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

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC, September 30, 2002.

I hereby appoint the Honorable DAN MILLER 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:

Life is fragile and a lifetime but a moment before Your eternal presence, Almighty God. Today we mourn the loss of one of Your servants and dearly beloved by many and richly rewarded by You, O Lord. You are the Lord and master of the living and the dead, and before You we will all have to appear and render an accounting.

Be now her loving Saviour. Help her staff, family, and many friends find some footing as You lead them on by Your kindly light of faith and sustaining love revealed in those around them. Be now their hope and consolation.

May the Honorable PATSY MINK of Hawaii rest in peace. Amen.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed with amendments in which the concurrence of the House is requested, a bill of the following title:

H.R. 4085. An act to amend title 38, United States Code, to modify and improve authorizations for the administration of benefits for veterans and their survivors, and for other purposes.

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

S. 2237. An act to amend title 38, United States Code, to provide a cost-of-living increase in the rates of compensation for veterans with service-connected disability and dependents and indemnity compensation for surviving spouses of such veterans, to expand certain benefits for veterans and their survivors, and for other purposes.

The Senate has passed all amendments in which the concurrence of the House is requested.

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, September 27, 2002.

Hon. J. Dennis Hastert,
The Speaker, House of Representatives,
Washington, DC.

Dear Mr. Speaker: Pursuant to the permission granted in Clause 2(b) 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 September 27, 2002 at 9:25 a.m.

That the Senate passed without amendment H.J. Res. 111.

With best wishes, I am

Sincerely,

Martha C. Morrison,
Deputy Clerk.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 4 of rule I, Speaker pro tempore HANSEN signed the following enrolled joint resolution on Friday, September 27, 2002:

H.R. 1646. To authorize appropriations for the Department of State for fiscal year 2003, and for other purposes.

And Speaker pro tempore THORNBERRY signed the following enrolled bill on Monday, September 30, 2002:

H.R. 1646. To authorize appropriations for the Department of State for fiscal year 2003, and for other purposes.

NOTIFICATION OF INTENTION TO OFFER RESOLUTION RAISING QUESTION OF PRIVILEGES OF THE HOUSE

Mr. VISCOSKY. Mr. Speaker, pursuant to clause 2(a)(1) of House rule IX, I rise to give notice of my intent to present a question of privilege of the House.

The form of the resolution is as follows:
A resolution, in accordance with House Rule IX, expressing a sense of the House that its integrity has been impugned and Constitutional duty hampered by the inability of the President to provide the Fiscal Year 2003 Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, due to the severe underfunding of education within the President’s Fiscal Year (FY) 2003 Budget.

Whereas under Article I, Section IX, of the Constitution states no money shall be drawn from the Treasury, but in Consequence of Appropriations made by law.

Whereas it is the fiscal duty of the Congress to appropriate annually the funds needed to support the execution of programs and operations of the Federal government.

Whereas to date the House has only considered five Appropriations bills.

Whereas as President, George W. Bush has been persistent in resonating public concern for better schools. He dedicated significant amounts of time and public dialogue during his first year in office to the passage of H.R. 1, the “Leave No Child Behind” Act, not only implying he favored more help to schools from the federal treasury but specifically authorizing large increases in a number of key program areas.

Whereas within weeks of signing H.R. 1, Public Law No. 107-110, the “No Child Left Behind” Act, the President submitted a budget that stopped six years of steady progress in federal support to local schools dead in its tracks.

Whereas instead of the strong and consistent growth in support to local schools that the federal government has provided for more than a decade, the President’s FY 2003 Budget holds aid to local schools virtually flat. Furthermore, his Budget Director now insists that if Congress exceeds the budget request on the smallest amount, the President will veto entire appropriation bills.

Whereas the future of our labor force and our economy is heavily dependent on elevating the education and skills of all future workers.

Whereas about one third of the 53.6 million children now in elementary and secondary schools in America are at serious risk of being left behind. The achievement gap between these students and the rest of the student population remains large and has failed to close.

Whereas of the 53.6 million children currently enrolled in elementary and secondary schools in this country, 9.8 million, or nearly 20 percent, are from households defined by the Commerce Department as being in poverty.

Whereas the House is faced with the choice of supporting schools or supporting the President and his effort to reverse the trend of expanding federal support for local schools.

Whereas the Congress has provided states with an unfunded mandate by approving the “No Child Left Behind” Act without the necessary financial resources to fund it. Now, therefore, be it

Resolved that it is the sense of the House of Representatives that the Congress should provide states with the resources they need to fully implement the “No Child Left Behind” Act as it promised more than a year ago, beginning with the Fiscal Year 2003 Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act.

The SPEAKER pro tempore. Under rule IX, a resolution that is offered from the floor by a Member other than the majority leader or the minority leader as a question of the privileges of the House has immediate precedence only at a time designated by the Chair within 2 legislative days after the resolution is properly noticed.

Pending that designation, the form of the resolution noticed by the gentleman from Wisconsin (Mr. OBEY) is recognized for 60 minutes as the designee of the majority leader.

Whereas the “Leave No Child Behind” Act, which appropriates substantial accountability and performance mandates on elementary and secondary schools in every state and congressional district in the United States.

Whereas within weeks of signing the “Leave No Child Behind” Act, the President submitted the Fiscal Year 2003 budget request in an increase in education funding of 0.5 percent (one half of one percent) compared with an average increase of 12 percent in the six years prior to the President’s FY 2003 budget.

Whereas President Bush’s FY 2003 education budget request fails to provide the promised level of funding to states and local education agencies which are required to implement significant educational reforms.

Whereas President Bush’s FY 2003 budget would provide only a 0.5 percent increase in compensatory education funding promise by the “Leave No Child Behind” Act.

Whereas about one third of the 53.6 million children now in elementary and secondary schools in America are at serious risk of educational failure without the resources promised by the “Leave No Child Behind” Act.

Whereas the funding level for improving teacher quality in President Bush’s budget wouldn’t even keep pace with the current level of funding, let alone the expanded teacher quality programs contained in the “Leave No Child Behind” Act.

Whereas the President’s FY 2003 budget also fails to provide the level of federal assistance for the Individuals with Disabilities Education Act that was promised to states more than 27 years ago.

Whereas by failing to appropriate the funds it has promised to pay for the new accountability requirements for students, teachers and schools, the Congress would bring discredit on itself and undermine the ability of our schools to provide the improved education services for which the House has overwhelmingly voted. Now, therefore, be it

Resolved that it is the sense of the House of Representatives that the Congress should complete action on the Fiscal Year 2003 Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act before recessing and should fund the “Leave No Child Behind” Act at levels commensurate with levels promised by the act less than a year ago.

The SPEAKER pro tempore. Under rule IX, a resolution that is offered from the floor by a Member other than the majority leader or the minority leader as a question of the privileges of the House has immediate precedence only at a time designated by the Chair within 2 legislative days after the resolution is properly noticed.

Pending that designation, the form of the resolution noticed by the gentleman from Wisconsin (Mr. OBEY) will appear in the RECORD at this point.

The Chair does not at this point determine whether or not the resolution constitutes a question of privilege. That determination will be made at the time designated for consideration of the resolution.

Whereas within weeks of signing the “Leave No Child Behind” Act, the President submitted the Fiscal Year 2003 budget request in an increase in education funding of 0.5 percent (one half of one percent) compared with an average increase of 12 percent in the six years prior to the President’s FY 2003 budget.

Whereas President Bush’s FY 2003 education budget request fails to provide the
again to talk about an issue of freedom, freedom of speech in our churches, synagogues, and mosques throughout this country.

Most people do not realize that in 1954, Lyndon Baines Johnson, United States Senator from Texas, put an amendment on a revenue bill going through the Senate without any debate, no debate at all; and that amendment basically put the Internal Revenue Service into the churches and synagogues throughout this country. Prior to 1954 and the beginning of this great Nation that we all know and love, the preachers and the priests and the rabbis at that time, all the way up until 1954, had no restriction of speech. If they wanted to talk about a cultural issue that may have become a political issue of the day, they did so.

What happened was that with the Johnson amendment, because he was being attacked, so to speak, by the H.L. Hunt family in Texas, they opposed to his reelection to the United States Senate, he put an amendment on a revenue bill going through the Senate that basically, again, was never debated. So the Internal Revenue Service has the authority to make judgment calls about certain churches, meaning the preachers, the priests, the rabbis, might say that might be in their opinion of a political nature.

Mr. Speaker, this, in my opinion, is not what this great Nation stands for. This stands for the first amendment rights of its people, and I support that first amendment right, and that includes the churches and the houses of worship throughout this Nation.

Let me also say that this bill is known as H.R. 2357, and in just a very few minutes I am going to show my colleagues some myths that the opposition is saying about this legislation. We had people like Dr. D. James Kennedy, who is a wonderful man of our Lord from Florida, to come up to testify on May 14; also, a Baptist minister here in Washington, D.C. who used to be a Member of the House, and his name is Pastor Walter Fauntroy. Pastor Fauntroy came to testify on behalf of this legislation; and the young man that helped me draft this legislation, of this legislation; and the young man who used to be here in Washington, D.C. who used to be a Baptist minister, Kobe May, also testified.

Mr. Speaker, at that testimony, the IRS basically said they cannot even enforce this legislation. I want to read just a couple of comments very quickly that came out during the hearing. This one really probably is one that bothers me greatly, which is that in answer to a question from the gentleman from Georgia (Mr. Lewis), the Internal Revenue Service acknowledged that they were not able to enforce this law; that they were dependent on a third party to enforce the law. In other words, Mr. Speaker, that is not enforceable.

This great Nation stands for the first amendment, freedom of speech in our churches and synagogues and mosques to speak out on religious, moral, and political issues. Mr. Speaker, I actually agree with him on that sentence. But he comes back with, “However, it is because of the Johnson amendment that churches and synagogues and mosques are barred from endorsing or opposing candidates for any political office and may not intervene directly or indirectly in partisan campaigns.”

Mr. Speaker, this is not an effort by those of us who believe in the first amendment to say that churches and synagogues and mosques to speak out on religious, moral, and political issues should get involved in political activity. We do not believe that. Only if they believe there are certain topics that they want to talk about. If that priest in New York wants to say Al Gore is the right man, if he believes that and he says it, that is educational. The spiritual leader in this country have got to have the freedom.

So that first myth that the other side is saying is absolutely wrong. The churches and the preachers and the priests, I have talked to many of them throughout this Nation, do not understand this law that Johnson passed; and they are concerned about violating the law so, therefore, they just would rather not say anything.

I want to make it perfectly clear again, that should a preacher say that George Bush is pro-life, that is educational, that is spiritual. The spiritual leader in this country have got to have the freedom.

That in itself brings up the second myth. Anyone who believes in separation of church and State cannot support this legislation. Well, my suggestion to those people is this, if you believe there should be a separation, then why should the Federal Government be able to have any influence or any chilling effect on what a preacher, a priest, or a rabbi should say in this Nation? So, therefore, that one is bogus also.

Then they say, they come right back, the houses of worship bill would compromise the integrity of houses of worship. Let me tell my colleagues that in itself is laughable, because I am going to give a quote now from a former Member of Congress whose name is George Hansen from Idaho; he served for 12 years. Mr. Speaker, to myth
number three I would say, let me read the quote from George Hansen. Mr. Hansen said on the floor of this House: ‘It is impossible to have religious freedom in any Nation where churches are licensed to the government. That is the point. That is the point. When the churches and synagogues in this country were given a 501(c)(3) status, there was no restriction at all. I have researched this issue, no restriction at all on speech; nothing. It was Lyndon Baines Johnson that put the Federal Government into our churches and synagogues.

Myth number four is H.R. 2357 is not constitutional. Let me say to those again that raise that bogus argument, this is constitutional. Everything that I have ever read from being a student in high school to a college student to being an older man, that the first amendment applies to each and everyone and that means our preachers, our priests, and rabbis. In fact, in 1930, when Cheyenneville came to America and he was so impressed with this great, beautiful country that God had blessed with natural beauty, and he was excited about the New Republic and this freedom we would have in this country, when I said, Mr. Speaker, when he traveled America was, what impressed him the most was the flame in the pulpit. Mr. Speaker, we know for sure that until the Johnson amendment that the churches, synagogues, and mosques had no restrictions of speech.

So, Mr. Speaker, I close this way with a couple of comments. Mr. Hansen was right. It is impossible to have religious freedom in any Nation where churches are licensed to the government. The IRS testified on May 14 they cannot even enforce this law; and yet we have certain groups in this country that intentionally send out letters to intimidate a lot of our pastors, priests, and rabbis. I believe, Mr. Speaker, with intentional send out letters to say what is right in God’s eyes. I ask God to please bless the President of the United States as he has many tough days and many tough decisions to make.

I close finally this way, Mr. Speaker, by saying three times, please, God, please, God, please God, continue to bless America.

ENROLLED BILLS SIGNED
Mr. Transthal, Clerk of the House, reported the following resolufion of the House of the following title, which was thereupon signed by Speaker pro tempore JAMES HANSEN on September 27, 2002.

H.J. Res. 111. Joint resolution making continuing appropriations for the fiscal year 2003, and for other purposes.

On September 30, 2002, Speaker pro tempore Mac Thornberry signed the following bill.

H.R. 1464. An act to authorize appropriations for the Department of State for fiscal year 2003, and for other purposes.

SENATE ENROLLED BILL SIGNED
The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 1255. An act to certify 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.

ADJOURNMENT
Mr. JONES of North Carolina. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o’clock and 29 minutes p.m.), under its previous order, the House adjourned until tomorrow, October 1, 2002, at 10:30 a.m., for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker’s table and referred as follows:

9411. A letter from the Secretary, Department of Defense, transmitting a letter on the approved retirement of General Carlton W. Fulford, Jr., United States Marine Corps, and his advancement to the grade of general on the retired list; to the Committee on Armed Services.

9412. A letter from the Secretary, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General R. Zanini, United States Air Force, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

9413. A letter from the Assistant Secretary, Health Affairs, Department of Defense, transmitting the department’s report entitled, “Quality of Health Care Furnished by Defense Health Programs Fy 2001”; to the Committee on Armed Services.

9414. A letter from the Director, Financial Crimes Enforcement Network, Department of the Treasury, transmitting the department’s final rule — Financial Crimes Enforcement Network: Special Information Sharing Procedures To Deter Money Laundering and Terrorist Activity (RIN: 1506-AA27) received September 23, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.


9416. A letter from the Director, Department of the Treasury, transmitting the Department’s final rule — Financial Crimes Enforcement Network: Amendment to the Bank Secrecy Act Regulations — Requirement that casinos and card clubs report Suspicious Transactions (RIN: 1506-AA22) received September 23, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

9417. A letter from the Senior Paralegal (Regulations), Department of the Treasury, transmitting the Department’s final rule — Alternative Mortgage Transaction Parity Act; Preemption (Docket No. 2002-234) (RIN: 1506-AB51) received September 25, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

9418. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency’s final rule — Approval and Promulgation of the Final Consent settlement Plan; Georgia Transportation Conformity State Implementation Plan Memorandum of Agreement for the Atlanta Metropolitan Area (GA-2002228(a); FRL-7382-2) received September 24, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9419. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency’s final rule — Correction of Implementation Plans; California (CA003-FRL-7576-2) received September 24, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9420. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency’s final rule — Approval and Promulgation of Air Quality State Implementation Plans; Vehicle Maintenance Program (LA-01-2-7568; FRL-7382-2) received September 24, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9421. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency’s final rule — Approval and Promulgation of Air Quality State Implementation Plans; Vehicle Maintenance Program (LA-01-2-7568; FRL-7382-2) received September 24, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.
Protection Agency, transmitting the Agen-
cy’s final rule — Approval of Revisions to the
Louisiana Department of Environmental
Quality Title 33 Environmental Quality Part
III Air Quality; Permit Procedures; Nonattain-

4942. A letter from the United States Attorney, Environmental
Protection Agency, transmitting the Agen-
cy’s final rule — National Emission Stan-
ards for New Stationary Sources: Sodium

4943. A letter from the Secretary of Commerce, transmitting the
Government’s final rule — Environmental
Protection Agency, transmitting the Agen-
cy’s final rule — Requirements for
Technology Transfer Under Title II of the
Department of Justice, transmitting the Depart-
ment’s final rule — Requirements for
Technology Transfer Under Title II of the
Department of State, transmitting the Depart-
ment’s final rule — VISA: Documentation of

4944. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department’s final rule — VISA: Documentation of Nonimmigrants under the Immigrants and Nationality Act, as Amended: Transitional Foreign Student Monitoring Program — received September 25, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee of the Judiciary.

4945. A letter from the Acting Director, Office of Regulatory Law, Department of Veter-
ans Affairs, transmitting the Department’s final rule — Recoupment of Severance Pay from VA Compensation [RIN: 2060-AX95] received September 25, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans’ Affairs.

4946. A letter from the Commissioner, Social
Security Administration, transmitting a draft bill to make amendments to the Supple-
mental Security Income program; to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of
committees were delivered to the Clerk
for printing and reference to the proper
calendar, as follows:

[Pursuant to the order of the House on Sep-
tember 26, 2002 the following reports were filed on September 30, 2002:]

Mr. SENSENBERNEN: Committee on the Judiciary. H.R. 4125. A bill to make improve-
ments in the operation and administration of the Federal computer systems, and for other purposes; with an amendment (Rept. 107-700). Referred to the Committee of the Whole House on the State of the Union.

Mr. SENSENBERNEN: Committee on the Judiciary. H.R. 4561. A bill to amend title 5, United States Code, to require that agencies, in promulgating rules, take into consider-
ation the impact of such rules on the privacy of individuals, and for other purposes (Rept. 107-701). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and
severally referred, as follows:

By Mr. WATT of North Carolina (for
himself, Mr. FRANK, Ms. LEE, Mrs.
JONES of Ohio, Mr. FOX of North
Carolina, Mrs. MEER of Florida, Ms.
CARSON of Indiana, Mr. MEERS of New
York, Mr. CLAY, Mr. FATTAL, and Ms.
NORTON): H.R. 5499. A bill to authorize the HOPE VI program for revitalization of severely dis-
tressed public housing, and for other pur-
poses; to the Committee on Financial Services.

