country to arbitrate a claim.

The bill grants to all parties the right to conduct discovery and present evidence; to have cross-examination; that there should be a tape recording or a stenographer to make a record of the hearing, and that there would be a timely resolution. That is important.

One of the reasons we choose arbitration is for timely resolution. There have been complaints that these have not been timely and in fact have been just as long, in some instances longer, as going to court.

Under the bill, the defendant must file an answer within 30 days of the filing of a complaint. The arbitrator has 90 days to hold a hearing and must render a decision within 30 days after the hearing. That would be the maximum time that would be allowed. It would require a written decision. As to expenses, it grants all parties the right to have an arbitrator provide for reimbursement of arbitration fees in the interest of justice; the reduction, deferral, or waiver of arbitration fees in cases of extreme hardship; and also the small claims opt-out.

This is a Department of Justice bill that I believe has some good things in it. It has 20 new Federal judges, pretty much selected on a need all across America. Some States are really in crisis, such as California and they need some additional district judges. We need several in Alabama. It has that in there.

It has a body armor bill that Senator FEINSTEIN and I worked on that says if you deal with such a violent criminal who is involved in a serious crime, who wears body armor while they are committing that crime, then the judge is authorized to give a more substantial penalty where that occurs and make it a separate offense for wearing body armor during the commission of a felony.

We had an instance in my State, and Senator FEINSTEIN in California, in which a criminal actually wore body armor and killed a law enforcement officer, thereby gaining an advantage in weaponry by being so protected.

There are some other provisions in the bill that are good. We strengthen the Coverdell Act that deals with forensic laboratories. In my view, as a prosecutor for many years, perhaps the greatest single bottleneck in justice today is a delay that so often occurs in obtaining scientific analysis of evidence. A prosecutor cannot go forward with a case involving cocaine, white powder, until some chemist reports that it is actually cocaine. Most prosecutors probably will not take it to a grand jury until they have that chemical report.

If there are fingerprints, an analysis is needed. If there is a weapon involved, the ballistics need to be examined. If there are DNA issues, DNA is needed. If there has been a rape, the DNA analysis and blood samples are needed. Those are procedures that are being delayed.

In my State, we saw delays of as much as a year or more in actually receiving the scientific analysis. On a routine basis, that is happening around America. It is important we assist in that. The bill we named after former Senator Paul Coverdell—who was such a wonderful Member of this body, a bill he worked on before his death—would help strengthen that.

I believe we are moving in the right direction, and I would like to see the Federal Government take a stronger lead in encouraging the States to move forward on forensic capabilities.

We spend huge amounts of money on prisons. We spend huge amounts of money on probation officers. We spend huge amounts of money on sheriffs' deputies, police officers, prosecutors, judges, and juries, but we are spending only a pittance on getting our scientific evidence produced in an honest and effective way. As a result, justice is being delayed. And justice delayed is justice denied.

Recently, in Alabama, we had probably the most horrendous crime ever. A man killed six members of one family. The newspaper reported he was out on bail pending trial. The prosecutor said they were waiting on the chemical analysis of the drugs he had been arrested with. Had that come in promptly, had he been indicted, gone to trial, and been in jail, six people would probably be alive today.

That is occurring around America today. Make no mistake about it, it is something we need to do to improve. It is primarily a State function, but this Government does a lot to encourage and help States do better, and we really ought to step it up in this area.

I yield the floor.

Mr. GRAHAM. Mr. President, I commend Senator LEAHY and Senator HATCH for their hard work on the Department of Justice authorization bill. This bill will strengthen our Department of Justice and increase our preparedness against terrorist attacks, prevent crime, and improve our intellectual property and antitrust laws.

However, I am disappointed that the ecstasy provisions I sponsored in the Senate version were removed in the conference committee. These provisions would have directed the National Institute on Drug Abuse, NIDA, to continue researching and evaluating the effects of ecstasy on an individual's health and authorized money to the High Intensity Drug Trafficking Areas, HIDTA, program for combating ecstasy use.

I am concerned that ecstasy has become the ''feel good'' drug of choice among many of our young people and drug pushers are marketing it as a ''friendly'' and ''safe'' drug to mostly teenagers and young adults. But we know this is not true.

Just last week a new study conducted by researchers at John Hopkins University found that a single use of ecstasy could seriously harm the brain and put users at risk of damage that mimics Parkinson's disease.

I ask unanimous consent that the following article from Reuters titled, ''Ecstasy's Brain Drain Possibly Wider Than Thought,'' be printed in the CONGRESSIONAL RECORD following my statement.

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

(See exhibit 1.)

Mr. GRAHAM. Mr. President, several recent studies have also revealed an alarming increase in the availability and abuse of ecstasy across the United States.

According to the Partnership for Drug Free America's 2001 National Survey, more teens in America have now experimented with Ecstasy than cocaine, crack or heroin. Approximately 2.8 million teenagers in America, roughly one of every 11 teens in the Nation, have now tried ecstasy.

Even the Armed Services have been impacted by this dangerous drug. In July 2002, 82 marines and soldiers at Camp Lejeune, NC, were convicted in a military court for either using or distributing ecstasy.

Despite the abundant evidence to the contrary, young people have been lulled into believing that ecstasy and other designer drugs are safe ways to get high without risking addiction or physical harm.

As legislators, we have a responsibility to stop the proliferation of this potentially life threatening drug. I remain firmly committed to working on legislation to combat this dangerous drug and I appreciate my colleagues' willingness to work with me to pass this legislation next year.

EXHIBIT 1

ECSTASY'S BRAIN DRAIN POSSIBLY WIDER THAN THOUGHT

(By Amy Norton)

NEW YORK (Reuters Health).—The club drug Ecstasy may damage a broader range of brain cells than most research has suggested, according to a new study in monkeys.

Researchers at Johns Hopkins University found that one round of the drug, designed to simulate what many Ecstasy users take in a night, was toxic to dopamine-producing cells in the brain. Dopamine is a brain chemical that helps regulate mental and emotional functions, as well as movement. This is the first time Ecstasy has been shown to have such dopamine effects in primates.

Previous studies in animals and humans had shown the drug to selectively affect brain cells that carry out the work of serotonin, a chemical involved in mood, memory and other vital functions. Both serotonin-cell loss and memory problems have been found in regular users of Ecstasy, also known as MDMA.

Similarly, monkeys and baboons in the new study showed damage to the serotonin system. But the dopamine effects, which were even more substantial, were ''totally unexpected,'' lead author Dr. George A. Ricaurte told Reuters Health.

He and his colleagues at the Baltimore, Maryland university report the findings in the September 27th issue of Science.

According to the researchers, these findings are particularly concerning because dopamine is vital to movement, and a loss of dopamine brain cells is known to be involved in Parkinson's disease (news-web sites) and the related movement disorder parkinsonism.

Of course, whether the primate findings extend to humans at all is unknown, Ricaurte pointed out.

''Clearly,'' he said, ''most MDMA users have not developed parkinsonism.''

Still, the researcher added, if the drug does have dopamine effects in humans, this raises the possibility that with age and its accompanying, natural dopamine decline, Ecstasy users could face a heightened risk of parkinsonism.

Before this study, only mice had been shown to have dopamine effects after Ecstasy exposure, making mice ''an enigma'' in the field, Ricaurte said. His team's working hypothesis, he explained, is that the pattern of MDMA exposure in this primate study is behind the dopamine damage.

The animals were given three does of the drug at 3-hour intervals, in an amount and time frame designed to simulate what often goes on at ''raves''—all-night dance parties where Ecstasy use is pervasive.

It may be that taking multiple does in a night, known as ''stacking,'' is required for dopamine damage to occur, according to Ricaurte, but there's no evidence of that yet.

And whether any dopamine-cell loss would be lasting in humans is also unknown. In this study, primates showed ''profound'' dopamine-cell loss 2 to 8 weeks after Ecstasy exposure, according to the researchers.

''We were struck by the severity of the dopaminergic injury, ''Ricaurte said.

To begin to see whether such injury occurs in humans, his team plans to take brain scans of former Ecstasy users to look for signs of dopamine depletion.

In a statement released in response to the study, Dr. Glen R. Hanson, acting director of the US National Institute on Drug Abuse, said the findings ''are cause for concern and should serve as warning to those thinking about using Ecstasy.''

Earlier this month, US health officials reported that the number of Americans using Ecstasy went up 25% between 2000 and 2001.

Mr. KOHL. Mr. President, I rise today in strong support of the Department of Justice reauthorization bill. The reauthorization of the Department of Justice and all of its component parts is long overdue. In particular, this bill is important because it reauthorizes the Incentive Grants for Local Delinquency Prevention Program, Title V, which is the cornerstone of our national juvenile crime prevention strategy. Senator LEAHY deserves special mention for recognizing the importance of juvenile justice policy and waging a successful fight to reauthorize many important programs.

Effective prevention programs are critical to any juvenile crime strategy, and title V is one of the programs that deserve our support. Let me tell you why. It relies on local communities, who know their needs better than the Federal Government, to identify solutions tailored to local problems. Communities qualify for funds only if they

establish local boards to design long-term strategies for combating juvenile crime, and if they match Federal funds with a 50-percent local contribution.

And, title V works. Participating communities, from 49 States, believe in this program so much that, according to the GAO, they've matched Federal money almost dollar-for-dollar, far more than the 50-percent match this program requires. In addition, studies confirm that many of these programs have reduced crime in cities across the Nation. A program that can motivate communities both to cooperate in improving safety and to collect the resources to do so is one that really works.

I would also like to commend the conferees for including in the final bill important provisions from S. 1165, the Biden-Kohl-Reed-Landrieu-Daschle Juvenile Crime Prevention and Control Act. Senator BIDEN has always been a leader on juvenile crime control issues and it has been a pleasure to work with him. This bill understands the importance of federal assistance to our communities in the area of juvenile crime control and delinquency prevention programs.

Finally, on a different issues, I am pleased that the bill makes several needed technical corrections to the Nation's antitrust laws. It will also eliminate unnecessary and unused antitrust review authority placed in the Nuclear Regulatory Commission, and will therefore further our goal to consolidate antitrust oversight.

Again, I applaud the Senate's consideration and passage of this important legislation.

Mrs. CARNAHAN. Mr. President, I rise today to express my support for passage of the 21st Century Department of Justice Appropriations Authorization Act, H.R. 2215. I applaud Chairman LEAHY, who along with his staff, has put in long hours to complete this bill. It is my hope that the conference report, which has passed the House by a vote of 400–4, will pass the Senate today.

I am pleased that H.R. 2215 includes the Law Enforcement Tribute Act, a bill I introduced. The Law Enforcement Tribute Act authorizes $3 million in grant funding to States, localities, and Indian tribes to provide for permanent tributes to the police officers and firefighters who have been injured or killed in the line of duty. I have been contacted by numerous law enforcement and public safety organizations that have voiced their support for the bill, including the National Association of Police Organizations, the International Association of Fire Fighters, the Missouri Fraternal Order of Police, and the Missouri Police Chiefs Association. These organizations believe, as I do, that it is appropriate for our national Government to help local communities pay tribute to those who have made the ultimate sacrifice.

H.R. 2215 also authorizes language for many programs of critical importance to our nation's security. It authorizes funds to enhance border security and increase domestic preparedness. The bill includes important provisions to strengthen law enforcement, such as FBI reform, and better witness protection. H.R. 2215 improves state and local forensic science capabilities, and implements appropriate sentencing enhancements when defendants use body armor in crimes of violence or drug trafficking crimes.

H.R. 2215 establishes a permanent, separate, and independent Violence Against Women Office within the Justice Department, similar to S. 570, which I cosponsored. It also authorizes $30 million for the Crime-Free Rural States program to make grants to rural States to help local communities prevent and reduce crime, violence, and substance abuse. H.R. 2215 reauthorizes the Juvenile Justice and Delinquency Prevention Act, and preserves the core protections that ensure juvenile delinquents are dealt with firmly but fairly.

Support for these law enforcement programs comes at an important time. Crime rates, which had fallen to record lows during the 1990's, have begun to creep up, and our Federal, State, and local law enforcement agencies have had new and important responsibilities placed on them following the September 11 attacks. So, I am extremely pleased that we are expressing our support and providing resources that will make a real difference in increasing the personal security of all Americans.

Mr. KENNEDY. Mr. President, I strongly support this bipartisan legislation. The fact that it is now before the Senate for a final vote is primarily due to the skill, patience, and determination of our colleagues on the Senate and House Judiciary Committees, especially Chairman LEAHY, Senator HATCH, Chairman SENSENBRENNER, and Congressman CONYERS, and I commend them for their leadership. They have guided our Senate-House conference with a steady hand and have kept the process moving, even when the prospect of the bill's passage appeared in doubt. As a result, we are about to complete action on a genuinely comprehensive authorization bill for the Department of Justice—something Congress has not managed to enact since 1979.

The need for this legislation is urgent. The terrorist attacks of September 11 made clear that we must strengthen the ability of our justice system to deal with the threat of terrorism. Since September 11, Congress has enacted laws giving law enforcement and intelligence officials enhanced powers to investigate and prosecute terrorism, improving the security of our borders, and strengthening our defenses against bioterrorism.

On May 14, President Bush signed the Enhanced Border Security and Visa Entry Reform Act. The Department of Justice Authorization Act builds on that bipartisan legislation by authorizing over $4 billion for the administration and enforcement of our immigration laws—$3.2 billion of which will be allotted to the Border Patrol. The act authorizes funding for the Drug Enforcement Administration to conduct police training in South and Central Asia, and improves our implementation of the International Convention for the Suppression of Financing Terrorism. These will be important tools in our effort to win the war on terrorism and protect the country for the future.

Here at home, the Department of Justice Authorization Act achieves many important goals: It implements needed reforms of the Federal Bureau of Investigation, including a long-overdue plan to improve the Bureau's outdated computer system. It also provides special danger pay to F.B.I. agents who perform hazardous duties outside the United States.

The bill closes a number of loopholes in our criminal code, and increases the protection of witnesses who report criminal activity. It increases sentences for defendants who use body armor during the commission of violent crimes. It reauthorizes the State assistance program to help States deal more effectively with the problem of criminal aliens. It authorizes funding for the Boys and Girls Clubs of America, including the creation of 1,200 new clubs across the Nation to improve the lives of at-risk youth. It reauthorizes the Juvenile Justice and Delinquency Prevention Act, while preserving the core protections to see that juvenile delinquents are treated fairly and humanely.

It authorizes a number of important drug treatment and prevention programs, including programs to reduce drug dependency among prisoners and to support State and local drug courts. These cost-effective programs will reduce the demand for drugs in America, which President Bush has called ''the most effective way to reduce the supply of drugs in America.''

I am also pleased that this legislation contains a provision to extend H–1B visa status for persons with pending labor certification applications. Unfortunately, this application process now takes years to complete, and is undermining the ability of American companies to keep qualified workers.

The Department of Justice Authorization Act also reauthorizes the Police Corps, a program that I have strongly supported since its creation in 1994, to improve the quality of police training, develop strong community-police partnerships, and produce officers who will take future positions of leadership and responsibility in law enforcement.

The Department of Justice Authorization Act is an impressive bipartisan achievement that will strengthen our justice system and our defenses against terrorism. I commend all the conferees for their effective work.

The House of Representatives overwhelmingly adopted this legislation last week by a vote of 400 to 4, and I urge the Senate to support it now.

Mr. BIDEN. Mr. President, I rise in support of the conference report on H.R. 2215.

With approval of this conference report, we are one step closer to authorizing the operations of the Justice Department for the first time since 1979. I commend the conferees, and particularly the Chairman of the Judiciary Committee Senator LEAHY, for the work they have done on this measure. It will improve the operations of the Department, and in so doing it will strengthen our efforts against terrorism, help protect our borders, and prevent crime and drug abuse.

I would like to highlight a few of the provisions of the conference report that I think are particularly important, beginning with the establishment of the Violence Against Women Office. Today is the first day of Domestic Violence Awareness Month, and it is a fitting tribute to this special month that H.R. 2215 provides this Senate with an opportunity to make our voices heard loud and clear on the importance of continuing the fight against domestic violence, sexual assault and stalking.

A key tool in that fight is the permanent and independent Violence Against Women Office, a proposal I first introduced in the Senate in March, 2001, and now established in the Conference Report. This provision means that the Office will be removed from its current location inside the Office of Justice Programs, and become its own free-standing entity. The bill also sets out the jurisdiction of the Office and the extensive duties and functions of the Director. It also requires that the Director be nominated by the President, confirmed by the Senate and report directly to the Attorney General.

With this bill, the Violence Against Women Office is set out in black and white. Its leadership and agenda cannot be pushed to the sidelines nor marginalized as one of many offices in a large bureau. Instead, this law gives the Violence Against Women Office the foundation and roots it deserves. It will be its own, separate and distinct office within the Department of Justice with a Director who answers only to the Attorney General. This statutory authority is long overdue.

Since we passed my Violence Against Women Act in 1994, the Office has been charged with disbursing billions of dollars to states, localities, tribal governments and private organizations to improve the investigation and prosecution of crimes of domestic violence, sexual assault and stalking; to train prosecutors, law enforcement and judges on the unique aspects of cases involving violence against women; and to offer needed services to victims and their families.

The Violence Against Women Office also handles and coordinates the Department of Justice's legal and policy issues regarding violence against women, everything from enforcing protection orders across State lines to issuing annual reports on stalking. The Office also works with other Federal agencies, such as the Department of Housing and Urban Development, and the Immigration and Naturalization Service about Federal policies, programs, statutes, and regulations that impact violence against women.

It is a tall order for the Violence Against Women Office, and to carry out these critical mandates, we must ensure that the Office has the sufficient visibility, prestige and authority. An independent office will provide just that platform. An independent office will be insulated from any attempts to undo the great work it has historically accomplished. A director nominated by the President and confirmed by the Senate will have the credibility and the bully pulpit to travel this country and get local people to the table. Let me be clear, to meet its mandate, the Violence Against Women Office should not, must not, and cannot be buried within a grant-making bureaucracy.

Since the Violence Against Women Act passed in 1994, we have changed the way folks think about domestic violence and sexual assault. We have hauled these matters out from the closet, and called them their proper names, ''crimes'', crimes that warrant investigation and prosecution with crime victims who desperately need our help. Across the country there are signs that the law is working. Statistics released by the Justice Department last month indicate that rape and sexual assault crimes dropped 8 percent from 2000 to 2001. The New York City Police Department is beginning to use digital cameras to capture the injuries of domestic violence which has drastically improved the way these cases are prosecuted. One of the first trials for cyberstalking is underway in Chicago.

In my home State of Delaware, the Violence Against Women Act and the leadership of the Office have made an enormous impact. Just last week, the STOP grant program, one of several grant programs in the Violence Against Women Act, awarded $85,000 to the Sexual Assault Network of Delaware so that it can formalize community responses to sexual assault crimes and victims. Since 1995, Delaware has received more than 30 grants totaling almost $8.5 million dollars, all of it designated to combat violence against women.

But sadly, we are not done.

The National Violence Against Women Survey reports that nearly 25 percent of women sometime in their lives has been raped or physically assaulted by an intimate partner.

One out of 5 adolescent girls in America becomes victims of physical or sexual abuse in a dating relationship according to a report issued by the Journal of American Medicine.

We still need Domestic Violence Awareness Month this October. And we need the leadership of an independent and separate Violence Against Women Office. I want to thank the Senate conferees, Senators LEAHY, HATCH and KENNEDY, who worked long and hard to get an ensure that the Violence Against Women Office Act was included in the compromise Conference Report, and I thank Senators DEWINE, LEVIN, SPECTER, CARNAHAN, HUTCHISON, MILLER, COLLINS and CARPER who originally joined me when I first introduced a bill for an independent office in March, 2001. And finally, in this first week of Domestic Violence Awareness Month, it is right to give thanks for the tireless efforts of advocates and service providers who support the women and children victimized by domestic violence and sexual assault.

The next point I would like to highlight is that the Conference Report reauthorizes the Juvenile Justice and Delinquency Prevention Act of 1974. Congress has tried for over six years to get this job done and as the former Chairman of the Judiciary Committee and the current Chairman of the Subcommittee on Crime and Drugs I am extremely gratified we were able to renew the juvenile justice law here.

Last year, Senators KOHL and REED and I introduced S. 1165, the Juvenile Crime Prevention and Control Act. That bill reauthorized the 1974 Act, authorized the Juvenile Accountability Incentive Block Grant for the first time, and proposed to close the gun show loophole. S. 1165 contained provisions similar to H.R. 1900 and H.R. 863, and provisions complimentary to Senator LEAHY's S. 1174. Major provisions of H.R. 1900, H.R. 863, S. 1165 and S. 1174 are included in this Conference Report today. Provisions from S. 1165 included in the Conference Report will ensure that youth in the juvenile justice system are protected from abuse and assault by adults in adult jails. The Conference Report ensures we will remain focused on preventing juvenile crime before it occurs: it reauthorizes Title V, the Justice Department's juvenile crime prevention grant program. Title V resources have been critical in Delaware to sponsor programs to reduce school violence, provide transition counseling to students returning to their local school from alternative school placement, reduce suspensions, expulsions, truancy, and teen pregnancy, and provide services to the children of incarcerated adult offenders. I compliment Senator KOHL for his steadfast devotion to Title V and for ensuring it is continued through this Conference Report.

The Conference Report adopts provisions of S. 1165 that authorize the Juvenile Accountability Incentive Block Grant. This program was created in the 1998 Commerce Justice State appropriations bill but has never been authorized. It provides resources to States and units of local government so programs can be developed to promote greater accountability in the juvenile justice system. The Conference Report also expands the purposes to which JAIBG funds can be put, for the first time, resources are provided to support proven strategies for rehabilitating adjudicated youth and families

as well as for reducing juvenile re-offense rates. In years past, my state has used JAIBG funds to establish a Serious Juvenile Offender program through the Delaware Division of Youth Rehabilitative Services, which provides an immediate secure placement of violent youth offenders who have violated the terms of their probation. Delaware has also used these funds to expand diversionary programs such as Teen Court and Drug Court, thus reducing the time between arrest and disposition of juvenile offenders, and to add psycho-forensic evaluators in the Delaware Office of the Public Defender to identify and address mental illness as a cause for delinquent conduct. I compliment the conferees for including provisions drawn from S. 1165 and H.R. 863 in this Report.

I would also like to highlight the provisions in the Conference Report that are designed to strengthen Boys and Girls Clubs of America. Provisions here will allow for the establishment of 1,200 additional Clubs across the Nation. This will bring the number of Clubs to nearly 4,000, serving nearly 6 million young people across America.

Finally, this Conference Report also incorporates much of S. 304, the Drug Abuse Education Prevention and Treatment Act, a bill which Senators HATCH, LEAHY and I introduced together. While I am disappointed that many of the bill's drug treatment provisions were dropped in conference, I promise to fight for those provisions again in the next Congress.

I want to draw attention to three of the important provisions from S. 304 that were included in the conference report to address addiction among those in the criminal justice system and make sure that we are doing all we can to keep them from reoffending. Specifically, the conference report reauthorizes two key programs created in the 1994 Biden Crime Law to deal with drug addicts in the criminal justice system, prison-based drug treatment and the drug court program, and includes my ''Offender Reentry and Community Safety Act of 2001,'' which creates demonstration programs to oversee the reintegration of high-risk, high-need offenders into society upon release.

Let me address prison-based drug treatment first. Providing prison-based treatment is not ''soft''; it is smart crime prevention policy as the Key and Crest programs in my home state of Delaware have shown. If we do not treat addicted offenders before they are released, they will return to our streets with the same addiction problem that got them in trouble in the first place, and they are likely to re-offend. This is not my opinion; it is fact. More than 80 percent of inmates with five or more prior convictions have been habitual drug users, compared to approximately 40 percent of first-time offenders. Prison-based treatment programs are a good investment and an important crime prevention initiative.

And so are drug courts. The Federal Government has funded drug courts since 1994 as a cost-effective, innovative way to deal with non-violent offenders who need drug treatment. Rather than just churning people through the revolving door of the criminal justice system, drug courts help these folks get their acts together so they won't be back. When they graduate from drug court programs they are clean and sober and more prepared to participate in society. In order to graduate, they are required to finish high school or obtain a GED, hold down a job, and keep up with financial obligations, including drug-court fees and child-support payments.

Drug courts have been proven effective at keeping offenders with little previous treatment history in treatment, providing closer supervision than other community programs to which the offenders could be assigned, reducing crime and being cost-effective.

Just as treating addicted offenders when they are in the criminal justice system is smart crime policy, so is making sure that high-risk, high-need offenders get reintegrated into society upon release. These individuals have served their prison sentences, but they pose the greatest risk of re-offending because they lack the education, job skills, stable family or living arrangements, and the substance abuse treatment and other mental and medical health services they need to successfully re-integrate into society. The demonstration reentry programs created in this conference report will help supervise high-risk people when they are released from jail and make sure they get the services and other support that they need so they won't go back to a life of crime and can be productive members of our society.

Once again, I thank the conferees, Senators LEAHY, HATCH and KENNEDY and their staff, including Bruce Cohen, Beryl Howell, Ed Pagano, Tim Lynch, Steve Dettelbach, Makan Delrahim, Leah Belaire, Wan Kim, Melody Barnes and Robin Toone, for their unfailing support for these provisions, and for their hard work in bringing the Conference Report to the floor.

VIOLENCE AGAINST WOMEN OFFICE

Mr. LEAHY. As you stated earlier, the pending Justice reauthorization conference report establishes an independent Violence Against Women Office, and isn't it true that this Office will be an autonomous and separate office within the Department of Justice and no longer underneath the jurisdiction of the Office of Justice Programs?

Mr. BIDEN. That is absolutely correct. Rather than be one of many offices subsumed in a larger bureau or office, the Violence Against Women Officer will now be its own, separate and distinct entity within the Department of Justice. This provision means that the Office will be removed from its current location in the Office of Justice Programs, and become its own free-standing entity. This is a non-negotiable and unambiguous provision of the act. What this means is that the leadership and the agenda of the Office cannot be pushed to the sidelines or marginalized. You and I both know that ending violence against women is too important of an issue to be relegated to a back office.

Mr. LEAHY. I couldn't agree with you more, Senator. I am particularly pleased that the Violence Against Women Office will now be led by a Director nominated by the President and confirmed by the Senate. How will this provision affect our nation's fight to end domestic violence and sexual assault?

Mr. BIDEN. A director who is nominated by the President and confirmed by the Senate will have the stature, credibility and authority necessary to spearhead the efforts to end violence against women. In practical terms, a director within this sort of clout will attract the attention of key Congressional leaders, will be able to travel the country and bring state leaders to the table for local initiatives, and will be able to command the nation's bully pulpit on these issues. Another key provision in the statute creating the Violence Against Women Office is the explicit instruction that the Director report directly to the Attorney General. Would the Senator agree?

Mr. LEAHY. Yes, the statute is unequivocal. The director shall report directly to the Attorney General—do not pass go, do not get out of jail free. The law is clear that the director is not to report to various deputies or assistants, but rather straight to the Attorney General. That kind of unfettered access to the Attorney General will ensure that issues of violence against women remain in the forefront, and part of the decision-making and policy-development done by those at the highest levels of government, isn't that so?

Mr. BIDEN: That is right. As the former Director of the Violence Against Women Office said: ''There is a world of difference between full participation in the highest levels of decision-making and being buried in a satellite grant office in the Department.'' When the director is out of the leadership circle and placed in a satellite office, the Violence Against Women Office's involvement in activities decrease; for example, it is no longer involved in educating U.S. Attorneys about their role in local communities' efforts to stop violence or it is no longer involved in deciding whether to bring or appeal specific cases. The new Violence Against Women Office Act will be ensure that the Director has the access he or she needs to fully participate—the fight to end violence against women deserves no less.

I thank the Senator for his efforts as our Judiciary Committee Chairman and as a conferee to the Justice Reauthorization Act in moving this important act forward.

Mr. ENZI. Mr. President, I rise in support of the Conference Report for

the U.S. Department of Justice Reauthorization. We are debating legislation that overwhelmingly passed the House last Thursday on a vote of 400–4. It is my hope that it will pass the Senate with an equally strong majority.

I am speaking in support of legislation included in the conference report that protects the rights of motor vehicle dealers, many of which are small businesses, under State law. The provision is identical in substance to Senators HATCH and FEINGOLD's bill, S. 1140, which has bipartisan support of 64 cosponsors. I ask my colleagues to pass this legislation and restore desperately needed rights to small businesses throughout the nation.

S. 1140 is necessary to restore fairness for automobile dealers by preserving their state rights in dispute resolution with manufacturers under motor vehicle dealer contracts. All 50 States, including Wyoming, have enacted laws to regulate the relationship between motor vehicle dealers and manufacturers and curb unfair manufacturer practices. These laws are necessary to protect auto dealers since they must sign contracts with the much larger manufacturers to sell the product. A Supreme Court decision, however, allows manufacturers to skirt these State laws by including mandatory binding arbitration in their dealer contracts.

Congress never intended to strip the State's role in regulating the motor vehicle dealer franchise relationship, but because of the Supreme Court interpretation, states cannot prohibit manufacturers from forcing dealers to waive their state rights and forums. Dealers must sign ''take-it-or-leave it contracts'' drafted by the manufacturer to stay in business, and are vulnerable to manufacturer abuses of power. Since States cannot remedy this problem, Federal legislation is necessary to restore dealers' rights.

Specifically, the legislation included in the conference report States that whenever a motor vehicle franchise contract provides for the use of arbitration to resolve a contractual controversy, arbitration may be used to settle the controversy only if both parties consent in writing after the controversy arises. It also requires the arbitrator to provide the parties with a written explanation of the factual and legal basis for the award.

The arbitration language in the conference report before us is supported by Wyoming automobile and truck dealers and dealers throughout the country because it would merely restore State law. It is consistent with Wyoming law, which does not allow a manufacturer to force a dealer to prospectively waive rights and remedies under State law. I urge my colleagues to pass this legislation and protect our States' interest in regulating the auto dealer/manufacturer relationship.

The PRESIDING OFFICER. The Senator from Nevada.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

UNANIMOUS CONSENT REQUEST—H.R. 4069

Mr. REID. Mr. President, I ask unanimous consent that the Finance Committee be discharged from further consideration of H.R. 4069 and the Senate now proceed to its consideration, that it be read the third time and passed, and the motion to reconsider be laid upon the table, all with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. SESSIONS. I object. There are individuals on this side who have an objection. I object.

The PRESIDING OFFICER. The objection is heard.

Mr. REID. Mr. President, I appreciate the courtesy of the Senator from Alabama waiting.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to a period of morning business with Senators allowed to speak therein for up to 5 minutes each.

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

IMPOSING BUDGET ENFORCEMENT RULES

Mr. DASCHLE. Mr. President, yesterday marked the end of the fiscal year, and, absent action by the Senate, it will also mark the end of a fiscal discipline system that has served this country very well for more than a decade.

Earlier this year, we had a chance to pass a budget blueprint for 2003. It was jointly co-sponsored by Senators CONRAD and DOMENICI, the chair and ranking member of the Senate Budget Committee. It received 59 votes. one vote short of passage. It would have done exactly what everyone in this chamber knows we should do. It would have extended the pay-as-you-go rules and the other points of order that have helped enforce at least some measure of fiscal discipline around here since 1990.

When we voted in the spring, many Republicans voted ''no,'' citing the total amount for 2003 discretionary spending. That issue has been removed from the current effort to extend the budget enforcement rules, and there is no longer any plausible reason to oppose a simple extension of the points of order.

Prior to the time President George H.W. Bush signed the budget act into law in 1990, there were no procedural barriers to the most irresponsible fiscal propositions. Spending proposals could be offered without any consideration for offsetting their budgetary affects. Tax cuts could be implemented without the slightest thought for their long-term consequences. Enormous fiscal damage could be inflicted with a simple majority vote.

The 1990 Budget Act ended the bad old days, and it did so with overwhelming bipartisan support. It has subsequently been extended each time it expired whether the Senate was in Democratic or Republican hands.

It should be extended here today.

I think we all know that the budgetary trend of the last year has been profoundly negative. For many years, the two parties have disagreed vehemently about the most fundamental aspects of our country's spending and tax policies—and we will continue to disagree. But the times when we were able to restore fiscal balance, like we did in the 1990s, were the times when both parties agreed to retain basic discipline at the procedural level. We very much need to agree to that right now.

Democrats will continue to press for adoption of the Conrad-Domenici budget enforcement resolution as soon as possible, and we urge all Senators to support it.

CHALLENGES TO CONCURRENT RECEIPT OF BENEFITS FOR DISABLED VETERANS

Mr. REID. Mr. President, I have worked hard to make sure all the brave men and women who have served in our Armed Forces are treated fairly.

Many military retirees, like so many other Americans, have relocated to fast-growing Nevada because of its high quality of life. And Nevada is also home to some of the country's finest military installations.

Regardless of where our loyal veterans and service members live, they all deserve our gratitude, respect, and fair treatment.

For several years I have introduced and championed legislation that would end the unfair policy of denying America's disabled veterans retirement benefits they have earned through years of service and sacrifice.

Changing the current law that requires disabled retirees to forfeit a dollar of their earned retired pay for each dollar they receive in veterans' disability compensation is simply the right thing to do.

I am therefore extremely troubled that the Bush administration opposes a

provision in the Senate Defense authorization bill allowing so-called concurrent receipt of retirement pay and disability pay by disabled military retirees.

Some officials have been quoted in recent newspaper articles as stating that retired pay and disability pay are ''two pays for the same event'' and that receiving both would be ''double-dipping'' not permitted other retirees. These statements are simply not true.

Career military retired veterans are the only group of Federal retirees required to waive their retirement pay in order to receive VA disability. Other Federal retirees get both disability and retirement pay.

This antiquated law that denies our veterans concurrent receipt in effect implies wrongly and unfairly that disabled military retirees neither need nor deserve the full compensation they earned for their 20 or more years served in uniform.

Military retirement pay and disability compensation are earned for entirely different purposes and therefore a disabled veteran should be allowed to receive both. Current law ignores the distinction between these two benefits.

Military retired pay is earned compensation for the extraordinary demands and sacrifices inherent in a military career. It is a reward promised for serving two decades or more under conditions that most Americans find intolerable.

Veterans' disability compensation, on the other hand, is recompense for pain, suffering, and lost future earning power caused by a service-connected illness or injury. Few retirees can afford to live on their retired pay alone, and a severe disability only makes the problem worse by limiting or denying any postservice working life. A retiree shouldn't have to forfeit part or all of his or her earned retired pay as a result of having suffered a service-connected disability.

Likewise, the administration's assertion that if concurrent receipt passes ''1.2 million veterans could qualify'' for extra payments is simply not credible. The Department of Defense and Department of Veterans Affairs previously informed Congress that about 550,000 disabled retirees would qualify if the Senate concurrent receipt plan were approved. But the new administration speculation that an additional 700,000 might apply for and be granted disability ratings is an unfounded exaggeration.

The administration's argument that funding benefits for America's disabled veterans would hurt current military personnel is also misleading. Congress is not cutting funding for those who are now serving our country in order to provide benefits for those from previous generations who served loyally and made tremendous sacrifices. Congress will appropriate the money to pay for it.

Enacting my concurrent receipt legislation will not cause service members to live in substandard quarters, as some Defense leaders try to claim in a misguided attempt to turn one generation of patriots against others.

Moreover, at a time when our Nation is calling upon our Armed Forces to defend democracy and freedom, we must be careful not to send the wrong signal to those now in uniform. All who have selected to make their career in the U.S. military now face an additional unknown risk in our fight against terrorism. If they are injured, they would be forced to forego their earned retired pay in order to receive their VA disability compensation. In effect, they would be paying for their own disability benefits from their retirement checks unless my legislation is enacted.

We must send a signal to these brave men and women that the American people and Government take care of those who make sacrifices for our Nation. We have a unique opportunity this year to redress the unfair practice of requiring disabled military retirees to fund their own disability compensation. It is time for us to show our appreciation to these men and women.

Finally the assertion that the veterans who would benefit from concurrent receipt are already doing well financially is ridiculous. NBC News recently aired three news stories documenting the dire situation that veterans are facing today. The Pentagon has acknowledged that its studies of retiree income included very few seriously disabled retirees.

On July 8, 2002, I sent a letter to the President urging him to support the inclusion of a concurrent receipt provision in the final Defense Authorization Act. Our veterans have heard enough excuses. Now it is time for them to receive the benefits they earned.

TRIBUTE TO COMMANDER DAVID G. MANERO, U.S. NAVY

Mr. LOTT. Mr. President, I wish to take this opportunity to recognize an outstanding Naval Officer, Commander Dave Manero, for the tremendous work he has done as a member of my staff during the second session of the 107th Congress. It is my privilege to recognize his many career accomplishments and to commend him for the superb service he has provided the Navy, the great State of Mississippi, and our Nation.

Commander Manero is the son of Carmen and Rosemary Manero of Highland Park, NJ. He earned his commission through NROTC at the University of Pennsylvania where he graduated in 1988 with a Bachelor of Science in Electrical Engineering. He received his Wings of Gold from Helicopter Training Squadron Eight at NAS Whiting Field, FL. on July 7, 1989.

Following flight school, Commander Manero reported to Helicopter Anti-Submarine Squadron Light, HSL, 41 where he received training in the SH–60B Seahawk with a follow-on tour at the HSL–45 'Wolfpack.' While assigned to the Wolfpack, he deployed in USS *Paul F. Foster*, DD–964, as Detachment One Operations Officer in support of Operation Desert Storm. During the Gulf War, he worked in close coordination with British Lynx helicopters in the destruction of six hostile surface combatants. He subsequently cruised as Detachment Three Maintenance Officer embarked in USS *Jarrett*, FFG–33, in support of Operation Southern Watch. He was presented with the 1991 Naval Helicopter Association national ''Aircrew of the Year'' and the 1993 Wolfpack ''Officer of the Year'' awards.

Commander Manero's next assignment included selection for the Navy's Advanced Education Program where he attended a two-year Masters Program at Harvard University. He graduated in 1995 with a Master of Public Policy specializing in International Affairs and Security. After graduate school, Commander Manero was assigned as Flag Lieutenant, Commander Carrier Group ONE located in San Diego, CA. He deployed to the South Pacific embarked in USS *Blue Ridge*, LCC–19, and Arabian Gulf in USS *Carl Vinson*, CVN–70, as a member of the fly-away Joint Forces Air Component Commander's staff.

Commander Manero returned again to the East Coast where he attended the U.S. Naval Test Pilot School and graduated in December 1997 with Class 112. In January 1998, he reported in to the Naval Rotary Wing Aircraft Test Squadron in Patuxent River, MD where he served as a Test Pilot and as the Sea-Control Department Head. A Member of the Society of Experimental Test Pilots, he has accumulated over 2800 flight hours in over 30 different aircraft types.

In May 1999, Commander Manero reported to the HSL–43 'BattleCats' where he served as Training Officer, Detachment Officer-in-Charge and Squadron Maintenance Officer. Prior to his detachment from his department head tour, he was selected for Commander and was nominated for the prestigious 'John Paul Jones Inspirational Leadership' award. Dave is currently assigned as a Legislative Fellow on my staff and has made tremendous contributions towards shaping our Navy's future through the DD(X), Littoral Combat Ship, LHD, and LHR programs. He also was instrumental in securing over $108 million in Military Construction funding for Mississippi. I offer my sincere congratulations for Dave's recent selection to command. He will depart my staff in December to take command of a squadron in mid-2004.

Throughout his most distinguished career, Dave has served the United States Navy and our Nation with pride and excellence. His awards include the Air Medal, two Strike Flight, the Navy Commendation Medal, five, two with Combat Valor distinction, the Navy Achievement Medal, the Combat Action Ribbon, and numerous other campaign and unit distinctions.

Commander Dave Manero has been an integral member of my staff and has contributed greatly to the best-trained, best-equipped, and best-prepared naval force in the history of the world. Dave's superb leadership, integrity, and limitless energy have had a profound impact on my entire staff and will continue to positively impact the United States Navy and our Nation. On behalf of my colleagues on both sides of the aisle, I wish Dave, his wife Justina, and their children Michael and Elizabeth ''Fair Winds and Following Seas'' and the best of luck in their bright future.

TRIBUTE TO LIEUTENANT COLONEL JAMES B. HECKER, U.S. AIR FORCE

Mr. LOTT. Mr. President, I would like to take this opportunity to recognize and say farewell to an outstanding Air Force officer, Lieutenant Colonel Jim ''Scorch'' Hecker, upon his departure from my staff. Lieutenant Colonel Hecker was selected as an Air Force Fellow to work in my office during the Second Session of the 107th Congress due to his professional reputation and superior knowledge of Defense issues, the United States Air Force requirements process, and the military presence in my home State. He has been a valued team member and it is a privilege for me to recognize his many outstanding achievements and the superior service he has provided the United States Senate, the Air Force, and our Nation.

Lieutenant Colonel Hecker, the son of Rick Hecker and Cindy Walker, was a graduate of the Air Force Academy where he was commissioned as a Second Lieutenant. Since then, Lieutenant Colonel Hecker has spent the majority of his career patrolling the world's skies as an Air Force fighter pilot. Following flight training, he began his service flying the F–15C ''Eagle'' in the 8th Fighter Squadron, 49th Tactical Fighter Wing at Holloman AFB, NM. When the F–15C's left Holloman AFB, so did Lieutenant Colonel Hecker. He was reassigned to the 390th Fighter Squadron, 366th Wing, Mountain Home AFB, ID. During this tour, Lieutenant Colonel Hecker was instrumental in bedding down the F–15C aircraft in the first Composite Wing in the Air Force. After this tour, Lieutenant Colonel Hecker attended the Air Force Weapons School at Nellis AFB, NV with a follow-on tour at the 44th Fighter Squadron, 18th Air Base, Okinawa, Japan. As the squadron Weapons Officer, Lieutenant Colonel Hecker was the lead pilot responsible for preparing the squadron to go to war. During this tour, Lieutenant Colonel Hecker deployed in support of Operations SOUTHERN WATCH where he led combat missions patrolling the skies over Iraq enforcing the no-fly zone. In July 1998, Lieutenant Colonel Hecker was handpicked to return as an instructor at the Air Force Weapons School where he deployed in support of Operation ALLIED FORCE. Lieutenant Colonel Hecker led 10 combat missions and was the focal point in the Combined Air Operations Center C5 Strategy Cell for resolving air-to-air issues. In 2000, Lieutenant Colonel Hecker left the cockpit to serve on the staff of the Secretary of the Air Force in Washington, DC as an Air Force Senate Liaison Officer and then was selected to serve as a Military Legislative Fellow during the 2nd session of the 107th Congress.

Lieutenant Colonel Hecker quickly became a valued member of my staff sharing his proven operational experience and insightful knowledge on a number of Department of Defense issues, including defense health care, operational beddown of C–17 and C–130J aircraft, various weapons systems, military construction, university research programs, and economic development projects. Specifically, Jim was instrumental in helping the Air Force gain Congressional support for the F/A–22 aircraft and solve the weather radar problem with the WC–130J aircraft at Keesler AFB. He helped me articulate a successful case for adding funding for additional maintenance training simulators and military construction projects that will help ensure the successful beddown in Jackson, MS of the first ever C–17 aircraft assigned to the National Guard. He successfully negotiated with Northrop Grumman Corporation to move the production of the Global Hawk's wing as well as full assembly of the Fire Scout to Mississippi. Lieutenant Colonel Hecker's coordination with the staffs of the Senate Armed Services Committee and the Senate Appropriations Defense Subcommittee led to over $108 million in military construction funding for Mississippi's military bases.

Lieutenant Colonel Hecker is married to the former Terrie Lee Draney of Colorado Springs, CO. They have two children, 7 year-old son Jaden and 5 year-old son Colton. The Congress and the country applaud the selfless commitment his entire family has made to the Nation in supporting his military career. Among Lieutenant Colonel Hecker's many awards and decorations are the Meritorious Service Medal with two oak leaf clusters, Air Medal with oak leaf cluster, and Air Force Achievement Medal along with numerous other campaign and unit distinctions.

Lieutenant Colonel Hecker will return to the Air Force at Langley AFB, VA where he will once again control the skies in the F–15C. I have appreciated greatly Lieutenant Colonel Hecker's contributions to my team and I will miss him. On behalf of my colleagues on both sides of the aisle, I wish Lieutenant Colonel Hecker and his family ''Good Hunting and Godspeed.''

HOLLADAY JOHNSTON RICHARDSON

Mr. HELMS. Mr. President, our friend and distinguished colleague, STROM THURMOND, has a lost a dear member of his Senate Family. Holly Richardson's courageous battle with breast cancer ended early Monday morning. I do not use the word courageous lightly; if there ever was a courageous cancer patient, it was Holly Richardson. She fought until the end and never gave up.

Holly was one of the most delightful people I have ever met. She was STROM THURMOND's right, hand lady for almost 25 years and she meant so much to the entire Thurmond family. Holly's strong faith helped her immeasurably and while we all mourn her passing, we know where she is.

Her obituary in this morning's Columbia, SC, newspaper, *The State*, poignantly describes this remarkable lady, as does the article about her in today's Charlotte Observer. I ask unanimous consent that they be printed in the RECORD.

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

[From the State, Columbia, SC, Oct. 1, 2002]

HOLLY JOHNSTON RICHARDSON—LONGTIME THURMOND CONFIDANTE

(By Lauren Markoe)

WASHINGTON.—Holly Johnston Richardson—confidante, gatekeeper and personal adviser to U.S. Sen. Strom Thurmond since 1978—died Monday of breast cancer.

''Early this morning, I lost one of my closest friends and staff members,'' Thurmond said in a statement issued by his office. ''She was a member of my extended family in every sense of the word.''

The Summerville native was 48. Since 1979, Richardson functioned as Thurmond's master scheduler, making sure he was in the right place at the appointed time. Her supersized Rolodex included the numbers for scores of average South Carolinians and several heads of state, and she could get most of them on the phone in seconds.

But generations of staffers say it was her Southern charm, impeccable manners and love for Thurmond that made her one of the most important people in his life.

''I've seen the senator cry twice. When his daughter died and today, when Holly died,'' said Mark Goodin, a former press secretary and adviser to Thurmond. ''She was always there for him. I don't think anybody ever thought she would go before he did.''

Thurmond's daughter Nancy Moore Thurmond died in a car crash in 1993. The oldest living and longest-serving senator, he will turn 100 on Dec. 5.

Chris Kelley Cimko, Thurmond's press secretary from 1993 to 1997, said Richardson went well beyond her office duties in her service to Thurmond, particularly before he began living at Walter Reed Army Medical Center last year.

''When she was cooking Sunday night, she would make a double batch of whatever it was and make sure it was in his refrigerator,'' said Cimko.

''Like all trusted staff members, Holly Richardson had my ear,'' Thurmond's statement continued. ''What she probably never knew fully is that she had my heart.''

Richardson met the Thurmond family after joining his 1978 re-election campaign, just

after her graduation from Converse College in Spartanburg. She drove a camper, nicknamed ''Strom Trek,'' over 10,000 miles in 10 weeks, recalled Nancy Thurmond, the senator's now-estranged wife.

Her first job in Thurmond's office was to answer phones, greet visitors and help out with constituents' problems. She also oversaw the office's intern and page programs, which gave high school and college students opportunities to learn the workings of a congressional office.

Generations of interns, staffers and members of Congress recall her courtesy and work ethic.

''Holly Richardson was one of the most personable and efficient people I've ever known,'' said N.C. Sen. Jesse Helms. ''She was unfailingly pleasant and devoted to Strom Thurmond—a feeling that was mutual.''

''She treated everyone the same way, with dignity and respect,'' said Cimko.

She is survived by her husband, Phil, and two children, Emmett, 12, and Anne 9, and her parents, Joanne and Coy Johnston of Summerville.

Richardson, an active member of St. Paul's Episcopal Church in Alexandria, Va., her adopted hometown, had a strong faith that supported here and others. She was also an active member of the Junior League.

''When we lost our daughter, Holly's vigilant faith helped to sustain all of us,'' Nancy Thurmond said.

But as devoted as she was to the Thurmond's her own family still came first, said Nancy Thurmond. She and staffers said they marveled at Richardson's ability to balance her family life and her work on Capitol Hill.

She was diagnosed with breast cancer less than a year ago, and rebounded after rounds of chemotherapy. But the disease spread, and she had to stop working several months ago.

A memorial service will be held at 11 a.m. Saturday at Trinity Episcopal Cathedral in Columbia.

[From the Charlotte Observer, Oct. 1, 2002]

THURMOND STAFFER DIES OF CANCER AT 47

(By Charles Hurt)

WASHINGTON.—Holladay Richardson, one of Sen. Strom Thurmond's top aides for nearly a quarter century, died Monday morning after a year-long, fight against breast cancer. She was 47 and the mother of two children.

''Words cannot begin to express my deepest sadness and pain with the loss of Holly,'' Thurmond wrote in a statement.

In a statement made part of the Senate's public record, South Carolina's senior senator said many aides over the years had his ear, but that only Richardson ''had my heart.'' He called her his ''unofficial third daughter.''

Richardson's most recent post was scheduler, the person who sets up Thurmond's calendar.

She first worked for him in South Carolina on his 1978 Senate campaign. Since 1979, she has shared Thurmond's Washington office, where she has seen eight chiefs of staff come and go.

Nationally syndicated political columnist Armstrong Williams recalled Richardson's importance from his days on Thurmond's staff more than 20 years ago.

''I can't remember the senator without Holly,'' he said. ''I knew she had cancer, but this is terrible. She was always there.''

As Thurmond's health faded in recent years, Richardson and other top staffers assumed greater roles in the office of American history's oldest and longest-serving senator.

''Holly protected him, would finish sentences for him and knew what he was thinking,'' Williams said. ''She was everything that anybody would ever want in a daughter. She was like a child protecting her parent.''

In May, Richardson and her family walked in the National Race for the Cure in Washington.

She described to a reporter for Roll Call at the time how she and her family had coped with her diseases by helping people less fortunate, such as a bed-ridden neighbor for whom they cooked.

''You go through a few minutes of self pity before you realize that you can either sit here and feel sorry for yourself or you can put it aside and move on,'' she was quoted as saying. ''That's how my family has gotten through this, by focusing on others who are in bad situations. Extending a hand to others, that's what life is all about.''

Richardson is survived by her husband, Phil, their children Anne, 9, and Emmett, 12, and her parents, Joanne and Coy Johnston of Summerville, S.C.

TRIBUTE TO CONGRESSWOMAN PATSY T. MINK

Mr. INOUYE. Mr. President, on Saturday, September 28, 2002, Hawaii lost a beloved and extraordinary daughter, PATSY TAKEMOTO MINK, who represented Hawaii in the U.S. House of Representatives for 24 years. I extend to her husband, John, and daughter, Wendy, my sincerest condolences.

The passing of Congresswoman MINK is a great loss for our Nation and our State, and it is a personal loss for me. She was an honorable colleague and a dear friend throughout our political careers.

I was privileged to work with PATSY in 1956, when we were both members of the Hawaii Territorial House of Representatives. She was the first Asian-American woman elected to the Hawaii Legislature. In the 1960s, we both gave speeches at Democratic National Conventions. She was Chairwoman of the Honolulu City Council. In 1964, she joined me as a member of Hawaii's Congressional Delegation when she became the first Asian-American woman elected to the U.S. House of Representatives. For 24 years, she was an integral part of the Hawaii Delegation. I appreciated her honesty, I respected her thoughts, and I admired her resolve.

Throughout her public service, PATSY concerned herself with making our country a better place for all people. She will be remembered for her powerful and passionate voice as she championed causes for women, children, the elderly, and the needy. For those who were vulnerable or mistreated, she was their able and loyal defender.

Born Patsy Takemoto in a plantation community in Paia, Maui, on December 6, 1927, PATSY had the intelligence and work ethic to succeed in any profession. However, medical school eluded her and the legal community did not embrace her after she received her law degree from the University of Chicago in 1951. The reason she was rejected by medical schools and legal circles? Her race and her gender.

Rather than accept defeat, the strong-willed PATSY set out to eliminate the societal barriers of the day, and ran for office in the U.S. House of Representatives, which at that time was comprised of mostly white and mostly males members. She won the election and went on to pave the way for new generations of women to more fully enjoy their rights as citizens of a great nation.

PATSY co-authored and spearheaded the difficult passage of Title IX of the Education Amendments of 1972, which prohibits discrimination in educational opportunities based on gender at institutions receiving federal funds. It opened academic opportunities for women, and revolutionized the world of sports. Since the passage of this landmark legislation, participation by girls in high school athletics nationwide has increased nearly tenfold, and college participation has grown almost five times. College scholarships awarded to women in 2002 were worth $180 million. Title IX serves as the foundation of the careers of today's top professional U.S. female athletes. The U.S. women soccer team's 1999 World Cup triumph, U.S. women's domination of Olympic sports, and the birth of the women's professional National Basketball Association are rooted in Title IX.

To fully appreciate the significance of Title IX, compare women's sports in 1972 to today as reported by the Honolulu Advertiser. In 1972, the only woman with an athletic scholarship at the University of Hawaii was a drum majorette. Of UH's $1 million athletic budget, $5,000 was given to women's club sports. Today, UH spends $4 million annually on 11 women's teams.

PATSY's reputation as a relentless and formidable lawmaker extends beyond the passage of Title IX. She advocated for civil rights, peace, education, health care, and the environment with equal eloquence and effectiveness.

I last spoke with my friend, PATSY, in August at a fund-raising event in Hawaii. She mingled and talked with constituents with her trademark vim and vigor. Her deep love for her constituents and her nation was evident. She was focused on the future and continuing her service to the people of Hawaii.

PATSY answered the call to public service to the end, and her work immeasurably improved America's landscape for the under-represented and down-trodden for whom she had so much compassion. As my colleagues and I continue our work, we will long be able to look to Mrs. PATSY MINK's life of service for inspiration and hope.

REFLECTING ON THE ANNIVERSARY OF SEPTEMBER 11

Mr. ENSIGN. Mr. President, one year ago, this Nation stood united. Together we mourned, prayed, and hoped. We hugged our loved ones a little bit longer and a little bit tighter. Our hearts wept for the thousands of families who unexpectedly and unbelievingly lost a husband or wife, a

mother or father, a son or daughter at the hands of evil.

It's hard to believe that an entire year has passed since that surreal day. While we have observed holidays, celebrated milestones, and continued with life, there are still daily reminders of the horrific events of one year ago. Flags still fly more frequently than before, security precautions still cause delay, and our hearts still weigh heavy when we think about the dreams that were cut short that tragic day.

As we remember September 11, I encourage you to make today a day of introspection and compassion.

Remember where you were last year when you heard the news. Remember the footage you watched in disbelief. Remember the pain you felt in your heart. Take those images with you throughout the day. Make it a point to leave work on time, have dinner with your family, talk to each other about what today means, and hug your loved ones a little bit longer and a little bit tighter.

On your own or as a family, consider doing something for your community in honor of the victims of 9/11. It can be donating blood, making a financial contribution to a needy cause, or giving your time and energy to a worthwhile organization.

I hope that we can all make today a positive and meaningful opportunity to unite our communities in helping others and honoring the victims of 9/11. Together we will send a strong message to the world that Americans remain united. Time will not steal our memory of the victims and attacks of September 11.

AMENDMENT TO HOMELAND SECURITY ACT OF 2002

Mr. SPECTER. Mr. President, I ask unanimous consent to have printed in the RECORD the text of an amendment regarding the Homeland Security bill.

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

SPECTER AMENDMENT 2 TO LIEBERMAN SUBSTITUTE

Insert on page 59, line 21, of the Lieberman Amendment No. 4471, a new section (c) entitled ''HOMELAND SECURITY ASSESSMENT CENTER.'' After inserting the title, insert attached text with designated edits (revising sections, subsections, paragraphs and subparagraphs accordingly).

(c) HOMELAND SECURITY ASSESSMENT.—

(1) ESTABLISHMENT.—There is established in the Department the Homeland Security Assessment Center.

(2) HEAD.—The Under Secretary of Homeland Security for Intelligence shall be the head of the Center.

(3) RESPONSIBILITIES.—The responsibilities of the Center shall be as follows:

(A) To assist the Directorate of Intelligence in discharging the responsibilities under subsection (b) of this section.

(B) To provide intelligence and information analysis and support to other elements of the Department.

(C) To perform such other duties as the Secretary shall provide.

(4) STAFF.—

(A) IN GENERAL.—The Secretary shall provide the Center with a staff of analysts having appropriate expertise and experience to assist the Center in discharging the responsibilities under this section.

(B) PRIVATE SECTOR ANALYSTS.—Analysts under this subsection may include analysts from the private sector.

(C) SECURITY CLEARANCES.—Analysts under this subsection shall possess security clearances appropriate for their work under this section.

(5) COOPERATION WITHIN DEPARTMENT.—The Secretary shall ensure that the Center cooperates closely with other officials of the Department having responsibility for infrastructure protection in order to provide the Secretary with a complete and comprehensive understanding of threats to homeland security and the actual or potential vulnerabilities of the United States in light of such threats.

(6) SUPPORT.—

(A) IN GENERAL.—The following elements of the Federal government shall provide personnel and resource support to the Center:

(i) Other elements of the Department designated by the Secretary for that purpose.

(ii) The Federal Bureau of Investigation.

(iii) Other elements of the intelligence community, as that term is defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

(iv) Such other elements of the Federal Government as the President considers appropriate.

(B) MEMORANDA OF UNDERSTANDING.—The Secretary may enter into one or more memoranda of understanding with the head of an element referred to in paragraph (1) regarding the provision of support to the Center under that paragraph.

(7) DETAIL OF PERSONNEL.—

(A) IN GENERAL.—In order to assist the Center in discharging the responsibilities under subsection (c), personnel of the agencies referred to in paragraph (2) may be detailed to the Department for the performance of analytic functions and related duties.

(B) COVERED AGENCIES.—The agencies referred to in this paragraph are as follows:

(i) The Department of State.

(ii) The Central Intelligence Agency.

(iii) The Federal Bureau of Investigation.

(iv) The National Security Agency.

(v) The National Imagery and Mapping Agency.

(6) The Defense Intelligence Agency.

(7) Other elements of the intelligence community, as defined in this section.

(8) Any other agency of the Federal Government that the Secretary considers appropriate.

(C) COOPERATIVE AGREEMENTS.—Personnel shall be detailed under this subsection pursuant to cooperative agreement entered into for that purpose by the Secretary and the head of the agency concerned.

(D) BASIS.—The detail of personnel under this subsection may be on a reimbursable or non-reimbursable basis.

(8) STUDY OF PLACEMENT WITHIN INTELLIGENCE COMMUNITY.—Not later than 90 days after the effective date of this Act, the President shall submit to the Committee on Governmental Affairs and the Select Committee on Intelligence of the Senate and the Committee on Government Reform and the Permanent Select Committee on Intelligence of the House of Representatives a report assessing the advisability of the following:

(A) Placing the elements of the Center concerned with the analysis of foreign intelligence information within the intelligence community under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

(B) Placing such elements within the National Foreign Intelligence Program for budgetary purposes.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Mr. President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of last year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred September 14, 2001 in Alexandria, VA. A truck driver of Afghani descent was attacked in a parking lot just days after the terrorist attacks of September 11. The assailant, Michael Wayne Johnson, 49, pulled alongside the victim, asked if he was from Afghanistan, then jumped out of his truck and punched the victim. During the attack Mr. Johnson yelled ''I'm going to kill you!''

I believe that Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

THE NEED FOR BROADBAND DEPLOYMENT IN RURAL AMERICA

Mr. JOHNSON. Mr. President, as I have on many occasions, I want to speak to the very important issue of broadband deployment, especially in rural States like my home State of South Dakota. I want to ensure new technology is utilized in ways that will help link rural communities to new and exciting opportunities available via the Internet. New technology will be critical to bringing new jobs, educational opportunities, and health care to South Dakota communities.

As the Senate considers the various proposals on how best to encourage the deployment of broadband, I want to make absolutely certain that any legislation we pass takes into account the extraordinary challenges we face in rural America to deploy advanced telecommunications services at an affordable cost to consumers. On this point, I must acknowledge and comment on the terrific effort put forth by so many of our rural independent and cooperative telecommunications providers in South Dakota. These companies have taken very seriously their commitment to serving rural communities, and now it's our turn in Congress to do our part towards this effort.

Not only will broadband deployment assist rural communities in developing new opportunities, I believe increased broadband deployment will help jumpstart our lagging economy. A recent study by an economist with the Brookings Institution concluded that adding more broadband connections could boost the economy by $500 billion per year. To support this finding, computer and technology companies like

Microsoft, Cisco, Hewlett Packard, Dell, Intel, Corning, Motorola, and NCR have weighed in, saying it is critically important for the United States to adopt a national broadband policy that encourages investment in new broadband infrastructure, applications, and services.

Broadband deployment should be a national priority in the 21st century. In order to be competitive, educate our workforce, and increase productivity, the United States must have universal broadband. Millions of Americans in rural areas and inner cities are impeded in accessing the full range of services available from the Internet because they do not have access to broadband service. We should strive to connect all Americans to the Internet through broadband technology. I will work with my colleagues to find a way to accomplish this goal in a fair manner that supports broadband deployment throughout all of our Nation.

ADDITIONAL STATEMENTS

HISPANIC HERITAGE MONTH

• Mr. SARBANES. Mr. President, every year the Congress designates the September 15—October 15 period as Hispanic Heritage Month, but even as we do so we know that the contributions Hispanic Americans make to our national life are much greater than the modest tribute we pay them. Of all the varied cultures and traditions that are woven together into the distinctive fabric of American life, Hispanic Americans have some of the most distinctive, vigorous, and sustained culture and traditions.

In recent years the Hispanic American population in the United States has grown very rapidly. According to the 2000 census it stands at 35 million, which represents an increase of 58 percent in the previous decade alone. Projections show that by mid-century Hispanic Americans will make up 24 percent of the population; put another way, just about one in every four Americans will be of Hispanic-American origin. We have see this trend very clearly in my own State of Maryland, where the Hispanic American population has grown more than 82 percent since 1990, and now makes up more than 4 percent of the population statewide. But numbers and percentages, while impressive, only hint at the vigor and the variety of the Hispanic contribution to Maryland's culture and economy.

Just as the U.S. population is diverse, so is the Hispanic American community itself. There have long been established Puerto Rican and Dominican communities in New York City, Central American communities in the Washington metropolitan area, Cuban Americans in Florida, Mexican Americans in California and the Southwest; but Hispanics from many different countries now live in cities and towns and villages in every corner of the Nation, and they bring to the communities in which they settle the rich cultures of the nations from which they have come. They are moving forward to take their place in community and political institutions at every level. They are changing the face of America, and changing the way we see America. As Hispanic Americans participate increasingly in every aspect of our national life grows, they bring a new dimension to ethnic diversity; with their presence they challenge the old, corrosive assumptions that divided the world into black and white.

We must see to it that Hispanic Americans, like all others Americans, have access to all the opportunities that make our society stronger, opportunities for education, employment, health care and housing. We must also see that language barriers do not create unnecessary and unproductive impediments to participation. Sensitivity to cultural differences is important in our schools and clinics, our financial institutions, government offices and courts; appropriate bilingual materials can often solve problems of communication. Hispanic Americans have given much to our national life, and with adequate opportunities they will give much more.

Succeeding generations of immigrants have come to this country in search of a better life. They have worked hard, often against the most difficult odds, to make a place for themselves and their families, and to realize fully the promise this Nation offers. Diversity has always been the hallmark of the Republic; the attacks of September 11 a year ago have brought home to us, perhaps more so than ever in the past, that in the diversity of our people lies one of our greatest strengths. Hispanic Americans are now helping to write an important new chapter in our history, and I am pleased and proud to offer this tribute to Hispanic Heritage Month, which recognized and celebrates their accomplishments.•

HONORING FRED ABRAHAM

• Mr. DEWINE. Mr. President, I rise today to congratulate and honor an outstanding Ohioan, Fred Abraham, on his upcoming retirement. Fred is retiring from Ducks Unlimited, DU, where he has become widely recognized as the expert on wetlands restoration and protection. During his time at Ducks Unlimited, he has been an incredibly valuable resource to my staff and to me. We have relied on him for accurate information and clear advice on countless occasions.

Fred has dedicated more than three decades of his life to the preservation and restoration of wetlands. Through his work at Ducks Unlimited, Fred has advocated on behalf of wetlands across the country, working on projects in Ohio, Indiana, Michigan and California. Today, thanks to Fred's tireless efforts, America's wetlands are in great shape and have ample resources.

Fred was born in Canton, OH, and served time in the Air Force during the Korean War. He then returned to Ohio, where he worked in the steel mills and began a career marketing baked goods. His passion for conservation grew as he started organizing sportsmen's clubs throughout Ohio to voice their concerns on wildlife and conservation issues. Fred was one of the early advocates of fostering industrial responsibility as acid-mine runoff and other pollutants threatened wildlife and their habitat.

He developed such a talent for conservation advocacy that he was recruited by the Ohio Division of Wildlife and took a position as a District Supervisor. While there, he helped resolve many of the challenging habitat and conservation issues facing Ohio in the 1970s and 1980s, and solidified his status as a leader on wetland and wildlife issues.

Fred then went on to work for one of the most influential conservation organizations in the country, Ducks Unlimited. At DU, he built strong coalitions and made countless friends, advocating on behalf of sportsmen at the national level. After 16 years at DU, where he engaged in fundraising and grassroots advocacy, Fred came to Washington as DU's Director of Conservation Policy.

Fred was the force behind some of the most important conservation legislation that has been signed into law. His accomplishments on behalf of the North American Wetlands Conservation Act, the Wetlands Reserve Program, and the National Wildlife Refuge System Improvement Act have had a profound effect on wetlands, waterfowl, and wildlife across the country. Under his leadership and advocacy, the North American Wetlands Conservation Fund has increased dramatically, rising to $43,500,000 in 2002.

I first met Fred several years ago on a trip to the Ottawa National Wildlife Refuge and Metzger March in Northwest Ohio. I immediately could sense his passion for wetlands and his motivation to preserve these areas for us now and for generations in the future. There is no question that Fred Abraham is ''the Man'' when it comes to wetlands. Both in Washington and around the country, he is widely recognized as the foremost advocate on wetland restoration.

Everyone who has had the opportunity to work with Fred is proud to call him a friend. We admire his energy, enthusiasm, and commitment to the conservation cause. I am sure that he will spend his retirement enjoying some of the wetlands areas he has helped preserve, and I am confident that we will still hear his voice on many conservation issues. I ask my colleagues in the Senate to join me in congratulating Fred Abraham on his retirement and wish him the best of luck in the future.•

A TRIBUTE TO MR. RALPH PAIGE

• Mr. MILLER. Mr. President, it is a pleasure for me to recognize Ralph Paige, executive director of the Southern Federation of Cooperatives/Land Assistance Fund, or LAF, as the recipient for the National Cooperative Month Economic Freedom Award.

For the past 14 years, under Mr. Paige's direction, the Federation/LAF has aided the underserved communities in the great State of Georgia, and the rural South, by creating credit unions, farmer-owned cooperatives, and new sources of affordable housing for low-income people. He has also been a leading advocate for fair treatment and land retention for African-Americans and other minority farmers. The Federation/LAF has created more than 70 cooperative member groups with a membership of more than 20,000 families across 10 Southern States, 200 units of affordable housing, and 19 credit unions with more than 10,000 members.

Under Mr. Paige's leadership, the Federation/LAF has been a frontrunner in not just developing new rural businesses and cooperatives but also provides the training and resources necessary so that they may continue to thrive. The Federation/LAF continues to also advance forestry cooperatives, providing special landowner training programs to advance their development.

Mr. Paige has given selflessly of his time to promote and enhance cooperative business. He serves on the boards of the National Cooperative Business Association, Nationwide Insurance, and the Cooperative Development Foundation. He has served as an appointee to several USDA advisory committees, including the 21st Century Production Agriculture Commission, the Agriculture Policy Advisory Committee for Trade, and the National Agricultural Research, Extension, Education and Economics Advisory Board.

Mr. Paige is a past member of the boards for the Georgia Advisory Board on Small and Minority Business, Cooperative Business International, and Cooperative Works, which is a national network of cooperative development centers.

His achievements have been noted by national and international organizations. The Congressional Black Caucus recognized Mr. Paige's contributions to rural communities with the 2001 George Collins Rural Agriculture Advocacy Award. He is also an entrant into the George Washington Carver Public Service Hall of Fame, and has received the Georgia Distinguished Cooperator Award from the Georgia Cooperative Council. Under Mr. Paige's direction, the Federation/LAF received the Humanitarian Award from the Martin Luther King, Jr. Center for Non-violent Social Change and an award from the United Nations for ''significant contributions of adequate shelter to the poorer segments of the community.''

Ralph Paige epitomizes cooperation. Since 1967, the Federation/LAF has worked on behalf of some of the most disadvantaged citizens of our Nation to enable them to do two of the things most basic to economic freedom: own land and operate businesses. For these reasons, it is my honor to recognize Ralph for his work to advance cooperatives and serve disadvantaged communities. I congratulate you on receiving the 2002 Cooperative Month Economic Freedom Award.•

IN MEMORY OF HOLLY J. RICHARDSON

• Mr. HOLLINGS. Mr. President, this week my colleague, the senior Senator from South Carolina, had a great loss on his staff with the passing of Mrs. Holly J. Richardson, after a battle with cancer. She was Senator THURMOND's executive assistant and personal secretary, having worked for him for half of his career in this body.

But Holly also was a part of the entire Senate family from South Carolina, being as kind and accommodating to my office in the many dealings that we have together as she was to Senator THURMOND. She was the most efficient, conscientious person you'll ever want to meet, always doing her job with the gracious attitude of the fine southern lady she was. We will miss her.

We extend our deepest sympathies to her husband, Phil, and to her children, Anne and Emmett.•

TRIBUTE TO ANNIE REINHARDT LORITTS

• Mr. SESSIONS. Mr. President, today I pay tribute to an outstanding citizen of the great State of Alabama, Mrs. Annie Loritts. Mrs. Loritts will celebrate her 100th birthday on December 15, 2002.

Over the past 100 years Mrs. Loritts has displayed a dedication to her family, her friends, her students, and her community. As a young woman in Lincolnton, North Carolina, in the 1920's, she pursued a teaching certificate from the Livingstone Normal Teachers School and taught under the supervision of her father, for a year. She then married Emory Loritts and went on to become very active in her community. Mrs. Loritts was involved with the Arts Council of Lincoln County, the Lincoln County Library, and the Seniors Center. However, Mrs. Loritts still had a desire to work with the young people of Lincoln County and returned to college to earn her Bachelor of Science and Masters of Science. She went on to teach in Lincoln County Schools for the next fifty years and was instrumental in shaping the minds and lives of thousands of American citizens.

Mrs. Loritts, who now resides in Huntsville, AL, is an example of the dedicated professionals that teach our young people every day. Her commitment to improving the lives of children and producing solid citizens should serve as an example to each of us. I applaud her tireless efforts on the behalf of others and would like to take this opportunity to thank her for all that she has contributed to her community and the impact she has made on the lives of others.

I ask my colleagues to join me today in recognizing Mrs. Annie Loritts for her outstanding achievements and in wishing her a happy upcoming birthday.•

TRIBUTE TO TECHNICAL SERGEANT CAESAR KELLUM

• Mr. SESSIONS. Mr. President, it has come to my attention that Technical Sergeant Caesar Kellum has been recognized as one of 12 Outstanding Airmen of the Year by the United States Air Force. Technical Sergeant Kellum is the noncommissioned officer in charge of the Airspace Division, Southeast Air Defense Sector, SEADS, Florida Air National Guard FLANG, Tyndall AFB, FL.

Caesar has excelled as a member of the United States Air Force. For example, he maintained a 100 percent academic average on all written evaluations; unprecedented in his unit's history. Out of 36 weapons directors, he is the only one to earn an ''exceptionally qualified'' rating on back-to-back evaluations. Additionally, he is a key member of an evaluation team to assess operations control center's readiness to help detect and identify 800,000 aircraft annually.

In addition to his excellent work with the U.S. Air Force, TSgt Kellum has exhibited a great deal of involvement within the local community. He orchestrated the sector's participation in the American Cancer Society's Annual Relay for Life event and served as team captain for the Millennium Cure Walkers. He raised $5,061,56 for the American Cancer Society, exceeding the goal by 237 percent. As a result of his performance, he was awarded the highly coveted ''Team Spirit'' award, which is extended to the team with the best overall effort and attitude.

Caesar Kellum was raised in Athens, AL and, after graduating from West Limestone High School in Salem, AL, enlisted in the United States Air Force in August of 1990. Since arriving at Tyndall AFB, FL, Technical Sergeant Kellum has completed all the requirements and received his associate of science degree in Instructor of Technology from the Community College of the Air Force. Currently, he is in his junior year at the American Military University working on a bachelor of science degree in Management.

SGT Kellum's military decorations include the Air Force Commendation Medal with two oak leaf clusters, Air Force Achievement Medal, Combat Readiness Medal, Air Force Outstanding Unit Award, Organizational Excellence Award, Humanitarian Service Medal, National Defense Ribbon, Good Conduct Medal, and the Air Force Professional Military Education Graduate Ribbon.

TSgt Caesar Kellum deserves the thanks and praise of the nation that he continues to faithfully serve. I know the Members of the Senate will join me in wishing him and his wife Tiffiney Ann, also in the USAF, all the best in the years ahead. Well done, TSgt Kellum. You have made Alabama and America Proud.

I had the pleasure recently to visit with Caesar and Tiffney. They are the very model of a couple that have given their lives to excellence in public service. I was inspired just talking to them.●

50TH ANNIVERSARY OF DANIEL J. EDELMAN, INC.

● Mr. DURBIN. Mr. President, I am pleased today to congratulate Daniel J. Edelman, Inc., as it commemorates its 50th anniversary. Public relations firms look to Edelman as a company to follow, and I commend their work.

Since its founding in Chicago in 1952 by Daniel J. Edelman, the agency that bears his name has consistently been identified for its leadership in public relations. Edelman has received several awards, including the Golden World Award from the International Public Relations Association and the Sword of Excellence Award from the Institute of Public Relations in London.

Mr. Edelman is widely regarded in public relations circles as a leader and innovator in the development of public relations practices, standards and ethics in the United States and internationally. He has generously given his time to the Public Relations Society of America and to students seeking public relations careers. Mr. Edelman believes that public relations should be practiced in a professional manner with commitment to the highest standards. Edelman Public Relations has contributed significant time to local, national and international philanthropic causes and organizations.

I know my fellow Senators will join me in congratulating Edelman on its 50th Anniversary. I applaud this company for its dedication and extend my best wishes for the future.●

CONGRATULATIONS TO WKDZ RADIO

● Mr. BUNNING. Mr. President, I rise today to congratulate and honor the men and women at WKDZ FM radio in Cadiz, KY on winning the most prestigious nationwide award broadcasting has to offer. WKDZ was recently awarded a Marconi Radio Award by the National Association of Broadcasters, recognizing it as the ''Small Market Station of the Year.'' WKDZ is the only Kentucky station to ever receive a Marconi Award as Small Market Station of the Year.

WKDZ did not win this award based solely on their ability to play good music or put interesting personalities on the air. Criteria used by the Marconi judges included ratings, community awards and recognition, events sponsored by the station, continuing community service broadcasts, and staff involvement in the community.

Over the years, WKDZ has raised thousands upon thousands of dollars for the community. The station raised more than $150,000 during the Relay for Life, $82,000 on the Rotary Radio Auction, surpassing their goal of $75,000 and helped gather 4,000 cans for the community Thanksgiving Food Bank. WKDZ has furthermore sponsored such local events as the Community Easter Egg Hunt, Halloween Safety Night and the Trigg County Country Ham Festival.

WKDZ is a shining example of how a private-owned business can on one hand be a profitable contributor to the local economy and on the other be an active and influential participant in the community. I applaud WKDZ's efforts and congratulate them on this noteworthy honor.●

IN RECOGNITION OF MARYGROVE COLLEGE'S 75TH ANNIVERSARY

● Mr. LEVIN. Mr. President, I would like to extend my congratulations to Marygrove College in Detroit on the celebration of its 75th anniversary.

For the last three-quarters of a century, Marygrove College has offered a strong liberal arts education to students from a wide-variety of backgrounds. Marygrove was originally founded in 1846 as St. Mary Academy in Monroe, MI, by the Sister, Servants of the Immaculate Heart of Mary. The school was originally designed to teach young women and girls. The gates of Marygrove College opened in September 1927 to welcome 287 students through its doors. Today, 6,000 students crisscross its metropolitan Detroit campus to take advantage of a quality and diverse education.

The college offers associate's, bachelor's, and master's degrees in 54 areas of study. The courses range from arts, music, and social work to radiology and science. Taking into account the fact that the average undergraduate student is 33 years old and the average graduate student is 36, Marygrove offers a special opportunity for students to advance their education within a schedule built around their established lives. Without an educational opportunity like Marygrove's, many people might choose not to pursue their education because they believe they are too busy or too entrenched in their ''normal'' lives.

Marygrove's importance to Detroit is enhanced by its contributions to the arts community. The school enriches Detroit's cultural scene through its extensive art, dance, and music programs. The school regularly sponsors exhibits in its beautiful art gallery as well as frequent recitals and concerts for the public. Two years ago, Marygrove became the home of Detroit's 80-year-old Institute of Music and Dance.

