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PROCEEDINGS AND DEBATES OF THE 107th CONGRESS, SECOND SESSION

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House of Representatives

The House met at 2 p.m. and was called to order by the Speaker pro tempore (Mr. CULBERSON).

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
September 4, 2002.

I hereby appoint the Honorable JOHN ABNEY CULBERSON to act as Speaker pro tempore on this day.

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

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Before You we stand, Lord God. As this fall session of the 107th Congress begins, we ask Your blessing upon all the Members of the House of Representatives and all who assist them in their work here on Capitol Hill.

Shed divine wisdom upon them that they may be gifted with insights, choose their words carefully and make solid judgments and prudent decisions.

May Your blessing make their committee meetings productive. By conscientious work may just laws be enacted so that Your people may enjoy hope and security. In each passing day may we realize Your presence with us until our work here is finished.

Then, as now, to You be the glory forever and ever. 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 Nevada (Mr. GIBBONS) come forward and lead the House in the Pledge of Allegiance.

Mr. GIBBONS 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.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 348. Concurrent resolution authorizing the use of the Capitol Grounds for the National Book Festival.

The message also announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 640. An act to adjust the boundaries of Santa Monica Mountains National Recreation Area, and for other purposes.

The message also announced that the Senate has passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 3253. An act to amend title 38, United States Code, to provide for the establishment within the Department of Veterans Affairs of improved emergency medical preparedness, research, and education programs to combat terrorism, and for other purposes.

The message also announced that the Senate has passed bills and a concurrent resolution of the following titles in which the concurrence of the House is requested:

S. 691. An act to direct the Secretary of Agriculture to convey certain land in the Lake Tahoe Basin Management Unit, Nevada, to the Secretary of the Interior, in trust for the Washoe Indian Tribe of Nevada and California.

S. 812. An act to amend the Federal Food, Drug, and Cosmetic Act to provide greater access to affordable pharmaceuticals.

S. 1010. An act to extend the deadline for commencement of construction of a hydroelectric project in the State of North Carolina.

S. 1227. An act to authorize the Secretary of the Interior to conduct a study of the suitability and feasibility of establishing the Niagara Falls National Heritage Area in the State of New York, and for other purposes.

S. 1240. An act to provide for the acquisition of land and construction of an interagency administrative and visitor facility at the entrance to American Fork Canyon, Utah, and for other purposes.

S. 1325. An act to ratify an agreement between the Aleut Corporation and the United States of America to exchange land rights received under the Alaska Native Claims Settlement Act for certain land interests on Adak Island, and for other purposes.

S. 1339. An act to amend the Bring Them Home Alive Act of 2000 to provide an asylum program with regard to American Persian Gulf War POW/MIAs, and for other purposes.

S. 1649. An act to amend the Omnibus Parks and Public Lands Management Act of 1996 to increase the authorization of appropriations for the Vancouver National Historic Reserve and for the preservation of Vancouver Barracks.

S. 1843. An act to extend certain hydroelectric licenses in the State of Alaska.

S 1852. An act to extend the deadline for commencement of construction of a hydroelectric project in the State of Wyoming.

S. 1894. An act to direct the Secretary of the Interior to conduct a special resource study to determine the national significance of the Miami Circle site in the State of Florida as well as the suitability and feasibility of its inclusion in the National Park, and for other purposes.

S. 1907. An act to direct the Secretary of the Interior to convey certain land to the city of Haines, Oregon.

S. 1946. An act to amend the National Trails System Act to designate the Old Spanish Trail as a National Historic Trail.

S. 2487. An act to provide for global pathogen surveillance and response.

S. 2549. An act to ensure that child employees of traveling sales crews are protected under the Fair Labor Standards Act of 1938.

S. 2558. An act to amend the Public Health Service Act to provide for the collection of

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data on benign brain-related tumors through the national program of cancer registries.

S. 2810. An act to amend the Communications Satellite Act of 1962 to extent the deadline for the INTELSAT initial public offering.

S. Con. Res. 137. Concurrent resolution expressing the sense of Congress that the Federal Mediation and Conciliation Service should exert its best efforts to cause the Major League Baseball Players Association and the owners of the teams of Major League Baseball to enter into a contract to continue to play professional baseball games without engaging in a strike, a lockout, or any conduct that interferes with the playing of scheduled professional baseball games.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, August 2, 2002.

Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on August 2, 2002 at 11:05 a.m.

That the Senate passed without amendment H.R. 223.

That the Senate passed without amendment H.R. 309.

That the Senate passed without amendment H.R. 601.

That the Senate passed without amendment H.R. 1384.

That the Senate passed without amendment H.R. 1456.

That the Senate passed without amendment H.R. 1576.

That the Senate passed without amendment H.R. 2068.

That the Senate passed without amendment H.R. 2234.

That the Senate passed without amendment H.R. 2440.

That the Senate passed without amendment H.R. 2441.

That the Senate passed without amendment H.R. 2643.

That the Senate passed without amendment H.R. 3343.

That the Senate passed without amendment H.R. 3380.

Appointments: President's Export Council.

With best wishes, I am

Sincerely,

MARTHA C. MORRISON,
Deputy Clerk of the House.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, August 2, 2002.

Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on August 2, 2002 at 9:34 a.m.

That the Senate agreed to conference report H.R. 3009.

Appointments: National Skill Standards Board and Global Climate Change Observer Group.

With best wishes, I am

Sincerely,

MARTHA C. MORRISON,
Deputy Clerk of the House.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 4 of rule I, Speaker pro tempore WOLF signed the following enrolled bill on Friday, August 2, 2002:

H.R. 3009, to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes, and the following enrolled bills on Wednesday, August 7, 2002:

H.R. 223, to amend the Clear Creek County, Colorado, Public Lands Transfer Act of 1993 to provide additional time for Clear Creek County to dispose of certain lands transferred to the county under the Act;

H.R. 309, to provide for the determination of withholding tax rates under the Guam income tax;

H.R. 601, to redesignate certain lands within the Craters of the Moon National Monument, and for other purposes;

H.R. 1384, to amend the National Trails System Act to designate the route in Arizona and New Mexico which the Navajo and Mescalero Apache Indian tribes were forced to walk in 1863 and 1864, for study for potential addition to the national trails system;

H.R. 1456, to expand the boundary of the Booker T. Washington National Monument, and for other purposes;

H.R. 1576, to designate the James Peak Wilderness and Protection Area in the Arapaho and Roosevelt National Forests in the State of Colorado, and for other purposes;

H.R. 2068, to revise, codify, and enact without substantive change certain general and permanent laws, related to public buildings, property, and works, as Title 40, United States Code, ''Public buildings, property, and works'';

H.R. 2234, to revise the boundary of the Tumacacori National Historical Park in the State of Arizona;

H.R. 2440, to rename Wolf Trap Farm Park as ''Wolf Trap National Park for the Performing Arts,'' and for other purposes;

H.R. 2441, to amend the Public Health Service Act to redesignate a facility as the National Hansen's Disease Programs Center, and for other purposes;

H.R. 2643, to authorize the acquisition of additional lands for inclusion in the Fort Clatsop National Memorial in the State of Oregon, and for other purposes;

H.R. 3343, to amend Title X of the Energy Policy Act of 1992, and for other purposes;

H.R. 3380, to authorize the Secretary of the Interior to issue right-of-way permits for natural gas pipelines with the boundary of Great Smoky Mountains National Park.

RESOLUTION CELEBRATING HEROISM AND BRAVERY

(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, just some basic facts. Each and every year every American uses 47,000 pounds of mined materials. Of that, 7,600 pounds are coal; and coal generates more than half of our domestic electricity, providing millions of Americans with energy that they need.

Mr. Speaker, it is the miner who we should thank for providing us with the quality of life that we enjoy, and we should remember that their work often comes at great personal risk.

In fact, on July 27, nine coal miners were trapped 240 feet below the Earth's surface for 77 hours in absolute darkness and chest deep in 55-degree water. This event revealed what is great about America, because hundreds of individuals courageously worked to rescue these nine men and return them safely to their families. Thankfully, we all witnessed a miracle as each miner was brought to the surface healthy and safe.

To express our sincere gratitude to these nine miners and their rescue crews, I am entering a concurrent resolution honoring these individuals.

Mr. Speaker, I ask that all of my colleagues join me in supporting this resolution which celebrates heroism and bravery.

WAR SHOULD NOT BE FIRST INSTRUMENT OF FOREIGN POLICY

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

Mr. DOGGETT. Mr. Speaker, overshadowing all of our hopes and dreams for our families and for our country is the daily talk of war. This Administration's apparent intent to launch a go-it-alone invasion of another country is unprecedented in American history, it is unprecedented in ignoring the warnings of military experts, it is unprecedented in rejecting the advice of our allies and, most importantly, unprecedented in the dangers posed for the safety of American families everywhere.

At one time ''regime change'' was the now-abandoned goal of our foreign policy toward an island 90 miles off our shores. Immediate success is even less certain for a regime on the other side of the world through a means uniformly rejected at present by the countries of the region. Of course, Saddam Hussein is a menace, as was Libya's Muammer Qaddafi, as was Josef Stalin. But able policymakers of both parties

found ways to contain such threats without starting what could become another world war.

Mr. President, unite our country and the world to eliminate weapons of mass destruction; do not divide us by making war the first instrument of your foreign policy.

CONGRESS SHOULD THINK TWICE BEFORE THRUSTING U.S. INTO WAR

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

Mr. PAUL. Mr. Speaker, I rise to urge the Congress to think twice before thrusting this Nation into a war without merit, one fraught with danger of escalating into something no American will be pleased with.

Thomas Jefferson advised, ''Never was so much false arithmetic employed on any subject as that which has been employed to persuade nations that it is in their interests to go to war.'' We have for months now heard plenty of false arithmetic and lame excuses on which we must pursue a preemptive war of aggression against an impoverished, third-world nation 6,000 miles from our shores that does not even possess a navy or air force, with the pretense that it must be done for national security interests.

For some reason, such an attack makes me feel much less secure while our country is made more vulnerable.

Congress must consider the fact that those with military experience advise a go-slow policy, and those without military experience are the ones demanding this war.

We cannot ignore the fact that all Iraq's Arab neighbors are opposed to this attack and our European allies object as well. If the military and diplomatic reasons for policy restraint make no sense, I advise they consider the $100 billion it will cost and that will surely compound our serious budgetary and economic problems we face here at home. We need no more false arithmetic on our budget or false reasons for pursuing this new adventure into preemptive war and worldwide nation-building.

THE CASE AGAINST SADDAM HUSSEIN HAS BEEN MADE

(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, I am a newcomer to Congress. I have been here only 8 months. I also have the distinction of being the only Member who is a member of the National Guard still drilling. At this time I have had, of course, my first August recess.

During the August recess, the issue that came up the most was the issue already discussed, and that is the danger of Iraq. We now have a bloodthirsty dictator who has access to chemical, nuclear, and biological weapons; he has the ability with ballistic missiles to send them against American allies and against American troops that are stationed throughout the Middle East.

Mr. Speaker, I believe that we should put our faith in the President, the intelligence agencies that we have, the wonderful military that we have, and the civilian military officials that we have before us. We need to understand there was a vote on September 14, 2001, right here in Congress, almost unanimously, to provide for military action against those who harbor or support terrorists, and the intent of that was to stop future terrorist attacks on the United States.

America has been attacked, and we are under threat. This is not a speculation as to the future; it has occurred. It will occur again if we do not take action to defend our civilian citizens.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. CULBERSON). Pursuant to clause 8 of rule XX, the Chair announces that he will postpone further proceedings today on each motion 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 after debate has concluded on all motions to suspend the rules, but not before 6:30 p.m. today.

EXPRESSING THE SENSE OF CONGRESS REGARDING THE UNITED STATES CONGRESSIONAL PHILHARMONIC SOCIETY

Mr. CASTLE. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 183) expressing the sense of Congress regarding the United States Congressional Philharmonic Society and its mission of promoting musical excellence throughout the educational system and encouraging people of all ages to commit to the love and expression of musical performance.

The Clerk read as follows:

H. CON. RES. 183

Whereas in February 1996, several Senators and members of the House of Representatives participated in a performance of the Broadway musical ''1776'', a story depicting the signing of the Declaration of Independence;

Whereas in April 1996 several Senators and members of the House of Representatives met with Maestro Martin Piecuch, the music director of the musical ''1776'', and formed the United States Congressional Choral Society;

Whereas on May 20, 1998, the United States Congressional Choral Society debuted at St. Joseph's Church on Capitol Hill, with standing ovations following its rendition of the ''Song of Democracy'' and the ''Battle Hymn of the Republic'';

Whereas on March 13, 1999, the United States Congressional Philharmonic Orchestra String Quartet played before the Ambassador to the United States from Canada at the Embassy of Canada in the District of Columbia;

Whereas on March 19, 1999, the United States Congressional Choral Society appeared in performance at the Washington National Cathedral;

Whereas on May 13, 1999, the United States Congressional Philharmonic Orchestra String Quartet played before a gathering of Ambassadors at the Benjamin Franklin Diplomatic Reception Room of the United States Department of State;

Whereas the United States Congressional Philharmonic Society is approved as a 501(c)(3) nonprofit organization under the Internal Revenue Code and is a corporation in good standing under the laws of the State of Delaware;

Whereas the United States Congressional Philharmonic Society will offer free concerts to the public in the Washington metropolitan area;

Whereas the United States Congressional Philharmonic Society will encourage the development of young musical talent across the United States by providing educational programs for schools across the nation and establishing internships and scholarships; and

Whereas the United States Congressional Philharmonic Society envisions holding a series of concerts focusing on themes such as Celebrations of America, Salutes to the States, a Great Americans series, and an International Congressional Concert series: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that the United States Congressional Philharmonic Society should be applauded—

(1) for organizing two musical groups, the United States Congressional Choral Society and the United States Congressional Philharmonic Orchestra;

(2) for having as its mission the promotion of patriotism, freedom, democracy, and understanding of American culture through sponsorship, management, and support of these groups and their derivative ensembles as they communicate through the international language of music in concerts and other multimedia performances in the District of Columbia and throughout the United States and the world; and

(3) for promoting musical excellence throughout the educational system, from pre-school through post-graduate, and encouraging people of all ages to commit to the love and expression of musical performance.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Delaware (Mr. CASTLE) and the gentlewoman from California (Mrs. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Delaware (Mr. CASTLE).

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

Today I rise in strong support of H. Con. Res. 183, which expresses the sense of Congress regarding the United States Congressional Philharmonic Society and its dual mission of promoting musical excellence throughout the educational system and encouraging people of all ages to appreciate musical performances.

In 1996, several Senators and Members of the House participated in a performance of the award-winning Broadway musical ''1776,'' a story depicting

the signing of the Declaration of Independence. A few months later, the United States Congressional Choral Society was formed. By all accounts, Members, staff, and friends of the United States Congress enjoyed their experience; and as a result, they also created the United States Congressional Orchestra, which debuted in 1999.

Today, both the Choral Society and the orchestra operate under a privately funded umbrella organization, the United States Congressional Philharmonic Society. Its vision is to become the artistic voice of America, encouraging Members, staff, and friends to use their musical talents and present musical programs that will enrich the lives of all Americans with patriotic and classical presentations.

□ 1415

These free concerts, which are available to the public in the Washington Metropolitan Area, often play to standing ovations. More important, they also encourage and support the development of young talent through internships, scholarships, and educational programs through schools.

I applaud the Congressional Philharmonic Society for successfully promoting patriotism, freedom, democracy, and understanding of American culture through music.

In conclusion, I would like to thank the gentleman from Virginia (Mr. DAVIS) for introducing this important resolution. I would urge my colleagues to support House Concurrent Resolution 183 and the Congressional Philharmonic Society.

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

Mrs. DAVIS of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of House Resolution 183. This resolution applauds the work of the U.S. Congressional Philharmonic Society and its promotion of musical excellence, patriotism, freedom, and democracy.

The U.S. Congressional Philharmonic Society is actually made up of two groups, the United States Congressional Choral Society, which has performed at St. Joseph's Church on Capitol Hill and the Washington National cathedral, and the United States Congressional Philharmonic Orchestra, which has performed before foreign heads of state.

Both of these organizations provide a valuable benefit to the people of Washington, D.C. and around the Nation in extolling the virtue of democracy and patriotism through music and song. Song and music have played an important role in many of our Nation's most historic moments, and the Society continues this tradition through its work.

The House does a great service today by recognizing this organization. I urge Members to support this legislation.

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

Mr. CASTLE. Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia (Mr. TOM DAVIS), the sponsor of the legislation.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I thank my friend for yielding time to me.

Mr. Speaker, I rise today as a proud sponsor of House Concurrent Resolution 183, commending the United States Philharmonic Society for their commitment to promote musical excellence throughout the educational system, and to encourage people of all ages to commit to the joy and expression of musical performance.

I believe that Americans should be encouraged to participate in music and art programs. Arts education programs, and specifically music education programs, have a positive impact on the lives of our children. Music education is a valuable lesson that serves to enrich our Society.

The United States Congressional Philharmonic Society plays an important role in accomplishing these goals. The United States Congressional Philharmonic Society has created its own unique mission, which promotes patriotism, freedom, democracy, and the understanding of American culture through sponsorship, management, and education. It has gained support through the international language of music in concerts and performances in the United States and throughout the world.

Under the organization of Maestro Martin Piecuch, the Congressional Philharmonic has quickly established itself as a voice of freedom and democracy through the art of music.

As the Music Director and Conductor of the Washington Symphony Orchestra, he has played a great role in the world of music for the citizens of Northern Virginia. He has served as resident conductor, orchestra manager, and chorus manager at Wolf Trap Farm Park for the Performing Arts, and has held the position of Music Conductor and Director for the Alexandria Choral Society.

Maestro Piecuch can be credited with planting the seed when he directed the Broadway musical 1776 at DAR Constitution Hall in March of 1995, in which 12 Members of Congress played roles as Founding Fathers of our great Nation.

With this the U.S. Congressional Choral Society was founded, and in May of 1998 the Congressional Choral Society debuted at St. Joseph's Church right here on Capitol Hill. From this successful base came the idea for the creation of the U.S. Congressional Orchestra, which, together with the Choral Society, operates under the organization of the U.S. Congressional Philharmonic Society.

Today, the U.S. Congressional Philharmonic, composed of Members, executives, and staffers on Capitol Hill, acts as an artistic voice for Congress. Created to honor the U.S. Congress, its Members, and constituents, the U.S. Congressional Philharmonic performs concerts all year round to salute our Nation's States, to salute American heritage, our great American statesmen, and appropriate cultural programs at various holiday periods throughout the year.

In addition to these commitments, it has developed many projects of its own to promote its premier causes, that include a concert series to promote democracy and peace throughout the world.

Mr. Speaker, the United States Congressional Philharmonic Society is a living example of how our country's principles of freedom and liberty can be showcased for the entire world through music. I urge all Members to join me in supporting and commending the United States Congressional Philharmonic Society.

Mr. CASTLE. Mr. Speaker, I yield such time as she may consume to the distinguished gentlewoman from Maryland (Mrs. MORELLA).

Mrs. MORELLA. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I am pleased to be able to speak in support of the United States Congressional Philharmonic Society, which will serve as the artistic voice of Congress and highlight works of American composers.

I want to thank my colleague, the gentleman from Virginia (Mr. TOM DAVIS), for introducing it, and I am proud to be one of the original cosponsors with him.

The United States Congressional Philharmonic Society is composed of two groups: the United States Congressional Choral Society, whose Members are Capitol Hill staffers, and a professional symphonic orchestra, the United States Congressional Philharmonic.

The organization is led by the wonderful maestro, Maestro Martin Piecuch, who was the Conductor and Musical Director of the Washington Symphony for 9 years.

As many of us remember, the genesis of the Congressional Philharmonic Society was a 1996 production of the Broadway musical 1776, which featured Members of Congress portraying some of the signers of the Declaration of Independence.

Since then, the Choral Society and the Philharmonic Orchestra have performed in various functions in Washington, both together and individually, to rave reviews. The orchestra's string quartet has played for numerous ambassadors, while the chorus' appearances include a performance at the National Cathedral.

We are here today to give the Philharmonic Society the official imprimatur of Congress, and we do so enthusiastically. The performing arts are so vitally important. They entertain us, inspire us, and give us a sense of wonder. I am honored to be here to support this wonderful endeavor.

The Philharmonic Society plans to perform free concerts in the Washington Metropolitan Area, and explore

such themes as celebrations of America and salutes to the States, as well as encourage the development of young musical talent by providing educational programs for schools across the Nation.

The Society is a private group, but with our blessing it can raise money to fulfill its mission. As Shakespeare once wrote, if music is the food of love, play on. I give my support to this organization, and look forward to hearing their performances for years to come.

Mrs. DAVIS of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am just delighted to be here today to speak on behalf of this sense of Congress, which looks at the United States Philharmonic Society and applauds them, and tells them that we are very proud of the great work that they are doing.

I am delighted to be here to join with my colleagues, the gentlewoman from Maryland (Mrs. MORELLA) and the gentleman from Delaware (Mr. CASTLE), and I want to thank the gentleman from Virginia (Mr. TOM DAVIS) for introducing this resolution.

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

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

Mr. Speaker, I would like to echo the words of the gentlewoman from California (Mrs. DAVIS), and thank her for her participation in support of this resolution.

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

The SPEAKER pro tempore (Mr. CULBERSON). 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, House Concurrent Resolution 183.

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.

JOHN F. KENNEDY CENTER PLAZA AUTHORIZATION ACT OF 2002

Mrs. CAPITO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5012) to amend the John F. Kennedy Center Act to authorize the Secretary of Transportation to carry out a project for construction of a plaza adjacent to the John F. Kennedy Center for the Performing Arts, and for other purposes.

The Clerk read as follows:

H.R. 5012

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 ''John F. Kennedy Center Plaza Authorization Act of 2002''.

SEC. 2. JOHN F. KENNEDY CENTER PLAZA.

The John F. Kennedy Center Act (20 U.S.C. 76h et seq.) is amended—

(1) by redesignating sections 12 and 13 as sections 13 and 14, respectively; and

(2) by inserting after section 11 the following:

''SEC. 12. JOHN F. KENNEDY CENTER PLAZA.

''(a) DEFINITIONS.—In this section, the following definitions apply:

''(1) AIR RIGHTS.—The term 'air rights' means real property interests conveyed by deed, lease, or permit for the use of space between streets and alleys within the boundaries of the Project.

''(2) CENTER.—The term 'Center' means the John F. Kennedy Center for the Performing Arts.

''(3) GREEN SPACES.—The term 'green spaces' means areas within the boundaries of the Project or affected by the Project that are covered by grass, trees, or other vegetation.

''(4) PLAZA.—The term 'Plaza' means improvements to the area surrounding the John F. Kennedy Center building carried out under the Project and comprised of transportation elements (including roadways, sidewalks, and bicycle lanes) and non-transportation elements (including landscaping, green space, open public space, water, sewer, and utility connections).

''(5) PROJECT.—The term 'Project' means the Plaza project, as described in the TEA–21 report, providing for construction of a Plaza adjacent to the Center and for improved bicycle, pedestrian, and vehicular access to and around the Center. The term includes planning, design, engineering, and construction of the Plaza, buildings to be constructed on the Plaza, and related transportation improvements and may include any other elements of the Project identified in the TEA–21 report.

''(6) SECRETARY.—The term 'Secretary' means the Secretary of Transportation.

''(7) TEA–21 REPORT.—The term 'TEA–21 report' means the report of the Secretary submitted to Congress under section 1214 of the Transportation Equity Act for the 21st Century (20 U.S.C. 76j note; 112 Stat. 204).

''(b) RESPONSIBILITIES OF THE SECRETARY.—

''(1) IN GENERAL.—The Secretary shall be responsible for the Project and may undertake such activities as may be necessary to construct the Project, other than buildings to be constructed on the Plaza, substantially as described in the TEA–21 report.

''(2) PLANNING, DESIGN, ENGINEERING, AND CONSTRUCTION.—The Secretary shall be responsible for the planning, design, engineering, and construction of the Project, other than buildings to be constructed on the Plaza.

''(3) AGREEMENTS WITH THE BOARD AND OTHER AGENCIES.—The Secretary shall enter into memoranda of agreement with the Board and any appropriate Federal or other governmental agency to facilitate the planning, design, engineering, and construction of the Project.

''(4) CONSULTATION WITH THE BOARD.—The Secretary shall consult with the Board to maximize efficiencies in planning and executing the Project, including the construction of any buildings on the Plaza.

''(5) CONTRACTS.—Subject to the approval of the Board, the Secretary may enter into contracts on behalf of the Center related to the planning, design, engineering, and construction of the Project.

''(c) RESPONSIBILITIES OF THE BOARD.—

''(1) IN GENERAL.—The Board may undertake such activities as may be necessary to construct buildings on the Plaza for the Project.

''(2) RECEIPT OF TRANSFERS OF AIR RIGHTS.—The Board may receive from the District of Columbia such transfers of air rights as may be necessary for the planning, design, engineering, and construction of the Project.

''(3) CONSTRUCTION OF BUILDINGS.—The Board may construct, with non-appropriated funds, buildings on the Plaza for the Project and shall be responsible for the planning, design, engineering, and construction of the buildings.

''(4) ACKNOWLEDGMENT OF CONTRIBUTIONS.—

''(A) IN GENERAL.—The Board may acknowledge private contributions used in the construction of buildings on the Plaza for the Project in the interior of the buildings, but may not acknowledge private contributions on the exterior of the buildings.

''(B) APPLICABILITY OF OTHER REQUIREMENTS.—Any acknowledgment of private contributions under this paragraph shall be consistent with the requirements of section 4(b).

''(d) RESPONSIBILITIES OF THE DISTRICT OF COLUMBIA.—

''(1) MODIFICATION OF HIGHWAY SYSTEM.—Notwithstanding any State or local law, the Mayor of the District of Columbia, in consultation with the National Capital Planning Commission and the Secretary, shall have exclusive authority to amend or modify the permanent system of highways of the District of Columbia as may be necessary to meet the requirements and needs of the Project.

''(2) CONVEYANCES.—

''(A) AUTHORITY.—Notwithstanding any State or local law, the Mayor of the District of Columbia shall have exclusive authority to convey or dispose of any interests in real estate (including air rights or air space as that term is defined by District of Columbia law) owned or controlled by the District of Columbia, as may be necessary to meet the requirements and needs of the Project.

''(B) CONVEYANCE TO THE BOARD.—Not later than 90 days following the date of receipt of notification from the Secretary of the requirements and needs of the Project, the Mayor of the District of Columbia shall convey or dispose of to the Board without compensation interests in real estate described in subparagraph (A).

''(3) AGREEMENTS WITH THE BOARD.—The Mayor of the District of Columbia shall have the authority to enter into memoranda of agreement with the Board and any Federal or other governmental agency to facilitate the planning, design, engineering, and construction of the Project.

''(e) OWNERSHIP.—

''(1) ROADWAYS AND SIDEWALKS.—Upon completion of the Project, responsibility for maintenance and oversight of roadways and sidewalks modified or improved for the Project shall remain with the owner of the affected roadways and sidewalks.

''(2) MAINTENANCE OF GREEN SPACES.—Subject to paragraph (3), upon completion of the Project, responsibility for maintenance and oversight of any green spaces modified or improved for the Project shall remain with the owner of the affected green spaces.

''(3) BUILDINGS AND GREEN SPACES ON THE PLAZA.—Upon completion of the Project, the Board shall own, operate, and maintain the buildings and green spaces established on the Plaza for the Project.

''(f) NATIONAL HIGHWAY BOUNDARIES.—

''(1) REALIGNMENT OF BOUNDARIES.—The Secretary may realign national highways related to proposed changes to the Northern and Southern Interchanges and the E Street Approach recommended in the TEA–21 report in order to facilitate the flow of traffic in the vicinity of the Center.

''(2) ACCESS TO CENTER FROM I–66.—The Secretary may improve direct access and egress between Interstate Route 66 and the Center, including its garages.''.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

Section 13 of John F. Kennedy Center Act (as redesignated by section 2 of this Act) is amended—

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

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

''(c) JOHN F. KENNEDY CENTER PLAZA.—There is authorized to be appropriated to the Secretary of Transportation for capital costs incurred in the planning, design, engineering, and construction of the project authorized by section 12 (including roadway improvements related to the North and South Interchanges and construction of the John F. Kennedy Center Plaza, but not including construction of any buildings on the plaza) a total of $400,000,000 for fiscal years 2003 through 2010. Such sums shall remain available until expended.''.

SEC. 4. CONFORMING AMENDMENTS.

(a) SELECTION OF CONTRACTORS.—Section 4(a)(2)(D) of the John F. Kennedy Center Act (20 U.S.C 76j(a)(2)(D)) is amended to read as follows:

''(D) SELECTION OF CONTRACTORS.—In carrying out the duties of the Board under this Act, the Board may negotiate any contract—

''(i) for planning, design, engineering, or construction of buildings to be erected on the John F. Kennedy Center Plaza under section 12 and for landscaping and other improvements to the Plaza; or

''(ii) for an environmental system for, a protection system for, or a repair to, maintenance of, or restoration of the John F. Kennedy Center for the Performing Arts,

with selected contractors and award the contract on the basis of contractor qualifications as well as price.''.

(b) DEFINITIONS.—Section 14 of the John F. Kennedy Center Act (as redesignated by section 2 of this Act) is amended by adding at the end the following: ''Upon completion of the project for establishment of the John F. Kennedy Center Plaza authorized by section 12, the Board, in consultation with the Secretary of Transportation, shall amend the map that is on file and available for public inspection under the preceding sentence.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from West Virginia (Mrs. CAPITO) and the gentleman from Minnesota (Mr. OBERSTAR) each will control 20 minutes.

The Chair recognizes the gentlewoman from West Virginia (Mrs. CAPITO).

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

Mr. Speaker, the Kennedy Center suffers from being isolated from the rest of Washington, D.C.'s monumental core, and from limited, confusing, and potentially unsafe points of entry. High levels of congestion on the Rock Creek and Potomac Parkway confound vehicular traffic and various bridge ramps near performance times. Nearly 200,000 vehicles a day use the complex of roadways and ramps adjacent to the center each day, and there are high accident rates at the foot of the Roosevelt Bridge and the intersection of Virginia Avenue, 27th Street, and the parkway.

H.R. 5012 authorizes the Secretary of the Department of Transportation, in conjunction with the John F. Kennedy Center for the Performing Arts and the District of Columbia, to make pedestrian and vehicular access improvements around the Kennedy Center.

In 1998, when the Committee on Transportation and Infrastructure passed TEA–21, it authorized the Secretary of Transportation to undertake a comprehensive study of ways to improve the flow of traffic and access to the Kennedy Center. In 2000, the Department of Transportation issued the Kennedy Center access study, which identified five phases to improving access to the Kennedy Center. In that same year, funding was made available for DOT to proceed with preliminary project planning, environmental reviews, and design approvals.

The John F. Kennedy Center Plaza Authorization Act of 2002 builds upon these earlier efforts and authorizes the Secretary of Transportation to enact many of the improvements recommended by the access study, including the outcomes of a pedestrian plaza over the Potomac Freeway and improving access between I–66, the Rock Creek Parkway, E Street Northwest, 25th Street Northwest, and the Kennedy Center.

The new plaza will be connected to the local street grid by E and 25th Streets Northwest, and will create approximately eight acres of new land directly east of the Kennedy Center.

H.R. 5012 authorizes and directs the Mayor of the District of Columbia to transfer the air rights and airspace necessary to complete the project as determined by DOT. This has the support of the Mayor, and the subcommittee received testimony from the District to that effect at a hearing held on June 13, 2002.

Based on DOT testimony, the bill authorizes a total of $400 million to undertake the recommended improvements. In addition, H.R. 5012 authorizes the Kennedy Center to construct buildings on the newly created plaza with nonappropriated funds. The newly constructed buildings will provide needed space for educational, rehearsal, performance, and administrative functions, and become a part of the living memorial to President Kennedy. Any private donations for the buildings will be acknowledged in a manner consistent with existing law.

The subcommittee on Economic Development, Public Buildings and Emergency Management held a hearing on this important project in June, and the project received the enthusiastic support of the Department of Transportation, the government of the District of Columbia, and the Kennedy Center. I support this legislation and encourage my colleagues to do the same.

Mr. Speaker, I include for the RECORD the following material regarding the project:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, July 30, 2002.

Hon. DON YOUNG,
Chairman, Committee on Transportation, and Infrastructure,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 5012, the John F. Kennedy Center Plaza Authorization Act of 2002.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contacts are Rachel Milberg (for federal costs), who can be reached at 226–2860, and Greg Waring (for the state and local impact), who can be reached at 225–3220.

Sincerely,

BARRY B. ANDERSON,
(For Dan L. Crippen, Director).

Enclosure.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

H.R. 5012—John F. Kennedy Center Plaza Authorization Act of 2002

Summary: H.R. 5012 would authorize the appropriation of $400 million to the Department of Transportation (DOT) to plan and construct a new plaza in front of the John F. Kennedy Center, and to improve access to the Center for both pedestrians and vehicles.

Assuming appropriation of the authorized amount, CBO estimate that implementing H.R. 5012 would cost about $135 million over the 2003–2007 period and another $265 million after 2007. Enacting H.R. 5012 would not affect direct spending or receipts; therefore, pay-as-you-go procedures would not apply.

H.R. 5012 contains intergovernmental mandates as defined in the Unfunded Mandates Reform Act (UMRA), but CBO estimates that the costs would be significantly below the threshold established in that act ($58 million in 2002, adjusted annually for inflation). The bill contains no private-sector mandates as defined in UMRA.

Estimated cost to the Federal Government: The estimate budgetary impact of H.R. 5012 is shown in the following table. The costs of this legislation fall within budget function 400 (transportation).

	By fiscal year, in millions of dollars—				
	2003	2004	2005	2006	2007
CHANGES IN SPENDING SUBJECT TO APPROPRIATION					
Estimated Authorization Level [1]	10	10	20	50	100
Estimated Outlays	3	7	10	40	75

[1] H.R. 5012 would authorize the appropriation of $400 million over the 2003–2010 period. CBO estimates that $190 million of that amount could be appropriated over the 2003–2007 period, with the remaining $210 million provided after 2007.

Basis of estimate: For this estimate, CBO assumes that H.R. 5012 will be enacted near the end of fiscal year 2002 and that the amounts necessary to implement the bill will be appropriated for each year. Estimates of outlays are based on information from the Federal Highway Administration, the John F. Kennedy Center, and historical spending patterns of similar projects. Based on information from the agency, CBO estimates that DOT would plan and construct the plaza project over the next 12 years. Current plans for the plaza include space for two small buildings.

Pay-as-you-go considerations: None.

Estimated impact on state, local, and tribal governments: H.R. 5012 would bypass the D.C. City Council's review and approval of efforts to dispose of D.C. property for the Kennedy Center Plaza project. In preempting the City Council's authority, the bill contains an intergovernmental mandate as defined in UMRA, but CBO estimates that it would impose no duty on the city government that would result in additional spending.

If necessary for the construction of the proposed Kennedy Center Plaza, the District of Columbia would have to reconfigure the city highway system. In addition, the District of Columbia would have to transfer any property or air rights required for the project, without compensation. These potential requirements on the city also would be intergovernmental mandates as defined in UMRA. Based on information from the Federal Highway Administration and the District's Department of Transportation, CBO

estimates that the costs of complying with these mandates would be significantly below the threshold established in that act ($58 million in 2002, adjusted annually for inflation). Furthermore, the construction-related costs resulting from the mandates would be funded by the federal government.

Estimated impact on the private sector: H.R. 5012 contains no private-sector mandates as defined in UMRA.

Estimate prepared by: Federal Costs: Rachel Milberg; Impact on State, Local, and Tribal Governments: Greg Waring; and Impact on the Private Sector: Jean Talarico.

Estimate approved by: Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

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

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

Mr. Speaker, the John F. Kennedy Center has long been envisioned and has been created and established as a living memorial to the late President Kennedy. It is also the Nation's premier cultural institution for the performing arts.

The chairman of our Committee on Transportation and Infrastructure, the gentleman from Alaska (Mr. YOUNG), is also a member of the Board of Trustees of the Kennedy Center, and we both know from our participation in the deliberations of the board that the center is this vibrant and dynamic institution that it was envisioned to be. Every year over 5 million people visit, attend, enjoy, and are enriched by performances at the Kennedy Center, particularly the Millenium State performances that are free to the public and operate 365 days a year. They are innovative performances that are available to all the people who come to our Nation's capital for whatever purpose, travel or business, leisure, and people come to enjoy those Millenium State performances in ever-increasing numbers.

□ 1430

But, unfortunately, the Kennedy Center is sort of cut off from the rest of Washington, D.C. The original design of the center does not envision the structure situated as it is today. I can remember when I was working teaching language in Haiti in 1959 and 1960 through 1962, reading, admittedly, with three weeks' delay, the news from Washington and reading this grand design plan set forth by then-President Eisenhower or by his administration for a center for the performing arts in Washington, D.C., and this magnificent sweep of the structure out over the Potomac River and looking back towards monumental Washington. And, of course, the part east of the current location of the Kennedy Center was then dilapidated buildings, all envisioned to be torn down, no roadway where we now have one, and it was intended that this would just connect Washington, D.C. and this new center for the performing ars. That is not the way it worked out.

Funding constraints limited the original scope. The connection with downtown Washington was not realized. The center's problems have multiplied over the years. Attending nighttime performances means that patrons either add to the District of Columbia's notorious rush hour traffic jams or are reduced to a functional but not fully acceptable and adequate shuttle system.

There are over 200,000 vehicles a day that use the complex series of ramps and roadways that are adjacent to the Kennedy Center. There is no pedestrian or bicycle access to the center from the east or from the southeast, from the Washington, D.C. mall.

In many a time I have been driving along that avenue and watched as pedestrians risk their lives running across 4 to 5, 6 lanes of traffic at even heavy traffic times. That is just simply not acceptable. The closest Metro stop to the Kennedy Center is the Foggy Bottom Metro stop a half mile from the center, too far for a good many people to walk comfortably and perhaps not entirely safe either. The center runs a very successful shuttle bus, but there is a lack of frequency, a lack of adequate signage to make it comfortable for walkers to find the center. And, furthermore, this is a very historic neighborhood and people ought to be able to enjoy it in some fashion other than rushing to get from wherever they are parking to the Kennedy Center.

In 1998, the former chairman of our Committee on Transportation and Infrastructure, Congressman Shuster, and I worked together to secure funding in the Transportation Equity Act for the 21st Century, to provide funds for the Department of Transportation to analyze methods to improve access to the Kennedy Center. That study has been completed. It has identified a number of proposed design and access improvements. In particular, the study proposes going back to the original concept of connecting the Kennedy Center with monumental Washington, as I call it, that is the historic sweep of structures and monuments that are testimony to the Nation's history and its evolution with the Kennedy Center. This plan would build a plaza over the spaghetti bowl of freeways, particularly the Potomac freeway, and would create 8 new acres of public space, would connect E Street and 25th Street to the plaza and reestablish the city grid; E Street to be changed at the western terminus to link the center and the core of the city, and there are proposed new connections between Rock Creek Parkway and the Potomac freeway. There would be pedestrian paths, bicycle paths, transit improvements to link the center to the heart of Washington, D.C. That is how it should be. That is how this national cultural center should function.

Based on this study, the bill we bring to the floor today, the Kennedy Center Plaza Authorization Act, authorizes a cooperative venture between the Kennedy Center, the U.S. Department of Transportation, and the District of Columbia to improve access to and from the Kennedy Center. It authorizes, as the gentlewoman from West Virginia (Mrs. CAPITO) said a moment ago, $400 million to plan, design and construct the proposed plaza in order to undertake the necessary highway improvements to create this access to the center.

The Kennedy Center itself has offered to undertake the cost of constructing the new buildings to be constructed on the plaza, buildings that will house rehearsal halls, classrooms, and be an open invitation to the public to actually come and see how rehearsals are conducted. It would be a great opportunity for the public who come to enjoy the arts in our Nation's capital. And I invite any of our colleagues to come to the center or ask the Kennedy Center staff to come and give them a presentation, a showing of the artists' rendition of these structural changes because I think once Members see it, they will be enthralled, captivated and excited by it, as I am, as the members of the board of trustees, and as is the gentlewoman from the District of Columbia.

Mr. Speaker, I yield such time as she may consume to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Speaker, I very much appreciate the remarks of the ranking member who always brings a background and perspective that makes anyone who has not been fortunate to be in this institution as long as he has understand the continuum of the work we are about and a continuum is what we are about today. I also want to thank the gentlewoman from West Virginia (Mrs. CAPITO) for her hard work in bringing this bill to the floor.

This bill is really part of a larger vision, and one does not have to live here to have that vision. This is a small, compact city. There is not a lot of room left for all of the buildings, not to mention all of the memorials, that people would like to see in Washington. But there is a big, relatively for this city, a big piece of land that could, in fact, house much more to make the Kennedy Center the true national performing arts center it was intended to be. But to even begin to approach this vision, we have a lot of work to do on the basics, and this bill is about the basics. This bill is not about the buildings. I believe they will be constructed all with private funds. I have talked with the dynamic new leader of the Kennedy Center. But there is part of this work that is for government alone.

Its rough name is infrastructure. We have got to lay the groundwork in order for the vision to rise. The mall is a work in progress. The mall is always incomplete. So we should not be surprised that we are always adding to the mall. That is as the Founders wanted it. They have also wanted us to be careful about the mall. They did not want us to put every little thing on the

mall. And one of the things I implore my colleagues to remember is that the mall is perpetual. When generations we cannot even imagine are here, the mall should be here, and one of the things we do not want to do is just crowd the mall with the hubris of our generation, leaving no room for anything else to go up. If we do that, we will have to do what some of the European countries are doing. They are tearing down statues in order to allow more to rise. I think we should just be careful what we do.

I believe future generations will look at what this bill initiates as part of the natural process of filling out the mall. And I very much applaud the continuing attention that the Committee on Transportation and Infrastructure has given to the Kennedy Center and to the completion of the work there, and especially to the fact that one cannot get there from here.

The 25 million tourists who come to the District of Columbia may do as I do as often as I can. I go on a race walk down the mall beginning at 3rd Street. It is a wonderful way to get exercise. When we get to the Lincoln Memorial, that is it, folks. If we want to walk, walk no further, unless we want to take our chances going across highways. That is not exactly what the mall had in mind. Indeed, cars cannot always get there from here. It is as if, as we get to the Kennedy Center, it was made for cars, not people, and not even for the arts.

Remember that the John F. Kennedy Center really reminds us of two great presidents. The notion of a cultural arts center began with President Eisenhower. Ultimately, when it was built, it was named for the martyred President Kennedy, so it bears the imprimatur of two great president and it inspires this body in a bipartisan fashion to move forward to try to complete it even as generation after generation moves forward with the mall to complete it or to make sure that it remains a mall and remains in many ways clear.

The Congressional commitment to the plaza and to the center has been clear, as the ranking member indicated, since Chairman Shuster was the chair of the committee. And, therefore, I am sure he would take special pride that we are moving forward with it today.

This is a cultural center with no bus service; cabs have a hard time getting in and stopping; no metro; cut off from its neighborhoods along the riverfront except one cannot get to the riverfront from the center; isolated from everything around it. The very opposite of what a cultural center is supposed to be. We are going to fix that.

I appreciate that the bill incorporates the District of Columbia, which has the air rights, and the mayor and I have spoken about those rights. There will be no problem getting whatever is necessary to make sure that the many air rights are, in fact, dealt with.

The central feature of the mall will be a pedestrian plaza over a deck. It will transform the Kennedy Center itself. It will mean that our constituents who come in very large numbers, and increasingly so now that everyone understands that the capital of the United States is the safest city in the world, better protected than any city in the world, as the visitors come, they will be the first to understand that there has been a transformation in this city, that the city is being completed, that the mall itself is being extended, and that we are opening the cultural life physically and in every other way to the world and especially to our country.

I urge my colleagues to support this bill and to remain with us until we see this plaza rise, and perhaps Members of Congress will be the first to walk down the plaza and invite people from all around the world to come to a cultural arts center made for the world and where the world can now come and walk and see and have the kind of access that was always intended.

Mr. Speaker, I thank the gentleman for yielding me time.

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

Mr. Speaker, I want to thank the gentlewoman from the District of Columbia (Ms. NORTON) for her very thoughtful, as always, constructive and scholarly presentation and I am particularly touched by the gentlewoman's reference to the mall as perpetual, yet evolving.

The arts, more than the Kennedy Center, the arts are perpetual. They are what lift a Nation's spirits.

□ 1445

I think history records more what our poets and our composers have to say than what our generals have to do. We, especially in the aftermath of September 11, need the arts to lift our spirits and to design the future and to refocus our aspirations. Kennedy Center is part of that. It was one of the very first cultural institutions in the United States to have a response in art form to the events of September 11, and just as important as it is to make the Kennedy Center accessible as the National Cultural Performing Arts Center to all those 20 million plus visitors who come to this Nation's capital, it also must be accessible to the residents of the District of Columbia themselves, and connecting the Kennedy Center through this plaza to monumental Washington will make it far more attractive and far more available to the residents of the District of Columbia themselves, and that is my fond hope.

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

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

I would like to thank my colleagues the gentlewoman from the District of Columbia (Ms. NORTON) and the gentleman from Minnesota (Mr. OBERSTAR) for their very moving tributes to the Kennedy Center and also to the beloved District of Columbia. I appreciate their hard work on this.

I too believe the Kennedy Center is a jewel of our District of Columbia, and to have access to the arts, the very vibrant programs that are brought there daily, not only to the citizens of the District and those of us who are here on a regular basis, but for the many, many visitors I think is a wonderful project that will make generations to come be able to enjoy all the many fine programs that the Kennedy Center has put forth now and in the future.

Mr. COSTELLO. Mr. Speaker, I first with to thank Chairman LATOURETTE for lending his support and providing leadership for this bill. Also Chairman YOUNG and Ranking Member OBERSTAR, trustees of the Kennedy Center, have worked to establish broad bi-partisan support for the bill.

This bill will authorize the Department of Transportation, the Government of the District of Columbia, and the Board of Trustees of the John F. Kennedy Center to enter into agreements to conduct environmental planning, provide designs, and execute plans to improve pedestrian, vehicular, and bicycle access to the John F. Kennedy Center for the Performing Arts.

The Kennedy Center is currently isolated from the surrounding city and its physical setting is inconsistent with its mission. A report authorized by TEA–21 identified a number of conditions that impede access to the Presidential memorial. There is no access from the east for pedestrian, vehicles, or bicycles, the pedestrian link to the Metro is too far away and poorly signed, pedestrian and bicycle traffic from the south must cross hazardous roadways, very poor vehicular connections exist between the freeway and the Rock Creek Parkway, and a complicated series of ramps and exits exist to the south of the Center.

The study recommends a series of improvements to remedy the access problem. The centerpiece of these improvements is a proposed plaza, which will be atop a deck over the Potomac Freeway. This deck would provide a new public space and stately approach to the Center from the east. E St. and 25th St. would connect to the plaza, thus reestablishing the local street grid. To the north of the Center new connections would be built between Rock Creek and the Potomac Freeway in the vicinity of K St. Overall, hazardous and congested traffic conditions would be relieved.

The Board of Trustees of the Center has committed to raising private funds to construct the building to be constructed on the plaza. Currently the plan calls for two buildings for the plaza. One building would be used as rehearsal space, classrooms, and for administrative offices. It is expected the second structure could house and display musical artifacts currently stored at the Library of Congress and the Smithsonian.

I support H.R. 5012 and again extend my thanks to the Committee leadership for their encouragement and support.

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

The SPEAKER pro tempore (Mr. CULBERSON). The question is on the motion offered by the gentlewoman from West Virginia (Mrs. CAPITO) that the House suspend the rules and pass the bill, H.R. 5012.

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.

GENERAL LEAVE

Mrs. CAPITO. 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. 5012, the bill just considered by the House.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from West Virginia?

There was no objection.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Evans, one of his secretaries.

GREAT LAKES LEGACY ACT OF 2002

Mr. DUNCAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1070) to amend the Federal Water Pollution Control Act to authorize the Administrator of the Environmental Protection Agency to make grants for remediation of sediment contamination in areas of concern and to authorize assistance for research and development of innovative technologies for such purpose, as amended.

The Clerk read as follows:

H.R. 1070

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 ''Great Lakes Legacy Act of 2002''.

SEC. 2. REMEDIATION OF SEDIMENT CONTAMINATION IN AREAS OF CONCERN IN THE GREAT LAKES.

Section 118(c) of the Federal Water Pollution Control Act (33 U.S.C. 1268(c)) is amended by adding at the end the following:

''(12) REMEDIATION OF SEDIMENT CONTAMINATION IN AREAS OF CONCERN.—

''(A) IN GENERAL.—In accordance with this paragraph, the Administrator, acting through the Great Lakes National Program Office and in coordination with the Office of Research and Development, may carry out qualified projects.

''(B) QUALIFIED PROJECT.—In this paragraph, a qualified project is a project to be carried out in an area of concern located wholly or in part in the United States that—

''(i) monitors or evaluates contaminated sediment;

''(ii) subject to subparagraph (D), implements a plan to remediate contaminated sediment; or

''(iii) prevents further or renewed contamination of sediment.

''(C) PRIORITY.—In selecting projects to carry out under this paragraph, the Administrator shall give priority to a project that—

''(i) constitutes remedial action for contaminated sediment;

''(ii) has been identified in a Remedial Action Plan submitted pursuant to paragraph (3) and is ready to be implemented; or

''(iii) will use an innovative approach, technology, or technique that may provide greater environmental benefits or equivalent environmental benefits at a reduced cost.

''(D) LIMITATION.—The Administrator may not carry out a project under this paragraph for remediation of contaminated sediments located in an area of concern—

''(i) if an evaluation of remedial alternatives for the area of concern has not been conducted, including a review of the short-term and long-term effects of the alternatives on human health and the environment; or

''(ii) if the Administrator determines that the area of concern is likely to suffer significant further or renewed contamination from existing sources of pollutants causing sediment contamination following completion of the project.

''(E) NON-FEDERAL MATCHING REQUIREMENT.—

''(i) IN GENERAL.—The non-Federal share of the cost of a project carried out under this paragraph shall be not less than 35 percent.

''(ii) IN-KIND CONTRIBUTIONS.—The non-Federal share of the cost of a project carried out under this paragraph may include the value of in-kind services contributed by a non-Federal sponsor, including any in-kind service performed under an administrative order on consent or judicial consent decree, but not including any in-kind services performed under a unilateral administrative order or court order.

''(iii) OPERATION AND MAINTENANCE.—The non-Federal share of the cost of the operation and maintenance of a project carried out under this paragraph shall be 100 percent.

''(F) MAINTENANCE OF EFFORT.—The Administrator may not carry out a project under this paragraph unless the non-Federal sponsor enters into such agreements with the Administrator as the Administrator may require to ensure that the non-Federal sponsor will maintain its aggregate expenditures from all other sources for remediation programs in the area of concern in which the project is located at or above the average level of such expenditures in its 2 fiscal years preceding the date on which the project is initiated.

''(G) COORDINATION.—In carrying out projects under this paragraph, the Administrator shall coordinate with the Secretary of the Army, and with the Governors of States in which the projects are located, to ensure that Federal and State assistance for remediation in areas of concern is used as efficiently as possible.

''(H) AUTHORIZATION OF APPROPRIATIONS.—

''(i) IN GENERAL.—In addition to other amounts authorized under this section, there is authorized to be appropriated to carry out this paragraph $50,000,000 for each of fiscal years 2003 through 2007.

''(ii) AVAILABILITY.—Funds appropriated under clause (i) shall remain available until expended.''.

SEC. 3. RELATIONSHIP TO FEDERAL AND STATE AUTHORITIES.

Section 118(g) of the Federal Water Pollution Control Act (33 U.S.C. 1268) is amended—

(1) by striking ''construed to affect'' and inserting the following: ''construed—

''(1) to affect'';

(2) by striking the period at the end and inserting ''; or'';

(3) by adding at the end the following:

''(2) to affect any other Federal or State authority that is being used or may be used to facilitate the cleanup and protection of the Great Lakes.''; and

(4) by aligning the remainder of the text of paragraph (1) (as designated by paragraph (1) of this section) with paragraph (2) (as added by paragraph (3) of this section).

SEC. 4. RESEARCH AND DEVELOPMENT PROGRAM.

(a) IN GENERAL.—In coordination with other Federal and local officials, the Administrator of the Environmental Protection Agency is authorized to conduct research on the development and use of innovative approaches, technologies, and techniques for the remediation of sediment contamination in areas of concern in the Great Lakes.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—In addition to amounts authorized under other laws, there is authorized to be appropriated to carry out this section $2,000,000 for each of fiscal years 2003 through 2007.

(2) AVAILABILITY.—Funds appropriated under paragraph (1) shall remain available until expended.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Tennessee (Mr. DUNCAN) and the gentleman from Minnesota (Mr. OBERSTAR) each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee (Mr. DUNCAN).

Mr. DUNCAN. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 1070, the Great Lakes Legacy Act of 2002. H.R. 1070 reflects a consensus approach to addressing sediment contamination in the Great Lakes.

The Great Lakes are, without question, a vital resource for both the United States and Canada. The Great Lakes system provides a waterway to move goods; water supply for drinking, industrial and agricultural purposes; a source of hydroelectric power; and swimming and many other recreational activities.

The industrialization and development of the Great Lakes Basin over the past 200 years has had an adverse impact on the Great Lakes. As a result, many of the Great Lakes are under fish advisories warning people not to eat fish that may be in the water there.

By treaty, the United States and Canada are developing cleanup plans for the Great Lakes and for specific areas of concern. Unfortunately, only one area of concern, located in Canada, has been cleaned up. Most of the activity at U.S. areas of concern has occurred as a result of Superfund enforcement action or threat of such action.

However, Superfund's suitability for cleaning up the Great Lakes is limited. The Great Lakes sediments became contaminated as a result of pollution from many sources over several generations. Applying Superfund could make virtually every citizen of the Great Lakes Basin a liable party.

There are better ways to address this problem. One solution is to encourage cooperative efforts through public-private partnerships. That is the solution recommended by the bill H.R. 1070, the Great Lakes Legacy Act of 2002.

H.R. 1070 would authorize $50 million a year for 5 years to clean up contaminated sediment in areas of concern in the Great Lakes. This Federal funding must be matched with at least a 35 percent non-Federal share, encouraging local and private sector investment. This bill also makes sure that these funds are well spent.

At some sites, removing sediments will be the best way to address short- and long-term risks. At other sites, the last thing we want to do is go in and

stir up contaminated sediments by dredging, causing even more harm to the environment.

This consensus bill does not try to presume any particular cleanup option. It simply encourages stakeholders to take action and to make sure that the action they take will make a real improvement to human health and the environment.

I want to commend the gentleman from Michigan (Mr. EHLERS) and his colleagues for working with stakeholders from the Great Lakes to advance this legislation. I believe this is a great example of bipartisan legislation that everyone in this Chamber can support. I urge my colleagues to support this bill.

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

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

I thank the gentleman from Tennessee (Mr. DUNCAN) for his splendid statement and full discussion of the subject at hand and for his leadership and, as always, bipartisan cooperation in bringing this legislation to the floor today.

I also want to acknowledge the support and cooperation of our chairman of the full committee the gentleman from Alaska (Mr. YOUNG) and seeing to it that we move this bill expeditiously through subcommittee, full committee and to the floor today.

There is no question this bill is a long time in coming, and it should, when enacted and implemented, bring to fruition the long-planned and sort of haltingly carried out efforts to clean up decades-long contamination of this repository of one-fifth of all the fresh water on the face of the Earth, the Great Lakes.

It has been my home all my life, living not on the shore but close enough to the shore of Lake Superior, my hometown of Chisholm just about 90 miles away. I spent a great deal of my time as a young lad near the shores of Lake Superior and my service in the Congress, my District extends from Duluth all the way up to Canada, along that splendid rocky outcrop of the 3 billion year old deposits of basalt that look broodingly out onto Lake Superior, which represents 10 percent of the fresh water on the face of the Earth.

My predecessor Congressman John Blatnik was the original author of the first Clean Water Act, Federal Water Pollution Control Act of 1956 that began the Nation's efforts to clean up the waters of the United States and was the one who inspired the research laboratories that now are located throughout the Great Lakes to serve as a beacon for the protection, beacon out on those fresh waters to serve as the protection for the future generations of the Great Lakes, on the purity and quality of those waters.

In years past, when I chaired the Subcommittee on Investigations and Oversight, I held extensive hearings on the United States-Canada Clean Water Agreement to push administrations in the past to action on cleanup of the toxic hot spots, or areas of concern as they are called. It is just an unspeakable tragedy that nearly 100 percent of the near shore waters of the Great Lakes and connecting tributaries are under fish consumption advisories because those fish have taken up toxics from bottom feeding organisms, from plants, carried them in their bodies and then are consumed by humans. It was presented in documented testimony in the hearings that I held in the Subcommittee on Investigations and Oversight and corroborated since then in subsequent hearings. The chairman has conducted a few.

If a person lives within 20 miles of the Great Lakes and they eat fish once a week, they have on average 440 parts per billion PCBs in their body. If they live anywhere else in America and eat fish once a week, they probably have only 5 parts per billion per PCBs in their body. I need not go into the adverse health consequences of PCBs. They are well-documented in the medical and scientific literature.

We had a researcher, Dr. Waylon Swain, from the University of Michigan testify at the Subcommittee on Investigations and Oversight hearing who had done tests on his 16-year-old daughter of the fatty tissue in her body and the content of PCBs and then did a computer projection to determine how long it would take for future generations, for PCBs to leave her offspring if none of them were exposed in the future to PCBs. Six generations. This is a persistent toxic chemical that we need to extract from the bottoms of those areas of concern.

Of the 43 areas of concern of the Great Lakes, 31 are wholly or partly within U.S. waters, and they are mostly harbors. More than 1.3 million in cubic yards of contaminated sediments have been remediated over the past 3 years. We have just touched the top of the challenge, and remediation is nowhere near completed in any one of the areas of concern.

The people of the Great Lakes community, 36 million of them, have lived with this problem that threatens their physical health, the health of their children, and impacts the entire region, both economically and in degradation of the Great Lakes environment.

I was heartened when former President Clinton in fiscal 2000 included within the administration's budget a request for $50 million for remediation of contaminated sediments, and I had at the time introduced H.R. 3670 to authorize a program for cleanup of the Great Lakes areas of concern, but neither the bill nor the $50 million came to fruition. But the initiatives then stimulated further attention.

I am very delighted to acknowledge the work of the gentleman from Michigan (Mr. EHLERS), who is a colleague of ours on the Committee of Transportation and Infrastructure, whose scientific mind and appreciation of the challenges has brought considerable expertise and passion for cleaning up these waters to this issue, and I compliment the gentleman for introducing the bill today before us which will authorize $50 million annually for the Environmental Protection Agency to carry out projects to address sediment contamination in the Great Lakes areas of concern.

□ 1500

These are going to be prioritized projects. Priority will be given to those that actively address the contaminated sediments that have been identified in the remedial action plans for the areas of concern, projects that promise to implement innovative approaches, new technologies and new techniques to deal with contaminated sediment so as not to, as Chairman DUNCAN expressed concern, reintroduce contaminants into the water column and thereby reestablish the pollution or distribute it further.

One of these innovative approaches is one that has been undertaken by the U.S. environmental research laboratory of EPA in Duluth, the University of Minnesota's Natural Resources Research Institute and the U.S. Army Corps of Engineers in the harbor of Duluth, using mining technologies which we in the iron ore mining country of my district use to beneficiate low-grade, nonmagnetic ores using a process that has a cost in the range of $2 to $3 a cubic yard versus $400 to $600 a cubic yard for other technologies, have successfully remediated large volumes of toxic-substance-containing sediment so that this cleansed sediment now can be used in parks and reclaiming areas along the waterfront in Duluth for other environmentally friendly activities.

These are the kinds of innovative approaches this legislation will support and stimulate in the future. The legislation before us also has clarifying language to ensure that the new program will have no effect on existing Federal and State authorities to address contaminated sites. The IJC report recently found that all sediment remediation completed to date has been funded as a result of enforcement action, or the threat of enforcement action, against polluters. While that still would remain, we would hope ideally that there would be a cooperative approach to cleanup. The aptly named ''orphan sites'' will be one of the targets of this legislation. I expect EPA and the States to continue to pursue and to hold accountable polluters responsible for contamination of all the areas of concern.

Mr. Speaker, again I want to thank the gentleman from Michigan (Mr. EHLERS) for his persistence in pursuing this issue, the gentleman from Tennessee (Mr. DUNCAN) for his diligence in bringing the legislation forward, the gentleman from Alaska (Mr. YOUNG) for his participation, and the gentleman from Oregon (Mr. DEFAZIO) for

his active support on our side as the ranking member of the Subcommittee on Water Resources and Environment.

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

Mr. DUNCAN. Mr. Speaker, I yield 7 minutes to the gentleman from Michigan (Mr. EHLERS), the original author of the bill.

Mr. EHLERS. Mr. Speaker, I rise in support of the Great Lakes Legacy Act of 2002. First, I thank the gentleman from Tennessee (Mr. DUNCAN), the chairman of the subcommittee; and the gentleman from Minnesota (Mr. OBERSTAR), the ranking member of the full committee, for their kind comments and for the help that they have given me in getting this bill to this point, particularly not just in terms of process but also in substance, in the advice I have received.

America is often called the land of plenty, especially when it comes to our natural resources. Few places on Earth are more blessed than we are, and the Great Lakes stand out among our many blessings. I am pleased to be the author of this legislation because it will protect this precious resource, our Great Lakes.

Let me describe just how important the Great Lakes are, both to citizens within the Great Lakes basin and to the country as a whole. The Great Lakes constitute almost 20 percent of the Earth's surface fresh water and 95 percent of the surface fresh water in the United States. Let me repeat that: 95 percent of the surface fresh water in the United States. That means if you take all the waters of the United States, starting first with the rivers, the Hudson River and working west, the Ohio, the magnificent Mississippi, the Missouri, Arkansas, Colorado, Snake and Columbia, and you could name many more, add them all together and then put in all the other lakes in the United States and collect all that surface fresh water together in one spot, then you would still have to multiply that by almost 20 to equal the amount of water in the Great Lakes system. That is an incredible resource. It is an incredibly wonderful thing to have.

These lakes provide us with fresh drinking water, habitat for wildlife, food from fisheries, recreation in and on the waterways, water for agriculture, and shipping lanes for economic growth. Millions of people live on the Great Lakes and millions more journey to the Great Lakes to vacation and enjoy all the splendors the lakes provide.

However, longstanding pollution from contaminated river sediments continues to harm water quality in the Great Lakes and restricts our use of this valuable resource. As we heard from the gentleman from Minnesota (Mr. OBERSTAR), the fish have become contaminated with the toxic material, particularly the PCBs. The waterfowl that eat the fish have in turn become more contaminated. And then, of course, the humans who eat the fish and occasionally the waterfowl collect it all and become even more contaminated.

After many years of dumping harmful, toxic substances into the waterways surrounding the Great Lakes and the lakes themselves, the pristine environment and waters of the Great Lakes have suffered. Cleanup projects have been implemented at only a portion of the so-called areas of concern identified by the EPA as the worst of the contaminated sites. Let me just explain what these areas of concern are. That is kind of a euphemistic phrase in my mind. What it is describing is dirty, toxic, polluted sediments at the bottom of the rivers. This material is slowly leaching into the Great Lakes.

Years ago we cleaned up our rivers on the surface. We cleaned up the obvious pollution, the things you could see floating down the river. Many of us recall the days when the Cuyahoga River in Cleveland caught fire and rats ran across the river, it was so contaminated. When I moved to Grand Rapids, Michigan, the Grand River, which runs right through the city, was polluted enough that you would not think of swimming in there; and you did not want to eat the fish in it. We have made progress in cleaning up the obvious pollution. Today, the Cuyahoga River is a reasonably clean river. The Grand River in Grand Rapids is so clean that people fish constantly and eat the fish without difficulty, and some people even swim in the river now.

However, what we have not addressed is the problem of the sediments, what is at the bottom of the river. We have not addressed this for several reasons. First of all, we did not know how to address it, because if you simply dredge it, you stir up all the sediments and the contamination just flows down into the lake. So we needed to know more about how to do it. But also there was a hope that the toxic material would just stay there in the sediments and not move and we could just leave it there and ignore it. We have now found out that we cannot ignore it. It is steadily leaching into the Great Lakes, and we must stop it and we have to develop methods to do it.

One of the biggest obstacles to completing a remedial action plan, or a cleanup plan, is the funding for it. Community groups, States, the EPA, and the Army Corps of Engineers have all committed to remediation efforts and have cited the lack of Federal funding as an impediment to cleaning up areas of concern in communities that have taken the initiative to improve the quality of their water. It is time that we helped them clean up these sites.

Existing authorities and programs such as Superfund and other enforcement mechanisms have not provided the resources that are necessary to clean up contaminated sediments. We must provide the EPA administrator with authority and with authorized appropriations to carry out qualified projects in areas of concern that require cleanup and are not likely to suffer further contamination. We must take steps to monitor and clean up contaminated sediment and prevent further or renewed contamination. In addition, we must pursue research and development of innovative approaches and technology to help us learn how to remove contaminated sediment in the most environmentally safe and efficient manner. The Great Lakes Legacy Act helps accomplish these goals.

Finally, this act is not only environmentally responsible; it is also fiscally responsible. The act provides leveraged funding and fosters partnerships between State and local authorities and private interests by requiring a 35 percent non-Federal cost share. In addition, non-Federal sponsors are prevented from using Federal funds to displace previous expenditures for remediation programs. In other words, with a 65–35 split, we will get a greater environmental bang for our Federal buck.

The Great Lakes Legacy Act will greatly improve cleanup efforts in the Great Lakes communities which need it most and will allow unfettered, continued use of this precious natural resource. I thank the chairman and the ranking member for their assistance. I appreciate their support of this bill.

Mr. OBERSTAR. Mr. Speaker, I have no further speakers on our side, and I reserve the balance of my time.

Mr. DUNCAN. Mr. Speaker, I yield myself the balance of my time.

Let me just close the debate by saying there is almost nothing that people take for granted as much as they do their water. Yet many people have said and have written that water may well be the oil of the 21st century. The importance of our water supply is going to grow and grow and grow with the passing years. Certainly the Great Lakes, as the gentleman from Michigan (Mr. EHLERS) just said, is a precious national resource. The Great Lakes contain, as the gentleman from Minnesota (Mr. OBERSTAR) has said, almost one-fifth of the world's freshwater supply. The Great Lakes contain 95 percent of the U.S. surface freshwater supply. The Great Lakes is a very, very important asset.

This is a good bill. This is a very proenvironment bill. The lack of controversy should not mask or decrease or cover up the significance of this bill, the importance of it. I think this is one of the most significant clean-water bills that this Congress has ever passed. I urge all of my colleagues to support it.

Let me say one other thing before I yield back my time. I just want to commend the gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from Michigan (Mr. EHLERS). The gentleman from Minnesota is certainly always one of the most active members of our committee and a real leader on all of these issues, and I

thank him for his support of this legislation.

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

Mr. OBERSTAR. Mr. Speaker, I yield myself the balance of my time.

I thank the gentleman not only for his kind remarks but also for his very thoughtful summation. In his ever-judicious manner, he has summed up the issue before us and stated the case so well. I not only urge unanimous approval of the legislation in this body, but I also urge the other body to move expeditiously on this legislation.

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

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. CULBERSON). The Chair would remind all Members that they should refrain from urging the Senate to take a specific action.

Mr. CAMP. Mr. Speaker, I rise today in support of the Great Lakes Legacy Act, H.R. 1070.

I would like to commend my colleague and friend from Michigan, Congressman VERN EHLERS for crafting this important legislation and for his diligence in gathering the appropriate support. As a cosponsor of the Great Lakes Legacy Act, I am extremely pleased that the Great Lakes region is one step closer to cleaning up toxic hot spots that lurk under the world's largest freshwater system.

While globally there are 42 Areas of Concern (AOC), that is, areas that suffer from severe sediment contamination, 26 are located in the United States, and in my state of Michigan there are 14 designated AOCs. Contamination levels in these areas threaten human health, contribute to the loss of fish and wildlife habitat, restrict critical dredging activities, and lead to numerous beach closings. AOCs are among Michigan's most demanding environmental challenge.

Like other environmental clean-up programs, full remediation of Great Lakes AOCs continues to be bogged down by a burdensome web of complex regulations, lack of necessary funding, and insufficient progress of research and development into new technologies. Recognizing these obstacles, the legislation we are considering today aims to solve the problems that plague successful clean-up efforts.

In short, H.R. 1070 addresses the most costly and technical hurdles that face these hazardous hot spots. More specifically, this legislation authorizes funding for States, Indian tribes, regional agencies, and local governments for projects in AOCs to monitor or evaluate contaminated sediment and remediate contaminated sediments. It also targets funding for research and development of new technologies that aim to clean toxic sediments in the Great Lakes basin.

My support for this legislation goes beyond my co-sponsorship of the measure. In March I introduced a resolution, House Resolution 361. H.Res. 361 calls on the House of Representatives to take swift action in helping to restore and protect Michigan's Great Lakes, the state's most precious natural resource. My bill highlights the environmental problems associated with AOCs and includes the goals set forth in the Great Lakes Legacy Act. In my view, the work done by my colleague from Michigan on this subject it too important for the Congress to let slip. My resolution affirms the importance of passing H.R. 1070 in an expeditious manner equal to its relevance for helping clean the world's largest source of freshwater.

Let me make this point clear, the environmental problems that are caused by AOCs are not just a Michigan issue. Although most Areas of Concern in the United States are concentrated in Michigan, it is a national and international problem. Its risks for human health, aquatic populations, ecological habitats and wildlife are serious and impact states beyond Michigan. Therefore, it would be unwise for the Congress to ignore this issue or delay its consideration any further.

Mr. Speaker, again, I am pleased to lend my full support for the Great Lakes Legacy Act and urge my colleagues to do the same. With that Mr. Speaker, I yield back the floor.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. DUNCAN) that the House suspend the rules and pass the bill, H.R. 1070, 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 amend the Federal Water Pollution Control Act to authorize the Administrator of the Environmental Protection Agency to carry out projects and conduct research for remediation of sediment contamination in areas of concern in the Great Lakes, and for other purposes.''.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 1070.

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

There was no objection.

□ 1515

JOSEPH CURSEEN, JR. AND THOMAS MORRIS, JR. PROCESSING AND DISTRIBUTION CENTER

Mrs. MORELLA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3287) to redesignate the facility of the United States Postal Service located at 900 Brentwood Road, NE, in Washington, D.C., as the ''Joseph Curseen, Jr. and Thomas Morris, Jr. Processing and Distribution Center''.

The Clerk read as follows:

H.R. 3287

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

SECTION 1. JOSEPH CURSEEN, JR. AND THOMAS MORRIS, JR. PROCESSING AND DISTRIBUTION CENTER.

(a) REDESIGNATION.—The facility of the United States Postal Service located at 900 Brentwood Road, NE, in Washington, D.C., and known as the Brentwood Processing and Distribution Center, shall be known and designated as the ''Joseph Curseen, Jr. and Thomas Morris, Jr. Processing and Distribution Center''.

(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 Joseph Curseen, Jr. and Thomas Morris, Jr. Processing and Distribution Center.

The SPEAKER pro tempore (Mr. CULBERSON). Pursuant to the rule, the gentlewoman from Maryland (Mrs. MORELLA) and the gentlewoman from the District of Columbia (Ms. NORTON) each will control 20 minutes.

The Chair recognizes the gentlewoman from Maryland (Mrs. MORELLA).

GENERAL LEAVE

Mrs. MORELLA. 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. 3287, the bill presently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Maryland?

There was no objection.

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

Mr. Speaker, H.R. 3287, introduced by the gentleman from Maryland (Mr. WYNN), our distinguished colleague, designates the Brentwood Processing and Distribution Center in Washington, D.C., as the Joseph Curseen, Jr., and Thomas Morris, Jr., Processing and Distribution Center. I am very proud to have my name as a cosponsor and original sponsor of this bill also.

Mr. Speaker, today we honor two public servants who died in the line of duty. Thomas Morris and Joseph Curseen did not know when they reported to the Brentwood Processing and Distribution Center last October that they were on the front lines of the war against terrorism. But they were struck down by anthrax which infected the facility when an anonymous terrorist sent envelopes containing spores to Washington.

Both had distinguished careers at the Brentwood Road facility. Curseen began his career with the postal service in 1985 as a letter-sorting machine operator. Morris, an Air Force veteran, began work at the facility in 1973. Both men were born and raised in Washington, D.C., and their deaths shocked the Washington area, the postal community, and the entire Nation. It is fitting to name the building where they served their country after these two distinguished public servants. And so, Mr. Speaker, I urge adoption of H.R. 3287.

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

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

Mr. Speaker, as we approach the 1-year period following the attacks on our country, I rise to support a bill of special significance to honor two native sons of the District of Columbia

who as public servants gave their lives while serving this city, this region, and this country. H.R. 3287 would redesignate the United States Postal Service facility located at 900 Brentwood Road, Northeast, in Washington, D.C. as the Joseph Curseen, Jr., and Thomas Morris, Jr., Processing and Distribution Center.

I want to thank the gentleman from Maryland (Mr. WYNN), who represents the district where Joseph Curseen and Thomas Morris resided, for his leadership in introducing H.R. 3287, and the gentleman from Illinois (Mr. DAVIS), the ranking member of the Subcommittee on Civil Service, Census and Agency Organization, who is also my colleague on the subcommittee, for his hard work in bringing this bill to the floor and for generously deferring to me to manage the bill. I am proud to be an original cosponsor of H.R. 3287.

This month our Nation is struggling for ways to reflect upon and appropriately commemorate the tragic events that began with the attack on September 11, 2001. Today we remember October 21 and October 22, 2001, because on these consecutive days, we lost two brave men to the anthrax attack on our country.

Joseph Curseen, Jr., and Thomas Morris, Jr., were both family men and pillars of their communities. They were known for their dedicated hard work on the job as postal employees whose colleagues have still not forgotten them. They were loved by their families, who still deeply miss them. We are pleased that Celeste Curseen and Mary Morris, the widows of the two men, are in the gallery today.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will remind Members that they may not refer to individuals in the gallery.

Ms. NORTON. Many of us will always remember Joseph Curseen and Thomas Morris as Washingtonians because it is in this city that they were born and raised and received the values and the work ethic for which they are so fondly remembered.

Joseph Curseen, Jr., was born in Washington, D.C. in 1954. He graduated from Our Lady of Perpetual Help Grammar School in Southeast Washington and then went on to graduate from Gonzaga High School and Marquette University. Beginning in 1985, Mr. Curseen was a letter-sorting machine operator in the U.S. Postal Service, working evenings at the Brentwood Road facility on machines that processed government mail. Not once in those 15 years did Joseph Curseen miss a day of work.

Mr. Curseen was a man of faith who never left his home church here in the District. He led a bible study group at work and was a Eucharistic Minister at our Lady of Perpetual Help Roman Catholic Church until his death.

Mr. Curseen was not only dedicated to his work, but also to his community, where he served as president of his local homeowners' association. He instituted a neighborhood watch program and assisted in building a playground for the neighborhood children. He looked for ways large and small to improve his community, such as the petition he organized that resulted in speed bumps on the streets of his community to protect his neighbors from irresponsible drivers.

Thomas L. Morris, Jr., was born on March 2, 1946, also in Washington, D.C., and he got his education in public schools of the District of Columbia. He began his career with the U.S. Postal Service in 1973 as a distribution clerk in the government mails section at Brentwood. During his postal career Mr. Morris was honored four times for outstanding performance and with service awards.

Mr. Speaker, naming post offices is a common practice in this body, but renaming Brentwood carries special meaning, both symbolic and pragmatic. Brentwood has remained closed since the anthrax attacks last October. Yet in the not too distant future, Brentwood will reopen. When it does, it must be a new Brentwood. When workers walk back into that facility, every aspect of the reopening should signify that this is Brentwood reborn.

Brentwood not only will be fumigated, sanitized and refurbished, it should be Brentwood no more. Its new name will signify a new beginning, a mission that needs our attention. Many postal workers are still, understandably, reluctant to return to Brentwood. In naming the facility for Joseph Curseen and Thomas Morris, we can hope that their fellow workers will feel more resolved and more comfortable as they return.

The Subcommittee on the District of Columbia, on which I serve as ranking member, already has held one hearing on the remediation of the Brentwood facility. At that hearing I asked the Centers for Disease Control to conduct an epidemiological study to compare the health of the workers from Brentwood with the health of workers who did not work in a contaminated facility so that we can follow and know if there are any longer-term effects. The CDC has agreed to do this study, and, in addition, is following the health condition of those who worked at the facility.

The Postal Service has agreed that, at the very least, the same degree of extreme care that was used in cleaning the Hart Building, also struck by the anthrax attacks, will be used to decontaminate Brentwood. I also have proposed that we hold another hearing before Brentwood is reopened to reassure the public and postal employees that every possible step has been taken to ensure their safety.

Following the tragic deaths of these two men, we must do whatever is necessary and appropriate to eliminate the deep concerns many employees still have about returning to the Brentwood facility. As one way to show our commitment to a safe facility, I propose that the Postmaster General, postal, union and elected officials be the first to enter the facility.

I also believe that renaming Brentwood to honor Joseph Curseen, Jr., and Thomas Morris, Jr., will help accomplish what no amount of reassurance could possibly do. Their names will forever rest on the building to remind employees, visitors and the Nation that we must not forget two brave fallen heroes, whose example at work should inspire us to press forward, unbowed and without fear.

I urge my colleagues to support this important measure.

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

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

Ms. NORTON. Mr. Speaker, I am pleased to yield 4 minutes to the gentleman from Illinois (Mr. DAVIS), the ranking member of the Subcommittee on Civil Service.

Mr. DAVIS of Illinois. Mr. Speaker, I want to thank the gentlewoman for yielding me time.

Mr. Speaker, as a member of the Committee on Government Reform, I am pleased to join my colleagues in consideration of H.R. 3287, which redesignates the facility of the United States Postal Service located at 900 Brentwood Road, Northeast, in Washington, D.C., as the Joseph Curseen, Jr., and Thomas Morris, Jr., Processing and Distribution Center.

This bill was sponsored by the gentleman from Maryland (Mr. WYNN) on November 13, 2001, and enjoys the support and cosponsorship of the entire Maryland delegation, as well as the support of the gentlewoman from the District of Columbia (Ms. NORTON) and the gentleman from Arizona (Mr. KOLBE).

Mr. Speaker, I also would like to note the dignity, grace and spirit of cooperation that has been displayed by Ms. Celeste Curseen, wife of Mr. Joseph Curseen, Jr., and Ms. Mary Morris, wife of Mr. Thomas Morris, Jr., as well as Mr. William Burris, President of the American Postal Workers Union, as we have moved to process this legislation.

As the Chairman of the Congressional Postal Caucus, I am proud to honor two dedicated postal workers, Joseph Curseen, Jr., and Thomas Morris, Jr., both of whom died as a result of a bioterrorist anthrax attack on the United States postal system. This attack changed the fabric of American society. Let me recount the facts.

The U.S. Postal Service Brentwood Processing and Distribution Center in the District of Columbia, a 632,000 square foot facility, was closed on October 21, 2001, because of anthrax contamination. Anthrax-laced letters addressed to Senators TOM DASCHLE and PATRICK LEAHY in their Senate offices had been processed at the Brentwood facility. Approximately 2,400 employees worked at this facility, including Joseph Curseen, Jr., and Thomas Morris, Jr.

On October 21, 2001, Thomas Morris, Jr., died of inhalation anthrax. The following day, his colleague, Joseph Curseen, Jr., also died of inhalation anthrax. As of today, law enforcement officials have not found and brought to justice the perpetrators of these cowardly acts, and the Brentwood facility remains closed.

It is unfortunate that we were introduced to Thomas Morris, Jr., and Joseph Curseen, Jr., as a result of their deaths.

□ 1530

However, by renaming the Brentwood Postal Facility after these 2 individuals, we will be creating a lasting memorial to their lives, and we will be recreating a lasting memorial, because they were both exemplary citizens, citizens who gave so much of themselves, not for themselves, but oftentimes for the benefit of others, individuals who were model citizens, model husbands, model fathers, involved actively in their communities and in the lives of others, involved in their church, involved with doing those things that we raise up in this country.

So when we name this facility for them, we are not really naming it for them, but we are really naming it for the best of what America has to offer, and that is ordinary people doing extraordinary things.

So, Mr. Speaker, I again want to commend my colleague, the gentleman from Maryland (Mr. WYNN) for introducing this legislation, and I urge its passage, and I commend the lives of these 2 great citizens.

Ms. NORTON. Mr. Speaker, I am pleased to yield 4½ minutes to the gentleman from Maryland (Mr. WYNN), the principal sponsor of this legislation.

Mr. WYNN. Mr. Speaker, I would like to thank the gentlewoman from the District of Columbia for yielding me this time, and I thank all of my colleagues in the region, the gentlewoman from Maryland (Mrs. MORELLA), the gentlewoman from the District of Columbia (Ms. NORTON), as I have indicated, the gentleman from Maryland (Mr. HOYER), and also the gentleman from Illinois (Mr. DAVIS) and other Members for supporting me in this legislation.

I rise today in support of this bill honoring, as the Washington Post simply put it, ''Two Men Who Were Just Doing Their Jobs.'' My bill, H.R. 3287, redesignates the facility of the United States Postal Service located at 900 Brentwood Road, N.E. in Washington, D.C. as the Joseph Curseen, Jr. and Thomas Morris, Jr. Processing and Distribution Center. This facility was the site of the deadly anthrax contamination that resulted from a letter en route to Members of the United States Senate.

I am particularly pleased that the wives of these 2 men, Ms. Curseen and Ms. Morris, are able to see this day as a small measure of compensation for the loss that they have suffered.

If my colleagues would indulge me, I would like to tell a little bit about these gentlemen. Joseph Curseen, Jr. and Thomas Morris, Jr. were like thousands of other hard-working, dedicated Federal employees who came to work every day and quietly went about their daily duties, keeping the wheels of our government turning. However, unlike many of our Federal employees, in October of 2001, the hand of fate wearing the mask of terror touched these two young men. They died as a result of anthrax sent through the mail that was intended for our colleagues.

First, Joseph P. Curseen, Jr. was born in Washington, D.C. in 1954, the only son of Billie and Joseph P. Curseen, Sr., and big brother to Joan Jackson and Janice Curseen. He was a graduate of Our Lady of Perpetual Help Grammar School, Gonzaga High School, and Marquette University. In 1985 he married his beautiful wife, Celestine.

Joseph was a quiet, warm, and fun-loving man. He was an active, respected community leader who was founder and served as President of his neighborhood homeowners association. He served his spiritual community as a eucharistic minister at Our Lady of Perpetual Help Roman Catholic Church, as a Bible study leader at work, as a Promise Keepers participant, and as a true servant of God. At work, Joe's quiet dedication and professionalism set an outstanding example for others in the service of our Nation.

Joseph joined the Postal Service family in 1985, following in his father's footsteps. His assignments may have changed over the years, first to the flat sorting machine and then to automation, but his personality and inspiration were always solid anchors for those he worked with.

Joseph P. Curseen, Jr.'s legacy is one of love for his God, for his wife, for his family, for his church, for his community, and for his coworkers.

Thomas L. Morris, Jr. was born in Washington, D.C. in 1946, the first of three children born to Eva and Thomas Lee Earl Morris. He has two sisters, Yvonne Hankerson and Sheila Howard. Educated in the public schools of the District of Columbia, he continued to learn and teach throughout every day of his life. For 11 years, Thomas was married to his wife Mary, and to their union was born one son, Thomas L. Morris III. They also shared two stepchildren, Tara Underwood and Akai Snorten, and three grandchildren.

Thomas was a kind and private man. He shared his emotions fully and happily with those who were closest to him. He derived great pleasure from the warmth of his loving family. One of his passions was bowling, where he served as President of the Tuesday Morning Mixed League at Parkland Bowl. Thomas was faithful to his church, Kendall Baptist. He was dedicated to his country and served honorably in the United States Air Force for more than 4 years. His choice of more than a 30-year career with the Postal Service was further reflection of his commitment to serving the people of our Nation.

Starting his postal career as a government mail distribution clerk in 1973, Thomas' varied assignments took him through other tours and sections at the Brentwood facility, including a promotion to general expediter. Just 3 years ago, Thomas's duties took him full circle, with a return to the government mail section. During the course of his distinguished career, he was honored on four occasions with outstanding performance and service awards.

Thomas L. Morris led a life marked by devotion to his family, his friends, and his coworkers. He shared the lessons he learned with those he knew and loved and learned life's lessons from all he came in contact with.

These two dedicated Federal employees have been honored by their leaders and coworkers with the Postmaster General's Medal of Freedom. I ask my colleagues to join me in honoring these men today by redesignating the Brentwood Postal Facility in their names.

Ms. NORTON. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Speaker, I thank the gentlewoman for yielding me this time.

Today, the representatives of the people of a grateful Nation will vote unanimously to honor Thomas Morris, Jr. and Joseph Curseen, Jr. We will do that by designating the Brentwood Postal Facility in their honor and in their names.

Not too long ago, we renamed the headquarters of the Capitol Police for three Capitol Policemen that we lost at the hand of a terrorist, J.J. Chestnut, John Gibson, and Christopher Eney. Today, we do another appropriate act. We will rise together to recognize, as the distinguished gentleman from Illinois observed, average Americans doing very uncommon things. Not only will we honor Mr. Morris and Mr. Curseen, but we will honor their colleagues as well. We will honor indeed all of those who day-to-day, week-to-week, month-to-month and year-to-year perform their tasks courageously, conscientiously, effectively. They do so so that America can function. Frankly, every day America relies on the United States Postal Service. It relies on it for commerce, it relies on it for family ties, it relies on it for information. Joseph Curseen and Thomas Morris made sure that happened.

After their deaths in October of 2001, I had the opportunity of attending their memorial service, and at that service I met their wives, Celestine Curseen and Mary Morris. I did not know either Joe or Tom, but I met their wives. And I can tell from them and the strong feelings they have for those they have lost the kind of men, not only that they have lost, not only

that the Postal Service has lost, but that we as a Nation have lost, two extraordinary women in shared grief.

Today we share their grief and we share their pride. We share their pride in those two men and in their colleagues.

I visited the D.C. General Hospital, which was the site of the postal workers coming and being advised as to the risks they faced, the health consequences that might occur, and the prophylactic that they could take. I went down the line of those who were waiting for advice and counsel and I saw the courage and the conviction in their eyes.

The SPEAKER pro tempore (Mr. CULBERSON). The Chair would inform the gentlewoman from the District of Columbia that she has 30 seconds remaining.

Mrs. MORELLA. Mr. Speaker, I yield 30 seconds to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Speaker, I thank the gentlewoman from Maryland (Mrs. MORELLA) for yielding me this time.

I saw the courage and conviction in their eyes. It reflected the courage and conviction of Joe and Thomas. It reflected the courage and conviction of their fellow Americans, their fellow citizens. They were not prepared, nor are they now prepared, to let those who would terrorize our institutions or our people flinch, retreat, or cower. It is appropriate that we honor these two men for their courage, for their commitment, and for their contribution to making America the greatest land on the face of the Earth. God blesses America. God blessed America through the lives of Thomas and Joseph.

Ms. NORTON. Mr. Speaker, could I ask the gentlewoman from Maryland if she would yield me 1 minute to sum up?

Mrs. MORELLA. Mr. Speaker, I am happy to yield 1 minute to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Speaker, there is a slogan I cannot remember entirely that is associated with the Post Office, ''through rain or snow or sleet,'' to describe just how constant is that service. Well, that describes how these men were remembered as unfailing men of the Postal Service. The renaming that we bring forward today is freighted with meaning, most obviously because it is so richly deserved, but the timing of this bill imports far deeper meaning. Hundreds of workers are preparing themselves psychologically to reenter that facility where two of their friends and colleagues died. May they find the reentry easier as they come no longer to the Brentwood Postal Facility, but to the Joseph Curseen, Jr. and Thomas Morris, Jr. Processing and Distribution Center.

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

Mrs. MORELLA. Mr. Speaker, before I yield back the balance of my time, I yield myself such time as I may consume just to say that Thomas Morris' memories will live on through his wife of 11 years, Mary, their son, Thomas, their stepchildren, Tara Underwood, Akai Snorten, their grandchildren, Thomas's two sisters, Yvonne Hankerson and Sheila Howard.

Joseph Curseen's life will be remembered by his wonderful wife of 16 years, Celeste, his parents, Billie and Joseph, his two younger sisters, Joan and Janice. We will also remember them, we will remember them every day.

I offer my deepest condolences to the family members. We can only say that while no medal or plaque or ceremony can truly convey our sadness for those who lost their lives, it is important that we in Congress show the rest of this country and the world how we value their bravery.

Mr. Speaker, I urge adoption of this measure.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Maryland (Mrs. MORELLA) that the House suspend the rules and pass the bill, H.R. 3287.

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. MORELLA. 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.

□ 1545

BARNEY APODACA POST OFFICE

Mrs. MORELLA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5308) to designate the facility of the United States Postal Service located at 301 South Howes Street in Fort Collins, Colorado, as the ''Barney Apodaca Post Office.''

The Clerk read as follows:

H.R. 5308

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

SECTION 1. BARNEY APODACA POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 301 South Howes Street in Fort Collins, Colorado, shall be known and designated as the ''Barney Apodaca Post Office''.

(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 Barney Apodaca Post Office.

The SPEAKER pro tempore (Mr. CULBERSON). Pursuant to the rule, the gentlewoman from Maryland (Mrs. MORELLA) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Maryland (Mrs. MORELLA).

GENERAL LEAVE

Mrs. MORELLA. 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. 5308.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Maryland?

There was no objection.

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

Mr. Speaker, H.R. 5308, introduced by our distinguished colleague, the gentleman from Colorado (Mr. SCHAFFER), designates the post office in Fort Collins, Colorado, as the Barney Apodaca Post Office Building.

Barney Apodaca, age 60, is a Colorado native. Although he was born developmentally disabled, he has been an inspiration to the people of Fort Collins, Colorado, through his charity work and his service to the community.

In the early 1970s, Barney began participating in the Special Olympics, always seeking opportunities to help others and striving for excellence. He has continually encouraged fellow participants and has been awarded over 30 medals for his outstanding performance in track and field.

Above all, Barney is committed to serving others. Despite his own disabilities, he has spent countless hours raising money to benefit the American Cancer Society, the Muscular Dystrophy Association, AIDSwalk Colorado, Northern Colorado Youth Hockey, and Poudre Valley Hospital.

A talented bowler, Barney has also raised money for individuals in his community with special needs by participating in numerous bowl-a-thons and other fundraising events.

In addition to his work on behalf of charities, Barney has obtained and maintains two, sometimes three, part-time jobs and works diligently for the city of Fort Collins, which has presented him with two awards recognizing his outstanding service to the community.

Barney Apodaca is an exceptional citizen who has dedicated his life to helping improving the quality of life for his community and by reaching out to those in need.

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, I am pleased to join with the gentlewoman from Maryland in consideration of H.R. 5308, introduced by the gentleman from Colorado (Mr. SCHAFFER) on July 26, 2002.

Mr. Barney Apodaca is a native of Colorado who is committed to serving his community. As a disabled individual, Mr. Apodaca has been participating in the Special Olympics for more than 30 years. In addition to helping raise awareness for the Special Olympics, he has won more than 30 medals for his outstanding performance in track and field.

As an active member of his community, Mr. Apodaca has been a relentless fundraiser for charitable causes. He has raised money to benefit the Muscular Dystrophy Association, AIDS, the American Cancer Society, and many other deserving causes. He has also worked to assist youth sporting organizations and community hospitals. His charitable works have earned him recognition for outstanding service to the community from the city of Fort Collins.

Mr. Speaker, I urge swift passage of this bill and commend my colleague for seeking to honor citizen Barney Apodaca in this manner, an individual who has given consistently, even though he may have been physically challenged. But he represents what many individuals who have disabilities represent, and that is, the ability to do things not always because of but oftentimes in spite of. I can think of no better way of acknowledging his contribution than passage of this legislation.

Mr. SCHAFFER. Mr. Speaker, as author of this bill, I rise today to urge my colleagues to support H.R. 5308, a bill designating the facility of the United States Postal Service located at 301 South Howes Street in Fort Collins, Colorado, as the ''Barney Apodaca Post Office.''

Barney Apodaca is a native Coloradoan who embodies the determination, perseverance and courage that makes our nation great. Born with mental retardation, Barney would not allow his disability to prevent him from achieving success. In 1974, he began participating in the Special Olympics. Since then, he has won over 30 medals for his outstanding performance in a variety of track and field events.

In recent years, Barney has selflessly raised money for a host of charitable causes including Northern Colorado Youth Hockey, the Poudre Valley Hospital, AIDS Walk Colorado, the Muscular Dystrophy Association and the American Cancer Society. As an avid bowler, he has used his skill in the sport to raise money for many of these organizations, as well as for individuals with special needs. Although Barney has no direct ties to any of these organizations, he spends countless hours engaging in charity work because he wants to serve those in need. When asked which group he favors, Barney's response is ''all of them.''

Beloved by his community, Barney has been named the ''Best Local Personality'' by the Fort Collins Coloradoan. He has also been presented with two achievement awards for his outstanding service to the City of Ft. Collins.

Barney Apodaca is an inspiration to the people of Colorado. He leads by example, encouraging people to serve others and strive for excellence. His contribution to the City of Ft. Collins is immeasurable, and it gives me great pleasure to recognize his achievements by designating a United States Post Office in his honor.

I hereby submit for the RECORD this partial list of Mr. Barney Apodaca's awards and achievements:

BARNEY APODACA AWARDS AND ACHIEVEMENTS

ACHIEVEMENTS

Attained over 30 medals for his participation in Special Olympics track and field events.

Voted the ''Best Local Personality'' for several years in a row in the Fort Collins Coloradoan

Several plaques of recognition for the Alternative Program's Charitable Bowling Initiatives.

FUNDRAISING

First place in candy sales for the Northern Colorado Youth Hockey group for several years in a row in the early 1990's.

Top Fundraiser for the Poudre Valley Hospital Foundation's ''The Bowling Ball,'' 1997

Award for obtaining $1,000 in AIDS Walk pledges and for ''Best Volunteer'' at AIDS Walk Colorado.

Special Recognition from Jerry Lewis for Barney's work for the Muscular Dystrophy Association (MDA), 1995.

Certificate of Appreciation for the MDA's Storage Tek ''Bowl-A-Thon,'' 1997.

Top fundraiser for the MDA's Bowl-A-Thon, 1998.

Certificate of Appreciation for the MDA's ''Be a Star'' program, 1999.

Participates in annual ''Relay for Life'' walk for the American Cancer Society.

Participated in the Multiple Sclerosis's ''MS Walk.''

Raised pledges for the Junior Achievement ''Bowl-A-Thon''.

EMPLOYMENT

Employee Achievement Award from the Aggie Theatre, 1993.

Employee Achievement Award for 5 years of outstanding service with the City of Fort Collins, 1994.

Employee Certificate of Appreciation from the Northside Atzlan Community Center for dedication and work performance, 1996.

Employee Achievement Award for an additional 5 years of outstanding service with the City of Fort Collins, 1999

Obtained and continually maintains 2 to 3 part-time jobs at a time.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mrs. MORELLA. Mr. Speaker, I urge adoption of this measure, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Maryland (Mrs. MORELLA) that the House suspend the rules and pass the bill, H.R. 5308.

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.

THOMAS E. BURNETT, JR. POST OFFICE BUILDING

Mrs. MORELLA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5207) to designate the facility of the United States Postal Service located at 6101 West Old Shakopee Road in Bloomington, Minnesota, as the ''Thomas E. Burnett, Jr. Post Office Building.''

The Clerk read as follows:

H.R. 5207

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

SECTION 1. THOMAS E. BURNETT, JR. POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 6101 West Old Shakopee Road in Bloomington, Minnesota, shall be known and designated as the ''Thomas E. Burnett, Jr. Post Office Building''.

(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 Thomas E. Burnett, Jr. Post Office Building.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Maryland (Mrs. MORELLA) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Maryland (Mrs. MORELLA).

GENERAL LEAVE

Mrs. MORELLA. 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. 5207.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Maryland?

There was no objection.

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

Mr. Speaker, H.R. 5207, introduced by our distinguished colleague, the gentleman from Minnesota (Mr. RAMSTAD), designates the postal facility located at 6101 West Old Shakopee Road in Bloomington, Minnesota, as the Thomas E. Burnett, Jr. Post Office Building.

Tom Burnett grew up in the Minnesota-St. Paul suburb of Bloomington in the district of the gentleman from Minnesota (Mr. RAMSTAD). He woke up on the morning of September 11, 2001, and headed to Newark International for a morning flight. Tom was returning home to San Ramon, California, following a business meeting in New Jersey. He boarded United Flight 93 bound for San Francisco, settled into seat 4C, and prepared for the nearly 3,000-mile flight.

Almost 1 hour into Flight 93's journey, the plane turned around. Shortly thereafter, Tom called his wife Deena and told her that his plane had been taken over by four men. Tom told his wife that he and two other passengers were determined to do something to take Flight 93 back.

Tom's wife replied that planes had already crashed into the World Trade Center towers and the Pentagon that morning. Tom Burnett and a few other passengers of Flight 93 overpowered the terrorists and crashed the plane into a field near Shanksville, Pennsylvania. The hijacked plane, apparently headed for Washington, may have been on its way to crashing into this very building, this very building.

Mr. Speaker, I appreciate our esteemed colleague, the gentleman from Minnesota (Mr. RAMSTAD), for introducing this measure that honors Thomas E. Burnett, Jr. Tom Burnett was a man who personified the American virtues of humility and bravery. I urge all

Members of this House to support the adoption of H.R. 5207.

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, H.R. 5207, to designate the facility of the United States Postal Service located at 6101 West Old Shakopee Road in Bloomington, Minnesota, as the Thomas E. Burnett, Jr. Post Office Building, was introduced by the gentleman from Minnesota (Mr. RAMSTAD) on July 24, 2002.

As an American hero, Thomas E. Burnett, Jr. was a passenger on board the hijacked United Airlines Flight 93 that crashed outside of Pittsburgh on September 11, 2001.

Thomas Burnett was among a group of passengers who decided to take action against the terrorists who had hijacked Flight 93 with plans to crash the plane in Washington, D.C.

Who was Mr. Burnett? He was 38 and a resident of San Ramon, California, the senior vice president and chief operating officer of Thoratec Corporation, a medical research and development company; husband to Mrs. Deena Burnett; father of three young girls: Madison, Halley, and Anna-Clair; the son of Thomas and Beverly Burnett, Sr.; and brother to Martha O'Brien and Mary Margaret Burnett.

He was also a man of character who was able to contact his wife during the terrible journey of Flight 93 and let her know that, and I quote, ''A group of us are going to do something,'' and something they did. That something was to make sure the hijackers did not hit a populated area.

Mr. Speaker, Mr. Burnett and others made a very heroic stand on September 11, 2001. Together they took control of the plane and saved many, many lives. They demonstrated leadership and courage, and deserve to be recognized.

Accordingly, I urge the swift passage of this bill and commend my colleague, the gentleman from Minnesota (Mr. RAMSTAD), for seeking to honor Mr. THOMAS E. Burnett, Jr., in this manner. He exemplified the thought and the action that ''If it is to be, let it begin with me.''

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mrs. MORELLA. Mr. Speaker, I am pleased to yield such time as he may consume to the gentleman from Minnesota (Mr. RAMSTAD), the introducer of this legislation.

Mr. RAMSTAD. Mr. Speaker, I thank my friend, the gentlewoman from Maryland (Mrs. MORELLA), for yielding time to me, for her assistance with this legislation, and also for her kind tribute to Tom Burnett, Jr.

I also thank my friend, the gentleman from Illinois, (Mr. DAVIS), for his tribute to Tom Burnett, Jr., and for his assistance with this legislation as well.

Mr. Speaker, I rise today to pay tribute to a true American hero. The legislation before us, H.R. 5207, would rename the West Bloomington, Minnesota, post office in my district in honor of Bloomington native Thomas E. Burnett, Jr., a true American hero.

I want to express my appreciation also to the chairman and my friend, the gentleman from Indiana, and my friend, the ranking member, the gentleman from California, as well as the majority leader, my friend, the gentleman from Texas (Mr. ARMEY), for allowing this bill to come to the floor so expeditiously so that we can pass it by September 11.

Mr. Speaker, I introduced this legislation at the request of Bloomington Mayor Gene Winstead and the Bloomington City Council, which unanimously passed a resolution of support.

Most of us know the story of Tom Burnett, Jr., who was on board United Flight 93 when it was hijacked by the terrorists on September 11. Tom, as the gentleman from Illinois (Mr. DAVIS) explained, was able to reach his wife, Deena, on his cell phone and told her, ''We've got to do something. I know we are all going to die. There are three of us who are going to do something about it.''

Led by Tom Burnett, Jr., the passengers aboard United Flight 93 showed tremendous courage in taking on the evil terrorists who intended to kill as many Americans as possible. As we all know, that plane crashed in Pennsylvania, instead of hitting the terrorists' intended target of this building, the United States Capitol, according to FBI Director Mueller.

□ 1600

We all owe a deep debt of gratitude to Tom Burnett, Jr., and the other brave Americans on Flight 93. Tom Burnett was not even originally scheduled to be on that fateful flight, I might add. And I will never forget the words at Tom's funeral mass of long-time Burnett family friend, Father Joe Slepicka, who said, ''Ancient history tells us God seems to call the right people in the right time and place to do the right things for the good of others.''

Mr. Speaker, God called Tom Burnett, Jr., and Tom did the right thing for the good of others.

Tom Burnett grew up in Bloomington, Minnesota, the son of Thomas and Beverly Burnett, Sr. He was the quarterback of the Thomas Jefferson High School football team and led his team to the State championship game in 1980. Tom married Deena in 1992 and they have three beautiful children, Madison, Halley and Anna-Clair. Tom was also a highly successful business executive and had many other credits to his name.

Mr. Speaker, Tom Burnett, Jr., will always be remembered both as a great and a good man who loved his family and loved America. As Tom, Sr., said, ''There weren't many shades of gray in Tommy. He was loyal to his country and loyal to his family and he knew right from wrong.''

The people of Bloomington, Minnesota, Tom Burnett's hometown, have honored Tom's memory in several lasting ways. On the Friday after the September 11 attacks, the Bloomington Jefferson High School football team wore Tom's number 10 on their helmets. On this coming Thursday at Bloomington Stadium when Jefferson plays crosstown rival Bloomington Kennedy, Tom's jersey number will be retired. A memorial scholarship fund has been established in Tom Burnett's honor, and a collection of Tom's favorite books was placed in his former high school's media center. A white oak tree was planted in Tom Burnett's honor in front of his home church, St. Edward's Catholic Church in Bloomington, where Tom was confirmed and where his funeral was held.

A large fieldstone was placed in front of the tree with the words from the Book of John, Chapter 15, verse 13, ''There is no greater love than to lay down one's life for one's friend.'' Mr. Speaker, that says it all about Tom Burnett, Jr.

Tom's ultimate sacrifice will never be forgotten by his family, his community and his grateful Nation. Tom Burnett, Sr., fondly remembers a conversation with his son on the 50th anniversary of the D-day invasion in France when Tom, Jr., prophetically wondered out loud whether he, Tom Burnett, Jr., would have had the same level of courage those soldiers had during the invasion of Normandy Beach. On September 11, Tom, Jr., was tested and he certainly showed that level of courage, courage that inspires all of us today, courage of an American hero.

Our Nation owes a deep debt of gratitude for Tom Burnett's bravery on September 11. Naming a post office in Tom Burnett's hometown in Bloomington, Minnesota is one meaningful and lasting way Congress and the President can honor his heroism and his memory. I urge my colleagues to join me in supporting this important legislation to rename the West Bloomington Post Office the Thomas E. Burnett, Jr. Post Office.

Mr. DREIER. Mr. Speaker, will the gentleman yield?

Mr. RAMSTAD. I yield to the gentleman from California.

Mr. DREIER. Mr. Speaker, I would like to extend congratulations to the gentleman from Minnesota (Mr. RAMSTAD) for this very important resolution.

He mentioned the fact that Flight 93 was destined to come to this building. And as we rapidly approach the anniversary of September 11, we know that this Capitol dome is a symbol, not only here in the United States, but to the entire world, of freedom. So the sacrifice that Tom Burnett and the others on Flight 93 made is something that is very, very worth recognizing, and I think that naming this post office is a very appropriate effort that the gentleman has put into place here. And I would simply like to congratulate my friend for what he has done here.

Mr. RAMSTAD. Mr. Speaker, I thank the distinguished gentleman from California, my friend, the chairman of the Committee on Rules, for his very, very kind and thoughtful remarks.

Mrs. MORELLA. Mr. Speaker, I also would like to thank the gentleman from Minnesota (Mr. RAMSTAD) for his moving tribute and for introducing this legislation. We do believe it is quite appropriate, in a very small way, as a matter of fact, to dedicate and name this post office for Tom Burnett who is a hero to all of us. So I ask adoption of this measure by this House.

Mrs. TAUSCHER. Mr. Speaker, I rise in strong support of H.R. 5207, a bill to designate a post office in Bloomington, Minnesota, as the Thomas E. Burnett, Jr., Post Office Building. This legislation reflects the spirit of the American people in the aftermath of last year's terrorist attacks, to honor a man that we know to be a hero, who used the last few precious minutes of his own life to save the lives of so many others. I am fortunate to have been able to serve Tom Burnett as his U.S. Representative.

The American people will forever remember Thomas Burnett as a hero. But to his wife, parents, three daughters and loved ones, he was a man of courage and strength long before September 11, 2001.

Tom Burnett grew up in Bloomington, Minnesota, as a child who loved sports and the outdoors. From fishing with his dad, to becoming the star quarterback in high school, Tom was the image of an athlete and the all-American guy. After studying at the Air Force Academy and later graduating from Pepperdine University, he went on to become a senior executive of a company that makes medical devices.

Then, on September 11, the all-American guy became the all-American hero. Thomas Burnett and others aboard made the decision to take down the plane somewhere above Stonycreek Township, Pennsylvania, after learning of the fates of the three hijacked aircraft.

That morning, Tom Burnett called his wife Deena repeatedly, pumping her for information. Later, it was no surprise to her that Tom led the effort to bring the plane down before it could take more lives.

But the result was that thanks to the bravery of people like Tom Burnett, countless innocent lives were saved, including our own, and our nation's Capitol was spared.

Many believe terrorists were going to use the fourth plane, Flight 93, as a weapon to crash into another site in Washington, DC. Whether it was the United States Capitol Building or the White House, we will never know.

This was the ultimate act of bravery and sacrifice from the passengers and crew of United Flight 93, and those who enter our nation's Capitol each day should cherish their valiance.

As the day approaches that will mark the first anniversary of the terrorist attacks, we should all step back for a moment to remember why it may be that our nation's Capitol still stands today, or why the White House remains untouched.

It was because of the courage of Tom Burnett and others, truly among the great heroes of our nation.

There may never be answers for all the questions that surround the events of September 11, 2001, or closure for all of those around the world who suffered the loss of loved ones in this tragedy.

But it is in our power to make sure that we appropriately honor Thomas E. Burnett, Jr., and our other fellow Americans who suddenly became heroes on September 11. Let us thank and remember him by passing this legislation.

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

The SPEAKER pro tempore (Mr. CULBERSON). The question is on the motion offered by the gentlewoman from Maryland (Mrs. MORELLA) that the House suspend the rules and pass the bill, H.R. 5207.

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.

MAKING IN ORDER AT ANY TIME CONSIDERATION OF H.R. 4727, DAM SAFETY AND SECURITY ACT OF 2002

Mr. DREIER. Mr. Speaker, I ask unanimous consent that it be in order at any time for the Speaker as though pursuant to clause 2(b) of rule XVIII to declare the House resolved into the Committee of the Whole House on the State of the Union for consideration of the bill (H.R. 4727) to reauthorize the national dam safety program, and for other purposes, and the consideration of the bill proceed according to the following order:

The first reading of the bill shall be dispensed with;

points of orders against consideration of the bill for failure to comply with clause 4(a) of rule XIII are waived;

general debate shall be confined to the bill and shall not exceed 1 hour, equally divided and controlled by the chairman and ranking minority member of the Committee on Transportation and Infrastructure.

After general debate the bill shall be considered for amendment under the 5-minute rule.

It shall be in order to consider as an original bill for the purpose of amendment under the 5-minute rule the amendment in the nature of a substitute recommended by the Committee on Transportation and Infrastructure now printed in the bill. Each section of the committee amendment in the nature of a substitute shall be considered as read.

During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the CONGRESSIONAL RECORD designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read.

At the conclusion of consideration of the bill for amendment the committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instruction.

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

There was no objection.

HONORING THE CONTRIBUTIONS OF VENUS AND SERENA WILLIAMS

Mrs. MORELLA. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 94) honoring the contributions of Venus and Serena Williams.

The Clerk read as follows:

H. RES. 94

Whereas, although Venus and Serena Williams are only 20 and 19 years old and only in their sixth and third full years as professional tennis players respectively, they have over 43 professional titles between them;

Whereas Venus and Serena Williams have broken racial and socioeconomic barriers with pride and poise by showing the world that tennis is a sport for all people;

Whereas Venus Williams is the first African-American woman to win the Wimbledon Championships since 1958, is the first United States woman since 1924 to win an Olympic gold medal in both singles and doubles, holds the women's world record for the fastest serve at 127 miles per hour, and is one of only seven women to win the singles titles in both the Wimbledon Championships and the U.S. Open in the same year;

Whereas Serena Williams is only the second African-American woman ever to win a Grand Slam singles title, is only the sixth American woman to win the U.S. Open singles title since 1968, is only the fifth woman to win both singles and doubles Grand Slam titles in the same year, and is the first woman to reach the finals in a U.S. Open debut since 1978;

Whereas Venus and Serena Williams are the first sisters in professional tennis history to each win a Grand Slam singles title, the first to be ranked in the top ten simultaneously since 1991, the first to win a Grand Slam doubles title together, the first to compete against one another in a Women's Tennis Association Tour final, and the first to win an Olympic gold medal in doubles together;

Whereas Venus and Serena Williams have inspired and encouraged people of all backgrounds and ages, especially those in their hometown of Compton, California, demonstrating through the spirit of sport that education, a good work ethic, teamwork, fortitude, and determination are ingredients for success;

Whereas Venus and Serena Williams are African-American role models, coached to excellence by their father, and encouraged by both parents to be leaders, to demonstrate high moral and ethical standards, to value education, and to never stray from these family values; and

Whereas Venus and Serena Williams have been beacons of light to their community, passing out tennis rackets and conducting

tennis clinics for low income children, raising funds for community development, and joining our Nation's leaders in support of the Department of Transportation's seat belt campaign ''Buckle Up America!'': Now, therefore, be it

Resolved, That the House of Representatives—

(1) honors and recognizes the achievements and strides made by Venus and Serena Williams by giving back to their community, promoting excellence, breaking barriers with pride and poise, showing that tennis is a sport for all people; and

(2) urges all Americans to recognize the contributions to American society made by Venus and Serena Williams through their achievements and community involvement.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Maryland (Mrs. MORELLA) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Maryland (Mrs. MORELLA).

GENERAL LEAVE

Mrs. MORELLA. 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. 94.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Maryland?

There was no objection.

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

Mr. Speaker, this resolution expresses the sense of the House of Representatives in recognizing the contributions, heroic achievements and dedicated work of Venus and Serena Williams.

Venus and Serena Williams are only 22 and 20 years of age, respectively, yet they have broken racial and socio-economic barriers with pride and poise by showing the world that tennis is a sport for all people.

Mr. Speaker, Venus and Serena Williams have inspired and encouraged people of all backgrounds and ages, especially those in their hometown of Compton, California. Venus and Serena Williams demonstrate that the spirit of sports, education and a good work ethic, as well as team work, fortitude and determination, are essential ingredients for success.

Venus and Serena Williams are African American role models. Their father coached them to excellence. They were encouraged by both parents to be leaders, to demonstrate high moral and ethical standards, to value education, and to never stray from those family values. Venus and Serena Williams have accomplished many firsts in tennis. Their firsts include being the first sisters in professional tennis history to each win a grand slam singles title and being the first sisters to compete against one another in a Women's Tennis Association tour final.

Venus and Serena Williams have been beacons of light to their community, passing out tennis rackets and conducting tennis clinics for low-income children and raising funds for community development. Venus and Serena Williams joined our national leaders in support of the Department of Transportations's seatbelt campaign, Buckle Up America.

Mr. Speaker, it is appropriate that the House recognize the dedicated work and outstanding accomplishments of Venus and Serena Williams today. I ask that all Members 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 may consume.

Mr. Speaker, on Saturday, July 6, 2002, Serena and Venus Williams captured first and second places in the ladies' singles championship at Wimbledon. The very next day the sisters went on to win first place in the ladies' doubles championship for the second time in three years. Today Venus and Serena are making their way to the U.S. Open quarters in Flushing Meadows on Arthur Ashe Stadium Court and possibly another victory.

Venus and Serena Williams are the youngest of five sisters. Venus broke into the professional women's tennis circuit at the age of just 14. Coached by their father Richard, the sisters learned to play tennis on the courts of Compton, California. Both girls entered the world of professional tennis at the age of 14. At just 18, Serena won her first grand slam title. Venus won her first grand slam the following year at just 20 years of age. Since winning their first grand slam titles both sisters have broken innumerable records. Between Serena and Venus, they have won 16 singles titles in the last year and 7 of the last 12 grand slam events.

Serena Williams is only the second African American woman to ever win a grand slam, while Venus is the first African American woman to win at Wimbledon since 1958.

In 1999, for the first time in over 115 years, sisters met in the finals at Wimbledon. In September of that same year, Serena was named female athlete of the month by the United States Olympic Committee. Venus is the first United States woman since 1924 to win Olympic gold in both the singles and doubles tournaments. These are only a few of the sisters' many accomplishments in their lives. Serena and Venus Williams strive to make a difference both on and off the court. The sisters support and participate in events sponsored by Oracene Williams Learning Foundation, an organization that seeks to help children with learning disabilities.

Additionally, in 1995, Venus, Serena and Richard Williams conducted a clinic with the California Tennis Association for underprivileged youth. This clinic has since developed into a full year tutoring tennis academy for the underprivileged youth in California. Venus and Serena Williams have become role models for many African American children. In Monday's Washington Post, columnist Courtland Milloy noted the impact the sisters have had on the Means sisters, four sisters aged 8 through 12, who live here in Washington, D.C. The Means sisters play tennis and do after-school work at the Southeast Tennis and Learning Center in the District of Columbia. When asked about what impact Serena and Venus Williams have had on their lives, the Means sisters were quoted as saying, ''They show us we can compete against one another and still be friends. They let us see ourselves as champions. We might even end up being number one, two, three and four.''

House Resolution 94 congratulates the Williams sisters for all of their dedication and extraordinary accomplishments, and I join with my colleague, the gentlewoman from California (Ms. MILLENDER-MCDONALD), in not only supporting this resolution, but in commending the Williams sisters, who did not choose to be sisters, but have in fact chosen to be friends and champions.

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

□ 1615

Mrs. MORELLA. Mr. Speaker, I have no requests to speak, and I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, it is my pleasure to yield 4½ minutes to the gentlewoman from California (Ms. MILLENDER-MCDONALD), the originator of this resolution.

Ms. MILLENDER-MCDONALD. Mr. Speaker, I would like to thank my dear friend the gentlewoman from Maryland (Mrs. MORELLA) and my dear friend the gentleman from Illinois (Mr. DAVIS) for helping to usher this to the floor, along with my thanks to the gentleman from Ohio (Mr. PORTMAN), who helped to ensure this piece of legislation came to the floor.

Mr. Speaker, I am honored to rise today to respect the two outstanding young women who have taken the tennis courts by storm. They happen to be my former constituents from the City of Compton.

I first introduced this bill in March of 2001 expressing the sense of Congress in its admiration of the achievements of these two remarkable sisters, Venus and Serena Williams, tennis champions and first class human beings. I am pleased that hundreds of my esteemed colleagues have agreed to cosponsor this measure with me.

Since this measure was introduced, another year has only brought added luster to Venus' and Serena's professional triumphs. They are the first sisters in the history of the Women's Tennis Association tour to attain number one and two ranking, and of course, they are the first Americans to achieve this exalted status. This alone should encourage us to acknowledge their prowess and courage on the courts which follows the illustrious and historic achievements of the African

American tennis champion Althea Gibson in the 1950s.

As of July 9, Serena Williams moved to number one in the WTA tour ranking after winning the French Open and the women's Wimbledon title and is the 11th woman to hold this title since the ranking system began in 1975.

Venus Williams has moved to number two after having held three stints at number one for a total of 11 weeks since February.

On July 7, at Wimbledon, the sisters united to win their second doubles title victory in 3 years.

However, in saluting these remarkable young women and their achievements in the sport of tennis we must not lose sight of the other contributions of these sisters as citizens. We must also give recognition to their parents, Oracene and Richard Williams, who had the foresight to see their daughters as winners and the sacrifice to make this attainment possible. By this recognition, too, we celebrate the African American family and its demonstration of solidarity, initiative and resolve.

In particular, though, Mr. Speaker, the unselfish coaching of their father, Richard Williams, of his daughters over many years that provided both a healthy sense of self-regard and a sense of confidence must be commended. This outstanding father, who knew not how to coach, had never coached in his life, took this on. He saw the talents in his young daughters, and he coached them through the streets and through the hard cement courts of Compton to bring them to where they are today.

From those cement courts of Compton to the grass groomed courts of Wimbledon, Serena and Venus Williams have triumphed over an enormous scale, but we should also salute them because they are giving back and sharing their prosperity and talent with children from minority communities in our country, as well as in Africa's impoverished neighborhoods, which they will soon be traveling to.

In Los Angeles, many inner city high school players are advancing in the game of tennis due to the support of the Venus and Serena Williams Tutorial/Tennis Academy. These students who enroll in the tutorial program also are mentored on college and career possibilities. They see that need as well, Mr. Speaker.

The Williams sisters also support the J.P. Morgan Chase Tennis Challenge, the proceeds of which are directed to the OWL Foundation, which is named after their mother, Oracene Williams Learning Foundation, which was started by their money to provide grants for at-risk students to participate in educational remedial assistance programs. The foundation's mission is to ensure that every child is treated as an individual and provided the opportunity to learn.

Another initiative supported by the sisters and Doublemint provides grants to recognize the contributions that college students and student service organizations make on campuses and in communities.

Mr. Speaker, Serena and Venus were also instrumental in assisting the founding of the Southeast Tennis and Learning Center in Washington, D.C., and helped to open this extensive facility in April of last year.

Mr. Speaker, on and off the courts Venus and Serena Williams are indeed giving back, and we should take pride and pleasure in their accomplishments and salute them for their fine sportsmanlike or sportswomanlike conduct and citizenship.

I cannot say enough about these outstanding two young women who happen to be black but indeed are outstanding citizens to this America, and for that, Mr. Speaker, I salute them and ask for a successful passage.

Mr. DAVIS of Illinois. Mr. Speaker, it is a pleasure to yield 3 minutes to the gentlewoman from Florida (Mrs. MEEK), a great athlete, former coach, great dancer, great African American, great humanitarian and legislator.

Mrs. MEEK of Florida. Mr. Speaker, I want to thank my colleague, first of all, for his great oratorical skills as well as his academic prowess.

Mr. Speaker, I want to thank the gentlewoman from California (Ms. MILLENDER-MCDONALD) and her colleagues on the other side of the aisle who have seen to it, specifically the gentlewoman from California (Ms. MILLENDER-MCDONALD), who just persevered and kept pushing this resolution when many thought it would never come to the floor.

I am glad that it is here, Mr. Speaker, because it speaks very loudly for this Congress to see the advent of these two young women who belie many of the stereotypical ideas about African Americans when it comes to sports such as tennis. They have shown America and shown the world that with their long muscle prowess and their beauty and their grace and just the refinement which they have shown and the femininity is great for America.

That is why I want to thank the gentlewoman from California (Ms. MILLENDER-MCDONALD) and commend her for this. Mr. Speaker, Venus and Serena, they are great tennis champions, but they are even more than that, Mr. Speaker, because what they are doing is legendary and has turned around the tennis world.

I am, as my good friend from Illinois mentioned, an old athlete. I remember when black women had a very difficult time in tennis. I remember two other Williams sisters, very, very old from Wilberforce, Ohio. Wilberforce was one of the first universities that really pushed tennis for African Americans, and these two Williams sisters were there. I was in school with Althea Gibson, who rose to great heights in the tennis world and was recently honored by the Republican Party and the Speaker down at one of the women's groups here. That to me was a great thing as well.

I look forward to this kind of honor for women athletes who have been able to really persevere and come forward in the sports world.

These two women are wonderful women because they are tremendously talented and they make role models for other women, not only African American women but women of all races, colors, creeds, and they have come to this achievement and they have come to it with grace, and when we see them on television and see them being interviewed, we can see the grace, politeness and intelligence and confidence and good humor, and we can see the beauty. We can see why her name is Venus because, in mythology, Venus was a beautiful and strong woman. She was not small of build either. She was well-appropriated, and so is Venus. It is good to see this in tennis here in America, and I want to compliment them for another thing.

They have made the black family look better because stereotypically people do not believe many times that the black family is strong but it is. Here is a father, a father, as my good colleagues have said, who has shown that there is perseverance, there is tenacity, there is this family connection, and it can be spent in strengthening the American family, and athletics is one way it can be strengthened. Scholarship and good skills is another.

Mr. Speaker, I could say a lot more, but that is good. I just want to say that these two women have shown America that. It has gotten a message to America and has done us all proud.

Mr. DAVIS of Illinois. Mr. Speaker, I want to thank the gentlewoman from Florida for her history of female athletics, and it is my pleasure to yield 3 minutes to the gentleman from Maryland (Mr. CUMMINGS).

Mr. CUMMINGS. Mr. Speaker, I thank the gentleman for yielding me the time, and I thank the gentlewoman from California (Ms. MILLENDER-MCDONALD) for sponsoring this resolution and certainly the gentleman from Ohio (Mr. PORTMAN).

Mr. Speaker, we have heard already the great achievements of these two wonderful young ladies, and I cannot help but think about the words of Swindall, the great theologian, when he said that so often people do things which are unnoticed, unseen, unappreciated and unapplauded, and the fact is that so often they do these things quietly, and then there comes a time when all of that hard work and all of that effort and all the things that they have done behind closed doors and behind closed walls suddenly emerges into the spotlight of the sun.

We have two wonderful young ladies here who have worked very hard, and it has already been said, worked hard within a family structure, a father who stood up for them over and over and over again, who saw in them so much. He had a vision, Mr. Speaker, but not only did he have a vision, he turned the vision into a mission. So often what

happens is that folks have visions but they never do anything with it, but he saw in these two wonderful ladies something that would be great, and in other words, what he saw and if others, Mr. Speaker, had told him many years ago that his daughters would achieve all these things, some people may have considered it the impossible, but Richard was about the business of doing the impossible and he did. So I come here to salute these wonderful ladies.

Finally, Mr. Speaker, one of the greatest moments of my life came at Howard University's graduation just this May when Venus Williams was being awarded a special award by the president of the university, and she really literally took all of our breaths away when she got up and she spoke about her sisters who had graduated from my alma mater, by the way, Howard University, and then she said something that really struck everybody in the audience. She said, ''They say I am worth millions, but I would give every penny I have got if I could walk across the stage like you are doing today,'' talking to the graduates, and I think that really touched everybody and put everything into context. One of the things she also said is that ''I have been busy playing tennis and making money, but I am going to return and make sure I get my degree.''

So it is that kind of spirit. It is a spirit that Swindall talks about, unnoticed, unappreciated, unapplauded and unseen, and so they are now in the sunlight of life, and they have so much to give and so many people to inspire, so many little girls looking up to them, and by the way, little boys also looking up to them. We salute them today and may God bless these great ladies.

Mr. DAVIS of Illinois. Mr. Speaker, it is my pleasure to yield 3 minutes to the gentlewoman from California (Ms. Watson).

Ms. WATSON of California. Mr. Speaker, I rise in support of H. Res. 94, honoring the sisters Venus and Serena. Congratulations are indeed in order for these champions. My colleagues have already outlined some of the outstanding accomplishments that these two young women from Compton, California, have achieved, and I too pay my respects to the number one and the number two ranked Women's Tennis Association players in the world.

These young adults have created many first-time achievements for American women in world tennis. Their skill, charisma, dedication, plus love for the sport herald an exciting era in women's tennis.

Venus and Serena have shown not only athletic dominance on the court but social consciousness and mature contributions off the court and have made wise contributions of not only their time but their money as well.

The Williams sisters who grew up in Compton, California, have overcome considerable odds to excel in their chosen sport.

□ 1630

Their accomplishments similar to those of Tiger Woods in golf prove that with hard work, dedication, the right kind of guidance, and nurturing, all Americans can achieve and succeed in activities and careers that have been traditionally reserved for those with a higher economic status. The Williams sisters exemplify this and have smashed many contemporary barriers, providing a beacon of light for all Americans; and so many people have said this could not be done. I commend Venus and Serena for their past deeds and look forward to what their future brings, and we will enjoy the seeds that they have sown across America for years to come.

Mr. Speaker, I am happy to cosponsor H. Res. 94.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume. I know that the gentleman from Michigan (Mr. CONYERS) was trying to get in before we closed. He is a great tennis player himself and has been playing a long time.

Mr. Speaker, I simply want to commend the gentlewoman from California (Ms. MILLENDER-MCDONALD) for her sensitivity in bringing this legislation before us, and I also want to express my appreciation for the opportunity to work with the gentlewoman from Maryland (Mrs. MORELLA). It is always indeed a pleasure to work with her, and I thank her so much.

Mr. Speaker, I yield back the balance of our time.

Mrs. MORELLA. Mr. Speaker, I yield myself the balance of my time.

In closing, I also want to thank the gentlewoman from California (Ms. MILLENDER-MCDONALD), my friend, for introducing this resolution. It does say a lot to the fact that people can make a difference and inspire others to great heights. So I urge adoption of this measure.

Mr. RUSH. Mr. Speaker, I am proud to honor the achievements and determination of Venus and Serena Williams. These two young women 20 and 19 years old respectively are only in their sixth and third full years as professional tennis players and they have over 43 professional titles between them.

Venus Williams is the first African-American woman to win the Wimbledon Championships since 1958 and she is the first United States woman since 1924 to win an Olympic gold medal in both singles and doubles. She also holds the women's world record for the fastest serve at 127 miles per hour, and is one of only seven women to win the singles titles in both the Wimbledon Championship and the U.S. Open in the same year.

Serena Williams is only the second African-American woman ever to win a Grand Slam singles title and is only the sixth American woman to win the U.S. Open singles title since 1968. Ms. Williams is only the fifth woman to win both singles and doubles Grand Slam titles in the same year, and is the first woman to reach the finals in a U.S. Open debut since 1978.

They are impressive women who overcame social and racial barriers to achieve excellence. Venus and Serena Williams have inspired and encouraged people of all backgrounds and ages, especially those in their hometown of Compton, California, demonstrating through the spirit of sport that education, a good work ethic, teamwork, fortitude, and determination are ingredients for success.

Mr. RANGEL. Mr. Speaker, in viewing the tremendous achievements of tennis players Venus and Serena Williams, once again on display for the pleasure of their many fans at the U.S. Open in my hometown, New York, one must acknowledge the legacy of past trailblazers, the parental roles of Richard and Oracene Williams and the natural ability of tennis's most recent stars.

Tennis pioneers Althea Gibson and Arthur Ashe successfully gained national and international status despite legal and customary exclusion of African-Americans from tennis during most of the 20th century. In 1951 Althea Gibson was the first African-American of either gender to play in U.S. Open and also in 1951 she became the first black American to play at Wimbledon. In 1957 Gibson made history by winning the Wimbledon singles and doubles championships. Breaking ground in the game of tennis, she also became the first Black female to be on the cover of Sports Illustrated. Despite the confines of race, gender, and class, she transcended the role of black female athletics and became a spokesperson for racial equality and inclusion by challenging racial segregation in American society. By challenging and ultimately transforming the racial and social climate in sports, Gibson created a legacy and opened opportunity for future black tennis players. Similar to the achievements of Gibson, Richmond, Virginia native Arthur Ashe rose to prominence in tennis. Noted for his grace, hard-hit topspin, and outstanding backhand, Ashe won the 1968 U.S. Open, the Australian Open, and the Wimbledon title in 1975.

Following in a great tennis legacy, Venus and Serena Williams have also made history by becoming the first sisters to win Grand Slam crowns individually and collectively in the 20th century.

Almost fifteen years ago, Richard Williams stood on a crumbling tennis court in Compton, California and told his daughter Venus that she was going to be one of the best tennis players in the world. For Williams, a neighborhood tennis coach, this was a bold and idealistic vision because no Black person had excelled in the game since tennis greats Althea Gibson and Arthur Ashe. However, despite the odds and the inability to provide expensive and private tennis lessons, Williams and his wife recognized and nurtured the natural ability of Venus and her youngest sister Serena. Similar to the challenges faced by Gibson and Ashe, the issues of race and class were always prevalent in their matches against white competitors. In meeting those obstacles, their parents fostered a work ethic that encouraged them to play aggressively and to always strive to be the best. While catering to their talents, the Williams also valued the education of their daughters and did not allow their schooling to take a back seat. Unlike some parents who sacrificed schooling for competitions, the Williams strongly advocated education and viewed it as a top priority. By instilling a victorious attitude, value in education, and graceful demeanors, Richard and Oracene Williams have given sports and the world two talented

athletes and young women who are true role models.

Considered the most dominant players in recent tennis history, Venus and Serena Williams have revolutionized and literally transformed the sport with forty-three professional titles between them. Venus and Serena have broken racial and socio-economic barriers with pride and poise by illustrating to the world that tennis is a sport for all people. The pair made history by becoming the first African-Americans to win national and international titles since tennis pioneers Althea Gibson and Arthur Ashe.

Claiming her first Grand Slam victory in 2000 at the age of twenty, Venus Williams became the first African-American female champion at Wimbledon since Gibson in 1957 and 1958. Elevating her game to the next level, Venus is the first American woman since 1924 to win an Olympic gold medal in both singles and doubles. She holds the women's record for the fastest serve at 127 miles per hour, and is one of the seven women to win the singles title in both the Wimbledon Champions and the U.S. Open in 2000 and 2001.

Creating history in her own right, Serena Williams is currently the number one ranking female tennis player. Following in the footsteps of her older sister, Serena is only the second African-American woman ever to win a Grand Slam singles title. She is also the sixth American woman to win the U.S. Open singles title since 1968 and is the fifth woman to win both singles and doubles Grand Slam titles in 2002.

Among other note-worthy titles, the sisters are the first in professional tennis history to each win a Grand Slam singles, the first to be ranked in the top ten simultaneously since 1991, the first to win a Grand Slam doubles title together, the first to compete against one another in Women's Tennis Association Tour Final, and the first to win an Olympic gold medal in doubles together. Recently, rated the numbers one and two women players in professional tennis, the Williams sisters have broken ground in rewriting tennis history with their historic wins.

Inspiring and encouraging thousands of young players from different racial and socio-economic backgrounds, Venus and Serena have become role models for young women of their generation. They have gracefully illustrated and proven that through hard work, dedication, teamwork, and determination all dreams can be achieved. Moreover, the sisters have embraced the notion that high moral and ethical standards and strong family values are the ingredients to success. Putting rhetoric with action, the Williams sisters are actively engaged in encouraging young people in minority communities to become interested in tennis. They are opening doors of opportunity in tennis for young people of color all over this nation and as a result of their work will leave a living legacy of young champions of color in the years to come.

In viewing their accomplishments, the Williams sisters have continued the long tradition and outstanding achievements of blacks in tennis. Furthermore, they have shown the world the continued legacy of Blacks in tennis, the spirit of sportsmanship, and the gift of serving and encouraging young people around the world.

Mr. HASTINGS of Florida. Mr. Speaker. I rise today in support of H. Res. 94, a resolution honoring the contributions and accomplishments of tennis stars Venus and Serena Williams.

To say that Venus and Serena Williams are trailblazers would be an enormous understatement. The first sisters ever to be ranked number one and two in women's tennis, they have achieved a feat worthy of congressional recognition and international praise.

The Williams sisters first came to the public's attention in 1997 shortly after they began their road to becoming a tennis powerhouse. During that year, the sisters lost nearly every game they played and despite the media attention and the multi-million dollar endorsements, a long-term career in tennis looked bleak. However, within five years these two young ladies managed to propel themselves to arguably become the best women tennis players and most recognized of all time, winning more than seven Grand Slam titles between the two of them.

Mr. Speaker, in their efforts to establish themselves as great athletes, they also established themselves as great role models. Through the Venus and Serena Williams Tutorial/Tennis Academy each year their foundation helps more than 40 inner city kids through the workings of after school programs, summer tennis camps, mentoring, and cultural enrichment education. As a result now more than ever, young African American children are playing sports and participating in programs traditionally played by whites.

With Venus and Serena's performance at the U.S. Open this week, I cannot think of a more fitting time for this resolution to come before the House of Representatives. They have shown and continue to show their dedication to their career and community. They are young leaders who have vowed to take the world by storm, working to defeat everyone in their path so they may reign as tennis champions.

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

The SPEAKER pro tempore (Mr. CULBERSON). The question is on the motion offered by the gentlewoman from California (Ms. MILLENDER-MCDONALD) that the House suspend the rules and agree to the resolution, H. Res. 94.

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. DAVIS of Illinois. 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.

EDUCATION SAVINGS AND SCHOOL EXCELLENCE PERMANENCE ACT OF 2002

Mr. HULSHOF. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5203) to provide that the education savings incentives of the Economic Growth and Tax Relief Reconciliation Act of 2001 shall be permanent, and for other purposes, as amended.

The Clerk read as follows:

H.R. 5203

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 ''Education Savings and School Excellence Permanence Act of 2002''.

SEC. 2. EDUCATION SAVINGS INCENTIVES MADE PERMANENT.

Section 901 of the Economic Growth and Tax Relief Reconciliation Act of 2001 is amended by adding at the end the following new subsection:

''(c) EXCEPTION.—Subsections (a) and (b) shall not apply to the provisions of, and amendments made by, title IV.''.

SEC. 3. TAX-FREE EXPENDITURES FROM EDUCATION SAVINGS ACCOUNTS FOR QUALIFIED ELEMENTARY AND SECONDARY EDUCATION EXPENSES AT HOME SCHOOLS.

(a) IN GENERAL.—Clause (i) of section 530(b)(4)(A) of the Internal Revenue Code of 1986 (defining qualified elementary and secondary education expenses) is amended by striking ''or religious'' and inserting ''religious, or home''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2002.

SEC. 4. CLARIFICATION RELATING TO EXCEPTION FROM ADDITIONAL TAX ON CERTAIN DISTRIBUTIONS FROM QUALIFIED TUITION PROGRAMS, ETC. ON ACCOUNT OF ATTENDANCE AT MILITARY ACADEMY.

(a) IN GENERAL.—Subparagraph (B) of section 530(d)(4) of the Internal Revenue Code of 1986 (relating to exceptions from additional tax for distributions not used for educational purposes) is amended by striking ''or'' at the end of clause (iii), by redesignating clause (iv) as clause (v), and by inserting after clause (iii) the following new clause:

''(iv) made on account of the attendance of the account holder at the United States Military Academy, the United States Naval Academy, the United States Air Force Academy, the United States Coast Guard Academy, or the United States Merchant Marine Academy, to the extent that the amount of the payment or distribution does not exceed the costs of advanced education (as defined in section 2005(a)(3) of title 10, United States Code, as in effect on the date of the enactment of this clause) attributable to such attendance, or''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2002.

SEC. 5. PROTECTION OF SOCIAL SECURITY AND MEDICARE.

The amounts transferred to any trust fund under the Social Security Act shall be determined as if this Act had not been enacted.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Missouri (Mr. HULSHOF) and the gentleman from Washington (Mr. MCDERMOTT) each will control 20 minutes.

The Chair recognizes the gentleman from Missouri (Mr. HULSHOF).

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

Mr. Speaker, it is back-to-school time. Indeed, as I look at the clock above the Speaker's chair, in about 2 hours when we call for votes, this Chamber will fill with our colleagues; and there will be some of the same giddiness as kids going back to school. And the inevitable question we ask one

another is what did you do on your summer break?

Certainly I think as we prepare for some very solemn events later this week as well as next week and certainly recognizing the impact of a year ago, I think a lot of attention has caused us to really forget some of the important education initiatives that have passed and become law. Specifically, this Congress began last year with a renewed commitment to education. ''Leave no child behind'' has become a familiar mantra. In fact that landmark legislation of leaving no child behind is now the law of the land and really starts with the mindset that a child, any child, can learn.

As President Bush stated, indeed as Governor of the State of Texas, ''The Federal Government must be humble enough to stay out of the day-to-day operation of local schools, wise enough to give State and local school districts more authority and freedom, and strong enough to require results. We must make our schools worthy of all of our children. Whatever their background, their cause is our cause. It must not be lost.''