By Mr. ISAIAH: H.R. 5500. A bill to provide that Members of Congress be made ineligible for coverage under the Federal employee health benefits program, and instead be made eligible for coverage under the Medicare Program; to the Committee on House Administration, and in addition to the Committee on Government Reform; a bill to amend the Employee Retirement Income Security Act of 1974, as amended, and the Federal Employees’ Health Benefits Act of 1959, as amended, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall with-
in the jurisdiction of the committee con-
cerned.

By Mr. PETRI: H.R. 5501. A bill to amend the Higher Edu-
cation Act of 1965 to provide greater aca-
demic freedom for institutions of higher edu-
cation, and for other purposes; to the Com-
mittee on Education and the Workforce.

By Mr. SPRATT: H.R. 5502. A bill to amend the Balanced Breakfast and Emergency Food Security Act of 1990 to extend the pay-as-you-go provi-
sions through fiscal year 2007, and for other
purposes; to the Committee on the Budget.

By Mr. PALLONE, Ms. SESSIONS, Mr. KLIECZKA, Mr. FL itchet, Mr. PASCRELL, and Mr. STRUPAK: H.R. 5503. A bill to amend the Public Health Service Act to establish an electronic system for practitioner monitoring of the dispensing of any substance, and for other purposes; to the Committee on Energy and Commerce.

By Ms. KAPTURE: H.R. 5544. A resolution recognizing the accomplish-
ments of Ignacy Jan Paderewski as a music-
ian, composer, statesman, and phil-
anthropist and recognizing the 10th Anni-
versary of the return of his remains to Pol-
land; to the Committee on International Rel-
ations.

MEMORIALS

Under clause 3 of rule XII.

367. The SPEAKER presented a memorial of the General Assembly of the State of Maryland, relative to H. Res. 701, Joint Resolu-
tion No. 35 memorializing the United States Congress to oppose cutting the $20 million designated in fiscal year 2002 for HIV/AIDS prevention and education programs in the Caribbean; to the Committee on Inter-
national Relations.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors
were added to public bills and resolu-
tions as follows:

H.R. 792: Mr. GILCHRIST, Mr. MERHAN, Ms.
BROWN of Florida, Mr. CANTOR, Mr. BAIRD, Mr. CUMMINGS, Mr. SHAW, and Mr. LARSEN of Washington.

H.R. 1918: Mr. CONYERS, Mr. ORTIZ, Mr.
SERRANO, Mr. GUTIERREZ, and Mr. MENENDEZ.

H.R. 2693: Mr. ISRAEL, Ms. LOFgren, and Mr. VISCOLOSKY.

H.R. 3063: Ms. WOOLSEY and Mr. CROWLEY.

H.R. 4720: Mr. OLIVER and Mr. REHRING.

H.R. 4954: Mr. BARTLETT of Maryland and Mr. PAUL.

H.R. 5031: Ms. RIVERS, Ms. BERKLEY, Mr. JOHN, Mr. ROTHMAN, and Mr. WEXLER.

H.R. 5089: Ms. BALDWIN and Mr. STRICK-
LAND.

H.R. 5285: Mr. FARR of California, Mrs. MOORELLA, and Mr. PAUL.

H.R. 5287: Mr. LAHOOD.

H.R. 5387: Mr. FARR of California and Ms. LAWSON.

H.R. 5414: Mr. LUCAS of Kentucky and Ms.
NORTON.

H.R. 5422: Mr. BIRMAN.

H. Con. Res. 197; Mrs. MORELLA.

H. Res. 548: Mr. Dingell.
The Senate met at 1 p.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:

Almighty God, Sovereign of this Nation and Lord of our lives, grant us Your peace for the pressures of this week. May Your peace keep us calm when tensions mount and serene when strain causes stress. Remind us that You are in control and that there is enough time to do what You want us to accomplish.

Fill this Senate chamber with Your presence. May we hear Your whisper in our souls: "Be not afraid; I am with you." Bless the women and men of this Senate with a special measure of Your strength for the demanding schedule ahead. 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,

To the Senate:

Under the provisions of rule 1, 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. E. BENJAMIN NELSON 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.

**MORNING BUSINESS**

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 2 p.m., with the Senators permitted to speak therein for up to 10 minutes each.

Under the previous order, the first half of the time shall be under the control of the majority leader or his designee.

The Senator from Nevada.

**SCHEDULE**

Mr. REID. Mr. President, originally we had announced there would be a vote this afternoon, but there will not be a vote today. The first vote will be approximately 12 p.m. on Tuesday on cloture on the Gramm-Miller amendment on homeland security.

I ask unanimous consent notwithstanding standing rule XXII, first degree amendments may be filed until 3 p.m. today and the live quorum with respect to the cloture motion filed be waived; further, the cloture vote on the Gramm-Miller amendment No. 4738 occur at 12 p.m. tomorrow, without further intervening action or debate.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

**MEASURES PLACED ON THE CALENDAR**

S.J. Res. 45, are now at the desk, having been read the first time. Is that right? The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. REID. I ask unanimous consent it be in order for these bills and joint resolutions, en bloc, to receive a second reading, but then I would object to any further consideration.

The ACTING PRESIDENT pro tempore. The clerk will read the titles of the resolution and the bills for the second time.

The legislative clerk read as follows:

A resolution (S.J. Res. 45) to authorize the use of United States Armed Forces against Iraq.

A bill (S. 3009) to provide economic security for America’s workers.

A bill (H.R. 4691) to prohibit certain abortion-related discrimination in governmental activities.

The ACTING PRESIDENT pro tempore. Objection having been heard, the resolution and bills will be placed on the calendar.

**ORDER OF PROCEDURE**

Mr. REID. Mr. President, Senator LANDRIEU is in the Chamber to report to the Senate on the devastation of the hurricane that struck her State. I ask unanimous consent she have the full 30 minutes, which would extend the time to 1:35 and then the minority have their full 30 minutes.

The ACTING PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered.

**TROPICAL STORM ISIDORE**

Ms. LANDRIEU. Mr. President, I come to the floor today regarding Tropical Storm Isidore, which made landfall last Wednesday just south of New Orleans and dumped nearly 25 inches of rain in 24 hours. This massive and destructive storm brought winds of 80 miles per hour to Southeast Louisiana and a storm surge of up to 6 feet.
I was able to see the flooding firsthand when I traveled to Louisiana on Thursday with the FEMA Director, Joe Allbaugh, to survey the damage. I was relieved and grateful to learn that on Friday, the President declared a Federal disaster for the area. This declaration triggered the release of Federal funds to bring much-needed recovery assistance to the towns, communities, businesses, and citizens that suffered great loss. I would like to thank President Bush and FEMA Director Allbaugh for their support of Louisiana's recovery efforts.

Although the final cost of Tropical Storm Isidore is still being determined, Louisianans know all too well the damage a storm on this particular path can bring. Had this storm reached the level of strength earlier predicted, it would have been a category 3 hurricane, packing winds of 130 miles per hour and a storm surge of up to 12 feet.

As nearly all of New Orleans area rests below sea level, a hurricane of that magnitude alone on the path that Tropical Storm Isidore has taken would devastate southeast Louisiana.

In Louisiana and throughout the Gulf South, we deal with the threat of hurricanes annually. From other lands, this storm could have been much worse, and we are thankful it was not. But I must take this opportunity to bring to light what is at stake when a hurricane or storm takes aim on the Louisiana coast. Not only is the safety, lives and property of Louisianna residents at risk the Nation's critical energy infrastructure and energy supply as well as crucial conservation measures are in danger.

Tropical Storm Isidore should serve as a wake-up call to the Federal Government, which must do more to protect the nation's resources in Louisiana.

Because the City of New Orleans is below sea level and surrounded by levees, every drop of rain that lands there must be pumped out. This important job is accomplished by local, State, and Federal agencies working together to ensure that the necessary infrastructure is in place and working much of this work is done by the U.S. Army Corps of Engineers. However, in the President's budget request submitted to Congress this year, funding for the southeast Louisiana Flood Control Project was cut by an astonishing 50 percent.

The SELA flood control project is a smart investment. By investing in these flood control projects, we could prevent the expenditure of hundreds of millions of dollars that will otherwise be spent in Federal flood insurance claims and other disaster assistance programs. Fortunately, the Senate Appropriations Committee understands this investment and has approved an increase for this project, which will allow us to continue the work and way to continue. However, this is not enough. I urge the administration to rethink its priorities and to include sufficient funding for the SELA project in its budget request for fiscal year 2004.

Although protecting life and property should be reason enough to invest in infrastructure in Louisiana, there is an even bigger problem that concerns the entire Nation when severe flooding occurs in South Louisiana. More than 80 percent of the Nation's offshore oil and gas is produced off Louisiana's coast and 25 percent of all the Nation's foreign and domestic oil comes across Louisiana's shores by tanker, barge or pipeline. In fact, according to the Minerals Management Service, (MMS), of the 571 million barrels of oil produced from the Outer Continental Shelf in 2001, 502 million were produced offshore Louisiana. That translates to 88 percent of production.

Let me also tell you all about a very special highway in south Louisiana. This highway also happens to be a major component of our Nation's energy supply. This highway is aptly named Louisiana Highway 1. Nearly one-fifth of the Nation's entire energy supply depends on Louisiana 1, and we cannot continue to leave its future to the whims of mother nature.

Louisiana Highway 1 connects Port Fourchon, Louisiana with the rest of the country. Why is it important? Consider these facts: 85 percent of the deep-water drilling rigs working in the Gulf are supported by Port Fourchon; the Department of Interior's Mineral Management Service has identified Port Fourchon as the focal point of deep-water activity in the Gulf; it is estimated that Port Fourchon services approximately 16 percent of the U.S. domestic crude oil; natural gas production and imported crude oil; the Gulf of Mexico has 20,000 miles of pipelines, which is the most extensive network of offshore oil and gas pipelines in the world; Louisiana 1 is the only road service corridor. From Port Fourchon to the city of New Orleans, it is approximately 16 percent of the United States' imported crude oil. LOOP transports approximately one million barrels of foreign oil a day and approximately 300,000 barrels of domestic crude from the Gulf of Mexico offshore Louisiana to the rest of the country. The U.S. Army Corps of Engineers estimates that 60 percent of all the Louisiana offshore drilling over the next 30 years will be in the service area of Port Fourchon.

In the event of a hurricane, this lonely little road is the way out for tens of thousands of my constituents. If current trends continue, this will result in the loss of nearly 40 percent of the Nation's energy infrastructure so much of which is found in Louisiana's coastal zone. Here one will find the City of New Orleans, they also protect our Nation's energy infrastructure such as the major natural gas distribution centers.

From Wednesday to Friday of last week, MMS estimated that 4.5 million barrels of oil and 25 billion cubic feet of natural gas were unavailable for U.S. consumption because of Isidore. With 11 percent of the funding allocated during this period came from offshore Louisiana, only 1.1 percent, $27 million, of the total Federal side Land and Water Conservation Fund allocated during this period actually went toward Louisiana. On the other hand, 23.7 billion, 61 percent, of the funding allocated during this period from the Federal side of the fund went to California, but only 4 percent of the total OCS funds during this period came from offshore California. The Louisiana portion of the fund went to California, but only 4 percent of the total OCS funds during this period came from offshore California.

In addition, since 1968, and for most of the period from 1990, OCS funds have accounted for more than 90 percent of the deposits in the Land and Water Conservation Fund each year.

Year after year, revenues from the oil and gas production of the coast of my State provides most of the funds for the Land and Water Conservation Fund but receives precious little in return. Since 1968, and for most of the life of the Land and Water Conservation Fund, OCS revenues have served as the primary source of funding. In fact, since 1990, OCS funds have accounted for more than 90 percent of the deposits in the Land and Water Conservation Fund each year.

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threaten 95 percent of crude oil and 60 percent of natural gas production from offshore federal lands. Louisiana’s rapidly eroding wetlands are invaluable in absorbing the surge of storm events like Isidore. Without them, one can only imagine the damage a hurricane could do to Louisiana’s coast and the nation’s energy infrastructure.

One-third of the commercial fish harvested in the lower 48 States comes from Louisiana. But Louisiana’s coastal wetlands disappear, so will these fisheries. Louisiana’s wetlands are home to the Nation’s largest flyway, serving as habitat for more than five-million birds and many endangered species. As the wetlands wash away this habitat is lost. Also, they act as a buffer for the number one port system in the United States that moves the Nation’s goods from middle America to world markets.

Louisiana takes pride in its role as the country’s most crucial energy provider. Ours is a state rich in natural resources. However, given the contribution my State makes to the Nation, it is time for the Nation to carefully consider its deficient investment in South Louisiana and the Gulf Coast Region, and to consider what would happen if, God forbid, a major hurricane travels the same path as Tropical Storm Isidore. Isidore, the Water and Land Conservation Fund is just one example of a Federal revenue stream that will suffer. It is time for the Federal Government to adequately and fairly invest in a State that gives so much to the rest of the country.

As I said a few moments ago, Tropical Storm Isidore should serve as our wake-up call. The examples I mentioned today, the SELA flood control project, Louisiana Highway 1 and other highways such as Interstate 49, and our Nation’s wetlands, are too important to ignore.

Mr. THOMAS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded. The ACTING PRESIDENT pro tempore, Without objection, it is so ordered.

THE SENATE AGENDA

Mr. THOMAS. Mr. President, I rise to talk a little bit about what I think is the future of some of the things that are being talked about in terms of this Senate session which probably will expire in 2 weeks, and the many things that we have to do prior to that time.

Some of the things that are being talked about to me have been contradictory from time to time. I guess my hope is that we can together, of course, based on the leadership in the Senate, set some priorities, make some decisions, and accomplish some of the things that are necessary for us to accomplish prior to the recess.

Clearly, we have to do something about homeland defense. I can’t imagine anything that is more important to the discussion and allow the President to establish what is necessary for homeland defense. It is interesting. It reminds us. This morning, for example, over in the Hart Senate Office Building, we were told we wouldn’t have an office, and no one could come in because there was a suspicious package over there on the floor. It reminds us that there is indeed a continuing threat of terrorism which we need to do something about.

Clearly, we have to make some decisions with regard to our position on Iraq. Whatever that decision is, it seems to me it is terribly important that Congress join with the President, and that we make some decisions that will happen this world war be there. Hopefully, it will be some kind of a peaceful settlement. But that isn’t going to happen—and it hasn’t happened for years—until we do something that is very definitive. We can do that, Louisiane, in the leadership. If we don’t do something about defense appropriations, I suspect that we will end up—and I have no problem with that—with a continuing resolution for the rest of the appropriations, none of which we have passed at this time, so they can continue at last year’s level until whenever—November or February. Defense appropriations and military construction have to be changed because the demands are higher for more money, and we can’t go on last year’s numbers.

These certainly are some of the things we must do. Then we have to have this continuing resolution. I hope we will get back to this matter of homeland defense. The President made a kind of a secret thing into a building in New York City. It is pretty clear that that agreements that were made after the 1991 war have not been lived up to. And that is the basis for the kind of threat we see now. It is pretty clear.

It is very interesting. He goes on to say we should never attack anyone unless we have been attacked. It has gotten the 3,000 people who died in New York City. It shows the different changes that have taken place. Years ago, an attack was by 17 divisions with tanks and landing barges. That is what you defended yourself against. That is not the case now. The case is you can bring some of these things into a building in New York City and kill 3,000 people.

We are having some strange conversations—all of them valid. We need to go through it. We also hear from some of our friends on the other side of the aisle that we are no longer paying any attention to the economy.

I simply say that I believe we ought to review where we have been and where we could have been—and the number of things talked about here that have impact on the economy that the leadership has not brought up, and has not been willing to go forward on. One of them is the budget. It is the first year in 20-some years that we haven’t had a budget; that has something to do with an economy, of course. For a long time, there’s been very little energy, and that has some thing to do with an economy.

Terrorism insurance on buildings, for example: We have reduced the ability of people to invest their money to help
the economy. We haven’t done anything with that.

Tax permanency and doing something about the estate tax so people will be more willing to invest their money—they don’t want to do that, and they haven’t brought it up. We need to be sure to take those items out of the committee.

Limits on liability, tort reform—that has something to do with the economy—we could do that. The leadership has chosen not to bring that up. So there are many things where there seems to be a contradiction.

All of us want to pass homeland security legislation. No one in this Chamber does not want to accomplish that. And we want to make it work. To do that, we need to move forward. There is no one in this body who does not want to see our economy strengthened, making life better for everyone in this country.

We have to make some decisions. We have to have some movement instead of being 4 weeks on the same thing and having not accomplished it.

Mr. BENNETT. I thank the Chair and ask unanimous consent that I be recognized for the next 20 minutes.

The Acting President. Who yields time?

The Senator from Utah.

Mr. BENNETT. Mr. President, may I inquire as to the parliamentary situation? Are we in morning business?

The Acting President. Pro tempore. Who yields time?

Mr. BENNETT. Mr. President, I certainly hope we can move forward. I think all of us want to do that. We have a couple weeks in which to do it. Now is the time.

I yield the floor.

The Acting President. Pro tempore. Who yields time?

The Senator from Utah.

Mr. BENNETT. Mr. President, may I inquire as to the parliamentary situation? Are we in morning business?

The Acting President. Pro tempore. We are in morning business for 20 more minutes, according to the order.

Mr. BENNETT. For another 20 minutes?

The Acting President. Pro tempore. The Senator is correct.

Mr. BENNETT. I thank the Chair and ask unanimous consent that I be recognized for the next 20 minutes.