Along with the celebrations for its 75-year anniversary, Marygrove will open its newly-renovated 400-seat theater in November. In addition to a more dancer-friendly surface, the theater will contain a new multipurpose room for rehearsals and dance classes. The facility will have new acoustical systems, new house and theatrical lighting, better dressing room facilities, and better lines of sight from the balcony seats. The reopening of this theater, once used by the native Michigander, Madonna, will provide a new chance for developing and pursuing performing arts opportunities in Detroit.

I am sure that my Senate colleagues join me in congratulating the staff, teachers, and students of Marygrove College on its 75 years of educational accomplishments. Best of luck to Marygrove on the next 75.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the PRESIDING OFFICER laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the Committee on Armed Services.

(The nominations received today are printed at the end of the Senate proceedings.)

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 3018. A bill to amend title XVIII of the Social Security Act.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–9137. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Triticonazole; Pesticide Tolerance'' (FRL7200–6) received on September 25, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–9138. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Sucrose Octanoate Esters; Exemption from the Requirement of a Tolerance'' (FRL7199–1) received on September 25, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–9139. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Spinosad; Pesticide Tolerance''

(FRL7199–5) received on September 25, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–9140. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Pyraclostrobin; Pesticide Tolerance'' (FRL7200–7) received on September 25, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–9141. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Pseudozyma Flocculosa Strain PF–A22 UL; Exemption from the Requirement of a Tolerance'' (FRL7198–8) received on September 25, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–9142. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Lambda-cyhalothrin; Pesticide Tolerance'' (FRL7200–1) received on September 25, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–9143. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Glyphosate; Pesticide Tolerances'' (FRL7200–2) received on September 25, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–9144. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Fenamidone; Pesticide Tolerance'' (FRL7196–8) received on September 25, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–9145. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Dimethomorph; Pesticide Tolerance'' (FRL7199–2) received on September 25, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–9146. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Clopyralid; Pesticide Tolerance'' (FRL7198–4) received on September 25, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–9147. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Cyfluthrin; Pesticide Tolerance'' (FRL7199–8) received on September 25, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–9148. A communication from the Army Federal Register Liaison Officer, Office of the Assistant Secretary for Installations and Environment, transmitting, pursuant to law, the report of a rule entitled ''Environmental Analysis of Army Actions'' (RINA702–AA34) received on September 23, 2002; to the Committee on Armed Services.

EC–9149. A communication from the Under Secretary of Defense, Personnel and Readiness, transmitting, the report of a retirement; to the Committee on Armed Services.

EC–9150. A communication from the Under Secretary of Defense, Personnel and Readiness, transmitting, pursuant to law, a report on family subsistence supplement allowance for the period May 1, 2001 through February 1, 2002; to the Committee on Armed Services.

EC–9151. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Economic Exclusive Zone Off Alaska; Closure for the Shallow-Water Species Fishery by Vessels Using Trawl Gear in the Gulf of Alaska'' received on September 23, 2002; to the Committee on Commerce, Science, and Transportation.

EC–9152. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Closure of Pollock Fishery in Statistical Area 630 in Gulf of Alaska'' received on September 23, 2002; to the Committee on Commerce, Science, and Transportation.

EC–9153. A communication from the Senior Regulations Analyst, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Procedures for Compensation of Air Carriers'' ((RIN2105–AD06)(2002–0002)) received on September 25, 2002; to the Committee on Commerce, Science, and Transportation.

EC–9154. A communication from the Secretary of Transportation, transmitting, pursuant to law, the annual report of the Maritime Administration (MARAD) for Fiscal Year 2001; to the Committee on Commerce, Science, and Transportation.

EC–9155. A communication from the Supervisory Personnel Management Specialist, Department of the Army, transmitting, pursuant to law, the report of a vacancy and the designation of acting officer for the position of Assistant Secretary of the Army, Civil Works, received on August 15, 2002; to the Committee on Environment and Public Works.

EC–9156. A communication from the Supervisory Personnel Management Specialist, Department of the Army, transmitting, pursuant to law, the report of the designation of acting officer for the position of Assistant Secretary of the Army, Civil Works, received on August 15, 2002; to the Committee on Environment and Public Works.

EC–9157. A communication from the Supervisory Personnel Management Specialist, Department of the Army, transmitting, pursuant to law, the report of the discontinuation of service in acting role for the position of Assistant Secretary of the Army, Civil Works, received on August 15, 2002; to the Committee on Environment and Public Works.

EC–9158. A communication from the Director, Office of Congressional Affairs, Office of Nuclear Reactor Regulation, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Industry Codes and Standards; Amended Requirements'' (RIN3150–AG61) received on September 25, 2002; to the Committee on Environment and Public Works.

EC–9159. A communication from the General Counsel, United States Access Board, transmitting, pursuant to law, the report of a rule entitled ''Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities; Recreation Facilities'' (RIN3014–AA16) received on September 20, 2002; to the Committee on Environment and Public Works.

EC–9160. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, a report entitled ''Solicitation of Applications for Lead-Based Paint Program Grants; Notice of Availability of Funds''; to the Committee on Environment and Public Works.

EC–9161. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Amendment to the Effluent Limitations Guidelines and Standards for the Bleached Papergrade Kraft and Soda Subcategory of the Pulp, Paper, and Paperboard Point Source Category: Final Rules; OMB Approvals Under the Paperwork Reduction Act: Technical Amendment'' (FRL7379–4) received on September 17, 2002; to the Committee on Environment and Public Works.

EC–9162. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Guidelines Establishing Test Procedures for the Analysis of Pollutants under the Clean Water Act; National Primary Drinking Water Regulations; and National Secondary Drinking Water Regulations; Methods Update'' (FRL7379–6) received on September 17, 2002; to the Committee on Environment and Public Works.

EC–9163. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Revision to the Arizona State Implementation Plan, Arizona Department of Environmental Quality'' (FRL7380–9) received on September 17, 2002; to the Committee on Environment and Public Works.

EC–9164. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality State Implementation Plans; Louisiana: Motor Vehicle Inspection and Maintenance Program'' (FRL7382–7) received on September 25, 2002; to the Committee on Environment and Public Works.

EC–9165. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; (SIP); Louisiana: Substitute Contingency Measures'' (FRL7382–6) received on September 25, 2002; to the Committee on Environment and Public Works.

EC–9166. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans for Kentucky; Vehicle Emissions Control Programs'' (FRL7381–2) received on September 25, 2002; to the Committee on Environment and Public Works.

EC–9167. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; Louisiana; Control of Emissions of Nitrogen Oxides in the Baton Rouge Ozone Nonattainment Area'' (FRL7384–5) received on September 25, 2002; to the Committee on Environment and Public Works.

EC–9168. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation; Georgia Transportation Conformity State Implementation Plan Memorandum of Agreement for the Atlanta Metropolitan Area'' () received on September 25, 2002; to the Committee on Environment and Public Works.

EC–9169. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval of Revisions to the Louisiana Department of Environmental Quality

Title 33 Environmental Quality Part III; Air Chapter 5, Permit Procedures, 504; Nonattainment New Source Review Procedures'' (FRL7384–7) received on September 25, 2002; to the Committee on Environment and Public Works.

EC–9170. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval of Section 112(1) Authority for Hazardous Air Pollutants; Delegation of Section 111 and Section 112 Standards; State of New Hampshire'' (FRL7378–4) received on September 25, 2002; to the Committee on Environment and Public Works.

EC–9171. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Correction of Implementation Plans; California'' (FRL7376–2) received on September 25, 2002; to the Committee on Environment and Public Works.

EC–9172. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Hawaii; Final Approval of State Underground Storage Tank Program'' (FRL7381–6) received on September 25, 2002; to the Committee on Environment and Public Works.

EC–9173. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''National Emission Standards for Hazardous Air Pollutants for Secondary Aluminum Production'' (FRL7382–4) received on September 25, 2002; to the Committee on Environment and Public Works.

EC–9174. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''OMB Approvals under the Paperwork Reduction Act; Technical Amendment'' (FRL7381–4) received on September 25, 2002; to the Committee on Environment and Public Works.

EC–9175. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Revocation of Significant New Uses of Certain Chemical Substances'' (FRL7186–9) received on September 25, 2002; to the Committee on Environment and Public Works.

EC–9176. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality State Implementation Plans (SIP); Louisiana; Emissions Reduction Credits Banking in Nonattainment Areas'' (FRL7384–6) received on September 25, 2002; to the Committee on Environment and Public Works.

EC–9177. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, a report entitled ''Oil Pollution Act (OPA) Removal Project Plan''; to the Committee on Environment and Public Works.

EC–9178. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Control of Emissions from Nonroad Large Spark-ignition Engines, and Recreational Engines (Marine and Land-based)'' (FRL7380–2) received on September 17, 2002; to the Committee on Environment and Public Works.

EC–9179. A communication from the Secretary of Commerce, transmitting, pursuant to law, the fourth annual report addressing the challenges of international bribery and fair competition for 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC–9180. A communication from the Director, Financial Crimes Enforcement Network, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Amendment to the Bank Secrecy Act Regulations—Requirement that Casinos and Card Clubs Report Suspicious Transactions'' (RIN1506–AA22) received on September 19, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC–9181. A communication from the Director, Financial Crimes Enforcement Network, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Amendments to the Bank Secrecy Act—Joint Rule on (1) Prohibition on United States Correspondent Accounts with Foreign Shell Banks and (2) Recordkeeping Requirements and Termination of Correspondent Accounts for Foreign Banks'' (RIN1505–AA87) received on September 19, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC–9182. A communication from the Director, Financial Crimes Enforcement Network, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Special Information Sharing Procedures to Deter Money Laundering and Terrorist Activity'' (RIN1506–AA27) received on September 19, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC–9183. A communication from the Assistant General Counsel for Regulatory Law, Office of Environment, Safety and Health, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''Guidelines for Physician Panel Determinations on Worker Request for Assistance in Filing for State Workers' Compensation Benefits'' (RIN1901–AA90) received on August 27, 2002; to the Committee on Energy and Natural Resources.

EC–9184. A communication from the Acting Director of Human Resources Management, Department of Energy, transmitting, pursuant to law, the report of a vacancy and a nomination for the position of Deputy Secretary, Office of the Secretary of Energy, received on September 10, 2002; to the Committee on Energy and Natural Resources.

EC–9185. A communication from the Acting Director of Human Resources Management, Department of Energy, transmitting, pursuant to law, the report of a nomination and a nomination confirmed for the position of Director, Office of Economic Impact and Diversity, received on September 10, 2002; to the Committee on Energy and Natural Resources.

EC–9186. A communication from the Acting Director of Human Resources Management, Department of Energy, transmitting, pursuant to law, the report of a nomination and a nomination confirmed for the position of Assistant Secretary for Environment, Safety and Health, received on September 10, 2002; to the Committee on Energy and Natural Resources.

EC–9187. A communication from the Acting Director of Human Resources Management, Department of Energy, transmitting, pursuant to law, the report of a nomination and a nomination confirmed for the position of Administrator, Energy Information Administration, received on September 10, 2002; to the Committee on Energy and Natural Resources.

EC–9188. A communication from the Acting Director of Human Resources Management, Department of Energy, transmitting, pursuant to law, the report of a nomination and a nomination confirmed for the position of Director, Office of Science, received on September 10, 2002; to the Committee on Energy and Natural Resources.

EC–9189. A communication from the Acting Director of Human Resources Management, Department of Energy, transmitting, pursuant to law, the report of a nomination and a nomination confirmed for the position of Assistant Secretary for Fossil Energy, received on September 10, 2002; to the Committee on Energy and Natural Resources.

EC–9190. A communication from the Acting Director of Human Resources Management, Department of Energy, transmitting, pursuant to law, the report of a nomination and a nomination confirmed for the position of Assistant Secretary for International Affairs, received on September 10, 2002; to the Committee on Energy and Natural Resources.

EC–9191. A communication from the Acting Director of Human Resources Management, Department of Energy, transmitting, pursuant to law, the report of a nomination and a nomination confirmed for the position of Deputy Administrator for Defense Programs, received on September 10, 2002; to the Committee on Energy and Natural Resources.

EC–9192. A communication from the Acting Director of Human Resources Management, Department of Energy, transmitting, pursuant to law, the report of a vacancy and the designation of acting officer for the position of Under Secretary for Nuclear Security, received on September 10, 2002; to the Committee on Armed Services.

EC–9193. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Applicable Federal Rates—December 2001'' (Rev. Rul. 2001–58) received on September 23, 2002; to the Committee on Finance.

EC–9194. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Bureau of Labor Statistics Price Indexes for Department Stores—September 2001'' (Rev. Rul. 2001–54) received on September 23, 2002; to the Committee on Finance.

EC–9195. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Applicable Federal Rates—October 2002'' (Rev. Rul. 2002–61) received on September 23, 2002; to the Committee on Finance.

EC–9196. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Standard Mileage Rates—2003'' (Rev. Proc. 2002–61) received on September 21, 2002; to the Committee on Finance.

EC–9197. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Obligations of State and Political Subdivisions'' (RIN1545–AY71) received on September 20, 2002; to the Committee on Finance.

EC–9198. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Section 45D and Other Federal Tax Benefits'' (Notice 2002–64) received on September 20, 2002; to the Committee on Finance.

EC–9199. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Fringe Benefits Aircraft Valuation Formula'' (Rev. Rul. 2002–56) received on

September 17, 2002; to the Committee on Finance.

EC–9200. A communication from the Commissioner of Social Security, transmitting, pursuant to law, the Annual Report of Continuing Disability Reviews for Fiscal Year 2001; to the Committee on Finance.

EC–9201. A communication from the Chief of the Regulations Branch, Customs Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Extension of Import Restrictions Imposed on Archaeological Material From Mali'' (RIN1515–AD16) received on September 17, 2002; to the Committee on Finance.

EC–9202. A communication from the Executive Resources Coordinator, Department of the Treasury, transmitting, pursuant to law, the report of a nomination for the position of Assistant Secretary, Tax Policy, received on September 23, 2002; to the Committee on Finance.

EC–9203. A communication from the Executive Resources Coordinator, Department of the Treasury, transmitting, pursuant to law, the report of a vacancy for the position of Member, IRS Oversight Board, received on September 23, 2002; to the Committee on Finance.

EC–9204. A communication from the Executive Resources Coordinator, Department of the Treasury, transmitting, pursuant to law, the report of a vacancy, the designation of acting officer, and a nomination for the position of Assistant Secretary, Financial Institutions, received on September 23, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC–9205. A communication from the Investment Manager, Treasury Division, Army and Air Force Exchange Service, transmitting, pursuant to law, the Retirement Annuity Plan for Employees of the Army and Air Force Exchange Service, the Supplemental Deferred Compensation Plan for Members of the Executive Management Program of the Army and Air Force Exchange Service, and the Retirement Savings Plan and Trust for Employees of the Army and Air Force Exchange Service dated 2002; to the Committee on Governmental Affairs.

EC–9206. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed manufacturing license agreement with the United Kingdom; to the Committee on Foreign Relations.

EC–9207. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, the report of the texts and background statements of international agreements, other than treaties; to the Committee on Foreign Relations.

EC–9208. A communication from the Acting General Counsel, National Endowment for the Arts, transmitting, pursuant to law, the report of the discontinuation of service in acting role for the position of Chairman, received on September 3, 2002; to the Committee on Health, Education, Labor, and Pensions.

EC–9209. A communication from the Chief Financial Officer, Department of Education, transmitting, pursuant to law, the Annual Report on Grants Streamlining for the period beginning May 2001 through May 2002; to the Committee on Health, Education, Labor, and Pensions.

EC–9210. A communication from the Director of Communications and Legislative Affairs, Equal Employment Opportunity Commission, transmitting, pursuant to law, the Annual Report on the Federal Work Force for Fiscal Year 2001; to the Committee on Health, Education, Labor, and Pensions.

EC–9211. A communication from the Regulations Coordinator, Indian Health Service, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Indian Child Protection and Family Violence Prevention Act Minimum Standards of Character'' (RIN0917–AA02) received on September 23, 2002; to the Committee on Indian Affairs.

EC–9212. A communication from the Secretary of Labor, transmitting , pursuant to law, the certification that during calendar year 2001 the Department substantially complied with the requirement in section 212(n)(1) of the INA relating to the Department's certification of employers' LCAs within seven days of their filing; to the Committee on the Judiciary.

EC–9213. A communication from the Program Manager, Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Transfer and Possession of Machineguns'' (ATF Rul. 2002–5) received on September 12, 2002; to the Committee on the Judiciary.

EC–9214. A communication from the Program Manager, Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Indoor Storage of Explosives in Business Premises Directly Adjacent to a Residence or Dwelling'' (ATF Rul. 2002–4) received on September 12, 2002; to the Committee on the Judiciary.

EC–9215. A communication from the Program Manager, Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Indoor Storage of Explosives in a Residence or Dwelling'' (ATF Rul. 2002–3) received on September 12, 2002; to the Committee on the Judiciary.

EC–9216. A communication from the Director of the Regulations and Forms Service Division, Immigration and Naturalization Service, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Requiring Certification of All Service Approved Schools for Enrollment in the Student and Exchange Visitor Information System (SEVIS)'' (RIN115–AG71) received on September 25, 2002; to the Committee on the Judiciary.

EC–9217. A communication from the Staff Director of the Commission on Civil Rights, transmitting, pursuant to law, the list of state advisory committees recently recharted by the Commission; to the Committee on the Judiciary.

EC–9218. A communication from the Chair of the Sentencing Commission, transmitting, pursuant to law, the Commission's Annual Report for Fiscal Year 2001; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. KERRY, from the Committee on Small Business and Entrepreneurship, with amendments:

S. 1994: A bill to establish a priority preference among certain small business concerns for purposes of Federal contracts, and for other purposes. (Rept. No. 107–294).

By Mr. JEFFORDS, from the Committee on Environment and Public Works, with an amendment in the nature of a substitute:

S. 2664: A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to establish a program to provide assistance to enhance the ability of first responders to respond to incidents of terrorism, including incidents involving weapons of mass destruction, and for other purposes. (Rept. No. 107–295).

By Mr. KENNEDY, from the Committee on Health, Education, Labor, and Pensions, with an amendment in the nature of a substitute:

S. 2980: A bill to revise and extend the Birth Defects Prevention Act of 1998.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. LEVIN for the Committee on Armed Services.

Charles S. Abell, of Virginia, to be Deputy Under Secretary of Defense for Personnel and Readiness.

Charles E. Erdmann, of Colorado, to be a Judge of the United States Court of Appeals for the Armed Forces for the term of fifteen years to expire on the date prescribed by law.

By Mr. INHOFE for the Committee on Armed Services.

Thomas Forrest Hall, of Oklahoma, to be an Assistant Secretary of Defense.

By Mr. LEVIN for the Committee on Armed Services.

Air Force nomination of Lt. Gen. Charles F. Wald.

Air Force nomination of Lt. Gen. Thomas B. Goslin, Jr.

Air Force nomination of Brig. Gen. George W. Keefe.

Air Force nomination of Brigadier General Joseph P. Stein.

Army nomination of Lt. Gen. Kevin P. Byrnes.

Army nomination of Lt. Gen. John B. Sylvester.

Army nomination of Lt. Gen. Edward G. Anderson III.

Army nomination beginning Brigadier General Dorian T. Anderson and ending Brigadier General Walter Wojdakowski, which nominations were received by the Senate and appeared in the Congressional Record on June 4, 2002.

Army nominations beginning Brig. Gen. Paul E. Mock and ending Col. Bruce A. Casella, which nominations were received by the Senate and appeared in the Congressional Record on September 18, 2002.

Army nominations beginning Brigadier General Harry B. Burchstead, Jr. and ending Colonel Mark E. Zirkelbach, which nominations were received by the Senate and appeared in the Congressional Record on July 25, 2002.

Army nomination of Col. Clarence M. Agena.

Marine Corps nomination of Gen. James L. Jones, Jr.

Marine Corps nomination of Lt. Gen. Michael W. Hagee.

Marine Corps nomination of Maj. Gen. Michael A. Hough.

By Mr. NELSON for the Committee on Armed Services.

Navy nomination of Adm. James O. Ellis.

By Mr. LEVIN for the Committee on Armed Services.

Navy nomination of Rear Adm. General L. Hoewing.

Mr. LEVIN. Mr. President, for the Committee on Armed Services I report favorably the following nomination lists which were printed in the RECORD on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

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

Army nomination of Maurice L. McDougald.

Army nominations beginning John R. Hinson and ending Joseph M. Scaturo, which nominations were received by the Senate and appeared in the Congressional Record on September 17, 2002.

Army nominations beginning Cathi A. Kiger and ending Timothy R. Warrick which nominations were received by the Senate and appeared in the Congressional Record on September 17, 2002.

Army nominations beginning Jay F. Daley and ending Donna S. Woodby, which nominations were received by the Senate and appeared in the Congressional Record on September 17, 2002.

Army nominations beginning Paul M. Amalfitano and ending James S. Hoggard, which nominations were received by the Senate and appeared in the Congressional Record on September 17, 2002.

Army nomination of Stephen M. Bloomer.

Army nomination of Theodore A. Mickevicius.

Army nomination of Hugo E. Salazar.

Marine Corps nomination of David A. Suggs.

Marine Corps nomination of Chandler P. Seagraves.

Navy nomination of Arthur R. Stiffel IV.

Navy nomination of Jeffrey Ball.

Navy nominations beginning Enein Y H Aboul and ending Kimberly A Zuzelski, which nominations were received by the Senate and appeared in the Congressional Record on September 17, 2002.

Navy nominations beginning Christopher H Berkers and ending Richard L Zimmermann, which nominations were received by the Senate and appeared in the Congressional Record on September 17, 2002.

Navy nominations beginning David R Brown and ending George B Younger, which nominations were received by the Senate and appeared in the Congressional Record on September 17, 2002.

Army nominations beginning Jeffrey W * Abbott and ending X122, which nominations were received by the Senate and appeared in the Congressional Record on September 18, 2002.

Marine Corps nomination of Brent A. Harrison.

Navy nomination of Edward T. Moldenhauer.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BAUCUS (for himself and Mr. GRASSLEY):

S. 3018. A bill to amend title XVIII of the Social Security Act to enhance beneficiary access to quality health care services under the medicare program, and for other purposes; read the first time.

By Mr. MCCAIN:

S. 3019. A bill to authorize the Secretary of the Interior to conduct a special resource study of sites associated with the life of Cesar Estrada Chavez and the farm labor movement; to the Committee on Energy and Natural Resources.

By Mr. ENZI:

S. 3020. A bill to direct the Secretary of Veterans Affairs to establish a national cemetery for veterans in the Cheyenne, Wyoming, metropolitan area; to the Committee on Veterans' Affairs.

By Mr. VOINOVICH (for himself, Mr. DEWINE, Mr. LEVIN, and Ms. STABENOW):

S. 3021. A bill to establish in the State of Ohio a wildlife refuge complex comprised of land designated as national wildlife refuges, and for other purposes; to the Committee on Environment and Public Works.

By Mr. ROBERTS:

S. 3022. A bill to amend the Food Security Act of 1985 to suspend the requirement that rental payments under the conservation reserve program be reduced by reason of harvesting or grazing conducted in response to a drought or other emergency; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. SARBANES (for himself, Mr. WARNER, and Ms. MIKULSKI):

S. 3023. A bill to require the Secretary of Agriculture to establish a program to expand and strengthen cooperative efforts to restore and protect forests in the Chesapeake Bay watershed, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. SARBANES (for himself and Ms. MIKULSKI):

S. 3024. A bill to designate Catoctin Mountain Park in the State of Maryland as the ''Catoctin Mountain National Recreation Area'', and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. SARBANES (for himself, Mr. WARNER, and Ms. MIKULSKI):

S. 3025. A bill to reauthorize and improve the Chesapeake Bay Environmental Restoration and Protection Program; to the Committee on Environment and Public Works.

By Mr. SESSIONS:

S. 3026. A bill to amend chapter 1 of title 9, United States Code, to provide for greater fairness in the arbitration process; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 710

At the request of Mr. KENNEDY, the names of the Senator from New York (Mrs. CLINTON) and the Senator from Delaware (Mr. BIDEN) were added as cosponsors of S. 710, a bill to require coverage for colorectal cancer screenings.

S. 1226

At the request of Mr. CAMPBELL, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 1226, a bill to require the display of the POW/MIA flag at the World War II memorial, the Korean War Veterans Memorial, and the Vietnam Veterans Memorial.

S. 1394

At the request of Mr. ENSIGN, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 1394, a bill to amend title XVIII of the Social Security Act to repeal the medicare outpatient rehabilitation therapy caps.

S. 1655

At the request of Mr. BIDEN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1655, a bill to amend title 18, United States Code, to prohibit certain interstate conduct relating to exotic animals.

S. 1739

At the request of Mr. CLELAND, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 1739, a bill to authorize grants to improve security on over-the-road buses.

S. 2219

At the request of Mr. EDWARDS, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 2219, a bill to provide for compassionate payments with regard to individuals who contracted the human immunodeficiency virus due to provision of a contaminated blood transfusion, and for other purposes.

S. 2480

At the request of Mr. LEAHY, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 2480, a bill to amend title 18, United States Code, to exempt qualified current and former law enforcement officers from state laws prohibiting the carrying of concealed handguns.

S. 2566

At the request of Mr. KENNEDY, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 2566, a bill to improve early learning opportunities and promote school preparedness, and for other purposes.

S. 2613

At the request of Mr. LIEBERMAN, the name of the Senator from Florida (Mr. GRAHAM) was added as a cosponsor of S. 2613, a bill to amend section 507 of the Omnibus Parks and Public Lands Management Act of 1996 to authorize additional appropriations for historically black colleges and universities, to decrease the cost-sharing requirement relating to the additional appropriations, and for other purposes.

S. 2672

At the request of Mr. BINGAMAN, the names of the Senator from New Mexico (Mr. DOMENICI) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. 2672, a bill to provide opportunities for collaborative restoration projects on National Forest System and other public domain lands, and for other purposes.

S. 2821

At the request of Mr. FRIST, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 2821, a bill to establish grants to provide health services for improved nutrition, increased physical activity, obesity prevention, and for other purposes.

S. 2892

At the request of Mr. KENNEDY, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 2892, a bill to provide economic security for America's workers.

S. 2903

At the request of Mr. JOHNSON, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 2903, a bill to amend title 38, United States Code, to provide for a guaranteed adequate level of funding for veterans health care.

S. 2922

At the request of Ms. LANDRIEU, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of

S. 2922, a bill to facilitate the deployment of wireless telecommunications networks in order to further the availability of the Emergency Alert System, and for other purposes.

S. 2949

At the request of Mr. HOLLINGS, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 2949, a bill to provide for enhanced aviation security, and for other purposes.

S. 2965

At the request of Mr. KENNEDY, the name of the Senator from Montana (Mr. BAUCUS) was withdrawn as a cosponsor of S. 2965, a bill to amend the Public Health Service Act to improve the quality of care for cancer, and for other purposes.

S. 3009

At the request of Mr. WELLSTONE, the names of the Senator from Maryland (Ms. MIKULSKI) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. 3009, a bill to provide economic security for America's workers.

S. CON. RES. 11

At the request of Mrs. FEINSTEIN, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. Con. Res. 11, A concurrent resolution expressing the sense of Congress to fully use the powers of the Federal Government to enhance the science base required to more fully develop the field of health promotion and disease prevention, and to explore how strategies can be developed to integrate lifestyle improvement programs into national policy, our health care system, schools, workplaces, families and communities.

S. CON. RES. 94

At the request of Mr. WYDEN, the names of the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Utah (Mr. HATCH) were added as cosponsors of S. Con. Res. 94, A concurrent resolution expressing the sense of Congress that public awareness and education about the importance of health care coverage is of the utmost priority and that a National Importance of Health Care Coverage Month should be established to promote that awareness and education.

S. CON. RES. 138

At the request of Mr. REID, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S.Con.Res. 138, A concurrent resolution expressing the sense of Congress that the Secretary of Health And Human Services should conduct or support research on certain tests to screen for ovarian cancer, and Federal health care programs and group and individual health plans should cover the tests if demonstrated to be effective, and for other purposes.

S. CON. RES. 142

At the request of Mr. SMITH of Oregon, the names of the Senator from Ohio (Mr. DEWINE) and the Senator from Montana (Mr. BAUCUS) were added as cosponsors of S. Con. Res. 142, A concurrent resolution expressing support for the goals and ideas of a day of tribute to all firefighters who have died in the line of duty and recognizing the important mission of the Fallen Firefighters Foundation in assisting family members to overcome the loss of their fallen heroes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BAUCUS (for himself and Mr. GRASSLEY):

S. 3018. A bill to amend title XVIII of the Social Security Act to enhance beneficiary access to quality health care services under the medicare program, and for other purposes; read the first time.

Mr. BAUCUS. Mr. President, I rise today, along with Senator GRASSLEY, to introduce the ''Beneficiary Access to Care and Medicare Equity Act.'' This legislation is critical to ensuring access to quality, affordable health care for the 40 million Medicare beneficiaries nationwide.

Medicare is one of America's great success stories. Since its inception 36 years ago, Medicare has provided millions of elderly and disabled Americans with insurance coverage they would not have otherwise had. When Medicare was enacted, about half of America's elderly lacked health insurance. Now nearly all are covered by Medicare.

Over the past three decades, Medicare has undergone significant changes, including changes in the way that health care providers are reimbursed. In response to rising Medicare expenditures, Congress has responded with complex cost-containment mechanisms: diagnosis related groups, or DRGs, for hospital inpatient services in the early 1980s, a fee schedule for physicians' services in 1989. And in 1997, Congress passed the Balanced Budget Act, which mandated prospective payment systems for hospital outpatient departments, home health agencies, and skilled nursing facilities. Gradually, Medicare has changed from a cost-based system to one of prospective, flat-rate payment.

The significant changes in payment policy have resulted in a few bumps along the way, particularly those enacted as part of the Balanced Budget Act of 1997. The BBA was a well-intended attempt to get our Nation's fiscal house in order and extend the life of the Medicare trust fund. And in that regard, the goal of the legislation was achieved. Solvency of the Part A Trust Fund was extended by almost 30 years. But in some instances, the BBA cuts went too far.

In such cases, these cuts threatened to reduce Medicare and Medicaid beneficiaries' access to quality medical care and services. Congress responded by passing the Balanced Budget Refinement Act, BBRA, of 1999 and the Beneficiary Improvement and Protection Act, BIPA, of 2000. I was proud to play a role in both of these bills, including help for rural areas, which were disproportionately affected by the BBA.

Despite the policies and payment changes enacted as part of BBRA and BIPA, we still find that in some cases more improvements and adjustments are needed. And that is why Senator GRASSLEY and I are introducing this bill today.

So what does this bill do? Most importantly, this bill would restore payments to physicians, which were cut in 2002 by about five percent. Under the Medicare fee schedule, payment for physician services depends on several factors, including the growth in medical inflation, performance of the American economy, and changes in law and regulation.

Also central to the calculation of payments are estimates by the Centers for Medicare and Medicaid Services, or CMS, which was formerly known as the Health Care Financing Administration, of the numbers of Medicare beneficiaries in traditional fee-for-service Medicare. Largely because of significant estimation errors and a weakened economy, physicians under Medicare experienced an average payment reduction of five percent in 2002. If Congress does not act to fix the system, further large cuts are forecast for the coming years. And the potential consequences of inaction are serious.

According to a 30-State survey by the Medicare Rights Center, Medicare beneficiaries in 15 states and the District of Columbia are already having trouble finding a physician who accepts new Medicare patients. And researchers from the Center for Studying Health System Change have found that the percentage of Medicare beneficiaries who reported delaying or not getting necessary physician care rose from 9.1 percent in 1997 to 11 percent in 2001. The study also showed that of the near-elderly, patients between 50 and 64, 18.4 percent experienced difficulty in seeing a physician in 2001, up from 15.2 percent in 1997.

This bill would provide positive payment updates to the physician fee schedule over the next three years, representing a dramatic turnaround in Medicare physician payments. It would also modify the formula that is used to increase payments each year, the so-called SGR, which most physicians have learned to view with uncertainty and distrust.

While this proposal on physician updates represents progress, I acknowledge that it is imperfect, producing large reductions in Medicare physician payments in 2006 and beyond. I am committed to working with my colleagues in the Congress and the Administration to find a more reasonable solution.

Aside from physician payments, this legislation addresses a number of other important Medicare reimbursement issues, many of which are set to take effect today, October 1. The bill will

completely eliminate the 15 percent cut in home health payments. It will forestall large cuts to indirect medical education, so critical to the well-being of our nation's teaching hospitals. And the bill will continue additional payments to nursing homes to help them hire more staff to care for patients.

It should come as no surprise that another priority of mine, and Senator GRASSLEY's, is ensuring that rural areas are treated on par with their urban counterparts. I represent a state with a population density of about six people per square mile where patients and providers are often separated by vast distances. The current Medicare payment structure does not adequately account for the unique circumstances and challenges of providing medical care in such areas, where economies of scale often make systems like prospective payment unworkable.

That's why I was proud to help write the Sole Community Hospital law in the early 1980s and the Critical Access Hospital, CAH, program in 1997. Based on the Montana Medical Assistance Facility program, or MAF, the CAH concept has been a lifeline for over 600 rural communities nationwide, allowing hospitals that might have otherwise closed to stay open. This bill makes a number of important changes to the CAH program, including a provision allowing greater flexibility in the use of acute care and swing beds, as well as reauthorization of the Rural Hospital Flexibility Grant Program, which assists facilities in making the switch to CAH status.

Aside from Critical Access Hospitals, this legislation makes a number of other important changes to bring Medicare equity to rural America. By making the Medicare Incentive Payment Program, MIPP, automatic, physicians can more easily receive their 10 percent bonus for practicing in health professional shortage areas. And by setting a floor for the physician work component of Medicare's geographic cost index, payments to rural physicians will be raised.

This bill also puts rural and urban areas on a more level playing field with respect to non-CAH hospital payments. It equalizes the base payment rate for all PPS hospitals, eliminating the differential in the so-called ''standardized amount,'' which systematically pays rural areas less than large urban ones. And it makes Disproportionate Share Hospital, DSH, payments more equitable by allowing rural facilities to receive increased payments for treating indigent patients.

Many of these provisions are based on the work and recommendations of the Medicare Payment Advisory Commission, MedPAC, in their report on rural Medicare policy. That report included telling statistics, and reinforced what I hear from my constituents on a regular basis: Medicare payment policy disadvantages rural areas and changes are needed. For example, in 1999, overall Medicare margins for rural hospitals with 50 beds or less were negative 5.4 percent, worse than any other category of hospital. And total margins for these hospitals are also the lowest, at 1.7 percent in 1999, compared to 3.6 percent for all hospitals. Clearly Congress has work to do to ensure greater geographic equity in Medicare payment, and this bill makes great strides to that end.

In addition to many reimbursement changes, this legislation contains important relief for providers struggling with Medicare's regulatory framework. Many of these regulatory relief provisions were contained in legislation I wrote with Senators KERRY, MURKOWSKI and GRASSLEY last year. Among other things, these provisions will: ensure that CMS answers questions posed by health care providers in a timely manner; give additional appeals rights to providers, so that they receive fair treatment for honest billing mistakes; and ensure that CMS demands on providers to return overpayments are reasonable and do not force small providers to declare bankruptcy.

In addition to Medicare provisions, this legislation addresses many critical issues related to Medicaid and the State Children's Health Insurance Program. The bill provides $5 billion in fiscal relief to states struggling with tight Medicaid budgets and nearly $3 billion to help safety net hospitals continue to provide critical health care services to low-income Americans. The bill also ensures the continued success of the S–CHIP program by giving States more time to spend their S–CHIP allotments and ensuring that as many children as possible are covered.

The bill provides immediate, temporary fiscal relief to states in two ways: by giving states a temporary increase in their Medicaid match rate, or FMAP; and by increasing funding for the Social Services Block Grant. Taken together, these two approaches will help alleviate the pressure on states to cut programs that serve low income families, children, seniors and the disabled.

The State fiscal relief provision recognizes that States are in the midst of their worst fiscal crisis since the early 1990s. States have cut their budgets across many programs, from education to health care to other social programs. And because Medicaid is one of the largest parts of state budgets, Medicaid continues to be a prime target for spending cuts.

According to a recent report from the Kaiser Commission on Medicaid and the Uninsured, 45 states took action to reduce their Medicaid spending growth in fiscal year 2002, and 41 states are planning further reductions in fiscal year 2003. In my own State of Montana, Medicaid beneficiaries have been asked to pay a larger share of the costs of their coverage, and provider reimbursement rates have been cut.

These program cuts have come about at the same time that Medicaid rolls are increasing due to the recession. As more people lose their jobs and health insurance—just yesterday, we learned that in 2001 another 1.4 million people joined the ranks of the uninsured, many become eligible for Medicaid. At the same time, States are forced to cut back on this vital safety net program when people need it most. This is a vicious cycle that we must help end. If we don't, the ultimate result of all this is an increase in the uninsured. Just as we saw in the early 1990s.

The financial crisis facing State Medicaid programs is also felt by the facilities that provide care to Medicaid beneficiaries and low-income insured populations. To ensure that hospitals serving our most vulnerable populations can continue providing their vital services, this bill eliminates the scheduled reduction in federal Medicaid funding for hospitals that serve a disproportionate share of Medicaid beneficiaries and low-income, uninsured patients. Without the restoration of these DSH funds, safety net hospitals would lose nearly $3 billion in federal Medicaid funding over the next three years. States with smaller DSH programs will also benefit through this legislation, as it provides them with greater resources to serve their low-income patients.

This bill also seeks to continue the unqualified success of the S–CHIP program by ensuring that S–CHIP funds are used to cover as many children as possible, as efficiently and effectively as possible. By giving states an additional year to spend funds that would otherwise be returned to the Federal Treasury and renewing the ongoing system to allocate unspent S–CHIP funds equitably among the States, the legislation will help sustain the significant progress S–CHIP has made in reducing the ranks of uninsured children. In addition, the new caseload stabilization pool will provide additional funds to states expected to have insufficient federal funds over the next few years, reducing the chance that children will be dropped from the rolls.

This bill would also make important improvements to the Medicaid and S–CHIP waiver process. Medicaid and S–CHIP waivers have become an increasingly powerful way for the Secretary of Health and Human Services to make changes to crucial health programs without having to consult with, or seek legislative change from, the Congress.

The General Accounting Office recently identified serious problems with the current waiver approval process, including a lack of accountability in several areas. I am pleased to have worked with Senator GRASSLEY to develop legislation that would address the key GAO recommendations and begin to restore integrity to the waiver process. More specifically, this bill would require that the waiver process be more transparent and require public notification when major changes are in store.

Our bill would also prohibit approval of future waivers that would take dollars set aside for children's health and

use them instead on childless adults. Where Congress has set limits on the use of federal dollars, waivers should not be used as a back door way to get around those limits.

Without question, the Medicaid and S–CHIP programs are vital components of America's health care safety net, and both programs are critical to the well-being of thousands in my State. The Billings Gazette reported yesterday that about 14,000 of the 18,000 newly-insured Montanans since 1999 were additions to Montana's Medicaid and S–CHIP programs.

But despite the critical role these programs play, I am not convinced that we know enough about our nation's health care safety net. Based on legislation I introduced last congress with Senator GRASSLEY, the bill we are introducing today would change that, by establishing the Safety Net Organizations and Patient Advisory Commission. SNOPAC would be an independent and nonpartisan commission charged with the authority to oversee all aspects of America's health care safety net, including Medicaid and S–CHIP. Based on an Institute of Medicine report, SNOPAC will include health care experts from the disparate parts of our safety net system, reporting to Congress on recommendations to maintain our intact, but endangered, health care safety net.

Some will argue that Congress has more pressing Medicare priorities to address than restoring payments to health care providers. They argue will that before action on a bill concerning Medicare payment policy, Congress should debate and enact a solid prescription Medicare drug benefit.

I agree wholeheartedly with the need for a good drug benefit. I have worked for years to enact one, and I think that the lack of a drug benefit is the greatest deficiency in the Medicare program today. Almost 40 percent of seniors currently lack drug coverage. And for those who have it, it is often unreliable and unaffordable.

I did my utmost to pass a drug benefit this year, and I will continue my efforts until one is signed into law. But I will not support a benefit that is unworkable for Montana. And I will not support reviving a prescription drug debate that threatens passage of the important bill Senator GRASSLEY and I are introducing today.

The United States Senate debated Medicare prescription coverage in July. We had four votes on four different proposals to establish a drug benefit under Medicare. But all of those votes failed. None came close to getting the required 60 votes for passage in the Senate.

Voting again on a prescription drug bill that has not changed materially from the proposals we voted on in July is not the way to pass a drug benefit. In fact, it's a prescription for legislative impasse—on prescription drugs and on provider reimbursement issues.

For those reasons, I urge my colleagues to support this legislation, with the recognition that there are other pressing issues facing the Medicare program besides provider payments, but with the acknowledgment that maintaining access to health care services is also an important goal.

As Calvin Coolidge once said, ''We cannot do everything at once . . . but we can do something at once.'' Today is October 1, and large Medicare, Medicaid and S–CHIP payment reductions and changes will go into effect. Congress should act as soon as possible to address these issues, to get something done, and to ensure access to care for our seniors, our children, and our disabled population. This bill is necessary, timely and should be considered with expedition. I urge Congress and the President to act swiftly on this comprehensive legislation and enact it into law.

Mr. GRASSLEY. Mr. President, I am joining Chairman BAUCUS today to introduce the Beneficiary Access to Care and Medicare Equity Act of 2002.

This legislation arrives at an important time for Medicare beneficiaries and the providers that care for them: October 1. Many provisions of the Medicare law that ensure adequate payment for providers, and in turn, beneficiary access to care, expire today. I urge the Senate to consider this legislation with all speed, as soon as possible.

Our bill addresses pressing needs. The clock is running out on Medicare payments to doctors, who are scheduled for yet another reduction in their fees for a second straight year, absent Congressional action. Skilled Nursing Facilities also face a major reduction in payment today. In other areas facing imminent payment cuts, such as home health and hospital services, our bill injects financial support that will stabilize these essential services our seniors rely on. The legislation also provides billions in aid to State governments, many of them facing steep budget deficits, so they can meet the needs of citizens who rely on the Medicaid and Children's Health Insurance Programs.

In addition to ensuring continued access to quality care for Medicare beneficiaries, our bipartisan Beneficiary Access to Care and Medicare Equity Act makes long overdue improvements to health care in rural America. Our bill invests in States like Iowa, my home State, where small providers that practice efficient medicine are hurt by complex payment formulas that favor high-cost care in big cities.

The formulas also don't recognize special costs faced by smaller, more isolated physicians, hospitals and clinics. It obviously doesn't make sense to penalize States like Iowa who do more with less. That's why I'm so committed to fixing these formulas. The proposal I've put together with Senator BAUCUS would provide a tremendous infusion of cash to hard-pressed health care providers across Iowa and to other rural States. It takes money to ensure access to care for Iowans, and this will help make the federal government part of the solution instead of part of the problem.

Together, Senator BAUCUS and I have introduced our bill under Rule 14, which means the bill will be placed directly on the calendar two days from now, rather than referred to our own Committee, the Finance Committee. We agreed to take this extraordinary step because the Senate is basically tied up in knots right now. Well, our message is that Medicare fairness is too urgent to let this bill be a victim of gridlock. Our action today gives Senate Majority Leader DASCHLE the ability to call the bill up as early as Thursday. In short, there's no time to waste.

By Mr. MCCAIN:

S. 3019. A bill to authorize the Secretary of the Interior to conduct a special resource study of sites associated with the life of Cesar Estrada Chavez and the farm labor movement; to the Committee on Energy and Natural Resources.

Mr. MCCAIN. Mr. President, I am introducing legislation today to authorize the Secretary of the Interior to conduct a special resource study of sites associated with the life of Cesar Estrada Chavez. Chavez is one of the most revered public servants in our history for his leadership in helping organize migrant farm workers, and for providing inspiration to the most oppressed in our society. It is important that we cherish his struggle and do what we can to preserve certain sites located in Arizona, California and other states that are significant to his life.

My fellow Arizonan, Cesar Chavez was born in Yuma. He was the son of migrant farm workers, and an exemplary American hero. He no doubt loved qualities of life associated with his family's heritage, but he will be remembered for the sincerity of his American patriotism. He fought to help Americans transcend distinctions of experience, and share equality in the rights and responsibilities of freedom. He made America a bigger and better Nation.

While Chavez and his family migrated across the southwest looking for farm work, he evolved into a defender of worker's rights. He founded the National Farm Workers Association in 1962, which later became the United Farm Workers of America. Essentially, he gave a voice to those that had no voice. In his words: ''We cannot seek achievement for ourselves and forget about progress and prosperity for our community . . . our ambitions must be broad enough to include the aspirations and needs of others, for their sakes and for our own.''

This legislation, almost identical to the House bill, H.R. 2966, introduced by Congresswoman HILDA SOLIS, D–CA, in September 2001, would specifically authorize the Secretary of the Interior to determine whether any of the sites

meet the criteria for being listed on the National Register of Historic Landmarks. The study would be conducted within three years. The goal of this legislation is to establish a foundation for a future bill that will designate land for these sites to become Historic Landmarks.

Cesar Chavez was a humble man of deep conviction who understood what it meant to serve and sacrifice for others. He was a true American hero that embodied the values of justice and freedom this nation holds dear. Honoring the places of his life will enable his legacy to inspire and serve as an example for our future leaders.

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

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

S. 3018

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''César Estrada Chávez Study Act''.

SEC. 2. FINDINGS.

Congress finds that—

(1) on March 31, 1927, César Estrada Chávez was born on a small farm near Yuma, Arizona;

(2) at age 10, Chávez and his family became migrant farm workers after they lost their farm in the Great Depression;

(3) throughout his youth and into adulthood, Chávez migrated across the Southwest, laboring in fields and vineyards;

(4) during this period, Chávez was exposed to the hardships and injustices of farm worker life;

(5) in 1952, Chávez's life as an organizer and public servant began when he left the fields and joined the Community Service Organization, a community-based self-help organization;

(6) while with the Community Service Organization, Chávez conducted—

(A) voter registration drives; and

(B) campaigns against racial and economic discrimination;

(7) during the late 1950's and early 1960's, Chávez served as the national director of the Community Service Organization;

(8) in 1962, Chávez founded the National Farm Workers Association, an organization that—

(A) was the first successful farm workers union in the United States; and

(B) became known as the ''United Farm Workers of America'';

(9) from 1962 to 1993, as leader of United Farm Workers of America, Chávez achieved for tens of thousands of farm workers—

(A) dignity and respect;

(B) fair wages;

(C) medical coverage;

(D) pension benefits;

(E) humane living conditions; and

(F) other rights and protections;

(10) the leadership and humanitarianism of César Chávez continue to influence and inspire millions of citizens of the United States to seek social justice and civil rights for the poor and disenfranchised; and

(11) the life of César Chávez and his family provides an outstanding opportunity to illustrate and interpret the history of agricultural labor in the western United States.

SEC. 3. RESOURCE STUDY.

(a) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Secretary of the Interior (referred to in this section as the ''Secretary'') shall complete a resource study of sites in the State of Arizona, the State of California, and other States that are significant to the life of César E. Chávez and the farm labor movement in the western United States to determine—

(1) appropriate methods for preserving and interpreting the sites; and

(2) whether any of the sites meets the criteria for listing on the National Register of Historic Places or designation as a national historic landmark under—

(A) the Act of August 21, 1935 (16 U.S.C. 461 et seq.); and

(B) the National Historic Preservation Act (16 U.S.C. 470 et seq.).

(b) REQUIREMENTS.—In conducting the study under subsection (a), the Secretary shall—

(1) consider the criteria for the study of areas for potential inclusion in the National Park System under section 8(b)(2) of Public Law 91–383 (16 U.S.C. 1a–5(b)(2)); and

(2) consult with—

(A) the César E. Chávez Foundation;

(B) the United Farm Workers Union;

(C) State and local historical associations and societies; and

(D) the State Historic Preservation Officers of the State of Arizona, the State of California, and any other State in which a site described in subsection (a) is located.

(c) REPORT.—On completion of the study under subsection (a), the Secretary shall submit to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on—

(1) the findings of the study; and

(2) any recommendations of the Secretary.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this Act.

By Mr. ENZI:

S. 3020. A bill to direct the Secretary of Veterans Affairs to establish a national cemetery for veterans in the Cheyenne, Wyoming, metropolitan area, to the Committee on Veterans' Affairs

Mr. ENZI. Mr. President, I rise today with great honor and pride to introduce a bill that would direct the Secretary of Veterans Affairs to establish a national cemetery for veterans in Cheyenne, WY.

As our Nation's veterans have proven time and time again, whenever the fear of war has knocked on America's door, we have had the strength to open it. This year has been no different. Since last September, we have witnessed the beginning of a new kind of war, a war on terrorism, and we have been confronted by the most evil of leaders who seek to destroy our love of country and freedom. Yet, our Nation's military men and women and our veterans have once again responded to the call of duty to protect everything we hold dear. They remind us that our faith in God, our belief and trust in our communities, and our strength as a Nation can and will endure through these extraordinary times.

This is why I am introducing a bill to honor those who have given so much in defense of our great country. The price of freedom is not free, and many of our Nation's veterans have paid the ultimate price. Millions have been laid to rest in our Nation's national cemeteries, and millions more will follow. These veterans deserve to be placed next to those veterans with whom they so courageously engaged in battle throughout the years.

All veterans deserve the opportunity to be buried in a veterans cemetery regardless of their place of residency. Fortunately, the Department of Veterans Affairs recognizes the importance of providing burial sites for our Nation's veterans next to their comrades and near their families. As such, they have established a goal to increase the percentage of veterans served by a national or State veterans cemetery within 75 miles of their residence to 88 percent by 2006. I commend the VA's efforts and believe my bill will help the department reach that goal.

There are currently more than 53,000 veterans in Wyoming. They live in every town, big and small, and they must often travel hundreds of miles for health care and other veteran benefits. The largest and most concentrated group of veterans in Wyoming live near Wyoming's only military base, F.E. Warren Air Force Base in Cheyenne. Unfortunately, this veteran population must travel either 110 miles to the national cemetery in Colorado or 235 miles to the national cemetery in Maxwell, NE. It is worse for the veteran population living in other areas of the State. There are no national cemeteries in Montana, Idaho or Utah, which leaves veterans in the northwest with few options.

Regardless of a veteran's place of residency in Wyoming, most are forced to select the Wyoming State Cemetery as their place of burial because it is the only state or national cemetery in the entire state. Although it is located in Wyoming's second-largest city of Casper, Wyoming's State cemetery does not adequately meet the needs of veterans in a State that spans more than 97,000 square miles. It is, on average, 150 miles from any other incorporated city, and is more than 175 miles from the most concentrated veteran population in Cheyenne. While I commend the Wyoming State Cemetery for its exceptional service and careful maintenance, this is an extraordinary distance for friends and family to travel to visit their deceased loved ones.

As such, I am introducing legislation today to create a National Veterans Cemetery in Cheyenne, WY because every veteran deserves to be buried near their families and with the honor that comes with being laid to rest in a national veterans cemetery.

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

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

S. 3020

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

SECTION 1. ESTABLISHMENT OF NATIONAL CEMETERY IN CHEYENNE, WYOMING, METROPOLITAN AREA.

(a) IN GENERAL.—The Secretary of Veterans Affairs shall establish, in accordance with chapter 24 of title 38, United States Code, a national cemetery in the Cheyenne, Wyoming, metropolitan area to serve the needs of veterans and their families.

(b) CONSULTATION IN SELECTION OF SITE.—Before selecting the site for the national cemetery established under subsection (a), the Secretary shall consult with—

(1) appropriate officials of the State of Wyoming and local officials of the Cheyenne metropolitan area; and

(2) appropriate officials of the United States, including the Administrator of General Services, with respect to land belonging to the United States in that area that would be suitable to establish the national cemetery under subsection (a).

(c) AUTHORITY TO ACCEPT DONATION OF PARCEL OF LAND.—(1) The Secretary may accept on behalf of the United States the gift of an appropriate parcel of real property. The Secretary shall have administrative jurisdiction over such parcel of real property, and shall use such parcel to establish the national cemetery under subsection (a).

(2) For purposes of Federal income, estate, and gift taxes, the real property accepted under paragraph (1) shall be considered as a gift to the United States.

(d) REPORT.—As soon as practicable after the date of enactment of this Act, the Secretary shall submit to Congress a report on the establishment of the national cemetery under subsection (a). The report shall set forth a schedule for the establishment of the national cemetery and an estimate of costs associated with the establishment of the national cemetery.

By Mr. SARBANES (for himself, Mr. WARNER, and Ms. MIKULSKI):

S. 3023. A bill to require the Secretary of Agriculture to establish a program to expand and strengthen cooperative efforts to restore and protect forests in the Chesapeake Bay watershed, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. SARBANES. Mr. President, today I am introducing legislation to continue and enhance the USDA Forest Service's role in the restoration of the Chesapeake Bay watershed. Joining me in sponsoring this legislation are my colleagues, Senators WARNER and MIKULSKI.

Forest loss and fragmentation are occurring rapidly in the Chesapeake Bay region and are among the most important issues facing the Bay and forest management today. According to the National Resources Inventory, the States closest to the Bay lost 350,000 acres of forest between 1987–1997 or almost 100 acres per day. More and more rural areas are being converted to suburban developments resulting in smaller contiguous forest tracts. These trends are leading to a regional forest land base that is more vulnerable to conversion, less likely to be economically viable in the future, and is losing its capacity to protect watershed health and other ecological benefits, such as controlling storm water runoff, erosion and air pollution, all critical to the Bay clean-up effort.

Since 1990, the USDA Forest Service has been an important part of the Chesapeake Bay Program. Administered through the Northeastern Area, State and Private Forestry, this program has worked closely with Federal, State and local partners in the six-state Chesapeake Bay region to demonstrate how forest protection, restoration and stewardship activities, can contribute to achieving the Bay restoration goals. Over the past 12 years, it has provided modest levels of technical and financial assistance, averaging approximately $300,000 year, to develop collaborative watershed projects that address watershed forest conservation, restoration and stewardship. With the signing of the Chesapeake 2000 Agreement, the role of the USDA Forest Service has become more important than ever. Among other provisions, this Agreement requires the signatories to conserve existing forests along all streams and shoreline; promote the expansion and connection of contiguous forests; assess the Bay's forest lands; and provide technical and financial assistance to local governments to plan for or revise plans, ordinances and subdivision regulations to provide for the conservation and sustainable use of the forest and agricultural lands. To address these goals, the USDA Forest Service must have additional resources and authority, and that is what my amendment seeks to provide.

This legislation codifies the roles and responsibilities of the USDA Forest Service to the Bay restoration effort. It strengthens existing coordination, technical assistance, forest resource assessment and planning efforts. It authorizes a small grants program to support local agencies, watershed associations and citizen groups in conducting on-the-ground conservation projects. It also establishes a regional applied forestry research and training program to enhance urban, suburban and rural forests in the watershed. Finally it authorizes $3.5 million for each of fiscal years 2004 through 2010, a modest increase in view of the six-state, 64,000 square mile watershed. I urge my colleagues to join me in supporting this legislation.

By Mr. SARBANES (for himself, Mr. WARNER, and Ms. MIKULSKI):

S. 3025. A bill to reauthorize and improve the Chesapeake Bay Environmental Restoration and Protection Program; to the Committee on Environment and Public Works.

Mr. SARBANES. Mr. President, today I am introducing legislation, together with Senators WARNER and MIKULSKI, to reauthorize and enhance the Chesapeake Bay Environmental Protection and Restoration Program. This program, which was first established in Section 510 of the Water Resources Development Act of 1996, Public Law 104–303, authorizes the U.S. Army Corps of Engineers to provide design and construction assistance to State and local authorities in the environmental restoration of the Chesapeake Bay.

In 1994, when I first introduced the legislation to create this program, I spoke about the need for this assistance and the unique capabilities the Army Corps of Engineers brings to the Chesapeake Bay restoration effort. I want to underscore some of those arguments today and the vital importance of continuing and enhancing this program.

The Army Corps of Engineers has been an integral part of the Chesapeake Bay Program for many years. In 1984 the Corps completed one of the most comprehensive investigations of the entire Chesapeake Bay basin, a landmark report which identified many of the serious problems facing the Bay. The Corps played a vital role in the development of the Bay Program's state-of-the-art computer model and has undertaken a variety of major projects in the 6-state Chesapeake Bay watershed including the Poplar Island beneficial use of dredged material project, oyster reef restoration, and removal of blockages to fish passage. The agency is currently conducting investigations on sedimentation, shoreline erosion, and environmental problems in specific watersheds that we hope will result in additional projects to restore the Bay. And I am delighted that the Environment and Public Works Committee has just approved our new Study Resolution directing the Corps to integrate these existing and future work efforts into a coordinated, comprehensive master plan.

But while these projects and studies continue and the master plan is being developed, it is vital that environmental restoration efforts be sustained and expanded. Two years ago, the States in the Chesapeake Bay watershed and the Federal Government conducted an extensive evaluation of cleanup progress since the 1980s and determined that, despite important advances, efforts must be redoubled to restore the integrity of the Chesapeake Bay ecosystem. A new Chesapeake 2000 agreement was signed to serve as a blueprint for the restoration effort over the next decade. To meet the goals established in the new agreement, it is estimated that the local, State and Federal Governments must invest more than $8.5 billion over the course of the next ten years. Nutrient and sediment loads must be significantly reduced, oyster populations must be increased, Submerged Aquatic Vegetation and wetlands must be protected and restored, and remaining blockages to fish passage must be removed, among other actions. As the lead Federal agency in water resource management, the Corps has an essential role to play in this effort.

Since the Chesapeake Bay Environmental Restoration and Protection Program was first established and funding was appropriated, requests from State and local governments for

assistance under the program has grown dramatically. The design-construct nature of this program, which enables the Corps to streamline its process of undertaking on-the-ground environmental restoration projects, is particularly appealing to State and local governments. To date, the Corps of Engineers has constructed or approved $9.3 million in projects under the Chesapeake Bay Environmental Restoration and Protection Program including oyster restoration projects in Virginia, shoreline protection and wetland/sewage treatment projects at Smith Island in Maryland and the upgrade of the Scranton Wastewater Treatment Plant in Pennsylvania to reduce the amount of nutrients delivered to the Chesapeake Bay. These projects have nearly exhausted the current $10 million authorization.

The legislation which I am introducing increases the authorization for this program from $10 million to $30 million. Consistent will all other environmental restoration authorities of the Corps of Engineers, it enables States and local governments to provide all or any portion of the 25 percent non-Federal share required in the form of in-kind services. It also establishes a new small-grants program for local governments and nonprofit organizations to carry out small-scale restoration and protection projects in the Chesapeake Bay watershed. The program would be administered by the National Fish and Wildlife Foundation which has extensive experience and expertise in managing these kinds of grants for other Federal agencies. Ten percent of the funds appropriated each year under this program would be setaside for these grants.

In view of the great need and the many requests for assistance from the Bay area states, this legislation is clearly warranted and I urge my colleagues to join me in supporting this measure. I ask unanimous consent that the text of legislation be printed in the RECORD.

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

S. 3025

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

SECTION 1. CHESAPEAKE BAY ENVIRONMENTAL RESTORATION AND PROTECTION PROGRAM.

Section 510 of the Water Resources Development Act of 1996 (110 Stat. 3759) is amended—

(1) in subsection (d)(2), by adding at the end the following:

''(C) IN-KIND SERVICES.—A non-Federal interest may provide all or any portion of the non-Federal share referred to in paragraph (1) in the form of in-kind services.'';

(2) by striking subsection (i);

(3) by redesignating subsection (h) as subsection (i);

(4) by inserting after subsection (g) the following:

''(h) SMALL WATERSHED GRANTS.—

''(1) IN GENERAL.—The Secretary shall establish a program, to be administered by the National Fish and Wildlife Foundation, to provide small watershed grants for technical and financial assistance to local governments and nonprofit organizations in the Chesapeake Bay region.

''(2) USE OF FUNDS.—A local government or nonprofit organization that receives a grant under paragraph (1) shall use funds from the grant only for implementation of cooperative tributary basin strategies that address the establishment, restoration, protection, or enhancement of habitat associated with the Chesapeake Bay ecosystem.''; and

(5) by inserting after subsection (i) (as redesignated by paragraph (3)) the following:

''(j) FUNDING.—

''(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $30,000,000.

''(2) ANNUAL GRANT EXPENDITURE.—Of the amount made available under paragraph (1) to carry out this section for a fiscal year, not more than 10 percent may be used to carry out subsection (h) for the fiscal year.''.

By Mr. SESSIONS:

S. 3026. A bill to amend chapter 1 of title 9, United States Code, to provide for greater fairness in the arbitration process; to the Committee on the Judiciary.

Mr. SESSION. Mr. President, I rise to send to the desk a bill entitled, ''The Arbitration Fairness Act of 2002.'' This bill continues the legislative process that I started in the 106th Congress with the introduction of the Consumer and Employee Arbitration Bill of Rights. The purpose of these bills is to improve the Federal Arbitration Act so that it will remain as a cost-effective means of resolving disputes, but will do so in a fair way. The Arbitration Fairness Act will provide procedural protections to everyone who enters into a contract that contains an arbitration clause. This bill would ensure that consumers, employees, and small businesses that enter into contracts covered by the Federal Arbitration Act will have their disputes resolved in accordance with due process of law, and in a speedy and cost effective manner.

Congress enacted the Federal Arbitration Act in 1925. It has served us as well for three-quarters of a century. Under the Act, if the parties agree to a contract affecting interstate commerce that contains a clause requiring arbitration, the clause will be enforceable in court. In short, the Federal Arbitration Act allows parties to a contract to agree not to take their disputes to court, but to resolve any dispute arising from that contract before a neutral decision-maker, generally selected by a non-profit arbitration organization, such as the American Arbitration Association or the National Arbitration Forum. The parties can generally present evidence and be represented by counsel. And the decision-makers will apply the relevant State law in resolving the dispute. Arbitration is generally quicker and less expensive than going to court.

In recent years, there have been some cases where the arbitration process has not worked well, but thousands of disputes have been fairly and effectively settled by arbitrators. Such a system is even more important because of skyrocketing legal costs where attorneys require large contingent fees. Accordingly, I have opposed piecemeal legislative changes to the act. Instead, I believe that the Senate should approach the Federal Arbitration Act in a comprehensive manner.

The approach of reforming arbitration, rather than abandoning the arbitration process provides several benefits. Arbitration is one of the most cost-effective means of resolving a dispute. Unlike businesses, consumers and employees generally cannot afford a team of lawyers to represent them. And their claims are often not being enough so that a lawyer would take the case on a 25 percent or even a 50 percent contingent fee. In an article in the Columbia Human Rights Law Review, Lewis Maltby, Director, National Task Force on Civil Liberties in the Workplace of the American Civil Liberties Union and a Director of the American Arbitration Association—not die-hard conservative entities—explains how court litigation is too expensive for most employees:

''Even if the client has clearly been wronged and is virtually certain to prevail in court, the attorney will be forced to turn down the case unless there are substantial damages. A survey of plaintiff employment lawyers found that a prospective plaintiff needed to have a minimum of $60,000 in provable damages-not including pain and suffering or other intangible damages-before an attorney would take the case.

Even this, however, does not exhaust the financial obstacles an employee must overcome to secure representation. In light of their risk of losing such cases, many plaintiffs' attorneys require a prospective client to pay a retainer, typically about $3,000. Others require clients to pay out-of-pocket expenses of the case as they are incurred. Expenses in employment discrimination cases can be substantial. Donohue and Siegelman found that expenses in Title VII cases are at least $10,000 and can reach as high as $25,000. Finally, some plaintiffs' attorneys now require a consultation fee, generally $200–$300, just to discuss their situation with a potential client.

''The result of these formidable hurdles in that most people with claims against their employer are unable to obtain counsel, and thus never receive justice. Paul Tobias, founder of the National Employment Lawyer's Association, has testified that ninety-five percent of those who seek help from the private bar with an employment matter do not obtain counsel. Howard's survey of plaintiffs' lawyers produced the same result. A Detroit firm reported that only one of eighty-seven employees who came to them seeking representation was accepted as a client.''

Lewis L. Maltby, Private Justice: Employment Arbitration and Civil Rights, 30 Col. Hum. R.L. Rev. 29, 57–58 (1998).

Without arbitration, the consumer or employee is faced with having to pay a lawyer's hourly rate, which may amount to several thousand dollars to litigate a claim in court, for a broken television that cost $700 new. If this is what consumers and employees are left with, many will have no choice but to drop their claim. This is not right. It is not fair. Thus, Professor Stephen Ware of the Cumberland Law School, states in a recent paper published by the CATO Institution that ''current [arbitration] law is better for all consumers [than an exemption from the FAA] except those few who are especially likely to have large liability claims . . .'' Stephen J. Ware, Arbitration under Assault, CATO Policy Analysis No. 433 p. 10 (2002).

Thus, while some have argued that the Congress should enact exemptions from the FAA for different classes of contracts from automobile franchise contracts to employment contracts, such exemptions would not help the overwhelming majority of the people who could not afford a lawyer to litigate in court. This is where arbitration can give the consumer or employee a cost-effective forum to assert their claim. Thus, before we make exceptions to the FAA for some of the most well to do corporations in our society, I think it is our duty to consider how we can improve the system for those less financially able.

Can we improve the arbitration system? Yes, but we must take a balanced approach. In this approach we should protect the sanctity of legal contracts. In any contract, the parties agree to all the terms and clauses included in the contract document. This includes the arbitration clause. This is basic contract law, and the basic principle upon which the FAA has been supported for 75 years.

But this is not always the case. In certain situations, consumers, employees, or businesses have not been treated fairly. That is what the Arbitration Fairness Act is designed to correct.

The bill will maintain the cost benefits of binding arbitration, but will grant several specific ''due process'' rights to all parties to an arbitration. The bill is based on the consumer and employee due process protocols of the American Arbitration Association that have broad support. The bill provides the following rights: 1. Notice. Under the bill an arbitration clause, to be enforceable, would have to have a heading in large, bold print, would have to state whether arbitration is binding or optional, identify a source that the parties may contact for more information, and state that a consumer could opt out to small claims court.

This will ensure, for example, that consumers who receive credit card notices in the mail will not miss an arbitration clause because it is printed in fine print. Further, it will give all parties means to obtain more information on how to resolve any disputes. Finally, the clause would explain that if a party's claims could otherwise be brought in small claims court, he is free to do so. Small claims court, unlike regular trial court, provides another inexpensive and quick means of dispute resolution.

2. Independent selection of arbitrators. The bill will grant all parties the right to have potential arbitrators disclose relevant information concerning their business ties and employment. All parties to the arbitration will have an equal voice in selecting a neutral arbitrator. This ensures that the large company who sold a consumer a product will not select the arbitrator itself, because the consumer with a grievance will have the right to nominate potential arbitrators too. As a result, the final arbitrator selected will have to have the explicit approval of both parties to the dispute. This means the arbitrator will be a neutral party with no allegiance to either party.

3. Choice of law. The bill grants the non-drafting party, usually the consumer or the employee, the right to have the arbitrator governed by the substantive law that would apply under conflicts of laws principles applicable in the forum in which the non-drafting party resided at the time the contract was entered into. This means that the substantive contract law that would apply in a court where the consumer, employee, or business resides at the time of making the contract will apply in the arbitration. Thus, in a dispute arising from the purchase of a product by an Alabama consumer from an Illinois company, a court would have to determine whether Alabama or Illinois law applied by looking to the language of the contract and to the place the contract was entered into. The bill ensures that an arbitrator will use the same conflict of laws principles that a court would in determining whether Alabama or Illinois law will govern the arbitration proceedings.

4. Representation. The bill grants all parties the right to be represented by counsel at their own expense. Thus, if the claim involves complicated legal issues, the consumer, employee, or small business is free to have his lawyer represent him in the arbitration. Such representation should be substantially less expensive than a trial in court because of the more abbreviated and expedited process of arbitration.

5. Hearing. The bill grants all parties the right to a fair hearing in a forum that is reasonably convenient to the consumer or employee. This would prevent a large company from requiring a consumer, employee, or small business owner to travel across the country to arbitrate his claim and to expend more in travel costs than his claim may be worth.

6. Evidence. The bill grants all parties the right to conduct discovery and to present evidence. This ensures that the arbitrator will have all the facts before him prior to making a decision.

7. Cross examination. The bill grants all parties the right to cross-examine witnesses presented by the other party at the hearing. This allows a party to test the statements of the other party's witnesses and be sure that the evidence before the arbitrator is correct.

8. Record. The bill grants all parties the right to hire a stenographer or tape record the hearing to produce a record. This right is key to proving later that the arbitration proceeding was fair.

9. Timely resolution. The bill grants all parties the right to have an arbitration proceeding to be completed promptly so that they do not have to wait for a year or more to have their claim resolved. Under the bill a defendant must file an answer within 30 days of the filing of the complaint. The arbitrator has 90 days after the answer to hold a hearing. The arbitrator must render a final decision within 30 days after the hearing. Extensions are available in extraordinary circumstances.

10. Written decision. The bill grants all parties the right to a written decision by the arbitrator explaining the resolution of the case and his reasons therefor. If the consumer or employee takes a claim to arbitration, he deserves to have an explanation of why he won or lost.

11. Expenses. The bill grants all parties the right to have an arbitrator provide for reimbursement of arbitration fees in the interests of justice and the reduction, deferral, or waiver of arbitration fees in cases of extreme hardship. It does little good to take a claim to arbitration if the consumer or employee cannot even afford the arbitration fee. This provision ensures that the arbitrator can waive or reduce the fee or make the company reimburse the consumer or employee for a fee if the interests of justice so require.

12. Small claims opt out. The bill grants all parties the right to opt out of arbitration into small claims court if that court has jurisdiction over the claim and the claim does not exceed $50,000.

The bill also provides an effective mechanism for parties to enforce these rights. At any time, if a consumer or employee believes that the other party violated his rights, he may ask and the arbitrator may award a penalty up to the amount of the claim plus attorneys fees. For example, if the defendant party fails to provides discovery to a plaintiff party, the plaintiff can make a motion for fees. The amount of fee award is limited, as it is in court, to the amount of cost incurred by the employee in trying to obtain the information from the company. This principle is taken from Federal Rule of Civil Procedure 37. After the decision, if the losing party believes that the rights granted to him by the Act have been violated, he may file a petition with the Federal district court. If the court finds by clear and convincing evidence that his rights were violated, it may order a new arbitrator appointed. Thus, if a consumer, employee, or small business has an arbitrator that is unfair and this causes him to lose the case,

the plaintiff can obtain another arbitrator.

This bill is an important step to creating a constructive dialog on arbitration reform. This bill will ensure that those who can least afford to go to court can go to a less expensive arbitrator and be treated fairly. It will ensure that every arbitration carried out under the Federal Arbitration Act is completed fairly, promptly, and economically. I look forward to working with my colleagues in the Senate to ensure that consumers, employees, and small business who agree in a contract to arbitrate their claims will be afforded due process of law.

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

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

S. 3026

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Arbitration Fairness Act of 2002''.

SEC. 2. ELECTION OF ARBITRATION.

(a) FAIR DISCLOSURE.—In order to be binding on the parties, a contract containing an arbitration clause shall—

(1) have a printed heading in bold, capital letters entitled ''ARBITRATION CLAUSE'', which heading shall be printed in letters not smaller than ½ inch in height;

(2) explicitly state whether participation within the arbitration program is mandatory or optional;

(3) identify a source that a consumer or employee can contact for additional information on costs and fees and on all forms and procedures necessary for effective participation in the arbitration program; and

(4) provide notice that all parties retain the right to resolve a dispute in a small claims court, if such dispute falls within the jurisdiction of that court and the claim is for less than or equal to $50,000 in total damages.

(b) PROCEDURAL RIGHTS.—If a contract provides for the use of arbitration to resolve a dispute arising out of or relating to the contract, each party to the contract shall be afforded the following rights, in addition to any rights provided by the contract:

(1) COMPETENCE AND NEUTRALITY OF ARBITRATOR AND ADMINISTRATIVE PROCESS.—

(A) IN GENERAL.—Each party to the dispute (referred to in this section as a ''party'') shall be entitled to a competent, neutral arbitrator and an independent, neutral administration of the dispute.

(B) ARBITRATOR.—Each party shall have an equal voice in the selection of the arbitrator, who—

(i) shall comply with the Code of Ethics for Arbitrators in Commercial Disputes of the American Arbitration Association and the State bar association of which the arbitrator is a member;

(ii) shall have no personal or financial interest in the results of the proceedings in which the arbitrator is appointed and shall have no relation to the underlying dispute or to the parties or their counsel that may create an appearance of bias; and

(iii) prior to accepting appointment, shall disclose all information that might be relevant to neutrality, including service as an arbitrator or mediator in any past or pending case involving any of the parties or their representatives, or that may prevent a prompt hearing.

(C) ADMINISTRATION.—The arbitration shall be administered by an independent, neutral alternative dispute resolution organization to ensure fairness and neutrality and prevent ex parte communication between parties and the arbitrator. The arbitrator shall have reasonable discretion to conduct the proceeding in consideration of the specific type of industry involved.

(2) APPLICABLE LAW.—In resolving a dispute, the arbitrator—

(A) shall be governed by the same substantive law that would apply under conflict of laws principles applicable in a court of the forum in which the party that is not drafter of the contract resided at the time the contract was entered into; and

(B) shall be empowered to grant whatever relief would be available in court under law or equity.

(3) REPRESENTATION.—Each party shall have the right to be represented by an attorney, or other representative as permitted by State law, at their own expense.

(4) HEARING.—

(A) IN GENERAL.—Each party shall be entitled to a fair arbitration hearing (referred to in this section as a ''hearing'') with adequate notice and an opportunity to be heard.

(B) ELECTRONIC OR TELEPHONIC MEANS.—Subject to subparagraph (C), in order to reduce cost, the arbitrator may hold a hearing by electronic or telephonic means or by a submission of documents.

(C) FACE-TO-FACE MEETING.—Each party shall have the right to require a face-to-face hearing, which hearing shall be held at a location that is reasonably convenient for the party who did not draft the contract unless in the interest of fairness the arbitrator determines otherwise, in which case the arbitrator shall use the process described in section 1391 of title 28, United States Code, to determine the venue for the hearing.

(5) EVIDENCE.—With respect to any hearing—

(A) each party shall have the right to present evidence at the hearing and, for this purpose, each party shall grant access to all information reasonably relevant to the dispute to the other parties, subject to any applicable privilege or other limitation on discovery under applicable State law;

(B) consistent with the expedited nature of arbitration, relevant and necessary prehearing depositions shall be available to each party at the direction of the arbitrator; and

(C) the arbitrator shall—

(i) make reasonable efforts to maintain the privacy of the hearing to the extent permitted by applicable State law; and

(ii) consider appropriate claims of privilege and confidentiality in addressing evidentiary issues.

(6) CROSS EXAMINATION.—Each party shall have the right to cross examine witnesses presented by the other parties at a hearing.

(7) RECORD OF PROCEEDING.—Any party seeking a stenographic record of a hearing shall make arrangements directly with a stenographer and shall notify the other parties of these arrangements not less than 3 days in advance of the hearing. The requesting party or parties shall pay the costs of obtaining the record. If the transcript is agreed by the parties, or determined by the arbitrator to be the official record of the proceeding, it shall be provided to the arbitrator and made available to the other parties for inspection, at a date, time, and place determined by the arbitrator.

(8) TIMELY RESOLUTION.—Upon submission of a complaint by the claimant, the respondent shall have 30 days to file an answer. Thereafter, the arbitrator shall direct each party to file documents and to provide evidence in a timely manner so that the hearing may be held not later than 90 days after the filing of the answer. In extraordinary circumstances, including multiparty, multidistrict, or complex litigation, the arbitrator may grant a limited extension of these time limits to a party, or the parties may agree to an extension. The arbitrator shall notify each party of its decision not later than 30 days after the hearing.

(9) WRITTEN DECISION.—The arbitrator shall provide each party with a written explanation of the factual and legal basis for the decision. This written decision shall describe the application of an identified contract term, statute, or legal precedent. The decision of the arbitrator shall be final and binding, subject only to the review provisions in subsection (d).

(10) EXPENSES.—The arbitrator or independent arbitration administration organization, as applicable, shall have the authority to—

(A) provide for reimbursement of arbitration fees to the claimant, in whole or in part, as part of the remedy in accordance with applicable law or in the interests of justice; and

(B) waive, defer, or reduce any fee or charge due from the claimant in the event of extreme hardship.

(11) SMALL CLAIMS OPT OUT.—

(A) IN GENERAL.—Each party shall have the right to opt out of binding arbitration and into the small claims court for the forum, if such court has jurisdiction over the claim. For purposes of this paragraph, no court with jurisdiction to hear claims in excess of $50,000 shall be considered to be a small claims court.

(B) EXCEPTION.—Where a complaint in small claims court is subsequently amended to exceed the lesser of the jurisdictional amount or a claim for $50,000 in total damages, the small claims court exemption of this paragraph shall not apply and the parties are required to arbitrate.

(c) DENIAL OF RIGHTS.—

(1) DENIAL OF RIGHTS BY PARTY MISCONDUCT.—

(A) IN GENERAL.—At any time during an arbitration proceeding, any party may file a motion with the arbitrator asserting that the other party has deprived the movant of 1 or more rights granted by this section and seeking relief.