Thereupon we came together in a very bipartisan way and passed that landmark legislation. But Congress did not stop there. Last summer in the Economic Growth and Tax Relief Reconciliation Act, there were some significant tax incentives to improve the affordability of education, not just higher education but kindergarten through elementary school, through secondary, essentially schoolchildren of all ages that would be able to take advantage of through their parents or other mentors or family members, opportunities of savings vehicles and incentives through the Tax Code.

Yet, Mr. Speaker, as you know and as this body knows, a year ago when we enacted the Economic Growth and Tax Relief Reconciliation Act, because of some very technical, arcane procedural rules in the other body, there was a sunset provision placed upon those tax incentives relating to education. What this bill today, H.R. 5203, attempts to do is to make permanent those positive savings vehicles, those tax incentives that would help all parents across the country really focus on their children's education.

Certainly, as we debated this a year ago, the idea is a simple one. No child should be discriminated against because of the choice of where he or she goes to school. Public schools, private schools, religious schools, home schools, any child should have the advantage of these tax incentives through parents or other mentors as far as educational expenses.

We cannot in Congress, of course, set tuition rates. We cannot set student fees. In my hometown of Columbia, Missouri, as college students are coming back, they are lamenting the fact that they are facing an 8 percent tuition hike this year. There is nothing that not only this legislative body but other State legislatures can do as far as the rising cost of tuition. However, we have acted as far as making college education and other educational expenses more affordable, education more accessible. It is time to make those provisions in the Tax Code permanent, those tax relief measures. This body has acted making the entire Economic Tax Reconciliation Act of 2001 permanent. We have also acted as a body to make those pension opportunities permanent, the marriage penalty repeal permanent as well as the death tax repeal. We believe it is time for Congress to make a renewed commitment to make permanent the education tax incentives. Accordingly, I ask that H.R. 5203 be adopted.

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

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

It is nice to be back here on the first day of school to witness the 27th act of the Republican budget follies of 2001–2002. The gentleman from Missouri talks very openly about the No Child Must Be Left Behind bill, and we all clapped and patted ourselves on the back. It authorized an increase in the budget of 15 percent for children and education. But then there was the budget, the real honest-to-God budget. That was 2.8 percent. Promising 15 percent and then giving them 2.8, right? And meanwhile come down here and shovel more money out the back door in tax breaks.

You call it arcane reasoning. Well, we did not want to break the budget. That is why you did not make it permanent in the first place. If you had passed this thing in perpetuity, you would have broken the budget, and it never would have passed the Senate. That is why you put that sunset clause in.

But the fascinating thing is that the Bush budget that says it cares about education in the public schools cuts 50 programs, including civics and art and history education. It cuts school counselors and technology for teachers. That is in the public schools. We do not want to fund the public schools. We just want to figure out how to give everybody a voucher, forever. We are going to boost the amount from $500 a year to $2,000; and we are going to add that everybody now is permanent. Higher education, high school, middle school, elementary school, home school, everybody can take their money and go outside the public school system. Yet 90 percent of the kids in this country go to the public schools. So why is our focus not on putting money in the public schools?

Even more interesting and the reason I started with this talk about the budget, 2 years ago, a little less than 2 years ago, we came out here and we said we have $5.6 trillion in surplus. And we could do anything. We can give enormous tax breaks. We can do all these things. But even the Republicans now have to admit that their own Congressional Budget Office says that this year we are going to be $157 billion in debt, in deficit. That is counting all the Social Security money. All that money, all that talk about lockboxes and we are going to protect Social Security. I can remember listening to hundreds of speeches from the other side that would be saying today, ''You're raiding the Social Security money.'' But suddenly we do not hear any of that. We have the Congressional Budget Office say we are only going to be $157 billion in debt. They do not point out that the biggest chunk of that is money coming from Social Security.

Maybe next year it is going to get better. That would be right, right? Well, it is only going to be $145 billion in deficit. Yet you want to come out here and pass a bill that puts another $5 billion out in perpetuity. You do not know what is happening in the stock market. Everybody tells me it is getting better. The economy is coming back. It is not coming back in the Northwest. We have got the highest unemployment we have had in 15 years. So when people are saying, Oh, well, let's give all these permanent tax breaks because it's coming back, where is the proof of that? Who believes the Secretary of the Treasury? We do not have a serious financial leader in this executive branch. Nobody that the world believes. They go out and make speeches and the market drops. So explain to me how you can continue to give money away permanently.

The funny thing about this, of course, is it does not take effect for 8 years, right? Put it in today, people will forget about it; but it will bite out there someplace down the road. It is a very clever strategy. Put in the idea with the sunset, come back a year later and say, well, we are only extending what we did last year. That is deceptive. We are in financial difficulties in this country. We should not be passing this kind of legislation at this point when we have not done the education budget. We have not even done any of that yet for the public schools, and you want to give people money to go to the private schools.

Mr. CONYERS. Mr. Speaker, will the gentleman yield?

Mr. McDERMOTT. I yield to the gentleman from Michigan.

Mr. CONYERS. I thank the gentleman for yielding. I am impressed that this measure is coming up at this point in time. Is there some reason that we keep going over this? Has this subject been before the House of Representatives before?

Mr. McDERMOTT. My impression is that we have done this at least twice before. And the Senate always rejects it, because the emphasis should be on public schools.

Mr. CONYERS. I want to thank the gentleman for his comments. I want you to know that I think there will be more people here thinking about the

wisdom of H.R. 5203 when it comes up for a vote today.

Mr. McDERMOTT. I hope they will all vote against it.

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

Mr. HULSHOF. Mr. Speaker, I am pleased to yield 5 minutes to the gentleman from Texas (Mr. SAM JOHNSON), another valued member of the Committee on Ways and Means.

(Mr. SAM JOHNSON of Texas asked and was given permission to revise and extend his remarks.)

□ 1645

Mr. SAM JOHNSON of Texas. Mr. Speaker, I did not know we were going to come in here and try to get into a political debate. As I recall from the Committee on Education and the Workforce, we did not do any cutting; we consolidated.

I do not think we have taken one red cent out of the Social Security trust fund, and we do not intend to. I think that it is important for the people to know that they can count on the future, that they can put their money into a savings account and count on it to be there for their kids to go to school, if that is what they desire to use it for.

Mr. Speaker, it is an honor for me to be here today to solve a problem brought to my attention by a constituent. Great ideas do not always start from inside the Beltway or from pundits or strategists. They come from good Americans back home, like my friends Paul and Jeanette Miesse of Plano. Their son, Kyle, attends Jasper High School where he is in the tenth grade and participates in ROTC. Kyle is considering applying to the Naval Academy. I want to help them make that a reality.

Kyle's dad researched the 529 Education Savings Account. As you know, 529 savings plans, run by the States, allow parents and others to put money aside for college to grow tax free, and, as long as the money is spent on education, the money is spent tax free. These tax incentives are an important way to encourage savings for higher education.

Current law provides penalty-free refunds from 529 plans for certain situations, such as when the student receives a scholarship. The problem with this is the definition of the word ''scholarship.'' It excludes appointments to the United States service academies, such as West Point, Annapolis, or my favorite, the Air Force Academy. Under the Tax Code, these appointments are considered commissions in the military and so are different from scholarships.

Hard-working students and athletes across America are rewarded with scholarships to colleges and universities. Congress recognized the hard work of these young people when we permitted their parents to receive penalty-free rebates of their contributions to 529 plans. In addition to academic and athletic scholarships, the IRS and Treasury have told us if a student earns an ROTC scholarship, their plan can make penalty-free rebates. It is only the United States military academy students who are not eligible for this benefit.

Serving this country is a noble profession. Congress ought to encourage, not discourage, young people to join our armed forces, especially today, and the clarification we are making today will ensure that all students who attend our United States military academies get the same treatment under 529 plans as their peers.

Given that each Congressman is eligible to make appointments to the United States service academies, I think all of us in Congress have a direct interest in making sure we solve the problem. On average I nominate about 40 students from the Third District of Texas to the service academies.

I think when hard-working, patriotic young Americans are rewarded with an appointment to a service academy, we should not turn around and impose a 10 percent penalty on their parents who saved for their children's education. We should provide the same penalty-free withdrawals for the plebe, the middy and the cadet as we provide to those who play sports, earn an academic scholarship or pay for school through ROTC.

Again, I want to thank my constituents, Paul, Jeanette and Kyle Miesse of Plano, who brought this issue to my attention.

To my knowledge, at no time during the consideration of this legislation did we consider the issue of appointments to the service academies. I believe the omission was simply an oversight, and I encourage the passage of this bill that will permanently extend the education tax breaks included in the tax law we enacted last year.

I do not see how anybody can vote against helping parents send their kids to school and help make it permanent. I want to thank the chairman for including in this bill that clarification. It is people like this in our own districts that make a difference.

Mr. McDERMOTT. Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Ms. WOOLSEY).

(Ms. WOOLSEY asked and was given permission to revise and extend her remarks.)

Ms. WOOLSEY. Mr. Speaker, H.R. 2503 has one fatal flaw, and it must keep every Member of this Congress and in this body, every Member that supports public education, from voting for it.

H.R. 5203 takes much-needed Federal funds away from public schools and gives that money to wealthy families to pay for private schools. While private schools and religious schools and military schools are an important part of the education mix in this country, they must not be funded with Federal dollars.

Yet this is exactly what H.R. 5203 does. It makes the tax breaks for families who use education savings accounts to pay for private schools a permanent benefit. Families who can afford to put part of their income into education savings accounts more often than not are the same families who can afford to pay for private schools. We must not, we cannot, and we should not be using precious Federal dollars to subsidize children who come from wealthy families so that they can go to private schools and take that money away from our public school system.

A strong public education system is the only way we can prepare all of our children for the high wage, high skilled jobs that will ensure America's place in the world market. A strong public school system is also how we prevent dependency on welfare here at home.

Public education is the backbone of our country. It is why we are a great Nation. We cannot afford to give money to private schools when we do not have the will and we do not have the budget to fully fund our Nation's public education system.

We cannot invest in private education when we do not meet our Federal obligation to IDEA, the Individuals With Disabilities Education Act. But when we do have a budget that truly leaves no child behind, I will support a measure like this. Until then, vote against H.R. 5203 because it weakens public education and it must be defeated.

Mr. HULSHOF. Mr. Speaker, I yield myself 90 seconds.

Mr. Speaker, I want to commend the other side for waiting until at least the second speaker to bring up the mantra ''tax breaks for the wealthy.'' What I would like to do is refute that comment specifically from the last speaker.

As this body knows, we have yet to reach the appropriation for public education. The Labor, Health, Education appropriations bill is yet to come. That is the funding mechanism for public schools.

I would take issue with my friend from Washington State who declared that somehow there are cuts in public education. Since 1995, this body has increased funding for public education by nearly 30 percent, and I dare say I question how additional funds in public education is perceived to be a cut.

Specifically, to the point raised by the last speaker, 70 percent of the tax savings just from education savings accounts go to families with children in public schools making less than $75,000 a year. Let me repeat that statement: 70 percent of the benefits of education savings accounts go to public school children whose parents make a combined income of less than $75,000. There are 14 million families whose children benefit from just the education savings account vehicle. Almost 11 million of those are children who attend public schools.

So I think that clearly the issue of funding of public education is something this body will consider later in

the appropriations process, and I certainly take issue with the comments of the last speaker.

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

Mr. McDERMOTT. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. BECERRA).

Mr. BECERRA. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, in response to my friend and colleague's mention of this debate, I think we all have to make clear something about this debate right here and now: It is not those of us on this side of the aisle who brought this legislation forward, and it is not that we wish to constantly raise the point that these are tax measures that have tax cuts, that help principally wealthy individuals. That is the fact of this measure, that it will cost some $3 billion per year.

But it is as if Congress learned nothing from the Enron, the Global Crossing, the Arthur Andersen, the WorldCom financial scandals that let so many fat cats become even fatter, that now we have a bill that would again benefit the wealthiest Americans at the expense of the majority of middle-class Americans.

Really, at the end of this, if you take a look at this bill, this is an attempt to sneak vouchers through the back door for private schools again, at the expense of the 90 percent of our kids who are attending public schools.

But the worst part, as you heard the gentlewoman from California mention beforehand, was that this is fiscally irresponsible. We are already running a deficit this year, when we were told by the Bush administration last year we would have a $165 billion surplus for this year. Yet we are in deficit. Now we want to take $3 billion per year once this is permanently extended and spend it to help mostly wealthy families who will take advantage of these tax breaks.

That does not seem right, especially when you think that the President's own budget called for a cut of all funding for dropout prevention programs in our schools throughout the Nation, especially when you consider the fact that the President is unwilling and this House is unwilling to let us have before this body a debate on school construction monies so that our school districts throughout the Nation which are overcrowded could have the money to build the schools for all our kids, not just those that are wealthy.

Why not do school construction measures like that which is cosponsored by the gentlewoman from Connecticut (Mrs. JOHNSON) and the gentleman from New York (Mr. RANGEL) and a number of us that would say spend less than $1 billion per year to help school districts, leverage that into $25 billion over the next 10 years to help build schools, rather than give away $3 billion per year to mostly wealthy Americans.

That is what this debate is about. It is about being fiscally responsible. All of us want to stand for our kids to have a fund to go to school. I have two of my three already in school, public school, and I want to make sure that they have the resources, along with every child that is in the classroom with them, to do the right thing and learn the right way. But this will help no one. In fact, it does not help anyone for the next 10 years.

For those reasons, we should vote against this and do something meaningful for our children and our schools throughout the Nation. I urge my colleagues to vote against this measure.

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

Mr. McDERMOTT. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, certainly we need more incentives to recruit and retain the best public school teachers possible. The many who currently are underpaid and overworked need additional incentives. We need incentives to help our children prepare to achieve their full potential. Children confronted with schools that are in disrepair or have inadequate technology and other equipment are deprived of an educational environment where they can strive and thrive.

As a product myself of the Austin public schools and the father of two children who are successful graduates of the Austin public schools, one now a teacher herself in public schools and the other a physician, I welcome a debate on incentives to improve our schools.

Unfortunately, this is not that debate. This debate has little to do with public education and everything to do with political theater. We have soaring deficits as a result of the fiscal mismanagement of this country.

□ 1700

And the solution that is offered today is to dig the hole just a little deeper by providing even more tax breaks to favor those at the top and adding that to the huge deficits that we already have.

While the President some time ago adopted the slogan of the Children's Defense Fund: ''Leave no child behind,'' unfortunately, his budget this year leaves quite a few children behind. He committed to a 15 percent increase in federal education funding to address these very real needs in our public educational system, and instead he has proposed less than 3 percent.

We do not need to wait for the appropriations bill to know that the President's budget leaves too many children behind across this country, and instead of addressing that today, what is proposed in this bill is that we make permanent a provision referred to as the ''Coverdell Savings Account.'' But, in fact, this is not a savings provision, it is a looting provision. It provides tax breaks equivalent to vouchers for private schools. That is what this all about, just another way to voucherize and separate and divide our public education so that we help a handful of children and we leave all the rest to suffer without the incentives and the support that we need to genuinely leave no child behind.

Mr. Speaker, undermining public education undermines America. And in a democracy where the government is only as good as the people, a poorly educated populace threatens our way of life. Only an educated, informed citizenry can hold their leaders accountable, can hold their Members of Congress accountable, when they offer expensive, election-year giveaways like this bill to a select few at the expense of millions of children across this country.

Mr. HULSHOF. Mr. Speaker, I yield myself 1½ minutes to respond to the gentleman from Texas.

Under existing law that the President signed last June, here is who can contribute into a Coverdell education account. By the way, this is mirrored on the premise of the Roth IRA; that is, that one contributes monies into a savings account and then the interest that builds up, the power of compound interest, as Einstein talked about, as that interest builds up, it is tax-free if used in a Roth IRA, for instance, for retirement expenses and in the Coverdell account for education expenses.

Here is who can contribute to an education account: anyone. Parents, teachers, mentors, small business owners, corporations, charities, foundations, labor unions, concerned citizens, church groups, anybody can designate funds to go into an education account for any child.

Now, I would say to the gentleman, in fact, this is new resources, incentives that would not be committed to education but for the fact that we put them in the Tax Code and provide this tax incentive. This year alone, this year alone, 3.5 billion more private dollars are being allocated specifically to educating our kids just this year.

The other point I would make is simply, everyone keeps talking about the budget picture. Again, keep in mind that there is absolutely no budget impact, or a minimal budget impact, making this permanent until the year 2010 and 2011.

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

Mr. McDERMOTT. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. LEVIN).

(Mr. LEVIN asked and was given permission to revise and extend his remarks.)

Mr. LEVIN. Mr. Speaker, I would have thought maybe this break for August would have given the Republican majority here some pause, but no, I guess they are going to plunge further into this reckless fiscal irresponsibility. They never answer our statement about what they are doing to the budget deficit. New facts do not seem to matter. They just go on as if it does not matter what happened in August,

or was it September, when the CBO said, oh, the deficit is going to reach $157 billion, and if Social Security taxes were not counted, we would be $315 billion into red ink. So what is our colleagues' response to all of this sea of red ink? Pour more red ink. Make the sea even more bloody worse, I guess.

But that does not make any sense. They are making something permanent in the eleventh year, they are doing that now, with this fiscal situation facing America.

Mr. Speaker, we know it is not going to pass the Senate. It will not happen. So why are our colleagues attempting this? It is a political ploy that I guess our colleagues think Americans will not see through. But it is clear to me that the American public knows red ink when they see it, and when they see the Republicans dipping into Social Security taxes, they know they are doing it, and they know that this is another indication of their playing reckless with the Social Security system of America. So it is terrible policy to do this in view of the red ink, and I think it is really bad politics.

So I urge my colleagues to vote ''no'' on this. Whatever the merits are of the bill, we do not need to add to the red ink today in the future when we are already drowning in this sea of red ink. It is hurting this economy. Vote no.

Mr. HULSHOF. Mr. Speaker, I yield myself such time as I may consume to directly respond to the question posed by the gentleman from Michigan (Mr. LEVIN).

The amount that H.R. 5203 would add to the budget deficit this year: zero. The amount that H.R. 5203 would add to the budget deficit of next year: zero. The amount that H.R. 5203 would add to the budget deficit in the next 6, 7 years: zero. In fact, I would say to the gentleman, as he cites the Congressional Budget Office, that when the budget impact of H.R. 5203 hits in the year 2011 to the tune of $2.3 billion, CBO projects that we will be back in the black to the tune of $3.2 billion. Also, in the year 2012, when there is a budget impact from our bill today of another $3.2 billion, CBO projects another $522 billion of surplus.

The other point I would like to make, especially to the gentleman from Michigan, is this: we are trying to make permanent one of the provisions that he sponsored. H.R. 1438 provides taxpayer assistance, employer-provided assistance to permanently extend exclusion for the cost of undergraduate courses and graduate level courses. That is a bill that was coauthored by the gentleman from Michigan. It happens that of the $5.5 billion in those outyears, that $2.2 billion of those $5 billion are making permanent the bill that the gentleman has indeed introduced here.

Mr. SAM JOHNSON of Texas. Mr. Speaker, will the gentleman yield?

Mr. HULSHOF. I yield to the gentleman from Texas.

Mr. SAM JOHNSON of Texas. Mr. Speaker, I would also like to point out that the gentleman keeps talking about deficits. I recall when I first got into this Congress they were huge, and it was a Democrat controlled Congress at that time.

Right now, I believe we are at war. We are spending money on defending this United States, the freedoms that we represent and the freedom all over the world. We are working to put in place a homeland defense. I will tell my colleagues right now, if it costs money to protect America and protect our freedoms, I do not think any of us should stop it.

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

Mr. McDERMOTT. Mr. Speaker, I yield 1 minute to the gentleman from Michigan (Mr. LEVIN).

Mr. LEVIN. Mr. Speaker, the gentleman from Missouri has very much shaped the issue. I favored those provisions, but within a circle of fiscal responsibility, and the gentleman is being fiscally irresponsible. The figures the gentleman read are figures that show how much the surplus is outside of Social Security taxes. Read that to the public for year 3, 4, 5, 6, 7, 8, 9 and 10. When we exclude Social Security, we are in deficit every year with a projected surplus of $4.2 billion only in year 11, and those figures are always off. My colleagues are playing loosely with Social Security monies.

So whatever the merits of a bill might be, do not just throw Social Security to the winds like my colleagues are doing it. Why are they doing it now in terms of 2011? My colleagues think it is good politics. It is lousy policy and poor politics.

Mr. McDERMOTT. Mr. Speaker, I yield myself the balance of the time.

What is fascinating about this whole thing, as I started out by saying, it is more of the budget follies. Now my colleagues come out here and they say, oh, but they are now telling us at CBO that it is really going to be good in the future. That is what my colleagues said last year. Last year they said, $5.6 trillion in the bank. We can count on it. And they spent it all. And they are now in the hole. I do not know, it is as though they have an addiction. They cannot stop spending. Yet if they are going to spend, why do they not spend to fix up the schools of this country? If they care about public education, why not use that money for fixing up public schools? No. We are going to give it to people so that they can leave the public school system. We are going to use the public money so that people can leave it and go find a better school and somehow their kids are going to do better.

Now, the real myth here is that this helps ordinary people. Ordinary people living paycheck to paycheck do not have money to put aside in an educational fund. So we are right away talking about people at the top. If we look at who is losing their jobs today, it is pretty scary, whether it is in WorldCom or Enron or any one of the dot-coms or at the Boeing Company or any of these other places. These people do not have the kind of money to put into an educational account. This is a tax break for people at the top who have 5 or 6 grand laying around and say, well, I can put 2 grand into this educational thing and Charlie can use it when he goes to college or when he goes to the private school next year.

My Republican colleagues also defined this so loosely that yes, some of the money does go to people on the bottom. You can buy driver's education with it, you can buy Internet access for your kid, you can buy anything you want; as long as you call it an educational expense, it can come out of this money. The reason there are surprises in here, like my friend from Texas says, we never had any hearings. That is why we do not know what is in the bill.

Mr. HULSHOF. Mr. Speaker, I yield myself the remaining time to close, as we have no further speakers.

I would say to the gentleman and others, my friends, and I consider them my friends, many of whom are on the committee, I certainly hope that this interest in fiscal discipline remains as we really grapple with these appropriations bills, the challenge that remains ahead of us over the next weeks.

Mr. Speaker, the idea is that we want to encourage families to put aside money for their children's education expenses. It was good policy a year ago. It is not good politics, it is just good policy to help those children achieve the American dream. Everybody has talked about their children. My daughter, who is almost 3, one on the way in December, and as we think of providing the best education possible for all of our children, is it not prudent to put aside that money at the earliest possible time, certainly as we see the cost of tuition continue to go up?

If Congress fails to act, Mr. Speaker, here are the provisions that we will lose come January 1 of 2011. Instead of the annual contribution limit to an education account being $2,000 a year, it would revert to $500. Instead of expanding these education account benefits to all kids who go to any type of school, we would be simply focused on those of college education and forgetting about those educational expenses for special needs kids or educational expenses for those in kindergarten through elementary school and secondary education.

□ 1715

My friend, the gentleman from Texas (Mr. SAM JOHNSON), talked about section 529 plans. The reason we need to make these tax incentives permanent is as we invest into a prepaid tuition plan or section 529 plan, the thrust of that is that those withdrawals that we make in those years that those kids, I say to the gentleman from California (Mr. BECERRA), that are not college age yet, when they reach college age, if we fail to act, those distributions out of

those section 529 plans are going to be taxable and not tax-free. That is certainly a good policy reason why we need to act today to make these incentives long-term.

Prepaid tuition plans. Again, as the gentleman from Michigan talked about, he has been a champion of tax-free employer-provided education assistance, not just for graduate education but for undergraduate education, again, trying to provide and enlist as many opportunities for individuals in this country of all ages to better themselves through more education.

And certainly the student-interest loan deduction, again, if we fail to act, we will once again put limits on the amount of interest that can be deducted on those burdensome student loans if we fail to act.

Again, Mr. Speaker, it has been an interesting debate. I would just simply say that if it was good policy as we debated this and voted on it as the House and the President signed it into law 1 year ago, it remains good policy today. We need to provide permanent relief to families who want to help their children achieve the American dream.

Mr. KIND. Mr. Speaker, I rise today in support of making education more affordable and accessible to our nation's students. HR 5203, however, does not actually benefit the majority of students and families.

Education savings accounts were established in 1997 as a tool for families to save money over a period of years for their children's higher education. Congress recognized the growing cost of college and the increasing difficulty families face trying to pay for college, and created these accounts to encourage early savings. Last year's tax cut legislation increased the contribution limit for education savings accounts from $500 to $2,000 and expanded the definition of qualified education expenses that can be paid from an education savings accounts to include elementary and secondary school expenses for public, private, or religious schools.

While I support making education more affordable, HR 5203 will allow parents to use these statutorily created education savings accounts—tax free—for almost ANY aspect they consider relevant to their child's education, at any school from kindergarten through college.

If parents feel they need a new sport utility vehicle to drive their kids to school; That is OK.

If they need a new microwave oven to prepare breakfast for their kids before school; That is OK.

If I want to use these funds, tax free, to pay my older son Johnny to tutor my younger son Matthew on the ABCs; That is OK.

Mr. Speaker, these examples seem silly for good reason; this bill does nothing to help families or to teach children. We need to focus our national attention on helping needy families, fixing ailing public schools, and leveraging community investment to help parents, teachers and administrators meet the important educational challenges they face in serving the vast majority of our children. In addition, we need to fully fund the No Child Left Behind Act (NCLB) passed last year.

Our Public schools currently serve approximately 90 percent of students in grades K–12 and face record-breaking enrollments. The NCLB gave parents the choice to transfer their kids from a failing public school to non-failing public school. Recent reports show, however, that very few students are actually able to benefit from this because our schools cannot accommodate any additional children. We should act smarter to devote scarce federal dollars to ensure that all our children receive the education they deserve.

Finally, the bill is fiscally irresponsible. Last year's tax cut bill halted our progress in reducing the national debt. Virtually all the projected surpluses that were used to justify last year's bill have now disappeared. Furthermore, enactment of the bill being considered today would further increase the budget deficit that already is occurring as a result of last year's bill.

I hope my colleagues will join me in opposing the underlying bill. This is not the time to be considering a tax cut that our country cannot afford when there is no assurance that the money will truly benefit all families equally.

Mr. NUSSLE. Mr. Speaker, education is the foundation Iowans need to compete in an ever-changing complicated world. As Iowans have returned to classrooms for the new school year, we should act to make our commitment to education access clear.

Last year, the Congress approved and the President signed into law the Economic Growth and Tax Relief Reconciliation Act of 2001. This important new law contained significant tax relief to improve the affordability of education from kindergarten through college. Unfortunately, due to arcane rules in the Senate, these education provisions will expire after December 31, 2010. Failing to act would mean that Americans would lose $5.5 billion in tax relief on New Year's Day, 2011.

Knowing the importance of providing affordable education for Iowa's students of all ages, I introduced the Education Affordability Act, H.R. 5189, in July of this year. My legislation would repeal the sunset provisions and make permanent provisions eliminating the 60-month limit on the deductibility of student loan interest payments, increasing income limits for student loan interest deduction, and providing tax-free employer-provided education assistance. I am pleased that the legislation we are considering today incorporates the provisions of my bill. In addition to the provisions of my legislation, H.R. 5203 would also make permanent the increase in the annual contribution limit to an Education Savings Account (ESA); expansion of ESA benefits to qualified expenses at public, private and religious schools; tax-free withdrawals from 529 plans for qualified higher education expenses; and pre-paid tuition programs at private institutions of higher education.

By putting more money into the hands of taxpayers so they can make their own decisions about education, I believe this legislation helps Iowans provide their families with the best possible futures.

Mr. STARK. Mr. Speaker, I rise today in opposition to H.R. 5203, the so-called Education Affordability Act.

This education bill is a cynical, backdoor attempt to create a voucher program. it drains our public schools of needed resources so Republicans can give tax breaks to the 10% of families who send their children to private schools. What about the other 90% of American families whose kids attend public schools? This bill does nothing to address their concerns.

We ought to be down here today making sure our public schools have the resources they need. We ought to be finding ways to fully fund last year's ''Leave No Child Left Behind'' law.

Our public schools have critical needs that Republicans want to ignore. We ought to be making funding available for local schools to hire more quality teachers and reduce class sizes. We ought to be providing money to modernize our schools and renovate outdated and unsafe facilities. More than $300 billion is needed for school construction alone. That $300 billion cannot be met without significant help from the Federal Government. But, it will be hard to keep students from attending classes in trailers or dilapidated school buildings if Republicans pass this bill.

If concern for public schools isn't reason enough to vote down this legislation, then consider its effect on our budget. Today's bill takes the fiscally irresponsible step of making part of last year's trillion-dollar tax cut permanent. This will only balloon our rapidly expanding budget deficit.

We ought to be more sensible. We ought to stand up for real priorities and the qualify of public schools. I urge my colleagues to take a stand for public education and vote no on H.R. 5203.

Mr. ETHERIDGE. Mr. Speaker, I rise today in opposition to H.R. 5203, the latest in a long series of Republican bills to provide vouchers for private schools at the expense of our public schools. Specifically, this bill would make permanent the so-called Coverdell ESA tax breaks in last year's disastrous tax bill.

As the former Superintendent of my state's public schools, I have been proud to lead many successful efforts here in the U.S. House to defeat private school vouchers. I am particularly proud that in my freshman term in this office, I took to the floor to defeat then-Republican Speaker Newt Gingrich on his private school voucher bill. I can assure my colleagues that I will be here to lead the charge against private school vouchers as long as the people of North Carolina continue to send me to Congress to serve them.

Vouchers are a bad idea because they drain needed public resources away from our public schools, where more than 90 percent of the children in this country are educated, in favor of private schools that have no accountability to the American taxpayers. Rather than siphoning funds from the public schools, we need to invest more in initiatives like school construction, teacher training, class size reduction, tutoring and in other proven methods to raise academic achievement. Rather than make permanent the enormous tax bill that has blown the surplus and ruined the economy, we should pass legislation to get Americans working again.

Let me state that there are some provisions of this bill that I do support. For example, I strongly support tax relief for employer-provided education and training benefits. I also strongly support expanded tax deductibility of college student loan interest. Both these meritorious provisions do not change the fact that this is a fundamentally flawed bill.

This bill is bad education policy. This bill is bad tax policy. This bill is bad budget policy. I urge my colleagues to join me in voting it down.

Mr. CARDIN. Mr. Speaker, regrettably, I cannot support this bill because of the budget implications it would create. The Bush Administration has failed to produce a budget proposal that is fiscally responsible, it has failed to protect the Social Security surplus, and this bill will dip even further into that surplus. We cannot raid the Social Security surplus to reward private schools while we are in the middle of a budget crunch and a public school funding crunch.

There are two measures in H.R. 5203 that I do support. We should extend Section 529 savings accounts so that hard-working parents can attempt to keep pace with rapidly rising higher education costs and give their children the opportunity to go to college by creating education savings accounts. We should also allow parents of military academy students with scholarships to withdraw Section 529 funds without penalty. We must give students who are attending our military academies the same treatment as students with other scholarships. I hope that we can enact a good budget bill that includes these important provisions.

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

The SPEAKER pro tempore (Mr. CULBERSON). The question is on the motion offered by the gentleman from Missouri (Mr. HULSHOF) that the House suspend the rules and pass the bill, H.R. 5203, 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. MCDERMOTT. 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. HULSHOF. 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 the subject of H.R. 5203, the bill just debated.

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

There was no objection.

CERTIFICATION AND STATEMENT OF JUSTIFICATION REGARDING AUSTRALIA GROUP—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations:

To the Congress of the United States:

Consistent with the resolution of advice and consent to ratification of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, adopted by the Senate of the United States on April 24, 1997, I hereby certify pursuant to Condition 7(C)(i), Effectiveness of the Australia Group, that:

Australia Group members continue to maintain equally effective or more comprehensive controls over the export of: toxic chemicals and their precursors; dual-use processing equipment; human, animal, and plant pathogens and toxins with potential biological weapons applications; and dual-use biological equipment, as that afforded by the Australia Group as of April 25, 1997; and

The Australia Group remains a viable mechanism for limiting the spread of chemical and biological weapons—related materials and technology, and the effectiveness of the Australia Group has not been undermined by changes in membership, lack of compliance with common export controls and nonproliferation measures, or the weakening of common controls and nonproliferation measures, in force as of April 25, 1997.

The factors underlying this certification are described in the enclosed statement of justification.

GEORGE W. BUSH.

THE WHITE HOUSE, *September 4, 2002*.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 6:30 p.m.

Accordingly (at 5 o'clock and 20 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

□ 1831

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mrs. BIGGERT) at 6 o'clock and 31 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. BIGGERT). 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 the following order:

H.R. 5203, by the yeas and nays;

H.R. 3287, by the yeas and nays.

The vote on the motion to suspend the rules on House Resolution 94 will be taken tomorrow.

The Chair will reduce to 5 minutes the time for the second electronic vote.

EDUCATION SAVINGS AND SCHOOL EXCELLENCE PERMANENCE ACT OF 2002

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 5203, 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 Missouri (Mr. HULSHOF) that the House suspend the rules and pass the bill, H.R. 5203, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 213, nays 188, not voting 32, as follows:

[Roll No. 371]

YEAS—213

Aderholt
Akin
Armey
Bachus
Baker
Ballenger
Barcia
Bartlett
Barton
Bass
Bereuter
Biggert
Bilirakis
Bishop
Blunt
Boehner
Bonilla
Boozman
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Castle
Chabot
Chambliss
Clement
Coble
Collins
Combest
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Deal
DeLay
DeMint
Diaz-Balart
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (TX)
Hansen
Hart
Hayes
Hayworth
Hefley
Herger
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Israel
Issa
Istook
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kerns
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaHood
Larsen (WA)
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
Matheson
McCrery
McInnis
McKeon
Mica
Miller, Dan
Miller, Jeff
Moran (KS)
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Riley
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sununu
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Upton
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Young (FL)

NAYS—188

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Becerra
Bentsen
Berkley
Berry
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Boswell
Boucher

Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson (OK)
Clay
Clayton
Clyburn
Conyers
Costello
Coyne
Cramer
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Ford
Frank
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Harman
Hastings (FL)
Hill
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Langevin
Lantos
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Lynch
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mollohan
Moore
Moran (VA)
Morella
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pomeroy
Price (NC)
Quinn
Rahall
Rangel
Reyes
Rodriguez
Roemer
Ross
Rothman
Roybal-Allard
Rush
Sabo
Sanders
Sandlin
Sawyer
Schakowsky
Schiff
Scott
Serrano
Sherman
Shows
Skelton
Slaughter
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Turner
Udall (CO)
Udall (NM)
Visclosky
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Woolsey
Wynn

NOT VOTING—32

Baldwin
Barr
Barrett
Berman
Bono
Buyer
Carson (IN)
Condit
Cooksey
Crowley
Davis, Tom
Ehrlich
Evans
Gilman
Graham
Hall (OH)
Hastings (WA)
Kaptur
Miller, Gary
Mink
Murtha
Rivers
Rohrabacher
Roukema
Sanchez
Schrock
Smith (WA)
Stump
Towns
Velazquez
Wexler
Young (AK)

□ 1854

Ms. ESHOO, Mrs. CAPPS, Mr. SHOWS, Mr. SCHIFF, Mrs. MORELLA, and Mr. BOEHLERT changed their vote from ''yea'' to ''nay.''

So (two-thirds not having voted in favor thereof) the motion was rejected.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. BIGGERT). Pursuant to clause 8 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting on the additional motion to suspend the rules on which the Chair has postponed further proceedings.

JOSEPH CURSEEN, JR. AND THOMAS MORRIS, JR. PROCESSING AND DISTRIBUTION CENTER

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 3287.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Maryland (Mrs. MORELLA) that the House suspend the rules and pass the bill, H.R. 3287, on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 401, nays 0, not voting 32, as follows:

[Roll No. 372]

YEAS—401

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Ballenger
Barcia
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Boozman
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Conyers
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
Engel
English
Eshoo
Etheridge
Everett
Farr
Fattah
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
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
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller, Dan
Miller, George
Miller, Jeff
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schakowsky
Schiff
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Turner
Udall (CO)
Udall (NM)
Upton
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 (FL)

NOT VOTING—32

Baldwin
Barr
Barrett
Berman
Bono
Brady (TX)
Buyer
Carson (IN)
Condit
Cooksey
Crowley
Davis, Tom
Ehrlich
Evans
Graham
Hall (OH)
Hastings (WA)
Kaptur
Miller, Gary
Mink
Murtha
Rivers
Rohrabacher
Roukema
Sanchez
Schrock
Smith (WA)
Stump
Towns
Velazquez
Wexler
Young (AK)

□ 1905

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Ms. SANCHEZ. Mr. Speaker, on Wednesday, September 4, I was unavoidably detained due to a prior obligation in my district; had I been present and voting, I would have voted ''no'' on rollcall No. 371 and ''yes'' on rollcall No. 372.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 877

Mr. MCGOVERN. Madam Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 877.

The SPEAKER pro tempore (Mrs. BIGGERT). Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

FREE DEBATE OVER WAR WITH IRAQ

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Madam Speaker, we have returned from the work recess. So many of us have had the opportunity to listen to our constituents, and aside from the important business of the appropriations process, I heard a singular cry and that is whether this country was going to engage in war with Iraq.

I am gratified to hear that there will be a full debate in this House and I hope it will not be limited by time. But I have called for citizen summits across the Nation, communities opening up in town hall meetings and PTA meetings and civic associations to discuss one of the most important decisions this Nation has to make. For if this war is engaged and we go into war, there is no determination as to whether this will be a 1-year war or a 20-year war.

The American people must be involved. And although this is the people's House, and I hope we will have full debate, I believe it is crucial to have citizens debate all over this Nation. In visiting with students at the University of Houston, I made this point.

Madam Speaker, I hope that the American people will begin to debate this crucial issue impacting America.

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 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.)

AVOID WAR WITH IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. PAUL) is recognized for 5 minutes.

Mr. PAUL. Madam Speaker, I want to start my 5 minutes with a quote from Jefferson. Jefferson said, ''No country perhaps was ever so thoroughly against war as ours.'' These dispositions pervade every description of its citizens, whether in or out of office.

□ 1915

We love and we value peace and we know its blessings from experience.

We need this sentiment renewed in this Congress in order to avoid a needless war that offers us nothing but trouble. Congress must deal with this serious matter of whether or not we go to war. I believe it would be a mistake with the information that is available to us today. I do not see any reason whatsoever to take young men and young women and send them 6,000 miles off to a land to attack a country that has not committed any aggression against this country. I believe it would be a serious mistake for various reasons.

First, it is a practical reason. There is no practical defense for this. Our military now has been weakened over the last decade, and actually when we go into Iraq, as we may well do, we will weaken our ability to defend our country. We do not enhance our defense by initiating this war.

Besides, it is impractical because of unintended consequences which none of us know about and what might come. We do not know exactly how long this will last. It could be a six-day war, a six-month war or six years or even longer. It could be very impractical by going to war.

There is a military reason for not going to war. We ought to just listen to the generals and the other military experts that are now advising us there is not a good reason to go to war, possibly even start World War III some have suggested. They claim our troops have been spread too thinly around the world, and it is not a good military matter to go into war today.

There is a constitutional argument and a constitutional mistake that could be made. If we once again go to war, as we have done on so many occasions since World War II, without a clear declaration of war and a clear goal of victory, a haphazard way of slipping into war by Executive Order or, heaven forbid, getting permission from the United Nations makes it so that it is almost inevitable that true victory will not come.

So we should look at this in a very constitutional fashion. We in the Congress should assume our responsibility because war is declared by Congress, not by a President and not by a U.N.

This is a very important matter, and I am delighted to hear that there will be hearings and discussion on this matter. I am certainly arguing the case that we should have a balanced approach. We have already had some hearings in the other body, and we heard only one side of why we must do this, but if we have true hearings, we best have a debate and evidence on both sides of this matter rather than just getting one side up and saying why we must do this.

Actually there are even good political reasons for not going into this battle. War is not popular. It may be popular for the short run when there seems to be an immediate victory and everyone is gloating over the victory, but war is not popular. People get killed and body bags end up coming back. War is very unpopular, and it is not the politically smart thing to do.

There are economic reasons that we must be careful for. We can make serious economic mistakes. It is estimated that this venture into Iraq may well cost over a hundred billion dollars. Our national debt right now is increasing at a rate of over $450 billion and we are talking about spending another hundred billion dollars on an adventure that we do not know what the outcome will be and how long this will last? What will happen to oil prices? What will happen to the recession that we are in? What is going to happen to the deficit? All kinds of economic ramification. So we better not make the mistake of going into something that really we have no business getting into.

There is a diplomatic reason for not going. There could be serious diplomatic mistakes made. All the Arab nations nearby and adjacent to Iraq object to it and do not endorse what we plan and insist that we might be doing, and none of the European allies are anxious for this to happen. So diplomatically we are way off on doing this.

I hope we take a second thought and be very cautious in what we do.

TRIBUTE TO MARLA ANN BENNETT

The SPEAKER pro tempore (Mrs. BIGGERT). Under a previous order of the House, the gentlewoman from California (Mrs. DAVIS) is recognized for 5 minutes.

Mrs. DAVIS of California. Madam Speaker, I rise to speak in praise of Marla Ann Bennett, the young San Diegan who was killed in the July 31 terrorist bombing attack at Hebrew University in Jerusalem.

Marla was an extraordinary woman who touched the lives of many people in her all-too-brief lifetime. Her brutal murder left a terrible void in those lives and brought forth an outpouring of grief from the Jewish community where she lived: in Berkeley, where she attended the University of California; in Jerusalem, where she continued her studies and found a spiritual home as an American Jew in the Jewish homeland; and in San Diego, where she grew up and planned to return once her studies were completed.

At Marla's memorial service, which was attended by over 2000 people, and in more intimate meetings with her family and her friends, I have shared the community's terrible grief at Marla's death, but also the great joy that she felt in life and shared with

others. It is that joy and in the words of Rabbi Martin Lawson, ''Marla's legacy of caring, of Jewish learning and teaching, of smiles and optimism, of warmth and hope,'' that I want to share with my colleagues and the American people.

As a young girl, Marla was precocious, mature beyond her years. At age 2, she told her parents no more babies in this house anymore, and at age 3, she announced that she was going to Stamford University. By her early teens she had explored her Jewish identity and found fulfillment in Judaism's spiritual teachings and in its call to save the world through acts of kindness and generosity. As a camp counselor, school class officer and volunteer Jewish educator, Marla was known for her infectious enthusiasm, good nature and appetite for hard work.

She carried those qualities with her when she moved to Jerusalem to attend the Pardes Institute of Jewish Studies at Hebrew University. In addition to her graduate work in Jewish history and culture, Marla worked to promote peace and understanding between Jewish and Arab Israelis. She felt that Israel had to do more to end the conflicts with its neighbors, and she grew impatient whenever a friend or family member seemed to give up on the peace process.

Marla knew that living in Israel was risky but for her it was exhilarating. In an article for the San Diego Jewish Press Heritage, she wrote ''I am not a tourist; I deal with Israel and all its complexities, confusion, joy and pain every single day. And I love it. Life here is magical.'' In another article she wrote, ''I have a front row seat for the history of the Jewish people. I am part of the struggle for Israel's survival.''

Now Marla is a casualty in that struggle, but she is also a beacon of light for all those who dream of peace and work for the day when Israel can dwell in peace with her neighbors.

Marla Bennett was one of thousands of young American Jews who have gone to Israel and stayed on despite the horrors of war and terrorism. In an open letter to Marla's parents, another young American who chose this path wrote that ''there was no question as to whether it was worth the risk.'' He told the Bennetts, ''My heart literally breaks for your loss but not for your daughter. She lived her life as a free, independent and bold Jewish woman. May her example live on in the sons and daughters that follow her.''

Amen. Marla Bennett was a beautiful, brilliant, brave, kind and caring young woman who lived life to the fullest, and though her death is a terrible blow to many of us, her life is an inspiration to us all.

CONGRATULATING HEATHER IVANYI

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. Madam Speaker, I would like to recognize tonight and congratulate a very special constituent in my congressional district, Heather Ivanyi, who is a teacher at Oliver Hoover Elementary School, and I want to thank her for her tireless efforts on behalf of our community's special children, those who have special needs, and for having been featured recently as a Super Teacher in the Miami Herald.

Heather not only teaches her students spelling and arithmetic, but more importantly, she develops their creativity and positive self-esteem. At home she focuses on her beautiful 6-year-old daughter Kayla Rae, who has Down's Syndrome.

Knowing firsthand the special needs of children like her daughter, Heather spends her free time working for groups like the Association of Retarded Citizens, the Possible Dream Foundation and the American Rehab Corporation to further assist children with Down's Syndrome, with cerebral palsy and other such disabilities.

Along with her assistant Daphne Noisette-Andre, Heather Ivanyi dedicates and cares for the special needs children of our community and we are a better community for that, and I would like to read just a few lines from the article that was written in the Miami Herald by Yohana De La Torre, and it is entitled, ''A special teacher works for special children, Hoover's Heather Ivanyi is tireless.'' It says, ''A Miami native, Ivanyi graduated from Killian High School and received her associate degree from Miami-Dade Community College.''

''In 1994, she graduated with a Bachelor's Degree in varied exceptionalities while working full time.

She volunteered, became a teacher, but it says teaching did not stop there for Ivanyi. She started to build awareness within the community and made contacts with Costco, Toys R' Us and corporations like Target.

Thanks to her persistence, these corporations still donate toiletries, food, toys, books and diapers to help places like the Association for Retarded Citizens and another special needs foundations called Dr. Geraldi's Possible Dreams Foundation. She says, ''I never take no for an answer. I have no shame in asking. I want people to learn that children with disabilities are human, too.''

Her long-time friend Frances Capo, who is also a teacher, said this about Ivanyi, I do not know how to describe her. There are no words to describe her. She is a go-getter and always has a positive outlook on everything. She not only goes in there to teach but also to believe in her students.

There are many heroes in our community, Madam Speaker, heroes like Heather who do not get the special recognition they deserve. Many of them are our teachers in our private and public schools, and to them we say thanks and muchos gracias.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from North Carolina (Mrs. CLAYTON) is recognized for 5 minutes.

(Mrs. CLAYTON addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

MIDWEST FARMERS AND RANCHERS FACE DIRE CIRCUMSTANCES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas (Mr. MORAN) is recognized for 5 minutes.

Mr. MORAN of Kansas. Mr. Speaker, times are often tough in the high plains of our country, and Kansas farmers and ranchers struggle every year to make ends meet, but this year is especially difficult, and I want to bring to the attention of my colleagues here in the House tonight and the citizens of our country the difficult circumstances that those farmers and ranchers face this year because of very little snowfall, no rainfall this spring, and this being the second and third and sometimes even fourth year in a row in which moisture has been lacking for farmers to farm and ranchers to raise their cattle.

I just completed 25 town visits throughout the month of August across the First District of Kansas and saw the worry and concern upon farmers' faces. Every day our farmers look to the skies and hope and pray for rain.

□ 1930

Communities gather every evening in the community band shell where they come together and as a community pray that rain will fall. The circumstances that our agriculture producers face and the communities in which they live is desperate. We have ranchers selling their cattle every week. Our herds are being culled. We had almost no wheat harvest in many places in Kansas; and in fact statewide wheat harvest was down almost half of what it was last year, and last year was a very bleak year in and of itself. The fall crops, the milo, our fall crops have failed, almost no fall crops produced in Kansas because of lack of moisture. Here in a couple of weeks our farmers will try to begin the process of planting wheat, and yet no rain comes. There is no moisture in the surface, no subsoil moisture for those seeds to germinate. In addition, our cattle are struggling because there is no water in the ponds and no grass to feed.

So I think it is important for those of us who care about the future of rural America, those of us who care about the livelihood of our farmers and ranchers, to bring to our colleagues in Congress the circumstances that we face. Almost every year that I have been in Congress, 6 now, we have had an emergency assistance package designed to help those who face natural disasters, those who struggle as a result of hurricanes and floods. I am here to tell my colleagues that the circumstances that farmers and ranchers

face in Kansas and Nebraska and Colorado and Wyoming and South Dakota and Oklahoma are no less dire than those that our citizens have faced in other places in the country due to floods and hurricanes.

I ask my colleagues to join with us to find a way to provide assistance, to pursue drought assistance and disaster relief for farmers and ranchers across the country and to look for ways that we can do so in a way that is responsible and meaningful. I look forward to working with my colleagues on the House Committee on Agriculture and my colleagues across the country and with the administration and Senate to see that those goals are accomplished. No less than the future of rural America is at stake. Many of the farmers and ranchers in Kansas are in their sixties and seventies; and absent assistance from Congress this year, they will not be farming and ranching next year. Absent them having a livelihood, the communities that dot the landscape of our rural portions of the country will cease to exist and a way of life that has honored this country, that has been a backbone of this country, will disappear.

So I ask respectfully my colleagues for their assistance as we pursue the issues of drought assistance. The gentleman from South Dakota (Mr. THUNE), the gentleman from Nebraska (Mr. OSBORNE), and I have introduced legislation; and we will be seeking support of our colleagues to address this issue.

The SPEAKER pro tempore (Mrs. BIGGERT). Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

(Ms. JACKSON-LEE addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

TRIBUTE TO CONGRESSIONAL STAFFER J. RUSSELL GEORGE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. HORN) is recognized for 5 minutes.

Mr. HORN. Madam Speaker, all of us who serve in Congress depend heavily on skilled, capable and hardworking staff members to meet the demands of committee hearings, floor action and all the other activities of a national legislature. Over the past decade of my service in the House of Representatives, I have been blessed with a strong and effective group of staff members who have helped me meet the needs of both constituents and the Nation. My staff also has helped me engage in vigorous oversight of government programs as a subcommittee chairman of the House Committee on Government Reform.

J. Russell George joined my staff in 1995 shortly after Republicans won control of the House and I was appointed to a subcommittee chairmanship. Since that time, Russell has been a key adviser to me and chief aide in directing the subcommittee through hundreds of hearings that investigated every department of the Federal Government. Russell helped me prod executive agencies into a serious and sustained effort to prevent any major breakdowns of government computer systems due to software problems related to the year 2000 changeover. Some called it Y2K.

I thank Russell for his dedication and hard work, and I wish him all the very best in what I know will continue to be a very distinguished career in public service. He was a key force in pressing for legislation to collect debts owed to the taxpayers and he has directed many other subcommittee initiatives, such as misuse of taxpayers' well-earned dollars. All of those efforts built on Russell's prior experience as a New York prosecutor.

When Russell George was a teenager, he worked in the office of Senator Dole. He knew that this young man cared about the public interest. Through Senator Dole's office, Russell secured his education at Howard University and then went on to Harvard Law School. He was a Phi Beta Kappa at Howard, majoring in political science and minoring in history. He wanted to help his community and he did it, in Queens, New York. When he was ten years of age, he was helping charities.

Senator Dole was with us today as he administered the oath of office for Mr. George's new responsibilities as the Inspector General for the Corporation for National and Community Service. We hope that he will maybe come back to the Hill sometime. He has been in the executive branch under President George H.W. Bush, the father of the current President. Both have seen faith in Russell George.

He went back to the law firm in New York and we were able to get him to come down here because we knew what he had done earlier. In those days he was also assistant general counsel in the Office of Management and Budget and associate director for the policy in the White House's Office of National Service. Interesting, because that is the responsibility he has now. After serving all of that work in New York and in Washington, we thank him for his dedication and hard work and wish him all the very best in what I know will continue to be a very distinguished career in public service. He is a wonderful person and a sterling example of the men and women who serve our Congress.

REVISIONS TO THE 302(a) ALLOCATIONS AND BUDGETARY AGGREGATES ESTABLISHED BY THE CONCURRENT RESOLUTIONS ON THE BUDGET FOR FISCAL YEARS 2002 AND 2003

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. NUSSLE) is recognized for 5 minutes.

Mr. NUSSLE. Mr. Speaker, pursuant to Section 314 of the Congressional Budget Act, Section 221 of H. Con. Res. 83, and Section 231 of H. Con. Res. 353, I submit for printing in the CONGRESSIONAL RECORD revisions to the 302(a) allocations and budgetary aggregates established by the Concurrent Resolution on the Budget.

The conference report on H.R. 4775, which was signed by the President on August 2 to become P.L. 107–206, contains emergency-designated appropriations. The fiscal year 2002 allocations to the Appropriations Committee were previously increased by $29,427,000,000 in new budget authority and $8,466,000,000 in outlays to reflect the amounts in the House-passed bill. I am adjusting the budgetary aggregates and the allocation to the House Committee on Appropriations for the difference between the House-passed and enacted measures. This adjustment equals −$4,713,000,000 in new budget authority and −$1,645,000,000 in outlays. Accordingly, the 302(a) allocation for fiscal year 2002 to the House Committee on Appropriations becomes $731,414,000,000 in new budget authority and $734,775,000,000 in outlays. The budgetary aggregates for fiscal year 2002 become $1,704,586,000,000 in new budget authority and $1,651,428,000,000 in outlays.

Outlays flowing from fiscal year 2002 emergency appropriations increase the 302(a) allocation for fiscal year 2003 outlays. Under the procedures set forth in section 314 of the Budget Act, adjustments may be made for emergency-designated budget authority through fiscal year 2002, and for the outlays flowing from such budget authority in all fiscal years. The fiscal year 2003 outlay allocation to the Appropriation Committee was previously increased by $10,715,000,000 to reflect the House-passed bill. In order to account for the changes contained in the enacted measure, I am adjusting the outlay allocation by −$2,322,000,000. Accordingly, the 302(a) allocation for fiscal year 2003 to the House Committee on Appropriations becomes $748,096,000,000 in new budget authority and $783,268,000,000 in outlays. The budgetary aggregates for fiscal year 2003 become $1,784,073,000,000 in new budget authority and $1,765,225,000,000 in outlays.

MEDICARE PRESCRIPTION DRUG BENEFIT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from New Jersey (Mr. PALLONE) is recognized for 60 minutes as the designee of the minority leader.

Mr. PALLONE. Madam Speaker, I wanted to take to the floor this evening to talk once again about the prescription drug issue, both the problem in terms of more and more Americans not being able to afford the price of prescription drugs and the need to provide an expansion of Medicare to cover prescription drugs under Medicare for America's seniors and disabled.

I want to start out by saying that during the August break when I had a number of town meetings and forums

and open houses at my district offices in New Jersey, this was the number one issue that my constituents came to me and talked about. Interestingly enough, it was not just the seniors who wanted to see Medicare expanded to include prescription drugs and wanted a benefit, but it was also a lot of younger people who expressed concerns about the rising cost of prescription drugs and their inability to pay for them.

It amazes me that we are now back, and it is September, September 4. We have in the House of Representatives, the Congress as a whole, probably a month or 6 weeks or so at the most before we adjourn. Yet we are stuck in the fact that at this point there is no reason to believe that either a prescription drug benefit or a mechanism to control the price of prescription drugs is likely to pass before we adjourn. I think that that is a tragedy. I think there is nothing more important for us to do between now and the adjournment of this House sometime in October than to try to address both of these issues.

I have talked many times about the need for a Medicare benefit that includes prescription drugs. Democrats in the House, unlike the Republicans, have taken the position and put forward a proposal that would expand Medicare to include a prescription drug benefit. Basically, we have talked about it, and we have put forward a bill that would create a new Medicare program, very similar to what we have now for part B in Medicare that pays for seniors' doctors' bills and that simply says that seniors would pay so much a month, about $25, and 80 percent of the cost of their prescription drugs would be paid for by Medicare, by the Federal Government. There would be a $100 deductible. The first $100 you would have to pay out of pocket. After that, 80 percent of the costs would be paid for; and there would be a 20 percent copay, very similar to what seniors now have under Medicare for the payment of their doctor bills.

The sad thing about it is that the Republicans in the House refuse to do that. Basically, what they have said is they want a privatization plan. I was very upset to see that during the course of the August break, President Bush repeatedly talked not only about the need to have a private drug benefit but also about privatizing Medicare and Social Security in general. Here we face a situation where our Federal budget is once again in deficit, and we are spending money from the Social Security trust fund to pay for other expenses of the government and the President continues to talk about privatizing Social Security as well as Medicare; and the Republicans push for a private program, saying, Well, we'll give the seniors some money and maybe they can go out and find a prescription drug plan in the private sector. They do not want to expand Medicare to provide a benefit.

I would call upon my colleagues in the House, let us get together and let us push for a Medicare benefit, for a prescription drug program that really will make a difference. What is happening in the Senate is interesting as well. Over in the Senate they passed legislation on a bipartisan basis that would try to address the issue of price in some significant ways, most important, by plugging up some of the loopholes in the brand-name industry, in the patent system, whereby many of the name-brand companies have been able to prevent generic drugs from coming to market by expanding their patents and taking advantage of loopholes in the patent laws to make it more difficult to sell a generic drug when a patent should expire.

I know it is a difficult concept, but the bottom line is that one way to reduce prices in a significant way is to pass the bill, the Schumer-McCain bill, that passed the Senate and take it up here in the House and pass that bill or a similar bill in the House that would make it more difficult for these brand-name drug companies to extend their patents or to come up with another drug that is similar and say that generics could not come to market.

We feel that we can make a difference, that maybe 40 percent of the cost of prescription drugs could be saved if some of these loopholes were cleared up and we were able to encourage the use of generics. The Senate also passed as part of the same bill the allowance for reimportation through Canada as a method of bringing drug costs down. We need to address this as well. The House should take up the Senate bill that deals with generics, that deals with the reimportation and simply pass it, or in other ways we have to deal with the price issue as well. There are many ways to deal with that, and I think we can talk about them more this evening.

But the bottom line is this inaction, where the House passes this privatization of Medicare and tries to seek to provide a Medicare benefit through some kind of private insurance is not going to pass the Senate, and it should not because it is not going to be meaningful; and the idea of expanding generics and providing for reimportation as some method of bringing drug costs down is something that we should pass in the House and at least try to get something accomplished between now and the end of this session.

I see one of my colleagues who has been so much a part of this debate all year, the gentleman from Arkansas, who owns a pharmacy and who is very familiar with some of the problems that seniors face with prescription drugs and I know who also has a very good bill on a bipartisan basis with, I guess, one of our colleagues from Missouri (Mrs. EMERSON). He is working very hard to come up with a prescription drug benefit as well along the lines of what I discussed earlier. I am pleased to see him here and I yield to the gentleman.

Mr. ROSS. I thank the gentleman from New Jersey. I am here tonight to rise in support of seniors all across Arkansas' Fourth Congressional District and seniors all across America who will continue once again tonight to go to bed unable to either afford their medicine or afford to take it properly.

□ 1945

As the gentleman from New Jersey mentioned, my wife and I do own a small-town family pharmacy. We live in Prescott, Arkansas, a town of 3,400 people. Our pharmacy is a place where people come to share recent photographs of their children or grandchildren, to celebrate the good times together, and a place to gather to be there for one another during the difficult times.

I have got to tell you that over the years in that small-town family pharmacy that we own back home in Prescott, Arkansas, I have seen too many bad times. I have seen too many seniors come through the door who have been to the doctor. Medicare has paid for them to go to the doctor, Medicare has paid for the tests to be run on them at the doctor's office or the hospital, and, as a result of all that, the doctor concludes that a senior citizen needs a certain prescription drug in order to get well or live a healthier lifestyle. They come through the door of our pharmacy and pharmacies throughout America to learn that they either cannot afford their medicine or cannot afford to take it properly.

This is America, and we can do better than that by our seniors. That was a driving force behind my decision to run for the United States Congress. I wanted to come here, I wanted to come to the people's House, the United States House of Representatives, and pass legislation that would truly modernize Medicare, to include medicine for our seniors. Let me tell you why.

There is a senior citizen, a retired pharmacist, a woman in Glenwood, Arkansas, who makes the point better than I can. She was a relief pharmacist in my hometown at the pharmacy that my mom and dad used when I was a small child growing up, which was not that long ago. She said back in those days, if she had a prescription that she was filling that cost over $5, that she would go ahead and fill the next prescription in line while she built up enough courage and confidence to go out and confront the patient and tell them that their medicine was going to cost $5.

That really does drive home the point that today's Medicare really was designed for yesterday's medical care. That is what prescriptions cost back when we created Medicare.

Even health insurance companies, who are obviously in the business of making profits, even they cover the cost of medicine. Why? Because they know it helps people live longer and healthier lifestyles and avoid needless doctor visits, needless hospital stays and needless surgeries, the kinds of things that I have personally witnessed

in that small family pharmacy that my wife and I own back in Prescott, Arkansas.

You see, I have seen seniors leave without their medicine, and, living in a small town, I learn a week later where they are in the hospital running up a $10,000 or $20,000 or $30,000 Medicare bill, or where they spent $100,000 in Medicare payments to have a leg removed, or where they are now spending $250,000 in Medicare payments to receive kidney dialysis. All these things are avoidable, but it happened to these seniors simply because they could not afford their medicine or could not afford to take it properly. Again, this is America, and we can do better than that by our seniors.

So I came to Congress and I wrote a bipartisan bill with the gentlewoman from Missouri (Mrs. EMERSON), a Republican. I did it in a bipartisan way because, you see, I think it is time for this Congress to unite behind the need to truly modernize Medicare, to provide medicine for our seniors, just as we have united on this war against terrorism.

So we wrote a bill back in January. It was a very fair bill. It called for a $250 annual deductible. It called for an 80 percent/20 percent copayment, with the government or Medicare paying the other 80 percent.

Basically what our bill did was treated going to the pharmacy like going to the doctor and going to the hospital. It gave you the freedom to get the medicine your doctor wanted you to have and it gave you the freedom to choose which pharmacy you wanted to use.

Our bill took on the big drug manufacturers. We demanded the same kind of rebates from the big drug manufacturers to help offset the cost of this voluntarily but guaranteed Medicare Part D prescription drug benefit. We demanded the same kind of rebates from the big drug manufacturers to help pay for this program, just as the big HMOs have been demanding and receiving from the big drug manufacturers for years.

Well, the Republican national leadership refused to give us a hearing, they refused to give us a vote on this bipartisan bill. And I continue to come to the floor and talk about the importance of it and remind folks and remind the Republican national leadership that this was a bipartisan bill, it was written by a Democrat and a Republican. But it took on the big drug manufacturers, and they refused to give us a hearing, they refused to give us a vote, and that is wrong.

Then, some 4 months before the election, the Republican national leadership decided this was an important issue, so they began to write a bill. In fact, in the middle of writing the bill they had to adjourn the committee meeting to go to a fundraiser sponsored by the big drug manufacturers. Do not take my word for it, please look. It is in the Washington Post, $250,000 a person to attend this fundraiser for the Republicans.

Then, after the fundraiser they went back into the committee and continued to write the bill, and then it passed the House. I voted against it, and I voted against it because I refused to vote for something that is no more than a false hope or a false promise for our seniors. That bill failed to take on the big drug manufacturers. That bill did very little, if anything, to help our seniors, and it was the first step toward privatizing Medicare.

You see, this Republican prescription drug bill that passed the House, and did not get anywhere in the Senate, by the way, this bill that passed the House does not make prescription drugs a part of Medicare. It simply allows private insurance companies, dozens of them, to go knock on your door or your mom's door or your grandmother's door, all trying to sell the same policy.

Then here is what it does. It would require you to pay a monthly premium, but they cannot tell us exactly how much. It would require you to pay the first $250 out of your own pocket.

After that, it is more complicated than filling out an income tax return. On the next $1,000 worth of medicine that you need, you are only going to pay 20 percent. That sounds pretty good. On a $100 prescription, you pay $20. After you spend $1,000, and as a small town family pharmacy owner, I can tell you for a lot of seniors that only takes a few months. After you spend $1,000, on the next $1,000, between $1,000 and $2,000, your copayment goes to 50 percent. In other words, on that $1,500 prescription you pay $50. Then after you have spent $2,000, and, again, as a small town family pharmacy owner, I can tell you it only takes a matter of months for some seniors to reach $2,000 worth of medicine expenses, so after you spent $2,000, guess what? Between $2,000 and $3,700, you are back paying the full amount, a 100 percent copayment to our seniors, and yet the bill requires them to continue to pay the monthly premium.

If you add it all up, if my addition is right, counting the deductible and the premium and this complicated formula of how much you pay, depending on which day it is and on how much you spent in terms of the copayment, on the first $3,700 worth of medicine you need every year, the government, through Medicare, actually through a private insurance company subsidized by Medicare, is going to provide you with help to the tune of about $600. $600 in savings on a $3,700 drug bill does not help seniors choose between buying their medicine, buying their groceries, paying their utility bills and paying rent. It is nothing more than a bogus plan.

Now, I just spent 5 weeks on the August district work period traveling the 29 counties that make up Arkansas's Fourth Congressional District, one of the more rural and larger districts in America.

Seniors came up to me every day and said, ''I know you are working hard for this Medicare prescription drug benefit. When are others going to begin to listen to you?'' And I told them I was coming back to the floor, just as I have done for the past 20 months, and I was going to continue to talk about this in hopes that people will listen, and they will listen to the fact that it is time to write a plan that is bipartisan, that it is time to write a plan that is fair, and that it is time to write a plan that takes on the big drug manufacturers.

Let me tell you why. I recently conducted a survey. I compared the price of the five most commonly used brand name drugs that seniors use. I compared the price in Arkansas's Fourth Congressional District with the price paid by seniors for those same drugs in six other countries.

Do you know what I found? I found that the price that seniors pay on average in Arkansas's Fourth Congressional District is 110 percent more than what seniors pay in these other countries. And that is wrong. We are talking about drugs that are being invented in America, oftentimes with government subsidized research. They are being made by Americans, they are being packaged by Americans, they are being shipped by Americans, and yet our seniors are asked to pay 110 percent more here than what we are requiring them to pay in other countries.

If these other countries, places like Canada and Mexico, if those small governments can stand up to the big drug manufacturers and demand a fair price, why can we not? I am not here to beat up the big drug manufacturers. They create drugs that save lives and help us all to live healthier lifestyles, and I applaud them for that. But sometimes you have got to draw the line and say enough is enough.

A recent study indicated that some drug manufacturers spent more money last year on those fancy TV ads than they did on research and development, finding cures for diseases. You know the kind of ads I am talking about, the ones that come on TV where they try to tell you which drug you need to tell your doctor you need.

My colleagues, have you ever thought about that? That is crazy. That is crazy, and it is time that we held the big drug manufacturers accountable, and it is time that they step forward in good faith and say we want to do for a Medicare prescription drug plan what we have been doing for the big HMOs and the for-profit companies for years, and that is providing rebates to help offset the cost of the program.

I am real disappointed at how the vote on the Republican plan, which was nothing more than a false hope and a false promise for our seniors, unfolded. They brought it to this floor for a vote at 2:39 a.m. on a Friday morning when seniors were fast asleep.

I had a plan. I was proud to be one of four cosponsors, original sponsors, of a bill that would provide a meaningful prescription drug benefit. They would not listen to our bipartisan bill, so I

came back with another one and was one of four original sponsors of a bill that basically again would treat going to the doctor and going to the hospital and going to the pharmacy all the same.

Not only did they bring the bill, the Republican bill written by the drug manufacturers for the benefit of the drug manufacturers, to the floor at 2:39 on a Friday morning, they refused, they refused to allow us to offer up a substitute. They refused to allow us to offer up one single amendment to that bill.

All 435 Members of this body were elected the same way, by the people, and we have been sent here to be a voice for the people. I say give us an opportunity to have a vote. I will not even be picky here. I am calling on the leadership to either give me a vote on a bipartisan bill that the gentlewoman from Missouri (Mrs. EMERSON) and I wrote together, a bipartisan bill to help our seniors, or to give me a vote on the other bill that I wrote and offered up as a Democratic substitute to the Republican plan that passed that Friday morning at 2:39 a.m., that does nothing for our seniors other than offer up a false hope and a false promise.

People who know me know that I am not partisan. I am sick and tired of all the partisan bickering that goes on in our Nation's capital. There have been times when I have stood and voted with President Bush. I believe there are extremists in both parties, and I am trying to bring people to the middle to find common-sense solutions to the problems that confront our Nation.

I can tell you that on this issue the Republicans are wrong, and it is time for all of us to get right. It is time for all of us to come together. It is time for all of us to work in a bipartisan way to write a bill that will help bring down the high cost of prescription drugs for our seniors and for working families all across America.

□ 2000

Mr. PALLONE. Mr. Speaker, I want to thank the gentleman from Arkansas, my colleague, for everything that he said, because I think he is right on point on this issue of prescription drugs. But the two things that the gentleman stressed the most, or that I picked up the most, and they are clearly linked, and one is the effort on the part of the pharmaceutical industry to try to scuttle, in my opinion, both any effort in the House or in the Senate to address price, to try to bring down the cost of prescription drugs, and even the effort to scuttle a Medicare benefit, which the gentleman talked about and which we continue to stress.

I just want to go through if I could a couple of those things, because the gentleman, first of all, mentioned the Washington Post article which was that day in, I guess it was in June, the night of June 19 when the GOP had the big fundraiser, the very day that we were in the Committee on Commerce and voting on a prescription drug benefit and we actually had to adjourn at 5 o'clock so that they could go to the Republican fundraiser. There was an article the next day, or actually it was that same day, and I am just going to read a couple of highlights of it.

It says, ''Drug Firms Among Big Donors at GOP Event.'' It said, ''Pharmaceutical companies are among 21 donors paying $250,000 each for red-carpet treatment at tonight's GOP fundraising gala staring President Bush, two days after Republicans unveiled a prescription drug plan the industry is backing, according to GOP officials.'' This is not Democrats talking. It says, ''Drug companies, in particular, have made a rich investment into tonight's event. Robert Ingram, GlaxoSmithKline PLC's chief operating officer, is the chief corporate fundraiser for the gala; his company gave at least $250,000. Pharmaceutical Research and Manufacturers of America,'' that is PhRMA, a trade group funded by the brand name companies, ''kicked in $250,000, too.''

It says, ''PhRMA is also helping underwrite a television ad campaign touting the GOP's prescription drug plan.'' I am going to talk about that a little bit too. It goes on to talk about the different companies that contributed. But it said, ''Every company giving money to the event has business before Congress. But the juxtaposition of the prescription drug debate on Capitol Hill and drug companies helping to underwrite a major fundraiser highlights the tight relationship lawmakers have with groups seeking to influence them.

''A senior House GOP leadership aide said yesterday that Republicans are working hard behind the scenes on behalf of PhRMA to make sure,'' I mean that says it all. That is what it is all about. As the gentleman said, the sad thing about it is, what really went on here in June was that PhRMA and the drug companies got together and decided what they wanted the prescription drug bill to be. They were determined that it was not going to be an expansion of Medicare; it was just going to be an effort to maybe get people to go out to find private insurance. But most importantly, it would determine that it would not address price.

The gentleman and I have talked before, and I am just going to mention again that in that Republican bill, they went so far at the request of the pharmaceutical companies to actually write into the law that there could not be any effort to address price. I just want to read this noninterference clause that is in the Republican bill. It says, the administrator of the program ''may not (i) require a particular formulary or institute a price structure for the reimbursement of covered outpatient drugs; (ii), interfere in any way with negotiations between PDP sponsors and Medicare+Choice organizations and drug manufacturers; and (iii), otherwise interfere with the competitive nature of providing such coverage.''

Basically, what they say with this language is that there cannot be any discussion of price. There cannot be any effort on the part of the Federal agency that deals with this program to deal with price.

Mr. Speaker, we did the opposite in our bill, and the gentleman mentioned that too. We said, in the Democratic bill, we specifically mandated that the Secretary of Health and Human Services negotiate, because now he is going to have 30 million, 40 million seniors, negotiate to bring the prices down, because he is now going to have tremendous power, having all of these seniors, so that he can negotiate with the drug companies just like we do with the Veterans Administration or with the military, and we can bring prices down maybe 30, 40 percent. That is just one way to do it. There are all kinds of ways to do it. I talked about the generic bill before, that is a way to do it. Reimportation is a way to do it. But the Republicans do not want to do anything on the issue of price because basically they are in the pockets of this name brand drug industry.

The other thing the gentleman mentioned and I will just mention briefly is this data that came out that showed that the big drug companies spent almost 2½ times as much on marketing/advertising/administration as they spent on R&D. So the gentleman said, and he is right; sure, there is no question that these drug companies are coming up with miracle drugs, but that is less, 2½ times less than what they spend on the marketing and the advertising.

This was done by FamiliesUSA, and it says, ''U.S. drug companies that market the 50 most often prescribed drugs to seniors spent almost 2½ times as much on marketing/advertising/administration as they spent on R&D,'' according to the analysis. It goes into for each company the percentage of revenue spent on marketing and spent on R&D. Just a few, like Merck spent 13 percent on marketing/advertising, 5 percent on R&D. Pfizer, 35 percent on marketing/advertising; 15 percent on R&D. Bristol-Myers spent 27 on marketing/advertising; 12 percent on R&D. I mean these are facts, there is no way to get around it.

The thing that really bothers me, though, is the fact that we went home for this August break, but before that the Republicans passed this fake bill at the request of the pharmaceuticals that does not even address price. And what did they do? They went out and they started, started even before we left, but it was in full force in August, this huge TV ad campaign, the so-called issue ads, but they are just really campaign ads, and they spent millions of dollars on these Republican candidates, only the ones that voted for the bill, voted for their bill, for the drug companies' bill, and so they influenced the policy writing the bill, getting the bill passed, and then rewarding the people who voted for it by

spending millions of dollars on advertising to get them reelected. They have been doing it with this United Seniors Association, which is basically just a shell, I guess we could call it, for the drug industry.

So I am saying the same thing the gentleman has already said, but it is just upsetting, because we are back here now, we are taking the time here in Special Orders trying to explain all of this and, meanwhile, these ads are going on, multimillions of dollars saying just the opposite, 30 seconds, 1-minute ads. I do not know how we even succeed in getting the word out about what is really happening about here, but there is no question that we have to try, and that is why I appreciate the gentleman being here, once again.

Mr. Speaker, I wanted to spend a little time just talking a bit more, if I could, about what the Democrats in the House have in mind for a Medicare prescription drug benefit and how that contrasts so much with the Republican proposal that passed the House. As I said before, what the Democrats have been saying is that the only effective way to provide a meaningful prescription drug benefit for seniors is if we simply expand Medicare, which has been a very successful program, probably one of the most successful Federal programs that ever existed, and we include a prescription drug benefit within the confines of the Medicare program.

Now, what we have put forward, and this was the Democratic alternative to the Republican bill, as I said before, is very much modeled on Part D. Seniors now under Medicare get their hospital coverage under part A, and under part B of Medicare, they pay a premium of so much a month, and they get 80 percent of their doctor bills covered by Medicare, by the Federal program.

Now, the House Democratic proposal adds a new Part D to Medicare that provides a similar voluntary prescription drug coverage for all Medicare beneficiaries beginning in 2005. The premium is $25 a month, the deductible is $100 a year, just like Part B; the coinsurance is 20 percent, the beneficiary pays 20 percent, and Medicare pays 80 percent, and basically, it is a $2,000 out-of-pocket limit. After you have spent $2,000 out-of-pocket, because of the copayment, then the rest of your prescription drug bills are paid by the Federal Government 100 percent.

For those who are low income, those seniors who cannot afford the premium, again, just like Part B, beneficiaries with incomes up to 150 percent of poverty pay no premium or cost-sharing; beneficiaries with incomes between 150 to 175 percent of poverty pay no cost-sharing and receive assistance. So depending on your income, the Federal Government would actually pay for the premium or a certain part of the premium. But again, it is a 20 percent a month premium, so most seniors would pay the premium and they would get the benefit, just like they do with the current Part B under Medicare.

Now, the amazing thing to me, and I do not want to keep stressing it all night, but the amazing thing to me is that during the August break I kept hearing the President of the United States constantly talk about the need to privatize not only a prescription drug program, which would be an expansion of Medicare, but actually talk about privatizing Medicare itself. He had a forum, I think it was in Waco, Texas around the middle of August, where he talked about, it was sort of an economic forum primarily, but he also talked about Medicare, and he said that he thought Medicare should be privatized. So what we are seeing on the part of the Republican leadership and the President is that they basically do not like Medicare. Not only would they not expand Medicare to cover prescription drugs, they do not like the traditional Medicare that we have now and that has been such a successful program that so many seniors depend upon.

Mr. Speaker, this is not the first time that I have come to the floor to point out that so many in the Republican Party historically have been critical of Medicare itself, let alone expanding Medicare for prescription drugs. Despite Medicare's effectiveness at improving the health of America's seniors and the disabled, there are many Republicans that continue to oppose it. Former Speaker Gingrich once said that Medicare would wither on the vine because we think people are voluntarily going to leave it. Even as recently as 1995, the gentleman from Texas (Mr. ARMEY), who is the Republican majority leader now in the House of Representatives, called Medicare a program I would have no part of in a free world. Of course, the program is too popular to repeal, so instead the House Republican leadership has implemented a budget plan that is projected to raid all of the Medicare surplus.

So what we are seeing here now with the Republican budget and with the Republican economic policy is that we go back into debt and we start borrowing from Social Security, we borrow from Medicare and, ultimately, these very good social programs, one a pension program, Social Security, and another a health care program, Medicare, eventually have no money, or have less and less money, and then we take that argument to say, well, if they have no money, we better come up with something else and we better privatize the program. It is unbelievable to me that this is the way that they are proceeding. So even though I wanted to stress the prescription drug program tonight, I cannot help but point out that this is part of a larger effort on the President's part and on the Republican leadership's part to talk about privatizing Medicare as well as Social Security.

I think that the most important point that I can end with tonight is to point out that as Democrats we feel that it is our obligation to not only continue with a strong Medicare program, as well as a strong Social Security program, but that we need to build on those programs, and that is why when we talk about a prescription drug plan we want it to be part of Medicare, an expansion of Medicare, because that has been a very successful program. It is the only way to guarantee that every senior not only gets health care, but gets a prescription drug plan. If you privatize prescription drugs as a benefit, you have no guarantee that people in any particular part of the country are going to have access to health insurance because they probably will not be able to buy it. It will not be for sale. If you include it as part of Medicare, you guarantee that every senior is going to have access to a good prescription drug program.

The last point I will make is that not only do we need to provide a benefit for seniors, we need to address the rising cost of prescription drugs, and whether that means that we, in the context of Medicare, give the Secretary negotiating power to bring prices down through negotiations over the cost of drugs, or it means that we deal with the generic issue, as I mentioned before, and plug up a lot of loopholes so that it is easier to bring generic drugs to market, or we allow reimportation as a last resort from Canada or other countries, we need to get at this price issue. I am just so upset over the fact that the Republican leadership in the House refuses to address the price issue. We are going to continue to make the price issue an important point and try to get something passed here on that issue as well as the benefit before we adjourn this Congress in October.

□ 2015

THE FARM BILL

The SPEAKER pro tempore (Mr. FLAKE). Under the Speaker's announced policy of January 3, 2001, the gentleman from Nebraska (Mr. OSBORNE) is recognized for 60 minutes as the designee of the majority leader.

Mr. OSBORNE. Mr. Speaker, during the past 30 days of working recess, the number one topic in my part of the country has been the drought, and I would like to display a map of the drought as was portrayed at the end of August.

Note here that roughly 45 percent of the country is in an extreme drought. The area that is brown is so excessive that there is practically nothing growing. Pastures are burned up, no dryland crops, and even irrigated crops have a hard time surviving. The red area is a little better. Again, very little can grow there because the rainfall has been probably less than 50 percent of normal, and we have even seen some of this on the east coast. So very, very few times in the history of our Nation have we had a drought that is this

widespread, 45 percent, because in a normal year we normally have a drought covering somewhere between 10 and 15 percent of our Nation.

The other thing that has been remarkable is not just the extent of it, but the severity of it. As I mentioned, we have a huge proportion of the country that is in extreme drought condition. Most years you might have a very small percentage that would have that type of drought. The other thing to mention is that this has been a very persistent drought. Many of these areas are currently in their 3rd or 4th year of drought conditions, and so when a farmer or rancher has had to go through multiple years, obviously he becomes even more distressed than if it was just a 1-year occasion.

So the situation is dire. Some type of help is needed, some type of disaster assistance. And the one thing I would like to point out is that in recent farm bills we have had what is called emergency assistance and in the last 3 or 4, 5 years we have averaged somewhere between 6 and $7 billion in emergency spending. That emergency spending has been primarily due to low prices, the fact that no one can get an adequate return on their crop.

What we are talking about now is not low prices. We are talking about no crop at all, and we are also talking about really dire circumstances for the livestock producers because in these areas where there is no pasture, what has happened is that a great many people who own cattle, and in some cases even hogs, they have had to sell off their herds because there is nothing to feed them; and most of their feed for the winter has already been used up as well.

So because of the glut on the cattle market, and in some cases the hog market, what we are finding is terribly low prices; and people are losing tremendous amounts of money, and a great number of cow/calf operations will be simply driven outside of existence because of this and of course a great many farmers as well. So this is a very difficult situation and one would assume that under these circumstances, it would be almost automatic that we would be able to come up with some type of assistance because the economic impact here will be much greater than the wildfires that we have seen in the West; and of course those were very serious and we certainly needed some aid, and we gave $700 million very quickly to provide assistance for the damage that was accorded to those wildfires; and yet here just in my State alone we are talking about roughly $1.4 billion, State of Nebraska, and we would multiply that by 10 or 15 when we look at this larger region. So the damage is tremendous.

What we notice is that if we have a hurricane such as we had down in southern Florida a few years ago or if we had a tornado or a wildfire or even 9–11, the events are very dramatic. We see destruction, we see television 30-second soundbytes, and in a drought it is more insidious. It is slower, but the economic impact is every bit as great, if not greater than some of these other situations that we have addressed with disaster assistance. So, anyway, we feel this is a difficult situation.

What I would like to do at this point, Mr. Speaker, is to amplify some of the arguments that have to do with why we are having such a difficult time getting the word out here in Congress and getting approval nationally for disaster assistance for agriculture; and the big problem that we have is that there is a widespread belief that the new farm bill that was passed just a few months ago is very fat, that it has all kinds of money in it; and therefore because of the excessive amounts of money in the farm bill, any disaster assistance for agriculture should be covered by the farm bill. And so you might say, well, is this perception correct, this perception that the farm bill is really overloaded with money?

And I would like to point out just a few newspaper articles that I think pretty much capture the tenor of the time. One major newspaper said this and the headline said ''Farm Welfare'' and went on to say in an editorial ''. . . the House voted to slide backwards some 70 years, choosing socialism and abandoning market-based reforms in the Nation's Stalinesque farm policy'' in voting for the new farm bill. Here they are talking about a Stalinesque farm policy which is, of course, totally a socialized system which is absolutely not true.

The Washington Post said this: ''Cringe for Mr. Bush.'' This was the headline. And the editorial said ''Mr. Bush signed a farm bill that represents a low point in his presidency, a wasteful corporate welfare measure that penalizes taxpayers and the world's poorest people in order to bribe a few voters.'' So the President took some tremendous hits for signing this farm bill and the idea being that this was just done to appease a few farmers to get some votes and it was done at the expense of urban citizens and also the world's poorest countries.

We will examine the accuracy of this statement in a little bit, but this again captures the tenor of the time. This is essentially how this is perceived in so many quarters, particularly in urban areas.

The Wall Street Journal went on to say this. The headline was ''The Farm State Pig Out.'' The editorial said, ''That great rooting, snooting noise you hear in the distance, dear taxpayers, is the sound of election-year farm-state politics rolling out of the U.S. Congress. This alone amounts to one of the greatest urban-to-rural wealth transfers in history, a sort of farm bill Great Society.''

So the gist of this editorial was that it is going to be a huge economic transfer from urban areas to rural areas, kind of a get-rich-quick scheme.

So let us examine this a little bit in greater detail. Did the President really sell out for the farm vote? Did we really have a tremendous urban-to-rural transfer of wealth? Is the new farm bill obscene, as so many have said?

I guess what we might do here is look at some figures. We will note here, Mr. Speaker, that under Freedom to Farm in 1999, 2000, and 2001, we spent an average of $24.5 billion a year on agriculture. This year in 2002, under the new farm bill, we are projected to spend $19 billion; in 2003, about $22 billion; then $21 billion, and then $20 billion. It will tail on down from there.

So what we are saying is, projected for the first 4 years of the new farm bill, we are going to spend less than $21 billion a year on agriculture, whereas in the last years of Freedom to Farm, we spent $24.5 billion. So if that is the case, can we really say that this new farm bill is obscene, it is a sell-out to rural America? Is it something that is irresponsible? Should the President be castigated for signing this bill?

I think very clearly the answer in this case is no, that this is a responsible piece of legislation. The thing that we will see later on is that actually now we have had enough production and crops are pretty much done in their growing season, and the prices are becoming more and more fixed for this year.

Actually, this year, in 2002, and we know this is not going to be a projection, the reality is going to be that we are going to spend not $19 billion but we are going to be spending somewhere in the range of $15 billion this year, $14 billion, for the new farm bill; and we will go into the reasons for that.

Instead of being up here, this bar should be down here. There is some pretty good evidence that leads us to believe that these may not be as high. So, actually, these estimates here may turn out to be a little bit on the high side, and obviously the new farm bill may actually prove to be a considerable savings over the old farm bill.

Let us talk about this a little bit, too. Is the new farm bill a large part of the budget? As we read those editorials and as we hear conversation, we would assume that payments to the farm sector are maybe 10 percent of the total Federal budget; maybe 15, maybe 20, maybe even 25 percent.

What is it? How much do we spend each year on agriculture? The actual case is that we spend a little bit less than or right at one-half of 1 percent of the Federal budget on farm policy. So out of every $200 of tax money that is spent, roughly $1 goes to the farm economy, $1 out of every $200. So this is not a huge giveaway. This is not something that breaks the Federal budget. I think it is important to realize this.

Also, I think it is important for people to understand that out of that one-half of 1 percent that goes to the farm bill, the farmers do not receive all of that money. There are school lunch programs, there are conservation issues, there are environmental accounts. So actually the farmer himself

receives only somewhere in the vicinity of 65 percent to 75 percent of that one-half of 1 percent, so it is not nearly as big a boondoggle as some would have us believe.

What do we receive in return for that one-half of 1 percent that we are spending in tax dollars? What we have is the most diverse, the cheapest, and the safest food supply in the world.

In the United States, we have no foot-and-mouth disease, where many other countries do have that in their livestock herds. We have no mad cow disease, or BSE, in this country. We do not use DDT. We do not use dangerous chemicals in our livestock and in our crops. So for all of this, we have a very safe food supply, we have a very diverse food supply, and we are totally self-sufficient. We do not have to import, although we do import some, but we would not have to import to sustain ourselves.

Then lastly, I would like to make the point that we spend less than 10 percent of our total income on food. Now, most countries spend much more than that. They spend 15, 20, sometimes 25 or 30 percent of their total income to purchase food. In the United States, we have a cheap food supply that is safe, that is diverse, and is the best in the world. For that, we are spending roughly one-half of 1 percent.

Another common myth is that farmers are getting rich off of this farm program. Let me just go through a few numbers here. Last year in the State of Nebraska, we lost 1,000 farmers in 1 year. There are not that many to lose anymore. We are down to under 2 million farmers and ranchers in the United States, whereas at one time it was many, many times that.

In 1987, there were 12,600 farmers under the age of 35 in the State of Nebraska. Ten years later, in 1997, according to the U.S. census figures, the number of farmers under the age of 35 in the State of Nebraska was 5,500, so that is less than half of what we had 10 years before. That is a trend that is seen throughout rural America, not in Nebraska but in all States everywhere.

So we are running out of young farmers, and we are running out of farmers, period. If it was so lucrative, if this was something that was a get-rich-quick scheme, then we would certainly see more young people coming into it. We would certainly see more people staying in farming and more people in ranching.

The facts are that this is a very, very difficult profession; and it is very, very hard to make a living in it.

One of the things that I have noticed in traveling my district is that out of the poorest counties in the United States, the three poorest counties, one, two, and three in ranking, are in my district in Nebraska. These counties are totally rural. They relay totally upon farming and ranching. There are no metropolitan areas, or there is not even a large town in any of these counties. So when we talk about per capita income, we are talking somewhere in the range of $6,000 per person. We can go to inner cities, to any part of the country, and we will find that the poorest counties in per capita income are in rural America. This is not a wealthy situation.

I think one of the reasons we have this perception of how much of a giveaway the farm bill is is that the Environmental Working Group put up a Web site this past year in which they published the farm payments to all those who received payments over the last 4 years. Naturally, it is the exception that catches our eye.

A lot has been made about the fact that Scotty Pippen, the professional basketball player, received some farm payments. He probably owned a farm and probably qualified for some farm payments.

□ 2030

But the typical farmer, the average person who is in farming and ranching, is not Scottie Pippin. They point out the fact that some people make large amounts of money. And the assumption is if somebody got a $200,000 check or a $300,000 check or a $500,000 check, that that is net profit, that that farmer took that check to the bank and put it away because it was profit.

Let us take a hypothetical situation here. Let us suppose someone has 2,000 acres of corn, which is a large but not real large farm in our part of the country.

Let us say the cost of the production for a bushel of corn is $2.20 a bushel, which is about what it is. So by the time you bought your seeds, you bought your fertilizer, you planted, you put on some water if you irrigate, and you bought your machinery and it is about $2.20 a bushel. But in recent years the price that you receive at the marketplace for a bushel of corn is about $1.70 a bushel, some cases more, some cases less.

So what it means is that the cost of production is about 50 cents higher than what you receive in the marketplace. So if you produce 200 bushels of corn per acre, that means you are losing $100 per acre. If you have 2,000 acres of corn, that means you have lost $200,000 simply in terms of what your cost of production was in comparison to what you receive at the marketplace.

So if that farmer gets a $200,000 payment, he does not have any net profit. He has not even paid himself a salary. He has nothing left for his family. He has simply covered the cost of production.

If he is a larger farmer and he has 5,000 acres of corn, he would get a payment of $500,000 under this set of figures to break even. And so what we are seeing here are some false assumptions, the assumption that because someone is getting a payment from the government is that they are getting wealthy, that they are putting that money in the bank, when in actuality many people are not even breaking even with government payments. So this is the thing that I think is important for people to understand.

Let us take a look at why we need a farm bill. I think this is something that people sometimes do not totally understand and I will try to take a shot at explaining why I think it is important that we do have a farm bill.

The first reason I will mention that I think is important is that farming is a unique industry and the first thing we might mention is that farming is almost totally weather-dependent. If we think about it, just think of any industry that you can think of and you would be hard-pressed to find one that was almost totally dependent on the weather. So a farmer can plant at the right time. He can put his fertilizer on at the right time. He can do everything right. And if he has a hail storm the day before he harvests, he has nothing. He could be totally wiped out in 20 minutes. Or if he does everything right and he has no rain and he has dry crops, he has got no crop at all. If his irrigation water gets shut off, which happened in many parts of the West this year halfway during the growing season, he makes no crops. So all agriculture is almost totally dependent on the weather.

Secondly, in agriculture it is almost impossible to control inventory. That may sound like a strange thing to say, but when you plant your crop in the spring you have absolutely no way of knowing what the worldwide production is going to be in the fall. You do not know whether there will a drought in China. You do not know what the production of the United States will be.

For instance, if we took corn as an example this year when we planted, people assumed that we would have 10 billion bushels of corn as a harvest. But because of the drought we will have less than 9 billion bushels, so no one can control that inventory. If you are making Ford automobiles and you have too many Ford Explorers out there, you simply shut down an assembly line. Instead of operating 24 hours a day, you operate 14 hours a day. If you are making suits of clothes and there are too many in the store and you cannot sell them, you simply cut down the production. But in farming there is no way in the spring that you can control inventory because you do not know what is going to happen during the growing season. So inventory is impossible to control.

A third factor is producers do not set the price. In farming, interestingly enough, you do not say, well, I am going to charge $2.50 per bushel of corn. You go down to the elevator and you say, What will you give me? If the elevator operator says, We will give you $1.90, that is what you get. If they say $1.70, that is what you get. But in almost every other industry, if you are manufacturing an automobile, if you put a sticker on there of $25,000, if you make a suit of clothes, it is $400, $500,

if it is a box of grapenuts, that is $3. But the producer sets the price. In agriculture the price is set for the producer. So again that is a little bit different than most any other industry.

Fourthly, farming is critical to national security. We have to have a food supply. If you do not have a food supply, you are in bad shape. Let me give you an example of how this can work. About 15, 20 years ago in the petroleum industry we found that we could get petroleum from OPEC for roughly $10 a barrel, $10, $12 a barrel and it was costing us about double that amount to produce petroleum here in the United States. So we said, okay, we will take you up on this, OPEC, we will buy from you. And as a result we began to shut down our exploration. We shut down some of our refineries, some of the pipelines, and we began to reduce our production and we farmed our petroleum industry overseas. And now we find that we were roughly 60 percent dependent on foreign oil. Much of that is from OPEC. And, of course, we are very concerned because we are so dependent on countries that are so volatile and many of whom do not like us. And so the situation can be very similar in farming.

If we do not have a farm program, if we do not support our farmers in some way, very quickly much of our agriculture will be sent overseas. And that $10, $12 a barrel that we paid OPEC for the last 10 or 12 years is now in the 20s. And furthermore, many people have estimated that when you figure out the cost of the Gulf War, which was basically over oil, maintaining a fleet in the Gulf, maintaining a military presence in the Middle East because of oil, that our actual cost of oil has not been $10 a barrel, it has not been $20 a barrel, it has been somewhere between 70 and $100 a barrel. That is what we have actually spent on our oil supply to keep it safe and keep it coming to the United States.

Now that can happen very quickly to agriculture. If you do not support your farmers, if you let all of our farmers fail, it is not long before our food supply goes overseas and then you are at the mercy of other people for your food supply. We cannot afford to do this. This is a national security issue to some degree which many people do not think about because we assume every time we go to the grocery store you will have what you need. So you take it for granted, but it is not something we can take for granted.

Fifth, there is no level playing field worldwide. It is important to understand this: The European Union has been very critical of our farm policy. They do not like us having any type of farm support. Yet in the European Union they subsidize their agriculture roughly $300 per acre; $300 per acre in the European Union. Japan subsidizes their agriculture more than $1,000 per acre.

In the United States with our farm program we would subsidize our agriculture roughly $45 per acre which is one-sixth of the European Union and, of course, much, much less than what Japan subsidizes their agriculture. And so just to maintain some type of parity, we have to have some type of farm program, some type of price support so we can be competitive with these other countries.

Also I think it is important to understand that land, labor and production costs vary widely worldwide. I was in Brazil in January. It is very interesting, you can buy topflight soil down there, topflight land, the topsoil is 50 feet deep. In many cases you can grow two crops because of the rainfall and the weather, and that land will cost an average of about 100 or $500 an acre, probably an average of about $250 an acre. That land is equivalent to the very best land in the United States. That land in the United States would cost somewhere between 2,000 and $3,000 per acre. So we are dealing in multiples of ten here.

Farm labor in Brazil averages somewhere around 50 cents an hour. The United States, it would be 8, 9, 10, $11 an hour. So again our costs are much higher.

The other thing that is different about Brazil and the United States is that there are very, very few environmental regulations. In the United States the agriculture people have to comply with clean air, clean water standards, use the right kinds of pesticides and fertilizers and so on, so it is a more expensive proposition. So what we are saying is if we do not have a farm program, we are really at the mercy of the European Union and other countries who subsidize agriculture. And we are also at the mercy of those developing countries who have extremely low production costs.

We think that for $45 per acre in the United States, we receive a tremendous benefit at a very reasonable price when looked at the worldwide situation. So I think that this here is something that we might think about a little bit.

So you might say, well, given all of these facts and given the fact that we have a drought and maybe people will concede the fact that the farm bill is not quite as bad as it has been portrayed. Maybe the President did not sell out. Maybe the President did a pretty good thing by signing the farm bill. If all this is true, then what do we do? What do we do to resolve the situation with the drought? What can be done with those farmers who are hanging on? There is no question in talking with those people who are bankers and agriculture lenders that we will lose more farmers and ranchers this year than we ever have because of the drought situation.

So what is the possible solution to this? And I think that what we would like to do here is talk a little bit about a proposal that the gentleman from South Dakota (Mr. THUNE), the gentleman from Kansas (Mr. MORAN) and myself have introduced that we think makes some sense. We will take a look at it at this time.

Mr. Speaker, what we are going to do now is just focus in on 2002. As I mentioned earlier, what was budgeted, the predicted cost of the farm bill for this year, the new farm bill, was going to be roughly $19 billion. In actual fact, as I mentioned earlier, what we are going to spend, based on August prices, is probably going to be about $14 billion, maybe a little bit less, that we will spend this year, which leaves a shortfall of roughly $5 billion.

You say why did that happen? How could that be? How could you be off by $5 billion? What has happened, as mentioned earlier, the estimated corn production for this year was going to be just slightly under 10 billion bushels of corn. What it looks like now that the growing season is almost done is that we are going to have roughly 8.9 billion bushels of corn primarily because of the drought in those States that we saw on the map earlier. So our production for corn, for soybeans, for sorghum, for rye, for barley, and for wheat is going to be down about 10 percent across the country. And as a result, we will not need farm supports because prices are higher. We have less product, so when you have less product, the demand is greater, and when the demand is greater, the prices are higher.

So instead of $1.70, $1.80 for corn, we will see something like $2.50, $2.60 per bushel. The same thing for wheat, soybeans and other products.

□ 2045

So when we have higher prices, the government does not have to provide the price supports. There will be no loan deficiency payments. There will probably be no countercyclical payments this year so there will be a saving of roughly $5 billion this year.

What the gentleman from Kansas (Mr. MORAN) and the gentleman from South Dakota (Mr. THUNE) and myself are proposing is that we take this difference of $5 billion and we allocate that in the form of disaster assistance to those very people who have, because of their loss of crops, because of the crop failure that have caused this gap to occur, because if they had not had the crop failure we probably would not have the higher prices, we probably would have had more government payments coming out and so we need to do something for those people who have had the trouble.

Of course, the other thing we might mention here is that the livestock producers basically receive almost no Federal subsidies. Whatever they receive is very, very minimal in the form of equipment dollars, and so the livestock people who have lost their pasture and feed and herds in many cases are really on the verge of simply going out of existence in many areas. So we think that they need to have some aid here along with the crop producers.

Anyway, this is our proposal. We say let us take this gap here, let us take

this money here and let us give it back to the people who were hurt so badly, that caused the prices to go up and resulted in no price supports and very low farm payments that has resulted in the $5 billion shortfall.

One of the solutions that many people have advocated is that we simply take the money out of the new farm bill, and my hypothesis here and the reason I am appearing on the floor tonight is to explain to people that this is something that absolutely cannot happen. We have shown earlier that the new farm bill does not appear to be more expensive than what we were doing. It seems to be more accountable. It provides a better safety net, and the other thing to remember is that there is an 80 percent increase in conservation payments. Most environmentalists, most people in cities, most people around the country would say, yeah, we need to protect our environment, and the farm bill does this.

The other thing that is in the farm bill that we did not want to see attacked is rural economic development. We are losing young people at a tremendous rate in rural America. They are simply leaving and they are not coming back. If we do not do something to diversify the economy, if we do not do something to shore up our rural areas and to build up our small towns and to bring in broadband services where they can have high speed Internet access, we are simply going to have a more and more difficult time and we are going to unravel more and more.

We think this is a responsible solution. It does not break the budget because we are not talking about spending money over and above what we thought we were going to spend in the first place. The House has a budget. The House has to stay with a budget. The other body does not have a budget; therefore, they can propose whatever they want to and then ask the President to pass it or veto it. In our case, we have to stay within the budget. In this case, we feel that we are staying within the budget, and we think it is the best thing for agriculture. We think it is the best thing for the country because it is not in the national interest to see a bunch of farmers and ranchers go out of business because of the draught.

Mr. Speaker, I conclude my remarks and we certainly urge consideration for those farmers and ranchers out there who are struggling with drought. We hope some disaster assistance will be forthcoming, and we certainly hope that my colleagues here on the floor of the House will see fit to help them out in the near future.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. CARSON of Indiana (at the request of Mr. GEPHARDT) for today and the balance of the week on account of official business in the district.

Mrs. MINK of Hawaii (at the request of Mr. GEPHARDT) for today and the balance of the week on account of illness.

Ms. VELÁZQUEZ (at the request of Mr. GEPHARDT) for today and the balance of the week on account of a family emergency.

Ms. BALDWIN (at the request of Mr. GEPHARDT) for today on account of a flight delay.

Mrs. BONO (at the request of Mr. ARMEY) for today and the balance of the week on account of family reasons.

Mr. HASTINGS of Washington (at the request of Mr. ARMEY) for today and the balance of the week on account of illness 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. MCNULTY) to revise and extend their remarks and include extraneous material:)

Mr. DEFAZIO, for 5 minutes, today.

Mrs. DAVIS of California, for 5 minutes, today.

Mrs. CLAYTON, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

(The following Members (at the request of Mr. KINGSTON) to revise and extend their remarks and include extraneous material:)

Mr. PAUL, for 5 minutes, today.

Ms. ROS-LEHTINEN, for 5 minutes, today.

Mr. MORAN of Kansas, for 5 minutes, today.

Mr. HORN, for 5 minutes, today.

Mr. NUSSLE, for 5 minutes, today.

SENATE BILLS REFERRED

Bills and a concurrent resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 691. An act to direct the Secretary of Agriculture to convey certain land in the Lake Tahoe Basin Management Unit, Nevada, to the Secretary of the Interior, in trust for the Washoe Indian Tribe of Nevada and California, to the Committee on Resources.

S. 1010. An act to extend the deadline for commencement of construction of a hydroelectric project in the State of North Carolina, to the Committee on Energy and Commerce.

S. 1227. An act to authorize the Secretary of the Interior to conduct a study of the suitability and feasibility of establishing the Niagara Falls National Heritage Area in the State of New York, and for other purposes, to the Committee on Resources.

S. 1240. An act to provide for the acquisition of land and construction of an interagency administrative and visitor facility at the entrance to American Fork Canyon, Utah, and for other purposes, to the Committee on Resources.

S. 1325. An act to ratify an agreement between the Aleut Corporation and the United States of America to exchange land rights received under the Alaska Native Claims Settlement Act for certain land interests on Adak Island, and for other purposes, to the Committee on Resources and the Committee on Armed Services.

S. 1339. An act to amend the Bring Them Home Alive Act of 2000 to provide an asylum program with regard to American Persian Gulf War POW/MIAs, and for other purposes, to the Committee on the Judiciary and the Committee on International Relations.

S. 1843. An act to extend certain hydroelectric licenses in the State of Alaska, to the Committee on Energy and Commerce.

S. 1852. An act to extend the deadline for commencement of construction of a hydroelectric project in the State of Wyoming, to the Committee on Energy and Commerce.

S. 1894. An act to direct the Secretary of the Interior to conduct a special resource study to determine the national significance of the Miami Circle site in the State of Florida as well as the suitability and feasibility of its inclusion in the National Park System as part of Biscayne National Park, and for other purposes, to the Committee on Resources.

S. 1907. An act to direct the Secretary of the Interior to convey certain land to the city of Haines, Oregon, to the Committee on Resources.

S. 1946. An act to amend the National Trails System Act to designate the Old Spanish Trail as a National Historic Trail, to the Committee on Resources.

S. 2037. An act to mobilize technology and science experts to respond quickly to the threats posed by terrorist attacks and other emergencies, by providing for the establishment of a national emergency technology guard, a technology reliability advisory board, and a center for evaluating antiterrorism and disaster response technology within the National Institute of Standards and Technology, to the Committee on Science, to the Committee on Transportation and Infrastructure, and to the Committee on Energy and Commerce.

S. 2549. An act to ensure that child employees of traveling sales crews are protected under the Fair Labor Standards Act of 1938, to the Committee on Education and the Workforce.

S. 2558. An act to amend the Public Health Service Act to provide for the collection of data on benign brain-related tumors through the national program of cancer registries, to the Committee on Energy and Commerce.

S. Con. Res. 137. Concurrent resolution expressing the sense of Congress that the Federal Mediation and Conciliation Service should exert its best efforts to cause the Major League Baseball Players Association and the owners of the teams of Major League Baseball to enter into a contract to continue to play professional baseball games without engaging in a strike, a lockout, or any conduct that interferes with the playing of scheduled professional baseball games, to the Committee on Education and the Workforce.

ENROLLED BILLS SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly an enrolled bill of the House of the following title, which was thereupon signed by the Speaker Pro Tempore, FRANK WOLF on August 2, 2002.

H.R. 3009. An act to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes.

Mr. Trandahl, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which

were thereupon signed by the Speaker Pro Tempore, FRANK WOLF on August 7, 2002.

H.R. 223. An act to amend the Clear Creek County, Colorado, Public Lands Transfer Act of 1993 to provide additional time for Clear Creek County to dispose of certain lands transferred to the county under the Act.

H.R. 309. An act to provide for the determination of withholding tax rates under the Guam income tax.

H.R. 601. An act to redesignate certain lands within the Craters of the Moon National Monument, and for other purposes.

H.R. 1384. An act to amend the National Trails System Act to designate the route in Arizona and New Mexico which the Navajo and Mescalero Apache Indian tribes were forced to walk in 1863 and 1864, for study for potential addition to the National Trails System.

H.R. 1456. An act to expand the boundary of the Booker T. Washington National Monument, and for other purposes.

H.R. 1576. An act to designate the James Peak Wilderness and Protection Area in the Arapaho and Roosevelt National Forests in the State of Colorado, and for other purposes.

H.R. 2068. An act to revise, codify, and enact without substantive change certain general and permanent laws, related to public buildings, property, and works, as title 40, United States Code, ''Public Buildings, Property, and Works''.

H.R. 2234. An act to revise the boundary of the Tumacacori National Park in the State of Arizona.

H.R. 2440. An act to rename Wolf Trap Farm Park as ''Wolf Trap National Park for the Performing Arts'', and for other purposes.

H.R. 2441. An act to amend the Public Health Service Act to redesignate a facility as the National Hansen's Disease Programs Center, and for other purposes.

H.R. 2643. An act to authorize the acquisition of additional lands for inclusion in the Fort Clatsop National Memorial in the State of Oregon, and for other purposes.

H.R. 3343. An Act to amend title X of the Energy Policy Act of 1992, and for other purposes.

H.R. 3380. An Act to authorize the Secretary of the Interior to issue right-of-way permits for natural gas pipelines within the boundary of Great Smoky Mountains National Park.

BILLS PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House reports that on July 26, 2002 he presented to the President of the United States, for his approval, the following bill.

H.R. 3763. To protect investors by improving the accuracy and reliability of corporate disclosures made pursuant to the securities laws, and for other purposes.

Jeff Trandahl, Clerk of the House reports that on July 30, 2002 he presented to the President of the United States, for his approval, the following bills.

H.R. 1209. To amend the Immigration and Nationality Act to determine whether an alien is a child, for purpose of classification as an immediate relative, based on the age of the alien on the date the classification petition with respect to the lien is filed, and

H.R. 3487. To amend the Public Health Service Act with respect to health professions programs regarding the field of nursing.

Jeff Trandahl, Clerk of the House reports that on August 2, 2002 he presented to the President of the United States, for his approval, the following bill.

H.R. 3009. To extend the Andean Trade Preference Act, to grant additional trade benefits under the Act, and for other purposes.

Jeff Trandahl, Clerk of the House reports that on August 13, 2002 he presented to the President of the United States, for his approval, the following bills.

H.R. 223. To amend the Clear Creek County, Colorado, Public Lands Transfer Act of 1993 to provide additional time for Clear Creek County to dispose of certain lands transferred to the county under the Act.

H.R. 309. To provide for the determination of withholding tax rates under the Guam income tax.

H.R. 601. To redesignate certain lands within the Craters of the Moon National Monument, and for other purposes.

H.R. 1384. To amend the National Trails System Act to designate the route in Arizona and New Mexico which the Navajo and Mescalero Apache Indian tribes were forced to walk in 1863 and 1864, for study for potential addition to the National Trails System.

H.R. 1456. To expand the boundary of the Booker T. Washington National Monument, and for other purposes.

H.R. 1576. To designate the James Peak Wilderness and Protection Area in the Arapaho and Roosevelt National Forests in the State of Colorado, and for other purposes.

H.R. 2068. To revise, codify, and enact without substantive change certain general and permanent laws, related to public buildings, property, and works, as title 40, United States Code, ''Public Buildings, Property, and Works''.

H.R. 2234. To revise the boundary of the Tumacacori National Historical Park in the State of Arizona.

H.R. 2440. To rename Wolf Trap Farm Park as ''Wolf Trap National Park for the Performing Arts'', and for other purposes.

H.R. 2441. To amend the Public Health Service Act to redesignate a facility as the National Hansen's Disease Programs Center, and for other purposes.

H.R. 2643. To authorize the acquisition of additional lands for inclusion in the Fort Clatsop National Memorial in the State of Oregon, and for other purposes.

H.R. 3343. To amend title X of the Energy Policy Act of 1992, and for other purposes.

H.R. 3380. To authorize the Secretary of the Interior to issue right-of-way permits for natural gas pipelines within the boundary of Great Smoky Mountains National Park.

ADJOURNMENT

Mr. OSBORNE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 49 minutes p.m.), the House adjourned until tomorrow, Thursday, September 5, 2002, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

8381. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule — Citrus Canker; Removal of Quarantined Area [Docket No. 02-029-2] received August 23, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8382. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule — Agricultural Bioterrorism Protection Act of 2002; Listing of Biological Agents and Toxins and Requirements and Procedures for Notification of Possession [Docket No. 02-082-1] (RIN: 0579-AB47) received August 23, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8383. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule — Microchip Implants as an Official Form of Identification for Pet Birds [Docket No. 01-023-2] received August 23, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8384. A letter from the Principal Deputy Associate Administrator, Enviromental Protection Agency, transmitting the Agency's final rule — Azoxystrobin; Pesticide Tolerances for Emergency Exemptions [OPP-2002-0210; FRL-7195-9] received August 21, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8385. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Chlorsulfuron; Pesticide Tolerance [OPP-2002-0181; FRL-7192-9] received August 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8386. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Acephate, Amitraz, Carbaryl, Chlorpyrifos, Cryolite, et al.; Tolerance Revocations [OPP-2002-0155; FRL-7191-4] received July 31, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8387. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Fludioxonil; Pesticide Tolerance [OPP-2002-0158; FRL-7188-7] received July 31, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8388. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — 1-Methylcyclopropene; Exemption from the Requirement of a Tolerance [OPP-2002-0142; FRL-7187-4] received July 24, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8389. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Bifenthrin; Pesticide Tolerances for Emergency Exemptions [OPP-2002-0145; FRL-7187-8] received July 24, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8390. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — 2-Propenoic acid, 2-methyl-, polymer with ethyl 2-propenoate and methyl 2-methyl-2-propenoate, ammonium salt; Tolerance Exemption [OPP-2002-0148; FRL-7188-3] received August 2, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8391. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Metsulfuron Methyl; Pesticide Tolerance [OPP-2002-0160; FRL-7189-2]

received August 2, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8392. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Methyl Anthranilate; Exemption from the Requirement of a Tolerance [OPP-2002-0106; FRL-7189-7] received August 2, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8393. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Dichlormid; Extension of Time-Limited Pesticide Tolerance [OPP-2002-0149; FRL-7192-5] received August 2, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8394. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Triflumizole; Pesticide Tolerance for Emergency Exemption [OPP-2002-0183; FRL-7194-4] received August 21, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8395. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Thiophanate-methyl; Pesticide Tolerance [OPP-2002-0140; FRL-7192-1] received August 21, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8396. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Iprovalicarb; Pesticide Tolerance [OPP-2002-0203; FRL-7194-3] received August 21, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8397. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Clomazone; Pesticide Tolerance [OPP-2002-0178; FRL-7192-2] received August 21, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8398. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Pyriproxyfen; Pesticide Tolerance [OPP-2002-0215; FRL-7195-7] received August 27, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8399. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Imazethapyr; Pesticide Tolerance [OPP-2002-0189; FRL-7193-4] received August 27, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8400. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Fosetyl-Al; Pesticide Tolerances [OPP-2002-0144; FRL-7195-1] received August 27, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8401. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Diflufenzopr; Pesticide Tolerance [OPP-2002-0220;FRL-7195-8] received August 27, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8402. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Sulfentrazone; Pesticide Tolerances for Emergency Exemptions [OPP-2002-0176; FRL-7191-5] received August 15, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8403. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Imidacloprid; Re-Establishment of Tolerance for Emergency Exemptions [OPP-2002-0150; FRL-7188-4] received August 15, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8404. A communication from the President of the United States, transmitting requests for FY 2003 budget amendments for the Department of Energy; (H. Doc. No. 107—255); to the Committee on Appropriations and ordered to be printed.

8405. A communication from the President of the United States, transmitting his request to make available appropriations for the Low Income Home Energy Assistance Program of the Department of Health and Human Services, in accordance with Public Law 107-116; (H. Doc. No. 107—256); to the Committee on Appropriations and ordered to be printed.

8406. A communication from the President of the United States, transmitting his requests for FY 2003 budget amendments for the Departments of Health and Human Services and Transportation, and for International Assistance Programs; (H. Doc. No. 107—260); to the Committee on Appropriations and ordered to be printed.

8407. A communication from the President of the United States, transmitting notification of the intention to reallocate funds previously transferred from the Emergency Response Fund; (H. Doc. No. 107—258); to the Committee on Appropriations and ordered to be printed.

8408. A communication from the President of the United States, transmitting his requests for emergency FY 2002 supplemental appropriations for the Forest Service within the Department of Agriculture and the Bureau of Land Management within the Department of the Interior; (H. Doc. No. 107—259); to the Committee on Appropriations and ordered to be printed.

8409. A letter from the Executive Director, Air Transportation Stabilization Board, transmitting a report of a violation of the Antideficiency Act, pursuant to 31 U.S.C. 1351; to the Committee on Appropriations.

8410. A letter from the Chairperson, National Council On Disability, transmitting a report of a violation of the Antideficiency Act, pursuant to 31 U.S.C. 1351; to the Committee on Appropriations.

8411. A letter from the Director, Office of National Drug Control Policy, transmitting a letter to advise how ONDCP will obligate the Fiscal Year (FY) 2002 High Intensity Drug Trafficking (HIDTA) Program discretionary funds; to the Committee on Appropriations.

8412. A letter from the Under Secretary for Acquisition, Technology, and Logistics, Department of Defense, transmitting certification that realistic survivability and lethality testing of the OHIO Class Guided Missile Nuclear Submarine (SSGN) would be unreasonably expensive and impractical, pursuant to 10 U.S.C. 2366(c)(1); to the Committee on Armed Services.

8413. A letter from the Assistant Secretary, Force Management Policy, Department of Defense, transmitting the annual report on the number of waivers granted to aviators who fail to meet operational flying duty requirements, pursuant to 37 U.S.C. 301(a); to the Committee on Armed Services.

8414. A letter from the Assistant Secretary of the Navy, Department of Defense, transmitting notification of the Department's decision to study certain functions performed by military and civilian personnel in the Department of the Navy for possible performance by private contractors, pursuant to 10 U.S.C. 2461; to the Committee on Armed Services.

8415. A letter from the Under Secretary, Department of Defense, transmitting the Department's certification with respect to the CH-47F Improved Cargo Helicopter (ICH), Chemical Demilitarization Program, LPD 17 Amphibious Transport Dock Ship, Multiple Launch Rocket System Upgrade, Space Based Infrared System High, and United States Marine Corps H-1 Upgrades, pursuant to 10 U.S.C. 2433(e)(2)(B)(i); to the Committee on Armed Services.

8416. A letter from the Under Secretary, Acquisition, Technology, and Logistics, Department of Defense, transmitting the Selected Acquisition Reports (SARs) for the quarter ending June 30, 2002, pursuant to 10 U.S.C. 2432; to the Committee on Armed Services.

8417. A letter from the Under Secretary, Department of Defense, transmitting the National Defense Stockpile Annual Materials Plan for fiscal year 2003, pursuant to 50 U.S.C. 98h—5; to the Committee on Armed Services.

8418. A letter from the Under Secretary for Acquisition, Technology, and Logistics, Department of Defense, transmitting certification that it would be unreasonably expensive and impracticable to conduct Full-Up, System-Level Live Fire Test and Evaluation on all three variants of the Joint Strike Fighter aircraft, pursuant to 10 U.S.C. 2366(c)(1); to the Committee on Armed Services.

8419. A letter from the Under Secretary, Acquisition, Technology and Logistics, Department of Defense, transmitting a report on restructuring costs associated with Business Combinations, March 1, 2002, pursuant to Public Law 105—85 section 804(a)(1) (111 Stat. 1832); to the Committee on Armed Services.

8420. A letter from the Deputy Secretary, Department of Defense, transmitting the Department's final report on the Pharmacy Benefits Program, pursuant to 10 U.S.C. 1074g(b) note Public Law 106—65, section 701; to the Committee on Armed Services.

8421. A letter from the Under Secretary of Defense, Acquisition, Technology and Logistics, Department of Defense, transmitting a letter notifying Congress of the intent to obligate funds for one new FY 2002 out-of-cycle Foreign Comparative Testing (FCT) project, pursuant to 10 U.S.C. 2350a(g); to the Committee on Armed Services.

8422. A letter from the Under Secretary, Acquisition and Technology, Department of Defense, transmitting a report on the Department's certification with respect to the CH-47F Improved Cargo Helicopter (ICH), Chemical Demilitarization Program, LPD 17 Amphibious Transport Dock Ship, Multiple Launch Rocket System (MLRS) Upgrade, Space Based Infrared System (SBIRS) High, and United States Marine Corps (USMC) H-1 Upgrades major defense acquisition programs, pursuant to 10 U.S.C. 2433(e)(2)(B)(i); to the Committee on Armed Services.

8423. A letter from the Under Secretary, Department of Defense, transmitting a report on Federally Funded Research and Development Center's Estimated FY 2003 Staff-years of Technical Effort, pursuant to 10 U.S.C. 2367(d)(1); to the Committee on Armed Services.

8424. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Multiyear Contracting [DFARS Case 2000-D303/304] received July 15, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

8425. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Performance-Based Contracting Using Federal Acquisition Regulation Part 12 Procedures [DFARS Case 2000-D306] received July 15, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

8426. A letter from the Register Liaison Officer, DOD, Department of Defense, transmitting the Department's final rule — Civilian Health and Medical Program of the Uniformed Service (CHAMPUS): Enuretic Devices, Breast Reconstructive Surgery, PFPWD Valid Authorization Period, Early Intervention Services (RIN: 0720-AA70) received July 11, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

8427. A letter from the General Counsel of the Air Force, Department of Defense, transmitting the Department's final rule — Wake Island Code (RIN: 0701-AA65) received July 11, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

8428. A letter from the Deputy Secretary, Department of Defense, transmitting a report required by Section 731 of the National Defense Authorization Act for Fiscal Year 2001 entitled, ''Mental Health Counselors Demonstration Project''; to the Committee on Armed Services.

8429. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Reporting Requirements Update [DFARS Case 2002-D010] received July 19, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

8430. A letter from the Assistant Secretary, Force Management Policy, Department of Defense, transmitting notification of the revised closure date for the commissary at Point Mugu, California; to the Committee on Armed Services.

8431. A letter from the Assistant Secretary, Department of Defense, transmitting a Report on the Technology Development Efforts, Concept-of-Operations, and Acquisition Plans to Use Unmanned Aerial Vehicles in Chemical and Biological Defense; to the Committee on Armed Services.

8432. A letter from the Comptroller, Department of Defense, transmitting notification that the Defense Finance and Accounting Service is assessing whether to acquire desktop computer management services from a commercial source; to the Committee on Armed Services.

8433. A letter from the Assistant Secretary, Department of Defense, transmitting notification of the intention to pay Critical Skills Retention Bonuses to selected military personnel and of each military skill to be designated critical; to the Committee on Armed Services.

8434. A letter from the Secretary, Department of Defense, transmitting notification that the President approved a new Unified Command Plan that specifies the missions and responsibilities, including geographic boundaries, of the unified combatant commands; to the Committee on Armed Services.

8435. A letter from the Deputy Secretary, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Paul K. Carlton, Jr., United States Air Force, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

8436. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Institutions of Higher Education [DFARS Case 99-D303] received August 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

8437. A letter from the Senior Paralegal, Department of the Treasury, transmitting the Department's final rule — Mutual Savings Associations, Mutual Holding Company Reorganizations, and Conversions From Mutual to Stock Form [Docket No. 2002-34] (RIN: 1550-AB24) received August 1, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8438. A letter from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — Requirement of HUD Approval Before a Grantee May Undertake CDBG-Assisted Demolition of HUD-Owned Housing Units [Docket No. FR-4698-F-02] (RIN: 2506-AC10) received July 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8439. A letter from the Director, Department of Housing and Urban Development, transmitting the Department's final rule — Safety and Soundness Regulation (RIN: 2550-AA22) received August 23, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8440. A letter from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — Manufactured Housing Program Fee [Docket No. FR-4665-F-02] (RIN: 2502-AH62) received August 23, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8441. A letter from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — Public Housing Agency Plans: Deconcentration-Amendments to ''Established Income Range'' Definition [Docket No. FR-4677-F-02] (RIN: 2577-AC31) received August 21, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8442. A letter from the Vice Chairman, Export-Import Bank of the United States, transmitting a report involving U.S. exports to the Republic of Korea, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Financial Services.

8443. A letter from the Vice Chairman, Export-Import Bank of the United States, transmitting a report involving U.S. exports to Taiwan, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Financial Services.

8444. A letter from the Vice Chairman, Export-Import Bank of the United States, transmitting a report involving U.S. exports to Mexico, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Financial Services.

8445. A letter from the Vice Chairman, Export-Import Bank of the United States, transmitting a report involving U.S. exports to Canada, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Financial Services.

8446. A letter from the Vice Chairman, Export-Import Bank of the United States, transmitting a report involving U.S. exports to Mexico, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Financial Services.

8447. A letter from the Vice Chairman, Export-Import Bank of the United States, transmitting a report involving U.S. exports to Nigeria, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Financial Services.

8448. A letter from the Vice Chairman, Export-Import Bank of the United States, transmitting a report involving U.S. exports to Thailand, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Financial Services.

8449. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule — Final Flood Elevation Determinations — received July 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8450. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule — Changes in Flood Elevation Determinations — received July 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8451. 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-7525] received July 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8452. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule — Final Flood Elevation Determinations — received August 23, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8453. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket No. FEMA-P-7612] received August 23, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8454. A letter from the Assistant to the Board, Federal Reserve Board, transmitting the Board's final rule — Credit by Brokers and Dealers; List of Foreign Margin Stocks [Regulation T] received August 21, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8455. A letter from the Chairman, Securities and Exchange Commission, transmitting the annual report of the Securities Investor Protection Corporation for the year 2001, pursuant to 15 U.S.C. 78ggg(c)(2); to the Committee on Financial Services.

8456. A letter from the Deputy Secretary, Securities and Exchange Commission, transmitting the Commission's final rule — Customer Margin Rules Relating to Security Futures [Release No. 34-46292; File No. S7-16-01] (RIN: 3235-AI22) received August 6, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8457. A letter from the Assistant Secretary, Department of Education, transmitting Final Priority — One Rehabilitation Research Training Center Program, pursuant to 20 U.S.C. 1232(f); to the Committee on Education and the Workforce.

8458. A letter from the Acting Assistant General Counsel for Regulatory Services, Department of Education, transmitting the Department's final rule — Impact Aid Programs (RIN: 1810-AA94) received August 21, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

8459. A letter from the Acting Assistant General Counsel for Regulatory Services, Department of Education, transmitting the Department's final rule — Title I-Improving the Academic Achievement of the Disadvantaged (RIN: 1810-AA92) received August 21, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

8460. A letter from the Acting Assistant General Counsel for Regulations, Office of the General Counsel, Department of Education, transmitting the Department's final rule — Disability and Rehabilitation Research Projects (DRRP) Program — received August 1, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

8461. A letter from the Executive Secretary, Harry S. Truman Scholarship Foundation, transmitting the Foundation's annual report for 2001, pursuant to 20 U.S.C. 2012(b); to the Committee on Education and the Workforce.

8462. A letter from the National Council on Disability, transmitting the Council's report entitled ''National Disability Policy: A Progress Report,'' pursuant to 29 U.S.C. 781(a)(8); to the Committee on Education and the Workforce.

8463. A letter from the Chairman, Federal Energy Regulatory Commission, transmitting the Commission's report on Government dam use charges under section 10(e)(2) of the Federal Power Act, pursuant to 16 U.S.C. 803; to the Committee on Energy and Commerce.

8464. A letter from the Chief Counsel, National Telecommunications and Information Administration, Department of Commerce, transmitting the Department's final rule — Mandatory Reimbursement Rules for Frequency Band or Geographic Relocation of Federal Spectrum-Dependent Systems [001206341-2027-02] received July 16, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8465. A letter from the Assistant General Counsel for Regulatory Law, Department of Energy, transmitting the Department's final rule — Greening the Government Requirements in Contracting [AL-2002-05] received July 16, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8466. A letter from the Assistant General Counsel for Regulatory Law, Department of Energy, transmitting the Department's final rule — Domestic and Foreign Procurement Preference Rules — received August 21, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8467. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule — Technical Change to Requirements for the Group Health Insurance Market; Non-Federal Governmental Plans Exempt From HIPAA Title I Requirements [CMS-2033-IFC] (RIN: 0938-AK00) received July 25, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8468. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's ''Major'' final rule — Standards for Privacy of Individually Identifiable Health Information (RIN: 0991-AB14) received August 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8469. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — Food Additives Permitted for Direct Addition to Food for Human Consumption; Neotame [Docket Nos. 98F-0052 and 99F-0187] received July 24, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8470. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule — Advisory Committee: Change of Name and Function; Technical Amendment — received July 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8471. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — Food Additives Permitted in Feed and Drinking Water of Animals; Selenium Yeast [Docket No. 98F-0196] received July 26, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8472. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — Medical Devices; Reclassification of Polymethylmethacrylate (PMMA) Bone Cement [Docket No. 02P-0294] received August 6, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8473. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — Medical Devices; Apnea Monitor; Special Controls [Docket No. 00N-1457] received August 6, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8474. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — Listing of Color Additives Exempt From Certification; Sodium Copper Chlorophyllin; Confirmation of Effective Date [Docket No. 00C-0929] received August 13, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8475. A letter from the Deputy Assistant Administrator, Office of Diversion Control, DEA, Department of Justice, transmitting the Department's final rule — Schedules of Controlled Substances: Rescheduling of the Food and Drug Administration Approved Product Containing Synthetic Dronabinol [(—)-Delta9-(trans)-Tetrahydrocannabinol] in Sesame Oil and Encapsulated in Soft Gelatin Capsules From Schedule II to Schedule III [DEA-180F] received July 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8476. A letter from the Attorney-Advisor, Department of Transportation, transmitting the Department's final rule — Anthropomorphic Test Devices; Six-year-old Crash Test Dummy [Docket No. NHTSA-02-12541] (RIN: 2127-AI00) received July 18, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8477. A letter from the Attorney-Adviser, Department of Transportation, transmitting the Department's final rule — Anthropomorphic Test Devices; Hybrid III 5th Percentile Female Test Dummy, Alpha Version; Final Rule; Response to Petitions for Recondsideration [Docket No. NHTSA-2000-6940] (RIN: 2127-AI01) received July 16, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8478. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes: Oregon; Medford Carbon Monoxide Nonattainment Area [Docket No: OR-01-006a; FRL-7240-9] received July 24, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8479. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Minnesota Designation of Areas for Air Quality Planning Purposes; Minnesota [MN72-7297a; FRL-7251-5] received July 24, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8480. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Clean Air Act Finding of Attainment; Portneuf Valley PM-10 Nonattainment Area, Idaho [Docket No. Id-00-001; FRL-7251-3] received July 24, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8481. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Finding of Failure to Attain; California-San Joaquin Valley Nonattainment Area; PM-10 [CA081-FTA; FRL-7250-5] received July 24, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8482. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — New York: Incorporation by Reference of State Hazardous Waste Management Program [FRL-7232-3] received July 24, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8483. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval of Section 112(1) Program of Delegation; Minnesota [MN 67-01-7292(a); FRL-7248-0] received July 17, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8484. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Underground Injection Control Program Revision; Aquifer Exemption Determination for Portions of the Lance Formation Aquifer in Wyoming [FRL-7247-7] received July 17, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8485. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, San Joaquin Valley Unified Air Pollution Control District [CA 261-0362a; FRL-7247-8] received July 17, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8486. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; New Hampshire; VOC RACT Order and Regulation [NH-047-7173a; A-1-FRL-7243-2] received July 17, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8487. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans North Carolina: Approval of Revisions to Open Burning Regulations Within the Forsyth County Local Implementation Plan [NC 93-200122b; FRL-7206-9] received August 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8488. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Indiana [IN 143-1a; FRL-7249-4] received August 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8489. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revision to the Arizona State Implementation Plan, Maricopa County Environmental Services Department [AZ 112-0052a; FRL-7253-5] received August 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8490. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Interim Final Determination that the State of Arizona Has Corrected Deficiencies and Stay of Sanctions, Maricopa County Environmental Services Department [AZ 112-0052c; FRL-7253-7] received August 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8491. A letter from the Principal Deputy Associate Administrator, Environmental

Protection Agency, transmitting the Agency's final rule — Delaware: Final Authorization of State Hazardous Waste Management Program Revision [FRL-7256-8] received August 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8492. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Rhode Island: Authorization of State Hazardous Waste Management Program Revision [FRL-7256-7] received August 2, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8493. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans Reinstatement of Redesignation of Area for Air Quality Planning Purposes; Kentucky Portion of the Cincinnati-Hamilton Area [KY-116; KY-119-200214(d); FRL-7252-8] received July 31, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8494. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, South Coast Air Quality Management District, Ventura County Air Pollution Control District [CA246-0353a; FRL-7254-8] received August 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8495. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Completeness Status of Oxides of Nitrogen Regulations; Submission of a Complete Plan by the State of Ohio [OH152-1; FRL-7255-3] received July 31, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8496. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans: North Carolina: Permitting Rules and Other Miscellaneous Revisions [NC-96; 97-200231(a); FRL-7254-2] received July 31, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8497. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Michigan: Final Authorization of State Hazardous Waste Management Program Revision [FRL-7252-4] received July 31, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8498. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Clean Air Act Redesignation and Reclassification, Searles Valley Nonattainment Area; Designation of Coso Junction, Indian Wells Valley, and Trona Nonattainment Areas; California; Determination of Attainment of the PM-10 Standards for the Coso Junction Area; Particulate Matter of 10 microns or less (PM-10). [CA-034-FIN; FRL-7256-1] received August 2, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8499. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Control of Air Pollution From New Motor Vehicles and New Motor Vehicle Engines; Non-Conformance Penalties for 2004 and later Model Year Emission Standards for Heavy-Duty Diesel Engines and Heavy-Duty Diesel Vehicles [AMS-FRL-7256-5] (RIN: 2060-AJ73) received August 2, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8500. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Transportation Conformity Rule Amendments: Minor Revision of 18-Month Requirement for Initial SIP Submissions and Addition of Grace Period for Newly Designated Nonattainment Areas [FRL-7256-3] (RIN: 2060-AJ70) received August 2, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8501. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, Santa Barbara County Air Pollution Control District [CA 265-0363a; FRL-7266-5] received August 21, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8502. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the Arizona State Implementation Plan, Maricopa County Environmental Services Department [AZ 100-0056a; FRL-7266-3] received August 21, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8503. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revision to the Arizona State Implementation Plan, Maricopa County Environmental Services Department [AZ 111-0050a; FRL-7261-7] received August 21, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8504. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Determination of Attainment of the 1-Hour Ozone Standard for San Diego County, California [CA-082-FOAa; FRL-7263-9] received August 21, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8505. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; State of Missouri [MO 160-1160a; FRL-7267-6] received August 21, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8506. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; State of Missouri [MO 158-1158a; FRL-7267-3] received August 21, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8507. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; State of Missouri [MO 157-1157a; FRL-7266-9] received August 21, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8508. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Final Exclusion [FRL-7264-1] received August 21, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8509. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; State of New Jersey [Region II Docket No. NJ52-243(a); FRL-7264-6] received August 21, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8510. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, Monterey Bay Unified Air Pollution Control District [CA 264-0355a; FRL-7258-3] received August 21, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8511. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Determination of Attainment of the 1-Hour Ozone Standard for the Santa Barbara County Area, California [CA 268-0360; FRL-7263-8] received August 21, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8512. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — South Carolina; Final Approval of State Underground Storage Tank Program [FRL-7268-9] received August 27, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8513. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Clean Air Act Approval and Promulgation of Air Quality Implementation Plans for the State of Montana; Revisions to the Administrative Rules of Montana [SIP Nos. MT-001-0042a, MT-001-0044a, MT-001-0045a; FRL-7261-1] received August 27, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8514. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans and Operating Permits Program; State of Missouri [MO 161-1161a; FRL-7269-2] received August 27, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8515. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plan; Massachusetts; Rate-of-Progress Emission Reduction Plans for the Boston-Lawrence-Worcester Serious Area [MA-085a; A-1-FRL-7268-7] received August 27, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8516. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans Tennessee; Approval of Revisions to Tennessee Implementation Plan [TN-186; TN-187; TN-202; TN-203-200207a; FRL-7270-6] received August 27, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8517. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; State of Kansas [KS 162-1162a; FRL-7270-4] received August 27, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8518. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans Florida: Approval of Revisions to the Florida State Implementation Plan [FL-85-1-200107a; FRL-7259-6] received August 15, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8519. A letter from the Principal Deputy Associate Administrator, Environmental

Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans for Kentucky: Regulatory Limit on Potential to Emit [KY 125-200233(a); FRL-7259-7] received August 15, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8520. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Final Effective Date Modification for the Determination of Nonattainment as of November 15, 1999, and Reclassification of the Baton Rouge Ozone Nonattainment Area [FRL-7262-3] received August 15, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8521. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the Definitions and the Continuous Emission Monitoring Provisions of the Acid Rain Program and the NOx Budget Trading Program; Correction [FRL-7259-0] (RIN: 2060-AJ43) received August 15, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8522. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Nebraska; Final Approval of State Underground Storage Tank Program [FRL-7261-9] received August 15, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8523. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Florida: Final Authorization of State Hazardous Waste Management Program Revision [FRL-7262-6] received August 15, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8524. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Florida: Final Authorization of State Hazardous Waste Management Program Revision [FRL-7262-5] received August 15, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8525. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communication Commission, transmitting the Commission's final rule — Table of Allotments, Digital Television Broadcast Stations (Huntington, West Virginia) [MM Docket No. 01-56, RM-10033] received July 12, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8526. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communication Commission, transmitting the Commission's final rule — Table of Allotments, FM Broadcast Stations (Wodbury, Georgia) [MM Docket No. 01-13, RM-10038]; (Reliance, Wyoming) [MM Docket No. 01-20, RM-10049]; (Eagle Lake, Texas) [MM Docket No. 01-80, RM-10089]; (Montana City, Montana), [MM Docket No. 01-81, RM-10090]; (Plainville, Georgia) [MM Docket No. 01-102, RM-10100]; (Rosholt, Wisconsin) [MM Docket No. 01-103, RM-10102]; (Morgantown, Kentucky) [MM Docket No. 01-114, RM-10128]; (Boswell, Oklahoma) [MM Docket No. 01-136, RM-10155]; (Frederic, Michigan) [MM Docket No. 01-201, Rm-10216] Received July 12, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8527. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Table of Allotments, Digital Television Broadcast Stations (Clarksburg, West Virginia) [MM Docket No. 01-165, RM-9768] received July 12, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8528. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Table of Allotments, Television Broadcast Stations; and Section 73.622(b), Table of Allotments Digital Broadcast Television Stations (Springfield, Illinois) [MM Docket No. 02-27, RM-10367] received July 12, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8529. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Table of Allotments, Digital Television Broadcast Stations (Boca Raton, Florida) [MM Docket No. 00-138, RM-9896] received July 12, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8530. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commissions final rule — Table of Allotments, Digital Television Broadcast Stations (Charleston, South Carolina) [MM Docket No. 01-128, RM-10133] received July 12, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8531. A letter from the Senior Legal Advisor, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Memphis, Tennessee, Olive Branch and Horn Lake, Mississippi) [MM Docket No. 02-31; RM-10351] received July 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8532. A letter from the Senior Legal Advisor, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Honor, Bear Lake, Ludington, Walhalla, and Custer, Michigan) [MM Docket No. 01-186; RM-9976, RM-10320] received July 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8533. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. [Alberta, Virginia and Whitakers, North Carolina; Dinwiddie, Virginia and Garysburg, North Carolina) [MM Docket No. 00-245; RM-991, RM-10185, RM10186] received July 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8534. A letter from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Chester and Westwood, California) [MM Docket No. 02-42; RM-10382] received July 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8535. A letter from the Senior Legal Advisor, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Mason, Texas) [MM Docket No. 01-133; RM-10143, RM-10150] received July 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8536. A letter from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Fremont and Sunnyvale, California) [MM Docket No. 01-322; RM-10332] received July 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8537. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commision's final rule — FM Table of Allotments, FM Broadcast Stations (Pierce, Nebraska) [MM Docket No. 01-340, RM-10345]; (Coosada, Alabama) [MM Docket No. 01-341, RM-10346]; (Pineview, Georgia) [MM Docket No. 01-342, RM-10347]; (Diamond Lake, Oregon) [MM Docket No. 01-343, RM-10348] received July 12, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8538. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Table of Allotments, Digital Television Broadcast Stations (Cocoa, Florida) [MM Docket No. 01-162, RM-10183] received July 12, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8539. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Table of Allotments, FM Broadcast Stations (Wickenburg and Salome, Arizona) [MM Docket No. 01-345, RM-10344] received July 12, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8540. A letter from the Senior Legal Advisorto the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Table of Allotments, Digital Television Broadcast Stations (Lakin, Kansas) [MM Docket No. 02-3, RM-10349] received July 12, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8541. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Table of Allotments, Digital Television Broadcast Stations (Bryan, Texas) [MM Docket No. 00-124, RM-9893] received July 12, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8542. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Table of Allotments, Digital Television Broadcast Stations (Alexandria, Minnesota) [MM Docket No. 01-207, RM-10206] received July 12, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8543. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), FM Table of Allotments, FM Broadcast Stations. (Paducah, Texas) [MM Docket No. 01-156; RM-10177] (Paulden, Arizona) [MM Docket No. 01-158; RM-10179] received July 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8544. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b); Table of Allotments, FM Broadcast Stations. (Parker, Arizona) [MM Docket No. 01-69; RM-10081] received July 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8545. A letter from the Deputy Chief, Policy and Rules Division, Federal Communications Commission, transmitting the Commission's final rule — 1998 Biennial Regulatory Review-Conducted Emissions Limits

Below 30 MHz for Equipment Regulated under Parts 15 and 18 of the Commission,s Rules [ET Docket No. 98-80] received July 12, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8546. A letter from the Deputy Chief, Policy and Rules Division, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Part 15 of the Commission's Rules Regarding Spread Spectrum Devices [ET Docket No. 99-231] received July 12, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8547. A letter from the Assistant Bureau Chief, International Bureau, Federal Communications Commission, transmitting the Commission's final rule — 2000 Biennial Regulatory Review, Amendment of Parts 43 and 63 of the Commission's Rules [IB Docket No. 00-231] received July 12, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8548. A letter from the Deputy Chief, Telecom Access Policy Division, Federal Communications Commission, transmitting the Commission's final rule — Federal-State Joint Board on Universal Service [CC Docket No. 96-45]; Multi-Association Group (MAG) Plan for Regulation of Interstate Services of Non-Price Cap Incumbent Local Exchange Carriers and Interexchange Carriers [CC Docket No. 00-256] received July 12, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8549. A letter from the Assistant Chief, Telcom Access Policy Division, Federal Communications Commission, transmitting the Commission's final rule — Federal-State Joint Board on Universal Service [CC Docket No. 96-45]; Multi-Association Group (MAG) Plan for Regulation of Interstate Services of Non-Price Cap Incumbent Local Exchange Carriers and Interexchange Carriers [CC Docket No. 00-256] received July 12, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8550. A letter from the Associate Division Chief, WCB, Federal Communications Commission, transmitting the Commission's final rule — Implementation of the Telecommunications Act o f 1996: Telecommunications Carriers' Use of Customer Proprietary Network In formation and Other Customer Information [CC Docket No. 96-115]; Implementation of the Non-Accounting Safeguards of Sections 271 and 272 of the Communications Act of 1934, As Amended [CC Docket No. 96-149]; 2000 Biennial Regulatory Review — Review of Policies and Rules Concerning Unauthorized Changes of Consumers' Long Distance Carriers [CC Docket No. 00-257] Received August 27, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8551. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal CommunicationCommission, transmitting the Commission's final rule — Table of Allotments, Digital Television Broadcast Stations (Calais, Maine) [MM Docket No. 01-167, RM-10180] received July 12, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8552. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule — Final Flood Elevation Determination — received July 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8553. A letter from the Secretary, Federal Trade Commission, transmitting the Commission's final rule — Rule Concerning Disclosures Regarding Energy Consumption and Water Use of Certain Home Appliances and Other Products Required Under the Energy Policy and Conservation Act (''Appliance Labeling Rule'') received July 31, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8554. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Electronic Maintenance and Submission of Information (RIN: 3150-AF61) received August 28, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8555. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — List of Approved Spent Fuel Storage Casks: HI-STORM 100 Revision (RIN: 3150-AG97) received July 24, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8556. A communication from the President of the United States, transmitting a six month periodic report on the national emergency with respect to Libya that was declared in Executive Order 12543 of January 7, 1986, pursuant to 50 U.S.C. 1641(c) and 50 U.S.C. 1703(c); (H. Doc. No. 107—251); to the Committee on International Relations and ordered to be printed.