The Acting President. Pro tempore. Without objection, it is so ordered.

THE ECONOMY

Mr. BENNETT. Mr. President, we have had a lot of discussion on this floor about the economy recently. Since we are in an election period, we have a lot of discussion on the campaign economy, with a number of questions being raised—in raised voices—as often happens during a campaign.

One of the questions we have heard thunder forth on this floor is: Who lost the surplus? Where did the Government surplus go? Those who ask the question almost always answer it by saying: It was the Bush tax cut that destroyed the surplus. And it is the Bush tax cut that causes us now to be in deficit.

As I have contemplated responding to this, my mind has gone back to an old Peanuts cartoon. Charlie Brown and Lucy are having a conversation. In the first panel, Lucy is complaining about various problems in her life. In the second panel, Charlie Brown says: Yes, Lucy, life does have its ups and downs. In the third panel, Lucy makes her position very clear. She says: I don’t want any downs. I only want ups. And in the fourth panel, she is marching off saying: And Charlie Brown responds with the time-honored comment: Good grief.

There are many people who view our economy the same way Lucy does. They do not want ups and downs; they want only ups. As far as the eye can see, of years that are better economically than the years before.

There was a period of time, in the 1990s, when we were in the longest sustained expansion of our history, where people were saying: Lucy has finally got her wish. We have nothing but ups. During that period, I had the opportunity to talk with Alan Greenspan when he appeared before the Banking Committee. I asked him the question: Is it not necessary for Lucy Van Pelt terms—but I said to him: Have we repealed the business cycle? As we look at the strength of the economy, and all of the years that are ups, have we now reached the point when the business cycle will not be back and we will not see a downturn?

Well, Mr. President, as you know, Alan Greenspan is one who spoke of the new economy, who spoke of structural changes in the economy as a result of the information age and the application of technology to our decision making. But when I asked him the question with respect to the business cycle, he smiled that wry smile of his and said: No, Senator, we have not repealed the business cycle; it will still manifest itself in the years ahead. And it has.

I brought this chart to the Chamber to demonstrate when the business cycle started to give us a “down.” You can see, in the third quarter of 1999, we were at the lowest negative growth. In the fourth quarter, Christmas time, it was strong. While we did not do so well in the first quarter of 2000, we were still in the very strong “up” territory.

But by the third quarter of 2000, all of a sudden we were down dramatically. We were still not in a recession, because a recession technically is when the economy is shrinking rather than growing, but there was very anemic growth, indeed, of 0.6 percent in that quarter.

You get to the fourth quarter, Christmastime, where before you were up with a growth of 7.1 percent, and now you have a growth of 1.1 percent. It was not a recession technically, but it certainly felt like one.

Before, we had been in strong territory, through the 1990s and on into the first half of 2000, and suddenly we were down in this weak territory in the last half of 2000.

In the first quarter of 2001, we slipped into red territory and negative growth, minus 0.6 percent growth in the first quarter; minus 1.6 percent growth in the second quarter; coming back out of the business cycle, minus 0.4 percent growth in the third quarter; and then, in the fourth quarter of 2001, back into positive territory again.

In the first quarter of 2002, we have strong growth again. Then we are back to 1.3 percent growth. But these cross-sections show what the economists are predicting for the remainder of the year.

So we go from the stronger period of the ups that Lucy Van Pelt loves, then the business cycle comes again, we have a recession, and then we start to come out of it again.

To those who say: Where did the surplus go? and, Wasn’t it eaten by the tax cut? I say the answer is very clear: It was eaten by the business cycle.

What causes the business cycle? What causes things that have been going well for so long to suddenly go wrong? There are several reasons. Let me try to discuss each one of them.

The first thing that causes the business cycle is, quite frankly, bad decisions—bad decisions on the part of policymakers in Government, bad decisions on the part of business men and women, bad decisions on the part of managers.

One of the reasons we have seen the severity of the business cycle ramp down a little, so that the swings are not nearly as wide as they used to be in my father’s business days or my grandfather’s business days, where we do not have anything like the panic of 1873, or we do not have anything like the Great Depression of the 1930s anymore, is that business men and women have better access to information and, therefore, they make fewer mistakes.

The classic business cycle in the manufacturing world would run like this—this is oversimplified, but it illustrates the point. You open a factory, and you start to produce widgets. You can see I went to business school because in business school they always talk about widgets as the generic product.

All right. You open a factory. You start to make widgets. Let’s start your widgets sell pretty well. As the sales reports come in, you, as the manager of the factory, the manager of that business, say: We need to build more capacity. We need to make more widgets for cause there is demand for widgets out there.

So you double your shift. You put on two shifts, and you are having twice as many widgets come out of your factory. Pretty soon, people say to you: The wear and tear on our machinery is not nearly as wide as they used to be in my father’s business days or my grandfather’s business days, where we do not have anything like the panic of 1873, or we do not have anything like the Great Depression of the 1930s anymore, is that business men and women have better access to information and, therefore, they make fewer mistakes.

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from their suppliers, and it is all running through the economy. There is prosperity.

While there is prosperity in the economy, there is prosperity in the Government, because all of the employees of all of these companies are being hired to help you make and market widgets. They are paying taxes on their income. They are paying taxes on the profits they make in selling supplies and other materials to the widget maker.

Then one day, someone walks into your office as the head of that widget company and says: Have you noticed how many widgets we have in the storeroom? Have you noticed how big our inventory of widgets has gotten? We have so many extra widgets that we have not shipped that we need to shut the factory down until we work off the excess inventory. We need to shut down at least half of our capacity until all the widgets in the storeroom have been cleared out and sold.

You made the wrong decision to keep manufacturing widgets when the demand started to fall off or level off. You didn’t realize it was the wrong decision. It didn’t feel like the wrong decision, as you expanded capacity, but now all the inventory is piling up on the back lot, and it is overrunning your storehouses.

You have so many extra widgets, you have to say: Shut the factory down; mothball the extra factory we built because it was going to be premium to the future; for quite a while; lay people off until we can get rid of all of the excess widgets we have.

So you go into the downside of the business cycle. You go into a recession. And as you stop manufacturing widgets, you stop ordering raw materials from all your suppliers, and they stop ordering goods and services from the people who supply them. And those people get laid off, and the Government doesn’t pay them because none of those employees is taking home a paycheck. Indeed, they are now drawing unemployment compensation so the Government is seeing more money go out at the very time less money is coming in, and the Government starts to run deficits. We are in a recession and everybody gets concerned. Gloom and doom overhang the economy.

Then one day the same person who walked into your office and said, do you know how many widgets we have in the storeroom, walks into your office and says: Do you know how bare the storeroom is? We have sold all of those widgets. We have sold all the widgets that were in the back lot. We have sold all the widgets that were in the warehouses. We don’t have any more widgets. There is still a demand for them out there. You better gear up the factory.

So you get on the phone and you call your workers back and you say: We have to gear up the factory.

Once again, you should have done it earlier, but you made a mistake. You had bad information. In the 1950s, in the 1960s, in the 1970s, you were dependent on hard counts of inventory, sales figures that were sometimes weekly, if not months, after the fact, and it was inevitable that even the best manager would make the wrong decision on the upside and make the wrong decision on the downside, that the business cycle was more and more extreme by virtue of bad information.

The main contribution of the information revolution to the business world has been good information with which to make decisions. You can say: Wait a minute. There is a softening in widget demand. We will eliminate the second shift, but we will continue to operate both factories.

Instead of the wild swings that we used to have in the business cycle, today’s swings are narrower and softer, but they are still there because, inevitably, at some point, someone will overestimate sales and thereby build too much capacity and then, on the other side of the swings and have to turn around, and you will get a business cycle.

In historic terms, this recession, outlined on this chart, is milder than any we have had. Those with memories go back to the recession that started in the early 1990s. That recession was much sharper and more difficult and more painful than this one has been. If you have an even longer memory, go back to the recession of the double dip in the early 1980s, the great economic devastation that would make these kinds of numbers look like paradise.

I remember being taught in school that 6 percent unemployment was full employment, that the economy could not absorb any more than 94 percent of the available workers and when you got to 6 percent unemployment, you were at full employment. In the 1990s, we got down in some parts of the country, that try to turn up to 9 percent unemployment. There were times in my State where employers could not hang on to workers because there were so many jobs. They said: Our biggest problem is trying to get labor.

Interestingly, at the height of the latest recession, at the time of greatest difficulty in the job market, there was wringing of hands, weeping and wailing and gnashing of teeth because we hit 6 percent unemployment. The unemployment rate has started to go down now from 6 percent, after hitting that peak.

So in historic terms, this is a mild recession, but what comfort is that to those people who have lost their jobs and, more importantly, to the issue I started out to discuss: How about the surplus and what has happened to the surplus and who lost the surplus?

You can anticipate my answer to that. The surplus was lost to the business cycle. I said there were several things that cause a business cycle. I have given you the one that happens within the business cycle itself.

The other is that outside things come along. The oil shock that hit us in the 1970s helped trigger difficult times. September 11 hit us just as we were struggling with the economic downturn and made it deeper and longer than it would otherwise have been. Outside shocks and outside circumstances can also trigger a business cycle.

It is not just bad decisions on the part of business leaders; it is also outside problems. We had both of those hit at the same time. The business cycle turned us down, and then September 11 hit us. We have still not recovered from September 11.

I was speaking to a good friend in the hospitality industry. He said: After September 11, we were off 20 percent from the norm. This is an industry that is bigger than the automobile industry in its total impact on the economy.

I spoke to this leader over the weekend and said: Have you recovered yet? He said: No, we have come back in relative terms. We are now only 10 percent down from the norm.

So in that industry, 10 percent is huge. We have seen airlines that are faced with bankruptcy because people are afraid to fly. They are filling their planes, but they are filling their planes with cut rates that can’t possibly give them the adequate return to keep them going.

What happened to the surplus? What happened to the surplus is that the economy got hit with business cycle problems and with outside shocks simultaneously and, as I was describing the dynamics of the business cycle. The economy gets hit, the Government gets hit. Tax revenues go down as business activities go down.

As these numbers remain strongly blue and go strongly blue into the future, the tax revenues will come back. They will come back by virtue of the strength of the economy.

The fundamental rule I want everyone to understand is this: Money does not come from the budget, it comes from the economy. We can pass any kind of budget we want. We can make any kind of projections we want. But we will be humbled by the realities of the marketplace every single time. Sometimes the marketplace will produce more revenue than we budgeted for. That is what happened in the 1990s. We budgeted, hopefully, to get to a balance by 2002, and the economy surprised us and took us not only to balance, but surplus, in 1999. We won on budget deficits for as long as the eye could see. The economy said: No, you are forgetting the business cycle. That, plus the attack of the terrorists, threw us into this situation, and Government revenues went down, regardless of what we budgeted.

Let us understand, when the economy turns, when the market flag and then surplus revenue will come back, just as we reacted to the two realities that hit us unexpectedly. The business cycle came along and said I have not been repealed, and the economy slowed down,
and then outside shocks hit us in the form of a terrorist attack that devastated large segments of the economy that have still not recovered. Those of us who are so sure that we control this economy, and what it does by virtue of what we produce, need to have a little more humility and a little more understanding and realize once again that the most important thing the Government can do in order to maximize Government revenues is to create an economic climate in which market forces can produce the greatest beneficial result. But even at those times, when the atmosphere is most conducive, the business cycle is still with us and will humble us if we keep thinking that, like Lucy Van Pelt, we can go through life with nothing but ups, ups, and ups, and never face the reality of the occasional down. I appreciate the indulgence of my fellow Senators. I will have more to say on this at another time when we have a sufficient amount of morning business. I recognize the time has come to return to the debate of the bill on the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mrs. Lincoln). Under the previous order, morning business is closed.

HOMELAND SECURITY ACT OF 2002

The PRESIDING OFFICER. Under the previous order, the hour of 2 p.m. having arrived, the Senate will now resume consideration of H.R. 5005, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 5005) to establish the Department of Homeland Security, and for other purposes.

Pending:

Lieberman amendment No. 4471, in the nature of a substitute.

Gramm/Miller amendment No. 4738 (to amendment No. 4471), of a perfecting nature, to prevent terrorist attacks within the United States.

Nelson (NE) amendment No. 4740 (to amendment No. 4738), to modify certain personnel provisions.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. Madam President, I have spoken with Senator THOMPSON and he has indicated that he has a statement to make. There may be others on his side wishing to make statements on this bill. I indicated that there will be no unanimous consent requests related to this bill.

The leaders have announced there will be no votes today. My friend from Tennessee, I am sure, is aware of that. I look forward to his statement and those who wish to speak on this most important legislation.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. THOMPSON. Madam President, I thank my friend from Nevada. I concur in his analysis. There will be no unanimous consent request or additional amendments brought up, or anything of that nature. I also agree with him that we should have colleagues down here with comments on this bill. If they desire to do so, I encourage anyone who may be listening, if they have comments on this bill, come to the floor. There will be plenty of time this afternoon for us to continue to engage in this discussion. It is a very important discussion.

I think with regard to the several points of disagreement that we have, we should keep in mind the points of agreement we do have. I think, for example, all concerned agree that we need to bring many of these agencies that have to do with homeland security under one umbrella and that we must do it in a much better and more efficient way than we have carried out the operations of Government in many other respects. So let’s build on that.

I hope we can build on that and address the points of disagreement and see if we cannot come together. I am still hopeful that in the waning days in which we have to address this issue, we will be able to come together and agree on not only the principle I just enunciated with regard to the merger, but also with regard to issues concerning the President’s proper authority and appropriate flexibility that is going to be needed to manage this gargantuan enterprise we are setting out on. It is really a major endeavor. Nothing has been done like this in several decades in this country, and we are going to need all hands on deck, all the tools, all the resources, and all of the attention that we can bring to bear on this problem in order to make this country safer.

I think most of us realize now that we will probably never again be able to believe we are totally safe and that we can cover every border and every bolt and every automobile and every airplane, all to the extent that we will have a fail safe situation and that we will not need to constantly keep our guard up.

There is a lot we can do. A lot has already been done. The President has taken charge and Tom Ridge in the Office of Homeland Security has taken charge. There have been legislative orders that have addressed many of the burning issues that we face. I think our border situation is already better. Our transportation situation is better. But there is an awful lot to be done before we get to the point where we can say that we have done all that we can do.

It is a very difficult proposition. I said last week that one of the things that impresses me most about this body, about the Government in general, is how difficult it is to make any decision. If there is any difficulty connected with it at all, if it comes to spending money, or something like that, we can usually come together because it benefits those of us who are spending the money, benefits our constituents, and we get some short-term benefit from that all the way around. We sometimes pay long-term consequences for it, but spending money seems to be an easy thing to do.

Here, we are actually stepping on some people’s toes and we are acknowledging some dysfunctional aspects of our Government and we are saying, let’s change that. But there are a lot of vested interests out there who don’t want to change. They want the status quo. In the abstract, they want the same end result we do—we want a better system—but they don’t want to change things in order to achieve a better system.

We have been looking, listening, watching, and absorbing for many years in this Congress and in this Senate the various negative aspects of many of the agencies of our Government and how they are not working, how they are not doing what they are supposed to be doing, how they are rife with waste, fraud, and abuse, and billions of dollars are being sent out for things—like people who are deceased, for example. We find that we cannot incorporate high-tech information systems that have been incorporated in the private sector for years and years, to good effect. We cannot seem to bring that into the Government. The IRS has wasted billions and billions of dollars trying to get their computers to talk to each other. They are making real progress now, but for a long time they did not. And there are human resource problems, human capital problems.

We are losing people we ought to be keeping in Government, and too often keeping the people we ought to be losing because of old rules and regulations that were set up decades ago. We have seen all of this happen, all of this evolve as Government got bigger and bigger and more complex, with levels and upper levels—every Deputy Assistant Secretary has two, three, and four, and it keeps growing. It makes us less efficient and less responsive to the people we are supposed to be serving.

Now, we understand it is not just money and inefficiency and lack of service we have to be concerned about. We have to be concerned about our very safety—the No. 1 job of Government, self-protection.

Yet there are those who want to incorporate that system, this bureaucratic mess that has evolved into the new Homeland Security Department because they do not want to make any changes.

Unfortunately, a part of what has to be addressed. Governmentwide is our civil service system. No one wants to anything. If there is any difficulty connected with it at all, if it comes to spending money, or something like that, we can usually come together because it benefits those of us who are spending the money, benefits our constituents, and we get some short-term benefit from that all the way around. We sometimes pay long-term consequences for it, but spending money seems to be an easy thing to do.
among Democratic and Republican experts who have looked at this problem and have experienced this problem. In the homeland security bill, we are trying to solve a Governmentwide problem. It is much too big. It is much too politically difficult. There are too many interests to satisfactorily address that situation. We are trying to say, with regard to homeland security, with the issue most important to our country: Let's have a little flexibility in these civil service rules that have been made in times past.

When President Carter asked for civil service reforms in the spring of 1978, he said the system “had become a bureaucratic maze which neglects merit, tolerates poor performance, permits abuse of legitimate employee rights, and mires every personnel action in redtape, delay, and confusion.” That was President Carter. Accordingly, Congress delivered the requested reforms in the Civil Service Reform Act of 1978. That lot has happened since 1978 to prove that we still have a long ways to go.

The Brookings Institution report of 2002 quoted earlier now says: The civil service personnel system under the President is outmoded; every task it is asked to do. It is slow at hiring, interminable at firing, permissive at promoting, useless at disciplining, and penurious at awarding.