(B) AWARD BY ARBITRATOR.—If the arbitrator determines that the movant has been deprived of a right granted by this section by the other party, the arbitrator shall award the movant a monetary amount, which shall not exceed the reasonable expenses incurred by the movant in filing the motion, including attorneys' fees, unless the arbitrator finds that—

(i) the motion was filed without the movant's first making a good faith effort to obtain discovery or the realization of another right granted by this section;

(ii) the opposing party's nondisclosure, failure to respond, response, or objection was substantially justified; or

(iii) the circumstances otherwise make an award of expenses unjust.

(2) DENIAL OF RIGHTS BY ARBITRATOR.—A losing party in an arbitration may file a petition in the district court of the United States in the forum in which the party that did not draft the contract resided at the time the contract was entered into to assert that the arbitrator violated 1 or more of the rights granted to the party by this section and to seek relief. In order to grant the petition, the court must find clear and convincing evidence that 1 or more actions or omissions of the arbitrator resulted in a deprivation of a right of the petitioner under

this section that was not harmless. If such a finding is made, the court shall order a rehearing before a new arbitrator selected in the same manner as the original arbitrator as the exclusive judicial remedy provided by this section.

(d) EFFECTIVE DATE.—This section shall apply to any contract entered into after the date that is 6 months after the date of enactment of this Act.

SEC. 3. LIMITATION ON CLAIMS.

Except as otherwise expressly provided in this Act, nothing in this Act may be construed to be the basis for any claim in law or equity.

AMENDMENTS SUBMITTED & PROPOSED

SA 4847. Mr. LIEBERMAN submitted an amendment intended to be proposed to amendment SA 4738 proposed by Mr. GRAMM (for himself, Mr. MILLER, Mr. MCCONNELL, Mr. THOMPSON, Mr. STEVENS, Mr. HAGEL, Mr. HUTCHINSON, and Mr. BUNNING) to the amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table.

SA 4848. Mr. HOLLINGS (for himself, Mr. MCCAIN, Mr. REID, Mr. JEFFORDS, Mr. CARPER, and Mr. TORRICELLI) submitted an amendment intended to be proposed by him to the bill H.R. 5005, supra; which was ordered to lie on the table.

SA 4849. Mr. INOUYE submitted an amendment intended to be proposed to amendment SA 4738 proposed by Mr. GRAMM (for himself, Mr. MILLER, Mr. MCCONNELL, Mr. THOMPSON, Mr. STEVENS, Mr. HAGEL, Mr. HUTCHINSON, and Mr. BUNNING) to the amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 4847. Mr. LIEBERMAN submitted an amendment intended to be proposed to amendment SA 4438 proposed by Mr. GRAMM (for himself, Mr. MILLER, Mr. MCCONNELL, Mr. THOMPSON, Mr. STEVENS, Mr. HAGEL, Mr. HUTCHINSON, and Mr. BUNNING) to the amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, to establish the Department of Homeland Security, 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:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''National Homeland Security and Combating Terrorism Act of 2002''.

SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF CONTENTS.

(a) DIVISIONS.—This Act is organized into 5 divisions as follows:

(1) Division A—National Homeland Security and Combating Terrorism.

(2) Division B—Immigration Reform, Accountability, and Security Enhancement Act of 2002.

(3) Division C—Federal Workforce Improvement.

(4) Division D—E-Government Act of 2002.

(5) Division E—Flight and Cabin Security on Passenger Aircraft.

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

Sec. 1. Short title.
Sec. 2. Organization of Act into divisions; table of contents.

DIVISION A—NATIONAL HOMELAND SECURITY AND COMBATING TERRORISM

Sec. 100. Definitions.

TITLE I—DEPARTMENT OF HOMELAND SECURITY

Subtitle A—Establishment of the Department of Homeland Security

Sec. 101. Establishment of the Department of Homeland Security.
Sec. 102. Secretary of Homeland Security.
Sec. 103. Deputy Secretary of Homeland Security.
Sec. 104. Under Secretary for Management.
Sec. 105. Assistant Secretaries.
Sec. 106. Inspector General.
Sec. 107. Chief Financial Officer.
Sec. 108. Chief Information Officer.
Sec. 109. General Counsel.
Sec. 110. Civil Rights Officer.
Sec. 111. Privacy Officer.
Sec. 112. Chief Human Capital Officer.
Sec. 113. Office of International Affairs.
Sec. 114. Executive Schedule positions.

Subtitle B—Establishment of Directorates and Offices

Sec. 131. Directorate of Border and Transportation Protection.
Sec. 132. Directorate of Intelligence.
Sec. 133. Directorate of Critical Infrastructure Protection.
Sec. 134. Directorate of Emergency Preparedness and Response.
Sec. 135. Directorate of Science and Technology.
Sec. 136. Directorate of Immigration Affairs.
Sec. 137. Office for State and Local Government Coordination.
Sec. 138. United States Secret Service.
Sec. 139. Border Coordination Working Group.
Sec. 140. Office for National Capital Region Coordination.
Sec. 141. Executive Schedule positions.
Sec. 142. Preserving Coast Guard mission performance.

Subtitle C—National Emergency Preparedness Enhancement

Sec. 151. Short title.
Sec. 152. Preparedness information and education.
Sec. 153. Pilot program.
Sec. 154. Designation of National Emergency Preparedness Week.

Subtitle D—Miscellaneous Provisions

Sec. 161. National Bio-Weapons Defense Analysis Center.
Sec. 162. Review of food safety.
Sec. 163. Exchange of employees between agencies and State or local governments.
Sec. 164. Whistleblower protection for Federal employees who are airport security screeners.
Sec. 165. Whistleblower protection for certain airport employees.
Sec. 166. Bioterrorism preparedness and response division.
Sec. 167. Coordination with the Department of Health and Human Services under the Public Health Service Act.
Sec. 168. Rail security enhancements.
Sec. 169. Grants for firefighting personnel.
Sec. 170. Review of transportation security enhancements.
Sec. 171. Interoperability of information systems.
Sec. 172. Extension of customs user fees.
Sec. 173. Conforming amendments regarding laws administered by the Secretary of Veterans Affairs.
Sec. 174. Prohibition on contracts with corporate expatriates.
Sec. 175. Transfer of certain agricultural inspection functions of the Department of Agriculture.
Sec. 176. Coordination of information and information technology.

Subtitle E—Transition Provisions

Sec. 181. Definitions.
Sec. 182. Transfer of agencies.
Sec. 183. Transitional authorities.
Sec. 184. Incidental transfers and transfer of related functions.
Sec. 185. Implementation progress reports and legislative recommendations.
Sec. 186. Transfer and allocation.
Sec. 187. Savings provisions.
Sec. 188. Transition plan.
Sec. 189. Use of appropriated funds.

Subtitle F—Administrative Provisions

Sec. 191. Reorganizations and delegations.
Sec. 192. Reporting requirements.
Sec. 193. Environmental protection, safety, and health requirements.
Sec. 194. Labor standards.
Sec. 195. Procurement of temporary and intermittent services.
Sec. 196. Preserving non-homeland security mission performance.
Sec. 197. Future Years Homeland Security Program.
Sec. 198. Protection of voluntarily furnished confidential information.
Sec. 199. Establishment of human resources management system.
Sec. 199A. Labor-management relations.
Sec. 199B. Authorization of appropriations.

TITLE II—LAW ENFORCEMENT POWERS OF INSPECTOR GENERAL AGENTS

Sec. 201. Law enforcement powers of Inspector General agents.

TITLE III—FEDERAL EMERGENCY PROCUREMENT FLEXIBILITY

Subtitle A—Temporary Flexibility for Certain Procurements

Sec. 301. Definition.
Sec. 302. Procurements for defense against or recovery from terrorism or nuclear, biological, chemical, or radiological attack.
Sec. 303. Increased simplified acquisition threshold for procurements in support of humanitarian or peacekeeping operations or contingency operations.
Sec. 304. Increased micro-purchase threshold for certain procurements.
Sec. 305. Application of certain commercial items authorities to certain procurements.
Sec. 306. Use of streamlined procedures.
Sec. 307. Review and report by Comptroller General.

Subtitle B—Other Matters

Sec. 311. Identification of new entrants into the Federal marketplace.

TITLE IV—NATIONAL COMMISSION ON TERRORIST ATTACKS UPON THE UNITED STATES

Sec. 401. Establishment of Commission.
Sec. 402. Purposes.
Sec. 403. Composition of the Commission.
Sec. 404. Functions of the Commission.
Sec. 405. Powers of the Commission.
Sec. 406. Staff of the Commission.
Sec. 407. Compensation and travel expenses.
Sec. 408. Security clearances for Commission members and staff.
Sec. 409. Reports of the Commission; termination.
Sec. 410. Authorization of appropriations.

TITLE V—EFFECTIVE DATE

Sec. 501. Effective date.

DIVISION B—IMMIGRATION REFORM, ACCOUNTABILITY, AND SECURITY ENHANCEMENT ACT OF 2002

TITLE X—SHORT TITLE AND DEFINITIONS

Sec. 1001. Short title.
Sec. 1002. Definitions.

TITLE XI—DIRECTORATE OF IMMIGRATION AFFAIRS
Subtitle A—Organization
Sec. 1101. Abolition of INS.
Sec. 1102. Establishment of Directorate of Immigration Affairs.
Sec. 1103. Under Secretary of Homeland Security for Immigration Affairs.
Sec. 1104. Bureau of Immigration Services.
Sec. 1105. Bureau of Enforcement and Border Affairs.
Sec. 1106. Office of the Ombudsman within the Directorate.
Sec. 1107. Office of Immigration Statistics within the Directorate.
Sec. 1108. Clerical amendments.
Subtitle B—Transition Provisions
Sec. 1111. Transfer of functions.
Sec. 1112. Transfer of personnel and other resources.
Sec. 1113. Determinations with respect to functions and resources.
Sec. 1114. Delegation and reservation of functions.
Sec. 1115. Allocation of personnel and other resources.
Sec. 1116. Savings provisions.
Sec. 1117. Interim service of the Commissioner of Immigration and Naturalization.
Sec. 1118. Executive Office for Immigration review authorities not affected.
Sec. 1119. Other authorities not affected.
Sec. 1120. Transition funding.
Subtitle C—Miscellaneous Provisions
Sec. 1121. Funding adjudication and naturalization services.
Sec. 1122. Application of Internet-based technologies.
Sec. 1123. Alternatives to detention of asylum seekers.
Subtitle D—Effective Date
Sec. 1131. Effective date.
TITLE XII—UNACCOMPANIED ALIEN CHILD PROTECTION
Sec. 1201. Short title.
Sec. 1202. Definitions.
Subtitle A—Structural Changes
Sec. 1211. Responsibilities of the Office of Refugee Resettlement with respect to unaccompanied alien children.
Sec. 1212. Establishment of Interagency Task Force on Unaccompanied Alien Children.
Sec. 1213. Transition provisions.
Sec. 1214. Effective date.
Subtitle B—Custody, Release, Family Reunification, and Detention
Sec. 1221. Procedures when encountering unaccompanied alien children.
Sec. 1222. Family reunification for unaccompanied alien children with relatives in the United States.
Sec. 1223. Appropriate conditions for detention of unaccompanied alien children.
Sec. 1224. Repatriated unaccompanied alien children.
Sec. 1225. Establishing the age of an unaccompanied alien child.
Sec. 1226. Effective date.
Subtitle C—Access by Unaccompanied Alien Children to Guardians Ad Litem and Counsel
Sec. 1231. Right of unaccompanied alien children to guardians ad litem.
Sec. 1232. Right of unaccompanied alien children to counsel.
Sec. 1233. Effective date; applicability.
Subtitle D—Strengthening Policies for Permanent Protection of Alien Children
Sec. 1241. Special immigrant juvenile visa.
Sec. 1242. Training for officials and certain private parties who come into contact with unaccompanied alien children.
Sec. 1243. Effective date.
Subtitle E—Children Refugee and Asylum Seekers
Sec. 1251. Guidelines for children's asylum claims.
Sec. 1252. Unaccompanied refugee children.
Subtitle F—Authorization of Appropriations
Sec. 1261. Authorization of appropriations.
TITLE XIII—AGENCY FOR IMMIGRATION HEARINGS AND APPEALS
Subtitle A—Structure and Function
Sec. 1301. Establishment.
Sec. 1302. Director of the agency.
Sec. 1303. Board of Immigration Appeals.
Sec. 1304. Chief Immigration Judge.
Sec. 1305. Chief Administrative Hearing Officer.
Sec. 1306. Removal of judges.
Sec. 1307. Authorization of appropriations.
Subtitle B—Transfer of Functions and Savings Provisions
Sec. 1311. Transition provisions.
Subtitle C—Effective Date
Sec. 1321. Effective date.
DIVISION C—FEDERAL WORKFORCE IMPROVEMENT
TITLE XXI—CHIEF HUMAN CAPITAL OFFICERS
Sec. 2101. Short title.
Sec. 2102. Agency Chief Human Capital Officers.
Sec. 2103. Chief Human Capital Officers Council.
Sec. 2104. Strategic human capital management.
Sec. 2105. Effective date.
TITLE XXII—REFORMS RELATING TO FEDERAL HUMAN CAPITAL MANAGEMENT
Sec. 2201. Inclusion of agency human capital strategic planning in performance plans and program performance reports.
Sec. 2202. Reform of the competitive service hiring process.
Sec. 2203. Permanent extension, revision, and expansion of authorities for use of voluntary separation incentive pay and voluntary early retirement.
Sec. 2204. Student volunteer transit subsidy.
TITLE XXIII—REFORMS RELATING TO THE SENIOR EXECUTIVE SERVICE
Sec. 2301. Repeal of recertification requirements of senior executives.
Sec. 2302. Adjustment of limitation on total annual compensation.
TITLE XXIV—ACADEMIC TRAINING
Sec. 2401. Academic training.
Sec. 2402. Modifications to National Security Education Program.
Sec. 2403. Compensatory time off for travel.
DIVISION D—E-GOVERNMENT ACT OF 2002
TITLE XXX—SHORT TITLE; FINDINGS AND PURPOSES
Sec. 3001. Short title.
Sec. 3002. Findings and purposes.
TITLE XXXI—OFFICE OF MANAGEMENT AND BUDGET ELECTRONIC GOVERNMENT SERVICES
Sec. 3101. Management and promotion of electronic Government services.
Sec. 3102. Conforming amendments.
TITLE XXXII—FEDERAL MANAGEMENT AND PROMOTION OF ELECTRONIC GOVERNMENT SERVICES
Sec. 3201. Definitions.
Sec. 3202. Federal agency responsibilities.
Sec. 3203. Compatibility of executive agency methods for use and acceptance of electronic signatures.
Sec. 3204. Federal Internet portal.
Sec. 3205. Federal courts.
Sec. 3206. Regulatory agencies.
Sec. 3207. Accessibility, usability, and preservation of Government information.
Sec. 3208. Privacy provisions.
Sec. 3209. Federal information technology workforce development.
Sec. 3210. Common protocols for geographic information systems.
Sec. 3211. Share-in-savings program improvements.
Sec. 3212. Integrated reporting study and pilot projects.
Sec. 3213. Community technology centers.
Sec. 3214. Enhancing crisis management through advanced information technology.
Sec. 3215. Disparities in access to the Internet.
Sec. 3216. Notification of obsolete or counterproductive provisions.
TITLE XXXIII—GOVERNMENT INFORMATION SECURITY
Sec. 3301. Information security.
TITLE XXXIV—AUTHORIZATION OF APPROPRIATIONS AND EFFECTIVE DATES
Sec. 3401. Authorization of appropriations.
Sec. 3402. Effective dates.
DIVISION E—FLIGHT AND CABIN SECURITY ON PASSENGER AIRCRAFT
TITLE XLI—FLIGHT AND CABIN SECURITY ON PASSENGER AIRCRAFT
Sec. 4101. Short title.
Sec. 4102. Findings.
Sec. 4103. Federal flight deck officer program.
Sec. 4104. Cabin security.
Sec. 4105. Prohibition on opening cockpit doors in flight.

DIVISION A—NATIONAL HOMELAND SECURITY AND COMBATING TERRORISM

SEC. 100. DEFINITIONS.

Unless the context clearly indicates otherwise, the following shall apply for purposes of this division:

(1) AGENCY.—Except for purposes of subtitle E of title I, the term ''agency''—

(A) means—

(i) an Executive agency as defined under section 105 of title 5, United States Code;

(ii) a military department as defined under section 102 of title 5, United States Code;

(iii) the United States Postal Service; and

(B) does not include the General Accounting Office.

(2) ASSETS.—The term ''assets'' includes contracts, facilities, property, records, unobligated or unexpended balances of appropriations, and other funds or resources (other than personnel).

(3) DEPARTMENT.—The term ''Department'' means the Department of Homeland Security established under title I.

(4) ENTERPRISE ARCHITECTURE.—The term ''enterprise architecture''—

(A) means—

(i) a strategic information asset base, which defines the mission;

(ii) the information necessary to perform the mission;

(iii) the technologies necessary to perform the mission; and

(iv) the transitional processes for implementing new technologies in response to changing mission needs; and

(B) includes—

(i) a baseline architecture;

(ii) a target architecture; and

(iii) a sequencing plan.

(5) FEDERAL TERRORISM PREVENTION AND RESPONSE AGENCY.—The term ''Federal terrorism prevention and response agency'' means any Federal department or agency

charged with responsibilities for carrying out a homeland security strategy.

(6) FUNCTIONS.—The term ''functions'' includes authorities, powers, rights, privileges, immunities, programs, projects, activities, duties, responsibilities, and obligations.

(7) HOMELAND.—The term ''homeland'' means the United States, in a geographic sense.

(8) LOCAL GOVERNMENT.—The term ''local government'' has the meaning given under section 102(6) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Public Law 93–288).

(9) PERSONNEL.—The term ''personnel'' means officers and employees.

(10) RISK ANALYSIS AND RISK MANAGEMENT.—The term ''risk analysis and risk management'' means the assessment, analysis, management, mitigation, and communication of homeland security threats, vulnerabilities, criticalities, and risks.

(11) SECRETARY.—The term ''Secretary'' means the Secretary of Homeland Security.

(12) UNITED STATES.—The term ''United States'', when used in a geographic sense, means any State (within the meaning of section 102(4) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Public Law 93–288)), any possession of the United States, and any waters within the jurisdiction of the United States.

TITLE I—DEPARTMENT OF HOMELAND SECURITY

Subtitle A—Establishment of the Department of Homeland Security

SEC. 101. ESTABLISHMENT OF THE DEPARTMENT OF HOMELAND SECURITY.

(a) IN GENERAL.—There is established the Department of National Homeland Security.

(b) EXECUTIVE DEPARTMENT.—Section 101 of title 5, United States Code, is amended by adding at the end the following:

''The Department of Homeland Security.''.

(c) MISSION OF DEPARTMENT.—

(1) HOMELAND SECURITY.—The mission of the Department is to—

(A) promote homeland security, particularly with regard to terrorism;

(B) prevent terrorist attacks or other homeland threats within the United States;

(C) reduce the vulnerability of the United States to terrorism, natural disasters, and other homeland threats; and

(D) minimize the damage, and assist in the recovery, from terrorist attacks or other natural or man-made crises that occur within the United States.

(2) OTHER MISSIONS.—The Department shall be responsible for carrying out the other functions, and promoting the other missions, of entities transferred to the Department as provided by law.

(d) SEAL.—The Secretary shall procure a proper seal, with such suitable inscriptions and devices as the President shall approve. This seal, to be known as the official seal of the Department of Homeland Security, shall be kept and used to verify official documents, under such rules and regulations as the Secretary may prescribe. Judicial notice shall be taken of the seal.

SEC. 102. SECRETARY OF HOMELAND SECURITY.

(a) IN GENERAL.—The Secretary of Homeland Security shall be the head of the Department. The Secretary shall be appointed by the President, by and with the advice and consent of the Senate.

(b) RESPONSIBILITIES.—The responsibilities of the Secretary shall be the following:

(1) To develop policies, goals, objectives, priorities, and plans for the United States for the promotion of homeland security, particularly with regard to terrorism.

(2) To administer, carry out, and promote the other established missions of the entities transferred to the Department.

(3) To develop a comprehensive strategy for combating terrorism and the homeland security response.

(4) To make budget recommendations relating to a homeland security strategy, border and transportation security, infrastructure protection, emergency preparedness and response, science and technology promotion related to homeland security, and Federal support for State and local activities.

(5) To plan, coordinate, and integrate those Federal Government activities relating to border and transportation security, critical infrastructure protection, all-hazards emergency preparedness, response, recovery, and mitigation.

(6) To serve as a national focal point to analyze all information available to the United States related to threats of terrorism and other homeland threats.

(7) To establish and manage a comprehensive risk analysis and risk management program that directs and coordinates the supporting risk analysis and risk management activities of the Directorates and ensures coordination with entities outside the Department engaged in such activities.

(8) To identify and promote key scientific and technological advances that will enhance homeland security.

(9) To include, as appropriate, State and local governments and other entities in the full range of activities undertaken by the Department to promote homeland security, including—

(A) providing State and local government personnel, agencies, and authorities, with appropriate intelligence information, including warnings, regarding threats posed by terrorism in a timely and secure manner;

(B) facilitating efforts by State and local law enforcement and other officials to assist in the collection and dissemination of intelligence information and to provide information to the Department, and other agencies, in a timely and secure manner;

(C) coordinating with State, regional, and local government personnel, agencies, and authorities and, as appropriate, with the private sector, other entities, and the public, to ensure adequate planning, team work, coordination, information sharing, equipment, training, and exercise activities;

(D) consulting State and local governments, and other entities as appropriate, in developing a homeland security strategy; and

(E) systematically identifying and removing obstacles to developing effective partnerships between the Department, other agencies, and State, regional, and local government personnel, agencies, and authorities, the private sector, other entities, and the public to secure the homeland.

(10)(A) To consult and coordinate with the Secretary of Defense and the governors of the several States regarding integration of the United States military, including the National Guard, into all aspects of a homeland security strategy and its implementation, including detection, prevention, protection, response, and recovery.

(B) To consult and coordinate with the Secretary of Defense and make recommendations concerning organizational structure, equipment, and positioning of military assets determined critical to executing a homeland security strategy.

(C) To consult and coordinate with the Secretary of Defense regarding the training of personnel to respond to terrorist attacks involving chemical or biological agents.

(11) To seek to ensure effective day-to-day coordination of homeland security operations, and establish effective mechanisms for such coordination, among the elements constituting the Department and with other involved and affected Federal, State, and local departments and agencies.

(12) To administer the Homeland Security Advisory System, exercising primary responsibility for public threat advisories, and (in coordination with other agencies) providing specific warning information to State and local government personnel, agencies and authorities, the private sector, other entities, and the public, and advice about appropriate protective actions and countermeasures.

(13) To conduct exercise and training programs for employees of the Department and other involved agencies, and establish effective command and control procedures for the full range of potential contingencies regarding United States homeland security, including contingencies that require the substantial support of military assets.

(14) To annually review, update, and amend the Federal response plan for homeland security and emergency preparedness with regard to terrorism and other manmade and natural disasters.

(15) To direct the acquisition and management of all of the information resources of the Department, including communications resources.

(16) To endeavor to make the information technology systems of the Department, including communications systems, effective, efficient, secure, and appropriately interoperable.

(17) In furtherance of paragraph (16), to oversee and ensure the development and implementation of an enterprise architecture for Department-wide information technology, with timetables for implementation.

(18) As the Secretary considers necessary, to oversee and ensure the development and implementation of updated versions of the enterprise architecture under paragraph (17).

(19) To report to Congress on the development and implementation of the enterprise architecture under paragraph (17) in—

(A) each implementation progress report required under section 185; and

(B) each biennial report required under section 192(b).

(c) VISA ISSUANCE BY THE SECRETARY.—

(1) DEFINITION.—In this subsection, the term ''consular officer'' has the meaning given that term under section 101(a)(9) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(9)).

(2) IN GENERAL.—Notwithstanding section 104(a) of the Immigration and Nationality Act (8 U.S.C. 1104(a)) or any other provision of law, and except as provided under paragraph (3), the Secretary—

(A) shall be vested exclusively with all authorities to issue regulations with respect to, administer, and enforce the provisions of such Act, and of all other immigration and nationality laws, relating to the functions of consular officers of the United States in connection with the granting or refusal of visas, which authorities shall be exercised through the Secretary of State, except that the Secretary shall not have authority to alter or reverse the decision of a consular officer to refuse a visa to an alien; and

(B)(i) may delegate in whole or part the authority under subparagraph (A) to the Secretary of State; and

(ii) shall have authority to confer or impose upon any officer or employee of the United States, with the consent of the head of the executive agency under whose jurisdiction such officer or employee is serving, any of the functions specified in subparagraph (A).

(3) AUTHORITY OF THE SECRETARY OF STATE.—

(A) IN GENERAL.—The Secretary of State may direct a consular officer to refuse a visa

to an alien if the Secretary of State considers such refusal necessary or advisable in the foreign policy or security interests of the United States.

(B) STATUTORY CONSTRUCTION.—Nothing in this subsection shall be construed as affecting the authorities of the Secretary of State under the following provisions of law:

(i) Section 101(a)(15)(A) of the Immigration and Nationality Act (8 U.S.C. 1101(15)(A)).

(ii) Section 212(a)(3)(B)(i)(IV)(bb) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)(i)(IV)(bb)).

(iii) Section 212(a)(3)(B)(i)(VI) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)(i)(VI)).

(iv) Section 212(a)(3)(B)(vi)(II) of the Immigration and Nationality Act (8 U.S.C. 1182 (a)(3)(B)(vi)(II)).

(v) Section 212(a)(3)(C) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(C)).

(vi) Section 212(a)(10)(C) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(10)(C)).

(vii) Section 212(f) of the Immigration and Nationality Act (8 U.S.C. 1182(f)).

(viii) Section 219(a) of the Immigration and Nationality Act (8 U.S.C. 1189(a)).

(ix) Section 237(a)(4)(C) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(4)(C)).

(x) Section 104 of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 (22 U.S.C. 6034).

(xi) Section 616 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1999 (Public Law 105–277).

(xii) Section 103(f) of the Chemical Weapons Convention Implementation Act of 1998 (112 Stat. 2681–865).

(xiii) Section 801 of the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2002 and 2001 (113 Stat. 1501A–468).

(xiv) Section 568 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2002 (Public Law 107–115).

(xv) Section 51 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2723).

(xvi) Section 204(d)(2) of the Immigration and Nationality Act (8 U.S.C. 1154) (as it will take effect upon the entry into force of the Convention on Protection of Children and Cooperation in Respect to Inter-Country Adoption).

(4) CONSULAR OFFICERS AND CHIEFS OF MISSIONS.—Nothing in this subsection may be construed to alter or affect—

(A) the employment status of consular officers as employees of the Department of State; or

(B) the authority of a chief of mission under section 207 of the Foreign Service Act of 1980 (22 U.S.C. 3927).

(5) ASSIGNMENT OF HOMELAND SECURITY EMPLOYEES TO DIPLOMATIC AND CONSULAR POSTS.—

(A) IN GENERAL.—The Secretary is authorized to assign employees of the Department to diplomatic and consular posts abroad to perform the following functions:

(i) Provide expert advice to consular officers regarding specific security threats relating to the adjudication of individual visa applications or classes of applications.

(ii) Review any such applications, either on the initiative of the employee of the Department or upon request by a consular officer or other person charged with adjudicating such applications.

(iii) Conduct investigations with respect to matters under the jurisdiction of the Secretary.

(B) PERMANENT ASSIGNMENT; PARTICIPATION IN TERRORIST LOOKOUT COMMITTEE.—When appropriate, employees of the Department assigned to perform functions described in subparagraph (A) may be assigned permanently to overseas diplomatic or consular posts with country-specific or regional responsibility. If the Secretary so directs, any such employee, when present at an overseas post, shall participate in the terrorist lookout committee established under section 304 of the Enhanced Border Security and Visa Entry Reform Act of 2002 (8 U.S.C. 1733).

(C) TRAINING AND HIRING.—

(i) IN GENERAL.—The Secretary shall ensure that any employees of the Department assigned to perform functions described under subparagraph (A) and, as appropriate, consular officers, shall be provided all necessary training to enable them to carry out such functions, including training in foreign languages, in conditions in the particular country where each employee is assigned, and in other appropriate areas of study.

(ii) FOREIGN LANGUAGE PROFICIENCY.—Before assigning employees of the Department to perform the functions described under subparagraph (A), the Secretary shall promulgate regulations establishing foreign language proficiency requirements for employees of the Department performing the functions described under subparagraph (A) and providing that preference shall be given to individuals who meet such requirements in hiring employees for the performance of such functions.

(iii) USE OF CENTER.—The Secretary is authorized to use the National Foreign Affairs Training Center, on a reimbursable basis, to obtain the training described in clause (i).

(6) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary and the Secretary of State shall submit to Congress—

(A) a report on the implementation of this subsection; and

(B) any legislative proposals necessary to further the objectives of this subsection.

(7) EFFECTIVE DATE.—This subsection shall take effect on the earlier of—

(A) the date on which the President publishes notice in the Federal Register that the President has submitted a report to Congress setting forth a memorandum of understanding between the Secretary and the Secretary of State governing the implementation of this section; or

(B) the date occurring 1 year after the date of enactment of this Act.

(d) MEMBERSHIP ON THE NATIONAL SECURITY COUNCIL.—Section 101(a) of the National Security Act of 1947 (50 U.S.C. 402(a)) is amended in the fourth sentence by striking paragraphs (5), (6), and (7) and inserting the following:

''(5) the Secretary of Homeland Security; and

''(6) each Secretary or Under Secretary of such other executive department, or of a military department, as the President shall designate.''.

SEC. 103. DEPUTY SECRETARY OF HOMELAND SECURITY.

(a) IN GENERAL.—There shall be in the Department a Deputy Secretary of Homeland Security, who shall be appointed by the President, by and with the advice and consent of the Senate.

(b) RESPONSIBILITIES.—The Deputy Secretary of Homeland Security shall—

(1) assist the Secretary in the administration and operations of the Department;

(2) perform such responsibilities as the Secretary shall prescribe; and

(3) act as the Secretary during the absence or disability of the Secretary or in the event of a vacancy in the office of the Secretary.

SEC. 104. UNDER SECRETARY FOR MANAGEMENT.

(a) IN GENERAL.—There shall be in the Department an Under Secretary for Management, who shall be appointed by the President, by and with the advice and consent of the Senate.

(b) RESPONSIBILITIES.—The Under Secretary for Management shall report to the Secretary, who may assign to the Under Secretary such functions related to the management and administration of the Department as the Secretary may prescribe, including—

(1) the budget, appropriations, expenditures of funds, accounting, and finance;

(2) procurement;

(3) human resources and personnel;

(4) information technology and communications systems;

(5) facilities, property, equipment, and other material resources;

(6) security for personnel, information technology and communications systems, facilities, property, equipment, and other material resources; and

(7) identification and tracking of performance measures relating to the responsibilities of the Department.

SEC. 105. ASSISTANT SECRETARIES.

(a) IN GENERAL.—There shall be in the Department not more than 5 Assistant Secretaries (not including the 2 Assistant Secretaries appointed under division B), each of whom shall be appointed by the President, by and with the advice and consent of the Senate.

(b) RESPONSIBILITIES.—

(1) IN GENERAL.—Whenever the President submits the name of an individual to the Senate for confirmation as an Assistant Secretary under this section, the President shall describe the general responsibilities that such appointee will exercise upon taking office.

(2) ASSIGNMENT.—Subject to paragraph (1), the Secretary shall assign to each Assistant Secretary such functions as the Secretary considers appropriate.

SEC. 106. INSPECTOR GENERAL.

(a) IN GENERAL.—There shall be in the Department an Inspector General. The Inspector General and the Office of Inspector General shall be subject to the Inspector General Act of 1978 (5 U.S.C. App.).

(b) ESTABLISHMENT.—Section 11 of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in paragraph (1), by inserting ''Homeland Security,'' after ''Health and Human Services,''; and

(2) in paragraph (2), by inserting ''Homeland Security,'' after ''Health and Human Services,''.

(c) REVIEW OF THE DEPARTMENT OF HOMELAND SECURITY.—The Inspector General shall designate 1 official who shall—

(1) review information and receive complaints alleging abuses of civil rights and civil liberties by employees and officials of the Department;

(2) publicize, through the Internet, radio, television, and newspaper advertisements—

(A) information on the responsibilities and functions of the official; and

(B) instructions on how to contact the official; and

(3) on a semi-annual basis, submit to Congress, for referral to the appropriate committee or committees, a report—

(A) describing the implementation of this subsection;

(B) detailing any civil rights abuses under paragraph (1); and

(C) accounting for the expenditure of funds to carry out this subsection.

(d) ADDITIONAL PROVISIONS WITH RESPECT TO THE INSPECTOR GENERAL OF THE DEPARTMENT OF HOMELAND SECURITY.—The Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) by redesignating section 8I as section 8J; and

(2) by inserting after section 8H the following:

SPECIAL PROVISIONS CONCERNING THE DEPARTMENT OF HOMELAND SECURITY

''SEC. 8I. (a)(1) Notwithstanding the last 2 sentences of section 3(a), the Inspector General of the Department of Homeland Security (in this section referred to as the ''Inspector General'') shall be under the authority, direction, and control of the Secretary of Homeland Security (in this section referred to as the ''Secretary'') with respect to audits or investigations, or the issuance of subpoenas, which require access to sensitive information concerning—

''(A) intelligence or counterintelligence matters;

''(B) ongoing criminal investigations or proceedings;

''(C) undercover operations;

''(D) the identity of confidential sources, including protected witnesses;

''(E) other matters the disclosure of which would constitute a serious threat to the protection of any person or property authorized protection by—

''(i) section 3056 of title 18, United States Code;

''(ii) section 202 of title 3, United States Code; or

''(iii) any provision of the Presidential Protection Assistance Act of 1976 (18 U.S.C. 3056 note); or

''(F) other matters the disclosure of which would constitute a serious threat to national security.

''(2) With respect to the information described under paragraph (1), the Secretary may prohibit the Inspector General from carrying out or completing any audit or investigation, or from issuing any subpoena, after such Inspector General has decided to initiate, carry out, or complete such audit or investigation or to issue such subpoena, if the Secretary determines that such prohibition is necessary to—

''(A) prevent the disclosure of any information described under paragraph (1);

''(B) preserve the national security; or

''(C) prevent significant impairment to the national interests of the United States.

''(3) If the Secretary exercises any power under paragraph (1) or (2), the Secretary shall notify the Inspector General in writing (appropriately classified, if necessary) within 7 calendar days stating the reasons for such exercise. Within 30 days after receipt of any such notice, the Inspector General shall transmit a copy of such notice, together with such comments concerning the exercise of such power as the Inspector General considers appropriate, to—

''(A) the President of the Senate;

''(B) the Speaker of the House of Representatives;

''(C) the Committee on Governmental Affairs of the Senate;

''(D) the Committee on Government Reform of the House of Representatives; and

''(E) other appropriate committees or subcommittees of Congress.

''(b)(1) In carrying out the duties and responsibilities under this Act, the Inspector General shall have oversight responsibility for the internal investigations and audits performed by any other office performing internal investigatory or audit functions in any subdivision of the Department of Homeland Security.

''(2) The head of each other office described under paragraph (1) shall promptly report to the Inspector General the significant activities being carried out by such office.

''(3) Notwithstanding paragraphs (1) and (2), the Inspector General may initiate, conduct, and supervise such audits and investigations in the Department (including in any subdivision referred to in paragraph (1)) as the Inspector General considers appropriate.

''(4) If the Inspector General initiates an audit or investigation under paragraph (3) concerning a subdivision referred to in paragraph (1), the Inspector General may provide the head of the other office performing internal investigatory or audit functions in the subdivision with written notice that the Inspector General has initiated such an audit or investigation. If the Inspector General issues such a notice, no other audit or investigation shall be initiated into the matter under audit or investigation by the Inspector General, and any other audit or investigation of such matter shall cease.

''(c) Any report required to be transmitted by the Secretary to the appropriate committees or subcommittees of Congress under section 5(d) shall also be transmitted, within the 7-day period specified under that subsection, to—

''(1) the President of the Senate;

''(2) the Speaker of the House of Representatives;

''(3) the Committee on Governmental Affairs of the Senate; and

''(4) the Committee on Government Reform of the House of Representatives.''.

(e) TECHNICAL AND CONFORMING AMENDMENTS.—The Inspector General Act of 1978 (5 U.S.C. appendix) is amended—

(1) in section 4(b), by striking ''8F'' each place it appears and inserting ''8G''; and

(2) in section 8J (as redesignated by subsection (c)(1)), by striking ''or 8H'' and inserting '', 8H, or 8I''.''

SEC. 107. CHIEF FINANCIAL OFFICER.

(a) IN GENERAL.—There shall be in the Department a Chief Financial Officer, who shall be appointed or designated in the manner prescribed under section 901(a)(1) of title 31, United States Code.

(b) ESTABLISHMENT.—Section 901(b)(1) of title 31, United States Code, is amended—

(1) by redesignating subparagraphs (G) through (P) as subparagraphs (H) through (Q), respectively; and

(2) by inserting after subparagraph (F) the following:

''(G) The Department of Homeland Security.''.

SEC. 108. CHIEF INFORMATION OFFICER.

(a) IN GENERAL.—There shall be in the Department a Chief Information Officer, who shall be designated in the manner prescribed under section 3506(a)(2)(A) of title 44, United States Code.

(b) RESPONSIBILITIES.—The Chief Information Officer shall assist the Secretary with Department-wide information resources management and perform those duties prescribed by law for chief information officers of agencies.

SEC. 109. GENERAL COUNSEL.

(a) IN GENERAL.—There shall be in the Department a General Counsel, who shall be appointed by the President, by and with the advice and consent of the Senate.

(b) RESPONSIBILITIES.—The General Counsel shall—

(1) serve as the chief legal officer of the Department;

(2) provide legal assistance to the Secretary concerning the programs and policies of the Department; and

(3) advise and assist the Secretary in carrying out the responsibilities under section 102(b).

SEC. 110. CIVIL RIGHTS OFFICER.

(a) IN GENERAL.—There shall be in the Department a Civil Rights Officer, who shall be appointed by the President, by and with the advice and consent of the Senate.

(b) RESPONSIBILITIES.—The Civil Rights Officer shall be responsible for—

(1) ensuring compliance with all civil rights and related laws and regulations applicable to Department employees and participants in Department programs;

(2) coordinating administration of all civil rights and related laws and regulations within the Department for Department employees and participants in Department programs;

(3) assisting the Secretary, directorates, and offices with the development and implementation of policies and procedures that ensure that civil rights considerations are appropriately incorporated and implemented in Department programs and activities;

(4) overseeing compliance with statutory and constitutional requirements related to the civil rights of individuals affected by the programs and activities of the Department; and

(5) notifying the Inspector General of any matter that, in the opinion of the Civil Rights Officer, warrants further investigation.

SEC. 111. PRIVACY OFFICER.

(a) IN GENERAL.—There shall be in the Department a Privacy Officer, who shall be appointed by the Secretary.

(b) RESPONSIBILITIES.—The Privacy Officer shall—

(1) oversee compliance with section 552a of title 5, United States Code (commonly referred to as the Privacy Act of 1974) and all other applicable laws relating to the privacy of personal information;

(2) assist the Secretary, directorates, and offices with the development and implementation of policies and procedures that ensure that—

(A) privacy considerations and safeguards are appropriately incorporated and implemented in Department programs and activities; and

(B) any information received by the Department is used or disclosed in a manner that minimizes the risk of harm to individuals from the inappropriate disclosure or use of such materials;

(3) assist Department personnel with the preparation of privacy impact assessments when required by law or considered appropriate by the Secretary; and

(4) notify the Inspector General of any matter that, in the opinion of the Privacy Officer, warrants further investigation.

SEC. 112. CHIEF HUMAN CAPITAL OFFICER.

(a) IN GENERAL.—The Secretary shall appoint or designate a Chief Human Capital Officer, who shall—

(1) advise and assist the Secretary and other officers of the Department in ensuring that the workforce of the Department has the necessary skills and training, and that the recruitment and retention policies of the Department allow the Department to attract and retain a highly qualified workforce, in accordance with all applicable laws and requirements, to enable the Department to achieve its missions;

(2) oversee the implementation of the laws, rules and regulations of the President and the Office of Personnel Management governing the civil service within the Department; and

(3) advise and assist the Secretary in planning and reporting under the Government Performance and Results Act of 1993 (including the amendments made by that Act), with respect to the human capital resources and needs of the Department for achieving the plans and goals of the Department.

(b) RESPONSIBILITIES.—The responsibilities of the Chief Human Capital Officer shall include—

(1) setting the workforce development strategy of the Department;

(2) assessing workforce characteristics and future needs based on the mission and strategic plan of the Department;

(3) aligning the human resources policies and programs of the Department with organization mission, strategic goals, and performance outcomes;

(4) developing and advocating a culture of continuous learning to attract and retain employees with superior abilities;

(5) identifying best practices and benchmarking studies;

(6) applying methods for measuring intellectual capital and identifying links of that capital to organizational performance and growth; and

(7) providing employee training and professional development.

SEC. 113. OFFICE OF INTERNATIONAL AFFAIRS.

(a) ESTABLISHMENT.—There is established within the Office of the Secretary, an Office of International Affairs. The Office shall be headed by a Director who shall be appointed by the Secretary.

(b) RESPONSIBILITIES OF THE DIRECTOR.—The Director shall have the following responsibilities:

(1) To promote information and education exchange with foreign nations in order to promote sharing of best practices and technologies relating to homeland security. Such information exchange shall include—

(A) joint research and development on countermeasures;

(B) joint training exercises of first responders; and

(C) exchange of expertise on terrorism prevention, response, and crisis management.

(2) To identify areas for homeland security information and training exchange.

(3) To plan and undertake international conferences, exchange programs, and training activities.

(4) To manage activities under this section and other international activities within the Department in consultation with the Department of State and other relevant Federal officials.

(5) To initially concentrate on fostering cooperation with countries that are already highly focused on homeland security issues and that have demonstrated the capability for fruitful cooperation with the United States in the area of counterterrorism.

SEC. 114. EXECUTIVE SCHEDULE POSITIONS.

(a) EXECUTIVE SCHEDULE LEVEL I POSITION.—Section 5312 of title 5, United States Code, is amended by adding at the end the following:

''Secretary of Homeland Security.''.

(b) EXECUTIVE SCHEDULE LEVEL II POSITION.—Section 5313 of title 5, United States Code, is amended by adding at the end the following:

''Deputy Secretary of Homeland Security.''.

(c) EXECUTIVE SCHEDULE LEVEL III POSITION.—Section 5314 of title 5, United States Code, is amended by adding at the end the following:

''Under Secretary for Management, Department of Homeland Security.''.

(d) EXECUTIVE SCHEDULE LEVEL IV POSITIONS.—Section 5315 of title 5, United States Code, is amended by adding at the end the following:

''Assistant Secretaries of Homeland Security (5).

''Inspector General, Department of Homeland Security.

''Chief Financial Officer, Department of Homeland Security.

''Chief Information Officer, Department of Homeland Security.

''General Counsel, Department of Homeland Security.''.

Subtitle B—Establishment of Directorates and Offices

SEC. 131. DIRECTORATE OF BORDER AND TRANSPORTATION PROTECTION.

(a) ESTABLISHMENT.—

(1) DIRECTORATE.—There is established within the Department the Directorate of Border and Transportation Protection.

(2) UNDER SECRETARY.—There shall be an Under Secretary for Border and Transportation, who shall be appointed by the President, by and with the advice and consent of the Senate.

(b) RESPONSIBILITIES.—The Directorate of Border and Transportation Protection shall be responsible for the following:

(1) Securing the borders, territorial waters, ports, terminals, waterways and air, land (including rail), and sea transportation systems of the United States, including coordinating governmental activities at ports of entry.

(2) Receiving and providing relevant intelligence on threats of terrorism and other homeland threats.

(3) Administering, carrying out, and promoting other established missions of the entities transferred to the Directorate.

(4) Using intelligence from the Directorate of Intelligence and other Federal intelligence organizations under section 132(a)(1)(B) to establish inspection priorities to identify products and other goods imported from suspect locations recognized by the intelligence community as having terrorist activities, unusual human health or agriculture disease outbreaks, or harboring terrorists.

(5) Providing agency-specific training for agents and analysts within the Department, other agencies, and State and local agencies and international entities that have established partnerships with the Federal Law Enforcement Training Center.

(6) Assisting and supporting the Secretary, in coordination with other Directorates and entities outside the Department, in conducting appropriate risk analysis and risk management activities consistent with the mission and functions of the Directorate.

(7) Consistent with section 175, conducting agricultural import and entry inspection functions transferred under section 175.

(8) Performing such other duties as assigned by the Secretary.

(c) TRANSFER OF AUTHORITIES, FUNCTIONS, PERSONNEL, AND ASSETS TO THE DEPARTMENT.—Except as provided under subsection (d), the authorities, functions, personnel, and assets of the following entities are transferred to the Department:

(1) The United States Customs Service, which shall be maintained as a distinct entity within the Department.

(2) The Transportation Security Administration of the Department of Transportation.

(3) The Federal Law Enforcement Training Center of the Department of the Treasury.

(d) EXERCISE OF CUSTOMS REVENUE AUTHORITY.—

(1) IN GENERAL.—

(A) AUTHORITIES NOT TRANSFERRED.—Notwithstanding subsection (c), authority that was vested in the Secretary of the Treasury by law to issue regulations related to customs revenue functions before the effective date of this section under the provisions of law set forth under paragraph (2) shall not be transferred to the Secretary by reason of this Act. The Secretary of the Treasury, with the concurrence of the Secretary, shall exercise this authority. The Commissioner of Customs is authorized to engage in activities to develop and support the issuance of the regulations described in this paragraph. The Secretary shall be responsible for the implementation and enforcement of regulations issued under this section.

(B) REPORT.—Not later than 60 days after the date of enactment of this Act, the Secretary of the Treasury shall submit a report to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives of proposed conforming amendments to the statutes set forth under paragraph (2) in order to determine the appropriate allocation of legal authorities described under this subsection. The Secretary of the Treasury shall also identify those authorities vested in the Secretary of the Treasury that are exercised by the Commissioner of Customs on or before the effective date of this section.

(C) LIABILITY.—Neither the Secretary of the Treasury nor the Department of the Treasury shall be liable for or named in any legal action concerning the implementation and enforcement of regulations issued under this paragraph on or after the date on which the United States Customs Service is transferred under this division.

(2) APPLICABLE LAWS.—The provisions of law referred to under paragraph (1) are those sections of the following statutes that relate to customs revenue functions:

(A) The Tariff Act of 1930 (19 U.S.C. 1304 et seq.).

(B) Section 249 of the Revised Statutes of the United States (19 U.S.C. 3).

(C) Section 2 of the Act of March 4, 1923 (19 U.S.C. 6).

(D) Section 13031 of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c).

(E) Section 251 of the Revised Statutes of the United States (19 U.S.C. 66).

(F) Section 1 of the Act of June 26, 1930 (19 U.S.C. 68).

(G) The Foreign Trade Zones Act (19 U.S.C. 81a et seq.).

(H) Section 1 of the Act of March 2, 1911 (19 U.S.C. 198).

(I) The Trade Act of 1974 (19 U.S.C. 2101 et seq.).

(J) The Trade Agreements Act of 1979 (19 U.S.C. 2502 et seq.).

(K) The North American Free Trade Agreement Implementation Act (19 U.S.C. 3301 et seq.).

(L) The Uruguay Round Agreements Act (19 U.S.C. 3501 et seq.).

(M) The Caribbean Basin Economic Recovery Act (19 U.S.C. 2701 et seq.).

(N) The Andean Trade Preference Act (19 U.S.C. 3201 et seq.).

(O) The African Growth and Opportunity Act (19 U.S.C. 3701 et seq.).

(P) Any other provision of law vesting customs revenue functions in the Secretary of the Treasury.

(3) DEFINITION OF CUSTOMS REVENUE FUNCTIONS.—In this subsection, the term ''customs revenue functions'' means—

(A) assessing, collecting, and refunding duties (including any special duties), excise taxes, fees, and any liquidated damages or penalties due on imported merchandise, including classifying and valuing merchandise and the procedures for ''entry'' as that term is defined in the United States Customs laws;

(B) administering section 337 of the Tariff Act of 1930 and provisions relating to import quotas and the marking of imported merchandise, and providing Customs Recordations for copyrights, patents, and trademarks;

(C) collecting accurate import data for compilation of international trade statistics; and

(D) administering reciprocal trade agreements and trade preference legislation.

(e) CONTINUATION OF CERTAIN FUNCTIONS OF THE CUSTOMS SERVICE.—

(1) IN GENERAL.—

(A) PRESERVATION OF CUSTOMS FUNDS.—Notwithstanding any other provision of this Act, no funds available to the United States Customs Service or collected under paragraphs (1) through (8) of section 13031(a) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(a)(1) through

(8)) may be transferred for use by any other agency or office in the Department.

(B) CUSTOMS AUTOMATION.—Section 13031(f) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(f)) is amended—

(i) in paragraph (1), by striking subparagraph (B) and inserting the following:

''(B) amounts deposited into the Customs Commercial and Homeland Security Automation Account under paragraph (5).'';

(ii) in paragraph (4), by striking ''(other than the excess fees determined by the Secretary under paragraph (5))''; and

(iii) by striking paragraph (5) and inserting the following:

''(5)(A) There is created within the general fund of the Treasury a separate account that shall be known as the 'Customs Commercial and Homeland Security Automation Account'. In each of fiscal years 2003, 2004, and 2005 there shall be deposited into the Account from fees collected under subsection (a)(9)(A), $350,000,000.

''(B) There is authorized to be appropriated from the Customs Commercial and Homeland Security Automation Account for each of fiscal years 2003 through 2005 such amounts as are available in that Account for the development, establishment, and implementation of the Automated Commercial Environment computer system for the processing of merchandise that is entered or released and for other purposes related to the functions of the Department of Homeland Security. Amounts appropriated pursuant to this subparagraph are authorized to remain available until expended.

''(C) In adjusting the fee imposed by subsection (a)(9)(A) for fiscal year 2006, the Secretary of the Treasury shall reduce the amount estimated to be collected in fiscal year 2006 by the amount by which total fees deposited to the Customs Commercial and Homeland Security Automation Account during fiscal years 2003, 2004, and 2005 exceed total appropriations from that Account.''.

(2) ADVISORY COMMITTEE ON COMMERCIAL OPERATIONS OF THE UNITED STATES CUSTOMS SERVICE.—Section 9503(c) of the Omnibus Budget Reconciliation Act of 1987 (Public Law 100–203; 19 U.S.C. 2071 note) is amended—

(A) in paragraph (1), by inserting ''in consultation with the Secretary of Homeland Security'' after ''Secretary of the Treasury'';

(B) in paragraph (2)(A), by inserting ''in consultation with the Secretary of Homeland Security'' after ''Secretary of the Treasury'';

(C) in paragraph (3)(A), by inserting ''and the Secretary of Homeland Security'' after ''Secretary of the Treasury''; and

(D) in paragraph (4)—

(i) by inserting ''and the Under Secretary of Homeland Security for Border and Transportation'' after ''for Enforcement''; and

(ii) by inserting ''jointly'' after ''shall preside''.

(3) CONFORMING AMENDMENT.—Section 311(b) of the Customs Border Security Act of 2002 (Public Law 107–210) is amended by striking paragraph (2).

SEC. 132. DIRECTORATE OF INTELLIGENCE.

(a) ESTABLISHMENT.—

(1) DIRECTORATE.—

(A) IN GENERAL.—There is established a Directorate of Intelligence which shall serve as a national-level focal point for information available to the United States Government relating to the plans, intentions, and capabilities of terrorists and terrorist organizations for the purpose of supporting the mission of the Department.

(B) SUPPORT TO DIRECTORATE.—The Directorate of Intelligence shall communicate, coordinate, and cooperate with—

(i) the Federal Bureau of Investigation;

(ii) the intelligence community, as defined under section 3 of the National Security Act of 1947 (50 U.S.C. 401a), including the Office of the Director of Central Intelligence, the National Intelligence Council, the Central Intelligence Agency, the National Security Agency, the Defense Intelligence Agency, the National Imagery and Mapping Agency, the National Reconnaissance Office, and the Bureau of Intelligence and Research of the Department of State; and

(iii) other agencies or entities, including those within the Department, as determined by the Secretary.

(C) INFORMATION ON INTERNATIONAL TERRORISM.—

(i) DEFINITIONS.—In this subparagraph, the terms ''foreign intelligence'' and ''counterintelligence'' shall have the meaning given those terms in section 3 of the National Security Act of 1947 (50 U.S.C. 401a).

(ii) PROVISION OF INFORMATION TO COUNTERTERRORIST CENTER.—In order to ensure that the Secretary is provided with appropriate analytical products, assessments, and warnings relating to threats of terrorism against the United States and other threats to homeland security, the Director of Central Intelligence (as head of the intelligence community with respect to foreign intelligence and counterintelligence), the Attorney General, and the heads of other agencies of the Federal Government shall ensure that all intelligence and other information relating to international terrorism is provided to the Director of Central Intelligence's Counterterrorist Center.

(iii) ANALYSIS OF INFORMATION.—The Director of Central Intelligence shall ensure the analysis by the Counterterrorist Center of all intelligence and other information provided the Counterterrorist Center under clause (ii).

(iv) ANALYSIS OF FOREIGN INTELLIGENCE.—The Counterterrorist Center shall have primary responsibility for the analysis of foreign intelligence relating to international terrorism.

(2) UNDER SECRETARY.—There shall be an Under Secretary for Intelligence who shall be appointed by the President, by and with the advice and consent of the Senate.

(b) RESPONSIBILITIES.—The Directorate of Intelligence shall be responsible for the following:

(1)(A) Receiving and analyzing law enforcement and other information from agencies of the United States Government, State and local government agencies (including law enforcement agencies), and private sector entities, and fusing such information and analysis with analytical products, assessments, and warnings concerning foreign intelligence from the Director of Central Intelligence's Counterterrorist Center in order to—

(i) identify and assess the nature and scope of threats to the homeland; and

(ii) detect and identify threats of terrorism against the United States and other threats to homeland security.

(B) Nothing in this paragraph shall be construed to prohibit the Directorate from conducting supplemental analysis of foreign intelligence relating to threats of terrorism against the United States and other threats to homeland security.

(2) Ensuring timely and efficient access by the Directorate to—

(A) information from agencies described under subsection (a)(1)(B), State and local governments, local law enforcement and intelligence agencies, private sector entities; and

(B) open source information.

(3) Representing the Department in procedures to establish requirements and priorities in the collection of national intelligence for purposes of the provision to the executive branch under section 103 of the National Security Act of 1947 (50 U.S.C. 403–3) of national intelligence relating to foreign terrorist threats to the homeland.

(4) Consulting with the Attorney General or the designees of the Attorney General, and other officials of the United States Government to establish overall collection priorities and strategies for information, including law enforcement information, relating to domestic threats, such as terrorism, to the homeland.

(5) Disseminating information to the Directorate of Critical Infrastructure Protection, the agencies described under subsection (a)(1)(B), State and local governments, local law enforcement and intelligence agencies, and private sector entities to assist in the deterrence, prevention, preemption, and response to threats of terrorism against the United States and other threats to homeland security.

(6) Establishing and utilizing, in conjunction with the Chief Information Officer of the Department and the appropriate officers of the agencies described under subsection (a)(1)(B), a secure communications and information technology infrastructure, and advanced analytical tools, to carry out the mission of the Directorate.

(7) Developing, in conjunction with the Chief Information Officer of the Department and appropriate officers of the agencies described under subsection (a)(1)(B), appropriate software, hardware, and other information technology, and security and formatting protocols, to ensure that Federal Government databases and information technology systems containing information relevant to terrorist threats, and other threats against the United States, are—

(A) compatible with the secure communications and information technology infrastructure referred to under paragraph (6); and

(B) comply with Federal laws concerning privacy and the prevention of unauthorized disclosure.

(8) Ensuring, in conjunction with the Director of Central Intelligence and the Attorney General, that all material received by the Department is protected against unauthorized disclosure and is utilized by the Department only in the course and for the purpose of fulfillment of official duties, and is transmitted, retained, handled, and disseminated consistent with—

(A) the authority of the Director of Central Intelligence to protect intelligence sources and methods from unauthorized disclosure under the National Security Act of 1947 (50 U.S.C. 401 et seq.) and related procedures; or

(B) as appropriate, similar authorities of the Attorney General concerning sensitive law enforcement information, and the privacy interests of United States persons as defined under section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801).

(9) Providing, through the Secretary, to the appropriate law enforcement or intelligence agency, information and analysis relating to threats.

(10) Coordinating, or where appropriate providing, training and other support as necessary to providers of information to the Department, or consumers of information from the Department, to allow such providers or consumers to identify and share intelligence information revealed in their ordinary duties or utilize information received from the Department, including training and support under section 908 of the USA PATRIOT Act of 2001 (Public Law 107–56).

(11) Reviewing, analyzing, and making recommendations through the Secretary for improvements in the policies and procedures governing the sharing of law enforcement, intelligence, and other information relating to threats of terrorism against the United

States and other threats to homeland security within the United States Government and between the United States Government and State and local governments, local law enforcement and intelligence agencies, and private sector entities.

(12) Assisting and supporting the Secretary, in coordination with other Directorates and entities outside the Department, in conducting appropriate risk analysis and risk management activities consistent with the mission and functions of the Directorate.

(13) Performing other related and appropriate duties as assigned by the Secretary.

(c) ACCESS TO INFORMATION.—

(1) IN GENERAL.—Unless otherwise directed by the President, the Secretary shall have access to, and United States Government agencies shall provide, all reports, assessments, analytical information, and information, including unevaluated intelligence, relating to the plans, intentions, capabilities, and activities of terrorists and terrorist organizations, and to other areas of responsibility as described in this division, that may be collected, possessed, or prepared, by any other United States Government agency.

(2) ADDITIONAL INFORMATION.—As the President may further provide, the Secretary shall receive additional information requested by the Secretary from the agencies described under subsection (a)(1)(B).

(3) OBTAINING INFORMATION.—All information shall be provided to the Secretary consistent with the requirements of subsection (b)(8), unless otherwise determined by the President.

(4) COOPERATIVE ARRANGEMENTS.—The Secretary may enter into cooperative arrangements with agencies described under subsection (a)(1)(B) to share material on a regular or routine basis, including arrangements involving broad categories of material, and regardless of whether the Secretary has entered into any such cooperative arrangement, all agencies described under subsection (a)(1)(B) shall promptly provide information under this subsection.

(d) AUTHORIZATION TO SHARE LAW ENFORCEMENT INFORMATION.—The Secretary shall be deemed to be a Federal law enforcement, intelligence, protective, national defense, or national security official for purposes of information sharing provisions of—

(1) section 203(d) of the USA PATRIOT Act of 2001 (Public Law 107–56);

(2) section 2517(6) of title 18, United States Code; and

(3) rule 6(e)(3)(C) of the Federal Rules of Criminal Procedure.

(e) ADDITIONAL RISK ANALYSIS AND RISK MANAGEMENT RESPONSIBILITIES.—The Under Secretary for Intelligence shall, in coordination with the Office of Risk Analysis and Assessment in the Directorate of Science and Technology, be responsible for—

(1) developing analysis concerning the means and methods terrorists might employ to exploit vulnerabilities in the homeland security infrastructure;

(2) supporting experiments, tests, and inspections to identify weaknesses in homeland defenses;

(3) developing countersurveillance techniques to prevent attacks;

(4) conducting risk assessments to determine the risk posed by specific kinds of terrorist attacks, the probability of successful attacks, and the feasibility of specific countermeasures.

(f) MANAGEMENT AND STAFFING.—

(1) IN GENERAL.—The Directorate of Intelligence shall be staffed, in part, by analysts as requested by the Secretary and assigned by the agencies described under subsection (a)(1)(B). The analysts shall be assigned by reimbursable detail for periods as determined necessary by the Secretary in conjunction with the head of the assigning agency. No such detail may be undertaken without the consent of the assigning agency.

(2) EMPLOYEES ASSIGNED WITHIN DEPARTMENT.—The Secretary may assign employees of the Department by reimbursable detail to the Directorate.

(3) SERVICE AS FACTOR FOR SELECTION.—The President, or the designee of the President, shall prescribe regulations to provide that service described under paragraph (1) or (2), or service by employees within the Directorate, shall be considered a positive factor for selection to positions of greater authority within all agencies described under subsection (a)(1)(B).

(4) PERSONNEL SECURITY STANDARDS.—The employment of personnel in the Directorate shall be in accordance with such personnel security standards for access to classified information and intelligence as the Secretary, in conjunction with the Director of Central Intelligence, shall establish for this subsection.

(5) PERFORMANCE EVALUATION.—The Secretary shall evaluate the performance of all personnel detailed to the Directorate, or delegate such responsibility to the Under Secretary for Intelligence.

(g) INTELLIGENCE COMMUNITY.—Those portions of the Directorate of Intelligence under subsection (b)(1), and the intelligence-related components of agencies transferred by this division to the Department, including the United States Coast Guard, shall be—

(1) considered to be part of the United States intelligence community within the meaning of section 3 of the National Security Act of 1947 (50 U.S.C. 401a); and

(2) for budgetary purposes, within the National Foreign Intelligence Program.

SEC. 133. DIRECTORATE OF CRITICAL INFRASTRUCTURE PROTECTION.

(a) ESTABLISHMENT.—

(1) DIRECTORATE.—There is established within the Department the Directorate of Critical Infrastructure Protection.

(2) UNDER SECRETARY.—There shall be an Under Secretary for Critical Infrastructure Protection, who shall be appointed by the President, by and with the advice and consent of the Senate.

(b) RESPONSIBILITIES.—The Directorate of Critical Infrastructure Protection shall be responsible for the following:

(1) Receiving relevant intelligence from the Directorate of Intelligence, law enforcement information, and other information in order to comprehensively assess the vulnerabilities of the key resources and critical infrastructures in the United States.

(2) Integrating relevant information, intelligence analysis, and vulnerability assessments (whether such information, analyses, or assessments are provided by the Department or others) to identify priorities and support protective measures by the Department, by other agencies, by State and local government personnel, agencies, and authorities, by the private sector, and by other entities, to protect the key resources and critical infrastructures in the United States.

(3) As part of a homeland security strategy, developing a comprehensive national plan for securing the key resources and critical infrastructure in the United States.

(4) Assisting and supporting the Secretary, in coordination with other Directorates and entities outside the Department, in conducting appropriate risk analysis and risk management activities consistent with the mission and functions of the Directorate. This shall include, in coordination with the Office of Risk Analysis and Assessment in the Directorate of Science and Technology, establishing procedures, mechanisms, or units for the purpose of utilizing intelligence to identify vulnerabilities and protective measures in—

(A) public health infrastructure;

(B) food and water storage, production and distribution;

(C) commerce systems, including banking and finance;

(D) energy systems, including electric power and oil and gas production and storage;

(E) transportation systems, including pipelines;

(F) information and communication systems;

(G) continuity of government services; and

(H) other systems or facilities the destruction or disruption of which could cause substantial harm to health, safety, property, or the environment.

(5) Enhancing the sharing of information regarding cyber security and physical security of the United States, developing appropriate security standards, tracking vulnerabilities, proposing improved risk management policies, and delineating the roles of various Government agencies in preventing, defending, and recovering from attacks.

(6) Acting as the Critical Information Technology, Assurance, and Security Officer of the Department and assuming the responsibilities carried out by the Critical Infrastructure Assurance Office and the National Infrastructure Protection Center before the effective date of this division.

(7) Coordinating the activities of the Information Sharing and Analysis Centers to share information, between the public and private sectors, on threats, vulnerabilities, individual incidents, and privacy issues regarding homeland security.

(8) Working closely with the Department of State on cyber security issues with respect to international bodies and coordinating with appropriate agencies in helping to establish cyber security policy, standards, and enforcement mechanisms.

(9) Establishing the necessary organizational structure within the Directorate to provide leadership and focus on both cyber security and physical security, and ensuring the maintenance of a nucleus of cyber security and physical security experts within the United States Government.

(10) Performing such other duties as assigned by the Secretary.

In this subsection, the term ''key resources'' includes National Park Service sites identified by the Secretary of the Interior that are so universally recognized as symbols of the United States and so heavily visited by the American and international public that such sites would likely be identified as targets of terrorist attacks, including the Statue of Liberty, Independence Hall and the Liberty Bell, the Arch in St. Louis, Missouri, Mt. Rushmore, and memorials and monuments in Washington, D.C.

(c) TRANSFER OF AUTHORITIES, FUNCTIONS, PERSONNEL, AND ASSETS TO THE DEPARTMENT.—The authorities, functions, personnel, and assets of the following entities are transferred to the Department:

(1) The Critical Infrastructure Assurance Office of the Department of Commerce.

(2) The National Infrastructure Protection Center of the Federal Bureau of Investigation (other than the Computer Investigations and Operations Section).

(3) The National Communications System of the Department of Defense.

(4) The Computer Security Division of the National Institute of Standards and Technology of the Department of Commerce.

(5) The National Infrastructure Simulation and Analysis Center of the Department of Energy.

(6) The Federal Computer Incident Response Center of the General Services Administration.

(7) The Energy Security and Assurance Program of the Department of Energy.

(8) The Federal Protective Service of the General Services Administration.

SEC. 134. DIRECTORATE OF EMERGENCY PREPAREDNESS AND RESPONSE.

(a) ESTABLISHMENT.—

(1) DIRECTORATE.—There is established within the Department the Directorate of Emergency Preparedness and Response.

(2) UNDER SECRETARY.—There shall be an Under Secretary for Emergency Preparedness and Response, who shall be appointed by the President, by and with the advice and consent of the Senate.

(b) RESPONSIBILITIES.—The Directorate of Emergency Preparedness and Response shall be responsible for the following:

(1) Carrying out all emergency preparedness and response activities carried out by the Federal Emergency Management Agency before the effective date of this division.

(2) Assuming the responsibilities carried out by the National Domestic Preparedness Office before the effective date of this division.

(3) Organizing and training local entities to respond to emergencies and providing State and local authorities with equipment for detection, protection, and decontamination in an emergency involving weapons of mass destruction.

(4) Overseeing Federal, State, and local emergency preparedness training and exercise programs in keeping with intelligence estimates and coordinating Federal assistance for any emergency, including emergencies caused by natural disasters, manmade accidents, human or agricultural health emergencies, or terrorist attacks.

(5) Creating a National Crisis Action Center to act as the focal point for—

(A) monitoring emergencies;

(B) notifying affected agencies and State and local governments; and

(C) coordinating Federal support for State and local governments and the private sector in crises.

(6) Managing and updating the Federal response plan to ensure the appropriate integration of operational activities of the Department of Defense, the National Guard, and other agencies, to respond to acts of terrorism and other disasters.

(7) Coordinating activities among private sector entities, including entities within the medical community, and animal health and plant disease communities, with respect to recovery, consequence management, and planning for continuity of services.

(8) Developing and managing a single response system for national incidents in coordination with all appropriate agencies.

(9) Coordinating with other agencies necessary to carry out the functions of the Office of Emergency Preparedness.

(10) Collaborating with, and transferring funds to, the Centers for Disease Control and Prevention or other agencies for administration of the Strategic National Stockpile transferred under subsection (c)(5).

(11) Collaborating with the Under Secretary for Science and Technology, Secretary of Agriculture, and the Director of the Centers for Disease Control and Prevention in establishing and updating the list of potential threat agents or toxins relating to the functions described in subsection (c)(6)(B).

(12) Developing a plan to address the interface of medical informatics and the medical response to terrorism that address—

(A) standards for interoperability;

(B) real-time data collection;

(C) ease of use for health care providers;

(D) epidemiological surveillance of disease outbreaks in human health and agriculture;

(E) integration of telemedicine networks and standards;

(F) patient confidentiality; and

(G) other topics pertinent to the mission of the Department.

(13) Activate and coordinate the operations of the National Disaster Medical System as defined under section 102 of the Public Health Security and Bioterrorism Preparedness and Response Act of 2002 (Public Law 107–188).

(14) Assisting and supporting the Secretary, in coordination with other Directorates and entities outside the Department, in conducting appropriate risk analysis and risk management activities consistent with the mission and functions of the Directorate.

(15) Performing such other duties as assigned by the Secretary.

(c) TRANSFER OF AUTHORITIES, FUNCTIONS, PERSONNEL, AND ASSETS TO THE DEPARTMENT.—The authorities, functions, personnel, and assets of the following entities are transferred to the Department:

(1) The Federal Emergency Management Agency, the 10 regional offices of which shall be maintained and strengthened by the Department, which shall be maintained as a distinct entity within the Department.

(2) The National Office of Domestic Preparedness of the Federal Bureau of Investigation of the Department of Justice.

(3) The Office of Domestic Preparedness of the Department of Justice.

(4) The Office of Emergency Preparedness within the Office of the Assistant Secretary for Public Health Emergency Preparedness of the Department of Health and Human Services, including—

(A) the Noble Training Center;

(B) the Metropolitan Medical Response System;

(C) the Department of Health and Human Services component of the National Disaster Medical System;

(D) the Disaster Medical Assistance Teams, the Veterinary Medical Assistance Teams, and the Disaster Mortuary Operational Response Teams;

(E) the special events response; and

(F) the citizen preparedness programs.

(5) The Strategic National Stockpile of the Department of Health and Human Services including all functions and assets under sections 121 and 127 of the Public Health Security and Bioterrorism Preparedness and Response Act of 2002 (Public Law 107–188).

(6)(A) Except as provided in subparagraph (B)—

(i) the functions of the Select Agent Registration Program of the Department of Health and Human Services, including all functions of the Secretary of Health and Human Services under title II of the Public Health Security and Bioterrorism Preparedness and Response Act of 2002 (Public Law 107–188); and

(ii) the functions of the Department of Agriculture under the Agricultural Bioterrorism Protection Act of 2002 (7 U.S.C. 8401 et seq.).

(B)(i) The Secretary shall collaborate with the Secretary of Health and Human Services in determining the biological agents and toxins that shall be listed as ''select agents'' in Appendix A of part 72 of title 42, Code of Federal Regulations, pursuant to section 351A of the Public Health Service Act (42 U.S.C. 262a).

(ii) The Secretary shall collaborate with the Secretary of Agriculture in determining the biological agents and toxins that shall be included on the list of biological agents and toxins required under section 212(a) of the Agricultural Bioterrorism Protection Act of 2002 (7 U.S.C. 8401).

(C) In promulgating regulations pursuant to the functions described in subparagraph (A), the Secretary shall act in collaboration with the Secretary of Health and Human Services and the Secretary of Agriculture.

(d) APPOINTMENT AS UNDER SECRETARY AND DIRECTOR.—

(1) IN GENERAL.—An individual may serve as both the Under Secretary for Emergency Preparedness and Response and the Director of the Federal Emergency Management Agency if appointed by the President, by and with the advice and consent of the Senate, to each office.

(2) PAY.—Nothing in paragraph (1) shall be construed to authorize an individual appointed to both positions to receive pay at a rate of pay in excess of the rate of pay payable for the position to which the higher rate of pay applies.

(e) REPORT.—Not later than 1 year after the date of enactment of this Act, the Under Secretary for Emergency Preparedness and Response shall submit a report to Congress on the status of a national medical informatics system and an agricultural disease surveillance system, and the capacity of such systems to meet the goals under subsection (b)(12) in responding to a terrorist attack.

SEC. 135. DIRECTORATE OF SCIENCE AND TECHNOLOGY.

(a) PURPOSE.—The purpose of this section is to establish a Directorate of Science and Technology that will support the mission of the Department and the directorates of the Department by—

(1) establishing, funding, managing, and supporting research, development, demonstration, testing, and evaluation activities to meet national homeland security needs and objectives;

(2) setting national research and development goals and priorities pursuant to the mission of the Department, and developing strategies and policies in furtherance of such goals and priorities;

(3) coordinating and collaborating with other Federal departments and agencies, and State, local, academic, and private sector entities, to advance the research and development agenda of the Department;

(4) advising the Secretary on all scientific and technical matters relevant to homeland security; and

(5) facilitating the transfer and deployment of technologies that will serve to enhance homeland security goals.

(b) DEFINITIONS.—In this section:

(1) COUNCIL.—The term ''Council'' means the Homeland Security Science and Technology Council established under this section.

(2) FUND.—The term ''Fund'' means the Acceleration Fund for Research and Development of Homeland Security Technologies established under this section.

(3) HOMELAND SECURITY RESEARCH AND DEVELOPMENT.—The term ''homeland security research and development'' means research and development applicable to the detection of, prevention of, protection against, response to, and recovery from homeland security threats, particularly acts of terrorism.

(4) OSTP.—The term ''OSTP'' means the Office of Science and Technology Policy.

(5) SARPA.—The term ''SARPA'' means the Security Advanced Research Projects Agency established under this section.

(6) TECHNOLOGY ROADMAP.—The term ''technology roadmap'' means a plan or framework in which goals, priorities, and milestones for desired future technological capabilities and functions are established, and research and development alternatives

or means for achieving those goals, priorities, and milestones are identified and analyzed in order to guide decisions on resource allocation and investments.

(7) UNDER SECRETARY.—The term ''Under Secretary'' means the Under Secretary for Science and Technology.

(c) DIRECTORATE OF SCIENCE AND TECHNOLOGY.—

(1) ESTABLISHMENT.—There is established a Directorate of Science and Technology within the Department.

(2) UNDER SECRETARY.—There shall be an Under Secretary for Science and Technology, who shall be appointed by the President, by and with the advice and consent of the Senate. The principal responsibility of the Under Secretary shall be to effectively and efficiently carry out the purposes of the Directorate of Science and Technology under subsection (a). In addition, the Under Secretary shall undertake the following activities in furtherance of such purposes:

(A) Coordinating with the OSTP and other appropriate entities in developing and executing the research and development agenda of the Department.

(B) Developing a technology roadmap that shall be updated biannually for achieving technological goals relevant to homeland security needs.

(C) Instituting mechanisms to promote, facilitate, and expedite the transfer and deployment of technologies relevant to homeland security needs, including dual-use capabilities.

(D) Assisting the Secretary and the Director of OSTP to ensure that science and technology priorities are clearly reflected and considered in a homeland security Strategy.

(E) Establishing mechanisms for the sharing and dissemination of key homeland security research and technology developments and opportunities with appropriate Federal, State, local, and private sector entities.

(F) Establishing, in coordination with the Under Secretary for Critical Infrastructure Protection and the Under Secretary for Emergency Preparedness and Response and relevant programs under their direction, a National Emergency Technology Guard, comprised of teams of volunteers with expertise in relevant areas of science and technology, to assist local communities in responding to and recovering from emergency contingencies requiring specialized scientific and technical capabilities. In carrying out this responsibility, the Under Secretary shall establish and manage a database of National Emergency Technology Guard volunteers, and prescribe procedures for organizing, certifying, mobilizing, and deploying National Emergency Technology Guard teams.

(G) Chairing the Working Group established under section 108 of the Public Health Security and Bioterrorism Preparedness and Response Act of 2002 (Public Law 107–188).

(H) Assisting the Secretary in developing a homeland security strategy for Countermeasure Research described under subsection (k).

(I) Assisting the Secretary and acting on behalf of the Secretary in contracting with, commissioning, or establishing federally funded research and development centers determined useful and appropriate by the Secretary for the purpose of providing the Department with independent analysis and support.

(J) Assisting the Secretary and acting on behalf of the Secretary in entering into joint sponsorship agreements with the Department of Energy regarding the use of the national laboratories or sites.

(K) Assisting and supporting the Secretary, in coordination with other Directorates and entities outside the Department, in conducting appropriate risk analysis and risk management activities consistent with the mission and functions of the Directorate.

(L) Carrying out other appropriate activities as directed by the Secretary.

(3) RESEARCH AND DEVELOPMENT-RELATED AUTHORITIES.—The Secretary shall exercise the following authorities relating to the research, development, testing, and evaluation activities of the Directorate of Science and Technology:

(A) With respect to research and development expenditures under this section, the authority (subject to the same limitations and conditions) as the Secretary of Defense may exercise under section 2371 of title 10, United States Code (except for subsections (b) and (f)), for a period of 5 years beginning on the date of enactment of this Act. Competitive, merit-based selection procedures shall be used for the selection of projects and participants for transactions entered into under the authority of this paragraph. The annual report required under subsection (h) of such section, as applied to the Secretary by this subparagraph, shall—

(i) be submitted to the President of the Senate, the Speaker of the House of Representatives, the Committee on Governmental Affairs of the Senate, the Committee on Government Reform of the House of Representatives, the Committee on Appropriations of the Senate, and the Committee on Appropriations of the House of Representatives; and

(ii) report on other transactions entered into under subparagraph (B).

(B) Authority to carry out prototype projects in accordance with the requirements and conditions provided for carrying out prototype projects under section 845 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160), for a period of 5 years beginning on the date of enactment of this Act. In applying the authorities of such section 845, subsection (c) of that section shall apply with respect to prototype projects under this paragraph, and the Secretary shall perform the functions of the Secretary of Defense under subsection (d) of that section. Competitive, merit-based selection procedures shall be used for the selection of projects and participants for transactions entered into under the authority of this paragraph.