8557. A communication from the President of the United States, transmitting a six month periodic report on the national emergency with respect to Iraq that was declared in Executive Order 12722 of August 2, 1990, pursuant to 50 U.S.C. 1641(c) and 50 U.S.C. 1703(c); (H. Doc. No. 107—252); to the Committee on International Relations and ordered to be printed.

8558. A communication from the President of the United States, transmitting notification that the Iraqi emergency is to continue in effect beyond August 2, 2002, pursuant to 50 U.S.C. 1622(d); (H. Doc. No. 107—253); to the Committee on International Relations and ordered to be printed.

8559. A communication from the President of the United States, transmitting a six month periodic report on the national emergency, declared in Executive Order 12947 of January 23, 1995, with respect to terrorists who threaten to disrupt the Middle East peace process, pursuant to 50 U.S.C. 1641(c) and 50 U.S.C. 1703(c); (H. Doc. No. 107—254); to the Committee on International Relations and ordered to be printed.

8560. A communication from the President of the United States, transmitting notification that the emergency regarding export control regulations is to continue in effect beyond August 17, 2002, pursuant to 50 U.S.C. 1622(d); (H. Doc. No. 107—257); to the Committee on International Relations and ordered to be printed.

8561. A letter from the Acting Director, Defense Security Cooperation Agency, transmitting a report of enhancement or upgrade of sensitivity of technology or capability for Italy (Transmittal No. OB-02), pursuant to 22 U.S.C. 2776(b)(5)(A); to the Committee on International Relations.

8562. A letter from the Director, International Cooperation, Department of Defense, transmitting a copy of Transmittal No. 23-02 which informs our intent to sign a Memorandum of Understanding between the U.S. and France Concerning Test and Evaluation Program Cooperation (TEP MOU)., pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

8563. A letter from the Director, International Cooperation, Department of Defense, transmitting a copy of Transmittal No. 22-02 which informs of our intent to sign a Memorandum of Understanding between the U.S. and Canada concerning Test and Evaluation Program Cooperation (CANUSTEP MOU), pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

8564. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed Manufacturing License Agreement with Japan [Transmittal No. DTC 188-02], pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

8565. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold under a contract to India (Transmittal No. DTC 130-02), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

8566. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold under a contract to India (Transmittal No. DTC 122-02), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

8567. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold under a contract to India (Transmittal No. DTC 135-02), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

8568. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold under a contract to India (Transmittal No. DTC 132-02), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

8569. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold under a contract to India (Transmittal No. DTC 134-02), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

8570. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold under a contract to India (Transmittal No. DTC 92-02), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

8571. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold under a contract to India (Transmittal No. DTC 94-02), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

8572. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold under a contract to India (Transmittal No. DTC 93-02), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

8573. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold under a contract to India (Transmittal No. DTC 35-02), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

8574. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold under a contract to India (Transmittal No. DTC 100-02), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

8575. A letter from the Assistant Secretary for Legislative Affairs, Department of State,

transmitting certification of a proposed license for the export of defense articles or defense services sold under a contract to India (Transmittal No. DTC 112-02), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

8576. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold under a contract to India (Transmittal No. DTC 114-02), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

8577. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold under a contract to India and Pakistan (Transmittal No. DTC 125-02), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

8578. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold under a contract to Pakistan (Transmittal No. DTC 201-02), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

8579. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold under a contract to Pakistan (Transmittal No. DTC 74-02), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

8580. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold under a contract to Pakistan (Transmittal No. DTC 203-02), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

8581. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold under a contract to Pakistan (Transmittal No. DTC 190-02), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

8582. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold under a contract to Pakistan (Transmittal No. DTC 192-02), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

8583. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold under a contract to Pakistan (Transmittal No. DTC 103-02), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

8584. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold under a contract to Pakistan (Transmittal No. DTC 69-02), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

8585. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold under a contract to Pakistan (Transmittal No. DTC 85-02), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

8586. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold under a contract to Pakistan (Transmittal No. DTC 80-02), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

8587. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold under a contract to Pakistan (Transmittal No. DTC 82-02), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

8588. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold under a contract to Pakistan (Transmittal No. DTC 67-02), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

8589. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold under a contract to Pakistan (Transmittal No. DTC 66-02), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

8590. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold under a contract to Pakistan (Transmittal No. DTC 68-02), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

8591. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold under a contract to Pakistan (Transmittal No. DTC 108-02), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

8592. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold under a contract to Pakistan (Transmittal No. DTC 104-02), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

8593. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold under a contract to Japan (Transmittal No. DTC 159-02), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

8594. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold under a contract to Pakistan (Transmittal No. DTC 105-02), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

8595. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Turkey [Transmittal No. DTC 128-02], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

8596. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Russia, Ukraine and Norway [Transmittal No. DTC 148-02], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

8597. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Japan [Transmittal No. DTC 019-02], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

8598. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Russia and Kazakhstan [Transmittal No. DTC 147-02], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

8599. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Australia and Poland [Transmittal No. DTC 143-02], pursuant to 22 U.S.C. 2776(c)and 22 U.S.C. 2776(d); to the Committee on International Relations.

8600. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Italy and Greece [Transmittal No. DTC 158-02], pursuant to 22 U.S.C. 2776(c) and 22 U.S.C. 2776(d); to the Committee on International Relations.

8601. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Turkey, Australia, Italy, Germany, Norway and Canada [Transmittal No. DTC 204-02], pursuant to 22 U.S.C. 2776(c)and 22 U.S.C. 2776(d); to the Committee on International Relations.

8602. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Canada [Transmittal No. DTC 056-02], pursuant to 22 U.S.C. 2776(c)and 22 U.S.C. 2776(d); to the Committee on International Relations.

8603. A communication from the President of the United States, transmitting the bimonthly report on progress toward a negotiated settlement of the Cyprus question covering the period June 1, 2002 through July 31, 2002, pursuant to 22 U.S.C. 2373(c); to the Committee on International Relations.

8604. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

8605. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

8606. A communication from the President of the United States, transmitting a resolution of advice and consent to ratification of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, adopted by the Senate of the United States on April 24, 1997, in accordance with Condition 9; to the Committee on International Relations.

8607. A letter from the Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule — Revisions and Clarifications to the Export Administration Regulations ——

Nuclear Nonproliferation Controls: Nuclear Suppliers Group [Docket No. 020717170-2170-01] (RIN: 0694-AC52) received August 23, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

8608. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a shipment of U.S.-origin defense articles intended for transfer to a U.S. company which proceeded without the required U.S. Government consent; to the Committee on International Relations.

8609. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-458, ''Child Restraint Amendment Act of 2002'' received August 21, 2002, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

8610. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-446, ''Honoraria Amendment Temporary Act of 2002'' received August 21, 2002, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

8611. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-445, ''Special Education Task Force Temporary Act of 2002'' received August 21, 2002, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

8612. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-444, ''Back-to-School Sales Tax Holiday Temporary Act of 2002'' received August 21, 2002, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

8613. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-443, ''Public Health Laboratory Fee Temporary Amendment Act of 2002'' received August 21, 2002, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

8614. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-441, ''Domestic Relations Laws Clarification Act of 2002'' received August 21, 2002, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

8615. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-459, ''Technical Amendment Act of 2002'' received August 21, 2002, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

8616. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-440, ''Improved Child Abuse Investigations Amendment Act of 2002'' received August 21, 2002, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

8617. A letter from the Auditor, District of Columbia, transmitting a copy of a report entitled, ''Audit of Advisory Neighborhood Commission 7D 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.

8618. A letter from the Comptroller General, General Accounting Office, transmitting a list of all reports issued or released in May 2002, pursuant to 31 U.S.C. 719(h); to the Committee on Government Reform.

8619. A letter from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — Implementation of the Electronic Freedom of Information Act [Docket No. FR-4716-F-02] (RIN: 2508-AA12) received July 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

8620. A letter from the Attorney/Advisor, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

8621. A letter from the Attorney/Advisor, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

8622. A letter from the General Counsel, Federal Retirement Thrift Investment Board, transmitting the Board's final rule — Correction of Administrative Errors; Expanded and Continuing Eligibility; Death Benefits; Loan Program — received August 13, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

8623. A letter from the Inspector General, General Services Administration, transmitting the Office's Audit Report Register for the period ending March 31, 2002, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

8624. A letter from the Acting Chairman, Merit Systems Protection Board, transmitting the Board's draft legislation that would exempt case related predecisional documents that have been prepared by Board attorneys from disclosure under the Privacy Act; to the Committee on Government Reform.

8625. A letter from the Assistant Administrator for Human Resources and Education, National Aeronautics and Space Administration, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

8626. A letter from the Chairman, Nuclear Regulatory Commission, transmitting the Commission's letter regarding the certification of a Final Rule entitled, ''Medical Use of Byproduct Material (RIN: 3150-AF74)''; to the Committee on Government Reform.

8627. A letter from the Director, Office of Management and Budget, transmitting the Office's Fiscal Year 2002 Inventory of Commercial Activities; to the Committee on Government Reform.

8628. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule — Awards (RIN: 3206-AJ65) received August 23, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

8629. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule — Prevailing Rate Systems; Definition of San Joaquin County, California, as a Nonappropriated Fund Wage Area (RIN: 3205-AJ35) received August 13, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

8630. A letter from the Director, Office of Personnel Management, transmitting the Department's final rule — Prevailing Rate Systems; Change in the Survey Cycle for the Portland, Oregon, Appropriated Fund Wage Area (RIN: 3206-AJ60) received August 13, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

8631. A letter from the Special Counsel, Office of Special Counsel, transmitting the Annual Report of the Office of Special Counsel (OSC) for Fiscal Year (FY) 2001, pursuant to 5 U.S.C. 1211; to the Committee on Government Reform.

8632. A letter from the Chairman, Federal Election Commission, transmitting the Commission's final rule — Reorganization of Regulations on ''Contribution'' and ''Expenditure'' [Notice 2002-12] received July 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on House Administration.

8633. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Procedures for Establishing Spring/Summer Subsistence Harvest Regulations for Migratory Birds in Alaska (RIN: 1018-AH88) received August 13, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8634. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Establishment of Nonessential Experimental Population Status and Reintroduction of Four Fishes in the Tellico River (RIN: 1018-AF96) received August 13, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8635. A letter from the Director, Endangered Species, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Determination of Endangered Status for the Tumbling Creek Cavesnail (RIN: 1018-AI19) received August 13, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8636. A letter from the Assistant Secretary for Fish, Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the Northern Great Plains Breeding Population of the Piping Plover (RIN: 1018-AH96) received August 23, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8637. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the Newcomb's Snail (RIN: 1018-AH95) received August 21, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8638. A letter from the Director, Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants: Removal of Potentilla robbinsiana (Robbins' cinquefoil) From the Federal List of Endangered and Threatened Plants (RIN: 1018-AH56) received August 23, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8639. A letter from the Assistant Secretary for Water and Science, Bureau of Reclamation, Department of the Interior, transmitting the Department's final rule — Public Conduct on Bureau of Reclamation Lands and Projects (RIN: 1006-AA44) received August 23, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8640. A letter from the Assistant Secretary, Bureau of Indian Affairs, Department of the Interior, transmitting the Department's final rule — Trust Management Reform: Repeal of Outdated Rules (RIN: 1076-AE20) received August 23, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8641. A letter from the Under Secretary of Commerce for Oceans and Atmosphere, National Oceanic and Atmospheric Administration, transmitting the activities of the Northwest Atlantic Fisheries Organization for 2001; to the Committee on Resources.

8642. A letter from the Division Chief, Marine Mammal Conservation Division, Office of Protected Resources, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Taking and Importing Marine Mammals; Taking Marine Mammals Incidental to Navy Operations of Surveillance Towed Array Sensor System Low Frequency Active Sonar [Docket No. 990927266-2137-03; I.D. 072699A] (RIN: 0648-AM62) received August 6, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8643. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final

rule — Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Inseason Adjustment 2-Closure of the Commercial Fishery from U.S.-Canada Border to Cape Falcon, OR [Docket No. 020430101-2101-01; I.D. 070202C] received July 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8644. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Western Regulatory Area of the Gulf of Alaska [Docket No. 011218304-1304-01; I.D. 071502B] received July 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8645. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pelagic Shelf Rockfish in the West Yakutat District of the Gulf of Alaska [Docket No. 01121834-1304-01; I.D. 071502C) received July 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8646. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Inseason Adjustment 3-Adjustment of the Commercial Fishery from the U.S.-Canada Border to Cape Falcon, OR [Docket No. 020430101-2101-01; I.D. 070902D] received July 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8647. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Northern Rockfish in the Western Regulatory Area of the Gulf of Alaska [docket No. 011218304-1304-01; I.D. 071702A] received July 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8648. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Atlantic Highly Migratory Species; Pelagic Longline Fishery; Shark Gillnet Fishery; Sea Turtle and Whale Protection Measures [Docket No. 020325067-2161-02; I.D. 080901B] (RIN: 0648-AP49) received July 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8649. A letter from the Assistant Administrator, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Sea Grant National Strategic Investments in Aquatic Nuisance Species, Oyster Disease, and Gulf of Mexico Oyster Industry: Request for Proposals for FY 2003 [Docket No. 990125030-2149-03] (RIN: 0648-ZA56) received August 23, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8650. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Northeast Multispecies Fishery [Docket No. 020409080-2174-05; I.D. 061402D] (RIN: 0648-AP78) received August 27, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8651. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Black Sea Bass Fishery; Commercial Quota Harvested for Quarter 3 Period [Docket No.; I.D. 073002A] received August 23, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8652. A letter from the Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Fishery Management Plan for the Summer Flounder, Scup, and Black Sea Bass Fisheries; Recreational Measures for the 2002 Fisheries [Docket No. 010710173-2184-05; I.D. 032102A] (RIN: 0648-AN70) received August 23, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8653. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Summer Flounder, Scup, and Black Sea Bass Fisheries; Adjustment to the 2002 Scup Winter II Commercial Quota [Docket No. 011109274-1301-02; I.D. 072202B] received August 27, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8654. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Central Regulatory Area of the Gulf of Alaska [Docket No. 011218304-1304-01; I.D. 080502A] received August 23, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8655. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Removal of the Sablefish Size Limit South of 36 degrees N. Latitude for Limited Entry Fixed Gear and Open Access Fisheries [Docket No. 011231309-2090-03; I.D. 072902E] received August 23, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8656. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Inseason Action 7 — Adjustment of the Commercial Fishery from the U.S. — Canada Border to Cape Falcon, OR [Docket No. 020430101-2101-01; I.D. 080202E] received August 23, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8657. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Shallow-Water Species Fishery by Vessels Using Trawl Gear in the Gulf of Alaska [Docket No. 011218304-1304-01; I.D. 080202F] received August 23, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8658. A letter from the Division Chief, Marine Mammal Conservation Division, Office of Protected Resources, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Taking and Importing Marine Mammals; Taking Bottlenose Dolphins and Spotted Dolphins Incidental to Oil and Gas Structure Removal Activities in the Gulf of Mexico [Docket No. 020326071-2166-02; I.D. 061402E] (RIN: 0648-AP83) received August 21, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8659. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries off West Coast States and in the Western Pacific; Precious Corals Fisheries; Harvest Quotas, Definitions, Size Limits, Gear Restrictions, and Bed Classification [Docket No. 000816233-1154-02; I.D. 050200A] (RIN: 0648-AK23) received August 13, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8660. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Atlantic Highly Migratory Species Fisheries; Atlantic Bluefin Tuna [I.D. 071202D] received August 13, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8661. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; End of the Primary Season and Resumption of Trip Limits for the Shore-based Fishery for Pacific Whiting [Docket No. 020402077-01; I.D. 071202E] received August 13, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8662. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pelagic Shelf Rockfish in the Central Regulatory Area of the Gulf of Alaska [Docket No. 011218304-1304-01; I.D. 071902B] received August 13, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8663. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Northern Rockfish in the Central Regulatory Area of the Gulf of Alaska [Docket No. 011218304-1304-01; I.D. 071902C] received August 13, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8664. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Species in the Rock Sole/Flathead Sole/''Other Flatfish'' Fishery Category by Vessels Using Trawl Gear in Bering Sea and Aleutian Islands Manageent Area [Docket No. 011218304-1304-01; I.D. 072902C] received August 13, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8665. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Reopening of the Commercial Red Snapper Component [I.D. 072302B] received August 13, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8666. A letter from the Acting Division Chief, Marine Mammal Division, National Oceanic Atmospheric Administration, transmitting the Administration's final rule — Taking of Marine Mammals Incidental to Commercial Fishing Operations; Tuna Purse Seine Vessels in the Eastern Tropical Pacific Ocean (ETP) [Docket 990324081-9336-02, ID072098G] (RIN: 0648-A185) received August 23, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8667. A letter from the Attorney General, Department of Justice, transmitting the annual report on the status of the United

States Parole Commission, pursuant to 18 U.S.C. 4201 nt.; to the Committee on the Judiciary.

8668. A letter from the Director, Regulations and Forms Services Division, Department of Justice, transmitting the Department's final rule — Reduced Course Load for Certain F and M Nonimmigrant Students In Border Communities [INS No. 2220-02] (RIN: 1115 -AG75) received August 27, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

8669. A letter from the Rules Administrator, Federal Bureau of Prisons, Department of Justice, transmitting the Department's final rule — Administrative Remedy Program: Excluded Matters [BOP-1076-F] (RIN: 1120-AA72) received August 23, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

8670. A letter from the Senior Counsel, DOJ, Civil Division, Torts Branch, Department of Justice, transmitting the Department's final rule — Claims Under the Radiation Exposure Compensation Act Amendments of 2000; Technical Amendments [CIV100F; AG Order No. 2604-2002] (RIN: 1105-AA75) received August 22, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

8671. A letter from the Director, Regulations and Forms Services Division, INS, Department of Justice, transmitting the Department's final rule — Allowing in Certain Circumstances for the Filing of Form I-140 Visa Petition Concurrently With a Form I-485 Application [INS No. 2104-00] (RIN: 1115-AG00) received August 1, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

8672. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's final rule — Visas: Documentation of Nonimmigrants Under the Immigration and Nationality Act: XIX Olympic Winter Games and VIII Paralympic Winter Games in Salt Lake City, UT, 2002 — received 21, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

8673. A letter from the Director, Federal Judicial Center, transmitting the Federal Judicial Center's Annual Report for 2001, pursuant to 28 U.S.C. 623(b); to the Committee on the Judiciary.

8674. A letter from the Staff Director, United States Commission On Civil Rights, transmitting the list of state advisory committees recently rechartered by the Commission; to the Committee on the Judiciary.

8675. A letter from the Clerk, United States Court of Federal Claims, transmitting the court's report for the year ended September 30, 2001, pursuant to 28 U.S.C. 791(c); to the Committee on the Judiciary.

8676. A letter from the Administrator, FAA, Department of Transportation, transmitting the sixth annual report of actions the Federal Aviation Administration has taken in response to Section 304 of the Federal Aviation Administration Authorization Act of 1994, pursuant to 49 U.S.C. 40101nt.; to the Committee on Transportation and Infrastructure.

8677. A letter from the Attorney, RSPA, Department of Transportation, transmitting the Department's final rule — Pipeline Safety: High Consequence Areas For Gas Transmission Pipelines [Docket No. RSPA-00-7666; Amendment 192-77] (RIN: 2137-AD64) received August 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8678. A letter from the Assistant Secretary of the Army, Department of Defense, transmitting the Department's report on navigation improvements for the Arthur Kill Channel-Howland Hook Marine Terminal, New York and New Jersey; to the Committee on Transportation and Infrastructure.

8679. A letter from the Program Analyst, Directorate of Civil Works, Operations Division, Department of Defense, Army Corps of Engineers, transmitting the Department's final rule — United States Navy Restricted Area, Hampton Roads and Willoughby Bay, Virginia — received July 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8680. A letter from the Program Analyst, Directorate of Civil Works, Operations Division, Department of Defense, Army Corps of Engineers, transmitting the Department's final rule — United States Navy Restricted Area, Elizabeth River, Virginia — received July 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8681. A letter from the Secretary, Department of Transportation, transmitting a report on the voluntary national guidelines for ballast water management; to the Committee on Transportation and Infrastructure.

8682. A letter from the Regulations Officer, FMCSA, Department of Transportation, transmitting the Department's final rule — Commercial Driver's License Standards, Requirements and Penalties; Commercial Driver's License Program Improvements and Noncommercial Motor Vehicle Violations [Docket Nos. FMCSA-2001-9709 and FMCSA-00-7382] (RIN: 2126-AA60 and RIN: 2126-AA55) received July 18, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8683. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30317; Amdt. No. 3012] received July 26, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8684. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Change Using Agency to Restricted Area R-4305; Lake Superior, MN [Docket No. FAA-2002-12100; Airspace Docket No. 02-AGL-5] (RIN: 2120-AA66) received July 26, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8685. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Amendment of Class D Airspace; Marietta Dobbins ARB (NAS Atlanta), GA [Airspace Docket No. 02-ASO-5] received July 26, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8686. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30319; Amdt. No. 3013] received July 26, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8687. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30316; Amdt. No. 3011] received July 26, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8688. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Revision of Jet Route [Docket No. FAA 2001-10666; Airspace Docket No. ASD 01-ASW-12] received July 26, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8689. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives [Docket No. FAA-2000-8460; Amdt. No. 39-9474] (RIN: 2120-AA64) received July 26, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8690. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; de Havilland Inc. Models DHC-2 Mk. I, DHC-2 Mk. II, and DHC-2 Mk. III Airplanes [Docket No. 97-CE-70-AD; Amendment 39-12796; AD 2002-13-08] (RIN: 2120-AA64) received July 26, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8691. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; CFE Company Model CFE738-1-1B Turbofan Engines [Docket No. 99-NE-39-AD; Amendment 39-12791; AD 99-27-16R1] (RIN: 2120-AA64) received July 26, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8692. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; MD Helicopters, Inc. Model 369D, 369E, 369F, and 369FF Helicopters [Docket No. 2001-SW-40-AD; Amendment 39-12793; AD 2002-13-05] (RIN: 2120-AA64) received July 26, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8693. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 727 Series Airplanes [Docket No. 2001-NM-233-AD; Amendment 39-12785; AD 2002-12-13] (RIN: 2120-AA64) received July 26, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8694. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; CFM International (CFMI) CFM56-2, -2A, -2B, -3, -3B, -3C, -5, -5B, -5C, and -7B Series Turbofan Engines [Docket No. 98-ANE-38-AD; Amendment 39-12790; AD 2002-13-03] (RIN: 2120-AA64) received July 26, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8695. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model DHC-8-100, -200, and -300 Series Airplanes [Docket No. 2001-NM-69-AD; Amendment 39-12783; AD 2002-12-11] (RIN: 2120-AA64) received July 26, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8696. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pratt & Whitney PW4000 Series Turbofan Engines [Docket No. 2000-NE-49-AD; Amendment 39-12787; AD 2002-12-15] (RIN: 2120-AA64) received July 26, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8697. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model MD-90-30 Airplanes [Docket No. 2000-NM-197-AD; Amendment 39-12788; AD 2002-13-

01] (RIN: 2120-AA64) received July 26, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8698. A letter from the Attorney, RSPA, Department of Transportation, transmitting the Department's final rule — Hazardous Materials: Revision to Standards for Infectious Substances [Docket No. RSPA-98-3971] (RIN: 2137-AD13) received August 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8699. A letter from the Attorney, RSPA, Department of Transportation, transmitting the Department's final rule — Brake Performance Requirements for Commercial Motor Vehicles Inspected by Performance-Based Brake Testers [Docket No. FCMSA-99-6266] (RIN: 2126-AA46) received August 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8700. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Security Zone; Lake Michigan, Point Beach Nuclear Power Plant [CGD09-01-137] (RIN: 2115-AA97) received July 16, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8701. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Security Zone: Saint Lawrence River, Massena, NY [CGD09-01-128] (RIN: 2115-AA97) received July 16, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8702. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Security Zone; Lake Michigan, Kewaunee Nuclear Power Plant [CGD09-01-138] (RIN: 2115-AA97) received July 16, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8703. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Security Zone, Lake Ontario, Rochester, NY [CGD09-01-125] (RIN: 2115-AA97) received July 16, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8704. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Security Zone; Calvert Cliffs Nuclear Power Plant, Chesapeake Bay, Calvert County, MD [CGD05-01-071] (RIN: 2115-AA97) received July 16, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8705. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Security Zones; Cruise Ships, Port of San Diego, CA [COTP San Diego 02-013] (RIN: 2115-AA97) received July 16, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8706. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone; Gary Air and Water Show, Lake Michigan, Gary, IN [CGD09-02-020] received July 16, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8707. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Drawbridge Operation Regulation; Inner Harbor Navigation Canal, LA (CGD08-01-018) received July 16, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8708. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Security Zones; Captain of the Port Chicago Zone, Lake Michigan [CGD09-02-008] (RIN: 2115-AA97) received July 18, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8709. A letter from the Senior Rulemaking Analyst, Department of Transportation, transmitting the Department's final rule — Investigative and Enforcement Procedures [Docket No. TSA-2002-12777] (RIN: 2110-AA09) received August 6, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8710. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Air Tractor, Inc. Models AT-300, AT-301, AT-302, AT-400, and AT-400A Airplanes [Docket No. 2002-CE-22-AD; Amendment 39-12789; AD 2002-13-02] (RIN: 2120-AA64) received July 25, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8711. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737-600, -700, -700C, and -800 Series Airplanes [Docket No. 2002-NM-76-AD; Amendment 39-12732; AD 2002-08-20] (RIN: 2120-AA64) received July 25, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8712. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls-Royce plc.Tay Model 650-15 and 651-54 Turbofan Engines; Correction [Docket No. 2001-NE-36-AD; Amendment 39-12735; AD 2002-09-02] received July 25, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8713. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 767-200 Series Airplanes [Docket No. 2000-NM-382-AD; Amendment 39-12777; AD 2002-12-05] (RIN: 2120-AA64) received July 25, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8714. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Honeywell International Inc. (Formerly AlliedSignal Inc. and Garrett Turbine Engine Company) TPE331-11U, -12B, -12JR, -12UA, -12UAR, and -12UHR Series Turboprop Engines [Docket No. 2001-NE-39-AD; Amendment 39-12781; AD 2002-12-09] (RIN: 2120-AA64) received July 25, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8715. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model CL-600-2C10 (Regional Jet Series 700 and 701) Series Airplanes [Docket No. 2002-NM-99-AD; Amendment 39-12731; AD 2002-08-19] (RIN: 2120-AA64) received July 25, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8716. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier-Rotax GmbH 914 F Series Reciprocating Engines [Docket No. 2002-NE-07-AD; Amendment 39-12760; AD 2002-10-14] (RIN: 2120-AA64) received July 25, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8717. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model CL-215-1A10 and CL-215-6B11 Series Airplanes [Docket No. 2000-NM-398-AD; Amendment 39-12784; AD 2002-12-12] (RIN: 2120-AA64) received July 25, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8718. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Eurocopter Deutschland GmbH (ECD) Model BO-105A, BO-105C, B0-105 C-2, BO-105 CB-2, BO-105 CB-4, BO-105S, BO-105 CS-2, BO-105 CBS-2, B0-105 CBS-4, and BO-105LS A-1 Helicopters [Docket No. 2002-SW-07-AD; Amendment 39-12794; AD 2002-13-06] (RIN: 2120-AA64) received July 25, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8719. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Eurocopter France Model SA330F, G, J, and AS332C, L, and L1 Helicopters [Docket No. 2002-SW-34-AD; Amendment 39-12786; AD 2002-12-14] (RIN: 2120-AA64) received July 25, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8720. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Teledyne Continental Motors [Docket No. 2000-NE-19-AD; Amendment 39-12792; AD 2002-13-04] (RIN: 2120-AA64) received July 25, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8721. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone; Chelsea River Safety Zone for McArdle Bridge Repairs, Chelsea River, East Boston, Massachusetts [CGD01-02-096] (RIN: 2115-AA97) received July 26, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8722. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Drawbridge Operation Regulations; Flagler Memorial, Atlantic Intracoastal Waterway, Palm Beach, Palm Beach County, FL [CGD07-02-094] received July 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8723. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone: Vessel Launches, Bath Iron Works, Kennebec River, Bath, Maine [CGD01-01-155] (RIN: 2115-AA97) received July 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8724. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Security Zones; Captain of the Port Milwaukee Zone, Lake Michigan [CGD09-02-007] (RIN: 2115-AA97) received July 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8725. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone; North Pacific Ocean, Gulf of the Farallones, Offshore

of San Francisco, CA [COTP San Francisco Bay 02-008] (RIN: 2115-AA97) received July 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8726. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Drawbridge Operation Regulations: Hackensack River, NJ [CGD01-02-077] received July 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8727. A letter from the FHWA Regulations Officer, Department of Transportation, transmitting the Department's final rule — Planning and Research Program Administration [FHWA Docket No. FHWA-2001-8874] (RIN: 2125-AE84) received July 18, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8728. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Security Zones, Naval Submarine Base Bangor and Naval Submarines, Puget Sound and Strait of Juan De Fuca, WA [CGD13-01-015] (RIN: 2115-AA97) received July 18, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8729. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety and Security Zones; Portsmouth Harbor, Portsmouth, New Hampshire [CGD01-01-192] (RIN: 2115-AA97) received July 11, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8730. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety and Security Zones; Pilgrim Nuclear Power Plant, Plymouth, Massachusetts [CGD01-02-002] (RIN: 2115-AA97) received July 11, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8731. A letter from the FHWA Regulations Officer, Department of Transportation, transmitting the Department's final rule — State Certification of Size and Weight Enforcement [FHWA Docket No. FHWA-97-2219; 9328] (RIN: 2125-AC60) received July 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8732. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Security Zone: Port Valdez and Valdez Narrows, Valdez, Alaska [COTP Prince William Sound 02-011] (RIN: 2115-AA97) received July 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8733. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Security Zones; Captain of the Port Houston-Galveston Zone [COTP Houston-Galveston-02-011] (RIN: 2115-AA97) received July 11, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8734. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Security Zones; Lower Mississippi River, Southwest Pass Sea Buoy to Mile Marker 96.0, New Orleans, Louisiana [COTP New Orleans -02-004] (RIN: 2115-AA97) received July 11, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8735. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Drawbridge Operating Regulation; Bonfouca Bayou, LA [CGD08-02-013] received July 11, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8736. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone; North Pacific Ocean, Gulf of the Farallones, Offshore of San Francisco, CA [COTP San Francisco Bay 02-008] (RIN: 2115-AA97) received July 11, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8737. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Security Zone; Upper Mississippi River, Mile Marker 507.3 to 506.3, Left Descending Bank, Cordova, IL [COTP St. Louis-02-003] (RIN: 2115-AA97) received July 16, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8738. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Security Zone; Missouri River, Mile Marker 646.0 to 645.6, Fort Calhoun, Nebraska [COTP St. Louis-02-001] (RIN: 2115-AA97) received July 16, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8739. A letter from the Chief, Regulations and Administrative Law, Department of Transportation, transmitting the Department's final rule — Security Zones; San Francisco Bay, San Francisco, CA [COTP San Francisco Bay 01-012] (RIN: 2115-AA97) received July 16, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8740. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Security Zones; Captain of the Port Toledo Zone, Lake Erie [CGD09-02-011] (RIN: 2115-AA97) received July 16, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8741. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Limited Service Domestic Voyage Load Lines for River Barges on Lake Michigan [USCG-1998-4623] (RIN: 2115-AF38) received July 16, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8742. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Security Zone; Waters Adjacent to San Onofre, San Diego County, CA [COTP San Diego 02-015] (RIN: 2115-AA97) received July 16, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8743. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Security Zones; Captain of the Port Detroit Zone, Selfridge Air National Guard Base, Lake St. Clair [CGD09-02-004] (RIN: 2115-AA97) received July 26, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8744. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone; Charles' Engagement Fireworks Display, Black Point, CT [CGD01-02-061] (RIN: 2115-AA97) received July 11, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8745. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone; Swimming Across San Juan Harbor, San Juan, Puerto Rico [COTP San Juan-02-049] (RIN: 2115-AA97) received July 11, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8746. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone; Fore River Channel — Weymouth Fore River — Weymouth, Massachusetts [CGD01-02-031] (RIN: 2115-AA97) received July 11, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8747. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone; Portland Harbor, Oilrig Construction Project [CGD01-02-064] (RIN: 2115-AA97) received July 11, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8748. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone; Carquinez Strait, Vallejo and Crockett, California [COTP San Francisco Bay 02-003] (RIN: 2115-AA97) received July 21, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8749. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone; Offshore Gran Prix Powerboat Race, Long Beach, California [COTP Los Angeles-Long Beach 02-011] (RIN: 2115-AA97) received July 11, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8750. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone; Chesapeake Bay, Hampton Roads, James River, VA [CGD05-02-033] (RIN: 2115-AA97) received July 11, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8751. A letter from the Attorney, Research and Special Programs Administration, Department of Transportation, transmitting the Department's final rule — Pipeline Safety; Hazardous Liquid Pipeline Accident Reporting Revisions [Docket No. RSPA-01-8663; Amdt. 195-75] (RIN: 2137-AD56) received July 11, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8752. A letter from the Attorney, Research and Special Programs Administration, Department of Transportation, transmitting the Department's final rule — Drug and Alcohol Testing for Pipeline Facility Employees [Docket No. RSPA-00-8417; Amdt. 199-19] (RIN: 2137-AD55) received July 11, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8753. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; St. Ignace, MI [Airspace Docket No. 02-AGL-06] received July 11, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8754. A letter from the Paralegal Specialist, FAA, Department of Transportation,

transmitting the Department's final rule — Establishment of Class E Airspace; Flint, MI [Airspace Docket No. 01-AGL-18] received July 11, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8755. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Mount Vernon, OH [Airspace Docket No. 01-AGL-15] received July 11, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8756. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Washington Court House, OH [Airspace Docket No. 01-AGL-20] received July 11, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8757. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Security Zone: Port Valdez and Valdez Narrows, Valdez, Alaska [COTP Prince William Sound 02-009] (RIN: 2115-AA97) received July 11, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8758. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone; Lake Macatawa Triathlon, Holland, MI [CGD09-02-026] (RIN: 2115-AA97) received July 11, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8759. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Drawbridge Operation Regulations; Saginaw River, MI [CGD09-02-017] (RIN: 2115-AE47) received July 26, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8760. A letter from the Chief, Regulations and Administrative Law. USCG, Department of Transportation, transmitting the Department's final rule — Drawbridge Operation Regulations; Atlantic Intracoastal Waterway, mile 1055.0 at Pompano Beach, Broward County, FL [CGD07-02-098] received August 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8761. A letter from the Attorney, Research and Special Programs Administration, Department of Transportation, transmitting the Department's final rule — Hazardous Materials: Retention of Shipping Papers [Docket No. RSPA-01-10568 (HM-207B)] (RIN: 2137-AC64) received July 11, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8762. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Portsmouth, OH [Airspace Docket No. 01-AGL-16] received July 11, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8763. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Amendment to Class E Airspace; Fremont, NE [Airspace Docket No. 02-ACE-5] received July 11, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8764. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class D Airspace; Rockford, IL; Modification of Class E Airspace; Rockford, IL; Correction [Airspace Docket No. 01-AGL-01] received July 11, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8765. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Honeywell International, Inc. (formerly AlliedSignal Inc., and Textron Lycoming) ALF502 and LF507 Series Turbofan Engines [Docket No. 99-NE-51-AD; Amendment 39-12780; AD 2002-12-08] (RIN: 2120-AA64) received July 11, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8766. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; BAE Systems (Operations) Limited (Jetstream) Model 4101 Airplanes [Docket No. 2001-NM-151-AD; Amendment 39-12773; AD 2002-12-01] (RIN: 2120-AA64) received July 11, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8767. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pratt & Whitney (PW) PW2000 Series Turbofan Engines [Docket No. 98-ANE-61-AD; Amendment 39-12778; AD 2002-12-06] (RIN: 2120-AA64) received July 11, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8768. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bell Helicopter Textron Canada Model 407 Helicopters [Docket No. 2001-SW-54-AD; Amendment 39-12770; AD 2002-11-09] (RIN: 2120-AA64) received July 11, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8769. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Eurocopter France Model AS332L2 Helicopters [Docket No. 2001-SW-60-AD; Amendment 39-12774; AD 2002-12-02] (RIN: 2120-AA64) received July 11, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8770. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Eurocopter France Model AS332L2 Helicopters [Docket No. 2001-SW-63-AD; Amendment 39-12775; AD 2002-12-03] (RIN: 2120-AA64) received July 11, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8771. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 757-200, -200CB, and -200PF; and 767-200, -300, and -300F Series Airplanes [Docket No. 2001-NM-75-AD; Amendment 39-12776; AD 2002-12-04] (RIN: 2120-AA64) received July 11, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8772. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model MD-90-30 Airplanes [Docket No. 2001-NM-130-AD; Amendment 39-12782; AD 2002-12-10] (RIN: 2120-AA64) received July 11, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8773. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Raytheon Aircraft Company Models E55, E55A, A56TC, 58, 58A, 58P, 58PA, 58TC and 58TCA Airplanes [Docket No. 2001-CE-43-AD; Amendment 39-12768; AD 2002-11-07] (RIN: 2120-AA64) received July 11, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8774. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of the Cincinnati/Northern Kentucky International Airport Class B Airspace Area; KY [Docket No. FAA-2001-10912; Airspace Docket No. 00-AWA-6] (RIN: 2120-AA66) received July 11, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8775. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Revision of Jet Route [Docket No. FAA 2001-10666; Airspace Docket No. ASD 01-ASW-12] received July 11, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8776. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Change Using Agency to Restricted Area R-4305; Lake Superior, MN [Docket No. FAA-2002-12100; Airspace Docket No. 02-AGL-5] (RIN: 2120-AA66) received July 11, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8777. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Temporary Requirements for Notification of Arrival in U.S. Ports [USCG-2001-10689] (RIN: 2115-AG24) received July 18, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8778. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Basic rates and charges on Lake Erie and the navigable waters from Southeast Shoal to Port Huron, MI [USCG-2002-12840] (RIN: 2115-AG46) received July 18, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8779. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Revised Options for Responding to Notices of Violations [USCG-2001-9175] (RIN: 2115-AG15) received July 16, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8780. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Protection of Naval Vessels [LANT AREA-02-001] (RIN: 2115-AG33) received July 18, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8781. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Transition to an All Stage 3 Fleet Operating in the 48 Contiguous United States and the District of Columbia [Docket No. FAA-2002-12771; Amendment No. 91-276] (RIN: 2120-AH41) received July 25, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8782. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 727 Series Airplanes [Docket No. 2001-NM-233-AD;

Amendment 39-12785; AD 2002-12-13] (RIN: 2120-AA64) received August 23, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8783. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A300; A300 B4-600, B4-600R, and F4-600R (Collectively Called A300-600); and A310 Series Airplanes [Docket No. 2002-NM-75-AD; Amendment 39-12686; AD 2002-06-09] (RIN: 2120-AA64) received August 23, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8784. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737-600, -700, -800, and -900 Series Airplanes [Docket No. 2002-NM-127-AD; Amendment 39-12820; AD 2002-14-20] (RIN: 2120-AA64) received August 23, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8785. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 767-300 Series Airplanes Equipped with Rolls Royce RB211-524H Series Engines [Docket No. 2002-NM-108-AD; Amendment 39-12802; AD 2002-14-02] (RIN: 2120-AA64) received August 23, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8786. A letter from the Chief Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Special Local Regulations for Marine Events; Atlantic Ocean, Atlantic City, New Jersey [CGD05-02-059] (RIN: 2115-AE46) received August 21, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8787. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model MD-11 and -11F Airplanes [Docket No. 2002-NM-168-AD; Amendment 39-12803; AD 2002-14-03] (RIN: 2120-AA64) received August 23, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8788. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. [Docket No. 2002-NM-129-AD; Amendment 39-12823; AD 2002-14-23] (RIN: 2120-AA64) received August 23, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8789. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Turbomeca S.A. Arriel Models 1A, 1A1, 1B, 1D, and 1D1 Turboshaft Engines [Docket No. 2001-NE-35-AD; Amendment 39-12826; AD 2002-14-26] (RIN: 2120-AA64) received August 23, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8790. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Hamilton Sundstrand Corporation Model 568F-1 Propellers [Docket No. 2002-NE-02-AD; Amendment 39-12831; AD 2002-15-03] (RIN: 2120-AA64) received August 23, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8791. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Hamilton Sundstrand power Systems (formerly Sundstrand Power Systems, Turbomach, and Solar) (T-62T Series Auxiliary Power Units [Docket No. 2002-NE-01-AD; Amendment 39-12830; AD 2002-15-02] (RIN: 2120-AA64) received August 23, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8792. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-135 AND -145 Series Airplanes [Docket No. 2002-NM-131-AD; Amendment 39-12825; AD 2002-14-25] (RIN: 2120-AA64) received August 23, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8793. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Glaser-Dirks Flugzeugbau GmbH Models DG-400 and DG-800A Sailplanes [Docket No. 2002-CE-12-AD; Amendment 39-12818; AD 2002-14-18] (RIN: 2120-AA64) received August 23, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8794. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model DC-10-10, -10F, -15, -30, -30F, -30F (KC10A and KDC-10), -40, and -40F Airplanes; Model MD-10-10F and -30F Airplanes; and Model MD-11 and -11F Airplanes [Docket No. 2001-NM-46-AD; Amendment 39-12798; AD 2002-13-10] (RIN: 2120-AA64) received August 23, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8795. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model DC-9-10, -30, -30F, and -40 Series Airplanes, and Model C-9 Airplanes [Docket No. 2002-NM--36-AD; Amendment 39-12800; AD 2002-13-12] (RIN: 2120-AA64) received August 23, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8796. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Eurocopter France Model AS332L and AS332L1 Helicopters [Docket No. 2001-SW-46-AD; Amendment 39-12801; AD 2002-14-01] (RIN: 2120-AA64) received August 23, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8797. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pratt & Whitney JT8D-200 Series Turbofan Engines [Docket No. 98-ANE-43-AD; Amendment 39-12797; AD 2002-13-09] (RIN: 2120-AA64) received August 23, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8798. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model MD-11 and -11F Airplanes [Docket No. 2001-NM-65-AD; Amendment 39-12811; AD 2002-14-11] (RIN: 2120-AA64) received August 23, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8799. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model MD-11 and -11F Airplanes [Docket No. 2001-NM-61-AD; Amendment 39-12808; AD 2002-14-08] (RIN: 2120-AA64) received August 23, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8800. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model MD-11 and -11F Airplanes Equipped with United Technologies Pratt & Whitney Engines [Docket No. 2001-NM-64-AD; Amendment 39-12810; AD 2002-14-10] (RIN: 2120-AA64) received August 23, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8801. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model MD-11 and -11F Airplanes [Docket No. 2001-NM-60-AD; Amendment 39-12807; AD 2002-14-07] (RIN: 2120-AA64) received August 23, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8802. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model MD-11 and -11F Airplanes Equipped with General Electric Tail Engine Buildup Units (EBU) [Docket No. 2001-NM-159-AD; Amendment 39-12814; AD 2002-14-14] (RIN: 2120-AA64) received August 23, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8803. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model MD-11 and -11F Airplanes [Docket No. 2001-NM-157-AD; Amendment 39-12812; AD 2002-14-12] (RIN: 2120-AA64) received August 23, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8804. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model MD-11 and -11F Airplanes [Docket No. 2001-NM-158-AD; Amendment 39-12813; AD 2002-14-13] (RIN: 2120-AA64) received August 23, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8805. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model MD-11 and MD-11F Airplanes [Docket No. 2001-NM-63-AD; Amendment 39-12809; AD 2002-14-09] (RIN: 2120-AA64) received August 23, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8806. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model 717-200 Airplanes [Docket No. 2001-NM-244-AD; Amendment 39-12816; AD 2002-14-16] (RIN: 2120-AA64) received August 23, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8807. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rockwell Collins, Inc. ADC-85, ADC-85A, ADC-850D, and ADC-850F Air Data Computers [Docket No. 2000-CE-14-AD; Amendment 39-12819; AD 2002-14-19] (RIN: 2120-AA64) received August 23, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8808. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pilatus Aircraft Ltd. Models PC-12 and PC-12/45 Airplanes [Docket No. 2001-CE-44-AD; Amendment 39-12822; AD 2002-14-22] (RIN: 2120-AA64) received August 23, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8809. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737-600, -700, and -800 Series Airplanes [Docket No. 2000-NM-367-AD; Amendment 39-12821; AD 2002-14-21] (RIN: 2120-AA64) received August 23, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8810. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Notification of Arrival: Addition of Charterer to Required Information [USCG-2001-8659] (RIN: 2115-AG06) received August 21, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8811. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Traffic Separation Scheme: In Prince William Sound, Alaska [USCG-2001-10254] (RIN: 2115-AG20) received August 21, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8812. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Security Zones; Captain of the Port Chicago Zone, Lake Michigan [CGD09-02-001] (RIN: 2115-AA97) received August 21, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8813. A letter from the Regulations Officer, FHWA, Department of Transportation, transmitting the Department's final rule — Traffic Control Devices on Federal-Aid and Other Streets and Highways; Color Specifications for Retroreflective Sign and Pavement Marking Materials [FHWA Docket No. FHWA-99-6190] (RIN: 2125-AE67) received August 21, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8814. A letter from the Regulations Officer, FHWA, Department of Transportation, transmitting the Department's final rule — Revision of the Manual on Uniform Traffic Control Devices; Accessable Pedestrian Signals [FHWA Docket No. FHWA-2001-88 46] (RIN: 2125-AE83) received August 21, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8815. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — IFR Altitudes; Miscellaneous Amendments [Docket No. 30318; Amdt. No. 436] received August 23, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8816. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — IFR Altitudes; Miscellaneous Amendments [Docket No. 30318; Amdt. No. 436] received August 23, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8817. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class D Airspace; Marquette, MI; Modification of Class E Airspace; Marquette, MI [Airspace Docket No. 02-AGL-01] received August 23, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8818. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Tecumseh, MI [Airspace Docket No. 02-AGL-02] received August 23, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8819. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Jackson, OH [Airspace Docket No. 02-AGL-03] received August 23, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8820. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone; San Francisco Bay, CA [COTP San Francisco 02-017] received August 21, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8821. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Regulated Navigation Area; Lower Mississippi River Mile 529.8 to 532.3, Greenville, Mississippi [CGD08-02-015] (RIN: 2115-AE84) received July 25, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8822. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30320; Amdt. No. 3014] received July 25, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8823. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Special Local Regulations for Marine Events; Prospect Bay, Kent Island Narrows, Maryland [CGD05-02-049] (RIN: 2115-AE46) received July 25, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8824. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone; Fireworks Display, Columbia River, Astoria, Oregon [CGD13-02-011] (RIN: 2115-AA97) received July 23, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8825. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Drawbridge Operation Regulations; Oklawaha River, Marion County, FL [CGD07-02-008] (RIN: 2115-AE47) received August 6, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8826. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Drawbridge Operation Regulations: Passaic River, NJ [CGD01-02-091] received August 6, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8827. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone; Salem Heritage Days Fireworks, Salem, Massachusetts [CGD1-02-094] (RIN: 2115-AA97) received August 6, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8828. A letter from the Chairman, Federal Maritime Commission, transmitting the Commission's final rule — Financial Responsibility Requirements for Nonperformance of Transportation — Discontinuance of Self-Insurance and the Sliding Scale, and Guarantor Limitations [Docket No. 02-07] received July 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8829. A letter from the Chairman, National Transportation Safety Board, transmitting the Board's correspondence with OMB regarding H.R. 4466, the National Transportation Safety Board Reauthorization Act of 2002, pursuant to 49 U.S.C. 1113; to the Committee on Transportation and Infrastructure.

8830. A letter from the Acting Deputy General Counsel, Small Business Administration, transmitting the Administration's final rule — Small Business Size Regulations; 8(a) Business Development/Small Disadvantaged Business Status Determinations; Rules of Procedure Governing Cases before the Office of Hearings and Appeals (RIN: 3245-AE71) received July 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Small Business.

8831. A letter from the Secretary, Department of Veterans Affairs, transmitting a report covering those cases in which equitable relief was granted in calendar year 2001, pursuant to 38 U.S.C. 210(c)(3)(B); to the Committee on Veterans' Affairs.

8832. A letter from the Deputy General Counsel, Veterans Benefits Administration, Department of Veterans Affairs, transmitting the Department's final rule — Duty Periods; Inactive Duty for Training (RIN: 2900-AL21) received July 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

8833. A letter from the Deputy General Counsel, Veterans Benefits Administration, Department of Veterans Affairs, transmitting the Department's final rule — Monetary Allowances for Certain Children of Vietnam Veterans; Identification of Covered Birth Defects (RIN: 2900-AK67) received July 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

8834. A letter from the Deputy General Counsel, Department of Veterans Affairs, transmitting the Department's final rule — Board of Veterans' Appeals: Rules of Practice-Attorney Fee Matters; Notice of Disagreement Requirement (RIN: 2900-AL25) received July 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

8835. A letter from the Acting Director, Office of Regulatory Law, Veterans Benefits Administration, Department of Veterans Affairs, transmitting the Department's final rule — Schedule for Rating Disabilities; Intervertebral Disc Syndrome (RIN: 2900-AI22) received August 23, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

8836. A letter from the Acting Director, Office of Regulatory Law, Regional Office and Insurance Center, Department of Veterans Affairs, transmitting the Department's final rule — National Service Life Insurance (RIN: 2900-AK43) received August 23, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

8837. A letter from the Deputy General Counsel, Department of Veterans' Affairs, transmitting the Department's final rule — Schedule for rating disabilities; The Skin (RIN: 2900-AF00) received July 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

8838. A letter from the Assistant Secretary, Department of the Treasury, transmitting a report concerning the operations and status of the Civil Service Retirement and Disability Fund and the G-Fund between May 16 and June 28, 2002, pursuant to 5 U.S.C. 8348l(1); to the Committee on Ways and Means.

8839. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Audit Guidance for External Auditors of Qualified Intermediaries (Revenue Procedure 2002-55) received August 21, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8840. A letter from the Chief, Regulations Branch, Department of the Treasury, transmitting the Department's final rule — Manufacturing Substitution Drawback: Duty Apportionment [T.D. 02-38] (RIN: 1515-AD02) received July 18, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8841. A letter from the Acting Chief, Regulations Branch, Department of the Treasury, transmitting the Department's final rule — Administrative Rulings (RIN: 1515-AC56) received August 12, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8842. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's ''Major'' final rule — Medicare Program; Inpatient Rehabilitation Facility Prospective Payment System for FY 2003 [CMS-1205-N] (RIN: 0938-AL22) received July 31, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8843. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule — Medicare Program; Prospective Payment System for Long-Term Care Hospitals: Implementation and FY 2003 Rates (RIN: 0938-AK69) received August 29, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8844. A letter from the Administrator, Office of Workforce Development, Department of Labor, transmitting the Department's final rule — Temporary Extended Unemployment Compensation Act of 2002 — received August 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8845. A letter from the Administrator, Office of Workforce Security, Department of Labor, transmitting the Department's final rule — Unemployment Insurance Program letter No. 39-97, Change 2 — received July 24, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8846. A letter from the Chief, Regulations Branch, Department of Treasury, transmitting the Department's final rule — Elimination of the Tariff-Rate Quotas on Imported Lamb Meat [T.D. 02-36] (RIN: 1515-AD09) received July 11, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8847. A letter from the Chief, Regulations Branch, Department of Treasury, transmitting the Department's final rule — Merchandise Processing Fee Eligible to be Claimed as Unused Merchandise Drawback [T.D. 02-39] (RIN: 1515-AC67) received July 19, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8848. A letter from the Chief, Regulations Branch, U.S. Customs Service, Department of Treasury, transmitting the Department's final rule — Pleasure Vessels of Marshall Islands Entitled to Cruising Licenses [T.D. 02-48] received August 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8849. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Information Reporting for Payments of Interest on Qualified Education Loans; Magnetic Media Filing Requirements for Information Returns [TD 8992] (RIN: 1545-AW67) received July 19, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8850. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Equity Options with Flexible Terms; Qualified Covered Call Treatment [TD 8990] (RIN: 1545-AX66) received July 19, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8851. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Distribution of Stock and Securities of a Controlled Corporation (Rev. Rul. 2002-49) received July 26, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8852. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Information Reporting Requirements for Certain Payments Made on Behalf of Another Person, Payments to Joint Payees, and Payments of Gross Proceeds from Sales Involving Investment Advisors [TD 9010] (RIN: 1545-AW48) received July 26, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8853. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Taxable Years of Partner and Partnership; Foreign Partners [TD 9009] (RIN: 1545-AY66) received July 24, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8854. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Department's final rule — Depreciation of Tires (Rev. Proc. 2002-27) received July 24, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8855. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Reporting Requirements [Notice 2002-24] received July 24, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8856. A letter from the Chief, Regulation Unit, Internal Revenue Service, transmitting the Service's final rule — Examination of returns and claims for refund, credit or abatement; determination of correct tax liability (Rev. Proc. 2002-26) received July 24, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8857. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Weighted Average Interest Rate Update [Notice 2002-28] received July 24, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8858. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Appeals Settlement Guidelines Petroleum Industry — received July 24, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8859. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Appeals Settlement Guidelines Petroleum Industry — received July 24, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8860. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Refund of Mistaken Contributions and Withdrawal Liability Payments [REG-209481-80] (RIN: 1545-BA87) received July 23, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8861. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Guidance Under Subpart F Relating to Partnerships [TD 9008] (RIN: 1545-AY45) received July 23, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8862. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Tax-free sale of articles for use by the purchaser as supplies for vessels or aircraft (Rev. Rul. 2002-50) received July 23, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8863. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Coordinated Issue Petroleum Industry Replacement of Underground Storage Tanks at Retail Gasoline Stations (UIL: 263.23-00) received July 11, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8864. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Anti-abuse rules and Authority of Commissioner (Rev. Proc. 2002-31) received July 19, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8865. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Guidance Necessary to Facilitate Electronic Tax Administration [TD 8989] (RIN: 1545-AY56) received July 19, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8866. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Guidance Necessary to Facilitate Electronic Tax Administration [REG-107184-00] (RIN: 1545-AY04) received July 19, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8867. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Examination of returns and claims for refund, credit or abatement; determination of correct tax liability (Rev. Proc. 2002-33) received July 19, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8868. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Real Estate Mortgage Investment Conduits [TD 9004] (RIN: 1545-AW98) received July 18, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8869. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Compromise of Tax Liabilities [TD 9007] (RIN: 1545-AW87) received July 19, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8870. A letter from the Chief, Regulations Unit, USCG, Internal Revenue Service, transmitting the Service's final rule — Notice to Interested Parties [TD 9006] (RIN: 1545-AY68) received July 19, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8871. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Limitations on passive activity losses and credits —— Treatment of self-charged items of income and expense [TD 9013] (RIN: 1545-AN64) received August 21, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8872. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting

the Service's final rule — 2002 Section 43 Inflation Adjustment [Notice 2002-53] received July 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8873. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — 2002 Marginal Production Rates [Notice 2002-54] received July 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8874. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Determination of Issue Price in the Case of Certain Debt Instruments Issued for Property (Rev. Rul. 2002-53) received August 21, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8875. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Low Income Housing Credit — received August 21, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8876. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Split-Dollar Life Insurance Arrangements [Notice 2002-59] received August 21, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8877. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Election to Include in Gross Income Gain on Assets held on January 1, 2001 [Notice 2002-58] received August 16, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8878. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Furnishing Identifying Number of Income Tax Return Preparer [TD 9014] (RIN: 1545-AX27) received August 16, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8879. A letter from the Chief, Regulations Unit, Internal Service Revenue, transmitting the Service's final rule — Regulations Governing Practice Before the Internal Revenue Service [TD 9011] (RIN: 1545-AY05) received July 26, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8880. A letter from the transmitting the Service's final rule — Election to Include in Gross Income Gain on Assets held on January 1, 2001 [Notice 2002-58] received August 16, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8881. A letter from the Under Secretary, Department of Defense, transmitting the Department's letter regarding a report required under Public Law 107-117, the Defense Appropriations Act of 2002; jointly to the Committees on Armed Services and Appropriations.

8882. A letter from the Deputy Secretary, Department of Defense, transmitting the Department's report on international assistance for the elimination of Russia's chemical weapons, pursuant to Public Law 106-398, Section 1309(b), the National Defense Authorization Act for FY 2001; jointly to the Committees on Armed Services and International Relations.

8883. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule — Medicare Program; End-Stage Renal Disease: Removing of Waiver of Conditions for Coverage under a State of Emergency in the Houston, Texas Area [CMS-3074-F2] (RIN: 0938-AK98) received July 25, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

8884. A letter from the Secretary, Department of Health and Human Services, transmitting a report that the Department of Health and Human Services is allocating emergency funds made available under section 2604(g) of the Low-Income Home Energy Assistance Act of 1981, pursuant to 42 U.S.C. 8623(g); jointly to the Committees on Energy and Commerce and Education and the Workforce.

8885. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's ''Major'' final rule — Medicare Program; Medicare-Endorsed Prescription Drug Card Assistance Initiative (RIN: 0938-AL25) received August 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

8886. A letter from the Chairperson, United States Commission on Civil Rights, transmitting the Commission's report entitled ''Funding Federal Civil Rights Enforcement: 2000-2003,'' pursuant to 42 U.S.C. 1975a(c); jointly to the Committees on the Judiciary and Education and the Workforce.

8887. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's ''Major'' final rule — Medicare Program; Changes to the Hospital Impatient Prospective Payment Systems and Fiscal Year 2003 Rates [CMS-1203-F] (RIN: 0938-AL23) received July 31, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Energy and Commerce.

8888. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule — Medicare Program; Prospective Payment System and Consolidated Billing for Skilled Nursing Facilities — Update — Notice[CMS-1202-N] (RIN: 0938-AL20) received July 31, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Energy and Commerce.

8889. A letter from the Director, National Science Foundation, transmitting an annual report from the National Oceanographic Partnership Program (NOPP), National Ocean Research Leadership Council (NORLC); jointly to the Committees on Armed Services, Resources, and Science.

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. YOUNG of Alaska: Committee on Transportation and Infrastructure. H.R. 4727. A bill to reauthorize the national dam safety program, and for other purposes; with an amendment (Rept. 107–626). Referred to the Committee of the Whole House on the State of the Union.

Mr. HANSEN: Committee on Resources. H.R. 2099. A bill to amend the Omnibus Parks and Public Lands Management Act of 1996 to provide adequate funding authorization for the Vancouver National Historic Reserve; with an amendment (Rept. 107–627). Referred to the Committee of the Whole House on the State of the Union.

Mr. HANSEN: Committee on Resources. H.R. 2534. A bill to authorize the Secretary of the Interior to conduct a special resource study of the Lower Los Angeles River and San Gabriel River watersheds in the State of California, and other purposes; with an amendment (Rept. 107–628). Referred to the Committee of the Whole House on the State of the Union.

Mr. HANSEN: Committee on Resources. H.R. 2534. A bill to authorize the Secretary of the Interior, through the Bureau of Reclamation, to construct the Jicarilla Apache Nation Municipal Water Delivery and Wastewater Collection Systems in the State of New Mexico, and other purposes; with an amendment (Rept. 107–629). Referred to the Committee of the Whole House on the State of the Union.

Mr. HANSEN: Committee on Resources. H.R. 3407. A bill to amend the Indian Financing Act of 1974 to improve the effectiveness of the Indian loan guarantee and insurance program; with an amendment (Rept. 107–630). Referred to the Committee of the Whole House on the State of the Union.

Mr. HANSEN: Committee on Resources. H.R. 3449. A bill to revise the boundaries of the George Washington Birthplace National Monument, and for other purposes (Rept. 107–631). Referred to the Committee of the Whole House on the State of the Union.

Mr. HANSEN: Committee on Resources. H.R. 3534. A bill to provide for the settlement of certain land claims of Cherokee, Choctaw, and Chickasaw Nations to the Arkansas Riverbed in Oklahoma; with an amendment (Rept. 107–632). Referred to the Committee of the Whole House on the State of the Union.

Mr. HANSEN: Committee on Resources. H.R. 4638. A bill to reauthorize the Mni Wiconi Rural Water Supply Project (Rept. 107–633). Referred to the Committee of the Whole House on the State of the Union.

Mr. HANSEN: Committee on Resources. H.R. 4682. A bill to revise the boundary of the Allegheny Portage Railroad National Historic Site, and for other purposes (Rept. 107–634). Referred to the Committee of the Whole House on the State of the Union.

Mr. HANSEN: Committee on Resources. H.R. 4739. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the design, planning, and construction of a project to reclaim and reuse wastewater within and outside of the service area of the City of Austin Water and Wastewater Utility, Texas (Rept. 107–635). Referred to the Committee of the Whole House on the State of the Union.

Mr. HANSEN: Committee on Resources. H.R. 4917. A bill to provide for an exchange of lands with the United Water Conservation District of California to eliminate private inholdings in the Los Padres National Forest, and for other purposes (Rept. 107–636). Referred to the Committee of the Whole House on the State of the Union.

Mr. HANSEN: Committee on Resources. H.R. 4953. A bill to direct the Secretary of the Interior to grant to Deschutes and Crook Counties in the State of Oregon a right-of-way to West Butte Road; with an amendment (Rept. 107–637). Referred to the Committee of the Whole House on the State of the Union.

Mr. HANSEN: Committee on Resources. S. 238. An act to authorize the Secretary of the Interior to conduct feasibility studies on water optimization in the Burnt River basin, Malheur River basin, Owyhee River basin, and Powder River Basin, Oregon (Rept. 107–638). Referred to the Committee of the Mobile House on the State of the Union.

Mr. HANSEN: Committee on Resources. S. 1105. An act to provide for the expeditious completion of the acquisition of State of Wyoming lands within the boundaries of Grand Teton National Park, and for other purposes (Rept. 107–639). Referred to the Committee of the Whole House on the State of the Union.

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 3995. A bill to amend and extend certain laws relating to housing and community opportunity and for other purposes (Rept. 107–640 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:

[The following action occurred on August 31, 2002]

H.R. 5259. Referral to the Committee on the Budget extended for a period ending not later than September 13, 2002.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. KOLBE:

H.R. 5316. A bill to establish a user fee system that provides for an equitable return to the Federal Government for the occupancy and use of National Forest System lands and facilities by organizational camps that serve the youth and disabled adults of America, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jusdiction of the committee concerned.

By Mr. FOLEY (for himself, Ms. KAPTUR, Mr. BACHUS, Mr. TOWNS, Mr. GREENWOOD, Ms. BROWN of Florida, Mr. HASTINGS of Florida, Mrs. TAUSCHER, Mrs. MCCARTHY of New York, Mr. MCGOVERN, Mr. TIBERI, Mr. HAYES, Mr. BROWN of Ohio, Mr. SCHROCK, Mr. BORSKI, Mr. GRAHAM, Mr. KENNEDY of Minnesota, Mr. MORAN of Virginia, Mr. BOYD, Mr. THOMPSON of California, Mr. GRUCCI, and Mr. KELLER):

H.R. 5317. A bill to develop, coordinate, and improve the AMBER Alert communications network throughout the country; to the Committee on the Judiciary, and in addition to the Committee on Transportation and Infrastructure, 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. DUNCAN:

H.R. 5318. A bill to provide for an exchange of certain private property in Colorado and certain Federal property in Utah; to the Committee on Resources.

By Mr. MCINNIS (for himself, Mr. HANSEN, Mr. SHADEGG, Mr. YOUNG of Alaska, Mr. RADANOVICH, Mr. DUNCAN, Mr. PETERSON of Pennsylvania, Mr. SIMPSON, Mr. TANCREDO, Mr. SOUDER, Mr. HAYWORTH, Mr. GALLEGLY, Mr. HERGER, Mr. OTTER, Mr. HASTINGS of Florida, Mrs. CUBIN, Mr. HEFLEY, Mr. GIBBONS, Mr. POMBO, and Mr. DOOLITTLE):

H.R. 5319. A bill to improve the capacity of the Secretary of Agriculture and the Secretary of the Interior to expeditiously address wildfire prone conditions on National Forest System lands and other public lands that threaten communities, watersheds, and other at-risk landscapes through the establishment of expedited environmental analysis procedures under the National Environmental Policy Act of 1969, to establish a predecisional administrative review process for the Forest Service, to expand fire management contracting authorities, to authorize appropriations for hazardous fuels reduction projects, and for other purposes; to the Committee on Resources, and in addition to the Committee on Agriculture, 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.R. 5320. A bill making appropriations for the Department of Labor, Health and Human Services, and Education, related agencies for the fiscal year ending September 30, 2003, and for other purposes; to the Committee on Appropriations.

By Mr. BOSWELL (for himself and Mr. LEACH):

H.R. 5321. A bill to improve the provision of health care in all areas of the United States; 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. CANTOR:

H.R. 5322. A bill to limit the period of validity of driver's licenses and State identifcation cards issued to nonimmigrant aliens to the period of validity of nonimmigrant visas; to the Committee on the Judiciary.

By Mr. COX (for himself, Mr. ISTOOK, Mr. KERNS, Mr. OTTER, and Mr. WILSON of South Carolina):

H.R. 5323. A bill to amend the Internal Revenue Code of 1986 to eliminate the double taxation of dividends; to the Committee on Ways and Means.

By Mr. CUNNINGHAM:

H.R. 5324. A bill to amend title 39, United States Code, relating to rural mail service in the State of Alaska; to the Committee on Government Reform.

By Mrs. DAVIS of California:

H.R. 5325. A bill to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to require that group and individual health insurance coverage and group health plans provide coverage for second opinions; to the Committee on Energy and Commerce, and in addition to the Committees on Education and the Workforce, and 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. FROST (for himself, Ms. DUNN, Mr. LAMPSON, Mr. CONYERS, Mr. ROYCE, Mr. MATHESON, Ms. GRANGER, Mr. MOORE, Mrs. ROUKEMA, Ms. HOOLEY of Oregon, Mr. MARKEY, Mr. SHOWS, Mr. WYNN, Mr. BARR of Georgia, Mr. LYNCH, Mrs. MALONEY of New York, Mr. BACHUS, Mr. MALONEY of Connecticut, Mr. REYES, Mr. CALVERT, Mr. PALLONE, Mr. EHRLICH, Ms. MCCARTHY of Missouri, Mr. HOLT, Mr. STRICKLAND, Mr. LANGEVIN, Mr. ENGEL, Mr. CRAMER, Mr. HOLDEN, Mr. POMEROY, Mr. WEXLER, Mr. SMITH of New Jersey, Mr. STUPAK, Ms. JACKSON-LEE of Texas, Mr. LUTHER, Mr. RAMSTAD, Mr. WOLF, Mr. LARSON of Connecticut, Mrs. BIGGERT, Mr. LARSEN of Washington, Mr. ROSS, Mr. PHELPS, Mr. LUCAS of Kentucky, Mr. STENHOLM, Mr. EDWARDS, Mr. FORD, Mr. MENENDEZ, Ms. ROYBAL-ALLARD, Mr. CLEMENT, Mr. TURNER, Mr. SPRATT, Mr.FRELINGHUYSEN, and Mr. POMBO):

H.R. 5326. A bill to enhance the operation of the AMBER Alert communications network in order to facilitate the recovery of abducted children, to provide for enhanced notification on highways of alerts and information on such children, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Transportation and Infrastructure, 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. GIBBONS:

H.R. 5327. A bill to direct the Secretary of Agriculture to convey certain land in the Lake Tahoe Basin Management Unit, Nevada, to the Secretary of the Interior, in trust for the Washoe Indian Tribe of Nevada and California; to the Committee on Resources.

By Mr. GIBBONS:

H.R. 5328. A bill to direct the Secretary of Agriculture to convey certain land to Lander County, Nevada, and the Secretary of the Interior to convey certain land to Eureka County, Nevada, for continued use as cemeteries; to the Committee on Resources.

By Mr. GOODLATTE:

H.R. 5329. A bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act with respect to public health pesticides; to the Committee on Agriculture.

By Mr. ISRAEL:

H.R. 5330. A bill to amend the September 11th Victim Compensation Fund of 2001 to exclude monthly Social Security survivor benefits and Social Security lump sum death benefit as collateral sources; to the Committee on the Judiciary.

By Mr. KENNEDY of Minnesota (for himself and Mr. BOEHNER):

H.R. 5331. A bill to amend the General Education Provisions Act to clarify the definition of a student regarding family educational and privacy rights; to the Committee on Education and the Workforce.

By Mr. LYNCH:

H.R. 5332. A bill to provide for a pilot program to be conducted by the Department of Veterans Affairs to assess the benefits of providing for pharmacies of the Department of Veterans Affairs to fill prescriptions for drugs and medicines written by private physicians; to the Committee on Veterans' Affairs.

By Mr. MCGOVERN (for himself, Mr. MARKEY, Mr. FRANK, Mr. NEAL of Massachusetts, Mr. OLVER, Mr. MEEHAN, Mr. DELAHUNT, Mr. TIERNEY, Mr. CAPUANO, and Mr. LYNCH):

H.R. 5333. A bill to designate the facility of the United States Postal Service located at 4 East Central Street in Worcester, Massachusetts, as the ''Joseph D. Early Post Office Building''; to the Committee on Government Reform.

By Mr. GIBBONS (for himself, Mr. MURTHA, Mrs. CUBIN, Mr. HOLDEN, and Mr. MATHESON):

H. Con. Res. 459. Concurrent resolution recognizing rescue crews for their outstanding effort and cooperation resulting in the safe rescue on July 27, 2002, of trapped miners Randy Fogle, Thomas Foy, Harry B. Mayhugh, John Unger, John Phillippi, Ronald Hileman, Dennis Hall, Robert Pugh, and Mark Popernack and the miners for their stamina and courage; to the Committee on Education and the Workforce.

By Mr. LAHOOD:

H. Con. Res. 460. Concurrent resolution expressing the sense of Congress regarding the use of force against Iraq; to the Committee on International Relations.

By Mr. RYUN of Kansas (for himself, Mr. EVANS, Mr. REYES, Mr. SMITH of New Jersey, Mr. SIMPSON, and Mr. TIAHRT):

H. Con. Res. 461. Concurrent resolution expressing the sense of Congress that the President should posthumously award the Presidential Medal of Freedom to Harry W. Colmery; to the Committee on Government Reform.

By Mrs. NORTHUP:

H. Res. 516. A resolution congratulating the Valley Sports American Little League baseball team from Louisville, Kentucky, for their outstanding performance in the Little League World Series; to the Committee on Government Reform.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

359. The SPEAKER presented a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No. 293 memorializing the United States Congress and the Food and Drug Administration to provide for an independent review and analysis of generic drugs submitted for pproval; to the Committee on Energy and Commerce.

360. Also, a memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to House Resolution No. 632 memorializing the United States Congress to include a representation of Sojourner Truth in the Portrait Monument honoring the women's suffrage movement in the Rotunda of the United States Capitol; to the Committee on House Administration.

361. Also, a memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to House Resolution No. 638 memorializing the United States Congress to defend the constitutionality of the Pledge of Allegiance by passing a constitutional amendment to allow the Pledge of Allegiance to be recited at all public events and in all public institutions; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 13: Mr. MALONEY of Connecticut.
H.R. 68: Mr. ROSS.
H.R. 80: Mr. SIMMONS.
H.R. 81: Mr. CARSON of Oklahoma.
H.R. 82: Mr. SIMMONS.
H.R. 116: Mr. BENTSEN, Mr. SCHIFF, Mr. FATTAH, and Ms. DELAURO.
H.R. 218: Mr. PHELPS and Mr. MEEHAN.
H.R. 239: Mr. ISRAEL, Mr. FARR of California, and Mr. FRANK.
H.R. 267: Mr. GRAVES.
H.R. 389: Mr. KILDEE.
H.R. 415: Mr. HASTINGS of Florida.
H.R. 488: Ms. MCCARTHY of Missouri, Mr. REYES, and Mr. DEUTSCH.
H.R. 632: Mr. FERGUSON, Mr. HOEFFEL, Mr. HALL of Texas, Mr. BISHOP, Mrs. CLAYTON, and Mr. DEUTSCH.
H.R. 633: Mr. GUTIERREZ.
H.R. 638: Ms. WATSON and Mr. DAVIS of Illinois.
H.R. 758: Mr. ISRAEL.
H.R. 778: Mr. MATSUI.
H.R. 781: Mr. SPRATT.
H.R. 817: Mr. MCNULTY AND MR. POMEROY.
H.R. 840: Mr. POMEROY, Mr. GILCHREST, Ms. WOOLSEY, Mr. CARDIN, Mr. SPRATT, Mr. GORDON, Mr. LIPINSKI, and Ms. MCKINNEY.
H.R. 952: Mr. PAUL, Ms. DELAURO,and Mr. HOLDEN.
H.R. 953: Mrs. MORELLA.
H.R. 961: Mr. TIERNEY.
H.R. 1073: Mrs. MEEK of Florida.
H.R. 1090: Mr. GOODE, Mr. SULLIVAN, Ms. WATSON, and Mr. WELDON of Pennsylvania.
H.R. 1108: Ms. LEE.
H.R. 1109: Mr. GRAVES.
H.R. 1201: Ms. WATSON.
H.R. 1202: Mr. KNOLLENBERG.
H.R. 1205: Mr. MICA.
H.R. 1255: Mr. KANJORSKI.
H.R. 1280: Mr. MCGOVERN.
H.R. 1295: Mrs. MCCARTHY of New York, Ms. MILLENDER-MCDONALD, Mr. TIAHRT, Mrs. CHRISTENSEN, Mrs. ROUKEMA, and Mr. FILNER.
H.R. 1305: Mr. RADANOVICH.
H.R. 1368: Mr. BROWN of South Carolina.
H.R. 1423: Ms. MILLENDER-MCDONALD, and Ms. CARSON of Indiana.
H.R. 1452: Mr. TIERNEY, Mr. PALLONE, Ms. MILLENDER-MCDONALD, Mr. CLAY, and Mr. MARKEY.
H.R. 1475: Mrs. CAPITO and Mrs. WILSON of New Mexico.
H.R. 1490: Mr. GEORGE MILLER of California, Ms. HOOLEY of Oregon, and Mrs. MALONEY of New York.
H.R. 1556: Mr. MOORE, Mr. RAMSTAD, and Mr. LUTHER.
H.R. 1683: Mr. BENTSEN.
H.R. 1724: Ms. LEE, Mr. TIERNEY, and Mr. RUSH.
H.R. 1733: Mr. STUPAK.
H.R. 1779: Mr. FORD.
H.R. 1810: Mr. DOGGETT.
H.R. 1811: Mr. WILSON of South Carolina.
H.R. 1824: Mrs. MORELLA and Mr. WOLF.
H.R. 1887: Mr. BOEHLERT.
H.R. 1908: Mrs. EMERSON.
H.R. 1982: Mr. SULLIVAN and Mr. PLATTS.
H.R. 2014: Mr. HYDE and Mr. BEREUTER.
H.R. 2098: Mr. HOLDEN, Mr. CROWLEY, Mr. WEXLER, and Mr. OTTER.
H.R. 2117: Mrs. NAPOLITANO and Mr. SCHROCK.
H.R. 2125: Mr. GEORGE MILLER of California, Ms. SOLIS, and Mr. LEACH.
H.R. 2179: Ms. BROWN of Florida, Mr. WATT of North Carolina, Ms. BERKLEY, Ms. CARSON of Indiana, and Mr. FARR of California.
H.R. 2207: Mr. ACEVEDO-VILA, Mr. HYDE, and Mr. SPRATT.
H.R. 2219: Mr. HASTINGS of Florida.
H.R. 2220: Mr. NORWOOD.
H.R. 2255: Mr. PETERSON of Minnesota.
H.R. 2287: Mrs. DAVIS of California.
H.R. 2290: Mr. NEY.
H.R. 2335: Mr. THOMPSON of California.
H.R. 2349: Mr. SNYDER and Mr. ROEMER.
H.R. 2380: Mr. MCDERMOTT.
H.R. 2405: Mr. BLUMENAUER.
H.R. 2482: Mr. MARKEY.
H.R. 2519: Mr. BASS.
H.R. 2592: Mr. CLAY.
H.R. 2615: Mr. NORWOOD.
H.R. 2629: Ms. LEE.
H.R. 2638: Mr. SULLIVAN, Mr. DOGGETT, Mr. GREENWOOD, Mr. EVANS, Mr. GUTIERREZ, and Mr. HOLDEN.
H.R. 2649: Mr. CHAMBLISS and Mr. LATHAM.
H.R. 2663: Mr. HALL of Texas.
H.R. 2677: Mr. MALONEY of Connecticut.
H.R. 2735: Mr. PRICE of North Carolina, Mr. FILNER, Ms. WOOLSEY, and Mr. MANUZULLO.
H.R. 2807: Mr. HOBSON.
H.R. 2874: Mr. CROWLEY, Mr. CALVERT, Mr. ISRAEL, Mr. ALLEN, and Mr. MCDERMOTT.
H.R. 2878: Ms. HOOLEY of Oregon.
H.R. 2908: Mrs. MALONEY of New York and Mr. BORSKI.
H.R. 2953: Mr. FILNER, Mr. ACKERMAN, and Mr. HINCHEY.
H.R. 2955: Mr. ENGEL.
H.R. 3063: Ms. ROYBAL-ALLARD, Mrs. MCCARTHY of New York, Mrs. CHRISTENSEN, Mr. STARK, Mr. ISRAEL, and Mr. FILNER.
H.R. 3183: Mr. BOEHNER, Mr. GORDON, and Mr. WILSON of South Carolina.
H.R. 3193: Ms. DUNN, Ms. HOOLEY of Oregon, Mrs. CLAYTON, Mrs. MALONEY of New York, Ms. MCKINNEY, Mrs. MEEK of Florida, Mr. KILDEE, Ms. SANCHEZ, Mrs. ROUKEMA, Mr. GREEN of Texas, Mrs. JONES of Ohio, Ms. LOFGREN, Mr. BLAGOJEVICH, Mr. ABERCROMBIE, Mrs. MCCARTHY of New York, Mr. CONYERS, Mr. BACHUS, Mr. KIRK, Ms. KAPTUR, Ms. DELAURO, Mr. BALDACCI, Mr. BECERRA, Ms. HARMAN, and Ms. WOOLSEY.
H.R. 3238: Mr. ANDREWS and Mr. HOLDEN.
H.R. 3255: Mr. ANDREWS.
H.R. 3267: Mr. PAYNE.
H.R. 3278: Mr. BACHUS and Mr. CUNNINGHAM.
H.R. 3321: Mr. BAIRD and Mr. RILEY.
H.R. 3363: Mr. SOUDER, Mr. GRAVES, and Mr. WILSON of South Carolina.
H.R. 3413: Mr. GEORGE MILLER of California, and Ms. SCHAKOWSKY.
H.R. 3430: Ms. HOOLEY of Oregon, Mr. KNOLLENBERG, Mr. COOKSEY, Mr. ROGERS of Michigan, and Mrs. NAPOLITANO.
H.R. 3431: Mr. HOEFFEL, Mr. THOMPSON of Mississippi, and Mr. BOUCHER.
H.R. 3450: Mr. CASTLE, Mr. FORD, Mrs. CAPITO, Mr. BERMAN, and Mr. STARK.
H.R. 3469: Mr. SANCHEZ, Ms. HOOLEY of Oregon, Mr. CROWLEY, and Mr. DICKS.
H.R. 3555: Mr. ANDREWS.
H.R. 3572: Mr. HAYWORTH.
H.R. 3584: Ms. HOOLEY of Oregon and Mr. CALVERT.
H.R. 3626: Mr. SHOWS.
H.R. 3686: Mr. AKIN.
H.R. 3695: Mrs. TAUSCHER.
H.R. 3741: Mr. SANDLIN, Mr. KILDEE, and Ms. WATSON.
H.R. 3779: Mr. MORAN of Virginia.
H.R. 3781: Mr. DELAHUNT, Mrs. MCCARTHY of New York, and Mr. WILSON of South Carolina.
H.R. 3794: Mr. LUCAS of Kentucky, Mr. SHOWS, Mrs. CAPPS, Mr. CASTLE, Mr. POMBO, and Mr. NEAL of Massachusetts.
H.R. 3831: Mr. STUPAK and Mr. BLAGOJEVICH.
H.R. 3834: Mr. SAXTON, Mr. TERRY, Mr. ALLEN, Mr. WILSON of South Carolina, Mr. SHOWS, Mr. PICKERING, and Mr. ACKERMAN.
H.R. 3835: Mr. PETERSON of Minnesota.
H.R. 3884: Mr. BACA.
H.R. 3911: Mr. BAIRD.
H.R. 3940: Mr. GORDON.
H.R. 3956: Mr. WAXMAN.
H.R. 3974: Mr. STUPAK, Mr. HINOJOSA, Mr. ENGLISH, Mr. HASTINGS of Florida, and Mr. PETERSON of Minnesota.
H.R. 4001: Mr. LATHAM.
H.R. 4011: Mr. BENTSEN.
H.R. 4014: Mr. TOM DAVIS of Virginia.
H.R. 4018: Mr. MANZULLO, Mr. ACEVEDO-VILA, Mr. DIAZ-BALART, Mr. BLAGOJEVICH, Ms. VELAZQUEZ, and Mr. SANDERS.
H.R. 4032: Ms. LOFGREN, Mrs. MEEK of Florida, Mr. GUTIERREZ, Mr. BACA, and Mr. MCHUGH.
H.R. 4033: Mr. BROWN of Ohio.
H.R. 4036: Mr. FILNER and Mr. PAUL.
H.R. 4060: Mr. DEFAZIO.
H.R. 4066: Mrs. JOHNSON of Connecticut and Mr. SABO.
H.R. 4078: Mr. HONDA.
H.R. 4113: Ms. DELAURO.
H.R. 4210: Ms. ROS-LEHTINEN.
H.R. 4483: Mr. OSE, Ms. CARSON of Indiana, Mr. VELAZQUEZ, Mr. LUTHER, and Mr. BAKER.
H.R. 4515: Mr. DEFAZIO, Mr. RYUN of Kansas, Mr. OLVER, Mr. MURTHA, Mr. WHITFIELD, and Mr. MCGOVERN.
H.R. 4524: Mr. PRICE of North Carolina.
H.R. 4582: Mr. HYDE, Mr. PRICE of North Carolina, and Mr. BAKER.
H.R. 4595: Mr. PASTOR.
H.R. 4599: Mr. BALDACCI, Ms. KILPATRICK, Ms. WATERS, Mr. WEXLER, and Ms. CARSON of Indiana.
H.R. 4600: Ms. GRANGER, Mr. HYDE, Mr. THUNE, and Mr. VITTER.
H.R. 4622: Mr. HERGER, Ms. DUNN, and Mr. TANCREDO.
H.R. 4655: Mr. GUTIERREZ.
H.R. 4665: Ms. DELAURO and Mrs. JOHNSON of Connecticut.
H.R. 4671: Mr. CLAY.
H.R. 4683: Ms. LOFGREN, Mr. SMITH of Washington, Ms. SCHAKOWSKY, and Mr. WAXMAN.

H.R. 4701: Mr. BOUCHER, Mr. ISRAEL, Mr. MCDERMOTT, Mrs. MINK of Hawaii, Mr. SIMMONS, Ms. MCCARTHY of Missouri, Ms. DELAURO, Ms. RIVERS, Mr. SNYDER, Mrs. MEEK of Florida, Ms. ROS-LEHTINEN, Mr. ETHERIDGE, and Mr. BAIRD.

H.R. 4718: Mr. SMITH of Michigan.

H.R. 4728: Mr. LANGEVIN and Ms. KAPTUR.

H.R. 4729: Ms. LEE.

H.R. 4730: Ms. WOOLSEY.

H.R. 4738: Mr. CUNNINGHAM, Mr. BRYANT, and Mr. STRICKLAND.

H.R. 4743: Mr. OBERSTAR, Mr. PAYNE, and Ms. DELAURO.

H.R. 4760: Ms. DELAURO, Mr. WYNN, Mr. TOM DAVIS of Virginia, Mr. MORAN of Virginia, and Mr. MCHUGH.

H.R. 4763: Mr. MICA, Ms. VELAZQUEZ, Mr. NORWOOD, Mr. THORNBERRY, Mr. CANTOR, Mr. DIAZ-BALART, Mr. BROWN of Ohio, Mr. COSTELLO, Mr. MCGOVERN, and Mr. SESSIONS.

H.R. 4777: Mr. WATT of North Carolina and Mr. NEAL of Massachusetts.

H.R. 4778: Mr. CLAY.

H.R. 4783: Mr. SMITH of New Jersey and Mr. LUCAS of Kentucky.

H.R. 4785: Ms. KILPATRICK, Mr. WELLER, Mr. PLATTS, Ms. DEGETTE, and Mr. ENGEL.

H.R. 4793: Mr. BENTSEN, Mr. HAYES, Mr. HASTINGS of Florida, Mr. KING, Ms. JACKSON-LEE of Texas, Mr. SHOWS, Mr. POMEROY, Mr. KENNEDY of Minnesota, Mr. PICKERING, Mr. ENGEL, and Ms. MCCARTHY of Missouri.

H.R. 4804: Mr. WELDON of Florida, Mr. FLAKE, Mr. SCHAFFER, Mr. PICKERING, Mr. BROWN of South Carolina, Mr. FLETCHER, Mr. ISAKSON, Mr. WILSON of South Carolina, and Mr. KOLBE.

H.R. 4831: Mr. GEORGE MILLER of California, Ms. PELOSI, and Mr. STRICKLAND.

H.R. 4865: Mr. LIPINSKI.

H.R. 4872: Mr. PRICE of North Carolina.

H.R. 4880: Mr. MATSUI.

H.R. 4881: Ms. PRYCE of Ohio.

H.R. 4887: Mr. POMEROY and Mr. MATSUI.

H.R. 4909: Mr. KINGSTON.

H.R. 4916: Ms. LOFGREN, Mr. FILNER, Mr. PLATTS, Mrs. MEEK of Florida, Ms. WATSON, and Mr. SANDERS.

H.R. 4927: Mr. ISAKSON.

H.R. 4939: Mr. STUPAK and Mr. MCNULTY.

H.R. 4943: Mr. EHLERS.

H.R. 4950: Mr. ENGLISH and Mr. PITTS.

H.R. 4963: Mr. MCINTYRE, Ms. NORTON, Mrs. MCCARTHY of New York, Mr. MCDERMOTT, Mr. BECERRA, Mr. FORD, Mrs. ROUKEMA, Mr. TOWNS, Mr. BENTSEN, and Mr. CUMMINGS.

H.R. 4964: Mr. RANGEL.

H.R. 4967: Ms. LEE and Ms. LOFGREN.

H.R. 5001: Ms. WATSON.

H.R. 5002: Mr. SHAYS, Mr. MATSUI, and Mr. WAXMAN.

H.R. 5026: Mr. KERNS.

H.R. 5027: Mr. KERNS.

H.R. 5031: Ms. SCHAKOWSKY, Mr. ABERCROMBLE, Mr. HOLT, and Mr. FRANK.

H.R. 5035: Ms. MCCARTHY of Missouri.

H.R. 5036: Mr. SCHIFF, Mr. WEXLER, Mr. FROST, Mrs. MINK of Hawaii, Mr. CUMMINGS, Ms. MILLENDER-MCDONALD, and Mr. MARKEY.

H.R. 5047: Mr. THOMPSON of Mississippi, Mr. STUMP, Mr. BENTSEN, Mr. QUINN, Mr. GOODE, Mr. FRANK, Mr. LATOURETTE, Mr. MEEHAN, Ms. ROYBAL-ALLARD, and Mr. CLEMENT.

H.R. 5052: Mr. WILSON of South Carolina.

H.R. 5064: Mr. LEWIS of Kentucky and Mr. ADERHOLT.

H.R. 5073: Mrs. NAPOLITANO, Mr. HINOJOSA, Mr. FROST, Mr. JACKSON of Illinois, Mr. TOWNS, and Mr. GREEN of Texas.

H.R. 5076: Ms. BROWN of Florida and Mr. LANTOS.

H.R. 5078: Mr. GEORGE MILLER of California.

H.R. 5085: Mr. KOLBE, Mr. ETHERIDGE, Mrs. MINK of Hawaii, Ms. ESHOO, Mr. DEUTSCH, and Mr. FERGUSON.

H.R. 5088: Mr. STARK and Mr. WAXMAN.

H.R. 5089: Mr. PRICE of North Carolina.

H.R. 5107: Mr. OBERSTAR and Mr. GOODE.

H.R. 5112: Mr. BACA.

H.R. 5146: Mr. PASCRELL.

H.R. 5166: Mr. BLUNT.

H.R. 5173: Mr. FILNER.

H.R. 5193: Mr. PITTS, Mr. TIAHRT, Mr. KELLER, and Mr. STUMP.

H.R. 5204: Ms. MILLENDER-MCDONALD, Ms. MCCARTHY of Missouri, Mrs. NAPOLITANO, and Ms. KILPATRICK.

H.R. 5214: Mr. SHADEGG.

H.R. 5224: Mrs. MORELLA.

H.R. 5226: Mr. SHAYS.

H.R. 5227: Mr. POMEROY.

H.R. 5249: Mr. SANDERS and Mr. ALLEN.

H.R. 5250: Mr. FILNER, Mr. WHITFIELD, Mr. SHOWS, Mr. HOEFFEL, Mr. DEFAZIO, Mr. CARSON of Oklahoma, Mr. LYNCH, Mr. MCNULTY, and Mr. HOLDEN.

H.R. 5251: Mr. TOM DAVIS of Virginia.

H.R. 5268: Mr. GREEN of Wisconsin, Mr. COYNE, Mrs. MCCARTHY of New York, Mrs. MORELLA, Mr. MCDERMOTT, Mr. HOLT, Mr. MCNULTY, Ms. ESHOO, Mr. LEWIS of California, Mr. DEUTSCH, Mr. GEORGE MILLER of California, Mr. LYNCH, Mr. SHAYS, Mr. KOLBE, and Mr. BALDACCI.

H.R. 5270: Ms. RIVERS, Mr. MCDERMOTT, Ms. BALDWIN, Ms. ESHOO, Mr. SIMPSON, Ms. LOFGREN, Ms. SLAUGHTER, Mrs. MORELLA, Mr. BERMAN, Mr. BROWN of Ohio, and Mr. BOYD.

H.R. 5279: Mr. DEUTSCH.

H.R. 5280: Mr. BORSKI, Mr. GREENWOOD, Mr. HOLDEN, Mr. MASCARA, Mr. MURTHA, Mr. WELDON of Pennsylvania, Mr. COYNE, and Mr. DOYLE.

H.R. 5281: Mr. STUMP and Mr. TANCREDO.

H.R. 5285: Mr. JOHNSON of Illinois, Mr. ALLEN, Mr. HONDA, Mr. ABERCROMBIE, Mr. BARTLETT of Maryland, Mr. TIBERI, and Mr. KILDEE.

H.R. 5289: Mr. CRANE, Mrs. LOWEY, Mr. HOLT, Mr. JEFFERSON, Mr. PAYNE, Ms. WATSON, Ms. BERKLEY, Mr. OLVER, Mrs. MALONEY of New York, Mr. ABERCROMBIE, Mr. NEAL of Massachusetts, Mr. SAWYER, Mr. MATSUI, Mr. BERMAN, Ms. RIVERS, and Mr. WOLF.

H.R. 5291: Mrs. MINK of Hawaii and Ms. DELAURO.

H.R. 5293: Ms. HOOLEY of Oregon, Mrs. CAPPS, Mr. BACA, and Mr. MCGOVERN.

H.R. 5294: Mrs. LOWEY.

H.R. 5300: Ms. ESHOO.

H.R. 5304: Mr. CROWLEY and Mr. OWENS.

H.R. 5307: Mr. CROWLEY and Mr. HORN.

H.R. 5309: Mr. STUMP and Mr. KOLBE.

H.J. Res. 6: Mr. YOUNG of Florida.

H.J. Res. 23: Mr. VITTER.

H.J. Res. 89: Mr. COX.

H.J. Res. 93: Mr. PETERSON of Minnesota.

H.J. Res. 97: Ms. WATSON, Mr. FATTAH, Mr. FARR of California, Ms. ESHOO, Mr. OLVER, and Mr. WAXMAN.

H.J. Res. 98: Mr. FILNER.

H.J. Res. 106: Mr. GILCREST, Mr. SMITH of New Jersey, and Mr. WHITFIELD.

H. Con. Res. 104: Mr. WEXLER.

H. Con. Res. 164: Ms. SANCHEZ.

H. Con. Res. 181: Mrs. MCCARTHY of New York and Ms. BERKLEY.

H. Con. Res. 189: Mr. FLETCHER.

H. Con. Res. 345: Ms. SANCHEZ, Mr. KNOLLENBERG, and Mr. DIAZ-BALART.

H. Con. Res. 350: Mr. CRANE.

H. Con. Res. 362: Mr. HAYWORTH.

H. Con. Res. 380: Mr. DELAURO.

H. Con. Res. 382: Mr. CAPUANO.

H. Con. Res. 406: Mr. BALLENGER, Mr. DOOLEY of California, Mr. UNDERWOOD, Ms. SANCHEZ, and Mr. OLVER.

H. Con. Res. 438: Ms. EDDIE BERNICE JOHNSON of Texas, Ms. JACKSON-LEE of Texas, Ms. CARSON of Indiana, and Mr. SCHIFF.

H. Con. Res. 458: Mr. ANDREWS.

H. Res. 94: Ms. CARSON of Indiana.

H. Res. 105: Mr. SABO and Ms. NORTON.

H. Res. 117: Mr. ENGEL.

H. Res. 190: Mr. ISAKSON, Mr. CAPUANO, Mr. HONDA, and Mr. OWENS.

H. Res. 259: Mr. TAYLOR of North Carolina.

H. Res. 295: Mr. WELLER, Mr. PLATTS, and Mr. ENGEL.

H. Res. 410: Ms. ROYBAL-ALLARD, Mrs. NORTHUP, and Mr. UDALL of New Mexico.

H. Res. 454: Mr. WEXLER.

H. Res. 484: Mr. STARK, Ms. BERKLEY, Mr. WAMP, Mr. WILSON of South Carolina, Ms. LOFGREN, Mr. LUCAS of Kentucky, Ms. LEE, Mr. GEORGE MILLER of California, Mr. GUTIERREZ, Mrs. CLAYTON, Mr. HOYER, Mr. BENTSEN, and Mr. TURNER.

H. Res. 487: Mr. SCHAFFER, Mr. UNDERWOOD, Mr. WATT of North Carolina, and Mr CAPUANO.

H. Res. 491: Mr. KUCINICH.

H. Res. 499: Mr. ABERCROMBIE, Mr. CROWLEY, Mr. ENGEL, Mr. ISRAEL, Mr. Leach, Mr. LYNCH, Mr. MCGOVERN, Mr. MCNULTY, Mrs. MALONEY of New York, Mr. MARKEY, Mr. NADLER, Mr. NEAL of Massachusetts, Mrs. TAUSCHER, and Mr. WEINER.

H. Res. 504: Ms. SANCHEZ.

H. Res. 512: Mr. INSLEE.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 877: Mr. MCGOVERN.

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 107th CONGRESS, SECOND SESSION

Vol. 148 WASHINGTON, WEDNESDAY, SEPTEMBER 4, 2002 No. 110

Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable E. BENJAMIN NELSON, a Senator from the State of Nebraska.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Dear God, whose presence surrounds us, whose power enables us, whose peace comforts us and whose providence cares for us, we praise You that You are Sovereign of this Nation. The founders of our Nation believed that they derived their powers through You and governed with divinely delegated authority. Through the years of our history, You have raised up great leaders who placed their trust in You and sought Your best for America. Thank You for the Senators who stand in this sacred heritage and prayerfully seek Your will. Continue to grant them humility to ask for Your guidance, the magnanimity to be of one mind and heart as fellow patriots, and the determination to press on to accomplish the urgent work before them. Remind them that millions of Americans are praying for them and that You seek to answer their prayers by renewing their strength and rejuvenating their commitment. Thank You for the women and men of this Senate and for all who work with and for them. Especially today we thank you for the leadership of Sergeant at Arms Alfonso Lenhardt, who today completes this first year of excellent leadership through a challenging time of terrorist attack, anthrax panic, and the ongoing pressures of his crucial assignment as an officer of the Senate. You are our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable E. BENJAMIN NELSON 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, September 4, 2002.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable E. BENJAMIN NELSON, a Senator from the State of Nebraska, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. NELSON of Nebraska thereupon assumed the Chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

DEPARTMENT OF INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2003

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now proceed to the consideration of H.R. 5093. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 5093) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes.

The ACTING PRESIDENT pro tempore. The Senator from West Virginia.

Mr. BYRD. Mr. President, the leadership has been invited to the White House this morning, and therefore this matter will be somewhat delayed until their return.

My distinguished ranking member, Mr. BURNS, is with me, and we are going to proceed with statements on the bill, after which I have two or three technical amendments which make corrections, and with the approval of my ranking member on the other side of the aisle, I shall propose those, and perhaps the Senate can move them, accept them, and get them out of the way.

The first amendment I intend to offer will not be offered until the majority leader and the majority whip return.

I am pleased to be joined by my distinguished colleague, the ranking member of the Interior Appropriations Subcommittee, as we bring before the Senate the Interior appropriations bill for fiscal year 2003. I am very proud of our work on this legislation.

Although this bill is not, in terms of total dollars appropriated, the largest of the 13 annual appropriations bills, it is an exceedingly important bill. It is in this legislation that we support and protect the crown jewels of this Nation, our national parks. The four land management agencies funded through this bill, the National Parks Service, the Fish and Wildlife Service, the Forest Service, and the Bureau of Land Management, are responsible for overseeing 628 million acres of land or about one-fourth of the total area of the United States.

The Bureau of Indian Affairs and the Indian Health Service provide educational opportunities and critical health care to more than 1.4 million American Indians. The Department of Energy is charged with developing cutting-edge technology in the areas of fossil energy and energy conservation, and the Smithsonian Institution, along with the arts and humanities endowments, protects and promotes some of our Nation's most enduring cultural resources.

Because the bill and the report have been available for review since June 28, I will not go through each and every account line by line. I will, however, reiterate some of the highlights of the legislation.

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

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As it now stands, the bill provides the full $2 billion requested by the President for fiscal year 2003 firefighting activities. It provides the full $1.4 billion allowed for under the conservation spending category.

It provides a $35 million increase for basic operations at our 385 national parks, including $6.1 million for enhanced security, and a total of $702 million to attack the maintenance backlog at those parks.

Our parks and wilderness areas reflect the pristine beauty, the unmatched beauty of this country. They are important to our sense of national pride, and they showcase this Nation to approximately 33 million foreign visitors every year.

The bill also provides the Fish and Wildlife Service with $460 million for refuges and wildlife. It provides $641 million for fossil energy research and development, including $150 million for the Clean Coal Technology Program, and $922 million for energy conservation programs, including $286 million for the weatherization and State energy programs.

This bill, which has been crafted by my colleague, Mr. BURNS, and the Republican and Democratic members of the subcommittee, also promotes culture and history by providing $538 million for the important work of the Smithsonian Institution, and $246 million for the arts and humanities endowments.

The funding levels contained in this bill are fully consistent with the subcommittee's allocation as agreed to unanimously by the Appropriations Committee on June 27, and as published in the CONGRESSIONAL RECORD on June 28.

We have used scarce resources. I emphasize, resources are scarce, and we have used scarce resources to fund all of the important missions of the Department of Interior. But our fiscal situation and the times in which we live demand discretion and frugality. Consequently, Senator BURNS and I, as managers of this bill, stand ready to oppose amendments that would increase the fiscal year 2003 spending beyond the current level in the bill. We will also discourage amendments using offsets which rely on across-the-board cuts, undefined reductions in administrative or travel expenses, or any other amorphous proposal that relies on savings that may not be real.

Finally, Mr. President, before yielding the floor, I acknowledge the efforts of several people. First, I publicly thank the subcommittee's distinguished ranking member for his help in drafting this legislation. As a westerner, Senator CONRAD BURNS brings a wealth of experience and knowledge and an important perspective to the diverse and difficult issues that always seem to come up in the Interior appropriations bill.

I applaud the dedication to duty that he exudes, and I applaud his willingness to work in a bipartisan fashion. It is a pleasure to work and to serve with Senator CONRAD BURNS on this subcommittee.

I wish to thank Senator TED STEVENS, the ranking member of the full committee. Senator STEVENS has provided invaluable advice and counsel with respect to the Interior bill. His efforts are one of the reasons this bill was unanimously reported out of the Appropriations Committee. TED STEVENS has a marvelous ability, based on a great wealth of experience, to craft workable solutions to tough problems, and I rely heavily on his sage advice and his unique and thorough, meticulous grasp of detail.

Let me thank our subcommittee staff. These are the men and women who work for Senator BURNS and for me on this important Interior bill. They are a highly dedicated group of individuals who spend a tremendous amount of time, who ensure that all members of the subcommittee have the information we need to accomplish our work. Senator BURNS and I appreciate their efforts.

I especially want to thank Peter Kiefhaber, my clerk on the Interior bill, for his conscientious approach to funding this bill and to his never-failing pleasant demeanor, for his characteristic cooperation and courtesy always, not just to me but to all other Senators as well.

I also thank the staff person on the other side, the ranking member of this committee's staff. Bruce Evans never fails to add to the near perfection, as near as we can make it, of the bill that we present to our colleagues for their study and counsel and decision. So as chairman of the subcommittee, I thank him, as well as I thank my own clerk. We have to work together. We have to get along together, and we do that. We do these things together on this subcommittee.

I urge now my colleagues to adopt this measure in a timely manner so that we can proceed to conference with the House. We need to get this work done. Senator BURNS and I stand ready, as we also stand ready with Senator STEVENS, to go forward with this bill. We will be glad to discuss amendments as we proceed.

Mr. President, I ask unanimous consent that when Mr. BURNS has completed his statement, if he has one, and gets recognition, as I assume he will, that I be recognized to offer some technical amendments.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Montana.

Mr. BURNS. I thank the Chair. Mr. President, I am very happy this morning to join the Senator from West Virginia in support of the Interior and Related Agencies Appropriations Act for Fiscal Year 2003. Needless to say, this is a very important piece of legislation, especially for me and my colleagues in the West, particularly those in the intermountain region. This bill funds the agencies that manage the majority of our public lands.

It funds health care, education, and other services for Native Americans. It supports research and development and allows us to develop and use our domestic energy resources in a responsible manner.

Although Senator BYRD does not hail from a Western State, we are about to adopt him as a westerner. He has done a great job in putting this bill together. The bill accurately reflects the priorities of the Senate as a whole, as it remains within the subcommittee's fairly modest allocation. The bill as a whole is a mere 2 percent above the President's request and it is well below the allocation approved by the House of Representatives.

Senator BYRD has worked with me and my staff to see the specific interests of Republican Members have been fairly treated. Did everybody get everything they asked for? No, of course not. I, as ranking member, did not get everything I asked for, but neither did the chairman. I can assure my colleagues that the chairman has taken an evenhanded approach in dealing with more than 2,000 individual requests which we received.

Since the chairman of the subcommittee has already outlined the principal features of this bill, I take this opportunity to speak about a few specific items. First, I note that this bill increases funding for payment in lieu of taxes by $10 million over the current level. While the funding provided for PILT still leaves us a long way from the fully authorized amount, it is a dramatic improvement over the $45 million cut proposed by the President's budget request. These funds are vital. They are vital to all the counties where public lands have a presence, especially in the West where most of the public lands are located. Those counties struggle to provide education, law enforcement, and other services without an adequate tax base. I hope the administration will give greater consideration to the importance of this program as it assembles its fiscal year 2004 budget request. I make a footnote, saying as long as the American people have told us as policymakers that they want to retain those Federal lands everywhere across the country, then we must maintain and pay the taxes to support local services.

I will highlight the efforts Senator BYRD and I have made to increase funding for the operation of our National Parks. While the Americans for National Parks Campaign has turned a spotlight on the issue over the last several months, those who have served on the subcommittee for years know it is not a new problem. I view the increase of $35 million provided in this bill for park operations, an increase of $20 million over the budget request, as a continuation of this subcommittee's ongoing effort to provide adequate funds for our National Parks.

Finally, I will talk about forest fires. It has been odd to see the nightly newscasts and they are not reporting on a wildfire somewhere in the country. By now my colleagues are well aware that the 2002 fire season is on its way to being as costly and as damaging as the record-setting year 2000. The fact this is happening should come as no surprise. We knew the conditions in many areas of the West were the driest in recent memory. We knew that years of misguided forest management have left our forests with intolerably high fuel loads. The inevitable has happened. And it will continue to happen as the fire season progresses and as we meet the years ahead. The question is, what to do about it.

This bill fully funds the President's request for fire suppression, which is based on a 10-year average cost of firefighting. Unfortunately, using the 10-year average as a basis for budget requests no longer appears to be adequate. The 10-year average does not reflect the impact of inflation. It does not reflect the recent changes in firefighting practices associated with the national fire plan. And it does not reflect the impact of fire suppression costs of rapidly increasing housing development in the wildland urban interface.

We need to be working on a better model for projecting fire suppression budgets. Certainly, we need to do everything possible to control suppression costs through effective management and aggressive oversight, but at the end of the day we are going to have fires and we are going to have to fight them in many cases.

If our suppression budgets are consistently below the actual need, the Forest Service and the Department of the Interior will continually have to use their borrowing authority to cover fire costs. While this borrowing enables us to get the job done in terms of firefighting, repeated and extensive borrowing makes it difficult to plan and conduct regular programs that are funded from the accounts subject to the borrowing. Such programs include facility construction and maintenance, land acquisition, and research activities.

Ironically, repeated borrowing also makes it more difficult for the Forest Service and the Department of the Interior to execute their salvage and hazardous fuels reduction programs—the very programs that will help reduce fire suppression costs over the long term.

The Forest Service has already exhausted its fiscal year 2002 firefighting funds and has commenced borrowing from other programs. Current estimates indicate that the Forest Service may have to borrow more than $1 billion by the end of the fiscal year. The Department of the Interior may have to borrow $220 million. While I appreciate Senator STEVENS' and Senator BYRD's efforts to include $50 million for firefighting in the supplemental over OMB's objections—by the way, that amount does very little to address the problem; as such, I expect we will have an amendment to this bill to provide the emergency funds needed to pay for this year's firefighting costs. I certainly hope all my colleagues will support the amendment.

On a final note, I wish to echo Senator BYRD's comments regarding the overall funding levels in this bill. Due to the failure of the Senate to take up and pass a budget resolution, as it is supposed to do, we have no formal subcommittee allocation that is enforceable by a supermajority vote. Nevertheless, I concur with my chairman, Senator BYRD, and also with the ranking member of the full committee that we must enforce fiscal discipline as we go through this appropriations process.

I will join Senator BYRD in opposing amendments that propose to add nonemergency spending to this bill without being fully offset. And in considering such offsets, I do not believe either of the managers would look favorably on amendments that would duck the question of tradeoffs by using across-the-board cuts, reductions in travel, and other gimmicks. Agencies in this bill are already being asked to reduce their travel costs and absorb a portion of mandated pay increases. I expect Senator BYRD and I will oppose proposals to further squeeze agencies in such an indirect manner.

With that, I conclude by once again thanking Senator BYRD, my chairman, for his efforts in putting this bill together. I also thank his staff, led by Peter Kiefhaber, for their hard work and their willingness to work with my staff in assembling this bill.

I know they have worked long hours to get the bill to this stage. Even though we were on August break, and most of us in our home States, staff stayed here and worked on this legislation. I want to show that we appreciate their efforts.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

AMENDMENT NO. 4472

Mr. BYRD. Mr. President, I have some technical amendments which have been cleared by the distinguished Senator, who is the ranking member. And they are technical. I do not plan to call up any amendment at this moment that is not purely technical.

The first thing I will do is to call up the substitute amendment, which is the work of our committee. The House bill is before the Senate. So what I seek to do now is call up the Senate bill as a substitute.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD], proposes an amendment numbered 4472.

Mr. BYRD. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER (Mr. CORZINE). Without objection, it is so ordered.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

AMENDMENT NO. 4473 TO AMENDMENT NO. 4472

(Purpose: To make permanent a provision relating to the National Business Center)

Mr. BYRD. Mr. President, the purpose of this amendment will be to make permanent a provision previously carried in the Interior appropriations bill relating to the Interior Department's National Business Center. I am not talking about the substitute amendment which I just offered. I am talking about an amendment which I will shortly send to the desk, that, as I say, makes permanent a provision previously carried in the Interior appropriations bill relating to the Interior Department's National Business Center.

In January 2001, the National Business Center expanded its acquisition services capability. As part of its expanded mission, the Center now provides contracting support to the Defense Advanced Research Projects Agency. The language that is being proposed by Mr. BURNS and myself allows the Center to continue to support the Defense Department's need for grants, cooperative agreements, and other transactions as authorized in the Defense Conversion, Reinvestment, and Transition Assistance Act of 1992.

This amendment will secure efficiencies in the area of procurement services and should be agreed to by the Senate.

I send to the desk an amendment.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from West Virginia (Mr. BYRD) for himself and Mr. BURNS, proposes an amendment numbered 4473 to amendment No. 4472:

At the end of Title I, add the following new section:

''SEC. . Hereafter the Department of the Interior National Business Center may continue to enter into grants, cooperative agreements, and other transactions, under the Defense Conversion, Reinvestment, and Transition Assistance Act of 1992, and other related legislation.''

Mr. BYRD. Mr. President, I have nothing further to say on the amendment.

Mr. BURNS. It is all clear on this side. We are supporting it.

The PRESIDING OFFICER. If there is no further debate, without objection the amendment is agreed to.

The amendment (No. 4473) was agreed to.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BURNS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4474 TO AMENDMENT NO. 4472

Mr. BYRD. Mr. President, I send a technical amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from West Virginia (Mr. BYRD), for himself and Mr. BURNS, proposes an amendment numbered 4474 to amendment No. 4472:

On page 83, line 13, strike ''$650,965,000'' and insert in lieu thereof ''$640,965,000''.

Mr. BYRD. Mr. President, this amendment corrects an error with respect to the appropriation for the fossil energy account. On page 83, line 13, as the clerk has stated, the figure of $650,965,000 should read $640,965,000. The amendment that I sent to the desk on behalf of Mr. BURNS and myself makes this correction. I yield the floor so my distinguished counterpart may comment if he wishes.

Mr. BURNS. No comment here. We support it.

The PRESIDING OFFICER. If there is no further debate, without objection the amendment is agreed to.

The amendment (No. 4474) was agreed to.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BURNS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4475 TO AMENDMENT NO. 4472

Mr. BYRD. Mr. President, a final technical amendment which I shall offer at this moment corrects a typographical error in the bill. I send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from West Virginia (Mr. BYRD), proposes an amendment numbered 4475 to amendment No. 4472:

On page 26, line 15, strike ''315'' and insert in lieu thereof ''301''.

Mr. BYRD. Mr. President, this amendment, which is supported by my colleague, Mr. BURNS, as I say, corrects a typographical error in the bill. On page 26 of the Senate bill, under the section titled ''Administrative Provisions,'' the National Park Service is authorized to purchase 315 passenger vehicles. That number should be 301.

The amendment makes that correction. And as I stated, I know that the distinguished ranking member is supportive of the proposal. I urge its adoption.

I yield the floor before the Senate votes on this amendment so that the distinguished Senator, who is the ranking member, may be recognized if he wishes to be recognized.

Mr. BURNS. We have no objection to this amendment, Mr. President. We fully support it.

The PRESIDING OFFICER. If there is no further debate, without objection, the amendment is agreed to.

The amendment (No. 4475) was agreed to.

Mr. BYRD. Mr. President, I move that the Senate reconsider the vote by which the amendment was agreed to.

Mr. BURNS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BYRD. Mr. President, I have no further technical amendments at this time. I do have an amendment, which I will not offer at this time, to provide funds to repay accounts from which funds were borrowed for emergency wildfire suppression. I will not offer that amendment at this point. I am sure there is going to be an amendment or amendments to the amendment. I shall withhold offering the amendment until the majority leader, majority whip, and other interested Senators—on both sides of the aisle—are back from their visit to the White House and at their desks.

Mr. President, does my colleague have something he wishes to say? If he does, I will sit down.

Mr. BURNS. I will say to my chairman that there will be some discussion. There is no doubt. It is only fair that the leadership be on the Hill whenever we take this up because it has high interest. Many of those funds that were borrowed for fire suppression are impacting other programs within the Department of Interior and the Forest Service. So we think it is a very important amendment. We are supportive and would hope the rest of the Senate would approve of it, too.

I think this is an area that warrants debate in the Senate so we know what we are spending the money for and how it impacts those lands where the U.S. Forest Service and the Department of Interior have a high presence.

Mr. President, I see no one else seeking the floor. 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. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. BYRD. Mr. President, with the approval of my colleague, Senator CONRAD BURNS, I ask unanimous consent that the Senate stand in recess awaiting the return of the majority leader and/or the minority leader—the return of those two leaders—and/or the whips on both sides.

There being no objection, at 10:11 a.m. the Senate recessed subject to the call of the Chair and reassembled at 11:39 a.m. when called to order by the Presiding Officer (Mrs. CLINTON).

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2003—Continued

The PRESIDING OFFICER. The Senator from West Virginia.

AMENDMENT NO. 4480

Mr. BYRD. Madam President, I am about to send to the desk an amendment. Before doing so, let me just briefly tell Senators what this amendment is about.

This amendment is being offered by myself, Senator BURNS, Senator STEVENS, and other Senators. It addresses the critical firefighting needs of the Forest Service and the Bureau of Land Management.

As many of our colleagues know, 2002 is turning out to be one of the most devastating fire seasons on record. Therefore, our amendment provides $825 million in emergency funding to reimburse the various accounts from which these agencies are currently borrowing. Of the amount provided, $636 million is allocated to the Forest Service and $189 million is allocated to the Department of the Interior. These are the exact amounts requested by the President just last week.

If anyone may think that this money is not needed, let me briefly state for the record, over the past 10 years the average number of acres burned by fire between January 1 and September 3 has been 3.2 million acres. This year—this year—however, the comparable number of acres burned is 6.3 million, almost twice the 10-year average.

This problem is much more than just numbers of acres burned. The devastation and destruction resulting from these fires is almost too much to comprehend. More than $1 billion will be spent on fighting fires, nearly 2,300 structures have been destroyed, and 20 brave firefighters have lost their lives. Clearly, this situation amounts to a domestic emergency of historic proportions.

I send to the desk, Madam President, an amendment, the amendment to which I have already referred, for the clerk's reading, after which the amendment will be open to amendment.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from West Virginia (Mr. BYRD), for himself, Mr. BURNS, Mr. STEVENS, Mr. REID, Mr. DOMENICI, Mrs. MURRAY, Mr. CRAIG, Mr. WYDEN, Mr. KYL, and Mr. BAUCUS, proposes an amendment numbered 4480.

Mr. BYRD. Madam President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To provide funds to repay accounts from which funds were borrowed for emergency wildfire suppression)

On page 127, line 2, immediately following the ''.'' insert the following:

''TITLE IV—WILDLAND FIRE EMERGENCY APPROPRIATIONS

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

WILDLAND FIRE MANAGEMENT

For necessary expenses to repay prior year advances from other appropriations transferred for emergency rehabilitation or wildfire suppression by the Department of the Interior, $189,000,000, to be available immediately upon enactment of this Act and to

remain available until expended: *Provided,* that the Secretary of the Interior shall certify in writing to the House and Senate Committees on Appropriations within 30 days of receiving funds under this title which appropriations accounts from which funds were advanced in fiscal year 2002 for emergency rehabilitation or wildfire suppression have been repaid and the amount of repayment: *Provided, further,* That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

RELATED AGENCY

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

WILDLAND FIRE MANAGEMENT

For necessary expenses to repay prior year advances from appropriations accounts from which funds were borrowed for wildlife suppression, $636,000,000, to be available immediately upon enactment of this Act and to remain available until expended: *Provided,* that the Secretary of Agriculture shall certify in writing to the House and Senate Committees on Appropriation within 30 days of receiving funds under this title which appropriations accounts from which funds were advanced in fiscal year 2002 for wildfire suppression have been repaid and the amount or repayment: *Provided further,* That the entire amount is designated by the Congress as en emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. Madam President, I am supportive of this amendment. I thank my chairman for offering this amendment. And nothing could be closer to the truth than the reason he stated for the appropriation of these funds.

It is not just that it is over 6 million acres this year; it is where those acres are located, as we have seen more burning this year in the forest and urban interface areas than we have ever seen. And they have been devastating. It has been in areas where it could have and should have taken more management skills to prevent the fires, but, nonetheless, that is the situation in which we find ourselves.

So I am very supportive of this amendment. I thank the chairman of the Appropriations Committee. As we debate this amendment today, I think the rest of the Senate will, too. Not only is there a shortfall in the funds that they had to borrow from in other programs that do other things that are very important within the Department of the Interior and the BLM, the Park Service, the Forest Service, but other programs suffered because of these devastating fires this year.

So I thank my chairman and look forward to working with him as we move this legislation through the Senate.

I yield the floor, Madam President.

Mr. BAUCUS. Will the Senator yield for a unanimous consent request that I be added as a cosponsor of this amendment?

Mr. BYRD. Yes. Absolutely. I make that unanimous consent request, Madam President.

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

The majority leader.

Mr. DASCHLE. Madam President, I want to also indicate my strong support for the amendment just offered by Senator BYRD.

Like many States in the West and throughout the country, South Dakota has suffered this year, especially from fires that have devastated many parts of the Black Hills in particular. Thousands of acres have been lost. So, clearly, this legislation is needed.

I am pleased the administration recently indicated, for the first time, its willingness to support, on an emergency basis, additional funds for firefighting. So I am grateful to the distinguished chairman for his amendment. I strongly support it.

AMENDMENT NO. 4481 TO AMENDMENT NO. 4480

Madam President, I am mystified, however, that the administration, while willing to support, on an emergency basis, the funds necessary to fight fires, has, at least up until now, expressed opposition to providing assistance to those who are suffering from drought. In many cases, drought can be just as devastating economically as fires. The response on the part of the Federal Government is every bit as important as it is for fires. There appears to be a disconnect between those who support funding to fight fires and those who oppose funding for purposes of fighting drought.

So I intend to offer an amendment on behalf of Senators BAUCUS, JOHNSON, HARKIN, CARNAHAN, BURNS, DORGAN, NELSON of Nebraska, STABENOW, LEVIN, CLINTON, LINCOLN, CONRAD, WELLSTONE, DAYTON, SCHUMER, and REID. I send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from South Dakota, [Mr. DASCHLE], for himself, Mr. BAUCUS, Mr. JOHNSON, Mr. HARKIN, Mrs. CARNAHAN, Mr. BURNS, Mr. DORGAN, Mr. NELSON of Nebraska, Ms. STABENOW, Mr. LEVIN, Mrs. CLINTON, Mrs. LINCOLN, Mr. CONRAD, Mr. WELLSTONE, Mr. DAYTON, Mr. SCHUMER, and Mr. REID proposes an amendment numbered 4481 to amendment No. 4480.

Mr. DASCHLE. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To provide emergency disaster assistance to agricultural producers)

At the appropriate place, insert the following:

TITLE ____—EMERGENCY AGRICULTURAL DISASTER ASSISTANCE

SEC. ____01. CROP DISASTER ASSISTANCE.

(a) IN GENERAL.—Notwithstanding section 508(b)(7) of the Federal Crop Insurance Act (7 U.S.C. 1508(b)(7)), the Secretary of Agriculture (referred to in this title as the ''Secretary'') shall use such sums as are necessary of funds of the Commodity Credit Corporation to make emergency financial assistance authorized under this section available to producers on a farm that have incurred qualifying crop losses for the 2001 or 2002 crop due to damaging weather or related condition, as determined by the Secretary.

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

SEC. ____02. LIVESTOCK ASSISTANCE PROGRAM.

(a) IN GENERAL.—The Secretary shall use such sums as are necessary of funds of the Commodity Credit Corporation as are necessary to make and administer payments for livestock losses to producers for 2001 and 2002 losses in a county that has received an emergency designation by the President or the Secretary after January 1, 2001, and January 1, 2002, respectively, of which an amount determined by the Secretary shall be made available for the American Indian livestock program under section 806 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106–387; 114 Stat. 1549A–51).

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

SEC. ____03. COMMODITY CREDIT CORPORATION.

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

SEC. ____04. REGULATIONS.

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

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

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

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

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

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

SEC. ____05. EMERGENCY DESIGNATION.

(a) IN GENERAL.—The entire amount made available under this title shall be available only to the extent that the President submits to Congress an official budget request for a specific dollar amount that includes designation of the entire amount of the request as an emergency requirement for the purposes of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et seq.).

(b) DESIGNATION.—The entire amount made available under this section is designated by Congress as an emergency requirement under sections 251(b)(2)(A) and 252(e) of that Act (2 U.S.C. 901(b)(2)(A), 902(e)).

Mr. BYRD. Madam President, would the distinguished majority leader add my name to the list of Senators who are cosponsors of this measure?

Mr. DASCHLE. Madam President, I would be happy to add the name of the distinguished Senator from West Virginia, Mr. BYRD, as a cosponsor. I ask unanimous consent that he be added as a cosponsor of the amendment.

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

Mr. DASCHLE. Madam President, first of all, let me also express publicly my appreciation to Senator BYRD for his accommodation of my schedule this morning. He was prepared to offer his amendment some time ago and withheld doing so in order to accommodate my schedule. As always, he is very courteous, and has been very helpful to me in this case. I appreciate his cooperation.

Madam President, when the Senate passed the farm bill 202 days ago, we agreed, overwhelmingly, to include assistance for farmers and ranchers who suffered serious economic losses as a result of natural disasters during the crop-year of last year. Madam President, 69 Senators—Republicans and Democrats—voted to include that assistance in the farm bill.

The administration at that time, and Republican House leaders, objected. In conference, they threatened to block any farm bill from passing unless we removed the natural disaster assistance for this year. They said they would block all assistance for farmers and ranchers unless we agreed to drop disaster assistance.

So, reluctantly, we agreed. But we said, when the farm bill passed, that the need for disaster assistance for farmers and ranchers would not go away. It would only get worse, and we would have to revisit the issue. That is what we are doing once again today.

Our amendment is simple and straightforward. It does not create a new program. All it does is fund existing crop loss and livestock assistance programs for this year and last year. It does, in other words, exactly what 69 Senators agreed to do 202 days ago.

There are some who said we should not spend another dollar on agriculture. They say the new farm bill is more than generous. I want to make an important distinction. The new farm bill covers loss due to low prices. It does not cover losses due to natural disasters. Farmers and ranchers all across America are suffering staggering losses due to natural disasters.

In fact, in yesterday's Wall Street Journal there was a report that indicated the current drought may be the most expensive in all of U.S. history.

According to the Journal:

> The U.S. may be looking at the most expensive drought in United States history, inflicting economic damage far beyond the Farm Belt.

In South Dakota, the drought is costing farmers upwards of $5 million a day. All told, the impact on my State alone is estimated to be $1.8 billion to agriculture and rural business. Things are getting worse by the day. Some counties have had less rain this year than they had in 1936, at the height of the Dust Bowl.

For as long as I can remember, the Congress has agreed that disaster relief constitutes an emergency. Disaster relief for wildfires, tornadoes, floods, or any other natural disaster is truly an emergency. It is astounding to me now that during what may be the most serious of all droughts we have had in U.S. history, some people would want to change that. They would say that farmers and ranchers don't need or don't deserve disaster assistance. They are wrong.

The farm bill doesn't include funds to help farmers and ranchers weather this unprecedented set of circumstances. Unless we act, many of them simply will not survive.

We should not discriminate against those who are hurting simply because of the nature of the disaster. Whether it is caused by floods or droughts or wildfires, whether it devastates Texas or South Dakota or any other State, an emergency is an emergency. Sixty-nine of us recognized that fundamental fact 202 days ago. I urge my colleagues to reaffirm it as we consider this amendment.

I yield the floor.

AMENDMENT NO. 4481, AS MODIFIED

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Madam President, may I ask the distinguished majority leader: The leader and the assistant leader and the distinguished ranking member of the subcommittee, Mr. BURNS, Mr. BAUCUS, and I earlier had a discussion to the extent that the offeror, the author of the amendment, Mr. DASCHLE, would modify the amendment to make it read that the funds would be available in fiscal year 2002 and that the amount would be charged to the Committee on Agriculture, the authorizing committee. Are these provisions included in the amendment?

The PRESIDING OFFICER. The majority leader.

Mr. DASCHLE. If I could respond to the distinguished Senator from West Virginia, I would confirm that the issues raised just now by the distinguished Senator are ones to which we have agreed. Obviously, we have to incorporate the appropriate language in order to accommodate that agreement. It is my intention to do so. At some point, I will ask unanimous consent that the amendment be so modified to accommodate those requests.

Let me reiterate, they would involve charging whatever funds may be used against the Agriculture Committee. I would draw a distinction between that implication or that requirement and any implication that that would entail using funds from the recently passed farm bill. The Congressional Budget Office has indicated we are not able to do that, to draw funds from the farm bill, per se. But none of us has any objection to charging the funds against the committee itself.

Let me also say, we certainly have no objection to ensuring that those funds are taken from the fiscal year 2002 budget allocation and not the 2003.

So we certainly would be in agreement with both recommendations and would be offering modifying language when we have it. I understand the language is now at the desk. I ask unanimous consent that the amendment be so modified.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Madam President, as I understand it, the author of the amendment needs no consent to modify his amendment at this point, no action having been taken on his amendment.

The PRESIDING OFFICER. The Senator is correct.

Mr. DASCHLE. I simply would then modify my amendment.

The PRESIDING OFFICER. The amendment is so modified.

The amendment (No. 4481), as modified, is as follows:

At the appropriate place, insert the following:

TITLE ____—EMERGENCY AGRICULTURAL DISASTER ASSISTANCE

SEC. ____01. CROP DISASTER ASSISTANCE.

(a) IN GENERAL.—Notwithstanding section 508(b)(7) of the Federal Crop Insurance Act (7 U.S.C. 1508(b)(7)), the Secretary of Agriculture (referred to in this title as the ''Secretary'') shall use such sums as are necessary of funds of the Commodity Credit Corporation to make emergency financial assistance authorized under this section available to producers on a farm that have incurred qualifying crop losses for the 2001 or 2002 crop due to damaging weather or related condition, as determined by the Secretary.

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

SEC. ____02. LIVESTOCK ASSISTANCE PROGRAM.

(a) IN GENERAL.—The Secretary shall use such sums as are necessary of funds of the Commodity Credit Corporation as are necessary to make and administer payments for livestock losses to producers for 2001 and 2002 losses in a county that has received an emergency designation by the President or the Secretary after January 1, 2001, and January 1, 2002, respectively, of which an amount determined by the Secretary shall be made available for the American Indian livestock program under section 806 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106–387; 114 Stat. 1549A–51).

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

SEC. ____03. COMMODITY CREDIT CORPORATION.

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

SEC. ____04. REGULATIONS.

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

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

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

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

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

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

SEC. ___05. EMERGENCY DESIGNATION.

(a) IN GENERAL.—The entire amount made available under this title shall be available only to the extent that the President submits to Congress an official budget request for a specific dollar amount that includes designation of the entire amount of the request as an emergency requirement for the purposes of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et seq.).

(b) DESIGNATION.—The entire amount made available under this section is designated by Congress as an emergency requirement under sections 251(b)(2)(A) and 252(e) of that Act (2 U.S.C. 901(b)(2)(A), 902(e)).

SEC. . CONGRESSIONAL BUDGET ACT.

Notwithstanding Rule 3 of the Budget Scorekeeping Guidelines set forth in the joint explanatory statement of the committee of conference accompanying Conference Report 105–217, the provisions of this section that would have been estimated by the Office of Management and Budget as changing direct spending or receipts under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 were it included in an Act other than an appropriations Act shall be treated as direct spending or receipts legislation, as appropriate, under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985, and by the Chairman of the Senate Budget Committee, as appropriate, under the Congressional Budget Act.

Mr. BYRD. I thank the distinguished majority leader.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Madam President, I think finally we are here. Finally we will pass agricultural disaster assistance which is so needed by many farmers and ranchers throughout our country. The amendment now pending is the amendment I offered which got 69 votes just 200 days ago. It has been modified.

My colleague, Senator BURNS, and I have modified the amendment so it applies to years 2001 and 2002—that is, to crop losses and livestock losses in both those years—whereas the earlier amendment I offered covered losses only in the year 2001. This has been a devastating year, in addition to 2001 being a devastating year.

Mother Nature works in strange ways. Some parts of America are hit in some years rather than others. It doesn't rain in some parts of our country in some years, whereas it does in others. That is true within States. Last year was worse for my State of Montana, and this year is a little bit better, but not a lot.

For Montana, it is not just 2 years of drought, it is successive years of drought. It is 4 or more years depending upon where you are located in my State. I say that not only because of the obvious implication that there are 4 years of farmers who are not producing the quality or quantity of crops that they should, but also because of the perverse way crop insurance works. I point this out to my colleagues who may not be as steeped in agricultural policy as others.

I ask unanimous consent, even though we will get into morning business, that I be allowed to continue as in morning business.

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

Mr. BAUCUS. The perverse operation of crop insurance is that with each successive year's drought, premiums rise but coverage decreases. That is how crop insurance works; namely, premiums rise during years of droughts and coverage declines.

Some might ask, why do we need agricultural disaster assistance when we have Federal crop insurance? That is a good point. Federal crop insurance is helpful. Federal crop insurance is widely available in most parts of the country. The fact is, crop insurance today provides less coverage than is needed because of the perverse effect of the operation of the program and does not negate the need to provide natural disaster.

Again, to repeat, in successive years of drought, premiums that farmers pay for Federal crop insurance rise and the coverage continues to decline with each year that passes during a natural disaster. That is the way it works because farmers have less of production history, less acreage in a prior year that is available.

Add to that, when you have successive years of drought, it might rain this year, as it has in some parts of my State, but that is just the surface soil that is given moisture. It is the subsurface soil down 1, 2, 3 feet that is parched. It is so dry. A lot of crops have roots that go deeper. In addition, very dry subsurface soil has an effect on the moisture content at the surface. So there are many reasons this has just mounted.

In 1996—I can only speak for Montana; I cannot speak as authoritatively for other States—before these successive years of drought began, farmers received almost $1 billion in cash receipts from wheat; $847 million, to be precise. Last year, 5 years into the drought, Montana received only $317 million in cash receipts—that is a 62-percent decline—just because of the drought.

The same is true with livestock. We are talking about not only crop assistance but also livestock because in drought years feed prices are extremely high and ranchers are liquidating their herds. The range is in poor condition. It just adds up and has a very detrimental cumulative effect.

Agriculture is more than 50 percent of my State's economy. It is truly the backbone of our State's economy. So a drought affects not only farmers and ranchers specifically, but it affects communities, it affects schools and businesses, because when farmers don't have a crop, what happens? They are not buying seed, they are not buying fertilizer, not buying fuel, not buying all the staples that go into agriculture.

When that happens, clearly, the towns begin to suffer dramatically. It affects our schools and the income available to schools. It affects the psychology of the communities. More than that, it affects the number of people who are willing to stay and fight and live in those communities.

Many communities in Montana are losing population. If we don't get this agricultural disaster assistance, I can guarantee you that the failure is going to hasten the decline of the populations in many parts of our country. I can speak personally for parts of my State of Montana.

The leader made an excellent point a few minutes ago, which is that we passed a farm bill that addressed economic assistance for farmers. It is needed because the earlier farm program, ''freedom to fail'' was just that; it hurt farmers. There was no safety net. Farmers fell through the cracks and holes in the safety net. We didn't have a basic underpinning for people. Not only was it necessary for farmers to have that underpinning, but I want to remind my colleagues that we have a big battle with other countries that support their farmers much more than America supports its farmers.

I also might point out an interesting statistic, which is that agricultural trade barriers worldwide average about 60 percent. Manufacturing trade barriers and tariffs average about 5 percent. We Americans have very few barriers to agricultural trade. There are some commodities, such as peanuts and sugar, that have some assistance, but when it comes to the basic commodities of wheat and barley, we have virtually no protective subsidies. We have no trade barriers to help our industries, whereas, as I mentioned before, the average agricultural trade barrier worldwide is 60 percent. So, clearly, we have to help our people when other countries are helping theirs so much more than we are.