That is the Brookings Institution’s analysis of our civil service system. This is not news to anybody. President Carter knew about it, spoke on it, and the Brookings Institution and others have spoken about it. We heard testimony in the Governmental Affairs Committee over the years about this issue. Something has to be done about it, and everybody wrings their hands and acknowledges it is not right that it takes 5 or 6 months to hire somebody. It is not right that it takes 18 months to fire a poor performer. But that is the way it is, and that is the way we have been doing business. We rock along tolerating that kind of a system because it is only Government and we really do not expect much out of Government anyway, do we? Now we are in a different world, and we understand that what is at stake is not just aggravation or waiting in a longer line or putting some civil service employees out who are trying to get a job or trying to get promotion inside a system that only let’s them move lockstep or waste a few billion dollars—it is not just that anymore. It is our very safety and survival as a nation because, if we adopt this kind of system into the Department of Homeland Security, we will get the same results as other agencies.

We will see not only waste, fraud, abuse, and mismanagement, overlap and duplication, but we will see the border not protected the way it should be, and it is likely not being what it should be, cargoes will not be examined the way they should be, the information technology we need to tie all this together so we can keep up with the bad guys will not be what it should be because we have seen it has not worked in any other aspect of Government. What makes us think that just by creating this new Department under your leadership, maybe it will be better in this new Department of Government? If anything, there will be new problems that will be created from this new Department of Government because we are talking about bringing together over 170,000 Federal employees. It will require the coordination of 17 different unions, 77 existing collective bargaining agreements, 7 different payroll systems, 80 different personnel management systems—80—an overwhelming task by any stretch of the imagination.

Again, with this more complex, more difficult, and more-important-than-ever task that we have on our plate now, do we really want to bring the old way of doing business into our Government new Department? Has this had results? The answer is no. We have to do business a little differently. We have to give the President authority that other Presidents have had—not take away his authority as the head of his new Department, but give him the new flexibility with regard to hiring, firing, promoting, rewarding, holding employees accountable—all those issues we should have done Governmentwide years ago and we do not have the political will to do.

At long last, with regard to the Department of Homeland Security, at least we ought to acknowledge that we have to look at these issues different. We have done so with regard to several Departments. That is the irony. When the Immigration and Naturalization Service was the Immigration and Naturalization Service, we said, “We need a little additional flexibility in hiring, firing, promoting, rewarding, and disciplining, we gave it to them. When the GAO came to us and asked for the same flexibility, we gave it to them. When the IRS came to us and asked for the same flexibility, we gave it to them. When the FAA came to us and asked for the same flexibility, we gave it to them. When the President came to us and asked for the same flexibility, it gives us to them. When the President came to us and asked for the same flexibility, we gave it to them. When the President comes today and asks for the same flexibility, we say no. We have already added the most and is being asked for by the person who needs it the most on behalf of his new Department, we say no. I think it defies logic.

It is not true if we are taking a step back from merit system principles or that we want to engage in prohibited personnel practices and we are going to abrogate civil service for Federal employees. That is not it at all.

The President has made it clear that the merit system principles that have been there for years will still be there. I am talking about principles such as veterans’ preference; the requirement to recruit qualified individuals from all segments of society; select in advance employees on the basis of merit after fair and open competition. We keep that, of course. I am talking about treating employees and applicants fairly and equitably without regard to political affiliation, race, color, religion, national origin, sex, marital status, age, or handicapping conditions; we keep those principles. Provide equal pay for equal work and reward excellent performance—of course, we keep those principles; maintain the high standards of integrity, conduct, concern, public interest, we keep that; manage the employees efficiently and effectively in that.

The requirement that we retain and separate employees on the basis of their performance and their performance alone, we keep that. Educate and train employees when it will result in individual performance, we keep that; provide fair and open competition. We can do that. We can provide good employee relations, employee benefits, we can do that. The requirement that we retain and separate employees on the basis of their performance and their performance alone, we keep that. We value that as much as anyone.

All of those merit system principles we retain. We do nothing with regard to keeping those. Those are principles which we all agree on and those who imply we are somehow, in the name of national security, eviscerating the rights of employees, is simply not true.

We can maintain the rights of employees but we are not wedded to 50-year-old operating principles. We can make some changes that make some sense in the light of current circumstances. So, when we ask, what about prohibited personnel practices? In title V of the United States Code, as we all know, there are several prohibited personnel practices in which the managers of these agencies and the heads of these Departments cannot say employees who have the authority to take, direct others to take or approve personnel actions shall not discriminate on the basis of race, color, religion, national origin, age, handicap condition, marital status, and political affiliation. We retain that prohibition, for sure. May not solicit or consider employment recommendations based on factors other than personal knowledge of the candidate. In those cases, we keep that; may not communicate, in those cases, we keep that; shall not engage in nepotism; shall not retaliate against a whistleblower; shall
not retaliate against employees or applicants who exercise their appeal rights; shall not discriminate based on personal conduct which is not adverse to on-the-job performance; shall not violate any law, rule, or regulation which implements or directs the concerns of the visa process; shall not knowingly take or fail to take a personnel action if that action or failure to act would violate a statutory or regulatory veterans preference requirement.

All of those prohibitions stay. We retain for one of them. They are principles on which we all agree, and they are meaningful. They are protections that employees should have. They are protections we insist these employees retain.

Again, does that mean one cannot make any changes from a system that was created 50 years ago, in light of current circumstances? It does not. When you find somebody not doing their job, does that mean it should take months in order to do anything about it? Does that mean it should take months in order to hire someone because of rigorous steps and certain pools from which you have to draw and all of that kind of foolishness at a time when we are really in need of people with technology capability that we have not necessarily needed in times past? Of course not.

Does it mean we should not have a system whereby good performers can jump up where people who are doing their job, people who are doing an excellent job, people who are doing a mediocre job, and people who are doing a terrible job are all locked up, just same old thing?

That system was created 50 years ago, with 15 different pay grades, 10 steps within each pay grade, when people would go in as a young person and lock into their way all the way up through the process and retire after 20 years. That is not the world we live in anymore. Young people can do a lot better than that. We need to be able to pay them more. We need to be able to reward them more. We need for them to be able to jump grades, for example. Under less than very exceptional circumstances, it ought to be the rule for extraordinary performance.

By the same token, there needs to be accountability, and these are no exceptions to the merit principles I have enunciated. There is just a little bit of common sense. It does not mean we have to have collective bargaining agreements that go on for months and sometimes years over such issues as whether or not the annual picnic was consistent with the merit principles I have.

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What does that do to morale? What does that do to workforce morale?
In 1993, a police sergeant with the Department of the Treasury was fired for providing false statements during an investigation. This action was not finally sustained until 5 years later when it was finally decided by the Supreme Court of the United States. During the intervening 5 years, there was a hearing before the MSPB, the administrative judge, a decision by the MSPB, an appeal to the Federal court, and a discussion by the U.S. Supreme Court. This was all regarding a police sergeant who lied during the investigation.

An employee of the Civil Service Administration removed for falsification of travel voucher claims contends the action was unjustified. Under chapter 707, that employee would be entitled to seek investigation and review by the Office of Special Counsel, an average of 4 months; hearing and decision by the regional Office of the Merit System Protection Board, average 4 months; review by the headquarters of the Merit Systems Protection Board, 4 months; review by the Equal Opportunity Commission, 36 months estimated; 3 levels of appeal: Federal court system—district court, appeals court and Supreme Court—6 months to several years.

It is not that it would be a good idea to deprive people of their administrative rights. It is just a question of how many levels and how many avenues and how many claims and how long should all this take with regard to the Department of Homeland Security.

Are we doing the best we can do? Clearly, we are not. It is showing up Governmentwide. It has to do with much more than just the rather narrow issues we have been talking about in terms of the homeland security. In June of last year, before September 11, we put a report called Government at the Brink. This was a document I put out as chairman of the Governmental Affairs Committee. It was subtitled Urgent Federal Government Management Problems Facing the Bush Administration. This was as the Bush administration was coming in. We were trying to inform the new administration of the situation they were going to be confronted with, as other presidents have been informed. We tried to show the problems the Federal Government was having. This was not an attempt just to bash the Federal Government. It was an attempt to try to make it work better.

We would have hearing after hearing after hearing. We would bring the GAO to testify. And they would give us every year the high-risk list of agencies that were most subject to waste, fraud, abuse and mismanagement, overlap and duplication. The same agencies every year. No one ever got off of it. New ones kept coming up. And we would pass the RESULTS Act, which said every year: Now, you have not done very well at all. Some of you have done awful. You will have to start showing your results. We will have to start measuring your results.

We have spent years now and we are still in the middle of trying to make that work, and the reports we are getting in many cases from the RESULTS Act show they were producing the right kind of results, but they are incomprehensible themselves. So we are having trouble getting through some of the reports in order to decide whether we are getting any results.

Is Congress just laying on another requirement that will be unfulfilled? It is a very discouraging, long-term problem that has been developing for many years in our Government. It is getting worse and not better. My own view is that until we attach the appropriating process to these problem areas, we will probably never make any progress.

In other words, if these agencies keep cooking their books. If it just continues, not only should people be held accountable, the agencies should be held accountable, and it should be reflected in their funding for the next year. How can you justify continuing to fund failure year after year? That would not happen in any other aspect of American society except the Government. Yet what happens if they get bad enough? Usually, we give them more money.

That is the situation. That is the backdrop. That is what we tried to summarize in this little booklet we put out.

We mentioned some of the examples that the new administration was going to have to deal with in terms of Government management or mismanagement.

We mentioned the big dig, Boston Central Artery, the most expensive Federal infrastructure project in the world that keeps going over budget and over time and is now estimated at $13.6 billion, an almost 525-percent increase from the original $2.6 billion in cost.

We mentioned abusing the trust of the American public. We mentioned the Interior does not know what the agency does that do to workforce morale?
We mentioned Medicare waste, fraud, and abuse. Medicare wastes almost $12 billion every year on improper payments. It misspent that $12 billion last year from the fee-for-service part of Medicare alone, which was about 7 percent of the total fee-for-service budget. The excesses waste Medicare payments would go a long way toward funding a prescription drug benefit or other program enhancement.

We mentioned security violations at the Department of Energy. The Department of Energy has a mission to safeguard America’s nuclear secrets. In just one case, a party was dead for 11 months before Departmental officials noticed that he still had four secret documents signed out.

We talked about the IRS fiscal mismanagement. The IRS manages its finances worse than most Americans. The agency does not even know how much it collects in Social Security and Medicare taxes. GAO found significant errors in recording payments made by taxpayers.

We mentioned the Veterans Affairs Department and how they put patients’ health at risk. The Department of Veterans Affairs IG found that the hospital food department shares the same building as the environmental management services hazardous waste containers. Dirty environmental management services and red biohazard carts were located next to the area where food is transported in the kitchen.

We mentioned the student financial aid program bilking taxpayers in that program. Federal student aid programs are rife with fraud and abuse. A cottage industry of criminals advises people on how to cheat to get Federal Government loans and grants. In one case, scam artists passed off senior citizens taking crafts classes as college students who qualified for Federal Pell grants.

Then we mentioned unemployment insurance fraud. A Las Vegas, NV, man illegally collected at least $230,000 in fraudulent unemployment insurance benefits from four different States between September of 1996 and November of 1999. He set up 13 fake companies and submitted bogus claims based on false identities.

We mentioned the Department of Defense financial management. There is widespread agreement that the Department of Defense finances are a shambles. I hope they are better than when this report was written. It wastes billions of dollars each year, and it cannot account for much of what it spends.

We mentioned NASA, NASA mismanagement; the fact that it causes millions of dollars in mission waste. In one spectacular example after another, NASA lost billions because of mismanagement at some of its biggest programs. The cause of the Mars Polar Lander failure, for example, was that one team used English measurements—pounds, feet, inches, pounds—while a second used metric measurements.

A lot of it had to do with our lack of managing these Departments, the turnover that we had, the inability to keep
good people in developing these information technology programs. That is part of the IRS problem. Who wants to spend their time doing that, at that kind of pay? So we gave them flexibility. They are using it, and they are making some progress now. But this is the tie that binds, and we have to keep our eye on it.

We just found that, with the ultimate decision as to what would wind up with some panel through the administrative process, we didn't have any flexibility. They arrived at this additional flexibility to manage with those relatively contrivance problems they have. But when we magnify the potential problems we know are coming, we want to give them the flexibility to do this. We don't want to be the GAO, the GSA, IRS, several of our agencies. They have been attacked. We have lost almost 3,000 people in one attack. We are going to bring some of these agencies together. If we just bring some of these agencies together, what have we accomplished except a bigger mess? We must do so, but we must do so with some ability to reward, punish, promote, demote, and get the right people in, raise some salaries, give some incentives, have some a few people getting paid less than $6 an hour. We have to get rid of the poor performance through the administrative process, and not bring every case before the Supreme Court of the United States.

I mentioned earlier we have already given this kind of ability to manage to several of our Departments. The FAA, GAO, GSA, IRS, several of our agencies. Yet when it comes to the most sensitive area of all, homeland security, we are not willing to give the new Secretary that kind of flexibility and that kind of ability.

Some might ask us: What about the new Secretary for the Department of Homeland Security the kind of flexibility with regard to its employees that Members of Congress have? What about the same kind of flexibility to hire, fire, promote, set salaries that Members of Congress have? I can assure anyone listening that Members of Congress have much more flexibility than we are being asked to give for this new Department. But more on point, in keeping within the executive branch of Government, what about the flexibilities we have given these other Departments?

With regard to the IRS, there was a provision in there that basically said you must negotiate with the union, and if you do not, you must go to an im-passes panel. That is what our friends, who would deny the Secretary this flexibility, would say we should adopt for the Secretary. So one agency, and one agency alone, is all I can tell. We required them, when we gave them their flexibility—we required them to go through the administrative process that would wind up with some panel making the ultimate decision as to whether or not their actions were justified. We didn't do that with regard to the FAA, we didn't do it with regard to the GAO, we didn't do it with regard to the Transportation Security Agency. I submit to you that we are about to adopt for 170,000 employees and 77 collective bargaining agreements and 80 different personnel management systems—that flexibility is needed more with regard to homeland security than any of these other agencies.

So we are not just comparing apples to oranges. We are comparing peanuts to elephants. We give these agencies additional flexibility to manage with those relatively contrivance problems they have. But when we magnify the potential problems we know are coming with regard to the Department of Homeland Security, we don't want to give that to the new Secretary. If we want it to work, and if we want it to work differently, and we don't want to incorporate and adopt and inherit so many of the problems we have seen throughout Government—some of them relating to safety, some of them not—and expect we can keep doing the same old things the same way after switching the boxes around and expect different results.

What do all these billions of dollars of waste, inefficiency, lost items, and inability to balance the books that the Government cannot do—in small part or as a whole cannot balance its own books—translate over into when you are talking about safety issues? I hope we don't want to find out.

We are suggesting the new Secretary have some of the same things these departments have—that we have already given flexibilities to have—in consultation with the Office of Personnel Management. They are headed by a Senate-confirmed person who is an expert in personnel rules, title V, and what the Government can and cannot do—the prohibitions I just read earlier, the principles I read earlier that we must adhere to—in consultation with that person to come up with some rules.

I should point out there is nothing in the Gramm-Miller substitute that mandates any changes. It is simply a flexibility for those whose job it is, and whose responsibility it is to make this a safer country to make those changes, and then come before Congress for appropriations and oversight—and all of the attention and sometimes aggravation and all of that—it will get as it justifies the changes it has made.

The House of Representatives recognized this need and necessity in passing their homeland security bill. There were basically six areas where this bill gives the new Secretary some flexibility.

There are many areas where no flexibility is sought at all. In fact, with regard to most of the personnel areas and flexibilities that are dealt with in title V, only a small percentage of them are being requested by the administration as being ones they need some flexibility in.

Let us talk about what is not being suggested that there be any flexibility in by the administration.

Chapter 21, general provisions; chapter 23, merit system principles; chapter 29, commission reports; chapter 41, authority for employment; chapter 33, examination; chapter 34, part-time career employment opportunities; chapter 35, retention preference, restoration and reemployment; chapter 41, training; chapter 45, incentive awards; and chapter 47, personnel research programs and demonstration projects.

Again, I am just about halfway through here. But these are the areas in which the administration says OK, we are asking for more or for the ability to change anything in these areas.

Chapter 55, pay administration; chapter 57, travel, transportation and subsistence; chapter 59, allowances; chapter 61, hours of work; chapter 63, leave; chapter 72, antidiscrimination and right to petition Congress; chapter 73, suitability, security and conduct; chapter 79, services to employees; chapter 81, compensation for work injuries; chapter 83, retirement; chapter 84, Federal Employee Retirement System; chapter 85, unemployment compensation; chapter 87, life insurance; chapter 89, health insurance; chapter 90, long-term care insurance; and chapter 91, access to criminal history records for national security.

There are close to 30 areas here in title V where no flexibility is being asked for at all.

There are six areas where flexibility is being asked for: Chapter 43, performance appraisal; chapter 51, classification; chapter 53, pay rates; chapter 71, labor-management relations; chapter 73, adverse actions; and chapter 77, appeals.

With regard to those six areas, the House says OK, we will give the new Secretary some flexibility in those areas.

The Gramm-Miller amendment adopts those six areas.

The "compromise," so-called, before us—the Nelson-Chafee-Breaux amendment—would say we will give you four of those six areas. In other words, you have to add two more to the bill so you don't touch—labor-management and appeals. The new Secretary can do nothing with regard to the entire area of labor-management or appeals.

Unfortunately, labor-management and appeals has to do with the framework system by which you resolve disputes. If you control that process, you control everything else. Everything else has to go through it. So this is our difficulty.

When the Breaux-Chafee-Nelson amendment says we may not give the Secretary the authority to make any changes to labor-management relations or to appeals, it is simply a step too far or a step not far enough.

The President has said without this authority, the new Secretary would come in with his hands tied behind his back; he could not do all of the momentous things that are going to have to be done in terms of organizing and consolidating all these personnel systems without some flexibility in those areas as well.
I guess most of us know by now that Customs has been sued because they put out a directive, pursuant to the President’s direction, with regard to the color-coded warning system we have now: red, yellow, orange, whatever. So Customs was implementing something that they had done because they thought they should have negotiated that color system before it was put out.