(C) In hiring personnel to assist in research, development, testing, and evaluation activities within the Directorate of Science and Technology, the authority to exercise the personnel hiring and management authorities described in section 1101 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (5 U.S.C. 3104 note; Public Law 105–261), with the stipulation that the Secretary shall exercise such authority for a period of 7 years commencing on the date of enactment of this Act, that a maximum of 100 persons may be hired under such authority, and that the term of appointment for employees under subsection (c)(1) of that section may not exceed 5 years before the granting of any extensions under subsection (c)(2) of that section.

(D) With respect to such research, development, testing, and evaluation responsibilities under this section (except as provided in subparagraph (E)) as the Secretary may elect to carry out through agencies other than the Department (under agreements with their respective heads), the Secretary may transfer funds to such heads. Of the funds authorized to be appropriated under subsection (d)(4) for the Fund, not less than 10 percent of such funds for each fiscal year through 2005 shall be authorized only for the Under Secretary, through joint agreement with the Commandant of the Coast Guard, to carry out research and development of improved ports, waterways, and coastal security surveillance and perimeter protection capabilities for the purpose of minimizing the possibility that Coast Guard cutters, aircraft, helicopters, and personnel will be diverted from non-homeland security missions to the ports, waterways, and coastal security mission.

(E) The Secretary may carry out human health biodefense-related biological, biomedical, and infectious disease research and development (including vaccine research and development) in collaboration with the Secretary of Health and Human Services. Research supported by funding appropriated to the National Institutes of Health for bioterrorism research and related facilities development shall be conducted through the National Institutes of Health under joint strategic prioritization agreements between the Secretary and the Secretary of Health and Human Services. The Secretary shall have the authority to establish general research priorities, which shall be embodied in the joint strategic prioritization agreements with the Secretary of Health and Human Services. The specific scientific research agenda to implement agreements under this subparagraph shall be developed by the Secretary of Health and Human Services, who shall consult the Secretary to ensure that the agreements conform with homeland security priorities. All research programs established under those agreements shall be managed and awarded by the Director of the National Institutes of Health consistent with those agreements. The Secretary may transfer funds to the Department of Health and Human Services in connection with those agreements.

(d) ACCELERATION FUND.—

(1) ESTABLISHMENT.—There is established an Acceleration Fund to support research and development of technologies relevant to homeland security.

(2) FUNCTION.—The Fund shall be used to stimulate and support research and development projects selected by SARPA under subsection (f), and to facilitate the rapid transfer of research and technology derived from such projects.

(3) RECIPIENTS.—Fund monies may be made available through grants, contracts, cooperative agreements, and other transactions under subsection (c)(3) (A) and (B) to—

(A) public sector entities, including Federal, State, or local entities;

(B) private sector entities, including corporations, partnerships, or individuals; and

(C) other nongovernmental entities, including universities, federally funded research and development centers, and other academic or research institutions.

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $200,000,000 for the Fund for fiscal year 2003, and such sums as are necessary in subsequent fiscal years.

(e) SCIENCE AND TECHNOLOGY COUNCIL.—

(1) ESTABLISHMENT.—There is established the Homeland Security Science and Technology Council within the Directorate of Science and Technology. The Under Secretary shall chair the Council and have the authority to convene meetings. At the discretion of the Under Secretary and the Director of OSTP, the Council may be constituted as a subcommittee of the National Science and Technology Council.

(2) COMPOSITION.—The Council shall be composed of the following:

(A) Senior research and development officials representing agencies engaged in research and development relevant to homeland security and combating terrorism needs. Each representative shall be appointed by the head of the representative's

respective agency with the advice and consent of the Under Secretary.

(B) The Director of SARPA and other appropriate officials within the Department.

(C) The Director of the OSTP and other senior officials of the Executive Office of the President as designated by the President.

(3) RESPONSIBILITIES.—The Council shall—

(A) provide the Under Secretary with recommendations on priorities and strategies, including those related to funding and portfolio management, for homeland security research and development;

(B) facilitate effective coordination and communication among agencies, other entities of the Federal Government, and entities in the private sector and academia, with respect to the conduct of research and development related to homeland security;

(C) recommend specific technology areas for which the Fund and other research and development resources shall be used, among other things, to rapidly transition homeland security research and development into deployed technology and reduce identified homeland security vulnerabilities;

(D) assist and advise the Under Secretary in developing the technology roadmap referred to under subsection (c)(2)(B); and

(E) perform other appropriate activities as directed by the Under Secretary.

(4) ADVISORY PANEL.—The Under Secretary may establish an advisory panel consisting of representatives from industry, academia, and other non-Federal entities to advise and support the Council.

(5) WORKING GROUPS.—At the discretion of the Under Secretary, the Council may establish working groups in specific homeland security areas consisting of individuals with relevant expertise in each articulated area. Working groups established for bioterrorism and public health-related research shall be fully coordinated with the Working Group established under section 108 of the Public Health Security and Bioterrorism Preparedness and Response Act of 2002 (Public Law 107–188).

(f) SECURITY ADVANCED RESEARCH PROJECTS AGENCY.—

(1) ESTABLISHMENT.—There is established the Security Advanced Research Projects Agency within the Directorate of Science and Technology.

(2) RESPONSIBILITIES.—SARPA shall—

(A) undertake and stimulate basic and applied research and development, leverage existing research and development, and accelerate the transition and deployment of technologies that will serve to enhance homeland defense;

(B) identify, fund, develop, and transition high-risk, high-payoff homeland security research and development opportunities that—

(i) may lie outside the purview or capabilities of the existing Federal agencies; and

(ii) emphasize revolutionary rather than evolutionary or incremental advances;

(C) provide selected projects with single or multiyear funding, and require such projects to provide interim progress reports, no less often than annually;

(D) administer the Acceleration Fund to carry out the purposes of this paragraph;

(E) advise the Secretary and Under Secretary on funding priorities under subsection (c)(3)(E); and

(F) perform other appropriate activities as directed by the Under Secretary.

(g) OFFICE OF RISK ANALYSIS AND ASSESSMENT.—

(1) ESTABLISHMENT.—There is established an Office of Risk Analysis and Assessment within the Directorate of Science and Technology.

(2) FUNCTIONS.—The Office of Risk Analysis and Assessment shall assist the Secretary, the Under Secretary, and other Directorates with respect to their risk analysis and risk management activities by providing scientific or technical support for such activities. Such support shall include, as appropriate—

(A) identification and characterization of homeland security threats;

(B) evaluation and delineation of the risk of these threats;

(C) pinpointing of vulnerabilities or linked vulnerabilities to these threats;

(D) determination of criticality of possible threats;

(E) analysis of possible technologies, research, and protocols to mitigate or eliminate threats, vulnerabilities, and criticalities;

(F) evaluation of the effectiveness of various forms of risk communication; and

(G) other appropriate activities as directed by the Secretary.

(3) METHODS.—In performing the activities described under paragraph (2), the Office of Risk Analysis and Assessment may support or conduct, or commission from federally funded research and development centers or other entities, work involving modeling, statistical analyses, field tests and exercises (including red teaming), testbed development, development of standards and metrics.

(h) OFFICE FOR TECHNOLOGY EVALUATION AND TRANSITION.—

(1) ESTABLISHMENT.—There is established an Office for Technology Evaluation and Transition within the Directorate of Science and Technology.

(2) FUNCTION.—The Office for Technology Evaluation and Transition shall, with respect to technologies relevant to homeland security needs—

(A) serve as the principal, national point-of-contact and clearinghouse for receiving and processing proposals or inquiries regarding such technologies;

(B) identify and evaluate promising new technologies;

(C) undertake testing and evaluation of, and assist in transitioning, such technologies into deployable, fielded systems;

(D) consult with and advise agencies regarding the development, acquisition, and deployment of such technologies;

(E) coordinate with SARPA to accelerate the transition of technologies developed by SARPA and ensure transition paths for such technologies; and

(F) perform other appropriate activities as directed by the Under Secretary.

(3) TECHNICAL SUPPORT WORKING GROUP.—The functions described under this subsection may be carried out through, or in coordination with, or through an entity established by the Secretary and modeled after, the Technical Support Working Group (organized under the April, 1982, National Security Decision Directive Numbered 30) that provides an interagency forum to coordinate research and development of technologies for combating terrorism.

(i) OFFICE OF LABORATORY RESEARCH.—

(1) ESTABLISHMENT.—There is established an Office of Laboratory Research within the Directorate of Science and Technology.

(2) RESEARCH AND DEVELOPMENT FUNCTIONS TRANSFERRED.—There shall be transferred to the Department, to be administered by the Under Secretary, the functions, personnel, assets, and liabilities of the following programs and activities:

(A) Within the Department of Energy (but not including programs and activities relating to the strategic nuclear defense posture of the United States) the following:

(i) The chemical and biological national security and supporting programs and activities supporting domestic response of the nonproliferation and verification research and development program.

(ii) The nuclear smuggling programs and activities, and other programs and activities directly related to homeland security, within the proliferation detection program of the nonproliferation and verification research and development program, except that the programs and activities described in this clause may be designated by the President either for transfer to the Department or for joint operation by the Secretary and the Secretary of Energy.

(iii) The nuclear assessment program and activities of the assessment, detection, and cooperation program of the international materials protection and cooperation program.

(iv) The Environmental Measurements Laboratory.

(B) Within the Department of Defense, the National Bio-Weapons Defense Analysis Center established under section 161.

(3) RESPONSIBILITIES.—The Office of Laboratory Research shall—

(A) supervise the activities of the entities transferred under this subsection;

(B) administer the disbursement and undertake oversight of research and development funds transferred from the Department to other agencies outside of the Department, including funds transferred to the Department of Health and Human Services consistent with subsection (c)(3)(E);

(C) establish and direct new research and development facilities as the Secretary determines appropriate;

(D) include a science advisor to the Under Secretary on research priorities related to biological and chemical weapons, with supporting scientific staff, who shall advise on and support research priorities with respect to—

(i) research on countermeasures for biological weapons, including research on the development of drugs, devices, and biologics; and

(ii) research on biological and chemical threat agents; and

(E) other appropriate activities as directed by the Under Secretary.

(j) OFFICE FOR NATIONAL LABORATORIES.—

(1) ESTABLISHMENT.—There is established within the Directorate of Science and Technology an Office for National Laboratories, which shall be responsible for the coordination and utilization of the Department of Energy national laboratories and sites in a manner to create a networked laboratory system for the purpose of supporting the missions of the Department.

(2) JOINT SPONSORSHIP ARRANGEMENTS.—

(A) NATIONAL LABORATORIES.—The Department may be a joint sponsor, under a multiple agency sponsorship arrangement with the Department of Energy, of 1 or more Department of Energy national laboratories in the performance of work on behalf of the Department.

(B) DEPARTMENT OF ENERGY SITE.—The Department may be a joint sponsor of Department of Energy sites in the performance of work as if such sites were federally funded research and development centers and the work were performed under a multiple agency sponsorship arrangement with the Department.

(C) PRIMARY SPONSOR.—The Department of Energy shall be the primary sponsor under a multiple agency sponsorship arrangement entered into under subparagraph (A) or (B).

(D) CONDITIONS.—A joint sponsorship arrangement under this subsection shall—

(i) provide for the direct funding and management by the Department of the work being carried out on behalf of the Department; and

(ii) include procedures for addressing the coordination of resources and tasks to minimize conflicts between work undertaken on behalf of either Department.

(E) LEAD AGENT AND FEDERAL ACQUISITION REGULATION.—

(i) LEAD AGENT.—The Secretary of Energy shall act as the lead agent in coordinating the formation and performance of a joint sponsorship agreement between the Department and a Department of Energy national laboratory or site for work on homeland security.

(ii) COMPLIANCE WITH FEDERAL ACQUISITION REGULATION.—Any work performed by a national laboratory or site under this section shall comply with the policy on the use of federally funded research and development centers under section 35.017 of the Federal Acquisition Regulation.

(F) FUNDING.—The Department shall provide funds for work at the Department of Energy national laboratories or sites, as the case may be, under this section under the same terms and conditions as apply to the primary sponsor of such national laboratory under section 303(b)(1)(C) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253 (b)(1)(C)) or of such site to the extent such section applies to such site as a federally funded research and development center by reason of subparagraph (B).

(3) OTHER ARRANGEMENTS.—The Office for National Laboratories may enter into other arrangements with Department of Energy national laboratories or sites to carry out work to support the missions of the Department under applicable law, except that the Department of Energy may not charge or apply administrative fees for work on behalf of the Department.

(4) TECHNOLOGY TRANSFER.—The Office for National Laboratories may exercise the authorities in section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a) to permit the Director of a Department of Energy national laboratory to enter into cooperative research and development agreements, or to negotiate licensing agreements, pertaining to work supported by the Department at the Department of Energy national laboratory.

(5) ASSISTANCE IN ESTABLISHING DEPARTMENT.—At the request of the Under Secretary, the Department of Energy shall provide for the temporary appointment or assignment of employees of Department of Energy national laboratories or sites to the Department for purposes of assisting in the establishment or organization of the technical programs of the Department through an agreement that includes provisions for minimizing conflicts between work assignments of such personnel.

(k) STRATEGY FOR COUNTERMEASURE RESEARCH.—

(1) IN GENERAL.—The Secretary, acting through the Under Secretary for Science and Technology, shall develop a comprehensive, long-term strategy and plan for engaging non-Federal entities, particularly including private, for-profit entities, in the research, development, and production of homeland security countermeasures for biological, chemical, and radiological weapons.

(2) TIMEFRAME.—The strategy and plan under this subsection, together with recommendations for the enactment of supporting or enabling legislation, shall be submitted to the Congress within 270 days after the date of enactment of this Act.

(3) COORDINATION.—In developing the strategy and plan under this subsection, the Secretary shall consult with—

(A) other agencies with expertise in research, development, and production of countermeasures;

(B) private, for-profit entities and entrepreneurs with appropriate expertise and technology regarding countermeasures;

(C) investors that fund such entities;

(D) nonprofit research universities and institutions;

(E) public health and other interested private sector and government entities; and

(F) governments allied with the United States in the war on terrorism.

(4) PURPOSE.—The strategy and plan under this subsection shall evaluate proposals to assure that—

(A) research on countermeasures by non-Federal entities leads to the expeditious development and production of countermeasures that may be procured and deployed in the homeland security interests of the United States;

(B) capital is available to fund the expenses associated with such research, development, and production, including Government grants and contracts and appropriate capital formation tax incentives that apply to non-Federal entities with and without tax liability;

(C) the terms for procurement of such countermeasures are defined in advance so that such entities may accurately and reliably assess the potential countermeasures market and the potential rate of return;

(D) appropriate intellectual property, risk protection, and Government approval standards are applicable to such countermeasures;

(E) Government-funded research is conducted and prioritized so that such research complements, and does not unnecessarily duplicate, research by non-Federal entities and that such Government-funded research is made available, transferred, and licensed on commercially reasonable terms to such entities for development; and

(F) universities and research institutions play a vital role as partners in research and development and technology transfer, with appropriate progress benchmarks for such activities, with for-profit entities.

(5) REPORTING.—The Secretary shall report periodically to the Congress on the status of non-Federal entity countermeasure research, development, and production, and submit additional recommendations for legislation as needed.

(l) CLASSIFICATION OF RESEARCH.—

(1) IN GENERAL.—To the greatest extent practicable, research conducted or supported by the Department shall be unclassified.

(2) CLASSIFICATION AND REVIEW.—The Under Secretary shall—

(A)(i) decide whether classification is appropriate before the award of a research grant, contract, cooperative agreement, or other transaction by the Department; and

(ii) if the decision under clause (i) is one of classification, control the research results through standard classification procedures; and

(B) periodically review all classified research grants, contracts, cooperative agreements, and other transactions issued by the Department to determine whether classification is still necessary.

(3) RESTRICTIONS.—No restrictions shall be placed upon the conduct or reporting of federally funded fundamental research that has not received national security classification, except as provided under applicable provisions of law.

(m) OFFICE OF SCIENCE AND TECHNOLOGY POLICY.—The National Science and Technology Policy, Organization, and Priorities Act is amended in section 204(b)(1) (42 U.S.C. 6613(b)(1)), by inserting ''homeland security,'' after ''national security,''.

SEC. 136. DIRECTORATE OF IMMIGRATION AFFAIRS.

The Directorate of Immigration Affairs shall be established and shall carry out all functions of that Directorate in accordance with division B of this Act.

SEC. 137. OFFICE FOR STATE AND LOCAL GOVERNMENT COORDINATION.

(a) ESTABLISHMENT.—There is established within the Office of the Secretary the Office for State and Local Government Coordination, to be headed by a director, which shall oversee and coordinate departmental programs for and relationships with State and local governments.

(b) RESPONSIBILITIES.—The Office established under subsection (a) shall—

(1) coordinate the activities of the Department relating to State and local government;

(2) assess, and advocate for, the resources needed by State and local government to implement the national strategy for combating terrorism;

(3) provide State and local government with regular information, research, and technical support to assist local efforts at securing the homeland;

(4) develop a process for receiving meaningful input from State and local government to assist the development of homeland security activities; and

(5) prepare an annual report, that contains—

(A) a description of the State and local priorities in each of the 50 States based on discovered needs of first responder organizations, including law enforcement agencies, fire and rescue agencies, medical providers, emergency service providers, and relief agencies;

(B) a needs assessment that identifies homeland security functions in which the Federal role is duplicative of the State or local role, and recommendations to decrease or eliminate inefficiencies between the Federal Government and State and local entities;

(C) recommendations to Congress regarding the creation, expansion, or elimination of any program to assist State and local entities to carry out their respective functions under the Department; and

(D) proposals to increase the coordination of Department priorities within each State and between the States.

(c) HOMELAND SECURITY LIAISON OFFICERS.—

(1) DESIGNATION.—The Secretary shall designate in each State and the District of Columbia not less than 1 employee of the Department to serve as the Homeland Security Liaison Officer in that State or District.

(2) DUTIES.—Each Homeland Security Liaison Officer designated under paragraph (1) shall—

(A) provide State and local government officials with regular information, research, and technical support to assist local efforts at securing the homeland;

(B) provide coordination between the Department and State and local first responders, including—

(i) law enforcement agencies;

(ii) fire and rescue agencies;

(iii) medical providers;

(iv) emergency service providers; and

(v) relief agencies;

(C) notify the Department of the State and local areas requiring additional information, training, resources, and security;

(D) provide training, information, and education regarding homeland security for State and local entities;

(E) identify homeland security functions in which the Federal role is duplicative of the State or local role, and recommend ways to decrease or eliminate inefficiencies;

(F) assist State and local entities in priority setting based on discovered needs of first responder organizations, including law

enforcement agencies, fire and rescue agencies, medical providers, emergency service providers, and relief agencies;

(G) assist the Department to identify and implement State and local homeland security objectives in an efficient and productive manner;

(H) serve as a liaison to the Department in representing State and local priorities and concerns regarding homeland security;

(I) consult with State and local government officials, including emergency managers, to coordinate efforts and avoid duplication; and

(J) coordinate with Homeland Security Liaison Officers in neighboring States to—

(i) address shared vulnerabilities; and

(ii) identify opportunities to achieve efficiencies through interstate activities .

(d) FEDERAL INTERAGENCY COMMITTEE ON FIRST RESPONDERS AND STATE, LOCAL, AND CROSS-JURISDICTIONAL ISSUES.—

(1) IN GENERAL.—There is established an Interagency Committee on First Responders and State, Local, and Cross-jurisdictional Issues (in this section referred to as the ''Interagency Committee'', that shall—

(A) ensure coordination, with respect to homeland security functions, among the Federal agencies involved with—

(i) State, local, and regional governments;

(ii) State, local, and community-based law enforcement;

(iii) fire and rescue operations; and

(iv) medical and emergency relief services;

(B) identify community-based law enforcement, fire and rescue, and medical and emergency relief services needs;

(C) recommend new or expanded grant programs to improve community-based law enforcement, fire and rescue, and medical and emergency relief services;

(D) identify ways to streamline the process through which Federal agencies support community-based law enforcement, fire and rescue, and medical and emergency relief services; and

(E) assist in priority setting based on discovered needs.

(2) MEMBERSHIP.—The Interagency Committee shall be composed of—

(A) a representative of the Office for State and Local Government Coordination;

(B) a representative of the Health Resources and Services Administration of the Department of Health and Human Services;

(C) a representative of the Centers for Disease Control and Prevention of the Department of Health and Human Services;

(D) a representative of the Federal Emergency Management Agency of the Department;

(E) a representative of the United States Coast Guard of the Department;

(F) a representative of the Department of Defense;

(G) a representative of the Office of Domestic Preparedness of the Department;

(H) a representative of the Directorate of Immigration Affairs of the Department;

(I) a representative of the Transportation Security Agency of the Department;

(J) a representative of the Federal Bureau of Investigation of the Department of Justice; and

(K) representatives of any other Federal agency identified by the President as having a significant role in the purposes of the Interagency Committee.

(3) ADMINISTRATION.—The Department shall provide administrative support to the Interagency Committee and the Advisory Council, which shall include—

(A) scheduling meetings;

(B) preparing agenda;

(C) maintaining minutes and records;

(D) producing reports; and

(E) reimbursing Advisory Council members.

(4) LEADERSHIP.—The members of the Interagency Committee shall select annually a chairperson.

(5) MEETINGS.—The Interagency Committee shall meet—

(A) at the call of the Secretary; or

(B) not less frequently than once every 3 months.

(e) ADVISORY COUNCIL FOR THE INTERAGENCY COMMITTEE.—

(1) ESTABLISHMENT.—There is established an Advisory Council for the Interagency Committee (in this section referred to as the ''Advisory Council'').

(2) MEMBERSHIP.—

(A) IN GENERAL.—The Advisory Council shall be composed of not more than 13 members, selected by the Interagency Committee.

(B) DUTIES.—The Advisory Council shall—

(i) develop a plan to disseminate information on first response best practices;

(ii) identify and educate the Secretary on the latest technological advances in the field of first response;

(iii) identify probable emerging threats to first responders;

(iv) identify needed improvements to first response techniques and training;

(v) identify efficient means of communication and coordination between first responders and Federal, State, and local officials;

(vi) identify areas in which the Department can assist first responders; and

(vii) evaluate the adequacy and timeliness of resources being made available to local first responders.

(C) REPRESENTATION.—The Interagency Committee shall ensure that the membership of the Advisory Council represents—

(i) the law enforcement community;

(ii) fire and rescue organizations;

(iii) medical and emergency relief services; and

(iv) both urban and rural communities.

(3) CHAIRPERSON.—The Advisory Council shall select annually a chairperson from among its members.

(4) COMPENSATION OF MEMBERS.—The members of the Advisory Council shall serve without compensation, but shall be eligible for reimbursement of necessary expenses connected with their service to the Advisory Council.

(5) MEETINGS.—The Advisory Council shall meet with the Interagency Committee not less frequently than once every 3 months.

SEC. 138. UNITED STATES SECRET SERVICE.

There are transferred to the Department the authorities, functions, personnel, and assets of the United States Secret Service, which shall be maintained as a distinct entity within the Department.

SEC. 139. BORDER COORDINATION WORKING GROUP.

(a) DEFINITIONS.—In this section:

(1) BORDER SECURITY FUNCTIONS.—The term ''border security functions'' means the securing of the borders, territorial waters, ports, terminals, waterways, and air, land, and sea transportation systems of the United States.

(2) RELEVANT AGENCIES.—The term ''relevant agencies'' means any department or agency of the United States that the President determines to be relevant to performing border security functions.

(b) ESTABLISHMENT.—The Secretary shall establish a border security working group (in this section referred to as the ''Working Group''), composed of the Secretary or the designee of the Secretary, the Under Secretary for Border and Transportation Protection, and the Under Secretary for Immigration Affairs.

(c) FUNCTIONS.—The Working Group shall meet not less frequently than once every 3 months and shall—

(1) with respect to border security functions, develop coordinated budget requests, allocations of appropriations, staffing requirements, communication, use of equipment, transportation, facilities, and other infrastructure;

(2) coordinate joint and cross-training programs for personnel performing border security functions;

(3) monitor, evaluate and make improvements in the coverage and geographic distribution of border security programs and personnel;

(4) develop and implement policies and technologies to ensure the speedy, orderly, and efficient flow of lawful traffic, travel and commerce, and enhanced scrutiny for high-risk traffic, travel, and commerce; and

(5) identify systemic problems in coordination encountered by border security agencies and programs and propose administrative, regulatory, or statutory changes to mitigate such problems.

(d) RELEVANT AGENCIES.—The Secretary shall consult representatives of relevant agencies with respect to deliberations under subsection (c), and may include representatives of such agencies in Working Group deliberations, as appropriate.

SEC. 140. OFFICE FOR NATIONAL CAPITAL REGION COORDINATION.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is established within the Office of the Secretary the Office of National Capital Region Coordination, to oversee and coordinate Federal programs for and relationships with State, local, and regional authorities in the National Capital Region, as defined under section 2674(f)(2) of title 10, United States Code.

(2) DIRECTOR.—The Office established under paragraph (1) shall be headed by a Director, who shall be appointed by the Secretary.

(3) COOPERATION.—The Secretary shall cooperate with the Mayor of the District of Columbia, the Governors of Maryland and Virginia, and other State, local, and regional officers in the National Capital Region to integrate the District of Columbia, Maryland, and Virginia into the planning, coordination, and execution of the activities of the Federal Government for the enhancement of domestic preparedness against the consequences of terrorist attacks.

(b) RESPONSIBILITIES.—The Office established under subsection (a)(1) shall—

(1) coordinate the activities of the Department relating to the National Capital Region, including cooperation with the Homeland Security Liaison Officers for Maryland, Virginia, and the District of Columbia within the Office for State and Local Government Coordination;

(2) assess, and advocate for, the resources needed by State, local, and regional authorities in the National Capital Region to implement efforts to secure the homeland;

(3) provide State, local, and regional authorities in the National Capital Region with regular information, research, and technical support to assist the efforts of State, local, and regional authorities in the National Capital Region in securing the homeland;

(4) develop a process for receiving meaningful input from State, local, and regional authorities and the private sector in the National Capital Region to assist in the development of the homeland security plans and activities of the Federal Government;

(5) coordinate with Federal agencies in the National Capital Region on terrorism preparedness, to ensure adequate planning, information sharing, training, and execution of the Federal role in domestic preparedness activities;

(6) coordinate with Federal, State, local, and regional agencies, and the private sector in the National Capital Region on terrorism preparedness to ensure adequate planning, information sharing, training, and execution of domestic preparedness activities among these agencies and entities; and

(7) serve as a liaison between the Federal Government and State, local, and regional authorities, and private sector entities in the National Capital Region to facilitate access to Federal grants and other programs.

(c) ANNUAL REPORT.—The Office established under subsection (a) shall submit an annual report to Congress that includes—

(1) the identification of the resources required to fully implement homeland security efforts in the National Capital Region;

(2) an assessment of the progress made by the National Capital Region in implementing homeland security efforts; and

(3) recommendations to Congress regarding the additional resources needed to fully implement homeland security efforts in the National Capital Region.

(d) LIMITATION.—Nothing contained in this section shall be construed as limiting the power of State and local governments.

SEC. 141. EXECUTIVE SCHEDULE POSITIONS.

Section 5314 of title 5, United States Code, is amended by adding at the end the following:

''Under Secretary for Border and Transportation, Department of Homeland Security.

''Under Secretary for Critical Infrastructure Protection, Department of Homeland Security.

''Under Secretary for Emergency Preparedness and Response, Department of Homeland Security.

''Under Secretary for Immigration, Department of Homeland Security.

''Under Secretary for Intelligence, Department of Homeland Security.

''Under Secretary for Science and Technology, Department of Homeland Security.''.

SEC. 142. PRESERVING COAST GUARD MISSION PERFORMANCE.

(a) DEFINITIONS.—In this section:

(1) NON-HOMELAND SECURITY MISSIONS.—The term ''non-homeland security missions'' means the following missions of the Coast Guard:

(A) Marine safety.

(B) Search and rescue.

(C) Aids to navigation.

(D) Living marine resources (e.g., fisheries law enforcement).

(E) Marine environmental protection.

(F) Ice operations.

(2) HOMELAND SECURITY MISSIONS.—The term ''homeland security missions'' means the following missions of the Coast Guard:

(A) Ports, waterways and coastal security.

(B) Drug interdiction.

(C) Migrant interdiction.

(D) Defense readiness.

(E) Other law enforcement.

(b) TRANSFER.—There are transferred to the Department the authorities, functions, personnel, and assets of the Coast Guard, which shall be maintained as a distinct entity within the Department, including the authorities and functions of the Secretary of Transportation relating thereto.

(c) MAINTENANCE OF STATUS OF FUNCTIONS AND ASSETS.—Notwithstanding any other provision of this Act, the authorities, functions, assets, organizational structure, units, personnel, and non-homeland security missions of the Coast Guard shall be maintained intact and without reduction after the transfer of the Coast Guard to the Department, except as specified in subsequent Acts. Nothing in this paragraph shall prevent the Coast Guard from replacing or upgrading any asset with an asset of equivalent or greater capabilities.

(d) CERTAIN TRANSFERS PROHIBITED.—

(1) IN GENERAL.—None of the missions, functions, personnel, and assets (including ships, aircraft, helicopters, and vehicles) of the Coast Guard may be transferred to the operational control of, or diverted to the principal and continuing use of, any other organization, unit, or entity of the Department.

(2) APPLICABILITY.—The restrictions in paragraph (1) shall not apply—

(A) to any joint operation of less than 90 days between the Coast Guard and other entities and organizations of the Department; or

(B) to any detail or assignment of any individual member or civilian employee of the Coast Guard to any other entity or organization of the Department for the purposes of ensuring effective liaison, coordination, and operations of the Coast Guard and that entity or organization, except that the total number of individuals detailed or assigned in this capacity may not exceed 50 individuals during any fiscal year.

(e) CHANGES TO NON-HOMELAND SECURITY MISSIONS.—

(1) PROHIBITION.—The Secretary may not make any substantial or significant change to any of the non-homeland security missions of the Coast Guard, or to the capabilities of the Coast Guard to carry out each of the non-homeland security missions, without the prior approval of Congress as expressed in a subsequent Act. With respect to a change to the capabilities of the Coast Guard to carry out each of the non-homeland security missions, the restrictions in this paragraph shall not apply when such change shall result in an increase in those capabilities.

(2) WAIVER.—The President may waive the restrictions under paragraph (1) for a period of not to exceed 90 days upon a declaration and certification by the President to Congress that a clear, compelling, and immediate state of national emergency exists that justifies such a waiver. A certification under this paragraph shall include a detailed justification for the declaration and certification, including the reasons and specific information that demonstrate that the Nation and the Coast Guard cannot respond effectively to the national emergency if the restrictions under paragraph (1) are not waived.

(f) ANNUAL REVIEW.—

(1) IN GENERAL.—The Inspector General of the Department shall conduct an annual review that shall assess thoroughly the performance by the Coast Guard of all missions of the Coast Guard (including non-homeland security missions and homeland security missions) with a particular emphasis on examining the non-homeland security missions.

(2) REPORT.—The Inspector General shall submit the detailed results of the annual review and assessment required by paragraph (1) not later than March 1 of each year directly to—

(A) the Committee on Governmental Affairs of the Senate;

(B) the Committee on Government Reform of the House of Representatives;

(C) the Committees on Appropriations of the Senate and the House of Representatives;

(D) the Committee on Commerce, Science, and Transportation of the Senate; and

(E) the Committee on Transportation and Infrastructure of the House of Representatives.

(g) DIRECT REPORTING TO SECRETARY.—Upon the transfer of the Coast Guard to the Department, the Commandant shall report directly to the Secretary without being required to report through any other official of the Department.

(h) OPERATION AS A SERVICE IN THE NAVY.—None of the conditions and restrictions in this section shall apply when the Coast Guard operates as a service in the Navy under section 3 of title 14, United States Code.

Subtitle C—National Emergency Preparedness Enhancement

SEC. 151. SHORT TITLE.

This subtitle may be cited as the ''National Emergency Preparedness Enhancement Act of 2002''.

SEC. 152. PREPAREDNESS INFORMATION AND EDUCATION.

(a) ESTABLISHMENT OF CLEARINGHOUSE.—There is established in the Department a National Clearinghouse on Emergency Preparedness (referred to in this section as the ''Clearinghouse''). The Clearinghouse shall be headed by a Director.

(b) CONSULTATION.—The Clearinghouse shall consult with such heads of agencies, such task forces appointed by Federal officers or employees, and such representatives of the private sector, as appropriate, to collect information on emergency preparedness, including information relevant to a homeland security strategy.

(c) DUTIES.—

(1) DISSEMINATION OF INFORMATION.—The Clearinghouse shall ensure efficient dissemination of accurate emergency preparedness information.

(2) CENTER.—The Clearinghouse shall establish a one-stop center for emergency preparedness information, which shall include a website, with links to other relevant Federal websites, a telephone number, and staff, through which information shall be made available on—

(A) ways in which States, political subdivisions, and private entities can access Federal grants;

(B) emergency preparedness education and awareness tools that businesses, schools, and the general public can use; and

(C) other information as appropriate.

(3) PUBLIC AWARENESS CAMPAIGN.—The Clearinghouse shall develop a public awareness campaign. The campaign shall be ongoing, and shall include an annual theme to be implemented during the National Emergency Preparedness Week established under section 154. The Clearinghouse shall work with heads of agencies to coordinate public service announcements and other information-sharing tools utilizing a wide range of media.

(4) BEST PRACTICES INFORMATION.—The Clearinghouse shall compile and disseminate information on best practices for emergency preparedness identified by the Secretary and the heads of other agencies.

SEC. 153. PILOT PROGRAM.

(a) EMERGENCY PREPAREDNESS ENHANCEMENT PILOT PROGRAM.—The Department shall award grants to private entities to pay for the Federal share of the cost of improving emergency preparedness, and educating employees and other individuals using the entities' facilities about emergency preparedness.

(b) USE OF FUNDS.—An entity that receives a grant under this subsection may use the funds made available through the grant to—

(1) develop evacuation plans and drills;

(2) plan additional or improved security measures, with an emphasis on innovative technologies or practices;

(3) deploy innovative emergency preparedness technologies; or

(4) educate employees and customers about the development and planning activities described in paragraphs (1) and (2) in innovative ways.

(c) FEDERAL SHARE.—The Federal share of the cost described in subsection (a) shall be 50 percent, up to a maximum of $250,000 per grant recipient.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $5,000,000 for each of fiscal years 2003 through 2005 to carry out this section.

SEC. 154. DESIGNATION OF NATIONAL EMERGENCY PREPAREDNESS WEEK.

(a) NATIONAL WEEK.—

(1) DESIGNATION.—Each week that includes September 11 is ''National Emergency Preparedness Week''.

(2) PROCLAMATION.—The President is requested every year to issue a proclamation calling on the people of the United States (including State and local governments and the private sector) to observe the week with appropriate activities and programs.

(b) FEDERAL AGENCY ACTIVITIES.—In conjunction with National Emergency Preparedness Week, the head of each agency, as appropriate, shall coordinate with the Department to inform and educate the private sector and the general public about emergency preparedness activities, resources, and tools, giving a high priority to emergency preparedness efforts designed to address terrorist attacks.

Subtitle D—Miscellaneous Provisions

SEC. 161. NATIONAL BIO-WEAPONS DEFENSE ANALYSIS CENTER.

(a) ESTABLISHMENT.—There is established within the Department of Defense a National Bio-Weapons Defense Analysis Center (in this section referred to as the ''Center'').

(b) MISSION.—The mission of the Center is to develop countermeasures to potential attacks by terrorists using biological or chemical weapons that are weapons of mass destruction (as defined under section 1403 of the Defense Against Weapons of Mass Destruction Act of 1996 (50 U.S.C. 2302(1))) and conduct research and analysis concerning such weapons.

SEC. 162. REVIEW OF FOOD SAFETY.

(a) REVIEW OF FOOD SAFETY LAWS AND FOOD SAFETY ORGANIZATIONAL STRUCTURE.—The Secretary shall enter into an agreement with and provide funding to the National Academy of Sciences to conduct a detailed, comprehensive study which shall—

(1) review all Federal statutes and regulations affecting the safety and security of the food supply to determine the effectiveness of the statutes and regulations at protecting the food supply from deliberate contamination; and

(2) review the organizational structure of Federal food safety oversight to determine the efficiency and effectiveness of the organizational structure at protecting the food supply from deliberate contamination.

(b) REPORT.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the National Academy of Sciences shall prepare and submit to the President, the Secretary, and Congress a comprehensive report containing—

(A) the findings and conclusions derived from the reviews conducted under subsection (a); and

(B) specific recommendations for improving—

(i) the effectiveness and efficiency of Federal food safety and security statutes and regulations; and

(ii) the organizational structure of Federal food safety oversight.

(2) CONTENTS.—In conjunction with the recommendations under paragraph (1), the report under paragraph (1) shall address—

(A) the effectiveness with which Federal food safety statutes and regulations protect public health and ensure the food supply remains free from contamination;

(B) the shortfalls, redundancies, and inconsistencies in Federal food safety statutes and regulations;

(C) the application of resources among Federal food safety oversight agencies;

(D) the effectiveness and efficiency of the organizational structure of Federal food safety oversight;

(E) the shortfalls, redundancies, and inconsistencies of the organizational structure of Federal food safety oversight; and

(F) the merits of a unified, central organizational structure of Federal food safety oversight.

(c) RESPONSE OF THE SECRETARY.—Not later than 90 days after the date on which the report under this section is submitted to the Secretary, the Secretary shall provide to the President and Congress the response of the Department to the recommendations of the report and recommendations of the Department to further protect the food supply from contamination.

SEC. 163. EXCHANGE OF EMPLOYEES BETWEEN AGENCIES AND STATE OR LOCAL GOVERNMENTS.

(a) FINDINGS.—Congress finds that—

(1) information sharing between Federal, State, and local agencies is vital to securing the homeland against terrorist attacks;

(2) Federal, State, and local employees working cooperatively can learn from one another and resolve complex issues;

(3) Federal, State, and local employees have specialized knowledge that should be consistently shared between and among agencies at all levels of government; and

(4) providing training and other support, such as staffing, to the appropriate Federal, State, and local agencies can enhance the ability of an agency to analyze and assess threats against the homeland, develop appropriate responses, and inform the United States public.

(b) EXCHANGE OF EMPLOYEES.—

(1) IN GENERAL.—The Secretary may provide for the exchange of employees of the Department and State and local agencies in accordance with subchapter VI of chapter 33 of title 5, United States Code.

(2) CONDITIONS.—With respect to exchanges described under this subsection, the Secretary shall ensure that—

(A) any assigned employee shall have appropriate training or experience to perform the work required by the assignment; and

(B) any assignment occurs under conditions that appropriately safeguard classified and other sensitive information.

SEC. 164. WHISTLEBLOWER PROTECTION FOR FEDERAL EMPLOYEES WHO ARE AIRPORT SECURITY SCREENERS.

Section 111(d) of the Aviation and Transportation Security Act (Public Law 107–71; 115 Stat. 620; 49 U.S.C. 44935 note) is amended—

(1) by striking ''(d) SCREENER PERSONNEL.—Notwithstanding any other provision of law,'' and inserting the following:

''(d) SCREENER PERSONNEL.—

''(1) IN GENERAL.—Notwithstanding any other provision of law (except as provided under paragraph (2)),''; and

(2) by adding at the end the following:

''(2) WHISTLEBLOWER PROTECTION.—

''(A) DEFINITION.—In this paragraph, the term ''security screener'' means—

''(i) any Federal employee hired as a security screener under subsection (e) of section 44935 of title 49, United States Code; or

''(ii) an applicant for the position of a security screener under that subsection.

''(B) IN GENERAL.—Notwithstanding paragraph (1)—

''(i) section 2302(b)(8) of title 5, United States Code, shall apply with respect to any security screener; and

''(ii) chapters 12, 23, and 75 of that title shall apply with respect to a security screener to the extent necessary to implement clause (i).

''(C) COVERED POSITION.—The President may not exclude the position of security screener as a covered position under section 2302(a)(2)(B)(ii) of title 5, United States Code, to the extent that such exclusion would prevent the implementation of subparagraph (B) of this paragraph.''.

SEC. 165. WHISTLEBLOWER PROTECTION FOR CERTAIN AIRPORT EMPLOYEES.

(a) IN GENERAL.—Section 42121(a) of title 49, United States Code, is amended—

(1) by striking ''(a) DISCRIMINATION AGAINST AIRLINE EMPLOYEES.—No air carrier or contractor or subcontractor of an air carrier'' and inserting the following:

''(a) DISCRIMINATION AGAINST EMPLOYEES.—

''(1) IN GENERAL.—No air carrier, contractor, subcontractor, or employer described under paragraph (2)'';

(2) by redesignating paragraphs (1) through (4) as subparagraphs (A) through (D), respectively; and

(3) by adding at the end the following:

''(2) APPLICABLE EMPLOYERS.—Paragraph (1) shall apply to—

''(A) an air carrier or contractor or subcontractor of an air carrier;

''(B) an employer of airport security screening personnel, other than the Federal Government, including a State or municipal government, or an airport authority, or a contractor of such government or airport authority; or

''(C) an employer of private screening personnel described in section 44919 or 44920 of this title.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Section 42121(b)(2)(B) of title 49, United States Code, is amended—

(1) in clause (i), by striking ''paragraphs (1) through (4) of subsection (a)'' and inserting ''subparagraphs (A) through (D) of subsection (a)(1)''; and

(2) in clause (iii), by striking ''paragraphs (1) through (4) of subsection (a)'' and inserting ''subparagraphs (A) through (D) of subsection (a)(1)''.

SEC. 166. BIOTERRORISM PREPAREDNESS AND RESPONSE DIVISION.

Section 319D of the Public Health Service Act (42 U.S.C. 2472–4) is amended—

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

(2) by inserting after subsection (b), the following:

''(c) BIOTERRORISM PREPAREDNESS AND RESPONSE DIVISION.—

''(1) ESTABLISHMENT.—There is established within the Office of the Director of the Centers for Disease Control and Prevention a Bioterrorism Preparedness and Response Division (in this subsection referred to as the 'Division').

''(2) MISSION.—The Division shall have the following primary missions:

''(A) To lead and coordinate the activities and responsibilities of the Centers for Disease Control and Prevention with respect to countering bioterrorism.

''(B) To coordinate and facilitate the interaction of Centers for Disease Control and Prevention personnel with personnel from the Department of Homeland Security and, in so doing, serve as a major contact point for 2-way communications between the jurisdictions of homeland security and public health.

''(C) To train and employ a cadre of public health personnel who are dedicated full-time to the countering of bioterrorism.

''(3) RESPONSIBILITIES.—In carrying out the mission under paragraph (2), the Division shall assume the responsibilities of and budget authority for the Centers for Disease Control and Prevention with respect to the following programs:

''(A) The Bioterrorism Preparedness and Response Program.

''(B) The Strategic National Stockpile.

''(C) Such other programs and responsibilities as may be assigned to the Division by the Director of the Centers for Disease Control and Prevention.

''(4) DIRECTOR.—There shall be in the Division a Director, who shall be appointed by the Director of the Centers for Disease Control and Prevention, in consultation with the Secretary of Health and Human Services and the Secretary of Homeland Security.

''(5) STAFFING.—Under agreements reached between the Director of the Centers for Disease Control and Prevention and the Secretary of Homeland Security—

''(A) the Division may be staffed, in part, by personnel assigned from the Department of Homeland Security by the Secretary of Homeland Security; and

''(B) the Director of the Centers for Disease Control and Prevention may assign some personnel from the Division to the Department of Homeland Security.''.

SEC. 167. COORDINATION WITH THE DEPARTMENT OF HEALTH AND HUMAN SERVICES UNDER THE PUBLIC HEALTH SERVICE ACT.

(a) IN GENERAL.—The annual Federal response plan developed by the Secretary under sections 102(b)(14) and 134(b)(7) shall be consistent with section 319 of the Public Health Service Act (42 U.S.C. 247d).

(b) DISCLOSURES AMONG RELEVANT AGENCIES.—

(1) IN GENERAL.—Full disclosure among relevant agencies shall be made in accordance with this subsection.

(2) PUBLIC HEALTH EMERGENCY.—During the period in which the Secretary of Health and Human Services has declared the existence of a public health emergency under section 319(a) of the Public Health Service Act (42 U.S.C. 247d(a)), the Secretary of Health and Human Services shall keep relevant agencies, including the Department of Homeland Security, the Department of Justice, and the Federal Bureau of Investigation, fully and currently informed.

(3) POTENTIAL PUBLIC HEALTH EMERGENCY.—In cases involving, or potentially involving, a public health emergency, but in which no determination of an emergency by the Secretary of Health and Human Services under section 319(a) of the Public Health Service Act (42 U.S.C. 247d(a)), has been made, all relevant agencies, including the Department of Homeland Security, the Department of Justice, and the Federal Bureau of Investigation, shall keep the Secretary of Health and Human Services and the Director of the Centers for Disease Control and Prevention fully and currently informed.

SEC. 168. RAIL SECURITY ENHANCEMENTS.

(a) IN GENERAL.—There are authorized to be appropriated to the Department, for the benefit of Amtrak, for the 2-year period beginning on the date of enactment of this Act—

(1) $375,000,000 for grants to finance the cost of enhancements to the security and safety of Amtrak rail passenger service;

(2) $778,000,000 for grants for life safety improvements to 6 New York Amtrak tunnels built in 1910, the Baltimore and Potomac Amtrak tunnel built in 1872, and the Washington, D.C. Union Station Amtrak tunnels built in 1904 under the Supreme Court and House and Senate Office Buildings; and

(3) $55,000,000 for the emergency repair, and returning to service of Amtrak passenger cars and locomotives.

(b) AVAILABILITY OF FUNDS.—Amounts appropriated under subsection (a) shall remain available until expended.

(c) COORDINATION WITH EXISTING LAW.—Amounts made available to Amtrak under this section shall not be considered to be Federal assistance for purposes of part C of subtitle V of title 49, United States Code.

SEC. 169. GRANTS FOR FIREFIGHTING PERSONNEL.

(a) Section 33 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229) is amended—

(1) by redesignating subsections (c), (d), and (e) as subsections (d), (e), and (f), respectively;

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

''(c) PERSONNEL GRANTS.—

''(1) IN GENERAL.—In addition to the grants authorized under subsection (b)(1), the Director may award grants to fire departments of a State for the purpose of hiring 'employees engaged in fire protection' as that term is defined in section 3 of the Fair Labor Standards Act (29 U.S.C. 203).

''(2) DURATION.—Grants awarded under this subsection shall be for a 3-year period.

''(3) MAXIMUM AMOUNT.—The total amount of grants awarded under this subsection shall not exceed $100,000 per firefighter, indexed for inflation, over the 3-year grant period.

''(4) FEDERAL SHARE.—

''(A) IN GENERAL.—The Federal share of a grant under this subsection shall not exceed 75 percent of the total salary and benefits cost for additional firefighters hired.

''(B) WAIVER.—The Director may waive the 25 percent non-Federal match under subparagraph (A) for a jurisdiction of 50,000 or fewer residents or in cases of extreme hardship.

''(5) APPLICATION.—An application for a grant under this subsection, shall—

''(A) meet the requirements under subsection (b)(5);

''(B) include an explanation for the applicant's need for Federal assistance; and

''(C) contain specific plans for obtaining necessary support to retain the position following the conclusion of Federal support.

''(6) MAINTENANCE OF EFFORT.—Grants awarded under this subsection shall only be used to pay the salaries and benefits of additional firefighting personnel, and shall not be used to supplant funding allocated for personnel from State and local sources.''; and

(3) in subsection (f) (as redesignated by paragraph (1)), by adding at the end the following:

''(3) $1,000,000,000 for each of fiscal years 2003 and 2004, to be used only for grants under subsection (c).''.

SEC. 170. REVIEW OF TRANSPORTATION SECURITY ENHANCEMENTS.

(a) REVIEW OF TRANSPORTATION VULNERABILITIES AND FEDERAL TRANSPORTATION SECURITY EFFORTS.—The Comptroller General shall conduct a detailed, comprehensive study which shall—

(1) review all available intelligence on terrorist threats against aviation, seaport, rail, motor carrier, motor coach, pipeline, highway, and transit facilities and equipment;

(2) review all available information on vulnerabilities of the aviation, seaport, rail, motor carrier, motor coach, pipeline, highway, and transit modes of transportation to terrorist attack; and

(3) review the steps taken by public and private entities since September 11, 2001, to improve aviation, seaport, rail, motor carrier, motor coach, pipeline, highway, and transit security to determine their effectiveness at protecting passengers, freight (including hazardous materials), and transportation infrastructure from terrorist attack.

(b) REPORT.—

(1) CONTENT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall prepare and submit to Congress, the Secretary, and the Secretary of Transportation a comprehensive report without compromising national security, containing—

(A) the findings and conclusions from the reviews conducted under subsection (a); and

(B) proposed steps to improve any deficiencies found in aviation, seaport, rail, motor carrier, motor coach, pipeline, highway, and transit security, including, to the extent possible, the cost of implementing the steps.

(2) FORMAT.—The Comptroller General may submit the report in both classified and redacted format if the Comptroller General determines that such action is appropriate or necessary.

(c) RESPONSE OF THE SECRETARY.—

(1) IN GENERAL.—Not later than 90 days after the date on which the report under this section is submitted to the Secretary, the Secretary shall provide to the President and Congress—

(A) the response of the Department to the recommendations of the report; and

(B) recommendations of the Department to further protect passengers and transportation infrastructure from terrorist attack.

(2) FORMATS.—The Secretary may submit the report in both classified and redacted formats if the Secretary determines that such action is necessary or appropriate.

(d) REPORTS PROVIDED TO COMMITTEES.—In furnishing the report required by subsection (b), and the Secretary's response and recommendations under subsection (c), to the Congress, the Comptroller General and the Secretary, respectively, shall ensure that the report, response, and recommendations are transmitted to the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Environment and Public Works of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives.

SEC. 171. INTEROPERABILITY OF INFORMATION SYSTEMS.

(a) IN GENERAL.—The Director of the Office of Management and Budget, in consultation with the Secretary and affected entities, shall develop—

(1) a comprehensive enterprise architecture for information systems, including communications systems, to achieve interoperability between and among information systems of agencies with responsibility for homeland security; and

(2) a plan to achieve interoperability between and among information systems, including communications systems, of agencies with responsibility for homeland security and those of State and local agencies with responsibility for homeland security.

(b) TIMETABLES.—The Director of the Office of Management and Budget, in consultation with the Secretary and affected entities, shall establish timetables for development and implementation of the enterprise architecture and plan referred to in subsection (a).

(c) IMPLEMENTATION.—The Director of the Office of Management and Budget, in consultation with the Secretary and acting under the responsibilities of the Director under law (including the Clinger-Cohen Act of 1996), shall ensure the implementation of the enterprise architecture developed under subsection (a)(1), and shall coordinate, oversee, and evaluate the management and acquisition of information technology by agencies with responsibility for homeland security to ensure interoperability consistent with the enterprise architecture developed under subsection (a)(1).

(d) AGENCY COOPERATION.—The head of each agency with responsibility for homeland security shall fully cooperate with the Director of the Office of Management and Budget in the development of a comprehensive enterprise architecture for information systems and in the management and acquisition of information technology consistent with the comprehensive enterprise architecture developed under subsection (a)(1).

(e) CONTENT.—The enterprise architecture developed under subsection (a)(1), and the information systems managed and acquired under the enterprise architecture, shall possess the characteristics of—

(1) rapid deployment;

(2) a highly secure environment, providing data access only to authorized users; and

(3) the capability for continuous system upgrades to benefit from advances in technology while preserving the integrity of stored data.

(f) UPDATED VERSIONS.—The Director of the Office of Management and Budget, in consultation with the Secretary, shall oversee and ensure the development of updated versions of the enterprise architecture and plan developed under subsection (a), as necessary.

(g) REPORT.—The Director of the Office of Management and Budget, in consultation with the Secretary, shall annually report to Congress on the development and implementation of the enterprise architecture and plan referred to under subsection (a).

(h) CONSULTATION.—The Director of the Office of Management and Budget shall consult with information systems management experts in the public and private sectors, in the development and implementation of the enterprise architecture and plan referred to under subsection (a).

(i) PRINCIPAL OFFICER.—The Director of the Office of Management and Budget shall designate, with the approval of the President, a principal officer in the Office of Management and Budget whose primary responsibility shall be to carry out the duties of the Director under this section.

SEC. 172. EXTENSION OF CUSTOMS USER FEES.

Section 13031(j)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(j)(3)) is amended by striking ''September 30, 2003'' and inserting ''March 31, 2004''.

SEC. 173. CONFORMING AMENDMENTS REGARDING LAWS ADMINISTERED BY THE SECRETARY OF VETERANS AFFAIRS.

(a) TITLE 38, UNITED STATES CODE.—

(1) SECRETARY OF HOMELAND SECURITY AS HEAD OF COAST GUARD.—Title 38, United States Code, is amended by striking ''Secretary of Transportation'' and inserting ''Secretary of Homeland Security'' in each of the following provisions:

(A) Section 101(25)(D).

(B) Section 1974(a)(5).

(C) Section 3002(5).

(D) Section 3011(a)(1)(A)(ii), both places it appears.

(E) Section 3012(b)(1)(A)(v).

(F) Section 3012(b)(1)(B)(ii)(V).

(G) Section 3018A(a)(3).

(H) Section 3018B(a)(1)(C).

(I) Section 3018B(a)(2)(C).

(J) Section 3018C(a)(5).

(K) Section 3020(m)(4).

(L) Section 3035(d).

(M) Section 6105(c).

(2) DEPARTMENT OF HOMELAND SECURITY AS EXECUTIVE DEPARTMENT OF COAST GUARD.—Title 38, United States Code, is amended by striking ''Department of Transportation'' and inserting ''Department of Homeland Security'' in each of the following provisions:

(A) Section 1560(a).

(B) Section 3035(b)(2).

(C) Section 3035(c).

(D) Section 3035(d).

(E) Section 3035(e)(2)(C).

(F) Section 3680A(g).

(b) SOLDIERS' AND SAILORS' CIVIL RELIEF ACT OF 1940.—The Soldiers' and Sailors' Civil Relief Act of 1940 is amended by striking ''Secretary of Transportation'' and inserting ''Secretary of Homeland Security'' in each of the following provisions:

(1) Section 105 (50 U.S.C. App. 515), both places it appears.

(2) Section 300(c) (50 U.S.C. App. 530).

(c) OTHER LAWS AND DOCUMENTS.—(1) Any reference to the Secretary of Transportation, in that Secretary's capacity as the head of the Coast Guard when it is not operating as a service in the Navy, in any law, regulation, map, document, record, or other paper of the United States administered by the Secretary of Veterans Affairs shall be considered to be a reference to the Secretary of Homeland Security.

(2) Any reference to the Department of Transportation, in its capacity as the executive department of the Coast Guard when it is not operating as a service in the Navy, in any law, regulation, map, document, record, or other paper of the United States administered by the Secretary of Veterans Affairs shall be considered to be a reference to the Department of Homeland Security.

SEC. 174. PROHIBITION ON CONTRACTS WITH CORPORATE EXPATRIATES.

(a) IN GENERAL.—The Secretary may not enter into any contract with a foreign incorporated entity which is treated as an inverted domestic corporation under subsection (b), or any subsidiary of such entity.

(b) INVERTED DOMESTIC CORPORATION.—For purposes of this section, a foreign incorporated entity shall be treated as an inverted domestic corporation if, pursuant to a plan (or a series of related transactions)—

(1) the entity has completed the direct or indirect acquisition of substantially all of the properties held directly or indirectly by a domestic corporation or substantially all of the properties constituting a trade or business of a domestic partnership,

(2) after the acquisition at least 50 percent of the stock (by vote or value) of the entity is held—

(A) in the case of an acquisition with respect to a domestic corporation, by former shareholders of the domestic corporation by reason of holding stock in the domestic corporation, or

(B) in the case of an acquisition with respect to a domestic partnership, by former partners of the domestic partnership by reason of holding a capital or profits interest in the domestic partnership, and

(3) the expanded affiliated group which after the acquisition includes the entity does not have substantial business activities in the foreign country in which or under the law of which the entity is created or organized when compared to the total business activities of such expanded affiliated group.

(c) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

(1) RULES FOR APPLICATION OF SUBSECTION (b).—In applying subsection (b) for purposes of subsection (a), the following rules shall apply:

(A) CERTAIN STOCK DISREGARDED.—There shall not be taken into account in determining ownership for purposes of subsection (b)(2)—

(i) stock held by members of the expanded affiliated group which includes the foreign incorporated entity, or

(ii) stock of such entity which is sold in a public offering related to the acquisition described in subsection (b)(1).

(B) PLAN DEEMED IN CERTAIN CASES.—If a foreign incorporated entity acquires directly or indirectly substantially all of the properties of a domestic corporation or partnership during the 4-year period beginning on the date which is 2 years before the ownership requirements of subsection (b)(2) are met, such actions shall be treated as pursuant to a plan.

(C) CERTAIN TRANSFERS DISREGARDED.—The transfer of properties or liabilities (including by contribution or distribution) shall be disregarded if such transfers are part of a plan a principal purpose of which is to avoid the purposes of this section.

(D) SPECIAL RULE FOR RELATED PARTNERSHIPS.—For purposes of applying subsection (b) to the acquisition of a domestic partnership, except as provided in regulations, all partnerships which are under common control (within the meaning of section 482 of the Internal Revenue Code of 1986) shall be treated as 1 partnership.

(E) TREATMENT OF CERTAIN RIGHTS.—The Secretary shall prescribe such regulations as may be necessary—

(i) to treat warrants, options, contracts to acquire stock, convertible debt instruments, and other similar interests as stock, and

(ii) to treat stock as not stock.

(2) EXPANDED AFFILIATED GROUP.—The term ''expanded affiliated group'' means an affiliated group as defined in section 1504(a) of the Internal Revenue Code of 1986 (without regard to section 1504(b) of such Code), except that section 1504(a) of such Code shall be applied by substituting ''more than 50 percent'' for ''at least 80 percent'' each place it appears.

(3) FOREIGN INCORPORATED ENTITY.—The term ''foreign incorporated entity'' means any entity which is, or but for subsection (b) would be, treated as a foreign corporation for purposes of the Internal Revenue Code of 1986.

(4) OTHER DEFINITIONS.—The terms ''person'', ''domestic'', and ''foreign'' have the meanings given such terms by paragraphs (1), (4), and (5) of section 7701(a) of the Internal Revenue Code of 1986, respectively.

(d) WAIVER.—The President may waive subsection (a) with respect to any specific contract if the President certifies to Congress that the waiver is required in the interest of national security.

(e) EFFECTIVE DATE.—This section shall take effect 1 day after the date of the enactment of this Act.

SEC. 175. TRANSFER OF CERTAIN AGRICULTURAL INSPECTION FUNCTIONS OF THE DEPARTMENT OF AGRICULTURE.

(a) DEFINITION OF COVERED LAW.—In this section, the term ''covered law'' means—

(1) the first section of the Act of August 31, 1922 (commonly known as the ''Honeybee Act'') (7 U.S.C. 281);

(2) title III of the Federal Seed Act (7 U.S.C. 1581 et seq.);

(3) the Plant Protection Act (7 U.S.C. 7701 et seq.);

(4) the Animal Health Protection Act (7 U.S.C. 8301 et seq.);

(5) section 11 of the Endangered Species Act of 1973 (16 U.S.C. 1540).

(6) the Lacey Act Amendments of 1981 (16 U.S.C. 3371 et seq.); and

(7) the eighth paragraph under the heading ''BUREAU OF ANIMAL INDUSTRY'' in the Act of March 4, 1913 (commonly known as the ''Virus-Serum-Toxin Act'') (21 U.S.C. 151 et seq.);

(b) TRANSFER.—

(1) IN GENERAL.—Subject to paragraph (2), there is transferred to the Secretary of Homeland Security the functions of the Secretary of Agriculture relating to agricultural import and entry inspection activities under each covered law.

(2) QUARANTINE ACTIVITIES.—The functions transferred under paragraph (1) shall not include any quarantine activity carried out under a covered law.

(c) EFFECT OF TRANSFER.—

(1) COMPLIANCE WITH DEPARTMENT OF AGRICULTURE REGULATIONS.—The authority transferred under subsection (b) shall be exercised by the Secretary of Homeland Security in accordance with the regulations, policies, and procedures issued by the Secretary of

Agriculture regarding the administration of each covered law.

(2) RULEMAKING COORDINATION.—The Secretary of Agriculture shall coordinate with the Secretary of Homeland Security in any case in which the Secretary of Agriculture prescribes regulations, policies, or procedures for administering the functions transferred under subsection (b) under a covered law.

(3) EFFECTIVE ADMINISTRATION.—The Secretary of Homeland Security, in consultation with the Secretary of Agriculture, may issue such directives and guidelines as are necessary to ensure the effective use of personnel of the Department of Homeland Security to carry out the functions transferred under subsection (b).

(d) TRANSFER AGREEMENT.—

(1) IN GENERAL.—Before the completion of the transition period (as defined in section 181), the Secretary of Agriculture and the Secretary of Homeland Security shall enter into an agreement to carry out this section.

(2) REQUIRED TERMS.—The agreement required by this subsection shall provide for—

(A) the supervision by the Secretary of Agriculture of the training of employees of the Secretary of Homeland Security to carry out the functions transferred under subsection (b);

(B) the transfer of funds to the Secretary of Homeland Security under subsection (e);

(C) authority under which the Secretary of Homeland Security may perform functions that—

(i) are delegated to the Animal and Plant Health Inspection Service of the Department of Agriculture regarding the protection of domestic livestock and plants; but

(ii) are not transferred to the Secretary of Homeland Security under subsection (b); and

(D) authority under which the Secretary of Agriculture may use employees of the Department of Homeland Security to carry out authorities delegated to the Animal and Plant Health Inspection Service regarding the protection of domestic livestock and plants.

(3) REVIEW AND REVISION.—After the date of execution of the agreement described in paragraph (1), the Secretary of Agriculture and the Secretary of Homeland Security—

(A) shall periodically review the agreement; and

(B) may jointly revise the agreement, as necessary.

(e) PERIODIC TRANSFER OF FUNDS TO DEPARTMENT OF HOMELAND SECURITY.—

(1) TRANSFER OF FUNDS.—Subject to paragraph (2), out of any funds collected as fees under sections 2508 and 2509 of the Food, Agriculture, Conservation, and Trade Act of 1990 (21 U.S.C. 136, 136a), the Secretary of Agriculture shall periodically transfer to the Secretary of Homeland Security, in accordance with the agreement under subsection (d), funds for activities carried out by the Secretary of Homeland Security for which the fees were collected.

(2) LIMITATION.—The proportion of fees collected under sections 2508 and 2509 of the Food, Agriculture, Conservation, and Trade Act of 1990 (21 U.S.C. 136, 136a) that are transferred to the Secretary of Homeland Security under paragraph (1) may not exceed the proportion that—

(A) the costs incurred by the Secretary of Homeland Security to carry out activities funded by those fees; bears to

(B) the costs incurred by the Federal Government to carry out activities funded by those fees.

(f) TRANSFER OF DEPARTMENT OF AGRICULTURE EMPLOYEES.—Not later than the completion of the transition period (as defined in section 181), the Secretary of Agriculture shall transfer to the Department of Homeland Security not more than 3,200 full-time equivalent positions of the Department of Agriculture.

(g) PROTECTION OF INSPECTION ANIMALS.—

(1) DEFINITION OF SECRETARY CONCERNED.—Title V of the Agricultural Risk Protection Act of 2000 is amended—

(A) by redesignating sections 501 and 502 (7 U.S.C. 2279e, 2279f) as sections 502 and 503, respectively; and

(B) by inserting before section 502 (as redesignated by subparagraph (A)) the following:

"SEC. 501. DEFINITION OF SECRETARY CONCERNED.

''In this title, the term 'Secretary concerned' means—

''(1) the Secretary of Agriculture, with respect to an animal used for purposes of official inspections by the Department of Agriculture; and

''(2) the Secretary of Homeland Security, with respect to an animal used for purposes of official inspections by the Department of Homeland Security.''.

(2) CONFORMING AMENDMENTS.—

(A) Section 502 of the Agricultural Risk Protection Act of 2000 (as redesignated by paragraph (1)(A)) is amended—

(i) in subsection (a)—

(I) by inserting ''or the Department of Homeland Security'' after ''Department of Agriculture''; and

(II) by inserting ''or the Secretary of Homeland Security'' after ''Secretary of Agriculture''; and

(ii) by striking ''Secretary'' each place it appears (other than in subsections (a) and (e)) and inserting ''Secretary concerned''.

(B) Section 503 of the Agricultural Risk Protection Act of 2000 (as redesignated by paragraph (1)(A)) is amended by striking ''501'' each place it appears and inserting ''502''.

(C) Section 221 of the Public Health Security and Bioterrorism Preparedness and Response Act of 2002 (7 U.S.C. 8411) is repealed.

SEC. 176. COORDINATION OF INFORMATION AND INFORMATION TECHNOLOGY.

(a) DEFINITION OF AFFECTED AGENCY.—In this section, the term ''affected agency'' means—

(1) the Department of Homeland Security;

(2) the Department of Agriculture;

(3) the Department of Health and Human Services; and

(4) any other department or agency determined to be appropriate by the Secretary of Homeland Security.

(b) COORDINATION.—Consistent with section 171, the Secretary of Homeland Security, in coordination with the Secretary of Agriculture, the Secretary of Health and Human Services, and the head of each other department or agency determined to be appropriate by the Secretary of Homeland Security, shall ensure that appropriate information (as determined by the Secretary of Homeland Security) concerning inspections of articles that are imported or entered into the United States, and are inspected or regulated by 1 or more affected agencies, is timely and efficiently exchanged between the affected agencies.

(c) REPORT AND PLAN.—Not later than 18 months after the date of enactment of this Act, the Secretary of Homeland Security, in consultation with the Secretary of Agriculture, the Secretary of Health and Human Services, and the head of each other department or agency determined to be appropriate by the Secretary of Homeland Security, shall submit to Congress—

(1) a report on the progress made in implementing this section; and

(2) a plan to complete implementation of this section.

Subtitle E—Transition Provisions

SEC. 181. DEFINITIONS.

In this subtitle:

(1) AGENCY.—The term ''agency'' includes any entity, organizational unit, or function transferred or to be transferred under this title.

(2) TRANSITION PERIOD.—The term ''transition period'' means the 1-year period beginning on the effective date of this division.

SEC. 182. TRANSFER OF AGENCIES.

The transfer of an agency to the Department, as authorized by this title, shall occur when the President so directs, but in no event later than the end of the transition period.

SEC. 183. TRANSITIONAL AUTHORITIES.

(a) PROVISION OF ASSISTANCE BY OFFICIALS.—Until an agency is transferred to the Department, any official having authority over, or functions relating to, the agency immediately before the effective date of this division shall provide to the Secretary such assistance, including the use of personnel and assets, as the Secretary may reasonably request in preparing for the transfer and integration of the agency into the Department.

(b) SERVICES AND PERSONNEL.—During the transition period, upon the request of the Secretary, the head of any agency (as defined under section 2) may, on a reimbursable basis, provide services and detail personnel to assist with the transition.

(c) ACTING OFFICIALS.—

(1) DESIGNATION.—During the transition period, pending the nomination and advice and consent of the Senate to the appointment of an officer required by this division to be appointed by and with such advice and consent, the President may designate any officer whose appointment was required to be made by and with such advice and consent, and who continues as such an officer, to act in such office until the office is filled as provided in this division.

(2) COMPENSATION.—While serving as an acting officer under paragraph (1), the officer shall receive compensation at the higher of the rate provided—

(A) under this division for the office in which that officer acts; or

(B) for the office held at the time of designation.

(3) PERIOD OF SERVICE.—The person serving as an acting officer under paragraph (1) may serve in the office for the periods described under section 3346 of title 5, United States Code, as if the office became vacant on the effective date of this division.

(d) EXCEPTION TO ADVICE AND CONSENT REQUIREMENT.—Nothing in this Act shall be construed to require the advice and consent of the Senate to the appointment by the President to a position in the Department of any officer—

(1) whose agency is transferred to the Department under this Act;

(2) whose appointment was by and with the advice and consent of the Senate;

(3) who is proposed to serve in a directorate or office of the Department that is similar to the transferred agency in which the officer served; and

(4) whose authority and responsibilities following such transfer would be equivalent to those performed prior to such transfer.

SEC. 184. INCIDENTAL TRANSFERS AND TRANSFER OF RELATED FUNCTIONS.

(a) INCIDENTAL TRANSFERS.—The Director of the Office of Management and Budget, in consultation with the Secretary, shall make such additional incidental dispositions of personnel, assets, and liabilities held, used, arising from, available, or to be made available, in connection with the functions transferred by this title, as the Director determines necessary to accomplish the purposes of this title.

(b) ADJUDICATORY OR REVIEW FUNCTIONS.—(1) IN GENERAL.—At the time an agency is transferred to the Department, the President may also transfer to the Department any agency established to carry out or support adjudicatory or review functions in relation to the transferred agency.

(2) EXCEPTION.—The President may not transfer the Executive Office of Immigration Review of the Department of Justice under this subsection.

(c) TRANSFER OF RELATED FUNCTIONS.—The transfer, under this title, of an agency that is a subdivision of a department before such transfer shall include the transfer to the Secretary of any function relating to such agency that, on the date before the transfer, was exercised by the head of the department from which such agency is transferred.

(d) REFERENCES.—A reference in any other Federal law, Executive order, rule, regulation, delegation of authority, or other document pertaining to an agency transferred under this title that refers to the head of the department from which such agency is transferred is deemed to refer to the Secretary.

SEC. 185. IMPLEMENTATION PROGRESS REPORTS AND LEGISLATIVE RECOMMENDATIONS.

(a) IN GENERAL.—In consultation with the President and in accordance with this section, the Secretary shall prepare implementation progress reports and submit such reports to—

(1) the President of the Senate and the Speaker of the House of Representatives for referral to the appropriate committees; and

(2) the Comptroller General of the United States.

(b) REPORT FREQUENCY.—

(1) INITIAL REPORT.—As soon as practicable, and not later than 6 months after the date of enactment of this Act, the Secretary shall submit the first implementation progress report.

(2) SEMIANNUAL REPORTS.—Following the submission of the report under paragraph (1), the Secretary shall submit additional implementation progress reports not less frequently than once every 6 months until all transfers to the Department under this title have been completed.

(3) FINAL REPORT.—Not later than 6 months after all transfers to the Department under this title have been completed, the Secretary shall submit a final implementation progress report.

(c) CONTENTS.—

(1) IN GENERAL.—Each implementation progress report shall report on the progress made in implementing titles I and XI, including fulfillment of the functions transferred under this Act, and shall include all of the information specified under paragraph (2) that the Secretary has gathered as of the date of submission. Information contained in an earlier report may be referenced, rather than set out in full, in a subsequent report. The final implementation progress report shall include any required information not yet provided.

(2) SPECIFICATIONS.—Each implementation progress report shall contain, to the extent available—

(A) with respect to the transfer and incorporation of entities, organizational units, and functions—

(i) the actions needed to transfer and incorporate entities, organizational units, and functions into the Department;

(ii) a projected schedule, with milestones, for completing the various phases of the transition;

(iii) a progress report on taking those actions and meeting the schedule;

(iv) the organizational structure of the Department, including a listing of the respective directorates, the field offices of the Department, and the executive positions that will be filled by political appointees or career executives;

(v) the location of Department headquarters, including a timeframe for relocating to the new location, an estimate of cost for the relocation, and information about which elements of the various agencies will be located at headquarters;

(vi) unexpended funds and assets, liabilities, and personnel that will be transferred, and the proposed allocations and disposition within the Department; and

(vii) the costs of implementing the transition;

(B) with respect to human capital planning—

(i) a description of the workforce planning undertaken for the Department, including the preparation of an inventory of skills and competencies available to the Department, to identify any gaps, and to plan for the training, recruitment, and retention policies necessary to attract and retain a workforce to meet the needs of the Department;

(ii) the past and anticipated future record of the Department with respect to recruitment and retention of personnel;

(iii) plans or progress reports on the utilization by the Department of existing personnel flexibility, provided by law or through regulations of the President and the Office of Personnel Management, to achieve the human capital needs of the Department;

(iv) any inequitable disparities in pay or other terms and conditions of employment among employees within the Department resulting from the consolidation under this division of functions, entities, and personnel previously covered by disparate personnel systems; and

(v) efforts to address the disparities under clause (iv) using existing personnel flexibility;

(C) with respect to information technology—

(i) an assessment of the existing and planned information systems of the Department; and

(ii) a report on the development and implementation of enterprise architecture and of the plan to achieve interoperability;

(D) with respect to programmatic implementation—

(i) the progress in implementing the programmatic responsibilities of this division;

(ii) the progress in implementing the mission of each entity, organizational unit, and function transferred to the Department;

(iii) recommendations of any other governmental entities, organizational units, or functions that need to be incorporated into the Department in order for the Department to function effectively; and

(iv) recommendations of any entities, organizational units, or functions not related to homeland security transferred to the Department that need to be transferred from the Department or terminated for the Department to function effectively.

(d) LEGISLATIVE RECOMMENDATIONS.—

(1) INCLUSION IN REPORT.—The Secretary, after consultation with the appropriate committees of Congress, shall include in the report under this section, recommendations for legislation that the Secretary determines is necessary to—

(A) facilitate the integration of transferred entities, organizational units, and functions into the Department;

(B) reorganize agencies, executive positions, and the assignment of functions within the Department;

(C) address any inequitable disparities in pay or other terms and conditions of employment among employees within the Department resulting from the consolidation of agencies, functions, and personnel previously covered by disparate personnel systems;

(D) enable the Secretary to engage in procurement essential to the mission of the Department;

(E) otherwise help further the mission of the Department; and

(F) make technical and conforming amendments to existing law to reflect the changes made by titles I and XI.

(2) SEPARATE SUBMISSION OF PROPOSED LEGISLATION.—The Secretary may submit the proposed legislation under paragraph (1) to Congress before submitting the balance of the report under this section.

SEC. 186. TRANSFER AND ALLOCATION.

Except as otherwise provided in this title, the personnel employed in connection with, and the assets, liabilities, contracts, property, records, and unexpended balance of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, available to, or to be made available in connection with the agencies transferred under this title, shall be transferred to the Secretary for appropriate allocation, subject to the approval of the Director of the Office of Management and Budget and to section 1531 of title 31, United States Code. Unexpended funds transferred under this subsection shall be used only for the purposes for which the funds were originally authorized and appropriated.

SEC. 187. SAVINGS PROVISIONS.

(a) CONTINUING EFFECT OF LEGAL DOCUMENTS.—All orders, determinations, rules, regulations, permits, agreements, grants, contracts, recognitions of labor organizations, collective bargaining agreements, certificates, licenses, registrations, privileges, and other administrative actions—

(1) which have been issued, made, granted, or allowed to become effective by the President, any Federal agency or official thereof, or by a court of competent jurisdiction, in the performance of functions which are transferred under this title; and

(2) which are in effect at the time this division takes effect, or were final before the effective date of this division and are to become effective on or after the effective date of this division,

shall, to the extent related to such functions, continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President, the Secretary or other authorized official, or a court of competent jurisdiction, or by operation of law.

(b) PROCEEDINGS NOT AFFECTED.—The provisions of this title shall not affect any proceedings, including notices of proposed rulemaking, or any application for any license, permit, certificate, or financial assistance pending before an agency at the time this title takes effect, with respect to functions transferred by this title but such proceedings and applications shall continue. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this title had not been enacted, and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law. Nothing in this subsection shall be deemed to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this title had not been enacted.

(c) SUITS NOT AFFECTED.—The provisions of this title shall not affect suits commenced before the effective date of this division, and in all such suits, proceedings shall be had,

appeals taken, and judgments rendered in the same manner and with the same effect as if this title had not been enacted.

(d) NONABATEMENT OF ACTIONS.—No suit, action, or other proceeding commenced by or against an agency, or by or against any individual in the official capacity of such individual as an officer of an agency, shall abate by reason of the enactment of this title.

(e) ADMINISTRATIVE ACTIONS RELATING TO PROMULGATION OF REGULATIONS.—Any administrative action relating to the preparation or promulgation of a regulation by an agency relating to a function transferred under this title may be continued by the Department with the same effect as if this title had not been enacted.

(f) EMPLOYMENT AND PERSONNEL.—

(1) TERMS AND CONDITIONS OF EMPLOYMENT.—The transfer of an employee to the Department under this Act shall not alter the terms and conditions of employment, including compensation, of any employee so transferred.

(2) CONDITIONS AND CRITERIA FOR APPOINTMENT.—Any qualifications, conditions, or criteria required by law for appointments to a position in an agency, or subdivision thereof, transferred to the Department under this title, including a requirement that an appointment be made by the President, by and with the advice and consent of the Senate, shall continue to apply with respect to any appointment to the position made after such transfer to the Department has occurred.

(3) WHISTLEBLOWER PROTECTION.—The President may not exclude any position transferred to the Department as a covered position under section 2302(a)(2)(B)(ii) of title 5, United States Code, to the extent that such exclusion subject to that authority was not made before the date of enactment of this Act.

(g) NO EFFECT ON INTELLIGENCE AUTHORITIES.—The transfer of authorities, functions, personnel, and assets of elements of the United States Government under this title, or the assumption of authorities and functions by the Department under this title, shall not be construed, in cases where such authorities, functions, personnel, and assets are engaged in intelligence activities as defined in the National Security Act of 1947, as affecting the authorities of the Director of Central Intelligence, the Secretary of Defense, or the heads of departments and agencies within the intelligence community.