Second, in 1975, the European Union was the largest net importer of agricultural products. They didn't like that, so they started doing something about that. They decided to enact various measures within Europe, price levies, agricultural export subsidies, and similar measures. By 1985, Europe was the largest net exporter of agricultural products. That was a big turnaround in 10 years because of the degree to which they were protecting their producers.

Eighty-two percent or eighty-six percent of the world's agricultural export subsidies are European Union. Their agricultural export subsidies are about

85 percent of the world's agricultural export subsidies. What are America's? Maybe 2 percent. Our Export Enhancement Program is just peanuts compared with what the Europeans do. So we have to fight and we have to help our farmers. The farm bill was to help our farmers.

We are talking today about something totally different. What is it? We are not talking about assistance for low prices, we are talking about disaster assistance. When there are tornadoes, our country responds with disaster assistance. When there are floods, our country responds with disaster assistance. We had the Trade Towers tragedy—an unspeakable tragedy—and our country responded to that disaster. We are simply stating—all of us who are sponsoring this amendment—in fact, I was the original author of this amendment along with Senator BURNS. We are saying here is another disaster, but not because of a tornado, earthquake, or floods, but because of the drought, people need help. There is no reason that drought should play by a different set of rules than other natural disasters.

We have the opportunity today to keep our rural communities and economies alive. Rural America is resilient. And like them, I will not give up. Thousands of people are suffering from the relentless drought. They deserve emergency agricultural assistance and I will continue to fight until we are successful.

I urge my colleagues to support this amendment. It is long overdue and desperately needed.

I yield the floor.

The PRESIDING OFFICER (Mr. JOHNSON). The Senator from Minnesota is recognized.

Mr. WELLSTONE. Mr. President, I will be brief. I know others want to speak.

I think I speak for the Presiding Officer, given what he has seen in South Dakota. Senator DASCHLE also talked about the drought. Let me make this appeal to my colleagues. In northwestern Minnesota, there are 17 counties that have been declared Federal disasters. In our case, it is the flooding. I cannot remember more emotional gatherings I have ever been to since I have been in the Senate. We have had a lot of this kind of flooding, and I have been in towns devastated by tornadoes.

I make this appeal to my colleagues. Never in the years I have been a Senator—and I will be finishing up my 12th year—have I voted against disaster assistance for any community anywhere in the United States of America, whether it is tornadoes, hurricanes, fire, drought, or whether it is flooding. I believe this is a perfect example of there but for the grace of God go I. The devastation to so much rich farmland in Minnesota and to those farmers and these communities is not because people have been bad managers. Nobody asked for this. As Senator DASCHLE said, we are not talking about countercyclical income for low prices; we are talking about disaster relief.

So I will say to every Senator, Democrat and Republican, we hope we will have your support. This is what we do as a community. This is what we do as a national community. We provide help to people. I know the President has said no to this. I wish he would take another position. But I really believe Senators understand full well that this kind of disaster can happen to any community in any one of our States, and I think this is a time when we really should come together, a time when we become a community to help communities.

I am so pleased that this amendment is on the floor. I know we are soon going to go back to the homeland defense bill, but tomorrow we will be back on this amendment. Tomorrow, there will be an up-or-down vote. Tomorrow, I hope Senators will vote for this. Right now, for me, as a Senator from Minnesota, it is a priority to get help to these people. A lot of farmers and a lot of people in northwestern Minnesota really need the help. Please provide that help.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

MORNING BUSINESS

Mr. DORGAN. Mr. President, I ask unanimous consent that the 1 hour designated for morning business begin now.

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

DISASTER RELIEF

Mr. DORGAN. Mr. President, let me follow the remarks of my colleague from Minnesota, Senator WELLSTONE, and say as a cosponsor of this disaster relief that I have never voted against a proposal to help people in this country who have suffered a disaster. There are many kinds of disasters that people suffer, and in each and every case I have been pleased to be a part of this Congress to say to them you are not alone, the rest of the country wishes to help. It is an important thing to do.

Disaster, in this case, is spelled in part of my State by a drought that is devastating. It means those who have invested their lives and fortunes to put seeds into the ground, hoping to raise a crop and to have some income with which to raise a family, have discovered that drought has killed their crop. There is nothing to harvest. There is nothing left. In other parts of the State, flooding has prevented fields from being planted. Yes, we ought to respond to this in a positive way.

I support the efforts of Senators DASCHLE and BAUCUS and JOHNSON of South Dakota, WELLSTONE, and others, and I am happy to be a cosponsor of the bill.

THE ECONOMY

Mr. DORGAN. Mr. President, I intend to put into the RECORD a letter I sent to President Bush several weeks ago on the subject of having an economic summit meeting.

I note that the President had a forum of some type in Crawford, TX, when he invited people who agreed with his fiscal policy to talk about how well the administration's policies are working.

I believe we have significant economic difficulties in this country. The Federal budget deficits now continue to skyrocket.

We have a budget that does not add up, a fiscal policy that does not make much sense. I think we ought to have an economic summit at which people of varying opinions come together and have a competition of ideas about what works and what does not, so that we can find ways to put our country back on track.

I hope the President convenes this much-needed economic summit.

(Mr. WELLSTONE assumed the chair.)

CORPORATE RESPONSIBILITY

Mr. DORGAN. Mr. President, I wish to comment on one additional matter. I intend to hold some hearings in the Commerce subcommittee that I chair, on the issue of corporate responsibility.

We recently passed legislation dealing with corporate responsibility in the Senate. It was subsequently signed by the President. I supported that legislation, but I thought that it could be improved in some areas.

During Senate debate, I tried to offer an amendment dealing with the issue of bankruptcy, that called for recovery of profits by top executives of companies that went bankrupt. The amendment was blocked by my colleague, the Senator from Texas, who kept me from offering it over several days. I was not able to offer that amendment on the bill, but I am going to continue to push it.

My point is this: As corporations go bankrupt and as those CEOs take increasing amounts of money out of corporations in bonus payments and incentive payments prior to bankruptcy, I think there ought to be a mechanism for disgorgement or recapture of that money for the benefit of other investors who lost their shirts and the employees who lost their jobs. I believe this idea would have had wide support in the Senate, but I could not get it done because it was blocked by the Senator from Texas.

Well, the Financial Times has done a study and written an article to which I want to call attention. It is titled ''The Survivors Who Left All the Way to the Bank.'' The Financial Times found that in the 25 largest companies that went bankrupt since January of 2001, there were 208 top executives who were paid a total of $3.3 billion in salaries, bonuses, and incentive payments.

Think of that. As these publicly traded companies were going down the tubes and into bankruptcy, executives were busy taking out massive sums—$933 million from one; $290 million from another; $299 million from another, just to give a few examples.

I would like one good reason anybody has for providing a bonus or incentive payment to any executive prior to the company filing bankruptcy—just one good reason. But there is not one. That money ought to be recaptured. There ought to be what is called a disgorgement or recapture or clawback. That money ought to be used to reimburse investors who lost their shirts and employees who lost their jobs.

I am going to hold a hearing about this in my subcommittee. We are going to look into situations like that of Enron. We have already had some testimony in this regard in my subcommittee, relating to bonuses paid at Enron. It turns out that Enron paid $55 million to people at the top of the corporation to commit to stay 90 days as employees following bankruptcy. Some people got bonuses of $1 million, some of half a million dollars. I think that is nuts.

The investors get ripped by losing their shirts, losing their investments, and a few people inside the companies that went into bankruptcy walk away with pockets full of gold from the treasuries of these corporations. It ought not happen. It is just plain wrong.

Yet this was not dealt with by the corporate responsibility legislation. Why? Because I was blocked from offering my amendment.

If I had been able to offer my amendment and had gotten a vote on it, we would have gotten a mechanism for recapture and disgorgement. We would have a law that says that you cannot walk away from a corporation you took into bankruptcy with $100 million in your own bank account.

So there is unfinished business on corporate responsibility. We are going to have votes on this issue of bankruptcy and recapture of ill-gotten gains.

I am also going to be working on the issue of inversions. I know the Presiding Officer cares a lot about that issue, which involves corporations deciding they want to renounce their U.S. citizenship. Why? Because they want to become citizens of tax havens like Bermuda, so they can save on their U.S. tax bill. Shame on them. Inversion, my eye.

We ought not have corporations renouncing their American citizenship out of sheer greed. I am going to offer legislation on that issue as well.

So we have some unfinished business on corporate responsibility. Nobody ought to think the bill we passed is a cure-all. It addresses the problem of corporate irresponsibility in a constructive and positive way, but it is incomplete and there are other issues yet to be addressed. I, for one, intend to hold hearings and offer amendments on this issue. Mr. President, I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The majority whip is recognized.

Mr. REID. Will the Chair advise the Senator when morning business started?

The PRESIDING OFFICER. Morning business started at 12:07 p.m.

Mr. REID. Under the control of Senator KENNEDY, or his designee, we have the first half hour until 12:37 p.m.; is that right?

The PRESIDING OFFICER. That is correct.

Mr. REID. Mr. President, I ask unanimous consent that the Senator from South Dakota be recognized for 5 minutes, and following that, the Senator from Nebraska be recognized for 5 minutes.

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

The Senator from South Dakota.

DROUGHT RELIEF

Mr. JOHNSON. Mr. President, I rise to speak in favor of an amendment which I have cosponsored which provides direct and immediate emergency aid to the nation's farmers and ranchers coping with a drought of devastating proportions. Mr. President, recently President Bush visited my home State of South Dakota at Mount Rushmore. He was met with great courtesy, respect, and hospitality which we always extend to Presidents of either political party. I was there, along with my wife, to greet the President at Mount Rushmore. We are proud of our State and always pleased to have an opportunity to show it off.

There was a great deal that the President said in South Dakota on which I could agree. There are a number of areas of common ground on which we can work together as Americans.

I have to say, however, that I was profoundly disappointed that the President chose at that time to express his opposition to emergency drought relief for farmers and ranchers in my State all across America. Some 40 States have been struck to some degree or another by this relentless drought.

There are areas in my State in dire circumstances. We have lost almost $2 billion in the South Dakota economy over the course of this past year, and in our small State, that is an enormous hit. I have visited farmers and ranchers across my State who detail with great pain and emotion the problems they're being forced to cope with due to this drought.

I recently was in Philip and Faith, SD. The pastures look like the surface of the Moon. There is no vegetation at all. I talked to Gary Vance, the owner of the Faith livestock auction barn who indicated to me that a year ago, over a 2-month period, they sold 1,200 cattle. Over 2 months this summer they sold over 12,000 cattle as people continued to liquidate their herds, including breeding stock, simply having to get out of the business altogether. Corn cannot be cut for silage, soybeans are lying in the dust, and pastures are simply patches of dirt at this point. It is having a devastating impact.

As the Senator from North Dakota indicated, I have always been supportive of emergency aid in circumstances where people have been struck by forces of nature, whether it is hurricanes in Florida or earthquakes in California. I do not begrudge providing money to New York and other places where we had floods, hurricanes, and tornadoes.

I find it striking that some are arguing to set a new precedent whereby this one sector of the economy, the agricultural sector, is being asked to play by a different rule. Those suggesting this new precedent believe we can take money out of the existing farm program to deal with a natural disaster. The farm bill was never designed to address problems of natural disasters. By their very nature, droughts and floods are unpredictable. They occur some years; some years they do not. Some years, their scope is of one kind; others, another. I find it hard to believe the administration has taken this position while at the same time talking about an economic stimulus package.

I can think of few things that could be more stimulating to the economy in our part of the country other than a drought bill to provide some relief to get these people through the winter. Right now, in too many instances livestock producers have no feed, they have no water. They are not going to make it through the winter. They are selling their herds off at a $250-a-head loss. These pastures are not going to recover, in some instances, for years. This is an enormous hit, and it is not just the farmers and ranchers, it is mainstream business. It is the entire fabric of the economy of South Dakota that is suffering mightily, as it is in so many other States.

In the past, we have always dealt with this on an emergency basis. Presidents of both political parties, President Bush Sr., and this President, when he was Governor of Texas, asked for drought relief on an emergency basis in his State. So it seems hard to believe we find ourselves in this circumstance where the Senate passed drought relief for the 2001 year over 6 months ago that was defeated and pulled out of the farm bill by colleagues in the House. The White House expressed opposition to it. some 200 days ago.

We attempted to put drought relief in the supplemental appropriations bill but again ran into resistance. Now we are looking at the 2003 fiscal year beginning on October 1. Things are delayed already, I don't think we can afford to wait, we must enact emergency relief now. There are some who talk

about finding the money within the farm bill, within the LDP and the countercyclical payment money that will not be used. The Congressional Budget Office indicates to us there is no such fund, there is no such $5 billion lying around in the farm program waiting to be used, and we would not know what the scope of the funding for those programs would be until September of 2003 in any event.

Frankly, we have producers who needed help months ago who have to make wrenching decisions right now relative to whether they are going to make it through the winter. They will have to liquidate everything they have in order to survive in too many instances. Too many young producers are being chased out of the business altogether. Those most vulnerable, those least capitalized, tend to be among the youngest. We are at risk of losing an entire generation of farmers, ranchers, school board members, and church leaders in rural America if something is not done to provide meaningful and immediate relief.

There is great urgency to this, and I hope we can find the bipartisan support to pass the comprehensive drought relief bill in these comings days.

The PRESIDING OFFICER. The time of the Senator has expired.

The Senator from Nebraska.

Mr. NELSON of Nebraska. Mr. President, I rise today in support of S. 2800 to say that during the August break, when we all went home, what a pleasant experience it was to go home, except that some of what I saw during those days in August in Nebraska were not pleasant experiences. The message from our farmers and ranchers in Nebraska is that the drought is driving them out of their business and running them out of agriculture.

As a part of my trip back to Nebraska, I hosted a Senate Agriculture Committee hearing in Grand Island, and I thought it might be important to report back what I heard from many of our farmers and ranchers in Nebraska.

Al Davis, a rancher from Hyannis, NE, in the middle of the sand hills, told me his ranch has not had any measurable precipitation since July 6—a month and a half earlier.

For 60 days, Art Duvall's farm in Ord had no measurable rainfall, and the McCook Daily Gazette, my hometown paper which I delivered as a young boy, reported that as of the date of the hearing, that area had had only 8 inches of rain this year and that there will be 35 days this summer with temperatures of 100 degrees or more, approaching the record set during the Dust Bowl years.

I visited Randy Peters' farm, a farm that has been in the Peters family since 1921, where on many occasions as a young boy, with my father, I hunted pheasants. So I am familiar with the farm. Since 1921, they have had a crop every year—some good years, some bad years, but they had a crop. This year, there will be no crop. The corn will be left standing, not even good for silage, not having any value except maybe if we get any kind of snowfall this winter, maybe to catch a little snow and keep it for moisture for the future.

When we had TV cameras to take a look at how bad the ears of corn were, we had to walk halfway through the field to find an ear of corn big enough to shuck so we could peel back the husks and have people take a look at the fact that there were no kernels of corn on that ear.

I also heard during the hearing the details regarding the sale of livestock. As the Senator from South Dakota stated about selling off herds and recognizing that next year may not be any better, farmers may need to sort of hedge their bet a bit and get rid of their herds in case the high cost of hay—if it is available—will drive up the cost of production to the point where they lose more on every head of cattle that they sell rather than recouping any losses.

Witnesses testified that much of the nonirrigated crop in large sections of the State would be a total loss this year, after 2 previous years that had been bad crop years in their own right. Witness after witness testified that they need the kind of assistance the Federal Government would not think twice about giving if Nebraska had been struck by a hurricane.

As Merlyn Carlson, the director of agriculture for the State of Nebraska, said, agricultural producers, farmers, need two things: Rain and money.

Well, we cannot do anything about the rain. Even if we could, the rain will come too late this year to protect against the problems that are currently being experienced. It will be great for next year but not for this year.

At this point, I am sure some of our colleagues would bring up the subject of offsets. That certainly has been raised by the administration and by many of our colleagues. There are those who believe that any disaster relief should be funded only by cuts in future farm bill programs. I disagree. There is no reason to treat disaster relief differently for rural areas struck by drought than we would in other areas struck by another kind of natural disaster. Moreover, if we wait for offsets, we will delay relief.

One thing I have learned during my short time in the Senate is that every program and every idea has a constituency, and if one Member of Congress attempts to defund a program for the benefit of another, there will be a fight. We cannot afford to waste time having a floor fight over offsets.

Throughout the hearing, witnesses asked for relief without delay. At one point, I asked a panel, consisting of representatives of the National Corn Growers Association, the American Corn Growers Association, the Nebraska Wheat Board, the National Grain Sorghum Producers, and the Nebraska Corn Growers Association, if they favored a delay in relief if offsetting costs could be found. Without exception, they did not. They recognized that, in fact, if aid will be of any assistance, it must be delivered as soon as possible.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. NELSON of Nebraska. I urge our colleagues to move forward on this legislation.

The PRESIDING OFFICER (Mr. JOHNSON). The Senator from Nevada.

Mr. REID. How much time does Senator KENNEDY have remaining?

The PRESIDING OFFICER. Ten minutes, 20 seconds.

Mr. REID. I ask unanimous consent that Senator KENNEDY be recognized as in morning business for an additional 5 minutes and the minority also have an additional 5 minutes for morning business.

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

The Senator from Massachusetts.

NO CHILD LEFT BEHIND

Mr. KENNEDY. Mr. President, for families across this country who have school-age children, they have been involved over the period of these recent days and weeks preparing their children to attend, by and large, the public schools of our country. Over 90 percent of the children in this country go to the public schools. A little less than 10 percent go to private schools.

Over these last several months, we have had, with President Bush, a bipartisan effort which resulted in what was called the ''No Child Left Behind Act.'' That legislation recognized that what is really needed for the neediest children in this country is school reform. But we also need investment, school reform and increased resources.

For a long time, the Title I program was criticized because it provided resources without really providing the kind of accountability that is so important. So there was a bipartisan effort to provide for that kind of accountability.

Now as parents are seeing their children going back to school and they are asking whether the Congress and this administration are meeting their responsibility. Because in that legislation, we are holding accountable the children that were going through school. We are holding accountable the schools. We are holding accountable teachers.

I was asked over the recent month of August as I went around Massachusetts, is: What is going to be the administration's response to the children being left behind with the budget that the administration recommended to the Congress for funding of No Child Left Behind? Will politicians be accountable? There are 10.3 million children who fall into what we call the Title I category. Over 6 million of those children are going to be left behind under the administration's budget. We do not expect that money in and

of itself to be the answer to all of the problems, but it is a pretty good indication of the priorities of a nation and the priorities of an administration. And this chart is a pretty clear indication of the recent history of increased funding for education. We are talking her about the total education budget. In 1997, a 16 percent increase; 12 percent in 1998; 12 percent in 1999; 6 percent in the year 2000; 19 percent in 2001; and 16 percent in 2002. However, it is only 2.8 percent under this administration's budget, the lowest we have seen over the last 7 years.

Again, money is not everything, but we did make a commitment to the parents, to the families, to the schools. There is tough criteria for all of those groups.

We have seen, in the efforts made by Senator HARKIN in the Appropriations Committee, the recommendation that it will be higher than this program. It will be some $4.2 billion, and it will raise this percentage up to about 6 percent. 2.8 percent is the recommendation that is being made by our Republican friends in the House of Representatives. By and large, the best judgment we have is that this will be the figure coming from the House, and we will be somewhat above, and the conference will come out lower, certainly, than what we have seen in recent years.

What has resulted from this—from the fact that we have not seen adequate funding of the program? We recognize in the No Child Left Behind Act that one of the most important necessities is a well-qualified teacher in every classroom in the country. There is virtually no increase in funding for teacher training. So the 18,000 teachers that would have been trained if there had been a cost of living increase will not receive the training.

Mr. President, 20,000 students will be cut from the college Work-Study Program; 25,000 limited-English-proficient children cut from the Federal bilingual program; 33,000 children cut from afterschool programs; there is virtually no increase in the Pell grants; and there is no increase in student loans.

What has the administration requested of the Congress? Why do I take a few moments of the Senate time today? I want to point out what is happening in this debate regarding funding of education because tomorrow in the House of Representatives, they will mark up a recommendation by this administration for $4 billion in new funding for private school vouchers. We understand, this is for private schools, 10 percent of the education, $4 billion. Yet just 2.8 percent increase for the public schools, where 90 percent of the children go.

There are a number of reasons we should be concerned. I think most of us believe that we should not be taking scarce funds from the public school children and putting them into private schools. That is in effect what this is doing. If we had the $4 billion, we would be able to increase the total number of poor children to be covered under the Title I program to about two-thirds of those that are being left behind this year. However, the administration said no; we will have $4 billion over a 5-year period to be used for the private schools, for just 10 percent of the children.

The reason we raise this issue is in case we have these resources again, we will have an opportunity, hopefully, to debate this, and it ought to be directed toward the public school system.

But beyond that, some of the things that concern us is that with the $4 billion, there is virtually no requirement that we have accountability. The administration made a great deal about accountability, to make sure that we know where the money is invested, what the results will be on the standardized systems to be able to tell if children are progressing. In my own State of Massachusetts, we have seen important progress where we have had accountability and support, including the recent announcement of the MCAS results in the past week, in which we have seen continued progress in math and continued progress made in English. Not all the problems are resolved, and there are still painful problems in terms of disparity, but we have seen progress made because of accountability.

The administration has talked about accountability. But for their $4 billion, there is no accountability to any schools to ensure that they do what all the public schools do, and that is, to have the examinations.

There is no accountability to ensure that private schools accept all the children. In the public school system there has to be acceptance of all of the children, but the private schools do not have to do that.

In private schools, there is no accountability to ensure teachers will be highly qualified teachers. We wrote in that legislation that in a 4-year period there will be highly qualified teachers in the classrooms. We fund a variety of programs regarding recruitment, training, and retention, and we give maximum flexibility to local communities to be able to do that. But there is no requirement with that $4 billion that they use those funds for highly qualified teachers in the classrooms. And there is no requirement to give the parents the critical information they need and which we have insured under this legislation.

So we are puzzled. We heard both the President and our good friends on the other side saying accountability was the key element. We agree that was enormously important—we are going to have accountability and resources. However, now we have the administration coming back with $4 billion more. Instead of allocating that to the 90 percent of the schools that will train the children of America, the public school systems which returned to school this past week—no, they will use that money, the $4 billion, in the private schools for vouchers. They have basically retreated on each and every one of these principles. It seems a very important mistake and one which we will have the opportunity, hopefully, to debate.

With those resources, if the Bush budget took that $4 billion in new funding for private schools over 5 years along with the cut in public schools, had that $4 billion been available for public schools, it would mean the upgrading of the skills of 1 million teachers across this country. It would upgrade the skills of 1 million teachers. You could provide 5.2 million more children with afterschool learning opportunities.

I just point out about the afterschool programs, because of all of the Federal programs that are out there that go through the process and are considered to be quality programs, when they get in line for the funding, the afterschool programs are No. 1. Do we understand that? There is a greater need, in terms of limited resources for these programs, than for any other Federal program. People understand that if you are going to provide afterschool programs and supplementary services for the children who need them, this is the way to try to do it. We are seeing the results of success academically as well as in terms of the social progress the children have made.

This is what you would be able to do. You could provide 5.2 million more children with afterschool learning opportunities. You could provide a Pell Grant to 500,000 more college students—those students who are able, gifted, talented, motivated young people whose parents have limited resources and income. They will not go on to college because they are not eligible for the Pell grants. With these resources, 5,000,000 more children would receive increased college aid.

As we continue this debate and discussion about funding education, it is enormously important that the American people understand whose side we are on. We on this side of the aisle believe very strongly that with scarce resources in our budget, these resources ought to be used to provide more highly qualified teachers in every classroom, smaller class sizes, afterschool programs, supplementary services, and information to parents so they know what is happening in those schools—all of those for the children in this country. We believe that is where the needs are. That is what we ought to be doing with scarce resources, not siphoning off $4 billion for the 10 percent of children who are attending private schools.

We will have an opportunity, when this comes before the Senate, to debate it further. But we want the parents of children going to public schools, who are facing increasing pressure—as we have seen all across this country as States have cut back in support and help to local communities, increasing the size of their classes, reducing the afterschool programs, cutting out a

number of subjects such as music programs, and cutting back on the number of teachers' aides and teachers' assistants—to know that we understand this is not a time to abandon our public schools. This is a time to invest in our future.

One final point. We have had a great deal of discussion and debate about national security and national defense. I would like to make the point that ensuring that we are going to have well-qualified children in schools that are going to meet standards is an essential aspect of our national security and national defense. And we should not shortchange that investment any more than we do our Defense Department.

I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, for the last few moments I had the opportunity to listen to the Senator from Massachusetts. Of course, he is well known for his dedication to public education in this country. I applaud him for that.

I also want to recognize a President who has seen public education in its current condition to be an issue on which to speak out and on which to lead. And while the private school and the voucher may be criticized, we are creating a dynamic, now, in the marketplace of education, that means the public schools are going to have to compete a little more. In that competition, they will dramatically improve.

The condition for educating young people, in my opinion—and I think it is a growing opinion in America—will rapidly increase.

DROUGHT AND FIRE

Mr. CRAIG. Mr. President, I did not come to the floor this afternoon to speak to education. I came to the floor today to talk about what I saw on the Weather Channel this morning across the Great Basin West, the Weather Channel that spoke of a hot weather pattern that permeates the Great Basin West, that continues to allow it to be dry, and, as a result of the drought conditions, we have a unique weakness in the West this summer that tragically has been played out for a good number of years and will be played out into the future.

The western skies are full of smoke today. They are full of smoke from forest fires that started burning in mid-June on the great Rocky Mountain front of the Colorado and down into the southwestern mountains of Arizona. To date, we have seen a fire scenario on our forested public lands that is almost unprecedented in the history of the U.S. Forest Service and U.S. Forest Service management.

Today, as I speak, as a result of public policy and as a result of the drought conditions in the West, we have seen over 6.3 million acres of public land burned. That 6.3 million acres is not a record, but it is without question a historic record when you compare it with the averages of the kinds of public lands we have seen burned over the last good number of decades.

We watched what happened in Arizona earlier this year when nearly 700,000 acres were burned and thousands of homes were lost and lives were lost. Then, during the August recess while all of us were back in our States, we watched the firestorm that struck the eastern slopes of the Cascade Mountains in Oregon. In the State of Oregon, almost a million acres of land have burned.

In the State of California, as I speak, 3 fires are burning and over 12,000 acres have been burned.

In the State of Colorado, over a half-million acres have been burned.

That is a tragedy, without question. Wildlife habitat, watershed, has been destroyed at almost an unprecedented rate. Watershed for urban areas, habitat for endangered species—gone, up in smoke. There is nothing but a pile of ashes today because those fires were so hot, so penetrating, so intense, that they were unlike almost any other kind of fire we have seen on our public lands.

Why has that happened? What am I talking about? Is this unprecedented? Or is fire simply natural in our forest systems? Fire is a natural element in our forest systems. But what we are seeing today—because largely we took fire out of the ecosystems of our forests 70 years ago—is that these are very much abnormal fires, burning hotter than ever, burning entire stands, burning the ground to such an extent that we are caramelizing the soil and burning the humus out of it. By so doing, we are disallowing the ability of those forests to rejuvenate as they would under a reasonably normal scenario.

Why is this happening? It is happening because of public policy, because of an attitude that was held right here in this Senate that has crafted public policy over the last several decades that not only took fire out of the forests but didn't allow active management in the forest to replace what fire would have otherwise accomplished.

As you know, in the Black Hills of South Dakota you have had this kind of situation. In fact, the Presiding Officer and his colleague, Senator DASCHLE, have felt the situation so intense and so risky of ecosystems, of timber, of wildlife habitat, of human dwellings and all of that, that you chose to act. I think you acted in a relatively appropriate way to recognize the need for immediate action that would not deny the thinning and the cleaning and the fuel reduction that needed to go on in those forests.

I chaired the forest subcommittee for 5 or 6 years here in the Senate. We have spent a lot of time looking at this issue, trying to deal with this issue—largely to no avail.

In the early 1980s, a group of forest scientists met in Sun Valley, ID, for a national review of the health of our forested lands. At that time, 1981 or 1982, I believe, those forest scientists, with no bias, simply made the statement that the public forests of the Great Basin West were sick, dead, and dying, and if there was not active management involved to change the character of the forest health, that within a decade or so these forests could be swept by devastating wildfires.

Those scientists were not prophets. They didn't have a crystal ball. They simply looked at the facts that were available in the early 1980s and made a determination that, without active management, we could lose these forests in an unprecedented way.

During the decade of the 1980s that followed and the decade of the 1990s, we did just exactly the opposite of what those forest scientists proposed. We progressively became inactive on our forests, largely because many thought, and public policy allowed the argument, that no management and no activity would improve the environment. What we failed to recognize was that the environment had deteriorated so that simply could not be the case and that these kinds of fires would be stand altering, stand destructive, and destroying wildlife habitat and watersheds that we see in the West today.

The fire seasons in the West are not over. Today, literally thousands of acres are still burning. My guess is that before the fire season is over, we will see over 7 million acres of land burned.

Before we left for the August recess, a group of us gathered at a press conference to speak in a bipartisan way to this issue. At that time, we had not yet quite determined what we needed to do, but we believed the American public was becoming increasingly aware that something had to be done, that we needed to lean on this issue to save our forests, to save wildlife habitat, to have a watershed, and to protect homes in that urban wildland interface.

I said at that press conference—the last of July or early August, and at that time—that less than 4 million acres had burned. I said that probably by the time we returned over 67 million acres would have burned. I was no prophet. I simply had studied fires and the way they were burning in the West over the last several years to recognize that was probably a reality. And it became a reality practically enough. Today, 6.3 million acres have burned. Thousands of acres are currently burning, with fires in almost all of the Western States—at this moment actively burning and out of control.

We said at that press conference that when we returned, we would try to resolve a bipartisan approach we could bring to the floor so that we might offer it as an amendment to the Interior appropriations bill or some similar vehicle. We are in the final hours of trying to craft that kind of an amendment that would bring us together in a bipartisan way, and in a collaborative way, to solve this problem.

Earlier this year, the Western Governors Association, in conjunction with the Secretary of the Interior and the Secretary of Agriculture, met and produced a western fire policy that dealt with these fire-prone acres. They proposed a collaborative process that targeted those critical areas in all of the States involved and that would allow us to move forward in a relatively unrestricted but environmentally sound way to do so. There has been a lot of work going on to try to solve this problem.

Late this month, the President was out in Oregon, looked at those fire scenarios, and reported that he, too, agreed that active management was necessary, that our forests were at a critical state, that we were in a state of emergency, and that failure to respond was negligence on our part. The President also said we shouldn't block from the courthouse doors people who would want to appeal or object.

While I agree with you, Mr. President, and TOM DASCHLE, your colleague, chose a slightly different course that would have denied appeals and court actions under certain circumstances, we are working right now to try to see if we can craft that collaborative process that would limit but still allow some degree of protest and/or objection, or appeal based on law and based on the reality of the environment, and at the same time not allow those thousands who would choose to obstruct entirely—to simply use that as a tool to bring any action on our public land.

I hope by tomorrow we can bring to the floor that kind of an amendment which will have bipartisan support. We are going to try mightily to achieve that.

Let me close with this thought, because to me this is the most frightening of the thoughts about which I have talked.

Six point three million acres have burned to date, 2,500 homes have been wiped out, and 25 people have died trying to fight those fires. If this had been Hurricane Andrew, which devastated less, we, with the full force of the Government, would be out there today helping those people rebuild those homes and trying to solve the problem. But some have said: Oh, no, this is just Mother Nature, and this is natural. Well, hurricanes are Mother Nature, and they are very natural. But still we have reacted differently. A hurricane is going on in the forests of public lands—wiping out millions of acres of trees, 2,500 homes, killing 25 people to date, and it is clearly something we have to speak to, and speak loudly.

Even if we are able to gain public support to get optimum public activity on our public land, if we are able to thin and clean and fireproof tens of millions of acres a year—even if we do that—our scientists are telling us that the forested lands—the Great Basin West primarily, but all of the public forests of our country—today are in such unhealthy condition that over the next 15 years we could still average anywhere from 5 million to 8 million acres a year being wiped out by wildfire, depending on climate conditions—drought or lack of moisture.

Shame on us for having waited so long to attempt to do so little. But we must attempt now to do something. I hope we can bring all of the communities of interest together in a kind of collaborative process to look at these acres, to deal with what we call the class 3 sick, dead, and/or dying bug-infested acres, to look at our urban wildland interface, to talk about and help shape the environment that protects homes while at the same time protecting wildlife habitat and watershed and what can once again be the beautiful forests of this country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. COLLINS. Mr. President, I ask unanimous consent that I be permitted to proceed as if in morning business for up to 12 minutes

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

Ms. COLLINS. Thank you, Mr. President.

CONSERVATION FUNDING IN THE INTERIOR BILL

Ms. COLLINS. Mr. President, today the Senate begins consideration of the fiscal year 2003 Interior appropriations bill. Land conservation funding is the critical component of this legislation—funding for land conservation preserves, wetlands, open fields, barrens, and woodlands that are threatened by ever-increasing pressures from development.

I would like to highlight three land conservation projects funded in this bill that are of particular significance to the State of Maine.

First, let me congratulate the distinguished chairman and ranking member of the Interior Appropriations Subcommittee, Senators BYRD and BURNS, for producing a bill that includes a generous amount for land conservation effort in the face of severe fiscal constraints.

The Forest Legacy Program, in particular, is funded at $80 million in this bill, which represents a nearly 25-percent increase from last year's level. This is a remarkable achievement considering that when I first joined the Senate in 1997, the Forest Legacy Program was funded at only $2 million.

I am a very strong supporter of the Forest Legacy Program because it recognizes that our forests are both the source of good jobs and of boundless recreational opportunities for our sportsmen, our hunters, our hikers, and everyone who enjoys the great outdoors.

I am very pleased, therefore, that the bill before us today includes $2.9 million in Forest Legacy funding for an important project in Maine. It is known as the West Branch Project. The funding that is in this legislation will help us complete this important land conservation effort. This historic project has been more than 3 years in the making, and it is a testament to what can be accomplished when the Federal Government teams up with private landowners, private nonprofit groups, and State and local governments to preserve special lands. I have worked hard with my senior colleague from Maine to help this project reach fruition.

This significant project will protect 330,000 acres of lakefront and forest lands in some of the most pristine areas of the State of Maine. Much of the West Branch lands make up the viewshed from Mt. Katahdin, Maine's largest peak and the northernmost point of the Appalachian Trail. Their protection through the Forest Legacy Program is critical for the well-being of Maine's recreational and natural resources. Moreover, protection of this land through the Forest Legacy Program will enable the landowners to continue to supply area mills and support the local economy while allowing the public continued access to the beautiful lakes, streams, and back country wildlands that are characteristic of this area.

That is why the Forest Legacy Program is such a good one. It recognizes that our forests have multiple purposes, that they can provide good jobs for those in the forest products industry as well as being a source of beautiful recreational opportunities for all of us who enjoy walking through the woods or fishing or hunting or enjoying the lakes and streams that abound in those forests.

Regrettably, the House Interior appropriations bill does not contain any funding for completing the West Branch Project; therefore, I hope the Senate position will prevail in conference.

Another land conservation project that is important to my State is the protection of the 8,600-acre Leavitt Plantation Forest. I, again, thank the managers of this bill for including $600,000 for this project in their legislation.

Leavitt is the largest contiguous forest in southern Maine. The forest was targeted for development 2 years ago, when it was scheduled for auction in as many as 13 separate parcels.

Fortunately, Renewable Resources, a timber management company, approached the Maine Department of Conservation and the Nature Conservancy with a plan to protect Leavitt Plantation. Working together with the owner of the property, the company agreed to purchase the tract up to the New Hampshire border and to sell a conservation easement that will protect wildlife habitat, while allowing the property to continue to be managed for forestry and recreation.

Finally, the bill includes $3 million to purchase critical shorebird nesting

areas within the Rachel Carson National Wildlife Refuge. It is easy to see why so many are committed to protecting the Rachel Carson National Wildlife Refuge. The refuge's 5,000 acres are home to rich and diverse wildlife habitats, including coastal salt marshes, barrier beaches, forested wetlands, coastal meadows, and upland forests.

During the course of the year, more than 250 species of birds, 47 species of mammals, and 35 species of reptiles and amphibians can be found at the refuge. What is most remarkable about the refuge is that all of this wildlife and habitat diversity is located in Maine's most populated region. So this makes this wildlife refuge a particularly special place to the people of southern Maine.

The funding in this bill for Rachel Carson will help protect the habitat found on these lands. In addition, it will preserve open space in a region of Maine that faces tremendous development pressure. This project serves as yet another example of how nonprofit and community organizations can work together with the Federal Government to identify and acquire critical lands from willing private sellers that otherwise might be lost forever to sprawl and other development.

It takes considerable resources for the Federal Government to be an effective partner in the effort to protect habitat and preserve open space, particularly in high-growth areas such as southern Maine where the cost of land is increasingly high. That is why I have worked so hard in Washington to secure the resources needed to support these community-based conservation efforts in my home State.

Rachel Carson, the patron of the Wildlife Refuge, once said of her substantial accomplishments:

> The beauty of the living world I was trying to save has always been uppermost in my mind. . . . Now I can believe I have at least helped a little.

I think Rachel Carson would agree that the land conservation funding in the Interior bill we are considering today is helping, piece by piece, to preserve ''the beauty of the living world'' and to ''help a little.'' I am very pleased to support the land conservation efforts in the bill. Again, I thank the managers for their leadership in this area.

Madam President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. CARNAHAN). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

STATE FAIR FOCUS GROUP

Mr. WELLSTONE. Madam President, I say to my colleagues, Senators LIEBERMAN and THOMPSON and others who will be here, I have been known to speak for several hours, but I will not. I will just take a few minutes. When Members come to the floor to start debate of the homeland defense bill, I will be pleased to finish.

As a matter of fact, I will have an amendment, which will be the ''no Federal contracts for expatriates'' amendment, which is very similar to what I did on the Department of Defense bill. The House of Representatives actually took action on this with a pretty strong vote. What this says is, if you have companies that have moved to Bermuda and renounced their citizenship, they will not be getting any Federal contracts. It is a pretty simple proposition. I look forward to introducing the amendment and hope to do it shortly, this afternoon. I am ready to get going.

We have so much to do in such a short period of time that I hope Senators will come to the floor with amendments on both sides. I will be ready to do so.

As long as I am on the topic, I wanted to talk about my experience back home. I don't know about you, but we all have our own focus groups. The greatest focus group in Minnesota is the State fair. It is really quite a happening. In about 12 days, almost half the State's population comes to the State fair—2.5 million. That might be a slight exaggeration but not by much.

There are a couple of things I really like about the fair. One is, it is sort of the essence of political equality. Nobody has a lobbyist. Everybody counts as one and no more than one. Everybody comes up and talks with you.

I also like what we call the greater Minnesota focus. We have a very thriving metropolitan community, but we are also an agricultural State. It is great to see the very strong emphasis on agriculture at the fair.

It is a focus group because you can be at your own booth, and lots of people come up, and I guess that is self-selection, where maybe it is a lot of supporters and whatnot. But even there, certainly walking around, you will run into everybody and anybody, and people are going to tell you what is on their mind.

I heard a lot—a lot, a lot—about corporate responsibility. I don't know if people used those words, but there is really a lot of concern about this flat economy. And look at the news yesterday and today. That is what we have. People really are worried that they will not have any pension, and they are worried they might not have a job. In Minnesota, Mr. Joseph Nacchio, CEO of QWEST, Minnesotans, starting with the QWEST employees who worked so hard to build that company, they are not one bit pleased that while Mr. Nacchio was cheerleading them to invest a big part of their 401(k) in QWEST stock, he was dumping his own and walked away with around $230 million. There is a lot of that.

People are looking for those of us here to be watchdogs for them. They are looking for us to not be too influenced by all the big economic interests with all their money and lobbyists and their connections and clout. People are saying to all of us, we want you to be for us. I guess sometimes they are not so sure the Senate always is for them. In that respect, the Sarbanes bill was a very positive step forward.

We had a stalemate here in 1994 on health care when we were talking about universal health care coverage. Really between 1994 and now, it is as if this never was an issue. But the issue of health security, of affordable health care coverage for people, for their loved ones and families, has walked into people's living rooms. I heard more discussion of the cost of it—the premiums, the copays, the deductibles, the inadequate coverage—just unbelievable—and, of course, prescription drug coverage by the elderly and also by others. Health care has emerged. I don't have my own poll on all these issues, but I think it is a top issue for families.

In Minnesota, children have just started school, as in other States, and education is right up there. I am not without my bias. Two of our children are teachers. I will just tell you that Minnesota and a lot of States around the country are still counting on us to provide the resources that we committed to providing to them for education. There is a lot of discussion about education.

There were questions about Iraq, what is going to happen, concern. I don't think people feel they have much information. They want more information. They want to know about the different options and consequences of those different options.

Over and over again, if you want to say politics is very concrete and doesn't have much to do with labels, whether it was suburbs, inner city or greater Minnesota small towns, so much of the discussion was about the economy, so much of the discussion was: Senator, what is going to happen to our schools? We had to cut all these teachers. We don't have enough resources. Senator, my wife or my husband has $800 a month or $500 for prescription drugs. Senator, why do the pharmaceutical companies have so much power? Senator, what is going to happen to my pension? Senator, how did those big companies get away with what they have done to us?

That is really what I heard about again and again: I have no coverage; I don't have enough insurance.

I could go into a whole separate discussion. I see my colleague, Senator LIEBERMAN. I said when he came to the floor I would finish. I will.

I could have a separate discussion about agricultural policy and about small business and about veterans who are coming up, facing long waiting lines for health care in Minnesota. I just want to remind everybody: We have a lot of work to do in a short period of time. We ought to have amendments out here on the floor. We better

make sure that we do not lose sight of these basic bread-and-butter economic issues so important to families and so important to people's lives.

We have a lot of work to do. I hope we will do it.

I say to my colleague from Connecticut, the reason I came over is that I am ready to offer an amendment. I think we need to do the work. I want to wait to see what my colleague has to say. I congratulate him on his superb work.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. LIEBERMAN. Madam President, I thank my friend and colleague from Minnesota. In a moment, I will call up an amendment, which is the Senate Governmental Affairs Committee substitute amendment on homeland security, the substitute for the House bill that was sent over here. I will speak on the substitute amendment.

It had been my thought that, in the normal course, Senator THOMPSON, as ranking member on the committee, would introduce the first amendment. I have some reason to believe he may not be prepared to do that right away. But we are prepared to go forward.

I want to indicate—and perhaps my friend from Minnesota will want to talk to the leader about this—that I understand that Senator DASCHLE and Senator LOTT are prepared to move to table any amendments that they consider to be non-relevant to homeland security. Although, as the Senator from Minnesota knows, I share his anger about tax traders—if I may use that term—or tax evaders and support what he wants to do.

Mr. WELLSTONE. I say to my colleague, in the strict text, I have drafted it as a relevant amendment.

Mr. LIEBERMAN. I look forward to reasoning with the Senator and the leadership on that very question.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. Madam President, is the bill going to be reported now?

The PRESIDING OFFICER. It is.

Mr. REID. I thank the Chair.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

HOMELAND SECURITY ACT OF 2002

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of H.R. 5005, which the clerk will state.

The senior assistant bill clerk read as follows:

A bill (H.R. 5005) to establish the Department of Homeland Security, and for other purposes.

The PRESIDING OFFICER. Under the previous order, the Senator from Connecticut is recognized to call up amendment No. 4471.

Mr. REID. Madam President, will the Senator from Connecticut yield to let me say a word or two?

Mr. LIEBERMAN. I will.

Mr. REID. Madam President, I have been a part of some conversations. I think the two leaders are going to have Senator LIEBERMAN and Senator THOMPSON, the managers, determine what is relevant. I don't think they are going to do that. They will follow your lead on that.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

AMENDMENT NO. 4471

Mr. LIEBERMAN. Madam President, I call up amendment No. 4471 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The senior assistant bill clerk read as follows:

The Senator from Connecticut [Mr. LIEBERMAN] proposes an amendment numbered 4471.

The PRESIDING OFFICER. Madam President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

(The amendment is printed in the RECORD of Tuesday, September 3, 2002, under ''Text of Amendments.'')

Mr. LIEBERMAN. Madam President, this legislation is a result of the bipartisan work of the committee, and the occupant of the chair, the Senator from Missouri, has been a contributing member of it. It was endorsed by our committee on July 25 by a 12-to-5 vote. I believe very strongly that this deserves passage by the full Senate.

The substitute I am offering was modified in two respects after the committee held its business meetings in July. First, we added an offset to certain direct spending in the bill related, in fact, to civil service reform. Second, we have clarified earlier language about the conduct of risk and threat assessment by the new Department. Both changes were made after canvassing members of our committee and with the approval of the majority of the committee. I will describe them in more detail in a few moments.

This amendment, almost a year in the making, would create a focused and accountable Department of Homeland Security to enable our domestic defenses to rise to the unprecedented challenge of defeating terrorism on our home soil. Our defenses are either disorganized or organized for another day that is past.

This bill aims to reorganize our homeland defenses to meet the unprecedented threats from terrorism that are sadly part of the 21st century. This amendment would also create a White House office to ensure coordination across the many offices involved in the fight against terrorism, including intelligence, diplomatic and law enforcement agencies, foreign policy agencies, and economic assistance agencies that will remain outside the Department.

We recognize that the threat of terrorism on American soil will painfully be with us for some time. Therefore, the American people deserve and demand a Government equipped to meet and beat that threat. This committee-endorsed bill is presented in three divisions. Division A establishes a Department of Homeland Security, a White House office, and a national strategy for combating terrorism. Division B incorporates the provisions of the bipartisan Kennedy-Brownback reform of the Immigration and Naturalization Service.

We are going to hear a lot during the debate, I am confident, about the need for further reorganization of the constituent agencies we have brought together in this bill. But the committee-endorsed bill actually does undertake a massive reorganization of the one agency that just about everyone agrees is in desperate need of reform, and that is the INS. Division C incorporates consensus civil service reforms, themselves the product of intensive collaboration and discussion over a period of time—months and perhaps years—that were added as an amendment by the bipartisan team of Senators VOINOVICH and AKAKA.

I expect we will hear people saying that our legislation hasn't given the President all the management flexibility he has asked for. Of course, that is literally true because we believe the administration's request simply went too far, usurping not only the fundamental responsibility of Congress to adopt civil service laws, but to undermine important protections that guard the workplace and Federal workers against favoritism and also that create some limits on the executive, some sense of accountability that is placed on those who have sway over those who have chosen to serve the public as Federal employees.

I urge my fellow Senators on both sides of the aisle to look carefully at the reforms we have incorporated and the new flexibilities that we do provide, which are sensible and significant indeed and, I believe, if passed, would give the Secretary of Homeland Security more management flexibility than any Secretary operating under current law has ever had.

I know this promises to be a controversial discussion, a serious discussion, and sometimes a passionate discussion. I look forward to airing our differences, resolving them, and getting a good bill to conference and then to the President's desk, certainly by the end of this session.

We in the Congress have accomplished great and seemingly daunting tasks in the past; but, honestly, I can think of few in my time in the Senate, which is now 14 years, that have been more critical to our common future and cry out to us to work across party lines, to raise America's guard against the savage, inhumane, cunning threat

of international terrorism. In fact, that is what happened on our committee.

The legislation I offer today was, as I have said, endorsed in July. It was endorsed in a bipartisan vote of the Governmental Affairs Committee. That marked the end of one of many stages in the bill's development in our committee. All told, we have been at this for almost a year now—more than 11 months. We have worked with colleagues on both sides of the aisle. We have worked with experts in the field in various aspects of counterterrorism and homeland security. We have worked very closely since June 6—when President Bush endorsed the idea of a Department of Homeland Security—with the President and his staff at the White House.

We gleaned insight and learned a lot from 18 hearings of the Governmental Affairs Committee that were held after September 11 on this subject and dozens of hearings held by other committees of the Congress.

I must say that I am proud for our committee of the product of these labors. This legislation puts forth a creative, constructive, and comprehensive solution to the core homeland security challenges we now face.

Our legislation differs in some respects, including some important ones from the House-passed bill and also from the President's proposal. We are going to hear people dwell on those differences for much of the debate. That is understandable. In some ways, it would be surprising if legislation as significant and this large were passed without dissent. In some ways, it would be not only surprising but unhealthy. The spirit of debate and controversy is here, and I hope out of it we will emerge with a very strong bill. In the case of each significant difference, I believe in the path we have taken, and I look forward to explaining why.

Let me say again we cannot allow the differences to overshadow the vast common ground on which we stand. Mahatma Gandhi said: ''Honest disagreement is often a good sign of progress.'' He had a point. With a bill this big, as I said, I would be uneasy if the Senate began the process in total unison.

Let's realize the underlying reality and not lose sight of it. Just about everyone in this Chamber, on both sides of the aisle, understands the urgent necessity of reordering and reorganizing our capabilities to detect danger, protect Americans from attack, and respond in the event of an incident. That consensus should guide us and should ultimately dominate here. In fact, it is hard to find a Member of the Senate or the other body who will say they are against the creation of a Department of Homeland Security. People have different ideas about how one or another piece of it might look, but there is no one I have heard who is really against the creation of this Department.

In the end, that is because I think people understand that the current state of disorganization in the Federal Government's apparatus for responding to homeland security threats is dangerous. The consensus, therefore, for responding to that disorganization is by organizing the Federal Government better to meet those threats, to protect our people, to protect our infrastructure, to see the threats before they emerge through good intelligence and law enforcement, to invest in science and technology, to make protection of the American people at home easier and more effective. In the end, I am confident that we will pass a bill creating a Department of Homeland Security, and the sooner the better.

The American people understand why the creation of a strong accountable Homeland Security Department is the best way forward. They know that the formation of such a Department will not of itself win our war against terrorism. Obviously, we need to continue to encourage and support our military that is on the front lines of offense against the al-Qaida forces that struck us on September 11 and clearly remain out there in the shadows scheming, arming, readying themselves to strike us again.

The disadvantage we now have in defending ourselves because of our disorganization can no longer be afforded. Today, as former Assistant Secretary of Defense Ashton Carter told our committee on June 26:

''Homeland security remains institutionally homeless.''

It is well stated, ''Homeland security remains institutionally homeless.'' Everyone is in charge, therefore, no one is in charge. Our legislation would give this vital mission a home under a single roof and a firm foundation with someone, the Secretary, clearly in charge with the responsible authority and accountability and hopefully the resources to get results.

For the first time, we would require in statute close and ongoing White House coordination of the many other pieces of the fight against this 21st century threat—terrorism—and those pieces could not be included in the Homeland Security Department. They include defense, diplomacy, finance, law enforcement, and others.

For the first time, we, through this legislation, would require a comprehensive assessment of threats and vulnerability so that we understand the worst threats and the best ways to respond. We need a blueprint today. We do not have it. For the first time, we would create a new intelligence division focused on the threats to our homeland, equipped to truly connect the intelligence and law enforcement dots from Federal, State, and local agencies, from human and signal intelligence, from closed and open sources, from law enforcement and foreign sources, including particularly the Counterterrorism Center at the CIA.

These dots were not connected before September 11. We lived to experience the disastrous consequences of that failure.

For the first time, we would bolster emergency preparedness and response efforts to ensure that all layers and levels of Government are working together to anticipate and prepare for the worst. Today, coordination is the exception, not the rule, and that is no longer acceptable.

For the first time, we would build strong bonds between Federal, State, and local governments to target terrorism. State and local officials are clearly on the front lines as first responders and, as I like to say, first preventers in the fight against terrorism.

Today, local communities are already expending funds to better protect their people and their assets post-September 11. They are waiting for help. They need better training, new tools, and a coordinated prevention and protection strategy. That absence of coordination and failure of adequate support for State and local first responders and first preventers is no longer justifiable.

For the first time, we would bring key border and national entry agencies together to ensure that dangerous people and goods and containers are kept out of our country without restricting the flow of legal immigration and commerce that nourishes the Nation.

Today, threats to America may be slipping through the cracks because of our disorganization, and that is indefensible. For the first time, we would promote dramatic new research and technology development opportunities in homeland defense. This war has no traditional battlefield, as I have said. One of the nontraditional battlefields where we must emerge is the laboratory with science and technology. This bill would leverage Government and academic research capabilities and focus private sector innovation on the challenge. Today these efforts are blurred and dispersed, and that is unwise.

For the first time under this proposal, we would facilitate close and comprehensive coordination between the public and private sectors to protect critical infrastructure. Fully 85 percent of our critical infrastructure is owned and operated by the private sector, but our Government is not now working systematically with those companies to identify and close vulnerabilities in, for example, communications networks, electric grids or food distribution systems. That is unbearable.

Finally, our legislation would adopt consensus civil service reforms to give Government new tools to manage it. These bipartisan reforms, introduced by Senators VOINOVICH and AKAKA, would provide significant new management flexibility in hiring employees and shaping the workforce, while assuring that the basic public accountability of the civil service system is not summarily dissolved.

Under our bill, new flexibilities will increase accountability, strengthen the chain of command, and give the Secretary and agencies throughout our

Government the ability to put the right people in the right place at the right time to defend the security of the American people.

As the writer H.G. Wells once said, ''Adapt or perish—now as ever—is nature's inexorable imperative.''

That is our choice today. Adapt and get stronger, or grow weaker; adapt, or give the American people reason to live in fear; adapt, or live at the mercy of our cruel and cunning terrorist enemies rather than being in control of our own destiny, as a great people should be.

So that we have an understanding of why this legislation takes the form it does, let me tell you briefly how it has evolved. It has been a very careful and collaborative process, nearly a year in the making. Last October, Senator SPECTER and I introduced legislation to create a Department of Homeland Security. That was S. 1534. That legislation drew heavily on the recommendation of the Hart-Rudman Commission on National Security in the 21st Century, which was chartered by the Secretary of Defense and supported by both the President and Congress, with the mission of providing the most comprehensive Government-sponsored review of our national security in more than 50 years.

The Commission released three reports in 1999, 2000, 2001, respectively. Its third report, phase 3, entitled ''Roadmap for National Security: Imperative for Change,'' warned that we would soon face asymmetrical and terrorist threats and would need a focused Cabinet-level homeland security agency with adequate budget authority and direct accountability to the President to detect and counter those threats.

The Commission's conclusion, headed by our former colleagues Gary Hart and Warren Rudman, was issued on January 31, 2001, more than a half year before the day of darkness, September 11, 2001. Their conclusion included this statement: ''The United States is today very poorly organized to design and implement any comprehensive strategy to protect the homeland.''

Senators Hart and Rudman, and the other distinguished members of the Commission, made their case effectively and, I might say, eloquently. But the attacks of September 11 tragically drove the message home as no words could or, unfortunately, did. We were suddenly and clearly aware that we were more susceptible than we ever expected to the brutality of terrorism directed against innocent Americans for one reason only: Because they were Americans.

No matter their origin, in terms of ethnicity, religion, race, gender, age, place in life, new American or born American, but just because they were Americans in America, they were targets. We realized we were susceptible to that kind of violent extremism and we did not have the organizational capabilities to leverage our strengths and protect ourselves to the best of our ability.

So the bill I was privileged to introduce with my colleague from Pennsylvania, Senator ARLEN SPECTER, making it obviously bipartisan, last October, hewed closely to the model proposed by the Hart-Rudman Commission and also drew on recommendations made by the Gilmore Commission and others. We called for a new Department made up of the Coast Guard, Customs, Border Patrol, and FEMA, as well as some smaller offices on critical infrastructure protection and emergency preparedness.

The compelling need for such a Department was reinforced in those 18 hearings before the Governmental Affairs Committee during which 85 different witnesses testified on various aspects of homeland security. We learned a great deal also from dozens of other hearings by other committees on both sides of the Hill. So for those who may worry or suggest that we are moving more rapidly than we should, this is the record: Painstaking, deliberative, extensive consultation, investigation, education by experts, and an openness to ideas wherever they came from because of the critical necessity to do something to protect our security.

As chairman of the committee, I have been guided by a maxim that was used about foreign and defense policy, which is that partisanship stops at our Nation's coasts. In the same way, since this new enemy, the terrorists, has brought warfare within the United States of America, I say when we are discussing matters of homeland security, partisanship also must stop. That is the spirit in which our committee has gone forward.

We discovered, whether the subject was anthrax in the mail or port security or critical infrastructure protection, that the Federal Government is now lacking an approach to our problems that is either strong enough or coordinated enough to meet what we now know, post-September 11, is the reality of the challenge to us. In other words, we are dividing our strengths at a time when we should be multiplying them.

Again and again, the same message emerged from the witnesses who came before us, in big bold letters one might say: We still are not adequately prepared for terrorism at home, and a strong Cabinet-level Department, encompassing the key programs related to homeland security, is the necessary first step to addressing those deficiencies and closing those vulnerabilities.

The need for such a Department was further underscored by our experience with the Office of Homeland Security that was established last October by Executive Order of the President. The President appointed Gov. Tom Ridge to fill that position. Governor Ridge is an able, hard-working public servant. He has had the President's confidence and his ear from the very start. But we saw then, and the President would later acknowledge, that the office simply lacked the budgetary and organizational authority to reshape the Federal bureaucracy to define priorities and to get results. Only a Cabinet-level Secretary in charge of the Cabinet-level Department could accomplish that task.

In the debate that has already begun and clearly will go on in consideration of this bill, the President and the administration and their allies in this Chamber are saying we have not given the Executive enough management flexibility. The fact is that flexibility must come with power. It was our bill almost a year ago, in contrast to the President's position, that wanted to give the Executive the authority to be able to carry out the necessary changes in the Federal bureaucracy.

So to portray somehow that this bill is protective of the Federal bureaucracy is not right. In fact, the President's original position that this task could be carried out by an Office of Homeland Security did not give that office the power. It had no management flexibility because the constituent agencies exercised the authority they had under law which was superior to the director of the office. Therefore, in that sense, as well as all the specific senses in which we give management flexibility to the Executive, we are proposing a Department with a strong Secretary. That is the way to get the job done: blend the employees together, encourage them to work together, and set standards for them achieving homeland security. That can only be done by a strong Secretary.

At the same time, however, it became apparent that no single Department could address all of the Federal programs or coordinate all the programs of all the Federal agencies engaged in homeland security or in the war on terrorism. Therefore, last May, Senator SPECTER and I combined our proposal with legislation introduced by our colleague from Florida, Senator BOB GRAHAM, chairman of the Intelligence Committee, calling for the creation of a National Office for Combating Terrorism within the White House to coordinate Federal antiterrorism efforts government-wide.

In contrast to the position created for Governor Ridge by Executive Order, this office would be a Senate confirmed-position, with full accountability and authority as well as statutory power to review Federal budgets related to terrorism.

The combined legislation that we have before the Senate in the form of this substitute amendment which I have introduced this afternoon, resulted from, as I said, Senator SPECTER and I joining with Senator GRAHAM. Obviously, there is more added by the committee. That legislation originally was introduced on May 2, and considered by the Senate Governmental Affairs Committee on May 22 of this year, and reported out on a 9-to-7 vote—a vote exactly split along party lines.

On June 6, we got a surprise, a welcome surprise. We gained another supporter, a most important supporter. That was, of course, President George

Bush. This, I believe, was a recognition by the President—he said so in his own words—that the Office of Homeland Security, as it was created by Executive Order, was just too weak to get the job done. That is what we had been arguing for months. That announcement was followed by a legislative proposal from the administration. We were pleased to see the administration's bill encompass almost all the S. 2452 provisions regarding a Department of Homeland Security.

It went further, however, and also proposed that additional programs and agencies be transferred to the new Department—and there were some good ideas there—to ensure the new administration proposals were properly considered and necessary adjustments made to our legislation.

As chairman of the Governmental Affairs Committee, I held four additional hearings on aspects of the President's proposal. Incorporating the insight from those hearings, as well as input from extensive discussion with colleagues, including committee chairmen and ranking members, we prepared an expanded version of S. 2452. The expanded version went a considerable way toward incorporating the proposals the President and the administration made that had not been made part of our original bill. It was further amended during two very thoughtful, constructive days of committee deliberation and was ultimately endorsed by our Senate Governmental Affairs Committee by a bipartisan vote of 12 to 5. That is what I offered as a substitute amendment to H.R. 5005. The amendment I now offer is the product of this lengthy and healthy process of consultation and deliberation. I thank my colleagues in the Senate for indulging me in this brief history expedition, and I want to say why I take the time to discuss the time it took; and that is to demonstrate that we have gone a great distance to hone this bill, to be open to input from anyone, to reach consensus, to modify, and amplify different sections.

The Department we have designed would for the first time combine, under a single chain of command and under the leadership of a single Secretary who is accountable to the President and the people, dozens of agencies and offices responsible for homeland security.

The Department's overarching mission, as stated in Section 101 of this amendment, is twofold: To promote homeland security, particularly with regard to terrorism; and to carry out the other functions and promote the other missions of entities transferred to the Department as provided by law. That is a very important statement.

As much attention as the first part of the mission, homeland security, will get in this debate, the second half cannot be forgotten because even though this Department's very reason for being created is to intelligently organize our Government's homeland security efforts, many of its constituent agencies perform vital, non-homeland security duties, as well. They cannot and will not stop doing that work.

Our bill, in clear and unequivocal language, requires the Department to uphold these other missions and functions.

The extent to which the constituent agencies and programs that are brought into this Department can both protect homeland security and continue to carry out the other responsibilities will depend on the extent to which we in Congress, through the appropriations process, are prepared to support this new Department.

The Secretary will be responsible for running the Department and for developing policies and plans for the promotion of homeland security. The legislation also charges the Secretary with including State and local governments, tribes, and other entities who, again, are first responders and first preventers of the fight against terrorism in every State and city and county and town in our country. The Secretary must consult them, with the Secretary of Defense and also State officers, regarding possible integration of the U.S. military, including the National Guard, into all aspects of the homeland security strategy and its implementation. The Guard is a mighty force, with an historic mission which was originally, of course, to protect homeland security. It has tremendous potential in this new 21st century, in responding to this 21st century threat to our security without making it by any stretch, kind of a Federal constabulary. But the Guard has extraordinary skill and equipment sophistication and can play a very constructive role here.

We also have charged the Secretary with the responsibility of developing a comprehensive information technology blueprint for the Department. The Senator from Illinois, Mr. DURBIN, talked quite eloquently and effectively about one aspect of that yesterday. In addition, the Secretary is responsible for administering the homeland security advisory system, and for annually reviewing and updating the Federal Response Plan for homeland security and emergency preparedness.

This is a big job. The size should make it clear how much we need the new Department. No one in Government is performing these duties adequately today. If they are doing the duties, they are not doing them systematically, certainly not synergistically. There are a lot of gears turning. Some are touching each other, some are not. Some are spinning in isolation. We want the gears to turn together, generating torque, producing energy, and getting results. That means more security for the American people at home.

No one can claim that the creation of a new Department is a guarantee or panacea for all our problems. I agree with Charles Boyd, distinguished American, great public servant and Executive Director of the Hart-Rudman Commission:

''There is no perfect organizational design, no flawless managerial mix. The reason is that organizations are made up of people, and people invariably devise informal means of dealing with one another in accord with the accidents of personality and temperament.'' Even excellent organizational structure cannot make impetuous or mistaken leaders patient or wise, but poor organizational design can make good leaders less effective.

That, in one sense, is what this is all about. Poor organizational design makes good leaders less effective with unnecessary gaps, overlaps, and bureaucratic barriers—by spreading authority and resources too thin, by diminishing accountability, by tolerating overlap and inefficiency—while good organizational design will empower good leaders, hold people accountable, and enable their talent and hard work to make a difference.

In other words, 10 gallons of gas poured into a well-designed, efficient engine can get you long distances at high speeds, but 10 gallons poured into an old, less efficient engine won't get you very far in a very efficient way.

That leads me to a second caution about the legislation, which is the blueprint that we need to build a Homeland Security Department that America needs. In a number of areas likely to be the most controversial, I strongly believe we have chosen the right path. But it would be arrogant of me or anyone to suggest that this legislation is perfect. It is not. That is why we have specifically built into it room for adjustment and refinement as the administration actually begins moving the pieces together. And we have given them a year from the effective date to, in fact, do that.

We require the administration to report back to Congress 6 months after the effective date or earlier during the reorganization process, and every 6 months thereafter, and require recommendations for changes to law at these junctures and throughout the process.

So even the passage of this bill will be not the end of the process, but its start; as Churchill once said in a very different context, ''not the beginning of the end, but the end of the beginning.''

But the fact that we cannot guarantee perfection is no argument against this legislation. Obviously, even our country's Constitution, which Senator BYRD and Senator THOMPSON and others quite eloquently and correctly honored and celebrated in yesterday's debate, the very foundation of our democracy, a democracy created with as much foresight and wisdom as any other in the history of government, was not perfect. It has been amended 27 times. At the time, the Founders understood it had to be built to change over time. Indeed, during the ratification debate, Alexander Hamilton urged those who criticized the

Constitution not to fail to approve it in what he called ''the chimerical pursuit of a perfect plan.'' In a more homely translation that we constantly—at least regularly—use here: Don't let the perfect be the enemy of the good.

Similarly, we must not fail to create this Department in pursuit of a perfect Department. History has dropped at our feet an urgent and necessary challenge, to reshape our Government, to protect the lives and affirm the values of our people, for surely our terrorist enemies are as intent on striking and destroying our humanistic, tolerant, inclusive, free values as they are of destroying our people. We can either meet the moment by staying focused on that goal or we can let it pass by bickering over petty and sometimes partisan or ideological particulars.

Let the debate go forward, but let us, as we go forward in debating and amending this substitute amendment that I have laid down, remember the urgent challenge the terrorists have given us and the broad ground we all seem to occupy about most of how we should respond to that challenge, by creating this Department.

Let's have some debates and disagreements. But when it is all over, let's remember, not only in this bill but more generally in our values, there is so much more that unites us, and that ultimately is our greatest strength against our enemies, past, present, and future. We must be certain to preserve that when this debate is done and a new Department of Homeland Security is created.

Mr. President, I ask unanimous consent to have printed in the RECORD an addendum statement, a section-by-section analysis, and a letter dated August 28, 2002.

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

Mr. President, I want to share with the Senate my views on the meaning and intent of the provisions we added to this legislation since the Governmental Affairs Committee first considered the bill in May and filed the accompanying report to S. 2452. This legislation has been almost a year in the making, and reflects the thoughtful contributions of an array of distinguished legislators and policy experts.

Last October, I introduced legislation with Senator Specter to create a Department of Homeland Security (S. 1534). That legislation drew heavily on the recommendations of the United States Commission on National Security/21st Century, also known as the Hart-Rudman Commission. It called for a new department made up of the Coast Guard, Customs, Border Patrol, and FEMA, as well as some smaller offices that specialize in critical infrastructure protection and emergency preparedness. The compelling need for such a department was quickly underscored in a series of hearings before the Governmental Affairs Committee examining aspects of homeland security. Whether the subject was anthrax in the mail, port security, or critical infrastructure protection, the Federal government generally did not have a strong, coordinated approach to address the range of threats. A strong, Cabinet-level department encompassing key programs related to homeland security would be a vital first step to addressing this deficiency. At the same time, however, it became apparent that no single department could address all of the Federal programs engaged in the war on terrorism. Therefore, I combined forces with Sen. Graham, who had proposed legislation to create a White House terrorism office to coordinate federal efforts to combat terrorism government-wide. In contrast to the position created by executive order for Gov. Ridge, this office would be a Senate-confirmed position with full accountability and authority, as well as statutory power to review federal budgets relating to terrorism. The combined legislation, the ''National Homeland Security and Combating Terrorism Act of 2002,'' was introduced on May 2, 2002. It was considered by the Governmental Affairs Committee on May 22, 2002 and reported out on a 7–3 vote. A full account of the background and history of that legislation is included in its accompanying report, No. 107–175.

Before the full Senate had a chance to consider that bill, however, the President announced his support for a Department of Homeland Security. That announcement was followed, on June 18, with a legislative proposal from the administration. The administration's bill encompassed almost all of S. 2452's organizational elements regarding a Department of Homeland Security. It went further, however, and proposed that additional programs and agencies be transferred to the new department. To ensure that these new administration proposals were properly considered, the Governmental Affairs Committee held four additional hearings. Then, working with other committee chairmen and ranking members, I prepared an amendment to S. 2452 that was considered at a July 24–25 business meeting of the Governmental Affairs Committee. That expanded version of S. 2452 went a considerable way to incorporate Administration proposals that had not been part of the original bill. It was further amended during two days of Committee deliberation, and ultimately endorsed by a bipartisan Committee vote of 12 to 5.

What follows is a description of some of the key changes to the legislation since the May 22, 2002 markup of S. 2452. It should be considered in concert with Report 107–175, which describes the core of the legislation—most of which is unchanged. A complete section-by-section analysis is also included.

As reported out of the Governmental Affairs Committee (GAC) on May 22nd, S. 2452 created a Department of Homeland Security with three directorates: Border and Transportation Protection, Critical Infrastructure Protection, and Emergency Preparedness and Response. The GAC-endorsed legislation now includes additional programs and agencies that will be organized into six directorates: the original three, plus directorates for Intelligence, Immigration and Science and Technology, an expanded version of a Science and Technology Office in the original bill. The key changes are summarized below:

The GAC-endorsed legislation adds the Transportation Security Administration (TSA) to the agencies incorporated into the Directorate for Border and Transportation Protection. TSA was created through the Aviation and Transportation Security Act, Pub. L. 107–71, which was signed into law on November 19, 2001. The agency's mission is to protect the country's transportation systems, including rail, highways, and maritime, although currently its main focus is to improve aviation safety. TSA's responsibilities include meeting a series of deadlines to upgrade aviation security, including the hiring of more than 30,000 airport security personnel, deploying explosive detection systems and other security equipment, facilitating airport passenger and baggage inspection, and implementing other measures to heighten the safety of air travel.

The inclusion of TSA in the Department will permit better coordination of transportation security operations with other agencies that are responsible for security at the borders. These agencies, which include the Customs Service, Coast Guard, Border Patrol, INS, and border inspection agents from the Animal Plant and Health Inspection Service, are responsible for conducting inspections of travelers and goods entering the United States and for securing the international boundaries the United States shares with Mexico and Canada. TSA's mission to secure our transportation infrastructure is closely tied to maintaining the security of the ports of entry where these border agencies are stationed. For example, cargo containers that pass through our ports are conveyed to other parts of the country through our transportation system, either on rail or the highways, and could cause significant harm and disruption to our transportation infrastructure if they contained explosives or were used in a terrorist attack. It is essential for these agencies to coordinate their efforts so that security measures are linked and more seamlessly implemented. This process will be easier with TSA and the key border agencies in the same chain of command.

Our transportation system must also be able to move people and goods quickly and efficiently from the borders throughout the country. To ensure the security of this system, TSA needs access to key information regarding vulnerabilities and threats. The Department's Directorate of Intelligence, which I will describe shortly, will have the intelligence architecture to help provide this critical information to TSA and other agencies within the Department. By being closely tied to that intelligence directorate, and to the other border agencies in the Department that will be collecting vital information, TSA will be in a better position to prevent future attacks using the transportation system.

Finally, as a new agency TSA may be able to take advantage of some economies of scale offered by the new Department. Specifically, it may not need to create certain capabilities—administrative or otherwise—that will already exist in other components of the Department.

In S. 2452, the Customs Service was transferred intact to the Department. This remains the case in the GAC-endorsed legislation, which also provides that Customs will be preserved as a distinct entity.

At the request of the Senate Finance Committee Chairman and Ranking Member, the legislation incorporates an amendment, adopted by the Committee and agreed to by both the White House and the Finance Committee Chairman and Ranking Member, which will preserve the ability of the Treasury Secretary—with the concurrence of the Secretary—to issue regulations on customs revenue functions that involve economic judgments within the expertise of the Treasury Department, and which can have a major impact on our economy and relationships with foreign countries. These customs revenue functions include: assessing, collecting, and refunding duties, taxes, and fees on imported goods; administering import quotas and labeling requirements; collecting import data needed to compile international trade statistics; and administering reciprocal trade agreements and trade preference legislation. The Customs Service, reporting to the Secretary, is responsible for administering and enforcing these laws, and indeed

for all the Custom Service's traditional border and revenue operations; the Commissioner of Customs is also authorized to develop and support the issuance of regulations by the Treasury Secretary regarding customs revenue functions. After further review, Congress may consider legislation to determine the appropriate allocation of these regulatory authorities between the Secretary of Homeland Security and the Treasury Secretary.

The legislation transfers the Federal Law Enforcement Training Center (FLETC) from the Department of the Treasury to the Directorate for Border and Transportation Protection. FLETC provides basic and advanced agency-specific training for law enforcement officers and analysts at over 70 Federal agencies. This training allows for greater standardization of law enforcement training that is also more cost-effective and is taught by professional instructors using modern facilities. Many of its key customer agencies are being transferred to the new Department, including the Secret Service, INS, Border Patrol, Customs Service, Coast Guard, and Federal Protective Service. Given these relationships, the Department will benefit from the inclusion of FLETC.

FLETC also provides training to State and local entities and to foreign law enforcement personnel, programs generally not otherwise available to these agencies. The programs also enhance networking and cooperation throughout the law enforcement community, domestically as well as world-wide. Therefore, these programs will support and complement the Department's efforts to work more closely with State and local agencies as well as foreign governments to detect and prevent acts of terrorism.

The legislation transfers the Coast Guard to the new Department, and specifies that it be maintained as a distinct entity. At the July 24–25 business meeting, the Committee adopted language intended to maintain the structural and operational integrity of the Coast Guard and the authority of the Commandant, ensure continuation of the non-homeland security missions of the Coast Guard and the Service's capabilities to carry out these missions as it is transferred to the new Department, and ensure that the Commandant reports to the Secretary.

The language, offered as an amendment by Senators Stevens and Collins, states that the Secretary may not make any significant change to any of the non-homeland security missions and capabilities of the Coast Guard without the prior approval of the Congress in a subsequent statute. The President may waive this restriction for no more than 90 days upon his declaration and certification to the Congress that a clear, compelling, and immediate state of national emergency exists that justifies such a waiver.

The language further directs that the Coast Guard's organizational structure, units, personnel, and non-homeland security missions shall be maintained intact and without reduction after the transfer unless Congress specifies otherwise in subsequent Acts. The language also states that Coast Guard personnel, ships, aircraft, helicopters, and vehicles may not 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.

Upon the transfer of the Coast Guard to the Department, the Commandant shall report directly to the Secretary and not through any other official of the Department.

The Inspector General of the Department shall annually assess the Coast Guard's performance of all its missions with a particular emphasis on examining the non-homeland security missions.

None of the conditions in the approved language shall apply when the Coast Guard operates as a service in the Navy under section 3 of title 14, United States Code.

The legislation creates a separate directorate for intelligence (DI) to serve as a national level focal point for information available to the government relating to the plans, intentions, and capabilities of terrorists and terrorist organizations. To emphasize its importance to all aspects of Homeland Security, the DI is an independent directorate within the Department, and is headed by an Under Secretary who reports to the Secretary.

This directorate is a new addition to the legislation since the May 22 markup. It stems from the Administration's proposal to create an intelligence analysis unit within the Department. However, the President's concept has been altered and strengthened in response to testimony before the Committee and input from key senators. Specifically, this proposal reflects important input from Senators Levin and Akaka, both in negotiations and amendments offered at the business meeting. In addition, Intelligence Chairman Senator GRAHAM, Intelligence Vice Chairman Senator SHELBY, former Intelligence Chairman Senator SPECTER and Senator DURBIN contributed key ideas.

As an independent directorate—without the operational responsibilities of other directorates—the DI will focus on providing intelligence analysis to all of the other directorates in the Department, to State and local government, and to law enforcement, for the purpose of preventing terrorist attacks, enhancing border security, protecting critical infrastructure, enhancing emergency preparedness and response, and better informing our research and development activities.

It is important to note that the new Department, through its component organizations, will be one of the largest generators in the government of information relevant to terrorism. The data it obtains about persons and goods entering the country must be better organized and coordinated with threat data from other agencies if the new Department is going to be able to do its job. The DI, therefore, will be responsible for receiving and analyzing law enforcement information from agencies of the United States government, State and local government agencies (including law enforcement agencies), and the private sector, and fusing such information and analysis with analytical products, assessments, and warnings concerning foreign intelligence from the CIA's Counterterrorist Center in order to detect and identify threats of terrorism and other threats to homeland security. The Counterterrorist Center shall have primary responsibility for the analysis of foreign intelligence relating to international terrorism. However, the DI may also conduct its own supplemental analysis of foreign intelligence relating to threats of terrorism against the United States and other threats to homeland security.

The DI's mission is critical to all the Department's activities, as well as to the homeland security mission of the intelligence community, law enforcement community, and State and local governments. For this reason, unless the President directs otherwise, the Secretary is provided with broad, routine access to reports, assessments, analytical information, and other information—including unevaluated intelligence—from the intelligence community and other United States government agencies. The Secretary will also receive information from State and local government agencies, and the private sector. As the President may further provide, the Secretary is also authorized to request additional information—either information that an agency already has in its possession, or new information that could require further investigation. The Secretary will work with the Director of Central Intelligence and the Attorney General to ensure that all material received by the Department is protected against unauthorized disclosure and that sources and methods are protected.

The provision also reflects an amendment by Senator AKAKA that makes the Department a full participant in the process, managed by the Director of Central Intelligence, whereby the intelligence community establishes overall requirements and priorities for the collection of national intelligence. Similarly, the Akaka amendment also makes the Directorate responsible for consulting with the Attorney General and other officials to establish overall collection priorities and strategies for information, including law enforcement information, relating to domestic threats.

The intelligence proposal reflected in the GAC-endorsed legislation was developed after examining the Administration's proposal and hearing from expert witnesses on the critical need for a national level focal point for the analysis of all information available to the United States to combat terrorism. On June 26 and 27, the Committee held hearings on how to shape the intelligence functions of the proposed Department—to determine how, in light of the failure of our government to bring all of the information available to various agencies together prior to September 11 the government should receive information from the field, both foreign and domestic, and convert it, through analysis, into actionable information that better protects our security.

The Committee heard testimony from former directors of the Defense Intelligence Agency and National Security Agency, from FBI Director Mueller and Director of Central Intelligence Tenet, and from William Webster—who headed both the FBI and CIA. It also heard from the Chairman and Vice-Chairman of the Intelligence Committee, Senators Bob Graham and Richard Shelby, whose investigation into the failures of September 11 is expected to yield recommendations for broader reforms that address long-standing and systemic problems within the intelligence community.

Senator Graham's written testimony stated that the Intelligence Committee's hearings thus far have uncovered several factors that contributed to the failures of September 11—one of which is ''the absence of a single set of eyes to analyze all the bits and pieces of relevant intelligence information, including open source material.'' Senator SHELBY'S written testimony stated that ''most Americans would probably be surprised to know that even nine months after the terrorist attacks, there is today no federal official, not a single one, to whom the President can turn to ask the simple question, what do we know about current terrorist threats against our homeland? No one person or entity has meaningful access to all such information the government possesses. No one really knows what we know, and no one is even in a position to go to find out.'' General Patrick Hughes, former director of the Defense Intelligence Agency, echoed these points. His testimony stated that, ''in our intelligence community, we currently have an inadequate capability to process, analyze, prepare in contextual and technical forms that make sense and deliver cogent intelligence to users as soon as possible so that the time dependent operational demands for intelligence are met.''

The Administration's approach falls short of what we need. A key concern is the mission and position of the intelligence unit

within the new Department. By making intelligence its own directorate, our legislation recognizes that the work it does will be instrumental to every other directorate in the organization and to state and local authorities—not just to federal infrastructure protection efforts. The Administration's proposal imbeds the intelligence division within a directorate responsible for critical infrastructure protection. The Administration's proposal is to create an ''information analysis and critical infrastructure protection division''—whose most important role, as CIA Director Tenet testified before the Committee on June 27, would be ''to translate assessments about evolving terrorist targeting strategies, training, and doctrine overseas into a system of protection for the infrastructure of the United States.'' But that is not enough. Intelligence will be crucial not only to infrastructure protection, but to everything this Department will do. It is not hard to imagine many threats to American lives that do not involve infrastructure at all: a plot to detonate a bomb in a shopping mall, for instance, or to unleash a biological agent on a city from above.

To be most effective, the entity responsible for producing all-sources intelligence analysis should not be charged with implementing operational responsibilities. The danger in the Administration's approach is that the intelligence analysis function will be consumed by the operational needs of critical infrastructure protection, and not focus enough on other aspects of the homeland security fight.

There is also a practical reason why these two functions should be under different Under Secretaries. Both are very complex functions that have never before been performed in our government. These are very demanding jobs and the GAC endorsed amendment places them under different Under Secretaries so that, like border and transportation security, science and technology, immigration, and emergency preparedness and response, they will receive the focused leadership and attention necessary to succeed. Just protecting our cyber assets—which is only one aspect of critical infrastructure—is a daunting challenge that grows more each year.

The Under Secretary for Intelligence, who will have to establish and operate a robust Directorate of Intelligence to systematically analyze the threats to our country will be fully consumed with that function. The Under Secretary for Critical Infrastructure Protection, whose role will be to map the threat information to the vulnerabilities in our critical infrastructure, and work closely with other agencies, and the private sector to ensure adequate protective measures are put in place, will also have a huge challenge. However, by making the same official responsible for establishing a robust intelligence division and protecting critical infrastructure, the Administration's proposal underestimates the challenges that we face in both areas.

Secondly, the President's proposal does not allow the DI sufficient, routine access to information produced by other parts of the Intelligence Community and other agencies. The GAC-endorsed legislation provides the Secretary with broad, routine access to reports, assessments, analytical information, and other information—including unevaluated intelligence—relating to the capabilities, intentions, and activities of terrorists and terrorist organizations, unless otherwise directed by the President. ''Unevaluated intelligence'' refers to the substance of intelligence reports, absent any information about sources and methods. We use this term based on the recommendation of the Chairman of the Senate Intelligence Committee—precisely to make it clear that information about sources and methods, which is generally included in ''raw intelligence'', will be protected. In contrast, the Administration's proposal would curtail the Secretary's access to unanalyzed information. The Secretary would have routine access to reports, assessments, and analytical information. But, except for information concerning vulnerabilities to critical infrastructure, the Secretary would receive access to unanalyzed information only as the President may further provide.

At the Committee's hearing on June 27, Senator Shelby, the Vice Chairman of the Intelligence Committee, objected to the limitations on information access in the President's proposal. He stated that ''unlike information relating to infrastructure or other vulnerabilities to terrorist attack—all of which the Secretary would be given access to 'whether or not such information has been analyzed'—information on terrorist threats themselves would be available to the Department only in the form of what is known as 'finished' intelligence.'' He testified that, under Sec. 203 of the President's proposal, the Secretary may obtain the underlying information only 'by request' or when the President specifically provides for its transmission to the new Department. Senator Shelby called these limitations in the President's bill ''unacceptable''. Clearly, the Administration's proposal would reinforce tendencies not to share information among agencies that have historically been reluctant to share. Our purpose is to remove obstacles to information sharing—obstacles that clearly contributed to the tragedy of September 11—not to reinforce them.

The GAC-endorsed amendment establishes a proactive DI. In addition to helping set intelligence priorities and receiving analysis from all other agencies in government, it would have routine access to the unevaluated intelligence, the information behind the reports that DHS will receive, unless the President directs otherwise. The Secretary will also be able to request and receive additional information (as the President further provides) that might require agencies to conduct separate investigations or redeploy resources. We anticipate that the cases would be rare where an agency is unwilling or unable to comply with the Secretary's request; however, the President will ultimately determine how conflicts, if any, will be resolved.

During the July 24–25 business meeting, Senator Thompson offered an amendment reflecting the President's approach on intelligence; however that amendment was defeated.

S. 2452 included a Directorate for Critical Infrastructure Protection (CIP). The GAC endorsed amendment continues to include that directorate, and expands it to incorporate significant additions as proposed by the President. The Directorate will be headed by an Under Secretary who is appointed by the President with the advice and consent of the Senate.

The CIP will combine the key entities, currently scattered across the Federal government, that are charged with working with the private sector and other agencies to protect various sectors of our nation's critical infrastructure. The authorities, functions, personnel, and assets of several offices are transferred to the Department. These include the Critical Infrastructure Assurance Office of the Department of Commerce (established by Presidential Decision Directive 63 in 1998 to coordinate federal initiatives on critical infrastructure); and the National Infrastructure Protection Center of the Federal Bureau of Investigation (other than the Computer Investigations and Operations Section, which the Administration requested remain in the FBI to ensure that it continues to have a capability to pursue computer crimes). To these we have added several important entities from the President's proposal: (1) the National Communications System of the Department of Defense (established by Executive Order in 1984 to assist the President and others in: (a) the exercise of telecommunications functions and (b) coordinating the planning for and provision of national security and emergency preparedness communications); (2) the Computer Security Division of the National Institute of Standards and Technology (NIST) of the Department of Commerce (which is tasked with improving information systems security); (3) The National Infrastructure Simulation and Analysis Center of the Department of Energy (established to serve as a source of national competence to address critical infrastructure protection and continuity through support for activities related to counterterrorism, threat assessment, and risk mitigation); (4) The Federal Computer Incident Response Center of the General Service Administration (a partnership of computer incident response, security, and law enforcement personnel to share information and handle computer security incidents); and (5) The Energy Security and Assurance Program of the Department of Energy, a national security program to help reduce America's energy supply vulnerability from severe disruptions due to natural or malevolent causes.

Finally, the GAC endorsed legislation transfers the Federal Protective Service of the General Services Administration (GSA) to the CIP. The President proposed that FPS be transferred to the Border and Transportation Protection Directorate. The Federal Protective Service oversees security at Federal property managed by GSA. Its expertise and mission is to provide physical security for some of our nation's key resources, making it more appropriate that it be combined with the other entities responsible for physical security and cyber security in this Directorate.

The GAC endorsed legislation establishes specialized research and analysis units in the CIP to process intelligence and identify vulnerabilities in key areas, including: (a) Public health, (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 of which would cause substantial hard to health, safety, property, or the environment.

Among its other duties, the CIP shall be responsible for receiving relevant information from the Directorate of Intelligence, law enforcement, and other information to assess the vulnerabilities of the key resources and critical infrastructures; identifying priorities and supporting protective measures by the Department and other entities; developing a comprehensive national plan for securing key resources and critical infrastructure; enhancing and sharing of information regarding cyber-security and physical security; developing security standards, tracking vulnerabilities, proposing improved risk management policies; and delineating the roles of various governmental agencies in preventing, defending, and recovering from attacks.

The Directorate will also be responsible for establishing the necessary organizational structure to provide leadership and focus on both cyber-security and physical security, and ensuring the maintenance of a nucleus of

cyber and physical security experts in the United States Government. Both cyber and physical security are critical to the adequate protection of those systems on which our nation's economy and culture depend. The CIP will be responsible for utilizing the best modeling, simulation, and analytic tools to prioritize the effort.

The creation of this Directorate indicates broad consensus on the need for a single entity to coordinate a national effort to secure America's critical infrastructure. This is a shared responsibility of Federal, State, and local governments along with a private sector which owns 85% of our nation's critical infrastructure. However, unlike the President's proposal, which combines information analysis and infrastructure protection under one Under Secretary, the GAC amendment places Critical Infrastructure Protection in its own directorate where it will work closely with the Intelligence Directorate. This was done both to elevate and stress the centrality of intelligence analysis to all of the Department's missions, but also because critical infrastructure protection is a sufficiently complex and daunting challenge that it will require the focused leadership and attention of an Under Secretary.

As reported out of the Committee in May, S. 2452 would have transferred the law enforcement programs of the Immigration and Naturalization Service to the new Department, while leaving its service functions at the Department of Justice. However, key senators and immigration experts argued that this course could undermine the critical task of reforming the INS. The GAC-endorsed legislation now transfers all immigration functions to the new Department, but specifies that the INS be disbanded and reorganized along the lines of a major, bipartisan reform bill, S. 2444, sponsored by Senators Kennedy and Brownback. These senators are the chairman and ranking member, respectively, of the immigration subcommittee of the Senate Judiciary Committee, and have assembled an impressive bipartisan majority of that committee in support of their legislation. Rather than try to characterize their handiwork for them, I am attaching a letter from Senators Kennedy and Brownback describing the substance of the immigration reforms now incorporated in this legislation.

Because the work of reforming INS is very demanding, the immigration programs will be in their own directorate, with direct accountability to the Secretary, rather than included as part of the Border and Transportation Protection directorate. However, to ensure adequate coordination between immigration programs and other agencies that operate at the border, the legislation creates a Border Security Working Group. This Working Group will consist primarily of the Secretary, or his designee, and the Under Secretaries for Immigration and Border and Transportation Protection. It will meet at least four times a year, and coordinate matters including budget requests, staffing requirements, and use of equipment. This working group can also bring in other federal agencies with border operations (such as the Drug Enforcement Administration or the Food and Drug Administration) that are not part of the Department, offering a critical mechanism for government-wide coordination along the border and at ports of entry.

The legislation also gives the Secretary regulatory authority over the visa application process. Consular employees at the Department of State would continue to process visa applications. However, the Secretary would have authority to issue regulations concerning the application process. This would include the required procedures for considering an application, such as whether all applicants must be interviewed in person or what kind of identification documents would be required. In addition, the Secretary would have authority to station Departmental employees oversees to consult with State Department employees on the visa process and specific threats.

The homeland security mission will face profound technological needs and requirements, and the challenges are substantial. The first challenge derives from the fact that most research and development of new technologies relevant to homeland security will occur outside the new Department—in other agencies, academia, and the private sector. Therefore, the Department will require powerful tools and mechanisms to elicit cooperation from entities external to the Department, and to coordinate R&D efforts across a range of disparate groups, each with their own missions and priorities, in service to homeland security goals. The legislation attempts to provide the Directorate of Science and Technology with the mechanisms it needs to resolve this fundamental coordination problem. The legislation establishes a Security Advanced Research Projects Agency (SARPA), which is inspired by the highly successful Defense Advanced Research Projects Agency (DARPA) of the Department of Defense (DOD). Following the DARPA model, SARPA will have funding, in the form of an Acceleration Fund, to support key homeland security R&D both within and outside of the federal government, and to leverage collaboration on R&D between entities, particularly among the agencies. A second mechanism provided under the legislation is a Science and Technology Council consisting of senior R&D officials from the agencies and other appropriate entities. The Council will assist the Under Secretary in coordinating interagency efforts to execute the science and technology agenda of the Department, primarily through supporting the development of a comprehensive technology roadmap for establishing common priorities and allocating individual responsibilities. Another important mechanism is the ability to directly engage any of the Department of Energy (DOE) national laboratory and sites through joint sponsorship agreements in carrying out R&D activities for homeland security purposes. With respect to bioterrorism research, the Secretary will be able to ensure that the best researchers are focused on developing necessary countermeasures against biothreats by establishing general priorities for biothreat research programs conducted at the National Institutes of Health.

A second R&D challenge is to assure that the Directorate will have expedient access to broad, deep, and ongoing support for critical analysis and decision-making regarding scientific or technical issues. To address this issue, the legislation provides authority for the Directorate to contract with or establish Federally Funded Research and Development Centers (FFRDCs) to obtain independent analytical, scientific, and technical expertise and support, including support for risk analysis and risk management functions. In addition, an Office of Risk Analysis and Assessment is created within the Directorate to ensure that such risk analysis functions are given institutional priority and conducted internally or through outsourcing to FFRDCs.

A third challenge is for the Department to develop and effectively manage a critical mass of internal homeland security R&D capabilities. The legislation transfers a number of entities from the Department of Energy, and one to be created in the Department of Defense, that will constitute a core scientific base upon which the Department will conduct in-house R&D efforts central to its mission. Fundamental to developing this in-house expertise is the ability to procure a strong talent base and to engage them in innovative projects quickly. In view of this, the legislation affords the Secretary with flexible management tools to hire and retain top flight scientific and technical personnel, as well as to accelerate R&D and prototype projects to advance the homeland security mission.

Intelligent and coordinated deployment of technology within the Department is a fourth challenge that must be overcome. Too often, government agencies are hampered and distracted from their fundamental missions as a result of unstructured and technically unsophisticated approaches to technology acquisition and deployment that lead to interoperability problems downstream. The legislation establishes an Office for Technology Evaluation and Transition to assist the Under Secretary in his responsibilities as the chief technology officer and to assure his central role in testing, evaluating, and approving new homeland security technologies being considered by the Department for acquisition.

Lastly, the Committee recognizes that a sea of scientific and technological expertise and resources resides outside the walls of the Federal government, and has therefore included several provisions to engage the private sector in maintaining our national security. Transition of technology is emphasized throughout the section. An Advisory Panel consisting of experts from the private sector and academia may be convened by the Secretary to advise the Under Secretary and Council and promote communication with non-federal entities. The Office of Technology Evaluation and Transition described earlier will provide a gateway and clearinghouse for companies with innovative technologies relating to homeland security. This Office will also have particular responsibility for facilitating the transition of technologies into fielded systems for use by the Department, other agencies, or private sector entities. Another provision requires the Secretary to articulate a strategy and plan for encouraging biotechnology firms, pharmaceutical companies, and other entities to develop countermeasures against biological and chemical weapons, with a view towards commercial production. A fourth provision directs the Under Secretary to establish a National Emergency Technology Guard composed of teams of volunteer experts in science and technology to assist local communities in responding to and recovering from disasters requiring specialized scientific or technical skills.

Taken in combination, the mechanisms granted by the legislation provide the Department with an array of tools with which to forcefully tackle the set of R&D challenges confronting it. The legislative history and specific details regarding the legislation are discussed in greater detail below.

S. 2452, as reported out of the Committee on May 22, contained a provision establishing an Office of Science and Technology within the new Department of Homeland Security. The underlying intent of this provision was to create an R&D entity similar in organization and function to the Defense Advanced Research Projects Agency, which was selected as an appropriate model for the Department's R&D component in light of the fact that the Department, as originally contemplated, would have had limited capability to conduct R&D internally. Consequently, it was determined that the Department could most effectively initiate and promote R&D in support of its mission through a DARPA-like entity with a lean, flexible organizational structure joined with funding to leverage external interagency collaboration. Since the release of the President's proposal for the Department, and in

response to that and additional input received by the Committee from a broad range of contributors, including other Member offices and experts from the scientific research and technology communities, the scope and responsibilities of the Office have been broadened.

The legislation redesignates the Office of Science and Technology as the ''Directorate of Science and Technology'' (''Directorate''), and elevates the head of the Directorate to the rank of a Senate-confirmed Under Secretary. This follows the consensus view of the National Academy of Sciences that the Directorate's chief science and technology (S&T) official requires sufficient stature to influence and coordinate S&T policies and activities outside the Department. The Under Secretary will be responsible for executing the Directorate's mission of managing and supporting R&D activities to meet national homeland security needs and objectives; articulating national R&D goals, priorities, and strategies pursuant to the mission of the Department; coordinating with entities within and outside government to advance the R&D agenda of the Department; advising the Secretary of the Department on all scientific and technical matters; facilitating the transfer and deployment of technologies critical to homeland security needs; and generally serving as the Department's chief technology officer.

The legislation provides a number of key components to assist the Directorate in meeting its mission. First among these is SARPA, the new R&D agency modeled after DARPA that was established in the original version of the legislation and is retained in the amended legislation. DARPA was created in 1958 in response to the launch of Sputnik. It is an organization that recruits outstanding scientific and technical talent and funds high-risk, high-payoff projects that offer the potential for revolutionary advances. DARPA's nimble, aggressive and creative approach has consistently produced impressive and effective war-fighting technologies. Moreover, in the course of fulfilling its central mission, DARPA has developed technologies with broad commercial and societal application, such as the Internet. Of particular significance to the Committee in selecting DARPA as a model for the S&T apparatus in the Department is DARPA's use of its funding to leverage R&D investments in other parts of DOD, effectively generating a multiplier effect that maximizes DARPA's contribution to national defense in disproportion to its actual funding level. Over five decades, DARPA has been recognized as one of the most productive engines of technological innovation in the U.S. government.

While DARPA concentrates primarily on the development of revolutionary technologies, SARPA will have a broader focus consistent with its larger mission. Since there are many technologies relevant to homeland security in various stages of development and deployment, SARPA will promote a wide range of technology development, transition, and deployment efforts, as well as research for revolutionary new technologies. Nevertheless, the Committee anticipates that with an Acceleration Fund authorized at $200 million for FY03, SARPA will have the foundation for replicating or exceeding DARPA's success in catalyzing critical new technologies by initiating and leveraging R&D among public, private, or university innovators. Under an amendment offered by Senator Stevens, ten percent of the Acceleration Fund is to be allocated to Coast Guard homeland security R&D missions for FY'04 and FY'05 through a joint agreement with the Commandant of the Coast Guard.

While Congress should restrain itself in directing particular management strategies, it is the Committee's expectation that SARPA will take full advantage of evolving modern management strategies in the R&D field, particularly in assuring effective technology transition. For example, the Committee would expect SARPA to engage in a careful ''needs identification'' effort which involves eventual technology ''users'' in its R&D roadmapping and planning exercises. The Committee also expects that it operate not simply as a traditional research organization but that it explore methods to involve venture participants, incubate new technologies, encourage the startup process, facilitate prototyping, and promote strategic government and private sector supporters and investors. SARPA will also need to actively encourage connections with technology first-adopters in and out of government, and establish interactive feedback systems for technology development and deployment to ensure sustained interaction between front-line researchers and with users.

To support the Directorate and its functions, an interagency Science and Technology Council, which is the successor to the Science and Technology Steering Council contained in the original version of the legislation, will advise the Under Secretary on priorities and strategies for homeland security R&D. This Council will consist of senior R&D officials from across the government and will serve to facilitate interagency coordination on R&D activities pertinent to homeland security. One of the chief responsibilities of the Council will be to assist the Under Secretary in developing overarching technology roadmap that will enable a coherent national homeland security R&D program to be coordinated among the many federal agencies.

The Administration's proposal contemplated the designation of one of the DOE national laboratories to serve as the primary research and development center for the Department. However, in recognition of the extensive scope and nature of homeland security R&D, as well as the different research and technology-related capabilities possessed by each of the DOE laboratories and sites, the GAC-endorsed legislation establishes in the Directorate an Office for National Laboratories to coordinate and utilize such entities in creating a networked laboratory system to support the missions of the Department. Through joint sponsorship agreements with the DOE, the legislation allows the Department to easily access and benefit from the combined expertise of all of the DOE laboratories and sites.

The Department will have extraordinary analytical needs cutting across of all of its Directorates, especially with regard to the assessment, analysis, and management of threats, vulnerabilities, and risks. Although the Administration's bill did not specifically address this need, the President's Strategic Plan released in mid-July suggests that risk analysis is a fundamental issue that needs to be addressed in planning for our nation's security. Although the legislation vests ultimate responsibility for risk analysis and risk management by the Department with the Secretary, all the Directorates will be required to assist the Secretary in coordination with each other and consistent with their own missions. The Directorate of Science and Technology has a contributing role to play in this framework by providing the Secretary and the other Directorates with scientific and technical support for such functions. To ensure that the Directorate has access to the requisite resources and expertise to fulfill its risk analysis responsibilities and other research-related functions, the legislation gives the Department the power to contract with or establish FFRDCs-independent, non-profit institutions that conduct analysis and provide support integral to the mission and operation of the sponsoring agency. Thirty-six FFRDCs across the nation have proven indispensable in enabling the government to undertake research with a creativity and flexibility not always available within the confines of a federal agency. The importance of FFRDCs is underscored by a prominent study on homeland security conducted by the National Academy of Sciences, which recommended the establishment of an FFRDC to furnish capabilities related to risk analysis, scenario-based threat assessments, red teaming, and other functions. Moreover, an Office of Risk Analysis and Assessment is created within the Directorate to ensure that these functions are given institutional priority and carried out—whether internally or through outsourcing to FFRDCs—in a coordinated manner in accordance with the Secretary's requirements and overall management. This Office will assume operational responsibility within the Directorate and on behalf of the Under Secretary for supporting the risk analysis and risk management needs of the Secretary and the other Directorates, as well as help ensure that R&D activities are aligned with risks and threats.

The President's proposal included language that would grant the Department control over funds appropriated to the National Institute of Health (NIH) for bioterrorism research. Although the provision clearly contemplated that these funds would remain committed to the NIH for application in accordance with the Department's guidelines, the Committee was concerned that the provision technically allowed for such funds to be transferred to other agencies, thereby depriving the NIH of funding necessary to conduct its critical research in this area. With the collaboration of staff from the Administration and Senator Thompson's office, a final provision was negotiated under which NIH funds would not be transferred out of the HHS. Instead, through joint strategic agreements, the Secretary of the Department would set general research priorities for the funds, while the HHS would establish the specific scientific research agenda as well as award and manage all grants. This modified language will protect our strategic commitment to biodefense research, while leaving the means and methods for this research to the scientists at the NIH.

The President's proposal targeted a number of R&D entities and programs in other agencies for transfer into the Department. While the Committee does not agree with all of the Administration's transfers, it recognizes the value of providing the Department with a critical base of in-house R&D capabilities. Therefore, most of the programs targeted by the Administration have been moved, including the chemical, biological, and nuclear threat assessment and detection programs within the Department of Energy (DOE) relevant to homeland security, and the National Bio-Weapons Defense Analysis Center to be created within the Department of Defense. The transferred programs will be collectively supervised by a new Office of Laboratory Research. Together, these transferred entities will confer a basic in-house research capability with the resident scientific expertise to help the Directorate better coordinate the broader government-wide homeland R&D portfolio.

Given that the Federal government represents only one of several sectors in our nation with R&D resources and expertise, the Department will require mechanisms to engage and benefit from private sector and academic efforts regarding homeland security. Toward this end, the legislation allows for the establishment of an Advisory Panel consisting of experts from the private sector,

academia, State, and local entities to advise and support the Under Secretary and the Science and Technology Council. The Panel will ensure that a diversity of perspectives are taken into consideration in the establishment of priorities, and that the contributions to be made from the private sector are properly addressed and incorporated into the national homeland security effort.

The Directorate will also include an Office for Technology Evaluation and Transition, which will serve as a clearinghouse and national point-of-contact for companies and other entities that possess technologies relevant to homeland security. The Office will evaluate these technologies and, if appropriate, assist in developing and transitioning them into Department entities or other agencies possessing matching needs. The Technical Support Working Group (TSWG) provides an applicable model for this function, and the legislation requires the Office to coordinate with or work through TSWG, or use TSWG as a model, in performing this technology solicitation and transition role. It is also intended that this Office serve as the Department's internal center for testing and evaluating new technologies being considered for acquisition or deployment by the Department or its entities. The new Department will be a large one, and very dependent on technology in carrying out its homeland mission. As a result, it is vital that new technologies deployed in the Department's component Directorates and other entities be compatible and interoperable to ensure efficiency and expanded capability. The Office, by performing the Department's testing and evaluation function, will support the Under Secretary in carrying out his duties as the Department's chief technology officer. In addition to conducting testing and evaluation activities for the Department, the Office will also coordinate with the Department's Chief Information Officer and with other agencies in promoting government-wide compatibility and interoperability with regard to homeland security technologies and systems.

Rapidly developing medicines and antidotes to counter chemical and biological weapons is an enormous challenge and one that government-supported R&D cannot accomplish on its own. The legislation directs the Secretary to implement a strategy to engage the biotechnology and pharmaceutical industries in the critical research and product development that will produce antidotes and vaccines to the chemical and biological weapons that terrorists may employ against our nation. This strategy should explore and suggest ways to provide incentives and facilitate ''bench-to-bedside'' transition for these products.

Recognizing that technological prowess in this country is in communities, as well as colleges and companies, the Department must tap the boundless expertise and energy of ordinary citizens. Drawing on legislation developed in the Senate Commerce Committee, the legislation endorsed by the Committee creates a National Emergency Technology Guard of volunteers with expertise in science and technology to assist local communities in responding to and recovering from emergencies requiring scientific or technical expertise.

As reported on May 22, S. 2452 included a Directorate of Emergency Preparedness and Response, with FEMA as its core. The new GAC-endorsed legislation retains this directorate and expands it to include some of the programs the Administration proposed moving to the new department. This amendment also provides that the President may appoint the same person to serve as both the Director of FEMA and the Under Secretary for this directorate.

This directorate's responsibilities include 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; overseeing Federal, State, and local emergency preparedness training and exercise programs; assembling a single Federal disaster plan to help orchestrate Federal assistance for any emergency; coordinating among private sector entities, including the health community, in emergency planning and response activities; and developing a comprehensive plan to address the interface of medical informatics and the medical response to terrorism. (Medical informatics is the scientific field that addresses the storage, retrieval, sharing, and optimal use of biomedical information, data, and knowledge for problem-solving and decision-making.) This directorate also creates a National Crisis Action Center to coordinate federal support for State and local governments and the private sector during a crisis; additionally, the directorate is responsible for ensuring the appropriate integration of operational activities of the Department of Defense, the National Guard, and other federal agencies in the Federal Response Plan in order to respond to acts of terrorism and other disasters.

In addition to FEMA, the Emergency Preparedness and Response directorate transfers the National Office of Domestic Preparedness, within the FBI. This entity was created by the Attorney General in 1998 and coordinates federal efforts to assist state and local emergency responders with training and materials necessary to respond to an event involving weapons of mass destruction. The Office of Domestic Preparedness (ODP) within the Department of Justice is also transferred. ODP was developed to help train State and local law enforcement agencies to respond to terrorist incidents.

The Administration proposed transferring the Select Agent Registration Enforcement Program from the Centers for Disease Control within the Department of Health and Human Services, to the Department. The Select Agent Registration Enforcement Program was developed to identify all biological agents and toxins that may threaten public health and safety, regulate the transfer of such agents and toxins, and establish a registration scheme regulating their possession, use, and transfer. The GAC-endorsed legislation transfers this program to the Emergency Preparedness and Response directorate because it is a program critical to preparing for and responding to a public health emergency. The Under Secretary for Science and Technology, the Secretary of Agriculture, and the Director of the Centers for Disease Control and Prevention will work together to establish and update the list of toxins to be monitored.

Like the Administration's proposal, the GAC-endorsed legislation transfers the Strategic National Stockpile to the new department. The Strategic National Stockpile is a stockpile of drugs and vaccines that may be used in the event of a terrorist attack or other emergencies. However, because of CDC's experience and expertise, the legislation allows for the Stockpile to be managed on a day-to-day basis for the Department by CDC through a new Bioterrorism Preparedness and Response Division, which is created in this legislation pursuant to an amendment from Senator Cleland. However, the Department would remain in charge of the overall strategic planning concerning the Stockpile. The Public Health Emergency and Bioterrorism Preparedness and Response Act of 2002 authorized funds for both the Stockpile and the acquisition of smallpox vaccine doses and potassium iodide. Consequently, the GAC-endorsed legislation transfers responsibility for the acquisition of smallpox doses and potassium iodide to this directorate as well.

Finally, the Administration also proposed transferring the Office of the Assistant Secretary for Public Health Preparedness (OPHP) from the Department of Health and Human Services to the Emergency Preparedness and Response directorate. This office has three primary components: (1) the awarding and administration of state and local grants for public health preparedness; (2) the Principal Science Advisor, who advises the Secretary on the global R&D strategy for HHS; and, (3) the Office of Emergency Preparedness, which manages rapid-response emergency health and first-responder personnel. From this Office of the Assistant Secretary for Public Health Preparedness, the GAC-endorsed legislation transfers the Office of Emergency Preparedness.

The other two components of the OPHP each play a role in emergency response, but also a very extensive role in general public health. Because they perform a dual-use function, and because of their extensive interaction with other parts of HHS, it does not seem appropriate to transfer them to the new department. Additionally, experts in the public health and biomedical communities expressed concern that the Administration's proposal would not operate effectively. The OPHP was established to address the problems of intra-agency communication and coordination, and it could reverse the gains achieved by this office to remove it from the department with which it is primarily engaged. Indeed, HHS would be probably be forced to re-create this capacity internally if OPHP were transferred to the Department.

At the same time, it is important the Department have in-house capability to address biological, chemical, and nuclear weapons. Consequently, the Department would include those public health and biomedical programs—the OEP, the Select Agent Registration Enforcement Programs, and the Strategic National Stockpile—which focus primarily on terrorism and emergency response.

SECRET SERVICE

The legislation adopts the Administration's proposal to include the United States Secret Service as a distinct entity reporting directly to the Secretary. The Service has a dual mission of protection and investigation, with a central focus on preventing attacks and other missions now very relevant to terrorist threats. The Service was originally created to safeguard the country's currency and financial payment systems, and it remains the sole agency charged with enforcing the counterfeiting statutes. Its responsibility for protecting the country's financial infrastructure has led to an expansion of the Service's investigative mission, which now includes crimes involving identity theft, credit card fraud, false identification documents, computer fraud, and financial institution fraud. In addition, the Secret Service is well-known for its mission to protect the nation's highest elected leaders and their families, as well as visiting heads of state. In recent years, the Secret Service has assumed responsibility for planning, coordinating, and implementing security operations at National Special Security Events, as designated by the President. It also has created the National Threat Assessment Center, which provides advice and training to law enforcement and other organizations with responsibilities to investigate or prevent targeted violence.

The missions of the Secret Service have a clear connection to the fundamental mission of the new Department. Its protective mission is central to safeguarding the country's

leadership. Many of the crimes it is charged with investigating involve activities in which terrorists often engage. And it is an agency that is uniquely focused on assessing vulnerabilities and designing ways to reduce them in advance of an attack, an expertise that will benefit the new Department. The responsibilities and experience of the Secret Service support its transfer as a separate office reporting directly to the Secretary rather than its inclusion in one of the Directorates. This structure will allow the Service to draw on the expertise and resources of the Directorates to support its protective mission, as well as to provide its own expertise and experience to the rest of the Department.

STATE AND LOCAL GOVERNMENT COORDINATION

Homeland security is clearly a joint responsibility among the Federal, State, and local governments. There are many ways in which the bill recognizes the importance of these relationships and places a high priority on ensuring that the Department works closely with, and provides significant assistance to, State and local agencies. To coordinate this effort, the Department will have an office devoted to facilitating effective communications and partnerships with State and local government. The Office for State and Local Government Coordination will be established within the office of the Secretary to ensure that the needs and role of State and local governments are considered throughout the work of each of the Department's directorates. In addition to coordinating the activities of the Department relating to State and local governments, the Office will be responsible for assessing and advocating for the resources needed by State and local government to implement the national strategy for combating terrorism. This advocacy function is necessary so that budget decisions to implement the national strategy are made with the full understanding of the role that State and local governments will play in implementing the strategy, as well as the resources necessary at all levels of government for success.

The Secretary, in conjunction with the Director of the National Office for Combating Terrorism, is responsible for working with State and local governments to develop a national strategy for combating terrorism—not simply a Federal strategy. Thus, the Office for State and Local Government Coordination will develop a process for receiving meaningful input from State and local government to assist in the development of the strategy for homeland security and other homeland activities. The Office will also provide State and local government with regular information, research, and technical support to assist local efforts at securing the homeland.

The GAC-endorsed legislation incorporates an amendment, offered by Senators Collins and Carper, which creates the position of Chief Homeland Security Liaison Officer, who is charged with coordinating the efforts of homeland security liaison officers in each state. These liaison officers will work with State and local first responders to make sure that these organizations receive the training and resources they need. A Federal Interagency Committee on First Responders will bring together the federal agencies that work most closely with State and local first responders and will be counseled by an Advisory Council, including representatives of first responders and urban and rural communities.

To further encourage communication and coordination between the Department and State and local agencies, the GAC-endorsed legislation authorizes the Secretary to establish an employee exchange program. This program—which was suggested by Senator Voinovich—would allow employees of the Department and State and local agencies with homeland security responsibilities to work together, to share their specialized expertise, and to enhance their ability to assess threats against the country, develop appropriate responses, and inform the public. Employees who participate in the program must have appropriate training or experience to perform the work required by the assignment, and assignments must be structured to appropriately safeguard classified and other sensitive information.

OFFICE OF INTERNATIONAL AFFAIRS

The legislation includes an amendment offered by Senator Thompson that creates an Office of International Affairs within the office of the Secretary. The Director of the Office will be responsible for promoting the exchange of information with foreign nations to encourage sharing of best practices and technologies relating to homeland security. This information exchange will include joint research and development on countermeasures, joint training exercises for first responders, exchange programs, and international conferences. The Director will manage the activities under this provision in consultation with the Department of State and other relevant Federal officials. These programs will be developed first with countries that are already highly focused on homeland security issues and that have previously engaged in fruitful cooperation with the United States in the area of counterterrorism.

MANAGEMENT AND TRANSITION ISSUES

Management structure

The Administration's proposed legislation calls for the appointment of a number of management officials to support the Secretary in carrying out the mission of the Department. The Committee-endorsed legislation includes much, though not all, of the management structure proposed by the Administration.

Secretary—First and foremost, the Committee-endorsed legislation calls for a strong Secretary, vested with effective, centralized management authority over what will be a large new organization. Although responsibilities under this legislation are allocated among the various Directorates, it is intended that all powers provided under this bill be subject to the full control and direction of the Secretary. Also, while the bill establishes the basic organizational framework for the new Department and establishes its principal components, carrying out this organizational task is only part of the role that the new Secretary must play. While a number of more subjective management factors cannot be defined in statutory language, we anticipate that the new Secretary will need to spend a great deal of time on key management tasks that cannot be embodied in a formal organizational structure. These tasks include: creating a sense of shared values across the new Department and its disparate components; ensuring that core skills and competencies are both developed and shared across the Department; developing an effective common departmental strategy for achieving the agency's missions with buy-in among component agencies; deciding on the key systems and management processes apart from the organizational structure that will manage and bind together the new Department; assuring that the success of those systems and processes are measured and evaluated frequently to test their performance; ensuring that departmental personnel gain experience in a variety of agency components to encourage cross-agency thinking, capability, and solutions so that the synergy of a new Department can be realized, and establishing a leadership style that will create a strong organizational culture based on the values and attitudes the new Department must have to effectively perform its mission. The bill aims to create a structure that will enable the new Secretary to carry out these critical management efforts.

The Department will be headed by a Presidentially appointed, Senate-confirmed Secretary. The Secretary's duties include developing policies and plans for the promotion of homeland security, carrying out and promoting the other established missions of entities transferred to the Department, and developing a comprehensive strategy for combating terrorism and the homeland security response in conjunction with the Director of the National Office for Combating Terrorism.

The Secretary is charged with consulting with the Secretary of Defense and the nation's governors to integrate the National Guard into the nation's strategy to combat terrorism. The Secretary must also consult and coordinate with the Secretary of Defense regarding military organization, equipment, and assets that are critical to fighting terrorism, as well as the training of personnel to respond to terrorist attacks involving chemical or biological agents.

Section 102 details numerous other duties of the Secretary.

Deputy Secretary—Section 103 provides for appointment of a Deputy Secretary, subject to Senate confirmation, responsible for assisting the Secretary.

Under Secretary for Management—The Administration proposal calls for the appointment of an Under Secretary for Management with broad responsibilities for management and administration of the Department. Section 104 of the Committee-endorsed bill establishes this position with substantially the same responsibilities as in the Administration bill. These include budget and other financial matters, procurement, human resources and personnel, information technology and communications, facilities and other material resources, security for the Department, and managing performance measures for the Department.

Assistant Secretaries—The Administration requested authority for the President to appoint not more than six Senate-confirmed Assistant Secretaries, without specifying in statute what the responsibilities of these officers would be. Following generally the Administration's approach, section 105 of the legislation authorizes the President to appoint up to five such Assistant Secretaries (these do not include the two additional, Senate-confirmed Assistant Secretary positions, with immigration-related functions, established in division B of the legislation.) The President must describe the general responsibilities when submitting a nominee for confirmation. The authority of the President to assign functions to up to five Assistant Secretaries should provide important flexibility in designing the management structure for the Department.

Inspector General—The Department will include an office of Inspector General under the Inspector General Act of 1978, thereby applying the authorities and independence provided under that Act. The legislation would define a narrow set of circumstances under which the Secretary could prohibit the Inspector General from carrying out an investigation or performing other duties if necessary in the interest of national security or other compelling circumstances specified in the legislation. This language is modeled closely on provisions that apply to the Inspectors General at the Departments of Justice, Defense, and Treasury, the United States Postal Service, and the Central Intelligence Agency. Also modeled closely on provisions applicable at Treasury, is a provision

granting the Homeland Security IG oversight over internal investigations performed by any other investigatory offices where they exist in the Department's sub-agencies. The Inspector General must designate an official to collect and review information about alleged abuses of civil rights and civil liberties by Department officers and employees, and report to Congress on such abuses.

Chief Financial Officer—The legislation would establish a Chief Financial Officer (CFO) and a Chief Information Officer (CIO) at the new Department. Section 107 would define the Department as an agency under the CFO Act, thereby making applicable the requirements of the CFO Act of 1994, regarding, for example, the qualifications and responsibilities of the CFO and annual financial reporting. Under the CFO Act, the CFO at the Department must be either appointed by the President subject to Senate confirmation, or designated by the President, in consultation with the Secretary, from among Senate-confirmed officials at the Department.

Chief Information Officer—Section 108 of the legislation would establish a Chief Information Officer (CIO) at the new Department. Furthermore, the provisions of law defining the responsibilities of the CIO, including the Paperwork Reduction Act and Clinger-Cohen, would apply by their own terms to the new Department. Under applicable law, the CIO need not be Senate-confirmed.

Chief Human Capital Officer—The Secretary must appoint or designate a Chief Human Capital Officer to advise and assist the Department in workforce skills, training, recruitment, retention, and other issues necessary to attract and retain a highly qualified workforce.

Civil Rights Office—Section 110 of the bill establishes a Civil Rights Office, whose head will be appointed by the President and confirmed by the Senate. The Office will have two important functions. First, the Civil Rights Office will have responsibility for coordinating the administration of and ensuring compliance with laws prohibiting discrimination against Department employees and beneficiaries of Department programs (see, e.g., 42 U.S.C. §§2000d, 2000e–16).

Second, it will advise the Secretary, as well as the Department's directorates and offices, on the constitutional and statutory framework that governs the Department's interactions with the citizenry at large and help develop and implement policies that ensure that consideration of this group's civil rights are appropriately incorporated and implemented in Department programs and activities. It also will oversee the Department's compliance with requirements related to the civil rights of individuals affected by the Department's programs and activities. Authority to investigate specific complaints by the citizenry at large of civil rights or civil liberties violations, however, will reside in the Office of the Inspector General, to which the Civil Rights Office will refer any matter that, in the opinion of the Civil Rights Officer, warrants further investigation.

Privacy Officer—A Chief Privacy Officer will oversee the Department's compliance with privacy laws and help ensure that personal information is appropriately safeguarded. Several federal agencies that deal with sensitive personal information, such as the Internal Revenue Service and the U.S. Postal Service, currently have similar privacy advocates to aid in the development of policies and provide assistance to agency officials. The Chief Privacy Officer's mandate extends beyond overseeing compliance with existing privacy laws, such as the Privacy Act, and includes assisting in the development of policies that incorporate privacy safeguards and minimize the risk of inappropriate disclosure or use of personal information. The Privacy Officer may also assist in the development of privacy impact assessments, when required by law or considered appropriate by the Secretary, which are documents that explain how an agency takes into account privacy considerations when initiating information collections and developing information systems.

The Constitution clearly assigns to Congress what is called the ''power of the purse''—the power to appropriate funds and to prescribe the conditions governing the use of those funds. The Framers thus made Congress responsible to the people for how the people's money gets spent. The legislation contains provisions reaffirming that appropriated funds may be used only for the purposes stated by Congress. To provide for initial funding of the Department, the legislation requires the Administration to submit a transition plan and proposed budget by September 15, 2002, so that Congress can appropriate timely start-up funds based on that proposal.

By contrast, the Administration has requested that the new Department be excepted from the traditional arrangements regarding the use of appropriated funds. For initial funding for the Department, the Administration proposed to take funds (up to 5%) from each agency slated for transfer to the Department and use these funds for any purpose under the legislation. This could total roughly $2 billion. To adjust funding priorities without having to go back to Congress, the Administration requested permanent power to take funds (up to 5%) from each appropriations account in the Department and use those funds for any other purpose in the Department.

Senator Byrd and Senator Stevens, the Chairman and Ranking Member of the Appropriations Committee, respectively, wrote to me expressing their strong legal objection to the appropriation transfer provisions requested by the Administration:

''The proposal by the President provides the new Secretary with extraordinary powers, powers that could potentially tip the delicate balance of constitutional powers between the Legislative and Executive branches of government. These are powers that the Secretary of Defense and the Secretary of State do not currently have, nor should they have. The Framers carefully crafted that balance, and it has served the nation well for more than 200 years.''

Senators Byrd and Stevens also requested that the legislation include provisions to sustain existing law and practice governing the use of appropriated funds, and language that they agreed to is included in the legislation. These provisions are designed to provide for establishment of the Department, while preserving the customary and Constitutional role of Congress in appropriating funds and in ensuring that such funds are used effectively and efficiently and according to the will of the people, as expressed through their elected Senators and Representatives.

Under the legislation, initial funding for the Department will be provided through appropriations Acts, not through transfer of funds appropriated for other purposes. To provide this initial funding in a timely fashion, the legislation requires the President to submit a transition plan by September 15, 2002, including a proposal for financing the initial operations of the Department. The financing proposal might consist of any combination of specific appropriations transfers, specific reprogrammings, or specific new appropriations. By putting the Administration on notice, even before the legislation is enacted, this provision has given the Administration ample time to submit their plan while Congress still has time to act on the Administration's proposal.

To further clarify that initial funding will be provided by appropriations acts, the legislation states that transferred funds may only be used for their original purposes unless Congress approves in advance a reallocation of such funds. This provision does not limit the ability of an agency transferred to the Department to use transferred funds for a new position previously authorized in law, but does reinforce that transferred funds may not be used to fund a new position established under this legislation itself.

Looking beyond the transition period, the Administration sought to justify its request for power to transfer appropriations by stating, in the analysis accompanying the Administration's proposed legislation: ''Appropriations transfer provisions are enacted annually in a number of appropriations acts.'' While declining now to grant the broad, permanent transfer power requested by the Administration, this Committee-endorsed legislation does not address whether any power to transfer funds should subsequently be included in annual appropriations acts for the Department. In fact, annual appropriations bills often build in such flexibility, but more often in smaller amounts under close oversight by Congress. The proper way for the Administration to seek this authority is to request it as part of their annual appropriations, not as permanent authority in the enabling legislation.

The Committee concluded that the Congress and the Executive Branch must fully understand the annual and multi-year funding requirements for the Department to ascertain the most appropriate funding levels to protect the American people from homeland security threats.

Accordingly, the GAC-endorsed legislation requires the new Department, beginning with the fiscal year 2005 budget request, to submit annually a Future Years Homeland Security Program to accompany the annual departmental budget request and the National Terrorism Prevention and Response Program Budget mandated elsewhere in the Committee-approved legislation. The language requires that Future Years Homeland Security Program be structured, and include the same type of information and level of detail, as the Future Years Defense Program required by statute to be submitted to the Congress by the Department of Defense.

S. 2452, as reported on May 22, set an effective date of 180 days after enactment for the transfer of personnel and assets to the new Department, and included ''savings provisions'' to generally preserve the status quo with respect to the ongoing missions of the agencies being transferred. The Administration's subsequent proposed legislation requested greater flexibility with respect to the timing of the transition by giving the President discretion to move agencies at any time over a one-year transition period. It also requested further flexibilities to enable the Administration to make certain incidental transfers and to allocate transferred assets and personnel.

The GAC-approved legislation now includes, in subtitle B of title XI, transition provisions based on the corresponding provisions of the Administration's proposed legislation. These provisions include most of the transition-related flexibilities requested by the Administration. The principal exceptions are that, under the GAC-endorsed legislation, the Administration would not have the flexibility to use funds, appropriated by Congress for one purpose, for a different purpose (discussed above), or in the area of withdrawing collective bargaining rights from personnel transferred or employed in the new Department.

Following the Administration's approach, the Committee-approved legislation adopts from the Administration bill an effective date and a ''transition period''—the effective date is generally 30 days after enactment (unless enacted less than 30 days before January 1, 2003, in which case that is the effective date), and the ''transition period'' is the one year period following the effective date. The President is then authorized to direct the transfer of any asset to the Department at any time the President directs, up to the end of the transition period. This should allow agencies to be transferred to the Department in an orderly progression, leaving the Administration free to determine which are in a position to be transferred first.

This legislation, by bringing numerous agencies responsible for homeland security together for the first time under a single chain-of-command responsible for policy and funding, represents one of the most significant reorganizations of the Federal government. However, once these agencies are consolidated into one Department, further reorganization of offices and functions at the departmental level may be needed to integrate incoming offices and to gain additional coordination, efficiency, and effectiveness. The legislation provides for departmental reorganization, by: (1) authorizing the Secretary to reorganize unilaterally to the extent consistent with applicable law; and (2) instructing the Secretary to recommend legislation enabling specific further reorganization involving organizational structures established in law.

The Administration has not offered a proposal for departmental reorganization for consideration by Congress, but, instead, requested that the Secretary be granted the power generally to conduct such reorganizations unilaterally. Under the Administration's proposal, the only limits on this reorganization power would be that the Secretary could not abolish the Secret Service or the Coast Guard, and the Secretary would have to give Congress 90 days notice before overriding a statute.

Many of the statutes establishing entities and assigning functions reflect important policy judgments of Congress and ongoing critical missions required by law, however, and it would be inappropriate for Congress to cede to the executive the power to override these statutes unilaterally, without opportunity for Congress to evaluate, debate, and decide. This view was also expressed by a Senator Byrd and Senator Stevens, the leaders of the Senate Appropriations Committee, in a letter stating their objection to a provision in the President's proposal:

''Congress should not authorize the Executive Branch to establish, consolidate, alter, or discontinue agencies of government that are established in statute. This is Congress' responsibility.''

The legislation establishes reorganization authorities and procedures designed to enable the Secretary to achieve an efficient and effective structure for the Department, while maintaining the appropriate role of Congress in deciding whether statutory law should be changed. Under section 191 of the bill, the Secretary can proceed, without further congressional approval, with any reorganization that does not change organizational structure established by law. The Secretary can perform substantial reorganization and consolidation under this authority. For example, agency units responsible for human resources, information technology or other management functions are typically not established in law, so the Secretary could conduct substantial reorganization and consolidation of such functions to make them more efficient and effective.

Furthermore, as the Secretary identifies specific entities established in law that he or she believes should be reorganized, the legislation instructs the Secretary to submit recommendations to Congress on an ongoing basis for legislation providing for such reorganization. Specifically, section 185(d)(1)(B) of the legislation requires the Secretary to recommend any legislation that the Secretary determines necessary to ''reorganize agencies, executive positions, and the assignment of functions within the Department.'' Anticipating that the Secretary may develop reorganization proposals over the one-year transition period, the bill does not require the Secretary to submit these recommendations as a single reorganization plan, but rather requires submission of these recommendations as they become available, the first no later than 6 months after enactment of the Act and any subsequent recommendations at least every 6 months thereafter until 6 months after the transition is completed.

The legislation specifies that several of the agencies transferred to Department—i.e., the United States Customs Service, the United States Coast Guard, the Federal Emergency Management Agency, and the United States Secret Service—each ''shall be maintained as a distinct entity within the Department.'' This requirement does not impose precise constraints on the Secretary's authority to reorganize with respect to these agencies, since each of these agencies is established by law and this legislation prohibits the Secretary from reorganizing in contravention of such law. Instead, the ''distinct entity'' requirements serves as an instruction to the President and Secretary that Congress intends that the unique identity of each of these four agencies should be preserved.

Under current law, the President and Secretary can reward excellence, remove poorly performing employees, offer recruitment bonuses, and use many other performance-oriented management tools. In an effort to give the Department and other agencies additional flexibility in the management of personnel, our legislation adopts significant, government-wide civil service reforms, contained in provisions proposed by Senators Voinovich and Akaka. To support research and development, we also provided the Secretary of Homeland Security authority to use innovative techniques to hire talent and fund projects. Taken together, this package will give the Secretary the ability to: speed up staffing of new employees; recruit and retain top science and technology talent; procure temporary services outside the civil service system when there is a critical need; reshape the workforce; reform old competitive-hiring practices; provide more effective bonuses for exemplary performance; promote procurement flexibility in research, development, the prototyping of new technologies, and other procurement; and make additional valuable changes to help the new Department attract, maintain, and motivate the best talent. These reforms represent a major modernization of the way federal agencies are managed.

SEN. VOINOVICH'S AND SEN. AKAKA'S AMENDMENT

Division C of the legislation contains important provisions to strengthen significantly the management of the federal workforce government-wide that were offered at the Committee's business meeting by Senators Voinovich and Akaka, and were agreed to by the Committee by voice vote.

The Voinovich-Akaka amendment establishes a chief human capital officer (CHCO) at each major agency (i.e., at the agencies required to have Chief Financial Officers under the CFO Act). The primary responsibility is to advise and assist their respective directors in selecting, developing, training, and managing a high-quality workforce. The creation of a CHCO is intended to help identify and prioritize the recruitment, retention, and workforce management needs across the government. The CHCO will have added importance in the new Department, because consolidation of the different agencies into the Department will pose unique recruitment, retention, training, and workforce management challenges. The CHCO will heighten awareness of workforce issues and provide leadership in resolving these issues.

Another section of the Voinovich-Akaka provision, Section 2202 in the GAC-endorsed legislation, allows agencies to hire candidates directly and bypass the current civil-service hiring requirements once the Office of Personnel Management has determined that there is a severe shortage of candidates for the position. This provision also allows agencies to streamline its staffing procedures by authorizing more flexible merit assessment tools. This will make the government more competitive with the private sector by improving the federal hiring process.

The Voinovich-Akaka provisions include government-wide authority for Voluntary Separation Incentive Payments and Voluntary Early Retirement Authority, two programs currently allowed only in limited situations. The expansion of this authority would give agencies the flexibility required to reorganize the workforce should an agency need to undergo substantial consolidation, transfer of functions, or other substantial workforce reshaping. The provision would allow agencies to reduce high-grade, managerial, or supervisory positions, correct skill imbalances, and reduce operating costs without being forced to reduce overall staff levels.

The Voinovich-Akaka proposal increases the cap on the total annual compensation of senior executives, Administrative Law Judges, officers of the court, and other senior level positions to allow career executives to receive performance awards and other authorized payments within the cap in a single year. This will enable agencies to better reward excellence in the ranks of the most senior and experienced parts of the workforce. It also includes measures to help federal employees earn academic degrees, a step that will help enable agencies to build a highly trained workforce and retain valuable employees who wish to continue their education. To fill the serious gap in foreign language skills across the federal government, which is a particular homeland security problem, Section 2402 eases the restrictions on placement of National Security Education Program (NSEP) fellows who are proficient in languages critical to our national security. The provision would allow NSEP fellows to work in a non-national security position in the federal government, including a homeland security position, if a national security position is not available.

These authorities complement the flexible authority in Section 135 enabling the Science and Technology Directorate to attract outstanding scientists and technologists.

All these detailed and carefully considered personnel provisions provide the Administration with a major management opportunity and flexibility.

It is our responsibility to ensure that Federal agencies with a role in homeland security can purchase—quickly and efficiently—the most high-tech and sophisticated products and services to support antiterrorism efforts and to defend against biological, chemical, nuclear, or radiological attacks. Last year's National Defense Authorization Act provided the Department of Defense with many of these authorities. Title V of this bill

provides to other Federal agencies—including the new Department—emergency contracting authority which is already in place for the Department of Defense. This measure also provides certain new contracting flexibility to these agencies, including raising the threshold amount for contracts carried out in the United States to $250,000 and raising the threshold amount for contracts outside the United States to $500,000. Title V also raises the micro-purchase (purchase card) threshold to $10,000.

Title V would give Federal agencies new procurement flexibility in fighting terrorism. It would streamline procurement procedures for contingency operations or peacekeeping and humanitarian operations; permit agencies to use more ''commercial-style'' contracting procedures for technologies or products which are cutting-edge; and require agencies to do ongoing market research to identify new companies, including small businesses, with new capabilities to help agencies in the fight against terrorism.

Title V also requires that the Comptroller General complete a review of the extent to which procurements and services have been made in accordance with this subtitle and submit a report on the results of the review.

There is a one year sunset for these provisions.

This authority complements the flexible procurement authority in Section 135 concerning R&D and technology prototyping.

The Committee-approved legislation authorizes the Secretary to hire experts and consultants, in accordance with existing law, for periods of up to one year and subject to a pay cap equivalent to the GS–15 level. However, the amendment provides additional hiring flexibility to the Secretary by expanding his authority under current law if necessary to meet urgent homeland security needs. In such cases, the Secretary may obtain personal services, including those of experts or consultants, for periods not to exceed one year without a ceiling on the amount of compensation that may be paid to those individuals. These provisions will allow the Secretary to meet critical needs of the Department by securing the services of individuals with specialized experience and expertise.

During the Cold War, Presidents acquired the power to take away—by executive order—the collective bargaining rights of particular agencies or subdivisions when he determines that national security is at stake. Agency managers may also remove from collective bargaining individual employees engaged in certain kinds of work directly affecting national security, subject to review by the independent Federal Labor Relations Authority (FLRA).

Most of the tens of thousands of employees that will make up the new Department will be transferred from existing federal agencies, and the Congressional Research Service estimates that about 43,000 (mostly in the Customs Service, the INS, the Coast Guard and FEMA) are now represented by unions. Thus far, no President—including President Bush—has tried to deny collective bargaining rights to these workers. Nevertheless, these existing employees are fearful they will lose their collective bargaining rights simply by virtue of being transferred to a department organized around a mission of homeland security—even if their duties remain substantially the same.

The Committee-approved legislation seeks to provide these employees some reassurance. It provides that, for offices and employees transferred into the Department with pre-existing rights to unionize, those rights may not be withdrawn on an office-wide basis by executive order. However, the legislation still provides the Administration ample authority to remove collective bargaining rights if national security is at issue. These rights can be withdrawn from individual employees if their primary job duty materially changes and consists of intelligence, counterintelligence, or investigative duties related to terrorism investigation and their membership in a collective-bargaining unit would adversely affect national security. If so, following existing procedures, Department managers may remove employees from collective bargaining immediately upon determining that such action is warranted, subject to review by the FLRA. Thus, for the employees of offices transferred to the Department with existing rights to form a union, the Committee-endorsed legislation allows the Administration to immediately take employees out of collective bargaining to protect national security, but requires the Administration to state clear reasons for doing so and allows for due process review.

Furthermore, with respect to newly created offices at the Department, the legislation retains the President's authority to remove collective bargaining rights from an entire office by executive order, if the primary function of the office is intelligence, counterintelligence, or investigative duties directly related to terrorism investigation, and if collective bargaining rights cannot be applied consistent with national security.

It is important to remember that bargaining rights of Federal employees are very limited compared to the private sector. Federal employees have no right to strike. Most have their salary and benefits set in statute. And they may not bargain over, or agree to, anything that would affect managers' statutory prerogatives, which include hiring, firing, assigning personnel and work, as well as taking any necessary action during an emergency.

The Committee-approved legislation provides that any construction work financed by assistance under this legislation will be subject to the Davis-Bacon Act, which requires the payment of prevailing wages. The prevailing wage under Davis-Bacon means the local average wage, as determined by the Secretary of Labor.

The Davis-Bacon Act itself applies to federal construction contracts, and, in addition, Davis-Bacon requirements have been incorporated into more than 50 program statutes that provide assistance to non-federal parties for construction. For example, federal assistance programs that apply Davis-Bacon requirements include: a variety of transportation construction grant programs (including interstate highways, mass transportation, airport improvement); FEMA emergency preparedness grants; various environmental programs (including drinking and waste water treatment, and Superfund cleanup).

Like these other statutes, the Committee-endorsed legislation would require the payment of prevailing wages in any construction supported by assistance under this legislation. For example, under the Emergency Preparedness Enhancement Pilot Program under section 153, the Department may award grants for the deployment of innovative emergency preparedness technologies. If such a grant is used for construction, the contractor would have to pay the prevailing wage. Section 194 would not affect grant programs that are not under this legislation, even if administered by the Department, however. For example, under the Stafford Act, Davis-Bacon applies to FEMA grants for emergency preparedness, but not to FEMA's grants for disaster relief. Thus, disaster relief under the Stafford Act will remain exempt from Davis-Bacon even after FEMA and its disaster-relief functions are transferred to the new Department.

At the request of Senator Thompson, the legislation incorporates the text of S. 2530, granting some law enforcement authorities to certain Inspectors General. That bill was reported out of the Governmental Affairs Committee on June 25, 2002. Briefly, the proposal amends the Inspector General Act to authorize certain IG officers to carry a firearm or make an arrest in certain instances while engaged in official duties as authorized by this Act or other statute, or by a request from the Attorney General, and to seek and execute warrants under the authority of the United States upon probable cause that a violation has been committed. A full description of the proposal and its legislative history can be found in the accompanying Committee report, No. 107–176.

The GAC-endorsed legislation will ensure that information systems are effectively deployed in the new Department and government-wide. Improved management of information resources is a vital aspect of enhanced homeland security. Federal agencies have deployed information systems in stovepipes, with little thought given to interoperability with the systems of other agencies. Interoperable information systems would allow for efficient sharing of data and better communications between agencies responsible for intelligence gathering, border security, crisis response, and other homeland security missions. Agencies vital to homeland security are also plagued by poor information security and outdated technologies. These management challenges need to be addressed both within the new Department and government-wide.