So these are the kinds of things about which we are talking. None of them, in and of themselves, are the end of the world, but in case after case we have become consumed with procedure and process.

We can have due process. We can keep people from getting run over. I have spent most of my professional career trying to make sure that people didn’t get run over. But you can do that without tying up the Government when it is trying to protect our borders. You can do it in less than a lifetime.

The Congress cannot do it. We cannot sit here and decide the details of a massive personnel system, and especially all the different personnel systems we are having to bring together. That is something the people are elected to do. Let them come with a system that has a chance of getting the job done and working out the detail.

We will have oversight in this body. But I submit, we do not have the ability to have a system such as that—which brings us to the President’s national security authority. We have had a lot of discussion about that because a lot of people do not understand why, again, when we are creating a new Department that is going to be in charge of homeland security, we would give the President less authority with regard to this new Department not only than what other Presidents have had but than what other Departments have had. So we will be taking the new Department, which needs the President’s firm hand the most, and be providing him with less authority than other Departments have.

I think that perhaps it would be good if we considered the history of the President’s authority in this regard. As we have been talking about now for several days on the floor, the law basically is that if a primary purpose of a particular agency or subdivision has to do with certain categories of work, such as intelligence, counterintelligence, investigative or national security, then the President can set aside collective bargaining agreements because national security is at stake and we simply do not have the time to go through some of this riggerole I have been describing on the floor with regard to this limited number of areas.

The Nelson-Chafee-Breaux amendment No. 2, the President has to also determine that the new people who are coming into the Department with regard to whom he is exercising this authority have had their jobs changed. In other words, additional requirements are being made upon the President to make additional determinations which could be challenged in court.

The President will have a presumption in his favor, for sure, with regard to the courts, but it will be a rebuttable presumption and it will be a situation where the President’s representative has to decide to what extent, in a litigation situation, he wants to lay out these sensitive matters.

But any way you look at it, it is not the same authority that other Presidents have had. We are putting up additional hurdles for this President to overcome, for some reason. We are making additional requirements, additional determinations for this President to make, for some reason. We are not making it easier for him to exercise his national security authority because of September 11, we are making it more difficult.

There was an Executive order that President Kennedy signed, and it contained an exception for agencies and offices engaged in national security. But the exception did not even need to be invoked by the President. It could be invoked by a head of an agency.

Executive Order 11298.

This order shall not apply to the Federal Bureau of Investigation, the Central Intelligence Agency, or any other agency or other bureau, or any subdivision primarily performing intelligence, investigative, or security functions if the head of the agency determines that the provisions of this order cannot be applied in a manner consistent with national security requirements and considerations when he deems it necessary in the national interest. And subject to such conditions the head of any agency may suspend any provision of this order with respect to any agency, installation, or activity which is located outside the United States.

President Kennedy’s Executive order was based on the recommendations of a distinguished six-member task force chaired by then-Secretary of Labor Arthur Goldberg. It was known as the Goldberg Commission. The statement from the Goldberg Commission is the best rationale for the national security exception we have found. The felt need for such an exemption seems to have been so widely acknowledged that no extended argument was even necessary. The general point has been made by many others, however.

For example, President Franklin D Roosevelt said:

All government employees should realize that the process of collective bargaining has its distinct and insurmountable limitations when applied to public personnel management because the obligation to serve the whole people is paramount.

President Kennedy, President Roosevelt. In 1969, President Nixon repealed the Kennedy order but recodified and expanded the rules of procedure for labor-management relations in
Federal service. That order also contained an exemption for agencies and offices doing national security work and allowed the head of the agency to invoke the exception. Not the President, but the head of an agency could do it.

The current statute then was signed by President Carter. He concurred with the language the House and Senate presented to him. But his own bill which he sent to Congress earlier in 1978 also contained an exemption for the work of national security.

This is a well-established need that all Presidents have seen fit to exercise; to the extent, evidently, that extended debate back then was hardly even necessary. I don’t know that there has ever been extended debate on the authority the President should have with regard to setting aside collective bargaining agreements in situations pertaining to national security and these other categories until now.

Ironically, while the opponents of the Gramm-Miller substitute and the President’s preferred course of action want the status quo with regard to all other agencies, this bill except the organizational part, but the status quo with regard to the managerial part, they do not want the status quo when it comes to giving the President the authorities that Presidents have traditionally received.

The President can’t accept that. He has said so. I hope it is not presented to him like that because we know what the fate of this bill would be. That would not be good for the country. We all know that.

I am hopeful that in these waning days we will be able to, with regard to these two issues, which opponents of Gramm-Miller say are not very significant but which the President says are extremely important, which you would think would cause a basis for some compromise right there, but I would hope we would be able to address this issue of some flexibility that we have given other departments that we must give agency on the one hand and, secondly, maintaining the President’s traditional position with regard to his national security responsibilities having to do with collective bargaining agreements.

I yield the floor.

The PRESIDING OFFICER (Mr. Wyden). The Senator from Nevada.

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 of up to 10 minutes each and that the period be a period for debate only, and the Senator be recognized for whatever period of time he wishes to speak, and that when the Senator from Pennsylvania is back into morning business under the previous request.

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

The Senate recessed at 6:15 a.m., and pursuant to order of the Senate of September 10, 2002, the Senate will proceed to consider the Homeland Security Act of 2002—Continued.

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

The PRESIDING OFFICER. Without objection, it is so ordered.
to national security would be taken away. But the drafters of the amendment tell us that is not what is intended because the language is "in addition to" and not "in place of."

If you look at the specifics of the existing language about intelligence agencies, counterintelligence, investigations, and the language of the amendment, the duties, primary duty, intelligence, counterintelligence, or investigative work, they are not too far apart. I think we can reach an accommodation there.

The other provision that has provided the controversy is the issue of the President wanting flexibility, and the provisions of the Gramm-Miller amendment have picked up that language of the House bill, which would give the President flexibility on these six categories: Performance appraisal, classification, pay rates and systems, labor-management relations, adverse actions, and appeals. The amendment proposed by Senator Nelson and Senator Breaux would give the President four of those six. It would give the President, No. 1, performance appraisal; No. 2, classification; 3, pay rates and systems; 4, adverse actions. But the Senate side of this is to review by the Federal Services Impasses Panel, a seven-appointee panel, all of whose appointees are the President's.

It seems to me we are very close here. I voted against cloture on the Lieberman bill because we have not seen in the bill, as it is presently drafted, an adequate provision as to the directorate to have all of the intelligence agencies under one umbrella, and an adequate provision giving the Secretary of Homeland Defense direction to coordinate all of those agencies, to put all those dots on one screen, to have the best likelihood of preventing another 9-11.

I ask unanimous consent that I may proceed to review by the Federal Services Impasses Panel, a seven-appointee panel, all of whose appointees are the President's. In section 132(b), add at the end the following:

(Purpose: To give the Directorate of Intelligence the authority, subject to disapproval by the President, to direct the intelligence community's overall national intelligence program and to provide necessary intelligence-related information.)

In section 132(b), at the end add the following:

(14) On behalf of the Secretary, subject to disapproval by the President, directing the agencies described under subsection (a)(1)(B) to provide intelligence information, analyses of intelligence information, and such other intelligence-related information as the Under Secretary for Intelligence determines necessary.

Mr. SPECTER. Mr. President, I ask unanimous consent that I may proceed for 5 minutes as in morning business. Without objection, it is so ordered.

REPORT ON TRIP TO AFRICA

Mr. SPECTER. Mr. President, during the month of August, Senator SHIELLY and I made an extensive trip to Africa. In Africa, we visited many countries and noted some very material changes. For example, the Government of the Sudan finally wants to have good relations with the United States and is willing to make significant concessions to the rebels in the Sudan. Through the good offices of the President's emissary, former Senator Danforth, a treaty has been worked out which has great promise if implemented and if enforced.

The Muslim-Islamic military has come down from the northern part of Sudan, invaded Christian cities, killed all the men and taken the women and children and sold them into slavery, a practice which is really hard to believe in the 21st century. The peace treaty brokered by Senator Danforth has the promise of ending that. But as we talked to clerics in both Khartoum, Sudan, and in Eritrea, it will have to be enforced by the United States.

We saw in Somalia great advances since my last trip there in 1993 when there was so much contention between the blacks and the whites on apartheid. A government was formed in the 1994 elections. President Mandela has become the national hero and a great many of those problems are on their way to resolution. Great progress has been made.

We saw in Mauritius, an island off the east coast of Africa, tremendous progress being made on trade with a sweater factory yielding compensation up to $300 a week, whereas in some countries in Africa they do not earn more than $250 a year.

In the 21st century, it is so ordered.

The delegation travel began on Tuesday, August 6, 2002, stopping overnight in Rio de Janeiro, Brazil, on route to South Africa. Brazil's economy outweighs that of all other South American countries and will be aided in this respect by the new TPA and a $30 billion loan guarantee by the World Bank. I spoke about this with U.S. Consul General Mark Boulware. He is a great emissary, former Senator Danforth has the promise of ending that. But as we talked to clerics in both Khartoum, Sudan, and in Eritrea, it will have to be enforced by the United States.

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monetary system, our delegation was treated well and found the brief visit to Brazil informative. The delegation proceeded to Cape Town, South Africa, where we were informed by U.S. Ambassador Cameron Hum Frey that South Africa is a middle income, developing country with an abundant supply of resources, well-developed financial, legal, communications, energy, and transport sectors, and a modern infrastructure supporting expanding economies and distribution of goods to major urban centers throughout the region. President Thabo Mbeki has vowed to promote economic growth and foreign investment, and to reduce poverty by relaxing restrictive labor laws, stepping up the pace of privatization, and cutting unneeded governmental spending.

However, President Mbeki has been disappointing in the battle against HIV/AIDS. Despite estimates that one in four South Africans is HIV-positive, Mbeki has resisted declaring the AIDS crisis before addressing Iraq. Inaction in the face of this crisis has recently been criticized by former South African President Nelson Mandela.

The United States continues to provide large sums of money and resources to confront this growing epidemic. In this year’s supplemental appropriations bill, Richard Durbin of Illinois, and I proposed that $700 million be allocated to confront AIDS in countries such as South Africa where it threatens large segments of the population. President Bush has proposed a compromised figure of $500 billion. The U.S. Centers for Disease Control, CDC, has assigned five employees to South Africa to work on the AIDS epidemic, and the National Institutes of Health has recently contributed $11 million.

Ambassador Hume believes that we need essentially “force feeding” South Africa with assistance on this issue, suggesting that South Africa is still dragging its feet.

I questioned Ambassador Hume on the future of race relations in South Africa. Despite the existing divide, for the time being race relations are comparatively good, but the great conciliator Nelson Mandela is slowing down at age 84 and the technocrat Mbeki lacks his personal stature. Nonetheless, there have come a long way with the assistance of the United States since the U.S. Senate voted to override President Reagan’s 1986 veto of legislation forbidding certain U.S. corporate investments in South Africa’s apartheid regime. An important moment in the relationship between our two countries.

Our delegation also conducted discussions of a classified nature with U.S. officials in South Africa and other countries we visited.

South Africa’s fledgling post-apartheid government was the topic of discussion at a dinner hosted by Ambassador Hume with parliamentarians from South Africa’s National Assembly and National Council of Provinces. Progress is being made in governance and oversight. I discussed with Johnny de Lange, the Chair of the National Assembly’s Judicial Committee, the extent of permissible electronic surveillance and physical search undertaken under South African law.

Our next series of meetings occurred in Durban, South Africa. There we met with Consul General Liam Humphreys and his staff to explore, among other things, post-September 11 security procedures. Durban is an important “feeder port” for U.S.-bound goods, and the crew that accompanies the ships, potentially lethal materials and individuals traveling under false credentials may enter U.S. ports if authorities in Durban are not vigilant. It is therefore imperative that individual visas—be issued to individuals only after cross-referencing U.S. Federal Bureau of Investigation files for potentially derogatory information. It is important to continue the strong relationship sharing for this purpose and to ensure the proper coordination of visa and cargo manifest procedures—particularly as proposals take shape for our new Department of Homeland Security.

Durban is geographically located in the KwaZulu Natal province of South Africa, the only province in which the ANC is not in power. At a dinner hosted by Consul General Humphreys, the Shadows, the opposition party, expressed concerns with two leaders of the provincial majority Inkatha Freedom Party, IFP: Provincial Minister of Agriculture and Environmental Affairs and delegate to the National Council of Provinces Narend Singh and Deputy Minister of Environmental Affairs and delegate to the National Assembly and the Deputy Minister of Public Works.

I questioned Deputy Minister Zondi about the nature of race relations in South Africa. Minister Zondi is optimistic about race relations, and noted that relations in South Africa are far better than Saudi Arabia or Egypt where the government has been unable to create reconciliation in a full-scale race war.” Minister Zondi also noted with affection his friendship with the late Reverend Leon Sullivan of Philadelphia, a spiritual leader who practiced stand for U.S. companies doing business in South Africa. Zondi said that Reverend Sullivan did a great deal to make U.S. corporations more socially conscious. Minister Zondi visited Reverend Sullivan in 1986, and believes strongly in the so-called “Sullivan Principles,” the labor code promoted by Reverend Sullivan.

From Durban the delegation traveled to Mauritius to explore trade and other issues in advance of the Presidential visit for the AGOA Conference in January 2003. Since independence in 1968, Mauritius has developed from a low-income agriculture-based economy to a middle-income diversified economy with growing industrial, financial, and tourism sectors. Mauritius has the highest median income in sub-Saharan Africa and an unusually high literacy rate. Investment in its port alone has reached over $1 billion. Employment in Mauritius is at or above 95 percent, according to our dinner guest Raouf Bundhun, the Vice President of Mauritius.

I asked the U.S. Ambassador to Mauritius, the Seychelles, and the Comoros, John Price, about the need for expanded commercial opportunities and enhanced security in the Indian Ocean region. I inquired about the recent developments of official Seychelles passports reportedly being sold for $65,000 to those who wish to move freely in the Indian Ocean region.

I also inquired about how the new TPA law and AGOA will help Mauritius further progress economically. Ambassador Price informed us that the new TPA will help entrepreneurs such as Sunil Hassamal, who showed us the shoe factory that he has built from the ground up and who now employs 2500 workers. On the labor front, we were assured by Ambassador Price that despite some recent unfavorable press coverage of the treatment of Chinese laborers at one factory, Mauritius no child labor is being employed, that overtime is being paid, that working conditions are tolerable, and that a viable minimum wage is being paid along with appropriate benefits and that a 40-hour week is respected—as required by AGOA.

We met with Mauritius Prime Minister Sir Anerood Jugnauth and Deputy Prime Minister Paul Berenger to explore trade and security issues. Prime Minister Jugnauth is nearing the end of his term as Prime Minister, and will next year pass the reins to Deputy Prime Minister Berenger and assume the ceremonial role of President of Mauritius.

I questioned Prime Minister Jugnauth and Deputy Prime Minister Berenger about what the U.S. should do if Saddam Hussein does not respond to demands for inspections. Prime Minister Jugnauth said that the U.S. should not attack Iraq without clear provocation, for this act would “lose the respect of the world.” Jugnauth said that the U.S. must be careful that it is the U.S., and not Saddam, who will be perceived as “sympathetic.” Prime Minister Berenger said that we should await a resolution to the Israeli-Palestinian crisis before addressing Iraq.
I asked Minister Berenger about U.S. security interests in the region. He seemed to qualify what we understood to be the official Mauritian position on the Chagosian island of Diego Garcia by stating that, in return for full sovereignty of the other Chagosian islands, Mauritius would be willing to defer the issue of Diego Garcia—“agreeing to disagree” over its final status while seeking to build U.S. confidence in the prospect of eventual Mauritian succession.

On the situation in the Mid-East, Berenger favored a new arrangement within the Palestinian Authority, PA— involving the establishment of a purely symbolic President of the PA such as Yasser Arafat but with all real power going to a new PA Prime Minister.

Our delegation next traveled to Tanzania, beginning our oversight of regional and broader security and trade issues in the lesser-developed countries of sub-Saharan Africa. At a luncheon meeting with U.S. Ambassador Robert Royall and the Tanzania country team, we learned that Tanzania is one of the poorest countries in the world, with $250 per capita annual income. The economy is heavily dependent upon agriculture, which provides 85 percent of exports, and employs 80 percent of the workforce. The World Bank, the International Monetary Fund, and bilateral donors have reportedly been awaiting meaningful Tanzanian land reform prior to investing more heavily in the country. Under the government’s socialist land policy, true private ownership is unlawful and investors can acquire merely leaseholds forfeitable at the government’s discretion.

I was disappointed to hear that Tanzania is not yet fully prepared to export commodities to the U.S. without further local economic reform and development. Tanzania has the potential to follow the example of Mauritius, a country with over 6,000 individuals at the legislature, 95 percent employment, and an entrepreneurial spirit. I suggested that a Tanzanian delegation visit Mauritius and learn from its example. I also noted that with the passage of TPA, Congress expects real movement in the direction of “trade rather than aid” and I suggested to Ambassador Royall that he should provide President Bush with a list of achievable goals for Tanzania.

We also discussed the AIDS epidemic. A team of researchers from the Centers for Disease Control, CDC, in Atlanta, Georgia, recently completed test kit evaluation in Tanzania, and has acquired data on which AIDS tests are the best performers in statistical pools. New CDC offices are also being constructed in Dar es Salaam, to assist with the disbursement of $7 million in U.S. aid, including $2 million dedicated to blood safety.

We also explored the economic and political issues surrounding the tourism industry and the problems with refugees flowing into Tanzania from war-torn countries on its long western border. Tanzania currently has approximately 550,000 recent refugees—80 percent Burundian and 20 percent Congolese and Rwandan—and 400,000 “old caseload” refugees from relocations in the 1970s.