SEC. 188. TRANSITION PLAN.

(a) IN GENERAL.—Not later than September 15, 2002, the President shall submit to Congress a transition plan as set forth in subsection (b).

(b) CONTENTS.—

(1) IN GENERAL.—The transition plan under subsection (a) shall include a detailed—

(A) plan for the transition to the Department and implementation of this title and division B; and

(B) proposal for the financing of those operations and needs of the Department that do not represent solely the continuation of functions for which appropriations already are available.

(2) FINANCING PROPOSAL.—The financing proposal under paragraph (1)(B) may consist of any combination of specific appropriations transfers, specific reprogrammings, and new specific appropriations as the President considers advisable.

SEC. 189. USE OF APPROPRIATED FUNDS.

(a) APPLICABILITY OF THIS SECTION.—Notwithstanding any other provision of this Act or any other law, this section shall apply to the use of any funds, disposal of property, and acceptance, use, and disposal of gifts, or donations of services or property, of, for, or by the Department, including any agencies, entities, or other organizations transferred to the Department under this Act.

(b) AUTHORIZATION OF APPROPRIATIONS TO CREATE DEPARTMENT.—There is authorized to be appropriated $160,000,000 for the Office of Homeland Security in the Executive Office of the President to be transferred without delay to the Department upon its creation by enactment of this Act, notwithstanding subsection (c)(1)(C) such funds shall be available only for the payment of necessary salaries and expenses associated with the initiation of operations of the Department.

(c) USE OF TRANSFERRED FUNDS.—

(1) IN GENERAL.—Except as may be provided in this subsection or in an appropriations Act in accordance with subsection (e), balances of appropriations and any other funds or assets transferred under this Act—

(A) shall be available only for the purposes for which they were originally available;

(B) shall remain subject to the same conditions and limitations provided by the law originally appropriating or otherwise making available the amount, including limitations and notification requirements related to the reprogramming of appropriated funds; and

(C) shall not be used to fund any new position established under this Act.

(2) TRANSFER OF FUNDS.—

(A) IN GENERAL.—After the creation of the Department and the swearing in of its Secretary, and upon determination by the Secretary that such action is necessary in the national interest, the Secretary is authorized to transfer, with the approval of the Office of Management and Budget, not to exceed $140,000,000 of unobligated funds from organizations and entities transferred to the new Department by this Act.

(B) LIMITATION.—Notwithstanding paragraph (1)(C), funds authorized to be transferred by subparagraph (A) shall be available only for payment of necessary costs, including funding of new positions, for the initiation of operations of the Department and may not be transferred unless the Committees on Appropriations are notified at least 15 days in advance of any proposed transfer and have approved such transfer in advance.

(C) NOTIFICATION.—The notification required in subparagraph (B) shall include a detailed justification of the purposes for which the funds are to be used and a detailed statement of the impact on the program or organization that is the source of the funds, and shall be submitted in accordance with reprogramming procedures to be established by the Committees on Appropriations.

(D) USE FOR OTHER ITEMS.—The authority to transfer funds established in this section may not be used unless for higher priority items, based on demonstrated homeland security requirements, than those for which funds originally were appropriated and in no case where the item for which funds are requested has been denied by Congress.

(d) NOTIFICATION REGARDING TRANSFERS.—The President shall notify Congress not less than 15 days before any transfer of appropriations balances, other funds, or assets under this Act.

(e) ADDITIONAL USES OF FUNDS DURING TRANSITION.—Subject to subsections (c) and (d), amounts transferred to, or otherwise made available to, the Department may be used during the transition period, as defined in section 801(2), for purposes in addition to those for which such amounts were originally available (including by transfer among accounts of the Department), but only to the extent such transfer or use is specifically permitted in advance in an appropriations Act and only under the conditions and for the purposes specified in such appropriations Act.

(f) DISPOSAL OF PROPERTY.—

(1) STRICT COMPLIANCE.—If specifically authorized to dispose of real property in this or any other Act, the Secretary shall exercise this authority in strict compliance with subchapter IV of chapter 5 of title 40, United States Code.

(2) DEPOSIT OF PROCEEDS.—The Secretary shall deposit the proceeds of any exercise of property disposal authority into the miscellaneous receipts of the Treasury in accordance with section 3302(b) of title 31, United States Code.

(g) GIFTS.—Gifts or donations of services or property of or for the Department may not be accepted, used, or disposed of unless specifically permitted in advance in an appropriations Act and only under the conditions and for the purposes specified in such appropriations Act.

(h) BUDGET REQUEST.—Under section 1105 of title 31, United States Code, the President shall submit to Congress a detailed budget request for the Department for fiscal year 2004, and for each subsequent fiscal year.

Subtitle F—Administrative Provisions

SEC. 191. REORGANIZATIONS AND DELEGATIONS.

(a) REORGANIZATION AUTHORITY.—

(1) IN GENERAL.—The Secretary may, as necessary and appropriate—

(A) allocate, or reallocate, functions among officers of the Department; and

(B) establish, consolidate, alter, or discontinue organizational entities within the Department.

(2) LIMITATION.—Paragraph (1) does not apply to—

(A) any office, bureau, unit, or other entity established by law and transferred to the Department;

(B) any function vested by law in an entity referred to in subparagraph (A) or vested by law in an officer of such an entity; or

(C) the alteration of the assignment or delegation of functions assigned by this Act to any officer or organizational entity of the Department.

(b) DELEGATION AUTHORITY.—

(1) SECRETARY.—The Secretary may—

(A) delegate any of the functions of the Secretary; and

(B) authorize successive redelegations of functions of the Secretary to other officers and employees of the Department.

(2) OFFICERS.—An officer of the Department may—

(A) delegate any function assigned to the officer by law; and

(B) authorize successive redelegations of functions assigned to the officer by law to other officers and employees of the Department.

(3) LIMITATIONS.—

(A) INTERUNIT DELEGATION.—Any function assigned by this title to an organizational unit of the Department or to the head of an organizational unit of the Department may not be delegated to an officer or employee outside of that unit.

(B) FUNCTIONS.—Any function vested by law in an entity established by law and transferred to the Department or vested by law in an officer of such an entity may not be delegated to an officer or employee outside of that entity.

SEC. 192. REPORTING REQUIREMENTS.

(a) ANNUAL EVALUATIONS.—The Comptroller General of the United States shall monitor and evaluate the implementation of this title and title XI. Not later than 15 months after the effective date of this division, and every year thereafter for the succeeding 5 years, the Comptroller General shall submit a report to Congress containing—

(1) an evaluation of the implementation progress reports submitted to Congress and

the Comptroller General by the Secretary under section 185;

(2) the findings and conclusions of the Comptroller General of the United States resulting from the monitoring and evaluation conducted under this subsection, including evaluations of how successfully the Department is meeting—

(A) the homeland security missions of the Department; and

(B) the other missions of the Department; and

(3) any recommendations for legislation or administrative action the Comptroller General considers appropriate.

(b) BIENNIAL REPORTS.—Every 2 years the Secretary shall submit to Congress—

(1) a report assessing the resources and requirements of executive agencies relating to border security and emergency preparedness issues; and

(2) a report certifying the preparedness of the United States to prevent, protect against, and respond to natural disasters, cyber attacks, and incidents involving weapons of mass destruction.

(c) POINT OF ENTRY MANAGEMENT REPORT.—Not later than 1 year after the effective date of this division, the Secretary shall submit to Congress a report outlining proposed steps to consolidate management authority for Federal operations at key points of entry into the United States.

(d) COMBATING TERRORISM AND HOMELAND SECURITY.—Not later than 270 days after the date of enactment of this Act, the Secretary shall—

(1) in consultation with the head of each department or agency affected by titles I, II, III, and XI, develop definitions of the terms ''combating terrorism'' and ''homeland security'' for purposes of those titles and shall consider such definitions in determining the mission of the Department; and

(2) submit a report to Congress on such definitions.

(e) RESULTS-BASED MANAGEMENT.—

(1) STRATEGIC PLAN.—

(A) IN GENERAL.—Not later than September 30, 2003, consistent with the requirements of section 306 of title 5, United States Code, the Secretary, in consultation with Congress, shall prepare and submit to the Director of the Office of Management and Budget and to Congress a strategic plan for the program activities of the Department.

(B) PERIOD; REVISIONS.—The strategic plan shall cover a period of not less than 5 years from the fiscal year in which it is submitted and it shall be updated and revised at least every 3 years.

(C) CONTENTS.—The strategic plan shall describe the planned results for the non-homeland security related activities of the Department and the homeland security related activities of the Department.

(2) PERFORMANCE PLAN.—

(A) IN GENERAL.—In accordance with section 1115 of title 31, United States Code, the Secretary shall prepare an annual performance plan covering each program activity set forth in the budget of the Department.

(B) CONTENTS.—The performance plan shall include—

(i) the goals to be achieved during the year;

(ii) strategies and resources required to meet the goals; and

(iii) the means used to verify and validate measured values.

(C) SCOPE.—The performance plan should describe the planned results for the non-homeland security related activities of the Department and the homeland security related activities of the Department.

(3) PERFORMANCE REPORT.—

(A) IN GENERAL.—In accordance with section 1116 of title 31, United States Code, the Secretary shall prepare and submit to the President and Congress an annual report on program performance for each fiscal year.

(B) CONTENTS.—The performance report shall include the actual results achieved during the year compared to the goals expressed in the performance plan for that year.

SEC. 193. ENVIRONMENTAL PROTECTION, SAFETY, AND HEALTH REQUIREMENTS.

The Secretary shall—

(1) ensure that the Department complies with all applicable environmental, safety, and health statutes and requirements; and

(2) develop procedures for meeting such requirements.

SEC. 194. LABOR STANDARDS.

(a) IN GENERAL.—All laborers and mechanics employed by contractors or subcontractors in the performance of construction work financed in whole or in part with assistance authorized under this Act shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with subchapter IV of chapter 31 of title 40, United States Code (commonly known as the ''Davis-Bacon Act'').

(b) SECRETARY OF LABOR.—The Secretary of Labor shall have, with respect to the enforcement of labor standards under subsection (a), the authority and functions set forth in Reorganization Plan Number 14 of 1950 (5 U.S.C. App.) and section 3145 of title 40, United States Code.

SEC. 195. PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.

The Secretary may—

(1) procure the temporary or intermittent services of experts or consultants (or organizations thereof) in accordance with section 3109(b) of title 5, United States Code; and

(2) whenever necessary due to an urgent homeland security need, procure temporary (not to exceed 1 year) or intermittent personal services, including the services of experts or consultants (or organizations thereof), without regard to the pay limitations of such section 3109.

SEC. 196. PRESERVING NON-HOMELAND SECURITY MISSION PERFORMANCE.

(a) IN GENERAL.—For each entity transferred into the Department that has non-homeland security functions, the respective Under Secretary in charge, in conjunction with the head of such entity, shall report to the Secretary, the Comptroller General, and the appropriate committees of Congress on the performance of the entity in all of its missions, with a particular emphasis on examining the continued level of performance of the non-homeland security missions.

(b) CONTENTS.—The report referred to in subsection (a) shall—

(1) to the greatest extent possible, provide an inventory of the non-homeland security functions of the entity and identify the capabilities of the entity with respect to those functions, including—

(A) the number of employees who carry out those functions;

(B) the budget for those functions; and

(C) the flexibilities, personnel or otherwise, currently used to carry out those functions;

(2) contain information related to the roles, responsibilities, missions, organizational structure, capabilities, personnel assets, and annual budgets, specifically with respect to the capabilities of the entity to accomplish its non-homeland security missions without any diminishment; and

(3) contain information regarding whether any changes are required to the roles, responsibilities, missions, organizational structure, modernization programs, projects, activities, recruitment and retention programs, and annual fiscal resources to enable the entity to accomplish its non-homeland security missions without diminishment.

(c) TIMING.—Each Under Secretary shall provide the report referred to in subsection (a) annually, for the 5 years following the transfer of the entity to the Department.

SEC. 197. FUTURE YEARS HOMELAND SECURITY PROGRAM.

(a) IN GENERAL.—Each budget request submitted to Congress for the Department under section 1105 of title 31, United States Code, and each budget request submitted to Congress for the National Terrorism Prevention and Response Program shall be accompanied by a Future Years Homeland Security Program.

(b) CONTENTS.—The Future Years Homeland Security Program under subsection (a) shall be structured, and include the same type of information and level of detail, as the Future Years Defense Program submitted to Congress by the Department of Defense under section 221 of title 10, United States Code.

(c) EFFECTIVE DATE.—This section shall take effect with respect to the preparation and submission of the fiscal year 2005 budget request for the Department and the fiscal year 2005 budget request for the National Terrorism Prevention and Response Program, and for any subsequent fiscal year.

SEC. 198. PROTECTION OF VOLUNTARILY FURNISHED CONFIDENTIAL INFORMATION.

(a) DEFINITIONS.—In this section:

(1) CRITICAL INFRASTRUCTURE.—The term ''critical infrastructure'' has the meaning given that term in section 1016(e) of the USA PATRIOT ACT of 2001 (42 U.S.C. 5195(e)).

(2) FURNISHED VOLUNTARILY.—

(A) DEFINITION.—The term ''furnished voluntarily'' means a submission of a record that—

(i) is made to the Department in the absence of authority of the Department requiring that record to be submitted; and

(ii) is not submitted or used to satisfy any legal requirement or obligation or to obtain any grant, permit, benefit (such as agency forbearance, loans, or reduction or modifications of agency penalties or rulings), or other approval from the Government.

(B) BENEFIT.—In this paragraph, the term ''benefit'' does not include any warning, alert, or other risk analysis by the Department.

(b) IN GENERAL.—Notwithstanding any other provision of law, a record pertaining to the vulnerability of and threats to critical infrastructure (such as attacks, response, and recovery efforts) that is furnished voluntarily to the Department shall not be made available under section 552 of title 5, United States Code, if—

(1) the provider would not customarily make the record available to the public; and

(2) the record is designated and certified by the provider, in a manner specified by the Department, as confidential and not customarily made available to the public.

(c) RECORDS SHARED WITH OTHER AGENCIES.—

(1) IN GENERAL.—

(A) RESPONSE TO REQUEST.—An agency in receipt of a record that was furnished voluntarily to the Department and subsequently shared with the agency shall, upon receipt of a request under section 552 of title 5, United States Code, for the record—

(i) not make the record available; and

(ii) refer the request to the Department for processing and response in accordance with this section.

(B) SEGREGABLE PORTION OF RECORD.—Any reasonably segregable portion of a record shall be provided to the person requesting the record after deletion of any portion which is exempt under this section.

(2) DISCLOSURE OF INDEPENDENTLY FURNISHED RECORDS.—Notwithstanding paragraph (1), nothing in this section shall prohibit an agency from making available under section 552 of title 5, United States Code, any record that the agency receives independently of the Department, regardless of whether or not the Department has a similar or identical record.

(d) WITHDRAWAL OF CONFIDENTIAL DESIGNATION.—The provider of a record that is furnished voluntarily to the Department under subsection (b) may at any time withdraw, in a manner specified by the Department, the confidential designation.

(e) PROCEDURES.—The Secretary shall prescribe procedures for—

(1) the acknowledgement of receipt of records furnished voluntarily;

(2) the designation, certification, and marking of records furnished voluntarily as confidential and not customarily made available to the public;

(3) the care and storage of records furnished voluntarily;

(4) the protection and maintenance of the confidentiality of records furnished voluntarily; and

(5) the withdrawal of the confidential designation of records under subsection (d).

(f) EFFECT ON STATE AND LOCAL LAW.—Nothing in this section shall be construed as preempting or otherwise modifying State or local law concerning the disclosure of any information that a State or local government receives independently of the Department.

(g) REPORT.—

(1) REQUIREMENT.—Not later than 18 months after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the committees of Congress specified in paragraph (2) a report on the implementation and use of this section, including—

(A) the number of persons in the private sector, and the number of State and local agencies, that furnished voluntarily records to the Department under this section;

(B) the number of requests for access to records granted or denied under this section; and

(C) such recommendations as the Comptroller General considers appropriate regarding improvements in the collection and analysis of sensitive information held by persons in the private sector, or by State and local agencies, relating to vulnerabilities of and threats to critical infrastructure, including the response to such vulnerabilities and threats.

(2) COMMITTEES OF CONGRESS.—The committees of Congress specified in this paragraph are—

(A) the Committees on the Judiciary and Governmental Affairs of the Senate; and

(B) the Committees on the Judiciary and Government Reform and Oversight of the House of Representatives.

(3) FORM.—The report shall be submitted in unclassified form, but may include a classified annex.

SEC. 199. ESTABLISHMENT OF HUMAN RESOURCES MANAGEMENT SYSTEM.

(a) AUTHORITY.—

(1) SENSE OF CONGRESS.—It is the sense of Congress that—

(A) it is extremely important that employees of the Department be allowed to participate in a meaningful way in the creation of any human resources management system affecting them;

(B) such employees have the most direct knowledge of the demands of their jobs and have a direct interest in ensuring that their human resources management system is conducive to achieving optimal operational efficiencies;

(C) the 21st century human resources management system envisioned for the Department should be one that benefits from the input of its employees; and

(D) this collaborative effort will help secure our homeland.

(2) IN GENERAL.—Subpart I of part III of title 5, United States Code, is amended by adding at the end the following:

"CHAPTER 97—DEPARTMENT OF HOMELAND SECURITY

''Sec.

''9701. Establishment of human resources management system.

"§ 9701. Establishment of human resources management system

''(a) IN GENERAL.—Notwithstanding any other provision of this part, the Secretary of Homeland Security may, in regulations prescribed jointly with the Director of the Office of Personnel Management, establish, and from time to time adjust, a human resources management system for some or all of the organizational units of the Department of Homeland Security.

''(b) SYSTEM REQUIREMENTS.—Any system established under subsection (a) shall—

''(1) be flexible;

''(2) be contemporary;

''(3) not waive, modify, or otherwise affect—

''(A) the public employment principles of merit and fitness set forth in section 2301, including the principles of hiring based on merit, fair treatment without regard to political affiliation or other nonmerit considerations, equal pay for equal work, and protection of employees against reprisal for whistleblowing;

''(B) any provision of section 2302, relating to prohibited personnel practices;

''(C)(i) any provision of law referred to in section 2302(b)(1); or

''(ii) any provision of law implementing any provision of law referred to in section 2302(b)(1) by—

''(I) providing for equal employment opportunity through affirmative action; or

''(II) providing any right or remedy available to any employee or applicant for employment in the civil service;

''(D) any other provision of this part (as described in subsection (c)); or

''(E) any rule or regulation prescribed under any provision of law referred to in any of the preceding subparagraphs of this paragraph;

''(4) ensure that employees may organize, bargain collectively, and participate through labor organizations of their own choosing in decisions which affect them, subject to any exclusion from coverage or limitation on negotiability established by law; and

''(5) permit the use of a category rating system for evaluating applicants for positions in the competitive service.

''(c) OTHER NONWAIVABLE PROVISIONS.—The other provisions of this part as referred to in subsection (b)(3)(D), are (to the extent not otherwise specified in subparagraph (A), (B), (C), or (D) of subsection (b)(3))—

''(1) subparts A, B, E, G, and H of this part; and

''(2) chapters 41, 45, 47, 55, 57, 59, 71, 72, 73, 77, and 79, and this chapter.

''(d) LIMITATIONS RELATING TO PAY.—Nothing in this section shall constitute authority—

''(1) to modify the pay of any employee who serves in—

''(A) an Executive Schedule position under subchapter II of chapter 53 of this title; or

''(B) a position for which the rate of basic pay is fixed in statute by reference to a section or level under subchapter II of chapter 53 of this title;

''(2) to fix pay for any employee or position at an annual rate greater than the maximum amount of cash compensation allowable under section 5307 of this title in a year; or

''(3) to exempt any employee from the application of such section 5307.

''(e) PROVISIONS TO ENSURE COLLABORATION WITH EMPLOYEE REPRESENTATIVES.—

''(1) IN GENERAL.—In order to ensure that the authority of this section is exercised in collaboration with, and in a manner that ensures the direct participation of employee representatives in the planning development, and implementation of any human resources management system or adjustments under this section, the Secretary and the Director of the Office of Personnel Management shall provide for the following:

''(A) NOTICE OF PROPOSAL.— The Secretary and the Director shall, with respect to any proposed system or adjustment—

''(i) provide to each employee representative representing any employees who might be affected, a written description of the proposed system or adjustment (including the reasons why it is considered necessary);

''(ii) give each representative at least 60 days (unless extraordinary circumstances require earlier action) to review and make recommendations with respect to the proposal; and

''(iii) give any recommendations received from any such representatives under clause (ii) full and fair consideration in deciding whether or how to proceed with the proposal.

''(B) PREIMPLEMENTATION REQUIREMENTS.—If the Secretary and the Director decide to implement a proposal described in subparagraph (A), they shall before implementation—

''(i) give each representative details of the decision to implement the proposal, together with the information upon which the decision is based;

''(ii) give each representative an opportunity to make recommendations with respect to the proposal; and

''(iii) give such recommendation full and fair consideration, including the providing of reasons to an employee representative if any of its recommendations are rejected.

''(C) CONTINUING COLLABORATION.—If a proposal described in subparagraph (A) is implemented, the Secretary and the Director shall—

''(i) develop a method for each employee representative to participate in any further planning or development which might become necessary; and

''(ii) give each employee representative adequate access to information to make that participation productive.

''(2) PROCEDURES.—Any procedures necessary to carry out this subsection shall be established by the Secretary and the Director jointly. Such procedures shall include measures to ensure—

''(A) in the case of employees within a unit with respect to which a labor organization is accorded exclusive recognition, representation by individuals designated or from among individuals nominated by such organization;

''(B) in the case of any employees who are not within such a unit, representation by any appropriate organization which represents a substantial percentage of those employees or, if none, in such other manner as may be appropriate, consistent with the purposes of the subsection; and

''(C) the selection of representatives in a manner consistent with the relative number of employees represented by the organizations or other representatives involved.

''(3) WRITTEN AGREEMENT.—Notwithstanding any other provision of this part, employees within a unit to which a labor organization is accorded exclusive recognition under chapter 71 shall not be subject to any system provided under this section unless

the exclusive representative and the Secretary have entered into a written agreement, which specifically provides for the inclusion of such employees within such system. Such written agreement may be imposed by the Federal Service Impasses Panel under section 7119, after negotiations consistent with section 7117.

''(f) PROVISIONS RELATING TO APPELLATE PROCEDURES.—

(1) SENSE OF CONGRESS.—It is the sense of Congress that—

''(A) employees of the Department are entitled to fair treatment in any appeals that they bring in decisions relating to their employment; and

''(B) in prescribing regulations for any such appeals procedures, the Secretary and the Director of the Office of Personnel Management—

''(i) should ensure that employees of the Department are afforded the protections of due process; and

''(ii) toward that end, should be required to consult with the Merit Systems Protection Board before issuing any such regulations.

''(2) REQUIREMENTS.—Any regulations under this section which relate to any matters within the purview of chapter 77—

''(A) shall be issued only after consultation with the Merit Systems Protection Board;

''(B) shall ensure the availability of procedures which shall—

''(i) be consistent with requirements of due process; and

''(ii) provide, to the maximum extent practicable, for the expeditious handling of any matters involving the Department; and

''(C) shall modify procedures under chapter 77 only insofar as such modifications are designed to further the fair, efficient, and expeditious resolution of matters involving the employees of the Department.

''(g) SUNSET PROVISION.—Effective 5 years after the conclusion of the transition period defined under section 181 of the Homeland Security Act of 2002, all authority to issue regulations under this section (including regulations which would modify, supersede, or terminate any regulations previously issued under this section) shall cease to be available.''.

(3) CLERICAL AMENDMENT.—The table of chapters for part III of title 5, United States Code, is amended by adding at the end of the following:

''97. Department of Homeland Security ..... 9701''.

(b) EFFECT ON PERSONNEL.—

(1) NONSEPARATION OR NONREDUCTION IN GRADE OR COMPENSATION OF FULL-TIME PERSONNEL AND PART-TIME PERSONNEL HOLDING PERMANENT POSITIONS.—Except as otherwise provided in this Act, the transfer pursuant to this act of full-time personnel (except special Government employees) and part-time personnel holding permanent positions shall not cause any such employee to be separated or reduced in grade or compensation for one year after the date of transfer to the Department.

(2) POSITIONS COMPENSATED IN ACCORDANCE WITH EXECUTIVE SCHEDULE.—Any person who, on the day preceding such person's date of transfer pursuant to this Act, held a position compensated in accordance with the Executive Schedule prescribed in chapter 53 of title 5, United States Code, and who, without a break in service, is appointed in the Department to a position having duties comparable to the duties performed immediately preceding such appointment shall continue to be compensated in such new position at not less than the rate provided for such position, for the duration of the service of such person in such new position.

(3) COORDINATION RULE.—Any exercise of authority under chapter 97 of title 5, United States Code (as amended by subsection (a)), including under any system established under such chapter, shall be in conformance with the requirements of this subsection.

SEC. 199A. LABOR-MANAGEMENT RELATIONS.

(a) LIMITATION ON EXCLUSIONARY AUTHORITY.—

(1) IN GENERAL.—No agency or subdivision of an agency which is transferred to the Department pursuant to this Act shall be excluded from the coverage of chapter 71 of title 5, United States Code, as a result of any order issued under section 7103(b)(1) of such title 5 after June 18, 2002, unless—

(A) the mission and responsibilities of the agency (or subdivision) materially change; and

(B) a majority of the employees within such agency (or subdivision) have as their primary duty intelligence, counterintelligence, or investigative work directly related to terrorism investigation.

(2) EXCLUSIONS ALLOWABLE.—Nothing in paragraph (1) shall affect the effectiveness of any order to the extent that such order excludes any portion of an agency or subdivision of an agency as to which—

(A) recognition as an appropriate unit has never been conferred for purposes of chapter 71 of title 5, United States Code; or

(B) any such recognition has been revoked or otherwise terminated as a result of a determination under subsection (b)(1).

(b) PROVISIONS RELATING TO BARGAINING UNITS.—

(1) LIMITATION RELATING TO APPROPRIATE UNITS.—Each unit which is recognized as an appropriate unit for purposes of chapter 71 of title 5, United States Code, as of the day before the effective date of this Act (and any subdivision of any such unit) shall, if such unit (or subdivision) is transferred to the Department pursuant to this Act, continue to be so recognized for such purposes, unless—

(A) the mission and responsibilities of such unit (or subdivision) materially change; and

(B) a majority of the employees within such unit (or subdivision) have as their primary duty intelligence, counterintelligence, or investigative work directly related to terrorism investigation.

(2) LIMITATION RELATING TO POSITIONS OR EMPLOYEES.—No position or employee within a unit (or subdivision of a unit) as to which continued recognition is given in accordance with paragraph (1) shall be excluded from such unit (or subdivision), for purposes of chapter 71 of title 5, United States Code, unless the primary job duty of such position or employee—

(A) materially changes; and

(B) consists of intelligence, counterintelligence, or investigative work directly related to terrorism investigation.

In the case of any positions within a unit (or subdivision) which are first established on or after the effective date of this Act and any employee first appointed on or after such date, the preceding sentence shall be applied disregarding subparagraph (A).

(c) COORDINATION RULE.—No other provision of this Act or of any amendment made by this Act may be construed or applied in a manner so as to limit, supersede, or otherwise affect the provisions of this section, except to the extent that it does so by specific reference to this section.

SEC. 199B. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to—

(1) enable the Secretary to administer and manage the Department; and

(2) carry out the functions of the Department other than those transferred to the Department under this Act.

TITLE II—LAW ENFORCEMENT POWERS OF INSPECTOR GENERAL AGENTS

SEC. 201. LAW ENFORCEMENT POWERS OF INSPECTOR GENERAL AGENTS.

(a) IN GENERAL.—Section 6 of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by adding at the end the following:

''(e)(1) In addition to the authority otherwise provided by this Act, each Inspector General appointed under section 3, any Assistant Inspector General for Investigations under such an Inspector General, and any special agent supervised by such an Assistant Inspector General may be authorized by the Attorney General to—

''(A) carry a firearm while engaged in official duties as authorized under this Act or other statute, or as expressly authorized by the Attorney General;

''(B) make an arrest without a warrant while engaged in official duties as authorized under this Act or other statute, or as expressly authorized by the Attorney General, for any offense against the United States committed in the presence of such Inspector General, Assistant Inspector General, or agent, or for any felony cognizable under the laws of the United States if such Inspector General, Assistant Inspector General, or agent has reasonable grounds to believe that the person to be arrested has committed or is committing such felony; and

''(C) seek and execute warrants for arrest, search of a premises, or seizure of evidence issued under the authority of the United States upon probable cause to believe that a violation has been committed.

''(2) The Attorney General may authorize exercise of the powers under this subsection only upon an initial determination that—

''(A) the affected Office of Inspector General is significantly hampered in the performance of responsibilities established by this Act as a result of the lack of such powers;

''(B) available assistance from other law enforcement agencies is insufficient to meet the need for such powers; and

''(C) adequate internal safeguards and management procedures exist to ensure proper exercise of such powers.

''(3) The Inspector General offices of the Department of Commerce, Department of Education, Department of Energy, Department of Health and Human Services, Department of Homeland Security, Department of Housing and Urban Development, Department of the Interior, Department of Justice, Department of Labor, Department of State, Department of Transportation, Department of the Treasury, Department of Veterans Affairs, Agency for International Development, Environmental Protection Agency, Federal Deposit Insurance Corporation, Federal Emergency Management Agency, General Services Administration, National Aeronautics and Space Administration, Nuclear Regulatory Commission, Office of Personnel Management, Railroad Retirement Board, Small Business Administration, Social Security Administration, and the Tennessee Valley Authority are exempt from the requirement of paragraph (2) of an initial determination of eligibility by the Attorney General.

''(4) The Attorney General shall promulgate, and revise as appropriate, guidelines which shall govern the exercise of the law enforcement powers established under paragraph (1).

''(5) Powers authorized for an Office of Inspector General under paragraph (1) shall be rescinded or suspended upon a determination by the Attorney General that any of the requirements under paragraph (2) is no longer satisfied or that the exercise of authorized powers by that Office of Inspector General

has not complied with the guidelines promulgated by the Attorney General under paragraph (4).

''(6) A determination by the Attorney General under paragraph (2) or (5) shall not be reviewable in or by any court.

''(7) To ensure the proper exercise of the law enforcement powers authorized by this subsection, the Offices of Inspector General described under paragraph (3) shall, not later than 180 days after the date of enactment of this subsection, collectively enter into a memorandum of understanding to establish an external review process for ensuring that adequate internal safeguards and management procedures continue to exist within each Office and within any Office that later receives an authorization under paragraph (2). The review process shall be established in consultation with the Attorney General, who shall be provided with a copy of the memorandum of understanding that establishes the review process. Under the review process, the exercise of the law enforcement powers by each Office of Inspector General shall be reviewed periodically by another Office of Inspector General or by a committee of Inspectors General. The results of each review shall be communicated in writing to the applicable Inspector General and to the Attorney General.

''(8) No provision of this subsection shall limit the exercise of law enforcement powers established under any other statutory authority, including United States Marshals Service special deputation.''.

(b) PROMULGATION OF INITIAL GUIDELINES.—

(1) DEFINITION.—In this subsection, the term ''memoranda of understanding'' means the agreements between the Department of Justice and the Inspector General offices described under section 6(e)(3) of the Inspector General Act of 1978 (5 U.S.C. App) (as added by subsection (a) of this section) that—

(A) are in effect on the date of enactment of this Act; and

(B) authorize such offices to exercise authority that is the same or similar to the authority under section 6(e)(1) of such Act.

(2) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Attorney General shall promulgate guidelines under section 6(e)(4) of the Inspector General Act of 1978 (5 U.S.C. App) (as added by subsection (a) of this section) applicable to the Inspector General offices described under section 6(e)(3) of that Act.

(3) MINIMUM REQUIREMENTS.—The guidelines promulgated under this subsection shall include, at a minimum, the operational and training requirements in the memoranda of understanding.

(4) NO LAPSE OF AUTHORITY.—The memoranda of understanding in effect on the date of enactment of this Act shall remain in effect until the guidelines promulgated under this subsection take effect.

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—Subsection (a) shall take effect 180 days after the date of enactment of this Act.

(2) INITIAL GUIDELINES.—Subsection (b) shall take effect on the date of enactment of this Act.

TITLE III—FEDERAL EMERGENCY PROCUREMENT FLEXIBILITY

Subtitle A—Temporary Flexibility for Certain Procurements

SEC. 301. DEFINITION.

In this title, the term ''executive agency'' has the meaning given that term under section 4(1) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(1)).

SEC. 302. PROCUREMENTS FOR DEFENSE AGAINST OR RECOVERY FROM TERRORISM OR NUCLEAR, BIOLOGICAL, CHEMICAL, OR RADIOLOGICAL ATTACK.

The authorities provided in this subtitle apply to any procurement of property or services by or for an executive agency that, as determined by the head of the executive agency, are to be used to facilitate defense against or recovery from terrorism or nuclear, biological, chemical, or radiological attack, but only if a solicitation of offers for the procurement is issued during the 1-year period beginning on the date of the enactment of this Act.

SEC. 303. INCREASED SIMPLIFIED ACQUISITION THRESHOLD FOR PROCUREMENTS IN SUPPORT OF HUMANITARIAN OR PEACEKEEPING OPERATIONS OR CONTINGENCY OPERATIONS.

(a) TEMPORARY THRESHOLD AMOUNTS.—For a procurement referred to in section 302 that is carried out in support of a humanitarian or peacekeeping operation or a contingency operation, the simplified acquisition threshold definitions shall be applied as if the amount determined under the exception provided for such an operation in those definitions were—

(1) in the case of a contract to be awarded and performed, or purchase to be made, inside the United States, $250,000; or

(2) in the case of a contract to be awarded and performed, or purchase to be made, outside the United States, $500,000.

(b) SIMPLIFIED ACQUISITION THRESHOLD DEFINITIONS.—In this section, the term ''simplified acquisition threshold definitions'' means the following:

(1) Section 4(11) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(11)).

(2) Section 309(d) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 259(d)).

(3) Section 2302(7) of title 10, United States Code.

(c) SMALL BUSINESS RESERVE.—For a procurement carried out pursuant to subsection (a), section 15(j) of the Small Business Act (15 U.S.C. 644(j)) shall be applied as if the maximum anticipated value identified therein is equal to the amounts referred to in subsection (a).

SEC. 304. INCREASED MICRO-PURCHASE THRESHOLD FOR CERTAIN PROCUREMENTS.

In the administration of section 32 of the Office of Federal Procurement Policy Act (41 U.S.C. 428) with respect to a procurement referred to in section 302, the amount specified in subsections (c), (d), and (f) of such section 32 shall be deemed to be $10,000.

SEC. 305. APPLICATION OF CERTAIN COMMERCIAL ITEMS AUTHORITIES TO CERTAIN PROCUREMENTS.

(a) AUTHORITY.—

(1) IN GENERAL.—The head of an executive agency may apply the provisions of law listed in paragraph (2) to a procurement referred to in section 302 without regard to whether the property or services are commercial items.

(2) COMMERCIAL ITEM LAWS.—The provisions of law referred to in paragraph (1) are as follows:

(A) Sections 31 and 34 of the Office of Federal Procurement Policy Act (41 U.S.C. 427, 430).

(B) Section 2304(g) of title 10, United States Code.

(C) Section 303(g) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(g)).

(b) INAPPLICABILITY OF LIMITATION ON USE OF SIMPLIFIED ACQUISITION PROCEDURES.—

(1) IN GENERAL.—The $5,000,000 limitation provided in section 31(a)(2) of the Office of Federal Procurement Policy Act (41 U.S.C. 427(a)(2)), section 2304(g)(1)(B) of title 10, United States Code, and section 303(g)(1)(B) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(g)(1)(B)) shall not apply to purchases of property or services to which any of the provisions of law referred to in subsection (a) are applied under the authority of this section.

(2) OMB GUIDANCE.—The Director of the Office of Management and Budget shall issue guidance and procedures for the use of simplified acquisition procedures for a purchase of property or services in excess of $5,000,000 under the authority of this section.

(c) CONTINUATION OF AUTHORITY FOR SIMPLIFIED PURCHASE PROCEDURES.—Authority under a provision of law referred to in subsection (a)(2) that expires under section 4202(e) of the Clinger-Cohen Act of 1996 (divisions D and E of Public Law 104–106; 10 U.S.C. 2304 note) shall, notwithstanding such section, continue to apply for use by the head of an executive agency as provided in subsections (a) and (b).

SEC. 306. USE OF STREAMLINED PROCEDURES.

(a) REQUIRED USE.—The head of an executive agency shall, when appropriate, use streamlined acquisition authorities and procedures authorized by law for a procurement referred to in section 302, including authorities and procedures that are provided under the following provisions of law:

(1) FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT OF 1949.—In title III of the Federal Property and Administrative Services Act of 1949:

(A) Paragraphs (1), (2), (6), and (7) of subsection (c) of section 303 (41 U.S.C. 253), relating to use of procedures other than competitive procedures under certain circumstances (subject to subsection (e) of such section).

(B) Section 303J (41 U.S.C. 253j), relating to orders under task and delivery order contracts.

(2) TITLE 10, UNITED STATES CODE.—In chapter 137 of title 10, United States Code:

(A) Paragraphs (1), (2), (6), and (7) of subsection (c) of section 2304, relating to use of procedures other than competitive procedures under certain circumstances (subject to subsection (e) of such section).

(B) Section 2304c, relating to orders under task and delivery order contracts.

(3) OFFICE OF FEDERAL PROCUREMENT POLICY ACT.—Paragraphs (1)(B), (1)(D), and (2) of section 18(c) of the Office of Federal Procurement Policy Act (41 U.S.C. 416(c)), relating to inapplicability of a requirement for procurement notice.

(b) WAIVER OF CERTAIN SMALL BUSINESS THRESHOLD REQUIREMENTS.—Subclause (II) of section 8(a)(1)(D)(i) of the Small Business Act (15 U.S.C. 637(a)(1)(D)(i)) and clause (ii) of section 31(b)(2)(A) of such Act (15 U.S.C. 657a(b)(2)(A)) shall not apply in the use of streamlined acquisition authorities and procedures referred to in paragraphs (1)(A) and (2)(A) of subsection (a) for a procurement referred to in section 302.

SEC. 307. REVIEW AND REPORT BY COMPTROLLER GENERAL.

(a) REQUIREMENTS.—Not later than March 31, 2004, the Comptroller General shall—

(1) complete a review of the extent to which procurements of property and services have been made in accordance with this subtitle; and

(2) submit a report on the results of the review to the Committee on Governmental Affairs of the Senate and the Committee on Government Reform of the House of Representatives.

(b) CONTENT OF REPORT.—The report under subsection (a)(2) shall include the following matters:

(1) ASSESSMENT.—The Comptroller General's assessment of—

(A) the extent to which property and services procured in accordance with this title have contributed to the capacity of the workforce of Federal Government employees within each executive agency to carry out the mission of the executive agency; and

(B) the extent to which Federal Government employees have been trained on the use of technology.

(2) RECOMMENDATIONS.—Any recommendations of the Comptroller General resulting from the assessment described in paragraph (1).

(c) CONSULTATION.—In preparing for the review under subsection (a)(1), the Comptroller shall consult with the Committee on Governmental Affairs of the Senate and the Committee on Government Reform of the House of Representatives on the specific issues and topics to be reviewed. The extent of coverage needed in areas such as technology integration, employee training, and human capital management, as well as the data requirements of the study, shall be included as part of the consultation.

Subtitle B—Other Matters

SEC. 311. IDENTIFICATION OF NEW ENTRANTS INTO THE FEDERAL MARKETPLACE.

The head of each executive agency shall conduct market research on an ongoing basis to identify effectively the capabilities, including the capabilities of small businesses and new entrants into Federal contracting, that are available in the marketplace for meeting the requirements of the executive agency in furtherance of defense against or recovery from terrorism or nuclear, biological, chemical, or radiological attack. The head of the executive agency shall, to the maximum extent practicable, take advantage of commercially available market research methods, including use of commercial databases, to carry out the research.

TITLE IV—NATIONAL COMMISSION ON TERRORIST ATTACKS UPON THE UNITED STATES

SEC. 401. ESTABLISHMENT OF COMMISSION.

There is established the National Commission on Terrorist Attacks Upon the United States (in this title referred to as the ''Commission'').

SEC. 402. PURPOSES.

The purposes of the Commission are to—

(1) examine and report upon the facts and causes relating to the terrorist attacks of September 11, 2001, occurring at the World Trade Center in New York, New York and at the Pentagon in Virginia;

(2) ascertain, evaluate, and report on the evidence developed by all relevant governmental agencies regarding the facts and circumstances surrounding the attacks;

(3) build upon the investigations of other entities, and avoid unnecessary duplication, by reviewing the findings, conclusions, and recommendations of—

(A) the Joint Inquiry of the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives regarding the terrorist attacks of September 11, 2001;

(B) other executive branch, congressional, or independent commission investigations into the terrorist attacks of September 11, 2001, other terrorist attacks, and terrorism generally;

(4) make a full and complete accounting of the circumstances surrounding the attacks, and the extent of the United States' preparedness for, and response to, the attacks; and

(5) investigate and report to the President and Congress on its findings, conclusions, and recommendations for corrective measures that can be taken to prevent acts of terrorism.

SEC. 403. COMPOSITION OF THE COMMISSION.

(a) MEMBERS.—The Commission shall be composed of 10 members, of whom—

(1) 3 members shall be appointed by the majority leader of the Senate;

(2) 3 members shall be appointed by the Speaker of the House of Representatives;

(3) 2 members shall be appointed by the minority leader of the Senate; and

(4) 2 members shall be appointed by the minority leader of the House of Representatives.

(b) CHAIRPERSON; VICE CHAIRPERSON.—

(1) IN GENERAL.—Subject to paragraph (2), the Chairperson and Vice Chairperson of the Commission shall be elected by the members.

(2) POLITICAL PARTY AFFILIATION.—The Chairperson and Vice Chairperson shall not be from the same political party.

(c) QUALIFICATIONS; INITIAL MEETING.—

(1) POLITICAL PARTY AFFILIATION.—Not more than 5 members of the Commission shall be from the same political party.

(2) NONGOVERNMENTAL APPOINTEES.—An individual appointed to the Commission may not be an officer or employee of the Federal Government or any State or local government.

(3) OTHER QUALIFICATIONS.—It is the sense of Congress that individuals appointed to the Commission should be prominent United States citizens, with national recognition and significant depth of experience in such professions as governmental service, law enforcement, the armed services, legal practice, public administration, intelligence gathering, commerce, including aviation matters, and foreign affairs.

(4) INITIAL MEETING.—If 60 days after the date of enactment of this Act, 6 or more members of the Commission have been appointed, those members who have been appointed may meet and, if necessary, select a temporary chairperson, who may begin the operations of the Commission, including the hiring of staff.

(d) QUORUM; VACANCIES.—After its initial meeting, the Commission shall meet upon the call of the chairperson or a majority of its members. Six members of the Commission shall constitute a quorum. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

SEC. 404. FUNCTIONS OF THE COMMISSION.

The functions of the Commission are to—

(1) conduct an investigation that—

(A) investigates relevant facts and circumstances relating to the terrorist attacks of September 11, 2001, including any relevant legislation, Executive order, regulation, plan, policy, practice, or procedure; and

(B) may include relevant facts and circumstances relating to—

(i) intelligence agencies;

(ii) law enforcement agencies;

(iii) diplomacy;

(iv) immigration, nonimmigrant visas, and border control;

(v) the flow of assets to terrorist organizations;

(vi) commercial aviation; and

(vii) other areas of the public and private sectors determined relevant by the Commission for its inquiry;

(2) identify, review, and evaluate the lessons learned from the terrorist attacks of September 11, 2001, regarding the structure, coordination, management policies, and procedures of the Federal Government, and, if appropriate, State and local governments and nongovernmental entities, relative to detecting, preventing, and responding to such terrorist attacks; and

(3) submit to the President and Congress such reports as are required by this title containing such findings, conclusions, and recommendations as the Commission shall determine, including proposing organization, coordination, planning, management arrangements, procedures, rules, and regulations.

SEC. 405. POWERS OF THE COMMISSION.

(a) IN GENERAL.—

(1) HEARINGS AND EVIDENCE.—The Commission or, on the authority of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out this title—

(A) hold such hearings and sit and act at such times and places, take such testimony, receive such evidence, administer such oaths; and

(B) require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, and documents, as the Commission or such designated subcommittee or designated member may determine advisable.

(2) SUBPOENAS.—

(A) ISSUANCE.—Subpoenas issued under paragraph (1)(B) may be issued under the signature of the chairperson of the Commission, the vice chairperson of the Commission, the chairperson of any subcommittee created by a majority of the Commission, or any member designated by a majority of the Commission, and may be served by any person designated by the chairperson, subcommittee chairperson, or member.

(B) ENFORCEMENT.—

(i) IN GENERAL.—In the case of contumacy or failure to obey a subpoena issued under paragraph (1)(B), the United States district court for the judicial district in which the subpoenaed person resides, is served, or may be found, or where the subpoena is returnable, 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.

(ii) ADDITIONAL ENFORCEMENT.—In the case of any failure of any witness to comply with any subpoena or to testify when summoned under authority of this section, the Commission may, by majority vote, certify a statement of fact constituting such failure to the appropriate United States attorney, who may bring the matter before the grand jury for its action, under the same statutory authority and procedures as if the United States attorney had received a certification under sections 102 through 104 of the Revised Statutes of the United States (2 U.S.C. 192 through 194).

(b) CLOSED MEETINGS.—

(1) IN GENERAL.—Meetings of the Commission may be closed to the public under section 10(d) of the Federal Advisory Committee Act (5 U.S.C. App.) or other applicable law.

(2) ADDITIONAL AUTHORITY.—In addition to the authority under paragraph (1), section 10(a)(1) and (3) of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to any portion of a Commission meeting if the President determines that such portion or portions of that meeting is likely to disclose matters that could endanger national security. If the President makes such determination, the requirements relating to a determination under section 10(d) of that Act shall apply.

(c) CONTRACTING.—The Commission may, to such extent and in such amounts as are provided in appropriation Acts, enter into contracts to enable the Commission to discharge its duties under this title.

(d) INFORMATION FROM FEDERAL AGENCIES.—The Commission is authorized to secure directly from any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality of the Government information, suggestions, estimates, and statistics for the purposes of this title. Each department, bureau, agency, board, commission, office, independent establishment, or instrumentality shall, to the extent authorized by law, furnish such information, suggestions, estimates, and statistics directly to the Commission, upon request made by the chairperson, the chairperson of any subcommittee created by a majority of the Commission, or any member designated by a majority of the Commission.

(e) ASSISTANCE FROM FEDERAL AGENCIES.—

(1) GENERAL SERVICES ADMINISTRATION.—The Administrator of General Services shall provide to the Commission on a reimbursable basis administrative support and other services for the performance of the Commission's functions.

(2) OTHER DEPARTMENTS AND AGENCIES.—In addition to the assistance prescribed in paragraph (1), departments and agencies of the United States are authorized to provide to the Commission such services, funds, facilities, staff, and other support services as they may determine advisable and as may be authorized by law.

(f) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

(g) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as departments and agencies of the United States.

SEC. 406. STAFF OF THE COMMISSION.

(a) IN GENERAL.—

(1) APPOINTMENT AND COMPENSATION.—The chairperson, in accordance with rules agreed upon by the Commission, may appoint and fix the compensation of a staff director and such other personnel as may be necessary to enable the Commission to carry out its functions, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that no rate of pay fixed under this subsection may exceed the equivalent of that payable for a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

(2) 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.

(b) DETAILEES.—Any Federal Government employee may be detailed to the Commission without reimbursement from the Commission, and such detailee shall retain the rights, status, and privileges of his or her regular employment without interruption.

(c) CONSULTANT SERVICES.—The Commission is authorized to procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code, but at rates not to exceed the daily rate paid a person occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code.

SEC. 407. COMPENSATION AND TRAVEL EXPENSES.

(a) COMPENSATION.—Each member of the Commission may be compensated at not to exceed the daily equivalent of the annual rate of basic pay in effect for a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day during which that member is engaged in the actual performance of the duties of the Commission.

(b) TRAVEL EXPENSES.—While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703(b) of title 5, United States Code.

SEC. 408. SECURITY CLEARANCES FOR COMMISSION MEMBERS AND STAFF.

The appropriate executive departments and agencies shall cooperate with the Commission in expeditiously providing to the Commission members and staff appropriate security clearances in a manner consistent with existing procedures and requirements, except that no person shall be provided with access to classified information under this section who would not otherwise qualify for such security clearance.

SEC. 409. REPORTS OF THE COMMISSION; TERMINATION.

(a) INITIAL REPORT.—Not later than 6 months after the date of the first meeting of the Commission, the Commission shall submit to the President and Congress an initial report containing such findings, conclusions, and recommendations for corrective measures as have been agreed to by a majority of Commission members.

(b) ADDITIONAL REPORTS.—Not later than 1 year after the submission of the initial report of the Commission, the Commission shall submit to the President and Congress a second report containing such findings, conclusions, and recommendations for corrective measures as have been agreed to by a majority of Commission members.

(c) TERMINATION.—

(1) IN GENERAL.—The Commission, and all the authorities of this title, shall terminate 60 days after the date on which the second report is submitted under subsection (b).

(2) ADMINISTRATIVE ACTIVITIES BEFORE TERMINATION.—The Commission may use the 60-day period referred to in paragraph (1) for the purpose of concluding its activities, including providing testimony to committees of Congress concerning its reports and disseminating the second report.

SEC. 410. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Commission to carry out this title $3,000,000, to remain available until expended.

TITLE V—EFFECTIVE DATE

SEC. 501. EFFECTIVE DATE.

This division shall take effect 30 days after the date of enactment of this Act or, if enacted within 30 days before January 1, 2003, on January 1, 2003.

DIVISION B—IMMIGRATION REFORM, ACCOUNTABILITY, AND SECURITY ENHANCEMENT ACT OF 2002

TITLE X—SHORT TITLE AND DEFINITIONS.

SEC. 1001. SHORT TITLE.

This division may be cited as the ''Immigration Reform, Accountability, and Security Enhancement Act of 2002''.

SEC. 1002. DEFINITIONS.

In this division:

(1) ENFORCEMENT BUREAU.—The term ''Enforcement Bureau'' means the Bureau of Enforcement and Border Affairs established in section 114 of the Immigration and Nationality Act, as added by section 1105 of this Act.

(2) FUNCTION.—The term ''function'' includes any duty, obligation, power, authority, responsibility, right, privilege, activity, or program.

(3) IMMIGRATION ENFORCEMENT FUNCTIONS.—The term ''immigration enforcement functions'' has the meaning given the term in section 114(b)(2) of the Immigration and Nationality Act, as added by section 1105 of this Act.

(4) IMMIGRATION LAWS OF THE UNITED STATES.—The term ''immigration laws of the United States'' has the meaning given the term in section 111(e) of the Immigration and Nationality Act, as added by section 1102 of this Act.

(5) IMMIGRATION POLICY, ADMINISTRATION, AND INSPECTION FUNCTIONS.—The term ''immigration policy, administration, and inspection functions'' has the meaning given the term in section 112(b)(3) of the Immigration and Nationality Act, as added by section 1103 of this Act.

(6) IMMIGRATION SERVICE FUNCTIONS.—The term ''immigration service functions'' has the meaning given the term in section 113(b)(2) of the Immigration and Nationality Act, as added by section 1104 of this Act.

(7) OFFICE.—The term ''office'' includes any office, administration, agency, bureau, institute, council, unit, organizational entity, or component thereof.

(8) SECRETARY.—The term ''Secretary'' means the Secretary of Homeland Security.

(9) SERVICE BUREAU.—The term ''Service Bureau'' means the Bureau of Immigration Services established in section 113 of the Immigration and Nationality Act, as added by section 1104 of this Act.

(10) UNDER SECRETARY.—The term ''Under Secretary'' means the Under Secretary of Homeland Security for Immigration Affairs appointed under section 112 of the Immigration and Nationality Act, as added by section 1103 of this Act.

TITLE XI—DIRECTORATE OF IMMIGRATION AFFAIRS

Subtitle A—Organization

SEC. 1101. ABOLITION OF INS.

(a) IN GENERAL.—The Immigration and Naturalization Service is abolished.

(b) REPEAL.—Section 4 of the Act of February 14, 1903, as amended (32 Stat. 826; relating to the establishment of the Immigration and Naturalization Service), is repealed.

SEC. 1102. ESTABLISHMENT OF DIRECTORATE OF IMMIGRATION AFFAIRS.

(a) ESTABLISHMENT.—Title I of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended—

(1) by inserting ''**CHAPTER 1—DEFINITIONS AND GENERAL AUTHORITIES**'' after ''**TITLE I—GENERAL**''; and

(2) by adding at the end the following:

''CHAPTER 2—DIRECTORATE OF IMMIGRATION AFFAIRS

''SEC. 111. ESTABLISHMENT OF DIRECTORATE OF IMMIGRATION AFFAIRS.

''(a) ESTABLISHMENT.—There is established within the Department of Homeland Security the Directorate of Immigration Affairs.

''(b) PRINCIPAL OFFICERS.—The principal officers of the Directorate are the following:

''(1) The Under Secretary of Homeland Security for Immigration Affairs appointed under section 112.

''(2) The Assistant Secretary of Homeland Security for Immigration Services appointed under section 113.

''(3) The Assistant Secretary of Homeland Security for Enforcement and Border Affairs appointed under section 114.

''(c) FUNCTIONS.—Under the authority of the Secretary of Homeland Security, the Directorate shall perform the following functions:

''(1) Immigration policy, administration, and inspection functions, as defined in section 112(b).

''(2) Immigration service and adjudication functions, as defined in section 113(b).

''(3) Immigration enforcement functions, as defined in section 114(b).

''(d) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There are authorized to be appropriated to the Department of Homeland Security such sums as may be necessary to carry out the functions of the Directorate.

''(2) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to paragraph (1) are authorized to remain available until expended.

''(e) IMMIGRATION LAWS OF THE UNITED STATES DEFINED.—In this chapter, the term 'immigration laws of the United States' means the following:

''(1) This Act.

''(2) Such other statutes, Executive orders, regulations, or directives, treaties, or other international agreements to which the United States is a party, insofar as they relate to the admission to, detention in, or removal from the United States of aliens, insofar as they relate to the naturalization of aliens, or insofar as they otherwise relate to the status of aliens.''.

(b) CONFORMING AMENDMENTS.—(1) The Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended—

(A) by striking section 101(a)(34) (8 U.S.C. 1101(a)(34)) and inserting the following:

''(34) The term 'Directorate' means the Directorate of Immigration Affairs established by section 111.'';

(B) by adding at the end of section 101(a) the following new paragraphs:

''(51) The term 'Secretary' means the Secretary of Homeland Security.

''(52) The term 'Department' means the Department of Homeland Security.'';

(C) by striking ''Attorney General'' and ''Department of Justice'' each place it appears and inserting ''Secretary'' and ''Department'', respectively;

(D) in section 101(a)(17) (8 U.S.C. 1101(a)(17)), by striking ''The'' and inserting ''Except as otherwise provided in section 111(e), the; and

(E) by striking ''Immigration and Naturalization Service'', ''Service'', and ''Service's'' each place they appear and inserting ''Directorate of Immigration Affairs'', ''Directorate'', and ''Directorate's'', respectively.

(2) Section 6 of the Act entitled ''An Act to authorize certain administrative expenses for the Department of Justice, and for other purposes'', approved July 28, 1950 (64 Stat. 380), is amended—

(A) by striking ''Immigration and Naturalization Service'' and inserting ''Directorate of Immigration Affairs'';

(B) by striking clause (a); and

(C) by redesignating clauses (b), (c), (d), and (e) as clauses (a), (b), (c), and (d), respectively.

(c) REFERENCES.—Any reference in any statute, reorganization plan, Executive order, regulation, agreement, determination, or other official document or proceeding to the Immigration and Naturalization Service shall be deemed to refer to the Directorate of Immigration Affairs of the Department of Homeland Security, and any reference in the immigration laws of the United States (as defined in section 111(e) of the Immigration and Nationality Act, as added by this section) to the Attorney General shall be deemed to refer to the Secretary of Homeland Security, acting through the Under Secretary of Homeland Security for Immigration Affairs.

SEC. 1103. UNDER SECRETARY OF HOMELAND SECURITY FOR IMMIGRATION AFFAIRS.

(a) IN GENERAL.—Chapter 2 of title I of the Immigration and Nationality Act, as added by section 1102 of this Act, is amended by adding at the end the following:

''SEC. 112. UNDER SECRETARY OF HOMELAND SECURITY FOR IMMIGRATION AFFAIRS.

''(a) UNDER SECRETARY OF IMMIGRATION AFFAIRS.—The Directorate shall be headed by an Under Secretary of Homeland Security for Immigration Affairs who shall be appointed in accordance with section 103(c) of the Immigration and Nationality Act.

''(b) RESPONSIBILITIES OF THE UNDER SECRETARY.—

''(1) IN GENERAL.—The Under Secretary shall be charged with any and all responsibilities and authority in the administration of the Directorate and of this Act which are conferred upon the Secretary as may be delegated to the Under Secretary by the Secretary or which may be prescribed by the Secretary.

''(2) DUTIES.—Subject to the authority of the Secretary under paragraph (1), the Under Secretary shall have the following duties:

''(A) IMMIGRATION POLICY.—The Under Secretary shall develop and implement policy under the immigration laws of the United States. The Under Secretary shall propose, promulgate, and issue rules, regulations, and statements of policy with respect to any function within the jurisdiction of the Directorate.

''(B) ADMINISTRATION.—The Under Secretary shall have responsibility for—

''(i) the administration and enforcement of the functions conferred upon the Directorate under section 1111(c) of this Act; and

''(ii) the administration of the Directorate, including the direction, supervision, and coordination of the Bureau of Immigration Services and the Bureau of Enforcement and Border Affairs.

''(C) INSPECTIONS.—The Under Secretary shall be directly responsible for the administration and enforcement of the functions of the Directorate under the immigration laws of the United States with respect to the inspection of aliens arriving at ports of entry of the United States.

''(3) ACTIVITIES.—As part of the duties described in paragraph (2), the Under Secretary shall do the following:

''(A) RESOURCES AND PERSONNEL MANAGEMENT.—The Under Secretary shall manage the resources, personnel, and other support requirements of the Directorate.

''(B) INFORMATION RESOURCES MANAGEMENT.—Under the direction of the Secretary, the Under Secretary shall manage the information resources of the Directorate, including the maintenance of records and databases and the coordination of records and other information within the Directorate, and shall ensure that the Directorate obtains and maintains adequate information technology systems to carry out its functions.

''(C) COORDINATION OF RESPONSE TO CIVIL RIGHTS VIOLATIONS.—The Under Secretary shall coordinate, with the Civil Rights Officer of the Department of Homeland Security or other officials, as appropriate, the resolution of immigration issues that involve civil rights violations.

''(D) RISK ANALYSIS AND RISK MANAGEMENT.—Assisting and supporting the Secretary, in coordination with other Directorates and entities outside the Department, in conducting appropriate risk analysis and risk management activities consistent with the mission and functions of the Directorate.

''(3) DEFINITION.—In this chapter, the term ''immigration policy, administration, and inspection functions'' means the duties, activities, and powers described in this subsection.

''(c) GENERAL COUNSEL.—

''(1) IN GENERAL.—There shall be within the Directorate a General Counsel, who shall be appointed by the Secretary of Homeland Security, in consultation with the Under Secretary.

''(2) FUNCTION.—The General Counsel shall—

''(A) serve as the chief legal officer for the Directorate; and

''(B) be responsible for providing specialized legal advice, opinions, determinations, regulations, and any other assistance to the Under Secretary with respect to legal matters affecting the Directorate, and any of its components.

''(d) FINANCIAL OFFICERS FOR THE DIRECTORATE OF IMMIGRATION AFFAIRS.—

''(1) CHIEF FINANCIAL OFFICER.—

''(A) IN GENERAL.—There shall be within the Directorate a Chief Financial Officer. The position of Chief Financial Officer shall be a career reserved position in the Senior Executive Service and shall have the authorities and functions described in section 902 of title 31, United States Code, in relation to financial activities of the Directorate. For purposes of section 902(a)(1) of such title, the Under Secretary shall be deemed to be an agency head.

''(B) FUNCTIONS.—The Chief Financial Officer shall be responsible for directing, supervising, and coordinating all budget formulas and execution for the Directorate.

''(2) DEPUTY CHIEF FINANCIAL OFFICER.—The Directorate shall be deemed to be an agency for purposes of section 903 of such title (relating to Deputy Chief Financial Officers).

''(e) CHIEF OF POLICY.—

''(1) IN GENERAL.—There shall be within the Directorate a Chief of Policy. Under the authority of the Under Secretary, the Chief of Policy shall be responsible for—

''(A) establishing national immigration policy and priorities;

''(B) performing policy research and analysis on issues arising under the immigration laws of the United States; and

''(C) coordinating immigration policy between the Directorate, the Service Bureau, and the Enforcement Bureau.

''(2) WITHIN THE SENIOR EXECUTIVE SERVICE.—The position of Chief of Policy shall be a Senior Executive Service position under section 5382 of title 5, United States Code.

''(f) CHIEF OF CONGRESSIONAL, INTERGOVERNMENTAL, AND PUBLIC AFFAIRS.—

''(1) IN GENERAL.—There shall be within the Directorate a Chief of Congressional, Intergovernmental, and Public Affairs. Under the authority of the Under Secretary, the Chief of Congressional, Intergovernmental, and Public Affairs shall be responsible for—

''(A) providing to Congress information relating to issues arising under the immigration laws of the United States, including information on specific cases;

''(B) serving as a liaison with other Federal agencies on immigration issues; and

''(C) responding to inquiries from, and providing information to, the media on immigration issues.

''(2) WITHIN THE SENIOR EXECUTIVE SERVICE.—The position of Chief of Congressional, Intergovernmental, and Public Affairs shall be a Senior Executive Service position under section 5382 of title 5, United States Code.''.

(b) COMPENSATION OF THE UNDER SECRETARY.—Section 5314 of title 5, United States Code, is amended by adding at the end the following:

''Under Secretary of Immigration Affairs, Department of Justice.''.

(c) COMPENSATION OF GENERAL COUNSEL AND CHIEF FINANCIAL OFFICER.—Section 5316 of title 5, United States Code, is amended by adding at the end the following:

''General Counsel, Directorate of Immigration Affairs, Department of Homeland Security.

''Chief Financial Officer, Directorate of Immigration Affairs, Department of Homeland Security.''.

(d) REPEALS.—The following provisions of law are repealed:

(1) Section 7 of the Act of March 3, 1891, as amended (26 Stat. 1085; relating to the establishment of the office of the Commissioner of Immigration and Naturalization).

(2) Section 201 of the Act of June 20, 1956 (70 Stat. 307; relating to the compensation of assistant commissioners and district directors).

(3) Section 1 of the Act of March 2, 1895 (28 Stat. 780; relating to special immigrant inspectors).

(e) CONFORMING AMENDMENTS.—(1)(A) Section 101(a)(8) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(8)) is amended to read as follows:

''(8) The term 'Under Secretary' means the Under Secretary of Homeland Security for Immigration Affairs who is appointed under section 103(c).''.

(B) Except as provided in subparagraph (C), the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended by striking ''Commissioner of Immigration and Naturalization'' and ''Commissioner'' each place they appear and inserting ''Under Secretary of Homeland Security for Immigration Affairs'' and ''Under Secretary'', respectively.

(C) The amendments made by subparagraph (B) do not apply to references to the ''Commissioner of Social Security'' in section 290(c) of the Immigration and Nationality Act (8 U.S.C. 1360(c)).

(2) Section 103 of the Immigration and Nationality Act (8 U.S.C. 1103) is amended—

(A) in subsection (c), by striking ''Commissioner'' and inserting ''Under Secretary'';

(B) in the section heading, by striking ''COMMISSIONER'' and inserting ''UNDER SECRETARY'';

(C) in subsection (d), by striking ''Commissioner'' and inserting ''Under Secretary''; and

(D) in subsection (e), by striking ''Commissioner'' and inserting ''Under Secretary''.

(3) Sections 104 and 105 of the Immigration and Nationality Act (8 U.S.C. 1104, 1105) are amended by striking ''Director'' each place it appears and inserting ''Assistant Secretary of State for Consular Affairs''.

(4) Section 104(c) of the Immigration and Nationality Act (8 U.S.C. 1104(c)) is amended—

(A) in the first sentence, by striking ''Passport Office, a Visa Office,'' and inserting ''a Passport Services office, a Visa Services office, an Overseas Citizen Services office,''; and

(B) in the second sentence, by striking ''the Passport Office and the Visa Office'' and inserting ''the Passport Services office and the Visa Services office''.

(5) Section 5315 of title 5, United States Code, is amended by striking the following:

''Commissioner of Immigration and Naturalization, Department of Justice.''.

(f) REFERENCES.—Any reference in any statute, reorganization plan, Executive order, regulation, agreement, determination, or other official document or proceeding to the Commissioner of Immigration and Naturalization shall be deemed to refer to the Under Secretary of Homeland Security for Immigration Affairs.

SEC. 1104. BUREAU OF IMMIGRATION SERVICES.

(a) IN GENERAL.—Chapter 2 of title I of the Immigration and Nationality Act, as added by section 1102 and amended by section 1103, is further amended by adding at the end the following:

''SEC. 113. BUREAU OF IMMIGRATION SERVICES.

''(a) ESTABLISHMENT OF BUREAU.—

''(1) IN GENERAL.—There is established within the Directorate a bureau to be known as the Bureau of Immigration Services (in this chapter referred to as the 'Service Bureau').

''(2) ASSISTANT SECRETARY.—The head of the Service Bureau shall be the Assistant Secretary of Homeland Security for Immigration Services (in this chapter referred to as the 'Assistant Secretary for Immigration Services'), who—

''(A) shall be appointed by the Secretary of Homeland Security, in consultation with the Under Secretary; and

''(B) shall report directly to the Under Secretary.

''(b) RESPONSIBILITIES OF THE ASSISTANT SECRETARY.—

''(1) IN GENERAL.—Subject to the authority of the Secretary and the Under Secretary, the Assistant Secretary for Immigration Services shall administer the immigration service functions of the Directorate.

''(2) IMMIGRATION SERVICE FUNCTIONS DEFINED.—In this chapter, the term 'immigration service functions' means the following functions under the immigration laws of the United States:

''(A) Adjudications of petitions for classification of nonimmigrant and immigrant status.

''(B) Adjudications of applications for adjustment of status and change of status.

''(C) Adjudications of naturalization applications.

''(D) Adjudications of asylum and refugee applications.

''(E) Adjudications performed at Service centers.

''(F) Determinations concerning custody and parole of asylum seekers who do not have prior nonpolitical criminal records and who have been found to have a credible fear of persecution, including determinations under section 236B.

''(G) All other adjudications under the immigration laws of the United States.

''(c) CHIEF BUDGET OFFICER OF THE SERVICE BUREAU.—There shall be within the Service Bureau a Chief Budget Officer. Under the authority of the Chief Financial Officer of the Directorate, the Chief Budget Officer of the Service Bureau shall be responsible for monitoring and supervising all financial activities of the Service Bureau.

''(d) QUALITY ASSURANCE.—There shall be within the Service Bureau an Office of Quality Assurance that shall develop procedures and conduct audits to—

''(1) ensure that the Directorate's policies with respect to the immigration service functions of the Directorate are properly implemented; and

''(2) ensure that Service Bureau policies or practices result in sound records management and efficient and accurate service.

''(e) OFFICE OF PROFESSIONAL RESPONSIBILITY.—There shall be within the Service Bureau an Office of Professional Responsibility that shall have the responsibility for ensuring the professionalism of the Service Bureau and for receiving and investigating charges of misconduct or ill treatment made by the public.

''(f) TRAINING OF PERSONNEL.—The Assistant Secretary for Immigration Services, in consultation with the Under Secretary, shall have responsibility for determining the training for all personnel of the Service Bureau.''.

(b) COMPENSATION OF ASSISTANT SECRETARY OF SERVICE BUREAU.—Section 5315 of title 5, United States Code, is amended by adding at the end the following:

''Assistant Secretary of Homeland Security for Immigration Services, Directorate of Immigration Affairs, Department of Homeland Security.''.

(c) SERVICE BUREAU OFFICES.—

(1) IN GENERAL.—Under the direction of the Secretary, the Under Secretary, acting through the Assistant Secretary for Immigration Services, shall establish Service Bureau offices, including suboffices and satellite offices, in appropriate municipalities and locations in the United States. In the selection of sites for the Service Bureau offices, the Under Secretary shall consider the location's proximity and accessibility to the community served, the workload for which that office shall be responsible, whether the location would significantly reduce the backlog of cases in that given geographic area, whether the location will improve customer service, and whether the location is in a geographic area with an increase in the population to be served. The Under Secretary shall conduct periodic reviews to assess whether the location and size of the respective Service Bureau offices adequately serve customer service needs.

(2) TRANSITION PROVISION.—In determining the location of Service Bureau offices, including suboffices and satellite offices, the Under Secretary shall first consider maintaining and upgrading offices in existing geographic locations that satisfy the provisions of paragraph (1). The Under Secretary shall also explore the feasibility and desirability of establishing new Service Bureau offices, including suboffices and satellite offices, in new geographic locations where there is a demonstrated need.

SEC. 1105. BUREAU OF ENFORCEMENT AND BORDER AFFAIRS.

(a) IN GENERAL.—Chapter 2 of title I of the Immigration and Nationality Act, as added by section 1102 and amended by sections 1103 and 1104, is further amended by adding at the end the following:

''SEC. 114. BUREAU OF ENFORCEMENT AND BORDER AFFAIRS.

''(a) ESTABLISHMENT OF BUREAU.—

''(1) IN GENERAL.—There is established within the Directorate a bureau to be known as the Bureau of Enforcement and Border Affairs (in this chapter referred to as the 'Enforcement Bureau').

''(2) ASSISTANT SECRETARY.—The head of the Enforcement Bureau shall be the Assistant Secretary of Homeland Security for Enforcement and Border Affairs (in this chapter referred to as the 'Assistant Secretary for Immigration Enforcement'), who—

''(A) shall be appointed by the Secretary of Homeland Security, in consultation with the Under Secretary; and

''(B) shall report directly to the Under Secretary.

''(b) RESPONSIBILITIES OF THE ASSISTANT SECRETARY.—

''(1) IN GENERAL.—Subject to the authority of the Secretary and the Under Secretary, the Assistant Secretary for Immigration Enforcement shall administer the immigration enforcement functions of the Directorate.

''(2) IMMIGRATION ENFORCEMENT FUNCTIONS DEFINED.—In this chapter, the term 'immigration enforcement functions' means the following functions under the immigration laws of the United States:

''(A) The border patrol function.

''(B) The detention function, except as specified in section 113(b)(2)(F).

''(C) The removal function.

''(D) The intelligence function.

''(E) The investigations function.

''(c) CHIEF BUDGET OFFICER OF THE ENFORCEMENT BUREAU.—There shall be within the Enforcement Bureau a Chief Budget Officer. Under the authority of the Chief Financial Officer of the Directorate, the Chief Budget Officer of the Enforcement Bureau shall be responsible for monitoring and supervising all financial activities of the Enforcement Bureau.

''(d) OFFICE OF PROFESSIONAL RESPONSIBILITY.—There shall be within the Enforcement Bureau an Office of Professional Responsibility that shall have the responsibility for ensuring the professionalism of the Enforcement Bureau and receiving charges of misconduct or ill treatment made by the public and investigating the charges.

''(e) OFFICE OF QUALITY ASSURANCE.—There shall be within the Enforcement Bureau an Office of Quality Assurance that shall develop procedures and conduct audits to—

''(1) ensure that the Directorate's policies with respect to immigration enforcement functions are properly implemented; and

''(2) ensure that Enforcement Bureau policies or practices result in sound record management and efficient and accurate recordkeeping.

''(f) TRAINING OF PERSONNEL.—The Assistant Secretary for Immigration Enforcement, in consultation with the Under Secretary, shall have responsibility for determining the training for all personnel of the Enforcement Bureau.''.

(b) COMPENSATION OF ASSISTANT SECRETARY OF ENFORCEMENT BUREAU.—Section 5315 of title 5, United States Code, is amended by adding at the end the following:

''Assistant Security of Homeland Security for Enforcement and Border Affairs, Directorate of Immigration Affairs, Department of Homeland Security.''.

(c) ENFORCEMENT BUREAU OFFICES.—

(1) IN GENERAL.—Under the direction of the Secretary, the Under Secretary, acting through the Assistant Secretary for Immigration Enforcement, shall establish Enforcement Bureau offices, including suboffices and satellite offices, in appropriate municipalities and locations in the United States. In the selection of sites for the Enforcement Bureau offices, the Under Secretary shall make selections according to trends in unlawful entry and unlawful presence, alien smuggling, national security concerns, the number of Federal prosecutions of immigration-related offenses in a given geographic area, and other enforcement considerations. The Under Secretary shall conduct periodic reviews to assess whether the location and size of the respective Enforcement Bureau offices adequately serve enforcement needs.

(2) TRANSITION PROVISION.—In determining the location of Enforcement Bureau offices, including suboffices and satellite offices, the Under Secretary shall first consider maintaining and upgrading offices in existing geographic locations that satisfy the provisions of paragraph (1). The Under Secretary shall also explore the feasibility and desirability of establishing new Enforcement Bureau offices, including suboffices and satellite offices, in new geographic locations where there is a demonstrated need.

SEC. 1106. OFFICE OF THE OMBUDSMAN WITHIN THE DIRECTORATE.

(a) IN GENERAL.—Chapter 2 of title I of the Immigration and Nationality Act, as added by section 1102 and amended by sections 1103, 1104, and 1105, is further amended by adding at the end the following:

''SEC. 115. OFFICE OF THE OMBUDSMAN FOR IMMIGRATION AFFAIRS.

''(a) IN GENERAL.—There is established within the Directorate the Office of the Ombudsman for Immigration Affairs, which shall be headed by the Ombudsman.

''(b) OMBUDSMAN.—

''(1) APPOINTMENT.—The Ombudsman shall be appointed by the Secretary of Homeland Security, in consultation with the Under Secretary. The Ombudsman shall report directly to the Under Secretary.

''(2) COMPENSATION.—The Ombudsman shall be entitled to compensation at the same rate as the highest rate of basic pay established for the Senior Executive Service under section 5382 of title 5, United States Code, or, if the Secretary of Homeland Security so determines, at a rate fixed under section 9503 of such title.

''(c) FUNCTIONS OF OFFICE.—The functions of the Office of the Ombudsman for Immigration Affairs shall include—

''(1) to assist individuals in resolving problems with the Directorate or any component thereof;

''(2) to identify systemic problems encountered by the public in dealings with the Directorate or any component thereof;

''(3) to propose changes in the administrative practices or regulations of the Directorate, or any component thereof, to mitigate problems identified under paragraph (2);

''(4) to identify potential changes in statutory law that may be required to mitigate such problems; and

''(5) to monitor the coverage and geographic distribution of local offices of the Directorate.

''(d) PERSONNEL ACTIONS.—The Ombudsman shall have the responsibility and authority to appoint local or regional representatives of the Ombudsman's Office as in the Ombudsman's judgment may be necessary to address and rectify problems.

''(e) ANNUAL REPORT.—Not later than December 31 of each year, the Ombudsman shall submit a report to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate on the activities of the Ombudsman during the fiscal year ending in that calendar year. Each report shall contain a full and substantive analysis, in addition to statistical information, and shall contain—

''(1) a description of the initiatives that the Office of the Ombudsman has taken on improving the responsiveness of the Directorate;

''(2) a summary of serious or systemic problems encountered by the public, including a description of the nature of such problems;

''(3) an accounting of the items described in paragraphs (1) and (2) for which action has been taken, and the result of such action;

''(4) an accounting of the items described in paragraphs (1) and (2) for which action remains to be completed;

''(5) an accounting of the items described in paragraphs (1) and (2) for which no action has been taken, the reasons for the inaction, and identify any Agency official who is responsible for such inaction;

''(6) recommendations as may be appropriate to resolve problems encountered by the public;

''(7) recommendations as may be appropriate to resolve problems encountered by the public, including problems created by backlogs in the adjudication and processing of petitions and applications;

''(8) recommendations to resolve problems caused by inadequate funding or staffing; and

''(9) such other information as the Ombudsman may deem advisable.

''(f) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There are authorized to be appropriated to the Office of the Ombudsman such sums as may be necessary to carry out its functions.

''(2) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to paragraph (1) are authorized to remain available until expended.''.

SEC. 1107. OFFICE OF IMMIGRATION STATISTICS WITHIN THE DIRECTORATE.

(a) IN GENERAL.—Chapter 2 of title I of the Immigration and Nationality Act, as added by section 1102 and amended by sections 1103, 1104, and 1105, is further amended by adding at the end the following:

''SEC. 116. OFFICE OF IMMIGRATION STATISTICS.