The legislation contains several new provisions that impose general mandates and establish accountability mechanisms with respect to information systems within the Department. The Secretary is required to direct the acquisition and management of the Departments information resources, including the information systems of agencies being transferred into the Department. In ensuring proper Department-wide management, the Secretary will be assisted by the Chief Information Officer. The Secretary is responsible for making the Department's information systems effective, efficient, secure, and interoperable, and will report to Congress on the implementation of an enterprise architecture for the Department. The CIO will work closely with the Under Secretary for Science and Technology on the development, testing, and deployment of new IT technologies.

The need for more effective cooperation between agencies such as the FBI, CIA, Department of State, and INS has become obvious, yet poorly developed information systems are getting in the way when technology should be enhancing agencies' effectiveness. The federal government has barely addressed the inability of agencies to link up their information systems. Pursuant to language proposed by Sen. Durbin, the legislation requires the OMB Director to develop a comprehensive enterprise architecture for information systems of agencies related to homeland security, and to make sure agencies implement the plan. The architecture and resulting systems must be designed so that they can achieve interoperability between federal agencies responsible for homeland defense, that they are capable of being deployed quickly and upgraded with improved technologies, and that effective information security is maintained. The OMB Director and the Secretary will also facilitate improved interoperability between information systems of Federal, State and local agencies responsible for homeland defense.

Enterprise architectures require systematically thinking through the relationship

between operations and underlying information technologies. Used increasingly by industry and some governments, they can reduce redundancies, modernize operations, and improve program performance.

The Committee-approved legislation includes a key compromise on the public disclosure of certain sensitive information that may be submitted to the Department—one that thoughtfully balances the public's right to know and the legitimate security concerns of private entities that may share information with the Department. Specifically, the legislation provides that records pertaining to the vulnerability of—and threats to—critical infrastructure that are voluntarily furnished to the Department and that are not customarily made public by the provider, are not subject to public disclosure under the Freedom of Information Act. Furthermore, the provision would not limit the disclosure of a record used to satisfy a legal obligation or to obtain a permit or other government approval, or received by another Federal, State, or local agency independently of the Department.

Senators Bennett and Levin offered this provision at the business meeting. The language of the provision had also been developed in conjunction with the Chairman of the Judiciary Committee, Senator Leahy. Senator Bennett explained to the Committee that the amendment addresses the concerns of three groups—the federal government, which wants to receive information from the private sector in order to better understand and address vulnerabilities and threats to critical infrastructure; the private sector, which has said it would like to help the government, but not if it would be disadvantaged by disclosure of sensitive information; and the public-access and environmental communities, which did not want public access diminished to information that is of importance to the public. Senators Bennett and Levin told the Committee that all three of these interested groups found the amendment acceptable. Senator Bennett further reported that the Administration had examined the provision and supported it as well.

To safeguard against the erosion of non-security programs within the transferred entities, the revised legislation establishes a reporting requirement designed to monitor the performance of non-homeland security missions by entities transferred to the Department—pursuant to an amendment by Senators Akaka and Carper. For each of the first five years after a program or agency is transferred to the Department, the relevant Under Secretary must report to the Secretary, the Comptroller General, and Congress regarding the performance of that entity, with particular emphasis on non-homeland security missions. These reports shall seek to inventory non-homeland security capabilities, including the personnel, budgets, and flexibilities used to carry out those functions. The reports shall include information regarding whether any changes are required to enable the transferred entities to continue to carry out non-homeland security missions without diminishment. Under another provision, the Comptroller General is also required to submit reports to Congress that include an evaluation of how successfully the Department is meeting homeland security and other missions.

FIREFIGHTERS

The legislation includes an amendment by Senators Carnahan and Collins to provide federal assistance to local communities to hire additional firefighters, who clearly play a critical first responder role for terrorist threats. The amendment amends the Federal Fire Prevention and Control Act of 1974 to authorize the Director of FEMA to award 3–year grants to local communities to hire additional firefighters. It would fund 75% of a firefighter's salary and benefits over three years. Communities applying for grants under the program would be required to present a plan for how they will fund the position at the conclusion of the third year. The three-year cost is capped at $100,000 per fire fighter. The amendment authorizes $1 billion for FY 2003 and FY 2004 for this program. If fully appropriated, the amendment would provide funding for as many as 10,000 new firefighters each year, able to play a vital role in terrorism response.

The amendment addresses a critical and urgent need. Federal programs currently exist to fund training and equipment for firefighters and other first responders, and more funding for these needs has been proposed in response to the events of September 11. However, no Federal funds have been made available to fund personnel even though the staffing shortage in the nation's fire departments has reached crisis proportions. Two-thirds of all fire departments do not have adequate staffing, falling below the accepted industry consensus standards developed by the National Fire Protection Association. According to the International Association of Firefighters, most fire departments are not able to comply with OSHA's ''two-in/two-out'' standard for safe fire ground operations. These standards require that if two firefighters enter a dangerous environment, there must be at least two firefighters stationed outside to perform a rescue operation if needed.

The International Association of Fire Chiefs estimates that 75,000 additional fire fighters are needed to bring fire department staffing up to minimally acceptable levels for safety and effective response. In addition, investigations into firefighter fatalities conducted by the National Institute for Occupational Safety and Health (NIOSH) over the past decade have consistently identified inadequate staffing as either the primary cause or a significant contributing factor to the death of the firefighter. Clearly, without additional assistance, our firefighters' lives are being jeopardized.

The Carnahan/Collins amendment reflects broad consensus that in order to protect the public against acts of terrorism and other dangers, the nation's fire departments must have adequate personnel, training, and equipment. One of the major purposes of the Department will be to assess and advocate for the resource needs of State and local governments. The need for more firefighters has already been well documented and thus it is appropriate that this issue be addressed now.

The amendment includes an amendment offered by Senators Carper and Torricelli that authorizes funding for Amtrak to finance system-wide safety and security, make life safety improvements to critical rail tunnels, and help ensure Amtrak has adequate fleet capacity in the event of a national security emergency. This funding is authorized to be appropriated to the Department over two years for Amtrak and will remain available until obligated.

Pursuant to an amendment by Sen. Durbin, the GAC-endorsed legislation would require the Secretary to enter into an agreement with and provide funding to the National Academy of Sciences to conduct a detailed and comprehensive review of Federal statutes and regulations affecting the safety and security of the food supply and to review the efficiency and effectiveness of the organizational structure of Federal food safety oversight. It requires the Academy to report its findings, conclusions, and recommendations, to Congress not later than 1 year after enactment of this Act and spells out the issues that must be addressed in the report. The Secretary must provide Congress and the President with a response to the recommendations.

Pursuant to amendment offered by Senator Akaka, for himself and Senator Levin, the legislation would extend whistleblower protections to airport security screeners. For baggage screeners who are federal employees, the legislation would extend the same whistleblower protections as apply generally to federal employees. They are protected against retaliation for coming forward with information about a violation of law, rule, or regulation; mismanagement; waste; abuse; or a danger to health or safety. For airport screening personnel who are not federal employees, the bill provides the same whistleblower protections as apply to air carrier personnel. They are protected against retaliation for coming forward with information about a violation relating to air carrier safety.

Mr. President, I ask unanimous consent to have printed in the RECORD a section-by-section analysis and a letter dated August 28, 2002.

LEGISLATION TO ESTABLISH A DEPARTMENT OF HOMELAND SECURITY AND THE NATIONAL OFFICE FOR COMBATING TERRORISM AS SUPPORTED BY BIPARTISAN VOTE OF THE SENATE GOVERNMENTAL AFFAIRS COMMITTEE

Sec. 1. Short Title. This Act may be cited as the ''National Homeland Security and Combating Terrorism Act of 2002.''

Sec. 2. Outlines the organization of the Act into 3 divisions: (A) National Homeland Security and Combating Terrorism, (B) Immigration Reform, Accountability, and Security Enhancement Act of 2002, and (C) Federal Workforce Improvement.

DIVISION A—NATIONAL HOMELAND SECURITY AND COMBATING TERRORISM

Sec. 100. Definitions. Defines terms used in Division A.

Title I. Department of Homeland Security

Subtitle A—Establishment of the Department of Homeland Security

Sec. 101. Establishment of the Department of Homeland Security. Establishes the Department of Homeland Security whose mission is (1) to promote homeland security, particularly with regard to terrorism; and (2) carry out the other functions, and promote the other missions, of entities transferred to the Department as provided by law. The homeland security mission includes preventing terrorist attacks or other homeland threats within the United States; reducing the vulnerability of the United States; and minimizing the damage, and assisting in the recovery, from terrorist attacks or other natural or man-made crises within the United States.

Sec. 102. Secretary of Homeland Security. States that the Secretary of Homeland Security shall be appointed by the President and confirmed by the Senate. This section outlines the Secretary's broad responsibilities for developing policies, goals, objectives, priorities and plans for the promotion of homeland security, which include: developing a national strategy with the Director of the National Office for Combating Terrorism (established in Titles II and III), and advising the Director on the development of a comprehensive budget for programs under the strategy. The Secretary is also responsible for including State and local governments and other entities into the full range of homeland security activities; consulting with the Secretary of Defense and State governors regarding integration of the United States military, including the National Guard, into all aspects of the strategy and

its implementation, including detection, prevention, protection, response and recovery, as well as training of personnel to respond to terrorist attacks involving chemical or biological agents; and developing an enterprise architecture for Department-wide information technology. In addition, the Secretary is responsible for administering the Homeland Security Advisory System and for annually reviewing and updating the Federal Response Plan for homeland security and emergency preparedness.

Sec. 102—subsection (c). Visa Issuance. Vests in the Secretary authority to issue regulations with respect to visas and other immigration and nationality laws implemented by consular officers. The Secretary is also authorized to assign employees of the Department to diplomatic and consular posts to advise consular officers regarding specific security threats relating to the adjudication of visa applications, review applications, and investigate matters under the jurisdiction of the Secretary. The Secretary of State may direct a consular officer to refuse a visa in the foreign policy or security interests of the United States.

Sec. 102—subsection (d). Amends the National Security Act to include the Secretary as a member of the National Security Council.

Sec 103. Deputy Secretary. Establishes a Deputy Secretary for Homeland Security, appointed subject to Senate confirmation, responsible for assisting the Secretary in the administration and operations of the Department.

Sec. 104. Under Secretary for Management. Establishes an Under Secretary for Management, appointed subject to Senate confirmation, who will be responsible for the management and administration of the Department, including the budget and appropriations, procurement, human resources and personnel, information technology, facilities and property, and other functions.

Sec. 105. Assistant Secretaries. Establishes not more than 5 Assistant Secretaries, appointed subject to Senate confirmation. When submitting the name of an individual to the Senate for confirmation, the President shall describe the general responsibilities that the appointee will exercise and, subject to that, the Secretary shall assign each Assistant Secretary such functions as the Secretary considers appropriate.

Sec. 106. Inspector General. Provides that there shall be an Inspector General (IG) in the Department subject to the Inspector General Act of 1978 (5 U.S.C. App), who, under the Inspector General Act, will be appointed subject to Senate confirmation. The Secretary may prohibit the IG from carrying out audits or performing other duties if the Secretary determines it necessary to prevent the disclosure of certain sensitive information, preserve national security, or prevent significant impairment to the national interest. The IG must notify Congress when the Secretary exercises these powers. The IG also shall have oversight over internal investigations performed by any other investigatory offices where they exist in the Department's subagencies. The Inspector General shall also designate one official to review information and receive complaints alleging abuses of civil rights and civil liberties by employees and officials of the Department; publicize information on the responsibilities and functions of the official; and submit semi-annual reports to Congress describing the implementation of this section. (The civil rights language parallels a USA Patriot Act provision requiring the designation of a similar official in the Justice Department's IG office.)

Sec. 107. Chief Financial Officer. Establishes a Chief Financial Officer (CFO), appointed subject to Senate confirmation.

Sec. 108. Chief Information Officer. Establishes a Chief Information Officer (CIO) to assist the Secretary with Department-wide information resources management.

Sec. 109. General Counsel. Establishes a General Counsel, appointed subject to Senate confirmation, to serve as the chief legal officer of the Department.

Sec. 110. Civil Rights Officer. Establishes a Civil Rights Officer, appointed by the President and confirmed by the Senate, who shall be responsible for, among other duties, ensuring compliance with all civil rights laws and regulations applicable to Department employees and participants in Department programs and overseeing compliance with statutory and constitutional requirements related to the civil rights of individuals affected by the Department's programs and activities.

Sec. 111. Privacy Officer. Establishes a Privacy Officer, appointed by the Secretary, who will oversee compliance with the Privacy Act and other applicable laws relating to the privacy of personal information. The Privacy Officer will assist the Department with the development and implementation of policies and procedures to ensure that privacy considerations and safeguards are incorporated and implemented in programs and activities; and that information is handled in a manner that minimizes the risks of harm to individuals from inappropriate disclosure.

Sec. 112. Chief Human Capital Officer. States that the Secretary shall appoint or designate a Chief Human Capital Officer to advise and assist the Department on workforce skills, training, recruitment, retention, and other issues necessary to attract and retain a highly qualified workforce.

Sec. 113. Office of International Affairs. Creates Office of International Affairs within the Office of the Secretary, headed by a Director, who shall be responsible for: promoting information and education exchange with foreign nations, including joint research and development on countermeasures, joint training exercises of first responders, and exchange of expertise on terrorism prevention, response and crisis management; planning international conferences, exchange programs and training activities; and managing international activities within the Department in consultation with the Department of State and other relevant Federal officials. The Director shall initially concentrate on fostering cooperation with countries that are already highly focused on homeland security issues and have been cooperative with the United States in the area of counterterrorism.

Sec. 114. Executive Schedule Positions. Establishes the Executive Schedule levels for the Secretary, Deputy Secretary, Under Secretaries, Assistant Secretaries, and other senior officers.

Subtitle B—Establishment of Directorates and Offices

Sec. 131. Directorate of Border and Transportation Protection. Establishes a Directorate of Border and Transportation Protection which shall be headed by an Under Secretary who is appointed by the President with the advice and consent of the Senate. The Directorate shall be responsible for securing borders, territorial waters, ports, waterways, air, land, and sea transportation systems, including coordinating governmental activities at ports of entry. It shall also be responsible for using intelligence to establish inspection priorities for agricultural products and livestock from locations suspected of terrorist activities, harboring terrorists, or of having unusual human health or agriculture disease outbreaks. In addition, it shall provide agency-specific training for agents and analysts from within the Department, other agencies, State and local agencies and international entities that have partnerships with the Federal Law Enforcement Training Center. Authorities, functions, personnel, and assets are transferred from the Customs Service, which shall be maintained as a distinct entity; the Coast Guard, which shall also be maintained as a distinct entity and shall report directly to the Secretary; that portion of the Animal Plant and Health Inspection Service of the Department of Agriculture which administers laws relating to agricultural quarantine inspections at points of entry; the Transportation Security Administration of the Department of Transportation; and the Federal Law Enforcement Training Center of the Department of Treasury (a center which provides training to law enforcement officers of 70 Federal partner agencies).

Sec. 131 subsection (d)—Exercise of Customs Revenue Functions. Notwithstanding the transfer of authorities, functions, personnel, and assets from the Customs Service, the Secretary of the Treasury shall retain authority to issue regulations governing customs revenue functions, with the concurrence of the Secretary and with the assistance of the Customs Service. The Customs Service is responsible for administering and enforcing the laws regarding customs revenue functions, which include: assessing, collecting and refunding duties, taxes and fees on imported goods; administering import quotas and labeling requirements; collecting import data needed to compile international trade statistics; and administering reciprocal trade agreements and trade preference legislation. These regulations will be administered by the Secretary. Within 60 days, the Secretary of the Treasury will submit recommendations to Congress regarding the appropriate allocation of legal authorities relating to these functions.

Sec. 131 subsection (e)—Preserving Coast Guard Mission Performance. Preserves the structural and operational integrity of the Coast Guard, the authority of the Commandant, the non-homeland security missions of the Coast Guard and the Coast Guard's capabilities to carry out these missions even as it is transferred to the new Department. The Coast Guard must be maintained intact and without reduction after transfer to the Department unless Congress legislates otherwise. No missions, functions, personnel or assets may be controlled by, or diverted to the principal and continuing use of any other part of the Department. The Secretary may not make a substantial change to the Coast Guard's non-security missions or capabilities without prior Congressional approval by statute. However, the President may waive this restriction for up to 90 days if he certifies to Congress that there is a clear, compelling and immediate state of national emergency. None of these conditions shall apply when the Coast Guard operates as a service in the Navy under section 3 of title 14, United States Code.

The Coast Guard will report directly to the Secretary. The Inspector General of the Department will conduct an annual review to assess the Coast Guard's performance, particularly with respect to non-security missions.

Sec. 132. Directorate of Intelligence. Establishes a Directorate of Intelligence, headed by an Under Secretary appointed by the President by and with the advice and consent of the Senate. The Directorate shall serve as a national-level focal point for the analysis of 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. The Directorate shall communicate,

coordinate, and cooperate with the intelligence community and other agencies as determined by the Secretary. The Director of Central Intelligence's Counterterrorist Center shall have primary responsibility for the analysis of foreign intelligence relating to international terrorism. The Directorate of Intelligence may conduct supplemental analysis of foreign intelligence relating to threats of terrorism against the United States.

In general, the Directorate shall be responsible for receiving and analyzing law enforcement information, intelligence and other information to detect and identify specific threats of terrorism; working with the Director of Central Intelligence and the intelligence community to establish overall intelligence priorities; requesting additional information; disseminating information to other entities, including state and local law enforcement, to assist in deterring, preventing and responding to terrorism and other threats; establishing, in conjunction with other appropriate officials, secure communications and information technology infrastructure, and advanced analytical tools; and ensuring that all material received by the Department is protected against unauthorized disclosure and handled consistent with the authority of the Director of Central Intelligence to protect sources and methods, and similar authorities of the Attorney General concerning sensitive law enforcement information. The Directorate is also responsible for providing training and other support to providers of information to the Department or consumers of information from the Department; and making recommendations to the Secretary for improving policies and procedures governing sharing of law enforcement, intelligence, and other information within the Federal government and between the Federal government and state and local governments and law enforcement agencies. The Directorate shall be staffed, in part, by analysts via reimbursable detail from agencies of the intelligence community.

Sec. 132 subsection (c)—Access to Information. Provides that, unless otherwise directed by the President, the Secretary shall have access to, and agencies shall provide, all reports, assessments, analytical information, and information, including unevaluated intelligence, relating to the plans, intentions, capabilities, and activities of terrorist organizations and to other areas of responsibility that may be collected, possessed, or prepared by any other United States government agency. As the President may further provide, the Secretary shall receive additional information requested by the Secretary. The Secretary may enter into cooperative agreements with agencies, and regardless of whether the Secretary has entered into any such cooperative agreement, all agencies shall promptly provide information to the Secretary.

Sec. 132 subsection (e)—Additional Responsibilities. The Under Secretary for Intelligence is also responsible for developing analyses concerning the means terrorists might employ to exploit vulnerabilities in homeland security infrastructure; developing and conducting experiments, tests and inspections to test weaknesses in homeland defenses; developing and practicing countersurveillance techniques to prevent attacks; conducting risk assessments to determine the risk posed by specific kinds of terrorist attacks; and working with the Directorate of Critical Infrastructure Protection, other agencies, State and local governments, the private sector and local law enforcement and intelligence agencies to address vulnerabilities.

Sec. 133. Directorate of Critical Infrastructure Protection. Establishes a Directorate of Critical Infrastructure Protection which shall be headed by an Under Secretary who is appointed by the President with the advice and consent of the Senate. Among other duties, the Directorate shall be responsible for: receiving relevant intelligence from the Directorate of Intelligence, law enforcement information and other information to comprehensively assess the vulnerabilities of key resources and critical infrastructures; identifying priorities and supporting protective measures by the Department and other entities; developing a comprehensive national plan for securing key resources and critical infrastructure (as part of the National Strategy described in Title III); establishing specialized research and analysis units to identify vulnerabilities and protective measures in key areas of critical infrastructure, as well as other systems or facilities whose destruction or disruption could cause substantial harm to health, safety, property, or the environment; enhancing and sharing of information regarding cyber-security and physical security, developing security standards, tracking vulnerabilities, proposing improved risk management policies, and delineating the roles of various governmental agencies in preventing, defending, and recovering from attacks; and working with the Department of State and other appropriate agencies to help establish cyber security policy, standards and enforcement mechanisms. The Directorate will also be responsible for establishing the necessary organizational structure to provide leadership and focus on both cyber-security and physical security, and ensuring the maintenance of a nucleus of cyber and physical security experts in the United States Government.

The authorities, functions, personnel and assets of the following offices are transferred to the Department: (1) the Critical Infrastructure Assurance Office of the Department of Commerce, (established by Presidential Decision Directive 63 in 1998 to coordinate federal initiatives on critical infrastructure); (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 (established by Executive Order in 1984 to assist the President and others in (a) the exercise of telecommunications functions and (b) coordinating the planning for and provision of national security and emergency preparedness communications); (4) the Computer Security Division of the National Institute of Standards and Technology (NIST) of the Department of Commerce (the NIST division that is tasked with improving information systems security); (5) The National Infrastructure Simulation and Analysis Center of the Department of Energy (established to serve as a source of national competence to address critical infrastructure protection and continuity through support for activities related to counterterrorism, threat assessment, and risk mitigation); (6) The Federal Computer Incident Response Center of the General Service Administration (a partnership of computer incident response, security, and law enforcement personnel to share information on and handle computer security incidents); (7) The Energy Security and Assurance Program of the Department of Energy (a national security program to help reduce America's energy supply vulnerability from severe disruptions due to natural or malevolent causes); and (8) The Federal Protective Service of the General Services Administration (GSA) (which oversees security at Federal property managed by GSA).

Sec. 134. Directorate of Emergency Preparedness and Response. Establishes a Directorate of Emergency Preparedness and Response which shall be headed by an Under Secretary appointed by the President and confirmed by the Senate. Among other duties, the Directorate shall be responsible for carrying out Federal emergency preparedness and response activities; providing State and local authorities with equipment for detection, protection, and decontamination in an emergency involving weapons of mass destruction; overseeing Federal, State and local emergency preparedness training and exercise programs; developing and managing a single response system for national incidents; managing and updating a Federal disaster response plan; using the resources of both human and animal health communities in emergency planning and response activities; creating a National Crisis Action Center to coordinate Federal support for State and local governments and the private sector in a crisis; coordinating and integrating operational activities of the Department of Defense, the National Guard, and other Federal agencies into the Federal response plan; managing, in consultation with the Under Secretary of Science and Technology and the Centers for Disease Control, the Select Agent Registration Program; overseeing the Centers for Disease Control's management of the Strategic National Stockpile of drugs, biologics, and devices, which is transferred to the Department; and developing a comprehensive plan to address the interface of medical informatics and the medical response to terrorism.

The authorities, functions, personnel and assets of the following entities are transferred: the Federal Emergency Management Agency; the National Office of Domestic Preparedness of the Federal Bureau of Investigation of the Department of Justice (created by the Attorney General in 1998 to coordinate and facilitate federal efforts to assist state and local emergency responders with training and materials necessary to respond to an event involving weapons of mass destruction); the Office of Domestic Preparedness of the Department of Justice (developed to assist in the training of state and local law enforcement agencies to respond to terrorist incidents); 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 (HHS) (responsible for coordinating HHS efforts to plan and prepare for a national response to medical emergencies arising from the use of weapons of mass destruction); the Strategic National Stockpile of the Department of Health and Human Services; and the functions of the Select Agent Registration Program (HHS) and the United States Department of Agriculture (USDA) (a program designed to identify all biological agents and toxins that have the potential to pose severe threats to public health and safety, regulate the transfer of such agents and toxins, and establish a registration scheme regulating their possession, use and transfer).

Sec. 135. Directorate of Science and Technology. Establishes a Directorate of Science and Technology which shall be headed by an Under Secretary appointed by the President with the advice and consent of the Senate. The Directorate will support the mission of the Department by (1) managing and supporting research and development activities to meet national homeland security needs and objectives; (2) articulating national research and development goals, priorities, and strategies pursuant to the mission of the Department; (3) coordinating with entities within and outside the Department to advance the research and development agenda of the Department; (4) advising the Secretary of the Department on all scientific and technical matters; and, (5) facilitating

the transfer and deployment of technologies crucial to homeland security needs. To fulfill the mission of the Directorate, the Under Secretary will be responsible for, among other things, developing a technology roadmap biannually for achieving technological goals relevant to homeland security; instituting mechanisms to promote, facilitate, and expedite the transfer and deployment of technologies relevant to homeland security needs, including dual-use capabilities; establishing mechanisms for sharing research and technology developments and opportunities with appropriate Federal, State, local, and private sector entities; and, establishing in coordination with the appropriate Under Secretaries, a National Emergency Technology Guard (NET Guard) comprised of volunteers with expertise in science and technology to assist local communities in responding to and recovering from emergency contingencies.

This section authorizes the Secretary to exercise certain transactional and hiring authorities relating to research and development and the Secretary shall have the authority to transfer funds to agencies. Additionally, DHS will help direct the use of bioterrorism-related funds, appropriated to NIH, through joint strategic agreements between the Secretary of HHS and the Secretary of DHS. Under such agreements, the Secretary of DHS will have the authority to determine the broad, general research priorities, while the Secretary of HHS will have the authority to set the specific, scientific research agenda. NIH will continue to manage and award all funds. The Secretary is also able to contract with existing Federally Funded Research and Development Centers (FFRDCs), or establish such centers. This section also establishes an Acceleration Fund, to be administered by the Security Advanced Research Projects Agency (SARPA), to stimulate research and development projects; the Fund is authorized to receive an appropriation of $200,000,000 for fiscal year 2003 and such sums as are necessary in subsequent fiscal years. Through a joint agreement with the Coast Guard, ten percent of the Acceleration Fund is to be allocated to Coast Guard homeland security missions for FY'04 and FY'05.

The Directorate also establishes several mechanisms to promote research and development activities. These include: (1) a Science and Technology Council composed of senior research and development officials to, among other things, provide the Under Secretary with recommendations on priorities and strategies, and facilitate coordination among agencies, the private sector, and academia; (2) the Security Advanced Research Projects Agency (SARPA) to undertake and stimulate basic and applied research, leverage existing research and development, and accelerate the transition and deployment of technologies; (3) an Office of Risk Analysis and Assessment to, among other duties, conduct and commission studies of threat assessment and risk analysis to help guide the research priorities of the Department; (4) an Office of Technology Evaluation and Transition to serve as the principal clearinghouse for receiving and evaluating proposals for innovative technologies; (5) an Office for National Laboratories, which shall enter, on behalf of the Department, into joint sponsorship agreements with the Department of Energy (DOE) to coordinate and utilize the resources and expertise of DOE national laboratories and sites; and, (6) an Office of Laboratory Research, which shall incorporate personnel, functions, and assets from several programs and activities transferred from DOE that are related to chemical and biological security, nuclear smuggling, and nuclear assessment, as well as the National Bio-Weapons Defense Analysis Center which is transferred from the Department of Defense. The Office shall also administer the disbursement and undertake oversight of research and development funds transferred to HHS and other agencies outside the Department, and shall have a Science Advisor for bioterrorism. This section also requires the Secretary to develop a comprehensive long-term strategy and plan for engaging for-profit and other non-Federal entities in research, development, and production of homeland security countermeasures for biological, chemical, and radiological weapons.

Sec. 136. Directorate of Immigration Affairs. Establishes a Directorate of Immigration Affairs to carry out all functions of that Directorate in accordance with Division B of the Act.

Sec. 137. Office for State and Local Government Coordination. Establishes within the Office of the Secretary an office to oversee and coordinate programs for and relationships with State and local governments; assess, and advocate for, the resources needed by State and local governments to implement the National Strategy for combating terrorism; provide State and local governments with regular information, research and technical support; and develop a process for receiving meaningful input from State and local governments to assist in the development of the National Strategy and other homeland security activities. The Secretary shall appoint a Chief Homeland Security Liaison Officer, who shall coordinate the activities of homeland security liaison officers in each state. The officers shall coordinate between the Department and State and local first responders, provide training for State and local entities, identify homeland security functions in which the Federal role duplicates the State or local role and recommend ways to reduce inefficiencies, and assist State and local entities in priority setting based on discovered needs of first responder organizations. Establishes the Interagency Committee on First Responders, composed of the Chief Homeland Security Liaison Officer and representatives from Federal agencies including HHS, CDC, FEMA, Coast Guard, DoD, FBI and others, who will ensure coordination among the Federal agencies involved with State and local first responders, identify community-based first responder needs, recommend new or expanded grant programs to improve local first responder services, and find ways to streamline support by Federal agencies for local first responders. Also establishes the Advisory Council for the Interagency Committee, which shall be composed of no more than 13 members representing community-based first responders from both urban and rural communities.

Sec. 138. United States Secret Service. Transfers the authorities, functions, personnel and assets of the United States Secret Service, which shall be maintained as a distinct entity reporting directly to the Secretary.

Sec. 139. Border Coordination Working Group. Requires the Secretary to establish a border security working group with the Under Secretaries for Border and Transportation Security and for Immigration Affairs. The Working Group would, with respect to all border security functions, develop coordinated budget requests, allocations of appropriations, staffing requirements, communication and in other areas; coordinate joint and cross-training programs for personnel; monitor, evaluate and make improvements in the coverage and geographic distribution of border security programs and personnel; 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 identify systemic problems in coordination with border security agencies and propose changes to mitigate such problems. The Secretary shall consult with and may include representatives of such agencies in Working Group deliberations as appropriate.

Sec. 140. Executive Schedule Positions. Adds the appropriate Under Secretaries within the Department to the Executive Schedule.

Subtitle C—National Emergency Preparedness Enhancement—The National Emergency Preparedness Enhancement Act of 2002

Sec. 151. Short Title.

Sec. 152. Preparedness Information and Education. Establishes a Clearinghouse on Emergency Preparedness, headed by a director, who will consult with Federal agencies, task forces and others to collect information on emergency preparedness, including information relevant to the Strategy. The Clearinghouse will ensure efficient dissemination of emergency preparedness information; establish a one-stop shop for emergency preparedness information, including a web site; develop an ongoing public awareness campaign, including a theme to be implemented annually during National Emergency Preparedness Week; and compile and disseminate information on best practices for emergency preparedness.

Sec. 153. Pilot Program. Authorizes the Department to award grants to private entities to pay the Federal share of the cost of improving emergency preparedness and of educating employees and others using the entities' facilities about emergency preparedness. The Federal share of the cost shall be 50 percent, up to a maximum of $250,000 per grant recipient. There are authorized to be appropriated $5,000,000 for each of fiscal years FY 2003 through 2005 for such grants.

Sec. 154. Designation of National Emergency Preparedness Week. Designates each week that includes September 11 as ''National Emergency Preparedness Week'' and requests that the President issue a proclamation each year to observe the week with appropriate programs and activities. In conjunction with the week, the head of each Federal agency, as appropriate, shall coordinate with the Department to inform and educate the private sector and the general public about emergency preparedness activities, and tools, giving a high priority to efforts designed to address terrorist attacks.

Subtitle D—Miscellaneous Provisions

Sec. 161. National Biological and Chemical Weapons Defense Analysis Center. Establishes within the Department of Defense a National Biological and Chemical Weapons Defense Analysis Center to develop countermeasures to potential attacks by terrorists using biological or chemical weapons that are weapons of mass destruction, and designates it for transfer to the Department.

Sec. 162. Review of Food Safety. Requires the Secretary to enter into an agreement with and provide funding to the National Academy of Sciences to conduct a detailed and comprehensive review of Federal statutes and regulations affecting the safety and security of the food supply and to review the efficiency and effectiveness of the organizational structure of Federal food safety oversight. Requires the Academy to report its findings and conclusions, and recommendations, to Congress not later than 1 year after enactment of this Act and prescribes the issues which shall be addressed in the report. The Secretary is further required to provide Congress and the President a response to the recommendations.

Sec. 163. Exchange of Employees between agencies and State and Local governments.

Authorizes the Secretary to establish an employee exchange program under existing provisions of Title 5, United States Code to improve the coordination of antiterrorism programs and activities between the Department and State and local governments. An employee of the Department may be detailed to a State or local government, and State and local government employees may be detailed to the Department under this program. The section requires that employees assigned under this program have appropriate training and experience and that the program be implemented in a manner that appropriately safeguards classified and other sensitive information.

Sec. 164. Whistleblower Protection for Federal Employees Who are Airport Security Screeners. Extends to federal employees who are baggage screeners for the Transportation Security Agency the same whistleblower protections as apply generally to federal employees. They are protected against retaliation for coming forward with information about a violation, mismanagement, waste, abuse, or a danger to health or safety.

Sec. 165. Whistleblower Protection for Certain Airport Employees. Extends to airport screening personnel who are not federal employees the same whistleblower protections as apply to air carrier personnel. They are protected against retaliation for coming forward with information about a violation relating to air carrier safety.

Sec. 166. Bioterrorism Preparedness and Response Division. This section establishes a Bioterrorism Preparedness and Response Division within the Centers for Disease Control and Prevention. This new division will lead and coordinate the counter-bioterrorism efforts of the CDC, as well as serve as the focal point for coordination and communication between the CDC and both the public health community and the Department of Homeland Security. Additionally, this division will train public health personnel in responses to bioterrorism.

Sec. 167. Coordination with the Department of Health and Human Services under the Public Health Service Act. This section ensures that the Federal Response Plan is consistent with Section 319 of the Public Health Service Act, which grants the Secretary of Health and Human Services authority to act in the event of a public health emergency.

Sec. 168. Rail Security Enhancements. Authorizes grants over a 2-year period for the benefit of Amtrak, including $375 million for the cost of enhancements to security and safety of Amtrak rail passenger service; $778 million for life safety improvements to Amtrak tunnels between New York and Washington built between 1872 and 1910; and $55 million for emergency repair and return to service of Amtrak passenger cars and locomotives. This money will remain available until expended.

Sec. 169. Grants for Firefighting Personnel. This section amends the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229), as amended, to provide grants to hire employees engaged in fire protection. Grants shall be awarded for a 3-year period. The total amount shall not exceed $100,000 per firefighter, indexed for inflation, over the 3-year grant period. The Federal grant shall not exceed 75 percent of the total salary and benefits cost for additional firefighters hired. The Director may waive the 25 percent non-Federal match for a jurisdiction of 50,000 or fewer residents or in cases of extreme hardship. Grants may only be used for additional firefighting personnel, and shall not be used to supplant funding allocated for personnel from State and local sources. $1,000,000,000 is authorized for each of fiscal years 2003 and 2004 for grants under this subsection.

Sec. 170. Review of Transportation Security Enhancements. Requires the Comptroller General to prepare and submit a report to Congress within one year that reviews all available intelligence on terrorist threats against aviation, seaport, rail and transit facilities; reviews all available information on the vulnerabilities of such facilities; and reviews the steps taken by agencies since September 11 to improve security at such facilities to determine the effectiveness of those measures at protecting passengers and transportation infrastructure from terrorist attack. The report shall also include proposed steps to reduce deficiencies found in aviation, seaport, rail and transit security, and the costs of implementing those steps. Within 90 days after the report is submitted to the Secretary, the Secretary shall provide to Congress and the President the Department's response to the report and its recommendations to further protect passengers and infrastructure from terrorist attack.

Sec. 171. Interoperability of Information Systems. Requires the Director of the Office of Management and Budget, in consultation with the Secretary, to develop an enterprise architecture to achieve interoperability among information systems of federal agencies with responsibility for homeland security, and to establish timetables for implementation. The Director will ensure the implementation of the architecture by federal agencies, and report to Congress on progress achieved. The architecture must be designed so that information systems can be deployed rapidly and upgraded with new technologies, and must be highly secure. The section also requires the Director, in consultation with the Secretary, to develop a plan to achieve interoperability among the information systems of federal, state, and local agencies with responsibility for homeland security, and to report to Congress on progress achieved.

Sec. 172. Extension of Customs User Fees. Extends customs user fees by six months to March 31, 2004. The two fees covered include the merchandise processing fee and a fee on passengers and conveyances.

Subtitle E—Transition Provisions

Sec. 181. Definitions. Defines the term ''agency,'' for purposes of subtitle E, to include any entity, organizational unit, or function transferred or to be transferred under this title. Defines the term ''transition period'' to mean the 12-month period beginning with the effective date of Division A.

Sec. 182. Transfer of Agencies. Provides that the transfer of an agency to the Department shall occur when the President directs, but in no event later than the end of the transition period.

Sec. 183. Transitional Authorities. Provides that until an agency is transferred, existing officials shall provide the Secretary such assistance as he may request in preparing for the integration of the agency into the Department and may detail personnel to assist with the transition on a reimbursable basis. During the transition period the President may designate any officer who has been confirmed by the Senate, and who continues as such an officer, to act until the office is filled, subject to the time limits in the Vacancies Act. A Senate-confirmed officer of an agency transferred to the Department may be appointed to a Departmental office with equivalent authorities and responsibilities without being again confirmed by the Senate for the new position.

Sec. 184. Incidental Transfers and Transfer of Related Functions. The Director of OMB, in consultation with the Secretary, may make additional incidental transfers of personnel and assets. Also, at any time an agency is transferred to the Department, the President may transfer any agency established to carry out or support adjudicatory or review functions in relation to the transferred agency. However, the President would not be authorized to transfer the Executive Office of Immigration Review in the Justice Department under this section. The transfer of an agency that is part of a department will include the transfer of related secretarial functions to the new Secretary of Homeland Security.

Sec. 185. Implementation Progress Reports and Legislative Recommendations. Provides that the Secretary shall prepare and submit to Congress a series of Implementation Progress Reports. The initial report is due not later than 6 months after the date of enactment. Additional reports are due every six months until the final report which will be due not later than 6 months after the transfer is completed.

Sec. 185 subsection (c)—Contents. This subsection specifies the information to be provided. Reports will describe the steps needed to transfer and incorporate agencies into the Department, a timetable, and a progress report on meeting the schedule. Reports will also include information workforce planning, information technology matters, and other matters necessary for the successful implementation of the transition.

Sec. 185 subsection (d)—Legislative Recommendations. Calls upon the Secretary to submit recommendations for legislation that the Secretary determines necessary as part of each semi-annual implementation progress report. If the legislative recommendations are ready sooner, the bill specifically invites the Secretary to submit them in advance of the balance of the report. The Secretary is to provide recommended legislation that would, among other things, facilitate the integration of transferred entities into the Department; reorganize within the Department, or provide the Secretary additional authority to do so; address inequities in pay or other terms and conditions of employment; enable the Secretary to engage in essential procurement; and otherwise help further the mission of the Department.

Sec. 186. Transfer and Allocation. Provides that, except where otherwise provided in this title, personnel employed in connection with, and the assets, liabilities, contracts, property records, and any unexpended balance on appropriations, authorizations, allocations and other funds related to the functions and entities transferred, shall be transferred to the Secretary as appropriate, subject to the approval of the Director of the Office of Management and Budget and subject to applicable laws on the transfer of appropriated funds. Unexpended funds transferred pursuant to this section shall be used only for purposes for which the funds were originally authorized and appropriated.

Sec. 187. Savings Provisions. In general, this section provides that all orders, determinations, rules, regulations, permits, agreements, contracts, recognitions of labor organizations, collective bargaining agreements and other administrative actions in effect at the time this Division takes effect shall continue in effect according to their terms until modified or revoked. Certain proceedings, such as notices of proposed rulemaking or applications for licenses, permits, or financial assistance pending at the time this title takes effect shall also continue. Suits and other proceedings commenced before the effective date of this Act are also not affected. Administrative actions by an agency relating to a function transferred under this title may be continued by the Department.

Sec. 187 subsection (f)(1). Employee Rights. This subsection is intended to assure employees in agencies transferred to the new

Department that they can keep their collective bargaining rights unless their job changes and there is an actual national security basis for taking those rights away. For agencies transferred to the Department subject to pre-existing rights to form a union, the President may not terminate those rights agency-wide by executive order. However, such rights may be withdrawn from individual employees at the Department if their primary job duties materially change and consist of intelligence, counterintelligence, or investigative duties directly related to terrorism investigation and if it is demonstrated that collective bargaining would adversely affect national security. Applying this standard under existing procedures, managers at the Department may act immediately to remove individual employees from collective bargaining upon deciding that the conditions for removal are met. Either the union or management may ask the Federal Labor Relations Authority (FLRA) to review this action. For new offices established at the Department under this bill, the President may remove collective bargaining rights from an entire office by executive order, if the primary function is intelligence, counterintelligence, or investigative duties related to terrorism investigation, and if application of those rights would adversely affect national security. Furthermore, employees hired to serve in new offices at the Department, like employees transferred to the Department, may be removed individually from collective bargaining for national security reasons.

Sec. 187 subsections (f)(2)—(4). Other personnel matters. The transfer of an employee to the Department will not alter the terms and conditions of employment, including compensation. Any conditions for appointment, including the requirement of Senate confirmation, would continue to apply. Any employee transferred with pre-existing whistleblower protection rights may not be deprived of those rights based on a determination of necessity for good administration.

Sec. 187 subsection (g). No effect on intelligence authorities. The transfer of authorities under this title shall not be construed 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. By September 15, 2002, the President is required to submit to Congress a transition plan, including a detailed plan for transition to the Department and implementation of relevant portions of the Act, and including a proposal for financing the new operations of the Department for which appropriations are not available.

Sec. 189. Use of Appropriated Funds. This section sets forth a number of conditions on the use of funds by the Department, the Office, and the National Combating Terrorism Strategy Panel. Balances of appropriations and other funds transferred under the Act may be used only for the purposes for which they were originally available and subject to the conditions provided by the law originally appropriating or otherwise making available the amount. The President shall notify Congress not less than 15 days before transferring funds or assets under this Act. Additional conditions under this section apply to disposal of property, receipt and use of gifts, and other matters. The President shall submit a detailed budget request for the Department for FY 2004.

Subtitle F—Administrative Provisions

Sec. 191. Reorganizations and Delegations. Provides that the Secretary may, as appropriate, reorganize within the Department, except where specific organizational structure is established by law. The Secretary may delegate any of the functions of the Secretary and authorize successive redelegations to other officers or employees of the Department. However, any function vested by law, or assigned by this title, to an organizational unit of the Department or to the head of an organizational unit may not be delegated outside of that unit.

Sec. 192. Reporting Requirements. Requires the Comptroller General of the United States to submit to Congress a report not later than 15 months after the effective date of this division and each year for the succeeding five years containing an evaluation of the progress reports submitted under section 185 and the findings, conclusions and recommendations of the Comptroller General concerning how successfully the Department is meeting the homeland security missions of the Department and the other missions of the Department.

This section also outlines additional reports to be submitted by the Secretary. These include: (1) biennial reports relating to (a) border security and emergency preparedness, and (b) certifying preparedness to prevent, protect against, and respond to natural disasters, cyber attacks, and incidents involving weapons of mass destruction; (2) a report outlining proposed steps to consolidate management authority for Federal operations at key points of entry into the United States; (3) a report with definitions of the terms ''combating terrorism'' and ''homeland security,'' and (4) a strategic plan and annual performance plan, along with annual performance reports, required by existing statutes.

Sec. 193. Environmental Protection, Safety, and Health Requirements. Provides that the Secretary shall ensure that the Department complies with all applicable environmental, safety and health statutes and requirements, and develops procedures for meeting such requirements.

Sec. 194. Labor Standards. All laborers and mechanics employed by contractors or subcontractors in the performance of construction work financed in whole or in part with assistance received 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 the Davis-Bacon Act (40 U.S.C. 276a et. seq.).

Sec. 195. Procurement of Temporary and Intermittent Services. In addition to the authority to hire experts or consultants on a temporary or intermittent basis in accordance with section 3109(b) of title 5, United States Code, the Secretary may procure personal services, whenever necessary due to an urgent homeland security need, for periods of not more than a year without regard to the pay limitations of section 3109.

Sec. 196. Preserving Non-Homeland Security Mission Performance. Establishes a reporting requirement designed to monitor the performance of non-homeland security missions by entities transferred to the Department. For each of the first five years after a program or agency is transferred to the Department, the relevant Under Secretary must report to the Secretary, the Comptroller General and Congress regarding the performance of that entity, with particular emphasis on non-homeland security missions. These reports shall seek to inventory non-homeland security capabilities, including the personnel, budgets and flexibilities used to carry out those functions. The reports shall include information regarding whether any changes are required to enable the transferred entities to continue to carry out non-homeland security missions without diminishment.

Sec. 197. Future Years Homeland Security Program. Beginning with the FY 2005 budget request, each budget request shall be accompanied by a Future Years Homeland Security Program, reflecting the estimated expenditures and proposed appropriations included in that budget covering the fiscal year with respect to which the budget is submitted and at least the four succeeding fiscal years.

Sec. 198. Protection of Voluntarily Furnished Confidential Information. Records pertaining to the vulnerability of, and threats to, critical infrastructure that are voluntarily furnished to the Department and that are not customarily made public by the provider are not subject to public disclosure under the Freedom of Information Act. This provision would not cover records submitted to satisfy legal requirements or to obtain permits or other approvals, and would not cover information that another Federal, State or local agency receives independently of the Department.

Sec. 199. Authorization of Appropriations. Authorizes such sums as may be necessary to enable the Secretary to administer and manage the Department and to carry out the Department's functions created by the Act.

Title II—National Office for Combating Terrorism

Sec. 201. National Office for Combating Terrorism. This section establishes a terrorism office within the Executive Office of the President, to be run by a Director who will be appointed by the President with advice and consent of the Senate. The responsibilities of the Director will include: (1) to develop national objectives and policies for combating terrorism; (2) to direct and review the development of a comprehensive national assessment of terrorist threats and vulnerabilities to those threats, to be conducted by heads of the relevant Federal agencies; (3) to develop, with the Secretary of Homeland Security, a National Strategy for combating terrorism under Title III; (4) to coordinate, oversee and evaluate implementation and execution of the Strategy; (5) to coordinate the development of a comprehensive annual budget for programs and activities under the Strategy, including the budgets of the military departments and agencies with the National Foreign Intelligence Program relating to international terrorism, but excluding military programs, projects, or activities relating to force protection; (6) to have lead responsibility for budget recommendations relating to military, intelligence, law enforcement and diplomatic assets in support of the Strategy; (7) to exercise funding authority for Federal terrorism prevention and response agencies; (8) to serve as an adviser to the National Security Council; and (9) work with the Director of the Federal Bureau of Investigation to ensure that the Director receives relevant information related to terrorism from the FBI, and that such information is made available to appropriate Federal agencies and State and local law enforcement officials. The President, in consultation with the Director, shall assign resources as appropriate to the Office. The establishment of the Office within the Executive Office of the President shall not be construed as affecting access by Congress to information or personnel of the Office.

Sec. 202. Funding for Strategy Programs and Activities. This section establishes a process for the Director to review the proposed budgets for federal programs under the Strategy. The Director will, in consultation with the Director of the Office of Management and Budget and the Secretary of Homeland Security, identify programs that contribute to the Strategy, and provide advice to the heads of the executive departments and agencies on the amount and use of these programs through budget certification procedures and the development of a consolidated budget for the Strategy. The Director

will review agencies' budget submissions to OMB and may decertify any proposals that do not incorporate the proposed funding or initiatives previously advised by the National Office on Combating Terrorism. The Director will provide Congress with notice of any such decertification. Each year, the Director will, in consultation with the Secretary of Homeland Security and the head of each Federal terrorism prevention and response agency, develop a consolidated proposed budget for all programs and activities under the Strategy for that fiscal year.

Title III—National Strategy for Combating Terrorism and the Homeland Security Response

Sec. 301. Strategy. This section directs the Secretary and Director to develop the National Strategy for combating terrorism and homeland security response for the detection, prevention, protection, response and recovery necessary to counter terrorist threats. The Secretary has responsibility for portions of the Strategy addressing border security, critical infrastructure protection, emergency preparation and response, and integrating state and local efforts with activities of the Federal government. The Director has overall responsibility for the development of the Strategy, and particularly for those portions addressing intelligence, military assets, law enforcement and diplomacy. The Strategy will include: (1) policies and procedures to maximize the collection, translation, analysis, exploitation and dissemination of information related to combating terrorism and homeland security response throughout the Federal government and with State and local authorities; (2) plans for countering chemical, biological, radiological, nuclear, explosives, and cyber threats; (3) plans for improving the resources of, coordination among, and effectiveness of health and medical sectors for detecting and responding to terrorist attacks on homeland; (4) specific measures to enhance cooperative efforts between the public and private sectors in protecting against terrorist attacks; (5) a review of measures needed to enhance transportation security with respect to potential terrorist attacks; and (6) other critical areas. This section also establishes the National Combating Terrorism and Homeland Security Response Council to assist with preparation and implementation of the Strategy. Members of the Council will be the heads of federal terrorism prevention and response agencies or their designees. The Secretary and Director will co-chair the Council, which will meet at their direction.

Sec. 302. Management Guidance for Strategy Implementation. This section directs the Office of Management and Budget, in consultation with the Secretary and the Director, to provide management guidance for Federal agencies to successfully implement the Strategy, and to report to Congress on these efforts. It also requires the General Accounting Office to evaluate the management guidance and agency performance in implementing the Strategy.

Sec. 303. National Combating Terrorism Strategy Panel. This section establishes a nonpartisan, independent panel to conduct an assessment of the Strategy as well as an independent, alternative assessment of measures required to combat terrorism, including homeland security measures. The panel will prepare a preliminary report no later than July 1, 2004, with a final report by December 1, 2004 and every four years thereafter.

Title IV—Law Enforcement Powers of Inspector General Agents

Sec. 401. Law Enforcement Powers of Inspector General Agents. This section amends the Inspector General Act to authorize certain IG officers to carry a firearm or make an arrest in certain instances while engaged in official duties as authorized by this Act or other statute, or by the Attorney General; and to seek and execute warrants under the authority of the United States upon probable cause that a violation has been committed. This section also describes the conditions under which the Attorney General may authorize exercise of powers under this section, and it lists those offices of Inspector General which are exempt from this requirement. This section further describes the circumstances under which the Attorney General may also rescind or suspend powers authorized for an Office of Inspector General, and provides that determinations by the Attorney General in this section shall not be reviewable in or by any court. The section also requires the Offices of Inspector General to enter into memoranda of understanding to establish an external review process for ensuring that adequate safeguards and management procedures continue to exist within each Office.

Title V—Federal Emergency Procurement Flexibility

Subtitle A—Temporary Flexibility for Certain Procurements

Sec. 501. Defines the term ''executive agency.''

Sec. 502. Procurements for Defense Against or Recovery from Terrorism or Nuclear, Biological, Chemical, or Radiological Attack. States that 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 for one year after the date of enactment.

Sec. 503. Increased Simplified Acquisition Threshold for Procurements in Support of Humanitarian or Peacekeeping Operations or Contingency Operations. Raises the threshold amounts to $250,000 for contracts carried out in the United States and to $500,000 for contracts outside the United States pursuant to section 502. Raises the Small Business reserve to $250,000 for contracts inside the United States and $500,000 for contracts outside the United States for procurements carried out pursuant to section 502.

Sec. 504. Increased Micro-Purchase Threshold for Certain Procurements. Raises the micro-purchase threshold with respect to procurements referred to in section 502 to $10,000.

Sec. 505. Application of Certain Commercial Items Authorities to Certain Procurements. Applies commercial items procedures to non-commercial items for emergency purposes. Requires the Director of OMB to issue guidance and procedures for use of simplified acquisition procedures for a purchase of property or services in excess of $5,000,000. Provides continuation of authority for simplified purchase procedures.

Sec. 506. Use of Streamlined Procedures. Lists streamlined acquisition procedures which may be used. The head of an executive agency shall use, when appropriate, streamlined acquisition authorities and procedures provided by law including use of procedures other than competitive procedures and task and delivery order contracts. This provision removes the thresholds ($5 million for manufacturing and $3 million for all other contracts) for contracts with limited competition under the small business ''8(A)'' and HUB Zone programs. Waiving the threshold means that small disadvantaged businesses within the ''8(A)'' program and qualified HUB Zone small business concerns can compete for contracts using limited competition (or sole source competition) regardless of the value of the contract.

Sec. 507. Review and Report by Comptroller General. Requires that not later than March 31, 2004, the Comptroller General complete a review of the extent to which procurements of property and services have been made in accordance with this subtitle, and submit a report on the results of the review to the Senate Governmental Affairs Committee and House Government Reform Committee. The report shall assess the extent to which property and services procured in accordance with this subtitle have contributed to the capacity of Federal employees to carry out the missions of the agencies, and the extent to which Federal employees have been trained on the use of technology. The report shall include any recommendations of the Comptroller General resulting from the assessment. The Comptroller General shall consult with the Committee on Governmental Affairs and the Committee on Governmental Reform on the specific issues and topics to be reviewed, including areas such as technology integration, employee training, and human capital management, and the data requirements of the study.

Subtitle B—Other Matters

Sec. 511. Identification of New Entrants Into the Federal Marketplace. Requires agencies to do ongoing market research to identify new companies with new capabilities, including small businesses, to help agencies facilitate defense against or recovery from terrorism or nuclear, biological, chemical or radiological attack.

Title VI—Effective Date

Sec. 601. Provides that the Division shall take effect 30 days after the date of enactment, 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

Sec. 1001. Short Title. This Division may be cited as the ''Immigration Reform, Accountability, and Security Enhancement Act of 2002.''

Sec. 1002. Definitions. Defines key terms, including Under Secretary, Enforcement Bureau, and Service Bureau.

Title XI—Directorate of Immigration Affairs

Subtitle A—Organization

Sec. 1101. Abolition of INS. This section abolishes the Immigration and Naturalization Service (''INS'').

Sec. 1102. Establishment of Directorate of Immigration Affairs. This section establishes a Directorate of Immigration Affairs (''Directorate'') within the Department of Homeland Security (''DHS''). The Directorate is divided into three parts: the Under Secretary for Immigration Affairs, the Assistant Secretary for Immigration Services (the ''Service Bureau''), and the Assistant Secretary for Enforcement and Border Affairs (the ''Enforcement Bureau''). The functions of the Directorate are also tripartite: (1) immigration policy, administration, and inspection functions; (2) immigration service and adjudication functions; and (3) immigration enforcement functions. This section also authorizes funds to the DHS as necessary to carry out the functions of the Directorate and defines what is meant by U.S. immigration laws.

Sec. 1103. Under Secretary of Homeland Security for Immigration Affairs. This section establishes that the Directorate will be headed by the Under Secretary of Homeland Security for Immigration Affairs (''Under Secretary''). Charged with all responsibilities and authority in the administration of the Directorate, the Under Secretary is responsible for: (1) administration and enforcement

of U.S. immigration laws; (2) administration of the Directorate, including supervision and coordination of the two Bureaus; (3) inspection of individuals arriving at ports of entry; (4) management of resources, personnel, and other support; (5) management of information resources, including maintenance and coordination of records, databases, and other information within the Directorate; and (6) coordination of response to civil rights violations. A General Counsel serves as the chief legal officer for the Directorate. The General Counsel's responsibilities include: providing specialized legal advice, opinions, determinations, regulations, and any other assistance to the Director with regard to legal matters affecting the Directorate and its components. A Chief Financial Officer (''CFO'') will direct, supervise, and coordinate all budget formulas and execution for the Directorate. A Chief of Policy and Strategy is created to establish national immigration policy and priorities, perform policy research and analysis on immigration issues under U.S. immigration laws, and coordinate immigration policy between the Directorate, the Service Bureau, and the Enforcement Bureau. A Chief of Congressional, Intergovernmental, and Public Affairs is established to provide Congress with information relating to immigration issues, serve as a liaison with other Federal agencies on immigration issues, and respond to inquiries from, and provide information to the media on immigration issues arising under U.S. immigration laws.

Sec. 1104. Bureau of Immigration Services. This section establishes the Bureau of Immigration Services (''Service Bureau''), headed by the Assistant Secretary of Homeland Security for Immigration Services. The Assistant Secretary shall be appointed by the Secretary of Homeland Security in consultation with the Under Secretary and shall report directly to the Under Secretary. The Assistant Secretary shall administer the immigration service and adjudication functions of the Directorate which include: (1) adjudication of petitions for classification of non-immigrant and immigrant status; (2) adjudication of applications for adjustment of status and change of status; (3) adjudication of naturalization applications; (4) adjudication of asylum and refugee applications; (5) adjudications at Service Centers; (6) determinations of custody and parole of asylum seekers; and (7) all other adjudications under U.S. immigration laws. A Chief Budget Officer, under the authority of the CFO, shall be responsible for monitoring and supervising all financial activities of the Service Bureau. An Office of Quality Assurance is established to develop procedures and conduct audits to ensure the Directorate's policies with regard to services and adjudications are properly implemented, and to ensure sound records management and efficient and accurate service. An Office of Professional Responsibility is established to ensure the professionalism of the Service Bureau, and receive and investigate charges of misconduct or ill treatment made by the public. The Assistant Secretary for Immigration Services, in consultation with the Under Secretary, shall determine the training of Service Bureau personnel.

Sec. 1105. Bureau of Enforcement and Border Affairs. This section establishes the Bureau of Enforcement and Border Affairs (''Enforcement Bureau''), headed by the Assistant Secretary of Homeland Security for Enforcement and Border Affairs. The Enforcement Bureau Assistant Secretary shall be appointed by the Secretary for Homeland Security, in consultation with the Under Secretary, and shall report directly to the Under Secretary of the Directorate. The Enforcement Bureau Assistant Secretary shall administer the immigration enforcement functions of the Directorate which include the following functions: (1) border patrol; (2) detention; (3) removal; (4) intelligence; and (5) investigations. A Chief Budget Officer, under the authority of the CFO, shall be responsible for monitoring and supervising all financial activities of the Enforcement Bureau. An Office of Professional Responsibility shall ensure the professionalism of the Enforcement Bureau, and receive and investigate charges of misconduct or ill treatment made by the public. An Office of Quality Assurance shall develop procedures and conduct audits to ensure the Directorate's policies with regard to enforcement are correctly implemented; and that the Enforcement Bureau's policies and practices result in sound records management and efficient and accurate record-keeping. The Enforcement Bureau Assistant Secretary, in consultation with the Under Secretary, shall determine the training of Enforcement Bureau personnel.

Sec. 1106. Office of the Ombudsman within the Directorate. This section establishes an Office of the Ombudsman within the Directorate of Immigration Affairs. The Ombudsman shall be appointed by the Secretary of Homeland Security and report directly to the Secretary of Homeland Security. The Office of Ombudsman will: (1) assist individuals in resolving problems with the Directorate or any component thereof; (2) identify systemic problems encountered by the public in dealings with the Directorate or any component thereof; (3) propose changes in the administrative practices or regulations of the Directorate or any component thereof to mitigate these problems; (4) identify potential legislative changes that may be appropriate to mitigate such problems; and (5) monitor the coverage and geographic distribution of local offices of the Directorate. The Ombudsman shall have the responsibility and authority to appoint local or regional representatives as may be necessary to address and rectify problems. The Ombudsman shall submit an annual report to the House and Senate Judiciary Committees on the activities of the Ombudsman during the fiscal year, providing a full analysis identifying actions taken by the Ombudsman's Office, including initiatives to improve the responsiveness of the Directorate; a summary of serious or systemic problems encountered by the public; an accounting of those items that have been addressed, are being addressed, and have not been addressed with reasons for and results of such action; recommendations to resolve problems encountered by the public; recommendations for action as may be appropriate to resolve problems encountered by the public; recommendations to resolve problems caused by inadequate funding or staffing; and other information as the Ombudsman deems advisable. Appropriations are authorized as necessary to carry out this section.

Sec. 1107. Office of Immigration Statistics within the Directorate. This section establishes the Office of Immigration Statistics within the Directorate, 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 involving the functions of the Directorate and the Executive Office of Immigration Review (EOIR) (or successor entity). The Director shall be responsible for: (1) maintaining immigration statistical information of the Directorate ; and (2) establishing standards of reliability and validity for immigration statistics collected by the Service Bureau, the Enforcement Bureau, and the EOIR. The Directorate and the EOIR shall provide statistical information from their respective operational data systems to the Office of Immigration Statistics. The Director, under the direction of the Under Secretary shall ensure the interoperability of the databases of the Directorate, the Service Bureau, the Enforcement Bureau, and the EOIR to permit the Director of the Office to perform the duties of the office. The functions performed by the Statistics Branch of the INS Office of Policy and Planning are transferred to the Office of Immigration Statistics.

Sec. 1108. Clerical amendments. This section includes clerical amendments.

Subtitle B—Transition Provisions

Sec. 1111. Transfer of Functions. All functions under U.S. immigration laws vested by statute in, or exercised by, the Attorney General are transferred to the Secretary of Homeland Security. The functions of the Commissioner of the INS are transferred to the Directorate. The Under Secretary may, for purposes of performing any function transferred to the Directorate, exercise all authorities under any other provision of law that were available with respect to the performance of the function.

Sec. 1112. Transfer of Personnel and other Resources. There are transferred to the Under Secretary for appropriate allocation: (1) the personnel of the DOJ employed in connection with the functions transferred pursuant to 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 INS in connection with the functions transferred pursuant to this title.

Sec. 1113. Determinations with Respect to Functions and Resources. The Under Secretary shall determine: (1) which of the functions transferred under section 111 are immigration policy, administration and inspection functions; immigration service and adjudication functions; and 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 were held or used, arose from, were available to, or were made available, in connection with the performance of the respective functions immediately prior to the title's effective date.

Sec. 1114. Delegation and Reservation of Functions. The Under Secretary shall delegate immigration service and adjudication functions to the Assistant Secretary for Immigration Services, and immigration enforcement functions to the Assistant Secretary for Enforcement and Border Affairs. Immigration policy, administration and inspection functions are reserved for the Under Secretary. Some delegations may be made on a nonexclusive basis. The Under Secretary may make delegations to such officers and employees of the office of the Under Secretary, the Service Bureau, and the Enforcement Bureau, respectively, as the Director may designate, and may authorize successive re-delegations of such functions as may be necessary or appropriate.

Sec. 1115. Allocation of Personnel and other Resources. 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 such functions. Unexpended funds transferred by section 112 shall be used only for allocated purposes. The Attorney General, in consultation with the Secretary of Homeland Security, shall provide for the termination of affairs of the INS. 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, the Enforcement Bureau. The Under Secretary shall maintain control and oversight over shared computer databases and systems and records management.

Sec. 1116. Savings Provisions. All orders, determinations, rules, regulations, permits, grants, loans, contracts, recognition of labor organizations, agreements, including collective bargaining agreements, certificates, licenses, privileges, any proceedings or any application for any benefit, service, as well as the continuance of lawsuits and other matters are transferred to the new entities and shall continue until modified or terminated.

Sec. 1117. Interim service of the Commissioner of Immigration and Naturalization. The INS Commissioner serving on the day before the effective date of this title may serve as the Under Secretary until one is appointed.

Sec. 1118. Executive Office for Immigration Review Authorities not Affected. Nothing in the legislation may be construed to authorize or require the transfer or delegation of any function vested in, or exercised by the EOIR (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 legislation may be construed to authorize or require the transfer or delegation of any function vested in, or exercised by the Secretary of State, the Secretary of Labor or their special agents, or under the U.S. immigration laws.

Sec. 1120. Transition Funding. Funds are authorized to the Department of Homeland Security as necessary to abolish the INS, establish the Directorate and its components, transfer the functions required under this Act, and carry out any other duty made necessary by this division. These funds will be deposited into a separate account established in the general fund of the U.S. Treasury. Not later than 90 days after the date of enactment of this Act, and at the end of each fiscal year in which appropriations are made, the Secretary of Homeland Security shall submit a report to Congress concerning the availability of funds to cover transition costs.

Subtitle C—Miscellaneous Provisions

Sec. 1121. Funding Adjudication and Naturalization Services. This section requires that all fees collected for the provision of adjudication or naturalization services be used only to fund adjudication or naturalization services, or subject to the availability of funds, similar services provided without charge to asylum and refugee applicants. In addition to funds already appropriated for this purpose, funds are authorized as necessary to carry out sections of the Immigration and Nationality Act dealing with asylum and refugee processing. Separate accounts are established in the U.S. Treasury for appropriated funds and other deposits available to the Service Bureau and the Enforcement Bureau. Fees may not be transferred between these accounts. Funds are also authorized as necessary to carry out the Immigration Services and Infrastructure Improvement Act of 2000 (Title II of P.L. 106–313).

Sec. 1122. Application of Internet-based Technologies. Not later than two year after enactment, the Secretary, in consultation with the Under Secretary and the Technology Advisory Committee, shall establish an Internet-based system that will allow an immigrant, non-immigrant, employer, or other person who files any application, petition, or other request for benefit under the U.S. immigration laws with the Directorate to access case status information on-line. In establishing the database, the Under Secretary shall consider all applicable privacy issues and no personally identifying information shall be accessible to unauthorized persons. Fees will not be charged to anyone using the database to access information about him/herself. The Under Secretary, in consultation with the Technology Advisory Committee is required to conduct a study on the feasibility of an on-line filing system and report to the House and Senate Judiciary Committee on the results within one year of enactment. To assist in carrying out this section, the Under Secretary is required to establish a Technology Advisory Committee.

Sec. 1123. Alternatives to Detention of Asylum Seekers. This section authorizes the Under Secretary to assign asylum officers to major ports of entry to assist in the inspection of asylum seekers. For other ports, the under Secretary shall take steps to ensure that asylum officers are able to participate in the inspection process. This section also promote alternatives to detention of asylum seekers who do not have prior nonpolitical criminal records and establish conditions for detention of asylum seekers that ensure a safe and humane environment. The Under Secretary is required to consider the following specific alternatives to detention: parole; parole with appearance assistance provided by private nonprofit voluntary agencies; non-secure shelter care or group homes operated by private nonprofit voluntary agencies; and noninstitutional settings for minors, such as foster care or group homes operated by private nonprofit voluntary agencies.

Subtitle D—Effective Date

Sec. 1131. Effective Date. This title shall take effect one year after the effective date of division A of this Act.

Title XII—Unaccompanied Alien Children Protection

Sec. 1201. Short Title. This title may be cited as ''The Unaccompanied Alien Child Protection Act of 2002.''

Sec. 1202. Definitions. Key terms, including unaccompanied alien child, are defined.

Subtitle A—Structural Changes

Sec. 1211. Responsibilities of the Office of Refugee Resettlement with Respect to Unaccompanied Alien Children. The Office of Refugee Resettlement (''Office'') shall be responsible for coordinating and implementing the care and placement of unaccompanied alien children who are in Federal custody by reason of their immigration status and ensuring minimum standards of detention for all unaccompanied alien children. The Director of the Office (''Director'') shall be responsible for: (1) ensuring that the best interests of the child are considered in the care and placement of unaccompanied alien children; (2) making placement, release, and detention determinations; (3) implementing determinations; (4) convening the Interagency Task Force on Unaccompanied Alien Children (in the absence of the Assistant Secretary); (5) identifying a sufficient number of qualified persons, entities, and facilities to house unaccompanied alien children; (6) overseeing persons, entities and facilities; (7) compiling and publishing at least annually a State-by-State list of professionals or other entities qualified to contract with the Office to provide services; (8) maintaining statistical information and other data on unaccompanied alien children in the Office's custody and care; (9) collecting and compiling statistical information from the INS (or successor entity); and 10) conducting investigations and inspections of facilities and other entities where unaccompanied alien children reside. The Director is also encouraged to utilize the refugee children foster care system. The Director shall have the power to contract with service providers and compel compliance with the terms and conditions of section 1323. Nothing in this title may be construed to transfer the responsibility for adjudicating benefit determinations under the Immigration and National Act from the authority of any official of the Service (or its successor entity), the EOIR (or its successor entity) or the Department of State.

Sec. 1212. Establishment of Interagency Task Force on Unaccompanied Alien Children. An Interagency Task Force on Unaccompanied Alien Children is established consisting of various key agencies and departments of the federal government.

Sec. 1213. Transition Provisions. All functions with respect to the care and custody of unaccompanied alien children under the immigration laws, vested in, or exercised by, the Commissioner or his employees is transferred to the Office.

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. This section establishes procedures to be followed when encountering unaccompanied alien children. At the border, or at ports of entry, an unaccompanied alien child may be removed from the United States if deemed inadmissible under the Immigration and Nationality Act, unless the child is a national of a country contiguous to the U.S. and who fears persecution or would be harmed if returned to that country. Custody of all unaccompanied alien children found in the interior of the United States shall be under the jurisdiction of the Office, with exceptions of children who have committed crimes and or threaten national security. An unaccompanied alien child shall be transferred to the Office within 72 hours of apprehension.

Sec. 1222. Family Reunification for Unaccompanied Alien Children with Relatives in the United States. Unaccompanied alien children in the custody of the Office shall be promptly placed with one of the following in order of preference: (1) a parent; (2) a legal guardian; (3) an adult relative; (4) an entity designated by the parent or legal guardian; (5) a state-licensed juvenile shelter or group home; or (6) other qualified adults or entities.

Sec. 1223. Appropriate Conditions for Detention of Unaccompanied Alien Children. Unaccompanied children shall not be placed in adult detention facilities, but children who exhibit violent or criminal behavior can be detained in appropriate facilities for delinquent children. The Office shall establish appropriate standards and conditions for the detention of unaccompanied alien children, providing appropriate educational services, medical care, mental health care, access to telephones, access to legal services, access to interpreters, supervision by professionals trained in the care of children, recreational programs and activities, spiritual and religious needs, and dietary needs. The Director and the Secretary of Homeland Security shall develop procedures which prohibit shackling, handcuffing, or other restraints; solitary confinement; or pat or strip searches.

Sec. 1224. Repatriated Unaccompanied Alien Children. Consistent with international agreements to which the United States is a party and to the extent practicable, the United States shall undertake efforts to ensure that it does not repatriate children in its custody into settings that

would threaten the life and safety of the child. The Director shall submit a report to Congress providing information on efforts to repatriate unaccompanied children.

Sec. 1225. Establishing the Age of an Unaccompanied Alien Child. To address problems created by reliance on inaccurate methods for establishing the age of a child, the Director shall establish procedures for 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. No later than 72 hours after the Office assumes custody of an unaccompanied alien child, the Director shall appoint a guardian ad litem to look after the child's best interests. The qualifications, duties, and powers of the guardian ad litem are set forth.

Sec. 1232. Right of unaccompanied alien children to counsel. The Director shall ensure that all unaccompanied alien children have competent counsel appointed to represent them in immigration proceedings. Where possible, the Director shall utilize pro bono attorneys. Otherwise, the Director shall appoint government-funded counsel. Requirements for representation are set forth, including duties and access to children.

Sec. 1233. Effective date; applicability. This subtitle shall take effect one year after the effective date of division A of this Act and 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. This section strengthens the Special Immigrant Juvenile Visa to make it a useful and flexible means of providing permanent protection to a small number of abused, neglected and abandoned youths.

Sec. 1242. Training for officials and certain private parties who come into contact with unaccompanied alien children. This section provides training to officials involved in dependency proceedings, social service providers, as well INS personnel who come into contact with unaccompanied alien children. The Secretary of Homeland Security, 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.

Sec. 1243. Effective Date. The amendments of section 1341 shall apply to all unaccompanied alien children in Federal custody on, before, or after the effective date of this Act.

Subtitle E—Children Refugee and Asylum Seekers

Sec. 1251. Guidelines for children's asylum claims. The section expresses the sense of Congress commending the INS for the issuance of its Guidelines for Children's Asylum Claims and requires the Secretary of Homeland Security to provide training to asylum officers, immigration judges, members of the Board of Immigration Appeals and immigration officers on these guidelines.

Sec. 1252. Unaccompanied Refugee Children. This section requires an analysis of the situation faced by unaccompanied refugee children around the world and requires training on the needs of these refugee children.

Subtitle F—Authorization of Appropriations

Sec. 1261. Authorization of Appropriations. This section authorizes such sums as may be necessary to carry out the provisions of this title.

Title XIII—Agency for Immigration Hearings and Appeals

Subtitle A—Structure and Function

Sec. 1301. Establishment. This section abolishes the Executive Office for Immigration Review (EOIR) and creates the Agency for Immigration Hearings and Appeals (AIHA).

Sec. 1302. Director of the Agency. This section provides that the agency shall have a Director, who shall be appointed by the President and confirmed by the Senate. The Director runs the agency, appoints the Chair and members of the appellate body (Board of Immigration Appeals) and the Chief Immigration Judge. Also provides that the agency shall have a Deputy Director, General Counsel, Pro Bono Coordinator, and other offices as deemed necessary.

Sec. 1303. Board of Immigration Appeals. This section establishes the Board of Immigration Appeals to perform the appellate functions of the agency, and shall consist of a Chair and at least 14 Board Members (who are appointed by the Director in consultation with the Chair). Provides that the Chair and Board Members must be an attorney in good standing and have a minimum of 7 years professional legal expertise in immigration and nationality law. Also provides that the Board retains the jurisdiction it holds under EOIR and Board Members are compelled to exercise their independent judgment.

Sec. 1304. Chief Immigration Judge. This section establishes the Office of the Chief Immigration Judge to administer the immigration courts, headed by a Chief Immigration Judge. Provides that the Chief Immigration Judge and each immigration judge must be an attorney in good standing and have a minimum of 7 years professional legal expertise in immigration and nationality law. Also provides that the immigration courts retain the jurisdiction they hold under EOIR and immigration judges are compelled to exercise their independent judgment.

Sec. 1305. Chief Administrative Hearing Officer. This section establishes the position of Chief Administrative Hearing Officer to hear cases involving unfair immigration-related employment practices and penalties for document fraud.

Sec. 1306. Removal of Judges. This section provides that the Director, in consultation with the appropriate component head, may remove Board Members or immigration judges for good cause, which shall include neglect of duty and malfeasance.

Sec. 1307. Authorization of Appropriations. This section authorizes the appropriation of funds necessary to execute this title. [Note: Since these entities already exist, the execution of this title should be budget neutral.]

Subtitle B—Transfer of Functions and Savings Provisions

Sec. 1311. Transition Provisions. This section provides for the transfer of functions from EOIR to the new agency.

Subtitle C—Effective Date

Sec. 1321. Effective Date. This section provides that this title takes 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. Creates a chief human capital officer in major agencies (i.e., agencies that are required, under the Chief Financial Officers Act of 1990, to have Chief Financial Officers), who will advise and assist in carrying out the responsibilities of selecting, developing, and managing a high-quality workforce.

Sec. 2103. Chief Human Capital Officers Council. Creates a Chief Human Capital Officers Council that will advise and coordinate the human capital functions of each agency and meet with union representatives at least annually.

Sec. 2104. Strategic Human Capital Management. Requires the Office of Personnel Management to design a set of systems, including metrics, for assessing human capital management by agencies.

Sec. 2105. Effective Date. Title XXI is effective 180 days after enactment.

Title XXII—Reforms Relating to Human Capital Management

Sec. 2201. Inclusion of Agency Human Capital Strategic Planning in Performance Plans and Program Performance Reports. Amends the Government Performance and Results Act of 1993 to specify how human capital management is to be included in performance plans.

Sec. 2202. Reform of the Competitive Service Hiring Process. Allows agencies to use alternative method for selecting new employees instead of the traditional "rule of 3." The agency may divide applicants into two or more quality categories, with disabled veterans moving to the top of the highest category. Also, allows for direct appointment of candidates to positions that have been noticed, when OPM determines there is a severe shortage of candidates and a critical hiring need.

Sec. 2203. Permanent Extension, Revision, and Expansion of Authorities for Use Of Voluntary Separation Incentive Pay and Voluntary Early Retirement. Provides government-wide authority for offering Voluntary Separation Incentive Payments and Voluntary Early Retirement, and states that it is the sense of Congress that these provisions are not intended to downsize the federal workforce.

Sec. 2204. Student Volunteer Transit Subsidy. Provides a transit subsidy for student volunteers with the federal government.

Title XXIII—Reforms Relating to the Senior Executive Service

Sec. 2301. Repeal of Recertification Requirements of Senior Executives. Repeals recertification requirements for senior executives.

Sec. 2302. Adjustment of Limitation on Total Annual Compensation. Increases the cap on the total annual compensation of senior executives, Administrative Law Judges, officers of the courts, and certain other highly paid officers, thereby enabling performance bonuses to be paid within the cap in a single year.

Title XXIV—Academic Training

Sec. 2401. Academic Training. Reduces restrictions on providing academic degree training to federal employees.

Sec. 2402. Modifications to National Security Education Program. Modifies the National Security Education Program (NSEP) to allow NSEP fellows to work in a non-national security position with the federal government if a national security position is not available.

Sec. 2403. Compensatory Time off for Travel. Grants to federal employees compensatory time off for time spent in travel status away from duty station to the extent not otherwise compensable.

AUGUST 28, 2002.

Hon. JOSEPH I. LIEBERMAN,
Hon. FRED THOMPSON,
Senate Committee on Governmental Affairs, U.S. Senate, Washington, DC.

DEAR CHAIRMAN LIEBERMAN AND RANKING MEMBER THOMPSON: We commend your leadership and dedication to the creation of a

new Department of Homeland Security. We thank you for the opportunity to contribute to this historic legislation.

As division B of your legislation currently includes immigration provisions drawn in large part from legislation that we introduced earlier this year—S. 2444, the Immigration Reform, Accountability, and Security Enhancement Act of 2002, we here provide you with an explanation of the intent behind this language.

Purpose and Summary. For years, the Immigration and Naturalization Service (INS) has been plagued by myriad problems, including mission-overload, mismanagement, and insufficient resources. For too long, INS has been unable to meet its dual responsibility of enforcing our immigration and nationality laws and providing services to newcomers, refugees, and aspiring citizens.

A critical component of homeland security is an agency that effectively polices our borders, enforces our laws, and provides timely immigration services. To responsibly create an Office of Homeland Security, we must address the inadequacies of the INS.

Accordingly, Division B abolishes the INS and replaces it with a Directorate of Immigration Affairs (Directorate) placed squarely within the Department of Homeland Security.

Legislative History. The Judiciary Committee has earnestly debated how best to reform the INS. Since 1998, the Judiciary Committee has held five hearings on this topic, and Senate bills to reform INS have been introduced in each of the last three Congresses. In each hearing, governmental and private sector experts critiqued the workings of INS and offered substantive, insightful recommendations on how to revamp that agency. From those hearings, certain principles have emerged: the need for a separation of functions, the need for greater coordination between functions, and the need for a strong, central authority to ensure consistent policy and implementation.

In the 106th Congress, Senator Abraham and Senator Kennedy, chair and ranking member of the Immigration Subcommittee, introduced S. 1563, the ''INS Reform and Border Security Act of 1999,'' a bipartisan attempt to split enforcement and services into separate bureaus and to elevate the profile of the immigration agency within the Department of Justice. This legislation served as the basis for legislation in the 107th Congress: S. 2444, the ''Immigration Reform, Accountability, and Security Enhancement Act of 2002,'' another bipartisan bill, introduced by Senator Kennedy and Senator Brownback, chair and ranking member of the current immigration subcommittee. S. 2444, like its predecessor, splits enforcement and services into separate bureaus and seeks to elevate the profile of immigration in the Department of Justice. Cosponsors of S. 2444 include Senators Hatch, Feinstein, DeWine, Durbin, Helms, Edwards, Hagel, Daschle, Dodd, Graham, and Clinton.

Need for INS Reform. Experts both inside and outside government have reached the same conclusions regarding the most critical problems with the INS. In a report from the early 1990s, the General Accounting Office observed that the INS' problems stem from a lack of clearly defined goals and priorities, inconsistent leadership and weak management systems, and overlapping and inconsistent programs. In the years since, these observations have been echoed in witness testimony, academic publications, and reports issued by various commissions. The criticisms of INS have remained consistent over the past decade.

With the criticisms have come various recommendations on how to rehabilitate the agency. Three guiding principles can be distilled from those recommendations:

Separation of functions. Immigration law and policy can roughly be divided into two components—enforcement and services. Currently, the enforcement and service functions are commingled in a way that creates conflicting priorities and troubling inefficiencies. There must be a clearer separation of the enforcement and services functions to achieve great clarity of mission and thereby greater efficiency in the respective functions.

Coordination. At the same time, the two functions cannot exist independent of each other. Almost every immigration-related action involves both an adjudicatory and enforcement component. Law enforcers must be cognizant of immigration benefits and relief; adjudicators must be mindful of immigration fraud and transgressions. Accordingly, effective coordination between the two functions must exist for either function to work well.

Strong, Central Authority. Given the dynamic of having separate but coordinated functions, it is essential to establish a strong, central authority to ensure uniform immigration policy, efficient interaction between components, and fiscal responsibility. There must be a focal point for managerial accountability for all immigration-related actions, as well as a central decision-maker to guarantee that all aspects of immigration policy and implementation get appropriate attention.

Division B satisfies all three of these principles. First, it abolishes INS and creates a Directorate of Immigration Affairs (Directorate) within the new Department of Homeland Security. The Directorate consists of three offices: the Office of the Under Secretary of Immigration Affairs, the Bureau of Enforcement and Border Affairs, and the Bureau of Services.

Under Secretary of Immigration Affairs. The Directorate is headed by an Under Secretary of Immigration Affairs (Under Secretary). Under the authority of the Secretary of Homeland Security, the Under Secretary is responsible for administering the Directorate, including the direction, supervision, and coordination of both bureaus.

The Under Secretary develops and implements U.S. immigration policy and ensures that immigration policy is coordinated and applied consistently through: (1) administration and enforcement of U.S. immigration laws; (2) administration of the Directorate; (3) inspection of individuals arriving at ports of entry; (4) management of resources, personnel, and other support; and (5) management of information resources, including maintenance and coordination of records, databases and other information within the Directorate.

Reporting to the Under Secretary is a General Counsel who serves as chief legal officer for the Directorate. A Chief Financial Officer is responsible for directing, supervising, and coordinating the Directorate's budget. Also in the Office of the Under Secretary is a Chief of Policy and Strategy, and a Chief of Congressional, Intergovernmental, and Public Affairs.

Bureau of Immigration Services. The Bureau of Immigration Services, headed by its Assistant Secretary, administers the service functions of the Directorate, including: (1) visa petitions; (2) applications for adjustment of status and change of status; (3) naturalization applications; (4) asylum and refugee applications; (5) determinations regarding the custody and parole of asylum seekers; and (6) Service Center adjudications.

Bureau of Enforcement and Border Affairs. The Bureau of Enforcement and Border Affairs, headed by its Assistant Secretary, administers the immigration enforcement functions of the Directorate, including: (1) border patrol; (2) detention; (3) removal; (4) intelligence; and (5) investigations.

Offices Within Each Bureau. Each bureau has its own Chief Budget Officer (under the direction of the Directorate's Chief Financial Officer). Each bureau also has an Office of Quality Assurance (which develops procedures and conducts audits to ensure that the Director's policies are properly implemented) and an Office of Professional Responsibility (which ensures professional conduct by bureau personnel).

Office of the Ombudsman. Reporting to the Under Secretary, is the Office of the Ombudsman, which assists the public in resolving individual cases, identifying systemic problems encountered by the public, and proposing solutions to those problems. The Office of the Ombudsman will report to Congress annually.

Office of Immigration Statistics. The Directorate also contains an Office of Immigration Statistics, which is responsible for collecting and analyzing statistical information for both the Directorate and the immigration court system.

Raised Profile of Immigration. After September 11th, it is clear that strengthening our immigration system is an indispensable part of the nation's efforts to prevent future terrorist attacks. Remedying INS' administrative woes is critical, but will do little to improve our security if the agency that administers our immigration laws and policies is not given the priority and attention it deserves.

Immigration law and policy is extremely complex and dynamic. Immigration officers are charged with a wide variety of duties. INS guards the borders, admitting more than 500 million citizens, permanent residents, and lawful visitors, students, and temporary workers each year. INS also adjudicates hundreds of thousands of applications for citizenship, permanent residence, changes of status, and work authorization annually. Further, INS is responsible for apprehending unlawful entrants, investigating fraud, enforcing employment sanctions, and removing criminal aliens. At the same time, INS entertains family-based and employment-based visa petitions, while also hearing asylum in the United States and refugee claims around the world.

Given the array of responsibilities and the sheer volume of people involved, immigration functions merit special attention. The immigration functions must not be diluted in with a host of other border functions. They deserve a separate directorate wherein the various missions of INS, which standing alone are diverse enough, can be properly attended. Elevation of the INS within its own directorate also achieves the necessary balance between enhancing our security, securing our borders, and ensuring the effective, efficient, and fair implementation of our immigration laws.

Need to Keep Enforcement and Services Together. Almost every immigration-related action involves both enforcement and service components. Coordination of these key functions is critical to ensure consistent interpretation and implementation of the law, clarity of mission, and in turn, more efficient adjudications and more effective enforcement. Coordination of immigration functions cannot be achieved merely by creating a shared database or some commonality of management far up the administrative ladder. Moreover, coordination is certainly impossible when enforcement and services are housed in different departments. Inconsistent policies and interpretations of the law, the lack of a common culture, and—most importantly—the absence of a single, integrated authority who can resolve differences result in a disjointed immigration

policy and undermines the efficacy of both enforcement and services.

September 11th brought to light serious problems with immigration enforcement, but there are equally serious problems with immigration services. If services are divorced from enforcement, particularly in a department dedicated to security, services will continue to struggle and will inevitably, and understandably, be devalued and assigned lesser priority. To ensure that services are not 'left behind' in a security culture, it is essential that they be recognized as the other half of the immigration equation.

Coordination with Other Border Functions. Coordinating the border security functions within the Department of Homeland Security is critical, whatever the agency's configuration. That coordination is achieved by creating a Border Coordination Working Group, composed of the Secretary, the Under Secretary for Border and Transportation Security, and the Under Secretary for Immigration Affairs. The Working Group is responsible for coordinating functions necessary to secure the borders, territorial waters, ports, terminal, waterways, and air, land, and sea transportation systems of the United States.

The responsibilities of this office include:

Coordinating budget requests and allocation of appropriations, staffing requirements, communication, use of equipment, transportation, facilities and other infrastructure;

Developing and implementing policies and technologies to ensure the speedy, orderly, and efficient flow of lawful traffic, travel, and commerce and enhanced scrutiny for high risk travelers and cargo;

Monitoring, evaluating, and making improvements in the coverage and geographic distribution of border security programs and personnel;

Coordinating joint and cross-training programs for personnel performing border security functions; and

Identifying systemic problems in coordination encountered by border security agencies and programs and proposing administrative, regulatory, or statutory changes to mitigate such problems.

The Working Group also consults with representatives of other agencies or departments to enhance coordination and cooperation, curtail overlapping and duplicative functions, and reduce interagency rivalries. At the same time, experts in each of these agencies retain their authority and ability to perform their jobs at this critical time.

Treatment of Unaccompanied Minors. Unaccompanied minors deserve special treatment under our immigration laws and policies. Many of these children have been abandoned, are fleeing persecution, or are escaping abusive situations at home. These children are either sent here by adults or forced by their circumstances, and the decision to come to our country is seldom their own.

Currently, INS has responsibility for the care and custody of these children. It would not be appropriate to transfer this responsibility to a Department of Homeland Security.

Office of Refugee Resettlement. This legislation transfers responsibility for the care and custody of unaccompanied alien children who are in Federal custody (by reason of their immigration status) from INS to the Office of Refugee Resettlement (ORR) in the Department of Health and Human Services (HHS). ORR has decades of experience working with foreign-born children, and ORR administers a specialized resettlement program for unaccompanied refugee children.

HHS coordinates comprehensive services to address the special needs of newcomer children, including placement in foster or group home settings, medical and mental health care, skills training, education, family tracing, and legal assistance. Such services are tailored to address the cultural, linguistic, legal, and developmental needs of newcomer children and the individual needs of the child. ORR can easily integrate the care of unaccompanied alien children into its existing functions.

Responsibilities. Minimum standards for the care and custody are set forth in the legislation, as are ensuring that unaccompanied children are housed in appropriate shelters or with foster families who are able to care for them.

Specifically, ORR will be responsible for: (1) ensuring that the best interests of the child are considered in the care and placement of unaccompanied alien children; (2) making placement, release, and detention determinations; (3) implementing determinations; (4) convening the Interagency Task Force on Unaccompanied Alien Children; (5) identifying qualified persons, entities, and facilities to house unaccompanied alien children; (6) overseeing persons, entities and facilities; (7) compiling and publishing a State-by-State list of professionals or other entities qualified to contract with the Office to provide services; (8) maintaining statistical information and other data on unaccompanied alien children in the Office's custody and care; (9) collecting and compiling statistical information from the INS (or successor entity); and (10) conducting investigations and inspections of facilities and other entities where unaccompanied alien children reside. The legislation also provides children with access to appointed counsel and guardians ad litem.

Responsibility for adjudicating immigration benefits will not transfer over to HHS but will remain with the INS (or its successor) and the immigration court system.

Immigration Court System. The current immigration court system—the Executive Office for Immigration Review (EOIR), which contains the immigration courts and the Board of Immigration Appeals—is a component of the Department of Justice. The immigration court system exists not in statute, but only in regulation.

The evolution of the immigration courts reflects the importance of impartiality. Originally, the court system was entirely contained within the INS. In response to criticisms that judge and ''prosecutor'' should not be housed together, the immigration courts were moved to a separate component within the Justice Department—the EOIR—in 1983. Even parsed out into separate components, however, concerns remain that the immigration courts are still too closely aligned with the immigration enforcers.

Concerns about the impartiality of a court system located in a law enforcement agency are certain to be exacerbated if the court system is relocated to a security agency. If INS moves, then it is best to leave the immigration court system where it is—in the Justice Department—and thereby keep judge and enforcer well separated.

The immigration court system is critical both to law enforcement and to humanitarian protections. The immigration courts daily make decisions that could remove a criminal alien from our country, provide safe haven to an asylum-seeker fleeing torture or execution, and keep together or break up families. The immigration courts make potentially life-or-death decisions every day and are therefore too important to exist only in regulation.

We look forward to working with you on this legislation and making additional recommendations as it is considered by the full Senate.

Sincerely,

EDWARD M. KENNEDY,
Chair, Subcommittee on Immigration, Committee on the Judiciary.

SAM BROWNBACK,
Ranking Member, Subcommittee on Immigration, Committee on the Judiciary.

ORDER FOR RECESS

Mr. REID. Madam President, I ask unanimous consent that the Senate stand in recess from 2:30 p.m. to 3:30 p.m. today for a briefing by Secretary Rumsfeld.

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

The Senator from Tennessee.

Mr. THOMPSON. Madam President, I thank the Senator from Connecticut for the statement he has made today and for his leadership, once again, on this issue, and for his contribution toward our being here today. He speaks eloquently as to our need to do things differently with regard to this Government and with regard to the reorganization of a very important part of our Government. His analogy of gasoline and engines I think is right on point. It doesn't matter how much gasoline you put into a faulty engine, it is still a faulty engine.

We need to do better than that. There is no reason that at end of the day we can't pass a bill that is going to make this country safer than it was before, and that is our common goal.

Few need to be reminded why we are here. While September 11 was not the opening salvo, it was the event that forced us to confront the scope of the threats to our country and to recognize the need to do something significant and meaningful to address those threats.

Prior to the 1980s, most terrorist groups were regionally focused and lacked the means and the connections to operate on a global scale. They relied upon state sponsors for financial support and often fought for ideological reasons. The few exceptions were those who fought to destroy the Israeli state. During the 1980s, this trend began to change. With the increase in militant Islamic attacks against Israel, the rise of revolutionary Iran, and the formation of Mujahedin in Afghanistan, terrorism began to take a more extremist tone. Then, in 1983, a small group in Lebanon, now known as Hizballah, began using a devastating new tactic to target Western troops: suicide bombings. The United States was the first to experience the destructiveness of this form of attack. In April 1983, a suicide bomber drove a 2,000 pound truck bomb into the U.S. embassy in Beirut, killing 63. The full impact of suicide bombings, however, was not felt until 6 months later. On October 23, 1983, a lone suicide bomber drove a truck laden with explosives into the U.S. Marine Corps barracks in Beirut, killing 241 American servicemen and injuring dozens more.

Since 1983, we have experienced other terrorist attacks as well. In 1989, terrorists downed Pam Am 103, killing over two hundred; in 1993, extremists tried to destroy the World Trade Center by detonating a van laden with tens of pounds of high explosives; in 1995, Timothy McVeigh exploded a rental van outside the Oklahoma Federal Building, killing 168 people; in 1996, religious extremists blew up the Khobar Towers in Saudi Arabia, killing 19 American servicemen and injuring another 372; in 1998, extremists blew up truck bombs outside the U.S. embassies in Tanzania and Kenya, murdering 252 people, including 12 Americans, and injuring at least 5,000 more; and in 2000, extremists blew themselves up alongside the U.S.S. *Cole*, nearly sinking the ship. 17 American sailors were killed and another 39 were wounded.

The list does not include a number of planned terrorist attacks that were disrupted or prevented by U.S. or foreign intelligence, military, and law enforcement operations. It is easy to imagine, however, that this list could have been much longer.

Over the last 10 years, Congress literally held dozens of hearings on what we should do to combat terrorism. We have also had report after report highlighting the dangers of terrorism. The General Accounting Office alone has issued over 50 reports on various ways to better protect our country against terrorist attack. Several independent commissions have also recommended measures that would have addressed many of our vulnerabilities. Unfortunately, we did not implement measures because they were either costly or unpopular. We lacked both consensus and a sense of urgency.

If anything positive can be gleaned from the tragic attacks of September 11, perhaps it is the appearance of a national consensus for change. Most Americans today believe that the deficiencies in our homeland security must be corrected and are willing to bear the costs of doing so.

President Bush has personally embraced this task and employed every tool at his disposal. Some of the actions that he has taken to date include: Destroying terrorist camps in Afghanistan and helping to restore a civil government in that beleaguered land; tracking and eliminating funding sources for terrorist organizations; deploying greater intelligence resources around the world to hunt down terrorists; fostering an international consensus and forming a diplomatic coalition against terrorism and its supporters; creating the Northern Command in the Department of Defense to manage and coordinate the defense of the territory of the United States; and, doubling the ''Homeland Security'' budget to $38 billion; and developing a National Homeland Security Strategy.

A critical element of the Administration's response to terrorism is the President's proposal to create a Department of Homeland Security. this proposal is not a new idea. Seven months before September 11, the Hart-Rudman Commission released its third comprehensive report on U.S. national security. To the surprise of many, the commission proposed the creation of a new federal department to better counter the threat posed by terrorism. Unfortunately, most considered such an idea at that time to be impractical. Even after September 11, many of us were less than enthusiastic about the creation of such a department. To their credit, Senators Hart and Rudman continued to push for a department. Our colleagues, Senator LIEBERMAN and Senator SPECTER, eventually took up their cause and offered legislation that would create a Department of Homeland Security.

Over the last eleven months, the President's Office of Homeland Security has carefully examined every facet of our homeland security weaknesses, our needs, our effort, our allocation of resources. It considered numerous proposals for a homeland security organization from outside studies, commission, and members of Congress, including the Hart-Rudman proposal. The President eventually came to the conclusion that reorganization on a large scale was necessary. The President's proposal would not have been possible had the Administration not taken the time to conduct its comprehensive review.

The President's June 6 proposal was unusual in several respects. Reorganization of the executive branch on this scale has not occurred or been attempted for 55 years. The proposal would move 22 federal agencies and programs with some 170,000 employees into a single department with a total budget for fiscal year 2003 of nearly $38 billion.

Upon receiving the President's proposal, the governmental Affairs Committee held a number of hearings and subsequently marked up a substitute amendment to S. 2452, the bill we are moving to consider. While there is broad overlap between the President's proposal and the committee's substitute amendment, there are significant differences as well. The debate will mostly focus on the differences. Before I highlight some of these areas, let me also take some time to summarize the Committee's substitute and explain the importance of some of its provisions.

As it currently stands, our country's homeland security effort is disorganized and disjointed. Many Federal agencies responsible for homeland security have many other responsibilities as well. The guiding principle of the proposals to reorganize Federal agencies into a new department of Homeland Security is the recognition that the Nation needs a reinvigorated and refocused effort on the part of these agencies. A new department will force agencies whose missions only partly involve homeland security to refocus their efforts to make homeland security their primary effort.

Both the President's proposal and the committee's substitute amendment to the Lieberman-Specter bill would enhance border security by bringing in under one roof all the agencies responsible for border control. The Border Patrol, the Customs Service, the new Transportation Security Administration, the appropriate components of the Animal and Plant Health Inspection Service, and the coast guard will all become a part of the new department, with an eye towards developing a fully integrated approach to border security operations.

On border security, I do want to point out my concern that the committee substitute keeps the components of the Immigration and Naturalization Service intact in a new Immigration Affairs Directorate of the new department. I think the Border Patrol must not only become part of the new department, but must be made a part of the Border and Transportation Security Directorate if the new Department of Homeland Security is to be as effective as we need it to be. I hope we are able to take a look at this structural issue as the debate proceeds.

The President proposed that the new department contain a component to assess the Nation's vulnerabilities to terrorism, analyze information regarding threats to our homeland, and match the threat assessments to the nation's vulnerabilities to help prioritize our homeland security efforts. The President's proposal was designed to fill a gap in the Federal Government's intelligence capabilities. While a number of agencies conduct a variety of threat assessments, and a few agencies conduct narrowly focused vulnerability assessments, no one in the federal government married the threats with the vulnerabilities to develop national policy. The committee substitute differs from the President's proposal by splitting the intelligence analysis component of the new department from the infrastructure protection component and creating two distinct organizations within the new department.

I support the establishment of an intelligence capability in the new department, but I believe the President's proposal is more sound than the Committee's approach. I will discuss this later.

Clearly, one of the greatest strengths we have to employ against potential enemies of our nation is technology. The President proposed a component of the new department to focus on weapons of mass destruction, which the President believes are not receiving adequate attention from existing agencies. Building on the President's proposal, Chairman LIEBERMAN, Senator DOMENICI, Chairman BINGAMAN, and I worked to develop a Science and Technology Directorate to develop and focus a concerted national effort, relying on resources the Federal Government has already deployed, primarily the National Laboratories and their partnerships, that will develop new technologies to combat terrorist threats.

Thus far, the department that both the President and the Committee propose focuses its efforts on prevention, on before-the-fact counter-terrorism activities. The proposals go further, however, by bringing in as part of the new department the responsibilities for consequence management, for the after-the-fact efforts. The main component of this aspect of the proposals is the inclusion of the Federal Emergency Management Agency in the new Department of Homeland Security.

By bringing together the management of the prevention responsibilities and the consequence management responsibilities, we hope to eliminate bureaucratic impediments and unify diverse bureaucracies, improve coordination, find and exploit appropriate synergies, and strengthen the Federal Government's entire homeland security effort.

We must be realistic about this reorganization. It is mammoth. It will take years of exacting effort to get it done. Congress may be called upon again to legislate changes to the new department. Let us not forget that many believe that the Defense Department was not fully realized until 1986, almost 40 years after it creation, when Congress enacted the Goldwater-Nickles Act.

When the President first proposed this massive homeland security reorganization, I did some research into the mergers of private companies. My staff and I have consulted with management and merger experts in the private sector and in academia. I regret that their analysis of the prospect for success was largely pessimistic. Many private sector mergers fail. The problems are obvious: blending corporate cultures and product lines is not a simple task. chief executive officers who have been through mergers that were smaller and much less complicated than this one give us only about a 20 or 30 percent chance of success. These odds are not promising. It makes me wonder what we need to do to improve those odds. The transition period will be particularly difficult. In some ways, it will be like an elephant on roller skates attempting to learn to juggle.

The proposed reorganization will be greatly complicated by the fact that several of the agencies being transferred currently are themselves dysfunctional from a management standpoint. A lack of coordination, improper payments, waste, missing equipment, human capital shortcomings, and program inefficiencies are all serious problems confronting the Federal Government at large. These problems will piggy-back their way into the new department with the incoming component agencies and will limit its effectiveness unless we address them here.

The management challenges facing this Department are in many respects a reflection of the Federal Government as a whole. For years, the Governmental Affairs Committee has had parades of witnesses and reports telling us that the executive branch and Congress must together do a better job of managing the taxpayers' money. Simply put, we are a government that cannot pass an audit.

Last year, the Government Affairs Committee released a report titled ''Government at the Brink,'' that highlighted some of the waste, fraud, and mismanagement that pervades our Federal Government. Unfortunately, this new department is inheriting a number of agencies that were the focus of that report. The Immigration and Naturalization Service lacks sufficient staff resources to perform intelligence functions; the Customs Service cannot rely on its data systems to determine where the workload is heaviest and therefore where to assign its employees; the Federal Emergency management Agency, FEMA, faces significant problems in managing its grants, and the list goes on and on.

These are not partisan problems. They developed and have existed in both Republican and Democratic administrations. They have flourished when Democrats controlled both Houses of Congress, when Republicans controlled both Houses of Congress, when Republicans controlled both Houses of Congress, and when there was split control of Congress.

While we cannot cure these government-wide problems in this bill, we must recognize them, learn from our experience with them, and try to avoid these problems in the future as we create this new Department.

The current management paradigms for the Government that try to address these problems are largely the creation of the post-World War II expansion of the executive branch. They are largely premised on a command-and-control approach to management. These paradigms are out of date for the modern, largely white-collar, technological workforce needed by the Federal Government to meet the challenges of the 21st century. The current management structure throughout the executive branch puts no premium on accountability. Managers find it difficult to reward good performers, and even more difficult to sanction poor performers. Efforts by employees and managers to find new ways to meeting agency missions are rebuffed, often by political appointees who have only short-term goals in mind. These appointees rarely see the value of major management reforms whose benefits may not accrue to the agency and its leaders for years to come and long after they are gone.

For a number of years, both the legislative and executive branches have been promoting performance-based management. The primary legislative reform to promote a new emphasis on results is the Government Performance and Results Act—we call it the Results Act—which was enacted by a Democratic Congress during a Democratic administration. President Bush and his staff at the Office of Management and Budget have made great efforts to make performance-based management a reality throughout the executive branch. The President has developed a management agenda that, when fully implemented, will force agency managers to focus more closely on the results they are achieving with the resources Congress and the taxpayers provide to them.

Congress, which started the revolution toward performance-based managing in Government, should encourage the executive branch to continue to increase its emphasis on managing for results. We should be a partner with the President in encouraging new management techniques and giving Federal managers the tools they need and the flexibility they require to accomplish the missions we assign to them. In return, we must demand greater accountability from the President and those he appoints to manage Federal agencies.

Even with this emphasis by both branches of Government on better management, the results are mixed at best. Each year, the GAO continues to place the same agencies and the same Departments on its list of entities that are at high risk for waste, fraud, and mismanagement, demonstrating how deep and seemingly intractable this problem is—which brings us to our present consideration: We simply must give this new department and this new Secretary the management tools with which to carry out this new massive and vitally important job.

The sheer volume of people, property, and assets involved in the new department is overwhelming. Coupled with our expectations that this new department will be the cure that will strengthen our domestic security, I fear that we are setting ourselves up for failure if we do not provide the new Secretary with the flexibility to manage the department properly.

By maintaining the status quo, not only will the Secretary be required to pay the same salary to two counterterrorism experts with vastly different performance and ability levels, we are also prohibiting the Secretary from accessing a single cent of the unexpended funds from agencies that are transferred to the new department to assist in the transition. Instead, the Secretary must appeal to Congress to enact enabling legislation each and every time the Secretary of the new department needs some flexibility to reorganize or get this department up and running successfully.

Supporters of the legislation before us disagree. They argue that the Secretary does not need additional managerial tools or flexibility to take on this monumental task. It is true that flexibility is not needed to set up another Federal bureaucracy that resembles the rest of Government. Flexibility is not needed to replicate the problems that pervade our Government in terms of Federal workforce management, financial management, information technology management, and program overlap and duplication. Managerial tools and flexibility are not needed

to create another Federal Department that ranks at the top of the General Accounting Office's ''high-risk'' list of agencies in the Government that are most vulnerable to waste, fraud, and mismanagement. Managerial tools and flexibility are not needed to create a civil service, that, according to one expert, Paul Light, of the Brookings Institution, and former staff member to the Governmental Affairs Committee:

Underwhelms at virtually every task it undertakes. It is sluggish at hiring, hyper-inflated at appraising, permissive at promoting, weak-kneed at disciplining, and mind-numbingly elongated at firing.

Our goal in this new department must not be to replicate the failures Mr. Light outlines, but, rather, to make improvements. If we cannot improve our well-known operational shortcomings now that our Nation's security is at issue, when in the world will we ever be able to do so?

According to the legislation before us today, the mission of the new department is to ''promote homeland security,'' ''prevent terrorist attacks,'' and ''reduce the vulnerability of the United States to terrorism.'' I question how this new department will possibly be able to fulfill its mission if it is bogged down by the same old persistent management problems that have faced the rest of our Government for so many years.

First and foremost, I think most of us would agree with Paul Light, and other experts, that the Federal civil service system, the process the Federal Government uses to hire and promote workers, is broken.

Madam President, this is a logical stopping point for me. If I am reading the clock correctly, we are very close to the time of recess for our briefing. So, with that, I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until the hour of 3:30 p.m.

Thereupon, the Senate, at 2:28 p.m., recessed until 3:30 p.m. and reassembled when called to order by the Presiding Officer (Mr. REID).

HOMELAND SECURITY ACT OF 2002—Continued

AMENDMENT NO. 4486 TO AMENDMENT NO. 4471

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Minnesota [Mr. WELLSTONE] proposes an amendment numbered 4486.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To prohibit the Secretary of Homeland Security from contracting with any corporate expatriate)

After section 171, insert the following:

SEC. ___. 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).

(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.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that I have 5 minutes, without losing my place in the debate, as in morning business.

The PRESIDING OFFICER (Mr. CARPER). Without objection, it is so ordered. The Senator is recognized for 5 minutes. Following his statement, he will have the floor.

(The remarks of Mr. WELLSTONE are printed in today's RECORD under ''Morning Business.'')

Mr. WELLSTONE. Mr. President, I rise to speak to a very simple amendment I introduced. I say to my colleagues, this actually was passed in the House in the homeland defense bill. It certainly is relevant that we bar the Secretary of Homeland Security from entering into contracts with U.S. companies that give up U.S. citizenship to avoid U.S. taxes.

I need to really summarize this amendment again. This is a very simple amendment that would bar the Secretary of Homeland Security from entering into contracts with U.S. companies that give up U.S. citizenship to avoid U.S. taxes.

To about 99.9 percent of people in Minnesota and probably to about 99.9 percent of the people in the country, this is a very reasonable proposition. My colleagues might remember that I had an amendment like this to the Defense appropriations bill which passed here by unanimous vote.

Before I get into the specifics of my amendment, let me make a quick comment about the relevancy of the amendment. I gather there is an agreement among the majority leader and the minority leader to move all nonrelevant amendments. That agreement won't affect this amendment because it was drafted to be relevant. It deals with government contracts. It deals with the Department of Homeland Security.

The underlying House bill, as I just mentioned, has a similar provision. So the substance of my amendment is

fully relevant to this bill. This is the appropriate place to have this debate, as we debate the question of whether we will have a Department of Homeland Security.

Former U.S. companies that have renounced their citizenship currently hold at least $2 billion worth of contracts with the Federal Government. I don't think companies that aren't willing to pay their fair share of taxes should be able to hold those contracts.

U.S. companies that play by the rules, that pay their fair share of taxes, should not be forced to compete with bad actors who can undercut their bids because of the tax loophole. I had a debate on a similar provision on ''Nightline.'' I said that the vast majority of companies in Minnesota and around the country, if they had the lawyers and the accountants, wouldn't do this because they wouldn't believe it was the right thing to do, or many of the smaller businesses in my State and all around the country don't have the lawyers and the accountants to really get such a loophole.

In the last couple of years, a number of prominent U.S. corporations, using creative paperwork, have transformed themselves into Bermuda corporations in order to avoid paying their share of U.S. taxes. These new Bermuda companies are basically shell corporations. They have no staff, no offices, no business activity in Bermuda. This exists for the sole purpose of shielding income from the IRS. That is what this is about.

By the way, I am talking about shielding not just profits made abroad but profits made in our country that are just shifted. There is a lot of cooking of the books that goes on. Does that sound familiar to any Senator?

U.S. tax law contains many provisions designed to expose such creative accounting and to require U.S. companies that are foreign in name only to pay the same taxes as other domestic corporations. But these bad corporate former citizens exploit a specific loophole in current law so that the country is treated as foreign for tax purposes and, therefore, pays no U.S. taxes on its foreign income—or, for that matter, on all-too-often a good part of its U.S. income. Additionally, these companies can use accounting tricks, as documented by the Senate Finance Committee in their investigations of this issue, to reduce their U.S. income on paper and their U.S. tax on even their U.S. income.

By the way, I thank staff on the Senate Finance Committee, majority and minority, for their help in working on this amendment. We have tried to do this in the right way. I will repeat this point. They use these accounting tricks, which have been documented by our Finance Committee, to reduce their U.S. income on paper and reduce U.S. tax even on U.S. income.

These are Enron-like schemes involving sham loans and other ''Imclone'' transfers that allow these companies to reduce taxes on a U.S. company, including income from Government contracts. This is called earnings stripping.

I have spent the last 2 weeks, or thereabouts, at the Minnesota State Fair. About half the State's population comes. It is quite a happening. It is the essence of grassroots democracy. I will tell you one thing, people are really indignant about a lot of these inside corporate scandals.

Some Senators may say: PAUL, you are just jumping on the issue. Well, I don't know; this has been my work for years. I will tell you this. Between having some of your savings and putting it in stock and seeing it erode in value, or your savings in a 401(k) eroding, or CEOs telling them they had an independent audit done and everything was great, to invest more of their 401(k), at the same time he dumped his stock and made $230 million in profit—people are tired of this behavior.

This is all about corporate accountability. That is what this amendment is all about. What I am saying is that these companies are not paying their fair share. If they want to renounce their citizenship so they don't have to pay their fair share of taxes, fine, but don't expect to get Government contracts.

Now, the loophole that we want to get rid of gives tens of millions of dollars of tax breaks to major multinational companies, and these are tax cheats. It also puts other companies that are unwilling or unable to use this loophole at a competitive disadvantage. No Minnesota company, or no American company, should be penalized for staying put in our country while others that renounce their U.S. citizenship get a tax break. This is a simple proposition. No company that does the right thing and stays in our country should be penalized for staying put while others renounce their U.S. citizenship just to get a tax break, to not pay their fair share of taxes.

The problem is that when these companies don't pay their fair share, the rest of American taxpayers and businesses are stuck with the bill. I think I can safely say that very few of the small businesses I have visited in Detroit Lakes, or Mankato, or Duluth, or Minneapolis, or Northfield, or Faribault, or on the Iron Range, can avail themselves of the Bermuda Triangle. As a matter of fact, they would not view it as a very patriotic thing to do. They cannot afford the big-name tax lawyers and accountants to show them how to do their books Enron style, but they probably would not do it anyway if it meant renouncing their citizenship. So the price they pay for their good citizenship, good corporate citizenship, their good business citizenship, is a higher tax bill.

Now, the House passed an amendment similar to this amendment on their homeland security bill. My amendment uses a different mechanism than the House bill to get at the same bad behavior. I have worked with Senator GRASSLEY and Senator BAUCUS to conform this amendment with their bill that would close the tax loophole. That is what I ultimately want to do. Here is how my amendment would work. If a U.S. company reincorporated in a foreign country and 50 percent or more of the shareholders of the new foreign corporation were the same as the shareholders of the old U.S. company, then that company would be barred from contracting with any homeland security agency if the company did not have substantial business activity in its foreign home. It is that simple. That is a perfect operational definition of a sham operation.

In other words, this is a two-part test, and if a company met both tests, it would be barred from contracting with the Department of Homeland Security.

First test: Are a majority of the shareholders of the new company the same as the shareholders of the old U.S. company? This test is designed to separate the true purchase of two real companies, which is fine, from a sham transaction done just for tax purposes when the owners change only the home country.

Second test: Does the new foreign company have substantial business activity in its new foreign home? If it doesn't, then the new foreign parent company is really just a paper shell designed to take advantage of a tax loophole.

A lot of this is self-explanatory. I am not a lawyer, and some of the technical material is hard for me, but this is not too difficult to figure out.

This is contained in the Grassley-Baucus tax bill. I believe Congress will close this tax loophole this year. There is growing support for doing so in the House. I have introduced legislation to close 24 loophole, and the Senate Finance Committee has reported a version of this legislation, which I strongly support, that would do so as well. It is not appropriate for the Senate to close the tax loophole on this bill—this is not a tax bill—but it is appropriate for us to say that if a U.S. company wants to bid for a contract for U.S. homeland security work, then it should not renounce its U.S. citizenship for a tax break.

We all make sacrifices in a time of war. The only sacrifice this amendment asks of Federal contractors is that they pay their fair share of taxes like everybody else.

Mr. President, when I was talking about a Mr. Denis Kozlowski, the reason I mentioned it, this was about Tyco Company, which has taken advantage of this scheme. It is highly lucrative for these corporations. Tyco International saved $400 million last year by chartering its space in Bermuda—$400 million. About a month ago, we learned that those savings may have helped the company buy the CEO a $19 million home in Boca Raton and a $6,000 shower curtain for his place in

Manhattan. That was in the Wall Street Journal. Here is Tyco International which saves $400 million, and the CEO gets a lot of help to buy a home and also uses $6,000 to purchase a shower curtain for his place in Manhattan.

Was the company using some of the money that they received in Government contracts—$220 million—to pay for that home and apparently a very nice shower curtain? Should we feel sorry for these corporations that have to scrape and pinch to find some tax savings? This is a corporate responsibility issue. I think in the House of Representatives, altogether, there were over 300 votes for a very similar amendment.

I know some of my colleagues have an honest-to-goodness philosophical objection to this approach, and I understand that and respect them for it. On this one, maybe it is the populist in me, but to me this is a straightforward proposition. If these companies want to engage in this kind of sham or scam, they want to renounce their citizenship, they are not going to get U.S. contracts from this new homeland defense agency. That is what this amendment says.

I will wait for other colleagues to speak. I will say to my colleague from Tennessee that I have been willing to accommodate anybody's schedule—if people want to put off the debate for a while and vote tomorrow, or whatever he wants to do. I wanted to begin and get the discussion going on the amendment, whatever fits in with the schedule, obviously.

Mr. President, I ask unanimous consent that Senator REID and Senator BAUCUS be added as original cosponsors.

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

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. THOMPSON. Mr. President, I thank the Senator from Minnesota. Senator LIEBERMAN can perhaps consult with the Senator from Minnesota as to the way we will proceed. If the Senator is willing to set aside the amendment for a moment, we will bring it back in due course and proceed with the discussion, if that is agreeable.

Mr. WELLSTONE. Mr. President, I say to the Senator from Connecticut, I will accommodate his schedule. I want to get the amendment up and have a debate. If the Senator from Connecticut wants to lay the amendment aside—whatever best accommodates his schedule. As long as my colleagues will be nice to me in the debate and praise me, I am willing to do anything he wants.

Mr. LIEBERMAN. It is easy to find common ground. I thank the Senator from Minnesota. I suggest Senator THOMPSON and I engage in some conversation with the Senator from Minnesota. For that purpose, 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. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MILLER). Without objection, it is so ordered.

Mr. DORGAN. Mr. President, my understanding is the pending business is the amendment offered by Senator WELLSTONE.

The PRESIDING OFFICER. The Senator is correct.

Mr. DORGAN. Mr. President, Senator WELLSTONE has offered an amendment that deals with a subject I mentioned this morning, and I wanted to speak a bit more about that subject. It is a subject that, by its title, most people would not think much about. It is called inversion.

What does inversion mean with respect to corporate America these days? Inversion is a process by which a corporation decides to renounce its American citizenship. A number of high-profile corporations have done that, saying, we wish to renounce our American citizenship and become citizens of another country—in a couple of cases, Bermuda. So an American corporation says, we no longer want to be an American corporation, we want to be a Bermuda corporation.

Why would a U.S. corporation decide it wants to renounce its citizenship? The answer, of course, is very simple. Because there are circumstances under which, in the renouncement of citizenship by a corporation, called an inversion, they can save millions, or tens of millions, or perhaps hundreds of millions, of dollars in taxation. So some companies make a decision, we would like to no longer be U.S. citizens in order that we might save money on our tax bill. I happen to think that is unpatriotic.

We are at war. Our country is at war with terrorists. Nearly 1 year ago, on 9/11, we were attacked with unspeakable horror by terrorists in New York City, in Washington, DC, at the Pentagon, and then there was the aircraft that crashed in Pennsylvania.

Since that time, of course, we have had a remarkable speech by President Bush, one of the best I have heard in my service in Congress, calling this country to cooperate and to work together for a common purpose, to wage this war on terrorism. Then in the middle of all of this, we read stories about corporations that decide they want to renounce their citizenship so they can save on taxation.

I ask a question of a company that decides it wants to renounce its American citizenship: If it gets in trouble somewhere around the world, if some dictator wants to expropriate its assets in some country around the world, whom is it going to call? The Bermuda Navy? The Bermuda Marines? The Bermuda Army? I do not think so.

It is shameful to see companies do what are called inversions and renounce their American citizenship. They have a perfect legal right to do it under today's law, but there are ways to try to plug that hole in our Tax Code, and a number of us are working on that.

The Senator from Minnesota offers another proposal with respect to this specific bill, and that is to say those companies that decide they want to renounce their American citizenship should not be bidding for contracts under homeland security.

We have a lot to do with respect to the needs in this country, and the requirement that we all get together, work together, stay together, to fight terrorism and do what we must as Americans to respond to this threat. There is something horribly out of step with our requirements as Americans, our requirements of citizenship, our requirements as the stewards of this democracy, to see some corporations in this country decide they no longer want to be American, they no longer want to have U.S. citizenship. Technically and currently under the law, they have a right to renounce their citizenship, but I think it sends a terrible message to our country and to the world when they do that.

Yes, they can save on taxes by doing it perhaps. The question then will be: Who will pay the taxes they do not pay? Which other Americans would they choose to burden with this additional tax bill? Americans working in the manufacturing plants they used to have in this country or perhaps still have in this country? Do they want to shift the burden to working people? That is what happens with respect to inversions.

I indicated I am going to hold some hearings on a couple of these issues. There is some unfinished business with respect to this issue of corporate responsibility. We passed a bill and the President signed it, and that is important because we have seen now the emergence and the disclosures of corporate scandals unparalleled in my lifetime.

You know, I have a card in my pocket. I put it in my pocket this morning, because it reminded me of something important. I was on an airplane recently. I was sitting in an aisle seat, and a man sitting two rows ahead of me in the aisle seat across the aisle, as we landed and before we disembarked, passed me his business card. His business card named him and the company for which he worked. He is president of the company. He wrote on the back of the card with a ballpoint pen and passed it to me. I had never met the man, did not know him. He said:

> Dear Senator DORGAN, Good morning. I am president of a corporation. I work very hard and I am honest. I believe there are more like me than not.

This is the president of a corporation. His first name is John.

I sent John a letter and said: I do not ever speak of corporate scandal without saying I think we ought to understand American business by and large in this country is run by wonderful men and women, good stewards of the investors' money, people who want to do the right thing, people who do not try to find where the line is and cross the line, people who do not cook the books, people who work long hours and are honest and do the right thing. That is the rule in American business, in my judgment. But it is also true that the emergence and the disclosures of these corporate scandals tarnish all in American business and injure those honest, hard-working people trying to run American companies. It injures the ability to raise capital because it destroys people's faith in the system. They invest in a stock in a company they have never visited. They buy a stock in a company they do not know much about, but they trust the CEO, they trust the financial statements, they trust the accounting firm that reviewed the statements, they trust the law firm that gave advice to the CEO, they trust the board of directors. So they invest in a share of stock in a company they have never visited or never seen.

But there have been far too many instances recently of corporate executives acting in complete disregard of their responsibilities as business leaders. And although we recently passed an accounting reform bill to tackle some of these problems, we have unfinished business. One issue involves inversions, the issue that Senator WELLSTONE is bringing to our attention today. Another important issue involves bankruptcies, and an amendment I tried to offer to the corporate responsibility bill. That amendment was blocked by the Senator from Texas, Mr. GRAMM. He blocked that amendment for a couple of days, and I was not able to put it on the bill, but it deals with this. It is an amendment that says, if in the year prior to the bankruptcy of a corporation, the major executives in the corporation are receiving millions of dollars in incentive and bonus payments, there ought to be a disgorgement and recapture of that money to go to the stockholders and the employees. It is very simple.

Since the time that I was blocked in offering that amendment, the Financial Times did an investigation and an evaluation of the 25 largest bankruptcies in our country since January of last year.

What did it show? It showed that 230 top executives in the 25 largest companies that filed for bankruptcy took $3 billion out of those companies in compensation as those companies headed towards bankruptcy.

Well, guess what. The investors lost their shirts, they lost their life savings, and, as the Financial Times says, the barons of bankruptcy, the executives running companies into bankruptcy, went off with a pocketful of gold.

There is something wrong with that. That is a piece of unfinished business. We ought to pass legislation that says prior bankruptcy, if executives are getting bonus and incentive payments as this company heads towards bankruptcy, there ought to be the right to recapture that money and use it to help offset the perks and costs with respect to investors and employees.

That is one piece of unfinished business. Another piece deals with inversions and the tax with respect to those corporations that want to renounce their American citizenship. There is unfinished business with respect to corporate responsibility. We did a wonderful thing in passing that bill. Senator PAUL SARBANES deserves our unending thanks for the work he did to put that bill together. The President signed it. It is a bill destined to give confidence to people, but there is more to do.

If we stop here we will have stopped before we got to the intersection. There is more to do. Part of that deals with inversion, and part of it deals with disgorgement and recapturing of funds as CEOs took companies into bankruptcy. I intend, in the coming weeks, to be among those in Congress who will address these issues. We should not decide the bill we passed represents the end of corporate responsibility legislation in the Senate.

I conclude by saying the fellow that passed me his business card on an airplane a few days ago is right. He said: I'm president of a corporation. I work very hard and I'm honest. I believe there are more like me than not.

He is right about that. Absolutely. And on behalf of people like him, we have a responsibility to be tough and to go after those who abuse their trust and steal money. We have a responsibility to see to it that they do more than 2 years of hard tennis at a minimum security institution somewhere.

The Senator from Minnesota does us a service by offering this subject on the floor of the Senate. There is more to do on inversion, but there is more to do beyond inversion and corporate responsibility, including disgorgement and recapturing of bankruptcy incentive and bonus payments to CEOs.

The PRESIDING OFFICER. The Senator from Nevada.

AMENDMENT NO. 4490 TO AMENDMENT NO. 4486

Mr. REID. I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 4490 to amendment 4486.

Mr. REID. I ask unanimous consent reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To prohibit the Secretary of Homeland Security from contracting with any corporate expatriate)

In lieu of the matter proposed to be inserted, insert the following:

SEC. ___. 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).

(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.

This section shall take effect one day after the date of this bill's enactment.

Mr. REID. The Senator from New Hampshire is here and is going to ask that the present amendments be set aside so that he can offer an amendment. I will first take just a few minutes.

First of all, I commend the Senator from Minnesota for this amendment. I was on the Senate floor when he offered this amendment on a previous piece of legislation and spent some time talking about the merits of his legislation. It passed by voice vote. The Senator from Minnesota recognizes in the House something comparable to this has passed, so we have no problems with this legislation as to it being relevant or germane.

This legislation is important to reestablish confidence in what is going on in the country. This amendment is designed to attack a tax loophole that has allowed scores of U.S. corporations to move their headquarters, on paper only, to tax haven countries to avoid paying their fair share of our taxes.

Specifically, the amendment bars the Department of Homeland Security from awarding Government contracts for those corporate tax runaways.

It is a sad reality that under our current law these corporate expatriations are technically legal—I say technically. Legal or not, there is no reason the U.S. Government should reward tax runaways with lucrative Government contracts.

I had one of these big contractors talk to me. He brought with him one of my friends who was no longer in the Senate. Because of my close, warm feelings for the person who brought this man in, I wanted to try to help. But after listening, I said I cannot help because it is wrong.

These corporations have turned their back on their country in their country's hour of need, but they continue to come to Congress and the executive agencies with their hands outstretched asking for rewards. We need to end as soon as we can the practice of companies that hold billions of dollars in Federal contracts renouncing U.S. citizenship. It is wrong that the companies that play by the rules and meet the responsibilities of the country should be forced to compete with bad actors who shirk their tax bill.

If the corporations want Federal contracts so badly, I have advice: Come home. Come back to your country, to our country, and you will be eligible to bid on homeland security contracts. If you do not, you can't. Go lobby Bermuda or the Cayman Islands, but leave us alone.

Let me talk about a few of the companies involved that have handled this in an improper manner: Ingersoll-Rand. When I was a little boy and went with my dad down in the mines, Ingersoll-Rand was the name on the compressor that was above ground and on the jackhammer he used underground. In my mind, even today, I can see my father pick up that jackhammer and push it into that hard land and drill. Ingersoll-Rand is all he had, all I remember, an Ingersoll-Rand jackhammer. This company was founded in 1905. They have been headquartered in Woodcliff, NJ, for many decades, mostly manufacturing jackhammers, bobcat vehicles, club car golf carts, hardware products, security devices, control systems. In fact, one of the things they talk about in advertisements is their jackhammers made Mount Rushmore.

But times have changed. Last December, 3 months after September 11, Ingersoll-Rand put the finishing touches on renouncing its U.S. corporate citizenship. It filed paperwork to set up three British employees in a little office in Hamilton, Bermuda. Now it can avoid paying $40 million each year in U.S. taxes. This will not stop Ingersoll-Rand from lobbying for U.S. Government contracts. As we speak, the corporation holds over $40 million in Government contracts, virtually all of which are directly related to homeland defense or the military. These days, the company has been lobbying the Government to buy its airport security screening devices. If they renounce their Bermuda citizenship, I am happy to work with them and let them get the contract. That is fine.

There are many other companies. Fruit of the Loom, headquartered in Bowling Green, KY, for years, last year decided it wanted to do something else and moved offshore. They have millions of dollars in contracts.

Cooper Industries makes tools and hardware needed to transmit natural gas. They were founded in 1833 in Mount Vernon, OH. Last year, they had revenues of $4 billion, net income of $230 million, and they decided they could make a few extra bucks by moving offshore. That is what they have done.

I have page after page of companies that have decided to go offshore. Yet they have large amounts of Government contracts, where the underlying company had scores, hundreds of offshore Government corporations, legal entities set up so they could play around with our money.

Accenture, APW, Carnival Corporation, Cooper Industries, Enron, Everest Reinsurance, Foster Wheeler, Fruit of the Loom, Global Crossings, Gold Reserve, Halliburton, Harken Oil—Halliburton had units in St. Lucia, Liechtenstein, Barbados, Cayman Islands, Cyprus, the Netherlands Antilles, and the British Virgin Islands, among others—Helen of Troy, Leucadia Corporation, on and on.

The time has come. If they want to move offshore, let them get their contracts someplace else.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. SMITH of New Hampshire. Mr. President, my understanding is the pending business is the Wellstone amendment.

The PRESIDING OFFICER. The Senator is correct.

Mr. SMITH of New Hampshire. I ask unanimous consent the Wellstone amendment be temporarily laid aside for the purpose of offering an amendment.

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

Mr. REID. Mr. President, I couldn't hear. What was the request?

Mr. SMITH of New Hampshire. The request I made was to temporarily lay aside the Wellstone amendment for the purpose of offering an amendment, which I will not debate at this time.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. Does the Senator from New Hampshire yield the floor?

Mr. REID. Mr. President, I object. Will the Senator from New Hampshire restate his unanimous consent request?

Mr. SMITH of New Hampshire. I ask unanimous consent that the Wellstone amendment be temporarily laid aside for the purposes of offering my amendment on armed pilots.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AMENDMENT NO. 4491 TO AMENDMENT NO. 4471

Mr. SMITH. I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Hampshire (Mr. SMITH), for himself, Mrs. BOXER, Mr. MURKOWSKI, Mr. BURNS, Mr. BUNNING, and Mr. MILLER, proposes an amendment numbered 4491 to amendment 4471.

Mr. SMITH of New Hampshire. I ask unanimous consent the reading of the amendment be dispensed with.

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

(The amendment is printed in today's RECORD under ''Text Of Amendments.'')

Mr. SMITH of New Hampshire. Mr. President, this amendment is offered on behalf of myself and Senators BOXER, MURKOWSKI, BUNNING, BURNS, the Senator presiding, Senator MILLER, and others. Because there is an agreement with some of my colleagues that we would not debate it today, I will not

take any further time from the Senate, other than to say that this amendment is the Arming Pilots Against Terrorism and Cabin Defense Act of 2002, which will be an amendment that will provide help for training for those flight attendants in the cabin, and for pilots to be able to carry weapons, lethal weapons, in the cockpit to protect our country, our citizens, and those in the aircraft from the aircraft becoming weapons of mass destruction.

The intention is to debate this tomorrow when my other colleagues are available, at a time to which the leaders will mutually agree. I very much appreciate the assistant leader, Mr. REID, allowing me to offer the amendment at this time.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. BENNETT. Mr. President, I would like to comment on the bill as it stands and some of the challenges relating to it rather than any specific amendment.

All of us, as we want to arrive at a position, fall back upon our own experience. I have some experience that I think is relative to this situation which I would share with the Senate. I have shared it with some members of the committee, but I have found in my time in the Senate that there is no such thing as repetition. Every speech is given as if it is brand new and no one has ever heard any of this before. I have learned that from some of my more senior colleagues here.

First when I arrived here, I found it a little distressing, but after I found out how often people listen to what you say, I decided it is probably a pretty good thing, because repeating something over and over again in this body, many times, is the only way you can get anybody to listen to you.

With that, let me share with you and my colleagues, and any others who may be listening, my experience with a similar situation when I served in the first term of the Nixon administration.

In the 18 months prior to President Nixon's election, Joe Califano, as the Chief of Staff to President Johnson, conceived of the idea of the Department of Transportation. We were one of the few industrialized countries in the world that did not have a ministry of transport, as it is called in most other countries. We found that our transportation functions were scattered all over the Government. Mr. Califano, consulting with President Johnson, convinced the President that the time had come to create the American version of a ministry of transport. So the Department of Transportation was born.

On paper, it looks like a department that was created at the Harvard Business School. You had a series of assistant secretaries who were staff officers. You had a series of administrators who were line officers. It was put together with modern business terminology and a complete understanding of how a large organization should be formed.

It took the Federal Highway Administration out of the Department of Commerce, where it was such a significant part of that Department that they had two Under Secretaries, one an Under Secretary for Transportation and the other an Under Secretary for everything else. It took the FAA from its status as an independent agency reporting directly to the President. It was called the Federal Aviation Agency. It was renamed the Federal Aviation Administration so that the terminology would be comparable.

It took the Coast Guard out of the Treasury Department. It goes all the way back to the time of Thomas Jefferson, perhaps, as being part of the Treasury Department looking for smugglers so they could collect duties on people who would bring goods into the United States. The Coast Guard represents a significant part of our transportation activity, and it was recognized it no longer belonged in the Treasury Department.

There was a fledgling group called the Urban Mass Transit Administration that was over at HUD, the Department of Housing and Urban Development. But they recognized it had nothing, really, to do with housing and belonged over in the new Department of Transportation.

They looked at some other areas where there needed to be some initiatives in transportation and created some new agencies solely for those—the Federal Rail Administration being the chief among them. Then it took some other isolated agencies, folded them in, put them on a piece of paper, and said: Here is your new department.

Alan Boyd, who was the Under Secretary of Commerce for Transportation, was made the new Secretary of Transportation and for 18 months struggled with the challenge of trying to bring these groups together. His service was terminated when President Johnson left office. John Volpe came down, as former Governor of the State of Massachusetts, to assume the Secretaryship of the Department of Transportation. The Under Secretary was James Beggs, who came over from NASA, where he had performed excellent service as an associate administrator there. I was hired to run the congressional liaison function for the Department.

As I say, the Department was 18 months old. When I walked into it to take over my new duties, I found that almost no one knew what those new duties would be because the challenge of bringing together, at a departmental level, all of the people involved in congressional liaison had not been successfully met in the 18 months previous. I am not putting any blame on Secretary Boyd or on any of the people who worked with him during that 18 months. As I became acquainted with the Department and its functions, I realized how difficult it was to bring together agencies that had no common culture, no common background, that had been operating in many different places across the Government, and turn them into a clearly, smoothly functioning single unit.

Indeed, there were some people in that organization who refused to admit they were even members of the Department of Transportation.

An anecdote: One of the personnel officers who worked for the Assistant Secretary for Administration got on the elevator and punched the button that said eighth floor. Someone behind her said: You are one of those DOT types. The eighth floor was the floor that had been recommissioned for the offices of the Secretary. The tenth floor was where the Administrator of the FAA worked. She turned around and said: We are all DOT types.

Her remark was not favorably received. The folks behind her in the elevator said: We are FAA. You are DOT.

It is a small anecdote, but it demonstrates that after 18 months there were still people who had a hard time bringing themselves into the new Department.

To my own specific experience, I found that the FAA still had its own congressional relations function. Urban Mass Transit didn't have one at all. They had not really brought anything over with them from HUD. The Federal Highway Administration had a well-entrenched congressional liaison function, and the Coast Guard had been at it for close to 200 years, and they were not about to give that up to anybody as unimportant as a Cabinet officer.

The new agencies that had been created didn't have any service. They didn't know what they were doing. Those officers who had been trying to perform congressional relations functions for the Secretary and the team of Assistant Secretaries that had been created under him had been floundering and flopping around trying to find their way in this morass.

Secretary Volpe and Under Secretary Beggs gave me the challenge of trying to pull all of this together. It was one of the most interesting and difficult experiences of my then-young life. That was enough years ago that I was a young man when I undertook that.

Eventually, we were able to pull all of those functions together into a single office reporting directly to the Secretary. I rearranged all of the functions so that everyone involved in that activity reported to me either directly or through my deputy. I said: I will give you an assignment—as if we were a consulting firm dealing with clients. You, sir, your client is the FAA. You, sir, your client is Urban Mass Transit, and so on. You will not be acceptable to me if your client is unhappy. If the Administrator of the FAA believes he is not getting the kind of congressional relations he deserves, he will complain directly to me as we meet together in the Secretary's staff meetings, and I will be around to see you. But at the same time, you work for me. And, through me, you work for Secretary Volpe.

This meant that when we had an issue that required more manpower and womanpower than that particular officer could provide, I could rally the resources of the office and the other officers to help on that particular issue at that particular time. We were much more flexible. I think we were much more efficient and effective.

As it turned out, a large percentage of President Nixon's domestic agenda fell under the Department of Transportation. Congress passed, with our help and liaison, a whole series of landmark bills setting down the transportation process for this country. It was one of the most stimulating experiences of my life.

What does that have to do with the Department of Homeland Security? In making the kinds of changes that I have described, I had to have management flexibility so that when, with the Secretary's authority, I didn't have—it came from the Secretary—I could say: You no longer work for the Administrator of the FAA; you now work for me. You no longer report to the Administrator of the Federal Highway Administration, you now work for me. This is how we are going to set your procedures, and this is how we are going to rationalize salaries within the office that I created.

I was able to do that because the enabling act that created the Department of Transportation gave the Secretary management flexibility to move people around within the Department without coming back to the Congress for approval. He had flexibility to change payroll.

One of the interesting things that occurred was that in the FAA, promotions were all made on even numbers; that is, you went from a GS–4 to a GS–6; from a GS–8 to a GS–10; from a GS–10 to a GS–12, and so on. In other parts of the Department they did two numbers per jump, but they were all on odd numbers.

As I brought all of these people together in the same offices, I had some GS–5's and GS–6's. The amount of money they were earning, frankly, was the same. It was very interesting to me, coming from the corporate world as I was at that time in this somewhat strange and challenging world of the U.S. personnel system. We had to rationalize that or the office didn't make any sense. We had to make some changes. We didn't do it in a way that damaged anyone. No one lost money. No one lost position. But someone had to transfer from the odd system to the even system, and adjustments had to be made. And they were made on the basis of what made the most sense for the office and how it would work. The flexibility that was written into the act made that possible.

One interesting thing that probably doesn't apply anymore but that came out of that experience was the result with respect to supergrades. In those days, a GS–16, GS–17, or GS–18 was called a supergrade, and each Department had a set number of supergrades. That was true of the Department of Transportation. I don't remember what the number was, but the Department could not have more than 25 or 35 or whatever the number was of supergrades.

As I went through this process of bringing all of these people together, I was able to walk into the Under Secretary's office and say: I am giving you back three supergrades—because so many of these people had held supergrade positions in the previous administration. The way we organized this, I only needed two supergrades—one for myself and one for my deputy and everybody else was a GS–10 or below.

I didn't realize what I was doing because the Under Secretary greeted me with one of the biggest smiles I have ever received and said: This is pure gold because there are other places in the Department where the positions deserve supergrades and I don't have any supergrades to give them. And you have just freed up three supergrades by virtue of your consolidation of this function.

I don't know where the supergrades went. But they went out to other deserving people.