Ambassador Royall is working to help return these refugees as soon as possible in a fair manner. Ambassador Royall is also working closely with USAID, the U.S. Department of the Interior, and local U.S. non-governmental organizations, with the system of national parks that supports Tanzania’s tourism industry, accounting for approximately 60 percent of GDP, can be sustained and expanded in conjunction with private sector support. Organizations with which we met, such as the African Wildlife Foundation, work closely with the Tanzanian national park system and the U.S. government. For example, USAID is providing assistance to the Tanzanian Park Service in maintaining roads and natural habitats in two national parks to protect this segment of the Tanzanian economy.

The delegation also visited the United Nations’ International Criminal Tribunal for Rwanda, ICTR, which is housed in Arusha. At the ICTR, we were briefed by Lovemore Munlo, the Deputy Registrar, and Kingsley Mognali, who serves as Special Assistant to the Registrar. Our visit to the ICTR coincided with the release of authorities in the arrest of Augustin Bizimungu, Rwanda’s former armed forces chief who had been indicted by the ICTR for a major role in the 1994 Rwanda genocide. His arrest came less than a month after the U.S. offered up to $5 million under the Justice Department’s “Rewards for Justice” program for tips leading to the arrest of eight Rwandan genocide suspects, including Bizimungu. Currently, 21 individuals suspected of compelling complicity therein are on trial in the ICTR in eight separate trials. Former Prime Minister Jean Kambanda of Rwanda confessed in 2000 to war crimes and was convicted by the ICTR. He was subsequently sentenced to life imprisonment. Currently, two-thirds of the top leadership of the Kambanda government are on trial for genocide and related war crimes. For lower-ranking participants in the genocide, Rwandan courts have prosecuted over 6,000 individuals—many of whom face the death penalty, which is not available at the ICTR.

Later, I questioned U.S. Ambassador to Kenya Johnnie Carson as to whether the U.S. was late in responding to the 1994 Rwandan genocide. While conceding that we were not swift, he assured me that we acted as quickly as we could and that the genocide would have continued—and would have been much worse—if we had not acted when we did. He suggested that the French were in a much better position to intervene to prevent the genocide.

The ICTR is expected to remain in existence until 2008 or 2009, by which point the last of the appeals should have run their course. We were able to observe the proceedings of the trial of Eliezer Niyitegeka, former Minister of Information in the interim government of Rwanda in 1994.

In Tanzania, the delegation proceeded to Nairobi, Kenya for additional trade and security meetings. Ambassador Carson led a country team briefing focused upon political stability after nearly a quarter century of rule by current President Daniel Moi, whose security arrangements for the war on terrorism, HIV/AIDS, and related matters. Carson’s team noted that Presidents Clinton and Bush and Secretaries of State Albright and Powell have all been privately assured by Moi at various points that he will step down after his term ends and that free elections will be called, likely in the period December 1, 2002 through March 31, 2003. Moi is now backing as his successor Uhuru Kenyatta, the 41-year-old son of Kenya’s independence leader, Jomo Kenyatta, and a leader in the majority Kenya African National Union, KANU, party. If he can hold the traditional KANU coalitions together, Kenyatta is favored to succeed Moi.

Kenya is a strong security partner of the United States. For example, the United States is the only country with which Kenya has entered a “Military Access Agreement,” “MAA” allowing for U.S. military assets to be deployed on Kenyan soil. Kenya also supports the U.S. to facilitate regional and other international security issues such as our global war against international terrorism.

I also asked whether we are doing enough to combat the AIDS epidemic in Kenya. According to Carson, the hard data shows that the rate of infection among adults appears to be decreasing in Kenya. The CDC is engaged in programs in West Kenya to find new ways to provide vaccines, to provide education and awareness programs, and to support 40 counseling/testing centers. USAID is also active in AIDS education, prevention, and behavior change. The Peace Corps also plays a role in Kenyan public health projects relating to HIV/AIDS.

We next met with Kenya’s Foreign Minister Marsden Madoka. Minister Madoka said that Kenya’s cabinet had yet to discuss the Kenyan reaction to the situation in Sudan were to mutiny against President Hussein for regime change. While noting that the cabinet would naturally have the final say, he did say, importantly, that “chances are that Kenya would support the U.S. under these circumstances.” On the issue of HIV/AIDS, I asked Minister Madoka how serious the problem is and what the United States can do to help. Minister Madoka said that Kenya has lowered the prevalence rate from 14 percent to 13 percent nationwide. There is, however, a long way to go in addressing this crisis and its collateral effects.

We then traveled to Sudan. Sudan has been ravaged by civil war since 1956...
conditions would lay the groundwork for final agreements in Machakos on a more permanent peace in the Sudan. A key aspect of our trip involved gathering information on religious persecution. Persecution of religious minorities must be a top priority for the Bush administration, and is not covered by Machakos agreements.

We met with Reverend Ezekiel Kondo, the Provincial Secretary of the Province of the Episcopal Church of the Sudan. Reverend Kondo raised the following issues: (1) the persecution of those who convert from Islam to Christianity, which is apparently continuing and is not covered by Machakos; (2) the withholding of permits to build new churches and to license existing churches, which remains a problem with non-Muslim clerics; (3) the refusal of the government to allow churches to leave the country for professional conferences and for religious leaders from abroad to visit Sudan; and (4) the need for more precise coverage of the Nuba Mountain region dispute within the context of the Machakos agreements. Reverend Kondo is skeptical that Muslim attempts to reach out to non-Muslims will work if the basic rights for non-Muslims are not committed to in writing, implemented, monitored and enforced.

When I referenced this religious persecution with President Basheer’s Peace Advisor, Dr. Ghazi Sulahaddin, and his Foreign Minister, Mustafa Ismail, I was told that the current Sudanese government should be given a chance in the international community that the acts underlying the persecution have occurred during many years of civil war, and a process toward reconciliation only began in 1997. Both men assured us that Sudan is on the path to religious freedom and respect for human rights in general. President Basheer pledged that it is “the obligation of Muslims to provide religious freedom,” and that he has made this issue a priority and has commanded local officials to “study this issue closely.”

Dr. Sulahaddin, and Foreign Minister Ismail highlighted for us their views on U.S.-Sudan relations. Sulahaddin said there is a “huge” potential for normalization and improvement of relations between our countries and Sudan does not engage in terrorism because the taking of innocent life is contrary to Islamic beliefs. He argued that the U.S. had no basis for concluding that the Sudanese plan that was targeted for missile strike by the U.S. in 1998 actually produced nerve gas. He emphasized the positive aspects of the new interaction between U.S. and Sudanese intelligence agencies, and the resulting shift toward more engagement and intensification of dialogue with the Bush administration.

Foreign Minister Ismail stressed that the international community, particularly the United States, should be patient with Sudan since the real beginning of movement toward democracy, human rights, religious freedom and elements of self-determination only began in 1997-1998 with the drafting of the new Sudanese Constitution. This in combination with the debilitating effects of the North-South war has caused “growing pains,” according to Minister Ismail. Minister Ismail handed to Senator Shelby a report that provides details that Sudan has done everything that it can to fight terrorism.

President Basheer stated his appreciation for the existing cooperation between the U.S. and Sudan, including the special role of our country and Senator Danforth in brokering the Machakos talks. In stressing the need for the ultimate unification of Sudan following the 6 1⁄2 year period envisioned by Machakos, President Basheer drew an analogy between the Sudanese civil war and the U.S. Civil War. Basheer said that if the U.S. had not remained unified the Union could have ended up “more like Canada or Mexico.”

On regime change in Iraq, Dr. Sulahaddin said, any attack on Iraq would fragment the Arab world, and urged the U.S. to seek a unified stance in the United Nations among various Arab countries. President Basheer said that he hopes that the U.S. will seek alternatives to military action because the Iraqi people have suffered enough.

Our delegation next moved to Addis Ababa, Ethiopia, to further explore trade, security and health issues. We met with the U.S. country team led by Chargés de Affairs Thomas Hull. Hull briefed us about the state of Ethiopia in the wake of its two-year border war with Eritrea. The U.S. intelligence relationship with Ethiopia has grown even stronger after September 11. The Ethiopians believe that the war on terrorism serves their own domestic security interests, as Ethiopia must also contend with radical Islam as a constant threat. Other issues that were discussed included potential U.S. basing in Eritrea in preparation to act militarily against Saddam Hussein and the impact such basing might have on Ethiopian security concerns vis-à-vis Eritrea. Ethiopia is also concerned about cross border terrorist incursions into its country from Somalia.

We then met with Ethiopia’s Prime Minister Meles Zenawi, who was quite articulate and spoke in depth about many subjects. He said that Ethiopia is a close ally in the war against terrorism, but for Ethiopian reasons. The
...reasons to which he refers is the constant threat of radical Islam to Ethiopia and its African neighbors. He referred to the war on terrorism as something of a godsend for Ethiopia, because it has focused the world on the practices of radical Islam. Ethiopia, according to the Prime Minister, is at the epicenter of terrorism and a secular island in the sea of Islam.

We questioned Prime Minister Meles about the probability of regime change in Iraq. He responded that Saddam should be removed in order to force countries like Saudi Arabia with large Islamic populations to choose whether to allow radical Islam to take hold or to fight against that very radicalism. He calls this a fight for their survival.

Regarding trade, Ethiopia stands to gain by the combination of the AGOA and the TPA. The United States can take advantage of the two Eritrea diagnostic clinics in Addis Ababa. While the United States made an effort to quieten the region, Eritrea could be a viable U.S. trade partner and thus expand its bilateral relationship.

Prosperity and peace in Africa will help fight AIDS

By Arlen Specter

PHILADELPHIA—"I want access to America's trillion-dollar economy," Ethiopian Prime Minister Meles Zenawi told Sen. Richard Shelby, a Republican from Alabama, and me in our mid-August fact-finding travels through Africa. If the developing nations of Africa stop the spread of AIDS and end their bloody wars, the continent stands at the brink of real economic development and can stop the spread of HIV and AIDS there, which will provide a much-needed boost to the U.S. economy.

We also discussed the HIV/AIDS crisis and human suffering in Ethiopia. The Prime Minister linked solutions to both crises to United States assistance in bolstering Ethiopian infrastructure and institutions, providing access to U.S. markets through expansion of trade, and removal of Ethiopia from the coda, HIV/AIDS prevention and education efforts. CDC has also opened an HIV/AIDS diagnostic clinic in Addis Ababa. While the HIV/AIDS rate is 13 percent, consistent with Kenya prevalence percentages, actual numbers of those with HIV/AIDS is higher in Ethiopia as the population is higher.

From Ethiopia we moved to neighboring Eritrea. Ethiopia's annexation of Eritrea as a province in 1962 started a 30-year struggle for independence that ended in 1991 with Eritrean rebels defeating governmental forces. A two-front war involving both Ethiopia and Eritrea that erupted in 1998 ended under UN auspices on December 12, 2000. Final lines of demarcation are being arbitrated.

According to U.S. Ambassador to Eritrea Donald McConnell, the relationship between the United States and Eritrea is sweet and sour. Ambassador McConnell gives Eritrea an "A+" grade in joining with the United States in the war against terrorism. Eritrea may soon be assisting the United States to change the regime in Iraq by allowing our troops to use bases in Eritrea. Eritrean President Isaias Afwerki said in our meeting with him that there must be a change altogether in the Iraqi regime if Iraqi behavior is to change.

In terms of providing stability in the region, Ambassador McConnell told us that Eritrea might face greater challenges from radical fundamentalism. President Isaias is skeptical of Sudanese intentions and believes that President Bashier is attempting to quietly encourage radical fundamentalists to further destabilize the region. President Isaias said that the Sudanese leadership is committed to radical Islam and are worse than Bin Laden, and he then expressed his hatred under the guise of Islam. He believes that the United States must remain constructively engaged in the region to prevent radical Islamic views from overtaking neighboring countries or threatening their security.

While in Eritrea, we continued to hear of religious persecution in Sudan and the importance of the United States in stopping it. In separate discussions with Abune Philipos Woldeyesus, the Patriarch of the Eritrean Orthodox Church, and Abba Menghisteab Tesfamariam, the Bishop of the Catholic Church of Eritrea, we were told that the Sudanese are oppressing Christians in southern Sudan. Abune Philipos went so far as to say, "Christian believers in Sudan will not exist if the U.S. Government does not bring pressure to resolve their persecution by Islam." Bishop Menghisteab recounted how five of his fellow Catholic bishops in Sudan have been told in recent weeks of four have been told in recent weeks that they must register with the government and provide information on their activities and source of funding, according to Ambassador McConnell.

We discussed other human rights issues such as the conditions without charge of two Eritrean employees of the U.S. embassy due to national security concerns. There is just so much the U.S. can do as it relates to the internal affairs of a country like Eritrea, and we remain hopeful of an acceptable resolution of the detention of the two employees.

The United States can help Eritrea by remaining engaged in the region. Among other things, we can assist Eritrea in becoming an exporter of valuable products by focusing foreign aid on building their infrastructure. Then Eritrea can take advantage of AGOA and TPA and become a viable U.S. trade partner and thus expand its bilateral relationship.

Where we went—South Africa, Tanzania, Sudan, Ethiopia, Mauritius, and Eritrea—we heard of the debilitating effects of the AIDS epidemic. In many African countries, the U.S. National Institutes of Health and Center for Disease Control are providing funding and personnel to combat AIDS. President Bush recently announced a new $5 billion aid package to Africa to spur economic development and AIDS control. This year's World HIV/AIDS Conference in New York was predominately a meeting of health leaders and activists discussing the new strategies for prevention and treatment. Follow-up action by African governments and increased foreign aid offer some promise, but winning the war against AIDS will be very difficult.

Prospects for ending civil wars are bright.

On July 20, a breakthrough agreement was reached between the Sudan government and the Sudanese Peoples Liberation Movement (SPLM) largely due to the mediation efforts of former Sen. John Danforth. Sudan's President Omar al-Bashier told us of his keen interest to improve relations with the U.S. and to have his country taken off the terrorist list. This has led Sudan to offer unlimited, surprise visits by U.S. intelligence agents to its military bases and laboratories to assure it is not developing weapons of mass destruction, and Sudan has...
also agreed to grant religious freedom to Christians who have been persecuted and sold into slavery for decades by their Islamic oppressors. Much more needs to be done to, but our foreign policy colleague, Sen. Danforth, gave us a detailed report on the reasons for his optimism.

In Addis Ababa and Asmara, we observed an agreement between Prime Minister Meles Zenawi and Eritrean President Isaias Afwerki that the war over their boundary dispute had been resolved. Both men, along with their foreign ministers, were focused on the conference for “Samalla Reconciliation” held in Kenya last week, sponsored by IGAD, the Intergovernmental Authority for Development. In Somalia, with its numerous war lords, causes regional instability and breeding grounds for al Qaeda. In our visit to the Rwanda War Crimes Tribunal in Arusha, Tanzania, we observed a trial on charges of genocide. That Tribunal established an historic precedent in 2000 by convicting a head of state, former Prime Minister Jean Kambanda of Rwanda.

Perhaps the Rwanda criminal proceedings have even been a factor in ending the wars in Angola and Burundi in the last few years. Peace negotiations are also now promised in Burundi and Congo. An optimistic note was sounded by Charles B. Snyder, deputy secretary of state for Africa. “I like to think peace is contagious.”

If answers can be found to war and AIDS, the isle of Mauritius, located 1,200 miles off the east coast of South Africa, is a prototype for economic prosperity. Mark Twain once noted that the isle of Mauritius, located 1,200 miles off the east coast of South Africa, is a prototype for economic prosperity. Mark Twain once noted that.

In Khartoum last month, Rev. Ezekiel Kondo, the Provincial Secretary of the Episcopal Church of Sudan, advised that persecution of Christians by the government of Sudan was continuing, but there was hope that a peace agreement would produce real change. Rev. Kondo said Christians weren’t able to build churches, were denied visas to attend out-of-country conferences and Islam converts to Christianity faced death.

When we traveled to Asmara, Bishop Abba Menghistab of the Eritrean Catholic Church told us about complaints of five Sudanese Catholic Bishops at a conference in Dar es Salaam, Tanzania in July, that Catholics were sold into slavery by their Islamic oppressors.

In Asmara, we also met with 97-year-old Patriarch Abune Philipos Woldetensae of the Orthodox Church who emphasized that Christians will not be permitted to practice their religion even with guarantees in the peace agreement unless the U.S. makes it happen.

In our meetings with Sudan’s top officials, Sen. Shelby and I stressed the importance of carrying out the guarantees for freedom of religion. President Omar el-Bashir, foreign Minister Mustafa Isamal and Peace Advisor Ghazi Sulahadilin all pledged to do so. When we discussed the issue with Eritrean President Isaias Aferwerki, he scoffed at the prospects for Sudan to honor the commitment on religious freedom because Islam fundamentalists are fanatic about spreading their religious beliefs as part of gaining control of people and countries.

From meeting many people in the region and especially Sen. Danforth, it is my judgment that Sudan very much wants to gain favor from the U.S., which is the principal reason for a peace agreement with the SPLM.

Repeatedly, the Sudanese officials asked about being taken off the terrorist list.

Sudan’s government has made other significant concessions such as giving U.S. intelligence agents unlimited access to weapons factories and laboratories for surprise “visits” to check for production of weapons of mass destruction. The “Strategic Plan on Just Peace in the Framework of Comprehensive Political Settlement in Sudan” specifies “Religious belief and cultural identity are natural aspirations at the individual and group level, but cannot be imposed on others by any single party.”

A final written agreement must spell out religious rights and deal with many specific pending issues.

Whatsoever the words, only the deeds matter. Ultimately, U.S. pressure will be indispensable.

The International Religious Freedom Act of 1998 provides the mechanism to monitor compliance with the U.S. obligations and, in the long run, to guarantee religious freedom in Sudan and elsewhere.