''(a) ESTABLISHMENT.—There is established within the Directorate an Office of Immigration Statistics (in this section referred to as the 'Office'), which shall be headed by a Director who shall be appointed by the Secretary of Homeland Security, in consultation with the Under Secretary. The Office shall collect, maintain, compile, analyze, publish, and disseminate information and statistics about immigration in the United States, including information and statistics involving the functions of the Directorate and the Executive Office for Immigration Review (or its successor entity).

''(b) RESPONSIBILITIES OF DIRECTOR.—The Director of the Office shall be responsible for the following:

''(1) STATISTICAL INFORMATION.—Maintenance of all immigration statistical information of the Directorate of Immigration Affairs.

''(2) STANDARDS OF RELIABILITY AND VALIDITY.—Establishment of standards of reliability and validity for immigration statistics collected by the Bureau of Immigration Services, the Bureau of Enforcement, and the Executive Office for Immigration Review (or its successor entity).

''(c) RELATION TO THE DIRECTORATE OF IMMIGRATION AFFAIRS AND THE EXECUTIVE OFFICE FOR IMMIGRATION REVIEW.—

''(1) OTHER AUTHORITIES.—The Directorate and the Executive Office for Immigration Review (or its successor entity) shall provide statistical information to the Office from the operational data systems controlled by the Directorate and the Executive Office for Immigration Review (or its successor entity), respectively, as requested by the Office, for the purpose of meeting the responsibilities of the Director of the Office.

''(2) DATABASES.—The Director of the Office, under the direction of the Secretary, shall ensure the interoperability of the databases of the Directorate, the Bureau of Immigration Services, the Bureau of Enforcement, and the Executive Office for Immigration Review (or its successor entity) to permit the Director of the Office to perform the duties of such office.''.

(b) TRANSFER OF FUNCTIONS.—There are transferred to the Directorate of Immigration Affairs for exercise by the Under Secretary through the Office of Immigration Statistics established by section 116 of the Immigration and Nationality Act, as added by subsection (a), the functions performed by the Statistics Branch of the Office of Policy and Planning of the Immigration and Naturalization Service, and the statistical functions performed by the Executive Office for Immigration Review (or its successor entity), on the day before the effective date of this title.

SEC. 1108. CLERICAL AMENDMENTS.

The table of contents of the Immigration and Nationality Act is amended—

(1) by inserting after the item relating to the heading for title I the following:

''CHAPTER 1—DEFINITIONS AND GENERAL AUTHORITIES'';

(2) by striking the item relating to section 103 and inserting the following:

''Sec. 103. Powers and duties of the Secretary of Homeland Security and the Under Secretary of Homeland Security for Immigration Affairs.'';

and

(3) by inserting after the item relating to section 106 the following:

''CHAPTER 2—DIRECTORATE OF IMMIGRATION AFFAIRS

''Sec. 111. Establishment of Directorate of Immigration Affairs.

''Sec. 112. Under Secretary of Homeland Security for Immigration Affairs.
''Sec. 113. Bureau of Immigration Services.
''Sec. 114. Bureau of Enforcement and Border Affairs.
''Sec. 115. Office of the Ombudsman for Immigration Affairs.
''Sec. 116. Office of Immigration Statistics.''.

Subtitle B—Transition Provisions

SEC. 1111. TRANSFER OF FUNCTIONS.

(a) IN GENERAL.—

(1) FUNCTIONS OF THE ATTORNEY GENERAL.—All functions under the immigration laws of the United States vested by statute in, or exercised by, the Attorney General, immediately prior to the effective date of this title, are transferred to the Secretary on such effective date for exercise by the Secretary through the Under Secretary in accordance with section 112(b) of the Immigration and Nationality Act, as added by section 1103 of this Act.

(2) FUNCTIONS OF THE COMMISSIONER OR THE INS.—All functions under the immigration laws of the United States vested by statute in, or exercised by, the Commissioner of Immigration and Naturalization or the Immigration and Naturalization Service (or any officer, employee, or component thereof), immediately prior to the effective date of this title, are transferred to the Directorate of Immigration Affairs on such effective date for exercise by the Under Secretary in accordance with section 112(b) of the Immigration and Nationality Act, as added by section 1103 of this Act.

(b) EXERCISE OF AUTHORITIES.—Except as otherwise provided by law, the Under Secretary may, for purposes of performing any function transferred to the Directorate of Immigration Affairs under subsection (a), exercise all authorities under any other provision of law that were available with respect to the performance of that function to the official responsible for the performance of the function immediately before the effective date of the transfer of the function under this title.

SEC. 1112. TRANSFER OF PERSONNEL AND OTHER RESOURCES.

Subject to section 1531 of title 31, United States Code, upon the effective date of this title, there are transferred to the Under Secretary for appropriate allocation in accordance with section 1115—

(1) the personnel of the Department of Justice employed in connection with the functions transferred under this title; and

(2) the assets, liabilities, contracts, property, records, and unexpended balance of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, available to, or to be made available to the Immigration and Naturalization Service in connection with the functions transferred pursuant to this title.

SEC. 1113. DETERMINATIONS WITH RESPECT TO FUNCTIONS AND RESOURCES.

Under the direction of the Secretary, the Under Secretary shall determine, in accordance with the corresponding criteria set forth in sections 1112(b), 1113(b), and 1114(b) of the Immigration and Nationality Act (as added by this title)—

(1) which of the functions transferred under section 1111 are—

(A) immigration policy, administration, and inspection functions;

(B) immigration service functions; and

(C) immigration enforcement functions; and

(2) which of the personnel, assets, liabilities, grants, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds transferred under section 1112 were held or used, arose from, were available to, or were made available, in connection with the performance of the respective functions specified in paragraph (1) immediately prior to the effective date of this title.

SEC. 1114. DELEGATION AND RESERVATION OF FUNCTIONS.

(a) IN GENERAL.—

(1) DELEGATION TO THE BUREAUS.—Under the direction of the Secretary, and subject to section 112(b)(1) of the Immigration and Nationality Act (as added by section 1103), the Under Secretary shall delegate—

(A) immigration service functions to the Assistant Secretary for Immigration Services; and

(B) immigration enforcement functions to the Assistant Secretary for Immigration Enforcement.

(2) RESERVATION OF FUNCTIONS.—Subject to section 112(b)(1) of the Immigration and Nationality Act (as added by section 1103), immigration policy, administration, and inspection functions shall be reserved for exercise by the Under Secretary.

(b) NONEXCLUSIVE DELEGATIONS AUTHORIZED.—Delegations made under subsection (a) may be on a nonexclusive basis as the Under Secretary may determine may be necessary to ensure the faithful execution of the Under Secretary's responsibilities and duties under law.

(c) EFFECT OF DELEGATIONS.—Except as otherwise expressly prohibited by law or otherwise provided in this title, the Under Secretary may make delegations under this subsection to such officers and employees of the office of the Under Secretary, the Service Bureau, and the Enforcement Bureau, respectively, as the Under Secretary may designate, and may authorize successive redelegations of such functions as may be necessary or appropriate. No delegation of functions under this subsection or under any other provision of this title shall relieve the official to whom a function is transferred under this title of responsibility for the administration of the function.

(d) STATUTORY CONSTRUCTION.—Nothing in this division may be construed to limit the authority of the Under Secretary, acting directly or by delegation under the Secretary, to establish such offices or positions within the Directorate of Immigration Affairs, in addition to those specified by this division, as the Under Secretary may determine to be necessary to carry out the functions of the Directorate.

SEC. 1115. ALLOCATION OF PERSONNEL AND OTHER RESOURCES.

(a) AUTHORITY OF THE UNDER SECRETARY.—

(1) IN GENERAL.—Subject to paragraph (2) and section 1114(b), the Under Secretary shall make allocations of personnel, assets, liabilities, grants, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available to, or to be made available in connection with the performance of the respective functions, as determined under section 1113, in accordance with the delegation of functions and the reservation of functions made under section 1114.

(2) LIMITATION.—Unexpended funds transferred pursuant to section 1112 shall be used only for the purposes for which the funds were originally authorized and appropriated.

(b) AUTHORITY TO TERMINATE AFFAIRS OF INS.—The Attorney General in consultation with the Secretary, shall provide for the termination of the affairs of the Immigration and Naturalization Service and such further measures and dispositions as may be necessary to effectuate the purposes of this division.

(c) TREATMENT OF SHARED RESOURCES.—The Under Secretary is authorized to provide for an appropriate allocation, or coordination, or both, of resources involved in supporting shared support functions for the office of the Under Secretary, the Service Bureau, and the Enforcement Bureau. The Under Secretary shall maintain oversight and control over the shared computer databases and systems and records management.

SEC. 1116. SAVINGS PROVISIONS.

(a) LEGAL DOCUMENTS.—All orders, determinations, rules, regulations, permits, grants, loans, contracts, recognition of labor organizations, agreements, including collective bargaining agreements, certificates, licenses, and privileges—

(1) that have been issued, made, granted, or allowed to become effective by the President, the Attorney General, the Commissioner of the Immigration and Naturalization Service, their delegates, or any other Government official, or by a court of competent jurisdiction, in the performance of any function that is transferred under this title; and

(2) that are in effect on the effective date of such transfer (or become effective after such date pursuant to their terms as in effect on such effective date);

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President, any other authorized official, a court of competent jurisdiction, or operation of law, except that any collective bargaining agreement shall remain in effect until the date of termination specified in the agreement.

(b) PROCEEDINGS.—

(1) PENDING.—Sections 111 through 116 of the Immigration and Nationality Act, as added by subtitle A of this title, shall not affect any proceeding or any application for any benefit, service, license, permit, certificate, or financial assistance pending on the effective date of this title before an office whose functions are transferred under this title, but such proceedings and applications shall be continued.

(2) ORDERS.—Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this Act had not been enacted, and orders issued in any such proceeding shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law.

(3) DISCONTINUANCE OR MODIFICATION.—Nothing in this section shall be considered to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this section had not been enacted.

(c) SUITS.—This title, and the amendments made by this title, shall not affect suits commenced before the effective date of this title, and in all such suits, proceeding shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this title, and the amendments made by this title, had not been enacted.

(d) NONABATEMENT OF ACTIONS.—No suit, action, or other proceeding commenced by or against the Department of Justice or the Immigration and Naturalization Service, or by or against any individual in the official capacity of such individual as an officer or employee in connection with a function transferred pursuant to this section, shall abate by reason of the enactment of this Act.

(e) CONTINUANCE OF SUIT WITH SUBSTITUTION OF PARTIES.—If any Government officer in the official capacity of such officer is party to a suit with respect to a function of the officer, and such function is transferred

under this title to any other officer or office, then such suit shall be continued with the other officer or the head of such other office, as applicable, substituted or added as a party.

(f) ADMINISTRATIVE PROCEDURE AND JUDICIAL REVIEW.—Except as otherwise provided by this title, any statutory requirements relating to notice, hearings, action upon the record, or administrative or judicial review that apply to any function transferred under this title shall apply to the exercise of such function by the head of the office, and other officers of the office, to which such function is transferred.

SEC. 1117. INTERIM SERVICE OF THE COMMISSIONER OF IMMIGRATION AND NATURALIZATION.

The individual serving as the Commissioner of Immigration and Naturalization on the day before the effective date of this title may serve as Under Secretary until the date on which an Under Secretary is appointed under section 112 of the Immigration and Nationality Act, as added by section 1103.

SEC. 1118. EXECUTIVE OFFICE FOR IMMIGRATION REVIEW AUTHORITIES NOT AFFECTED.

Nothing in this title, or any amendment made by this title, may be construed to authorize or require the transfer or delegation of any function vested in, or exercised by the Executive Office for Immigration Review of the Department of Justice (or its successor entity), or any officer, employee, or component thereof immediately prior to the effective date of this title.

SEC. 1119. OTHER AUTHORITIES NOT AFFECTED.

Nothing in this title, or any amendment made by this title, may be construed to authorize or require the transfer or delegation of any function vested in, or exercised by—

(1) the Secretary of State under the State Department Basic Authorities Act of 1956, or under the immigration laws of the United States, immediately prior to the effective date of this title, with respect to the issuance and use of passports and visas;

(2) the Secretary of Labor or any official of the Department of Labor immediately prior to the effective date of this title, with respect to labor certifications or any other authority under the immigration laws of the United States; or

(3) except as otherwise specifically provided in this division, any other official of the Federal Government under the immigration laws of the United States immediately prior to the effective date of this title.

SEC. 1120. TRANSITION FUNDING.

(a) AUTHORIZATION OF APPROPRIATIONS FOR TRANSITION.—

(1) IN GENERAL.—There are authorized to be appropriated to the Department of Homeland Security such sums as may be necessary—

(A) to effect—

(i) the abolition of the Immigration and Naturalization Service;

(ii) the establishment of the Directorate of Immigration Affairs and its components, the Bureau of Immigration Services, and the Bureau of Enforcement and Border Affairs; and

(iii) the transfer of functions required to be made under this division; and

(B) to carry out any other duty that is made necessary by this division, or any amendment made by this division.

(2) ACTIVITIES SUPPORTED.—Activities supported under paragraph (1) include—

(A) planning for the transfer of functions from the Immigration and Naturalization Service to the Directorate of Immigration Affairs, including the preparation of any reports and implementation plans necessary for such transfer;

(B) the division, acquisition, and disposition of—

(i) buildings and facilities;

(ii) support and infrastructure resources; and

(iii) computer hardware, software, and related documentation;

(C) other capital expenditures necessary to effect the transfer of functions described in this paragraph;

(D) revision of forms, stationery, logos, and signage;

(E) expenses incurred in connection with the transfer and training of existing personnel and hiring of new personnel; and

(F) such other expenses necessary to effect the transfers, as determined by the Secretary.

(b) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to subsection (a) are authorized to remain available until expended.

(c) TRANSITION ACCOUNT.—

(1) ESTABLISHMENT.—There is established in the general fund of the Treasury of the United States a separate account, which shall be known as the ''Directorate of Immigration Affairs Transition Account'' (in this section referred to as the ''Account'').

(2) USE OF ACCOUNT.—There shall be deposited into the Account all amounts appropriated under subsection (a) and amounts reprogrammed for the purposes described in subsection (a).

(d) REPORT TO CONGRESS ON TRANSITION.—Beginning not later than 90 days after the effective date of division A of this Act, and at the end of each fiscal year in which appropriations are made pursuant to subsection (c), the Secretary of Homeland Security shall submit a report to Congress concerning the availability of funds to cover transition costs, including—

(1) any unobligated balances available for such purposes; and

(2) a calculation of the amount of appropriations that would be necessary to fully fund the activities described in subsection (a).

(e) EFFECTIVE DATE.—This section shall take effect 1 year after the effective date of division A of this Act.

Subtitle C—Miscellaneous Provisions

SEC. 1121. FUNDING ADJUDICATION AND NATURALIZATION SERVICES.

(a) LEVEL OF FEES.—Section 286(m) of the Immigration and Nationality Act (8 U.S.C. 1356(m)) is amended by striking ''services, including the costs of similar services provided without charge to asylum applicants or other immigrants'' and inserting ''services''.

(b) USE OF FEES.—

(1) IN GENERAL.—Each fee collected for the provision of an adjudication or naturalization service shall be used only to fund adjudication or naturalization services or, subject to the availability of funds provided pursuant to subsection (c), costs of similar services provided without charge to asylum and refugee applicants.

(2) PROHIBITION.—No fee may be used to fund adjudication- or naturalization-related audits that are not regularly conducted in the normal course of operation.

(c) REFUGEE AND ASYLUM ADJUDICATION SERVICES.—

(1) AUTHORIZATION OF APPROPRIATIONS.—In addition to such sums as may be otherwise available for such purposes, there are authorized to be appropriated such sums as may be necessary to carry out the provisions of sections 207 through 209 of the Immigration and Nationality Act.

(2) AVAILABILITY OF FUNDS.—Funds appropriated pursuant to paragraph (1) are authorized to remain available until expended.

(d) SEPARATION OF FUNDING.—

(1) IN GENERAL.—There shall be established separate accounts in the Treasury of the United States for appropriated funds and other collections available for the Bureau of Immigration Services and the Bureau of Enforcement and Border Affairs.

(2) FEES.—Fees imposed for a particular service, application, or benefit shall be deposited into the account established under paragraph (1) that is for the bureau with jurisdiction over the function to which the fee relates.

(3) FEES NOT TRANSFERABLE.—No fee may be transferred between the Bureau of Immigration Services and the Bureau of Enforcement and Border Affairs for purposes not authorized by section 286 of the Immigration and Nationality Act, as amended by subsection (a).

(e) AUTHORIZATION OF APPROPRIATIONS FOR BACKLOG REDUCTION.—

(1) IN GENERAL.—There are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2003 through 2006 to carry out the Immigration Services and Infrastructure Improvement Act of 2000 (title II of Public Law 106–313).

(2) AVAILABILITY OF FUNDS.—Amounts appropriated under paragraph (1) are authorized to remain available until expended.

(3) INFRASTRUCTURE IMPROVEMENT ACCOUNT.—Amounts appropriated under paragraph (1) shall be deposited into the Immigration Services and Infrastructure Improvements Account established by section 204(a)(2) of title II of Public Law 106–313.

SEC. 1122. APPLICATION OF INTERNET-BASED TECHNOLOGIES.

(a) ESTABLISHMENT OF ON-LINE DATABASE.—

(1) IN GENERAL.—Not later than 2 years after the effective date of division A, the Secretary, in consultation with the Under Secretary and the Technology Advisory Committee, shall establish an Internet-based system that will permit an immigrant, nonimmigrant, employer, or other person who files any application, petition, or other request for any benefit under the immigration laws of the United States access to on-line information about the processing status of the application, petition, or other request.

(2) PRIVACY CONSIDERATIONS.—The Under Secretary shall consider all applicable privacy issues in the establishment of the Internet system described in paragraph (1). No personally identifying information shall be accessible to unauthorized persons.

(3) MEANS OF ACCESS.—The on-line information under the Internet system described in paragraph (1) shall be accessible to the persons described in paragraph (1) through a personal identification number (PIN) or other personalized password.

(4) PROHIBITION ON FEES.—The Under Secretary shall not charge any immigrant, nonimmigrant, employer, or other person described in paragraph (1) a fee for access to the information in the database that pertains to that person.

(b) FEASIBILITY STUDY FOR ON-LINE FILING AND IMPROVED PROCESSING.—

(1) ON-LINE FILING.—

(A) IN GENERAL.—The Under Secretary, in consultation with the Technology Advisory Committee, shall conduct a study to determine the feasibility of on-line filing of the documents described in subsection (a).

(B) STUDY ELEMENTS.—The study shall—

(i) include a review of computerization and technology of the Immigration and Naturalization Service (or successor agency) relating to immigration services and the processing of such documents;

(ii) include an estimate of the time-frame and costs of implementing on-line filing of such documents; and

(iii) consider other factors in implementing such a filing system, including the feasibility of the payment of fees on-line.

(2) REPORT.—Not later than 2 years after the effective date of division A, the Under Secretary shall submit to the Committees on the Judiciary of the Senate and the House of Representatives a report on the findings of the study conducted under this subsection.

(c) TECHNOLOGY ADVISORY COMMITTEE.—

(1) ESTABLISHMENT.—Not later than 1 year after the effective date of division A, the Under Secretary shall establish, after consultation with the Committees on the Judiciary of the Senate and the House of Representatives, an advisory committee (in this section referred to as the ''Technology Advisory Committee'') to assist the Under Secretary in—

(A) establishing the tracking system under subsection (a); and

(B) conducting the study under subsection (b).

(2) COMPOSITION.—The Technology Advisory Committee shall be composed of—

(A) experts from the public and private sector capable of establishing and implementing the system in an expeditious manner; and

(B) representatives of persons or entities who may use the tracking system described in subsection (a) and the on-line filing system described in subsection (b)(1).

SEC. 1123. ALTERNATIVES TO DETENTION OF ASYLUM SEEKERS.

(a) ASSIGNMENTS OF ASYLUM OFFICERS.—The Under Secretary shall assign asylum officers to major ports of entry in the United States to assist in the inspection of asylum seekers. For other ports of entry, the Under Secretary shall take steps to ensure that asylum officers participate in the inspections process.

(b) AMENDMENT OF THE IMMIGRATION AND NATIONALITY ACT.—Chapter 4 of title II of the Immigration and Nationality Act (8 U.S.C. 1221 et seq.) is amended by inserting after section 236A the following new section:

''SEC. 236B. ALTERNATIVES TO DETENTION OF ASYLUM SEEKERS.

''(a) DEVELOPMENT OF ALTERNATIVES TO DETENTION.—The Under Secretary shall—

''(1) authorize and promote the utilization of alternatives to the detention of asylum seekers who do not have nonpolitical criminal records; and

''(2) establish conditions for the detention of asylum seekers that ensure a safe and humane environment.

''(b) SPECIFIC ALTERNATIVES FOR CONSIDERATION.—The Under Secretary shall consider the following specific alternatives to the detention of asylum seekers described in subsection (a):

''(1) Parole from detention.

''(2) For individuals not otherwise qualified for parole under paragraph (1), parole with appearance assistance provided by private nonprofit voluntary agencies with expertise in the legal and social needs of asylum seekers.

''(3) For individuals not otherwise qualified for parole under paragraph (1) or (2), non-secure shelter care or group homes operated by private nonprofit voluntary agencies with expertise in the legal and social needs of asylum seekers.

''(4) Noninstitutional settings for minors such as foster care or group homes operated by private nonprofit voluntary agencies with expertise in the legal and social needs of asylum seekers.

''(c) REGULATIONS.—The Under Secretary shall promulgate such regulations as may be necessary to carry out this section.

''(d) DEFINITION.—In this section, the term 'asylum seeker' means any applicant for asylum under section 208 or any alien who indicates an intention to apply for asylum under that section.''.

(b) CLERICAL AMENDMENT.—The table of contents of the Immigration and Nationality Act is amended by inserting after the item relating to section 236A the following new item:

''Sec. 236B. Alternatives to detention of asylum seekers.''.

Subtitle D—Effective Date

SEC. 1131. EFFECTIVE DATE.

This title, and the amendments made by this title, shall take effect one year after the effective date of division A of this Act.

TITLE XII—UNACCOMPANIED ALIEN CHILD PROTECTION

SEC. 1201. SHORT TITLE.

This title may be cited as the ''Unaccompanied Alien Child Protection Act of 2002''.

SEC. 1202. DEFINITIONS.

(a) IN GENERAL.—In this title:

(1) DIRECTOR.—The term ''Director'' means the Director of the Office.

(2) OFFICE.—The term ''Office'' means the Office of Refugee Resettlement as established by section 411 of the Immigration and Nationality Act.

(3) SERVICE.—The term ''Service'' means the Immigration and Naturalization Service (or, upon the effective date of title XI, the Directorate of Immigration Affairs).

(4) UNACCOMPANIED ALIEN CHILD.—The term ''unaccompanied alien child'' means a child who—

(A) has no lawful immigration status in the United States;

(B) has not attained the age of 18; and

(C) with respect to whom—

(i) there is no parent or legal guardian in the United States; or

(ii) no parent or legal guardian in the United States is available to provide care and physical custody.

(5) VOLUNTARY AGENCY.—The term ''voluntary agency'' means a private, nonprofit voluntary agency with expertise in meeting the cultural, developmental, or psychological needs of unaccompanied alien children as licensed by the appropriate State and certified by the Director of the Office of Refugee Resettlement.

(b) AMENDMENTS TO THE IMMIGRATION AND NATIONALITY ACT.—Section 101(a) (8 U.S.C. 1101(a)) is amended by adding at the end the following new paragraphs:

''(53) The term 'unaccompanied alien child' means a child who—

''(A) has no lawful immigration status in the United States;

''(B) has not attained the age of 18; and

''(C) with respect to whom—

''(i) there is no parent or legal guardian in the United States; or

''(ii) no parent or legal guardian in the United States is able to provide care and physical custody.

''(54) The term 'unaccompanied refugee children' means persons described in paragraph (42) who—

''(A) have not attained the age of 18; and

''(B) with respect to whom there are no parents or legal guardians available to provide care and physical custody.''.

Subtitle A—Structural Changes

SEC. 1211. RESPONSIBILITIES OF THE OFFICE OF REFUGEE RESETTLEMENT WITH RESPECT TO UNACCOMPANIED ALIEN CHILDREN.

(a) IN GENERAL.—

(1) RESPONSIBILITIES OF THE OFFICE.—The Office shall be responsible for—

(A) coordinating and implementing the care and placement for unaccompanied alien children who are in Federal custody by reason of their immigration status; and

(B) ensuring minimum standards of detention for all unaccompanied alien children.

(2) DUTIES OF THE DIRECTOR WITH RESPECT TO UNACCOMPANIED ALIEN CHILDREN.—The Director shall be responsible under this title for—

(A) ensuring that the best interests of the child are considered in decisions and actions relating to the care and placement of an unaccompanied alien child;

(B) making placement, release, and detention determinations for all unaccompanied alien children in the custody of the Office;

(C) implementing the placement, release, and detention determinations made by the Office;

(D) convening, in the absence of the Assistant Secretary, Administration for Children and Families of the Department of Health and Human Services, the Interagency Task Force on Unaccompanied Alien Children established in section 1212;

(E) identifying a sufficient number of qualified persons, entities, and facilities to house unaccompanied alien children in accordance with sections 1222 and 1223;

(F) overseeing the persons, entities, and facilities described in sections 1222 and 1223 to ensure their compliance with such provisions;

(G) compiling, updating, and publishing at least annually a State-by-State list of professionals or other entities qualified to contract with the Office to provide the services described in sections 1231 and 1232;

(H) maintaining statistical information and other data on unaccompanied alien children in the Office's custody and care, which shall include—

(i) biographical information such as the child's name, gender, date of birth, country of birth, and country of habitual residence;

(ii) the date on which the child came into Federal custody, including each instance in which such child came into the custody of—

(I) the Service; or

(II) the Office;

(iii) information relating to the custody, detention, release, and repatriation of unaccompanied alien children who have been in the custody of the Office;

(iv) in any case in which the child is placed in detention, an explanation relating to the detention; and

(v) the disposition of any actions in which the child is the subject;

(I) collecting and compiling statistical information from the Service, including Border Patrol and inspections officers, on the unaccompanied alien children with whom they come into contact; and

(J) conducting investigations and inspections of facilities and other entities in which unaccompanied alien children reside.

(3) DUTIES WITH RESPECT TO FOSTER CARE.—In carrying out the duties described in paragraph (3)(F), the Director is encouraged to utilize the refugee children foster care system established under section 412(d)(2) of the Immigration and Nationality Act for the placement of unaccompanied alien children.

(4) POWERS.—In carrying out the duties under paragraph (3), the Director shall have the power to—

(A) contract with service providers to perform the services described in sections 1222, 1223, 1231, and 1232; and

(B) compel compliance with the terms and conditions set forth in section 1223, including the power to terminate the contracts of providers that are not in compliance with such conditions and reassign any unaccompanied alien child to a similar facility that is in compliance with such section.

(b) NO EFFECT ON SERVICE, EOIR, AND DEPARTMENT OF STATE ADJUDICATORY RESPONSIBILITIES.—Nothing in this title may be construed to transfer the responsibility for adjudicating benefit determinations under the Immigration and Nationality Act from the authority of any official of the Service, the Executive Office of Immigration Review (or successor entity), or the Department of State.

SEC. 1212. ESTABLISHMENT OF INTERAGENCY TASK FORCE ON UNACCOMPANIED ALIEN CHILDREN.

(a) ESTABLISHMENT.—There is established an Interagency Task Force on Unaccompanied Alien Children.

(b) COMPOSITION.—The Task Force shall consist of the following members:

(1) The Assistant Secretary, Administration for Children and Families, Department of Health and Human Services.

(2) The Under Secretary of Homeland Security for Immigration Affairs.

(3) The Assistant Secretary of State for Population, Refugees, and Migration.

(4) The Director.

(5) Such other officials in the executive branch of Government as may be designated by the President.

(c) CHAIRMAN.—The Task Force shall be chaired by the Assistant Secretary, Administration for Children and Families, Department of Health and Human Services.

(d) ACTIVITIES OF THE TASK FORCE.—In consultation with nongovernmental organizations, the Task Force shall—

(1) measure and evaluate the progress of the United States in treating unaccompanied alien children in United States custody; and

(2) expand interagency procedures to collect and organize data, including significant research and resource information on the needs and treatment of unaccompanied alien children in the custody of the United States Government.

SEC. 1213. TRANSITION PROVISIONS.

(a) TRANSFER OF FUNCTIONS.—All functions with respect to the care and custody of unaccompanied alien children under the immigration laws of the United States vested by statute in, or exercised by, the Commissioner of Immigration and Naturalization (or any officer, employee, or component thereof), immediately prior to the effective date of this subtitle, are transferred to the Office.

(b) TRANSFER AND ALLOCATIONS OF APPROPRIATIONS AND PERSONNEL.—The personnel employed in connection with, and the assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, used, held, arising from, available to, or to be made available in connection with the functions transferred by this section, subject to section 1531 of title 31, United States Code, shall be transferred to the Office. Unexpended funds transferred pursuant to this section shall be used only for the purposes for which the funds were originally authorized and appropriated.

(c) LEGAL DOCUMENTS.—All orders, determinations, rules, regulations, permits, grants, loans, contracts, recognition of labor organizations, agreements, including collective bargaining agreements, certificates, licenses, and privileges—

(1) that have been issued, made, granted, or allowed to become effective by the President, the Attorney General, the Commissioner of the Immigration and Naturalization Service, their delegates, or any other Government official, or by a court of competent jurisdiction, in the performance of any function that is transferred pursuant to this section; and

(2) that are in effect on the effective date of such transfer (or become effective after such date pursuant to their terms as in effect on such effective date);

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President, any other authorized official, a court of competent jurisdiction, or operation of law, except that any collective bargaining agreement shall remain in effect until the date of termination specified in the agreement.

(d) PROCEEDINGS.—

(1) PENDING.—The transfer of functions under subsection (a) shall not affect any proceeding or any application for any benefit, service, license, permit, certificate, or financial assistance pending on the effective date of this subtitle before an office whose functions are transferred pursuant to this section, but such proceedings and applications shall be continued.

(2) ORDERS.—Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this Act had not been enacted, and orders issued in any such proceeding shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law.

(3) DISCONTINUANCE OR MODIFICATION.—Nothing in this section shall be considered to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this section had not been enacted.

(e) SUITS.—This section shall not affect suits commenced before the effective date of this subtitle, and in all such suits, proceeding shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this section had not been enacted.

(f) NONABATEMENT OF ACTIONS.—No suit, action, or other proceeding commenced by or against the Department of Justice or the Immigration and Naturalization Service, or by or against any individual in the official capacity of such individual as an officer or employee in connection with a function transferred under this section, shall abate by reason of the enactment of this Act.

(g) CONTINUANCE OF SUIT WITH SUBSTITUTION OF PARTIES.—If any Government officer in the official capacity of such officer is party to a suit with respect to a function of the officer, and pursuant to this section such function is transferred to any other officer or office, then such suit shall be continued with the other officer or the head of such other office, as applicable, substituted or added as a party.

(h) ADMINISTRATIVE PROCEDURE AND JUDICIAL REVIEW.—Except as otherwise provided by this title, any statutory requirements relating to notice, hearings, action upon the record, or administrative or judicial review that apply to any function transferred pursuant to any provision of this section shall apply to the exercise of such function by the head of the office, and other officers of the office, to which such function is transferred pursuant to such provision.

SEC. 1214. EFFECTIVE DATE.

This subtitle shall take effect one year after the effective date of division A of this Act.

Subtitle B—Custody, Release, Family Reunification, and Detention

SEC. 1221. PROCEDURES WHEN ENCOUNTERING UNACCOMPANIED ALIEN CHILDREN.

(a) UNACCOMPANIED CHILDREN FOUND ALONG THE UNITED STATES BORDER OR AT UNITED STATES PORTS OF ENTRY.—

(1) IN GENERAL.—Subject to paragraph (2), if an immigration officer finds an unaccompanied alien child who is described in paragraph (2) at a land border or port of entry of the United States and determines that such child is inadmissible under the Immigration and Nationality Act, the officer shall—

(A) permit such child to withdraw the child's application for admission pursuant to section 235(a)(4) of the Immigration and Nationality Act; and

(B) remove such child from the United States.

(2) SPECIAL RULE FOR CONTIGUOUS COUNTRIES.—

(A) IN GENERAL.—Any child who is a national or habitual resident of a country that is contiguous with the United States and that has an agreement in writing with the United States providing for the safe return and orderly repatriation of unaccompanied alien children who are nationals or habitual residents of such country shall be treated in accordance with paragraph (1), unless a determination is made on a case-by-case basis that—

(i) such child has a fear of returning to the child's country of nationality or country of last habitual residence owing to a fear of persecution;

(ii) the return of such child to the child's country of nationality or country of last habitual residence would endanger the life or safety of such child; or

(iii) the child cannot make an independent decision to withdraw the child's application for admission due to age or other lack of capacity.

(B) RIGHT OF CONSULTATION.—Any child described in subparagraph (A) shall have the right to consult with a consular officer from the child's country of nationality or country of last habitual residence prior to repatriation, as well as consult with the Office, telephonically, and such child shall be informed of that right.

(3) RULE FOR APPREHENSIONS AT THE BORDER.—The custody of unaccompanied alien children not described in paragraph (2) who are apprehended at the border of the United States or at a United States port of entry shall be treated in accordance with the provisions of subsection (b).

(b) CUSTODY OF UNACCOMPANIED ALIEN CHILDREN FOUND IN THE INTERIOR OF THE UNITED STATES.—

(1) ESTABLISHMENT OF JURISDICTION.—

(A) IN GENERAL.—Except as otherwise provided under subsection (a) and subparagraphs (B) and (C), the custody of all unaccompanied alien children, including responsibility for their detention, where appropriate, shall be under the jurisdiction of the Office.

(B) EXCEPTION FOR CHILDREN WHO HAVE COMMITTED CRIMES.—Notwithstanding subparagraph (A), the Service shall retain or assume the custody and care of any unaccompanied alien child who—

(i) has been charged with any felony, excluding offenses proscribed by the Immigration and Nationality Act, while such charges are pending; or

(ii) has been convicted of any such felony.

(C) EXCEPTION FOR CHILDREN WHO THREATEN NATIONAL SECURITY.—Notwithstanding subparagraph (A), the Service shall retain or assume the custody and care of an unaccompanied alien child if the Secretary of Homeland Security has substantial evidence that such child endangers the national security of the United States.

(2) NOTIFICATION.—Upon apprehension of an unaccompanied alien child, the Secretary shall promptly notify the Office.

(3) TRANSFER OF UNACCOMPANIED ALIEN CHILDREN.—

(A) TRANSFER TO THE OFFICE.—The care and custody of an unaccompanied alien child shall be transferred to the Office—

(i) in the case of a child not described in paragraph (1) (B) or (C), not later than 72 hours after the apprehension of such child; or

(ii) in the case of a child whose custody has been retained or assumed by the Service pursuant to paragraph (1) (B) or (C), immediately following a determination that the child no longer meets the description set forth in such paragraph.

(B) TRANSFER TO THE SERVICE.—Upon determining that a child in the custody of the Office is described in paragraph (1) (B) or (C), the Director shall promptly make arrangements to transfer the care and custody of such child to the Service.

(c) AGE DETERMINATIONS.—In any case in which the age of an alien is in question and the resolution of questions about such alien's age would affect the alien's eligibility for treatment under the provisions of this title, a determination of whether such alien meets the age requirements of this title shall be made in accordance with the provisions of section 1225.

SEC. 1222. FAMILY REUNIFICATION FOR UNACCOMPANIED ALIEN CHILDREN WITH RELATIVES IN THE UNITED STATES.

(a) PLACEMENT AUTHORITY.—

(1) ORDER OF PREFERENCE.—Subject to the Director's discretion under paragraph (4) and section 1223(a)(2), an unaccompanied alien child in the custody of the Office shall be promptly placed with one of the following individuals in the following order of preference:

(A) A parent who seeks to establish custody, as described in paragraph (3)(A).

(B) A legal guardian who seeks to establish custody, as described in paragraph (3)(A).

(C) An adult relative.

(D) An entity designated by the parent or legal guardian that is capable and willing to care for the child's well-being.

(E) A State-licensed juvenile shelter, group home, or foster home willing to accept legal custody of the child.

(F) A qualified adult or entity seeking custody of the child when it appears that there is no other likely alternative to long-term detention and family reunification does not appear to be a reasonable alternative. For purposes of this subparagraph, the qualification of the adult or entity shall be decided by the Office.

(2) HOME STUDY.—Notwithstanding the provisions of paragraph (1), no unaccompanied alien child shall be placed with a person or entity unless a valid home-study conducted by an agency of the State of the child's proposed residence, by an agency authorized by that State to conduct such a study, or by an appropriate voluntary agency contracted with the Office to conduct such studies has found that the person or entity is capable of providing for the child's physical and mental well-being.

(3) RIGHT OF PARENT OR LEGAL GUARDIAN TO CUSTODY OF UNACCOMPANIED ALIEN CHILD.—

(A) PLACEMENT WITH PARENT OR LEGAL GUARDIAN.—If an unaccompanied alien child is placed with any person or entity other than a parent or legal guardian, but subsequent to that placement a parent or legal guardian seeks to establish custody, the Director shall assess the suitability of placing the child with the parent or legal guardian and shall make a written determination on the child's placement within 30 days.

(B) RULE OF CONSTRUCTION.—Nothing in this title shall be construed to—

(i) supersede obligations under any treaty or other international agreement to which the United States is a party, including The Hague Convention on the Civil Aspects of International Child Abduction, the Vienna Declaration and Programme of Action, and the Declaration of the Rights of the Child; or

(ii) limit any right or remedy under such international agreement.

(4) PROTECTION FROM SMUGGLERS AND TRAFFICKERS.—The Director shall take affirmative steps to ensure that unaccompanied alien children are protected from smugglers, traffickers, or others seeking to victimize or otherwise engage such children in criminal, harmful, or exploitative activity. Attorneys involved in such activities should be reported to their State bar associations for disciplinary action.

(5) GRANTS AND CONTRACTS.—Subject to the availability of appropriations, the Director is authorized to make grants to, and enter into contracts with, voluntary agencies to carry out the provisions of this section.

(6) REIMBURSEMENT OF STATE EXPENSES.—Subject to the availability of appropriations, the Director is authorized to reimburse States for any expenses they incur in providing assistance to unaccompanied alien children who are served pursuant to this title.

(b) CONFIDENTIALITY.—All information obtained by the Office relating to the immigration status of a person listed in subsection (a) shall remain confidential and may be used only for the purposes of determining such person's qualifications under subsection (a)(1).

SEC. 1223. APPROPRIATE CONDITIONS FOR DETENTION OF UNACCOMPANIED ALIEN CHILDREN.

(a) STANDARDS FOR PLACEMENT.—

(1) PROHIBITION OF DETENTION IN CERTAIN FACILITIES.—Except as provided in paragraph (2), an unaccompanied alien child shall not be placed in an adult detention facility or a facility housing delinquent children.

(2) DETENTION IN APPROPRIATE FACILITIES.—An unaccompanied alien child who has exhibited a violent or criminal behavior that endangers others may be detained in conditions appropriate to the behavior in a facility appropriate for delinquent children.

(3) STATE LICENSURE.—In the case of a placement of a child with an entity described in section 1222(a)(1)(E), the entity must be licensed by an appropriate State agency to provide residential, group, child welfare, or foster care services for dependent children.

(4) CONDITIONS OF DETENTION.—

(A) IN GENERAL.—The Director shall promulgate regulations incorporating standards for conditions of detention in such placements that provide for—

(i) educational services appropriate to the child;

(ii) medical care;

(iii) mental health care, including treatment of trauma;

(iv) access to telephones;

(v) access to legal services;

(vi) access to interpreters;

(vii) supervision by professionals trained in the care of children, taking into account the special cultural, linguistic, and experiential needs of children in immigration proceedings;

(viii) recreational programs and activities;

(ix) spiritual and religious needs; and

(x) dietary needs.

(B) NOTIFICATION OF CHILDREN.—Such regulations shall provide that all children are notified orally and in writing of such standards.

(b) PROHIBITION OF CERTAIN PRACTICES.—The Director and the Secretary of Homeland Security shall develop procedures prohibiting the unreasonable use of—

(1) shackling, handcuffing, or other restraints on children;

(2) solitary confinement; or

(3) pat or strip searches.

(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to supersede procedures favoring release of children to appropriate adults or entities or placement in the least secure setting possible, as defined in the Stipulated Settlement Agreement under Flores v. Reno.

SEC. 1224. REPATRIATED UNACCOMPANIED ALIEN CHILDREN.

(a) COUNTRY CONDITIONS.—

(1) SENSE OF CONGRESS.—It is the sense of Congress that, to the extent consistent with the treaties and other international agreements to which the United States is a party and to the extent practicable, the United States Government should undertake efforts to ensure that it does not repatriate children in its custody into settings that would threaten the life and safety of such children.

(2) ASSESSMENT OF CONDITIONS.—

(A) IN GENERAL.—In carrying out repatriations of unaccompanied alien children, the Office shall conduct assessments of country conditions to determine the extent to which the country to which a child is being repatriated has a child welfare system capable of ensuring the child's well being.

(B) FACTORS FOR ASSESSMENT.—In assessing country conditions, the Office shall, to the maximum extent practicable, examine the conditions specific to the locale of the child's repatriation.

(b) REPORT ON REPATRIATION OF UNACCOMPANIED ALIEN CHILDREN.—Beginning not later than 18 months after the date of enactment of this Act, and annually thereafter, the Director shall submit a report to the Judiciary Committees of the House of Representatives and Senate on the Director's efforts to repatriate unaccompanied alien children. Such report shall include at a minimum the following information:

(1) The number of unaccompanied alien children ordered removed and the number of such children actually removed from the United States.

(2) A description of the type of immigration relief sought and denied to such children.

(3) A statement of the nationalities, ages, and gender of such children.

(4) A description of the procedures used to effect the removal of such children from the United States.

(5) A description of steps taken to ensure that such children were safely and humanely repatriated to their country of origin.

(6) Any information gathered in assessments of country and local conditions pursuant to subsection (a)(2).

SEC. 1225. ESTABLISHING THE AGE OF AN UNACCOMPANIED ALIEN CHILD.

The Director shall develop procedures that permit the presentation and consideration of a variety of forms of evidence, including testimony of a child and other persons, to determine an unaccompanied alien child's age for purposes of placement, custody, parole, and detention. Such procedures shall allow the appeal of a determination to an immigration judge. Radiographs shall not be the sole means of determining age.

SEC. 1226. EFFECTIVE DATE.

This subtitle shall take effect one year after the effective date of division A of this Act.

Subtitle C—Access by Unaccompanied Alien Children to Guardians Ad Litem and Counsel

SEC. 1231. RIGHT OF UNACCOMPANIED ALIEN CHILDREN TO GUARDIANS AD LITEM.

(a) GUARDIAN AD LITEM.—

(1) APPOINTMENT.—The Director shall appoint a guardian ad litem who meets the qualifications described in paragraph (2) for each unaccompanied alien child in the custody of the Office not later than 72 hours after the Office assumes physical or constructive custody of such child. The Director is encouraged, wherever practicable, to contract with a voluntary agency for the selection of an individual to be appointed as a guardian ad litem under this paragraph.

(2) QUALIFICATIONS OF GUARDIAN AD LITEM.—

(A) IN GENERAL.—No person shall serve as a guardian ad litem unless such person—

(i) is a child welfare professional or other individual who has received training in child welfare matters; and

(ii) possesses special training on the nature of problems encountered by unaccompanied alien children.

(B) PROHIBITION.—A guardian ad litem shall not be an employee of the Service.

(3) DUTIES.—The guardian ad litem shall—

(A) conduct interviews with the child in a manner that is appropriate, taking into account the child's age;

(B) investigate the facts and circumstances relevant to such child's presence in the United States, including facts and circumstances arising in the country of the child's nationality or last habitual residence and facts and circumstances arising subsequent to the child's departure from such country;

(C) work with counsel to identify the child's eligibility for relief from removal or voluntary departure by sharing with counsel information collected under subparagraph (B);

(D) develop recommendations on issues relative to the child's custody, detention, release, and repatriation;

(E) ensure that the child's best interests are promoted while the child participates in, or is subject to, proceedings or actions under the Immigration and Nationality Act;

(F) ensure that the child understands such determinations and proceedings; and

(G) report findings and recommendations to the Director and to the Executive Office of Immigration Review (or successor entity).

(4) TERMINATION OF APPOINTMENT.—The guardian ad litem shall carry out the duties described in paragraph (3) until—

(A) those duties are completed,

(B) the child departs the United States,

(C) the child is granted permanent resident status in the United States,

(D) the child attains the age of 18, or

(E) the child is placed in the custody of a parent or legal guardian,

whichever occurs first.

(5) POWERS.—The guardian ad litem—

(A) shall have reasonable access to the child, including access while such child is being held in detention or in the care of a foster family;

(B) shall be permitted to review all records and information relating to such proceedings that are not deemed privileged or classified;

(C) may seek independent evaluations of the child;

(D) shall be notified in advance of all hearings involving the child that are held in connection with proceedings under the Immigration and Nationality Act, and shall be given a reasonable opportunity to be present at such hearings; and

(E) shall be permitted to consult with the child during any hearing or interview involving such child.

(b) TRAINING.—The Director shall provide professional training for all persons serving as guardians ad litem under this section in the circumstances and conditions that unaccompanied alien children face as well as in the various immigration benefits for which such a child might be eligible.

SEC. 1232. RIGHT OF UNACCOMPANIED ALIEN CHILDREN TO COUNSEL.

(a) ACCESS TO COUNSEL.—

(1) IN GENERAL.—The Director shall ensure that all unaccompanied alien children in the custody of the Office or in the custody of the Service who are not described in section 1221(a)(2) shall have competent counsel to represent them in immigration proceedings or matters.

(2) PRO BONO REPRESENTATION.—To the maximum extent practicable, the Director shall utilize the services of pro bono attorneys who agree to provide representation to such children without charge.

(3) GOVERNMENT FUNDED REPRESENTATION.—

(A) APPOINTMENT OF COMPETENT COUNSEL.—Notwithstanding section 292 of the Immigration and Nationality Act (8 U.S.C. 1362) or any other provision of law, when no competent counsel is available to represent an unaccompanied alien child without charge, the Director shall appoint competent counsel for such child at the expense of the Government.

(B) LIMITATION ON ATTORNEY FEES.—Counsel appointed under subparagraph (A) may not be compensated at a rate in excess of the rate provided under section 3006A of title 18, United States Code.

(C) ASSUMPTION OF THE COST OF GOVERNMENT-PAID COUNSEL.—In the case of a child for whom counsel is appointed under subparagraph (A) who is subsequently placed in the physical custody of a parent or legal guardian, such parent or legal guardian may elect to retain the same counsel to continue representation of the child, at no expense to the Government, beginning on the date that the parent or legal guardian assumes physical custody of the child.

(4) DEVELOPMENT OF NECESSARY INFRASTRUCTURES AND SYSTEMS.—In ensuring that legal representation is provided to such children, the Director shall develop the necessary mechanisms to identify entities available to provide such legal assistance and representation and to recruit such entities.

(5) CONTRACTING AND GRANT MAKING AUTHORITY.—

(A) IN GENERAL.—Subject to the availability of appropriations, the Director shall enter into contracts with or make grants to national nonprofit agencies with relevant expertise in the delivery of immigration-related legal services to children in order to carry out this subsection.

(B) INELIGIBILITY FOR GRANTS AND CONTRACTS.—In making grants and entering into contracts with such agencies, the Director shall ensure that no such agency is—

(i) a grantee or contractee for services provided under section 1222 or 1231; and

(ii) simultaneously a grantee or contractee for services provided under subparagraph (A).

(b) REQUIREMENT OF LEGAL REPRESENTATION.—The Director shall ensure that all unaccompanied alien children have legal representation within 7 days of the child coming into Federal custody.

(c) DUTIES.—Counsel shall represent the unaccompanied alien child all proceedings and actions relating to the child's immigration status or other actions involving the Service and appear in person for all individual merits hearings before the Executive Office for Immigration Review (or its successor entity) and interviews involving the Service.

(d) ACCESS TO CHILD.—

(1) IN GENERAL.—Counsel shall have reasonable access to the unaccompanied alien child, including access while the child is being held in detention, in the care of a foster family, or in any other setting that has been determined by the Office.

(2) RESTRICTION ON TRANSFERS.—Absent compelling and unusual circumstances, no child who is represented by counsel shall be transferred from the child's placement to another placement unless advance notice of at least 24 hours is made to counsel of such transfer.

(e) TERMINATION OF APPOINTMENT.—Counsel shall carry out the duties described in subsection (c) until—

(1) those duties are completed,

(2) the child departs the United States,

(3) the child is granted withholding of removal under section 241(b)(3) of the Immigration and Nationality Act,

(4) the child is granted protection under the Convention Against Torture,

(5) the child is granted asylum in the United States under section 208 of the Immigration and Nationality Act,

(6) the child is granted permanent resident status in the United States, or

(7) the child attains 18 years of age,

whichever occurs first.

(f) NOTICE TO COUNSEL DURING IMMIGRATION PROCEEDINGS.—

(1) IN GENERAL.—Except when otherwise required in an emergency situation involving the physical safety of the child, counsel shall be given prompt and adequate notice of all immigration matters affecting or involving an unaccompanied alien child, including adjudications, proceedings, and processing, before such actions are taken.

(2) OPPORTUNITY TO CONSULT WITH COUNSEL.—An unaccompanied alien child in the custody of the Office may not give consent to any immigration action, including consenting to voluntary departure, unless first afforded an opportunity to consult with counsel.

(g) ACCESS TO RECOMMENDATIONS OF GUARDIAN AD LITEM.—Counsel shall be afforded an opportunity to review the recommendation by the guardian ad litem affecting or involving a client who is an unaccompanied alien child.

SEC. 1233. EFFECTIVE DATE; APPLICABILITY.

(a) EFFECTIVE DATE.—This subtitle shall take effect one year after the effective date of division A of this Act.

(b) APPLICABILITY.—The provisions of this subtitle shall apply to all unaccompanied alien children in Federal custody on, before, or after the effective date of this subtitle.

Subtitle D—Strengthening Policies for Permanent Protection of Alien Children

SEC. 1241. SPECIAL IMMIGRANT JUVENILE VISA.

(a) J VISA.—Section 101(a)(27)(J) (8 U.S.C. 1101(a)(27)(J)) is amended to read as follows:

''(J) an immigrant under the age of 18 on the date of application who is present in the United States—

''(i) who has been declared dependent on a juvenile court located in the United States or whom such a court has legally committed to, or placed under the custody of, a department or agency of a State, or an individual or entity appointed by a State, and who has been deemed eligible by that court for long-term foster care due to abuse, neglect, or abandonment, or a similar basis found under State law;

''(ii) for whom it has been determined in administrative or judicial proceedings that it would not be in the alien's best interest to be returned to the alien's or parent's previous country of nationality or country of last habitual residence; and

''(iii) for whom the Office of Refugee Resettlement of the Department of Health and Human Services has certified to the Under Secretary of Homeland Security for Immigration Affairs that the classification of an alien as a special immigrant under this subparagraph has not been made solely to provide an immigration benefit to that alien;

except that no natural parent or prior adoptive parent of any alien provided special immigrant status under this subparagraph shall thereafter, by virtue of such parentage, be accorded any right, privilege, or status under this Act;''.

(b) ADJUSTMENT OF STATUS.—Section 245(h)(2) (8 U.S.C. 1255(h)(2)) is amended—

(1) by amending subparagraph (A) to read as follows:

''(A) paragraphs (1), (4), (5), (6), and (7)(A) of section 212(a) shall not apply,'';

(2) in subparagraph (B), by striking the period and inserting '', and''; and

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

''(C) the Secretary of Homeland Security may waive paragraph (2) (A) and (B) in the

case of an offense which arose as a consequence of the child being unaccompanied.''.

(c) ELIGIBILITY FOR ASSISTANCE.—A child who has been granted relief under section 101(a)(27)(J) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)(J)), as amended by subsection (a), and who is in the custody of a State shall be eligible for all funds made available under section 412(d) of such Act.

SEC. 1242. TRAINING FOR OFFICIALS AND CERTAIN PRIVATE PARTIES WHO COME INTO CONTACT WITH UNACCOMPANIED ALIEN CHILDREN.

(a) TRAINING OF STATE AND LOCAL OFFICIALS AND CERTAIN PRIVATE PARTIES.—The Secretary of Health and Human Services, acting jointly with the Secretary, shall provide appropriate training to be available to State and county officials, child welfare specialists, teachers, public counsel, and juvenile judges who come into contact with unaccompanied alien children. The training shall provide education on the processes pertaining to unaccompanied alien children with pending immigration status and on the forms of relief potentially available. The Director shall be responsible for establishing a core curriculum that can be incorporated into currently existing education, training, or orientation modules or formats that are currently used by these professionals.

(b) TRAINING OF SERVICE PERSONNEL.—The Secretary, acting jointly with the Secretary of Health and Human Services, shall provide specialized training to all personnel of the Service who come into contact with unaccompanied alien children. In the case of Border Patrol agents and immigration inspectors, such training shall include specific training on identifying children at the United States border or at United States ports of entry who have been victimized by smugglers or traffickers, and children for whom asylum or special immigrant relief may be appropriate, including children described in section 1221(a)(2).

SEC. 1243. EFFECTIVE DATE.

The amendment made by section 1241 shall apply to all eligible children who were in the United States before, on, or after the date of enactment of this Act.

Subtitle E—Children Refugee and Asylum Seekers

SEC. 1251. GUIDELINES FOR CHILDREN'S ASYLUM CLAIMS.

(a) SENSE OF CONGRESS.—Congress commends the Service for its issuance of its ''Guidelines for Children's Asylum Claims'', dated December 1998, and encourages and supports the Service's implementation of such guidelines in an effort to facilitate the handling of children's asylum claims. Congress calls upon the Executive Office for Immigration Review of the Department of Justice (or successor entity) to adopt the ''Guidelines for Children's Asylum Claims'' in its handling of children's asylum claims before immigration judges and the Board of Immigration Appeals.

(b) TRAINING.—The Secretary of Homeland Security shall provide periodic comprehensive training under the ''Guidelines for Children's Asylum Claims'' to asylum officers, immigration judges, members of the Board of Immigration Appeals, and immigration officers who have contact with children in order to familiarize and sensitize such officers to the needs of children asylum seekers. Voluntary agencies shall be allowed to assist in such training.

SEC. 1252. UNACCOMPANIED REFUGEE CHILDREN.

(a) IDENTIFYING UNACCOMPANIED REFUGEE CHILDREN.—Section 207(e) (8 U.S.C. 1157(e)) is amended—

(1) by redesignating paragraphs (3), (4), (5), (6), and (7) as paragraphs (4), (5), (6), (7), and (8), respectively; and

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

''(3) An analysis of the worldwide situation faced by unaccompanied refugee children, by region. Such analysis shall include an assessment of—

''(A) the number of unaccompanied refugee children, by region;

''(B) the capacity of the Department of State to identify such refugees;

''(C) the capacity of the international community to care for and protect such refugees;

''(D) the capacity of the voluntary agency community to resettle such refugees in the United States;

''(E) the degree to which the United States plans to resettle such refugees in the United States in the coming fiscal year; and

''(F) the fate that will befall such unaccompanied refugee children for whom resettlement in the United States is not possible.''.

(b) TRAINING ON THE NEEDS OF UNACCOMPANIED REFUGEE CHILDREN.—Section 207(f)(2) (8 U.S.C. 1157(f)(2)) is amended by—

(1) striking ''and'' after ''countries,''; and

(2) inserting before the period at the end the following: '', and instruction on the needs of unaccompanied refugee children''.

Subtitle F—Authorization of Appropriations

SEC. 1261. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this title.

(b) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to subsection (a) are authorized to remain available until expended.

TITLE XIII—AGENCY FOR IMMIGRATION HEARINGS AND APPEALS

Subtitle A—Structure and Function

SEC. 1301. ESTABLISHMENT.

(a) IN GENERAL.—There is established within the Department of Justice the Agency for Immigration Hearings and Appeals (in this title referred to as the ''Agency'').

(b) ABOLITION OF EOIR.—The Executive Office for Immigration Review of the Department of Justice is hereby abolished.

SEC. 1302. DIRECTOR OF THE AGENCY.

(a) APPOINTMENT.—There shall be at the head of the Agency a Director who shall be appointed by the President, by and with the advice and consent of the Senate.

(b) OFFICES.—The Director shall appoint a Deputy Director, General Counsel, Pro Bono Coordinator, and other offices as may be necessary to carry out this title.

(c) RESPONSIBILITIES.—The Director shall—

(1) administer the Agency and be responsible for the promulgation of rules and regulations affecting the Agency;

(2) appoint each Member of the Board of Immigration Appeals, including a Chair;

(3) appoint the Chief Immigration Judge; and

(4) appoint and fix the compensation of attorneys, clerks, administrative assistants, and other personnel as may be necessary.

SEC. 1303. BOARD OF IMMIGRATION APPEALS.

(a) IN GENERAL.—The Board of Immigration Appeals (in this title referred to as the ''Board'') shall perform the appellate functions of the Agency. The Board shall consist of a Chair and not less than 14 other immigration appeals judges.

(b) APPOINTMENT.—Members of the Board shall be appointed by the Director, in consultation with the Chair of the Board of Immigration Appeals.

(c) QUALIFICATIONS.—The Chair and each other Member of the Board shall be an attorney in good standing of a bar of a State or the District of Columbia and shall have at least 7 years of professional legal expertise in immigration and nationality law.

(d) CHAIR.—The Chair shall direct, supervise, and establish the procedures and policies of the Board.

(e) JURISDICTION.—

(1) IN GENERAL.—The Board shall have such jurisdiction as was, prior to the date of enactment of this Act, provided by statute or regulation to the Board of Immigration Appeals (as in effect under the Executive Office of Immigration Review).

(2) DE NOVO REVIEW.—The Board shall have de novo review of any decision by an immigration judge, including any final order of removal.

(f) DECISIONS OF THE BOARD.—The decisions of the Board shall constitute final agency action, subject to review only as provided by the Immigration and Nationality Act and other applicable law.

(g) INDEPENDENCE OF BOARD MEMBERS.—The Members of the Board shall exercise their independent judgment and discretion in the cases coming before the Board.

SEC. 1304. CHIEF IMMIGRATION JUDGE.

(a) ESTABLISHMENT OF OFFICE.—There shall be within the Agency the position of Chief Immigration Judge, who shall administer the immigration courts.

(b) DUTIES OF THE CHIEF IMMIGRATION JUDGE.—The Chief Immigration Judge shall be responsible for the general supervision, direction, and procurement of resource and facilities and for the general management of immigration court dockets.

(c) APPOINTMENT OF IMMIGRATION JUDGES.—Immigration judges shall be appointed by the Director, in consultation with the Chief Immigration Judge.

(d) QUALIFICATIONS.—Each immigration judge, including the Chief Immigration Judge, shall be an attorney in good standing of a bar of a State or the District of Columbia and shall have at least 7 years of professional legal expertise in immigration and nationality law.

(e) JURISDICTION AND AUTHORITY OF IMMIGRATION COURTS.—The immigration courts shall have such jurisdiction as was, prior to the date of enactment of this Act, provided by statute or regulation to the immigration courts within the Executive Office for Immigration Review of the Department of Justice.

(f) INDEPENDENCE OF IMMIGRATION JUDGES.—The immigration judges shall exercise their independent judgment and discretion in the cases coming before the Immigration Court.

SEC. 1305. CHIEF ADMINISTRATIVE HEARING OFFICER.

(a) ESTABLISHMENT OF POSITION.—There shall be within the Agency the position of Chief Administrative Hearing Officer.

(b) DUTIES OF THE CHIEF ADMINISTRATIVE HEARING OFFICER.—The Chief Administrative Hearing Officer shall hear cases brought under sections 274A, 274B, and 274C of the Immigration and Nationality Act.

SEC. 1306. REMOVAL OF JUDGES.

Immigration judges and Members of the Board may be removed from office only for good cause, including neglect of duty or malfeasance, by the Director, in consultation with the Chair of the Board, in the case of the removal of a Member of the Board, or in consultation with the Chief Immigration Judge, in the case of the removal of an immigration judge.

SEC. 1307. AUTHORIZATION OF APPROPRIATIONS.

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

Subtitle B—Transfer of Functions and Savings Provisions

SEC. 1311. TRANSITION PROVISIONS.

(a) TRANSFER OF FUNCTIONS.—All functions under the immigration laws of the United

States (as defined in section 111(e) of the Immigration and Nationality Act, as added by section 1101(a)(2) of this Act) vested by statute in, or exercised by, the Executive Office of Immigration Review of the Department of Justice (or any officer, employee, or component thereof), immediately prior to the effective date of this title, are transferred to the Agency.

(b) TRANSFER AND ALLOCATIONS OF APPROPRIATIONS AND PERSONNEL.—The personnel employed in connection with, and the assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, used, held, arising from, available to, or to be made available in connection with the functions transferred by this section, subject to section 1531 of title 31, United States Code, shall be transferred to the Agency. Unexpended funds transferred pursuant to this section shall be used only for the purposes for which the funds were originally authorized and appropriated.

(c) LEGAL DOCUMENTS.—All orders, determinations, rules, regulations, permits, grants, loans, contracts, recognition of labor organizations, agreements, including collective bargaining agreements, certificates, licenses, and privileges—

(1) that have been issued, made, granted, or allowed to become effective by the Attorney General or the Executive Office of Immigration Review of the Department of Justice, their delegates, or any other Government official, or by a court of competent jurisdiction, in the performance of any function that is transferred under this section; and

(2) that are in effect on the effective date of such transfer (or become effective after such date pursuant to their terms as in effect on such effective date);

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the Agency, any other authorized official, a court of competent jurisdiction, or operation of law, except that any collective bargaining agreement shall remain in effect until the date of termination specified in the agreement.

(d) PROCEEDINGS.—

(1) PENDING.—The transfer of functions under subsection (a) shall not affect any proceeding or any application for any benefit, service, license, permit, certificate, or financial assistance pending on the effective date of this title before an office whose functions are transferred pursuant to this section, but such proceedings and applications shall be continued.

(2) ORDERS.—Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this Act had not been enacted, and orders issued in any such proceeding shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law.

(3) DISCONTINUANCE OR MODIFICATION.—Nothing in this section shall be considered to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this section had not been enacted.

(e) SUITS.—This section shall not affect suits commenced before the effective date of this title, and in all such suits, proceeding shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this section had not been enacted.

(f) NONABATEMENT OF ACTIONS.—No suit, action, or other proceeding commenced by or against the Department of Justice or the Executive Office of Immigration Review, or by or against any individual in the official capacity of such individual as an officer or employee in connection with a function transferred under this section, shall abate by reason of the enactment of this Act.

(g) CONTINUANCE OF SUIT WITH SUBSTITUTION OF PARTIES.—If any Government officer in the official capacity of such officer is party to a suit with respect to a function of the officer, and pursuant to this section such function is transferred to any other officer or office, then such suit shall be continued with the other officer or the head of such other office, as applicable, substituted or added as a party.

(h) ADMINISTRATIVE PROCEDURE AND JUDICIAL REVIEW.—Except as otherwise provided by this title, any statutory requirements relating to notice, hearings, action upon the record, or administrative or judicial review that apply to any function transferred pursuant to any provision of this section shall apply to the exercise of such function by the head of the office, and other officers of the office, to which such function is transferred pursuant to such provision.

Subtitle C—Effective Date

SEC. 1321. EFFECTIVE DATE.

This title shall take effect one year after the effective date of division A of this Act.

DIVISION C—FEDERAL WORKFORCE IMPROVEMENT

TITLE XXI—CHIEF HUMAN CAPITAL OFFICERS

SEC. 2101. SHORT TITLE.

This title may be cited as the ''Chief Human Capital Officers Act of 2002''.

SEC. 2102. AGENCY CHIEF HUMAN CAPITAL OFFICERS.

(a) IN GENERAL.—Part II of title 5, United States Code, is amended by inserting after chapter 13 the following:

''CHAPTER 14—AGENCY CHIEF HUMAN CAPITAL OFFICERS

''Sec.
''1401. Establishment of agency Chief Human Capital Officers.
''1402. Authority and functions of agency Chief Human Capital Officers.

''§ 1401. Establishment of agency Chief Human Capital Officers

''The head of each agency referred to under paragraphs (1) and (2) of section 901(b) of title 31 shall appoint or designate a Chief Human Capital Officer, who shall—

''(1) advise and assist the head of the agency and other agency officials in carrying out the agency's responsibilities for selecting, developing, training, and managing a high-quality, productive workforce in accordance with merit system principles;

''(2) implement the rules and regulations of the President and the Office of Personnel Management and the laws governing the civil service within the agency; and

''(3) carry out such functions as the primary duty of the Chief Human Capital Officer.

''§ 1402. Authority and functions of agency Chief Human Capital Officers

''(a) The functions of each Chief Human Capital Officer shall include—

''(1) setting the workforce development strategy of the agency;

''(2) assessing workforce characteristics and future needs based on the agency's mission and strategic plan;

''(3) aligning the agency's human resources policies and programs with organization mission, strategic goals, and performance outcomes;

''(4) developing and advocating a culture of continuous learning to attract and retain employees with superior abilities;

''(5) identifying best practices and benchmarking studies; and

''(6) applying methods for measuring intellectual capital and identifying links of that capital to organizational performance and growth.

''(b) In addition to the authority otherwise provided by this section, each agency Chief Human Capital Officer—

''(1) shall have access to all records, reports, audits, reviews, documents, papers, recommendations, or other material that—

''(A) are the property of the agency or are available to the agency; and

''(B) relate to programs and operations with respect to which that agency Chief Human Capital Officer has responsibilities under this chapter; and

''(2) may request such information or assistance as may be necessary for carrying out the duties and responsibilities provided by this chapter from any Federal, State, or local governmental entity.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of chapters for part II of title 5, United States Code, is amended by inserting after the item relating to chapter 13 the following:

''14. Chief Human Capital Officers ..... 1401''.

SEC. 2103. CHIEF HUMAN CAPITAL OFFICERS COUNCIL.

(a) ESTABLISHMENT.—There is established a Chief Human Capital Officers Council, consisting of—

(1) the Director of the Office of Personnel Management, who shall act as chairperson of the Council;

(2) the Deputy Director for Management of the Office of Management and Budget, who shall act as vice chairperson of the Council; and

(3) the Chief Human Capital Officers of Executive departments and any other members who are designated by the Director of the Office of Personnel Management.

(b) FUNCTIONS.—The Chief Human Capital Officers Council shall meet periodically to advise and coordinate the activities of the agencies of its members on such matters as modernization of human resources systems, improved quality of human resources information, and legislation affecting human resources operations and organizations.

(c) EMPLOYEE LABOR ORGANIZATIONS AT MEETINGS.—The Chief Human Capital Officers Council shall ensure that representatives of Federal employee labor organizations are present at a minimum of 1 meeting of the Council each year. Such representatives shall not be members of the Council.

(d) ANNUAL REPORT.—Each year the Chief Human Capital Officers Council shall submit a report to Congress on the activities of the Council.

SEC. 2104. STRATEGIC HUMAN CAPITAL MANAGEMENT.

Section 1103 of title 5, United States Code, is amended by adding at the end the following:

''(c)(1) The Office of Personnel Management shall design a set of systems, including appropriate metrics, for assessing the management of human capital by Federal agencies.

''(2) The systems referred to under paragraph (1) shall be defined in regulations of the Office of Personnel Management and include standards for—

''(A)(i) aligning human capital strategies of agencies with the missions, goals, and organizational objectives of those agencies; and

''(ii) integrating those strategies into the budget and strategic plans of those agencies;

''(B) closing skill gaps in mission critical occupations;

''(C) ensuring continuity of effective leadership through implementation of recruitment, development, and succession plans;

''(D) sustaining a culture that cultivates and develops a high performing workforce;

''(E) developing and implementing a knowledge management strategy supported by appropriate investment in training and technology; and

''(F) holding managers and human resources officers accountable for efficient and effective human resources management in support of agency missions in accordance with merit system principles.''.

SEC. 2105. EFFECTIVE DATE.

This title shall take effect 180 days after the date of enactment of this division.

TITLE XXII—REFORMS RELATING TO FEDERAL HUMAN CAPITAL MANAGEMENT

SEC. 2201. INCLUSION OF AGENCY HUMAN CAPITAL STRATEGIC PLANNING IN PERFORMANCE PLANS AND PROGRAM PERFORMANCE REPORTS.

(a) PERFORMANCE PLANS.—Section 1115 of title 31, United States Code, is amended—

(1) in subsection (a), by striking paragraph (3) and inserting the following:

''(3) provide a description of how the performance goals and objectives are to be achieved, including the operational processes, training, skills and technology, and the human, capital, information, and other resources and strategies required to meet those performance goals and objectives.'';

(2) by redesignating subsection (f) as subsection (g); and

(3) by inserting after subsection (e) the following:

''(f) With respect to each agency with a Chief Human Capital Officer, the Chief Human Capital Officer shall prepare that portion of the annual performance plan described under subsection (a)(3).''.

(b) PROGRAM PERFORMANCE REPORTS.—Section 1116(d) of title 31, United States Code, is amended—

(1) in paragraph (4), by striking ''and'' after the semicolon;

(2) by redesignating paragraph (5) as paragraph (6); and

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

''(5) include a review of the performance goals and evaluation of the performance plan relative to the agency's strategic human capital management; and''.

SEC. 2202. REFORM OF THE COMPETITIVE SERVICE HIRING PROCESS.

(a) IN GENERAL.—Chapter 33 of title 5, United States Code, is amended—

(1) in section 3304(a)—

(A) in paragraph (1), by striking ''and'' after the semicolon;

(B) in paragraph (2), by striking the period and inserting ''; and''; and

(C) by adding at the end the following:

''(3) authority for agencies to appoint, without regard to the provisions of sections 3309 through 3318, candidates directly to positions for which—

''(A) public notice has been given; and

''(B) the Office of Personnel Management has determined that there exists a severe shortage of candidates or there is a critical hiring need.

The Office shall prescribe, by regulation, criteria for identifying such positions and may delegate authority to make determinations under such criteria.''; and

(2) by inserting after section 3318 the following:

''§ 3319. Alternative ranking and selection procedures

''(a)(1) the Office, in exercising its authority under section 3304; or

''(2) an agency to which the Office has delegated examining authority under section 1104(a)(2);

may establish category rating systems for evaluating applicants for positions in the competitive service, under 2 or more quality categories based on merit consistent with regulations prescribed by the Office of Personnel Management, rather than assigned individual numerical ratings.

''(b) Within each quality category established under subsection (a), preference-eligibles shall be listed ahead of individuals who are not preference eligibles. For other than scientific and professional positions at GS–9 of the General Schedule (equivalent or higher), qualified preference-eligibles who have a compensable service-connected disability of 10 percent or more shall be listed in the highest quality category.

''(c)(1) An appointing official may select any applicant in the highest quality category or, if fewer than 3 candidates have been assigned to the highest quality category, in a merged category consisting of the highest and the second highest quality categories.

''(2) Notwithstanding paragraph (1), the appointing official may not pass over a preference-eligible in the same category from which selection is made, unless the requirements of section 3317(b) or 3318(b), as applicable, are satisfied.

''(d) Each agency that establishes a category rating system under this section shall submit in each of the 3 years following that establishment, a report to Congress on that system including information on—

''(1) the number of employees hired under that system;

''(2) the impact that system has had on the hiring of veterans and minorities, including those who are American Indian or Alaska Natives, Asian, Black or African American, and native Hawaiian or other Pacific Islander; and

''(3) the way in which managers were trained in the administration of that system.

''(e) The Office of Personnel Management may prescribe such regulations as it considers necessary to carry out the provisions of this section.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 33 of title 5, United States Code, is amended by striking the item relating to section 3319 and inserting the following:

''3319. Alternative ranking and selection procedures.''.

SEC. 2203. PERMANENT EXTENSION, REVISION, AND EXPANSION OF AUTHORITIES FOR USE OF VOLUNTARY SEPARATION INCENTIVE PAY AND VOLUNTARY EARLY RETIREMENT.

(a) VOLUNTARY SEPARATION INCENTIVE PAYMENTS.—

(1) IN GENERAL.—

(A) AMENDMENT TO TITLE 5, UNITED STATES CODE.—Chapter 35 of title 5, United States Code, is amended by inserting after subchapter I the following:

''SUBCHAPTER II—VOLUNTARY SEPARATION INCENTIVE PAYMENTS

''§ 3521. Definitions

''In this subchapter, the term—

''(1) 'agency' means an Executive agency as defined under section 105; and

''(2) 'employee'—

''(A) means an employee as defined under section 2105 employed by an agency and an individual employed by a county committee established under section 8(b)(5) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)(5)) who—

''(i) is serving under an appointment without time limitation; and

''(ii) has been currently employed for a continuous period of at least 3 years; and

''(B) shall not include—

''(i) a reemployed annuitant under subchapter III of chapter 83 or 84 or another retirement system for employees of the Government;

''(ii) an employee having a disability on the basis of which such employee is or would be eligible for disability retirement under subchapter III of chapter 83 or 84 or another retirement system for employees of the Government;

''(iii) an employee who is in receipt of a decision notice of involuntary separation for misconduct or unacceptable performance;

''(iv) an employee who has previously received any voluntary separation incentive payment from the Federal Government under this subchapter or any other authority;

''(v) an employee covered by statutory reemployment rights who is on transfer employment with another organization; or

''(vi) any employee who—

''(I) during the 36-month period preceding the date of separation of that employee, performed service for which a student loan repayment benefit was or is to be paid under section 5379;

''(II) during the 24-month period preceding the date of separation of that employee, performed service for which a recruitment or relocation bonus was or is to be paid under section 5753; or

''(III) during the 12-month period preceding the date of separation of that employee, performed service for which a retention bonus was or is to be paid under section 5754.

''§ 3522. Agency plans; approval

''(a) Before obligating any resources for voluntary separation incentive payments, the head of each agency shall submit to the Office of Personnel Management a plan outlining the intended use of such incentive payments and a proposed organizational chart for the agency once such incentive payments have been completed.

''(b) The plan of an agency under subsection (a) shall include—

''(1) the specific positions and functions to be reduced or eliminated;

''(2) a description of which categories of employees will be offered incentives;

''(3) the time period during which incentives may be paid;

''(4) the number and amounts of voluntary separation incentive payments to be offered; and

''(5) a description of how the agency will operate without the eliminated positions and functions.

''(c) The Director of the Office of Personnel Management shall review each agency's plan and may make any appropriate modifications in the plan, in consultation with the Director of the Office of Management and Budget. A plan under this section may not be implemented without the approval of the Director of the Office of Personnel Management.

''§ 3523. Authority to provide voluntary separation incentive payments

''(a) A voluntary separation incentive payment under this subchapter may be paid to an employee only as provided in the plan of an agency established under section 3522.

''(b) A voluntary incentive payment—

''(1) shall be offered to agency employees on the basis of—

''(A) 1 or more organizational units;

''(B) 1 or more occupational series or levels;

''(C) 1 or more geographical locations;

''(D) skills, knowledge, or other factors related to a position;

''(E) specific periods of time during which eligible employees may elect a voluntary incentive payment; or

''(F) any appropriate combination of such factors;

''(2) shall be paid in a lump sum after the employee's separation;

''(3) shall be equal to the lesser of—

''(A) an amount equal to the amount the employee would be entitled to receive under section 5595(c) if the employee were entitled to payment under such section (without adjustment for any previous payment made); or

''(B) an amount determined by the agency head, not to exceed $25,000;

''(4) may be made only in the case of an employee who voluntarily separates (whether by retirement or resignation) under this subchapter;

''(5) shall not be a basis for payment, and shall not be included in the computation, of any other type of Government benefit;

''(6) shall not be taken into account in determining the amount of any severance pay to which the employee may be entitled under section 5595, based on any other separation; and

''(7) shall be paid from appropriations or funds available for the payment of the basic pay of the employee.

''§ 3524. Effect of subsequent employment with the Government

''(a) The term 'employment'—

''(1) in subsection (b) includes employment under a personal services contract (or other direct contract) with the United States Government (other than an entity in the legislative branch); and

''(2) in subsection (c) does not include employment under such a contract.

''(b) An individual who has received a voluntary separation incentive payment under this subchapter and accepts any employment for compensation with the Government of the United States within 5 years after the date of the separation on which the payment is based shall be required to pay, before the individual's first day of employment, the entire amount of the incentive payment to the agency that paid the incentive payment.

''(c)(1) If the employment under this section is with an agency, other than the General Accounting Office, the United States Postal Service, or the Postal Rate Commission, the Director of the Office of Personnel Management may, at the request of the head of the agency, waive the repayment if—

''(A) the individual involved possesses unique abilities and is the only qualified applicant available for the position; or

''(B) in the case of an emergency involving a direct threat to life or property, the individual—

''(i) has skills directly related to resolving the emergency; and

''(ii) will serve on a temporary basis only so long as that individual's services are made necessary by the emergency.

''(2) If the employment under this section is with an entity in the legislative branch, the head of the entity or the appointing official may waive the repayment if the individual involved possesses unique abilities and is the only qualified applicant available for the position.

''(3) If the employment under this section is with the judicial branch, the Director of the Administrative Office of the United States Courts may waive the repayment if the individual involved possesses unique abilities and is the only qualified applicant available for the position.