That is why I feel so strongly in favor of President Bush's position that the Department of Homeland Security must be formed with flexibility for management and personnel and other decisions on the part of the Secretary. I have been there and I have seen how vital it is. If we had to go through the kinds of hoops that are created in the Federal personnel system in the reorganizing something as insignificant as my offices—I am talking about 30 to 35 people max; I am not talking about anything approaching the challenge of this new Department—if we had to go through all of those hoops in reorganizing my office, I would have spent the entire 2 years that I was there working on personnel issues and management issues instead of trying to get the program passed through the Congress—the landmark legislation that was passed. I still have the pens that President Nixon gave me and my picture in the Cabinet Room when those bills were signed. We would not have been able to get that done. We would have been snarled up in all of the internal management challenges of, well, we have to go to Congress to get this approved or that approved; we haven't got the flexibility to do it.

I have that personal experience that drives me to stand with the President on this issue and to say that I believe the President is correct when he says he will veto this bill, if that flexibility is not there.

None of us should have the false assumption that this Department will work for at least 3 and more likely 5 years. All of us should understand how difficult a management challenge this is going to be under the best of circumstances. The Department of Transportation, as I say, 18 months after its formation was still not working. John Volpe didn't come in and wave a magic wand to make it work overnight. John Volpe and Jim Beggs labored for a full 4 years beyond the 18 months that it had under President Johnson. It was only toward the end of those 4 years that you began to see things really meshed together and start to work together and see a real Department of Transportation instead of the old turf battles that had been there. The Department of Defense took longer than that to come together. It was the kind of reorganization more closely paralleling the size of the one we are now doing.

It is instructive to remember that the first Secretary of Defense, James Forrestal, committed suicide. The challenge of managing that difficult a bureaucracy was sufficiently great that this dedicated public servant—perhaps too dedicated because he took it so seriously—that he ultimately could not cope with it and committed suicide, which demonstrates how serious it is for us to do this right.

I do not want the new Secretary, whoever he or she may be, to have any more impediments placed on the challenge of making this Department work than are necessary. To not give the Secretary the management flexibility that the President has called for is asking for failure in this Department.

As I say, it is not going to work for at least 3, and more likely 5, years. That does not mean we should not do it. We should do it because if we wait a year, that will just push back a year the 3-to-5-year period that it will not work. But let's be realistic about it. Let's understand from the model of Government mergers, let's understand from the model of corporate mergers, how difficult this is going to be; and then let us, in the Congress, fashion a piece of legislation that says we are going to make it as easy as possible for the new Secretary to do all of the internal kinds of shifting and changing necessary to make it work closer to the 3-year figure than to the 5-year figure.

Now, I hope I am wrong. I hope it will work magnificently in 6 months. But life tells me that is not likely. So that is why I voted against this bill in committee. I said to Chairman LIEBERMAN: If you really needed my vote to report out this bill, I would give you my vote because I think the bill ought to be reported out. But since you don't need my vote, I want to register my deep concern about the management flexibility and lack thereof that is written into this bill. And the only way I can do that is to cast a vote against the bill.

Someone has asked me: Well, if it comes out of the Senate and the President is not given the management flexibility he has asked for, how will you vote on final passage? I will probably vote against it on final passage, even though some people say to me:

Oh, let it go to conference and we'll fix it in conference.

I have learned around here the motto ''let's fix it in conference'' does not always work. Very often it comes back from conference worse than when it went to conference, and then you are stuck.

So I am dedicated to the creation of the new Department. I will do everything I can to help the President and the Congress pass legislation that makes sense. But I cannot, from my own experience, believe this makes any sense if it does not go forward with complete management flexibility in every possible way.

A press conference was held today in which some Members of this body were quoted as saying that those of us who believe as I have just described are union baiters; that our whole motive here is to bash organized labor; our whole motive here is to attack honest working people.

Let me take you back to my experience at the Department of Transportation. It was my first experience in an executive branch organization. I had served on Capitol Hill as a staffer, as a Government employee, but I had never been a civil servant. And I went in with some of the standard prejudices that many people in the private sector have about civil servants: That they don't work very hard; that they are just serving their time until their 40-year period for retirement comes along; that they are not very entrepreneurial; that they are not interested in new ideas; that they take as their motto, ''We were here before you got here, and we will be here after you leave, so we don't need to pay any attention to you.''

There were some who had that view, there is no question. There is a very small percentage of civil servants who feel that way.

I was overwhelmed with admiration for the career civil service people in our Government who were dedicated, determined to make Government work, absolutely determined to do the very best job they could, and open to suggestions and comments that may have come from the political appointees.

We had an Assistant Secretary for Administration, a position that is a civil-service-protected position, who had been appointed by Alan Boyd. He was a known Democrat. But because his position had civil service protection, there was not anything that Secretary Volpe could do about it. He was as helpful to me in this reorganization effort that I have just described as anybody at the Department.

He sat down with me and helped take me through the labyrinth of Federal regulations. And when I made some mistakes—and I made several which were beauts—he did not jump all over me. He said: It's our fault for not having warned you in advance that that's what would happen if you did it that way. And if we had been there, we would have helped you do it another way. And let's see to it that it happens the other way.

These people do not need to be protected from competent managers. These people need to be motivated and excited about the creation of a new Department. If the new Department is being created with intelligent management and flexibility on the part of the management, the civil servants will respond, certainly those at the Department of Transportation. They will respond with enthusiasm: At least we are moving forward in an area where we have been deficient in the past. Thank you for the opportunity for this new kind of service that the old paradigm would not allow.

They will be supportive of this. Maybe their union managers are fearful of what management might do, but get a competent manager in as the Secretary and have him or her choose competent people as the Assistant Secretaries and the other administrators, give them the flexibility to do the right management thing, and the civil servants will not feel attacked. They will not feel under siege. They will feel liberated and excited. And they will be part of the solution because if this Department is going to work in 3 years rather than 5, it has to have the support of the civil servants; it has to have the kind of partnership between the civil servants and the political leadership that America has seen happen so often in so many other places.

So I reject the notion that my call for management flexibility is somehow an attack on the civil servants or an attack on their unions. Instead, it is reaching out and saying: Join with us to make the best kind of Department we possibly can and, thus, create for you the best working environment you can ever be in in your Federal career. Be part of something truly exciting, something truly significant and historic, the creation of a new Department in the 21st century dealing with 21st century challenges that this country has not had to face in its past history.

But don't let us start out with a traditional 19th-century-style management-labor confrontation. Do not let us start out with: We have to protect our turf and everything we have now, and we have absolutely no confidence at all that the management will do anything but attack us.

Let's put all of that aside and say: What are we dealing with here? As I say, we are dealing with a 21st century challenge of the kind this country has not faced in its history. We are trying to reorganize the assets of the Government to meet this challenge in a cohesive, coherent, intelligent way.

Let us never lose sight of that objective and keep our eye on that ball as we write this legislation and as we adopt amendments on the floor.

One of the first amendments that will be offered will be one to give the Secretary, through the President, the kind of management flexibility I have been talking about. I intend to support that as strongly as I know how, for all of the reasons I have laid out here.

I hope my colleagues will join with me.

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

The PRESIDING OFFICER (Mr. DAYTON). Without objection, it is so ordered.

Mr. CLELAND. Mr. President, I would like to speak on behalf of the homeland security agency bill.

It is with humble appreciation of the gravity of the task now before us that I rise to advocate the creation of the Department of Homeland Security.

Today, almost a full year since the forces of hatred attacked the American homeland, we are poised to transform the Federal Government into a sharper, more versatile instrument of peace and security for all of our citizens. The people of America and their leaders here in Washington, in both Chambers of the Congress, on both sides of the aisle, and at both ends of Pennsylvania Avenue, are united on the substance of this issue.

All agree we cannot stand idly by as the enemies of freedom plot our destruction. All agree that the homeland security apparatus of the Government is at present ill equipped for its grave task. And all agree that we are called, therefore, to take decisive action to retrofit the Federal Government for the more effective performance of its greatest commission—the protection of its citizens.

Thomas Jefferson once said the real goal of government is the protection of life and not its destruction. When Senators LIEBERMAN and SPECTER introduced legislation establishing a Department of Homeland Security in May, I am proud to say I was one of four Senators to sign on as an original cosponsor.

Since that time, we all now know, the administration, followed by every Member of Congress, has joined us in this critical reform effort, so that we find ourselves standing now on the threshold of an historic bipartisan achievement. A few points of difference on the details do remain. I look forward to a full and healthy debate on these over the next few days. But by and large, we are headed in the same direction, toward the same ultimate destination—the protection of our Nation.

I have no doubt that we will get there together. As my good friend Congressman JOHN LEWIS said after September 11:

> We may have come to this country aboard different ships, but we are all in the same boat now.

How true that is.

Under Senator LIEBERMAN's leadership, the Governmental Affairs Committee, upon which I sit, has outlined in its bipartisan homeland security legislation a blueprint for a robust new

Department that hews closely in most key respects to that envisioned by the President. The committee's measure would construct the Department around the core missions already identified by the President: Critical infrastructure protection, border and transportation protection, emergency preparedness and response, and science and technology.

With few exceptions, the existing agencies transferred to the new Department under the administration's proposal are the same as those transferred by the committee's bill. Often where the committee has diverged from what the administration has done, as in the case of the transfer of the Federal Law Enforcement Training Center in Brunswick, GA, to the new Department, the change has been made in close consultation with, and with the approval of, the administration. In other cases, changes are merely a fleshing out of proposals and concepts previously set forth by the administration.

Among the latter are two amendments I offered during markup of this legislation that pertain to the Federal response to terrorism of a biological nature. The administration's proposal laid a strong foundation by recognizing that public health agencies, such as the Centers for Disease Control and Prevention, the CDC, in Atlanta are absolutely central to an effective response to biological terrorism and by further recognizing that prudence requires that scientists who focus on bioterrorism not be separated from the vast expertise and resources of the rest of the public health sector.

My amendments, which the committee adopted during the July markup, are efforts to use the lessons of last fall's anthrax crisis culled from hours of testimony before our Governmental Affairs Committee to build on the solid foundation the President and HHS Secretary Thompson have set.

The inadequacy of our bioterrorism preparedness and response capability was exposed in dramatic and painful fashion last fall. In reaction, the Governmental Affairs Committee, under the distinguished leadership of Chairman LIEBERMAN and Senator THOMPSON, held a series of hearings investigating the roots and potential remedies of that inadequacy.

At a hearing convened at my request on April 18 this year, Secretary of Health and Human Services Tommy Thompson, buttressed by a panel of experts who followed him, testified to the following unmet needs in our Federal counterbioterrorism efforts:

First, a reorganization of the CDC's Bioterrorism Preparedness and Response Program, much like on a smaller scale what we are now doing with the Federal Government at large.

Second, clearer protocols of communication and coordination between public health and law enforcement officials.

And third, a greater commitment of resources to the CDC.

These recommendations comprise the three-point approach for filling in the gaps in our national bioterrorism defenses that I have been advocating for some months now. I am pleased that two of these largely have been incorporated into the bill we are now considering.

With respect to the first, I proposed, and the committee adopted, an amendment to create in the CDC a Bioterrorism Preparedness and Response Division. Why a division, Mr. President? Because that division answers directly to the head of the CDC. It is an entity located at the intersection of science and security, of public health and law enforcement, empowered to respond with speed and with a firm grounding in the science of biological warfare to the infectious terror some might seek to unleash upon this great Nation. The CDC's existing Bioterrorism Preparedness and Response Program is a relatively new initiative at the agency, having been created only in 1999 with a handful of personnel, little status within the agency, and meager funding.

The program remains as a subsidiary of the National Center for Infectious Diseases, a sub-branch of a sub-branch. It should come as little surprise then that the many witnesses who testified before our committee about last fall's crisis depicted a Federal response that was fragmented, confused, and largely inadequate.

CDC officials, both within and without the bioterrorism program, responded commendably, but their ability to do so was clearly constrained by, among other factors, an organizational structure that led inadequate focus to the unique aspects of a manmade threat to the public health.

The Bioterrorism Preparedness and Response Division, as described in this chart, will remedy that. Operating directly out of the Office of the Director of the CDC, the division will lead and coordinate the agency's counterbioterrorism activities. It will train and employ a cadre of public health professionals whose specialized training and focus is on bioterrorism, and it will serve as a nexus, a meeting ground, between the realms of public health and security, including homeland security and law enforcement.

There is a real need in the Federal Government for expertise in the intersection of health and security. Terrorists, as a matter of fact, hit the seam. They went right between the two. Officials thinking exclusively along either law enforcement or public health lines, as is too often the case under the current structure, will inevitably overlook key bits of information that are not fully appreciable, except by individuals with expertise in both areas.

In the case of bioterrorism—the word itself a fusing of health, bio, and security, terrorism—appreciating such bits of information and drawing critical conclusions based on these are absolutely essential to an effective Federal response. The cadre of bioterrorism specialists developed by the Bioterrorism Preparedness and Response Division would be specially trained accordingly.

In addition, while the threat posed by bioterrorism bears a strong resemblance to that posed by conventional disease outbreaks, there are real substantive differences between a manmade disease outbreak—a la the anthrax attack through envelopes that were obviously mailed by a human being—and a naturally occurring one—West Nile virus, Ebola virus, and the like. Our health officials are highly trained to cope with the latter, but most lack a sophisticated appreciation of the different considerations that attend a manmade attack.

The upshot is when a recognition of these different divergences can make a difference between effective and ineffective emergency response. For example, while epidemiologists knew that contracting inhalation anthrax naturally required exposure to between 5,000 to 10,000 spores, they failed in the early stages of the crisis to consider the ways in which the deliberate weaponization of anthrax, with a substance such as silica, might alter the level of exposure required for lethality. Consequently, two Postal Service workers died.

They are not to be criticized. They are scientists, after all, not criminal investigators. However, had bioterrorism specialists with training in both medicine and criminal behavior been on the case last fall, their unique expertise might have led to conclusions that in the hands of decisionmakers might have made a difference in recommendations and courses of action.

In academia, there is a growing recognition that the study of bioterrorism, though it shares much with the fields of public health and counterterrorism, is a distinct discipline. To cite just a few leading examples in the world of academia, Mr. President, Johns Hopkins University has established the Center for Civilian Biodefense Strategies; St. Louis University's School of Public Health has a Center for the Study of Bioterrorism; and the University of Texas medical branch has established a Center for Biodefense.

This bill will create in the Bioterrorism Preparedness and Response Division of the CDC a career track for the bioterrorism specialist, a place for graduates of programs such as these to put to use their unique expertise in the service of their country.

The chart behind me describes the organization of the counterbioterrorism efforts of the Federal Government with the establishment of the Bioterrorism Preparedness and Response Division and a Department of Homeland Security, as under the bill we are considering.

The second part of my plan for improving our bioterrorism defenses is

contained in an amendment also adopted by the committee in the July markup that mandates that law enforcement, homeland security, and public health personnel keep each other fully and currently informed in the event of a bioterrorist attack.

One of the objectives of a Bioterrorism Preparedness and Response Division of the CDC is to coordinate, cooperate, and communicate with other elements of the Federal Government that are involved in a biological attack on this country—Department of Homeland Security, law enforcement, Department of Justice, FBI, the Department of Health and Human Services, and State and local public health entities, all of which are in this boat together, Mr. President.

It was too frequently the case last fall that the different agencies with a role in the Federal response failed to communicate and coordinate with one another often or adequately enough. The requirement of full disclosure that will help put an end to that is upon us, but a significant part of the same problem relates to confusion in current law. Executive branch documents delineating the roles of law enforcement and public health agencies vis-a-vis one another say one thing while Federal statutes, most notably section 319 of the Public Health Service Act, say another.

In an effort to address this inconsistency, this legislation we are considering includes my amendment to direct the Secretary of Homeland Security to develop a Federal response plan that accords fully with the statutory authorities granted to the Secretary of Health and Human Services under the Public Health Service Act.

By so doing, this bill will mitigate in future crises a good bit of the confusion that prevailed last time. As we debate this legislation, I will offer an additional amendment to provide further clarity with respect to the roles of public health, law enforcement, and homeland security in the event of a bioterrorist attack. This amendment will provide the Secretary of Health and Human Services with the authority and flexibility he needs to carry out the responsibilities of the public health sector in the Federal response to bioterrorism.

Specifically, the amendment provides that no Federal agency may supersede the authority of the public health agencies to respond to a public health emergency in whatever manner is appropriate and necessary.

Last fall, public health authorities were at times muzzled, overridden, and generally kept out of the loop by law enforcement agencies. Each was doing its own thing, so to speak. Therein lies the problem. The problem arises because public health and law enforcement agencies both have essential roles to play in the event of an attack of terrorism that is also a threat to the public health. These roles are distinct but sometimes overlap. While both are vital, in the event of a terrorist-caused public health emergency, the unique life-and-death ramifications of such an attack mandate, in my view, that public health experts take the lead role in investigating and treating the attack. The amendment I will offer would give public health officials the authority and flexibility they need to do just that.

The third point of my bioterrorism response plan calls for providing the public health agencies that will play the central role in preparing for and responding to bioterrorism with the resources they need to do the job. We have to put our money where our mouth is—in this case, our money where our mission is, and our mission is to defend this Nation.

I commend the administration for proposing an unprecedented $4.3 billion for HHS's bioterrorism initiative in the next fiscal year, a 45-percent increase over the current year's funding level. These funds are badly needed. However, within this considerable request there is significant oversight. The administration has proposed actually a reduction in funds for revitalizing and securing the CDC's dilapidated, World War II-era facilities in Atlanta by $186 million in the next fiscal year, a Draconian cut of nearly two-thirds. That does not comport with putting our money where our mission is of defending this Nation.

As the chart behind me demonstrates, since fiscal year 2000 when Congress first got on board with the CDC's master plan, the revitalization of its ramshackle facilities, the budget for building facilities and security has steadily increased each year. I have been proud to be part of this increase. This increase accompanied a recognition on the part of Congress, especially the Senate, and made more acute in the aftermath of the anthrax crisis, that if the CDC is able to protect us all against the new, more insidious threats to the public health we now face, the agency must be equipped with adequate modern facilities and its labs must be fortified against potential terrorist designs.

The needed funds will not, of course, be appropriated through the legislation we are considering today, but I urge my colleagues to keep in mind, when the Labor-HHS appropriations bill reaches the floor, that the steps we are taking to combat bioterrorism in this legislation will require an adequate commitment of resources if they are to be effective.

In summary, the public health-related provisions of the Governmental Affairs Committee bill that were added during the markup of this bill are, in my view, perfectly aligned with the administration's approach and goals. While they are not contained in the administration's original proposal, they are really extensions on concepts contained therein.

On a separate but related matter, however, I must respectfully disagree with the approach contained in both the committee's and the administration's proposals. The legislation before us would transfer the strategic national stockpile—that is the vaccines that are strategically placed around America in secret locations known as the strategic national stockpile—from the CDC, where it has been successfully operated since its creation in 1999, to the Department of Homeland Security. I have serious reservations about the proposed transfer. Accordingly, I am continuing to work on a bipartisan basis with the chairman and ranking member of the Appropriations Subcommittee on Labor, Health and Human Services, and Education, and Chairman LIEBERMAN, the administration, and others, on an attempt to preserve the role of the CDC in the operation of the stockpile.

The stockpile is collectively 12 secret stashes of vaccines, medicines, and other medical supplies placed in strategic locations around the country, deliverable in a few short hours to any location in the country should the need for massive quantities of emergency medicines arise. Decisions related to deploying the medicines in the stockpile, what medicines to administer, who should receive medicines, what medicines should be in the stockpile, are essentially medical questions. They should, as such, be made by public medical professionals based on public health considerations. This is the reason, in point of fact, that the stockpile was assigned to the CDC in the first place.

The committee's bill would transfer final authority over the stockpile to the new department while leaving some operational responsibility with the CDC. I am afraid we are borrowing from Peter to pay Paul. Leaving aside the problems inherently associated with separating operational responsibility from accountability, this approach, while retaining some stockpile functions with the CDC, would undermine the most important reason to have the CDC involved at all; that is, to bring to bear the necessary expertise in making final decisions regarding the use of the stockpile.

If there were a core public health competency in the new department that could supervise the stockpile, then the reasons cited by the proponents of the transfer—primarily a desire to consolidate all emergency response functions in the new department—might be sufficient to justify the move. However, the public health expertise of the Federal Government was, by and large—correctly, in my view—left where it currently resides because of the important synergies, the command, control, cooperation, and communication, that would be lost if certain public health professionals were to be segregated from their colleagues in other public health sectors.

There is, consequently, no core public health competency in the new department. There is no assistant secretary for health, as some have proposed.

An interest in the effective administration of the stockpile demands then that it remain in the hands of those who do have public health expertise. The CDC has handled the stockpile effectively to date, coordinating smoothly its deployment on September 11 and during the anthrax crisis with FEMA and other emergency responders.

We should follow the old dictum that if it ain't broke, don't fix it. Whatever the Senate's final decision on this matter, however, let me reiterate I am fully on board with the President and his team on homeland security. We are all in the same boat. We cannot, we will not, stand by idly while those who hate us plot our demise. The fundamental reorganization of our homeland security apparatus is the surest step we can take now to gird ourselves for the threats to come. With sober understanding of the moment of the task now at hand, let us complete this good work.

Above the pyramid on the Great Seal of the United States, in reference to the founding of our Nation, it says, in Latin, ''God has favored our undertaking.'' May He grant us now His favor again.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. It is my understanding that the matter before the Senate is the Smith amendment.

The PRESIDING OFFICER. The Senator is correct.

AMENDMENT NO. 4492 TO AMENDMENT NO. 4471

(Purpose: To amend title 49, United States Code to improve flight and cabin security on passenger aircraft)

Mr. REID. I send an amendment to the desk on behalf of Senators BOXER and SMITH.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for Mr. SMITH of New Hampshire, for himself, Mrs. BOXER, Mr. MURKOWSKI, Mr. BURNS, Mr. BUNNING, and Mr. MILLER, proposes an amendment numbered 4492 to amendment No. 4471.

Mr. REID. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

(The text of the amendment is printed in today's RECORD under ''Text of Amendments.'')

Mr. REID. Mr. President, before my friend from Georgia leaves—and I know the Senator from Vermont wishes to speak—I want to emphasize how important the Centers for Disease Control are to this country and to the world. I have traveled with the Senator from Georgia to the Centers for Disease Control and seen some of those old, dilapidated buildings, some of them built prior to World War II.

We should allow the Centers for Disease Control to have a space where they can work with some degree of quality. They are spread out all over the campus, and they need to be brought into one central location. That is what is being attempted.

I say to my friend, this entity was established many years ago to fight malaria in the southern part of the United States. After we whipped malaria, they had such a presence that we used them for a public health entity in this country. They have done remarkable work, and not only in America. I had the pleasure of traveling and representing this country on the continent of Africa during the August break. The Centers for Disease Control has spread throughout that continent. It is money that the taxpayers should be proud is being spent. Each day that goes by, because of the Centers for Disease Control, lives are being saved from mosquito-related problems and, of course, AIDS.

The Senator from Georgia has a tremendous responsibility to convey to the rest of the Senate the importance of the Centers for Disease Control and make sure they have adequate resources to do the job that is necessary to be done, especially post-September 11.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I rise today to express my concerns about a central component of the proposed Department of Homeland Security—the inclusion of the Federal Emergency Management Agency in the new department.

I understand that in the wake of the horrific events of September 11, we would look for ways to strengthen our Nation's defense to prevent any future catastrophe. I fully support that goal. But we must be cautious, very cautious, to make sure that we work to correct what went wrong and not interfere with what went right.

We know what went wrong, and I firmly hope that we, as a nation, will develop a comprehensive plan to address the shortcomings in our intelligence gathering and communication efforts. That, I believe, should be the prime goal of any new homeland defense effort.

What went right after September 11 was the response of the Federal Emergency Management Agency. In the days after the September 11 terrorist attacks I visited the Pentagon and World Trade Center. I saw firsthand how well FEMA responded to a horrific scene that all of the disaster drills and training exercises could not have prepared anyone for. I was incredibly impressed by what I saw. Thousands of workers from around the country came together to bring calm and order to an otherwise chaotic situation.

Of nearly 400 disasters that FEMA has responded to since the Oklahoma City bombing in 1995, only the attacks on the World Trade Center and the Pentagon were acts of terrorism. Through the coordination of FEMA's director, the agency demonstrated that it was capable of responding in such cases, and responding well.

Yet things have not always gone so smoothly with the Agency. We need only to look back to the 1980s, when FEMA's focus shifted to civil defense and left the Agency ill-prepared to respond to natural disasters. In 1985, after a tornado killed 65 people in Pennsylvania, FEMA's poor response prompted then-Congressman Tom Ridge to play a central role in efforts to refocus the Agency's mission on victims of natural disasters.

But it took time. After seeing the bungled responses to Hurricane Hugo in 1989 and Hurricane Andrew in 1992, my friend from South Carolina, Senator HOLLINGS summed up FEMA's performance by saying, ''A major hurricane is not one disaster, but two: The natural disaster of the hurricane itself, and the unnatural disaster of Federal efforts to aid the victims.''

Over the last decade, with help from Congress and new leadership, FEMA has worked hard to regain the trust of its constituents, especially those Americans affected by a major disaster. Now we must maintain FEMA's independence to ensure that an increased emphasis on terrorism will be in addition to, and not at the expense of, the Agency's natural hazard programs.

As it now stands, FEMA is a small, flexible agency with a director reporting directly to the President. This chain of command works well, but it would be lost if FEMA were moved into the Department of Homeland Security. Adding another layer of bureaucracy to the disaster declaration process can only slow vital response and recovery efforts.

Again, I firmly believe that it is critical to prepare America to respond to terrorist acts, but we must not lose sight of the fact that FEMA's primary focus is to respond to nature's fury. We know that fires, floods, tornadoes, earthquakes, and hurricanes will continue to cause injuries, deaths, and property damage every year.

Jeopardizing FEMA's abilities to deal with disasters is not the best way to secure our homeland.

As we move forward, we should be thoughtful and deliberate, and we should focus on fixing the failures and not tinkering with the successes.

Accordingly, at the appropriate time I will offer an amendment to remove the Federal Emergency Management Agency from the Department of Homeland Security. Preserving FEMA's independence is the best way to prepare our nation to respond to natural disasters and any future terrorist attacks we may face.

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. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. JEFFORDS). Without objection, it is so ordered.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent the Senate now proceed to a period of morning business with Senators allowed to speak therein for a period not to exceed 5 minutes each.

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

TOM BURNETT, JR.

Mr. WELLSTONE. Mr. President, I rise to pay tribute to an American hero, Tom Burnett, Jr., who was a beloved husband and father and adored son and a very able business leader. He was a person who would not and did not sit quietly as terrorists carried out their plan last year on September 11.

Along with my colleague, Senator DAYTON, and with our colleague JIM RAMSTAD on the House side, we introduced legislation to designate a U.S. Postal Service facility in Bloomington, MN, as the Thomas E. Burnett, Jr. Post Office Building.

This legislation today is passing the House, and my expectation is that by the end of the day this will also pass the Senate. I don't know that there would ever be any Senator would disagree with this.

Tom Burnett, Jr. grew up in Bloomington, MN, and he was aboard flight 93 on September 11 of last year. America owes Tom Burnett a deep debt of gratitude for his bravery on that day. It is possible that Members of the Congress, including myself, could very well owe him our own lives. We will never know for sure.

Tom is believed by investigators to have been among those passengers who kept the hijackers from crashing flight 93 into a national landmark, most likely the White House or the Capitol. That, of course, would have likely resulted in many more deaths than already occurred on that day, and instead, as we all know, flight 93 crashed into a Pennsylvania field. After listening to a tape from the flight's black box, law enforcement officials have described a desperate struggle aboard the plane.

As FBI Director Mueller said after being briefed on the contents of the tape:

> We believe that those passengers were absolute heroes, and their actions during this flight were heroic.

Tom Burnett, Jr. was 38 years old when he died. A 1986 graduate of Carlson School of Management at the University of Minnesota and a member of the Apha Cappa Psi Fraternity, he had shown selfless leadership before. When he was quarterback of Thomas Jefferson High School in Bloomington, Tom's inspired play led his team to a conference championship game in 1990. He was a successful business leader as chief operating officer for a medical device manufacturer in California.

We will never forget his ultimate sacrifice and the ultimate sacrifice of many other heroes as well on September 11. Our thoughts and prayers today are with Tom's family: His wife Deena, and their daughters, Madison, Halley, and Anna-Clair, three little daughters; his parents, Thomas, Sr. and Beverly—I had a chance to talk to Bev just the other day—and his sisters, Martha O'Brien and Mary Margaret Burnett.

Bloomington will be very proud to have this post office named for Tom Burnett, Jr. We are all very proud of this son of Minnesota.

Again, I thank Congressman RAMSTAD for his leadership in the House. I know this bill is going to pass the House today, and my expectation is that it will pass the Senate as well.

I thank again Senator LIEBERMAN for his help in expediting this and making this happen. I know for a fact this is really very important to Tom's family and to all of Minnesota.

CONFIRMATION OF TERRENCE F. McVERRY

Mr. SPECTER. Mr. President, I seek recognition today to express my strong approval of the Senate's confirmation of Mr. Terrence F. McVerry who President Bush nominated for the United States District Court for the Western District of Pennsylvania. The American Bar Association has rated Mr. McVerry ''unanimously well-qualified'' to sit on the bench.

Mr. McVerry received his B.A. degree from Duquesne University in 1962 and his J.D. from Duquesne University School of Law in 1968. After finishing law school, Mr. McVerry started his legal career in the Allegheny County District Attorney's Office. He prosecuted hundreds of bench and jury trials with a concentration on major felonies and homicides. After serving in the District Attorney's Office, he and two colleagues formed their own private practice. He went on to serve as a partner in several other prestigious Pittsburgh firms.

Mr. McVerry has also served as a member of Pennsylvania House of Representatives and as a member of the Pennsylvania Commission on Sentencing. He served his country by joining the United States Army Reserve and the Pennsylvania Air National Guard. Former Pennsylvania Governor Tom Ridge nominated him to fill a judicial vacancy on the Court of Common Pleas to Allegheny County.

Currently, he serves as a Soldier for Allegheny County, Pennsylvania, where he is the chief legal officer and director of a governmental law department comprised of 36 attorneys. In this capacity, he is responsible for the representation of all branches and departments of a county government that has approximately 7,000 employees and responsible for nearly 1.3 million inhabitants.

Pennsylvania is fortunate to have an extremely well-qualified nominee like Mr. McVerry. This success is due to the bipartisan nominating commission which Senator SANTORUM and I have established. This commission reviews all federal judicial candidates and recommends individuals to Senator SANTORUM and myself. We then recommend these individuals to the President.

I thank my colleagues for their confirmation of Mr. Terrence McVerry to sit on the United States District Court for the Western District of Pennsylvania.

H.R. 3009, THE ANDEAN TRADE PREFERENCE EXPANSION ACT

Mr. SARBANES. Mr. President, I rise to urge my colleagues to join me in opposition to the motion before us, on passage of the conference report on H.R. 3009, the Andean Trade Preference Expansion Act. During the Senate's consideration of this act, the bill's managers stripped H.R. 3009 of the language approved by the House and offered a substitute amendment comprising three measures reported by the Finance Committee. The first, H.R. 3009, is indeed the Andean Trade Preference Expansion Act. But the amendment added as well two other major trade-related bills. The second measure, H.R. 3005, would grant the President fast-track authority for certain proposed trade negotiations, and also, retroactively, for other negotiations already underway. And the third, S. 1209, would reauthorize the Trade Adjustment Assistance and NAFTA Transitional Adjustment Assistance programs. H.R. 3009 thereby became a legislative vehicle for linking together three independent measures, all trade-related to be sure but each with its own focus and provisions.

Let me say first that I am troubled by this procedural maneuvering. The three measures, each with far-reaching and very different ramifications, were considered independently of one another in committee. In my view they should have been considered separately on the floor of the Senate; each should have been amended and voted up or down on its own merits. Linked together, each measure became a hostage to the other two, a procedure which in my view ill served the American people.

I am particularly concerned by the linking of trade promotion authority with trade adjustment assistance. TAA addresses specific problems which Congress has defined. In contrast, trade promotion authority is very broad, potentially reaching into areas we cannot even identify. In fact the term is a euphemism. What we have before us is the procedure known more precisely and accurately as ''fast-track,'' a procedure that radically redefines and limits the authority granted to Congress in article II, section 8 of the Constitution ''to regulate commerce with foreign nations.''

It is easily forgotten that ''fast-track'' is a relatively new innovation

whose long-term consequences are as yet little understood. It dates back only to the Trade Act of 1974, and it lapsed in 1994. It differs fundamentally from the ''Proclamation Authority'' that Congress granted the President in the Reciprocal Trade Act of 1934, which gave the Executive power to set tariffs within limits and periods of time set by the Congress. Proclamation Authority did not grant to the President authority to negotiate trade agreements requiring changes in U.S. law, let alone limit the discretion of Congress to approve or reject such changes. In contrast, fast track authority does both. It greatly expands the latitude of the Executive to negotiate an agreement, while sharply restricting the latitude of the Congress to consider any implementing legislation that results from the negotiation. Fast track guarantees that the executive branch can write legislation implementing a trade agreement and have that legislation voted on, up or down, 90 days after it is submitted, with only 20 hours of debate and no opportunity for amendment. While vast change in U.S. law may be at stake, under fast-track procedures Congress becomes little more than a rubber stamp.

In no other area of U.S. international negotiation and agreement are arguments for fast track made. All major U.S. tax, arms control, territorial, defense and other treaties are still accomplished through established constitutional procedures, fully respecting the role of the Congress.

Proponents of fast track often argue that in the area of trade, however, the Executive will find it difficult if not impossible to negotiate agreements. This is certainly not the case. Fast-track procedures are relevant only to trade agreements that require Congress to make changes in existing U.S. law in order for the agreements to be implemented. Most trade agreements do not require legislative changes and are thus not subject to fast track consideration. Of the hundreds of agreements entered into between 1974–1994, when fast-track authority was in effect, only five have required fast track procedures: the GATT Tokyo Round of 1979, the United States-Israel Free Trade Agreement of 1985, the Canada-United States Free Trade Agreement of 1988; the North American Free Trade Agreement, NAFTA, of 1993, and the GATT Uruguay Round of 1994. In 1994, after just twenty years, fast track lapsed, and in 1997 the Congress declined to extend it. Yet since 1994 hundreds of trade agreements have been successfully negotiated and implemented.

For example, in 2000 the office of the Trade Representative identified the following agreements, negotiated without fast track, as having ''truly historic importance'': The Information Technology, IT, Agreement, under which 40 countries eliminated import duties and other charges on IT products representing more than 90 percent of the telecommunications market; the Financial Services Agreement, which has helped U.S. service suppliers expand commercial operations and find new market opportunities around the world; the Basic Telecommunications Agreement, which opened up 95 percent of the world telecommunications market to competition; and the Bilateral agreement on China's WTO accession, which opened the largest economy in the world to American products and services.

I could cite many other examples. During this period the Executive negotiated and then obtained Congressional approval of normalization of our trade relations with China, a new Caribbean Basin initiative bill, and the Africa Growth and Opportunity Act. Without any fast-track authority the previous administration negotiated major bilateral trade agreements with Jordan and Vietnam. The ground-breaking United States-Jordan agreement was submitted to and approved by Congress in January of last year. And although negotiated by the previous administration, the United States-Vietnam agreement was actually submitted to Congress by the current administration. It was approved in June of last year.

Furthermore, in the absence of fast-track authority the current administration has found it possible and prudent to carry forward the negotiations for bilateral free trade agreements with Chile and Singapore which were initiated by its predecessor. The case of Chile is particularly instructive. In 1994 Chile declined an invitation to join NAFTA, citing the Administration's failure to obtain fast track authority. Six years later, however, Chile reconsidered its position and in 2000 entered into negotiations on a United States-Chile bilateral agreement. Negotiations since then have continued more or less on a monthly basis, and in a report dated April 1, 2002 and titled ''Chile: Political and Economic Conditions and U.S. Relations'', the Congressional Research Service concluded that ''Chile's trade policies and practices indicate that it is willing and able to conclude and live up to a broad bilateral FTA with the U.S., suggesting that this could be a comparatively easy trade agreement for the U.S. to conclude.''

In 1997, I opposed the previous administration's request. It was my view then, as it is my view now, that the arguments for fast track have been vastly overstated—they simply ignore our continuing success in concluding agreements that open foreign markets to U.S. exporters and benefit U.S. consumers. Chile and Singapore offer a case in point. The absence of fast track has not prevented negotiations with either, yet this legislation would apply the procedure retroactively. It is not clear why this should be necessary.

Additionally, I want to remind my colleagues that in December of last year our colleagues in the House of Representatives approved H.R. 3005 by a single vote, 215–214. Writing in the Washington Post, David Broder called this a ''shaky victory on trade.'' He observed about that ''longtime supporters of liberal trade'' voted against fast track because ''trade agreements now go far beyond tariff reduction and involve tradeoffs on intellectual property rights, environmental standards, basic labor laws and other issues''—issues too important, in Broder's words, ''to delegate sweeping authority to any administration to negotiate them away.'' These are the concerns, he wrote, of ''people who are by no means protectionists.''

Indeed, these are the concerns of the American people, and it is for this reason that trade agreements affecting vital areas of social and economic policy should not be hurried through Congress using an expedited and restrictive procedure.

Finally, not only do I disapprove of this measure as passed by the Senate, but I am deeply troubled by two very significant changes made to the legislation in conference. Whereas the Senate bill provided that employees whose factories move overseas would automatically qualify for health insurance, job training, and unemployment benefits, under the compromise, only workers whose companies relocate to countries that have a preferential trade agreement with the U.S. would be covered. Other workers would have to undergo a qualifying procedure through which the USTR must determine that the move was linked to trade. Additionally, during the Senate's consideration of the trade bill, Senators DAYTON and CRAIG offered an amendment to the fast-track bill to allow Congress to consider provisions within trade agreements that weaken U.S. trade remedy laws. The amendment had the support of 61 Senators and was adopted by voice vote. Following passage of the trade bill, I joined many of my colleagues in urging the conferees to preserve the Dayton-Craig language. Under the compromise reached, however, this language was removed from the bill and replaced by non-binding language allowing members to simply express their objections to a particular trade provision. And as my colleagues are aware, over the weekend, our colleagues in the House approved the package that emerged from the conference by a margin of 215–212, a margin greater than that of last year's House vote by only two. It seems clear that the compromise before us is not a consensus on trade and I would urge my colleagues to oppose the conference report to H.R. 3009.

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 July 29, 2000 in Mahwah, NJ. A man attacked two gay men after leaving an apartment complex party. The assailant confronted the two partygoers in the apartment parking lot, made obscene remarks about their sexual orientation, and then punched and kicked them. One of the victims had to be treated at a local hospital.

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 ELEVENTH OF SEPTEMBER

Mr. KERRY. Mr. President, over the last year, Roger J. Robicheau, of Holbrook, MA, has taken the time to share with me many of his poems that were inspired by the events of September 11 and our country's efforts to heal the wounds of that day. His eloquence has captured the heroes who sacrificed so much for so many, has lifted my spirits throughout the year and has offered insightful perspective on that tragic day. I ask that his latest poem, ''The Eleventh of September,'' be printed in the RECORD so that my colleagues and my fellow Americans can share in his thoughts and prayers for our country.

THE ELEVENTH OF SEPTEMBER

We mourn their loss this day this year
Those now with God, no danger near

So many loved ones left do stand
Confronting loss throughout our land

My heart goes out to those who do
No one can fathom what they view

I firmly pray for peace of mind
Dear God please help each one to find

And to our soldiers now at war
God guide above, at sea, on shore

They are the best, I have no doubt
Our country's pride, complete, devout

The finest force you'll ever see
All freedom grown through liberty

One final thought comes clear to me
For what must live in infamy

Absolutely—We'll Remember
The Eleventh—of September

IN MEMORIAM: CAPTAIN CHARLES BURLINGAME, III

Mrs. BOXER. Mr. President, I would like to take this opportunity to share with the Senate the memory of one of my constituents, Captain Charles F. Burlingame, III, who lost his life on September 11, 2001. Captain Burlingame was 51 years old when the flight he was piloting, American Airlines Flight 77, was overtaken and hijacked by terrorists. As we all know, that plane crashed into the Pentagon, killing everyone on board.

Charles Burlingame was known as ''Chic'' his entire life by family and friends. He was born in St. Paul, MN, and grew up in Anaheim, CA. Chic was an Eagle Scout and played trumpet in his high school marching band. After graduating from Anaheim High School in 1967, President Lyndon Johnson appointed him to the United States Naval Academy in Annapolis, MD.

He continued developing his musical talents and played bugle in the Naval Academy Drum and Bugle Corps. After graduating from the Naval Academy in 1971, he attended Naval air training at Pensacola, FL and then enrolled at the advanced tactical school at Meridian, MS, and Corpus Christi, TX. He flew F–4 Phantom jets as a carrier-based pilot aboard the U.S.S. *Saratoga*.

In 1979 Captain Burlingame was honorably discharged from active duty and became a member of the Naval Reserves. During the Gulf War he served at the Pentagon under the Assistant Secretary of Defense and was awarded the Defense Superior Service Medal. Later, as a pilot for American Airlines he flew domestic and international flights.

At his eulogy, Navy Vice-Admiral Timothy Keating described Captain Burlingame as ''a gifted aviator who could make jets talk.'' Senator George Allen of Virginia eulogized him as a man who ''gave his last breath in a struggle against terrorism. He was a true American patriot who paid the ultimate sacrifice as one of our Nation's first warriors to perish in the war on terrorism.'' Perhaps Chic Burlingame's attitude toward life is best summed up by a statement he wrote in a classmate's high school yearbook when Chic was about to graduate, ''Remember, desire and hard work equal victory!'' Chic believed that one person really can make a difference.

Captain Burlingame is survived by his wife, Sheri G. Harris Burlingame, his daughter, Wendy D. Pattavina, his grandson, Jack Pattavina, step-sons John Harris and Chad Harris, brothers Mark M. Burlingame and Bradley M. Burlingame and sister Debra A. Burlingame.

None of us is untouched by the terror of September 11th, and many Californians were part of each tragic moment of that tragic day. Some were trapped in the World Trade Center towers. Some were at work in the Pentagon. And the fates of some were sealed as they boarded planes bound for San Francisco or Los Angeles.

I offer today this tribute to one of 51 Californians who perished on that awful morning. I want to assure the family of Charles Burlingame, and the families of all the victims, that their fathers and mothers, sons and daughters, aunts, uncles, brothers and sisters will not be forgotten.

LAUREN GRANDCOLAS: IN MEMORIAM

Mrs. BOXER. Mr. President, I would like to take this opportunity to share with the Senate the memory of one of my constituents, Lauren Grandcolas, of San Rafael, CA, who lost her life on September 11, 2001. Mrs. Grandcolas was a 38-year-old advertising sales consultant when the flight she was on, United Airlines Flight 93, was hijacked by terrorists. As we all know, that plane crashed in a Pennsylvania field, killing everyone on board.

Mrs. Grandcolas was born in Bloomington, IN and attended the University of Texas at Austin, where she met her husband, Jack Grandcolas. After graduation, she worked as a Marketing Director for a law firm and then for Price, Waterhouse, Coopers. At the time of her tragic death, Mrs. Grandcolas was working as an advertising sales consultant at Good Housekeeping Magazine and was researching and writing a non-fiction book to help women boost their self-esteem.

Lauren had enthusiasm and passion for life, loved the outdoors and was devoted to physical fitness. She hiked, jogged, kayaked, and enjoyed in-line skating around her neighborhood. Her energy was boundless and she took classes in cooking, gardening, scuba-diving and wine appreciation. Lauren was also active with United Way, March of Dimes, Project Open Hand, Juvenile Diabetes Foundation, Breast Cancer Awareness and Glide Memorial.

Her husband Jack recalls she had a heart the size of Texas. Knowing her flight had been hijacked, Lauren left her husband a message on their home answering machine and then loaned her cell phone to another passenger to call loved ones.

The joy Lauren felt pursuing new interests and developing new skills was being interwoven in the book she was writing for women. Jack recalls, ''She made a point to do things that were good for her, and she thought she could extend what she'd learned to help other adult women gain confidence. Her sister and I will fulfill her dream by completing the book.''

None of us is untouched by the terror of September 11th, and many Californians were part of each tragic moment of that tragic day. Some were trapped in the World Trade Center towers. Some were at work in the Pentagon. And the fates of some were sealed as they boarded planes bound for San Francisco or Los Angeles.

I offer today this tribute to one of the 51 Californians who perished on that awful morning. I want to assure the family of Lauren Grandcolas, and the families of all the victims, that their fathers and mothers, sons and daughters, aunts, uncles, brothers and sisters will not be forgotten.

YEAR OF THE BLUES RESOLUTION

Mrs. LINCOLN. Mr. President, as you may know, I introduced legislation (S. Res. 316) on August 1, 2002, designating the year beginning February 1, 2003, as the ''Year of the Blues'' and requesting that the President issue a proclamation calling on the people of the United

States to observe the ''Year of the Blues'' with appropriate ceremonies, activities, and educational programs. I am proud to be joined by Senators COCHRAN, THOMPSON, and FRIST.

It has been said that ''Blues is more than music; Blues is culture. Blues is America.'' As a native of Helena, Arkansas, I could not agree more. Growing up in the Delta, I often listened to the blues during the famous ''King Biscuit Time'' show on my hometown station, KFFA radio. The songs I heard often told stories of both celebration and triumph, as well as sorrow and struggle.

Although its roots are in the tradition of the primitive songs of the old Southern sharecroppers, the blues has left an important cultural legacy in our country and has documented African-American history in the last century. As the blues began to transform in style and content throughout the twentieth century, its evolution paralleled the migration of American life from a rural, agricultural society to an urban industrialized nation. The blues has also left an indelible impression on other forms of music with its influence heard in jazz, rock and roll, rhythm and blues, country, and even classical music. Despite these facts, though, many young people today do not understand the rich heritage of the blues or recognize its impact on our nation and our world.

That is why I am delighted to introduce this resolution and participate in the Year of the Blues project. Coordinated by The Blues Foundation and Experience Music Project, The Year of the Blues is a multi-faceted entertainment, education, and outreach program recently formed to both celebrate and create greater awareness for the blues and its place in the history and evolution of music and culture, both in the United States and around the world. The program is anchored by high profile events, and beginning next year, it will feature a wide array of participants, projects, and components designed to reach a large audience, as well as support blues oriented education and outreach programs, such as Blues in the Schools.

This project also takes on a special meaning for me because I am a ''daughter of the Delta,'' and my hometown of Helena has played a large role in the development of the blues. Today, Helena serves as a temporary blues Mecca each October when the three day King Biscuit Blues Festival takes place. And as I noted earlier, it is also the site of one of the longest running daily music shows, ''King Biscuit Time,'' which continues to air every weekday at 12:15 pm on KFFA radio from the Delta Cultural Center Visitors' Center. As long as I can remember, ''King Biscuit Time'' originally featured famous harmonica player Sonny Boy Williamson, guitarist Robert Junior Lockwood, and the King Biscuit Entertainers. When recently noting the uniqueness of the show, long-time host ''Sunshine'' Sonny Payne recalled that many of the songs played on ''King Biscuit Time'' originated during the live broadcasts, and in some cases, words to the songs were known to change day to day. After becoming involved with this project, I recently came across an article ''Pass the biscuits, cause it's King Biscuit Time . . . '' written by freelance writer Lex Gillespie. I believe this article provides an accurate account of the development of blues in the South.

I will ask unanimous consent it be printed in the RECORD following my statement.

So as you can see, Mr. President, the blues has been an important part of my life and the life of many others. It's a style of music that is, in its essence, truly American. But as we move into a new century and embrace new forms and styles of music, we must not allow today's youth to forget the legacy of our past. By teaching the blues, promoting the blues, and celebrating the blues, we can ensure that the rich culture and heritage of our forefathers will always live on. I urge my colleagues to support this resolution.

At this time I ask unanimous consent that the Gillespie article be printed in the RECORD.

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

''PASS THE BISCUITS, 'CAUSE IT'S KING BISCUIT TIME...''

(By Lex Gillespie)

Ever since it hit the airwaves one lunchtime fifty-six years ago this November, ''King Biscuit Time'' has profoundly influenced the development and popularity of the blues. As the oldest and longest-running blues program on the radio, it helped promote the careers of bluesmen who pioneered this musical style and later brought it from street corners and juke joints in the South to an international audience. And today, KFFA and Helena are even ''must see'' stops for Japanese and European tourists who want to learn about the cultural roots of the blues.

''First things first,'' recalls Sonny ''Sunshine'' Payne, the program's host for over eleven thousand broadcasts; King Biscuit Time started when guitarist Robert Junior Lockwood and harmonica player Sonny Boy Williamson were told they would have to get a sponsor to get on the air.'' That was 1941, when Payne was a teenager cleaning 78 rpm's and running errands at KFFA. ''They came to the station one day and I showed them in to station manager Sam Anderson . . . he sent them over to the Interstate Grocery Company and its owner Max Moore who had a flour called ''King Biscuit Flour . . .''

Lockwood and Williamson became the show's original King Biscuit Entertainers who advertised flour and corn mean in Helena and the surrounding Delta region; and after a lucky break, Sonny Payne took over as program host when the announcer lost his script while on the air. The program was a smash hit, thanks mostly to the playing and on-air presence of harp player Williamson. He became so popular that the sponsor named its product ''Sonny Boy Corn Meal'' and he was, and still is, pictured, smiling and with his harmonica, on a burlap sack of his own brand of meal.

Williamson was a musical pioneer in his own right. He was one of the first to make the harmonica the centerpiece in a blues band. His unique phrasings, compared by many to the human voice, influenced countless harp players.

His partner, Robert Junior Lockwood, stepson of the legendary Robert Johnson, also influenced this blues style. A fan of big band jazz, he incorporated jazzier elements into the blues, often playing the guitar with his fingers.

As years passed, the due expanded into a full band, including piano player ''Pine Top'' Perkins, Houston Stackhouse an ''Peck'' Curtis, and musicians who played on the show also advertised local appearances that gave them more work.

With the success of ''King Biscuit Time,'' Helena soon became a center for the blues. It was a key stopping off point for black musicians on the trip north to the barrooms and clubs of Chicago's South and West sides. Already, in the thirties, the town had seen the likes of pianist Memphis Slim and Helena native Roosevelt Sykes, as well as guitarists Howlin' Wolf, Honeyboy Edwards, and Elmore James. And when the program went on the air, it helped shape the early careers of many an aspiring musician. ''Little Walter'' Jacobs and Jimmy Rogers, who later played with Muddy Waters, came to live and learn in Helena in the mid-1940's. Muddy Waters also brought his band to Helena to play on KFFA and in bars in the area. Teenager Ike Turner first heard the blues on KFFA around that time, and King Biscuit pianist ''Pine Top'' Perkins gave him lessons in his trademark boogie woogie style.

The program also influenced other stations to put the blues on the radio. Its initial popularity convinced advertisers that the blues and commercial potential. 'It was a major breakthrough,'' explains folklorist Bill Ferris, director of the Center for the Study of Southern Culture at Ole Miss; ''King Biscuit Time was a discovery of an audience and a market...that hitherto radio had not really understood.'' Across the Mississippi River from Helena, radio station WROX put the South's first black deejay, Early Wright, on the air spinning blues and gospel records in 1947. Upriver in Memphis, station WDIA the next year became the first southern station with an all-black staff, including a young musician named Riley ''B.B.'' King, who got an early break as a deejay. And in Nashville in the late forties, station WLAC reached nearly half the country with its late-night blues and R&B shows. All of these programs and stations owe an enormous debt to ''King Biscuit Time.''

And today, the legacy of the show continues, with blues programs heard on radio stations across the U.S., the recording of the many ''King Biscuit Entertainers,'' and the yearly King Biscuit festival in Helena celebrating the city's cultural heritage and significant role in developing and promoting the blues.

ADDITIONAL STATEMENTS

CONGRATULATING GLAXOSMITHKLINE

• Mr. SANTORUM. Mr. President, I would like to congratulate GlaxoSmithKline, GSK, on achieving an important milestone in its work to eliminate lymphatic filariasis, LF. Last month, the pharmaceutical company produced the one hundred-millionth tablet of its drug albendazole for donation to LF patients, marking a significant step toward eradicating this devastating disease.

Lymphatic filariasis, commonly known as elephantiasis, is a disabling and disfiguring tropical disease caused by thread-like worms that live in the human lymphatic system. It mainly affects people in the tropical and subtropical areas of Africa, Asia, and the Americas. Approximately 120 million people are affected by LF, with more than one billion people at risk of infection.

In 1998, GlaxoSmithKline and the World Health Organization formed the Global Alliance to Eliminate LF. The goals of the Alliance are to interrupt transmission of LF, country by country, until LF has been eliminated as a public health problem. GSK supports the Alliance by donating its antiparasitic drug albendazole and by helping with initiatives for coalition-building, planning, training, and communications.

LF is one of the world's leading causes of disability, affecting people in nearly 80 countries. The estimated economic loss through disability, illness, and missed work days is in the billions of dollars each year. By breaking the cycle of infection between mosquitoes and humans, the administration of albendazole is an important component of sparing the next generation from the deforming manifestations of LF.

GlaxoSmithKline maintains its U.S. headquarters in Philadelphia, and I am proud to represent the company's 6,000 Pennsylvania employees searching for cures and treatments to improve the lives of citizens worldwide. I commend GSK for its dedication to the eradication of lymphatic filariasis and wish the company success in fulfilling its commitment to produce and donate 6 billion albendazole tablets to this end.●

CONGRATULATIONS TO THE PEDIATRIC CONVALESCENT CENTER

● Mr. BUNNING. Mr. President, today I honor and congratulate the Home of the Innoncents Pediatric Convalescent Center, PCC, in Louisville, KY. The PCC was recently recognized with the 2002 National Organization on Disability Award from the American Association of Homes and Services for the Aging, AAHSA. AAHSA is a national association representing mission-driven, not-for-profit health care and senior housing providers.

The PCC is truly a unique and special place for disabled children throughout the Commonwealth of Kentucky. In fact, according to the PCC, the center is Kentucky's only center of excellence for children's long-term nursing needs.

The PCC has served residents from 81 of the 120 counties in the Commonwealth of Kentucky as well as from the neighboring states of Indiana, Ohio, and Tennessee.

The PCC not only provides patients with medical care, but also offers their children an array of educational, social, and physical opportunities. The staff, ranging from speech therapists to dietitians, works around the clock, 365 days a year to ensure that children's needs are tended to on a daily basis. They deserve special recognition for their hard work, indomitable spirit and pro-active approach to pediatric health care.

I ask that my fellow Senators join me in honoring all involved with the Pediatric Convalescent Center. President Bush named September a month of Service and the PCC embodies this credo. Special children need special care. At PCC, special is the only kind of care people know.●

HONORING DR. FRANK P. LLOYD SR.

● Mr. BAYH. Mr. President, today I honor the life of a fellow Hoosier, physician, civic leader and distinguished businessman, Dr. Frank P. Lloyd Sr., who passed away on August 27, 2002.

As those who knew Dr. Lloyd would attest, his strong commitment to the city of Indianapolis was reflected in his successful and distinguished career. Mr. Sam H. Jones, president of the Indianapolis Urban League referred to him as ''a giant among men, not just African-American men, but a giant among men, period.'' State Representative William Crawford called Dr. Lloyd ''a Renaissance Man who always provided an inspirational voice.'' And U.S. Congresswoman JULIA CARSON, who knew Dr. Lloyd for nearly 40 years, referred to her dear friend as ''a man who went around doing so many beautiful and positive things in such a quiet way.''

Dr. Lloyd worked for Methodist Hospital for 25 years, beginning as director of medical research and retiring as president. During his time at Methodist, the hospital became the first non-university hospital in the Nation to offer heart transplants and one of the very few to be approved for Jarvik-7 artificial heart implantation. He taught at Indiana University, Purdue University, and Howard University in Washington, D.C., where he authored several medical textbooks.

Without question, Dr. Lloyd was and will always be regarded as one of Indianapolis's most influential and dedicated civic leaders. He was the catalyst in various accomplishments, such as the creation of the White River State Park, the Indiana Sports Corporation and the Indianapolis Circle City Classic. His ability to build bridges between corporate America and the community were without equal.

Dr. Lloyd founded the former Midwest National Bank, where he was the Chairman of the Board and CEO. He was also the Chairman of the Midwest National Corporation and majority owner for a time of a local Indianapolis radio station, WTLC–FM.

In addition to his corporate success, Dr. Lloyd served on the boards of various civic and charitable organizations, including the Center for Legislative Improvement, Indiana Bell Telephone Co., Goodwill Industries Foundation of Central Indiana, Inc., United Way of Greater Indianapolis, CTS and the Urban League of Indianapolis.

Dr. Lloyd is survived by his children, Shelley Lloyd Hankinson, Dr. Frank P. Lloyd Jr., Dr. Riley P. Lloyd, and Karen Ann Lloyd Jenkins; a sister, Annie Jackson; and seven grandchildren. Dr. Frank P. Lloyd was a true leader and humanitarian that the city of Indianapolis, the State or Indiana, and the Nation will miss tremendously.

I commend the late Dr. Frank P. Lloyd Sr. for his lifelong service to our Nation.●

CONGRATULATIONS TO AIR FORCE SPACE COMMAND

● Mr. ALLARD. Mr. President, I wish to recognize the outstanding accomplishments of the men and women of Air Force Space Command, which celebrates the 20th anniversary of their creation this week. On September 1, 1982, the Air Force formally activated Space Command. This single event would forever change the way the United States fights and wins its wars.

Space Command originated as an operational command standing shoulder-to-shoulder with other Air Force operational commands such as the historic Strategic Air Command. Although the command was young, the visionary men and women of Space Command quickly stepped up to their immense task. These pioneers looked to the future and recognized the vast potential space-based systems could provide our nation.

In the two decades since Space Command was created, the Air Force's space programs have come a long way. In 1983, Space Command was given the responsibility for operating the Air Force's world wide network of surveillance and missile warning sensors. Also in the 1980's Space Command was given responsibility for command and control of its first two satellite constellations, the Defense Meteorological Satellite Program and the Defense Support Program. These satellite programs continue to be a crucial element of the nation's warfighting capability. The early nineties saw Air Force Space Command also take responsibility of all operational space lift vehicles, followed by the Minuteman and Peacekeeper ICBMs.

In the years leading up to Desert Storm, Air Force Space Command continued to expand its capabilities and enhance our Nation's warfighting forces. Desert Storm provided us the first glimpses of how space-based capabilities can transform the way we fight wars. The Defense Meteorological Satellite Program enabled planners to avoid adverse weather conditions and allowed General Schwarzkopf to successfully execute his now famous ''Hail Mary'' attack against the Iraqis by showing him where his tanks could effectively maneuver. The Defense Support Program was invaluable in providing early warning of SCUD

launches. And the effectiveness of our bombing was just starting to see the improvements enabled by the Global Positioning System. On the first night of the war, Conventional Air-Launched Cruise Missiles descended on Baghdad with deadly accuracy after using Global Positioning System to update their own internal navigation.

Desert Storm gave us a preview of space-based capabilities, and in the years that followed the innovative men and women of Air Force Space Command continued to refine these capabilities and experiment with the best way to employ them. Operation Enduring Freedom showed the fruits of their hard effort. Communications and GPS satellites enabled the tremendous feat of a B–52 providing close air support to a soldier on the ground within minutes of the soldier calling in a target.

Today Air Force Space Command is a unique command within the Air Force, responsible for both acquisition and operation of Air Force satellite systems, launch vehicles, and missiles with over 30,000 people stationed around the globe. The role of Air Force Space Command is continuing to grow as they develop even more sophisticated systems such as SBIRS, the Space Based Radar, and advanced communication satellites, while expanding into areas such as space control. I congratulate Air Force Space Command on a very successful 20 years and wish them the very best for the next twenty.●

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 appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT CONCERNING THE JUSTIFICATION OF THE AUSTRALIA GROUP AND THE CONVENTION ON THE PROHIBITION OF THE DEVELOPMENT, PRODUCTION, STOCKPILING AND USE OF CHEMICAL WEAPONS AND ON THEIR DESTRUCTION—PM 106

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Foreign Relations:

To the Congress of the United States:

Consistent with the resolution of advice and consent to ratification of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, adopted by the Senate of the United States on April 24, 1997, I hereby certify pursuant to Condition 7(C)(i), Effectiveness of the Australia Group, that:

Australia Group members continue to maintain equally effective or more comprehensive controls over the export of: toxic chemicals and their precursors; dual-use processing equipment; human, animal, and plant pathogens and toxins with potential biological weapons applications; and dual-use biological equipment, as that afforded by the Australia Group as of April 25, 1997; and

The Australia Group remains a viable mechanism for limiting the spread of chemical and biological weapons-related materials and technology, and the effectiveness of the Australia Group has not been undermined by changes in membership, lack of compliance with common export controls and nonproliferation measures, or the weakening of common controls and nonproliferation measures, in force as of April 25, 1997.

The factors underlying this certification are described in the enclosed statement of justification.

GEORGE W. BUSH.

THE WHITE HOUSE, *September 4, 2002*.

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–8460. A communication from the Acting Deputy General Counsel, Office of Hearings and Appeals, Small Business Administration, transmitting, pursuant to law, the report of a rule entitled ''Small Business Size Regulation; 8(a) Business Development/Small Disadvantaged Business Status Determinations; Rule of Procedure Governing Cases before the Office of Hearings and Appeals'' (RIN3245–AE71) received on August 15, 2002; to the Committee on Small Business and Entrepreneurship.

EC–8461. A communication from the Administrator of the Environmental Protection Agency, transmitting, pursuant to law, a report on the implementation of the Waste Isolation Pilot Plant Land Withdrawal Act for Fiscal Year 2000; to the Committee on Energy and Natural Resources.

EC–8462. A communication from the Director, Regulations and Forms Service Division, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, the report of a rule entitled ''Registration and Monitoring of Certain Nonimmigrants'' (RIN1115–AG70) received on August 12, 2002; to the Committee on the Judiciary.

EC–8463. A communication from the Director, Regulations and Forms Service Division, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, the report of a rule entitled ''Allowing in Certain Circumstances for the Filing of Form I–140 Visa Petition Concurrently with a Form I–485 Application'' (RIN1115–AG00) received on August 1, 2002; to the Committee on the Judiciary.

EC–8464. A communication from the Director, Federal Judicial Center, transmitting, pursuant to law, the Federal Judicial Center's Annual Report for calendar year 2001; to the Committee on the Judiciary.

EC–8465. A communication from the Deputy General Counsel, Veterans Benefits Administration, Department of Veterans' Affairs, transmitting, pursuant to law, the report of a rule entitled ''Monetary Allowance for Certain Children of Vietnam Veterans; Identification of Covered Birth Defects'' (RIN2900–AK67) received on August 15, 2002; to the Committee on Veterans' Affairs.

EC–8466. A communication from the Deputy General Counsel, Veterans Benefits Administration, Department of Veterans' Affairs, transmitting, pursuant to law, the report of a rule entitled ''Schedule for Rating Disabilities; The Skin'' (RIN2900–AF00) received on August 15, 2002; to the Committee on Veterans' Affairs.

EC–8467. A communication from the Deputy General Counsel, Veterans Benefits Administration, Department of Veterans' Affairs, transmitting, pursuant to law, the report of a rule entitled ''Duty Periods; Inactive Duty for Training'' (RIN2900–AL21) received on August 15, 2002; to the Committee on Veterans' Affairs.

EC–8468. A communication from the Acting Director, Office of Regulatory Law, Veterans Benefits Administration, Department of Veterans' Affairs, transmitting, pursuant to law, the report of a rule entitled ''Ankylosis and Limitatin of Motion of Digits of the Hands'' (RIN2900–AI44) received on August 15, 2002; to the Committee on Veterans' Affairs.

EC–8469. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Advisory Committee; Change of Name and Function; Technical Amendment'' received on August 15, 2002; to the Committee on Health, Education, Labor, and Pensions.

EC–8470. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Food Additives Permitted in Feed and Drinking Water of Animals; Selenium Yeast'' received on August 15, 2002; to the Committee on Health, Education, Labor, and Pensions.

EC–8471. A communication from the Acting Assistant General Counsel for Regulations, Office of the General Counsel, Office of Special Education and Rehabilitative Services, Department of Education, transmitting, pursuant to law, the report of a rule entitled ''State Improvement Grant Program'' received on August 19, 2002; to the Committee on Health, Education, Labor, and Pensions.

EC–8472. A communication from the Acting Assistant General Counsel for Regulations, Office of the General Counsel, Office of Vocational and Adult Education, Department of Education, transmitting, pursuant to law, the report of a rule entitled ''Career Resource Network State Grants: Notice of Extension of Project Period and Waiver, and Reopening of Competition for American Samoa'' received on August 19, 2002; to the Committee on Health, Education, Labor, and Pensions.

EC–8473. A communication from the Acting Assistant General Counsel for Regulations, Office of the General Counsel, Office of Vocational and Adult Education, Department of Education, transmitting, pursuant to law, the report of a rule entitled ''Tribally Controlled Postsecondary Vocational and Technical Institutions Program: Notice of Extension of Project Period and Waiver'' received

on August 12, 2002; to the Committee on Health, Education, Labor, and Pensions.

EC–8474. A communication from the Acting Assistant General Counsel for Regulations, Office of the General Counsel, Office of Special Education and Rehabilitative Services, Department of Education, transmitting, pursuant to law, the report of a rule entitled ''Disability in Rural Communities under the Rehabilitation Research and Training Center Program (RRTC) for the National Institute on Disability and Rehabilitation Research (NIDRR)'' received on August 19, 2002; to the Committee on Health, Education, Labor, and Pensions.

EC–8475. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medical Devices; Apnea Monitor; Special Controls'' (Doc. No. 00N–1457) received on August 15, 2002; to the Committee on Health, Education, Labor, and Pensions.

EC–8476. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Food Additives Permitted for Direct Addition to Food for Human Consumption; Neotame'' (Doc. Nos. 98F–0052 and 99F–0187) received on August 15, 2002; to the Committee on Health, Education, Labor, and Pensions.

EC–8477. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medical Devices, Reclassification of Polymethyl methacrylate (PMMA) Bone Cement'' (Doc. No. 02P–0294) received on August 15, 2002; to the Committee on Health, Education, Labor, and Pensions.

EC–8478. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a rule entitled ''Visas: Documentation of Immigrants—Visa Classification Symbols'' (22 CFR Part 42) received on August 12, 2002; to the Committee on Foreign Relations.

EC–8479. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, a series of papers which address a range of issues affecting the United States' bilateral relationship with Cuba; to the Committee on Foreign Relations.

EC–8480. A communication from the Secretary of State, transmitting , pursuant to law, the annual report for 2001 on voting practices at the United Nations; to the Committee on Foreign Relations.

EC–8481. A communication from the Assistant Legal Advisor 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–8482. A communication from the Administrator, National Nuclear Security Administration, Department of Energy, transmitting, pursuant to law, the annual report regarding calendar year 2001 sales to designated Tier III countries of computers capable of operating per second (MTOPS) by companies that participated in the Accelerated Strategic Computing Initiative Program of the Department of Energy; to the Committee on Armed Services.

EC–8483. A communication from the Director, Strategic and Tactical Systems, Office of the Under Secretary of Defense, Acquisition, Technology and Logistics, transmitting, pursuant to law, the report on the intent to fund Fiscal Year 2003 Foreign Comparative Testing projects; to the Committee on Armed Services.

EC–8484. A communication from the Under Secretary of Defense, Acquisition, Technology and Logistics, transmitting, pursuant to law, the report of a certification relative to realistic survivability and lethality testing of the OHIO Class Guided Missile Nuclear Submarine (SSGN) would be unreasonable expensive and impractical; to the Committee on Armed Services.

EC–8485. A communication from the Under Secretary of Defense, Acquisition, Technology and Logistics, transmitting, pursuant to law, five Selected Acquisition Reports (SARs) for the quarter ending June 30, 2002; to the Committee on Armed Services.

EC–8486. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, the report of a retirement; to the Committee on Armed Services.

EC–8487. A communication from the Director, Defense Procurement, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Reporting Requirements Update'' (DFARS Case 2002–D010) received on August 15, 2002; to the Committee on Armed Services.

EC–8488. A communication from the Director, Defense Procurement, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Trade Agreements Thresholds—Construction'' (DFARS Case 2002–D011) received on August 27, 2002; to the Committee on Armed Services.

EC–8489. A communication from the Director, Defense Procurement, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Partnership Agreement Between DoD and the Small Business Administration'' (DFARS Case 2001–D016) received on August 27, 2002; to the Committee on Armed Services.

EC–8490. A communication from the Director, Defense Procurement, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Weighted Guidelines Form'' (DFARS Case 2002–D012) received on August 27, 2002; to the Committee on Armed Services.

EC–8491. A communication from the Director, Defense Procurement, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Institutions of Higher Education'' (DFARS Case 99–D303) received on August 27, 2002; to the Committee on Armed Services.

EC–8492. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, a report on international assistance for the elimination of Russia's chemical weapons; to the Committee on Armed Services.

EC–8493. A communication from the Under Secretary of Defense, Acquisition, Technology and Logistics, transmitting, pursuant to law, a report on Restructuring Costs Associated with Business Combinations for calendar year 2001; to the Committee on Armed Services.

EC–8494. A communication from the Assistant Secretary of Defense, Force Management Policy, transmitting, pursuant to law, the revised closure date for the commissary at Point Mugu, California; to the Committee on Armed Services.

EC–8495. A communication from the Director, Defense Procurement, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Restriction on Acquisition of Vessel Propellers'' (DFARS Case 2002–D006) received on August 27, 2002; to the Committee on Armed Services.

EC–8496. A communication from the Special Counsel, United States of America, transmitting, pursuant to law, the Annual Report from the Office of Special Counsel for Fiscal Year 2001; to the Committee on Governmental Affairs.

EC–8497. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled ''Prevailing Systems; Definition of Santa Clara, CA, Nonappropriated Fund Wage Area'' (RIN3206–AJ61) received on August 15, 2002; to the Committee on Governmental Affairs.

EC–8498. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled ''Eastern Market Management and Oversight Needs Substantial Improvement''; to the Committee on Governmental Affairs.

EC–8499. A communication from the General Counsel, Federal Retirement Thrift Investment Board, transmitting, pursuant to law, the report of a rule entitled ''Correction of Administrative Errors; Expanded and Continuing Eligibility; Death Benefits; Loan Program'' received on August 15, 2002; to the Committee on Governmental Affairs.

EC–8500. A communication from the Program Manager, Employee Benefits Program, Human Resources Support Branch, Department of the Navy, transmitting, pursuant to law, the annual report for 2001 of the Retirement Plan for Civilian Employees of the United States Marine Corps Community Service, Personal and Family Readiness Division, and Miscellaneous Nonappropriated Fund Instrumentalities; to the Committee on Governmental Affairs.

EC–8501. A communication from the Chair, Equal Employment Opportunity Commission, transmitting, pursuant to law, the Final Fiscal Year 2002 Annual Performance Plan and the Fiscal Year 2003 Annual Performance Plan for Equal Employment Opportunity Commission; to the Committee on Governmental Affairs.

EC–8502. A communication from the Chief Financial Officer and Plan Administrator, First South Retirement Committee, transmitting, pursuant to law, the First South Agricultural Credit Associate Retirement Plan for December 31, 2001; to the Committee on Governmental Affairs.

EC–8503. A communication from the Employee Benefits Manager, Ag First Farm Credit Bank, transmitting, pursuant to law, the Annual Reports of Federal Pension Plans for calendar year 2001; to the Committee on Governmental Affairs.

EC–8504. A communication from the Administrator, General Service Administration, transmitting, pursuant to law, the Annual Performance Plan for Fiscal Year 2003; to the Committee on Governmental Affairs.

EC–8505. A communication from the Deputy Secretary of Defense, transmitting, the semiannual report of the Office of the Inspector General for the period October 1, 2001 through March 31, 2002 along with the classified Annex to the Semiannual Report on Intelligence-Related Oversight; to the Committee on Governmental Affairs.

EC–8506. A communication from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting, pursuant to law, the semiannual report of the Office of the Inspector General for the period October 1, 2001 through March 31, 2002; to the Committee on Governmental Affairs.

EC–8507. A communication from the Director, Benefit Design and Compliance, AgriBank, transmitting, pursuant to law, the annual reports disclosing financial condition of the Retirement Plans for the Employees of the Seventh Farm Credit District, Eleventh Farm Credit District, and AgAmerica Farm Credit District; to the Committee on Governmental Affairs.

EC–8508. A communication from the Congressional Review Coordinator, Animal and

Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Citrus Canker; Removal of Quarantined Area'' (Doc. No. 02–018–2) received on August 12, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8509. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Microchip Implants as an Official Form of Identification for Pet Birds'' (Doc. No. 01–023–2) received on August 12, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8510. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Citrus Canker; Removal of Quarantined Area'' (Doc. No. 02–029–2) received on August 12, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8511. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Agricultural Bioterrorism Protection Act of 2002; Listing of Biological Agents and Toxins and Requirements and Procedures for Notification of Possession'' (Doc. No. 02–082–1) received on August 12, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8512. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Chlorsulfron; Pesticide Tolerance'' (FRL7192–9) received on August 12, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8513. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Diflufenzopy; Pesticide Tolerance'' (FRL7195–8) received on August 12, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8514. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Fosetyl-A1; Pesticide Tolerances'' (FRL7195–1) received on August 12, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8515. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Imazethapyr: Pesticide Tolerance'' (FRL7193–4) received on August 12, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8516. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Pyriproxyfen; Pesticide Tolerance'' (FRL7195–7) received on August 12, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8517. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Sulfentrazone; Pesticide Tolerances for Emergency Exemptions'' (FRL7191–5) received on August 12, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8518. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Imidacloprid; Re-Establishment of Tolerance for Emergency Exemptions'' (FRL7188–4) received on August 12, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8519. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''2-Propenoic acid, 2-methyl-, polymer with ethyl 1 2-propenoate and methyl 2-methyl-2propenoate, ammonium salt; Tolerance Exemption'' (FRL7188–3) received on August 12, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8520. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Dichlormid; Extension of Time-Limited Pesticide Tolerance'' (FRL7192–5) received on August 12, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8521. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Methyl Anthranilate; Exemption from the Requirement of a Tolerance'' (FRL7189–7) received on August 12, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8522. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Metsulfuron Methyl; Pesticide Tolerance'' (FRL7189–2) received on August 12, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8523. A communication from the Administrator, Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Tart Cherries: Order Amending Marketing Agreement and Order No. 930'' (FV00–930–1) received on September 3, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8524. A communication from the Administrator, Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Dried Prunes Produced in California: Undersized Regulation for the 2002–03 Crop Year'' (FV02–933–1FR) received on September 3, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8525. A communication from the Administrator, Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''General Specifications for Dairy Plants Approved for USDA Inspection and Grading'' (Doc. No. DA–99–04) received on September 3, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

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. FRIST (for himself and Mr. ROBERTS):

S. 2902. A bill to promote mathematics and science education through a mathematics and science partnership and through the establishment of a grant program to increase student academic achievement in mathematics and science, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BUNNING (for himself and Mr. MCCONNELL):

S. Res. 320. A resolution honoring the Valley Sports American Little League baseball team from Louisville, Kentucky for winning the 2002 Little League Baseball World Series; considered and agreed to.

By Mr. CAMPBELL (for himself, Mr. DORGAN, Mr. MURKOWSKI, Mr. DOMENICI, Mr. BINGAMAN, Mr. CONRAD, and Ms. STABENOW):

S. Res. 321. A resolution commemorating the 30th Anniversary of the Founding of the American Indian Higher Education Consortium (AIHEC); to the Committee on Indian Affairs.

ADDITIONAL COSPONSORS

S. 554

At the request of Mrs. MURRAY, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 554, a bill to amend title XVIII of the Social Security Act to expand medicare coverage of certain self-injected biologicals.

S. 761

At the request of Mr. BAUCUS, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 761, a bill to provide loans for the improvement of telecommunications services on Indian reservations.

S. 1132

At the request of Mr. CRAPO, the name of the Senator from Arkansas (Mr. HUTCHINSON) was added as a cosponsor of S. 1132, a bill to amend the Federal Food, Drug, and Cosmetic Act relating to the distribution chain of prescription drugs.

S. 1226

At the request of Mr. CAMPBELL, the name of the Senator from Georgia (Mr. CLELAND) 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. 1248

At the request of Mr. KERRY, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 1248, a bill to establish a National Housing Trust Fund in the Treasury of the United States to provide for the development of decent, safe, and affordable, housing for low-income families, and for other purposes.

S. 1298

At the request of Mr. HARKIN, the names of the Senator from Minnesota (Mr. WELLSTONE) and the Senator from Minnesota (Mr. DAYTON) were added as cosponsors of S. 1298, a bill to amend title XIX of the Social Security Act to provide individuals with disabilities and older Americans with equal access to community-based attendant services and supports, and for other purposes.

S. 1377

At the request of Mr. SMITH of Oregon, the name of the Senator from

Oklahoma (Mr. NICKLES) was added as a cosponsor of S. 1377, a bill to require the Attorney General to establish an office in the Department of Justice to monitor acts of inter-national terrorism alleged to have been committed by Palestinian individuals or individuals acting on behalf of Palestinian organizations and to carry out certain other related activities.

S. 1434

At the request of Mr. SPECTER, the name of the Senator from North Carolina (Mr. EDWARDS) was added as a cosponsor of S. 1434, a bill to authorize the President to award posthumously the Congressional Gold Medal to the passengers and crew of United Airlines flight 93 in the aftermath of the terrorist attack on the United States on September 11, 2001.

S. 1602

At the request of Mr. CORZINE, the name of the Senator from New Jersey (Mr. TORRICELLI) was added as a cosponsor of S. 1602, a bill to help protect the public against the threat of chemical attack.

S. 2049

At the request of Mr. DEWINE, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 2049, a bill to amend the Federal Food, Drug and Cosmetic Act to include a 12 month notification period before discontinuing a biological product, and for other purposes.

S. 2136

At the request of Mr. SPECTER, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 2136, a bill to establish a memorial in the State of Pennsylvania to honor the passengers and crewmembers of Flight 93 who, on September 11, 2001, gave their lives to prevent a planned attack on the Capitol of the United States.

S. 2425

At the request of Mr. BAYH, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 2425, a bill to prohibit United States assistance and commercial arms exports to countries and entities supporting international terrorism.

S. 2512

At the request of Mr. HARKIN, the names of the Senator from Mississippi (Mr. LOTT) and the Senator from Indiana (Mr. LUGAR) were added as cosponsors of S. 2512, a bill to provide grants for training court reporters and closed captioners to meet requirements for realtime writers under the Telecommunications Act of 1996, and for other purposes.

S. 2562

At the request of Mr. REID, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 2562, a bill to expand research regarding inflammatory bowel disease, and for other purposes.

S. 2596

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 2596, a bill to amend the Internal Revenue Code of 1986 to extend the financing of the Superfund.

S. 2611

At the request of Mr. REED, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 2611, a bill to reauthorize the Museum and Library Services Act, and for other purposes.

S. 2634

At the request of Mrs. CLINTON, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 2634, a bill to establish within the National Park Service the 225th Anniversary of the American Revolution Commemorative Program, and for other purposes.

S. 2654

At the request of Ms. CANTWELL, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 2654, a bill to amend the Internal Revenue Code of 1986 to exclude from gross income loan payments received under the National Health Service Corps Loan Repayment Program established in the Public Health Service Act.

S. 2671

At the request of Mr. EDWARDS, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 2671, a bill to amend the Child Care and Development Block Grant Act of 1990 to provide for child care quality improvements for children with disabilities or other special needs, and for other purposes.

S. 2762

At the request of Mr. THOMAS, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 2762, a bill to amend the Internal Revenue Code of 1986 to provide involuntary conversion tax relief for producers forced to sell livestock due to weather-related conditions or Federal land management agency policy or action, and for other purposes.

S. 2794

At the request of Mr. GRAMM, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 2794, a bill to establish a Department of Homeland Security, and for other purposes.

S. 2821

At the request of Mr. FRIST, the name of the Senator from Hawaii (Mr. INOUYE) 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. 2884

At the request of Mr. HAGEL, his name was added as a cosponsor of S. 2884, a bill to improve transit service to rural areas, including for elderly and disabled.

S. 2896

At the request of Mrs. HUTCHISON, the names of the Senator from Nevada (Mr. ENSIGN), the Senator from Wisconsin (Mr. FEINGOLD), the Senator from Illinois (Mr. FITZGERALD), the Senator from South Dakota (Mr. JOHNSON), the Senator from Pennsylvania (Mr. SANTORUM) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. 2896, a bill to enhance the operation of the AMBER Alert communications network in order to facilitate the recovery of abducted children, to provide for enhanced notification on highways of alerts and information on such children, and for other purposes.

S. RES. 294

At the request of Mrs. FEINSTEIN, the name of the Senator from Louisiana (Mr. BREAUX) was added as a cosponsor of S. Res. 294, a resolution to amend rule XLII of the Standing Rules of the Senate to prohibit employment discrimination in the Senate based on sexual orientation.

S. RES. 306

At the request of Mr. BROWNBACK, the names of the Senator from Missouri (Mrs. CARNAHAN) and the Senator from Indiana (Mr. BAYH) were added as cosponsors of S. Res. 306, a resolution expressing the sense of the Senate concerning the continuous repression of freedoms within Iran and of individual human rights abuses, particularly with regard to women.

S. RES. 307

At the request of Mr. TORRICELLI, the names of the Senator from Virginia (Mr. ALLEN), the Senator from California (Mrs. BOXER), the Senator from Illinois (Mr. DURBIN), the Senator from New Jersey (Mr. CORZINE), the Senator from Wisconsin (Mr. FEINGOLD), the Senator from Nevada (Mr. ENSIGN), the Senator from Maryland (Mr. SARBANES) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. Res. 307, a resolution reaffirming support of the Convention on the Prevention and Punishment of the Crime of Genocide and anticipating the commemoration of the 15th anniversary of the enactment of the Genocide Convention Implementation Act of 1987 (the Proxmire Act) on November 4, 2003.

S. RES. 316

At the request of Mrs. LINCOLN, the names of the Senator from Washington (Ms. CANTWELL) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. Res. 316, a bill designating the year beginning February 1, 2003, as the ''Year of the Blues''.

S. CON. RES. 94

At the request of Mr. WYDEN, the names of the Senator from Tennessee (Mr. FRIST) and the Senator from Virginia (Mr. ALLEN) 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. 122

At the request of Ms. SNOWE, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. Con. Res. 122, A concurrent resolution expressing the sense of Congress that security, reconciliation, and prosperity for all Cypriots can be best achieved within the context of membership in the European Union which will provide significant rights and obligations for all Cypriots, and for other purposes.

S. CON. RES. 134

At the request of Mr. BAUCUS, the name of the Senator from New Hampshire (Mr. SMITH) was added as a cosponsor of S. Con. Res. 134, A concurrent resolution expressing the sense of Congress to designate the fourth Sunday of each September as ''National Good Neighbor Day''.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. FRIST (for himself and Mr. ROBERTS):

S. 2901. A bill to promote mathematics and science education through a mathematics and science partnership and through the establishment of a grant program to increase student academic achievement in mathematics and science, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. FRIST. Mr. President. I rise today to introduce ''The Math and Science Education Excellence Act.'' I have worked with my colleague from Kansas, Senator ROBERTS, to make sure we do everything possible to give math and science education the attention, funding and assistance it deserves. Today, I introduce a bill to authorize programs at the National Science Foundation that will help achieve that goal.

Under the authority of the No Child Left Behind Act, NCLBA, the Department of Education is authorized to implement a Mathematics and Science Partnership Program, a program I am very interested in making sure is a success. That program is designed to improve the academic achievement of students in the areas of math and science. It will encourage States, universities, school districts and schools to work together to: 1. improve the status of math and science teaching and 2. develop more rigorous math and science curricula.

The NCLBA authorized $450 million for Fiscal Year 2002 for this program, but only $12.5 million was appropriated for 2002. That level of funding is a huge disappointment to me, and I believe it is a mistake. However, last year, NSG initiated its own Program at a level of $160 million. Because the bulk of the funding for the Math and Science program is at NSF, I believe it is appropriate, even necessary, to authorize the MSP Program at NSF as well.

This is not the preferred choice. I would prefer that we fund the program at the Department of Education. In the meantime, this bill will give us an opportunity to re-assert how important this program is.

As we all know, the No Child Left Behind Act requires that schools be determined as failing based in part on their math scores. If they are failing, there will be consequences, such as public school choice, supplemental services and eventual reorganization. That means that math teaching and math curriculum are more important than ever. And, by 2007, science assessments will be added to the mix.

So I want to be sure that we are getting these funds to our neediest schools. I worry that without more descriptive language, NSF will not focus on awarding grants to those that need it the most. I also worry that the Math and Science Partnership program is not getting the funding it needs. Reading, math's counterpart on the yearly tests, receives over $1 billion in funding. Any many other programs authorized in the No Child Left Behind Act are receiving appropriations that meet, or even exceed the authorization levels.

Not the Math and Science program. Despite the importance of math and the fact that schools will be determined as failing based on their math scores, the Math and Science Partnership Program is received a total of only $172.5 million in 2002, with only $12.5 million of those funds targeted to those based on need. $160 million from NSF and $12.5 million from the Department of Education. For 2003, the Senate Appropriations Committee recommends that only $120 million be provided for the MSP program. Why? Apparently, some $30 million in funds is left over from last year's appropriation because NSF did not believe the applications met the rigors the grant program requires.

I am very concerned that we are leaving States, schools districts, schools and students confused and bewildered due to the complicated bureaucratic process that has been created. I believe we should make sure that every dollar of the math and science partnership program money is appropriately administered to ensure results. I also believe that we should work toward appropriately funding this initiative. My amendment will accomplish those two goals.

My bill would insert the exact Math and Science Partnership language from the No Child Left Behind Act, language which we members of the HELP Committee have already agreed to, with only minor changes. That language requires targeting of the $450 million in funds to those who need it the most, and it also requires accountability.

I have also added a section requiring the NSF to provide technical assistance to those eligible applicants that request it. If the quality of the applications is not high, the NSF should help applicants develop high-quality programs. Otherwise, applicants must guess how to improve, forcing math and science education to suffer in the meantime.

The bill also authorizes $12 million for NSF to conduct and evaluate research related to the science of learning and teaching math and science. It directs NSF to develop ways to apply, duplicate and scale up the results of such research for use in low-performing elementary and secondary classrooms to improve the teaching and student achievement levels of mathematics and science. This investment will make sure that we find out the best ways to teach math and science. With that knowledge, we will have the building blocks we need to effectively argue for, and demand, more funding for the Math and Science Partnership Program.

This bill attempts to make the best out of a not ideal predicament for math and science education. I believe it is the right thing to do, and I respectfully request my fellow Senators support.

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. 2902

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 ''Mathematics and Science Education Excellence Act''.

SEC. 2. PURPOSE.

It is the purpose of this Act to—

(1) upgrade the status and stature of mathematics and science teaching as a profession by encouraging institutions of higher education to assume greater responsibility for improving mathematics and science teacher education through the establishment of a comprehensive, integrated system of recruiting and advising such teachers;

(2) focus on the education of mathematics and science teachers as a career-long process that should continuously stimulate teachers' intellectual growth and upgrade teachers' knowledge and skills;

(3) bring together mathematics and science teachers in elementary schools and secondary schools with scientists, mathematicians, and engineers to increase teacher content knowledge and improve teaching skills through the use of more sophisticated laboratory space and equipment, computing facilities, libraries, and other resources that colleges and universities are more able to provide;

(4) develop more rigorous mathematics and science curricula that are aligned with challenging State academic content standards and intended to prepare students for postsecondary study in mathematics and science; and

(5) conduct and evaluate research related to the science of learning and teaching in order to develop ways in which the results of such research can be applied, duplicated, and scaled up for use in low-performing elementary schools and secondary schools to improve the teaching and student achievement levels in mathematics and science.

SEC. 3. DEFINITIONS.

In this Act:

(1) DIRECTOR.—The term ''Director'' means the Director of the National Science Foundation.

(2) ELEMENTARY SCHOOL.—The term ''elementary school'' has the meaning given such term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(3) INSTITUTION OF HIGHER EDUCATION.—The term ''institution of higher education'' has the meaning given such term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

(4) SECONDARY SCHOOL.—The term ''secondary school'' has the meaning given such term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

SEC. 4. MATHEMATICS AND SCIENCE PARTNERSHIP.

(a) COMPETITIVE GRANT PROGRAM.—During fiscal years 2003 and 2004, the Director shall carry out a mathematics and science partnership program in accordance with the requirements of sections 2201 and 2202 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6661 and 6662), by awarding competitive grants to eligible partnerships (as defined under section 2201 of such Act) in accordance with section 2202(a)(1) of such Act without regard to the amount of funds appropriated for such program under section 2203 of such Act.

(b) FORMULA GRANT PROGRAM.—During fiscal years 2005, 2006, and 2007, the Director shall carry out a mathematics and science partnership program in accordance with the requirements of sections 2201 and 2202 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6661 and 6662), by awarding grants to State educational agencies in accordance with section 2202(a)(2) of such Act without regard to the amount of funds appropriated for such program under section 2203 of such Act.

(c) SHARED PLAN.—Not later than 120 days after the date of enactment of this Act, the Director and the Secretary of Education shall prepare a plan for the joint administration of this section and submit such plan to Congress for review and comment.

(d) TECHNICAL ASSISTANCE.—The Director shall provide an eligible partnership or State educational agency, at the request of the eligible partnership or State educational agency, with technical assistance in meeting any requirements of the mathematics and science partnership program carried out by the Director, including providing advice from experts on how to develop—

(1) a high-quality application for a grant or subgrant under the program; and

(2) high-quality activities from funds received from a grant or subgrant under the program.

SEC. 5. ESTABLISHMENT OF RESEARCH ON MATHEMATICS AND SCIENCE LEARNING AND EDUCATION IMPROVEMENT.

(a) ESTABLISHMENT.—From funds appropriated under subsection (g), the Director shall award grants, on a competitive basis, to eligible recipients to—

(1) conduct and evaluate research in cognitive science, education, and related fields associated with the science of learning and teaching mathematics and science; and

(2) develop ways in which the results of such research can be applied, duplicated, and scaled up for use in low-performing elementary schools and secondary schools to improve the teaching and student achievement levels in mathematics and science.

(b) ELIGIBLE RECIPIENT.—In this section, the term ''eligible recipient'' means an institution of higher education, a nonprofit organization, or a consortium of such entities.

(c) APPLICATION.—An eligible recipient desiring to receive a grant under this section shall submit an application to the Director at such time, in such manner, and accompanied by such information as the Director may require.

(d) EVALUATION.—

(1) IN GENERAL.—In evaluating the applications submitted under subsection (c), the Director shall consider, at a minimum—

(A) the ability of the eligible recipient to effectively carry out the research program and reduce the eligible recipient's results to effective educational practice;

(B) the experience of the eligible recipient in conducting research on the science of teaching and learning and the capacity of the applicant to foster new multidisciplinary collaborations; and

(C) the capacity of the eligible recipient to attract and provide adequate support for graduate students to pursue research at the intersection of educational practice and basic research on human cognition and learning.

(2) CURRENT PRACTICES.—Not less than 1 of the grants awarded by the Director under subsection (a) shall include a comprehensive evaluation of the effectiveness of current mathematics and science teaching practices.

(e) ACTIVITIES.—An eligible recipient receiving a grant under this section shall—

(1) include, in such recipient's research, the active participation of elementary school and secondary school administrators and mathematics and science teachers; and

(2) submit the results of such recipient's research to the Director.

(f) COORDINATION.—The Director shall coordinate with the Secretary of Education and the Director of the Office of Science and Technology Policy in—

(1) carrying out this section;

(2) disseminating the results of the research conducted pursuant to grants awarded under this section to elementary school teachers and secondary school teachers; and

(3) providing programming, guidance, and support to ensure that such teachers—

(A) understand the implications of the research disseminated under paragraph (1) for classroom practice; and

(B) can use the research to improve such teachers performance in the classroom.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $12,000,000 for fiscal year 2003 and such sums as may be necessary for each of the succeeding fiscal years.

SEC. 6. DUPLICATION OF PROGRAMS.

(a) IN GENERAL.—The Director shall review the education programs of the National Science Foundation that are in operation as of the date of enactment of this Act to determine whether any of such programs duplicate the programs authorized under this Act.

(b) IMPLEMENTATION.—As programs authorized under this Act are implemented, the Director shall—

(1) terminate any existing duplicative program being carried out by the National Science Foundation or merge the existing duplicative program into a program authorized under this Act; and

(2) not establish any new program that duplicates a program that has been implemented pursuant to this Act.

(c) REPORT.—

(1) REVIEW.—The Director of the Office of Science and Technology Policy shall review the education programs of the National Science Foundation to ensure compliance with the provisions of this section.

(2) SUBMISSION.—Not later than 1 year after the date of enactment of this Act, and annually thereafter as part of the annual Office of Science and Technology Policy's budget submission to Congress, the Director of the Office of Science and Technology Policy shall complete a report on the review carried out under this subsection and shall submit the report to—

(A) the Committee on Science of the House of Representatives;

(B) the Committee on Education and the Workforce of the House of Representatives;

(C) the Committee on Appropriations of the House of Representatives;

(D) the Committee on Health, Education, Labor, and Pensions of the Senate; and

(E) the Committee on Appropriations of the Senate.

STATEMENTS ON SUBMITTED RESOLUTIONS

SENATE RESOLUTION 321—COMMEMORATING THE 30TH ANNIVERSARY OF THE FOUNDING OF THE AMERICAN INDIAN HIGHER EDUCATION CONSORTIUM (AIHEC)

Mr. CAMPBELL (for himself, Mr. DORGAN, Mr. MURKOWSKI, Mr. DOMENICI, Mr. BINGAMAN, Mr. CONRAD, and Ms. STABENOW) submitted the following resolution; which was referred to the Committee on Indian Affairs:

Whereas the United States of America and Indian Tribes have a unique legal and political relationship as expressed in the U.S. Constitution, Treaties, Federal statutes and executive orders, court decisions, and course of dealing.

Whereas the United States has committed itself to national educational excellence including excellence in institutions that educate American Indian and Alaska Native children and adults.

Whereas Tribal Colleges and Universities are fully accredited community-based educational institutions devoted to the education, welfare and economic advancement of American Indian communities.

Whereas, the populations in the communities served by Tribal Colleges and Universities are among the poorest of the nation, and the services provided by the Tribal Colleges and Universities enable students to train for and obtain jobs that offer social and economic stability, and serve to reduce welfare dependence in these communities.

Whereas, Tribal Colleges and Universities are chronically underfunded, and in addition to offering their communities higher education opportunities, also function as community centers, libraries, childcare centers, tribal archives, career and business centers, economic development centers, and public meeting places.

Whereas in 1970 President Nixon issued his now-famous ''Special Message to Congress on Indian Affairs'' rejecting the failed policies of assimilation and termination and heralding the new era of Indian Self Determination.

Whereas in 1972 six Tribal Colleges established the American Indian Higher Education Consortium to empower its member institutions through collective action, construct a national support and communications network, and assist Indian communities and Native people in the field of educational achievement, while nurturing, advocating, and protecting American Indian history, culture, art and language.

Whereas The American Indian Higher Education Consortium consists of 32 Tribal Colleges and Universities located in 12 states that enroll approximately 30,000 full-and part-time students from over 250 Federally-recognized Indian Tribes.

Whereas on July 3, 2002, President Bush issued Executive Order 13270 ensuring that Tribal Colleges and Universities are more

fully recognized and integrated into the American family of institutions of higher education.

Whereas tribal Colleges and Universities provide access to information technology critical to full participation in America's economic, political and social life, bridging great distances and transforming learning environment.

Whereas, Tribal Colleges and Universities and their Native communities continue to play an integral role in American Indian education including in assisting in the implementation of the No Child Left Behind Act of 2002. Now, therefore, be it

Resolved, that the Senate of the United States recognizes the essential role Tribal Colleges and Universities play in American Indian communities, honors the vision and commitment of the founders of the American Indian Higher Education Consortium, and celebrates 30 successful years of implementing that vision for the benefit of American Indian peoples across the United States.

Mr. CAMPBELL. Mr. President, I am pleased to be joined today by Senators DORGAN, MURKOWSKI, DOMENICI, BINGAMAN, CONRAD and STABENOW in submitting a resolution to commemorate the establishment of the American Indian Higher Education Consortium that took place in the fall of 1972.

In the late 1960s Indian people began to realize that their futures depended more on their own keen insights, beliefs and actions than on those of the Federal Government or other communities.

This phenomenon was assisted in 1970 when President Nixon issued his ''Special Message to Congress on Indian Affairs'' which rejected the tried and failed policies of assimilation and termination. Nixon's message launched the era of Indian Self Determination with a renewed focus on local, tribal decision making and economic self sufficiency.

In 1972 six Indian tribal colleges joined forces to form the American Indian Higher Education Consortium, AIHEC, with the goal of creating a network of tribally-controlled institutions of higher education.

The founders of the AIHEC envisioned that through collective action, they could better assist Indian communities and Native people in the field of education and vocational education.

Thirty years later, the American Indian Higher Education Consortium has grown to include 32 Tribal Colleges and Universities located in 12 States with an enrollment of 30,000 students from over 250 federally recognized Indian Tribes.

Tribal Colleges and Universities provide quality higher education to Indian students and have become the ''hubs'' of a sort for accessing state-of-the-art information technology. It is important to realize that in addition to providing educational opportunities for their communities, these institutions function as community centers, libraries, childcare centers, tribal archives, career and business centers, economic development centers and public meeting places.

The communities served by Tribal Colleges and Universities are among the poorest in the Nation. The training and education provided by Tribal Colleges and Universities allows Native students to prepare for and obtain jobs that offer a decent salary with benefits, and help reduce the trap of dependency that has befallen so many Native people.

On July 3, 2002 President Bush issued Executive Order 13270 recognizing the enduring contributions of Indian Tribal Colleges and Universities and hailing their success on a wide range of issues.

I urge my colleagues to join me in supporting this resolution which recognizes the critical role Tribal Colleges and Universities play in American Indian communities, honors the vision and commitment of the founds of the American Indian Higher Education Consortium, and celebrates 30 successful years of implementing that vision for the benefit of American Indian peoples across the United States.

SENATE RESOLUTION 320—HONORING THE VALLEY SPORTS AMERICAN LITTLE LEAGUE BASEBALL TEAM FROM LOUISVILLE, KENTUCKY FOR WINNING THE 2002 LITTLE LEAGUE BASEBALL WORLD SERIES

Mr. BUNNING (for himself and Mr. MCCONNELL) submitted the following resolution; which was considered and agreed to:

Whereas on August 25, 2002 the Valley Sports American little League baseball team from Louisville, Kentucky won the Little League Baseball World Series;

Whereas this is the first time a Kentucky team has won the Little League Baseball World Series in the 56-year history of the series;

Whereas the Valley Sports team had an impressive and overall undefeated record of 24 wins and 0 losses, including 4 victories in the playoffs, and winning the championship game;

Whereas the Valley Sports team players, Aaron Alvey, Justin Elkins, Ethan Henry, Alex Hornback, Wes Jenkins, Casey Jordan, Shane Logsdon, Blaine Madden, Zach Osborne, Jake Remines, Josh Robinson and Wes Walden, showed tremendous dedication and sportsmanship throughout the season toward the goal of winning the Little League baseball world championship;

Whereas the Valley Sports team was managed by Troy Osborne, and coached by Keith Elkins and Dan Roach, who all demonstrated professionalism and respect for their players and the game of baseball;

Whereas the Valley Sports team fans from Kentucky showed enthusiasm, support and courtesy for the game of baseball, and all the players and coaches;

Whereas in the 56th Little League Baseball World Series championship game the Valley Sports American baseball team faced the Sendai Higashi Japanese baseball team and came away victorious by a score of 1–0: Now, therefore, be it

Resolved, that the Senate honors the Valley Sports American Little League baseball team from Louisville, Kentucky for winning the 2002 Little League World Series Championship.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4472. Mr. BYRD proposed an amendment to the bill H.R. 5093, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes.

SA 4473. Mr. BYRD (for himself and Mr. BURNS) proposed an amendment to amendment SA 4472 proposed by Mr. BYRD to the bill H.R. 5093, supra.

SA 4474. Mr. BYRD proposed an amendment to amendment SA 4472 proposed by Mr. BYRD to the bill H.R. 5093, supra.

SA 4475. Mr. BYRD proposed an amendment to amendment SA 4472 proposed by Mr. BYRD to the bill H.R. 5093, supra.

SA 4476. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill H.R. 5093, supra; which was ordered to lie on the table.

SA 4477. Mr. CRAPO submitted an amendment intended to be proposed to amendment SA 4472 proposed by Mr. BYRD to the bill H.R. 5093, supra; which was ordered to lie on the table.

SA 4478. Mr. CRAPO submitted an amendment intended to be proposed to amendment SA 4472 proposed by Mr. BYRD to the bill H.R. 5093, supra; which was ordered to lie on the table.

SA 4479. Mr. SMITH, of New Hampshire (for himself, Ms. STABENOW, Mr. LEVIN, and Mr. KERRY) submitted an amendment intended to be proposed to amendment SA 4472 proposed by Mr. BYRD to the bill H.R. 5093, supra; which was ordered to lie on the table.

SA 4480. Mr. BYRD (for himself, Mr. BURNS, Mr. STEVENS, Mr. REID, Mr. DOMENICI, Mrs. MURRAY, Mr. CRAIG, Mr. WYDEN, Mr. KYL, Mr. BAUCUS, and Mr. CAMPBELL) proposed an amendment to amendment SA 4472 proposed by Mr. BYRD to the bill H.R. 5093, supra.

SA 4481. Mr. DASCHLE (for himself, Mr. BAUCUS, Mr. JOHNSON, Mr. HARKIN, Mrs. CARNAHAN, Mr. BURNS, Mr. DORGAN, Mr. NELSON, of Nebraska, Ms. STABENOW, Mr. LEVIN, Mrs. CLINTON, Mrs. LINCOLN, Mr. CONRAD, Mr. WELLSTONE, Mr. DAYTON, Mr. SCHUMER, Mr. REID, Mr. BYRD, Mr. EDWARDS, Mr. HATCH, Mr. BINGAMAN, Mr. CLELAND, and Mr. ENZI) proposed an amendment to amendment SA 4472 proposed by Mr. BYRD to the bill H.R. 5093, supra.

SA 4482. Mr. MURKOWSKI 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.

SA 4483. Mr. MURKOWSKI 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 4484. Mr. MURKOWSKI 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 4485. Mr. MURKOWSKI submitted an amendment intended to be proposed to amendment SA 4467 submitted by Mr. LIEBERMAN and intended to be proposed to the bill H.R. 5005, supra; which was ordered to lie on the table.

SA 4486. Mr. WELLSTONE proposed an amendment to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, supra.

SA 4487. Ms. SNOWE submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, supra; which was ordered to lie on the table.

SA 4488. Ms. SNOWE submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, supra; which was ordered to lie on the table.

SA 4489. Ms. SNOWE submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. LIEBERMAN to the

bill H.R. 5005, supra; which was ordered to lie on the table.

SA 4490. Mr. REID proposed an amendment to amendment SA 4486 proposed by Mr. WELLSTONE to the amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, supra.

SA 4491. Mr. SMITH, of New Hampshire (for himself, Mrs. BOXER, Mr. MURKOWSKI, Mr. BURNS, Mr. BUNNING, and Mr. MILLER) proposed an amendment to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, supra.

SA 4492. Mr. REID (for Mrs. BOXER (for himself, Mr. SMITH, of New Hampshire, Mr. MURKOWSKI, Mr. BURNS, Mr. BUNNING, and Mr. MILLER)) proposed an amendment to amendment SA 4491 proposed by Mr. SMITH of New Hampshire (for himself, Mrs. BOXER, Mr. MURKOWSKI, Mr. BURNS, Mr. BUNNING, and Mr. MILLER) to the amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, supra.

TEXT OF AMENDMENTS

SA 4472. Mr. BYRD proposed an amendment to the bill H.R. 5093, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes; as follows:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes, namely:

TITLE I—DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

For expenses necessary for protection, use, improvement, development, disposal, cadastral surveying, classification, acquisition of easements and other interests in lands, and performance of other functions, including maintenance of facilities, as authorized by law, in the management of lands and their resources under the jurisdiction of the Bureau of Land Management, including the general administration of the Bureau, and assessment of mineral potential of public lands pursuant to Public Law 96–487 (16 U.S.C. 3150(a)), $816,062,000, to remain available until expended, of which $2,000,000 is for high priority projects which shall be carried out by the Youth Conservation Corps, defined in section 250(c)(4)(E) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act; of which $4,000,000 shall be available for assessment of the mineral potential of public lands in Alaska pursuant to section 1010 of Public Law 96–487 (16 U.S.C. 3150); and of which not to exceed $1,000,000 shall be derived from the special receipt account established by the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 460l–6a(i)); and of which $3,000,000 shall be available in fiscal year 2003 subject to a match by at least an equal amount by the National Fish and Wildlife Foundation, to such Foundation for cost-shared projects supporting conservation of Bureau lands and such funds shall be advanced to the Foundation as a lump sum grant without regard to when expenses are incurred; in addition, $32,696,000 for Mining Law Administration program operations, including the cost of administering the mining claim fee program; to remain available until expended, to be reduced by amounts collected by the Bureau and credited to this appropriation from annual mining claim fees so as to result in a final appropriation estimated at not more than $821,062,000, and $2,000,000, to remain available until expended, from communication site rental fees established by the Bureau for the cost of administering communication site activities: *Provided,* That appropriations herein made shall not be available for the destruction of healthy, unadopted, wild horses and burros in the care of the Bureau or its contractors: *Provided further,* That of the amount provided, $31,028,000 is for the conservation activities defined in section 250(c)(4)(E) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act.

WILDLAND FIRE MANAGEMENT

For necessary expenses for fire preparedness, suppression operations, fire science and research, emergency rehabilitation, hazardous fuels reduction, and rural fire assistance by the Department of the Interior, $544,254,000, to remain available until expended, of which not to exceed $12,374,000 shall be for the renovation or construction of fire facilities: *Provided,* That such funds are also available for repayment of advances to other appropriation accounts from which funds were previously transferred for such purposes: *Provided further,* That persons hired pursuant to 43 U.S.C. 1469 may be furnished subsistence and lodging without cost from funds available from this appropriation: *Provided further,* That notwithstanding 42 U.S.C. 1856d, sums received by a bureau or office of the Department of the Interior for fire protection rendered pursuant to 42 U.S.C. 1856 et seq., protection of United States property, may be credited to the appropriation from which funds were expended to provide that protection, and are available without fiscal year limitation: *Provided further,* That using the amounts designated under this title of this Act, the Secretary of the Interior may enter into procurement contracts, grants, or cooperative agreements, for hazardous fuels reduction activities, and for training and monitoring associated with such hazardous fuels reduction activities, on Federal land, or on adjacent non-Federal land for activities that benefit resources on Federal land: *Provided further,* That the costs of implementing any cooperative agreement between the Federal government and any non-Federal entity may be shared, as mutually agreed on by the affected parties: *Provided further,* That in entering into such grants or cooperative agreements, the Secretary may consider the enhancement of local and small business employment opportunities for rural communities, and that in entering into procurement contracts under this section on a best value basis, the Secretary may take into account the ability of an entity to enhance local and small business employment opportunities in rural communities, and that the Secretary may award procurement contracts, grants, or cooperative agreements under this section to entities that include local non-profit entities, Youth Conservation Corps or related partnerships, or small or disadvantaged businesses: *Provided further,* That funds appropriated under this head may be used to reimburse the United States Fish and Wildlife Service and the National Marine Fisheries Service for the costs of carrying out their responsibilities under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) to consult and conference, as required by section 7 of such Act in connection with wildland fire management activities.

For an additional amount to cover necessary expenses for emergency rehabilitation and wildfire suppression by the Department of the Interior, $110,000,000, to remain available until expended: *Provided,* That the Congress designates the entire amount as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further,* That $110,000,000 shall be available only to the extent an official budget request, that includes designation of the $110,000,000 as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

CENTRAL HAZARDOUS MATERIALS FUND

For necessary expenses of the Department of the Interior and any of its component offices and bureaus for the remedial action, including associated activities, of hazardous waste substances, pollutants, or contaminants pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (42 U.S.C. 9601 et seq.), $9,978,000, to remain available until expended: *Provided,* That notwithstanding 31 U.S.C. 3302, sums recovered from or paid by a party in advance of or as reimbursement for remedial action or response activities conducted by the Department pursuant to section 107 or 113(f) of such Act, shall be credited to this account to be available until expended without further appropriation: *Provided further,* That such sums recovered from or paid by any party are not limited to monetary payments and may include stocks, bonds or other personal or real property, which may be retained, liquidated, or otherwise disposed of by the Secretary and which shall be credited to this account.

CONSTRUCTION

For construction of buildings, recreation facilities, roads, trails, and appurtenant facilities, $12,976,000, to remain available until expended.

PAYMENTS IN LIEU OF TAXES

For expenses necessary to implement the Act of October 20, 1976, as amended (31 U.S.C. 6901–6907), $220,000,000, of which not to exceed $400,000 shall be available for administrative expenses and of which $100,000,000 is for the conservation activities defined in section 250(c)(4)(E) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act: *Provided,* That no payment shall be made to otherwise eligible units of local government if the computed amount of the payment is less than $100.

LAND ACQUISITION

For expenses necessary to carry out sections 205, 206, and 318(d) of Public Law 94–579, including administrative expenses and acquisition of lands or waters, or interests therein, $38,734,000, to be derived from the Land and Water Conservation Fund, to remain available until expended, and to be for the conservation activities defined in section 250(c)(4)(E) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act.

OREGON AND CALIFORNIA GRANT LANDS

For expenses necessary for management, protection, and development of resources and for construction, operation, and maintenance of access roads, reforestation, and other improvements on the revested Oregon and California Railroad grant lands, on other Federal lands in the Oregon and California land-grant counties of Oregon, and on adjacent rights-of-way; and acquisition of lands or interests therein including existing connecting roads on or adjacent to such grant lands; $105,633,000, to remain available until expended: *Provided,* That 25 percent of the aggregate of all receipts during the current fiscal year from the revested Oregon and California Railroad grant lands is hereby made a charge against the Oregon and California land-grant fund and shall be transferred to the General Fund in the Treasury

in accordance with the second paragraph of subsection (b) of title II of the Act of August 28, 1937 (50 Stat. 876).

FOREST ECOSYSTEMS HEALTH AND RECOVERY FUND

(REVOLVING FUND, SPECIAL ACCOUNT)

In addition to the purposes authorized in Public Law 102–381, funds made available in the Forest Ecosystem Health and Recovery Fund can be used for the purpose of planning, preparing, implementing and monitoring salvage timber sales and forest ecosystem health and recovery activities such as release from competing vegetation and density control treatments. The Federal share of receipts (defined as the portion of salvage timber receipts not paid to the counties under 43 U.S.C. 1181f and 43 U.S.C. 1181f–1 et seq., and Public Law 106–393) derived from treatments funded by this account shall be deposited into the Forest Ecosystem Health and Recovery Fund.

RANGE IMPROVEMENTS

For rehabilitation, protection, and acquisition of lands and interests therein, and improvement of Federal rangelands pursuant to section 401 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701), notwithstanding any other Act, sums equal to 50 percent of all moneys received during the prior fiscal year under sections 3 and 15 of the Taylor Grazing Act (43 U.S.C. 315 et seq.) and the amount designated for range improvements from grazing fees and mineral leasing receipts from Bankhead-Jones lands transferred to the Department of the Interior pursuant to law, but not less than $10,000,000, to remain available until expended: *Provided*, That not to exceed $600,000 shall be available for administrative expenses.

SERVICE CHARGES, DEPOSITS, AND FORFEITURES

For administrative expenses and other costs related to processing application documents and other authorizations for use and disposal of public lands and resources, for costs of providing copies of official public land documents, for monitoring construction, operation, and termination of facilities in conjunction with use authorizations, and for rehabilitation of damaged property, such amounts as may be collected under Public Law 94–579, as amended, and Public Law 93–153, to remain available until expended: *Provided*, That notwithstanding any provision to the contrary of section 305(a) of Public Law 94–579 (43 U.S.C. 1735(a)), any moneys that have been or will be received pursuant to that section, whether as a result of forfeiture, compromise, or settlement, if not appropriate for refund pursuant to section 305(c) of that Act (43 U.S.C. 1735(c)), shall be available and may be expended under the authority of this Act by the Secretary to improve, protect, or rehabilitate any public lands administered through the Bureau of Land Management which have been damaged by the action of a resource developer, purchaser, permittee, or any unauthorized person, without regard to whether all moneys collected from each such action are used on the exact lands damaged which led to the action: *Provided further*, That any such moneys that are in excess of amounts needed to repair damage to the exact land for which funds were collected may be used to repair other damaged public lands.

MISCELLANEOUS TRUST FUNDS

In addition to amounts authorized to be expended under existing laws, there is hereby appropriated such amounts as may be contributed under section 307 of the Act of October 21, 1976 (43 U.S.C. 1701), and such amounts as may be advanced for administrative costs, surveys, appraisals, and costs of making conveyances of omitted lands under section 211(b) of that Act, to remain available until expended.

ADMINISTRATIVE PROVISIONS

Appropriations for the Bureau of Land Management shall be available for purchase, erection, and dismantlement of temporary structures, and alteration and maintenance of necessary buildings and appurtenant facilities to which the United States has title; up to $100,000 for payments, at the discretion of the Secretary, for information or evidence concerning violations of laws administered by the Bureau; miscellaneous and emergency expenses of enforcement activities authorized or approved by the Secretary and to be accounted for solely on her certificate, not to exceed $10,000: *Provided*, That notwithstanding 44 U.S.C. 501, the Bureau may, under cooperative cost-sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly produced publications for which the cooperators share the cost of printing either in cash or in services, and the Bureau determines the cooperator is capable of meeting accepted quality standards.

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

For necessary expenses of the United States Fish and Wildlife Service, for scientific and economic studies, conservation, management, investigations, protection, and utilization of fishery and wildlife resources, except whales, seals, and sea lions, maintenance of the herd of long-horned cattle on the Wichita Mountains Wildlife Refuge, general administration, and for the performance of other authorized functions related to such resources by direct expenditure, contracts, grants, cooperative agreements and reimbursable agreements with public and private entities, $924,620,000, to remain available until September 30, 2004, except as otherwise provided herein, of which $120,729,000 is for conservation activities defined in section 250(c)(4)(E) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act: *Provided*, That not less than $2,000,000 shall be provided to local governments in southern California for planning associated with the Natural Communities Conservation Planning (NCCP) program and shall remain available until expended: *Provided further*, That $4,000,000 is for high priority projects which shall be carried out by the Youth Conservation Corps, defined in section 250(c)(4)(E) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act: *Provided further*, That not to exceed $10,000,000 shall be used for implementing subsections (a), (b), (c), and (e) of section 4 of the Endangered Species Act, as amended, for species that are indigenous to the United States (except for processing petitions, developing and issuing proposed and final regulations, and taking any other steps to implement actions described in subsection (c)(2)(A), (c)(2)(B)(i), or (c)(2)(B)(ii)), of which not to exceed $5,000,000 shall be used for any activity regarding the designation of critical habitat, pursuant to subsection (a)(3), excluding litigation support, for species already listed pursuant to subsection (a)(1) as of the date of enactment this Act: *Provided further*, That of the amount available for law enforcement, up to $400,000 to remain available until expended, may at the discretion of the Secretary, be used for payment for information, rewards, or evidence concerning violations of laws administered by the Service, and miscellaneous and emergency expenses of enforcement activity, authorized or approved by the Secretary and to be accounted for solely on her certificate: *Provided further*, That of the amount provided for environmental contaminants, up to $1,000,000 may remain available until expended for contaminant sample analyses.

CONSTRUCTION

For construction, improvement, acquisition, or removal of buildings and other facilities required in the conservation, management, investigation, protection, and utilization of fishery and wildlife resources, and the acquisition of lands and interests therein; $42,182,000, to remain available until expended: *Provided*, That notwithstanding any other provision of law, a single procurement for the construction of the Kodiak National Wildlife Refuge visitor center may be issued which includes the full scope of the project: *Provided further*, That the solicitation and the contract shall contain the clause ''availability of funds'' found at 48 CFR 52.232.18.

LAND ACQUISITION

For expenses necessary to carry out the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 4601–4 through 11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the United States Fish and Wildlife Service, $89,055,000, to be derived from the Land and Water Conservation Fund, to remain available until expended, and to be for the conservation activities defined in section 250(c)(4)(E) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act: *Provided*, That none of the funds appropriated for specific land acquisition projects can be used to pay for any administrative overhead, planning or other management costs.

LANDOWNER INCENTIVE PROGRAM

For administrative expenses associated with a Landowner Incentive Program established in Public Law 107–63, $600,000, to be derived from the Land and Water Conservation Fund, to remain available until expended, and to be for conservation spending category activities pursuant to section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of discretionary spending limits.

STEWARDSHIP GRANTS

For administrative expenses associated with a Private Stewardship Program established in Public Law 107–63, $200,000, to be derived from the Land and Water Conservation Fund, to remain available until expended, and to be for conservation spending category activities pursuant to section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of discretionary spending limits.

COOPERATIVE ENDANGERED SPECIES CONSERVATION FUND

For expenses necessary to carry out section 6 of the Endangered Species Act of 1973 (16 U.S.C. 1531–1543), as amended, $99,400,000, to be derived from the Cooperative Endangered Species Conservation Fund, to remain available until expended, and to be for the conservation activities defined in section 250(c)(4)(E) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act.

NATIONAL WILDLIFE REFUGE FUND

For expenses necessary to implement the Act of October 17, 1978 (16 U.S.C. 715s), $14,414,000.

NORTH AMERICAN WETLANDS CONSERVATION FUND

For expenses necessary to carry out the provisions of the North American Wetlands Conservation Act, Public Law 101–233, as

amended, $43,560,000, to remain available until expended and to be for the conservation activities defined in section 250(c)(4)(E) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act.

NEOTROPICAL MIGRATORY BIRD CONSERVATION

For financial assistance for projects to promote the conservation of neotropical migratory birds in accordance with the Neotropical Migratory Bird Conservation Act, Public Law 106–247 (16 U.S.C. 6101–6109), $3,000,000, to remain available until expended.

MULTINATIONAL SPECIES CONSERVATION FUND

For expenses necessary to carry out the African Elephant Conservation Act (16 U.S.C. 4201–4203, 4211–4213, 4221–4225, 4241–4245, and 1538), the Asian Elephant Conservation Act of 1997 (Public Law 105–96; 16 U.S.C. 4261–4266), the Rhinoceros and Tiger Conservation Act of 1994 (16 U.S.C. 5301–5306), and the Great Ape Conservation Act of 2000 (16 U.S.C. 6301), $5,500,000, to remain available until expended.

STATE AND TRIBAL WILDLIFE GRANTS

For wildlife conservation grants to States and to the District of Columbia, Puerto Rico, Guam, the United States Virgin Islands, the Northern Mariana Islands, American Samoa, and federally recognized Indian tribes under the provisions of the Fish and Wildlife Act of 1956 and the Fish and Wildlife Coordination Act, for the development and implementation of programs for the benefit of wildlife and their habitat, including species that are not hunted or fished, $60,000,000, to be derived from the Land and Water Conservation Fund, to remain available until expended, and to be for the conservation activities defined in section 250(c)(4)(E) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act: *Provided,* That of the amount provided herein, $5,000,000 is for a competitive grant program for Indian tribes not subject to the remaining provisions of this appropriation: *Provided further,* That the Secretary shall, after deducting said $5,000,000 and administrative expenses, apportion the amount provided herein in the following manner: (A) to the District of Columbia and to the Commonwealth of Puerto Rico, each a sum equal to not more than one-half of 1 percent thereof: and (B) to Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands, each a sum equal to not more than one-fourth of 1 percent thereof: *Provided further,* That the Secretary shall apportion the remaining amount in the following manner: (A) one-third of which is based on the ratio to which the land area of such State bears to the total land area of all such States; and (B) two-thirds of which is based on the ratio to which the population of such State bears to the total population of all such States: *Provided further,* That the amounts apportioned under this paragraph shall be adjusted equitably so that no State shall be apportioned a sum which is less than 1 percent of the amount available for apportionment under this paragraph for any fiscal year or more than 5 percent of such amount: *Provided further,* That the Federal share of planning grants shall not exceed 75 percent of the total costs of such projects and the Federal share of implementation grants shall not exceed 50 percent of the total costs of such projects: *Provided further,* That the non-Federal share of such projects may not be derived from Federal grant programs: *Provided further,* That no State, territory, or other jurisdiction shall receive a grant unless it has developed, or committed to develop by October 1, 2005, a comprehensive wildlife conservation plan, consistent with criteria established by the Secretary of the Interior, that considers the broad range of the State, territory, or other jurisdiction's wildlife and associated habitats, with appropriate priority placed on those species with the greatest conservation need and taking into consideration the relative level of funding available for the conservation of those species: *Provided further,* That any amount apportioned in 2003 to any State, territory, or other jurisdiction that remains unobligated as of September 30, 2004, shall be reapportioned, together with funds appropriated in 2005, in the manner provided herein.

ADMINISTRATIVE PROVISIONS

Appropriations and funds available to the United States Fish and Wildlife Service shall be available for purchase of not to exceed 102 passenger motor vehicles, of which 75 are for replacement only (including 39 for police-type use); repair of damage to public roads within and adjacent to reservation areas caused by operations of the Service; options for the purchase of land at not to exceed $1 for each option; facilities incident to such public recreational uses on conservation areas as are consistent with their primary purpose; and the maintenance and improvement of aquaria, buildings, and other facilities under the jurisdiction of the Service and to which the United States has title, and which are used pursuant to law in connection with management and investigation of fish and wildlife resources: *Provided,* That notwithstanding 44 U.S.C. 501, the Service may, under cooperative cost sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly produced publications for which the cooperators share at least one-half the cost of printing either in cash or services and the Service determines the cooperator is capable of meeting accepted quality standards: *Provided further,* That the Service may accept donated aircraft as replacements for existing aircraft: *Provided further,* That the United States Fish and Wildlife Service is authorized to grant $500,000 appropriated in Public Law 107–63 for land acquisition to the Narragansett Indian Tribe for acquisition of the Great Salt Pond burial tract: *Provided further,* That notwithstanding any other provision of law, the Secretary of the Interior may not spend any of the funds appropriated in this Act for the purchase of lands or interests in lands to be used in the establishment of any new unit of the National Wildlife Refuge System unless the purchase is approved in advance by the House and Senate Committees on Appropriations in compliance with the reprogramming procedures contained in House Report 107–63.

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

For expenses necessary for the management, operation, and maintenance of areas and facilities administered by the National Park Service (including special road maintenance service to trucking permittees on a reimbursable basis), and for the general administration of the National Park Service, $1,585,065,000, of which $6,878,000 for planning and interagency coordination in support of Everglades restoration shall remain available until expended; of which $90,280,000, to remain available until September 30, 2004, is for maintenance repair or rehabilitation projects for constructed assets, operation of the National Park Service automated facility management software system, and comprehensive facility condition assessments; of which not less than $9,000,000 is for reimbursement of the United States Geological Survey for conduct of National Park Service natural resource challenge activities; and of which $4,000,000 is for the Youth Conservation Corps, defined in section 250(c)(4)(E) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act, for high priority projects: *Provided,* That the only funds in this account which may be made available to support United States Park Police are those funds approved for emergency law and order incidents pursuant to established National Park Service procedures, those funds needed to maintain and repair United States Park Police administrative facilities, and those funds necessary to reimburse the United States Park Police account for the unbudgeted overtime and travel costs associated with special events for an amount not to exceed $10,000 per event subject to the review and concurrence of the Washington headquarters office.

UNITED STATES PARK POLICE

For expenses necessary to carry out the programs of the United States Park Police, $78,431,000.

NATIONAL RECREATION AND PRESERVATION

For expenses necessary to carry out recreation programs, natural programs, cultural programs, heritage partnership programs, environmental compliance and review, international park affairs, statutory or contractual aid for other activities, and grant administration, not otherwise provided for, $62,828,000.

URBAN PARK AND RECREATION FUND

For expenses necessary to carry out the provisions of the Urban Park and Recreation Recovery Act of 1978 (16 U.S.C. 2501 et seq.), $10,000,000, to remain available until expended and to be for the conservation activities defined in section 250(c)(4)(E) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act.

HISTORIC PRESERVATION FUND

For expenses necessary in carrying out the Historic Preservation Act of 1966, as amended (16 U.S.C. 470), and the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104–333), $67,000,000, to be derived from the Historic Preservation Fund, to remain available until September 30, 2004, and to be for the conservation activities defined in section 250(c)(4)(E) of the Balanced Budget and Emergency Deficit Control Control Act of 1985, as amended, for the purposes of such Act: *Provided,* That of the total amount provided, $30,000,000 shall be for Save America's Treasures for priority preservation projects of nationally significant sites, structures, and artifacts: *Provided further,* That any individual Save America's Treasures grant shall be matched by non-Federal funds: *Provided further,* That individual projects shall only be eligible for one grant, and all projects to be funded shall be approved by the House and Senate Committees on Appropriations prior to the commitment of grant funds: *Provided further,* That Save America's Treasures funds allocated for Federal projects shall be available by transfer to appropriate accounts of individual agencies, after approval of such projects by the Secretary of the Interior, in consultation with the President's Committee on the Arts and Humanities: *Provided further,* That none of the funds provided for Save America's Treasures may be used for administrative expenses, and staffing for the program shall be available from the existing staffing levels in the National Park Service.

CONSTRUCTION

For construction, improvements, repair or replacement of physical facilities, including the modifications authorized by section 104 of the Everglades National Park Protection and Expansion Act of 1989, $361,915,000, to remain available until expended, of which

$1,250,000 for the Eaker Site National Historic Landmark, $2,500,000 for the Virginia City Historic District, and $1,250,000 for the Fort Osage National Historic Landmark shall be derived from the Historic Preservation Fund pursuant to 16 U.S.C. 470a, and of which $132,058,000 is for conservation activities defined in section 250(c)(4)(E) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act.

LAND AND WATER CONSERVATION FUND

(RESCISSION)

The contract authority provided for fiscal year 2003 by 16 U.S.C. 4601–10a are rescinded.

LAND ACQUISITION AND STATE ASSISTANCE

For expenses necessary to carry out the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 4601–4 through 11), including administrative expenses, and for acquisition of lands or waters, or interest therein, in accordance with the statutory authority applicable to the National Park Service, $238,205,000, to be derived from the Land and Water Conservation Fund, to remain available until expended, and to be for the conservation activities defined in section 250(c)(4)(E) of the Balanced Budget and Emergency Deficit Control of 1985, as amended, for the purposes of such Act, of which $144,000,000 is for the State assistance program including $4,000,000 to administer the State assistance program: *Provided,* That of the amounts provided under this heading, $20,000,000 may be for Federal grants, including Federal administrative expenses, to the State of Florida for the acquisition of lands or waters, or interests therein, within the Everglades watershed (consisting of lands and waters within the boundaries of the South Florida Water Management District, Florida Bay and the Florida Keys, including the areas known as the Frog Pond, the Rocky Glades and the Eight and One-Half Square Mile Area) under terms and conditions deemed necessary by the Secretary to improve and restore the hydrological function of the Everglades watershed: *Provided further,* That funds provided under this heading for assistance to the State of Florida to acquire lands within the Everglades watershed are contingent upon new matching non-Federal funds by the State, or are matched by the State pursuant to the cost-sharing provisions of section 316(b) of Public Law 104–303, and shall be subject to an agreement that the lands to be acquired will be managed in perpetuity for the restoration of the Everglades: *Provided further,* That none of the funds provided for the State Assistance program may be used to establish a contingency fund.

ADMINISTRATIVE PROVISIONS

Appropriations for the National Park Service shall be available for the purchase of not to exceed 315 passenger motor vehicles, of which 273 shall be for replacement only, including not to exceed 226 for police-type use, 10 buses, and 8 ambulances: *Provided,* That none of the funds appropriated to the National Park Service may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: *Provided further,* That none of the funds appropriated to the National Park Service may be used to implement an agreement for the redevelopment of the southern end of Ellis Island until such agreement has been submitted to the Congress and shall not be implemented prior to the expiration of 30 calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than 3 calendar days to a day certain) from the receipt by the Speaker of the House of Representatives and the President of the Senate of a full and comprehensive report on the development of the southern end of Ellis Island, including the facts and circumstances relied upon in support of the proposed project.

The National Park Service may distribute to operating units based on the safety record of each unit the costs of programs designed to improve workplace and employee safety, and to encourage employees receiving workers' compensation benefits pursuant to chapter 81 of title 5, United States Code, to return to appropriate positions for which they are medically able.

Notwithstanding any other provision of law, in fiscal year 2003 and thereafter, sums provided to the National Park Service by private entities for utility services shall be credited to the appropriate account and remain available until expended: *Provided,* That heretofore and hereafter, in carrying out the work under reimbursable agreements with any State, local or tribal government, the National Park Service may, without regard to 31 U.S.C. 1341 or any other provision of law or regulation, record obligations against accounts receivable from such entities, and shall credit amounts received from such entities to the appropriate account, such credit to occur within 90 days of the date of the original request by the National Park Service for payment.

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

For expenses necessary for the United States Geological Survey to perform surveys, investigations, and research covering topography, geology, hydrology, biology, and the mineral and water resources of the United States, its territories and possessions, and other areas as authorized by 43 U.S.C. 31, 1332, and 1340; classify lands as to their mineral and water resources; give engineering supervision to power permittees and Federal Energy Regulatory Commission licensees; administer the minerals exploration program (30 U.S.C. 641); and publish and disseminate data relative to the foregoing activities; and to conduct inquiries into the economic conditions affecting mining and materials processing industries (30 U.S.C. 3, 21a, and 1603; 50 U.S.C. 98g(1)) and related purposes as authorized by law and to publish and disseminate data; $926,667,000, of which $64,974,000 shall be available only for cooperation with States or municipalities for water resources investigations; and of which $16,400,000 shall remain available until expended for conducting inquiries into the economic conditions affecting mining and materials processing industries; and of which $8,000,000 shall remain available until expended for satellite operations; and of which $22,623,000 shall be available until September 30, 2004, for the operation and maintenance of facilities and deferred maintenance; and of which $172,227,000 shall be available until September 30, 2004, for the biological research activity and the operation of the Cooperative Research Units; and of which $4,000,000 shall remain available until expended for interagency research, planning, monitoring, and assessment, for everglades restoration: *Provided,* That none of these funds provided for the biological research activity shall be used to conduct new surveys on private property, unless specifically authorized in writing by the property owner: *Provided further,* That of the amount provided herein, $35,000,000 is for the conservation activities defined in section 250(c)(4)(E) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act: *Provided further,* That no part of this appropriation shall be used to pay more than one-half the cost of topographic mapping or water resources data collection and investigations carried on in cooperation with States and municipalities.

ADMINISTRATIVE PROVISION

The amount appropriated for the United States Geological Survey shall be available for the purchase of not to exceed 53 passenger motor vehicles, of which 48 are for replacement only; reimbursement to the General Services Administration for security guard services; contracting for the furnishing of topographic maps and for the making of geophysical or other specialized surveys when it is administratively determined that such procedures are in the public interest; construction and maintenance of necessary buildings and appurtenant facilities; acquisition of lands for gauging stations and observation wells; expenses of the United States National Committee on Geology; and payment of compensation and expenses of persons on the rolls of the Survey duly appointed to represent the United States in the negotiation and administration of interstate compacts: *Provided,* That activities funded by appropriations herein made may be accomplished through the use of contracts, grants, or cooperative agreements as defined in 31 U.S.C. 6302 et seq.

MINERALS MANAGEMENT SERVICE

ROYALTY AND OFFSHORE MINERALS MANAGEMENT

For expenses necessary for minerals leasing and environmental studies, regulation of industry operations, and collection of royalties, as authorized by law; for enforcing laws and regulations applicable to oil, gas, and other minerals leases, permits, licenses and operating contracts; and for matching grants or cooperative agreements; including the purchase of not to exceed eight passenger motor vehicles for replacement only, $166,322,000, of which $83,284,000, shall be available for royalty management activities; and an amount not to exceed $100,230,000, to be credited to this appropriation and to remain available until expended, from additions to receipts resulting from increases to rates in effect on August 5, 1993, from rate increases to fee collections for Outer Continental Shelf administrative activities performed by the Minerals Management Service over and above the rates in effect on September 30, 1993, and from additional fees for Outer Continental Shelf administrative activities established after September 30, 1993: *Provided,* That to the extent $100,230,000 in additions to receipts are not realized from the sources of receipts stated above, the amount needed to reach $100,230,000 shall be credited to this appropriation from receipts resulting from rental rates for Outer Continental Shelf leases in effect before August 5, 1993: *Provided further,* That $3,000,000 for computer acquisitions shall remain available until September 30, 2004: *Provided further,* That funds appropriated under this Act shall be available for the payment of interest in accordance with 30 U.S.C. 1721(b) and (d): *Provided further,* That not to exceed $3,000 shall be available for reasonable expenses related to promoting volunteer beach and marine cleanup activities: *Provided further,* That notwithstanding any other provision of law, $15,000 under this heading shall be available for refunds of overpayments in connection with certain Indian leases in which the Director of the Minerals Management Service (MMS) concurred with the claimed refund due, to pay amounts owed to Indian allottees or tribes, or to correct prior unrecoverable erroneous payments: *Provided further,* That MMS may under the royalty-in-kind pilot program, or under its authority to transfer oil to the Strategic Petroleum Reserve, use a portion of the revenues from royalty-in-kind sales, without regard to fiscal year limitation, to pay for transportation to wholesale market centers or upstream pooling points, to process or otherwise dispose of royalty

production taken in kind, and to recover MMS transportation costs, salaries, and other administrative costs directly related to filling the Strategic Petroleum Reserve: *Provided further,* That MMS shall analyze and document the expected return in advance of any royalty-in-kind sales to assure to the maximum extent practicable that royalty income under the pilot program is equal to or greater than royalty income recognized under a comparable royalty-in-value program.

OIL SPILL RESEARCH

For necessary expenses to carry out title I, section 1016, title IV, sections 4202 and 4303, title VII, and title VIII, section 8201 of the Oil Pollution Act of 1990, $6,105,000, which shall be derived from the Oil Spill Liability Trust Fund, to remain available until expended.

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

REGULATION AND TECHNOLOGY

For necessary expenses to carry out the provisions of the Surface Mining Control and Reclamation Act of 1977, Public Law 95–87, as amended, including the purchase of not to exceed 10 passenger motor vehicles, for replacement only; $105,092,000: *Provided,* That the Secretary of the Interior, pursuant to regulations, may use directly or through grants to States, moneys collected in fiscal year 2003 for civil penalties assessed under section 518 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1268), to reclaim lands adversely affected by coal mining practices after August 3, 1977, to remain available until expended: *Provided further,* That appropriations for the Office of Surface Mining Reclamation and Enforcement may provide for the travel and per diem expenses of State and tribal personnel attending Office of Surface Mining Reclamation and Enforcement sponsored training.