[(From the Pittsburgh Post-Gazette, Sept. 13, 2002)]

**CONGRESSIONAL RECORD — SENATE**

**September 30, 2002**

**TRY THE SUDAN MODEL FOR INSPECTIONS IN IRAQ**

**By Arlen Specter**

WASHINGTON—Sen. Richard Shelby and I learned about “visits” to Sudan’s weapons factories and laboratories by U.S. intelligence agents that could provide a model for U.N. inspections in Iraq.

Sudan’s president, Omar el-Bashir, told us his country was very eager to improve relations with the United States with a view to ultimately getting off the terrorist list. In addition to promising to stop persecuting Christians, Sudan is hoping U.S. agents unlimited, unannounced visits to any location—to break locks, inspect and photograph. Our agents told us they are confident the U.S. intelligence community, along with the United Nations, can provide adequate information on what Iraq is doing on WMD at those locations.

As President Bush has escalated the rhetoric of regime change, the customary Republican allies have joined the international chorus in raising questions and insisting that he receive congressional authority to go to war against Iraq. Former National Security Adviser Brent Scowcroft, Republican Sen. Richard Lugar of Indiana, Jack Kemp and even columnist Robert Novak represent a strong conservative base in urging caution, restraint and even no action.

Former Secretary of State James Baker has proposed a U.N. resolution calling for the use of force to compel Saddam to honor his 1991 commitments to permit inspections. That could provide the basis for an international military coalition if the Security Council agrees and Iraq continues to resist. If the United Nations does not adopt the Baker idea, it gives the United States a strong reason to unilaterally enforce Iraq’s inspections commitments if the United Nations won’t.

To make the case for military action, President Bush will have to deal with other tough issues: the cost in casualties, who will replace Saddam and what will be left after the military phase is over. But if Saddam continues to turn away inspectors, this will raise the common-sense

[WASHINGTON—Sen. Richard Shelby and I learned about “visits” to Sudan’s weapons factories and laboratories by U.S. intelligence agents that could provide a model for U.N. inspections in Iraq.]

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conclusion that he has something to hide, like weapons of mass destruction. And as the risk looms large that Saddam is continuing to develop such weapons, those issues will be subordinated to avoiding another Sept. 11 or worse.

Mr. SPECTER. I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. AKAKA. Mr. President, I ask unanimous consent to speak as in morning business for 30 minutes.

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

HONORING CONGRESSWOMAN PATSY T. MINK

Mr. AKAKA. Mr. President, I rise to offer a few words in tribute to a distinguished colleague and dear friend, Congresswoman Patsy Takemoto Mink, who passed away Saturday afternoon in Honolulu, HI. I am deeply saddened by the passing of my friend and colleague, Patsy Mink, and I join our Congressional delegation, and the people of Hawaii and the Nation in extending heartfelt sympathy to John and Wendy, Mink’s husband and daughter. Eugene Takemoto, her brother, and all of Patsy’s extended family and her loyal staff in Washington and Hawaii.

I feel a tremendous sense of loss at the untimely death of Congresswoman Patsy Takemoto Mink. Her passing leaves a void in the House of Representatives, the Hawaii congressional delegation, and the political life of our Nation. It is difficult to put her spirit into words, but those that came immediately to mind as fitting characterization of the woman we honor today include courageous, forthright, tenacious, gutsy, outspoken, bold, meticulous, and determined. She was my friend, a dedicated public servant for Hawaii, a strong pillar in our state delegation, and an advocate for those in America who feel scared, small, alone, mistreated, neglected or forgotten.

Patsy was a petite woman with a powerful voice and a peerless reputation as a champion for equal opportunity, civil rights, and education. She was a courageous and tenacious leader whose lifetime of public service made Hawaii a better place. Her leadership in health, child welfare, and social services will endure and continue to benefit Hawaii’s people and all Americans.

In the course of her life, Patsy was a pioneer, a trailblazer for women, workers, minorities, the poor, and the powerless. In the history of Hawaii and our Nation in the 20th century, Patsy Mink is one of the giants whose vision of hope and passion for justice led Hawaii to statehood and whose efforts broke down barriers and opened doors to opportunity for everyone, regardless of race, gender, or religion. Her passing silences a dynamic voice, but her many accomplishments, her unimpeachable integrity, and passion for justice stand as an incredible legacy to a magnificent woman.

I commend to my colleagues and all those interested in Patsy’s remarkable life, a biography by Esther Arinaga and Renee O’Connell titled Called From Within: Early Women Lawyers of Hawaii, edited by Mari Matsuda. I wish to recap some of her brilliant life and career for the RECORD.

Born on December 6, 1927, in Paia, Maui, Patsy was independent and ambitious from the start. As an illustration, one family story recalls that she insisted at age four on beginning school a year early. She was driven throughout her young life, and was elected student body president at Maui High School. She graduated as valedictorian in 1944, a year marked by global strife and war.

Patsy’s childhood curiosity about medicine led her to study zoology and chemistry at the University of Hawaii. After graduating in 1948, she applied to medical school, only to be rejected along with other bright young women aspiring to be doctors, in a time when women made up only 2 to 3 percent of an entering class. Another factor daunting her was the return of our war veterans and a resulting boom in applications for graduate and postgraduate programs. Although discouraged, Patsy took wise counsel from a mentor and applied to law school. She gained admission to the University of Chicago. It was during her years of law studies that she would meet and marry John Mink, a respected hydrologist and geologist, her loyal campaign advisor, and her lifelong companion. It was in Chicago that they would have their daughter, Wendy, a professor at Smith College.

Returning to Hawaii, Patsy gained admission to the Hawaii bar in 1953, but only after a successful challenge of a statute that required a woman to take the residency status of her husband, who was a native Pennsylvanian. Such an action represented only one of several challenges to sexism that she would undertake during her professional career. In being admitted to the bar, she also logged one of many firsts by becoming the first Japanese American woman to do so in Hawaii.

In the 1950s, Patsy began to take a serious interest in politics and made her way into the Democratic Party by helping to build the party and draw many young people into its ranks. Patsy’s first step into public elected office in the territorial legislature in 1956 awoke for Hawaii and the world a powerful voice that would only gain strength in its impact and not be silenced until the new millennium. From that moment forward, Patsy’s professional and political record would run as if by perpetual motion.

The momentous year of 1959 brought Statehood for Hawaii, and by then, Patsy had easily won election to the territorial Senate. Leading up to Statehood, while the legislature worked on landmark issues that would lend shape to Hawaii’s new society, Patsy authored an “equal pay for equal work” law and scrutinized the Department of Education toward improving education for Hawaii’s children—a cause close to my heart, those who previously served as a teacher and principal in Hawaii’s schools.

In 1965, Patsy brought her views to the national stage when she became the first Japanese American woman to serve in the United States House of Representatives to represent Hawaii’s 2nd Congressional District—a seat I was proud to hold for almost 14 years, before I entered the Senate. Patsy was articulate about the causes she tenaciously shepherded—President Franklin Delano Roosevelt’s fireside chats, heard years ago on Maui by a young Patsy, had provided her with a foundation of ideals and rhetoric from which she invoked for many years in her political career.

During her first tenure in Congress, Patsy served her various constituencies, both in Hawaii and around this country with a strong commitment to wide-ranging domestic issues, including education, the environment, child care, open Government, workers’ rights, and equal opportunity. She introduced the first Early Childhood Education Act, authored the Women’s Education Equity Act, supported strip mining regulation, and became an early critic of the Vietnam War. In 1971, she entered the Oregon Democratic Presidential primary. Her candidacy reflected her independent spirit and frustration with Government cutbacks in social services spending and the ongoing war.

In 1971, in connection with planned underground nuclear tests at Amchitka Island in the Aleutian chain, she filed suit with 32 other Members of Congress to compel disclosure of reports under the Freedom of Information Act, FOIA. She took issue with alleged Presidential authority to exempt certain information from FOIA and hold it from judicial or legislative review. In the final outcome, in what had been described by Patsy as a sort of Waterloo of the Freedom of Information Act, the U.S. Court of Appeals ruled that Congress could legislate new disclosure guidelines to permit judicial review of the President’s actions. In the end, the case gained tremendous historical significance when the U.S. Supreme Court cited it as precedent for the release of the Watergate tapes.

In perhaps her farthest-reaching accomplishment, Patsy co-authored title IX of the Higher Education Act Amendments, which prohibits gender discrimination in girls’ athletics. She was one of the first to assert that Title IX would never have passed without the political leverage of the women’s rights movement. She took on the role of helping to pass this legislation in the 1970s, and her efforts paid off with the passage of Title IX, which has had深远的影响 in women’s athletics.

An unsuccessful Senate bid ended her first set of years in Federal office in 1977, but it did not quiet her political
involvement or public service. Indeed, in 1990 she returned to the House. In the interim, she assumed the position of Assistant Secretary of State for Ocean and International Environmental, and Scientific Affairs, where she strengthened environmental policies, particularly with regard to protection of whales, toxic chemical disposal and ocean mining. In 1980, she took the helm as the first woman president of the Americans for Democratic Action. Two years later, she returned to elected office in Hawaii by taking the gavel as chairperson of the Honolulu City Council. She twice ran unsuccessfully for other office, this time for Governor and mayor of Honolulu, then triumphed in 1990 in a special election for the remainder of my term in the other body, at the passing of our beloved colleague, Spark Matsunaga.

Since 1990, she continued in characteristic style, advocating and articulating the ideals that she had espoused during her first terms in the other body. I remember PATSY marching up the Capitol steps with vigor, alongside her other female colleagues, to show the Capitol steps with vigor, alongside icy changes on children. She had concerns about the possible effects of social policies before the passage of the 1996 welfare reauthorization bill in this session. We hope to complete action on a welfare reform bill before the end of the session.

I recall her leadership in 1996 on a successful boycott of a joint session speech by French President Jacques Chirac, in protest of French nuclear testing in the Pacific, much in line with our shared commitment to championing the disenfranchised peoples of the Pacific in our respective bodies. As we hope to complete action on a welfare reform bill in this session, I remember PATSY’s steadfast efforts before the passage of the 1996 welfare reform law in keeping us mindful about the possible effects of social policy changes on children. She had continued the battle cry with the current welfare reauthorization and ensured that the voices of the smallest and most vulnerable were heard.

PATSY was one of the last Members of the 107th Congress who served in the historic 89th Congress that passed the prime bill exactly the way he would like it. I thought I might make a couple of comments about that.

First, we in the Senate are in the process of debating the homeland security bill. I hope the President will ultimately be willing to compromise with us on some key issues. I believe we will pass a homeland security bill, and I believe it will be soon if we get some willingness to compromise on the part of the White House. We will also, at the President’s request, take up a resolution dealing with the question of Iraq and the use of force and the United Nations.

It is our intention on the majority side to have a good, aggressive debate on these issues, but at the same time, we want the following provisions to apply to the new Department, but we want the following provisions to apply to the 170,000 workers of the new Department, and we are not willing to compromise. We demand that it be done the way we intend it to be done. That was the message from the White House.

First, for 9 months they didn’t want an agency. Now they not only want an agency, but they say we must have it their way and will not compromise. And then, in the middle of the Senate debate, the President goes on the campaign trail, and suggests that Democrats don’t care about national security. That is nonsense.

The President said he wants to come to town to change the tone. There is precious little evidence of that in recent weeks, I would say. But I do think it is time to change the tone.

Right this moment the President and the Congress to do is to work together to reach a fair compromise and to find a way to do this in a thoughtful way. Changing the tone means you sit down together and try to get the best of what both sides have to offer. That is all we ask at this point.

We have been on this legislation for some 4 weeks. There is no reason we
cannot have thoughtful and satisfac- 
tory compromises so we can pass a De-
partment, a Cabinet level agency on 
homeland security, through this Sen-
ate, go to conference, and get a bill to 
the Senate he can sign. There is no rea-
son we cannot do that and do that 
soon.

I believe that is the goal of Senator 
LIEBERMAN. I know it is the goal of 
Senator DASCHLE. I just visited with 
him. We want this to happen.

I said the other day that I would 
ever, ever, under any set of cir-
cumstances, question whether anyone 
in this Chamber supports this coun-
try’s national security. Everyone 
does—liberal, conservative, Repub-
lican, Democrat; we all strongly sup-
port the security of the United States. 
We may come at it from different an-
gles or different approaches and have 
different ideas, but I believe everyone 
really has the best interests of this 
country at heart. I believe that of 
the President and the Congress.

I think it is now time for the Presi-
dent to sit down with us and reach 
agreements and reach some com-
promises and get this piece of legisla-
tion moving. And I think it is time, 
long past the time, for the Senate to 
stop going out on the fundraising 
trail and using this issue in a divisive 
and inappropriate way.

We need to get this right. This debate 
 isn’t about politics. This is about effec-
tively protecting the interests of this 
country. And we are all in this to-
gether.

The PRESIDING OFFICER. The Sen-
amer from Connecticut.

Mr. LIEBERMAN. Mr. President, I 
thank the Chair.

I thank my friend from North Dakota 
for what he said. It has gotten frus-
trating in the last couple of weeks, and 
all the more so because we agree on 90 
to 95 percent of what ought to be in 
legislation to create a Department of 
Homeland Security.

The senior Senator from Texas, who 
is the lead advocate for the administra-
tion, for the White House, for the Presi-
dent, and for himself, has said the 
substitute he offered to the bipartisan 
bill that came out of our Government-
al Affairs Committee is 95 percent 
the same as the Governmental Affairs 
Committee bill. We have a 5 to 10 per-
cent difference, mostly focused on this 
question of how you protect and reas-
ture Federal workers who are moved 
from other Departments to this new De-
partment while not undercutting the 
President’s authority over national se-
curity. Surely we can find a way to 
bridge that gap on a bipartisan basis. 

As my friend from North Dakota 
knows, Senator CHAFEE is taking a lead 
role in creating a bipartisan alter-
native to the parts of our committee 
bill that dealt with this question. And 
I accepted that compromise even though 
one of our own committee 
first adopted and I proposed, be-
cause I thought it was a way to break 
the logjam and allow us to create and 

enact into law that 95 percent which 
we all agree on. But the White House 
has remained unyielding.

Mr. DORGAN. Mr. President, if the 
Senator will yield for a question, is it 
not the case last week after several 
weeks where there had this impasse with 
the White House on this?—the bi-
partisan proposal that tries to be the 
centrist proposal—it was once again 
blocked? The White House said, No, 
we are not interested in doing that either. 
It is for the President to decide what 
it is not our way, we intend to go to fund-
raiser after fundraiser and criticize. 

I have great respect for the Presi-
dent. I have supported him on many 
things. Especially in a political season 
with all of this discussion existing in 
this country about changing the tone. I 
am just not very happy seeing three to 
five fundraisers a day and using the op-
portunity to say, By the way, the Sen-
ate can’t get this bill done. What is the 
bill? The bill is to create a Cabinet-
level agency to defend our national 
security which the White House 
opposed for 9 straight months.

In fact, the ranking Member—I say 
to the Senator from Connecticut— 
voted against the proposal, and then, 2 
times the White House opposed it in favor 
of the proposal. He used a rhetorical 
quote about being in favor of some-
thing which he voted against because 
the White House pivoted and said, No, 
we support it, but based on the notion 
of what we believe must happen. And, 
if that is not satisfactory to the Con-
gress, we are going to go criticize the 
Congress rather than reach a com-
promise.

Once again, I would like to see a 
change in tone, but I haven’t seen it, at 
least in recent weeks.

Mr. LIEBERMAN. In response to my 
friend from North Dakota, he is abso-
lutely right on a few of the points in-
volving. Words have consequences, both 
inappropriate way. It is either our way or no way. If it is 
right. The truth is, Senator A RLEN 
SPECTER, our Republican colleague 
from Pennsylvania, and I and others 
introduced a bill to create a Depart-
ment of Homeland Security in October 
of last year. The administration had 
what I always respected as a good-faith 
difference of opinion. They didn’t feel 
it was necessary. They felt the Office 
of Homeland Security the President cre-
ated by Executive Order could do the 
job. I always felt, and Senator SPECTER 
felt, we needed a Department with a 
strong Secretary with budgetary au-
thority and line authority over people 
from other Departments to this new 
Department. And, then, the President 
went on for 8 months until the Senator en-
dorsed the idea on June 6. I never 
would have thought to say or allege, 
because the President and we had this 
 dispute about how best to protect 
homeland security, somehow the Presi-
dent was putting this bureaucratic or 
established vision—whatever you call 
it—ahead of his commitment to na-
tional security. Obviously, that would 
have been unfair, just as I think some 
of the statements the Senator has 
made in the last weeks.

It is Monday, and it is a new week. 
Hope springs eternal. I hope we can sit 
and reason together with the biblical 
ideal—the prophet’s vision—in our 

There is a danger lurking out there. 
The terrorists are still out there. They 
hide in the shadows. But they are at 
work planning to strike us again. 
Shame on us if we don’t get together 
and create a Department that can pre-
vent them from doing that. Let us do it 
this week. We can break this logjam. It 
is that simple.

The PRESIDING OFFICER. The Sen-
amer from Utah.

Mr. BENNETT. Mr. President, I lis-
tened with interest while my two 
friends discussed this issue. I may as a 
footnote point out they really are my 
two friends. My mother used to say you 
could always tell how much a Senator 
hated another one by how many “dis-
terrifying” and “great friend” adject-
ives he used. But, in this case, it is 
genuine.

I think the Senator from North Da-
kota has raised a legitimate issue 
about the tone. I would like to know 
what I can to change the tone of the 

As I see it, speaking solely for myself 
as maybe the last Member of the com-
mittee, the fight here is about the 
President’s ability—or, more appro-
priately, the new Secretary’s ability 
to manage the Department efficiently 
and effectively.

I do not see the history quite the 
same way in terms of the dispute,
Should we have a Department or should we not have a Department in the months leading up to the President’s request.