''§ 3525. Regulations

''The Office of Personnel Management may prescribe regulations to carry out this subchapter.''.

(B) TECHNICAL AND CONFORMING AMENDMENTS.—Chapter 35 of title 5, United States Code, is amended—

(i) by striking the chapter heading and inserting the following:

''CHAPTER 35—RETENTION PREFERENCE, VOLUNTARY SEPARATION INCENTIVE PAYMENTS, RESTORATION, AND REEMPLOYMENT''; and

(ii) in the table of sections by inserting after the item relating to section 3504 the following:

''SUBCHAPTER II—VOLUNTARY SEPARATION INCENTIVE PAYMENTS

''3521. Definitions.
''3522. Agency plans; approval.
''3523. Authority to provide voluntary separation incentive payments.
''3524. Effect of subsequent employment with the Government.
''3525. Regulations.''.

(2) ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS.—The Director of the Administrative Office of the United States Courts may, by regulation, establish a program substantially similar to the program established under paragraph (1) for individuals serving in the judicial branch.

(3) CONTINUATION OF OTHER AUTHORITY.—Any agency exercising any voluntary separation incentive authority in effect on the effective date of this subsection may continue to offer voluntary separation incentives consistent with that authority until that authority expires.

(4) EFFECTIVE DATE.—This subsection shall take effect 60 days after the date of enactment of this Act.

(b) FEDERAL EMPLOYEE VOLUNTARY EARLY RETIREMENT.—

(1) CIVIL SERVICE RETIREMENT SYSTEM.—Section 8336(d)(2) of title 5, United States Code, is amended to read as follows:

''(2)(A) has been employed continuously, by the agency in which the employee is serving, for at least the 31-day period ending on the date on which such agency requests the determination referred to in subparagraph (D);

''(B) is serving under an appointment that is not time limited;

''(C) has not been duly notified that such employee is to be involuntarily separated for misconduct or unacceptable performance;

''(D) is separated from the service voluntarily during a period in which, as determined by the Office of Personnel Management (upon request of the agency) under regulations prescribed by the Office—

''(i) such agency (or, if applicable, the component in which the employee is serving) is undergoing substantial delayering, substantial reorganization, substantial reductions in force, substantial transfer of function, or other substantial workforce restructuring (or shaping);

''(ii) a significant percentage of employees serving in such agency (or component) are likely to be separated or subject to an immediate reduction in the rate of basic pay (without regard to subchapter VI of chapter 53, or comparable provisions); or

''(iii) identified as being in positions which are becoming surplus or excess to the agency's future ability to carry out its mission effectively; and

''(E) as determined by the agency under regulations prescribed by the Office, is within the scope of the offer of voluntary early retirement, which may be made on the basis of—

''(i) 1 or more organizational units;

''(ii) 1 or more occupational series or levels;

''(iii) 1 or more geographical locations;

''(iv) specific periods;

''(v) skills, knowledge, or other factors related to a position; or

''(vi) any appropriate combination of such factors;''.

(2) FEDERAL EMPLOYEES' RETIREMENT SYSTEM.—Section 8414(b)(1) of title 5, United States Code, is amended by striking subparagraph (B) and inserting the following:

''(B)(i) has been employed continuously, by the agency in which the employee is serving, for at least the 31-day period ending on the date on which such agency requests the determination referred to in clause (iv);

''(ii) is serving under an appointment that is not time limited;

''(iii) has not been duly notified that such employee is to be involuntarily separated for misconduct or unacceptable performance;

''(iv) is separated from the service voluntarily during a period in which, as determined by the Office of Personnel Management (upon request of the agency) under regulations prescribed by the Office—

''(I) such agency (or, if applicable, the component in which the employee is serving) is undergoing substantial delayering, substantial reorganization, substantial reductions in force, substantial transfer of function, or other substantial workforce restructuring (or shaping);

''(II) a significant percentage of employees serving in such agency (or component) are likely to be separated or subject to an immediate reduction in the rate of basic pay (without regard to subchapter VI of chapter 53, or comparable provisions); or

''(III) identified as being in positions which are becoming surplus or excess to the agency's future ability to carry out its mission effectively; and

''(v) as determined by the agency under regulations prescribed by the Office, is within the scope of the offer of voluntary early retirement, which may be made on the basis of—

''(I) 1 or more organizational units;

''(II) 1 or more occupational series or levels;

''(III) 1 or more geographical locations;

''(IV) specific periods;

''(V) skills, knowledge, or other factors related to a position; or

''(VI) any appropriate combination of such factors;''.

(3) GENERAL ACCOUNTING OFFICE AUTHORITY.—The amendments made by this subsection shall not be construed to affect the authority under section 1 of Public Law 106–303 (5 U.S.C. 8336 note; 114 Stat. 1063).

(4) TECHNICAL AND CONFORMING AMENDMENT.—Section 7001 of the 1998 Supplemental Appropriations and Rescissions Act (Public Law 105–174; 112 Stat. 91) is repealed.

(5) REGULATIONS.—The Office of Personnel Management may prescribe regulations to carry out this subsection.

(c) SENSE OF CONGRESS.—It is the sense of Congress that the implementation of this section is intended to reshape the Federal workforce and not downsize the Federal workforce.

SEC. 2204. STUDENT VOLUNTEER TRANSIT SUBSIDY.

(a) IN GENERAL.—Section 7905(a)(1) of title 5, United States Code, is amended by striking ''and a member of a uniformed service'' and inserting '', a member of a uniformed service, and a student who provides voluntary services under section 3111''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 3111(c)(1) of title 5, United States Code, is amended by striking ''chapter 81 of this title'' and inserting ''section 7905 (relating to commuting by means other than single-occupancy motor vehicles), chapter 81''.

TITLE XXIII—REFORMS RELATING TO THE SENIOR EXECUTIVE SERVICE

SEC. 2301. REPEAL OF RECERTIFICATION REQUIREMENTS OF SENIOR EXECUTIVES.

(a) IN GENERAL.—Title 5, United States Code, is amended—

(1) in chapter 33—

(A) in section 3393(g) by striking ''3393a,'';

(B) by repealing section 3393a; and

(C) in the table of sections by striking the item relating to section 3393a;

(2) in chapter 35—

(A) in section 3592(a)—

(i) in paragraph (1), by inserting ''or'' at the end;

(ii) in paragraph (2), by striking ''or'' at the end;

(iii) by striking paragraph (3); and

(iv) by striking the last sentence;

(B) in section 3593(a), by striking paragraph (2) and inserting the following:

''(2) the appointee left the Senior Executive Service for reasons other than misconduct, neglect of duty, malfeasance, or less than fully successful executive performance as determined under subchapter II of chapter 43.''; and

(C) in section 3594(b)—

(i) in paragraph (1), by inserting ''or'' at the end;

(ii) in paragraph (2), by striking ''or'' at the end; and

(iii) by striking paragraph (3);

(3) in section 7701(c)(1)(A), by striking ''or removal from the Senior Executive Service for failure to be recertified under section 3393a'';

(4) in chapter 83—

(A) in section 8336(h)(1), by striking ''for failure to be recertified as a senior executive under section 3393a or''; and

(B) in section 8339(h), in the first sentence, by striking '', except that such reduction shall not apply in the case of an employee retiring under section 8336(h) for failure to be recertified as a senior executive''; and

(5) in chapter 84—

(A) in section 8414(a)(1), by striking ''for failure to be recertified as a senior executive under section 3393a or''; and

(B) in section 8421(a)(2), by striking '', except that an individual entitled to an annuity under section 8414(a) for failure to be recertified as a senior executive shall be entitled to an annuity supplement without regard to such applicable minimum retirement age''.

(b) SAVINGS PROVISION.—Notwithstanding the amendments made by subsection (a)(2)(A), an appeal under the final sentence of section 3592(a) of title 5, United States Code, that is pending on the day before the effective date of this section—

(1) shall not abate by reason of the enactment of the amendments made by subsection (a)(2)(A); and

(2) shall continue as if such amendments had not been enacted.

(c) APPLICATION.—The amendment made by subsection (a)(2)(B) shall not apply with respect to an individual who, before the effective date of this section, leaves the Senior Executive Service for failure to be recertified as a senior executive under section 3393a of title 5, United States Code.

SEC. 2302. ADJUSTMENT OF LIMITATION ON TOTAL ANNUAL COMPENSATION.

Section 5307(a) of title 5, United States Code, is amended by adding at the end the following:

''(3) Notwithstanding paragraph (1), the total payment referred to under such paragraph with respect to an employee paid under section 5372, 5376, or 5383 of title 5 or section 332(f), 603, or 604 of title 28 shall not exceed the total annual compensation payable to the Vice President under section 104 of title 3. Regulations prescribed under subsection (c) may extend the application of this paragraph to other equivalent categories of employees.''.

TITLE XXIV—ACADEMIC TRAINING

SEC. 2401. ACADEMIC TRAINING.

(a) ACADEMIC DEGREE TRAINING.—Section 4107 of title 5, United States Code, is amended to read as follows:

''§ 4107. Academic degree training

''(a) Subject to subsection (b), an agency may select and assign an employee to academic degree training and may pay or reimburse the costs of academic degree training from appropriated or other available funds if such training—

''(1) contributes significantly to—

''(A) meeting an identified agency training need;

''(B) resolving an identified agency staffing problem; or

''(C) accomplishing goals in the strategic plan of the agency;

''(2) is part of a planned, systematic, and coordinated agency employee development program linked to accomplishing the strategic goals of the agency; and

''(3) is accredited and is provided by a college or university that is accredited by a nationally recognized body.

''(b) In exercising authority under subsection (a), an agency shall—

''(1) consistent with the merit system principles set forth in paragraphs (2) and (7) of section 2301(b), take into consideration the need to—

''(A) maintain a balanced workforce in which women, members of racial and ethnic minority groups, and persons with disabilities are appropriately represented in Government service; and

''(B) provide employees effective education and training to improve organizational and individual performance;

''(2) assure that the training is not for the sole purpose of providing an employee an opportunity to obtain an academic degree or to qualify for appointment to a particular position for which the academic degree is a basic requirement;

''(3) assure that no authority under this subsection is exercised on behalf of any employee occupying or seeking to qualify for—

''(A) a noncareer appointment in the Senior Executive Service; or

''(B) appointment to any position that is excepted from the competitive service because of its confidential policy-determining, policymaking, or policy-advocating character; and

''(4) to the greatest extent practicable, facilitate the use of online degree training.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 41 of title 5, United States Code, is amended by striking the item relating to section 4107 and inserting the following:

''4107. Academic degree training.''.

SEC. 2402. MODIFICATIONS TO NATIONAL SECURITY EDUCATION PROGRAM.

(a) FINDINGS AND POLICIES.—

(1) FINDINGS.—Congress finds that—

(A) the United States Government actively encourages and financially supports the training, education, and development of many United States citizens;

(B) as a condition of some of those supports, many of those citizens have an obligation to seek either compensated or uncompensated employment in the Federal sector; and

(C) it is in the United States national interest to maximize the return to the Nation of funds invested in the development of such citizens by seeking to employ them in the Federal sector.

(2) POLICY.—It shall be the policy of the United States Government to—

(A) establish procedures for ensuring that United States citizens who have incurred service obligations as the result of receiving financial support for education and training from the United States Government and have applied for Federal positions are considered in all recruitment and hiring initiatives of Federal departments, bureaus, agencies, and offices; and

(B) advertise and open all Federal positions to United States citizens who have incurred service obligations with the United States Government as the result of receiving financial support for education and training from the United States Government.

(b) FULFILLMENT OF SERVICE REQUIREMENT IF NATIONAL SECURITY POSITIONS ARE UNAVAILABLE.— Section 802(b)(2) of the David L. Boren National Security Education Act of 1991 (50 U.S.C. 1902) is amended—

(1) in subparagraph (A), by striking clause (ii) and inserting the following:

''(ii) if the recipient demonstrates to the Secretary (in accordance with such regulations) that no national security position in an agency or office of the Federal Government having national security responsibilities is available, work in other offices or agencies of the Federal Government or in the field of higher education in a discipline relating to the foreign country, foreign language, area study, or international field of study for which the scholarship was awarded, for a period specified by the Secretary, which period shall be determined in accordance with clause (i); or''; and

(2) in subparagraph (B), by striking clause (ii) and inserting the following:

''(ii) if the recipient demonstrates to the Secretary (in accordance with such regulations) that no national security position is available upon the completion of the degree, work in other offices or agencies of the Federal Government or in the field of higher education in a discipline relating to the foreign country, foreign language, area study, or international field of study for which the fellowship was awarded, for a period specified by the Secretary, which period shall be established in accordance with clause (i); and''.

SEC. 2403. COMPENSATORY TIME OFF FOR TRAVEL.

Subchapter V of chapter 55 of title 5, United States Code, is amended by adding at end the following:

''§ 5550b. Compensatory time off for travel

''(a) An employee shall receive 1 hour of compensatory time off for each hour spent by the employee in travel status away from the official duty station of the employee, to the extent that the time spent in travel status is not otherwise compensable.

''(b) Not later than 30 days after the date of enactment of this section, the Office of Personnel Management shall prescribe regulations to implement this section.''.

DIVISION D—E-GOVERNMENT ACT OF 2002

TITLE XXX—SHORT TITLE; FINDINGS AND PURPOSES

SEC. 3001. SHORT TITLE.

This division may be cited as the ''E-Government Act of 2002''.

SEC. 3002. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds the following:

(1) The use of computers and the Internet is rapidly transforming societal interactions and the relationships among citizens, private businesses, and the Government.

(2) The Federal Government has had uneven success in applying advances in information technology to enhance governmental functions and services, achieve more efficient performance, increase access to Government information, and increase citizen participation in Government.

(3) Most Internet-based services of the Federal Government are developed and presented separately, according to the jurisdictional boundaries of an individual department or agency, rather than being integrated cooperatively according to function or topic.

(4) Internet-based Government services involving interagency cooperation are especially difficult to develop and promote, in part because of a lack of sufficient funding mechanisms to support such interagency cooperation.

(5) Electronic Government has its impact through improved Government performance and outcomes within and across agencies.

(6) Electronic Government is a critical element in the management of Government, to be implemented as part of a management framework that also addresses finance, procurement, human capital, and other challenges to improve the performance of Government.

(7) To take full advantage of the improved Government performance that can be achieved through the use of Internet-based technology requires strong leadership, better organization, improved interagency collaboration, and more focused oversight of agency compliance with statutes related to information resource management.

(b) PURPOSES.—The purposes of this division are the following:

(1) To provide effective leadership of Federal Government efforts to develop and promote electronic Government services and processes by establishing an Administrator of a new Office of Electronic Government within the Office of Management and Budget.

(2) To promote use of the Internet and other information technologies to provide increased opportunities for citizen participation in Government.

(3) To promote interagency collaboration in providing electronic Government services, where this collaboration would improve the service to citizens by integrating related functions, and in the use of internal electronic Government processes, where this collaboration would improve the efficiency and effectiveness of the processes.

(4) To improve the ability of the Government to achieve agency missions and program performance goals.

(5) To promote the use of the Internet and emerging technologies within and across Government agencies to provide citizen-centric Government information and services.

(6) To reduce costs and burdens for businesses and other Government entities.

(7) To promote better informed decision-making by policy makers.

(8) To promote access to high quality Government information and services across multiple channels.

(9) To make the Federal Government more transparent and accountable.

(10) To transform agency operations by utilizing, where appropriate, best practices from public and private sector organizations.

(11) To provide enhanced access to Government information and services in a manner consistent with laws regarding protection of personal privacy, national security, records retention, access for persons with disabilities, and other relevant laws.

TITLE XXXI—OFFICE OF MANAGEMENT AND BUDGET ELECTRONIC GOVERNMENT SERVICES

SEC. 3101. MANAGEMENT AND PROMOTION OF ELECTRONIC GOVERNMENT SERVICES.

(a) IN GENERAL.—Title 44, United States Code, is amended by inserting after chapter 35 the following:

"CHAPTER 36—MANAGEMENT AND PROMOTION OF ELECTRONIC GOVERNMENT SERVICES

''Sec.
''3601. Definitions.
''3602. Office of Electronic Government.
''3603. Chief Information Officers Council.
''3604. E-Government Fund.
''3605. E-Government report.

"§ 3601. Definitions

''In this chapter, the definitions under section 3502 shall apply, and the term—

''(1) 'Administrator' means the Administrator of the Office of Electronic Government established under section 3602;

''(2) 'Council' means the Chief Information Officers Council established under section 3603;

''(3) 'electronic Government' means the use by the Government of web-based Internet applications and other information technologies, combined with processes that implement these technologies, to—

''(A) enhance the access to and delivery of Government information and services to the public, other agencies, and other Government entities; or

''(B) bring about improvements in Government operations that may include effectiveness, efficiency, service quality, or transformation;

''(4) 'enterprise architecture'—

''(A) means—

''(i) a strategic information asset base, which defines the mission;

''(ii) the information necessary to perform the mission;

''(iii) the technologies necessary to perform the mission; and

''(iv) the transitional processes for implementing new technologies in response to changing mission needs; and

''(B) includes—

''(i) a baseline architecture;

''(ii) a target architecture; and

''(iii) a sequencing plan;

''(5) 'Fund' means the E-Government Fund established under section 3604;

''(6) 'interoperability' means the ability of different operating and software systems, applications, and services to communicate and exchange data in an accurate, effective, and consistent manner;

''(7) 'integrated service delivery' means the provision of Internet-based Federal Government information or services integrated according to function or topic rather than separated according to the boundaries of agency jurisdiction; and

''(8) 'tribal government' means the governing body of any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

"§ 3602. Office of Electronic Government

''(a) There is established in the Office of Management and Budget an Office of Electronic Government.

''(b) There shall be at the head of the Office an Administrator who shall be appointed by the President, by and with the advice and consent of the Senate.

''(c) The Administrator shall assist the Director in carrying out—

''(1) all functions under this chapter;

''(2) all of the functions assigned to the Director under title XXXII of the E-Government Act of 2002; and

''(3) other electronic government initiatives, consistent with other statutes.

''(d) The Administrator shall assist the Director and the Deputy Director for Management and work with the Administrator of the Office of Information and Regulatory Affairs in setting strategic direction for implementing electronic Government, under relevant statutes, including—

''(1) chapter 35;

''(2) division E of the Clinger-Cohen Act of 1996 (division E of Public Law 104–106; 40 U.S.C. 1401 et seq.);

''(3) section 552a of title 5 (commonly referred to as the Privacy Act);

''(4) the Government Paperwork Elimination Act (44 U.S.C. 3504 note);

''(5) the Government Information Security Reform Act; and

''(6) the Computer Security Act of 1987 (40 U.S.C. 759 note).

''(e) The Administrator shall work with the Administrator of the Office of Information and Regulatory Affairs and with other offices within the Office of Management and Budget to oversee implementation of electronic Government under this chapter, chapter 35, the E-Government Act of 2002, and other relevant statutes, in a manner consistent with law, relating to—

''(1) capital planning and investment control for information technology;

''(2) the development of enterprise architectures;

''(3) information security;

''(4) privacy;

''(5) access to, dissemination of, and preservation of Government information;

''(6) accessibility of information technology for persons with disabilities; and

''(7) other areas of electronic Government.

''(f) Subject to requirements of this chapter, the Administrator shall assist the Director by performing electronic Government functions as follows:

''(1) Advise the Director on the resources required to develop and effectively operate and maintain Federal Government information systems.

''(2) Recommend to the Director changes relating to Governmentwide strategies and priorities for electronic Government.

''(3) Provide overall leadership and direction to the executive branch on electronic Government by working with authorized officials to establish information resources management policies and requirements, and by reviewing performance of each agency in acquiring, using, and managing information resources.

''(4) Promote innovative uses of information technology by agencies, particularly initiatives involving multiagency collaboration, through support of pilot projects, research, experimentation, and the use of innovative technologies.

''(5) Oversee the distribution of funds from, and ensure appropriate administration and coordination of, the E-Government Fund established under section 3604.

''(6) Coordinate with the Administrator of General Services regarding programs undertaken by the General Services Administration to promote electronic government and the efficient use of information technologies by agencies.

''(7) Lead the activities of the Chief Information Officers Council established under section 3603 on behalf of the Deputy Director for Management, who shall chair the council.

''(8) Assist the Director in establishing policies which shall set the framework for information technology standards for the Federal Government under section 5131 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1441), to be developed by the National Institute of Standards and Technology and promulgated by the Secretary of Commerce, taking into account, if appropriate, recommendations of the Chief Information Officers Council, experts, and interested parties from the private and nonprofit sectors and State, local, and tribal governments, and maximizing the use of commercial standards as appropriate, as follows:

''(A) Standards and guidelines for interconnectivity and interoperability as described under section 3504.

''(B) Consistent with the process under section 3207(d) of the E-Government Act of 2002, standards and guidelines for categorizing

Federal Government electronic information to enable efficient use of technologies, such as through the use of extensible markup language.

''(C) Standards and guidelines for Federal Government computer system efficiency and security.

''(9) Sponsor ongoing dialogue that—

''(A) shall be conducted among Federal, State, local, and tribal government leaders on electronic Government in the executive, legislative, and judicial branches, as well as leaders in the private and nonprofit sectors, to encourage collaboration and enhance understanding of best practices and innovative approaches in acquiring, using, and managing information resources;

''(B) is intended to improve the performance of governments in collaborating on the use of information technology to improve the delivery of Government information and services; and

''(C) may include—

''(i) development of innovative models—

''(I) for electronic Government management and Government information technology contracts; and

''(II) that may be developed through focused discussions or using separately sponsored research;

''(ii) identification of opportunities for public-private collaboration in using Internet-based technology to increase the efficiency of Government-to-business transactions;

''(iii) identification of mechanisms for providing incentives to program managers and other Government employees to develop and implement innovative uses of information technologies; and

''(iv) identification of opportunities for public, private, and intergovernmental collaboration in addressing the disparities in access to the Internet and information technology.

''(10) Sponsor activities to engage the general public in the development and implementation of policies and programs, particularly activities aimed at fulfilling the goal of using the most effective citizen-centered strategies and those activities which engage multiple agencies providing similar or related information and services.

''(11) Oversee the work of the General Services Administration and other agencies in developing the integrated Internet-based system under section 3204 of the E-Government Act of 2002.

''(12) Coordinate with the Administrator of the Office of Federal Procurement Policy to ensure effective implementation of electronic procurement initiatives.

''(13) Assist Federal agencies, including the General Services Administration, the Department of Justice, and the United States Access Board in—

''(A) implementing accessibility standards under section 508 of the Rehabilitation Act of 1973 (29 U.S.C. 794d); and

''(B) ensuring compliance with those standards through the budget review process and other means.

''(14) Oversee the development of enterprise architectures within and across agencies.

''(15) Assist the Director and the Deputy Director for Management in overseeing agency efforts to ensure that electronic Government activities incorporate adequate, risk-based, and cost-effective security compatible with business processes.

''(16) Administer the Office of Electronic Government established under section 3602.

''(17) Assist the Director in preparing the E-Government report established under section 3605.

''(g) The Director shall ensure that the Office of Management and Budget, including the Office of Electronic Government, the Office of Information and Regulatory Affairs, and other relevant offices, have adequate staff and resources to properly fulfill all functions under the E-Government Act of 2002.

''§ 3603. Chief Information Officers Council

''(a) There is established in the executive branch a Chief Information Officers Council.

''(b) The members of the Council shall be as follows:

''(1) The Deputy Director for Management of the Office of Management and Budget, who shall act as chairperson of the Council.

''(2) The Administrator of the Office of Electronic Government.

''(3) The Administrator of the Office of Information and Regulatory Affairs.

''(4) The chief information officer of each agency described under section 901(b) of title 31.

''(5) The chief information officer of the Central Intelligence Agency.

''(6) The chief information officer of the Department of the Army, the Department of the Navy, and the Department of the Air Force, if chief information officers have been designated for such departments under section 3506(a)(2)(B).

''(7) Any other officer or employee of the United States designated by the chairperson.

''(c)(1) The Administrator of the Office of Electronic Government shall lead the activities of the Council on behalf of the Deputy Director for Management.

''(2)(A) The Vice Chairman of the Council shall be selected by the Council from among its members.

''(B) The Vice Chairman shall serve a 1-year term, and may serve multiple terms.

''(3) The Administrator of General Services shall provide administrative and other support for the Council.

''(d) The Council is designated the principal interagency forum for improving agency practices related to the design, acquisition, development, modernization, use, operation, sharing, and performance of Federal Government information resources.

''(e) In performing its duties, the Council shall consult regularly with representatives of State, local, and tribal governments.

''(f) The Council shall perform functions that include the following:

''(1) Develop recommendations for the Director on Government information resources management policies and requirements.

''(2) Share experiences, ideas, best practices, and innovative approaches related to information resources management.

''(3) Assist the Administrator in the identification, development, and coordination of multiagency projects and other innovative initiatives to improve Government performance through the use of information technology.

''(4) Promote the development and use of common performance measures for agency information resources management under this chapter and title XXXII of the E-Government Act of 2002.

''(5) Work as appropriate with the National Institute of Standards and Technology and the Administrator to develop recommendations on information technology standards developed under section 20 of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3) and promulgated under section 5131 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1441), as follows:

''(A) Standards and guidelines for interconnectivity and interoperability as described under section 3504.

''(B) Consistent with the process under section 3207(d) of the E-Government Act of 2002, standards and guidelines for categorizing Federal Government electronic information to enable efficient use of technologies, such as through the use of extensible markup language.

''(C) Standards and guidelines for Federal Government computer system efficiency and security.

''(6) Work with the Office of Personnel Management to assess and address the hiring, training, classification, and professional development needs of the Government related to information resources management.

''(7) Work with the Archivist of the United States to assess how the Federal Records Act can be addressed effectively by Federal information resources management activities.

''§ 3604. E-Government Fund

''(a)(1) There is established in the Treasury of the United States the E-Government Fund.

''(2) The Fund shall be administered by the Administrator of the General Services Administration to support projects approved by the Director, assisted by the Administrator of the Office of Electronic Government, that enable the Federal Government to expand its ability, through the development and implementation of innovative uses of the Internet or other electronic methods, to conduct activities electronically.

''(3) Projects under this subsection may include efforts to—

''(A) make Federal Government information and services more readily available to members of the public (including individuals, businesses, grantees, and State and local governments);

''(B) make it easier for the public to apply for benefits, receive services, pursue business opportunities, submit information, and otherwise conduct transactions with the Federal Government; and

''(C) enable Federal agencies to take advantage of information technology in sharing information and conducting transactions with each other and with State and local governments.

''(b)(1) The Administrator shall—

''(A) establish procedures for accepting and reviewing proposals for funding;

''(B) consult with interagency councils, including the Chief Information Officers Council, the Chief Financial Officers Council, and other interagency management councils, in establishing procedures and reviewing proposals; and

''(C) assist the Director in coordinating resources that agencies receive from the Fund with other resources available to agencies for similar purposes.

''(2) When reviewing proposals and managing the Fund, the Administrator shall observe and incorporate the following procedures:

''(A) A project requiring substantial involvement or funding from an agency shall be approved by a senior official with agency-wide authority on behalf of the head of the agency, who shall report directly to the head of the agency.

''(B) Projects shall adhere to fundamental capital planning and investment control processes.

''(C) Agencies shall identify in their proposals resource commitments from the agencies involved and how these resources would be coordinated with support from the Fund, and include plans for potential continuation of projects after all funds made available from the Fund are expended.

''(D) After considering the recommendations of the interagency councils, the Director, assisted by the Administrator, shall have final authority to determine which of the candidate projects shall be funded from the Fund.

''(E) Agencies shall assess the results of funded projects.

''(c) In determining which proposals to recommend for funding, the Administrator—

''(1) shall consider criteria that include whether a proposal—

''(A) identifies the group to be served, including citizens, businesses, the Federal Government, or other governments;

''(B) indicates what service or information the project will provide that meets needs of groups identified under subparagraph (A);

''(C) ensures proper security and protects privacy;

''(D) is interagency in scope, including projects implemented by a primary or single agency that—

''(i) could confer benefits on multiple agencies; and

''(ii) have the support of other agencies; and

''(E) has performance objectives that tie to agency missions and strategic goals, and interim results that relate to the objectives; and

''(2) may also rank proposals based on criteria that include whether a proposal—

''(A) has Governmentwide application or implications;

''(B) has demonstrated support by the public to be served;

''(C) integrates Federal with State, local, or tribal approaches to service delivery;

''(D) identifies resource commitments from nongovernmental sectors;

''(E) identifies resource commitments from the agencies involved;

''(F) uses web-based technologies to achieve objectives;

''(G) identifies records management and records access strategies;

''(H) supports more effective citizen participation in and interaction with agency activities that further progress toward a more citizen-centered Government;

''(I) directly delivers Government information and services to the public or provides the infrastructure for delivery;

''(J) supports integrated service delivery;

''(K) describes how business processes across agencies will reflect appropriate transformation simultaneous to technology implementation; and

''(L) is new or innovative and does not supplant existing funding streams within agencies.

''(d) The Fund may be used to fund the integrated Internet-based system under section 3204 of the E-Government Act of 2002.

''(e) None of the funds provided from the Fund may be transferred to any agency until 15 days after the Administrator of the General Services Administration has submitted to the Committees on Appropriations of the Senate and the House of Representatives, the Committee on Governmental Affairs of the Senate, the Committee on Government Reform of the House of Representatives, and the appropriate authorizing committees of the Senate and the House of Representatives, a notification and description of how the funds are to be allocated and how the expenditure will further the purposes of this chapter.

''(f)(1) The Director shall report annually to Congress on the operation of the Fund, through the report established under section 3605.

''(2) The report under paragraph (1) shall describe—

''(A) all projects which the Director has approved for funding from the Fund; and

''(B) the results that have been achieved to date for these funded projects.

''(g)(1) There are authorized to be appropriated to the Fund—

''(A) $45,000,000 for fiscal year 2003;

''(B) $50,000,000 for fiscal year 2004;

''(C) $100,000,000 for fiscal year 2005;

''(D) $150,000,000 for fiscal year 2006; and

''(E) such sums as are necessary for fiscal year 2007.

''(2) Funds appropriated under this subsection shall remain available until expended.

''§ 3605. E-Government report

''(a) Not later than March 1 of each year, the Director shall submit an E-Government status report to the Committee on Governmental Affairs of the Senate and the Committee on Government Reform of the House of Representatives.

''(b) The report under subsection (a) shall contain—

''(1) a summary of the information reported by agencies under section 3202(f) of the E-Government Act of 2002;

''(2) the information required to be reported by section 3604(f); and

''(3) a description of compliance by the Federal Government with other goals and provisions of the E-Government Act of 2002.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of chapters for title 44, United States Code, is amended by inserting after the item relating to chapter 35 the following:

''36. Management and Promotion of Electronic Government Services .. 3601''.

SEC. 3102. CONFORMING AMENDMENTS.

(a) ELECTRONIC GOVERNMENT AND INFORMATION TECHNOLOGIES.—

(1) IN GENERAL.—Chapter 3 of title 40, United States Code, is amended by inserting after section 304 the following:

''SEC. 305. ELECTRONIC GOVERNMENT AND INFORMATION TECHNOLOGIES.

''The Administrator of General Services shall consult with the Administrator of the Office of Electronic Government on programs undertaken by the General Services Administration to promote electronic Government and the efficient use of information technologies by Federal agencies.''.

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 5 of title 40, United States Code, is amended by inserting after the item relating to section 304 the following:

''Sec. 305. Electronic Government and information technologies.''.

(b) MODIFICATION OF DEPUTY DIRECTOR FOR MANAGEMENT FUNCTIONS.—Section 503(b) of title 31, United States Code, is amended—

(1) by redesignating paragraphs (5), (6), (7), (8), and (9), as paragraphs (6), (7), (8), (9), and (10), respectively; and

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

''(5) Chair the Chief Information Officers Council established under section 3603 of title 44.''.

(c) OFFICE OF ELECTRONIC GOVERNMENT.—

(1) IN GENERAL.—Chapter 5 of title 31, United States Code, is amended by inserting after section 506 the following:

''§ 507. Office of Electronic Government

''The Office of Electronic Government, established under section 3602 of title 44, is an office in the Office of Management and Budget.''.

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 5 of title 31, United States Code, is amended by inserting after the item relating to section 506 the following:

''507. Office of Electronic Government.''.

TITLE XXXII—FEDERAL MANAGEMENT AND PROMOTION OF ELECTRONIC GOVERNMENT SERVICES

SEC. 3201. DEFINITIONS.

Except as otherwise provided, in this title the definitions under sections 3502 and 3601 of title 44, United States Code, shall apply.

SEC. 3202. FEDERAL AGENCY RESPONSIBILITIES.

(a) IN GENERAL.—The head of each agency shall be responsible for—

(1) complying with the requirements of this division (including the amendments made by this Act), the related information resource management policies and guidance established by the Director of the Office of Management and Budget, and the related information technology standards promulgated by the Secretary of Commerce;

(2) ensuring that the information resource management policies and guidance established under this division by the Director, and the information technology standards promulgated under this division by the Secretary of Commerce are communicated promptly and effectively to all relevant officials within their agency; and

(3) supporting the efforts of the Director and the Administrator of the General Services Administration to develop, maintain, and promote an integrated Internet-based system of delivering Federal Government information and services to the public under section 3204.

(b) PERFORMANCE INTEGRATION.—

(1) Agencies shall develop performance measures that demonstrate how electronic government enables progress toward agency objectives, strategic goals, and statutory mandates.

(2) In measuring performance under this section, agencies shall rely on existing data collections to the extent practicable.

(3) Areas of performance measurement that agencies should consider include—

(A) customer service;

(B) agency productivity; and

(C) adoption of innovative information technology, including the appropriate use of commercial best practices.

(4) Agencies shall link their performance goals to key groups, including citizens, businesses, and other governments, and to internal Federal Government operations.

(5) As appropriate, agencies shall work collectively in linking their performance goals to groups identified under paragraph (4) and shall use information technology in delivering Government information and services to those groups.

(c) AVOIDING DIMINISHED ACCESS.—When promulgating policies and implementing programs regarding the provision of Government information and services over the Internet, agency heads shall consider the impact on persons without access to the Internet, and shall, to the extent practicable—

(1) ensure that the availability of Government information and services has not been diminished for individuals who lack access to the Internet; and

(2) pursue alternate modes of delivery that make Government information and services more accessible to individuals who do not own computers or lack access to the Internet.

(d) ACCESSIBILITY TO PEOPLE WITH DISABILITIES.—All actions taken by Federal departments and agencies under this division shall be in compliance with section 508 of the Rehabilitation Act of 1973 (29 U.S.C. 794d).

(e) SPONSORED ACTIVITIES.—Agencies shall sponsor activities that use information technology to engage the public in the development and implementation of policies and programs.

(f) CHIEF INFORMATION OFFICERS.—The Chief Information Officer of each of the agencies designated under chapter 36 of title 44, United States Code (as added by this Act) shall be responsible for—

(1) participating in the functions of the Chief Information Officers Council; and

(2) monitoring the implementation, within their respective agencies, of information technology standards promulgated under

this division by the Secretary of Commerce, including common standards for interconnectivity and interoperability, categorization of Federal Government electronic information, and computer system efficiency and security.

(g) E-GOVERNMENT STATUS REPORT.—

(1) IN GENERAL.—Each agency shall compile and submit to the Director an annual E-Government Status Report on—

(A) the status of the implementation by the agency of electronic government initiatives;

(B) compliance by the agency with this Act; and

(C) how electronic Government initiatives of the agency improve performance in delivering programs to constituencies.

(2) SUBMISSION.—Each agency shall submit an annual report under this subsection—

(A) to the Director at such time and in such manner as the Director requires;

(B) consistent with related reporting requirements; and

(C) which addresses any section in this title relevant to that agency.

(h) USE OF TECHNOLOGY.—Nothing in this division supersedes the responsibility of an agency to use or manage information technology to deliver Government information and services that fulfill the statutory mission and programs of the agency.

(i) NATIONAL SECURITY SYSTEMS.—

(1) INAPPLICABILITY.—Except as provided under paragraph (2), this title does not apply to national security systems as defined in section 11103 of title 40, United States Code.

(2) APPLICABILITY.—Sections 3202, 3203, 3210, and 3214 of this title do apply to national security systems to the extent practicable and consistent with law.

SEC. 3203. COMPATIBILITY OF EXECUTIVE AGENCY METHODS FOR USE AND ACCEPTANCE OF ELECTRONIC SIGNATURES.

(a) PURPOSE.—The purpose of this section is to achieve interoperable implementation of electronic signatures for appropriately secure electronic transactions with Government.

(b) ELECTRONIC SIGNATURES.—In order to fulfill the objectives of the Government Paperwork Elimination Act (Public Law 105–277; 112 Stat. 2681–749 through 2681–751), each Executive agency (as defined under section 105 of title 5, United States Code) shall ensure that its methods for use and acceptance of electronic signatures are compatible with the relevant policies and procedures issued by the Director.

(c) AUTHORITY FOR ELECTRONIC SIGNATURES.—The Administrator of General Services shall support the Director by establishing a framework to allow efficient interoperability among Executive agencies when using electronic signatures, including processing of digital signatures.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the General Services Administration, to ensure the development and operation of a Federal bridge certification authority for digital signature compatibility, or for other activities consistent with this section, $8,000,000 in fiscal year 2003, and such sums as are necessary for each fiscal year thereafter.

SEC. 3204. FEDERAL INTERNET PORTAL.

(a) IN GENERAL.—

(1) PUBLIC ACCESS.—The Director shall work with the Administrator of the General Services Administration and other agencies to maintain and promote an integrated Internet-based system of providing the public with access to Government information and services.

(2) CRITERIA.—To the extent practicable, the integrated system shall be designed and operated according to the following criteria:

(A) The provision of Internet-based Government information and services directed to key groups, including citizens, business, and other governments, and integrated according to function or topic rather than separated according to the boundaries of agency jurisdiction.

(B) An ongoing effort to ensure that Internet-based Government services relevant to a given citizen activity are available from a single point.

(C) Access to Federal Government information and services consolidated, as appropriate, with Internet-based information and services provided by State, local, and tribal governments.

(D) Access to Federal Government information held by 1 or more agencies shall be made available in a manner that protects privacy, consistent with law.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the General Services Administration $15,000,000 for the maintenance, improvement, and promotion of the integrated Internet-based system for fiscal year 2003, and such sums as are necessary for fiscal years 2004 through 2007.

SEC. 3205. FEDERAL COURTS.

(a) INDIVIDUAL COURT WEBSITES.—The Chief Justice of the United States, the chief judge of each circuit and district, and the chief bankruptcy judge of each district shall establish with respect to the Supreme Court or the respective court of appeals, district, or bankruptcy court of a district, a website that contains the following information or links to websites with the following information:

(1) Location and contact information for the courthouse, including the telephone numbers and contact names for the clerk's office and justices' or judges' chambers.

(2) Local rules and standing or general orders of the court.

(3) Individual rules, if in existence, of each justice or judge in that court.

(4) Access to docket information for each case.

(5) Access to the substance of all written opinions issued by the court, regardless of whether such opinions are to be published in the official court reporter, in a text searchable format.

(6) Access to all documents filed with the courthouse in electronic form, described under subsection (c).

(7) Any other information (including forms in a format that can be downloaded) that the court determines useful to the public.

(b) MAINTENANCE OF DATA ONLINE.—

(1) UPDATE OF INFORMATION.—The information and rules on each website shall be updated regularly and kept reasonably current.

(2) CLOSED CASES.—Electronic files and docket information for cases closed for more than 1 year are not required to be made available online, except all written opinions with a date of issuance after the effective date of this section shall remain available online.

(c) ELECTRONIC FILINGS.—

(1) IN GENERAL.—Except as provided under paragraph (2), each court shall make any document that is filed electronically publicly available online. A court may convert any document that is filed in paper form to electronic form. To the extent such conversions are made, all such electronic versions of the document shall be made available online.

(2) EXCEPTIONS.—Documents that are filed that are not otherwise available to the public, such as documents filed under seal, shall not be made available online.

(3) PRIVACY AND SECURITY CONCERNS.—The Judicial Conference of the United States may promulgate rules under this subsection to protect important privacy and security concerns.

(d) DOCKETS WITH LINKS TO DOCUMENTS.—The Judicial Conference of the United States shall explore the feasibility of technology to post online dockets with links allowing all filings, decisions, and rulings in each case to be obtained from the docket sheet of that case.

(e) COST OF PROVIDING ELECTRONIC DOCKETING INFORMATION.—Section 303(a) of the Judiciary Appropriations Act, 1992 (28 U.S.C. 1913 note) is amended in the first sentence by striking ''shall hereafter'' and inserting ''may, only to the extent necessary,''.

(f) TIME REQUIREMENTS.—Not later than 2 years after the effective date of this title, the websites under subsection (a) shall be established, except that access to documents filed in electronic form shall be established not later than 4 years after that effective date.

(g) DEFERRAL.—

(1) IN GENERAL.—

(A) ELECTION.—

(i) NOTIFICATION.—The Chief Justice of the United States, a chief judge, or chief bankruptcy judge may submit a notification to the Administrative Office of the United States Courts to defer compliance with any requirement of this section with respect to the Supreme Court, a court of appeals, district, or the bankruptcy court of a district.

(ii) CONTENTS.—A notification submitted under this subparagraph shall state—

(I) the reasons for the deferral; and

(II) the online methods, if any, or any alternative methods, such court or district is using to provide greater public access to information.

(B) EXCEPTION.—To the extent that the Supreme Court, a court of appeals, district, or bankruptcy court of a district maintains a website under subsection (a), the Supreme Court or that court of appeals or district shall comply with subsection (b)(1).

(2) REPORT.—Not later than 1 year after the effective date of this title, and every year thereafter, the Judicial Conference of the United States shall submit a report to the Committees on Governmental Affairs and the Judiciary of the Senate and the Committees on Government Reform and the Judiciary of the House of Representatives that—

(A) contains all notifications submitted to the Administrative Office of the United States Courts under this subsection; and

(B) summarizes and evaluates all notifications.

SEC. 3206. REGULATORY AGENCIES.

(a) PURPOSES.—The purposes of this section are to—

(1) improve performance in the development and issuance of agency regulations by using information technology to increase access, accountability, and transparency; and

(2) enhance public participation in Government by electronic means, consistent with requirements under subchapter II of chapter 5 of title 5, United States Code, (commonly referred to as the Administrative Procedures Act).

(b) INFORMATION PROVIDED BY AGENCIES ONLINE.—To the extent practicable as determined by the agency in consultation with the Director, each agency (as defined under section 551 of title 5, United States Code) shall ensure that a publicly accessible Federal Government website includes all information about that agency required to be published in the Federal Register under section 552(a)(1) of title 5, United States Code.

(c) SUBMISSIONS BY ELECTRONIC MEANS.—To the extent practicable, agencies shall accept submissions under section 553(c) of title 5, United States Code, by electronic means.

(d) ELECTRONIC DOCKETING.—

(1) IN GENERAL.—To the extent practicable, as determined by the agency in consultation with the Director, agencies shall ensure that a publicly accessible Federal Government website contains electronic dockets for rulemakings under section 553 of title 5, United States Code.

(2) INFORMATION AVAILABLE.—Agency electronic dockets shall make publicly available online to the extent practicable, as determined by the agency in consultation with the Director—

(A) all submissions under section 553(c) of title 5, United States Code; and

(B) other materials that by agency rule or practice are included in the rulemaking docket under section 553(c) of title 5, United States Code, whether or not submitted electronically.

(e) TIME LIMITATION.—Agencies shall implement the requirements of this section consistent with a timetable established by the Director and reported to Congress in the first annual report under section 3605 of title 44 (as added by this Act).

SEC. 3207. ACCESSIBILITY, USABILITY, AND PRESERVATION OF GOVERNMENT INFORMATION.

(a) PURPOSE.—The purpose of this section is to improve the methods by which Government information, including information on the Internet, is organized, preserved, and made accessible to the public.

(b) DEFINITIONS.—In this section, the term—

(1) ''Committee'' means the Interagency Committee on Government Information established under subsection (c); and

(2) ''directory'' means a taxonomy of subjects linked to websites that—

(A) organizes Government information on the Internet according to subject matter; and

(B) may be created with the participation of human editors.

(c) INTERAGENCY COMMITTEE.—

(1) ESTABLISHMENT.—Not later than 90 days after the date of enactment of this title, the Director shall establish the Interagency Committee on Government Information.

(2) MEMBERSHIP.—The Committee shall be chaired by the Director or the designee of the Director and—

(A) shall include representatives from—

(i) the National Archives and Records Administration;

(ii) the offices of the Chief Information Officers from Federal agencies; and

(iii) other relevant officers from the executive branch; and

(B) may include representatives from the Federal legislative and judicial branches.

(3) FUNCTIONS.—The Committee shall—

(A) engage in public consultation to the maximum extent feasible, including consultation with interested communities such as public advocacy organizations;

(B) conduct studies and submit recommendations, as provided under this section, to the Director and Congress; and

(C) share effective practices for access to, dissemination of, and retention of Federal information.

(4) TERMINATION.—The Committee may be terminated on a date determined by the Director, except the Committee may not terminate before the Committee submits all recommendations required under this section.

(d) CATEGORIZING OF INFORMATION.—

(1) COMMITTEE FUNCTIONS.—Not later than 1 year after the date of enactment of this Act, the Committee shall submit recommendations to the Director on—

(A) the adoption of standards, which are open to the maximum extent feasible, to enable the organization and categorization of Government information—

(i) in a way that is searchable electronically, including by searchable identifiers; and

(ii) in ways that are interoperable across agencies;

(B) the definition of categories of Government information which should be classified under the standards; and

(C) determining priorities and developing schedules for the initial implementation of the standards by agencies.

(2) FUNCTIONS OF THE DIRECTOR.—Not later than 180 days after the submission of recommendations under paragraph (1), the Director shall issue policies—

(A) requiring that agencies use standards, which are open to the maximum extent feasible, to enable the organization and categorization of Government information—

(i) in a way that is searchable electronically, including by searchable identifiers;

(ii) in ways that are interoperable across agencies; and

(iii) that are, as appropriate, consistent with the standards promulgated by the Secretary of Commerce under section 3602(f)(8) of title 44, United States Code;

(B) defining categories of Government information which shall be required to be classified under the standards; and

(C) determining priorities and developing schedules for the initial implementation of the standards by agencies.

(3) MODIFICATION OF POLICIES.—After the submission of agency reports under paragraph (4), the Director shall modify the policies, as needed, in consultation with the Committee and interested parties.

(4) AGENCY FUNCTIONS.—Each agency shall report annually to the Director, in the report established under section 3202(g), on compliance of that agency with the policies issued under paragraph (2)(A).

(e) PUBLIC ACCESS TO ELECTRONIC INFORMATION.—

(1) COMMITTEE FUNCTIONS.—Not later than 1 year after the date of enactment of this Act, the Committee shall submit recommendations to the Director and the Archivist of the United States on—

(A) the adoption by agencies of policies and procedures to ensure that chapters 21, 25, 27, 29, and 31 of title 44, United States Code, are applied effectively and comprehensively to Government information on the Internet and to other electronic records; and

(B) the imposition of timetables for the implementation of the policies and procedures by agencies.

(2) FUNCTIONS OF THE ARCHIVIST.—Not later than 180 days after the submission of recommendations by the Committee under paragraph (1), the Archivist of the United States shall issue policies—

(A) requiring the adoption by agencies of policies and procedures to ensure that chapters 21, 25, 27, 29, and 31 of title 44, United States Code, are applied effectively and comprehensively to Government information on the Internet and to other electronic records; and

(B) imposing timetables for the implementation of the policies, procedures, and technologies by agencies.

(3) MODIFICATION OF POLICIES.—After the submission of agency reports under paragraph (4), the Archivist of the United States shall modify the policies, as needed, in consultation with the Committee and interested parties.

(4) AGENCY FUNCTIONS.—Each agency shall report annually to the Director, in the report established under section 3202(g), on compliance of that agency with the policies issued under paragraph (2)(A).

(f) AVAILABILITY OF GOVERNMENT INFORMATION ON THE INTERNET.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, each agency shall—

(A) consult with the Committee and solicit public comment;

(B) determine which Government information the agency intends to make available and accessible to the public on the Internet and by other means;

(C) develop priorities and schedules for making that Government information available and accessible;

(D) make such final determinations, priorities, and schedules available for public comment;

(E) post such final determinations, priorities, and schedules on the Internet; and

(F) submit such final determinations, priorities, and schedules to the Director, in the report established under section 3202(g).

(2) UPDATE.—Each agency shall update determinations, priorities, and schedules of the agency, as needed, after consulting with the Committee and soliciting public comment, if appropriate.

(g) ACCESS TO FEDERALLY FUNDED RESEARCH AND DEVELOPMENT.—

(1) DEVELOPMENT AND MAINTENANCE OF GOVERNMENTWIDE REPOSITORY AND WEBSITE.—

(A) REPOSITORY AND WEBSITE.—The Director of the National Science Foundation, working with the Director of the Office of Science and Technology Policy and other relevant agencies, shall ensure the development and maintenance of—

(i) a repository that fully integrates, to the maximum extent feasible, information about research and development funded by the Federal Government, and the repository shall—

(I) include information about research and development funded by the Federal Government and performed by—

(aa) institutions not a part of the Federal Government, including State, local, and foreign governments; industrial firms; educational institutions; not-for-profit organizations; federally funded research and development center; and private individuals; and

(bb) entities of the Federal Government, including research and development laboratories, centers, and offices; and

(II) integrate information about each separate research and development task or award, including—

(aa) the dates upon which the task or award is expected to start and end;

(bb) a brief summary describing the objective and the scientific and technical focus of the task or award;

(cc) the entity or institution performing the task or award and its contact information;

(dd) the total amount of Federal funds expected to be provided to the task or award over its lifetime and the amount of funds expected to be provided in each fiscal year in which the work of the task or award is ongoing;

(ee) any restrictions attached to the task or award that would prevent the sharing with the general public of any or all of the information required by this subsection, and the reasons for such restrictions; and

(ff) such other information as may be determined to be appropriate; and

(ii) 1 or more websites upon which all or part of the repository of Federal research and development shall be made available to and searchable by Federal agencies and non-Federal entities, including the general public, to facilitate—

(I) the coordination of Federal research and development activities;

(II) collaboration among those conducting Federal research and development;

(III) the transfer of technology among Federal agencies and between Federal agencies and non-Federal entities; and

(IV) access by policymakers and the public to information concerning Federal research and development activities.

(B) OVERSIGHT.—The Director of the Office of Management and Budget shall issue any guidance determined necessary to ensure that agencies provide all information requested under this subsection.

(2) AGENCY FUNCTIONS.—Any agency that funds Federal research and development under this subsection shall provide the information required to populate the repository in the manner prescribed by the Director of the Office of Management and Budget.

(3) COMMITTEE FUNCTIONS.—Not later than 18 months after the date of enactment of this Act, working with the Director of the Office of Science and Technology Policy, and after consultation with interested parties, the Committee shall submit recommendations to the Director on—

(A) policies to improve agency reporting of information for the repository established under this subsection; and

(B) policies to improve dissemination of the results of research performed by Federal agencies and federally funded research and development centers.

(4) FUNCTIONS OF THE DIRECTOR.—After submission of recommendations by the Committee under paragraph (3), the Director shall report on the recommendations of the Committee and Director to Congress, in the E-Government report under section 3605 of title 44 (as added by this Act).

(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the National Science Foundation for the development, maintenance, and operation of the Governmentwide repository and website under this subsection—

(A) $2,000,000 in each of the fiscal years 2003 through 2005; and

(B) such sums as are necessary in each of the fiscal years 2006 and 2007.

(h) PUBLIC DOMAIN DIRECTORY OF PUBLIC FEDERAL GOVERNMENT WEBSITES.—

(1) ESTABLISHMENT.—Not later than 2 years after the effective date of this title, the Director and each agency shall—

(A) develop and establish a public domain directory of public Federal Government websites; and

(B) post the directory on the Internet with a link to the integrated Internet-based system established under section 3204.

(2) DEVELOPMENT.—With the assistance of each agency, the Director shall—

(A) direct the development of the directory through a collaborative effort, including input from—

(i) agency librarians;

(ii) information technology managers;

(iii) program managers;

(iv) records managers;

(v) Federal depository librarians; and

(vi) other interested parties; and

(B) develop a public domain taxonomy of subjects used to review and categorize public Federal Government websites.

(3) UPDATE.—With the assistance of each agency, the Administrator of the Office of Electronic Government shall—

(A) update the directory as necessary, but not less than every 6 months; and

(B) solicit interested persons for improvements to the directory.

(i) STANDARDS FOR AGENCY WEBSITES.—Not later than 18 months after the effective date of this title, the Director shall promulgate guidance for agency websites that include—

(1) requirements that websites include direct links to—

(A) descriptions of the mission and statutory authority of the agency;

(B) the electronic reading rooms of the agency relating to the disclosure of information under section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act);

(C) information about the organizational structure of the agency; and

(D) the strategic plan of the agency developed under section 306 of title 5, United States Code; and

(2) minimum agency goals to assist public users to navigate agency websites, including—

(A) speed of retrieval of search results;

(B) the relevance of the results;

(C) tools to aggregate and disaggregate data; and

(D) security protocols to protect information.

SEC. 3208. PRIVACY PROVISIONS.

(a) PURPOSE.—The purpose of this section is to ensure sufficient protections for the privacy of personal information as agencies implement citizen-centered electronic Government.

(b) PRIVACY IMPACT ASSESSMENTS.—

(1) RESPONSIBILITIES OF AGENCIES.—

(A) IN GENERAL.—An agency shall take actions described under subparagraph (B) before—

(i) developing or procuring information technology that collects, maintains, or disseminates information that includes any identifier permitting the physical or online contacting of a specific individual; or

(ii) initiating a new collection of information that—

(I) will be collected, maintained, or disseminated using information technology; and

(II) includes any identifier permitting the physical or online contacting of a specific individual, if the information concerns 10 or more persons.

(B) AGENCY ACTIVITIES.—To the extent required under subparagraph (A), each agency shall—

(i) conduct a privacy impact assessment;

(ii) ensure the review of the privacy impact assessment by the Chief Information Officer, or equivalent official, as determined by the head of the agency; and

(iii) if practicable, after completion of the review under clause (ii), make the privacy impact assessment publicly available through the website of the agency, publication in the Federal Register, or other means.

(C) SENSITIVE INFORMATION.—Subparagraph (B)(iii) may be modified or waived for security reasons, or to protect classified, sensitive, or private information contained in an assessment.

(D) COPY TO DIRECTOR.—Agencies shall provide the Director with a copy of the privacy impact assessment for each system for which funding is requested.

(2) CONTENTS OF A PRIVACY IMPACT ASSESSMENT.—

(A) IN GENERAL.—The Director shall issue guidance to agencies specifying the required contents of a privacy impact assessment.

(B) GUIDANCE.—The guidance shall—

(i) ensure that a privacy impact assessment is commensurate with the size of the information system being assessed, the sensitivity of personally identifiable information in that system, and the risk of harm from unauthorized release of that information; and

(ii) require that a privacy impact assessment address—

(I) what information is to be collected;

(II) why the information is being collected;

(III) the intended use of the agency of the information;

(IV) with whom the information will be shared;

(V) what notice or opportunities for consent would be provided to individuals regarding what information is collected and how that information is shared;

(VI) how the information will be secured; and

(VII) whether a system of records is being created under section 552a of title 5, United States Code, (commonly referred to as the Privacy Act).

(3) RESPONSIBILITIES OF THE DIRECTOR.—The Director shall—

(A) develop policies and guidelines for agencies on the conduct of privacy impact assessments;

(B) oversee the implementation of the privacy impact assessment process throughout the Government; and

(C) require agencies to conduct privacy impact assessments of existing information systems or ongoing collections of personally identifiable information as the Director determines appropriate.

(c) PRIVACY PROTECTIONS ON AGENCY WEBSITES.—

(1) PRIVACY POLICIES ON WEBSITES.—

(A) GUIDELINES FOR NOTICES.—The Director shall develop guidance for privacy notices on agency websites used by the public.

(B) CONTENTS.—The guidance shall require that a privacy notice address, consistent with section 552a of title 5, United States Code—

(i) what information is to be collected;

(ii) why the information is being collected;

(iii) the intended use of the agency of the information;

(iv) with whom the information will be shared;

(v) what notice or opportunities for consent would be provided to individuals regarding what information is collected and how that information is shared;

(vi) how the information will be secured; and

(vii) the rights of the individual under section 552a of title 5, United States Code (commonly referred to as the Privacy Act), and other laws relevant to the protection of the privacy of an individual.

(2) PRIVACY POLICIES IN MACHINE-READABLE FORMATS.—The Director shall issue guidance requiring agencies to translate privacy policies into a standardized machine-readable format.

SEC. 3209. FEDERAL INFORMATION TECHNOLOGY WORKFORCE DEVELOPMENT.

(a) PURPOSE.—The purpose of this section is to improve the skills of the Federal workforce in using information technology to deliver Government information and services.

(b) IN GENERAL.—In consultation with the Director, the Chief Information Officers Council, and the Administrator of General Services, the Director of the Office of Personnel Management shall—

(1) analyze, on an ongoing basis, the personnel needs of the Federal Government related to information technology and information resource management;

(2) oversee the development of curricula, training methods, and training priorities that correspond to the projected personnel needs of the Federal Government related to information technology and information resource management; and

(3) assess the training of Federal employees in information technology disciplines, as necessary, in order to ensure that the information resource management needs of the Federal Government are addressed.

(c) EMPLOYEE PARTICIPATION.—Subject to information resource management needs and the limitations imposed by resource needs in other occupational areas, and consistent with their overall workforce development strategies, agencies shall encourage employees to participate in occupational information technology training.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Office of Personnel Management for the

implementation of this section, $7,000,000 in fiscal year 2003, and such sums as are necessary for each fiscal year thereafter.

SEC. 3210. COMMON PROTOCOLS FOR GEOGRAPHIC INFORMATION SYSTEMS.

(a) PURPOSES.—The purposes of this section are to—

(1) reduce redundant data collection and information; and

(2) promote collaboration and use of standards for government geographic information.

(b) DEFINITION.—In this section, the term ''geographic information'' means information systems that involve locational data, such as maps or other geospatial information resources.

(c) IN GENERAL.—

(1) COMMON PROTOCOLS.—The Secretary of the Interior, working with the Director and through an interagency group, and working with private sector experts, State, local, and tribal governments, commercial and international standards groups, and other interested parties, shall facilitate the development of common protocols for the development, acquisition, maintenance, distribution, and application of geographic information. If practicable, the Secretary of the Interior shall incorporate intergovernmental and public private geographic information partnerships into efforts under this subsection.

(2) INTERAGENCY GROUP.—The interagency group referred to under paragraph (1) shall include representatives of the National Institute of Standards and Technology and other agencies.

(d) DIRECTOR.—The Director shall oversee—

(1) the interagency initiative to develop common protocols;

(2) the coordination with State, local, and tribal governments, public private partnerships, and other interested persons on effective and efficient ways to align geographic information and develop common protocols; and

(3) the adoption of common standards relating to the protocols.

(e) COMMON PROTOCOLS.—The common protocols shall be designed to—

(1) maximize the degree to which unclassified geographic information from various sources can be made electronically compatible and accessible; and

(2) promote the development of interoperable geographic information systems technologies that shall—

(A) allow widespread, low-cost use and sharing of geographic data by Federal agencies, State, local, and tribal governments, and the public; and

(B) enable the enhancement of services using geographic data.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of the Interior such sums as are necessary to carry out this section, for each of the fiscal years 2003 through 2007.

SEC. 3211. SHARE-IN-SAVINGS PROGRAM IMPROVEMENTS.

Section 11521 of title 40, United States Code, is amended—

(1) in subsection (a)—

(A) by striking ''the heads of two executive agencies to carry out'' and inserting ''heads of executive agencies to carry out a total of 5 projects under'';

(B) by striking ''and'' at the end of paragraph (1);

(C) by striking the period at the end of paragraph (2) and inserting ''; and''; and

(D) by adding at the end the following:

''(3) encouraging the use of the contracting and sharing approach described in paragraphs (1) and (2) by allowing the head of the executive agency conducting a project under the pilot program—

''(A) to retain, until expended, out of the appropriation accounts of the executive agency in which savings computed under paragraph (2) are realized as a result of the project, up to the amount equal to half of the excess of—

''(i) the total amount of the savings; over

''(ii) the total amount of the portion of the savings paid to the private sector source for such project under paragraph (2); and

''(B) to use the retained amount to acquire additional information technology.'';

(2) in subsection (b)—

(A) by inserting ''a project under'' after ''authorized to carry out''; and

(B) by striking ''carry out one project and''; and

(3) in subsection (c), by inserting before the period ''and the Administrator for the Office of Electronic Government''; and

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

''(d) REPORT.—

''(1) IN GENERAL.—After 5 pilot projects have been completed, but no later than 3 years after the effective date of this subsection, the Director shall submit a report on the results of the projects to the Committee on Governmental Affairs of the Senate and the Committee on Government Reform of the House of Representatives.

''(2) CONTENTS.—The report under paragraph (1) shall include—

''(A) a description of the reduced costs and other measurable benefits of the pilot projects;

''(B) a description of the ability of agencies to determine the baseline costs of a project against which savings would be measured; and

''(C) recommendations of the Director relating to whether Congress should provide general authority to the heads of executive agencies to use a share-in-savings contracting approach to the acquisition of information technology solutions for improving mission-related or administrative processes of the Federal Government.''.

SEC. 3212. INTEGRATED REPORTING STUDY AND PILOT PROJECTS.

(a) PURPOSES.—The purposes of this section are to—

(1) enhance the interoperability of Federal information systems;

(2) assist the public, including the regulated community, in electronically submitting information to agencies under Federal requirements, by reducing the burden of duplicate collection and ensuring the accuracy of submitted information; and

(3) enable any person to integrate and obtain similar information held by 1 or more agencies under 1 or more Federal requirements without violating the privacy rights of an individual.

(b) DEFINITIONS.—In this section, the term—

(1) ''agency'' means an Executive agency as defined under section 105 of title 5, United States Code; and

(2) ''person'' means any individual, trust, firm, joint stock company, corporation (including a government corporation), partnership, association, State, municipality, commission, political subdivision of a State, interstate body, or agency or component of the Federal Government.

(c) REPORT.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Director shall oversee a study, in consultation with agencies, the regulated community, public interest organizations, and the public, and submit a report to the Committee on Governmental Affairs of the Senate and the Committee on Government Reform of the House of Representatives on progress toward integrating Federal information systems across agencies.

(2) CONTENTS.—The report under this section shall—

(A) address the integration of data elements used in the electronic collection of information within databases established under Federal statute without reducing the quality, accessibility, scope, or utility of the information contained in each database;

(B) address the feasibility of developing, or enabling the development of, software, including Internet-based tools, for use by reporting persons in assembling, documenting, and validating the accuracy of information electronically submitted to agencies under nonvoluntary, statutory, and regulatory requirements;

(C) address the feasibility of developing a distributed information system involving, on a voluntary basis, at least 2 agencies, that—

(i) provides consistent, dependable, and timely public access to the information holdings of 1 or more agencies, or some portion of such holdings, including the underlying raw data, without requiring public users to know which agency holds the information; and

(ii) allows the integration of public information held by the participating agencies;

(D) address the feasibility of incorporating other elements related to the purposes of this section at the discretion of the Director; and

(E) make recommendations that Congress or the executive branch can implement, through the use of integrated reporting and information systems, to reduce the burden on reporting and strengthen public access to databases within and across agencies.

(d) PILOT PROJECTS TO ENCOURAGE INTEGRATED COLLECTION AND MANAGEMENT OF DATA AND INTEROPERABILITY OF FEDERAL INFORMATION SYSTEMS.—

(1) IN GENERAL.—In order to provide input to the study under subsection (c), the Director shall designate, in consultation with agencies, a series of no more than 5 pilot projects that integrate data elements. The Director shall consult with agencies, the regulated community, public interest organizations, and the public on the implementation of the pilot projects.

(2) GOALS OF PILOT PROJECTS.—

(A) IN GENERAL.—Each goal described under subparagraph (B) shall be addressed by at least 1 pilot project each.

(B) GOALS.—The goals under this paragraph are to—

(i) reduce information collection burdens by eliminating duplicative data elements within 2 or more reporting requirements;

(ii) create interoperability between or among public databases managed by 2 or more agencies using technologies and techniques that facilitate public access; and

(iii) develop, or enable the development of, software to reduce errors in electronically submitted information.

(3) INPUT.—Each pilot project shall seek input from users on the utility of the pilot project and areas for improvement. To the extent practicable, the Director shall consult with relevant agencies and State, tribal, and local governments in carrying out the report and pilot projects under this section.

(e) PRIVACY PROTECTIONS.—The activities authorized under this section shall afford protections for—

(1) confidential business information consistent with section 552(b)(4) of title 5, United States Code, and other relevant law;

(2) personal privacy information under sections 552(b) (6) and (7)(C) and 552a of title 5, United States Code, and other relevant law; and

(3) other information consistent with section 552(b)(3) of title 5, United States Code, and other relevant law.

SEC. 3213. COMMUNITY TECHNOLOGY CENTERS.

(a) PURPOSES.—The purposes of this section are to—

(1) study and enhance the effectiveness of community technology centers, public libraries, and other institutions that provide computer and Internet access to the public; and

(2) promote awareness of the availability of on-line government information and services, to users of community technology centers, public libraries, and other public facilities that provide access to computer technology and Internet access to the public.

(b) STUDY AND REPORT.—Not later than 2 years after the effective date of this title, the Secretary of Education, in consultation with the Secretary of Housing and Urban Development, the Secretary of Commerce, the Director of the National Science Foundation, and the Director of the Institute of Museum and Library Services, shall—

(1) conduct a study to evaluate the best practices of community technology centers that have received Federal funds; and

(2) submit a report on the study to—

(A) the Committee on Governmental Affairs of the Senate;

(B) the Committee on Health, Education, Labor, and Pensions of the Senate;

(C) the Committee on Government Reform of the House of Representatives; and

(D) the Committee on Education and the Workforce of the House of Representatives.

(c) CONTENTS.—The report under subsection (b) may consider—

(1) an evaluation of the best practices being used by successful community technology centers;

(2) a strategy for—

(A) continuing the evaluation of best practices used by community technology centers; and

(B) establishing a network to share information and resources as community technology centers evolve;

(3) the identification of methods to expand the use of best practices to assist community technology centers, public libraries, and other institutions that provide computer and Internet access to the public;

(4) a database of all community technology centers that have received Federal funds, including—

(A) each center's name, location, services provided, director, other points of contact, number of individuals served; and

(B) other relevant information;

(5) an analysis of whether community technology centers have been deployed effectively in urban and rural areas throughout the Nation; and

(6) recommendations of how to—

(A) enhance the development of community technology centers; and

(B) establish a network to share information and resources.

(d) COOPERATION.—All agencies that fund community technology centers shall provide to the Department of Education any information and assistance necessary for the completion of the study and the report under this section.

(e) ASSISTANCE.—

(1) IN GENERAL.—The Secretary of the Department of Education shall work with other relevant Federal agencies, and other interested persons in the private and nonprofit sectors to—

(A) assist in the implementation of recommendations; and

(B) identify other ways to assist community technology centers, public libraries, and other institutions that provide computer and Internet access to the public.

(2) TYPES OF ASSISTANCE.—Assistance under this subsection may include—

(A) contribution of funds;

(B) donations of equipment, and training in the use and maintenance of the equipment; and

(C) the provision of basic instruction or training material in computer skills and Internet usage.

(f) ONLINE TUTORIAL.—

(1) IN GENERAL.—The Secretary of Education, in consultation with the Director of the Institute of Museum and Library Services, the Director of the National Science Foundation, other relevant agencies, and the public, shall develop an online tutorial that—

(A) explains how to access Government information and services on the Internet; and

(B) provides a guide to available online resources.

(2) DISTRIBUTION.—The Secretary of Education shall distribute information on the tutorial to community technology centers, public libraries, and other institutions that afford Internet access to the public.

(g) PROMOTION OF COMMUNITY TECHNOLOGY CENTERS.—In consultation with other agencies and organizations, the Department of Education shall promote the availability of community technology centers to raise awareness within each community where such a center is located.

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of Education for the study of best practices at community technology centers, for the development and dissemination of the online tutorial, and for the promotion of community technology centers under this section—

(1) $2,000,000 in fiscal year 2003;

(2) $2,000,000 in fiscal year 2004; and

(3) such sums as are necessary in fiscal years 2005 through 2007.

SEC. 3214. ENHANCING CRISIS MANAGEMENT THROUGH ADVANCED INFORMATION TECHNOLOGY.

(a) PURPOSE.—The purpose of this section is to improve how information technology is used in coordinating and facilitating information on disaster preparedness, response, and recovery, while ensuring the availability of such information across multiple access channels.

(b) IN GENERAL.—

(1) STUDY ON ENHANCEMENT OF CRISIS RESPONSE.—Not later than 90 days after the date of enactment of this Act, the Federal Emergency Management Agency shall enter into a contract to conduct a study on using information technology to enhance crisis preparedness, response, and consequence management of natural and manmade disasters.

(2) CONTENTS.—The study under this subsection shall address—

(A) a research and implementation strategy for effective use of information technology in crisis response and consequence management, including the more effective use of technologies, management of information technology research initiatives, and incorporation of research advances into the information and communications systems of—

(i) the Federal Emergency Management Agency; and

(ii) other Federal, State, and local agencies responsible for crisis preparedness, response, and consequence management; and

(B) opportunities for research and development on enhanced technologies into areas of potential improvement as determined during the course of the study.

(3) REPORT.—Not later than 2 years after the date on which a contract is entered into under paragraph (1), the Federal Emergency Management Agency shall submit a report on the study, including findings and recommendations to—

(A) the Committee on Governmental Affairs of the Senate; and

(B) the Committee on Government Reform of the House of Representatives.

(4) INTERAGENCY COOPERATION.—Other Federal departments and agencies with responsibility for disaster relief and emergency assistance shall fully cooperate with the Federal Emergency Management Agency in carrying out this section.

(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Federal Emergency Management Agency for research under this subsection, such sums as are necessary for fiscal year 2003.

(c) PILOT PROJECTS.—Based on the results of the research conducted under subsection (b), the Federal Emergency Management Agency shall initiate pilot projects or report to Congress on other activities that further the goal of maximizing the utility of information technology in disaster management. The Federal Emergency Management Agency shall cooperate with other relevant agencies, and, if appropriate, State, local, and tribal governments, in initiating such pilot projects.

SEC. 3215. DISPARITIES IN ACCESS TO THE INTERNET.

(a) STUDY AND REPORT.—

(1) STUDY.—Not later than 90 days after the date of enactment of this Act, the Director of the National Science Foundation shall request that the National Academy of Sciences, acting through the National Research Council, enter into a contract to conduct a study on disparities in Internet access for online Government services.

(2) REPORT.—Not later than 2 years after the date of enactment of this Act, the Director of the National Science Foundation shall submit to the Committee on Governmental Affairs of the Senate and the Committee on Government Reform of the House of Representatives a final report of the study under this section, which shall set forth the findings, conclusions, and recommendations of the National Research Council.

(b) CONTENTS.—The report under subsection (a) shall include a study of—

(1) how disparities in Internet access influence the effectiveness of online Government services, including a review of—

(A) the nature of disparities in Internet access;

(B) the affordability of Internet service;

(C) the incidence of disparities among different groups within the population; and

(D) changes in the nature of personal and public Internet access that may alleviate or aggravate effective access to online Government services;

(2) how the increase in online Government services is influencing the disparities in Internet access and how technology development or diffusion trends may offset such adverse influences; and

(3) related societal effects arising from the interplay of disparities in Internet access and the increase in online Government services.

(c) RECOMMENDATIONS.—The report shall include recommendations on actions to ensure that online Government initiatives shall not have the unintended result of increasing any deficiency in public access to Government services.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the National Science Foundation $950,000 in fiscal year 2003 to carry out this section.

SEC. 3216. NOTIFICATION OF OBSOLETE OR COUNTERPRODUCTIVE PROVISIONS.

If the Director of the Office of Management and Budget makes a determination that any provision of this division (including any amendment made by this division) is obsolete or counterproductive to the purposes of this Act, as a result of changes in technology or any other reason, the Director

shall submit notification of that determination to—

(1) the Committee on Governmental Affairs of the Senate; and

(2) the Committee on Government Reform of the House of Representatives.

TITLE XXXIII—GOVERNMENT INFORMATION SECURITY

SEC. 3301. INFORMATION SECURITY.

(a) ADDITION OF SHORT TITLE.—Subtitle G of title X of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–266) is amended by inserting after the heading for the subtitle the following new section:

''SEC. 1060. SHORT TITLE.

''This subtitle may be cited as the 'Government Information Security Reform Act'.''.

(b) CONTINUATION OF AUTHORITY.—

(1) IN GENERAL.—Section 3536 of title 44, United States Code, is repealed.

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 35 of title 44, United States Code, is amended by striking the item relating to section 3536.

TITLE XXXIV—AUTHORIZATION OF APPROPRIATIONS AND EFFECTIVE DATES

SEC. 3401. AUTHORIZATION OF APPROPRIATIONS.

Except for those purposes for which an authorization of appropriations is specifically provided in title XXXI or XXXII, including the amendments made by such titles, there are authorized to be appropriated such sums as are necessary to carry out titles XXXI and XXXII for each of fiscal years 2003 through 2007.

SEC. 3402. EFFECTIVE DATES.

(a) TITLES XXXI AND XXXII.—

(1) IN GENERAL.—Except as provided under paragraph (2), titles XXXI and XXXII and the amendments made by such titles shall take effect 120 days after the date of enactment of this Act.

(2) IMMEDIATE ENACTMENT.—Sections 3207, 3214, 3215, and 3216 shall take effect on the date of enactment of this Act.

(b) TITLES XXXIII AND XXXIV.—Title XXXIII and this title shall take effect on the date of enactment of this Act.

DIVISION E—FLIGHT AND CABIN SECURITY ON PASSENGER AIRCRAFT

TITLE XLI—FLIGHT AND CABIN SECURITY ON PASSENGER AIRCRAFT

SECTION 4101. SHORT TITLE.

This title may be cited as the ''Arming Pilots Against Terrorism and Cabin Defense Act of 2002''.

SEC. 4102. FINDINGS.

Congress makes the following findings:

(1) Terrorist hijackers represent a profound threat to the American people.

(2) According to the Federal Aviation Administration, between 33,000 and 35,000 commercial flights occur every day in the United States.

(3) The Aviation and Transportation Security Act (public law 107–71) mandated that air marshals be on all high risk flights such as those targeted on September 11, 2001.

(4) Without air marshals, pilots and flight attendants are a passenger's first line of defense against terrorists.

(5) A comprehensive and strong terrorism prevention program is needed to defend the Nation's skies against acts of criminal violence and air piracy. Such a program should include—

(A) armed Federal air marshals;

(B) other Federal agents;

(C) reinforced cockpit doors;

(D) properly-trained armed pilots;

(E) flight attendants trained in self-defense and terrorism prevention; and

(F) electronic communications devices, such as real-time video monitoring and hands-free wireless communications devices to permit pilots to monitor activities in the cabin.

SEC. 4103. FEDERAL FLIGHT DECK OFFICER PROGRAM.

(a) IN GENERAL.—Subchapter I of chapter 449 of title 49, United States Code, is amended by adding at the end the following:

''§ 44921. Federal flight deck officer program

''(a) ESTABLISHMENT.—Not later than 90 days after the date of enactment of the Arming Pilots Against Terrorism and Cabin Defense Act of 2002, the Under Secretary of Transportation for Security shall establish a program to deputize qualified pilots of commercial cargo or passenger aircraft who volunteer for the program as Federal law enforcement officers to defend the flight decks of commercial aircraft of air carriers engaged in air transportation or intrastate air transportation against acts of criminal violence or air piracy. Such officers shall be known as 'Federal flight deck officers'. The program shall be administered in connection with the Federal air marshal program.

''(b) QUALIFIED PILOT.—Under the program described in subsection (a), a qualified pilot is a pilot of an aircraft engaged in air transportation or intrastate air transportation who—

''(1) is employed by an air carrier;

''(2) has demonstrated fitness to be a Federal flight deck officer in accordance with regulations promulgated pursuant to this title; and

''(3) has been the subject of an employment investigation (including a criminal history record check) under section 44936(a)(1).

''(c) TRAINING, SUPERVISION, AND EQUIPMENT.—The Under Secretary of Transportation for Security shall provide or make arrangements for training, supervision, and equipment necessary for a qualified pilot to be a Federal flight deck officer under this section at no expense to the pilot or the air carrier employing the pilot. Such training, qualifications, curriculum, and equipment shall be consistent with and equivalent to those required of Federal law enforcement officers and shall include periodic re-qualification as determined by the Under Secretary. The Under Secretary may approve private training programs which meet the Under Secretary's specifications and guidelines. Air carriers shall make accommodations to facilitate the training of their pilots as Federal flight deck officers and shall facilitate Federal flight deck officers in the conduct of their duties under this program.

''(d) DEPUTIZATION.—

''(1) IN GENERAL.—The Under Secretary of Transportation for Security shall train and deputize, as a Federal flight deck officer under this section, any qualified pilot who submits to the Under Secretary a request to be such an officer.