ABANDONED MINE RECLAMATION FUND

For necessary expenses to carry out title IV of the Surface Mining Control and Reclamation Act of 1977, Public Law 95–87, as amended, including the purchase of not more than 10 passenger motor vehicles for replacement only, $191,745,000, to be derived from receipts of the Abandoned Mine Reclamation Fund and to remain available until expended; of which up to $10,000,000, to be derived from the Federal Expenses Share of the Fund, shall be for supplemental grants to States for the reclamation of abandoned sites with acid mine rock drainage from coal mines, and for associated activities, through the Appalachian Clean Streams Initiative: *Provided,* That grants to minimum program States will be $1,500,000 per State in fiscal year 2003: *Provided further,* That of the funds herein provided up to $18,000,000 may be used for the emergency program authorized by section 410 of Public Law 95–87, as amended, of which no more than 25 percent shall be used for emergency reclamation projects in any one State and funds for federally administered emergency reclamation projects under this proviso shall not exceed $11,000,000: *Provided further,* That prior year unobligated funds appropriated for the emergency reclamation program shall not be subject to the 25 percent limitation per State and may be used without fiscal year limitation for emergency projects: *Provided further,* That pursuant to Public Law 97–365, the Department of the Interior is authorized to use up to 20 percent from the recovery of the delinquent debt owed to the United States Government to pay for contracts to collect these debts: *Provided further,* That funds made available under title IV of Public Law 95–87 may be used for any required non-Federal share of the cost of projects funded by the Federal Government for the purpose of environmental restoration related to treatment or abatement of acid mine drainage from abandoned mines: *Provided further,* That such projects must be consistent with the purposes and priorities of the Surface Mining Control and Reclamation Act: *Provided further,* That the State of Maryland may set aside the greater of $1,000,000 or 10 percent of the total of the grants made available to the State under title IV of the Surface Mining Control and Reclamation Act of 1977, as amended (30 U.S.C. 1231 et seq.), if the amount set aside is deposited in an acid mine drainage abatement and treatment fund established under a State law, pursuant to which law the amount (together with all interest earned on the amount) is expended by the State to undertake acid mine drainage abatement and treatment projects, except that before any amounts greater than 10 percent of its title IV grants are deposited in an acid mine drainage abatement and treatment fund, the State of Maryland must first complete all Surface Mining Control and Reclamation Act priority one projects.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

For expenses necessary for the operation of Indian programs, as authorized by law, including the Snyder Act of November 2, 1921 (25 U.S.C. 13), the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450 et seq.), as amended, the Education Amendments of 1978 (25 U.S.C. 2001–2019), and the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.), as amended, $1,859,135,000, to remain available until September 30, 2004 except as otherwise provided herein, of which not to exceed $85,857,000 shall be for welfare assistance payments and notwithstanding any other provision of law, including but not limited to the Indian Self-Determination Act of 1975, as amended, not to exceed $133,209,000 shall be available for payments to tribes and tribal organizations for contract support costs associated with ongoing contracts, grants, compacts, or annual funding agreements entered into with the Bureau prior to or during fiscal year 2003, as authorized by such Act, except that tribes and tribal organizations may use their tribal priority allocations for unmet indirect costs of ongoing contracts, grants, or compacts, or annual funding agreements and for unmet welfare assistance costs; and up to $2,000,000 shall be for the Indian Self-Determination Fund which shall be available for the transitional cost of initial or expanded tribal contracts, grants, compacts or cooperative agreements with the Bureau under such Act; and of which not to exceed $442,985,000 for school operations costs of Bureau-funded schools and other education programs shall become available on July 1, 2003, and shall remain available until September 30, 2004; and of which not to exceed $57,686,000 shall remain available until expended for housing improvement, road maintenance, attorney fees, litigation support, the Indian Self-Determination Fund, land records improvement, and the Navajo-Hopi Settlement Program: *Provided,* That notwithstanding any other provision of law, including but not limited to the Indian Self-Determination Act of 1975, as amended, and 25 U.S.C. 2008, not to exceed $43,065,000 within and only from such amounts made available for school operations shall be available to tribes and tribal organizations for administrative cost grants associated with the operation of Bureau-funded schools: *Provided further,* That any forestry funds allocated to a tribe which remain unobligated as of September 30, 2004, may be transferred during fiscal year 2005 to an Indian forest land assistance account established for the benefit of such tribe within the tribe's trust fund account: *Provided further,* That any such unobligated balances not so transferred shall expire on September 30, 2005.

CONSTRUCTION

For construction, repair, improvement, and maintenance of irrigation and power systems, buildings, utilities, and other facilities, including architectural and engineering services by contract; acquisition of lands, and interests in lands; and preparation of lands for farming, and for construction of the Navajo Indian Irrigation Project pursuant to Public Law 87–483, $348,252,000, to remain available until expended: *Provided,* That such amounts as may be available for the construction of the Navajo Indian Irrigation Project may be transferred to the Bureau of Reclamation: *Provided further,* That not to exceed 6 percent of contract authority available to the Bureau of Indian Affairs from the Federal Highway Trust Fund may be used to cover the road program management costs of the Bureau: *Provided further,* That any funds provided for the Safety of Dams program pursuant to 25 U.S.C. 13 shall be made available on a nonreimbursable basis: *Provided further,* That for fiscal year 2003, in implementing new construction or facilities improvement and repair project grants in excess of $100,000 that are provided to tribally controlled grant schools under Public Law 100–297, as amended, the Secretary of the Interior shall use the Administrative and Audit Requirements and Cost Principles for Assistance Programs contained in 43 CFR part 12 as the regulatory requirements: *Provided further,* That such grants shall not be subject to section 12.61 of 43 CFR; the Secretary and the grantee shall negotiate and determine a schedule of payments for the work to be performed: *Provided further,* That in considering applications, the Secretary shall consider whether the Indian tribe or tribal organization would be deficient in assuring that the construction projects conform to applicable building standards and codes and Federal, tribal, or State health and safety standards as required by 25 U.S.C. 2005(a), with respect to organizational and financial management capabilities: *Provided further,* That if the Secretary declines an application, the Secretary shall follow the requirements contained in 25 U.S.C. 2505(f): *Provided further,* That any disputes between the Secretary and any grantee concerning a grant shall be subject to the disputes provision in 25 U.S.C. 2508(e).

INDIAN LAND AND WATER CLAIM SETTLEMENTS AND MISCELLANEOUS PAYMENTS TO INDIANS

For miscellaneous payments to Indian tribes and individuals and for necessary administrative expenses, $57,949,000, to remain available until expended; of which $24,870,000 shall be available for implementation of enacted Indian land and water claim settlements pursuant to Public Laws 101–618 and 102–575, and for implementation of other enacted water rights settlements; of which $5,068,000 shall be available for future water supplies facilities under Public Law 106–163; and of which $28,011,000 shall be available pursuant to Public Laws 99–264, 100–580, 106–263, 106–425 and 106–554.

INDIAN GUARANTEED LOAN PROGRAM ACCOUNT

For the cost of guaranteed and insured loans, $5,000,000, as authorized by the Indian Financing Act of 1974, as amended: *Provided,* That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further,* That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $72,464,000.

In addition, for administrative expenses to carry out the guaranteed and insured loan programs, $493,000.

ADMINISTRATIVE PROVISIONS

The Bureau of Indian Affairs may carry out the operation of Indian programs by direct expenditure, contracts, cooperative agreements, compacts and grants, either directly or in cooperation with States and other organizations.

Appropriations for the Bureau of Indian Affairs (except the revolving fund for loans, the Indian loan guarantee and insurance fund, and the Indian Guaranteed Loan Program account) shall be available for expenses of exhibits, and purchase of not to exceed 229 passenger motor vehicles, of which not to exceed 187 shall be for replacement only.

Notwithstanding any other provision of law, no funds available to the Bureau of Indian Affairs for central office operations, pooled overhead general administration (except facilities operations and maintenance), or provided to implement the recommendations of the National Academy of Public Administration's August 1999 report shall be available for tribal contracts, grants, compacts, or cooperative agreements with the Bureau of Indian Affairs under the provisions of the Indian Self-Determination Act or the Tribal Self-Governance Act of 1994 (Public Law 103–413).

In the event any tribe returns appropriations made available by this Act to the Bureau of Indian Affairs for distribution to other tribes, this action shall not diminish the Federal Government's trust responsibility to that tribe, or the government-to-government relationship between the United States and that tribe, or that tribe's ability to access future appropriations.

Notwithstanding any other provision of law, no funds available to the Bureau, other than the amounts provided herein for assistance to public schools under 25 U.S.C. 452 et seq., shall be available to support the operation of any elementary or secondary school in the State of Alaska.

Appropriations made available in this or any other Act for schools funded by the Bureau shall be available only to the schools in the Bureau school system as of September 1, 1996. No funds available to the Bureau shall be used to support expanded grades for any school or dormitory beyond the grade structure in place or approved by the Secretary of the Interior at each school in the Bureau school system as of October 1, 1995. Funds made available under this Act may not be used to establish a charter school at a Bureau-funded school (as that term is defined in section 1146 of the Education Amendments of 1978 (25 U.S.C. 2026)), except that a charter school that is in existence on the date of the enactment of this Act and that has operated at a Bureau-funded school before September 1, 1999, may continue to operate during that period, but only if the charter school pays to the Bureau a pro rata share of funds to reimburse the Bureau for the use of the real and personal property (including buses and vans), the funds of the charter school are kept separate and apart from Bureau funds, and the Bureau does not assume any obligation for charter school programs of the State in which the school is located if the charter school loses such funding. Employees of Bureau-funded schools sharing a campus with a charter school and performing functions related to the charter school's operation and employees of a charter school shall not be treated as Federal employees for purposes of chapter 171 of title 28, United States Code (commonly known as the ''Federal Tort Claims Act'').

DEPARTMENTAL OFFICES

INSULAR AFFAIRS

ASSISTANCE TO TERRITORIES

For expenses necessary for assistance to territories under the jurisdiction of the Department of the Interior, $75,217,000, of which: (1) $70,102,000 shall be available until expended for technical assistance, including maintenance assistance, disaster assistance, insular management controls, coral reef initiative activities, and brown tree snake control and research; grants to the judiciary in American Samoa for compensation and expenses, as authorized by law (48 U.S.C. 1661(c)); grants to the Government of American Samoa, in addition to current local revenues, for construction and support of governmental functions; grants to the Government of the Virgin Islands as authorized by law; grants to the Government of Guam, as authorized by law; and grants to the Government of the Northern Mariana Islands as authorized by law (Public Law 94–241; 90 Stat. 272); and (2) $5,295,000 shall be available for salaries and expenses of the Office of Insular Affairs: *Provided*, That all financial transactions of the territorial and local governments herein provided for, including such transactions of all agencies or instrumentalities established or used by such governments, may be audited by the General Accounting Office, at its discretion, in accordance with chapter 35 of title 31, United States Code: *Provided further*, That Northern Mariana Islands Covenant grant funding shall be provided according to those terms of the Agreement of the Special Representatives on Future United States Financial Assistance for the Northern Mariana Islands approved by Public Law 104–134: *Provided further*, That of the amounts provided for technical assistance, sufficient funding shall be made available for a grant to the Close Up Foundation: *Provided further*, That the funds for the program of operations and maintenance improvement are appropriated to institutionalize routine operations and maintenance improvement of capital infrastructure with territorial participation and cost sharing to be determined by the Secretary based on the grantee's commitment to timely maintenance of its capital assets: *Provided further*, That any appropriation for disaster assistance under this heading in this Act or previous appropriations Acts may be used as non-Federal matching funds for the purpose of hazard mitigation grants provided pursuant to section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c).

COMPACT OF FREE ASSOCIATION

For economic assistance and necessary expenses for the Federated States of Micronesia and the Republic of the Marshall Islands as provided for in sections 122, 221, 223, 232, and 233 of the Compact of Free Association, and for economic assistance and necessary expenses for the Republic of Palau as provided for in sections 122, 221, 223, 232, and 233 of the Compact of Free Association, $20,925,000, to remain available until expended, as authorized by Public Law 99–239 and Public Law 99–658.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For necessary expenses for management of the Department of the Interior, $75,695,000, of which not to exceed $8,500 may be for official reception and representation expenses, and of which up to $1,000,000 shall be available for workers compensation payments and unemployment compensation payments associated with the orderly closure of the United States Bureau of Mines.

OFFICE OF THE SOLICITOR

SALARIES AND EXPENSES

For necessary expenses of the Office of the Solicitor, $47,773,000.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General, $36,659,000, of which $3,812,000 shall be for procurement by contract of independent auditing services to audit the consolidated Department of the Interior annual financial statement and the annual financial statement of the Department of the Interior bureaus and offices funded in this Act.

OFFICE OF SPECIAL TRUSTEE FOR AMERICAN INDIANS

FEDERAL TRUST PROGRAMS

For operation of trust programs for Indians by direct expenditure, contracts, cooperative agreements, compacts, and grants, $151,027,000, to remain available until expended: *Provided*, That funds for trust management improvements may be transferred, as needed, to the Bureau of Indian Affairs ''Operation of Indian Programs'' account and to the Departmental Management ''Salaries and Expenses'' account: *Provided further*, That funds made available to Tribes and Tribal organizations through contracts or grants obligated during fiscal year 2003, as authorized by the Indian Self-Determination Act of 1975 (25 U.S.C. 450 et seq.), shall remain available until expended by the contractor or grantee: *Provided further*, That notwithstanding any other provision of law, the statute of limitations shall not commence to run on any claim, including any claim in litigation pending on the date of the enactment of this Act, concerning losses to or mismanagement of trust funds, until the affected tribe or individual Indian has been furnished with an accounting of such funds from which the beneficiary can determine whether there has been a loss: *Provided further*, That notwithstanding any other provision of law, the Secretary shall not be required to provide a quarterly statement of performance for any Indian trust account that has not had activity for at least 18 months and has a balance of $1.00 or less: *Provided further*, That the Secretary shall issue an annual account statement and maintain a record of any such accounts and shall permit the balance in each such account to be withdrawn upon the express written request of the account holder: *Provided further*, That not to exceed $50,000 is available for the Secretary to make payments to correct administrative errors of either disbursements from or deposits to Individual Indian Money or Tribal accounts after September 30, 2002: *Provided further*, That erroneous payments that are recovered shall be credited to this account.

INDIAN LAND CONSOLIDATION

For consolidation of fractional interests in Indian lands and expenses associated with redetermining and redistributing escheated interests in allotted lands, and for necessary expenses to carry out the Indian Land Consolidation Act of 1983, as amended, by direct expenditure or cooperative agreement, $7,980,000, to remain available until expended and which may be transferred to the Bureau of Indian Affairs and Departmental Management.

For implementation of a water rights and habitat acquisition program pursuant to section 10 of Public Law 106–263, $3,000,000, to remain available until expended, to be derived from the Land and Water Conservation Fund, and to be for conservation spending category activities pursuant to section 251(c)

of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for purposes of discretionary spending limits: *Provided,* That these funds may be available for transfer to the Bureau of Indian Affairs.

NATURAL RESOURCE DAMAGE ASSESSMENT AND RESTORATION

NATURAL RESOURCE DAMAGE ASSESSMENT FUND

To conduct natural resource damage assessment and restoration activities by the Department of the Interior necessary to carry out the provisions of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (42 U.S.C. 9601 et seq.), Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et seq.), the Oil Pollution Act of 1990 (Public Law 101–380) (33 U.S.C. 2701 et seq.), and Public Law 101–337, as amended (16 U.S.C. 19jj et seq.), $5,538,000, to remain available until expended.

ADMINISTRATIVE PROVISION

There is hereby authorized for acquisition from available resources within the Working Capital Fund, 15 aircraft, 10 of which shall be for replacement and which may be obtained by donation, purchase or through available excess surplus property: *Provided,* That notwithstanding any other provision of law, existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft: *Provided further,* That notwithstanding any other provision of law, the Office of Aircraft Services shall transfer to the Sheriff's Office, Kane County, Utah, without restriction, a Cessna U206G, identification number N211S, serial number 20606916, for the purpose of facilitating more efficient law enforcement activities at Glen Canyon National Recreation Area and the Grand Staircase Escalante National Monument: *Provided further,* That no programs funded with appropriated funds in the ''Departmental Management'', ''Office of the Solicitor'', and ''Office of Inspector General'' may be augmented through the Working Capital Fund or the Consolidated Working Fund.

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

SEC. 101. Appropriations made in this title shall be available for expenditure or transfer (within each bureau or office), with the approval of the Secretary, for the emergency reconstruction, replacement, or repair of aircraft, buildings, utilities, or other facilities or equipment damaged or destroyed by fire, flood, storm, or other unavoidable causes: *Provided,* That no funds shall be made available under this authority until funds specifically made available to the Department of the Interior for emergencies shall have been exhausted: *Provided further,* That all funds used pursuant to this section are hereby designated by Congress to be ''emergency requirements'' pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, and must be replenished by a supplemental appropriation which must be requested as promptly as possible.

SEC. 102. The Secretary may authorize the expenditure or transfer of any no year appropriation in this title, in addition to the amounts included in the budget programs of the several agencies, for the suppression or emergency prevention of wildland fires on or threatening lands under the jurisdiction of the Department of the Interior; for the emergency rehabilitation of burned-over lands under its jurisdiction; for emergency actions related to potential or actual earthquakes, floods, volcanoes, storms, or other unavoidable causes; for contingency planning subsequent to actual oil spills; for response and natural resource damage assessment activities related to actual oil spills; for the prevention, suppression, and control of actual or potential grasshopper and Mormon cricket outbreaks on lands under the jurisdiction of the Secretary, pursuant to the authority in section 1773(b) of Public Law 99–198 (99 Stat. 1658); for emergency reclamation projects under section 410 of Public Law 95–87; and shall transfer, from any no year funds available to the Office of Surface Mining Reclamation and Enforcement, such funds as may be necessary to permit assumption of regulatory authority in the event a primacy State is not carrying out the regulatory provisions of the Surface Mining Act: *Provided,* That appropriations made in this title for wildland fire operations shall be available for the payment of obligations incurred during the preceding fiscal year, and for reimbursement to other Federal agencies for destruction of vehicles, aircraft, or other equipment in connection with their use for wildland fire operations, such reimbursement to be credited to appropriations currently available at the time of receipt thereof: *Provided further,* That for wildland fire operations, no funds shall be made available under this authority until the Secretary determines that funds appropriated for ''wildland fire operations'' shall be exhausted within 30 days: *Provided further,* That all funds used pursuant to this section are hereby designated by Congress to be ''emergency requirements'' pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, and must be replenished by a supplemental appropriation which must be requested as promptly as possible: *Provided further,* That such replenishment funds shall be used to reimburse, on a pro rata basis, accounts from which emergency funds were transferred.

SEC. 103. Appropriations made in this title shall be available for operation of warehouses, garages, shops, and similar facilities, wherever consolidation of activities will contribute to efficiency or economy, and said appropriations shall be reimbursed for services rendered to any other activity in the same manner as authorized by sections 1535 and 1536 of title 31, United States Code: *Provided,* That reimbursements for costs and supplies, materials, equipment, and for services rendered may be credited to the appropriation current at the time such reimbursements are received.

SEC. 104. Appropriations made to the Department of the Interior in this title shall be available for services as authorized by 5 U.S.C. 3109, when authorized by the Secretary, in total amount not to exceed $500,000; hire, maintenance, and operation of aircraft; hire of passenger motor vehicles; purchase of reprints; payment for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and the payment of dues, when authorized by the Secretary, for library membership in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members.

SEC. 105. Appropriations available to the Department of the Interior for salaries and expenses shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902 and D.C. Code 4–204).

SEC. 106. Annual appropriations made in this title shall be available for obligation in connection with contracts issued for services or rentals for periods not in excess of 12 months beginning at any time during the fiscal year.

SEC. 107. No funds provided in this title may be expended by the Department of the Interior for the conduct of offshore preleasing, leasing and related activities placed under restriction in the President's moratorium statement of June 12, 1998, in the areas of northern, central, and southern California; the North Atlantic; Washington and Oregon; and the eastern Gulf of Mexico south of 26 degrees north latitude and east of 86 degrees west longitude.

SEC. 108. No funds provided in this title may be expended by the Department of the Interior for the conduct of offshore oil and natural gas preleasing, leasing, and related activities, on lands within the North Aleutian Basin planning area.

SEC. 109. No funds provided in this title may be expended by the Department of the Interior to conduct offshore oil and natural gas preleasing, leasing and related activities in the eastern Gulf of Mexico planning area for any lands located outside Sale 181, as identified in the final Outer Continental Shelf 5-Year Oil and Gas Leasing Program, 1997–2002.

SEC. 110. No funds provided in this title may be expended by the Department of the Interior to conduct oil and natural gas preleasing, leasing and related activities in the Mid-Atlantic and South Atlantic planning areas.

SEC. 111. Advance payments made under this title to Indian tribes, tribal organizations, and tribal consortia pursuant to the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) or the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.) may be invested by the Indian tribe, tribal organization, or consortium before such funds are expended for the purposes of the grant, compact, or annual funding agreement so long as such funds are—

(1) invested by the Indian tribe, tribal organization, or consortium only in obligations of the United States, or in obligations or securities that are guaranteed or insured by the United States, or mutual (or other) funds registered with the Securities and Exchange Commission and which only invest in obligations of the United States or securities that are guaranteed or insured by the United States; or

(2) deposited only into accounts that are insured by an agency or instrumentality of the United States, or are fully collateralized to ensure protection of the funds, even in the event of a bank failure.

SEC. 112. Appropriations made in this Act under the headings Bureau of Indian Affairs and Office of the Special Trustee for American Indians and any available unobligated balances from prior appropriations Acts made under the same headings, shall be available for expenditure or transfer for Indian trust management activities pursuant to the Trust Management Improvement Project High Level Implementation Plan.

SEC. 113. Notwithstanding any other provision of law, for the purpose of reducing the backlog of Indian probate cases in the Department of the Interior, the hearing requirements of chapter 10 of title 25, United States Code, are deemed satisfied by a proceeding conducted by an Indian probate judge, appointed by the Secretary without regard to the provisions of title 5, United States Code, governing the appointments in the competitive service, for such period of time as the Secretary determines necessary: *Provided,* That the basic pay of an Indian probate judge so appointed may be fixed by the Secretary without regard to the provisions of chapter 51, and subchapter III of chapter 53 of title 5, United States Code, governing the classification and pay of General Schedule employees, except that no such Indian probate judge may be paid at a level which exceeds the maximum rate payable for the highest grade of the General Schedule, including locality pay.

SEC. 114. Notwithstanding any other provision of law, the Secretary of the Interior is

authorized to redistribute any Tribal Priority Allocation funds, including tribal base funds, to alleviate tribal funding inequities by transferring funds to address identified, unmet needs, dual enrollment, overlapping service areas or inaccurate distribution methodologies. No tribe shall receive a reduction in Tribal Priority Allocation funds of more than 10 percent in fiscal year 2003. Under circumstances of dual enrollment, overlapping service areas or inaccurate distribution methodologies, the 10 percent limitation does not apply.

SEC. 115. Funds appropriated for the Bureau of Indian Affairs for postsecondary schools for fiscal year 2003 shall be allocated among the schools proportionate to the unmet need of the schools as determined by the Postsecondary Funding Formula adopted by the Office of Indian Education Programs.

SEC. 116. (a) The Secretary of the Interior shall take such action as may be necessary to ensure that the lands comprising the Huron Cemetery in Kansas City, Kansas (as described in section 123 of Public Law 106–291) are used only in accordance with this section.

(b) The lands of the Huron Cemetery shall be used only: (1) for religious and cultural uses that are compatible with the use of the lands as a cemetery; and (2) as a burial ground.

SEC. 117. Notwithstanding any other provision of law, in conveying the Twin Cities Research Center under the authority provided by Public Law 104–134, as amended by Public Law 104–208, the Secretary may accept and retain land and other forms of reimbursement: *Provided*, That the Secretary may retain and use any such reimbursement until expended and without further appropriation: (1) for the benefit of the National Wildlife Refuge System within the State of Minnesota; and (2) for all activities authorized by Public Law 100–696; 16 U.S.C. 460zz.

SEC. 118. Notwithstanding other provisions of law, the National Park Service may authorize, through cooperative agreement, the Golden Gate National Parks Association to provide fee-based education, interpretive and visitor service functions within the Crissy Field and Fort Point areas of the Presidio.

SEC. 119. Notwithstanding 31 U.S.C. 3302(b), sums received by the Bureau of Land Management for the sale of seeds or seedlings including those collected in fiscal year 2002, may be credited to the appropriation from which funds were expended to acquire or grow the seeds or seedlings and are available without fiscal year limitation.

SEC. 120. TRIBAL SCHOOL CONSTRUCTION DEMONSTRATION PROGRAM. (a) DEFINITIONS.—In this section:

(1) CONSTRUCTION.—The term ''construction'', with respect to a tribally controlled school, includes the construction or renovation of that school.

(2) 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)).

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(4) TRIBALLY CONTROLLED SCHOOL.—The term ''tribally controlled school'' has the meaning given that term in section 5212 of the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2511).

(5) DEPARTMENT.—The term ''Department'' means the Department of the Interior.

(6) DEMONSTRATION PROGRAM.—The term ''demonstration program'' means the Tribal School Construction Demonstration Program.

(b) IN GENERAL.—The Secretary shall carry out a demonstration program for fiscal years 2003 through 2007 to provide grants to Indian tribes for the construction of tribally controlled schools.

(1) IN GENERAL.—Subject to the availability of appropriations, in carrying out the demonstration program under subsection (b), the Secretary shall award a grant to each Indian tribe that submits an application that is approved by the Secretary under paragraph (2). The Secretary shall ensure that an Indian tribe that agrees to fund all future operation and maintenance costs of the tribally controlled school constructed under the demonstration program from other than federal funds receives the highest priority for a grant under this section.

(2) GRANT APPLICATIONS.—An application for a grant under the section shall—

(A) include a proposal for the construction of a tribally controlled school of the Indian tribe that submits the application; and

(B) be in such form as the Secretary determines appropriate.

(3) GRANT AGREEMENT.—As a condition to receiving a grant under this section, the Indian tribe shall enter into an agreement with the Secretary that specifies—

(A) the costs of construction under the grant;

(B) that the Indian tribe shall be required to contribute towards the cost of the construction a tribal share equal to 50 percent of the costs; and

(C) any other term or condition that the Secretary determines to be appropriate.

(4) ELIGIBILITY.—Grants awarded under the demonstration program shall be used only for construction or replacement of a tribally controlled school.

(c) EFFECT OF GRANT.—A grant received under this section shall be in addition to any other funds received by an Indian tribe under any other provision of law. The receipt of a grant under this section shall not affect the eligibility of an Indian tribe receiving funding, or the amount of funding received by the Indian tribe, under the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.) or the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).

(d) REPORT.—At the conclusion of the five-year demonstration program, the Secretary shall report to Congress as to whether the demonstration program has achieved its purposes of providing additional tribes fair opportunities to construct tribally controlled schools, accelerating construction of needed educational facilities in Indian Country, and permitting additional funds to be provided for the Department's priority list for construction of replacement educational facilities.

SEC. 121. WHITE RIVER OIL SHALE MINE, UTAH. SALE.—Subject to the terms and conditions of section 126 of the Department of the Interior and Related Agencies Act, 2002, the Administrator of General Services shall sell all right, title, and interest of the United States in and to the improvements and equipment of the White River Oil Shale Mine.

SEC. 122. The Secretary of the Interior may use or contract for the use of helicopters or motor vehicles on the Sheldon and Hart National Wildlife Refuges for the purpose of capturing and transporting horses and burros. The provisions of subsection (a) of the Act of September 8, 1959 (73 Stat. 470; 18 U.S.C. 47(a)) shall not be applicable to such use. Such use shall be in accordance with humane procedures prescribed by the Secretary.

SEC. 123. No funds contained in this Act shall be used to approve the transfer of lands on South Fox Island, Michigan until Congress has authorized such transfer.

SEC. 124. In fiscal year 2003 and each fiscal year thereafter, notwithstanding any other provision of law, with respect to a service contract for the provision solely of transportation services at Zion National Park, the Secretary may obligate the expenditure of fees expected to be received in that fiscal year before they are received, provided that total obligations do not exceed fee collections retained at Zion National Park by the end of that fiscal year.

SEC. 125. Section 6(f) of Public Law 88–578 as amended shall not apply to LWCF program #02–00010.

SEC. 126. None of the funds made available in this Act or any other Act providing appropriations for the Department of the Interior may be expended or obligated to issue a Record of Decision or take any action to issue a right-of-way grant for a pipeline or associated facilities related to the Cadiz groundwater storage and dry-year supply program.

SEC. 127. Notwithstanding section 1(d) of Public Law 107–62, the National Park Service is authorized to obligate $1,000,000 made available in fiscal year 2002 to plan the John Adams Presidential memorial in cooperation with non-Federal partners.

SEC. 128. Notwithstanding any other provision of law, funds appropriated and remaining available in the Construction (Trust Fund) account of the National Park Service at the completion of all authorized projects, shall be available for the rehabilitation and improvement of Going-to-the-Sun Road in Glacier National Park.

SEC. 129. Using funds appropriated by section 501(d) of the Emergency Supplemental Appropriations Act, 1999 (Public Law 106–31), the Secretary shall provide interim compensation payments of up to $10,000 each within 30 days of the date of the enactment of this Act to all claimants who filed a claim for compensation under the Glacier Bay compensation plan and which has not been rejected or withdrawn and have not received a compensation payment. The amount of final compensation paid to any such claimant shall be reduced by the total dollar amount of any interim compensation payments received.

SEC. 130. None of the funds provided in this Act may be used in the Alaska region to prepare or enforce Compendia including any rule, regulation, policy or management tool that is not promulgated pursuant to the Administrative Procedures Act, including the public comment period.

TITLE II—RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

FOREST AND RANGELAND RESEARCH

For necessary expenses of forest and rangeland research as authorized by law, $252,804,000, to remain available until expended.

STATE AND PRIVATE FORESTRY

For necessary expenses of cooperating with and providing technical and financial assistance to States, territories, possessions, and others, and for forest health management, treatment of pests, pathogens, and invasive plants, cooperative forestry, and education and land conservation activities and conducting an international program as authorized, $312,972,000, to remain available until expended, as authorized by law, of which $85,000,000 is for the Forest Legacy Program, and $37,750,000 is for the Urban and Community Forestry Program, defined in section 250(c)(4)(E) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act: *Provided further*, That notwithstanding any other provision of law, of the funds provided under this heading, $2,000,000 shall be made available to Kake Tribal Corporation as an advanced direct lump sum payment to implement the Kake Tribal Corporation Land Transfer Act (Public Law 106–283).

NATIONAL FOREST SYSTEM

For necessary expenses of the Forest Service, not otherwise provided for, for management, protection, improvement, and utilization of the National Forest System, $1,359,139,000, to remain available until expended, which shall include 50 percent of all moneys received during prior fiscal years as fees collected under the Land and Water Conservation Fund Act of 1965, as amended, in accordance with section 4 of the Act (16 U.S.C. 460l–6a(i)): *Provided*, That unobligated balances available at the start of fiscal year 2003 shall be displayed by budget line item in the fiscal year 2004 budget justification: *Provided further*, That the Secretary may authorize the expenditure or transfer of such sums as necessary to the Department of the Interior, Bureau of Land Management for removal, preparation, and adoption of excess wild horses and burros from National Forest System lands: *Provided further*, That of the funds provided under this heading for Forest Products, $4,000,000 shall be allocated to the Alaska Region, in addition to its normal allocation for the purposes of preparing additional timber for sale, to establish a 3-year timber supply and such funds may be transferred to other appropriations accounts as necessary to maximize accomplishment.

WILDLAND FIRE MANAGEMENT

For necessary expenses for forest fire presuppression activities on National Forest System lands, for emergency fire suppression on or adjacent to such lands or other lands under fire protection agreement, hazardous fuel reduction on or adjacent to such lands, and for emergency rehabilitation of burned-over National Forest System lands and water, $1,079,291,000, to remain available until expended: *Provided*, That such funds including unobligated balances under this head, are available for repayment of advances from other appropriations accounts previously transferred for such purposes: *Provided further*, That not less than 50 percent of any unobligated balances remaining (exclusive of amounts for hazardous fuels reduction) at the end of fiscal year 2002 shall be transferred, as repayment for past advances that have not been repaid, to the fund established pursuant to section 3 of Public Law 71–319 (16 U.S.C. 576 et seq.): *Provided further*, That notwithstanding any other provision of law, $8,000,000 of funds appropriated under this appropriation shall be used for Fire Science Research in support of the Joint Fire Science Program: *Provided further*, That all authorities for the use of funds, including the use of contracts, grants, and cooperative agreements, available to execute the Forest and Rangeland Research appropriation, are also available in the utilization of these funds for Fire Science Research: *Provided further*, That funds provided shall be available for emergency rehabilitation and restoration, hazard reduction activities in the urban-wildland interface, support to Federal emergency response, and wildfire suppression activities of the Forest Service; *Provided further*, That of the funds provided, $228,109,000 is for hazardous fuel treatment, $3,624,000 is for rehabilitation and restoration, $8,000,000 is for capital improvement and maintenance of fire facilities, $22,127,000 is for research activities and to make competitive research grants pursuant to the Forest and Rangeland Renewable Resources Research Act, as amended (16 U.S.C. 1641 et seq.), $50,383,000 is for state fire assistance, $8,240,000 is for volunteer fire assistance, $11,934,000 is for forest health activities on state, private, and Federal lands, and $7,472,000 is for economic action programs: *Provided further*, That amounts in this paragraph may be transferred to the ''State and Private Forestry'', ''National Forest System'', ''Forest and Rangeland Research'', and ''Capital Improvement and Maintenance'' accounts to fund state fire assistance, volunteer fire assistance, and forest health management, vegetation and watershed management, heritage site rehabilitation, wildlife and fish habitat management, trails and facilities maintenance and restoration: *Provided further*, That transfers of any amounts in excess of those authorized in this paragraph, shall require approval of the House and Senate Committees on Appropriations in compliance with reprogramming procedures contained in House Report No. 105–163: *Provided further*, That the costs of implementing any cooperative agreement between the Federal government and any non-Federal entity may be shared, as mutually agreed on by the affected parties: *Provided further*, That in entering into such grants or cooperative agreements, the Secretary may consider the enhancement of local and small business employment opportunities for rural communities, and that in entering into procurement contracts under this section on a best value basis, the Secretary may take into account the ability of an entity to enhance local and small business employment opportunities in rural communities, and that the Secretary may award procurement contracts, grants, or cooperative agreements under this section to entities that include local non-profit entities, Youth Conservation Corps or related partnerships with State, local or non-profit youth groups, or small or disadvantaged businesses: *Provided further*, That in addition to funds provided for State Fire Assistance programs, and subject to all authorities available to the Forest Service under the State and Private Forestry Appropriation, up to $15,000,000 may be used on adjacent non-Federal lands for the purpose of protecting communities when hazard reduction activities are planned on national forest lands that have the potential to place such communities at risk: *Provided further*, That included in funding for hazardous fuel reduction is $5,000,000 for implementing the Community Forest Restoration Act, Public Law 106–393, title VI, and any portion of such funds shall be available for use on non-Federal lands in accordance with authorities available to the Forest Service under the State and Private Forestry Appropriation: *Provided further*, That in expending the funds provided with respect to this Act for hazardous fuels reduction, the Secretary of the Interior and the Secretary of Agriculture may conduct fuel reduction treatments on Federal lands using all contracting and hiring authorities available to the Secretaries applicable to hazardous fuel reduction activities under the wildland fire management accounts. Notwithstanding Federal government procurement and contracting laws, the Secretaries may conduct fuel reduction treatments, rehabilitation and restoration, and other activities authorized in this section, on and adjacent to Federal lands using grants and cooperative agreements. Notwithstanding Federal government procurement and contracting laws, in order to provide employment and training opportunities to people in rural communities, the Secretaries may award contracts, including contracts for monitoring activities, to—

(1) local private, nonprofit, or cooperative entities;

(2) Youth Conservation Corps crews or related partnerships, with State, local and non-profit youth groups;

(3) small or micro-businesses; or

(4) other entities that will hire or train a significant percentage of local people to complete such contracts. The authorities described above relating to contracts, grants, and cooperative agreements are available until all funds provided in this title for hazardous fuels reduction activities in the urban wildland interface are obligated.

For an additional amount to cover necessary expenses for emergency rehabilitation, presuppression due to emergencies, and wildfire suppression activities of the Forest Service, $290,000,000, to remain available until expended: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That $290,000,000 shall be available only to the extent an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

CAPITAL IMPROVEMENT AND MAINTENANCE

For necessary expenses of the Forest Service, not otherwise provided for, $565,656,000, to remain available until expended for construction, reconstruction, maintenance and acquisition of buildings and other facilities, and for construction, reconstruction, repair and maintenance of forest roads and trails by the Forest Service as authorized by 16 U.S.C. 532–538 and 23 U.S.C. 101 and 205, of which, $84,866,000 is for conservation activities defined in section 250(c)(4)(E) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act: *Provided*, That no funds shall be expended to decommission any system road until notice and an opportunity for public comment has been provided on each decommissioning project: *Provided further*, That the Forest Service shall transfer $500,000 appropriated in Public Law 107–63 within the Capital Improvement and Maintenance appropriation, to the State and Private Forestry appropriation, and shall provide these funds in an advance direct lump sum payment to Purdue University for planning and construction of a hardwood tree improvement and generation facility: *Provided further*, That notwithstanding any provision of law, funds provided for construction of facilities at Purdue University in Indiana in this Act, in the amount of $3,100,000 shall be available to the University.

LAND ACQUISITION

For expenses necessary to carry out the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l–4 through 11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the Forest Service, $157,679,000 to be derived from the Land and Water Conservation Fund, to remain available until expended, and to be for the conservation activities defined in section 250(c)(4)(E) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act.

ACQUISITION OF LANDS FOR NATIONAL FORESTS SPECIAL ACTS

For acquisition of lands within the exterior boundaries of the Cache, Uinta, and Wasatch National Forests, Utah; the Toiyabe National Forest, Nevada; and the Angeles, San Bernardino, Sequoia, and Cleveland National Forests, California, as authorized by law, $1,069,000, to be derived from forest receipts.

ACQUISITION OF LANDS TO COMPLETE LAND EXCHANGES

For acquisition of lands, such sums, to be derived from funds deposited by State, county, or municipal governments, public school districts, or other public school authorities pursuant to the Act of December 4, 1967, as

amended (16 U.S.C. 484a), to remain available until expended.

RANGE BETTERMENT FUND

For necessary expenses of range rehabilitation, protection, and improvement, 50 percent of all moneys received during the prior fiscal year, as fees for grazing domestic livestock on lands in National Forests in the 16 Western States, pursuant to section 401(b)(1) of Public Law 94–579, as amended, to remain available until expended, of which not to exceed 6 percent shall be available for administrative expenses associated with on-the-ground range rehabilitation, protection, and improvements.

GIFTS, DONATIONS AND BEQUESTS FOR FOREST AND RANGELAND RESEARCH

For expenses authorized by 16 U.S.C. 1643(b), $92,000, to remain available until expended, to be derived from the fund established pursuant to the above Act.

MANAGEMENT OF NATIONAL FOREST LANDS FOR SUBSISTENCE USES

For necessary expenses of the Forest Service to manage federal lands in Alaska for subsistence uses under title VIII of the Alaska National Interest Lands Conservation Act (Public Law 96–487), $5,542,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS, FOREST SERVICE

Appropriations to the Forest Service for the current fiscal year shall be available for: (1) purchase of not to exceed 113 passenger motor vehicles of which 10 will be used primarily for law enforcement purposes and of which 113 shall be for replacement; acquisition of 25 passenger motor vehicles from excess sources, and hire of such vehicles; operation and maintenance of aircraft, the purchase of not to exceed seven for replacement only, and acquisition of sufficient aircraft from excess sources to maintain the operable fleet at 195 aircraft for use in Forest Service wildland fire programs and other Forest Service programs; notwithstanding other provisions of law, existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft; (2) services pursuant to 7 U.S.C. 2225, and not to exceed $100,000 for employment under 5 U.S.C. 3109; (3) purchase, erection, and alteration of buildings and other public improvements (7 U.S.C. 2250); (4) acquisition of land, waters, and interests therein pursuant to 7 U.S.C. 428a; (5) for expenses pursuant to the Volunteers in the National Forest Act of 1972 (16 U.S.C. 558a, 558d, and 558a note); (6) the cost of uniforms as authorized by 5 U.S.C. 5901–5902; and (7) for debt collection contracts in accordance with 31 U.S.C. 3718(c).

None of the funds made available under this Act shall be obligated or expended to abolish any region, to move or close any regional office for National Forest System administration of the Forest Service, Department of Agriculture without the consent of the House and Senate Committees on Appropriations.

Any appropriations or funds available to the Forest Service may be transferred to the Wildland Fire Management appropriation for forest firefighting, emergency rehabilitation of burned-over or damaged lands or waters under its jurisdiction, and fire preparedness due to severe burning conditions if and only if all previously appropriated emergency contingent funds under the heading ''Wildland Fire Management'' have been released by the President and apportioned.

Funds appropriated to the Forest Service shall be available for assistance to or through the Agency for International Development and the Foreign Agricultural Service in connection with forest and rangeland research, technical information, and assistance in foreign countries, and shall be available to support forestry and related natural resource activities outside the United States and its territories and possessions, including technical assistance, education and training, and cooperation with United States and international organizations.

None of the funds made available to the Forest Service under this Act shall be subject to transfer under the provisions of section 702(b) of the Department of Agriculture Organic Act of 1944 (7 U.S.C. 2257) or 7 U.S.C. 147b unless the proposed transfer is approved in advance by the House and Senate Committees on Appropriations in compliance with the reprogramming procedures contained in House Report No. 105–163.

None of the funds available to the Forest Service may be reprogrammed without the advance approval of the House and Senate Committees on Appropriations in accordance with the procedures contained in House Report No. 105–163.

No funds available to the Forest Service shall be transferred to the Working Capital Fund of the Department of Agriculture that exceed the total amount transferred during fiscal year 2000 for such purposes without the advance approval of the House and Senate Committees on Appropriations.

Funds available to the Forest Service shall be available to conduct a program of not less than $4,000,000 for high priority projects within the scope of the approved budget which shall be carried out by the Youth Conservation Corps, defined in section 250(c)(4)(E) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act.

Of the funds available to the Forest Service, $2,500 is available to the Chief of the Forest Service for official reception and representation expenses.

Pursuant to sections 405(b) and 410(b) of Public Law 101–593, of the funds available to the Forest Service, up to $2,250,000 may be advanced in a lump sum as Federal financial assistance to the National Forest Foundation, without regard to when the Foundation incurs expenses, for administrative expenses or projects on or benefitting National Forest System lands or related to Forest Service programs: *Provided,* That of the Federal funds made available to the Foundation, no more than $400,000 shall be available for administrative expenses: *Provided further,* That the Foundation shall obtain, by the end of the period of Federal financial assistance, private contributions to match on at least one-for-one basis funds made available by the Forest Service: *Provided further,* That the Foundation may transfer Federal funds to a non-Federal recipient for a project at the same rate that the recipient has obtained the non-Federal matching funds: *Provided further,* That authorized investments of Federal funds held by the Foundation 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.

Pursuant to section 2(b)(2) of Public Law 98–244, $2,650,000 of the funds available to the Forest Service shall be available for matching funds to the National Fish and Wildlife Foundation, as authorized by 16 U.S.C. 3701–3709, and may be advanced in a lump sum as Federal financial assistance, without regard to when expenses are incurred, for projects on or benefitting National Forest System lands or related to Forest Service programs: *Provided,* That the Foundation shall obtain, by the end of the period of Federal financial assistance, private contributions to match on at least one-for-one basis funds advanced by the Forest Service: *Provided further,* That the Foundation may transfer Federal funds to a non-Federal recipient for a project at the same rate that the recipient has obtained the non-Federal matching funds.

Funds appropriated to the Forest Service shall be available for interactions with and providing technical assistance to rural communities for sustainable rural development purposes.

Notwithstanding any other provision of law, 80 percent of the funds appropriated to the Forest Service in the ''National Forest System'' and ''Capital Improvement and Maintenance'' accounts and planned to be allocated to activities under the ''Jobs in the Woods'' program for projects on National Forest land in the State of Washington may be granted directly to the Washington State Department of Fish and Wildlife for accomplishment of planned projects. Twenty percent of said funds shall be retained by the Forest Service for planning and administering projects. Project selection and prioritization shall be accomplished by the Forest Service with such consultation with the State of Washington as the Forest Service deems appropriate.

Funds appropriated to the Forest Service shall be available for payments to counties within the Columbia River Gorge National Scenic Area, pursuant to sections 14(c)(1) and (2), and section 16(a)(2) of Public Law 99–663.

The Secretary of Agriculture is authorized to enter into grants, contracts, and cooperative agreements as appropriate with the Pinchot Institute for Conservation, as well as with public and other private agencies, organizations, institutions, and individuals, to provide for the development, administration, maintenance, or restoration of land, facilities, or Forest Service programs, at the Grey Towers National Historic Landmark: *Provided,* That, subject to such terms and conditions as the Secretary of Agriculture may prescribe, any such public or private agency, organization, institution, or individual may solicit, accept, and administer private gifts of money and real or personal property for the benefit of, or in connection with, the activities and services at the Grey Towers National Historic Landmark: *Provided further,* That such gifts may be accepted notwithstanding the fact that a donor conducts business with the Department of Agriculture in any capacity.

Funds appropriated to the Forest Service shall be available, as determined by the Secretary, for payments to Del Norte County, California, pursuant to sections 13(e) and 14 of the Smith River National Recreation Area Act (Public Law 101–612).

Notwithstanding any other provision of law, any appropriations or funds available to the Forest Service not to exceed $500,000 may be used to reimburse the Office of the General Counsel (OGC), Department of Agriculture, for travel and related expenses incurred as a result of OGC assistance or participation requested by the Forest Service at meetings, training sessions, management reviews, land purchase negotiations and similar non-litigation related matters. Future budget justifications for both the Forest Service and the Department of Agriculture should clearly display the sums previously transferred and the requested funding transfers.

Any appropriations or funds available to the Forest Service may be used for necessary expenses in the event of law enforcement emergencies as necessary to protect natural resources and public or employee safety: *Provided,* That such amounts shall not exceed $1,000,000.

The Secretary of Agriculture may authorize the sale of excess buildings, facilities, and other properties owned by the Forest Service and located on the Green Mountain National Forest, the revenues of which shall be retained by the Forest Service and available to the Secretary without further appropriation and until expended for maintenance

and rehabilitation activities on the Green Mountain National Forest.

The Secretary of Agriculture may transfer or reimburse funds available to the Forest Service, not to exceed $15,000,000, to the Secretary of the Interior or the Secretary of Commerce to expedite conferencing and consultations as required under section 7 of the Endangered Species Act, 16 U.S.C. 1536. The amount of the transfer or reimbursement shall be as mutually agreed by the Secretary of Agriculture and the Secretary of the Interior or Secretary of Commerce, as applicable, or their designees. The amount shall in no case exceed the actual costs of consultation and conferencing.

DEPARTMENT OF ENERGY

CLEAN COAL TECHNOLOGY

(DEFERRAL)

Of the funds made available under this heading for obligation in prior years, $60,000,000 shall not be available until October 1, 2003: *Provided,* That funds made available in previous appropriations Acts shall be available for any ongoing project regardless of the separate request for proposal under which the project was selected.

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses in carrying out fossil energy research and development activities, under the authority of the Department of Energy Organization Act (Public Law 95–91), including the acquisition of interest, including defeasible and equitable interests in any real property or any facility or for plant or facility acquisition or expansion, and for conducting inquiries, technological investigations and research concerning the extraction, processing, use, and disposal of mineral substances without objectionable social and environmental costs (30 U.S.C. 3, 1602, and 1603), $650,965,000, to remain available until expended, of which $1,000,000 is to continue a multi-year project for construction, renovation, furnishing, and demolition or removal of buildings at National Energy Technology Laboratory facilities in Morgantown, West Virginia and Pittsburgh, Pennsylvania; and of which $150,000,000 are to be made available, after coordination with the private sector, for a request for proposals for a Clean Coal Power Initiative providing for competitively-awarded research, development, and demonstration projects to reduce the barriers to continued and expanded coal use: *Provided,* That no project may be selected for which sufficient funding is not available to provide for the total project: *Provided further,* That funds shall be expended in accordance with the provisions governing the use of funds contained under the heading ''Clean Coal Technology'' in prior appropriations: *Provided further,* That the Department may include provisions for repayment of Government contributions to individual projects in an amount up to the Government contribution to the project on terms and conditions that are acceptable to the Department including repayments from sale and licensing of technologies from both domestic and foreign transactions: *Provided further,* That such repayments shall be retained by the Department for future coal-related research, development and demonstration projects: *Provided further,* That any technology selected under this program shall be considered a Clean Coal Technology, and any project selected under this program shall be considered a Clean Coal Technology Project, for the purposes of 42 U.S.C. §7651n, and Chapters 51, 52, and 60 of title 40 of the Code of Federal Regulations: *Provided further,* That no part of the sum herein made available shall be used for the field testing of nuclear explosives in the recovery of oil and gas: *Provided further,* That up to 4 percent of program direction funds available to the National Energy Technology Laboratory may be used to support Department of Energy activities not included in this account.

NAVAL PETROLEUM AND OIL SHALE RESERVES

For expenses necessary to carry out naval petroleum and oil shale reserve activities, $20,831,000, to remain available until expended: *Provided,* That, notwithstanding any other provision of law, unobligated funds remaining from prior years shall be available for all naval petroleum and oil shale reserve activities.

ELK HILLS SCHOOL LANDS FUND

For necessary expenses in fulfilling installment payments under the Settlement Agreement entered into by the United States and the State of California on October 11, 1996, as authorized by section 3415 of Public Law 104–106, $36,000,000, to become available on October 1, 2003 for payment to the State of California for the State Teachers' Retirement Fund from the Elk Hills School Lands Fund.

ENERGY CONSERVATION

For necessary expenses in carrying out energy conservation activities, $921,741,000, to remain available until expended: *Provided,* That $285,798,000 shall be for use in energy conservation grant programs as defined in section 3008(3) of Public Law 99–509 (15 U.S.C. 4507): *Provided further,* That notwithstanding section 3003(d)(2) of Public Law 99–509, such sums shall be allocated to the eligible programs as follows: $240,000,000 for weatherization assistance grants and $45,798,000 for State energy conservation grants.

ECONOMIC REGULATION

For necessary expenses in carrying out the activities of the Office of Hearings and Appeals, $1,487,000, to remain available until expended.

STRATEGIC PETROLEUM RESERVE

For necessary expenses for Strategic Petroleum Reserve facility development and operations and program management activities pursuant to the Energy Policy and Conservation Act of 1975, as amended (42 U.S.C. 6201 et seq.), $174,856,000, to remain available until expended.

SPR PETROLEUM ACCOUNT

For the acquisition and transportation of petroleum and for other necessary expenses pursuant to the Energy Policy and Conservation Act of 1975, as amended (42 U.S.C. 6201 et seq.), $7,000,000, to remain available until expended.

NORTHEAST HOME HEATING OIL RESERVE

For necessary expenses for Northeast Home Heating Oil Reserve storage, operations, and management activities pursuant to the Energy Policy and Conservation Act of 2000, $8,000,000, to remain available until expended.

ENERGY INFORMATION ADMINISTRATION

For necessary expenses in carrying out the activities of the Energy Information Administration, $80,111,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS, DEPARTMENT OF ENERGY

Appropriations under this Act for the current fiscal year shall be available for hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; purchase, repair, and cleaning of uniforms; and reimbursement to the General Services Administration for security guard services.

From appropriations under this Act, transfers of sums may be made to other agencies of the Government for the performance of work for which the appropriation is made.

None of the funds made available to the Department of Energy under this Act shall be used to implement or finance authorized price support or loan guarantee programs unless specific provision is made for such programs in an appropriations Act.

The Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, private or foreign: *Provided,* That revenues and other moneys received by or for the account of the Department of Energy or otherwise generated by sale of products in connection with projects of the Department appropriated under this Act may be retained by the Secretary of Energy, to be available until expended, and used only for plant construction, operation, costs, and payments to cost-sharing entities as provided in appropriate cost-sharing contracts or agreements: *Provided further,* That the remainder of revenues after the making of such payments shall be covered into the Treasury as miscellaneous receipts: *Provided further,* That any contract, agreement, or provision thereof entered into by the Secretary pursuant to this authority shall not be executed prior to the expiration of 30 calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than 3 calendar days to a day certain) from the receipt by the Speaker of the House of Representatives and the President of the Senate of a full comprehensive report on such project, including the facts and circumstances relied upon in support of the proposed project.

No funds provided in this Act may be expended by the Department of Energy to prepare, issue, or process procurement documents for programs or projects for which appropriations have not been made.

In addition to other authorities set forth in this Act, the Secretary may accept fees and contributions from public and private sources, to be deposited in a contributed funds account, and prosecute projects using such fees and contributions in cooperation with other Federal, State or private agencies or concerns.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

INDIAN HEALTH SERVICE

INDIAN HEALTH SERVICES

For expenses necessary to carry out the Act of August 5, 1954 (68 Stat. 674), the Indian Self-Determination Act, the Indian Health Care Improvement Act, and titles II and III of the Public Health Service Act with respect to the Indian Health Service, $2,466,280,000, together with payments received during the fiscal year pursuant to 42 U.S.C. 238(b) for services furnished by the Indian Health Service: *Provided,* That funds made available to tribes and tribal organizations through contracts, grant agreements, or any other agreements or compacts authorized by the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450), shall be deemed to be obligated at the time of the grant or contract award and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation: *Provided further,* That $18,000,000 shall remain available until expended, for the Indian Catastrophic Health Emergency Fund: *Provided further,* That $450,130,000 for contract medical care shall remain available for obligation until September 30, 2004: *Provided further,* That of the funds provided, up to $22,000,000 shall be used to carry out the loan repayment program under section 108 of the Indian Health Care Improvement Act: *Provided further,* That funds provided in this Act may be used for one-year contracts and grants which are to be performed in two fiscal years, so long as

the total obligation is recorded in the year for which the funds are appropriated: *Provided further,* That the amounts collected by the Secretary of Health and Human Services under the authority of title IV of the Indian Health Care Improvement Act shall remain available until expended for the purpose of achieving compliance with the applicable conditions and requirements of titles XVIII and XIX of the Social Security Act (exclusive of planning, design, or construction of new facilities): *Provided further,* That funding contained herein, and in any earlier appropriations Acts for scholarship programs under the Indian Health Care Improvement Act (25 U.S.C. 1613) shall remain available for obligation until September 30, 2004: *Provided further,* That amounts received by tribes and tribal organizations under title IV of the Indian Health Care Improvement Act shall be reported and accounted for and available to the receiving tribes and tribal organizations until expended: *Provided further,* That, notwithstanding any other provision of law, of the amounts provided herein, not to exceed $270,734,000 shall be for payments to tribes and tribal organizations for contract or grant support costs associated with contracts, grants, self-governance compacts or annual funding agreements between the Indian Health Service and a tribe or tribal organization pursuant to the Indian Self-Determination Act of 1975, as amended, prior to or during fiscal year 2003, of which not to exceed $2,500,000 may be used for contract support costs associated with new or expanded self-determination contracts, grants, self-governance compacts or annual funding agreements: *Provided further,* That notwithstanding any other provision of law, annuity health benefits payments made in previous years by the U.S. Department of Defense for Indian Health Service commissioned corps retirees, will continue to be paid in such manner in fiscal year 2003 without subsequent charges billed to the agency: *Provided further,* That funds available for the Indian Health Care Improvement Fund may be used, as needed, to carry out activities typically funded under the Indian Health Facilities account: *Provided further,* That of the amounts provided for Indian Health Services, $15,000,000 is provided to the Alaska Federation of Natives for alcohol control, prevention, treatment, sobriety and wellness, of which at least $100,000 shall be available for an independent third party to conduct an evaluation of the program: *Provided further,* That no more than 5 percent may be used by any entity receiving funding for administrative overhead including indirect costs: *Provided further,* That prior to the release of funds to a regional Native non-profit entity, it must enter into an agreement with the regional Native health corporation on allocation of resources to avoid duplication of effort and to foster cooperation.

INDIAN HEALTH FACILITIES

For construction, repair, maintenance, improvement, and equipment of health and related auxiliary facilities, including quarters for personnel; preparation of plans, specifications, and drawings; acquisition of sites, purchase and erection of modular buildings, and purchases of trailers; and for provision of domestic and community sanitation facilities for Indians, as authorized by section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a), the Indian Self-Determination Act, and the Indian Health Care Improvement Act, and for expenses necessary to carry out such Acts and titles II and III of the Public Health Service Act with respect to environmental health and facilities support activities of the Indian Health Service, $374,765,000, to remain available until expended: *Provided,* That notwithstanding any other provision of law, funds appropriated for the planning, design, construction or renovation of health facilities for the benefit of an Indian tribe or tribes may be used to purchase land for sites to construct, improve, or enlarge health or related facilities: *Provided further,* That from the funds appropriated herein, $5,000,000 shall be designated by the Indian Health Service as a contribution to the Yukon-Kuskokwim Health Corporation (YKHC) to continue a priority project for the acquisition of land, planning, design and construction of 79 staff quarters in the Bethel service area, pursuant to the negotiated project agreement between the YKHC and the Indian Health Service: *Provided further,* That this project shall not be subject to the construction provisions of the Indian Self-Determination and Education Assistance Act and shall be removed from the Indian Health Service priority list upon completion: *Provided further,* That the Federal Government shall not be liable for any property damages or other construction claims that may arise from YKHC undertaking this project: *Provided further,* That the land shall be owned or leased by the YKHC and title to quarters shall remain vested with the YKHC: *Provided further,* That $5,000,000 shall remain available until expended for the purpose of funding up to two joint venture health care facility projects authorized under the Indian Health Care Improvement Act, as amended: *Provided further,* That priority, by rank order, shall be given to tribes with outpatient projects on the existing Indian Health Services priority list that have Service-approved planning documents, and can demonstrate by March 1, 2003, the financial capability necessary to provide an appropriate facility: *Provided further,* That joint venture funds unallocated after March 1, 2003, shall be made available for joint venture projects on a competitive basis giving priority to tribes that currently have no existing Federally-owned health care facility, have planning documents meeting Indian Health Service requirements prepared for approval by the Service and can demonstrate the financial capability needed to provide an appropriate facility: *Provided further,* That the Indian Health Service shall request additional staffing, operation and maintenance funds for these facilities in future budget requests: *Provided further,* That not to exceed $500,000 shall be used by the Indian Health Service to purchase TRANSAM equipment from the Department of Defense for distribution to the Indian Health Service and tribal facilities: *Provided further,* That none of the funds appropriated to the Indian Health Service may be used for sanitation facilities construction for new homes funded with grants by the housing programs of the U.S. Department of Housing and Urban Development: *Provided further,* That not to exceed $1,000,000 shall be used by the Indian Health Service to obtain ambulances for the Indian Health Service and tribal facilities in conjunction with an existing interagency agreement between the Indian Health Service and the General Services Administration: *Provided further,* That not to exceed $500,000 shall be placed in a Demolition Fund, available until expended, to be used by the Indian Health Service for demolition of Federal buildings: *Provided further,* That notwithstanding the provisions of title III, section 306, of the Indian Health Care Improvement Act (Public Law 94–437, as amended), construction contracts authorized under title I of the Indian Self-Determination and Education Assistance Act of 1975, as amended, may be used rather than grants to fund small ambulatory facility construction projects: *Provided further,* That if a contract is used, the IHS is authorized to improve municipal, private, or tribal lands, and that at no time, during construction or after completion of the project will the Federal Government have any rights or title to any real or personal property acquired as a part of the contract: *Provided further,* That notwithstanding any other provision of law or regulation, for purposes of acquiring sites for a new clinic and staff quarters in St. Paul Island, Alaska, the Secretary of Health and Human Services may accept land donated by the Tanadgusix Corporation.

ADMINISTRATIVE PROVISIONS, INDIAN HEALTH SERVICE

Appropriations in this Act to the Indian Health Service shall be available for services as authorized by 5 U.S.C. 3109 but at rates not to exceed the per diem rate equivalent to the maximum rate payable for senior-level positions under 5 U.S.C. 5376; hire of passenger motor vehicles and aircraft; purchase of medical equipment; purchase of reprints; purchase, renovation and erection of modular buildings and renovation of existing facilities; payments for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and for uniforms or allowances therefor as authorized by 5 U.S.C. 5901–5902; and for expenses of attendance at meetings which are concerned with the functions or activities for which the appropriation is made or which will contribute to improved conduct, supervision, or management of those functions or activities.

In accordance with the provisions of the Indian Health Care Improvement Act, non-Indian patients may be extended health care at all tribally administered or Indian Health Service facilities, subject to charges, and the proceeds along with funds recovered under the Federal Medical Care Recovery Act (42 U.S.C. 2651–2653) shall be credited to the account of the facility providing the service and shall be available without fiscal year limitation. Notwithstanding any other law or regulation, funds transferred from the Department of Housing and Urban Development to the Indian Health Service shall be administered under Public Law 86–121 (the Indian Sanitation Facilities Act) and Public Law 93–638, as amended.

Funds appropriated to the Indian Health Service in this Act, except those used for administrative and program direction purposes, shall not be subject to limitations directed at curtailing Federal travel and transportation.

Notwithstanding any other provision of law, funds previously or herein made available to a tribe or tribal organization through a contract, grant, or agreement authorized by title I or title III of the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450), may be deobligated and reobligated to a self-determination contract under title I, or a self-governance agreement under title III of such Act and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation.

None of the funds made available to the Indian Health Service in this Act shall be used to implement the final rule published in the Federal Register on September 16, 1987, by the Department of Health and Human Services, relating to the eligibility for the health care services of the Indian Health Service until the Indian Health Service has submitted a budget request reflecting the increased costs associated with the proposed final rule, and such request has been included in an appropriations Act and enacted into law.

Funds made available in this Act are to be apportioned to the Indian Health Service as appropriated in this Act, and accounted for in the appropriation structure set forth in this Act.

With respect to functions transferred by the Indian Health Service to tribes or tribal

organizations, the Indian Health Service is authorized to provide goods and services to those entities, on a reimbursable basis, including payment in advance with subsequent adjustment. The reimbursements received therefrom, along with the funds received from those entities pursuant to the Indian Self-Determination Act, may be credited to the same or subsequent appropriation account which provided the funding. Such amounts shall remain available until expended.

Reimbursements for training, technical assistance, or services provided by the Indian Health Service will contain total costs, including direct, administrative, and overhead associated with the provision of goods, services, or technical assistance.

The appropriation structure for the Indian Health Service may not be altered without advance approval of the House and Senate Committees on Appropriations.

OTHER RELATED AGENCIES

OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION

SALARIES AND EXPENSES

For necessary expenses of the Office of Navajo and Hopi Indian Relocation as authorized by Public Law 93–531, $14,491,000, to remain available until expended: *Provided,* That funds provided in this or any other appropriations Act are to be used to relocate eligible individuals and groups including evictees from District 6, Hopi-partitioned lands residents, those in significantly substandard housing, and all others certified as eligible and not included in the preceding categories: *Provided further,* That none of the funds contained in this or any other Act may be used by the Office of Navajo and Hopi Indian Relocation to evict any single Navajo or Navajo family who, as of November 30, 1985, was physically domiciled on the lands partitioned to the Hopi Tribe unless a new or replacement home is provided for such household: *Provided further,* That no relocatee will be provided with more than one new or replacement home: *Provided further,* That the Office shall relocate any certified eligible relocatees who have selected and received an approved homesite on the Navajo reservation or selected a replacement residence off the Navajo reservation or on the land acquired pursuant to 25 U.S.C. 640d–10.

INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT

PAYMENT TO THE INSTITUTE

For payment to the Institute of American Indian and Alaska Native Culture and Arts Development, as authorized by title XV of Public Law 99–498, as amended (20 U.S.C. 56 part A), $5,130,000, of which $1,000,000 shall remain available until expended for construction of the Library Technology Center.

SMITHSONIAN INSTITUTION

SALARIES AND EXPENSES

(INCLUDING RESCISSION)

For necessary expenses of the Smithsonian Institution, as authorized by law, including research in the fields of art, science, and history; development, preservation, and documentation of the National Collections; presentation of public exhibits and performances; collection, preparation, dissemination, and exchange of information and publications; conduct of education, training, and museum assistance programs; maintenance, alteration, operation, lease (for terms not to exceed 30 years), and protection of buildings, facilities, and approaches; not to exceed $100,000 for services as authorized by 5 U.S.C. 3109; up to five replacement passenger vehicles; purchase, rental, repair, and cleaning of uniforms for employees, $450,760,000, of which not to exceed $43,884,000 for the instrumentation program, collections acquisition, exhibition reinstallation, the National Museum of the American Indian, and the repatriation of skeletal remains program shall remain available until expended, and including such funds as may be necessary to support American overseas research centers and a total of $125,000 for the Council of American Overseas Research Centers: *Provided,* That funds appropriated herein are available for advance payments to independent contractors performing research services or participating in official Smithsonian presentations: *Provided further,* That the Smithsonian Institution may expend Federal appropriations designated in this Act for lease or rent payments for long term and swing space, as rent payable to the Smithsonian Institution, and such rent payments may be deposited into the general trust funds of the Institution to the extent that federally supported activities are housed in the 900 H Street, N.W. building in the District of Columbia: *Provided further,* That this use of Federal appropriations shall not be construed as debt service, a Federal guarantee of, a transfer of risk to, or an obligation of, the Federal Government: *Provided further,* That no appropriated funds may be used to service debt which is incurred to finance the costs of acquiring the 900 H Street building or of planning, designing, and constructing improvements to such building: *Provided further,* That from unobligated balances of prior year appropriations, $14,100,000 is rescinded.

REPAIR, RESTORATION AND ALTERATION OF FACILITIES

For necessary expenses of maintenance, repair, restoration, and alteration of facilities owned or occupied by the Smithsonian Institution, including necessary personnel, by contract or otherwise, as authorized by section 2 of the Act of August 22, 1949 (63 Stat. 623), $81,300,000, to remain available until expended, of which $16,750,000 is provided for maintenance, repair, rehabilitation and alteration of facilities at the National Zoological Park, and of which not to exceed $100,000 is for services as authorized by 5 U.S.C. 3109: *Provided,* That contracts awarded for environmental systems, protection systems, and repair or restoration of facilities of the Smithsonian Institution may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price.

CONSTRUCTION

For necessary expenses for construction of the National Museum of the American Indian, including necessary personnel, $20,000,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS, SMITHSONIAN INSTITUTION

None of the funds in this or any other Act may be used to make any changes to the existing Smithsonian science programs including closure of facilities, relocation of staff or redirection of functions and programs without approval from the Board of Regents of recommendations received from the Science Commission.

None of the funds in this or any other Act may be used to initiate the design for any proposed expansion of current space or new facility without consultation with the House and Senate Appropriations Committees.

None of the funds in this or any other Act may be used for the Holt House located at the National Zoological Park in Washington, D.C., unless identified as repairs to minimize water damage, monitor structure movement, or provide interim structural support.

None of the funds available to the Smithsonian may be reprogrammed without the advance written approval of the House and Senate Committees on Appropriations in accordance with the procedures contained in House Report No. 105–163.

NATIONAL GALLERY OF ART

SALARIES AND EXPENSES

For the upkeep and operations of the National Gallery of Art, the protection and care of the works of art therein, and administrative expenses incident thereto, as authorized by the Act of March 24, 1937 (50 Stat. 51), as amended by the public resolution of April 13, 1939 (Public Resolution 9, Seventy-sixth Congress), including services as authorized by 5 U.S.C. 3109; payment in advance when authorized by the treasurer of the Gallery for membership in library, museum, and art associations or societies whose publications or services are available to members only, or to members at a price lower than to the general public; purchase, repair, and cleaning of uniforms for guards, and uniforms, or allowances therefor, for other employees as authorized by law (5 U.S.C. 5901–5902); purchase or rental of devices and services for protecting buildings and contents thereof, and maintenance, alteration, improvement, and repair of buildings, approaches, and grounds; and purchase of services for restoration and repair of works of art for the National Gallery of Art by contracts made, without advertising, with individuals, firms, or organizations at such rates or prices and under such terms and conditions as the Gallery may deem proper, $78,219,000, of which not to exceed $3,026,000 for the special exhibition program shall remain available until expended.

REPAIR, RESTORATION AND RENOVATION OF BUILDINGS

For necessary expenses of repair, restoration and renovation of buildings, grounds and facilities owned or occupied by the National Gallery of Art, by contract or otherwise, as authorized, $16,230,000, to remain available until expended: *Provided,* That contracts awarded for environmental systems, protection systems, and exterior repair or renovation of buildings of the National Gallery of Art may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price.

JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

OPERATIONS AND MAINTENANCE

For necessary expenses for the operation, maintenance and security of the John F. Kennedy Center for the Performing Arts, $16,310,000.

CONSTRUCTION

For necessary expenses for capital repair and restoration of the existing features of the building and site of the John F. Kennedy Center for the Performing Arts, $17,600,000, to remain available until expended.

WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS

SALARIES AND EXPENSES

For expenses necessary in carrying out the provisions of the Woodrow Wilson Memorial Act of 1968 (82 Stat. 1356) including hire of passenger vehicles and services as authorized by 5 U.S.C. 3109, $8,488,000.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

NATIONAL ENDOWMENT FOR THE ARTS

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, $118,489,000, shall be available to the National Endowment for the Arts for the support of projects and productions in the arts through assistance to organizations and individuals pursuant to sections 5(c) and 5(g) of the Act, including $19,000,000 for support of arts education and public outreach activities

through the Challenge America program, for program support, and for administering the functions of the Act, to remain available until expended: *Provided,* That funds previously appropriated to the National Endowment for the Arts ''Matching Grants'' account may be transferred to and merged with this account.

NATIONAL ENDOWMENT FOR THE HUMANITIES

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, $111,632,000, shall be available to the National Endowment for the Humanities for support of activities in the humanities, pursuant to section 7(c) of the Act, and for administering the functions of the Act, to remain available until expended.

MATCHING GRANTS

To carry out the provisions of section 10(a)(2) of the National Foundation on the Arts and the Humanities Act of 1965, as amended, $16,122,000, to remain available until expended, of which $10,436,000 shall be available to the National Endowment for the Humanities for the purposes of section 7(h): *Provided,* That this appropriation shall be available for obligation only in such amounts as may be equal to the total amounts of gifts, bequests, and devises of money, and other property accepted by the chairman or by grantees of the Endowment under the provisions of subsections 11(a)(2)(B) and 11(a)(3)(B) during the current and preceding fiscal years for which equal amounts have not previously been appropriated.

ADMINISTRATIVE PROVISION

None of the funds appropriated to the National Foundation on the Arts and the Humanities may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: *Provided,* That none of the funds appropriated to the National Foundation on the Arts and the Humanities may be used for official reception and representation expenses: *Provided further,* That funds from nonappropriated sources may be used as necessary for official reception and representation expenses.

COMMISSION OF FINE ARTS

SALARIES AND EXPENSES

For expenses made necessary by the Act establishing a Commission of Fine Arts (40 U.S.C. 104), $1,224,000: *Provided,* That the Commission is authorized to charge fees to cover the full costs of its publications, and such fees shall be credited to this account as an offsetting collection, to remain available until expended without further appropriation.

NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS

For necessary expenses as authorized by Public Law 99–190 (20 U.S.C. 956(a)), as amended, $7,000,000.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

SALARIES AND EXPENSES

For necessary expenses of the Advisory Council on Historic Preservation (Public Law 89–665, as amended), $4,000,000: *Provided,* That none of these funds shall be available for compensation of level V of the Executive Schedule or higher positions.

NATIONAL CAPITAL PLANNING COMMISSION

SALARIES AND EXPENSES

For necessary expenses, as authorized by the National Capital Planning Act of 1952 (40 U.S.C. 71–71i), including services as authorized by 5 U.S.C. 3109, $7,253,000: *Provided,* That all appointed members of the Commission will be compensated at a rate not to exceed the daily equivalent of the annual rate of pay for positions at level IV of the Executive Schedule for each day such member is engaged in the actual performance of duties.

UNITED STATES HOLOCAUST MEMORIAL MUSEUM

HOLOCAUST MEMORIAL MUSEUM

For expenses of the Holocaust Memorial Museum, as authorized by Public Law 106–292 (36 U.S.C. 2301–2310), $38,663,000, of which $1,900,000 for the museum's repair and rehabilitation program and $1,264,000 for the museum's exhibitions program shall remain available until expended.

PRESIDIO TRUST

PRESIDIO TRUST FUND

For necessary expenses to carry out title I of the Omnibus Parks and Public Lands Management Act of 1996, $21,327,000 shall be available to the Presidio Trust, to remain available until expended.

TITLE III—GENERAL PROVISIONS

SEC. 301. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive Order issued pursuant to existing law.

SEC. 302. No part of any appropriation contained in this Act shall be available for any activity or the publication or distribution of literature that in any way tends to promote public support or opposition to any legislative proposal on which congressional action is not complete.

SEC. 303. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 304. None of the funds provided in this Act to any department or agency shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of such department or agency except as otherwise provided by law.

SEC. 305. No assessments may be levied against any program, budget activity, subactivity, or project funded by this Act unless advance notice of such assessments and the basis therefor are presented to the Committees on Appropriations and are approved by such committees.

SEC. 306. None of the funds in this Act may be used to plan, prepare, or offer for sale timber from trees classified as giant sequoia (Sequoiadendron giganteum) which are located on National Forest System or Bureau of Land Management lands in a manner different than such sales were conducted in fiscal year 2002.

SEC. 307. None of the funds made available by this Act may be obligated or expended by the National Park Service to enter into or implement a concession contract which permits or requires the removal of the underground lunchroom at the Carlsbad Caverns National Park.

SEC. 308. (a) LIMITATION OF FUNDS.—None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to accept or process applications for a patent for any mining or mill site claim located under the general mining laws.

(b) EXCEPTIONS.—The provisions of subsection (a) shall not apply if the Secretary of the Interior determines that, for the claim concerned: (1) a patent application was filed with the Secretary on or before September 30, 1994; and (2) all requirements established under sections 2325 and 2326 of the Revised Statutes (30 U.S.C. 29 and 30) for vein or lode claims and sections 2329, 2330, 2331, and 2333 of the Revised Statutes (30 U.S.C. 35, 36, and 37) for placer claims, and section 2337 of the Revised Statutes (30 U.S.C. 42) for mill site claims, as the case may be, were fully complied with by the applicant by that date.

(c) REPORT.—On September 30, 2003, the Secretary of the Interior shall file with the House and Senate Committees on Appropriations and the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on actions taken by the Department under the plan submitted pursuant to section 314(c) of the Department of the Interior and Related Agencies Appropriations Act, 1997 (Public Law 104–208).

(d) MINERAL EXAMINATIONS.—In order to process patent applications in a timely and responsible manner, upon the request of a patent applicant, the Secretary of the Interior shall allow the applicant to fund a qualified third-party contractor to be selected by the Bureau of Land Management to conduct a mineral examination of the mining claims or mill sites contained in a patent application as set forth in subsection (b). The Bureau of Land Management shall have the sole responsibility to choose and pay the third-party contractor in accordance with the standard procedures employed by the Bureau of Land Management in the retention of third-party contractors.

SEC. 309. Notwithstanding any other provision of law, amounts appropriated to or earmarked in committee reports for the Bureau of Indian Affairs and the Indian Health Service by Public Laws 103–138, 103–332, 104–134, 104–208, 105–83, 105–277, 106–113, 106–291, and 107–63 for payments to tribes and tribal organizations for contract support costs associated with self-determination or self-governance contracts, grants, compacts, or annual funding agreements with the Bureau of Indian Affairs or the Indian Health Service as funded by such Acts, are the total amounts available for fiscal years 1994 through 2002 for such purposes, except that, for the Bureau of Indian Affairs, tribes and tribal organizations may use their tribal priority allocations for unmet indirect costs of ongoing contracts, grants, self-governance compacts or annual funding agreements.

SEC. 310. Notwithstanding any other provision of law, for fiscal year 2003 the Secretaries of Agriculture and the Interior are authorized to limit competition for watershed restoration project contracts as part of the ''Jobs in the Woods'' Program established in Region 10 of the Forest Service to individuals and entities in historically timber-dependent areas in the States of Washington, Oregon, northern California, Idaho, Montana, and Alaska that have been affected by reduced timber harvesting on Federal lands. The Secretaries shall consider the benefits to the local economy in evaluating bids and designing procurements which create economic opportunities for local contractors.

SEC. 311. Of the funds provided to the National Endowment for the Arts—

(1) The Chairperson shall only award a grant to an individual if such grant is awarded to such individual for a literature fellowship, National Heritage Fellowship, or American Jazz Masters Fellowship.

(2) The Chairperson shall establish procedures to ensure that no funding provided through a grant, except a grant made to a State or local arts agency, or regional group, may be used to make a grant to any other organization or individual to conduct activity independent of the direct grant recipient. Nothing in this subsection shall prohibit payments made in exchange for goods and services.

(3) No grant shall be used for seasonal support to a group, unless the application is specific to the contents of the season, including identified programs and/or projects.

SEC. 312. The National Endowment for the Arts and the National Endowment for the Humanities are authorized to solicit, accept, receive, and invest in the name of the United States, gifts, bequests, or devises of money and other property or services and to use such in furtherance of the functions of the National Endowment for the Arts and the National Endowment for the Humanities. Any proceeds from such gifts, bequests, or devises, after acceptance by the National Endowment for the Arts or the National Endowment for the Humanities, shall be paid by the donor or the representative of the donor to the Chairman. The Chairman shall enter the proceeds in a special interest-bearing account to the credit of the appropriate endowment for the purposes specified in each case.

SEC. 313. (a) In providing services or awarding financial assistance under the National Foundation on the Arts and the Humanities Act of 1965 from funds appropriated under this Act, the Chairperson of the National Endowment for the Arts shall ensure that priority is given to providing services or awarding financial assistance for projects, productions, workshops, or programs that serve underserved populations.

(b) In this section:

(1) The term ''underserved population'' means a population of individuals, including urban minorities, who have historically been outside the purview of arts and humanities programs due to factors such as a high incidence of income below the poverty line or to geographic isolation.

(2) The term ''poverty line'' means the poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) applicable to a family of the size involved.

(c) In providing services and awarding financial assistance under the National Foundation on the Arts and Humanities Act of 1965 with funds appropriated by this Act, the Chairperson of the National Endowment for the Arts shall ensure that priority is given to providing services or awarding financial assistance for projects, productions, workshops, or programs that will encourage public knowledge, education, understanding, and appreciation of the arts.

(d) With funds appropriated by this Act to carry out section 5 of the National Foundation on the Arts and Humanities Act of 1965—

(1) the Chairperson shall establish a grant category for projects, productions, workshops, or programs that are of national impact or availability or are able to tour several States;

(2) the Chairperson shall not make grants exceeding 15 percent, in the aggregate, of such funds to any single State, excluding grants made under the authority of paragraph (1);

(3) the Chairperson shall report to the Congress annually and by State, on grants awarded by the Chairperson in each grant category under section 5 of such Act; and

(4) the Chairperson shall encourage the use of grants to improve and support community-based music performance and education.

SEC. 314. No part of any appropriation contained in this Act shall be expended or obligated to complete and issue the 5-year program under the Forest and Rangeland Renewable Resources Planning Act.

SEC. 315. None of the funds in this Act may be used to support Government-wide administrative functions unless such functions are justified in the budget process and funding is approved by the House and Senate Committees on Appropriations.

SEC. 316. Notwithstanding any other provision of law, none of the funds in this Act may be used for GSA Telecommunication Centers.

SEC. 317. None of the funds in this Act may be used for planning, design or construction of improvements to Pennsylvania Avenue in front of the White House without the advance approval of the House and Senate Committees on Appropriations.

SEC. 318. Amounts deposited during fiscal year 2002 in the roads and trails fund provided for in the 14th paragraph under the heading ''FOREST SERVICE'' of the Act of March 4, 1913 (37 Stat. 843; 16 U.S.C. 501), shall be used by the Secretary of Agriculture, without regard to the State in which the amounts were derived, to repair or reconstruct roads, bridges, and trails on National Forest System lands or to carry out and administer projects to improve forest health conditions, which may include the repair or reconstruction of roads, bridges, and trails on National Forest System lands in the wildland-community interface where there is an abnormally high risk of fire. The projects shall emphasize reducing risks to human safety and public health and property and enhancing ecological functions, long-term forest productivity, and biological integrity. The projects may be completed in a subsequent fiscal year. Funds shall not be expended under this section to replace funds which would otherwise appropriately be expended from the timber salvage sale fund. Nothing in this section shall be construed to exempt any project from any environmental law.

SEC. 319. No timber sale in Region 10 shall be advertised if the indicated rate is deficit when appraised using a residual value approach that assigns domestic Alaska values for western redcedar. Program accomplishments shall be based on volume sold. Should Region 10 sell, in fiscal year 2003, the annual average portion of the decadal allowable sale quantity called for in the current Tongass Land Management Plan in sales which are not deficit when appraised using a residual value approach that assigns domestic Alaska values for western redcedar, all of the western redcedar timber from those sales which is surplus to the needs of domestic processors in Alaska, shall be made available to domestic processors in the contiguous 48 United States at prevailing domestic prices. Should Region 10 sell, in fiscal year 2003, less than the annual average portion of the decadal allowable sale quantity called for in the Tongass Land Management Plan in sales which are not deficit when appraised using a residual value approach that assigns domestic Alaska values for western redcedar, the volume of western redcedar timber available to domestic processors at prevailing domestic prices in the contiguous 48 United States shall be that volume: (i) which is surplus to the needs of domestic processors in Alaska, and (ii) is that percent of the surplus western redcedar volume determined by calculating the ratio of the total timber volume which has been sold on the Tongass to the annual average portion of the decadal allowable sale quantity called for in the current Tongass Land Management Plan. The percentage shall be calculated by Region 10 on a rolling basis as each sale is sold (for purposes of this amendment, a ''rolling basis'' shall mean that the determination of how much western redcedar is eligible for sale to various markets shall be made at the time each sale is awarded). Western redcedar shall be deemed ''surplus to the needs of domestic processors in Alaska'' when the timber sale holder has presented to the Forest Service documentation of the inability to sell western redcedar logs from a given sale to domestic Alaska processors at a price equal to or greater than the log selling value stated in the contract. All additional western redcedar volume not sold to Alaska or contiguous 48 United States domestic processors may be exported to foreign markets at the election of the timber sale holder. All Alaska yellow cedar may be sold at prevailing export prices at the election of the timber sale holder.

SEC. 320. A project undertaken by the Forest Service under the Recreation Fee Demonstration Program as authorized by section 315 of the Department of the Interior and Related Agencies Appropriations Act for Fiscal Year 1996, as amended, shall not result in—

(1) displacement of the holder of an authorization to provide commercial recreation services on Federal lands. Prior to initiating any project, the Secretary shall consult with potentially affected holders to determine what impacts the project may have on the holders. Any modifications to the authorization shall be made within the terms and conditions of the authorization and authorities of the impacted agency.

(2) the return of a commercial recreation service to the Secretary for operation when such services have been provided in the past by a private sector provider, except when—

(A) the private sector provider fails to bid on such opportunities;

(B) the private sector provider terminates its relationship with the agency; or

(C) the agency revokes the permit for noncompliance with the terms and conditions of the authorization.

In such cases, the agency may use the Recreation Fee Demonstration Program to provide for operations until a subsequent operator can be found through the offering of a new prospectus.

SEC. 321. REVISION OF FOREST PLANS. Prior to October 1, 2003, the Secretary of Agriculture shall not be considered to be in violation of subparagraph 6(f)(5)(A) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604(f)(5)(A)) solely because more than 15 years have passed without revision of the plan for a unit of the National Forest System. Nothing in this section exempts the Secretary from any other requirement of the Forest and Rangeland Renewable Resources Planning Act (16 U.S.C. 1600 et seq.) or any other law: *Provided,* That if the Secretary is not acting expeditiously and in good faith, within the funding available, to revise a plan for a unit of the National Forest System, this section shall be void with respect to such plan and a court of proper jurisdiction may order completion of the plan on an accelerated basis.

SEC. 322. No funds provided in this Act may be expended to conduct preleasing, leasing and related activities under either the Mineral Leasing Act (30 U.S.C. 181 et seq.) or the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) within the boundaries of a National Monument established pursuant to the Act of June 8, 1906 (16 U.S.C. 431 et seq.) as such boundary existed on January 20, 2001, except where such activities are allowed under the Presidential proclamation establishing such monument.

SEC. 323. Section 347(a) of the Department of the Interior and Related Agencies Appropriations Act, 1999, as included in Public Law 105–277 is amended by striking ''2004'' and inserting ''2005''. The authority to enter into stewardship and end result contracts provided to the Forest Service in accordance with section 347 of title III of section 101(e) of division A of Public Law 105–277 is hereby expanded to authorize the Forest Service to enter into an additional 28 contracts subject to the same terms and conditions as provided

in that section: *Provided*, That of the additional contracts authorized by this section at least 9 shall be allocated to Region 1.

SEC. 324. Employees of the foundations established by Acts of Congress to solicit private sector funds on behalf of Federal land management agencies shall, beginning in fiscal year 2004, qualify for General Service Administration contract airfares.

SEC. 325. In entering into agreements with foreign countries pursuant to the Wildfire Suppression Assistance Act (42 U.S.C. 1856m) the Secretary of Agriculture and the Secretary of the Interior are authorized to enter into reciprocal agreements in which the individuals furnished under said agreements to provide wildfire services are considered, for purposes of tort liability, employees of the country receiving said services when the individuals are fighting fires. The Secretary of Agriculture or the Secretary of the Interior shall not enter into any agreement under this provision unless the foreign country (either directly or through its fire organization) agrees to assume any and all liability for the acts or omissions of American firefighters engaged in firefighting in a foreign country. When an agreement is reached for furnishing fire fighting services, the only remedies for acts or omissions committed while fighting fires shall be those provided under the laws of the host country and those remedies shall be the exclusive remedies for any claim arising out of fighting fires in a foreign country. Neither the sending country nor any organization associated with the firefighter shall be subject to any action whatsoever pertaining to or arising out of fighting fires.

SEC. 326. A grazing permit or lease issued by the Secretary of the Interior or a grazing permit issued by the Secretary of Agriculture where National Forest System lands are involved that expires, is transferred, or waived during fiscal year 2003 shall be renewed under Section 402 of the Federal Land Policy and Management Act of 1976, as amended (43 U.S.C. 1752), Section 19 of the Granger-Thye Act, as amended (16 U.S.C. 580l), or, if applicable, section 510 of the California Desert Protection Act (16 U.S.C. 410aaa–50). The terms and conditions contained in the expired, transferred, or waived permit or lease shall continue in effect under the renewed permit or lease until such time as the Secretary of the Interior or Secretary of Agriculture as appropriate completes processing of such permit or lease in compliance with all applicable laws and regulations, at which time such permit or lease may be canceled, suspended or modified, in whole or in part, to meet the requirements of such applicable laws and regulations. Nothing in this section shall be deemed to alter the statutory authority of the Secretary of the Interior or the Secretary of Agriculture: *Provided*, That where National Forest System lands are involved and the Secretary of Agriculture has renewed an expired or waived grazing permit prior to fiscal year 2003 under the authority of Section 504 of the Rescissions Act of 1995 (Public Law 104–19), the terms and conditions of the renewed grazing permit shall remain in effect until such time as the Secretary of Agriculture completes processing of the renewed permit in compliance with all applicable laws and regulations or until the expiration of the renewed permit, whichever comes first. Upon completion of the processing, the permit may be canceled, suspended or modified, in whole or in part, to meet the requirements of applicable laws and regulations. Nothing in this section shall be deemed to alter the Secretary of Agriculture's statutory authority.

SEC. 327. In awarding a Federal Contract with funds made available by this Act, the Secretary of Agriculture and the Secretary of the Interior (the "Secretaries") may, in evaluating bids and proposals, give consideration to local contractors who are from, and who provide employment and training for, dislocated and displaced workers in an economically disadvantaged rural community, including those historically timber-dependent areas that have been affected by reduced timber harvesting on Federal lands and other forest-dependent rural communities isolated from significant alternative employment opportunities: *Provided*, That the contract is for forest hazardous fuels reduction, watershed or water quality monitoring or restoration, wildlife or fish population monitoring, or habitat restoration or management: *Provided further*, That the terms "rural community" and "economically disadvantaged" shall have the same meanings as in section 2374 of Public Law 101–624: *Provided further*, That the Secretaries shall develop guidance to implement this section: *Provided further*, That nothing in this section shall be construed as relieving the Secretaries of any duty under applicable procurement laws, except as provided in this section.

This Act may be cited as the "Department of the Interior and Related Agencies Appropriations Act, 2003".

SA 4473. Mr. BYRD (for himself and Mr. BURNS) proposed an amendment to amendment SA 4472 proposed by Mr. BYRD to the bill H.R. 5093, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes; as follows:

At the end of Title I, add the following new section:

"SEC. . Hereafter, the Department of the Interior National Business Center may continue to enter into grants, cooperative agreements, and other transactions, under the Defense Conversion, Reinvestment, and Transition Assistance Act of 1992, and other related legislation."

SA 4474. Mr. BYRD proposed an amendment to amendment SA 4472 proposed by Mr. BYRD to the bill H.R. 5093, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes; as follows:

On page 83, line 13, strike "$650,965,000" and insert in lieu thereof "$640,965,000".

SA 4475. Mr. BYRD proposed an amendment to amendment SA 4472 proposed by Mr. BYRD to the bill H.R. 5093, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes; as follows:

On page 26, line 15, strike "315" and insert in lieu thereof "301".

SA 4476. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill H.R. 5093, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 14, lines 11 and 12, strike "$42,182,000, to remain available until expended:" and insert "$42,682,000, to remain available until expended, of which $500,000 shall be made available for the World Birding Center in Mission, Texas:".

On page 14, line 26, strike "$89,055,000" and insert "$88,555,000".

On page 15, line 5, insert ", of which $500,000 shall be made available for the Lower Rio Grande Valley National Wildlife Refuge" before the colon.

SA 4477. Mr. CRAPO submitted an amendment intended to be proposed to amendment SA 4472 proposed by Mr. BYRD to the bill H.R. 5093, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 73, line 6, strike "such Act" and insert "such Act, of which not less than $3,000,000 shall be made available to acquire scenic and conservation easements for the Sawtooth National Recreation Area in the State of Idaho".

SA 4478. Mr. CRAPO submitted an amendment intended to be proposed to amendment SA 4472 proposed by Mr. BYRD to the bill H.R. 5093, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 5, line 23, before the period, insert the following: ": *Provided further*, That the Secretary of the Interior may use wildland fire appropriations to enter into non-competitive sole source leases of real property with local governments, at or below fair market value, to construct capitalized improvements for fire facilities on such leased properties, including fire guard stations, retardant stations, and other initial attack and fire support facilities, and to make advance payments for any such lease or for construction activity associated with the lease".

SA 4479. Mr. SMITH of New Hampshire (for himself, Ms. STABENOW, Mr. LEVIN, and Mr. KERRY) submitted an amendment intended to be proposed to amendment SA 4472 proposed by Mr. BYRD to the bill H.R. 5093, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 86, line 2, before the period, insert the following: ": *Provided further*, That $4,000,000 shall be made available to carry out programs to demonstrate proton exchange membrane fuel cell-based ground support equipment at Manchester Airport, New Hampshire, Logan International Airport, Massachusetts, and Detroit Metro Airport, Michigan".

SA 4480. Mr. BYRD (for himself, Mr. BURNS, Mr. STEVENS, Mr. REID, Mr. DOMENICI, Mrs. MURRAY, Mr. CRAIG, Mr. WYDEN, Mr. KYL, Mr. BAUCUS, and Mr. CAMPBELL) proposed an amendment to amendment SA 4472 proposed by Mr. BYRD to the bill H.R. 5093, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 127, line 2, immediately following the "." insert the following:

TITLE IV—WILDLAND FIRE EMERGENCY APPROPRIATIONS

DEPARTMENT OF THE INTERIOR

BURAU OF LAND MANAGEMENT

WILDLAND FIRE MANAGEMENT

For necessary expenses to repay prior year advances from other appropriations transferred for emergency rehabilitation or wildfire suppression by the Department of the Interior, $189,000,000, to be available immediately upon enactment of this Act and to remain available until expended: *Provided,* that the Secretary of the Interior shall certify in writing to the House and Senate Committees on Appropriation within 30 days of receiving funds under this title which appropriations accounts from which funds were advanced in fiscal year 2002 for emergency rehabilitation or wildfire suppression have been repaid and the amount of repayment: *Provided, further,* That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

RELATED AGENCY

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

WILDLAND FIRE MANAGEMENT

For necessary expenses to repay prior year advances from appropriations accounts from which funds were borrowed for wildfire suppression, $636,000,000, to be available immediately upon enactment of this Act and to remain available until expended: *Provided,* that the Secretary of Agriculture shall certify in writing to the House and Senate Committees on Appropriation within 30 days of receiving funds under this title which appropriations accounts from which funds were advanced in fiscal year 2002 for wildfire suppression have been repaid and the amount of repayment: *Provided, further,* That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

SA 4481. Mr. DASCHLE, (for himself, Mr. BAUCUS, Mr. JOHNSON, Mr. HARKIN, Mrs. CARNAHAN, Mr. BURNS, Mr. DORGAN, Mr. NELSON of Nebraska, Ms. STABENOW, Mr. LEVIN, Mrs. CLINTON, Mrs. LINCOLN, Mr. CONRAD, Mr. WELLSTONE, Mr. DAYTON, Mr. SCHUMER, Mr. REID, Mr. BYRD, Mr. EDWARDS, Mr. HATCH, Mr. BINGAMAN, Mr. CLELAND and Mr. ENZI) proposed an amendment to amendment SA 4472 proposed by Mr. BYRD to the bill H.R. 5093, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes; as follows:

At the appropriate place, insert the following:

TITLE ____—EMERGENCY AGRICULTURAL DISASTER ASSISTANCE

SEC. ____01. CROP DISASTER ASSISTANCE.

(a) IN GENERAL.—Notwithstanding section 508(b)(7) of the Federal Crop Insurance Act (7 U.S.C. 1508(b)(7)), the Secretary of Agriculture (referred to in this title as the ''Secretary'') shall use such sums as are necessary of funds of the Commodity Credit Corporation to make emergency financial assistance authorized under this section available to producers on a farm that have incurred qualifying crop losses for the 2001 or 2002 crop due to damaging weather or related condition, as determined by the Secretary.

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

SEC. ____02. LIVESTOCK ASSISTANCE PROGRAM.

(a) IN GENERAL.—The Secretary shall use such sums as are necessary of funds of the Commodity Credit Corporation as are necessary to make and administer payments for livestock losses to producers for 2001 and 2002 losses in a county that has received an emergency designation by the President or the Secretary after January 1, 2001, and January 1, 2002, respectively, of which an amount determined by the Secretary shall be made available for the American Indian livestock program under section 806 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106–387; 114 Stat. 1549A–51).

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

SEC. ____03. COMMODITY CREDIT CORPORATION.

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

SEC. ____04. REGULATIONS.

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

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

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

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

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

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

SEC. ____05. EMERGENCY DESIGNATION.

(a) IN GENERAL.—The entire amount made available under this title shall be available only to the extent that the President submits to Congress an official budget request for a specific dollar amount that includes designation of the entire amount of the request as an emergency requirement for the purposes of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et seq.).

(b) DESIGNATION.—The entire amount made available under this section is designated by Congress as an emergency requirement under sections 251(b)(2)(A) and 252(e) of that Act (2 U.S.C. 901(b)(2)(A), 902(e)).

SEC. ____. CONGRESSIONAL BUDGET ACT.

Notwithstanding Rule 3 of the Budget Scorekeeping Guidelines set forth in the joint explanatory statement of the committee of conference accompanying Conference Report 105–217, the provisions of this section that would have been estimated by the Office of Management and Budget as changing direct spending or receipts under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 were it included in an Act other than an appropriations Act shall be treated as direct spending or receipts legislation, as appropriate, under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985, and by the Chairman of the Senate Budget Committee, as appropriate, under the Congressional Budget Act.

SA 4482. Mr. MURKOWSKI 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:

At the appropriate place, insert the following:

SEC. ____. AGE AND OTHER LIMITATIONS.

(a) GENERAL.—Notwithstanding any other provision of law, beginning on the date that is 6 months after the date of enactment of this Act—

(1) section 121.383(c) of title 14, Code of Federal Regulations, shall not apply;

(2) no certificate holder may use the services of any person as a pilot on an airplane engaged in operations under part 121 of title 14, Code of Federal Regulations, if that person is 63 years of age or older; and

(3) no person may serve as a pilot on an airplane engaged in operations under part 121 of title 14, Code of Federal Regulations, if that person is 63 years of age or older.

(b) CERTIFICATE HOLDER.—For purposes of this section, the term ''certificate holder'' means a holder of a certificate to operate as an air carrier or commercial operator issued by the Federal Aviation Administration.

(c) RESERVATION OF SAFETY AUTHORITY.—Nothing in this section is intended to change the authority of the Federal Aviation Administration to take steps to ensure the safety of air transportation operations involving a pilot who has reached the age of 60, including its authority—

(1) to require such a pilot to undergo additional or more stringent medical, cognitive, or proficiency testing in order to retain certification; or

(2) to establish crew pairing standards for crews with such a pilot.

SA 4483. Mr. MURKOWSKI 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:

At the appropriate place, insert the following:

SEC. . FOOD AND DRINKING WATER SUPPLY SECURITY PROGRAM.

(a) FINDINGS.—Congress finds that—

(1) section 413 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5180) authorizes the purchase of food commodities to provide adequate supplies of food for use in any area of the United States in the event of a major disaster or emergency in the area;

(2) the current terrorist threat was not envisioned when that Act was enacted, and the Act does not specifically require prepositioning of food supplies;

(3) the maintenance of safe food and drinking water supplies is essential;

(4) stored food supplies for major cities are minimal;

(5) if terrorist activity were to disrupt the transportation system, affect food supplies directly, or create a situation in which a quarantine would have to be declared, it would require a considerable period of time to ensure delivery of safe food supplies;

(6) terrorist activity could also disrupt drinking water supplies; and

(7) accordingly, emergency food and drinking water repositories should be established at such locations as will ensure the availability of food and drinking water to populations in areas that are vulnerable to terrorist activity.

(b) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of Homeland Security shall submit to Congress a report with information necessary to the establishment of secure prepositioned emergency supplies of food and drinking water for major population centers for use in the event of a breakdown in the food supply and delivery chain.

(2) CONSIDERATIONS.—The report shall consider the likelihood of such breakdowns occurring from accidents and natural disasters as well as terrorist activity.

(3) CONTENTS.—The report shall—

(A) identify the 20 most vulnerable metropolitan areas or population concentrations in the United States; and

(B) make recommendations regarding the appropriate number of days' supply of food to be maintained to ensure the security of the population in each such area.

(c) REPOSITORIES.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Homeland Security shall establish secure repositories for food and drinking water in each of the 20 areas identified in the report.

(2) ACCESSIBILITY.—The repositories shall be locally accessible without special equipment in the event of major transportation breakdown.

(d) PURCHASE OF SUPPLIES.—

(1) IN GENERAL.—The Secretary of Agriculture shall purchase and maintain food and water stocks for each repository, consistent with determinations made by the Secretary of Homeland Security.

(2) PHASING IN.—Purchases and full stocking of repositories may be phased in over a period of not more than 3 years.

(3) PRODUCTS OF THE UNITED STATES.—The Secretary of Agriculture shall purchase for the repositories food and water supplies produced, processed, and packaged exclusively in the United States.

(4) SELECTION.—Food and water supplies for the repositories shall be selected and managed so as to provide—

(A) quantities and packaging suitable for immediate distribution to individuals and families;

(B) forms of food products suitable for immediate consumption in an emergency without heating and without further preparation;

(C) packaging that ensures that food products are maximally resistant to postproduction contamination or adulteration;

(D) packaging and preservation technology to ensure that the quality of stored food and water is maintained for a minimum of 4 years at ambient temperatures;

(E) a range of food products, including meats, seafood, dairy, and vegetable (including fruit and grain) products, emphasizing, insofar as practicable—

(i) food products that meet multiple nutritional needs, such as those composed primarily of high-quality protein in combination with essential minerals; and

(ii) food products with a high ratio of nutrient value to cost;

(F) rotation of stock, in repositories on a regular basis at intervals of not longer than 3 years; and

(G) use of stocks of food being rotated out of repositories for other suitable purposes.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SA 4484. Mr. MURKOWSKI 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:

At the appropriate place, insert the following:

SEC. . NATIONAL DEFENSE RAIL CONNECTION.

(a) FINDINGS.—Congress finds that—

(1) A comprehensive rail transportation network is a key element of an integrated transportation system for the North American continent, and federal leadership is required to address the needs of a reliable, safe, and secure rail network, and to connect all areas of the United States for national defense and economic development, as previously done for the interstate highway system, the Federal aviation network, and the transcontinental railroad;

(2) The creation and use of joint use corridors for rail transportation, fiber optics, pipelines, and utilities are an efficient and appropriate approach to optimizing the nation's interconnectivity and national security;

(3) Government assistance and encouragement in the development of the transcontinental rail system successfully led to the growth of economically strong and socially stable communities throughout the western United States;

(4) Government assistance and encouragement in the development of the Alaska Railroad between Seward, Alaska and Fairbanks, Alaska successfully led to the growth of economically strong and socially stable communities along the route, which today provide homes for over 70% of Alaska's total population;

(5) While Alaska and the remainder of the continental United States has been connected by highway and air transportation, no rail connection exists despite the fact that Alaska is accessible by land routes and is a logical destination for the North American rail system;

(6) Rail transportation in otherwise isolated areas is an appropriate means of providing controlled access, reducing overall impacts to environmentally sensitive areas over other methods of land-based access;

(7) Because Congress originally authorized 1,000 miles of rail line to be built in Alaska, and because the system today covers only approximately half that distance, substantially limiting its beneficial effect on the economy of Alaska and the nation, it is appropriate to support the expansion of the Alaska system to ensure the originally planned benefits are achieved;

(8) Alaska has an abundance of natural resources, both material and aesthetic, access to which would significantly increase Alaska's contribution to the national economy;

(9) Alaska contains many key national defense installations, including sites chosen for the construction of the first phase of the National Missile Defense system, the cost of which could be significantly reduced if rail transportation were available for the movement of materials necessary for construction and for the secure movement of launch vehicles, fuel and other operational supplies;

(10) The 106th Congress recognized the potential benefits of establishing a rail connection to Alaska by enacting legislation to authorize a U.S.-Canada bilateral commission to study the feasibility of linking the rail system in Alaska to the nearest appropriate point in Canada of the North American rail network; and

(11) In support of pending bilateral activities between the United States and Canada, it is appropriate for the United States to undertake activities relating to elements within the United States.

(b) IDENTIFICATION OF NATIONAL DEFENSE RAILROAD-UTILITY CORRIDOR.—

(1) Within one year from the date of enactment of this Act, the Secretary of the Interior, in consultation with the Secretary of Transportation, the State of Alaska and the Alaska Railroad Corporation, shall identify a proposed national defense railroad-utility corridor linking the existing corridor of the Alaska Railroad to the vicinity of the proposed National Missile Defense facilities at Fort Greely, Alaska. The corridor shall be at least 500 feet wide and shall also identify land for such terminals, stations, maintenance facilities, switching yards, and material sites as are considered necessary.

(2) The identification of the corridor under paragraph (1) shall include information providing a complete legal description and noting the current ownership of the proposed corridor and associated land.

(3) In identifying the corridor under paragraph (1), the Secretary shall consider, at a minimum, the following factors:

(A) The proximity of national defense installations and national defense considerations;

(B) The location of and access to natural resources that could contribute to economic development of the region;

(C) Grade and alignment standards that are commensurate with rail and utility construction standards and that minimize the prospect of at-grade railroad and highway crossings;

(D) Availability of construction materials;

(E) Safety;

(F) Effects on and service to adjacent communities and potential intermodal transportation connections;

(G) Environmental concerns;

(H) Use of public land to the maximum degree possible;

(I) Minimization of probable construction costs;

(J) An estimate of probable construction costs and methods of financing such costs through a combination of private, state, and federal sources; and

(K) Appropriate utility elements for the corridor, including but not limited to petroleum product pipelines, fiber-optic telecommunication facilities, and electrical power transmission lines, and

(L) Prior and established traditional uses.

(4) The Secretary may, as part of the corridor identification, include issues related to the further extension of such corridor to a connection with the nearest appropriate terminus of the North American rail network in Canada.

(c) NEGOTIATION AND LAND TRANSFER.—

(1) The Secretary of the Interior shall—

(A) upon completion of the corridor identification in subsection (b), negotiate the acquisition of any lands in the corridor which are not federally owned through an exchange for lands of equal or greater value held by the federal government elsewhere in Alaska; and

(B) upon completion of the acquisition of lands under paragraph (A), the Secretary shall convey to the Alaska Railroad Corporation, subject to valid existing rights, title to the lands identified under subsection (b) as necessary to complete the national defense railroad-utility corridor, on condition that the Alaska Railroad Corporation construct in the corridor an extension of the railroad system to the vicinity of the proposed national missile defense installation at Fort Greely, Alaska, together with such other utilities, including but not limited to fiber-optic transmission lines and electrical transmission lines, as it considers necessary and appropriate. The Federal interest in lands

conveyed to the Alaska Railroad Corporation under this Act shall be the same as in lands conveyed pursuant to the Alaska Railroad Transfer Act (45 USC 1201 et seq.).

(d) APPLICABILITY OF OTHER LAWS.—Actions authorized in this Act shall proceed immediately and to conclusion not withstanding the land-use planning provisions of Section 202 of the Federal Land Policy and Management Act of 1976, P.L. 94–579.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

SA 4485. Mr. MURKOWSKI submitted an amendment intended to be proposed to amendment SA 4467 submitted by Mr. LIEBERMAN and intended to be proposed 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 136, between lines 15 and 16, insert the following:

SEC. 172. AIRLINE PASSENGER SCREENING.

Section 44901(b) of title 49, United States Code, is amended—

(1) by striking ''All screening of passengers'' and inserting:

''(1) IN GENERAL.—All screening of passengers''; and

(2) by adding at the end the following:

''(2) TREATMENT OF PASSENGERS.—Screening of passengers under this section shall be carried out in a manner that —

''(A) is not abusive or unnecessarily intrusive;

''(B) ensures protection of the passenger's personal property; and

''(C) provides adequate privacy for the passenger, if the screening involves the removal of clothing (other than shoes) or a search under the passenger's clothing.''.

SA 4486. Mr. WELLSTONE proposed an amendment to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; as follows:

After section 171, insert the following:

SEC. ___. 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).

(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.

SA 4487. Ms. SNOWE submitted an amendment intended to be proposed to 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:

At the appropriate place, insert the following:

SEC. . INTERAGENCY HOMELAND SECURITY FUSION CENTERS.

(a) IN GENERAL.—The Secretary shall establish a system of Interagency Homeland Security Interagency Fusion Centers—

(1) to coordinate the interagency fusion of maritime homeland security information focusing on the air and sea approaches to the United States;

(2) to facilitate information sharing between all of the participating agencies; and

(3) to provide intelligence cuing to the appropriate agencies concerning maritime threats to the homeland security of the United States.

(b) MEMBERSHIP.—Each Interagency Homeland Security Fusion Center shall be composed of individuals designated by the Secretary, and may include representatives of—

(1) the United States Coast Guard;

(2) the United States Customs Service;

(3) the Drug Enforcement Administration;

(4) the Department of Defense;

(5) the Immigration and Naturalization Service;

(6) the Transportation Security Administration;

(7) the Federal Bureau of Investigation;

(8) the Central Intelligence Agency;

(9) the National Security Agency;

(10) any other Federal agency the Secretary deems necessary; and

(11) representatives of such foreign governments as the President may direct.

(c) FUNCTION.—Interagency Fusion Centers shall—

(1) have access to all participating agencies' databases and information systems with adequate protections to ensure their security;

(2) collect, fuse, analyze, and disseminate information from the participating agencies concerning, but not limited to, tracking vessels, cargo, and persons of interest to identify and locate potential homeland security threats to the United States; and

(3) immediately alert all pertinent agencies to potential homeland security threats.

(d) IMPLEMENTATION REPORT.—No later than 1 year after the date of enactment of this Act, the Secretary shall provide a report to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Transportation and Infrastructure of the House of Representatives, the Committee on Governmental Affairs of the Senate, the Committee on Government Reform of the House of Representatives, and the Committees on Appropriations of the Senate and the House of Representatives detailing a plan to implement the Interagency Homeland Security Fusion Centers required by this section. The report shall—

(1) specify the number and location of the Interagency Homeland Security Fusion Centers required;

(2) provide a transition plan to implement these centers, which will name the agencies to be involved;

(3) delineate the manner in which these centers will operate in conjunction or in place of other intelligence or fusion centers currently in existence; and

(4) propose any needed changes in authorities for the agencies involved in the Interagency Homeland Security Fusion Centers.

SA 4488. Ms. SNOWE submitted an amendment intended to be proposed to 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:

At the appropriate place, insert the following:

SEC. . COAST GUARD FUNDING FLOORS.

(a) IN GENERAL.—No budget request submitted to the Congress pursuant to section 1105 of title 31, United States Code, for fiscal year 2004 or fiscal year 2005 shall contain a request for any Federal department that includes, for the Coast Guard, a reduction in annual total spending and annual internal budget allocations for each non-homeland security mission area below the appropriated levels and allocations for fiscal year 2002 or fiscal year 2003, whichever is greater for each area.

(b) NON-HOMELAND SECURITY MISSIONS.—The term ''non-homeland security missions'' means the following missions of the Coast Guard:

(1) Marine safety.

(2) Search and rescue.

(3) Aids to navigation.

(4) Living marine resources (fisheries law enforcement).

(5) Marine environmental protection.

(6) Ice operations.

(c) WAIVER.—

(1) IN GENERAL.—The President may waive the requirements of subsection (a) if the Commandant of the Coast Guard recommends at the same time to the President and to the Congress that such a waiver is necessary in order to mitigate substantially the consequences of a specific major accident, respond successfully to a specific and unanticipated national or international crisis, counter a specific, unanticipated threat to United States homeland security, or otherwise react satisfactorily to a specific, unanticipated event occurring within the Coast Guard's mission areas, any of which that has occurred since the date of the enactment of this Act.

(2) JUSTIFICATION.—The Commandant's recommendation to the President and the Congress shall include a detailed justification for the recommendation, including the specific information upon which the recommendation is based and the specific reasons why the Coast Guard could not effectively respond to the accident, crisis, threat, or event within the aforementioned restrictions.

(3) INTELLIGENCE CERTIFICATION.—Any recommendation for a waiver based on the need to counter a specific, unanticipated threat to United States homeland security shall be accompanied by a certification by the Director of Central Intelligence that—

(A) there exists a preponderance of credible, accurate, and compelling evidence within the Intelligence Community that demonstrates that the threat upon which the Commandant's recommendation is based is real, unanticipated, and acute, and that immediate action must be taken to counter it; and

(B) the Intelligence Community is taking specific and decisive steps to reduce significantly the probability that such threats will be unanticipated in the future.

SA 4489. Ms. SNOWE submitted an amendment intended to be proposed to 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:

At the appropriate place, insert the following:

SEC. . REPORT ON ACCELERATING THE INTEGRATED DEEPWATER SYSTEM.

No later than 90 days after the date of enactment of this Act, the Secretary, in consultation with the Commandant of the Coast Guard shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate, and the Committees on Appropriations of the Senate and the House of Representatives that—

(1) analyzes the feasibility of accelerating the rate of procurement in the Coast Guard's Integrated Deepwater System from 20 years to 10 years;

(2) includes an estimate of additional resources required;

(3) describes the resulting increased capabilities;

(4) outlines any increases in the Coast Guard's homeland security readiness;

(5) describes any increases in operational efficiencies; and

(6) provides a revised asset phase-in time line.

SA 4490. Mr. REID proposed an amendment to amendment SA 4486 proposed by Mr. WELLSTONE 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; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. ___. 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).

(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.

This section shall take effect one day after the date of this bill's enactment.

SA 4491. Mr. SMITH of New Hampshire (for himself, Mrs. BOXER, Mr. MURKOWSKI, Mr. BURNS, Mr. BUNNING, and Mr. MILLER) proposed an amendment to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; as follows

At the appropriate place, insert the following new title:

TITLE ___—FLIGHT AND CABIN SECURITY ON PASSENGER AIRCRAFT

SECTION ___1. SHORT TITLE.

This title may be cited as the ''Arming Pilots Against Terrorism and Cabin Defense Act of 2002''.

SEC. ___2. 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. ___3. 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. 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. ___4. 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).

SA 4492. Mr. REID (for Mrs. BOXER (for herself, Mr. SMITH of New Hampshire, Mr. MURKOWSKI, Mr. BURNS, Mr. BUNNING, and Mr. MILLER)) proposed an amendment to amendment SA 4491 proposed by Mr. SMITH of New Hampshire (for himself, Mrs. BOXER, Mr. MURKOWSKI, Mr. BURNS, Mr. BUNNING, and Mr. MILLER) 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; as follows:

In lieu of the matter proposed to be inserted, insert the following:

TITLE ___—FLIGHT AND CABIN SECURITY ON PASSENGER AIRCRAFT

SECTION ___1. SHORT TITLE.

This title may be cited as the ''Arming Pilots Against Terrorism and Cabin Defense Act of 2002''.

SEC. ___2. 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. ___3. 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. 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. ___4. 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).

The provisions of this amendment shall take effect one day after date of enactment.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FOREIGN RELATIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, September 4, 2002 at 4 p.m., to hold a nomination hearing.

AGENDA

Nominees: Mr. John R. Dawson, of the District of Columbia, to be Ambassador to the Republic of Peru (to be introduced by the Honorable Bob Dole, former U.S. Senator); Mr. Antonio O. Garza, Jr., of Texas, to be Ambassador to Mexico (to be introduced by the Honorable Kay Bailey Hutchison and the Honorable Phil Gramm); and Mrs. Linda E. Watt, of Florida, to be Ambassador to the Republic of Panama.

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

COMMITTEE ON HEALTH, EDUCATION, LABOR AND PENSIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet in executive session during the session of the Senate on Wednesday, September 4, 2002, at 10 a.m., in SD–430. The following item will be considered: S. 2758, the Child Care and Development Block Grant.

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

SPECIAL COMMITTEE ON AGING

Mr. REID. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet today, September 4, 2002 from 9:30 a.m.–12 p.m. in Dirksen 628 for the purpose of conducting a hearing.

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

SUBCOMMITTEE ON TECHNOLOGY, TERRORISM, AND GOVERNMENT INFORMATION

Mr. REID. Mr. President, I ask unanimous consent that the Committee on the Judiciary Subcommittee on Technology, Terrorism and Government Information be authorized to meet to conduct a hearing on ''An AMBER Alert National System'' on Wednesday, September 4, 2002, at 10:00 a.m. in Room 226 of the Dirksen Senate Office Building.

Panel: Robbie Callaway, Chairman, National Center for Missing and Exploited Children, Alexandria, VA; Sharon and Nichole Timmons, Mother and victim of abduction, Riverside, CA; Edward Fritts, President and CEO, National Association of Broadcasters, Washington, DC; Joe Farrow, Deputy Commissioner, California Highway Patrol, Sacramento, CA; Marc Klaas, Father of Polly Klaas, Victim of abduction, Sausalito, CA.

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

PRIVILEGES OF THE FLOOR

Mr. BYRD. Mr. President, I ask unanimous consent that Brenda Toineeta, an Interior Department employee on detail to the majority staff, be granted the privilege of the floor during consideration of H.R. 5093, the Interior appropriations bill.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BURNS. Mr. President, I ask unanimous consent that Nancy Perkins, a detailee from the office of Senator JUDD GREGG, be granted the privilege of the floor during the consideration of the Interior appropriations bill.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that Peter Mali, a fellow on my staff, be granted the privilege of the floor during the consideration of the Interior appropriations bill.

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

Mr. WELLSTONE. Mr. President, I ask unanimous consent that William Denk, a fellow on the Finance Committee, be granted the privilege of the floor for the pendency of the homeland security bill.

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

APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the Chairman of the Banking, Housing and Urban Affairs Committee, pursuant to Public Law 106–569, announces the appointment of the following individuals to be members of the Lands Title Report Commission: Dore A. Bietz of Toulumne, California; Juel C. Burnette III of Brandon, South Dakota; Thomas Livermont of Pierre, South Dakota; and Thomas H. Shipps of Durango, Colorado.

HONORING THE 2002 LITTLE LEAGUE BASEBALL WORLD SERIES WINNER

Mr. REID. I ask unanimous consent that the Senate proceed to the consideration of S. Res. 320, which was introduced earlier today by Senator BUNNING.

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

The legislative clerk read as follows:

A resolution (S. Res. 320) honoring the Valley Sports American Little League baseball team from Louisville, Kentucky, for winning the 2002 Little League Baseball World Series.

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

Mr. BUNNING. Mr. President, I rise today to take this opportunity, along with my colleague from Kentucky, Senator MCCONNELLL, to speak in support of this resolution honoring the Valley Sports American Little League Baseball Team from Louisville, Kentucky for winning the 2002 Little League Baseball World Series.

This is the first time in the 56-year history of the Little League World Series that a team from Kentucky has won the championship.

And all of us throughout the commonwealth are very proud of these young men and their coaches.

In fact, this team made it through their entire playoff run without losing a single game—24 games and 24 wins. As someone who played and managed professional baseball for over a quarter-century, I can tell my colleagues just how difficult it is to win 24 games in a row at any level of the sport.

Over the last month, when major league players were bickering with owners about salaries and revenue-sharing and drug-testing, the little leaguers showed the best of what baseball and our young people have to offer.

They played with grit, determination and great skill. They displayed spectacular sportsmanship along with giving us some of the finest baseball you will ever see.

The young men from Valley Sports played America's national pastime as it is meant to be played.

I take this opportunity to congratulate all of these young men—Aaron Alvey, Justin Elkins, Ethan Henry, Alex Hornback, Wes Jenkins, Casey Jordan, Shane Logsdon, Blaine Madden, Zach Osborne, Jake Remines, Josh Robinson and Wes Walden—along with their manager and coaches—Troy Osborne, Keith Elkins and Dan Roach—for this remarkable achievement.

Their heart and determination are models for us all. In my mind, they are all true all stars.

Mr. REID. Mr. President, I might note just in passing, this is a resolution honoring the Kentucky baseball team that won the Little League World Series, and there can be no better person to do this than the Senator from Kentucky, who is a member of the professional Baseball Hall of Fame. So I think it is worth noting that a Member

of the U.S. Senate, who is a member of the Baseball Hall of Fame, offers a resolution commending his State's team for winning the Little League World Series.

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

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

The resolution (S. Res. 320) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

(The bill will be printed in a future edition of the RECORD.)

ORDERS FOR THURSDAY, SEPTEMBER 5, 2002

Mr. REID. I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 tomorrow morning; that following the prayer and the 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 the Senate resume consideration of the Interior Appropriations Act; further at noon there be a period of morning business until 1 o'clock, with Senators permitted to speak for up to 10 minutes each, with the first half of the time under the control of the Republican leader or his designee, and the second half under the control of the majority leader or his designee, and that at 1 p.m. the Senate resume consideration of the Homeland Security Act.

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

VOTES ON PENDING AMENDMENTS

Mr. REID. Mr. President, we have two amendments also that are now pending, the Wellstone amendment and the Smith amendment. One is dealing with corporate offshore locations, the other deals with guns in cockpits of airplanes. They are both very important amendments.

I hope we could vote on these tomorrow. Remember, we have the ceremony in New York on Friday; therefore, we will not be able to get back on this legislation until next week.

I know there is some concern about the Wellstone amendment by some Senators, but I hope there would not be an effort to delay this very important legislation because of this amendment.

We are going to vote on it. It is only a question of when. People already know what they are going to do on this. So I hope we could move this legislation along. I think it will send a significant message to the President that this week we accomplished something on this bill that he feels so strongly about and that the two managers of this bill feel strongly about.

I think it would send the wrong message if we have no votes this week. The only reason we would not have votes is because the minority will not allow us to have votes.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 5:31 p.m., adjourned until Thursday, September 5, 2002, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate September 4, 2002:

NATIONAL CONSUMER COOPERATIVE BANK

RAFAEL CUELLAR, OF NEW JERSEY, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL CONSUMER COOPERATIVE BANK FOR A TERM OF THREE YEARS, VICE SHEILA ANNE SMITH, TERM EXPIRED.

MICHAEL SCOTT, OF NORTH CAROLINA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL CONSUMER COOPERATIVE BANK FOR A TERM OF THREE YEARS, VICE EWEN W. WILSON.

DEPARTMENT OF STATE

FRANCIS X. TAYLOR, OF MARYLAND, TO BE DIRECTOR OF THE OFFICE OF FOREIGN MISSIONS, AND TO HAVE THE RANK OF AMBASSADOR DURING HIS TENURE OF SERVICE, VICE DAVID G. CARPENTER.

FRANCIS X. TAYLOR, OF MARYLAND, TO BE AN ASSISTANT SECRETARY OF STATE (DIPLOMATIC SECURITY), VICE DAVID G. CARPENTER, RESIGNED.

GROVER JOSEPH REES, OF LOUISIANA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE DEMOCRATIC REPUBLIC OF EAST TIMOR.

NATIONAL MUSEUM SERVICES BOARD

ELIZABETH J. PRUET, OF ARKANSAS, TO BE A MEMBER OF THE NATIONAL MUSEUM SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 2004, VICE DAVID A. UCKO, TERM EXPIRED.

JUDITH ANN RAPANOS, OF MICHIGAN, TO BE A MEMBER OF THE NATIONAL MUSEUM SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 2002, VICE KINSHASHA HOLMAN CONWILL, TERM EXPIRED.

JUDITH ANN RAPANOS, OF MICHIGAN, TO BE A MEMBER OF THE NATIONAL MUSEUM SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 2007. (REAPPOINTMENT)

EDWIN JOSEPH RIGAUD, OF OHIO, TO BE A MEMBER OF THE NATIONAL MUSEUM SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 2002, VICE ARTHUR ROSENBLATT, TERM EXPIRED.

EDWIN JOSEPH RIGAUD, OF OHIO, TO BE A MEMBER OF THE NATIONAL MUSEUM SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 2007. (REAPPOINTMENT)

HARRY ROBINSON, JR., OF TEXAS, TO BE A MEMBER OF THE NATIONAL MUSEUM SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 2003, VICE ALBERTA SEBOLT GEORGE, TERM EXPIRED.

MARGARET SCARLETT, OF WYOMING, TO BE A MEMBER OF THE NATIONAL MUSEUM SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 2007, VICE JERRY D. FLORENCE, TERM EXPIRING.

BETH WALKUP, OF ARIZONA, TO BE A MEMBER OF THE NATIONAL MUSEUM SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 2003, VICE ROBERT G. BREUNIG, TERM EXPIRED.

DAVID DONATH, OF VERMONT, TO BE A MEMBER OF THE NATIONAL MUSEUM SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 2004, VICE JEANNE R. FERST, TERM EXPIRED.

NANCY S. DWIGHT, OF NEW HAMPSHIRE, TO BE A MEMBER OF THE NATIONAL MUSEUM SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 2005, VICE AYSE MANYAS KENMORE, TERM EXPIRED.

A. WILSON GREENE, OF VIRGINIA, TO BE A MEMBER OF THE NATIONAL MUSEUM SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 2004, VICE CHARLES HUMMEL, TERM EXPIRED.

MARIA MERCEDES GUILLEMARD, OF PUERTO RICO, TO BE A MEMBER OF THE NATIONAL MUSEUM SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 2005, VICE LISA A. HEMBRY, TERM EXPIRED.

PETER HERO, OF CALIFORNIA, TO BE A MEMBER OF THE NATIONAL MUSEUM SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 2006, VICE ALICE RAE YELEN, TERM EXPIRED.

THOMAS E. LORENTZEN, OF CALIFORNIA, TO BE A MEMBER OF THE NATIONAL MUSEUM SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 2006, VICE PHILLIP FROST, TERM EXPIRED.

TERRY L. MAPLE, OF GEORGIA, TO BE A MEMBER OF THE NATIONAL MUSEUM SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 2005, VICE TOWSEND WOLFE, TERM EXPIRED.

PETER MARZIO, OF TEXAS, TO BE A MEMBER OF THE NATIONAL MUSEUM SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 2006, VICE RUTH Y. TAMURA, TERM EXPIRED.

IN THE AIR FORCE

THE FOLLOWING NAMED AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

To be colonel

JAMES P. ACLY, 0000
MICHAEL D. AKEY, 0000
LAWRENCE N. APPEL, 0000
MICHAEL W. ARENSMEYER, 0000
STEPHEN M. ATKINSON, 0000
ROBERT J. BAYLOR, 0000
RAY A. BOOSINGER, 0000
CAROLYN F. BRAY, 0000
PATRICIA A. BURKHART, 0000
GEORGE A. CIBULAS, 0000
LAWRENCE W. COLE, 0000
KEVIN F. DANNEMANN, 0000
BURNETT L. DEYERLE III, 0000
CHARLES M. FARO, 0000
STEVEN J. FILO, 0000
JONATHAN S. FLAUGHER, 0000
STEVEN D. FRIEDRICKS, 0000
JAMES K. FULGINITI, 0000
SHARON M. GANN, 0000
DENNIS R. GRIES, 0000
THOMAS E. HAMMEN, 0000
FRANCIS J. HANZELKA, 0000
MICHAEL P. HARE, 0000
SUSANNE T. HECHINGER, 0000
GARRY T. HICKS, 0000
DAVID M. HOOPER, 0000
HAROLD P. HUDNALL JR., 0000
JOHN K. KEENAN, 0000
MARK R. KRAUS, 0000
KARL H. KROMER, 0000
JOSEPH L. LENGYEL, 0000
WILLIAM L. LEVAY, 0000
ANTHONY T. MAIDA II, 0000
JOHN E. MCCAIGE II, 0000
KELLY K. MCKEAGUE, 0000
JOHN W. MCWILLIAMS, 0000
ADOLFO MENENDEZJIMENEZ, 0000
LODA R. MOORE, 0000
PHILLIP E. MURDOCK, 0000
BILLY K. PATE, 0000
GEORGE A. PAVLICIN, 0000
DANIEL L. PEABODY, 0000
HARVEY D. PERKINS, 0000
ROBERT E. PIERCE, 0000
KENNY RICKET, 0000
MICHAEL W. RITZ, 0000
ALEX D. ROBERTS, 0000
JOSE A. RODRIGUEZMUNOZ, 0000
HERIBERTO ROSA, 0000
THOMAS R. SCHIESS, 0000
SCOTT B. SCHOFIELD, 0000
WILLIAM H. SHAWVER JR., 0000
DANIEL E. SHEWMAKER, 0000
DEBRA A. SKELTON, 0000
CRAIG E. SNOW, 0000
REBECCA S. STEIDLE, 0000
JAMES T. STRADER JR., 0000
JOHN P. SWIFT, 0000
DANNY H. THOMAS, 0000
KELLY TIMMONS, 0000
MARY ANN TIPTON, 0000
WILLIAM N. WADE, 0000
ERIC G. WELLER, 0000
GEORGE G. WHITE JR., 0000
CARL R. WILLERT, 0000
DAVID A. WILSON, 0000
JAMES R. WILSON, 0000

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTIONS 531 AND 5582:

To be commander

GUERRY H HAGINS, 0000
ALAN L JACOBS, 0000
ALAN J JARUSEWSKI, 0000
JOHN N LUND, 0000

To be lieutenant commander

STANLEY D ADAMS, 0000
STEVEN K BRADY, 0000
BARBARA A COLEMAN, 0000
REBECCA A CRICHTON, 0000
VIVIAN M DEVINE, 0000
STACY K DIPMAN, 0000
KIM E DIXON, 0000
PATRICK W FERINDEN, 0000
GLENN J GARGANO, 0000
DAVID W GIBSON, 0000
KELLY M GOODIN, 0000
BRADLEY H HAJDIK, 0000
KAMERON K KERNS, 0000
MARIA I KORSNES, 0000
EDWARD NIEVES, 0000
STEVEN D NYTKO, 0000
STEPHEN S REDMOND, 0000
BRYAN C STILL, 0000
JEFFREY B WALKER, 0000
JAMES B WARD, 0000
DONNA M WILLIAMS, 0000

To be lieutenant

TAMMERA L ACKISS, 0000
MARK E ALLEN, 0000
CHRISTOPHER R ANDERSON, 0000
ERNESTO C ANDRADA JR., 0000
MATTHEW J ARNOLD, 0000
DEANGELO ASHBY, 0000
DANIEL J AUGUST, 0000
GERARD D AVILA, 0000
GILBERT AYAN, 0000
ANTHONY W BAGNETTE, 0000
BRUCE W BEAM, 0000
THOMAS P BELSKY, 0000
DENNIS A BENFIELD JR., 0000
THOMAS M BESTAFKA, 0000
JAY A BIESZKE, 0000
DAVID BLACKMAN, 0000
JENNIFER BLAZEWICK, 0000
JAMES W BOERNER, 0000
LIAM O BOOHER, 0000
JOSEPH A BOVERI, 0000
MICHAEL P BRADLEY, 0000
MATTHEW BRADSHAW, 0000
STEPHEN K BRENNEMAN, 0000
JOHN H BRIGHT III, 0000
ANDREW P BROWN, 0000
SYLVESTER BROWN JR., 0000
CHRISTOPHER G BRYANT, 0000
SAMUEL C BRYANT, 0000
KENNETH W BURKE JR., 0000
DONALD A BUTLER, 0000
SANTIAGO B CAMANO, 0000
GEORGE R CARAMICO, 0000
GERARDO A CARITAN, 0000
JAMES A CARLILL, 0000
DEANNA S CARPENTER, 0000
TODD R CARPENTER, 0000
DERRICK E CARROLL, 0000
CHARLES L CATHER, 0000
DENISE L CHANNELL, 0000
MICHAEL R CHAPARRO, 0000
TOBIAS CHAPPELL, 0000
GALO E CHAVES, 0000
JOHN J CHEN, 0000
THANONGDETH T CHINYAVONG, 0000
DANIEL CIMMINO, 0000
JUSTIN B CLANCY, 0000
THANE C CLARE, 0000
BRUCE L CLARK, 0000
PAUL W CLARK, 0000
MICHAEL J CLARY, 0000
MICHAEL A COMSTOCK, 0000
CHRISTOPHER M CONDON, 0000
SEAN P CONVOY, 0000
TIMOTHY A CRADDOCK, 0000
IAN G CRAIG, 0000
JOHANNA E CRAWFORD, 0000
MARK L CUMMINGS, 0000
MARTIN L CUMMINS, 0000
TUNG S DANG, 0000
MATTHEW B DANIELS, 0000
MINJI DANIELS, 0000
HUBERT C DANTZLER III, 0000
WILLIAM G DAVIS III, 0000
DEREK B DAWSON, 0000
GRANT W DAWSON, 0000
MATTHEW B DELABARRE, 0000
DEBORAH L DIEHL, 0000
RODRIGO M DILL, 0000
ANDREW R DITTMER, 0000
CHRISTOPHER T DOLLARD, 0000
WILLIAM A DOODY, 0000
JAQUELINE G M DROTAR, 0000
ROBERT C ECHOLS, 0000
JAMES D EKBERG, 0000
JAMES R FARRAR, 0000
BRANT A FELDMAN, 0000
TYRONE P FIELDS, 0000
LANCE M FLOOD, 0000
CLAYTON FOLEY, 0000
DONALD M FOSS JR., 0000
SEAN M FOSS, 0000
EDWARD R FOSSATI, 0000
JAMES D FOUNTAIN, 0000
EDWARD C FOXWORTH JR., 0000
JOHATHAN A FRAZIER, 0000
DEANDREA G FULLER, 0000
MARCUS N FULTON, 0000
LENNY FUTERMAN, 0000
JUAN R GARCIA, 0000
MATTHEW W GARRISON, 0000
CHRISTOPHER C GAVINO, 0000
JASON A GMEINER, 0000
CASSIE A GORMAN, 0000
TYRONE W GORRICK, 0000
THOMAS R GOUDREAU, 0000
DOUGLAS GRABER, 0000
JOSEPH R GREENTREE, 0000
THERESA M GREGORY, 0000
TIMOTHY R GRIFFIN, 0000
CHRISTOPHER M GUOAN, 0000
GLENN E HANKS, 0000
MICHAEL C HARPER, 0000
KEVIN S HARRIS, 0000
RICHARD D HARVEY, 0000
DAVID B HAUSWIRTH, 0000
ERIK D HENDERSON, 0000
MICHAEL K HERBERT II, 0000
CHRISTOPHER M HERRON, 0000
THOMAS C HERZIG, 0000
NEWTON D HIGH, 0000
CARL C HINK, 0000
MICHAEL E HOBAUGH, 0000
SCOTT B HOBBS, 0000
ANDREW R HOUSE, 0000
JULIE A HRDLICKA, 0000
KENNETH M HUGHES, 0000
COLLEEN D HUSSION, 0000
TODD E HUTCHISON, 0000
CHARLES B JACKEL, 0000
ANTHONY A JACKSON, 0000
CARL S JAMES, 0000
JAY D JAMISON, 0000
RONALD J JENKINS, 0000
CEDRICK L JESSUP, 0000
JOSEPH P JOHNSON, 0000
DARREN T JONES, 0000
DOMINIC J JONES, 0000
THOMAS C JONES, 0000
BRANDON S KEITH, 0000
MARIE J KELLEY, 0000
BARRY F KERTANIS, 0000
JAMES T KING, 0000
ZAKI N KIRIAKOS, 0000
MICHAEL T KOERNER, 0000
RAGHAV KOTVAL, 0000
JASON G KRANZ, 0000
TASYA Y LACY, 0000
PETER T LAIRD, 0000
LAWRENCE LAKEOTES, 0000
HAROLD LANE, 0000
PHILLIP M LAVALLEE, 0000
MICHAEL D LAWRENCE, 0000
JAMES K LE, 0000
DAVID T LEE, 0000
JOHN E LEE III, 0000
BRYAN H LEESE, 0000
MARK A LITKOWSKI, 0000
ROBERT S LOEB, 0000
DARYL J LOTEMPIO, 0000
GERALD C LOWE, 0000
ROBERT T LYON, 0000
RONALD P MALLOY, 0000
JOHN S MARINOVICH, 0000
BOGOLJUB MARKOVICH JR., 0000
BOBBY J MARTINEZ, 0000
RONALD MATA, 0000
STEPHEN B MAY, 0000
TAMARA L MCCRACKEN, 0000
JAMES D MCGOWAN, 0000
RICHARD J MCGUIRE, 0000
LISA M MCLAUGHLIN, 0000
THOMAS B MCLEMORE, 0000
CARLOS E MENDOZA, 0000
THOMAS S MENTZER, 0000
RICARDO MERCADO, 0000
GARRETT H MILLER, 0000
JEFFREY A MILLER, 0000
MARIA C MILLSAP, 0000
MARK L MITCHELL, 0000
GARY G MONTALVO JR., 0000
DYLAN MONTES, 0000
DEMICHAEL T MORGAN, 0000
JEFFREY A MORRIS, 0000
PAUL F MOUNTEL, 0000
GARY J MULLEN JR., 0000
DANIEL S NEAL, 0000
DANIEL K NEICE, 0000
TODD A NELMS, 0000
KEVIN E NELSON, 0000
HEATHER C NOHR, 0000
SEAN T OCONNOR, 0000
BRUCE E OSBORNE, 0000
JOSHU OSMANSKI, 0000
JAMES C PABELICO, 0000
BRAULIO PAIZ, 0000
CHRISTINE C PALARCA, 0000
JASON A PARISH, 0000
MARY K PARKER, 0000
RAYMOND A PAUL JR., 0000
DAVID D PETERSON, 0000
LONNIE R PHILLIPS, 0000
JEFFREY D PIZANTI, 0000
KIMBERLY A PIZANTI, 0000
CARLOS A PLAZAS JR., 0000
COREY J PLOCHER, 0000
JOSEPH C POPE, 0000
WILLIAM R POTTS, 0000
MELISSA POWERS, 0000
BRETT A PUGSLEY, 0000
MICHAEL J RAK, 0000
HOMERO RAMOS, 0000
ANNE G REED, 0000
SEAN E REPLOGLE, 0000
MARK A REYES, 0000
LIA M REYNOLDS, 0000
JAMES V RIDEOUT, 0000
ANGEL A RIVERA, 0000
SCOTT D ROBERTS, 0000
SEAN P ROCHELEAU, 0000
PETER M RODNITE, 0000
DANIEL J ROGERS, 0000
AARON C RUGH, 0000
SONDRA M SANTANA, 0000
TODD A SAYLOR, 0000
JOSEPH R SCHAAF, 0000
DAVID L SCHOO, 0000
ASHLY H SCHWARTZ, 0000
MITCHELL J SEAL, 0000
BRANDON G SELLERS, 0000
SARA E SHAFFER, 0000
DAVID D SHAND, 0000
THAD J SHARP, 0000
WILLIAM C SHOEMAKER, 0000
ROBERT Y SHU, 0000
CARL C SMART, 0000
JANICE G SMITH, 0000
SAMUEL A SMITH, 0000
JONATHAN A STALEY, 0000
MITCHELL S STREB, 0000
ANDREW J SULLIVAN, 0000
BRIAN C SUMMERFIELD, 0000
MICHAEL J SZCZERBINSKI, 0000
BRYAN R TANNEHILL, 0000
JOSHUA P TAYLOR, 0000
DANIEL W TESTA, 0000
ROBERT G TETREAULT, 0000
DAVID A THEIN, 0000
BLAKE J TORNGA, 0000
ELIZABETH J TOUSE, 0000
MICHAEL P TOUSE, 0000
DANIEL R TOVAR JR., 0000
JOHN E TURNER, 0000
DONALD C USSELMAN, 0000
JOHN F VANPATTEN, 0000
JEREMY T VAUGHAN, 0000
ELIZABETH G VOGEL, 0000
JON VOIGTLANDER, 0000
JEFFREY R VRCHOTICKY, 0000
MICHEAL K WAGNER, 0000
ANDRU E WALL, 0000
SHAREE L WEBB, 0000
CAROLINE D WELBORN, 0000
MATTHEW T WILCOX, 0000
RICHARD L WILHOITE, 0000
PAUL D WILL, 0000
ETHAN R WILLIAMS, 0000
SARA S WILSON, 0000
JOHN R WITHERS, 0000
BRET G WITT, 0000
JASON M WOOD, 0000
WILLIAM WRIGHT, 0000
ABRAHAM N YOUNCE, 0000
ROYCE YUNG, 0000
RICHARD A ZASZEWSKI, 0000

To be lieutenant junior grade

HOLLY A BIDWELL, 0000
STEPHEN R BIDWELL, 0000
BRIAN L CLAPP, 0000
PATRICK T CONNOR, 0000
RICHARD K CORDLE, 0000
DENNIS A COX, 0000
CURTIS W CRONIN, 0000
DANNY H CRUZ, 0000
BRIAN G CUNNINGHAM, 0000
JARROD D DONALDSON, 0000
MARC K FARNSWORTH, 0000
CHARLES E FISHER, 0000
ANGELO D FONTANAZZA, 0000
TRENNY R FOSTER, 0000
JASON P FOX, 0000
JOSHUA J GAMEZ, 0000
CHRISTOPHER T GAY, 0000
CHRISTOPHER J GILBERTSON, 0000
LOUIS M GUTIERREZ, 0000
ERIC W HAHN, 0000
DAVID J HANEY, 0000
BRAD D HORNING, 0000
RICHARD C JOHNSTON, 0000
DORIS E KRAFT, 0000
ALICE Y LIBURD, 0000
ROBERTO MALDONADO, 0000
MATTHEW J MARTIN, 0000
SHANNON A MARTIN, 0000
BRIAN A MARTINEZ, 0000
JAMES T MERCHANT, 0000
AMY M MITCHELL, 0000
DAMIAN N NGO, 0000
DAVID B NOYA, 0000
CRISPIN N PAVELSKI, 0000
RAJSHAKER G REDDY, 0000
LENSWORTH A SAMUEL, 0000
MICHAEL J SAVARESE, 0000
CHRISTOPHER SIMPSON, 0000
CHRISTOPHER E SMITH, 0000
VORACHAI SRIBANDITMONGKOL, 0000
TRENT M THOMPSON, 0000
JOHN A TURNER, 0000
JEREMY E VELLON, 0000
MICHAEL D WAGNER, 0000
MARC F WILLIAMS, 0000
PAMELA J WILLIAMS, 0000
MICHAEL D WISECUP, 0000
CHRISTOPHER J WOOD, 0000
MATTHEW A WRIGHT, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

SCOTT A ANDERSON, 0000
WASNA C CLEMMONS, 0000
JOHN J COYNE, 0000
RONALD J HOLZMAN, 0000
GEORGE F KELLY, 0000
DAVID G LU, 0000
PHILIP E MARK, 0000
DARREN L MCFALL, 0000
GREGORY R MENARD, 0000
JEFFREY B MONTGOMERY, 0000
KENNETH A PIECZONKA, 0000
PAUL N SHIELDS, 0000
DAVID R STIEGER, 0000
HIRAM THOMPSON JR., 0000
GWENDOLYN WILLIS, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

DOUGLAS P BARBER JR., 0000
RALPH L BOWERS, 0000
DANIEL R CROUCH, 0000
MICHAEL A DILAURO, 0000
JOSEPH J ELDRED, 0000
DAMIAN D FLATT, 0000
PETER D GALINDEZ, 0000

PATRICK J GIBBONS, 0000
MARC F GUARIN, 0000
GLENN R HANCOCK, 0000
MARK C HOLLEY, 0000
DONALD C KING, 0000
JAMES A LINK, 0000
SALVATORE M MAIDA JR., 0000
RYAN J MCBRAYER, 0000
TALLEY E MCINTYRE, 0000
FERNETTE L MOORE, 0000
JENNIFER L ROPER, 0000
TREVOR A RUSH, 0000
MELISSA E SCRUGGS, 0000
DANIEL P SHANAHAN, 0000
DOUGLAS R VELVEL, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

PHILLIP M ADRIANO, 0000
DAVID M AGEY, 0000
VANITA AHUJA, 0000
THERESA A ALBRIGHT, 0000
DAVID E ALLEN, 0000
ANGELA M ALLEVI, 0000
JENNIFER M ALMY, 0000
HERNAN O ALTAMAR, 0000
PAUL B ALVORD, 0000
STEPHEN P ARLES, 0000
RODNEY A ARMAND, 0000
DAVID C ASSEFF, 0000
JAY A AVILA II, 0000
PHILIP D BAILEY JR., 0000
LORRAINE F BARRON, 0000
ROBERT V BARTHEL, 0000
JERRY Q BARTON, 0000
STEPHEN J BELL, 0000
JASON H BENNETT, 0000
CHRISTOPHER J BERRY, 0000
MARK A BICKERT, 0000
SUZANNE C BILYEU, 0000
PENELOPE M BLALACK, 0000
PAUL L BLASKOWSKI, 0000
KATY L BLOSS, 0000
BRIAN R BOGGS, 0000
MICHAEL M BOND, 0000
RODERICK C BORGIE, 0000
BARBARA J BOROWY, 0000
BRIAN N BOWES, 0000
MICHELLE M BOYANCE, 0000
DAVID A BOYD, 0000
DANIEL R BREAZEALE, 0000
ELISABETH M BRITTON, 0000
BRIAN T BROCHU, 0000
ALEXANDER S BROUGH III, 0000
BELINDA A BROWN, 0000
DOUGLAS E BROWN, 0000
JENNIFER L BROWN, 0000
KEVIN J BROWN, 0000
ROBERT M BROWN, 0000
ANN M BUFF, 0000
HAN Q BUI, 0000
RACHEL A BURKE, 0000
JEANNE M BUSCH, 0000
ERIK R BYLUND, 0000
MICHAEL CACKOVIC, 0000
THOMAS A CAPOZZA, 0000
ALEXIOS G CARAYANNOPOULOS, 0000
SCOTT J CARLSON, 0000
LUTHER I CARTER, 0000
TINO CHEN, 0000
NORAK P CHHIENG, 0000
GENOLA C CHILDS, 0000
EDWARD H CHIN, 0000
CHRISTOPHER B CHISHOLM, 0000
BOEU M CHON, 0000
PERRIN C CLARK, 0000
BRUCE D CLEMONS, 0000
JENNIFER A COADY, 0000
LENA F COBBS, 0000
GEORGE S CONLEY, 0000
GERALD L COOKE, 0000
JASON CORD, 0000
RICKY COTTRELL, 0000
JOSEPH E CUMMINGS, 0000
MICHELE A DANAHER, 0000
EBONEE L DAVIS, 0000
DOUGLAS J DENNETT, 0000
RUCHIRA S D DENSERT, 0000
RAYMOND M DEPA, 0000
BRENDA M DEPAOLA, 0000
ALBERT G DIDARIO, 0000
ARFAN M DIN, 0000
WILLIAM R DODGE, 0000
EDWIN C DOE, 0000
JOSEF F DOENGES, 0000
ANDREA B DONALTY, 0000
FRANK M DOSSANTOS, 0000
BRADLEY S DOWLING, 0000
DAVID M DROMSKY, 0000
ANGELA M DROZ, 0000
JAMES E DUNCAN, 0000
WILLIAM D DUTTON, 0000
FRANK S ELLIOTT, 0000
MICHAEL E EPPERLY, 0000
REGINALD S EWING III, 0000
KIMBERLY E FAGEN, 0000
MAUREEN E FARRELL, 0000
MARTHA FEENAGHTY, 0000
JEFFREY H FEINBERG, 0000
MICHAEL E FENTON, 0000
JACQUELINE M FIGNAR, 0000
CYNTHIA S FLORES, 0000
ANNE T FOX, 0000
ROBB S FRIEDMAN, 0000
JACOB L FRIESEN JR., 0000
DANA E GAFFNEY, 0000
DEREK A GAGNON, 0000
DAVID P GALLUS, 0000
KATERINA M GALLUS, 0000
JORGE A GARCIA, 0000
SANJIV J GHOGALE, 0000
MICHAEL S GIBSON, 0000
WILLIAM M GILL, 0000
JAMIE L GLADDEN, 0000
MAURICE L GOINS, 0000
ANGELA G GOPEZ, 0000
SEAN E GORETZKE, 0000
GREGORY H GORMAN, 0000
SHAWN D GRANT, 0000
FRANK T GRASSI, 0000
DONALD J GREEN, 0000
MEAGAN L GREGA, 0000
BENJAMIN T GRIFFETH, 0000
FRANCISCO J GUTIERREZ, 0000
CHRISTOPHER B HAAS, 0000
DAVID M HAAS, 0000
DAVID K HADLEY, 0000
TIMOTHY W HAEGEN, 0000
GREGORY J HALL, 0000
ARLENE L HANKINSON, 0000
ERIK M HAPP, 0000
ADRIENNE K HARPER, 0000
DAVID W HAYNES, 0000
DAVID Y HEALY JR., 0000
KARI K HEBER, 0000
ALAN C HEFFNER, 0000
ROBERT L HELMER, 0000
SCOTT A HENKE, 0000
MICHAEL E HERMAN, 0000
ERIC D HIGH, 0000
PAUL HLADON, 0000
TUAN N HOANG, 0000
JASON W HOLLENSBE, 0000
JAMES S HOUSTON, 0000
ROBERT T HOWARD, 0000
SEAN M HUSSEY, 0000
SCOTT L ITZKOWITZ, 0000
SARAH R JAMES, 0000
WENDY L JOHNSON, 0000
MICHAEL KASELIS, 0000
DAVID L KAY, 0000
MICHAEL P KEITH, 0000
STEPHEN J KELLAM, 0000
MARGARET KELLY, 0000
JERRY M KELTON, 0000
STEWART M KERR, 0000
CALLIOPE E KIM, 0000
KENNETH R KNECHT, 0000
BRIAN K KNIGHTON, 0000
NAIM V KOCHIU, 0000
STEPHEN G KOLKOW, 0000
VICTORIA W KOU, 0000
STEVEN M KRISS, 0000
MARCIA P KUCABA, 0000
MICHAEL A KUHN, 0000
RON C KUZDAK, 0000
DAVID S LAMBERT, 0000
EDWARD W LAMBERT III, 0000
WILLIAM LAND, 0000
KENDRA L LARKIN, 0000
LORIE A LASHBROOK, 0000
BRIAN D LAWENDA, 0000
EDITH R LEDERMAN, 0000
CURTIS E LEHMAN, 0000
HELENE W LHAMON, 0000
JOSEPH J LIENERT, 0000
DAVID C LOPRESTI, 0000
AMY K LUCKEYDOO, 0000
GUY L LUND, 0000
LAWRENCE J MADEWELL, 0000
MOHAMMAD A MALIK, 0000
LUIS E MARQUEZ, 0000
ERIC J MARSH, 0000
AMY H MARTIN, 0000
GARY L MARTIN, 0000
TIMOTHY E MATTISON, 0000
DAVID B MAY, 0000
JOHN M MCDONALD, 0000
EDWIN T MCGROARTY, 0000
JAMES M MCKEE, 0000
STEVEN T MEISTER, 0000
ERIC E MERRILL, 0000
DANIEL C MIELNICKI, 0000
STEPHEN J MILBACK, 0000
ERIC S MITCHELL, 0000
GREGG J MONTALTO, 0000
DAVID K MOORE, 0000
PETER A MORAWIECKI, 0000
CARLOS E MOREYRA, 0000
HEATH A MORGAN, 0000
PATRICK J MORGANTE, 0000
ANDREW M MORTON, 0000
HEATHER MOSS, 0000
AMY L MRUGALA, 0000
KURT H MUELLER, 0000
PATRICK E MUFFLEY, 0000
KESHAV R NAYAK, 0000
DANA L NEWSWANGER, 0000
OAHN T NGUYEN, 0000
KELLY B NICHOLS, 0000
LESLEY A NURSE, 0000
LINCOLN F NYMEYER, 0000
CHERYL K OKADO, 0000
PETER L OMALLEY, 0000
WILLIAM P OMEARA, 0000
LANCE M ORR, 0000
LUCIEN R OUELLETTE, 0000
MICHAEL D OWENS, 0000
AMBER L PADDOCK, 0000
ALTON B PARKER, 0000
SCOTT G PARSONS, 0000
BRET N PASIUK, 0000
SAYJAL J PATEL, 0000
LISA A PAZDERNIK, 0000
GEOFFREY A PECHINSKY, 0000
DENISE L PEET, 0000
ARTHUR S PEMBERTON, 0000
JOSEPH F PENTA, 0000
MICHELLE M PERELLO, 0000
ROBERT W PERKINS, 0000
ROBERT J PETERSON, 0000
MICHAEL D PETRUCCI, 0000
ANDREW C PFAFFENBACH, 0000
SUZANN K PIA, 0000
JENNIFER E PIERCE, 0000
REBECCA A PIFER, 0000
SCOTT A PLAYFORD, 0000
PETER R POGACAR, 0000
COLLEEN POWERS, 0000
SUSAN C POWERS, 0000
TYLER M PROUT, 0000
AMY A PULOSKI, 0000
ALFREDO R RAMIREZ, 0000
JAMIE A RAMSAY, 0000
FREDERICK J REED, 0000
SHARON B REED, 0000
JAMES J REEVES, 0000
DAVID H REFERMAT, 0000
WENDY R REGAL, 0000
ROBERT J REMINGTON, 0000
CORINNE R REPLOGLE, 0000
KATHERINE M REYES, 0000
CAROLYN C RICE, 0000
BROWYN P RICHARDS, 0000
MARK S RIDDLE, 0000
DE D R L RIEGO, 0000
AMY E RINDFLEISCH, 0000
ROWLAND J RIVERO, 0000
CARLOS J RODRIGUEZ, 0000
TIMOTHY B ROONEY, 0000
DAVID C ROSKA, 0000
PETER J ROSSI, 0000
STEVEN L ROVENSTINE, 0000
TIMOTHY E SAYLES, 0000
CHAD W SCAROLA, 0000
SANDRA A SCHAFFRANEK, 0000
KATHERINE I SCHEXNEIDER, 0000
LINETTE T SCOTT, 0000
LISA J SCOTT, 0000
DANIEL F SEIDENSTICKER, 0000
RICHARD P SERIANNI, 0000
STEPHEN W SEWARD, 0000
ROBERT P SHAFER, 0000
NOMI SHAOOL, 0000
TODD A SHEER, 0000
INGRID V SHELDON, 0000
QIHENG J SHEN, 0000
KEVIN M SHERLOCK, 0000
TERESA K SHERMAN, 0000
DANIEL L SHERWOOD, 0000
DANNY T SHIAU, 0000
DEVIN M SHOQUIST, 0000
PETER R SHUMAKER, 0000
ROBERT SILK, 0000
PATRICK S SIPE, 0000
CHARLES R SMALLING JR., 0000
CHAD J SMITH, 0000
COREY R SMITH, 0000
DIONNE J SMITH, 0000
DOUGLAS F SMITH, 0000
JOHN H SMITH JR., 0000
MATTHEW D SOMMONS, 0000
MICHAEL J SORNA II, 0000
ERIC T STEDJELARSEN, 0000
NICOLE L STERNITZKY, 0000
JENNIFER N STILL, 0000
MARK F STRASSBURG, 0000
JOSEPH E STRAUSS, 0000
CHRISTOPHER D STREETER, 0000
NICKI S TARANT, 0000
MORA N C TENEZA, 0000
KENNETH A TERHAAR, 0000
MICHAEL W TERKILDSEN, 0000
ERIC L THOMAS, 0000
JOHNNA S THOMAS, 0000
JODY R THOMPSON, 0000
DAVID R TOMLINSON, 0000
KIMBERLY P TOONE, 0000
KENNETH A TOTZ, 0000
MARK D TRAVIS, 0000
WADE R TRAVIS, 0000
ARVIN W TRIPPENSEE, 0000
DEBRA A TUCKER, 0000
MARK H TUCKER, 0000
MARIANNE W C TULLUS, 0000
GRETCHEN M TULLY, 0000
NATHAN S UEBELHOER, 0000
ROBERT T VANHOOK, 0000
LORI L VANSCOY, 0000
ROSITA M VEGA, 0000
STACY L VOLKERT, 0000
RICHARD A WADDELL, 0000
DAIN E WAHL, 0000
COREY W WALKER, 0000
RHONDA A WALLACE, 0000
WILLIAM C WALLACE, 0000
MICHAEL J WALT, 0000
JOHN R WALTERS, 0000
SAM O WANKO, 0000
REBECCA M WANKUM, 0000
SONYA N WATERS, 0000
DAVID E WEBSTER, 0000
LEE P N WEISE, 0000
SHERRILL L WELLER, 0000
MICHAEL W WENTWORTH, 0000
ADAM C WENZLIK, 0000
JAMES C WEST, 0000
KIM M WEVER, 0000

ERIC A WHEATLEY, 0000
TIMOTHY J WHITMAN, 0000
JESSICA B WILLERT, 0000
RICHARD M WILLEY, 0000
LEILA S WILLIAMS, 0000
RONALD M WILLIAMS, 0000
EVAN R WILLIAMSON, 0000
FREDERICK M WILSON, 0000
CRAIG M WOMELDORPH, 0000
SUSAN S WONG, 0000
KOLAN C WRIGHT, 0000
LAURA S WRIGHT, 0000
MICHAEL J YABLONSKY, 0000
KARL L YEN, 0000
AMY T YOUNG, 0000
PATRICK E YOUNG, 0000
CRAIG E ZINDERMAN, 0000
NEIL A ZLATNISKI, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

KRISTIN ACQUAVELLA, 0000
PAUL A ARMSTRONG, 0000
BRIAN R BALDUS, 0000
THOMAS P BASTOW, 0000
JOHN R BLACKBURN, 0000
JASON A BRIDGES, 0000
PATRICK S BROWN, 0000
CHAD B BURKE, 0000
LARRY D BURTON, 0000
KEVIN N CARADONA, 0000
EUGENE S CASH, 0000
JEFFREY M CORLISS, 0000
CHRISTOPHER J CORRIGAN, 0000
ALBERTO C CRUZ, 0000
CURTIS A CULWELL, 0000
GEORGE W DANIEL, 0000
ANDREW R DARNELL, 0000
DANIEL D DAVIDSON, 0000
JUSTIN D DEBORD, 0000
GLENN T DIETRICK, 0000
BRADLEY E EMERSON, 0000
DION D ENGLISH, 0000
MARK A ESCOE, 0000
KENNETH A S FAULKNER, 0000
MICHAEL FAY, 0000
JIMMY D FINLEY, 0000
DANIEL F FINNEY, 0000
JUSTIN K FRANCIS, 0000
MARC P GAGE, 0000
JOHN C GASSER, 0000
PLISKA L GILLIAM, 0000
BRIAN J GINNANE, 0000
PHILLIP A GIST, 0000
JOSE GONZALES, 0000
ADAM H GRAY, 0000
WESLEY A GRIFFIN, 0000
DAVID GWALTNEY, 0000
STEVEN C HARPER, 0000
PAUL A HASLAM, 0000
JAMES G HENDRICKSON JR., 0000
CODY L HODGES, 0000
MATTHEW P HOFFMAN, 0000
GREGG A HUDAK, 0000
JAMES P INGRAM, 0000
MATTHEW J JACOBS, 0000
DARRELL M JOHNSTON, 0000
TRENT C KALP, 0000
ROBERT A KEATING, 0000
MICHAEL E KINGMAN, 0000
PATRICK E KOEHLER, 0000
CHRISTOPHER D LIGHT, 0000
EDWARD MARTINEZ, 0000
CALVIN MATTHEWS JR., 0000
RONALD C MONTEHERMOSO, 0000
ERIC A MORGAN, 0000
SPENCER A MOSELEY, 0000
RICHARD H MOSLEY, 0000
DAVID F MURREE, 0000
CHRISTOPHER T NELSON, 0000
JAMES A NEUMAN, 0000
HARRY X NICHOLSON, 0000
SHAWN B NORWOOD, 0000
MICHAEL P OCONNELL, 0000
DARREL E OLSOWSKI, 0000
TERRY L OWENS, 0000
RICHARD A PAQUETTE, 0000
WILLIAM J PARRISH, 0000
ELISABETH G PETERS, 0000
JAMEAU PRYOR, 0000
JEFFREY W RAGGHIANTI, 0000
NICKOLAS L RAPLEY, 0000
CHAD R RIDDER, 0000
RICHARD R RIKER, 0000
RICKY L ROBINS, 0000
BRIAN V ROSA, 0000
KRIS E RUNAAS, 0000
COLLEEN C SALONGA, 0000
BRIAN G SCHORN, 0000
BRETT M SCHWARTZ, 0000
THOMAS A SCOTT, 0000
EDWARD L STEVENSON, 0000
KIRK M SWIANTEK, 0000
PAMELA S THEORGOOD, 0000
JAMES T THOMAS, 0000
CANE A TOUSSAINT, 0000
ROGELIO L TREVINO, 0000
JOSHUA L TUCKER, 0000
BRETT A WAGNER, 0000
JEROME R WHITE, 0000
DANIEL S WILCOX, 0000
ELNORA E WINN, 0000
TERRY D YARBROUGH, 0000
WILLIAM B ZABICKI JR., 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

SUE A ADAMSON, 0000
MICHAEL J ALLANSON, 0000
CHRISTOPHER M ANDREWS, 0000
PATRICIA E BEAMER, 0000
JUSTIN M BENNETT, 0000
MARK I BISBEE, 0000
JEFFREY W BLEDSOE, 0000
STEVEN L BROWN, 0000
BRADLEY D BUCHANAN, 0000
LYNN M CARLTON, 0000
ANDREW M CARTER, 0000
NOELLE COLLETTA, 0000
DANIEL J CROSBY, 0000
DAVID R CRUMBLEY, 0000
MONICA CSUJA, 0000
EVE D CURRIE, 0000
JANET L DAVIS, 0000
SHARON L FARLEY, 0000
DAVID L FELTON, 0000
ROBERT D FETHERSTON, 0000
SUSAN K FIACCO, 0000
DAVID C FISHER, 0000
STACIA L FRIDLEY, 0000
JAMES E GOSS, 0000
SHEILA I HEWITT, 0000
EMILIE R HOOK, 0000
CAROL B HURLEY, 0000
ROSLYN J JACKSON, 0000
SHERRI D JACKSON, 0000
KELLEY C JAMES, 0000
JEANNE C JIMENEZ, 0000
AMANDA S JOHN, 0000
CURTIS N JOHNSON, 0000
MICHELE A KANE, 0000
TERESA S KIMURA, 0000
JULIA L KING, 0000
KRISTIN L KLIMISCH, 0000
JOSEPH V KOSHIOL, 0000
RICHARD F KUTSCHMAN, 0000
VENNESSA LAKE, 0000
LUCIAN C LAURIE JR., 0000
SUSANNE M LEMAIRE, 0000
TAMARA K MAEDER, 0000
CHRISTOPHER R MANNION, 0000
THOMAS P MATULA, 0000
CATHERINE M MCNEAL, 0000
ROBIN K MOELLER, 0000
JENNIFER L MOORE, 0000
JEAN M MURRAY, 0000
ALDA M OCONNOR, 0000
DEBBIE OHARE, 0000
JERRI A PALMER, 0000
DEIDRA M PARKER, 0000
FRANCES C PERDUE, 0000
KATRINA O PRINGLE, 0000
CLIFFORD C PYNE, 0000
CHRISTOPHER J REDDIN, 0000
LAURIE H REPPAS, 0000
GEORGE P RILEY, 0000
HEIDI Y ROBERTS, 0000
SHARLEEN L ROMER, 0000
STEPHANIE L SANDERS, 0000
MANUEL SANTIAGO, 0000
DAVID F SARTORI, 0000
MICHAEL J A SERVICE, 0000
MARIA V J SESE, 0000
LINDA M SHINN, 0000
SIMON Y D SMITH, 0000
DONDRIA R SMITHHOLLIES, 0000
PAMELA L STOUT, 0000
DANIEL M SWISSHELM, 0000
PATRICIA M TAYLOR, 0000
DEBORAH A THOMPSON, 0000
SUSAN M TOYAMA, 0000
ROBERT J TURSI, 0000
SUSAN A UNION, 0000
MARK A WATSON, 0000
JENEVIEVE J WILLIAMSON, 0000
JANINE Y WOOD, 0000
LETITIA D WOOTSON, 0000
GEORGE A ZANGARO, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

CHRISTOPHER G ADAMS, 0000
MARIA L AGUAYO, 0000
ROLFE E ASHWORTH, 0000
JEANINE M AVANT, 0000
ALEXANDER W BARLAS, 0000
JAMES B BLANTON, 0000
STEVEN J BOWSER, 0000
BRIAN D CIARAVINO, 0000
JAMES M COLLINS, 0000
MICHAEL A CONLEY, 0000
TIM J DEWITT, 0000
CHRISTOPHER J GALLAGHER, 0000
DANIEL W GRIPPO, 0000
RANDALL A GUMKE, 0000
WENDY M HALSEY, 0000
ERIC J HAWN, 0000
RICHARD D HAYES III, 0000
DAVID R HOPKINS, 0000
TAREY D ISBELL, 0000
MICHAEL D KENNEY JR., 0000
ZAKI N KIRIAKOS, 0000
MICHAEL LEWIS, 0000
DAMON P LILLY, 0000
SCOTT D LOESCHKE, 0000
JENNIFER J MACBAIN, 0000
PETER J MACULAN, 0000
GILBERT B I MANALO, 0000
JASON T MATHIS, 0000
RUSSELL J MATTSON, 0000
JAMES G MEYER, 0000
JAYSON D MITCHELL, 0000
JAY A MURPHY, 0000
WILLIAM J PIERCE, 0000
RICHARD L PRINGLE, 0000
RAYMOND A PYLE, 0000
CHRISTOPHER H REHKOP, 0000
RUSSELL V SEIGNIOUS, 0000
SCOTT A SHAULIS, 0000
LATANYA E SIMMS, 0000
DANIEL M STODDARD, 0000
DARREN L SWEET, 0000
MICHAEL R TASKER, 0000
DANIEL P TURNER, 0000
GREGORY G VINCI JR., 0000
NELSON R WELLS, 0000
WILLIAM L WHITMIRE, 0000
MICHAEL T WOLFERSBERGER, 0000
RA YOEUN, 0000

EXTENSIONS OF REMARKS

TRIBUTE TO DAN NEELEY

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 2002

Mr. KILDEE. Mr. Speaker, I rise today to ask the House of Representatives to pay tribute to a wonderful man who passed away on August 19, Dan Neeley. Dan was a dear friend and his passing grieves me deeply.

Dan began working for Buick Motor Corporation on September 12, 1963. He was a dedicated employee and a dedicated citizen. He was honorably discharged from the United States Army in 1967 after serving two years. After returning to his job at Buick, Dan became active in the UAW. As a member of Local 599 he was elected in numerous posts until he passed away. Between 1971 and his passing Dan served as Alternate Committeeman, Committeeman, Shop Committee, Alternate Shop Committee, Alternate Benefit Representative, the Jobs Bank Coordinator, and he was a delegate to UAW Constitutional Conventions and Bargaining Conventions. He was a member of the Civil Rights Committee, the FEPC Committee and the CAP Committee, and he was a founding member of the ''Unity for Justice Black Caucus.''

His determination to provide equal representation to all persons led him to be involved in the community. Dan held in his heart the words of Reverend Jesse Jackson, ''Educate yourself on all levels: academic as well as political for knowledge is power.'' His belief in the power of those words persuaded Dan to organize the ''Get Out the Vote Center'' in Flint. His support for minority owned business brought about the ''Black Business Awareness Day.'' His ideas and involvement were the genesis for greater union recognition of the contributions of minorities. He led marches to promote the inclusion of minorities in Joint Programs jobs and he was instrumental in advancing minorities in leadership positions. Dan loved people and the community acknowledged this love. Dan was especially proud to have received the Drum Major Award from the City of Flint and the Walter Reuther Twenty Year Distinguished Service Award from the union.

His family, friends and the community will remember the compassionate man devoted to helping those in need. We will hold in our hearts and minds his goodness, his fire, his keen intellect and strong desire for justice. I ask the House of Representatives to rise and join me in honoring Dan Neeley and his lifelong pursuit of a better world.

NYUMBANI ORPHANAGE MARKS 10TH ANNIVERSARY

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 2002

Mr. GEORGE MILLER of California. Mr. Speaker, I rise today to join with Members of this House and many others throughout the world in congratulating Father Angelo D'Agostino, SJ., MD and his dedicated team who are marking the 10th anniversary of the founding of the Nyumbani Orphanage in Nairobi, Kenya. Father D'Ag, as he is universally known, created and has tirelessly built this unique facility for HIV-positive children in the midst of AID-ravaged sub-Saharan Africa. I had the honor to visit Nyumbani several years ago, as have several other Members of the House and Senate, and I know we all salute Father D'Ag, his staff, and the children for the great work they are doing.

Before Nyumbani, HIV-positive children were being abandoned, excluded from schools, orphanages and hospitals, left to die without medical care or a home. Father D'Ag, a physician and priest, has built this refuge for the children, including a modem medical laboratory and school, and increasingly is beating the odds and providing the children a chance to survive and live productive lives.

Nyumbani also operates the Lea Toto community-based outreach program which works in the desperate slums of Nairobi with adults and young people who are HIV-positive or at risk of AIDS, educating them and providing medical services. Today, the Nyumbani orphanage is caring for 85 children. As Father D'Ag recently wrote, ''When Nyumbani was first established, very few of us thought these children would grow to adulthood, but through all your love, prayers, care, attention and valued contributions and donations, we are keeping the kids alive, happy and educated. We expect them to become valued members of Kenyan society.''

The program is also making progress in changing public attitudes about HIV children, and recently was informed by the Nairobi City Council Education Office that they are requesting local schools to accept Nyumbani's school-age children. This was unthinkable just a short while ago in Kenya, and a genuine testament to the great work of the Nyumbani project. I am also very pleased to bear that the U.S. Ambassador to Kenya, Johnnie Carson, whom I met during his earlier service in Ho Chi Minh City, is planning on honoring Nyumbani at an embassy reception later this year.

It goes without saying that the financing of the Nyumbani program continues to be a daily struggle notwithstanding the many contributions from individuals and governments. There is a new ''Nyumbani Gift Shop'' that sells locally-made items and gives all profits to the Nyumbani project. While in Kenya, I urged our local AID offices to expand U.S. assistance to this worthy program, and I very much hope that we will continue to provide assistance without imposing burdensome regulations that handicap the ability of the project to utilize our funds efficiently. In addition, efforts to secure private contributions and donations to enable Nyumbani to continue and expand its efforts in Africa continue in the United States and worldwide.

The Nyumbani program is offering medical services, education, family and hope to dozens of children and others in Kenya, and deserves the recognition and support of all Members of the House and all Americans. I salute Dr. D'Ag and his co-workers, and the children of Nyumbani on their 10th anniversary.

TRIBUTE TO SHIRLEY MAE GREEN

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 2002

Mr. BACA. Mr. Speaker, I would like to pay tribute to the life of Shirley Mae Green, a beloved community member.

Shirley was born July 22, 1924 in Bristol, Virginia. She moved to Dayton, Ohio when she was a teenager, and graduated from Roosevelt High School in 1943.

Shirley was a caring, pro-active, and self-giving individual. She was very involved in her beloved community of Bloomington, California. From her involvement in various organizations such as the Parent Teacher Association and the Norton Air Force Base Chapel she only wanted to be of service. Her wholehearted efforts to improve the community made her a prime candidate to serve on the Parks and Recreation and the Colton Unified School District Boards. Her desire to improve and motivate the Bloomington community was visible from her involvement in Bloomington's Christmas Tree Lighting, Clean-Up Day, Easter Egg Hunt, and numerous parades. Furthermore, she was an advocate for the Senior Center and walking trail at Ayala Park.

Shirley's contributions to her Bloomington community have been recognized through her citizen of the year award in 1987, her two awards from the Bloomington Chamber of Commerce in 1986 and 1988, and her award from the California Jaycees in 1987.

Shirley passed away on Wednesday, August 28, 2002. She is survived by her husband Jerome Green, daughters Sharron, Jerri-Lynn and Laurie, sons Dennis and Joe, and seven grandchildren and five great-grandchildren. Her family, innumerable friends, and the entire community will miss her greatly.

And so Mr. Speaker, I submit this memorial to be included in the archives of the history of this great nation, for individuals like Shirley are unique in their generous contributions to this country.

IN RECOGNITION OF MRS. MURIEL SARGENT NORTH

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 2002

Mrs. ROUKEMA. Mr. Speaker, I rise today to recognize and congratulate a beloved member of our community in northern New Jersey—Mrs. Muriel Sargent North, who celebrated her 100th birthday on August 31, 2002.

For a full century, Muriel has demonstrated a sincere commitment to promoting education. After graduating from Wheaton College, she worked as a school teacher in New Hampshire before settling in Ridgewood to raise a family with her husband, Ernest ''Hap'' North. In New Jersey, Muriel served as a member of the College Club of Ridgewood, a charitable organization that seeks to expand opportunities for advanced education by offering need-based grant and interest-free loan programs to students. Her involvement in the Club, which is composed of women who are graduates of four year colleges and universities, led to her election as president, a position she held from 1949 to 1951.

Muriel is an outstanding example of the type of person who makes Bergen County such a wonderful place. An exemplary citizen, during the Second World War Muriel assisted the country in the war effort by participating in the American Women's Volunteer Service. As an active member of St. Elizabeth's Episcopal Church and the local Wheaton College Club, Muriel donated her time to support the activities of these worthy groups. In addition, Muriel served as a leader in the community Girl Scouts chapter.

Full of energy and with a spirit of adventure, Muriel's enthusiasm is truly contagious. Even at the age of 100, she remains active in the Heath Village Community, participating in many of the group's planned trips and outings. Her hard work and assistance in organizing the Heath Village Craft Fair have helped to make the event a tremendous success.

It is an honor to recognize Muriel Sargent North today for her 100 incredible years of service to her fellow citizens and her generous spirit. Muriel's outlook on life is a wonderful example for us all. Bergen County is truly fortunate to have her as a member of the community.

Mr. Speaker, I ask my colleagues in the House of Representatives to join me in congratulating Muriel Sargent North on her milestone 100th birthday.

TRIBUTE TO JOHN YORKO

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 2002

Mr. KILDEE. Mr. Speaker, I rise today to recognize a good friend and a wonderful person, John Yorko. John was honored on August 21st in my hometown of Flint, Michigan by his friends, and former co-workers for his dedicated service to the United Auto Workers and its membership.

John started working at the Fisher Body 1 plant on February 2, 1934. He joined the CIO the next year and in 1936 he participated in the historic Sit Down Strike. He was inside the plant until the strike ended on February 11, 1937 with an agreement between the union and General Motors. John's career as a lifelong advocate for working men and women was born in that fateful event.

Shortly thereafter he was elected as an alternate committeeman and served in that capacity until the plant was converted to World War II production. During the war he worked in the aluminum foundry at Buick, building the Allison airplane engine. He served as a Local 599 committeeman for the duration of the war and returned to Fisher Body in 1946. He remained at Fisher Body for the next forty years and was elected to numerous committees and groups culminating in his repeated election as President of Local 581. John served as that Local's president more times than any other individual. From there he was elevated to President of Region 1C. He worked tirelessly on statewide and national committees for the United Auto Workers to bring about tolerable working conditions, equitable pay, and a humane environment for the workers of our country.

On October 1, 1974 he retired from Fisher Body with 40.8 years of service but his union career was just getting its second wind. He organized the Flint Area Retired Workers Council in 1978 and served as its president for 22 years. His work with the United Auto Workers retirees led him to one of his greatest achievements. Instrumental in compiling a written record of the Flint Sit Down Strike in 1987 for its 50th Anniversary, John is recognized by the community as the historian who captured the memories of that event for future generations. He took the recollections of the men and women who acted with courage and boldness in 1936, and ensured that their words and actions will live forever. Our children and grandchildren will be able to learn about the valor of these individuals who changed our world forever. Our debt to him is immeasurable.

Mr. Speaker, I ask the House of Representatives to rise today and pay tribute to one of the great men. John Yorko's humility, compassion, and forthrightness have inspired many to follow in his footsteps. I am proud to call him my friend.

OUTSTANDING SERVICE OF REVEREND MARVIN WILLIAMS

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 2002

Mrs. McCARTHY of New York. Mr. Speaker, I rise in recognition of Reverend Marvin Williams' devotion to the Christ's First Presbyterian Church of Hempstead.

Reverend Williams has an admirable background. He has an undergraduate degree from Old Dominion University, and Master of Divinity degree from the Interdenominational Theological Center. Williams expects to receive a Master of Arts degree from Vanderbilt University in December 2002, and anticipates earning a Doctorate of Philosophy degree in the area of Biblical Studies in December 2003, after successful completion of his dissertation project.

The Reverend has touched many lives through his ministering. Over the past 16 years, he has served in varying capacities, including chaplain in the United States Air Force Reserve, Director of Christian Education at the Brookhaven Church in Nashville, Tennessee, and adjunct professor at Nyack College. His service in the pastorate has included the Renaissance Church of Chattanooga, Tennessee; the Roseville Church of Newark, New Jersey; and the North Church of Manhattan, New York.

Reverend Williams has ministered to Christ's First and the surrounding community for the past 8 years. Word of his wisdom and strong belief spread quickly, and the church rapidly expanded to include a large number of congregants. His preaching reached a global level through the Worldwide Ministries Division of the Presbyterian Church (USA), an organization that distributed his sermons in Switzerland, Portugal, Spain, Chile, Argentina and Uruguay.

Our community was lucky to have Reverend Williams in our midst for the past 8 years. His sermons and lectures have taught us a great deal about God, charity, the church and our community. We wish him well in his future endeavors, and we will miss him greatly.

THE EXTENT OF CORPORATE GREED

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 2002

Mr. GEORGE MILLER of California. Mr. Speaker, for weeks we have heard of the apparently boundless greed of the leaders of some of America's largest corporations—greed that has led them to ignore the retirement needs of their own employees and devastate their pension funds, slash their retiree health benefits, mislead their own investors and stockholders, lie to public regulators, and cheat taxpayers.

That greed has taken the form of unconscionable salaries and benefits, grotesque retirement benefits (even as employee retirees were being deprived of their life savings), cashing out weakening stocks (even as they encouraged employees to invest more in the same depreciating stocks), preposterous insider loans, and other types of executive compensation that financed a lifestyle of multi-million dollar homes and other lavish displays of wealth.

As Arianna Huffington has recently pointed out, we might read the numbers that describe the greed of these corporate criminals, but the numbers are simply beyond comprehension. Ms. Huffington has thoughtfully calculated some comparisons to help us appreciate the extent of the greed.

Take, for example, the practice of corporations making astronomical—and usually unsecured—loans of tens or even hundreds of millions of dollars to their executives: loans there is no realistic expectation they will repay, and loans which certainly are not being offered to other employees of the corporations. I recently introduced legislation, H.R. 5048, prohibiting such loans in excess of $50,000, a version of which was incorporated into the recently enacted accounting reform legislation thanks to the initiative of Senator CHARLES S. SCHUMER of New York.

We now know that the insider loans extended to John Rigas of Adelphia, Bernie Ebbers of WorldCom, Stephen Hilbert of Conseco, Dennis Kozlowski of Tyco and Ken Lay of Enron totaled $3.9 billion.

As Ms. Huffington calculates, that $3.9 billion could:

—Fund Habitat for Humanity to build 83,691 homes at a cost of $46,600 each for America's homeless.

—Send 35,583 poor but deserving students to Harvard Business School.

—Loan United Airlines the $1.8 billion it says it needs to avoid bankruptcy—twice.

—Buy every WorldCom shareholder a Xerox copier, some aspirin from Rite Aid, a year of long-distance service from Qwest, and a share of Enron stock (suitable for framing).

—Fund the SEC's now, greatly increased, annual budget for five years.

Other efforts to achieve real reform have been less successful than our insider loan restriction. For example, when the House considered pension legislation last spring, Republicans voted to deny Democrats the opportunity to offer any amendments, including one we had unsuccessfully offered in the Committee on Education and the Workforce to assure that executives did not enjoy special treatment in the sale of corporate stock while their employees were locked in through a pension fund completely controlled by executives. Because the Republican cared more about protecting the greed of the executives than about equity for employees, that provision is not in the House pension bill.

According to Fortune magazine, corporate executives made $66 billion by selling their company stock even while their employees were prohibited from doing so, or continued to buy stock based on the ''buy'' and ''hold'' recommendations of those same executives. As a result, employees and investors lost hundreds of billions of dollars. Republicans also defeated our efforts to assure that employees be included on the pension boards that manage their own money, so that this kind of deceit could not reoccur.

What could we do with that $66 billion, grabbed by greedy executives while their employees and stockholders were left destitute? Here are some examples provided by Ms. Huffington:

—Fund the annual budget of the FBI, corporate crime-fighting included, for 16 years.

—Increase by 74 times the U.S. foreign aid to all of sub-Saharan Africa.

—Cover the entire $25 billion America has spent fighting the war against terrorism in Afghanistan. And still have enough left over to give every Afghan more than two times their average yearly income.

—Pay the $1.08 million sales tax on Dennis Kozlowski's artwork and still have $66 billion left to buy every masterpiece in the Metropolitan Museum of Art's Impressionist collection at its assessed value.

As the executives took their money and ran, investors lost $427 billion in the market value of WorldCom, Tyco, Qwest, Enron and Global Crossing. With that $427 billion, you could:

—Fund the United Nations for the next 300 years.

—Pay off Argentina's external debt three times over.

—Give $356 to every man, woman and child on the planet living in poverty.

—Transplant the lungs of 1.7 million patients—at $250,000 each—suffering from irreversible emphysema.

—Pay the salaries of every Major League baseball player for the next 237 years.

Now, perhaps these wouldn't be the priorities you'd spend your billions on if you had them, instead of the selfish executives who have devastated the lives of millions of American families. But the scope of the greed highlights the extent of the corruption that has been tolerated by some in the business community, inadequately regulated by those charged with policing corporate behavior, and ignored by Republicans in developing thoroughly inadequate legislative responses to protect the economic security of America's working families, employees and investors.

TRIBUTE TO LISA HERRINGTON, BRANDY O'BRIAN AND REBECCA RAPPLEYEA

HON. TIMOTHY V. JOHNSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 2002

Mr. JOHNSON of Illinois. Mr. Speaker, today I would like to salute Lisa Herrington, Brandy O'Brian, and Rebecca Rappleyea. All three of these young women were recently honored with the Girl Scout Gold Award by Girl Scouts—Green Meadows Council in Urbana, Illinois. These women were honored on May 13, 2002 for earning the highest achievement that a young woman aged 14–17 or in grades 9–12 can earn in Girl Scouting. The Girl Scout Gold Award symbolizes outstanding accomplishments, each of which helps girls develop skills in the areas of leadership, career exploration, self-discovery, and service.

Girl Scouts of the U.S.A., an organization serving over 2.5 million girls, has awarded more than 20,000 Girl Scout Awards to Senior Girl Scouts since the inception of the program in 1980. To receive this award, a Girl Scout must earn four interest project patches—the Career Exploration Pin, the Senior Girl Scout Leadership Award, the Senior Girl Scout Challenge, and design and carry out a Girl Scout Gold Award project that requires a minimum of 50 hours of participation. A plan for fulfilling these requirements is created by the Senior Girl Scout and is carried out through close cooperation between the girl, her troop leader, and an adult Girl Scout volunteer mentor.

Lisa's Gold Award project A Great Summer for Migrant Families was a result of her volunteer work with migrant families during the past five years. Realizing that migrant families in the Rantoul area had many needs, Lisa developed a plan to receive donations from schools and churches in the Rantoul area. Girl Scout Troops were asked to collect supplies for the daughters of migrant workers. All of the collected items were distributed through the Champaign Unit 4 School District Summer School Program. Lisa concluded her project by using her Program Aide skills to plan and carry out activities during the three week summer Girl Scout program for daughters of migrant workers.

Brandy's Gold Award project Let's Get Kickin' incorporated her love of soccer in a way that would benefit youth in the Fisher area. Let's Get Kickin' had two components: (1) conduct an instructional soccer camp for grade school aged youth, and (2) provide regulation soccer equipment for the players. To achieve her goals, Brandy recruited girls and solicited donations of used soccer equipment. The donated items were made available to all interested youth in the community. Brandy's soccer camp, held April 6, 2002, included drills for improving skills in shooting, dribbling, passing, and teamwork. She discussed the history of soccer, reviewed the fundamentals of the game, and provided lunch for thirty participants.

Rebecca's Gold Award project Ballet for Young Girls was designed to teach young girls in the fundamentals of ballet to instill in them a love of ballet and to provide a venue to demonstrate what they had learned. Working with 12 girls over a three-month period, Rebecca instructed the girls in ballet skills. To make the experience even more meaningful, Rebecca made costumes for the ballerinas. In addition to learning ballet as an art form, the girls developed an appreciation for teamwork, As a result, Rebecca saw the participants gain self-confidence and self-esteem, both valuable qualities upon which to build their lives.

I ask you, my colleagues, to take the time to honor these three young woman and the many young women in your districts that continue to share their skills and caring hearts to our children and our communities through the Girl Scouts of the U.S.A.

10TH ANNIVERSARY OF THE FLINT-TOGLIATTI SISTER CITIES PARTNERSHIP

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 2002

Mr. KILDEE. Mr. Speaker, I ask the House of Representatives to join me in congratulating Flint, Michigan and Togliatti, Russia as they celebrate 10 years as Sister Cities. A ceremony will be held tomorrow in Flint to commemorate this event.

Sister Cities is a program to encourage persons and groups to engage in citizen diplomacy. President Dwight Eisenhower gave the idea impetus at a ''People-to-People'' conference in 1956. President Eisenhower's hope was that the personal relationships between individuals would lessen the prospect of future world conflicts. Born out of this idea, Sister Cities International has established municipal associations throughout the world, promoting an environment of cultural, educational, professional and technical exchanges between communities.

Flint is the birthplace of General Motors and Togliatti is the home of the Volzhsky Automobile Plant (VAZ), Russia's largest automotive manufacturer. This mutual interest in the automotive industry was genesis of the Sister City relationship between the two towns. The partnership has been very active since the beginning 10 years ago. The University of Michigan-Flint School of Management and the Togliatti College of Business and Banking exchange faculty and students. The Community Foundation of Flint and the C.S. Mott Foundation were instrumental in helping Togliatti organize the first Russian Community Foundation. The Flint Area Chamber of Commerce

assisted in the development of Togliatti's Chamber of Commerce and the Flint Rotary helped found its counterpart in Togliatti.

Remembering not only the relationships between organizations, Flint and Togliatti will also celebrate the flourishing exchange of their citizens and the friendships that have blossomed as a result of the Sister Cities program. Flint will honor this milestone with events between September 6 and September 10th. Togliatti will commemorate the anniversary with events between September 20 and September 24th.

Mr. Speaker, I ask the House of Representatives to join me in congratulating Flint, Michigan and Togliatti, Russia for embracing the spirit of the Sister Cities program. The affinity that has evolved between these two communities is an example to everyone that people everywhere can live in harmony and realize their aspirations through friendship and goodwill.

RECOGNIZING BUSINESS AND PROFESSIONAL WOMEN/USA

HON. BILL LUTHER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 2002

Mr. LUTHER. Mr. Speaker, I would like to recognize Business and Professional Women/USA for their longtime commitment to equality in the workplace and for their efforts to promote full participation, equity and economic self-sufficiency for America's working women.

Our nation has made considerable achievements in the fight for equality with women-owned businesses accounting for over one-third of all firms in the United States. These women-owned businesses provide employment for one out of every four U.S. workers. However, more needs to be done. There are numerous social, educational, economic and political barriers to achieving real equality and self-sufficiency in many areas of the world and public policy makers must strive to correct these inequities.

I would like to join Business and Professional Women/USA in recognizing National Business Women's Week which runs from October 21 through October 25, 2002. I urge all public and community organizations to join this salute by celebrating the achievements and the contributions that business and professional women have made to our society and daily lives.

H.R. 5005, ESTABLISHING THE DEPARTMENT OF HOMELAND SECURITY

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 2002

Mr. UDALL of New Mexico. Mr. Speaker, for the past two days, the House of Representatives has debated legislation establishing a Department of Homeland Security. The need for this important federal department resulted from the cruel and unprovoked surprise attack on America that occurred in the morning hours of September 11, 2001.

Let me begin by saying that I strongly support protecting our borders; I strongly support protecting our citizens in their daily lives; I strongly support the President, in the authority which Congress gave him to battle terrorism at home and abroad to protect the American way of life. However, I cannot support these protections if we weaken individual civil liberties, limit the ability of citizens to know what our government is doing in their name, and gut worker rights to accomplish these objectives.

I was very encouraged by the initial steps taken by the various House Committees as we began crafting the legislation to implement the President's proposal for the new department. Unfortunately, the final product of the House Select Committee on Homeland Security bypassed much of the early outstanding bipartisan work of the House.

Mr. Speaker, the bill considered and passed by the Select Committee that we consider today does not include many sound and sensible provisions passed by the committees with expertise. In addition, the Select Committee added a number of flawed and controversial provisions, which were neither proposed by the President nor considered by the committees of jurisdiction. Creating a brand new cabinet level Department of Homeland Security is something that should require months and months of research, committee work, and understanding to properly ensure initiatives are in place to reduce risk and respond to terrorists' attacks.

These last two days have been very frustrating. Although a bipartisan group has tried to correct many of H.R. 5005's shortcomings, the leadership has decided not to improve this bill. We repeatedly tried to fix this bill so that a nearly unanimous majority could support final passage. Unfortunately, that will not be the case.

Mr. Speaker, there are several troublesome provisions in this bill, H.R. 5005, which raise questions as to its ability to secure the homeland, its ability to keep Congress and the American people adequately apprised of governmental activities, and its ability to protect the rights of the department's new employees.

The House defeated an amendment to protect the civil service rights of the nearly 170,000 federal employees who will move to the new department. H.R. 5005 also failed to protect federal whistle-blowers that might uncover problems or inadequacies in the new department. We also have reduced access to government documents for average Americans by restricting Freedom of Information Act requests, which are critical to our open form of government. We also failed to approve a provision to strike an extension of the airline baggage-screening deadline.

I believe we in Congress must do everything in our power to strengthen our borders and take the necessary steps to ensure that the events of September 11th never occur again. However, the bill before us takes many unnecessary steps in the name of Homeland Security. Unfortunately, for these and other reasons, I cannot support final passage of this legislation.

Our efforts during these last two days were not done in vain. What we were able to do, Mr. Speaker, is highlight many areas of this legislation that must be improved during Conference.

We tried to protect our tradition of open and accountable government. We opposed efforts to gratuitously protect irresponsible corporations, including those that incorporate offshore to avoid paying their share of the war on terrorism and those who knowingly make faulty products.

We opposed efforts to retain the President's plan to dismantle civil service protections and guaranteeing that the new department will not have the best possible workforce.

We opposed efforts to create a huge, costly, and inefficient 1950s style government bureaucracy that will likely take years before it functions properly.

The attempts to strengthen this legislation were undertaken to make the American people safer and ensure that those Americans who work each day in this new Department have the tools, securities, and worker protections in place, as other federal workers, to battle terrorism and keep the homeland safe.

I am hopeful that when Congress reconvenes in September that the Conference Committee will return to both chambers a Homeland Security bill that is the product of strong bipartisan effort. I believe we can and we must create an effective Department of Homeland Security that simultaneously protects the homeland, protects workers, and protects our basic freedoms and civil liberties.

COMMENDING MICHELLE CHRISTINE PRESSON

HON. J. RANDY FORBES

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 2002

Mr. FORBES. Mr. Speaker, I would like to take this opportunity to recognize the outstanding contributions of Michelle Presson on behalf of the citizens of the 4th District of Virginia. On August 31, 2002, Michelle, who has served as my Senior Advisor and Legislative Director, will leave Capitol Hill for another full time and demanding position, that of a mother to her daughter Abigail.

Over the past ten years, Michelle has proudly and competently served three other Members of this body as Legislative Assistant, Legislative Counsel and Legislative Director. Congressman CHRIS SMITH, Congressman ANDER CRENSHAW and former Congresswoman Tilley Fowler have all had the honor of having Michelle on their respective staffs. Michelle is the type of person and employee that any Member would be honored to have on their team.

Mr. Speaker, I ask that you join me in saluting Michelle for her distinguished service and commitment to this body and to the people of Virginia's 4th District. Just as we will never forget what she has done here, the numerous constituents she has served well over the last ten years will not forget either. She has enriched the lives of those whom she served. Michelle leaves Capitol Hill with our gratitude for a job well done. I commend her for her dedication to her family and am confident that she will excel in the noble profession of motherhood. Michelle is the very embodiment of the words service and dedication and it is fitting that the House of Representatives honor her this day.

TRIBUTE TO ROBERT WADE BYARS

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 2002

Mr. BACA. Mr. Speaker, I would like to pay tribute to the life of Robert Wade Byars, a beloved community member.

Robert was born and spent his early childhood in the small town of Byars, Oklahoma, which was founded by his great grandfather. His family moved from Byars to Ardmore, Oklahoma when he was a young teenager in search of business opportunities. In 1941, faced with the tragedy of Pearl Harbor, he selflessly enlisted in the U.S. Army and was shipped out the next day. He was stationed at various locations in the South Pacific, including Guadalcanal and the Philippines. Throughout his service he found himself in the midst of combat and still continued to fight for his county. In addition, he served as a member of a special U.S. Army unit that worked with the Marines. He received several decorations in honor of his service to his country.

After serving four years in the Army, Robert returned to Ardmore in 1945. He married his long-time sweetheart, and they remained married for over 50 years.

In 1948, Robert and his new bride moved from Oklahoma to San Bernardino, California to look after and support his mother-in-law. He was to later serve several years as a Commissioner on the San Bernardino County Commission on Senior Affairs. He also served his San Bernardino community as a part-time Congressional Aide for Congressman George Brown from 1992–96, specializing in senior issues.

Robert passed away on Sunday, July 28, 2002. His family, innumerable friends, and the entire community will miss him greatly.

And so Mr. Speaker, I submit this memorial to be included in the archives of the history of this great nation for individuals like Robert are unique in their generous contributions to this country.

TRIBUTE TO NOYES LABORATORY AT THE UNIVERSITY OF ILLINOIS AT URBANA–CHAMPAIGN

HON. TIMOTHY V. JOHNSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 2002

Mr. JOHNSON of Illinois. Mr. Speaker, it is my pleasure to take this time to recognize Noyes Laboratory at the University of Illinois at Urbana-Champaign. The building was named in honor of Professor William Albert Noyes, head of the Department of Chemistry from 1907–1926. 2002 marks the Centennial occupancy of Noyes Laboratory as the home of the School of Chemical Sciences, and I am proud to represent what has become a celebrated institution for the University, and for the 15th district of Illinois.

Upon its completion in 1902, it was the largest and best-equipped laboratory in the world. It represented a groundbreaking design that has provided diverse research and teaching environments for hundreds of faculty and many thousands of students in all areas of chemical sciences. Although predominantly home to the Department of Chemistry, Noyes Laboratory has also housed the Departments of Biochemistry, Chemical Engineering, Bacteriology, and Illinois State Water Survey. Hence Noyes Laboratory became one of America's first and most productive institutes for interdisciplinary research. Ten Nobel Prize winners have worked or studied at Noyes Laboratory. St. Elmo Brady, Ph.D. 1916, was the first African-American Ph.D. chemist in the United States and did his thesis work in Noyes Lab. To follow that, twelve thousand bachelors, masters, and Ph.D. degrees have been earned by students working in this prestigious building.

Among the unprecedented discoveries made in Noyes Lab during the past century are the following: development of NMR spectroscopy as a tool for chemists (Herbert Gutowsky), the elucidation of a theory of electron transfer (Rudy Marcus), the development of Fourier-transform microwave spectrometry (Willis Flygare), the founding of coordination chemistry in the United States (John C. Bailar, Jr.), the field of chemical information (Marion Sparks), and synthesis of chloroquine and related antimaterials (Nelson Leonard, C.C. Price, and H.R. Snyder), key aspects of the development of synthetic rubber (Carl S. Marvel), amino acid threonine (William C. Rose), the chemical synthesis of threonine (Herbert F. Carter), the identification of the active ingredients in marijuana (Roger Adams), seminal studies on air pollution (h. Fraser Johnstone), the synthetic sweetener sodium cyclamate (Ludwig Audrieth and Michael Sveda), lipoic acid (Irwin C. Gunsulas), the aerosol can (G. Frederick Smith), high-intensity X-ray tubes (George L. Clarke), and modem instrumental analytical chemistry (Howard V. Malmstadt).

After World War I, Organic Chemical Manufacturers set up in Noyes Lab and established Eastman Organic Chemicals which led to an important book series; ''Organic Synthesis,'' ''Organic Reactions,'' ''Inorganic Synthesis,'' and ''Chemical Reviews.''

Research and teaching by those who worked in Noyes Laboratory has contributed in a fundamental way to our understanding of chemistry, chemical engineering, and biochemistry. It is my hope that my colleagues of the United States Congress will join me in honoring Noyes Laboratory of the University of Illinois at Urbana-Champaign for the contribution of success in research and discovery to our nation for the past century.

TRIBUTE TO MR. LEWIS GOLUB

HON. JOHN E. SWEENEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 2002

Mr. SWEENEY. Mr. Speaker, I rise today to honor a distinguished constituent of the 22d District of New York; Mr. Lewis Golub. Mr. Golub's life long contributions to his business, employees, and community are outstanding. As a result of his commitment to those around him, Mr. Golub has established a successful business and accomplished a lifetime of achievements.

Over the past fifty years, Lewis Golub has worked tirelessly to develop and promote Golub Corporation/Price Chopper Supermarkets, one of the largest and most respected supermarket chains in Upstate New York. Mr. Golub has received the United Way's CEO of the Year Award and the John J. O'Connor Excellence in Leadership Award, as well as the American Marketing Association's Marketer of the Year Award, the New York Capital District Business Review's Executive of the Year Award, and the Capital Region Business Hall of Fame Award. Through the Golub Family's sincere dedication to and pride in the Golub Corporation/Price Chopper Supermarkets, the business remains a stalwart pillar in the community that surrounds it.

Mr. Golub commits himself far beyond the boundaries of his career, Mr. Speaker. His selfless community service embodies the definition of a true American. He currently acts as the Regional Vice Chair of the NYS Business Council, and sits on the Board of Directors of the Saratoga Performing Arts Center, the Board of Directors of Empire State College, and the Board of Directors of the Food Marketing Institute, to name a few. In addition, Mr. Golub has received the Humanitarian of the Year Award from the Center for Disabled People, the Distinguished Citizen Award from the New York Chiefs of Police, the Arthritis Foundation's Accolade for Community Service, and the Community Service Award from the Interfaith Community of Schenectady, New York.

Mr. Lewis Golub's tenacious and giving spirit has emanated throughout his family, business, and community. Furthermore, the level of service Mr. Golub has devoted to those around him truly measures the great extent of his character. Mr. Speaker, please join me as I recognize the significant life accomplishments of Mr. Lewis Golub and wish him success in the future.

HONORING THE CONTRIBUTIONS OF GRANDPARENTS TO OUR FAMILIES

HON. HEATHER WILSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 2002

Mrs. WILSON of New Mexico. Mr. Speaker, today I rise to recognize the many contributions grandparents make to families in New Mexico and throughout this country. Grandparents are the ties to our heritage, culture and traditions. Grandparents keep the family history alive by sharing stories of how life ''used to be'' and how so much of life is the same. They can teach values and expectations through their own experiences. Grandparents have seen this nation at peace and war, and witnessed tremendous advances from the industrial age to the space age. They were there during outstanding performances in sports, the arts, and advancements in virtually every endeavor that mankind has pursued.

I can recall vivid memories of time I spent with my grandparents. Like so many grandparents, they were great teachers. Whether it is teaching the secret family recipes or the value of a good, honest days work they share their wisdom with children they love.

National Grandparents Day was first celebrated in 1978, the first Sunday after Labor Day. There will be many celebrations on Sunday, September 8, 2002 as families and

friends gather to show their respect and gratitude to grandparents. Mr. Speaker, please join me in honoring grandparents in New Mexico and throughout the United States for their contributions to our families and our country.

IN RECOGNITION OF MR. DAVID BOLGER

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 2002

Mrs. ROUKEMA. Mr. Speaker, I rise today to recognize and congratulate an outstanding leader in our community and northern New Jersey—David Bolger, who celebrated his 70th birthday on August 12, 2002. On July 31, David's many friends in the Ridgewood community held a surprise birthday party for David, honoring him for 70 years of accomplishment and contribution to our community.

I would like not only to congratulate David Bolger on the occasion of his birthday but also to applaud him for his valuable leadership in civic and philanthropic activities.

A resident of Ridgewood since 1966, David is an outstanding example of the type of person who makes Bergen County, our state and our Nation such a wonderful place. He exemplifies the American values that have made our country great. A loyal supporter of many local organizations, he has provided generous donations to Valley Hospital, West Bergen Mental Healthcare, Midland Park Ambulance Corps, and The Woman's Club of Ridgewood. David has also donated his time and expertise to community organizations, serving as a Trustee of the Henry H. Kessler Foundation, a Trustee of the West Side Presbyterian Church, a Trustee Emeritus of the Children's Aid Society of New Jersey, and an Honorary Member of the Midland Park Ambulance Corps. His community spirit is an example for us all.

David's leadership has also been acknowledged outside the Ridgewood community, as he has been recognized as a Paul Harris Fellow by Rotary International and Honorary Mayor of Fayette, Iowa, as well as Midland Park, New Jersey. Both at home and across the world, David Bolger has looked for ways to ''make an impact on people's lives,'' creating scholarships for needy students, providing medical support for a clinic in the British West Indies, and even donating a school bus to an orphanage in Haiti.

After working his way through college in the Pittsburgh steel mills, David went on to become the founder and president of Bolger & Co., Inc., a company that has been actively involved in real estate ventures for more than 30 years. His corporate accomplishments are impressive: Director of American Progressive Life & Health Insurance Company of New York, Director of Deotexis, Inc., and Chairman and CEO of Farmers & Merchants State Bank Holding Co., Inc. Yet even with all of his other commitments, David still finds time to help those around him and remains committed to a life of philanthropy.

David's concern for his fellow man is extraordinary. It is an honor to recognize David Bolger today for his remarkable leadership and generosity. The Ridgewood community is truly fortunate that he is dedicated to the qualities that have made this nation great. I am fortunate to call David a friend.

Mr. Speaker, I ask my colleagues in the House of Representatives to Join me in congratulating David Bolger on his 70th birthday and commending him for his tremendous dedication to helping others.

50TH ANNIVERSARY OF CONGREGATION TREE OF LIFE

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 2002

Mrs. McCARTHY of New York. Mr. Speaker, I rise in celebration of the 50th anniversary of Congregation Tree of Life, located in the 4th Congressional District of New York.

This synagogue has been a major component of the Jewish community of Valley Stream for half a century. Since first opening its doors in 1952, the congregation has grown both in number and in spirit.

Today, 120 families belong to the synagogue. They gather in large crowds to participate in a variety of weekly, monthly and yearly activities. Although the shul has a high attendance rate for regular Shabbat services, it also hosts monthly Oneg Shabbats and family dinners three times a year. A crowd also gathers Sunday mornings for Minyan, and 8 times a year, the synagogue hosts special speaker breakfasts to discuss matters of interest to the community.

Congregation Tree of Life has different holiday celebrations throughout the year. On Hanukah, there is a candle-lighting ceremony and festive dinner complete with latkes and jelly doughnuts. A Hanukah fair is held before the holiday starts so the congregants and other members of the community can shop for the holiday. On Purim, members gather to hear the Megillah reading.

The synagogue is dedicated to continuing education. In the Fall, adult members meet with the Rabbi to discuss different issues and how they relate to Judaism. Twice a year, bus trips are held to visit Jewish sites of interests in different cities. Past visits have included the Holocaust Museum in Washington, DC and Philadelphia.

The members are committed to helping others, both in the community and abroad. Besides participating in UJA and Israel Bond appeals during the High Holidays, the synagogue has a committee that visits the sick in local hospitals.

The contribution this synagogue and their members have made to our community is obvious. I congratulate everyone at Congregation Tree of Life on the anniversary of such a wonderful gathering place for our Jewish community.

IN HONOR OF AMBROSIO SOLANO

HON. DIANA DeGETTE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 2002

Ms. DEGETTE. Mr. Speaker, I rise to honor one of my constituents, Ambrosio Solano, who served bravely and honorably in the U.S. Army during World War II. Mr. Solano was drafted when he was 18 years old and participated in the D-day invasion at Normandy. After suffering shrapnel wounds, Mr. Solano returned to the United States following almost 2 years of dutiful service.

Yet, Mr. Solano never received official recognition of the pain and suffering he gave for his country. Mr. Solano never received any of the medals owed him by the federal government. Now, 56 years later, on August 28, 2002, Mr. Solano finally received his 14 medals, including two Purple Hearts, a Bronze Star, and an Oak Leaf Cluster.

I am honored to count Mr. Solano as one of my constituents and I would like to include for the record the following editorial praising Mr. Solano. It appeared in the Denver Post on August 30, 2002.

''We're gratified that Ambrosio Solano finally received the 14 medals he earned fighting for his country during World War II—although we're dismayed that the Army veteran of the Normandy invasion had to wait 56 years for recognition.

Even his family knew little about Solano's combat experiences because he seldom talked about the war with his wife or children. After keeping his own counsel for nearly half a century, Solano began to open up to his son, former U.S. Attorney Henry Solano, as they motored cross country from Boston to Denver in 1994.

Solano, 76, is a native of Chapel, N.M., who grew up in New Mexico and Colorado. He was drafted into the Army in 1943 and went ashore at Normandy on June 6, 1944, among the first waves of invading American troops who spearheaded the liberation of Europe.

Initially, Solano served in the 29th Infantry Division but later became a paratrooper and transferred to the 101st Airborne Division.

He recounted the horrors of the amphibious invasion on the Normandy beaches, recalling the clank of the landing craft's ramp as it dropped and going forward into German gunfire that awaited the invading troops. He remembered standing waist-deep in water and seeing the bodies of slain American soldiers floating by.

After he joined the paratroops, Solano jumped into the battle for St. Lo, where he suffered shrapnel wounds. Later, as American troops swept into the Rhineland, Solano was wounded in the leg.

Among Solano's belated decorations, in addition to two Purple Hearts, are the Bronze Star for combat service, Good Conduct Medal, American Campaign Medal, World War II Victory Medal, European-African Middle-Eastern Campaign Medal, Combat Infantry badge and World War II Honorable Service button. Solano was discharged from the Army in 1946 and returned to Colorado, where he worked for Ideal Cement Co. for 36 years. Because the war kept him from going to college, Solano, who's been married 52 years, was determined that his four children would do so. Son Henry is a lawyer and another son, Ambrose, is a doctor.

About three years ago, Solano wrote to the government, hoping to finally get his medals, but to no avail. Then Representative DIANA DEGETTE, D-Denver, stepped in and made it happen.

You may not know Ambrosio Solano personally, but the mere fact that you are free to read these words means you owe him thanks for fighting to preserve your freedoms by helping defeat Nazi tyranny.

We can never adequately repay Solano and his comrades, but the medals he finally received are his country's way of thanking them,

however belatedly, for their noble service and sacrifices.''

TRIBUTE TO NORMA LEE CLISE

HON. SHELLEY MOORE CAPITO

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 2002

Mrs. CAPITO. Mr. Speaker, I rise today and ask my colleagues in the United States House of Representatives to join me in congratulating Norma Lee Clise of Hampshire County, West Virginia for her decades of service to her community. It is an honor to announce Norma Lee Clise as the 2002 ''Knight of Olde Hampshire.''

Retired from the Central Telephone Company, Norma Lee Clise is a charter member of the Hampshire County ''Jaycee-ettes'' and active with the Shawnee Girl Scout Council. For 43 years, Norma Lee has served the American Legion Auxiliary Hampshire Unit 91 in Romney, West Virginia. Named Hampshire County Volunteer of the Year in 2001, Norma Lee is a recipient of the Ruby Ward National Public Relations Trophy and was also named ''Distinguished West Virginian'' in 1970. Always active in local issues and affairs, Norma Lee served for 25 years on the Hampshire County Executive Committee, acting as co-chairman, secretary-treasurer, and Delegate to the State Convention.

In honor of Norma Lee Clise and her long-standing commitment to public service, I ask my friends in Hampshire County and my colleagues here to join me in recognizing Norma Lee Clise.

TRIBUTE TO THE CHASE CANDY COMPANY

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 2002

Mr. GRAVES. Mr. Speaker, I rise today to recognize the outstanding work of the Chase Candy Company, whose tradition and taste in the production of candy has been enjoyed for over a century.

The Chase Candy Company has been making candy since 1876. Dr. George Washington Chase, who at the time was looking for additional sources of income, created the Missouri-based company. Originally the Chase Company sold fruit and produce, but after listening to the advice of his son, Dr. George Chase soon transformed the business into a candy company. The Chase Candy Company was family owned until 1944 when the Chicago-based investment firm F.S. Yantis bought the company for $1 million. After the acquisition, the production of Chase Candy moved to Chicago, but in 1961 moved back to the Missouri River Town, St. Joseph, where it remains today.

The Chase Candy Company's most popular product, the Cherry Mash candy bar, entered stores in 1918. This famous treat is america's third oldest candy bar and the best selling cherry candy bar. Cherry Mash and other wonderful Chase products may be found in grocery stores, convenience stores, and mass merchandise outlets mainly in the Midwest, as well as online. I proudly display and offer Cherry Mash to visitors in my Washington office and wanted to extend my most sincere thanks to the St. Joseph, Missouri-based candy company for their gracious support.

Mr. Speaker, please join me in honoring Missouri's own Chase Candy Company, and its 20 full-time employees for the years of dedicated service and production of some of the world's best tasting confections.

COMMEMORATING THE 100TH ANNIVERSARY OF TELESCOPE CASUAL FURNITURE, INC.

HON. JOHN E. SWEENEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 2002

Mr. SWEENEY. Mr. Speaker, I rise today to commemorate a historic institution in the 22d District of New York. Telescope Causal Furniture, Inc. creates ''telescoping'' furniture that has been used by the United States military and by families throughout the world since 1903.

Owned and managed by the third and fourth generations of the Vanderminden Family, this furniture manufacturing company began as the Telescope Cot Bed Co. Known for its product line of cots and campstools featuring ''telescoping'' legs, the United States government awarded Telescope a medal of distinguished service for its military products used during both World Wars and the Korean conflict.

After moving to Granville, New York, in 1921 from Telescope, Pennsylvania, the company expanded its product line to beach, folding, and public seating chairs. It even created a Hollywood hit, the Director Chair, in 1953. The Illinois Institute of Technology has since named the chair number 46 in its ''100 best designed items of modern times.''

Manufacturing not only for the U.S. military, Telescope has also been the favorite of First Families. President John F. Kennedy was often photographed in his Telescope Bentwood Slat Rocker and several first ladies have incorporated Telescope furniture in their home redecorating.

Mr. Speaker, Telescope Casual Furniture, Inc. proudly operates and serves in the community of Granville, New York. The company employs more than 250 skilled crafters in its one million square-foot plant. Telescope is proud to live and work in the Granville area and is dedicated to continue contributing to the growth and prosperity of the town and county.

Mr. Speaker, as a proud resident of the 22d Congressional district of New York, I ask my colleagues to join me in commemorating the 100th Anniversary of Telescope Casual Furniture, Inc. for a century of dedication to the town of Granville, the State of New York, and the great nation in which we live.

TRIBUTE TO RYALS FARLESS

HON. ED WHITFIELD

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 2002

Mr. WHITFIELD. Mr. Speaker, I rise to honor Ryals Farless for his quick response and valor in saving the life of Greg Scott on July 19, 2002. Ryals is the son of Joe and Billie Farless of Princeton, Kentucky.

Ryals was on duty as a lifeguard at the City-County Park in Princeton, Kentucky when Greg Scott, also of Princeton, experienced a possible seizure and sank to the bottom of the pool. Ryals quickly responded by entering the water and brought Greg to the surface. Without his intervention and quick thinking, Greg Scott would not be with us today.

Ryals is currently a Freshman at the University of Kentucky, having graduated from Caldwell County High School in May. He is pursuing a career in dentistry. While in high school, Ryals was a member of the soccer team, the National Honor Society and the Commonwealth Honors Academy. For the past several years, Ryals has been involved with the Caldwell County Relay for Life. Ryals is also an active member of Southside Baptist Church and participates in mission trips and youth programs.

Mr. Speaker, Ryals embodies the spirit, commitment and sacrifice that we all should strive for in our daily lives. I am proud to represent him in my District. I extend my thanks to him for his efforts, and I am proud to bring his accomplishments to the attention of this House.

TRIBUTE TO BISHOP SAMUEL AND MRS. LEE ELLA SMITH

HON. HAROLD E. FORD, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 2002

Mr. FORD. Mr. Speaker, I rise today to pay well-deserved tribute to Bishop Samuel and Mrs. Lee Ella Smith of Memphis, Tennessee for the example they continue to set as honorable citizens of the Ninth Congressional District of Tennessee and as devoted servants to God and their fellow man.

As a bishop with the prolific, Memphis-based denomination, the Church of God in Christ (COGIC), Bishop Smith has rendered extensive efforts to strengthen and expand the work of this five million member denomination. His history of stewardship and sacrifice dates back to his youth and his service to the denomination's founder, Bishop Charles Harrison Mason. From then until now, Bishop Smith has been exemplary in leadership, integrity, and undying loyalty to God. He presently serves as Administrative Assistant to Jurisdictional Bishop, Dr. Jerry L. Maynard of Tennessee, and has worked untiringly with the Presiding Bishop of the Church of God in Christ, G.E. Patterson. Bishop Samuel Smith also serves as the pastor of one of Memphis' flagship and entrenched congregations, Southside Church of God in Christ. His influence as a pastor and spiritual leader has been a shining light which has illuminated the way for many young ministers who have furthered their service in gospel ministry.

Humble in spirit and rich in faith, Mother Lee Smith has stood with her husband as a noble example of virtue. She is also one firmly committed to the principles of Christian faith with a record of service dating back to her teenage years. Her work with the Church of God in Christ encompasses her commitment in the field of education. Equipped with vast experiences in ministry and earned degrees in religious studies, Mrs. Smith served as Dean of

C.H. Mason Bible College in addition to her other countless capacities within the church—locally, regionally, and nationally. She presently serves as the leader of one of COGIC's Department of Women in the State of Tennessee

Today, I am happy to salute Bishop and Mrs. Smith as they celebrate 50 years of marriage, Bishop Smith's 75th birthday, Mrs. Smith's 70th birthday, and over 40 years of pastoral ministry.

For their devotion to God and one another, and for the high marks they continue to attain, Mr. Speaker, I ask that you and my colleagues in the U.S. House of Representatives would join with me in honoring Bishop and Mrs. Samuel Smith of Memphis, Tennessee.

TRIBUTE TO ARTHUR MERCURIO

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 2002

Mr. ANDREWS. Mr. Speaker, the destruction wrought by the large fires in Colorado and Arizona make this an appropriate occasion to honor all those who seek to prevent and mitigate the awful destructive power of fire.

Let me take a moment to commend one individual, Arthur Mercurio, for his lifelong service to the cause of fire prevention. He recently received the National Volunteer Fire Council (NVFC) Fire Prevention Award for his efforts. As a member of of Collingswood (NJ) Volunteer Fire Company #1 for 52 years, he has been an advocate for fire prevention and safety. As President of the company for 12 years, Mr. Mercurio was instrumental in developing a program to get smoke detectors to elderly and other high-risk citizens.

Mr. Mercurio's lifelong dedication and leadership in the volunteer fire service should serve as a model and inspiration for firefighters everywhere and has strengthened my own commitment and enthusiasm for public service.

A TRIBUTE TO HILDA DUFAUX

HON. WM. LACY CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 2002

Mr. CLAY. Mr. Speaker, I am very happy to take this opportunity to share with my colleagues in Congress the news that Mrs. Hilda Willenburg DuFaux will celebrate her 90th birthday next week on September 9, 2002.

Mrs. DuFaux, a resident of Missouri's First Congressional District, was born in the year 1912. In 1936 Hilda married Charles Willenburg. They were blessed with three daughters, Karen, Kathy and Jeanette. She raised her daughters on her own after her husband passed away in 1954. In 1967 Hilda married Vince DuFaux and was devoted to him until he passed away in 1970. Today she is blessed with 10 grandchildren and 10 great-grandchildren.

Hilda has lived in the city of Overland, Missouri for the past 64 years. Since moving to Overland, she has faithfully worshipped God at Presentation Catholic Church. Mrs. DuFaux lives an active life and has a great many hobbies and interests including gardening, playing cards and going to garage sales. She enjoys babysitting her young great-grandson and is truly a cherished and loving member of her family and a treasured member of our community.

I salute Mrs. Hilda DuFaux as she achieves this special milestone. She has demonstrated an outstanding commitment to life. She is a remarkable woman whose strength, determination and spirit serve to inspire others.

SECOND OPINION COVERAGE ACT

HON. SUSAN DAVIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 2002

Mrs. DAVIS of California. Mr. Speaker, today, I am introducing the Second Opinion Coverage Act of 2002—legislation that will ensure the accessibility and coverage of medical second opinions.

The Supreme Court's ruling this past June rekindled the debate surrounding managed care coverage. Patient protections and the need for a Patients' Bill of Rights again became topics of everyday conversation. Yet, Congress still has much work to do on crafting a strong Patients' Bill of Rights that can address patient needs.

In my opinion, the first step to enacting any sort of comprehensive health care reform is to provide patients with access to appropriate medical information. This is why I am introducing the Second Opinion Coverage Act.

As a member of the California State Assembly, I heard from a number of patients who saw a gap in their existing health care coverage. They wanted a clear process for medical second opinions. In particular, patients with challenging health conditions encountered difficulty obtaining a second opinion through their health plans. These patients faced complex procedures and wanted to be sure they were well educated about their treatment opinions.

Anyone who has ever experienced the prospect of surgery knows the value of receiving a second opinion. The peace of mind provided by a second professional's opinion, in addition to the value of new information received, is immeasurable. Indeed, second opinions can result in better patient care because of the increased dialogue about treatment options, and can also benefit health plans by potentially reducing the number of invasive procedures.

After meeting with patients, physicians and health groups, I authored a law in California that guarantees coverage of second opinions. If patients meet any one of five qualifying conditions, they are entitled to a timely second opinion by a ''qualified health care professional,'' within 72 hours in cases of serious or imminent health threat. When another expert is not available within the provider group or network, the organization will pay for an appropriately qualified doctor outside of the plan. Patients are responsible for the costs of applicable co-payments.

While I can describe the benefits of this measure, I believe that individual experiences best demonstrate the value of enacting second opinion legislation. John Torres, one of my constituents, shared with me his family's experience with medical second opinions. In 2000, a surgical procedure was recommended for Mr. Torres's young son, Nicholas. A consultation from another physician confirmed that a less-invasive procedure would effectively treat Nicholas's condition. The second opinion provided the Torres family with crucial information that helped them make the right decision for Nicholas. I am happy to say that Nicholas responded well to the treatment and is now an active seven-year old.

The law in California provides a good first step by offering a straightforward process for addressing second opinion requests for many in my state. Unfortunately, this legislation does not cover 4.3 million Californians enrolled in self-insured, federally regulated health plans. Nationwide, this translates into 56 million persons without guaranteed access to second opinions. All patients should have access to a full discussion and disclosure of their medical options.

I urge you, Mr. Speaker, and all of my colleagues to pass this critical legislation quickly into law.

AMENDMENT TO H.R. 5120, FY03 TREASURY, POSTAL SERVICE APPROPRIATION

HON. BOB BARR

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 2002

Mr. BARR of Georgia. Mr. Speaker, under the Treasury-Postal Appropriations Act of 1998, Congress approved funding for ''a national media campaign to reduce and prevent drug use among young Americans.''

Following this directive, the Office of National Drug Control Policy (ONDCP) launched the National Youth Anti-Drug Media Campaign. We are all familiar with this laudable program, and the powerful messages anti-drug messages it delivers across the airwaves to youth and parents across the country.

The Government Reform Committee has been conducting vigorous oversight on the Youth Anti-Drug Media Campaign since its inception; carefully following implementation of the campaign to ensure the billions of taxpayer dollars invested are spent judiciously, efficiently, and legally.

However, from the very beginning of the Media Campaign, allegations of fraud have surrounded the multi-million dollar contract with the media firm Ogilvy & Mather.

The General Accounting Office (GAO) reported to the Committee incidents of false billing practices, sloppy contract management and lax oversight. The charges were so serious, the GAO referred its findings regarding improper billing practices to the Department of Justice and the Federal Bureau of Investigation.

What is so incredible is, despite significant allegations and evidence of mismanagement, misconduct and outright fraud, the ONDCP and the Department of the Navy, chose to continue to hire Ogilvy & Mather as the campaign's media contractor. This is in light of the fact that the GAO, for close to two years, had been documenting the incidents of suspect charges, falsified time sheets, and disallowed costs.

In February of this year, Ogilvy & Mather North America agreed to pay the government

to settle claims under the False Claims Act and other administrative claims that the firm overcharged the government $1.8 million.

Moreover, the company is reportedly under criminal investigation by the Department of Justice! Yet, notwithstanding this company's disgraceful track record, just a few weeks ago, the Navy once again entered into a lucrative contract with Ogilvy & Mather, to continue providing services in support of the National Youth Anti-Drug Media Campaign.

By the time this new contract expires in July of 2003, this firm could potentially receive more than $770 million dollars of taxpayer dollars. Given the massive funds already dedicated to a highly suspect company, I consider it an affront to the U.S. taxpayer we continue throwing good money after bad. This matter is rapidly turning into the Enron of the War on Drugs.

Here we have a firm with a documented track record of fraud and mismanagement, and how does the government respond? By rewarding it with yet more taxpayer dollars. Not only is this an insult to the taxpayer, think of the message we are sending to the youth of America—the very same youth, I might add, that we are trying to keep off drugs—''Cheat once, ok. Cheat twice, fine. Cheat three times; we'll keep on giving you another chance, and rewarding you in the bargain.'' Is this the kind of message you are comfortable sending to American school children? Character and integrity counts across the board, not just in selective circumstances.

Let me be perfectly clear I am a supporter of an effective public media campaign to help fight drug use across this nation. This campaign is an important part of the war against mind altering drugs, delivering a powerful message to youth and families across the nation about the dangers of illicit drugs.

My amendment will not end the Media Campaign. I in no way seek to prevent the anti-drug message from being delivered loud and clear.

In an era of moral relativity, we should be sending a clear message to the kids we are trying to keep off drugs: character and integrity counts across the board, not just in selective circumstances.

I ask all Members to join me in passage of my amendment. No more excuses. We must do all we can to salvage a workable program, and spend public money responsibly. Should we find another approach to reach this goal, the Chairman has my commitment to work with him and refine the language appropriately as we move through the conference process, and I thank Chairman ISTOOK and Ranking Member HOYER for working with me to ensure this issue is addressed appropriately.

TRIBUTE TO MR. JOSEPH F. WARNER

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 2002

Mr. WELLER. Mr. Speaker, I rise today to honor the memory of Mr. Joseph F. Warner for his many years of service to the Illinois communities of Bloomington and Normal along with the County of McLean in Illinois. Mr. Warner was an outstanding leader in the civic, political, and charitable activities of these communities. Tragically, Mr. Warner lost his life on the morning of July 21 in an airplane crash. His strong leadership and enthusiasm for working to improve the quality of life in these Central Illinois communities will be very deeply missed.

A strong advocate for the welfare and good health of senior citizens, Mr. Warner was the president and chief executive officer of Heritage Enterprises in Bloomington—a major senior service company with high quality senior residential facilities throughout the State of Illinois. Further evidence of his interest in health care—a field he served for 32 years—was Mr. Warner's work as past president, vice president and director of the Illinois Health Care Association; as a member of the Governor's task forces on long-term care insurance and long-term care reimbursement; as a trustee of the Mennonite School of Nursing and as the past McLean County chairman of the American Heart Association.

Another key aspect of Mr. Warner's leadership was his interest in the providing of educational opportunities for young people—as demonstrated by his work as the fund-raising chairman for the innovative Challenger Learning Center for Science and Math; his service on Illinois State University's Board of Director's legislative committee; his presidency of the Redbird Education and Scholarship Fun at Illinois State University and his membership on the Board of Directors of the Illinois Wesleyan University Association.

Mr. Warner's wide-ranging interest in charitable and community service work was perhaps a natural extension of his strong spiritual beliefs which led to his directorship of the United Campus Christian Foundation and his leadership role as the ruling elder of the First United Presbyterian Church.

As an exemplary citizen and veteran of the United States Army, Mr. Warner believed in playing a very active role in the political process. His role included both work at the grassroots level as a Republican Precinct Committeeman with leadership service as the Chairman of the McLean County Republican Party.

Mr. Speaker, despite the tragic circumstances, I am proud to offer to you the fellow Members of the House of Representatives the extraordinary life of Mr. Joseph Warner as the ultimate example to us all of American citizenship and service.

PAYING TRIBUTE TO BOB CARLINO

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 2002

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to pay tribute to a master craftsman and brave veteran who bravely fought for our country during World War II. Bob Carlino, of Pueblo, Colorado has repaired thousands of shoes for Coloradans since he became an apprentice shoe repairman at age fourteen. He continues to repair shoes today with his wife, Mary, at their shop in Pueblo. Bob has provided his services to Pueblo for over 60 years, including serving his country, and I am proud to tell of his accomplishments before this body of Congress today.

Bob, age 81, grew up on Pueblo's Goat Hill and learned the craft of shoe repair from his uncle at E. Pfost's Shoe Repair shop, where he received fifteen cents a week which he used for a Saturday movie. Bob joined the military after World War II began and became a member of the 224th Quartermaster Company where his work helped to contribute to the repairing hundreds of thousands of soldier's boots. During the Battle of the Bulge in December 1944, Bob's unit dropped their shoe repair equipment and picked up their rifles to fight and defeat the Germans. In the aftermath of the war, the 224th Quartermaster Company disbanded and Bob returned to Pueblo in early 1946 to reopen his shoe business. Bob was a devoted father and husband. He was an example for his community, ethically, morally, and honorably.

Mr. Speaker, it is a great honor to recognize Bob Carlino and his contributions to the community of Pueblo and this nation. I would like to thank him for his years of hard work and dedication to this nation. His efforts deserve the recognition of this body of Congress. Thank you Bob and I look forward to your continued service in your community.

HONORING THE CENTENNIAL ANNIVERSARY OF THE NATIONAL 4–H CLUBS

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 2002

Mr. SCHAFFER. Mr. Speaker, I rise today to commend and honor the Centennial Anniversary of one of the premier youth organizations of the world, the National 4–H Clubs. One of the foremost youth organizations in Colorado, as well as the rest of the nation, 4–H is the youth education branch of the Cooperative Extension Service, a program of the United States Department of Agriculture. Since its founding in 1902, the National 4–H Clubs have been at the forefront of the effort to both educate and develop our nation's youth. Over the past century, the 4–H program has evolved from its predominately agricultural roots to offer a variety of educational programs for young people in both rural as well as urban areas. As it celebrates 100 years, this remarkable organization continues to enable young people to learn new life-skills, build self-confidence, and set and achieve goals, while at the same time having fun and meeting new people. In Colorado, I've witnessed numerous examples of how 4–H clubs have encouraged and inspired young people with programs ranging from environmental preservation to career exploration and preparation. The 4–H's, which stand for Head, Heart, Hands, and Health, comprise the centerpiece of the 4–H motto, ''To make the best better,'' toward which each young person recites: ''I pledge my head to clearer thinking, my heart to greater loyalty, my hands to larger service, and my health to better living, for my club, my community, my country, and my world.'' I congratulate the 4–H Clubs of Colorado, and commend the National 4–H organization on its first 100 years dedicated to developing our nation's leaders of tomorrow.

TRIBUTE TO PMI GROUP, INC.

HON. ELLEN O. TAUSCHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 2002

Mrs. TAUSCHER. Mr. Speaker, I rise today to celebrate the opening of the new world headquarters for PMI Group, Inc. in Walnut Creek, California. Employees began moving in on August 19, 2002 while construction workers were putting the finishing touches on their new state-of-the-art energy efficient building. PMI Plaza includes the new seven-story, 195,000 square foot building, a five-story parking garage, a large outdoor lunchtime dining area, and 15,000 square feet of retail space. This Plaza, located across the street from the Pleasant Hill BART station and near the intersection of highway 680 and Treat Boulevard, is part of Contra Costa County's Redevelopment agency's plan for creating more transit oriented development. The Agency's plan calls for the construction of new businesses and housing, including new affordable housing units, in-filled around BART stations, which is key to reducing sprawl and air pollution. PMI Plaza exemplifies this smart growth plan and should be a model for growth around the country. I am thrilled to welcome them to our East Bay community.

TO HONOR LAURO AND MARGARITA GARCIA, RECIPIENTS OF THE 12TH ANNUAL PROFILES OF SUCCESS HISPANIC LEADERSHIP AWARD

HON. ED PASTOR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 2002

Mr. PASTOR. Mr. Speaker, I rise before you today to recognize two outstanding citizens who have been honored for their leadership qualities and service to their community. On September 6th, Mr. and Mrs. Lauro and Margarita Garcia were honored by their peers at the annual Profiles of Success Hispanic Leadership Awards presentation in Phoenix, Arizona. This event, coordinated by Valle del Sol, a local non-profit community based organization, kicks off National Hispanic Heritage Month in Arizona and is now in its thirteenth year of honoring worthy individuals.

Lauro and Margarita met during his service in the U.S. Air Force, after which they moved to Phoenix where Lauro began his studies at Arizona State Teachers College. They moved to Guadalupe in 1960 and began organizing the community by teaching Catholic catechism classes in their home. What started as three students quickly grew to 165 every Saturday.

In December 1964, they founded the Guadalupe Organization, which became the voice of its citizens in the absence of an elected town government. The following year, a small building was purchased and an office was opened to assist residents by distributing food, establishing a postal sub-station and registering voters. This office would become the first Office of Economic Opportunity in the state of Arizona to help establish Guadalupe's first credit union.

In 1963, citizens of Guadalupe were granted the first-ever voting precinct within the town's boundaries,by Maricopa County, after extensive lobbying by the Guadalupe Organization. In 1967, President Lyndon B. Johnson and Mexican President Gustavo Diaz Ordaz recognized Lauro for his dedication in improving Guadalupe.

Margarita organized a dental clinic for citizens in the mid-70s by seeking the help of volunteer dentists to provide care. She continues her community service with the local parish and most recently served on the Guadalupe Town Council.

The couple also participated, along with the Guadalupe Organization, in one of the first lawsuits over the issue of bilingual education by challenging the Tempe Elementary School District in 1978 for discriminatory practices against Guadalupe's Yaqui and Mexican students.

As a result of this litigation, the district was forced to adopt measures to rectify existing language deficiencies of non-English speaking students.

Mr. Speaker, please join me in recognizing these outstanding citizens for their fine work and dedication. They have provided their community with vision, sacrificed to help the poor and under-represented, protected their culture and enriched the lives of Guadalupe's children.

PAYING TRIBUTE TO MAGGIE DIVELBISS

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 2002

Mr. McINNIS. Mr. Speaker, I rise today to express my respect and utmost appreciation for a woman of remarkable caliber. Maggie Divelbiss's hard work and integrity have immeasurably contributed to one of Colorado's most beautiful displays of art, the Sangre de Cristo Arts Center in Pueblo. Maggie's diligence in her community is an inspiration to us all. Maggie is a remarkable woman, and her outstanding work earned her the 2002 YWCA Anna Taussig Tribute to Women Award. It is my pleasure to highlight her accomplishments and successes throughout her life.

Maggie currently serves as the Executive Director of the Sangre de Cristo Arts Center, and was actively involved in the creation of the Center from its inception. Throughout her tenure as Executive Director, she has made it her personal mission to represent all aspects of the diverse community of Pueblo and its various cultures, as is demonstrated in the Sangre de Cristo Arts Center.

Outside of her profession, Maggie is a dedicated community advocate. She currently serves on the Board of Directors of the Colorado Endowment for the Humanities and is a member of the Western Alliance of Arts Administrators, The Western States Arts Federation, The Rocky Mountain Arts Consortium, and the National Museum of Women in the Arts. Moreover, Maggie served a six-year term as a councilwoman on the Colorado Council on the Arts.

Mr. Speaker, it is clear why Maggie Divelbiss was chosen as a recipient for the 2002 YWCA Anna Taussig Tribute to Women Award. I thank her for her extraordinary contributions to revive the spirit of art in us all. Her passion for art has been clearly expressed and recognized and I wish her the best in all of her future endeavors.

DAVID SKAGGS AND THE CENTER FOR DEMOCRACY AND CITIZENSHIP

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 2002

Mr. UDALL of Colorado. Mr. Speaker, I rise today to congratulate your former colleague and my predecessor, former Congressman David Skaggs, on his appointment as executive director of the Center for Democracy and Citizenship.

Throughout his career David has been a dedicated public servant. He has represented Coloradans on both the state and federal level. During his twelve years serving Colorado here in the House of Representatives he did extensive work on public lands and environmental issues, advocated the rights of non-profit organizations, and supported basic research and higher education. He worked to promote bipartisan civility, and played a key role in helping to start an annual Bipartisan Retreat. Throughout his tenure on Capitol Hill, David was an effective and devoted representative of the people of Colorado.

David's post-congressional career is just as exemplary. Now, along with serving as an Adjunct Professor at the University of Colorado and being of Counsel to a Washington based law firm, he is the executive director for the Center for Democracy and Citizenship.

The Center's focus is to find ways to make the institutions of America's democracy work better. One project started by the Center is the Young Voter Initiative. The goal of the project is to encourage voting by some 30 million young people who are ambivalent about political participation. The Center meet with six groups of young adults ages 18–21 and asked what would be the most effective way to reach young voters. From the group's ideas the Center developed a ''A Candidate's Tool Kit for Reaching Young Americans'' as a practical guide of actions candidate's can take to promote the involvement of young people. The hope is that, as a result of this project, the Center can improve America's democracy by increasing the involvement of the citizenry.

David has repeatedly proven himself to be completely dedicated to the service of our nation and the improvement of our democracy. The Center for Democracy and citizenship is fortunate to have the leadership of such an inspiring individual, as noted in the following editorial from the Boulder Daily Camera:

[From the Daily Camera, Aug. 1, 2002]

VOTE? WHO, ME?

80% OF YOUNG PEOPLE WON'T, UNLESS TREND CHANGES

Former U.S. Rep. David Skaggs shouldn't have to spend part of his time looking for ways to persuade reluctant young people that voting makes a difference. He's doing the job because the rest of us haven't.

This would be a different country if young people heard a stronger message from parents, schools and communities about participation in democratic life; if older adults were a little less inclined to declare that voting doesn't matter or that elected officials

are crooks; and, yes, if politicians themselves could restrain some of their impulses to demean not only their opponents but government itself.

But it wouldn't be the United States, where cynicism about public life was a part of the environment in which today's young people grew up. Partly for that reason, voter turnout among young Americans is low—and getting lower. Fewer than one in three Americans under 25 voted in the last two presidential elections. If past trends hold, fewer than one in five will vote in this midterm election.

The past two years have created an opportunity for change. If any event could send the message that ''your vote counts,'' it was the 2000 presidential election, in which the candidates were separated by so few votes that a handful of people might have tipped the balance, kept the election out of the courts and literally changed the course of history. And after Sept. 11, who can say with a straight face that ''government doesn't make a difference in my life''?

Young Americans may find in those events a new incentive to vote—but that's a hope, not a guarantee. There's still a lack of communication to overcome. Young people often report that they don't vote because candidates don't speak directly to them; candidates often don't seek out young voters because they don't vote.

No one initiative or individual can break this cycle, but David Skaggs is doing his part. A Democrat who represented the 2d Congressional District for 12 years in the House of Representatives, Skaggs now serves as executive director of a Washington-based outfit called the Center for Democracy and Citizenship. One of its projects is designed to help political candidates reach out to young voters.

The center has made available to thousands of political candidates across the country a ''tool kit'' of background information and common-sense guidance on reaching young voters. Candidates who study the material will find that it punctures a few stereotypes about young people. They're often disengaged from politics but aren't cynical as a group about the world around them; they're evenly divided in their political preferences and not wedded to any one party.

There's no need to dwell on details intended for candidates rather than the general public. It's worth noting, though, that many of the suggestions for reaching young people would be sound advice for reaching any group of voters. Meet them on their own turf. Make it easy for them to find information. Do not adopt a ''youth agenda,'' because young people care about the same issues their elders do. Do not, under any circumstances, pretend to be one of them; they'll spot a phony in a minute. Show the connection between their concerns and the election results.

TRIBUTE TO DR. AND MRS. HENRY ANDERSEN

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 2002

Mr. SCHAFFER. Mr. Speaker, I rise today to recognize Dr. and Mrs. Henry ''Hank'' Andersen of Lamar, CO who have recently celebrated their 60th wedding anniversary. Hank and Marjorie Anderson grew up in the small town of Cozad, Nebraska. They were high school sweethearts who married on July 31, 1942. For their lifetime commitment to each other and their strong example to their family and community, Mr. Speaker, the United States Congress commends Hank and Marjorie and wishes them many more wonderful years together.

After graduating from Stephens College in Columbia, Missouri, with a major in speech, Miss Marjorie Evelyn Ford married Naval Ensign Henry Stanley Andersen. In 1942, the couple moved to New York City, where Hank, a Naval officer who loved to fly, was stationed as a pilot. There, their small family grew to include a daughter, Sue Ford Andersen. After Hank's tour of duty ended in 1945, the Andersen's moved back to Nebraska. In 1947, they welcomed the birth of their second child, Stanley Ford.

After graduating from the University of Nebraska Dental School in 1949, Hank moved his family to Lamar, Colorado. There, he opened a successful dental practice, which he maintained for almost 35 years.

As their children grew, Hank and Marjorie became very involved in the life of their community. Marjorie joined two women's service organizations, Sorosis and P.E.O., while Hank became an active member of the Southeastern Colorado Dental Association. Both Hank and Marjorie have been active members of Lamar's First Presbyterian Church.

Family has always been very important to Hank and Marjorie. Throughout their married life, the Andersens made numerous trips back to Cozad, Nebraska to visit their parents, Ralph and Pearl Ford (Pa Ralph and Sweetiepie to their grandchildren) and Henry and Ella Andersen, (affectionately referred to as Pa Henry and Squeezetight). Even after their parents passed away, the Andersens continued to make the trip to visit their aunt and uncle, Floyd and Kate Mundell.

Hank and Marjorie take great pride in their children, and were very excited when Sue married James Ocken in 1966 and when they became the grandparents of Cassandra ''Cassie'' Ocken and Staci Ocken Helseth. They have also greatly enjoyed their great-grandchildren, Chase Henry Helseth and Courtney Laura Helseth. The Andersens are always prepared to show off their most recent family photos.

Always avid sports fans, Hank and Marjorie held season tickets to the Air Force Academy football games during the 1950s, and never missed an opportunity to attend Lamar High School football and basketball games. The Andersens have also continually encouraged the young people of their community, faithfully attending the school events of neighborhood children, long after their son and daughter left home.

After Dr. Andersen retired in 1983, the couple enjoyed traveling to Kennebunkport, Maine, the home of their favorite president, George Bush, and to the countryside of Wisconsin to see the fall colors.

After 60 years of marriage, Hank and Marjorie Andersen are still a beautiful picture of what it means to be in love. Everyone who knows them can see how much they enjoy being in each other's company. They take care of one another, laugh together and set a meaningful example of commitment in marriage.

Citizens of Colorado, Hank and Marjorie are a truly remarkable couple. I am proud of their momentous accomplishment, and I ask the House of Representatives to join me in extending our warmest congratulations to Dr. and Mrs. Henry Andersen.

TRIBUTE TO THOMAS B. AHART, PHILIPSBURG, N.J., ON COMPLETION OF HIS TERM AS PRESIDENT OF THE INDEPENDENT INSURANCE AGENTS & BROKERS OF AMERICA

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 2002

Mr. SAXTON. Mr. Speaker, I rise today to commend a fellow New Jersey resident and truly outstanding citizen, Thomas B. Ahart of Philipsburg, who is completing his highly successful term as President of the nation's largest insurance association—the Independent Insurance Agents & Brokers of America (IIABA)—later this month in New Orleans. Tom is president of Ahart, Frinzi & Smith, a Philipsburg, N.J.-based independent insurance agency.

Tom's career as an independent insurance agent has been marked with outstanding contribution and relentless dedication to his clients, community, IIABA, the Independent Insurance Agents of New Jersey (IIANJ), and his independent agent colleagues across the country.

He began his volunteer service with IIANJ where he served as president and chairman of the board. He also represented New Jersey as its representative to IIABA's National Board of State Directors. He was chairman of IIABA's Education Committee for four years before being elected to the Association's executive leadership panel.

Outside IIABA, Tom has served as a member of the board of the New Jersey Joint Underwriting Authority and was president of the Eastern Agents Association. He has served as an advisor to the American Institute for Chartered Property Casualty Underwriters and the Insurance Institute of America, and was just appointed to their board.

Tom was honored with several state and local awards. They include the 1982 New Jersey Young Agent of the Year, the 1986 and 1987 New Jersey Executive Committee Chairman of the Year Awards, the 1993 New Jersey Insurance Person of the Year Award, and the 1994 IIA of Hunterdon/Warren County Agent of the Year Award.

Tom also has distinguished himself as an active and concerned member of his community. He was elected to serve on his local school board, served as a trustee at his church, and as a little league coach for 25 years, and he's coached boy's wrestling, boy's baseball, girl's basketball and girl's softball.

I laud Tom for his tireless leadership of the Independent Insurance Agents & Brokers of America and the many accomplishments benefiting all independent insurance agents and brokers realized during his tenure as President. I know that even though Tom will step aside as IIABA leader soon, he will remain involved with the Association because he is a concerned leader and wants to continue helping his colleagues build for a strong and secure future. Congratulations on a job well done, Tom!

TRIBUTE TO DAVID CASPER

HON. ELLEN O. TAUSCHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 2002

Mr. TAUSCHER. Mr. Speaker, I rise to pay tribute to David Casper, whose induction into the Pro Football Hall of Fame was announced on February 2, his 50th birthday. Over his eleven years in the National Football League, Casper distinguished himself as one of the premier football players in history. Eighteen years after his retirement, his accomplishments and hard work will be recognized and commemorated upon receipt of this honor on August 3.

David John Casper was born in Bemidji, Minnesota, on February 2, 1952, to Dorothy and Edward Casper. His football career began during high school, where he led the Chilton Tigers to consecutive undefeated seasons in his junior and senior years.

In 1970, Notre Dame University immediately recognized David's ability and recruited him onto their football team as an incoming freshman. He quickly became Notre Dame's standout football star. In 1973, the All-American tight end led the Fighting Irish to an 11–0 season and a National Championship victory over Alabama's Crimson Tide. A leader on the field and in the classroom, David finished his senior year as team captain and a cum laude graduate.

In 1974, David debuted in the NFL with the Oakland Raiders. Over the next two years, he worked his way up to a spot in the starting lineup where he quickly established himself as one of the league's dominant tight ends, making 53 catches for 691 yards and 10 touchdowns.

Over the next seven seasons, David played for the Oakland Raiders, the Houston Oilers and the Minnesota Vikings. He returned to the Raiders, then relocated to Los Angeles, to retire from his football career in 1984.

After eleven seasons and the ''Holy Roller'' play against San Diego and the ''Ghost to the Post'' play beating the Baltimore Colts in a double overtime playoff game, David compiled 378 receptions for 5,216 yards and 52 touchdowns. He was essential to the Raiders' victory over the Vikings in Super Bowl XI. He was named All-Pro and All-AFC four consecutive seasons. He played in the Pro Bowl five consecutive years, was named a member of John Madden's 1970s team of the decade, and was recognized on the Silver Anniversary team as the best tight end in 25 years.

David's accomplishments are not limited solely to football. He has received numerous awards for his work as a financial planner, consultant and salesman.

David gained fame in the football world, but he has used his fame to better his community and the lives of the people in it. He founded the Dave Casper Celebrity Golf Tournament to support the Ronald McDonald House and greatly supports other charities that benefit children.

David's determination to succeed in all he has done has made him a true legend. He is probably most proud of his wonderful family—his wife Susan and children Keleigh, Carrie and Andy—but the world will forever remember the Hall of Fame football star who went down in the record books and in the memories of generations of football fans.

PAYING TRIBUTE TO DAN GRIFFIN

HON. SCOTT MCINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 2002

Mr. McINNIS. Mr. Speaker, it is my pleasure to stand before you today and honor Dan Griffin for his contributions towards the betterment of his community. Dan was honored by the Grand Junction Lions Club, as the ''Lion of the Year.'' He is deserving of this prestigious honor, and it is a privilege to applaud him for all his hard work and dedication.

Dan completed his undergraduate education at Stanford and went on to become a law student at the University of Colorado. He joined the U.S. Air Force, but was forced to retire due to a knee injury. Dan returned to Grand Junction and was employed by the firm of Younge, Hockensmith & Robb. He later became President of the Mesa City Bar Association, and served on the Board of Governor's of the Colorado Bar Association.

During the Lions Club ceremony, family spoke of Dan as a '' . . . genuine, superb, wonderful individual.'' Dan received this award because he demonstrates unwavering support and dedication to the organization and the community. Dan's wisdom in law helped him serve area citizens, and address concerns people had about wills, trusts, and estates. Truly, Dan's expertise is cherished and appreciated by all whom he encounters.

Mr. Speaker, today I rise to pay tribute to a man of great character and conduct. It is a pleasure to honor him before this body of Congress and this nation. Thank you Dan for every contribution you have selflessly made to our community and I wish you the best of luck in your future endeavors.

FOOD SAFETY

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 2002

Mr. SCHAFFER. Mr. Speaker, food safety is serious business, and American consumers pay a high price for wholesome, pure food. The expense soars when the system fails, especially if failure results in illness, or worse, someone's death. Everyone pays mightily to maintain America's standing as the world's safest place to eat.

Just behind taxes and government regulation, food-safety precautions account for the biggest fixed cost of commercial food production. All of these costs pass through to consumers at the grocer's check stand. The higher prices also rob farmers and ranchers of hard-earned income, but food safety remains their chief objective, too.

No one profits from bad food, except for lawyers. In fact, Colorado's economy depends on safe agriculture products, and confident, healthy consumers. That's why we invest billions toward achieving both.

The issue of improved food safety has once again found itself on the political front burner following the recent discovery of a contaminated batch of hamburger that slipped through the ConAgra Beef plant in Greeley. The incident caused the illness of at least 30 people.

The culprit in this case is E.coli 0157:H7. It can be lethal, though it wasn't this time. The bacterium is found in the intestines of most animals, including humans.

Cow feces probably came in contact with ''trim'' meat. These cuts were likely run through a grinder, shipped to a processor, blended with product from other slaughterhouses, sold at grocery stores, and prepared on a few dozen household countertops. Perfect nutrients and lots of surface area make ground beef an optimal growing medium for E.coli.

Hundreds of other pathogens could have initiated this latest round of debate. The Centers for Disease Control has identified more than 250 different food borne diseases that have caused an estimated 76 million illnesses in the United States resulting in 5,000 deaths and 325,000 hospitalizations. In virtually any other country the risk is worse, however poorly documented.

Impurities are inherent with all food consumption, especially perishable ones like meat, fish and poultry. A food-science expert at Colorado State University told me hamburger recalls average one per week across the country this time of year when the environmental conditions are most favorable to E.coli. This escapes the press for some reason.

Routinely, recalls are initiated immediately after a pathogen is confirmed, allowing producers to capture and gain control of the recalled product before it reaches consumers. ConAgra's recall was anything but typical. It came too late because federal inspectors waited nearly two weeks to alert the company that E.coli had been detected.

Once notified, ConAgra promptly voluntarily recalled all the contaminated beef, but the delay had already added millions to the company's cost of doing so, and sickened many. After admitting its delay was a mistake, the federal government then recommended to ConAgra an additional recall of millions of pounds of meat it had not tested at all.

The government's passive-aggressive behavior has aggravated consumers, along with beef producers who are now unsure about the U.S. Department of Agriculture's intentions, the status of recall protocols, and the future of red-meat production.

These ambiguities are far from trivial. The regulatory authority of the USDA is considerable. Running afoul of the massive bureaucracy exposes a meat packer to criminal prosecution, product seizure, retention, detention, and perhaps most effective of all, publicity.

Far more harsh and unforgiving than the toughest government sanction, the marketplace brutally punishes any business that puts contaminated product before a consumer. That's as it should be, and it works.

It was the market, for example, that handed a virtual corporate death sentence in 1997 to Nebraska-based Hudson Foods. Contamination prompted the company to issue the nation's largest recall of ground beef—25 million pounds. A few months later, the company was closed.

In our earnest quest to make food safer, there are a few things to keep in mind.

First, U.S. beef was, is, and will always be safe to eat. The quality gets better every day. Colorado ranchers lead the nation in the science of livestock production providing quality products that satisfy the high expectations of domestic and foreign consumers.

Second, producers rely on the USDA as much as consumers do. It's an important agency, and we all want to see it succeed. Anyone who cares about food safety should be prepared to help make USDA inspections a higher federal budget priority. The same goes for state inspectors.

The agency should be driven by sound science, not politics. Its Food Safety Inspection Service should be given the resources and precise guidelines to upgrade its testing so inspectors can more quickly pinpoint the sources of pathogens and react with consistency. They need more money for training, too.

Third, the industry should initiate implementation of pathogen-killing procedures.

Several well-researched measures are proven effective such as live-cattle management at feedlots, washing carcasses with steam or acidic sodium chlorite, and irradiation. America's top agriculture colleges, including CSU, have studied this to death. If the industry won't lead on this, government should.

Fourth, consumers are ultimately responsible for food safety. No amount of regulation and inspection will help anyone who ignores packaging dates, improperly handles meat, eats it raw, or worse, feeds undercooked product to their kids.

Fifth, there is no such thing as a ''zero risk'' standard for any perishable food.

This is an impossible goal, a hoax perpetrated by four principle groups of people—those who work for the government, plaintiffs' lawyers, developers who want to buy their neighbors' ranches and vegetarians offended by others who enjoy a good steak. There will never be a regulatory body large enough to inspect every cut of beef, stalk every distributor or police every kitchen.

Finally, if God didn't intend for us to eat animals, He wouldn't have made them out of meat. He also made us smart enough to figure out how to eat them both cheaply and safely.

CONGRATULATING GLAXOSMITHKLINE FOR ITS EFFORTS TO ELIMINATE LYMPHATIC FILARIASIS

HON. CHAKA FATTAH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 2002

Mr. FATTAH. I rise today to mark an historic milestone on the road to the elimination of a devastating disease of the developing world, lymphatic filariasis.

The global eradication of a disease has been accomplished only once in history, with the elimination of naturally occurring smallpox. Public health officials are eager to replicate that success. Yet despite the huge advances in our understanding of diseases and their mechanisms, international experts believe that there are still very few major diseases that can be deemed eradicable by existing technology. The World Health Organization (WHO) is currently targeting seven diseases or disorders for elimination or eradication. They are: Guinea worm (dracunculiasis), polio, leprosy, neonatal tetanus, Chagas disease, iodine deficiency disorders, and lymphatic filariasis. Today, I rise to focus on the parasitic disease lymphatic filariasis, or LF.

LF is an ancient scourge that has disabled and disfigured people for thousands of years. Transmitted by mosquitoes, LF is caused by thread-like worms that infect the human lymphatic system, leading to permanent damage to the lymphatic and renal systems. LF gives rise to a condition known as elephantiasis which leads to the development of grotesque, chronic swelling of the legs, genitals and breasts, leading to lifelong social and physical disabilities. LF is mostly found in the tropical developing world, where it further exacerbates poverty by physically incapacitating people during what should be the most productive years of their lives. Lost productivity caused by the disease costs billions of dollars across the world each year. LF also puts a tremendous strain on healthcare systems in the developing world. In addition to its economic impact, LF inflicts heavy psycho-social consequences on the individuals who are affected. LF affects around 120 million people, with more than one billion people at risk of infection.

In 1998, the WHO and the pharmaceutical company GlaxoSmithKline (GSK) announced a worldwide collaboration to fight LF. This partnership has now become a global alliance of 35 private and public institutions along with the Ministries of Health in LF endemic countries, all committed to eliminating lymphatic filariasis.

GlaxoSmithKline has its US headquarters in my district in Philadelphia, and over 6,000 Pennsylvanians work for GSK in the search for cures and treatments to disease. GSK makes an anti-parasitic drug called albendazole that is useful in the fight against LF. GSK has committed to donating as many tablets as needed to eliminate lymphatic filariasis. The World Health Organization estimates that GSK will donate up to six billion doses of albendazole before the program is complete, making the GSK albendazole donation program the largest pharmaceutical donation in history.

Today, I am proud to announce that GlaxoSmithKline has produced the one hundred-millionth donated tablet of albendazole for the Lymphatic Filariasis Elimination Program. This is a milestone achievement in a long road, and I commend GlaxoSmithKline for its commitment to world health. Whether it's in improving access to needed health services, providing affordable vaccines and HIV treatments, or dedicating resources to worthy projects in Pennsylvania, GlaxoSmithKline has shown time and time again its dedication to improving lives locally and globally. I commend GlaxoSmithKline for its success to date in the Lymphatic Filariasis Elimination Program, and I wish GSK, the World Health Organization and the rest of their partners every success in the completion of their task.

RECOGNIZING MR. T.J. TAYLOR FOR HIS SERVICE TO BRADFORD

HON. JOHN S. TANNER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 4, 2002

Mr. TANNER. Mr. Speaker, I rise today in recognition of Mr. T.J. Taylor, whose long record of public service has earned him the title of ''Tennessee's Outstanding Older Worker of the Year.''

T.J. Taylor has worked with the Bradford Special School District for half a century. He has driven a school bus for the district for 50 years and has served as maintenance supervisor for the past 25 years. His work and presence have helped him gain the love and respect of his co-workers as well as the school district's students, who know him as ''Mr. T.J.''

Honesty, dedication, the ability to work with others, and being on the job daily are all attributes Mr. T.J. has said are important for a worker of any age but especially for an older worker. His success on the job has proven over the years that he possesses these qualities and knows how best to use them to benefit the people around him. School officials say his dedication and skill have saved the small school district thousands of dollars every year.

At 71 years old, Mr. T.J. says he has no plans to retire anytime soon but will continue to work as long as his health will allow him. It is that distinguished service that has earned him this title of ''Tennessee's Outstanding Older Worker of the Year,'' which he calls his proudest moment.

Mr. Speaker, as we seek to recognize those leaders who make our communities better places to live, I point to the distinguished service of Mr. T.J. Taylor. I ask that you and our colleagues applaud him for his strong, longtime commitment and congratulate him on being named ''Tennessee's Outstanding Older Worker of the Year.''

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S8141–S8233

Measures Introduced: One bill and two resolutions were introduced, as follows: S. 2902, and S. Res. 320–321. **Page S8201**

Measures Passed:

Honoring Valley Sports American Little League Baseball Team: Senate agreed to S. Res. 320, honoring the Valley Sports American Little League baseball team from Louisville, Kentucky for winning the 2002 Little League Baseball World Series.

Pages S8205, S8229–30

Department of the Interior Appropriations: Senate began consideration of H.R. 5093, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, taking action on the following amendments proposed thereto: **Pages S8141–48**

Adopted:

Byrd/Burns Amendment No. 4473 (to Amendment No. 4472), to make permanent a provision relating to the National Business Center. **Page S8143**

Byrd/Burns Amendment No. 4474 (to Amendment No. 4472), to make a technical correction.

Pages S8143–44

Byrd Amendment No. 4475 (to Amendment No. 4472), to make a technical correction. **Page S8144**

Pending:

Byrd Amendment No. 4472, in the nature of a substitute. **Page S8143**

Byrd Amendment No. 4480 (to Amendment No. 4472), to provide funds to repay accounts from which funds were borrowed for emergency wildfire suppression. **Pages S8144–45**

Daschle Modified Amendment No. 4481 (to Amendment No. 4472), to provide emergency disaster assistance to agricultural producers.

Pages S8145–48

A unanimous-consent agreement was reached providing for further consideration of the bill at 9:30 a.m., on Thursday, September 5, 2002. **Page S8230**

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 S8155–80, S8183–94

Pending:

Lieberman Amendment No. 4471, in the nature of a substitute. **Pages S8155–80**

Wellstone Amendment No. 4486 (to Amendment No. 4471), to prohibit the Secretary of Homeland Security from contracting with any corporate expatriate. **Pages S8183–86**

Reid Amendment No. 4490 (to Amendment No. 4486), in the nature of a substitute. **Pages S8186–87**

Smith (N.H.) Amendment No. 4491 (to Amendment No. 4471), to amend title 49, United States Code, to improve flight and cabin security on passenger aircraft. **Pages S8187–93**

Reid (for Boxer/Smith (N.H.)) Amendment No. 4492 (to Amendment No. 4491), to amend title 49, United States Code, to improve flight and cabin security on passenger aircraft. **Pages S8193–94**

A unanimous-consent agreement was reached providing for further consideration of the bill at 1 p.m., on Thursday, September 5, 2002. **Page S8230**

Appointment:

Lands Title Report Commission: The Chair, on behalf of the Chairman of the Banking, Housing and Urban Affairs Committee, pursuant to Public Law 106–569, announced the appointment of the following individuals to be members of the Lands Title Report Commission: Dore A. Bietz of Toulumne, California, Juel C. Burnette III of Brandon, South Dakota, Thomas Livermont of Pierre, South Dakota, and Thomas H. Shipps of Durango, Colorado.

Page S8229

Messages From the President: Senate received the following message from the President of the United States:

Transmitting, pursuant to law, a report concerning the justification of the Australia Group and the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction; to the Committee on Foreign Relations. (PM–106) **Page S8199**

Nominations Received: Senate received the following nominations:

Rafael Cuellar, of New Jersey, to be a Member of the Board of Directors of the National Consumer Cooperative Bank for a term of three years.

Michael Scott, of North Carolina, to be a Member of the Board of Directors of the National Consumer Cooperative Bank for a term of term years.

Francis X. Taylor, of Maryland, to be Director of the Office of Foreign Missions, and to have the rank of Ambassador during his tenure of service.

Francis X. Taylor, of Maryland, to be an Assistant Secretary of State (Diplomatic Security).

Grover Joseph Rees, of Louisiana, to be Ambassador to the Democratic Republic of East Timor.

Elizabeth J. Pruet, of Arkansas, to be a Member of the National Museum Services Board for a term expiring December 6, 2004.

Judith Ann Rapanos, of Michigan, to be a Member of the National Museum Services Board for a term expiring December 6, 2004.

Judith Ann Rapanos, of Michigan, to be a Member of National Museum Services Board for a term expiring December 6, 2007. (Reappointment)

Edwin Joseph Rigaud, of Ohio, to be a Member of National Museum Services Board for a term expiring December 6, 2007. (Reappointment)

Edwin Joseph Rigaud, of Ohio, to be a Member of National Museum Services Board for a term expiring December 6, 2002.

Harry Robinson, Jr., of Texas, to be a Member of the National Museum Services Board for a term expiring December 6, 2003.

Margaret Scarlett, of Wyoming, to be a Member of the National Museum Services Board for a term expiring December 6, 2007.

Beth Walkup, of Arizona, to be a Member of the National Museum Services Board for a term expiring December 6, 2003.

David Donath, of Vermont, to be a Member of the National Museum Services Board for a term expiring December 6, 2004.

Nancy S. Dwight, of New Hampshire, to be a Member of the National Museum Services Board for a term expiring December 6, 2005.

A. Wilson Greene, of Virginia, to be a Member of the National Museum Services Board for a term expiring December 6, 2004.

Maria Mercedes Guillemard, of Puerto Rico, to be a Member of the National Museum Services Board for a term expiring December 6, 2005.

Peter Hero, of California, to be a Member of the National Museum Services Board for a term expiring December 6, 2006.

Terry L. Maple, of Georgia, to be a Member of the National Museum Services Board for a term expiring December 6, 2005.

Thomas E. Lorentzen, of California, to be a Member of the National Museum Services Board for a term expiring December 6, 2006.

Peter Marzio, of Texas, to be a Member of the National Museum Services Board for a term expiring December 6, 2006.

Routine lists in the Air Force, Navy.

Pages S8230–33

Executive Communications: **Pages S8199–S8201**

Additional Cosponsors: **Pages S8201–03**

Statements on Introduced Bills/Resolutions: **Pages S8203–05**

Additional Statements: **Pages S8197–99**

Amendments Submitted: **Pages S8205–29**

Authority for Committees to Meet: **Page S8229**

Privilege of the Floor: **Page S8229**

Adjournment: Senate met at 9:30 a.m., and adjourned at 5:31 p.m., until 9:30 a.m., on Thursday, September 5, 2002. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S8230).

Committee Meetings

(Committees not listed did not meet)

NOMINATIONS

Committee on Foreign Relations: Committee concluded hearings on the nominations of John R. Dawson, of the District of Columbia, to be Ambassador to the Republic of Peru, Antonio O. Garza, Jr., of Texas, to be Ambassador to Mexico, and Linda Ellen Watt, of Florida, to be Ambassador to the Republic of Panama, after the nominees testified and answered questions in their own behalf. Mr. Dawson was introduced by former Senator Dole, and Mr. Garza was introduced by Senator Hutchison.

BUSINESS MEETING

Committee on Health, Education, Labor, and Pensions: Committee ordered favorably reported S. 2758, entitled ''The Child Care and Development Block Grant Amendments Act'', with an amendment in the nature of a substitute.

CLEAN AIR STANDARDS

Committee on Health, Education, Labor, and Pensions: On Tuesday, September 3, Subcommittee on Public Health held hearings on proposed improvements to the New Source Review (NSR) program under the

Clean Air Act, which would change the requirements of companies to install state-of-the-art pollution control equipment, and related provisions of S. 556, to amend the Clean Air Act to reduce emissions from electric powerplants, and S. 2815, to amend the Clean Air Act to reduce air pollution through expansion of cap and trade programs, and to provide an alternative regulatory classification for units subject to the cap and trade programs, receiving testimony from Jeffrey Holmstead, Assistant Administrator, Office of Air and Radiation, Environmental Protection Agency; Kenneth Olden, Director, National Institute of Environmental Health Sciences, National Institutes of Health, Department of Health and Human Services; Carol M. Browner, Albright Group, Washington, D.C., former Administrator, Environmental Protection Agency; George D. Thurston, New York University School of Medicine/National Institute of Environmental Health Sciences, New York, New York; and Clay Ballantine, Asheville, North Carolina.

AMBER ALERT

Committee on the Judiciary: Subcommittee on Technology, Terrorism, and Government Information concluded hearings to examine S. 2896, to enhance the operation of the AMBER Alert communications network in order to facilitate the recovery of abducted children, to provide for enhanced notification on highways of alerts and information on such children, after receiving testimony from Senator Hutchison; Joseph Farrow, California Highway Patrol, Sacramento; Robbie Callaway, National Center for Missing and Exploited Children, Alexandria, Virginia; Edward O. Fritts, National Association of Broadcasters, Washington, D.C.; Sharon Timmons, Riverside, California; and Marc Klaas, Sausalito, California.

AGEISM IN MEDIA

Special Committee on Aging: Committee concluded hearings to examine the images of aging and ageism in the media, advertising, entertainment, and marketing and its impact on the self-esteem of older adults, after receiving testimony from Robert N. Butler, Mount Sinai School of Medicine, International Longevity Center—USA, New York, New York; Robert Snyder, Mature Market Group, Dallas, Texas; Paul Kleyman, Aging Today, San Francisco, California; Becca R. Levy, Yale University Department of Epidemiology and Public Health, New Haven, Connecticut; and Doris Roberts, Los Angeles, California.

House of Representatives

Chamber Action

Measures Introduced: 18 public bills, H.R. 5316–5333 and; 4 resolutions, H.Con.Res. 459–461, and H. Res. 516 were introduced. **Pages H6059–60**

Reports Filed: Reports were filed today as follows:

H.R. 4727, to reauthorize the national dam safety program, amended (H. Rept. 107–626);

H.R. 2099, to amend the Omnibus Parks and Public Lands Management Act of 1996 to provide adequate funding authorization for the Vancouver National Historic Reserve, amended (H. Rept. 107–627);

H.R. 2534, to authorize the Secretary of the Interior to conduct a special resource study of the Lower Los Angeles River and San Gabriel River watersheds in the State of California, amended (H. Rept. 107–628);

H.R. 3223, to authorize the Secretary of the Interior, through the Bureau of Reclamation, to construct the Jicarilla Apache Nation Municipal Water Delivery and Wastewater Collection Systems in the State of New Mexico, amended (H. Rept. 107–629);

H.R. 3407, to amend the Indian Financing Act of 1974 to improve the effectiveness of the Indian loan guarantee and insurance program, amended (H. Rept. 107–630);

H.R. 3449, to revise the boundaries of the George Washington Birthplace National Monument (H. Rept. 107–631);

H.R. 3534, to provide for the settlement of certain land claims of Cherokee, Choctaw, and Chickasaw Nations to the Arkansas Riverbed in Oklahoma, amended (H. Rept. 107–632);

H.R. 4638, to reauthorize the Mni Wiconi Rural Water Supply Project (H. Rept. 107–633);

H.R. 4682, to revise the boundary of the Allegheny Portage Railroad National Historic Site (H. Rept. 107–634);

H.R. 4739, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the design, planning, and construction of a project to reclaim and reuse wastewater within and

outside of the service area of the City of Austin Water and Wastewater Utility, Texas (H. Rept. 107–635);

H.R. 4917, to provide for an exchange of lands with the United Water Conservation District of California to eliminate private inholdings in the Los Padres National Forest (H. Rept. 107–636);

H.R. 4953, to direct the Secretary of the Interior to grant to Deschutes and Crook Counties in the State of Oregon a right-of-way to West Butte Road, amended (H. Rept. 107–637);

S. 238, to authorize the Secretary of the Interior to conduct feasibility studies on water optimization in the Burnt River basin, Malheur River basin, Owyhee River basin, and Powder River Basin, Oregon (H. Rept. 107–638);

S. 1105, to provide for the expeditious completion of the acquisition of State of Wyoming lands within the boundaries of Grand Teton National Park (H. Rept. 107–639); and

H.R. 3995, to amend and extend certain laws relating to housing and community opportunity (H. Rept. 107–640 Pt. 1). **PagesH 6058–59**

Speaker Pro Tempore: Read a letter from the Speaker wherein he appointed Representative Culberson to act as Speaker pro tempore for today. **Page H6001**

Suspensions: The House agreed to suspend the rules and pass the following measures:

Congressional Philharmonic Society: H. Con. Res. 183, expressing the sense of Congress regarding the United States Congressional Philharmonic Society and its mission of promoting musical excellence throughout the educational system and encouraging people of all ages to commit to the love and expression of musical performance; **Pages H6003–05**

John F. Kennedy Center Plaza Authorization: H.R. 5012, to amend the John F. Kennedy Center Act to authorize the Secretary of Transportation to carry out a project for construction of a plaza adjacent to the John F. Kennedy Center for the Performing Arts; **Pages H6005–09**

Great Lakes Legacy Act of 2002: H.R. 1070, amended, to amend the Federal Water Pollution Control Act to authorize the Administrator of the Environmental Protection Agency to make grants for remediation of sediment contamination in areas of concern and to authorize assistance for research and development of innovative technologies for such purposes. Agreed to amend the title so as to read: ''A bill to amend the Federal Water Pollution Control Act to authorize the Administrator of the Environmental Protection Agency to carry out projects and conduct research for remediation of sediment contamination in areas of concern in the Great Lakes, and for other purposes.''; **Pages H6009–12**

Joseph Curseen, Jr. and Thomas Morris, Jr. Processing and Distribution Center, Washington, D.C.: H.R. 3287, to redesignate the facility of the United States Postal Service located at 900 Brentwood Road, NE, in Washington, D.C., as the ''Joseph Curseen, Jr. and Thomas Morris, Jr. Processing and Distribution Center'' (agreed to by a 2/3 yea-and-nay vote of 401 yeas with none voting ''nay,'' Roll No. 372); **Pages H6012–15, H6029**

Barney Apodaca Post Office: H.R. 5308, to designate the facility of the United States Postal Service located at 301 South Howes Street in Fort Collins, Colorado, as the ''Barney Apodaca Post Office;'' **Pages H6015–16**

Thomas E. Burnett, Jr. Post Office Building, Bloomington, Minnesota: H.R. 5207, to designate the facility of the United States Postal Service located at 6101 West Old Shakopee Road in Bloomington, Minnesota, as the ''Thomas E. Burnett, Jr. Post Office Building;'' and **Pages H6016–18**

Suspension Failed—Education Savings and School Excellence Permanence Act: The House failed to suspend the rules and pass H.R. 5203, amended, to provide that the education savings incentives of the Economic Growth and Tax Relief Reconciliation Act of 2001 shall be permanent (failed to pass by ⅔ yea-and-nay vote of 213 yeas to 188 nays, Roll No. 371). **Pages H6022–29**

Suspension—Proceedings Postponed: The House completed debate on the motion to suspend the rules and agreed to H. Res. 94, honoring the contributions of Venus and Serena Williams. Further proceedings were postponed until Thursday, Sept. 5. **Pages H6018–22**

Order of Business—Dam Safety and Security Act: Agreed that it be in order at any time for the Speaker to declare the House resolved into the Committee of the Whole House on the State of the Union for consideration of H.R. 4727, to reauthorize the national dam safety program. General debate shall not exceed one hour. After general debate the bill shall be considered under the five-minute rule. It shall be in order to consider as an original bill for purpose of amendment, the amendment in the nature of a substitute recommended by the Committee on Transportation and Infrastructure now printed in the bill (H. Rept. 107–626). During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an

amendment has caused it to be printed in the Congressional Record. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the Bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions. **Page H6018**

Presidential Message—Effectiveness of the Australia Group: Read a message from the President wherein he, consistent with the resolution of advice and consent to ratification of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, certified that the Australia Group members continue to maintain equally effective controls over the export of: toxic chemicals and remain a viable mechanism for limiting the spread of chemical and biological weapons related materials and technology—referred to the Committee on International Relations. **Page H6028**

Recess: The House recessed at 5:20 p.m. and reconvened at 6:31 p.m. **Page H6028**

Senate Messages: Messages received from the Senate today appear on pages H6001–02.

Referrals: S. 2037 was referred to the Committees on Science, Transportation and Infrastructure, and Energy and Commerce. S. 691, S. 1227, S. 1240, S. 1894, S. 1907, and S. 1946 were referred to the Committee on Resources. S. 1010, S. 1843, S. 1852, and S. 2558 were referred to the Committee on Energy and Commerce. S. 1325 was referred to the Committees on Resources and Agriculture. S. 1339 was referred to the Committees on the Judiciary and International Relations. S. 2549 and S. Con. Res. 137 were referred to the Committee on Education and the Workforce. S. 812, S. 1649, S. 2487, and S. 2810 were held at the desk. **PageH 6040**

Quorum Calls—Votes: Two yea-and-nay votes developed during the proceedings of the House today and appear on pages H6028–29, H6029. There were no quorum calls.

Adjournment: The House met at 2 p.m. and adjourned at 8:49 p.m.

Committee Meetings

CONSUMER PRODUCT SAFETY COMMISSION—NEW CHAIRMAN'S AGENDA

Committee on Energy and Commerce: Subcommittee on Commerce, Trade, and Consumer Protection held a hearing entitled "The Consumer Product Safety Commission: The New Chairman's Agenda." Testimony was heard from Harold Stratton, Chairman, Consumer Product Safety Commission.

COMMITTEE MEETINGS FOR THURSDAY, SEPTEMBER 5, 2002

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Agriculture, Nutrition, and Forestry: Subcommittee on Forestry, Conservation, and Rural Revitalization, to hold hearings to examine the decline of oak tree populations in southern states caused by prolonged drought and red oak borer insect infestation, 9 a.m., SR–328A.

Committee on Banking, Housing, and Urban Affairs: to hold hearings to examine the importance of financial literacy among college students, 10 a.m., SD–538.

Committee on Commerce, Science, and Transportation: to hold hearings to examine the nominations of Roger P. Nober, of Maryland, to be a Member of the Surface Transportation Board, Department of Transportation, and David McQueen Laney, of Texas, to be a Member of the Reform Board (Amtrak), 2:30 p.m., SR–253.

Committee on Health, Education, Labor, and Pensions: business meeting to consider S. 2328, to amend the Public Health Service Act and the Federal Food, Drug, and Cosmetic Act to ensure a safe pregnancy for all women in the United States, to reduce the rate of maternal morbidity and mortality, to eliminate racial and ethnic disparities in maternal health outcomes, to reduce pre-term, labor, to examine the impact of pregnancy on the short and long term health of women, to expand knowledge about the safety and dosing of drugs to treat pregnant women with chronic conditions and women who become sick during pregnancy, to expand public health prevention, education and outreach, and to develop improved and more accurate data collection related to maternal morbidity and mortality; and S. 2817, to authorize appropriations for fiscal years 2003, 2004, 2005, 2006, and 2007 for the National Science Foundation, 10 a.m., SD–430.

Select Committee on Intelligence: to hold closed hearings on intelligence matters, 2:30 p.m., SH–219.

Committee on the Judiciary: business meeting to consider pending business items, 10 a.m., SD–226.

House

Committee on Appropriations, to mark up the Energy and Water Development Appropriations for fiscal year 2003, 2 p.m., 2359 Rayburn.

Subcommittee on Foreign Operations, to mark up appropriations for fiscal year 2003, 10 a.m., H–140 Capitol.

Committee on Armed Services, Special Oversight Panel on Terrorism, hearing on a report entitled "Counter-Terrorism Intelligence Capabilities and Performance of the CIA, FBI, and NSA Prior to 9/11," 9:30 a.m., 2212 Rayburn.

Committee on Education and the Workforce, to mark up H.R. 5091, Canceling Loans to Allow School Systems to

Attract Classroom Teachers Act, 10:30 a.m., 2175 Rayburn.

Committee on Energy and Commerce, to mark up the following measures: H.R. 3880, to provide a temporary waiver from certain transportation conformity requirements and metropolitan transportation planning requirements under the Clean Air Act and under other laws for certain areas in New York where the planning offices and resources have been destroyed by acts of terrorism; H.R. 4793, Mosquito Abatement for Safety and Health Act; H.R. 4014, Rare Diseases Orphan Product Development Act of 2002; H. Con. Res. 189, expressing the sense of the Congress regarding inflammatory bowel disease; H. Con. Res. 320, expressing the sense of Congress regarding Scleroderma; H. Con. Res. 291, expressing the sense of the Congress with respect to the disease endometriosis; and H. Con. Res. 435, expressing the sense of the Congress that the therapeutic technique known as rebirthing is a dangerous and harmful practice and should be prohibited, 10 a.m., 2123 Rayburn.

Committee on the Judiciary, to continue markup of H.R. 4600, Help Efficient, Accessible, Low Cost, Timely Health Care (HEALTH) Act of 2002; and to mark up the following bills: H.R. 1701, Consumer Rental Purchase Agreement; S. 2690, to reaffirm the reference to one Nation under God in the Pledge of Allegiance; H.R. 4125, Federal Courts Improvement Act of 2002; H.R. 4689, Fairness in Sentencing Act of 2002; and H.R. 4561, Federal Agency Protection of Privacy Act, 10 a.m., 2141 Rayburn.

Committee on Resources, to discuss the Administration's Healthy Forests: An Initiative for Wildlife Prevention and Stronger Communities; and to hold a hearing on the following measures: H.R. 5214, National Forest Fire Prevention Act; H.R. 5309, Wildlife Prevention and Forest Health Protection Act of 2002; and the Healthy Forests Reform Act of 2002, 9:30 a.m., 1324 Longworth.

Subcommittee on National Parks, Recreation and Public Lands, hearing on the following bills: H.R. 282, to authorize the Pyramid of Remembrance Foundation to establish a memorial in the District of Columbia or its environs to soldiers who have lost their lives during peacekeeping operations, humanitarian efforts, training, terrorist attacks, or covert operations; H.R. 3747, Bainbridge Island Japanese-American Memorial Study Act of 2002; 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; and a measure to provide for an exchange of certain private property in Colorado and certain Federal property in Utah, 10 a.m., 1334 Longworth.

Committee on Transportation and Infrastructure, Subcommittee on Highways and Transit, hearing on Driver's License Security Issues, 10 a.m., 2167 Rayburn.

Committee on Ways and Means, to mark up H.R. 5193, Back to School Tax Relief Act of 2002, 2 p.m., 1100 Longworth.

Joint Meetings

Conference: meeting of conferees, in closed session, on H.R. 4546, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, 3 p.m., HC–8, Capitol.

Next Meeting of the SENATE

9:30 a.m., Thursday, September 5

Senate Chamber

Program for Thursday: Senate will consider H.R. 5093, Department of the Interior and Related Agencies Appropriations Act.

At 12 noon, Senate will be in a period of morning business.

At 1 p.m., Senate will continue consideration of H.R. 5005, Homeland Security Act.

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Thursday, September 5

House Chamber

Program for Thursday: Consideration of H.R. 4727, Dam Safety and Security Act (unanimous consent, amendments under the five minute rule);

Motion to go to conference on H.R. 5011, Military Construction Appropriations; and

Motion to go to conference on H.R. 5010, Department of Defense Appropriations.

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