''(2) INITIAL DEPUTIZATION.—Not later than 120 days after the date of enactment of this section, the Under Secretary shall deputize not fewer than 500 qualified pilots who are former military or law enforcement personnel as Federal flight deck officers under this section.

''(3) FULL IMPLEMENTATION.—Not later than 24 months after the date of enactment of this section, the Under Secretary shall deputize any qualified pilot as a Federal flight deck officer under this section.

''(e) COMPENSATION.—Pilots participating in the program under this section shall not be eligible for compensation from the Federal Government for services provided as a Federal flight deck officer.

''(f) AUTHORITY TO CARRY FIREARMS.—The Under Secretary of Transportation for Security shall authorize a Federal flight deck officer under this section to carry a firearm to defend the flight deck of a commercial passenger or cargo aircraft while engaged in providing air transportation or intrastate air transportation. No air carrier may prohibit a Federal flight deck officer from carrying a firearm in accordance with the provisions of the Arming Pilots Against Terrorism and Cabin Defense Act of 2002.

''(g) AUTHORITY TO USE FORCE.—Notwithstanding section 44903(d), a Federal flight deck officer may use force (including lethal force) against an individual in the defense of a commercial aircraft in air transportation or intrastate air transportation if the officer reasonably believes that the security of the aircraft is at risk.

''(h) LIMITATION ON LIABILITY.—

''(1) LIABILITY OF AIR CARRIERS.—An air carrier shall not be liable for damages in any action brought in a Federal or State court arising out of the air carrier employing a pilot of an aircraft who is a Federal flight deck officer under this section or out of the acts or omissions of the pilot in defending an aircraft of the air carrier against acts of criminal violence or air piracy.

''(2) LIABILITY OF FEDERAL FLIGHT DECK OFFICERS.—A Federal flight deck officer shall not be liable for damages in any action brought in a Federal or State court arising out of the acts or omissions of the officer in defending an aircraft against acts of criminal violence or air piracy unless the officer is guilty of gross negligence or willful misconduct.

''(3) EMPLOYEE STATUS OF FEDERAL FLIGHT DECK OFFICERS.—A Federal flight deck officer shall be considered an 'employee of the Government while acting within the scope of his office or employment' with respect to any act or omission of the officer in defending an aircraft against acts of criminal violence or air piracy, for purposes of sections 1346(b), 2401(b), and 2671 through 2680 of title 28 United States Code.

''(i) REGULATIONS.—Not later than 90 days after the date of enactment of this section, the Under Secretary of Transportation for Security, in consultation with the Firearms Training Unit of the Federal Bureau of Investigation, shall issue regulations to carry out this section.

''(j) PILOT DEFINED.—In this section, the term 'pilot' means an individual who is responsible for the operation of an aircraft, and includes a co-pilot or other member of the flight deck crew.''.

(b) CONFORMING AMENDMENTS.—

(1) CHAPTER ANALYSIS.—The analysis for such chapter 449 is amended by inserting after the item relating to section 44920 the following new item:

''44921. Federal flight deck officer program.''.

(2) EMPLOYMENT INVESTIGATIONS.—Section 44936(a)(1)(B) is amended—

(A) by aligning clause (iii) with clause (ii);

(B) by striking ''and'' at the end of clause (iii);

(C) by striking the period at the end of clause (iv) and inserting ''; and''; and

(D) by adding at the end the following:

''(v) qualified pilots who are deputized as Federal flight deck officers under section 44921.''.

(3) FLIGHT DECK SECURITY.—Section 128 of the Aviation and Transportation Security Act (49 U.S.C. 44903 note) is repealed.

SEC. 4104. CABIN SECURITY.

(a) TECHNICAL AMENDMENTS.—Section 44903, of title 49, United States Code, is amended—

(1) by redesignating subsection (h) (relating to authority to arm flight deck crew with less-than-lethal weapons, as added by section 126(b) of public law 107–71) as subsection (j); and

(2) by redesignating subsection (h) (relating to limitation on liability for acts to

thwart criminal violence or aircraft piracy, as added by section 144 of public law 107–71) as subsection (k).

(b) AVIATION CREWMEMBER SELF-DEFENSE DIVISION.—Section 44918 of title 49, United States Code, is amended—

(1) by striking subsection (a) and inserting the following new subsection:

''(a) IN GENERAL.—

''(1) REQUIREMENT FOR AIR CARRIERS.—Not later than 60 days after the date of enactment of the Arming Pilots Against Terrorism and Cabin Defense Act of 2002, the Under Secretary of Transportation for Security, shall prescribe detailed requirements for an air carrier cabin crew training program, and for the instructors of that program as described in subsection (b) to prepare crew members for potential threat conditions. In developing the requirements, the Under Secretary shall consult with appropriate law enforcement personnel who have expertise in self-defense training, security experts, and terrorism experts, and representatives of air carriers and labor organizations representing individuals employed in commercial aviation.

''(2) AVIATION CREWMEMBER SELF-DEFENSE DIVISION.—Not later than 60 days after the date of enactment of the Arming Pilots Against Terrorism and Cabin Defense Act of 2002, the Under Secretary of Transportation for Security shall establish an Aviation Crew Self-Defense Division within the Transportation Security Administration. The Division shall develop and administer the implementation of the requirements described in this section. The Under Secretary shall appoint a Director of the Aviation Crew Self-Defense Division who shall be the head of the Division. The Director shall report to the Under Secretary. In the selection of the Director, the Under Secretary shall solicit recommendations from law enforcement, air carriers, and labor organizations representing individuals employed in commercial aviation. The Director shall have a background in self-defense training, including military or law enforcement training with an emphasis in teaching self-defense and the appropriate use force. Regional training supervisors shall be under the control of the Director and shall have appropriate training and experience in teaching self-defense and the appropriate use of force.'';

(2) by striking subsection (b), and inserting the following new subsection:

''(b) PROGRAM ELEMENTS.—

''(1) IN GENERAL.—The requirements prescribed under subsection (a) shall include, at a minimum, 28 hours of self-defense training that incorporates classroom and situational training that contains the following elements:

''(A) Determination of the seriousness of any occurrence.

''(B) Crew communication and coordination.

''(C) Appropriate responses to defend oneself, including a minimum of 16 hours of hands-on training, with reasonable and effective requirements on time allotment over a 4 week period, in the following levels of self-defense:

''(i) awareness, deterrence, and avoidance;

''(ii) verbalization;

''(iii) empty hand control;

''(iv) intermediate weapons and self-defense techniques; and

''(v) deadly force.

''(D) Use of protective devices assigned to crewmembers (to the extent such devices are approved by the Administrator or Under Secretary).

''(E) Psychology of terrorists to cope with hijacker behavior and passenger responses.

''(F) Live situational simulation joint training exercises regarding various threat conditions, including all of the elements required by this section.

''(G) Flight deck procedures or aircraft maneuvers to defend the aircraft.

''(2) PROGRAM ELEMENTS FOR INSTRUCTORS.—The requirements prescribed under subsection (a) shall contain program elements for instructors that include, at a minimum, the following:

''(A) A certification program for the instructors who will provide the training described in paragraph (1).

''(B) A requirement that no training session shall have fewer than 1 instructor for every 12 students.

''(C) A requirement that air carriers provide certain instructor information, including names and qualifications, to the Aviation Crew Member Self-Defense Division within 30 days after receiving the requirements described in subsection (a).

''(D) Training course curriculum lesson plans and performance objectives to be used by instructors.

''(E) Written training bulletins to reinforce course lessons and provide necessary progressive updates to instructors.

''(3) RECURRENT TRAINING.—Each air carrier shall provide the training under the program every 6 months after the completion of the initial training.

''(4) INITIAL TRAINING.—Air carriers shall provide the initial training under the program within 24 months of the date of enactment of the Arming Pilots Against Terrorism and Cabin Defense Act of 2002.

''(5) COMMUNICATION DEVICES.—The requirements described in subsection (a) shall include a provision mandating that air carriers provide flight and cabin crew with a discreet, hands-free, wireless method of communicating with the flight deck.

''(6) REAL-TIME VIDEO MONITORING.—The requirements described in subsection (a) shall include a program to provide flight deck crews with real-time video surveillance of the cabins of commercial airline flights. In developing this program, the Under Secretary shall consider—

''(A) maximizing the security of the flight deck;

''(B) enhancing the safety of the flight deck crew;

''(C) protecting the safety of the passengers and crew;

''(D) preventing acts of criminal violence or air piracy;

''(E) the cost of the program;

''(F) privacy concerns; and

''(G) the feasibility of installing such a device in the flight deck.''; and

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

''(f) RULEMAKING AUTHORITY.—Notwithstanding subsection (j) (relating to authority to arm flight deck crew with less than-lethal weapons) of section 44903, of this title, within 180 days after the date of enactment of the Arming Pilots Against Terrorism and Cabin Defense Act of 2002, the Under Secretary of Transportation for Security, in consultation with persons described in subsection (a)(1), shall prescribe regulations requiring air carriers to—

''(1) provide adequate training in the proper conduct of a cabin search and allow adequate duty time to perform such a search; and

''(2) conduct a preflight security briefing with flight deck and cabin crew and, when available, Federal air marshals or other authorized law enforcement officials.

''(g) LIMITATION ON LIABILITY.—

''(1) AIR CARRIERS.—An air carrier shall not be liable for damages in any action brought in a Federal or State court arising out of the acts or omissions of the air carrier's training instructors or cabin crew using reasonable and necessary force in defending an aircraft of the air carrier against acts of criminal violence or air piracy.

''(2) TRAINING INSTRUCTORS AND CABIN CREW.—An air carrier's training instructors or cabin crew shall not be liable for damages in any action brought in a Federal or State court arising out of an act or omission of a training instructor or a member of the cabin crew regarding the defense of an aircraft against acts of criminal violence or air piracy unless the crew member is guilty of gross negligence or willful misconduct.''.

(c) NONLETHAL WEAPONS FOR FLIGHT ATTENDANTS.—

(1) STUDY.—The Under Secretary of Transportation for Security shall conduct a study to determine whether possession of a nonlethal weapon by a member of an air carrier's cabin crew would aid the flight deck crew in combating air piracy and criminal violence on commercial airlines.

(2) REPORT.—Not later than 6 months after the date of enactment of this Act, the Under Secretary of Transportation for Security shall prepare and submit to Congress a report on the study conducted under paragraph (1).

SEC. 4105. PROHIBITION ON OPENING COCKPIT DOORS IN FLIGHT.

(a) IN GENERAL.—Subchapter I of chapter 449 of title 49, United States Code, is amended by adding at the end the following:

''§ 44917. Prohibition on opening cockpit doors in flight

''(a) IN GENERAL.—The door to the flight deck of any aircraft engaged in passenger air transportation or interstate air transportation that is required to have a door between the passenger and pilot compartment under title 14, Code of Federal Regulations, shall remain closed and locked at all times during flight, except for mechanical or physiological emergencies.

''(b) MANTRAP DOOR EXCEPTION.—It shall not be a violation of subsection (a) for an authorized person to enter or leave the flight deck during flight of any aircraft described in subsection (a) that is equipped with double doors between the flight deck and the passenger compartment that are designed so that—

''(1) any person entering or leaving the flight deck is required to lock the first door through which that person passes before the second door can be opened; and

''(2) the flight crew is able to monitor by remote camera the area between the 2 doors and prevent the door to the flight deck from being unlocked from that area.''.

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 449 of title 49, United States Code, is amended by inserting after the item relating to section 44916 the following:

''44917. Prohibition on opening cockpit doors in flight.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect 1 day after the date of enactment of this Act.

SA 4848. Mr. HOLLINGS (for himself, Mr. MCCAIN, Mr. REID, Mr. JEFFORDS, Mr. CARPER, and Mr. TORRICELLI) submitted an amendment intended to be proposed by him to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 170 and insert the following:

SEC. 170. REVIEW OF TRANSPORTATION SECURITY ENHANCEMENTS.

(a) REVIEW OF TRANSPORTATION VULNERABILITIES AND FEDERAL TRANSPORTATION SECURITY EFFORTS.—The Comptroller General shall conduct a detailed, comprehensive study which shall—

(1) review all available intelligence on terrorist threats against aviation, seaport, rail, motor carrier, motor coach, pipeline, highway, and transit facilities and equipment;

(2) review all available information on vulnerabilities of the aviation, seaport, rail, motor carrier, motor coach, pipeline, highway, and transit modes of transportation to terrorist attack; and

(3) review the steps taken by public and private entities since September 11, 2001, to improve aviation, seaport, rail, motor carrier, motor coach, pipeline, highway, and transit security to determine their effectiveness at protecting passengers, freight (including hazardous materials), and transportation infrastructure from terrorist attack.

(b) REPORT.—

(1) CONTENT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall prepare and submit to Congress, the Secretary, and the Secretary of Transportation a comprehensive report, without compromising national security, containing—

(A) the findings and conclusions from the reviews conducted under subsection (a); and

(B) proposed steps to improve any deficiencies found in aviation, seaport, rail, motor carrier, motor coach, pipeline, highway, and transit security, including, to the extent possible, the cost of implementing the steps.

(2) FORMAT.—The Comptroller General may submit the report in both classified and redacted format if the Comptroller General determines that such action is appropriate or necessary.

(c) RESPONSE OF THE SECRETARY.—

(1) IN GENERAL.—Not later than 90 days after the date on which the report under this section is submitted to the Secretary, the Secretary shall provide to the President and Congress—

(A) the response of the Department to the recommendations of the report; and

(B) recommendations of the Department to further protect passengers and transportation infrastructure from terrorist attack.

(2) FORMATS.—The Secretary may submit the report in both classified and redacted formats if the Secretary determines that such action is necessary or appropriate.

(d) REPORTS PROVIDED TO COMMITTEES.—In furnishing the report required by subsection (b), and the Secretary's response and recommendations under subsection (c), to the Congress, the Comptroller General and the Secretary, respectively, shall ensure that the report, response, and recommendations are transmitted to the Senate Committee on Commerce, Science, and Transportation, the Senate Committee on Environment and Public Works, and the House of Representatives Committee on Transportation and Infrastructure.

SA 4849. Mr. INOUYE submitted an amendment intended to be proposed to amendment SA 4738 proposed by Mr. GRAMM (for himself, Mr. MILLER, Mr. MCCONNELL, Mr. THOMPSON, Mr. STEVENS, Mr. HAGEL, Mr. HUTCHINSON, and Mr. BUNNING) to the amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

On page 7, line 14, insert ''tribal,'' after ''State,''.

On page 7, after line 25, insert the following:

(8) INDIAN TRIBE.—The term ''Indian tribe'' means any Indian tribe, band, nation, or other organized group or community located in the continental United States (excluding the State of Alaska) that is recognized as being eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

On page 8, line 1, strike ''(8)'' and insert ''(9)''.

On page 8, strike lines 5 through 8 and insert the following:

(10) LOCAL GOVERNMENT.—The term ''local government'' means—

(A) a county, city, village, town, district, or other political subdivision of any State;

(B) an Alaska Native village or organization; and

(C) a rural community or unincorporated town or village.

On page 8, line 9, strike ''(10)'' and insert ''(11)''.

On page 8, line 13, strike ''(11)'' and insert ''(12)''.

On page 8, line 15, strike ''(12)'' and insert ''(13)''.

On page 8, strike line 17 and insert the following:

(14) TRIBAL GOVERNMENT.—The term ''tribal government'' means the governing body of an Indian tribe that is recognized by the Secretary of the Interior.

(15) UNITED STATES.—The term ''United

On page 10, line 22, insert '', tribal,'' after ''State''.

On page 17, line 24, insert '', tribal,'' after ''State''.

On page 19, line 1, insert '', tribal,'' after ''State''.

On page 19, line 9, insert '', tribal,'' after ''State''.

On page 19, line 20, insert '', tribal,'' after ''State''.

On page 20, line 7, insert '', tribal,'' after ''State''.

On page 20, line 16, insert '', tribal,'' after ''State''.

On page 20, line 22, insert '', tribal,'' after ''State''.

On page 21, line 13, insert '', tribal,'' after ''State''.

On page 22, line 10, insert '', tribal,'' after ''State''.

On page 23, line 13, insert '', tribal,'' after ''State''.

On page 23, line 21, insert ''tribal,'' after ''State,''.

On page 31, line 1, insert '', tribal,'' after ''State''.

On page 34, line 12, insert '', tribal,'' after ''State''.

On page 34, line 13, insert '', tribal,'' after ''State''.

On page 34, line 23, insert '', tribal,'' after ''State''.

On page 35, line 8, insert '', tribal,'' after ''State''.

On page 38, line 1, strike ''state,'' and insert ''State, tribal,''.

On page 42, line 5, insert ''and the Indian Health Service'' after ''Service''.

On page 42, line 23, insert ''and the Indian Health Service'' after ''Service''.

On page 52, line 3, insert '', tribal,'' after ''State''.

On page 81, line 7, insert ''tribal,'' after ''State,''.

On page 83, line 17, insert ''tribal,'' after ''State,''.

On page 83, line 21, insert ''and the Indian Health Service'' after ''Service''.

On page 87, line 12, insert '', tribal,'' after ''State''.

On page 87, line 15, insert '', tribal,'' after ''State''.

On page 87, line 22, insert '', tribal,'' after ''State''.

On page 88, line 2, insert '', tribal,'' after ''State''.

On page 88, line 6, insert '', tribal,'' after ''State''.

On page 136, line 14, insert '', **TRIBAL,**'' after ''**STATE**''.

On page 136, line 20, insert '', a tribal government,'' after ''State''.

On page 137, line 1, insert '', a tribal government,'' after ''State''.

On page 137, line 11, insert '', tribal,'' after ''State''.

On page 137, line 19, insert '', **TRIBAL,**'' after ''**STATE**''.

On page 137, line 23, insert '', Indian tribes,'' after ''States''.

On page 138, line 12, insert '', TRIBAL,'' after ''STATE''.

On page 138, line 16, insert '', tribal government,'' after ''State''.

On page 138, line 23, insert '', Indian tribes,'' after ''States''.

On page 139, line 4, insert '', Indian tribes,'' after ''States''.

On page 139, line 11, insert ''or Indian tribe'' after ''State''.

On page 139, line 21, insert '', Indian tribe,'' after ''State''.

On page 140, line 6, insert '', Indian tribes,'' after ''States''.

On page 140, line 11, insert '', Indian tribes,'' after ''States''.

On page 140, line 14, insert ''or Indian tribe'' after ''State''.

On page 141, line 2, insert ''or Indian tribe'' after ''State''.

On page 141, lines 6 and 7, strike ''State and localities within the State'' and insert ''State or Indian tribe''.

On page 141, line 9, insert '', Indian tribe,'' after ''State''.

On page 141, line 11, insert '', Indian tribe,'' after ''State''.

On page 143, between lines 7 and 8, insert the following:

(4) INDIAN TRIBE.—The term ''Indian tribe'' means any Indian tribe, band, nation, or other organized group or community located in the continental United States (excluding the State of Alaska) that is recognized as being eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

On page 143, line 8, strike ''(4)'' and insert ''(5)''.

On page 143, line 13, strike ''(5)'' and insert ''(6)''.

On page 143, lines 16 through 18, strike ''an Indian tribe which performs law enforcement functions as determined by the Secretary of the Interior''.

On page 235, line 19, insert ''tribal,'' after ''State,''.

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. INOUYE. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Tuesday, October 1, 2002, at 2:30 p.m. in Room 485 of the Russell Senate Office Building to conduct a business meeting to consider the following: S. 2743, a bill to approve the settlement of the water rights claims of the Zuni Indian Tribe in Apache County, Arizona, and for other purposes; S. 2799, a bill to provide for the use and distribution of certain funds awarded to the Gila River, Pima-Maricopa Indian Community, and for other purposes; S. 2989, A bill to protect certain lands held in fee by the

Pechanga Band of Luiseno Mission Indians from condemnation until a final decision is made by the Secretary of the Interior regarding a pending fee to trust application for that land; S. Res. 321, A resolution commemorating the 30th Anniversary of the Founding of the American Indian Higher Education Consortium, AIHEC; Nomination of Phil Hogen to serve as Chairman of the National Indian Gaming Commission; and Nomination of Quannah Crossland Stamps to serve as Commissioner of the Administration for Native Americans.

Those wishing additional information may contact the Indian Affairs Committee at 224–2251.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. HARKIN. Mr. President, I would like to announce that the Committee on Agriculture, Nutrition, and Forestry will conduct a hearing on October 3, 2002 in SR–328A at 11:00 a.m. The purpose of this hearing will be to discuss a pending nomination for the Farm Credit Administration.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE AND TRANSPORTATION

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Tuesday, October 1, 2002, at 9:30 am on Government Role in Promoting the Future of Telecommunications Industry and Broadband Deployment.

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

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 Tuesday, October 1, 2002, at 10:00 a.m. to conduct a hearing to assess green school initiatives. Specifically, the Committee will evaluate environmental standards for schools such as school siting in relation to toxic waste sites and green building codes. The Committee is interested in evaluating activities being undertaken by the Environmental Protection Agency's Office of Children's Environmental Health and the Office of Indoor Air Quality, as well as the Department of Energy, that address environmental and energy concerns relevant to school properties.

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 Tuesday, October 1, 2002 at 2:30 p.m. to hold a nomination hearing.

AGENDA

Nominees: Mr. Gene B. Christy, of Texas, to be Ambassador to Brunei Darussalam. Mr. David L. Lyon, of California, to be Ambassador to the Republic of Fiji, and to serve concurrently and without additional compensation as Ambassador to the Republic of Nauru, Ambassador to the Kingdom of Tonga, and Ambassador to Tuvalu. Mr. Charles A. Ray, of Texas, to be Ambassador to the Kingdom of Cambodia. Mr. Grover J. Rees, of Louisiana, to be Ambassador to the Democratic Republic of East Timor.

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

COMMITTEE ON INDIAN AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Tuesday, October 1, 2002, at 2:30 p.m. in Room 485 of the Russell Senate Office Building to conduct a Business Meeting to consider the following: S. 2743, a bill to approve the settlement of the water rights claims of the Zuni Indian Tribe in Apache County, Arizona, and for other purposes; S. 2799, a bill to provide for the use an distribution of certain funds awarded to the Gila River, Pima-Maricopa Indian Community, and for other purposes; S. 2989, A bill to protect certain lands held in fee by the Pechanga Band of Luiseno Mission Indians from condemnation until a final decision is made by the Secretary of the Interior regarding a pending fee to trust application for that land; S. Res. 321, A resolution commemorating the 30th Anniversary of the Founding of the American Indian Higher Education Consortium (AIH EC); Nomination of Phil Hogen to serve as Chairman of the National Indian Gaming Commission; and Nomination of Quannah Crossland Stamps to serve as Commissioner of the Administration for Native Americans.

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

COMMITTEE ON THE JUDICIARY

Mr. REID. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on ''Narrowing the Nation's Power: The Supreme Court Sides with the States'' on Tuesday, October 1, 2002 in Dirksen Room 226 at 11:00 a.m.

WITNESS LIST

The Honorable John T. Noonan, Jr., Judge, Ninth Circuit Court of Appeals San Francisco, CA; Professor Marci Hamilton, Benjamin N. Cardozo School of Law, New York, New York.

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 Tuesday, October 1, 2002 at 10:00 a.m. to hold a joint hearing with the House Permanent Select Committee on Intelligence concerning the Joint Inquiry into the events of September 11, 2001.

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

SUBCOMMITTEE ON IMMIGRATION

Mr. REID. Mr. President, I ask unanimous consent that the Committee on the Judiciary Subcommittee on Immigration be authorized to meet to conduct a hearing on ''Detention and Treatment of Haitian Asylum Seekers,'' on Tuesday, October 1, 2002 at 2:15 p.m. in SD226.

FINAL WITNESS LIST

Panel I: Bishop Thomas G. Wenski, Auxiliary Bishop of Miami, Florida and Chairman of the U.S. Conference of Catholic Bishops Committee on Migration, Miami, FL; Marie Ocean, Haitian Asylee and Former Detainee, Miami, Florida; Cheryl Little, Executive Director, Florida Immigrant Advocacy Center (FIAC), Miami, Florida; Stephen Johnson, Policy Analyst for Latin America, Heritage Foundation, Washington, D.C.; Dina Paul Parks, Executive Director, National Coalition for Haitian Rights (NCHR), New York, New York.

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

PRIVILEGE OF THE FLOOR

Mr. LEAHY. Mr. President, I ask unanimous consent that the privilege of the floor be granted to Wan Kim and Michael Volkov, who are detailed to Senator HATCH's staff, during the course of debate on H.R. 2215.

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

AUTHORIZATION OF THE USE OF UNITED STATES ARMED FORCES AGAINST IRAQ—MOTION TO PROCEED

Mr. REID. Mr. President, I move to proceed to Calendar No. 618, S.J. Res. 45, and I send a cloture motion to the desk.

CLOTURE MOTION

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 the motion to proceed to S.J. Res. 45, a joint resolution to authorize the use of U.S. forces against Iraq.

Harry Reid, Jeff Bingaman, Jean Carnahan, Daniel K. Inouye, Bill Nelson of Florida, Ben Nelson of Nebraska, Ernest F. Hollings, John Edwards, Tim Johnson, Joseph I. Lieberman, Herb Kohl, John Breaux, Joseph R. Biden, Jr., Max Baucus, Mary Landrieu, Tom Daschle.

Mr. REID. Mr. President, I withdraw that motion.

The PRESIDING OFFICER. The Senator has that right.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations: Calendar Nos. 1055

through 1070, and the 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 thereon be printed in the RECORD; and that the Senate then resume legislative session, with the preceding all occurring without any intervening action or debate.

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

The nominations were considered and confirmed as follows:

AIR FORCE

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be general

Lt. Gen. Charles F. Wald, 0000

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. Thomas B. Goslin, Jr., 0000

The following Air National Guard of the United States officer for appointment in the Reserve of the Air Force to the grade indicated under title 10 U.S.C., section 12203:

To be major general

Brig. Gen. George W. Keefe, 0000

The following named officers for appointment in the United States Air Force to the grade indicated under title 10 U.S.C., section 624:

To be major general

Brigadier General Joseph P. Stein, 0000

ARMY

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10 U.S.C., section 601:

To be general

Lt. Gen. Kevin P. Byrnes, 0000

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10 U.S.C., section 601:

To be lieutenant general

Lt. Gen. John B. Sylvester, 0000

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10 U.S.C., section 601:

To be lieutenant general

Lt. Gen. Edward G. Anderson, III, 0000

The following named officers for appointment in the United States Army to the grade indicated under title 10 U.S.C., section 624:

To be major general

Brigadier General Dorian T. Anderson, 0000
Brigadier General Guy M. Bourn, 0000
Brigadier General John M. Brown, III, 0000
Brigadier General Ronald L. Burgess, Jr., 0000
Brigadier General William B. Caldwell, IV, 0000
Brigadier General Kevin T. Campbell, 0000
Brigadier General Ann E. Dunwoody, 0000
Brigadier General Jeanette K. Edmunds, 0000
Brigadier General Galen B. Jackman, 0000
Brigadier General Ronald L. Johnson, 0000
Brigadier General John F. Kimmons, 0000
Brigadier General James A. Marks, 0000
Brigadier General Stanley A. McChrystal, 0000
Brigadier General David F. Melcher, 0000
Brigadier General Thomas G. Miller, 0000
Brigadier General Robert W. Mixon, Jr., 0000
Brigadier General James W. Parker, 0000
Brigadier General Elbert N. Perkins, 0000
Brigadier General Kenneth J. Quinlan, Jr., 0000
Brigadier General Fred D. Robinson, Jr., 0000
Brigadier General Stephen M. Speakes, 0000
Brigadier General Carl A. Strock, 0000
Brigadier General Antonio M. Taguba, 0000
Brigadier General Alan W. Thrasher, 0000
Brigadier General Randal M. Tieszen, 0000
Brigadier General Bennie E. Williams, 0000
Brigadier General Walter Wojdakowski, 0000

The following named officers for appointment in the Reserve of the Army to the grades indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. Paul E. Mock, 0000

To be brigadier general

Col. Bruce A. Casella, 0000

The following Army National Guard officers for appointment in the Reserve of the Army to the grades indicated under title 10 U.S.C., Section 12203:

To be major general

Brigadier General Harry B. Burchstead, Jr., 0000
Brigadier General James A. Cozine, 0000
Brigadier General Ricky D. Erlandson, 0000
Brigadier General Gregory J. Vadnais, 0000

To be brigadier general

Colonel Bruce E. Beck, 0000
Colonel Richard M. Blunt, 0000
Colonel Tod J. Carmony, 0000
Colonel Michael J. Curtin, 0000
Colonel Huntington B. Downer, Jr., 0000
Colonel Michael P. Fleming, 0000
Colonel Ralph R. Griffin, 0000
Colonel Gregory A. Howard, 0000
Colonel Arthur V. Jewett, 0000
Colonel Michael A. Kiefer, 0000
Colonel Thomas C. Lawing, 0000
Colonel John E. Leatherman, 0000
Colonel Herbert L. Newton, 0000
Colonel Patrick M. O'Hara, 0000
Colonel Darren G. Owens, 0000
Colonel Stewart A. Reeve, 0000
Colonel Lawrence H. Ross, 0000
Colonel John E. Sayers, Jr., 0000
Colonel Theodore G. Shuey, Jr., 0000
Colonel Anthony M. Stanich, Jr., 0000
Colonel Robin C. Timmons, 0000
Colonel Jodi S. Tymeson, 0000
Colonel Edward L. Wright, 0000
Colonel Mark E. Zirkelbach, 0000

The following Army National Guard of the United States officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. Clarence M. Agena, 0000

MARINE CORPS

The following named officer for appointment in the United States Marine Corps to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be general

Gen. James L. Jones, Jr., 0000

The following named officer for appointment as Commandant of the Marine Corps, and appointment to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., sections 5043 and 601:

To be general

Lt. Gen. Michael W. Hagee, 0000

The following named officer for appointment in the United States Marine Corps to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Michael A. Hough, 0000

NAVY

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be admiral

Adm. James O. Ellis, 0000

The following named officer for appointment as Chief of Naval Personnel, United States Navy, and appointment to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., sections 601 and 5141:

To be vice admiral

Rear Adm. Gerald L. Hoewing, 0000

ARMY

PN2164 Army nomination of Maurice L. McDougald, which was received by the Senate and appeared in the Congressional Record of September 17, 2002

PN2165 Army nominations (4) beginning JOHN R. HINSON, and ending JOSEPH M. SCATURO, which nominations were received by the Senate and appeared in the Congressional Record of September 17, 2002

PN2166 Army nominations (4) beginning CATHI A. KIGER, and ending TIMOTHY R. WARRICK, which nominations were received by the Senate and appeared in the Congressional Record of September 17, 2002

PN2167 Army nominations (9) beginning JAY F. DALEY, and ending DONNA S. WOODBY, which nominations were received by the Senate and appeared in the Congressional Record of September 17, 2002

PN2168 Army nominations (3) beginning PAUL M. AMALFITANO, and ending JAMES S. HOGGARD, which nominations were received by the Senate and appeared in the Congressional Record of September 17, 2002

PN2169 Army nomination of Stephen M. Bloomer, which was received by the Senate and appeared in the Congressional Record of September 17, 2002

PN2170 Army nomination of Theodore A. Mickevicius, which was received by the Senate and appeared in the Congressional Record of September 17, 2002

PN2171 Army nomination of Hugo E. Salazar, which was received by the Senate and appeared in the Congressional Record of September 17, 2002

PN2187 Army nominations (1565) beginning JEFFREY W * ABBOTT, and ending X122, which nominations were received by the Senate and appeared in the Congressional Record of September 18, 2002

MARINE CORPS

PN2172 Marine Corps nomination of David A. Suggs, which was received by the Senate and appeared in the Congressional Record of September 17, 2002

PN2173 Marine Corps nomination of Chandler P. Seagraves, which was received by the Senate and appeared in the Congressional Record of September 17, 2002

PN2188 Marine Corps nomination of Brent A. Harrison, which was received by the Senate and appeared in the Congressional Record of September 18, 2002

NAVY

PN2174 Navy nomination of Arthur R. Stiffel, IV, which was received by the Senate and appeared in the Congressional Record of September 17, 2002

PN2175 Navy nomination of Jeffrey Ball, which was received by the Senate and appeared in the Congressional Record of September 17, 2002

PN2176 Navy nominations (90) beginning ENEIN Y H ABOUL, and ending KIMBERLY A ZUZELSKI, which nominations were received by the Senate and appeared in the Congressional Record of September 17, 2002

PN2177 Navy nominations (31) beginning CHRISTOPHER H BERKERS, and ending RICHARD L ZIMMERMANN, which nominations were received by the Senate and appeared in the Congressional Record of September 17, 2002

PN2178 Navy nominations (30) beginning DAVID R BROWN, and ending GEORGE B YOUNGER, which nominations were received by the Senate and appeared in the Congressional Record of September 17, 2002

PN2189 Navy nomination of Edward T. Modenhauer, which was received by the Senate and appeared in the Congressional Record of September 18, 2002

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

MEASURE READ THE FIRST TIME—S. 3018

Mr. REID. Mr. President, it is my understanding that S. 3018 introduced earlier today by Senators BAUCUS and GRASSLEY is at the desk and due for its first reading.

The PRESIDING OFFICER. The Senator is correct.

Mr. REID. I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill by title.

The legislative clerk read as follows:

A bill (S. 3018) to amend title XVIII of the Social Security Act to enhance beneficiary access to quality health care services under the medicare program, and for other purposes.

Mr. REID. I now ask for its second reading but object to my own request.

The PRESIDING OFFICER. Objection having been heard, the bill will receive its second reading on the next legislative day.

ORDERS FOR WEDNESDAY, OCTOBER 2, 2002

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m., tomorrow morning, October 2; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be deemed approved to date, the time for the two leaders be reserved for their use later in the day, and there be a period for morning business until 11:30 a.m., with Senators permitted to speak for up to 10 minutes each, with the time until 10 a.m., and the time from 11 to 11:30 a.m., under the control of the majority leader or his designee; that the first 20 minutes be under the control of Senator JEFFORDS, and that the time from 10 a.m., until 11 a.m., be under the control of the Republican leader or his designee for tributes to Senator HELMS; and at 11:30 a.m., the Senate will resume consideration of the Department of Justice authorization conference report.

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

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. REID. If there is no further business to come before the Senate, I ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:52 p.m., adjourned until Wednesday, October 2, 2002, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate October 1, 2002:

IN THE ARMY

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. DAVID C. HARRIS, 0000

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

JAMES M. KNAUF, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

GARY P. ENDERSBY, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

MARK A. JEFFRIES, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

JOHN P. REGAN, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

JOHN S. MCFADDEN, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

LARRY B. LARGENT, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

FRANK W. PALMISANO, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

DAVID S. BRENTON, 0000
BRENDA K. ROBERTS, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be major

CYNTHIA A. JONES, 0000
JEFFREY F. JONES, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be major

MARIO G. CORREIA, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be major

MICHAEL L. MARTIN, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK (*)) UNDER TITLE 10, U.S.C., SECTIONS 624 AND 531:

To be lieutenant colonel

XIAO LI REN, 0000
JEFFREY H.* SEDGEWICK, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK (*)) UNDER TITLE 10, U.S.C., SECTIONS 624 AND 531:

To be major

THOMAS A.* AUGUSTINE III, 0000
ROBERT H.* GARRISON, 0000
CHARLES E.* PYKE, 0000

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be major

SCOTT T. WILLIAMS, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be major

ERIK A. DAHL, 0000

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR TEMPORARY APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 6221:

To be captain

RALPH M. GAMBONE, 0000

CONFIRMATIONS

Executive nominations confirmed by the Senate October 1, 2002:

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

LT. GEN. CHARLES F. WALD

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. THOMAS B. GOSLIN, JR.

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. GEORGE W. KEEFE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIGADIER GENERAL JOSEPH P. STEIN

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

LT. GEN. KEVIN P. BYRNES

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. JOHN B. SYLVESTER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. EDWARD G. ANDERSON III

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIGADIER GENERAL DORIAN T. ANDERSON
BRIGADIER GENERAL GUY M. BOURN
BRIGADIER GENERAL JOHN M. BROWN III
BRIGADIER GENERAL RONALD L. BURGESS, JR.
BRIGADIER GENERAL WILLIAM B. CALDWELL IV
BRIGADIER GENERAL KEVIN T. CAMPBELL
BRIGADIER GENERAL ANN E. DUNWOODY
BRIGADIER GENERAL JEANETTE K. EDMUNDS
BRIGADIER GENERAL GALEN B. JACKMAN
BRIGADIER GENERAL RONALD L. JOHNSON
BRIGADIER GENERAL JOHN F. KIMMONS
BRIGADIER GENERAL JAMES A. MARKS
BRIGADIER GENERAL STANLEY A. MCCHRYSTAL
BRIGADIER GENERAL DAVID F. MELCHER
BRIGADIER GENERAL THOMAS G. MILLER
BRIGADIER GENERAL ROBERT W. MIXON, JR.
BRIGADIER GENERAL JAMES W. PARKER
BRIGADIER GENERAL ELBERT N. PERKINS
BRIGADIER GENERAL KENNETH J. QUINLAN, JR.
BRIGADIER GENERAL FRED D. ROBINSON, JR.
BRIGADIER GENERAL STEPHEN M. SPEAKES
BRIGADIER GENERAL CARL A. STROCK
BRIGADIER GENERAL ANTONIO M. TAGUBA
BRIGADIER GENERAL ALAN W. THRASHER
BRIGADIER GENERAL RANDAL M. TIESZEN
BRIGADIER GENERAL BENNIE E. WILLIAMS
BRIGADIER GENERAL WALTER WOJDAKOWSKI

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. PAUL E. MOCK

To be brigadier general

COL. BRUCE A. CASELLA

THE FOLLOWING ARMY NATIONAL GUARD OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIGADIER GENERAL HARRY B. BURCHSTEAD, JR.
BRIGADIER GENERAL JAMES A. COZINE
BRIGADIER GENERAL RICKY D. ERLANDSON
BRIGADIER GENERAL GREGORY J. VADNAIS

To be brigadier general

COLONEL BRUCE E. BECK
COLONEL RICHARD M. BLUNT
COLONEL TOD J. CARMONY
COLONEL MICHAEL J. CURTIN
COLONEL HUNTINGTON B. DOWNER, JR.
COLONEL MICHAEL P. FLEMING
COLONEL RALPH R. GRIFFIN
COLONEL GREGORY A. HOWARD
COLONEL ARTHUR V. JEWETT
COLONEL MICHAEL A. KIEFER
COLONEL THOMAS C. LAWING
COLONEL JOHN E. LEATHERMAN
COLONEL HERBERT L. NEWTON
COLONEL PATRICK M. O'HARA
COLONEL DARREN G. OWENS
COLONEL STEWART A. REEVE
COLONEL LAWRENCE H. ROSS
COLONEL JOHN E. SAYERS, JR.
COLONEL THEODORE G. SHUEY, JR.
COLONEL ANTHONY M. STANICH, JR.
COLONEL ROBIN C. TIMMONS
COLONEL JODI S. TYMESON
COLONEL EDWARD L. WRIGHT
COLONEL MARK E. ZIRKELBACH

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. CLARENCE M. AGENA

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

GEN. JAMES L. JONES, JR.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS COMMANDANT OF THE MARINE CORPS, AND APPOINTMENT TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 5043 AND 601:

To be general

LT. GEN. MICHAEL W. HAGEE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. MICHAEL A. HOUGH

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be admiral

ADM. JAMES O. ELLIS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS CHIEF OF NAVAL PERSONNEL, UNITED STATES NAVY, AND APPOINTMENT TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 601 AND 5141:

To be vice admiral

REAR ADM. GERALD L. HOEWING

ARMY NOMINATION OF MAURICE L. MCDOUGALD.

ARMY NOMINATIONS BEGINNING JOHN R. HINSON AND ENDING JOSEPH M. SCATURO, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 17, 2002.

ARMY NOMINATIONS BEGINNING CATHI A. KIGER AND ENDING TIMOTHY R. WARRICK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 17, 2002.

ARMY NOMINATIONS BEGINNING JAY F. DALEY AND ENDING DONNA S. WOODBY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 17, 2002.

ARMY NOMINATIONS BEGINNING PAUL M. AMALFITANO AND ENDING JAMES S. HOGGARD, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 17, 2002.

ARMY NOMINATION OF STEPHEN M. BLOOMER.

ARMY NOMINATION OF THEODORE A. MICKEVICIUS.

ARMY NOMINATION OF HUGO E. SALAZAR.

ARMY NOMINATIONS BEGINNING JEFFREY W * ABBOTT AND ENDING X122, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 18, 2002.

MARINE CORPS NOMINATION OF DAVID A. SUGGS.

MARINE CORPS NOMINATION OF CHANDLER P. SEAGRAVES.

MARINE CORPS NOMINATION OF BRENT A. HARRISON.

NAVY NOMINATION OF ARTHUR R. STIFFEL IV.

NAVY NOMINATION OF JEFFREY BALL.

NAVY NOMINATIONS BEGINNING ENEIN Y H ABOUL AND ENDING KIMBERLY A ZUZELSKI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 17, 2002.

NAVY NOMINATIONS BEGINNING CHRISTOPHER H BERKERS AND ENDING RICHARD L ZIMMERMANN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 17, 2002.

NAVY NOMINATIONS BEGINNING DAVID R BROWN AND ENDING GEORGE B YOUNGER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 17, 2002.

NAVY NOMINATION OF EDWARD T. MOLDENHAUER.

Daily Digest

HIGHLIGHTS

See Résumé of Congressional Activity.

House Committee ordered reported the Transportation Appropriations for Fiscal year 2003.

Senate

Chamber Action

Routine Proceedings, pages S9653–S9777

Measures Introduced: Nine bills were introduced, as follows: S. 3018–3026. **Page S9714**

Measures Reported:

S. 1994, to establish a priority preference among certain small business concerns for purposes of Federal contracts, with amendments. (S. Rept. No. 107–294)

S. 2664, to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to establish a program to provide assistance to enhance the ability of first responders to respond to incidents of terrorism, including incidents involving weapons of mass destruction, with an amendment in the nature of a substitute. (S. Rept. No. 107–295)

S. 2980, to revise and extend the Birth Defects Prevention Act of 1998, with an amendment in the nature of a substitute. **Page S9713**

Homeland Security Act: Senate continued consideration of H.R. 5005, to establish the Department of Homeland Security, taking action on the following amendments proposed thereto: **Pages S9664–77**

Pending:

Lieberman Amendment No. 4471, in the nature of a substitute. **Page S9664**

Gramm/Miller Amendment No. 4738 (to Amendment No. 4471), of a perfecting nature, to prevent terrorist attacks within the United States. **Page S9664**

Nelson (NE) Amendment No. 4740 (to Amendment No. 4738), to modify certain personnel provisions. **Page S9664**

Daschle motion to commit the bill to the Committee on Governmental Affairs and that it be reported back forthwith with the pending Lieberman Amendment No. 4471, listed above, as amended.

Daschle Amendment No. 4742 (to the instructions of the motion to commit H.R. 5005 to the Committee on Governmental Affairs), of a perfecting nature, to prevent terrorist attacks within the United States.

Daschle Amendment No. 4743 (to Amendment No. 4742), to modify certain personnel provisions.

Daschle motion to reconsider the vote (Vote No. 227) by which cloture was not invoked on Gramm/Miller Amendment No. 4738 (to Amendment No. 4471), listed above.

During consideration of this measure today, Senate also took the following action:

By 45 yeas to 52 nays (Vote No. 228), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate failed to approve the motion to close further debate on Gramm/Miller Amendment No. 4738 (to Amendment No. 4471), listed above. **Pages S9676–77**

21st Century Department of Justice Appropriations Authorization Act Conference Report: Senate agreed to the motion to proceed to the conference report on H.R. 2215, to authorize appropriations for the Department of Justice for fiscal year 2002, and then began consideration of the conference report. **Pages S9680–81, S9688–S9703**

A motion was entered to close further debate on the conference report and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a cloture vote will occur on Thursday, October 3, 2002. **Page S9697**

A unanimous-consent agreement was reached providing for further consideration of the conference report at 11:30 a.m., on Wednesday, October 2, 2002. **Page S9776**

Further Resolution on Iraq: Senate began consideration of the motion to proceed to consideration of S.J. Res. 45, to authorize the use of United States Armed Forces against Iraq. **Page S9774**

A motion was entered to close further debate on the motion to proceed to consideration of the resolution and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a cloture vote will occur on Thursday, October 3, 2002. Page S9774

Subsequently, the motion to proceed was withdrawn. Page S9774

Nominations Confirmed: Senate confirmed the following nominations:

4 Air Force nominations in the rank of general.

61 Army nominations in the rank of general.

3 Marine Corps nominations in the rank of general.

2 Navy nominations in the rank of admiral.

Routine lists in the Army, Marine Corps, Navy. Pages S9776–77

Nominations Received: Senate received the following nominations:

1 Army nomination in the rank of general.

Routine lists in the Air Force, Army, Navy. Page S9776

Measures Read First Time: Page S9776

Executive Communications: Pages S9710–13

Executive Reports of Committees: Pages S9713–14

Additional Cosponsors: Pages S9714–15

Statements on Introduced Bills/Resolutions: Pages S9715–23

Additional Statements: Pages S9708–10

Amendments Submitted: Pages S9723–73

Notices of Hearings/Meetings: Pages S9773–74

Authority for Committees to Meet: Page S9774

Privilege of the Floor: Page S9774

Record Votes: One record vote was taken today. (Total–228) Pages S9676–77

Adjournment: Senate met at 9:30 a.m., adjourned at 6:52 p.m., until 9:30 a.m., on Wednesday, October 2, 2002. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S9776).

Committee Meetings

(Committees not listed did not meet)

TELECOMMUNICATIONS INDUSTRY

Committee on Commerce, Science, and Transportation: Committee concluded hearings to examine the government's role in promoting the future of the telecommunications industry and broadband deployment, after receiving testimony from Reed E. Hundt, former Chairman, Federal Communications Commission, and Peter W. Huber, Manhattan Institute for Policy Research, and Kellogg, Huber, Hansen, Todd, and Evans, both of Washington, D.C.; Michael J. Price, Evercore Partners, New York, New York; Lawrence Lessig, Stanford Unversity Law School, Stanford, California; and Craig J. Mundie, Microsoft Corporation, Redmond, Washington.

SCHOOL ENVIRONMENTAL STANDARDS

Committee on Environment and Public Works: Committee concluded hearings to examine environmental standards for schools including school siting in relation to toxic waste sites and green building codes, focusing on environmental and energy concerns relevant to school properties, and environmental hazards in schools, after receiving testimony from E. Ramona Trovato, Deputy Assistant Administrator, Office of Environmental Information, Environmental Protection Agency; Claire L. Barnett, Healthy Schools Network, Inc., Albany, New York, on behalf of the Coalition for Healthier Schools; Alex Wilson, BuildingGreen, Inc., Brattleboro, Vermont, on behalf of the U.S. Green Building Council and the Sustainable Buildings Industry Council; and Lois M. Gibbs, Center for Health Environment and Justice, Falls Church, Virginia.

NOMINATIONS

Committee on Foreign Relations: Committee concluded hearings on the nominations of Gene B. Christy, of Texas, to be Ambassador to Brunei Darussalam, David L. Lyon, of California, to be Ambassador to the Republic of Fiji, and to serve concurrently and without additional compensation as Ambassador to the Republic of Nauru, the Kingdom of Tonga, and Tuvalu, Charles Aaron Ray, of Texas, to be Ambassador to the Kingdom of Cambodia, and Grover Joseph Rees, of Louisiana, to be Ambassador to the Democratic Republic of East Timor, after the nominees testified and answered questions in their own behalf. Mr. Ray was introduced by Senator Hutchison and Representative Lantos, and Mr. Rees was introduced by Representatives Hyde and Lantos.

BUSINESS MEETING

Committee on Indian Affairs: Committee ordered favorably reported the following business items:

S. 2743, to approve the settlement of the water rights claims of the Zuni Indian Tribe in Apache County, Arizona, with an amendment in the nature of a substitute;

S. 2799, to provide for the use of and distribution of certain funds awarded to the Gila River Pima-Maricopa Indian Community, with amendments;

S. 2989, to protect certain lands held in fee by the Pechanga Band of Luiseno Mission Indians from condemnation until a final decision is made by the

Secretary of the Interior regarding a pending fee to trust application for that land;

S. Res. 321, commemorating the 30th Anniversary of the Founding of the American Indian Higher Education Consortium (AIHEC); and

The nominations of Philip N. Hogen, of South Dakota, to be Chairman of the National Indian Gaming Commission, and Quanah Crossland Stamps, of Virginia, to be Commissioner of the Administration for Native Americans, Department of Health and Human Services.

FEDERALISM JURISPRUDENCE

Committee on the Judiciary: Committee concluded hearings to examine recent Supreme Court jurisprudence on federalism issues,, after receiving testimony from John T. Noonan, Jr. Judge, Ninth Circuit Court of Appeals, San Francisco, California; and Marci A. Hamilton, Yeshiva University Benjamin N. Cardozo School of Law, New York, New York.

HAITIAN ASYLUM SEEKERS

Committee on the Judiciary: Subcommittee on Immigration concluded hearings to examine the policy of the Department of Justice regarding detention and treatment of Haitian asylum seekers, after receiving testimony from Bishop Thomas G. Wenski, on behalf of the United States Conference of Catholic Bishops' Committee on Migration, Cheryl Little, Florida Immigrant Advocacy Center, and Marie J. Ocean, all of Miami, Florida; Stephen C. Johnson, Heritage Foundation, Washington, D.C.; and Dina Paul Parks, National Coalition for Haitian Rights, New York, New York.

House of Representatives

Chamber Action

Measures Introduced: 16 public bills, H.R. 5504–5519; and 7 resolutions, H.J. Res. 112; H. Con. Res. 492–494, and H. Res. 565–567, were introduced. **Pages H6925–26**

Reports Filed: Reports were filed today as follows:

H.R. 4014, to amend the Federal Food, Drug, and Cosmetic Act with respect to the development of products for rare diseases (H. Rept. 107–702);

H.R. 5083, to designate the United States courthouse at South Federal Place in Santa Fe, New Mexico, as the ''Santiago E. Campos United States Courthouse'' (H. Rept. 107–703);

H.R. 5335, to designate the Federal building and United States courthouse located at 200 West 2nd Street in Dayton, Ohio, as the ''Tony Hall Federal Building and United States Courthouse'' (H. Rept. 107–704);

H.R. 4141, to authorize the acquisition by exchange of lands for inclusion in the Red Rock Canyon National Conservation Area, Clark County, Nevada, amended (H. Rept. 107–705);

S. 434, to provide equitable compensation to the Unction Sioux Tribe of South Dakota and the Santee Sioux Tribe of Nebraska for the loss of value of certain lands (H. Rept. 107–706);

H.R. 5097, to adjust the boundaries of the Salt River Bay National Historical Park and Ecological Preserve located in St. Croix, Virgin Islands, amended (H. Rept. 107–707);

H.R. 3476, to protect certain lands held in fee by the Pechanga Band of Luiseno Mission Indians from condemnation until a final decision is made by the Secretary of the Interior regarding a pending fee to trust application for that land (H. Rept. 107–708);

H.R. 4968, to provide for the exchange of certain lands in Utah, amended (H. Rept. 107–709);

H.R. 5125, to amend the American Battlefield Protection Act of 1996 to authorize the Secretary of the Interior to establish a battlefield acquisition grant program, amended (H. Rept. 107–710);

H.R. 4830, to direct the Secretary of the Interior to conduct a study of the suitability and feasibility of establishing the Southern Campaign of the Revolution Heritage Area in South Carolina (H. Rept. 107–711);

H.R. 4692, to amend the Act entitled ''An Act to authorize the Establishment of the Andersonville National Historic Site in the State of Georgia, and for other purposes'', to provide for the addition of certain donated lands to the Andersonville National Historic Site (H. Rept. 107–712);

H.R. 4944, to designate the Cedar Creek Battlefield and Belle Grove Plantation National Historical Park as a unit of the National Park System, amended (H. Rept. 107–713); and

H.R. 4889, to amend title XI of the Social Security Act to improve patient safety, amended (H. Rept. 107–714, Pt. 1). **Page H6925**

Speaker Pro Tempore: Read a letter from the Speaker wherein he appointed Representative Pence to act as Speaker pro Tempore for today. **Page H6785**

Recess: The House recessed at 10:58 a.m. and reconvened at 12 noon. **Page H6788**

Private Calendar: On the call of the Private Calendar, the House passed over without prejudice, H.R. 392, for the relief of Nancy B. Wilson. **Page H6788**

In Memory of the Late Honorable Patsy T. Mink of Hawaii: The House agreed to H. Res. 566, expressing the condolences of the House of Representatives on the death of the Honorable Patsy T. Mink, a Representative from Hawaii. **Pages H6886–H6904**

Suspensions: The House agreed to suspend the rules and pass the following measures:

Mosquito Abatement for Safety and Health: H.R. 4793, amended, to authorize grants through the Centers for Disease Control and Prevention for mosquito control programs to prevent mosquito-borne diseases; **Pages H6789–93**

Health Care Safety Net Improvement: H.R. 3450, to amend the Public Health Service Act to reauthorize and strengthen the health centers program and the National Health Service Corps; **Pages H6793–H6808**

Commending National Fragile X Research Day: H. Res. 398, recognizing the devastating impact of fragile X, urging increased funding for research on fragile X, and commending the goals of National Fragile X Research Day; **Pages H6808–09, H6883**

Public Awareness and Support for Patients with Endometriosis: H. Con. Res. 291, expressing the sense of the Congress with respect to the disease endometriosis; **Pages H6810–12, H6883**

Rare Disease Act: H.R. 4013, to amend the Public Health Service Act to establish an Office of Rare Diseases at the National Institutes of Health; **Pages H6812–15, H6883**

Rare Diseases Orphan Product Development: H.R. 4014, to amend the Federal Food, Drug, and Cosmetic Act with respect to the development of products for rare diseases; **Pages H6815–18**

Canceling Loans to Allow School Systems to Attract Classroom Teachers: H.R. 5091, amended, to increase the amount of student loan forgiveness available to qualified teachers, with an emphasis on special education teachers. Agreed to amend the title so as to read: ''A bill to increase the amount of student loan forgiveness available to qualified teachers, and for other purposes.''; **Pages H6818–23**

Commending Hispanic-Serving Institutions: H. Res. 561, recognizing the contributions of Hispanic-serving institutions; **Pages H6823–28**

Gratitude to the Braceros: H. Res. 522, expressing gratitude for the foreign guest laborers, known as Braceros, who worked in the United States during the period from 1942 to 1964; **Pages H6828–32**

Honoring Cael Sanderson for his Perfect Collegiate Wrestling Record: H. Res. 399, amended, honoring Cael Sanderson for his perfect collegiate wrestling record; **Pages H6832–34**

Efforts to Protect and Safeguard Children: H. Con. Res. 484, expressing the sense of the Congress regarding personal safety for children; **Pages H6834–37**

Importance of Teaching American History and Civics: H. Con. Res. 451, amended, recognizing the importance of teaching United States history in elementary and secondary schools. Agreed to amend the title so as to read: ''Concurrent resolution recognizing the importance of teaching United States history and civics in elementary and secondary schools, and for other purposes.''; **Pages H6837–39**

Unlawful Internet Gambling Funding Prohibition: H.R. 556, amended, to prevent the use of certain bank instruments for unlawful Internet gambling; **Pages H6839–48**

Protection of Family Farmers and Extension of Bankruptcy Relief: H.R. 5472, to extend for 6 months the period for which chapter 12 of title 11 of the United States Code is reenacted; **Pages H6848–50**

Federal Courts Improvement Act: H.R. 4125, amended, to make improvements in the operation and administration of the Federal courts (agreed to by a 2/3 yea and nay vote of 370 yeas to 21 nays, Roll No. 425); **Pages H6851–54, H6884–85**

Honoring the Career and Work of Justice C. Clifton Young: H. Res. 417, recognizing and honoring the career and work of Justice C. Clifton Young; **Pages H6854–55**

Robert Wayne Jenkins Post Office Station, Tulsa, Oklahoma: H.R. 4851, to redesignate the facility of the United States Postal Service located at 6910 South Yorktown Avenue in Tulsa, Oklahoma, as the ''Robert Wayne Jenkins Station;'' **Pages H6855–56**

Congratulating the Oakland "A's" for the Longest Winning Streak in the American League: H. Res. 530, congratulating the players, management, staff, and fans of the Oakland Athletics organization for setting the Major League Baseball record for the longest winning streak by an American League baseball team; **Pages H6857–59**

Honoring Johnny Unitas and Extending Condolences to his Family: H. Res. 538, honoring Johnny Unitas and extending condolences to his family on

his passing (agreed to by a 2/3 yea and nay vote of 389 yeas with none voting "nay", Roll No. 426); **Pages H6859–62, H6885**

Federal-Utah State Trust Lands Consolidation Act: H.R. 4968, amended, to provide for the exchange of certain lands in Utah; **Pages H6862–64**

Coal Accountability and Retired Employee Act for the 21st Century: H.R. 3813, amended, to modify requirements relating to allocation of interest that accrues to the Abandoned Mine Reclamation Fund; **Page H6864**

Compensation to the Unction Sioux Tribe of South Dakota and the Santee Sioux Tribe of Nebraska: S. 434, amended, to provide equitable compensation to the Unction Sioux Tribe of South Dakota and the Santee Sioux Tribe of Nebraska for the loss of value of certain lands (agreed to by a 2/3 yea and nay vote of 357 yeas to 37 nays, Roll No. 424). Agreed to amend the title so as to read: "an Act to provide equitable compensation to the Unction Sioux Tribe of South Dakota and the Santee Sioux Tribe of Nebraska for the loss of value of certain lands, and for other purposes."; **Pages H6864–67, H6883–84**

Reclamation Recreation Management Act: H.R. 5460, amended, to reauthorize and amend the Federal Water Project Recreation Act; **Pages H6867–69**

Cedar Creek Battlefield and Belle Grove National Historical Park: H.R. 4944, amended, to designate the Cedar Creek Battlefield and Belle Grove Plantation National Historical Park as a unit of the National Park System. Agreed to amend the title so as to read:"A bill to designate the Cedar Creek and Belle Grove National Historical Park as a unit of the National Park System."; **Pages H6869–72**

Education Land Grant Conveyance Review Cost Act: H.R. 3802, to amend the Education Land Grant Act to require the Secretary of Agriculture to pay the costs of environmental reviews with respect to conveyances under that Act; **Page H6872**

Red Rock Canyon National Conservation Area Protection and Enhancement Act: H.R. 4141, amended, to authorize the acquisition by exchange of lands for inclusion in the Red Rock Canyon National Conservation Area, Clark County, Nevada; **Pages H6872–74**

Civil War Battlefield Preservation Act: H.R. 5125, amended, to amend the American Battlefield Protection Act of 1996 to authorize the Secretary of the Interior to establish a battlefield acquisition grant program; **Pages H6874–75**

Central Utah Project Completion Act Amendments: H.R. 4129, amended, to amend the Central Utah Project Completion Act to clarify the responsibilities of the Secretary of the Interior with respect to the Central Utah Project, to redirect unexpended budget authority for the Central Utah Project for wastewater treatment and reuse and other purposes, to provide for prepayment of repayment contracts for municipal and industrial water delivery facilities, and to eliminate a deadline for such prepayment; **Pages H6875–76**

Spirit Lake and Twin Lakes Land Adjustment Act: H.R. 4874, to direct the Secretary of the Interior to disclaim any Federal interest in lands adjacent to Spirit Lake and Twin Lakes in the State of Idaho resulting from possible omission of lands from an 1880 survey; **Pages H6876–77**

Calling for Full Appropriation of State and Tribal Shares of the Abandoned Mine Reclamation Fund: H. Con. Res. 425, calling for the full appropriation of the State and tribal shares of the Abandoned Mine Reclamation Fund; **Pages H6877–78**

Southern Campaign of the American Revolution Heritage Area Study Act: H.R. 4830, to direct the Secretary of the Interior to conduct a study of the suitability and feasibility of establishing the Southern Campaign of the Revolution Heritage Area in South Carolina; **Pages H6878–79**

Andersonville National Historic Site Boundary Adjustment Act: H.R. 4692, to amend the Act entitled "An Act to authorize the Establishment of the Andersonville National Historic Site in the State of Georgia, and for other purposes", and to provide for the addition of certain donated lands to the Andersonville National Historic Site; **Page H6879**

Cherokee, Choctaw, and Chickasaw Nations Claims Settlement Act: H.R. 3534, amended, to provide for the settlement of certain land claims of Cherokee, Choctaw, and Chickasaw Nations to the Arkansas Riverbed in Oklahoma; **Pages H6879–83**

Remote Sensing Applications Act: H.R. 2426, amended, to encourage the development and integrated use by the public and private sectors of remote sensing and other geospatial information; **Pages H6904–07**

Charles "Pete" Conrad Astronomy Awards Act: H.R. 5303, amended, to authorize the Administrator of the National Aeronautics and Space Administration to establish an awards program in honor of Charles "Pete" Conrad, astronaut and space scientist, for recognizing the discoveries made by amateur astronomers of asteroids with near-Earth orbit trajectories astronomers of asteroids with near-Earth orbit trajectories; **Pages H6907–09**

Suspension—Proceedings Postponed: The House completed debate on the following motions to suspend the rules relating to the following measures. Further proceedings were postponed until Wednesday, Oct. 2:

Support for a Day of Tribute to all Firefighters: H. Con. Res. 476, expressing support for the goals and ideas of a day of tribute to all firefighters who have died in the line of duty and recognizing the important mission of the National Fallen Firefighters Foundation in assisting family members to overcome the loss of their fallen heroes; and **Pages H6909–12**

Houses of Worship Political Speech Protection Act: H.R. 2357, to amend the Internal Revenue Code of 1986 to permit churches and other houses of worship to engage in political campaigns. **Pages H6912–20**

Questions of Privilege: Representative Holden announced his intention to offer a privileged resolution expressing a sense of the House dealing with a bill to permanently extend bankruptcy protection to family farmers. Representative Brown of Ohio announced his intention to offer a privileged resolution expressing a sense of the House dealing with legislation to restore mandated limitations on medical inventions on behalf of American consumers, including seniors, American businesses, and tax-funded Federal and state health insurance programs. **Pages H6850–51**

Motion to Instruct Conferees—Help America Vote Act: Representative Meek of Florida announced her intention to offer a motion to instruct conferees on H.R. 3295, Help America Vote Act, to take actions as may be appropriate to convene a public meeting of the managers on the part of the House and Senate and to ensure that a conference report is filed prior to October 4, 2002. **Pages H6885–86**

Referral: H.R. 5498, was re-referred to the Committee on Resources. **Page H6904**

Quorum Calls—Votes: Three yea and nay votes developed during the proceedings of the House today and appear on pages H6883–84, H6884–85, H6885. There were no quorum calls.

Adjournment: The House met at 10:30 a.m. and at 11:43 p.m., the House stands adjourned in memory of the late Honorable Patsy T. Mink of Hawaii.

Committee Meetings

TRANSPORTATION APPROPRIATIONS

Committee on Appropriations: Ordered reported the Transportation appropriations for fiscal year 2003.

POSTSECONDARY EDUCATION

Committee on Education and the Workforce: Subcommittee on 21st Century Competitiveness held a hearing on ''Assuring Quality and Accountability in Postsecondary Education: Assessing the Role of Accreditation.'' Testimony was heard from public witnesses

CAPACITY SWAPS BY GLOBAL CROSSING AND QWEST

Committee on Energy and Commerce: Subcommittee on Oversight and Investigations continued hearings entitled ''Capacity Swaps by Global Crossing and Qwest: Sham Transactions Designed to Boost Revenues?'' Testimony was heard from Gary Winnick, Chairman, Board of Directors, Global Crossing Ltd.; Jim Gorton, former General Counsel, Global Crossing Ltd.; and public witnesses.

RECORDING INDUSTRY MARKETING PRACTICES

Committee on Energy and Commerce: Subcommittee on Telecommunications and the Internet held a hearing entitled ''Recording Industry Marketing Practices: A Check-up.'' Testimony was heard from C. Lee Peeler, Deputy Director, Bureau of Consumer Protection, FTC; and public witnesses.

CHEMICAL AND BIOLOGICAL EQUIPMENT

Committee on Government Reform: Subcommittee on National Security, Veterans Affairs and International Relations held a hearing on Chemical and Biological Equipment: Preparing for a Toxic Battlefield. Testimony was heard from the following officials of the Department of Defense: Joseph E. Schmitz, Inspector General; Anna Johnson-Winegar, Assistant to the Secretary for CBD; Gen. Stephen Goldfein, USA, Deputy Director, Joint Warfighting Capability Analysis JCS; Maj. Gen. William L. Bond, USA, Office of the Assistant Secretary (ALT); Michael A. Parker, Deputy to the Commander, U.S. Army Soldier and Biological Chemical Command (SBCCOM); and George Allen, Deputy Director, Defense Supply Center-Philadelphia, Defense Logistics Agency; and Raymond J. Decker, Director, Defense Capabilities and Management, GAO.

The Subcommittee also met in executive session to continue this hearing. Testimony was heard from departmental witnesses.

E-GOVERNMENT ACT; OMB'S FREEZE ON IT

Committee on Government Reform: Subcommittee on Technology and Procurement Policy approved for full Committee action, as amended, H.R. 2458, E-Government Act of 2001.

The Subcommittee also held a hearing on ''Ensuring Coordination, Reducing Redundancy: A Review

of OMB's Freeze on IT Spending at Homeland Security Agencies." Testimony was heard from Joel Willemssen, Managing Director, Information Technology Issues, GAO; Mark Forman, E-Government and Information Technology Administrator, OMB; Pat Schambach, Chief Information Officer, Transportation Security Administration, Department of Transportation; S. W. Hall, Jr., Chief Information Officer, U.S. Custom Services, Department of the Treasury; Sandra Bates, Commissioner, Federal Technology Service, GSA; and a public witness.

CHILD ABDUCTION PREVENTION ACT

Committee on the Judiciary: Subcommittee on Crime, Terrorism and Homeland Security approved for full Committee action, as amended, H.R. 5422, Child Abduction Prevention Act.

Prior to this action, the Subcommittee held a hearing on H.R. 5422. Testimony was heard from Daniel P. Collins, Associate Deputy Attorney General, Department of Justice; and a public witness.

BRIEFING—SPECIAL PROGRAMS

Permanent Select Committee on Intelligence: Met in executive session to receive a briefing on Special Programs. The Committee was briefed by departmental witnesses.

Joint Meetings

9/11 INTELLIGENCE INVESTIGATION

Joint Hearing: Senate Select Committee on Intelligence continued joint hearings with the House Permanent Select Committee on Intelligence to examine activities of the U.S. Intelligence Community in connection with the September 11, 2001 terrorist attacks on the United States, receiving testimony from Eleanor Hill, Staff Director, Joint Inquiry Staff; James S. Gilmore III, Chairman, Advisory Panel to Assess Domestic Response Capabilities for Terrorism Involving Weapons of Mass Destruction; Francis X. Taylor, Coordinator for Counterterrorism, Department of State; Claudio Manno, Acting Associate Under Secretary of Transportation for Intelligence, Transportation Security Administration; Joseph R. Greene, Assistant Commissioner for Investigations, Immigration and Naturalization Service, Department of Justice; Louis Andre, Special Assistant for Intelligence, J–2, Defense Intelligence Agency; and Edward Norris, Baltimore Police Department, Baltimore, Maryland.

Hearings continue on Thursday, October 3.

NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST, *October 1, 2002, p. D992)*

H.R. 1646, to authorize appropriations for the Department of State for fiscal years 2002 and 2003. Signed on September 30, 2002. (Public Law 107–228)

H.J. Res. 111, making continuing appropriations for the fiscal year 2003. Signed on September 30, 2002. (Public Law 107–229)

COMMITTEE MEETINGS FOR WEDNESDAY, OCTOBER 2, 2002

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Commerce, Science, and Transportation: to hold hearings to examine airlines viability in the current economic climate, 9:30 a.m., SR–253.

Committee on Environment and Public Works: to hold hearings to examine the status and studies of the health impacts of fine particles which result from fuel combustion from motor vehicles, power generation, and industrial facilities, as well as from residential fireplaces and wood stoves, known as PM–2.5, focusing on those effects associated with power plant emissions, 2 p.m., SD–406.

Committee on Foreign Relations: business meeting to consider proposed legislation authorizing the use of the United States Armed Forces pursuant to a new resolution of the United Nations Security Council seeking to enforce the destruction and dismantlement of Iraq's weapons of mass destruction program and prohibited ballistic missile program or pursuant to the United States right of individual or collective self-defense if the Security Council fails to act, 11 a.m., SD–419.

Select Committee on Intelligence: to hold closed hearings on pending intelligence matters, 10 a.m., SH–219.

Committee on the Judiciary: to hold hearings to examine protecting children from child pornography, 10 a.m., SD–226.

House

Committee on Agriculture, Subcommittee on Department Operations, Oversight, Nutrition and Forestry, hearing on Invasive Species, 10 a.m., 1300 Longworth.

Committee on Armed Services, to continue hearings on U.S. Policy towards Iraq, 10 a.m., 2118 Rayburn.

Committee on Education and the Workforce, hearing on "The Rising Price of a Quality Postsecondary Education: Fact or Fiction," 2 p.m., 2175 Rayburn.

Committee on Energy and Commerce, to mark up the following: H.R. 3580, Medical Device Amendments of 2001; H.R. 4634, National Capital Area Physician Emergency Assistance Act; and the Child Safety Enhancement Act of 2002, 2 p.m., 2123 Rayburn.

Committee on Government Reform, hearing on "Americans Kidnapped to Saudi Arabia: Is the Saudi Government Responsible?" 10 a.m., 2154 Rayburn.

Committee on International Relations, to mark up Authorization for the Use of Military Force Against Iraq, 2:30 p.m., 2172 Rayburn.

Committee on the Judiciary, to mark up the following: H.R. 5422, Child Abduction Prevention Act; H.R. 2037, Protection of Lawful Commerce in Arms Acts; and a private relief bill, 10 a.m., 2141 Rayburn.

Committee on Rules, to consider S. 2690, to reaffirm the reference to one Nation under God in the Pledge of Allegiance, 3 p.m., H–313 Capitol.

Committee on Science, hearing on Meeting the Needs of the Fire Services: H.R. 3992, to establish the SAFER Firefighter Grant Program and H.R. 4548, to amend the Federal Fire Prevention and Control Act of 1974 with respect to firefighter assistance, 10 a.m., 2318 Rayburn.

Committee on Transportation and Infrastructure, Subcommittee on Aviation, to mark up a measure to provide financial relief for the airline industry, reform FAA and make technical corrections, 10:30 a.m., 2167 Rayburn.

Committee on Veterans' Affairs, Subcommittee on Health, hearing on VA's current programs for women veterans, 9:30 a.m., 334 Cannon.

Permanent Select Committee on Intelligence, executive, briefing on Global Hot Spots, 1:30 p.m., H–405 Capitol.

Subcommittee on Human Intelligence, Analysis and Counterintelligence, executive, hearing on CIA Compensation Reform, 10 a.m., H–405 Capitol.

Subcommittee on Intelligence Policy and National Security, executive, hearing on European Allies' Cooperation in the Counterrorism Efforts, 3 p.m., H–405 Capitol.

Joint Meetings

Conference: meeting of conferees on H.R. 4, to enhance energy conservation, research and development and to provide for security and diversity in the energy supply for the American people, 10 a.m., 2123 Rayburn Building.

Résumé of Congressional Activity

SECOND SESSION OF THE ONE HUNDRED SEVENTH CONGRESS

The first table gives a comprehensive résumé of all legislative business transacted by the Senate and House. The second table accounts for all nominations submitted to the Senate by the President for Senate confirmation.

DATA ON LEGISLATIVE ACTIVITY

January 23 through September 30, 2002

	Senate	*House*	*Total*
Days in session	123	100	..
Time in session	872 hrs., 23′	656 hrs., 13′	..
Congressional Record:			
Pages of proceedings	9,651	6,783	..
Extensions of Remarks	..	1,712	..
Public bills enacted into law	17	76	93
Private bills enacted into law	..	..	..
Bills in conference	13	10	..
Measures passed, total	298	432	730
Senate bills	66	25	..
House bills	91	203	..
Senate joint resolutions	1	2	..
House joint resolutions	3	4	..
Senate concurrent resolutions	22	9	..
House concurrent resolutions	23	61	..
Simple resolutions	92	128	..
Measures reported, total	158	17	..
Senate bills	158	17	..
House bills	70	220	..
Senate joint resolutions	2	1	..
House joint resolutions	..	3	..
Senate concurrent resolutions	8	..	..
House concurrent resolutions	3	12	..
Simple resolutions	26	80	..
Special reports	5	6	..
Conference reports	1	9	..
Measures pending on calendar	273	121	..
Measures introduced, total	1,335	2,351	3,686
Bills	1,132	1,893	..
Joint resolutions	15	30	..
Concurrent resolutions	55	193	..
Simple resolutions	133	235	..
Quorum calls	2	1	..
Yea-and-nay votes	227	251	..
Recorded votes	..	171	..
Bills vetoed	..	..	..
Vetoes overridden	..	..	..

* These figures include all measures reported, even if there was no accompanying report. A total of 160 reports have been filed in the Senate, a total of 348 reports have been filed in the House.

DISPOSITION OF EXECUTIVE NOMINATIONS

January 23 through September 30, 2002

Civilian Nominations, totaling 592 (including 166 nominations carried over from the First Session), disposed of as follows:

Confirmed	324
Unconfirmed	260
Withdrawn	8

Other Civilian Nominations, totaling 1,586 (including 535 nominations carried over from the First Session), disposed of as follows:

Confirmed	1,313
Unconfirmed	273

Air Force Nominations, totaling 5,733 (including 4 nominations carried over from the First Session), disposed of as follows:

Confirmed	5,692
Unconfirmed	41

Army Nominations, totaling 5,206 (including 53 nominations carried over from the First Session), disposed of as follows:

Confirmed	3,547
Unconfirmed	1,659

Navy Nominations, totaling 5,524, disposed of as follows:

Confirmed	5,354
Unconfirmed	170

Marine Corps Nominations, totaling 3,010 (including 33 nominations carried over from the First Session), disposed of as follows:

Confirmed	2,996
Unconfirmed	14

Summary

Total Nominations carried over from the First Session	791
Total Nominations Received this Session	20,860
Total Confirmed	19,226
Total Unconfirmed	2,417
Total Withdrawn	8
Total Returned to the White House	0

Next Meeting of the SENATE

9:30 a.m., Wednesday, October 2

Senate Chamber

Program for Wednesday: After the transaction of any morning business (not to extend beyond 11:30 a.m.), Senate will continue consideration of the conference report on H.R. 2215, 21st Century Department of Justice Appropriations Authorization Act.

(Tributes to Senator Helms will occur during morning business.)

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Wednesday, October 2

House Chamber

Program for Wednesday: Consideration of H. Res. 543, expressing the sense of the House that Congress should complete action on H.R. 4019, making marriage tax relief permanent (closed rule, one hour of debate);

Consideration of H. Res. 559, Expedited Special Elections (unanimous consent, one hour of debate); and

Motion to go to conference on H.R. 4628, Intelligence Authorization Act.

Congressional Record The public proceedings of each House of Congress, as reported by the Official Reporters thereof, are printed pursuant to directions of the Joint Committee on Printing as authorized by appropriate provisions of Title 44, United States Code, and published for each day that one or both Houses are in session, excepting very infrequent instances when two or more unusually small consecutive issues are printed at one time. ¶Public access to the Congressional Record is available online through *GPO Access,* a service of the Government Printing Office, free of charge to the user. The online database is updated each day the Congressional Record is published. The database includes both text and graphics from the beginning of the 103d Congress, 2d session (January 1994) forward. It is available through GPO Access at www.gpo.gov/gpoaccess. Customers can also access this information with WAIS client software, via telnet at swais.access.gpo.gov, or dial-in using communications software and a modem at (202) 512–1661. Questions or comments regarding this database or GPO Access can be directed to the GPO Access User Support Team at: E-Mail: gpoaccess@gpo.gov; Phone 1–888–293–6498 (toll-free), 202–512–1530 (D.C. area); Fax: 202–512–1262. The Team's hours of availability are Monday through Friday, 7:00 a.m. to 5:30 p.m., Eastern Standard Time, except Federal holidays. ¶The Congressional Record paper and 24x microfiche will be furnished by mail to subscribers, free of postage, at the following prices: paper edition, $211.00 for six months, $422.00 per year, or purchased for $5.00 per issue, payable in advance; microfiche edition, $141.00 per year, or purchased for $1.50 per issue payable in advance. The semimonthly Congressional Record Index may be purchased for the same per issue prices. To place an order for any of these products, visit the U.S. Government Online Bookstore at: bookstore.gpo.gov. Mail orders to: Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250–7954, or phone orders to (866) 512–1800 (toll free), (202) 512–1800 (D.C. Area), or fax to (202) 512–2250. Remit check or money order, made payable to the Superintendent of Documents, or use VISA, MasterCard, Discover, American Express, or GPO Deposit Account. ¶Following each session of Congress, the daily Congressional Record is revised, printed, permanently bound and sold by the Superintendent of Documents in individual parts or by sets. ¶With the exception of copyrighted articles, there are no restrictions on the republication of material from the Congressional Record.