I believe that within the administration there was always an assumption that a Department was a matter of resisting, resisting, resisting, and suddenly changing his mind. I think it was: We are going to keep our options open. We will not endorse anything. Therefore, we will not endorse the Lieberman bill until we have decided what it is we want.

I think the Senator from Connecticut has been more than generous in his willingness to grant good faith to the administration on that issue. I think that comes from both sides.

Now, as I understand the issue, listening to members of the administration, as we meet in our meetings, and listening to the debate both in committee and on the floor, there is no desire, at least substantively within the true life of the administration, to turn this into a partisan fight. I will grant there are those who are willing to grab for any partisan advantage they can find. I would suggest that people have that inclination exist. Both sides of the aisle, pattern both parties, and, indeed, may even be found in the Green Party or some other party that likes to pose as being above searching for a partisan advantage.

But I believe the problem in this circumstance stems from the high stakes that are involved in making sure the Department is done right. I have addressed this on the floor before, and the Senator from Connecticut has heard me as well in committee. The challenge of putting together a Department such as this is so overwhelming, and the possibilities that it will go wrong if it is not properly constructed in the first instance are so great, that things that might have been resolved on a more normal legislative question become sticking points on this one.

I have said on the Senate floor that I was involved in the creation of the Department of Transportation, which was simply taking an existing office, slapping a new label on it, and saying, OK, we are now going to take veterans and elevate them to Cabinet status. In this case, it is putting together so many disparate agencies, many of which have been functioning in an at-large manner. Department of Veterans Affairs is a part, but almost an unimportant part, of their main mission, but because of where they are, they need to be pasted together in this new Department and have a major change.

As I was talking to White House individuals talk to us on the Republican side—as we talk about this, they say: This is not really a matter of union versus nonunion; this is a matter of the power of the President and, through the Secretary, to organize the Department in the most efficient way. And we are afraid—I am speaking now for the administration, which is maybe presumptuous on my part, but as I hear what they say, I come to the feeling that if it comes in the form we are talking about here, we will end up with a Department that is unmanageable, and the President will have to go through so many hoops, laid out in departments that are not focused on homeland security, that it will be impossible for the new Secretary to function.

I ask all of my colleagues this rhetorical question—I have asked the Senator from Connecticut this question, and he asked me this question: Does this rhetorical question: Would you be willing to accept appointment as the new Secretary of this Department in the form in which it is being proposed to us under the Breaux-Chafee-Nelson amendment? I have some management experience, I have been in the executive branch in a Cabinet-level Department. I could not honestly answer that question yes for myself because I watched as the first Republican Secretary of Transportation, John Volpe, wrestled with all of the problems of moving people around the Department. The Congress gave him, a high degree of management flexibility. He could move people around without asking congressional approval for a certain period of time. I should probably research the exact period. My memory is that it was 3 years after the creation of the Department.

Secretary Boyd, who was the first Secretary of Transportation, did it for 18 months. I know Secretary Volpe did it until the time came. It was absolutely essential for the White House to organize for the Secretary, to have that kind of flexibility. I was moving people around, violating what had been their traditional kinds of protections, simply because the whole thing would not function if we did not have that kind of flexibility.

The Congress put a time limit on it because they wanted to make sure that the Secretary would not abuse that power. It is not fully functioned until the Goldwater-Nichols Act of Congress stepped in, what, 15 years later? Certainly more than a decade later. And it is instructive to remember that the first Secretary of Department of Homeland Security, was the reorganization of the Department of Defense that came after the Second World War. That was in 1947.

The Department of Defense probably did not function fully until the Goldwater-Nichols Act of Congress stepped in, what, 15 years later? Certainly more than a decade later. And it is instructive to remember that the first Secretary of Homeland Security, was the reorganization of the Department of Defense that came after the Second World War. That was in 1947.

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percent, maybe even more than 95 percent. There is no point in putting a firm number on it because the two are now tremendously close.

The remaining issue is the kind of issue that would cause me to turn down service in this position. May I hasten to say, with the job of running for the position, lest anybody have any mistakes about this. I enjoy the Senate too much.

As I have tried to look at it as objectively as possible, I have decided that the President’s statement that he would veto this bill is a correct one. It is not rooted in a desire to embarrass the Senate or impugn the integrity or the ability of the Senator from Connecticut or his committee on which I serve. It is rooted in a firm belief that the management procedures of this Department, as structured in this bill and as they would remain structured under the proposed amendment, would prevent the next Secretary, whomever he or she might be, from having absolutely essential authority to organize the Department.

I have said this before—I will say it again; no one has taken me up on it— I would be willing to put a time limit on this ability if I thought it was needed. If indeed there are those who are nervous that some future President, even if they give this one every benefit of the doubt, those who are nervous that some future President might abuse the power he wants on management flexibility and put a time limit on it and say his ability to move people around would expire after 5 years, I would think would be more logical, if he had the experience of something like 3 at the Department of Transportation.

On the issue of his ability to designate people for national security, the President probably does not want a time limit on that. He probably believes that every President should be preserved in the rights they have had. That one might be negotiated as well.

But as I understand it, these are the two challenges: First, the flexibility factor which, frankly, we have not been talking about on the Senate floor because we have been so hung up on other ones. That would be the one that would give me the most pause if I were the potential Secretary, I would be willing to see some work that I could do with a time limit. And then the second issue, the right of the President to make a national security decision, maybe we could find a way around that one, too, in terms of some sort of time circumstance. I don’t think just because with Jimmy Carter means that it has to remain sacrosanct forever. We can look at it in view of the threat, get some experience under our belt as to how the new Department works, and say that Congress will relook at this at X point. My bottom line, speaking solely for myself and not for the administration—because I am not authorized to do that—is that I hope we can, in fact, reach out in the spirit the Senator from Connecticut has always shown, find some solution, but recognize that it is not a political fight to determine who is protecting unions and who is the most patriotic. It is a serious, legitimate challenge to determine how much power this President and future Presidents, the newly appointed Secretary and future Secretaries, are going to have to manage the Department in the most efficient possible way to preserve our homeland against attacks.

The reality is that the attacks will come. The reality is that some of them will get through. No matter how well the Department is manned, no matter how well the Department is structured, no matter how vigilant the employees of the Department will be—and I will stipulate, I expect that all of them will be vigilant, whether they are union members or nonunion members or don’t want to make that thing work somehow, somewhere.

And then we want to look back on it and say: We did the very best we could to see to it that the Secretary had all of the tools he or she might need. And, yet, if this attack got through, but the Secretary didn’t because we put the Department together intelligently in the first place.

I will be happy to enter into whatever discussion the Senator from Connecticut may want to have knowing that I don’t speak for the administration, but I speak as a member of his committee from the other side of the aisle who has always had the highest respect for his willingness to listen, his willingness to cooperate, acknowledge that he has helped me on some of the issues I believe strongly about to his own political peril because there are some Members on his side who did not want to do some of the things I wanted to do. I would hope it will make it through somehow, somewhere.

The remaining issue is the kind of authority the President has to organize the Department. Those are exactly the parts that are in common between the proposal from our committee and the White House proposal.

Why are we doing it? Simply because the current state of disorganization is dangerous. When you have three, four, or five different Federal Government agencies at a point of entry into the country at the border and they are in separate offices—they may bump into each other, but they are not really working together in a coordinated way; they usually don’t even have telecommunications equipment that speaks easily in a crisis to one another—that is dangerous disorganization.

We have had you have, as we know from the investigation of the Joint Intelligence Committees, a situation where there are bureaucratic barriers between the intelligence community, the law enforcement community, and information that can put all the dots, as we keep saying, on a board so you can see the outlines of a potential terrorist attack so you can stop it, that is disorganization that is dangerous.

Let me go on and on, to each of the five or six divisions of the new Department.

So that is why we are all proposing this step. It is going to be a big job. I want to make it clear. I know the Senator from Utah didn’t mean to suggest this in reporting our conversation. I am not now, nor will I be a candidate for Secretary of the new Department of Homeland Security. When he asked me whether I would advise who was taking my advice, I gave it under a condition—Breaux—Breaux-Breaux language—if they should accept—my answer was yes. I want to explain why, in the calm of a Monday afternoon. In this particular colloquy, we may have an opportunity to set more on the record as I see it than has gotten in to this point.

We have 170,000 employees to be moved to the new Department. The number I hear about union-represented employees is approximately 43,000 who will be moved to the new Department. There are two factors at work here. One is an anxiety among a lot of Federal workers that this existing statute, which has been referred to, that was adopted in the Carter administration, that gives the President of the United States extraordinary authority to declare that a particular category of Federal employees should not be allowed to belong to a union, an employee association, because that union membership would be inconsistent with national security.

I agree, when we create this Department of Homeland Security—and we will create a Department of Homeland Security; we are going to find a way to do it before long, I hope—it is going to be a massive undertaking: 170,000 employees, clearly the largest reorganization of the Federal Government since the Second World War reorganization of our national security and foreign policy apparatus.
narrow areas—the Defense Intelligence Agency and in similar groups—the existence of that statute used for the first time by the current administration in January to deprive several hundred employees of the U.S. attorneys' offices the right to negotiate the right to collectively bargain, to join unions, created widespread anxiety among Federal employees.

Senator THOMPSON and I had some discussion on this last week. I don't need to recall the details of what that administration intended to do and what the employees thought. From the employees' point of view, they were worried that this statute would be used in a broader way than ever before to deny the right to collectively bargain. I must say, again, that the right to collectively bargain among Federal employees is quite limited; most notably and, of course, appropriately, Federal employees belonging to a union do not have the right to strike. That is a law. There are various other items that are normally negotiated between management and unions that are not negotiated in the Federal employee case—most notably salary. We are the managers, in that administration intended to do and other items that are normally negotiated, the right to a union do not have the right to appropriately, Federal employees belonging to a union do not have the right to bargain. I must say, again, that the gaining rights to the Federal Labor Relations Committee considered that and we came up with a determination to the Department of Homeland Security be created. There is great discussion on this last week. I don't narrow areas with a proposal that the President fore the Senate now, I encouraged our—

So now we come to a recommendation that the Department of Homeland Security be created. There is great anxiety among the employees. In fact, they have negotiated rights from a group of Federal employees for national security reasons and did not recite a determination as to why he did this. He has no court siding with the employees. It was appealed to a circuit court, and the district court said the President has to at least recite a determination rather than just issue an order. The circuit court actually said—I am paraphrasing and probably making something more complicated, a little more direct—the circuit court said they accept a presumption that though the question of national security, his judgment was determinative. It set a very high standard for anyone questioning how a President would exercise this power the statute gives him.

So my own feeling is that in the Nelson-Chafee-Breaux compromise, we have now put in a little language to require a statement of why the President did it, the Homeland Security, Department, or agency, or office that changed since they moved to the new Department, but effectively no appeal from that. So I think we achieved a little measure of due process for the employees, without at all diminishing the national security authority of the President.

On the question of civil service reforms, or changes, and so-called management flexibility when the President first introduced his proposal and embraced the idea of a Department of Homeland Security, I remember speaking to Governor Ridge. He is a good man, and he was good enough to bring this up himself in a conversation we had a couple weeks ago. He said to me: I remember, Senator, that, as soon as the bill came out and you saw some of the changes we wanted on civil service, you appealed to me, why can't we put this aside for 6 months? This Department is going to take months to get up and running. I remember saying this to Tom Ridge—that this is a trap, a web, and we are going to get so tangled up in the climate in which the best people are attracted to Federal service. The President's bill gutted that.

Now comes the Nelson-Chafee-Breaux compromise, and here, too, I think they did something quite reasonable and progressive, which is they itemized four different areas where the President can exercise broad management flexibility, but they did something that builds on the best labor-management relations in the private sector and some very hopeful experiences with similar labor-management relations in Federal Departments, particularly theInternal Revenue Service. They said in the Nelson-Chafee-Breaux compromise: Mr. Secretary, we are giving you this flexibility in these areas of current civil service protections, but we require, before you implement them, to attempt to negotiate with your workers. That is why I say in the best of modern private-at all diminishing the labor-management relations, the old hostility is not there. It is: Let's sit down around the table and figure out what works best for the company; you want jobs, we want to make a profit; let's figure out how we can best do this together. Let me mention, this is exactly the authority Congress gave the Internal Revenue Service a few years ago. It has worked quite well. In other words, in that legislation we said: Director of Internal Revenue, you have authority to negotiate changes in the civil service, but you have to do it with your employees. In fact, they have negotiated some very progressive agreements with both sides agreeing once they sat down around the table.

In that legislation and in this Nelson-Chafee-Breaux proposal, so again we protect the authority of the President, we say if the Secretary of Homeland Security and the workers in the
Department cannot reach an agreement, then they have to take it to arbitration to the Federal Service Impasses Panel. This is a board, again, all of whose members are appointed by the current President, so it is not a hostile board, and that board makes the final decision.

I do believe that our colleagues, Senators BEN NELSON, LINCOLN CHAFEE, and JOHN BREAUX, have worked out a proposal, a genuine compromise that is different from our committee's report out but provides a door opener both to management flexibility, to some progress in management, and does not diminish ultimately the authority of the President of the United States, certainly not with regard to his ability and capacity now to invoke national security with regard to union membership rights of Federal employees.

I am grateful for the words of the President for the coolness of our new week, after some of the heat. I am grateful for the coolness of him—in the best sense of that word—that the windup sentence.

Mr. LEAHY. Mr. President, I do not want to interrupt.

Mr. LIEBERMAN. The Senator's timing is good. That was the windup sentence.

Mr. LEAHY. I wonder if the Senator will allow me to speak about that.

Mr. LIEBERMAN. I will be happy to do so. I thank the Senator for coming to the floor and look forward to his remarks.

The PRESIDING OFFICER (Mrs. CLINTON). The Senator from Vermont.

DEPARTMENT OF JUSTICE AUTHORIZATION

Mr. LEAHY. Madam President, I know we are getting down toward the end of the session and sometimes legislation falls by the wayside, but I have seen something in the last couple of days different from anything I have seen in 23 years in the Senate.

Last Thursday the other body passed the Department of Justice Appropriations Authorization Act and we filed a bipartisan conference report. I mention this because it has been 20 years since there has been such an authorization act for the Department of Justice because it has been so hard to bring people from across the political spectrum together. The House passed this conference report—by a vote of 400 to 4. I am not sure the way things are these days that we could get a vote of 400 to 4 to agree the Sun rises in the east and sets in the west.

The very same day I checked with one of the House and Senate conferees, it has Senator HATCH's support. It has the support of Chairman SENSENIBRENNER in the other body, as well as Representative HYDE. Every one of the House and Senate conferees, Republican and Democrat, signed the conference report. The conference report includes significant portions of at least 25 legislative initiatives, all to be flushed down the drain by a Republican hold.

When people go home this year to campaign about why they want to stop drugs in their schools, why they want to fight terrorism, why they want their courts strengthened, why they want the Attorney General of the Department of Justice to be able to be strengthened in their fight, let them point out that the reason it was not done was a Republican Senator who wants to do it anonymously. They do not even want to step forward and say who he may be.

For too many years, Republican and Democrat administrations have allowed the Department of Justice to escape its accountability to the Senate and the House of Representatives and, through them, to the American people. Congress, the people's representatives, have a strong constitutional interest in restoring that accountability. The House has recognized this. It has done its job. We need to do ours. Senate Republicans apparently are not.

So let me tell you some of the things that are in this bipartisan conference report.

First, the conference report provides Federal, State, and local governments with additional tools to battle terrorism. It fortifies our border security by authorizing over $20 billion for the administration and enforcement of the laws relating to immigration, naturalization, and alien registration. It authorizes funding for the Centers for Disease Control and Prevention in Texas, New Mexico, Louisiana, Nevada, Vermont, and Pennsylvania. It adds additional uses for grants from the Office
of Domestic Preparedness to support State and local law enforcement agencies.

Why would anybody on the Republican side oppose that? Another measure in the bill would correct a glitch in a law in which the previous administration sent the international financing of terrorism. I worked closely with the Bush White House to pass this provision in order to bring the United States into compliance with a treaty that bans terrorist financing. And this is something the Bush administration wants. Without this technical, noncontroversial change, the provision may not be usable. As the President has pointed out, this law is vital in stopping the flow of money to those who would harm Americans. Every Democrat is ready to pass that. It is something President Bush has asked for in his fight against terrorism. Every single Democrat in this body is ready to vote for it, but the Republicans are blocking it from going forward.

Worse yet, at a time when the President is going before the U.N. emphasizing our enemies are not complying with international law, by blocking this minor fix—something the President and everybody agrees with—it is being blocked by Republican leaders. Every Democrat is ready to vote for it, the Republicans are blocking it—those who are jealously guarding control over the courts. It is being held up by an anonymous Republican hold.

The conference report imitates our efforts to prevent domestic violence and protect its victims. By creating a new Violence Against Women Office in the Justice Department, we ensure an increased Federal focus on this tragic and recurring problem. I do not know whether domestic violence should be a partisan issue.

In my experience as a prosecutor, the police never said we have to determine whether a person who is beaten up in domestic violence is a Democrat or a Republican. You try to save the life of the person who is being beaten and to protect them.

This legislation also authorizes programs to reduce drug abuse and recidivism, from adult and juvenile courts, to incarcerated drug treatment in prisons, to funding for police training in South and Central Asia to reduce the flow of drugs into our Nation. All of these proposals are bipartisan. Actually, most of them were in the Hatch-Leahy Drug Abuse Education, Prevention, and Treatment Act. Every Democrat is ready to vote for them, but we cannot because the Republicans have an anonymous hold.

The conference report contains a number of important intellectual property provisions that will help American innovators and businesses, both big and small. There is a business provision, which includes the Leahy-Hatch Madrid Protocol Implementation Act that has been held up for over 1 year. Every single executive branch official in the country, big or small, has asked us to pass it. Every single Democrat has said they will vote for it. It is being held up by an anonymous Republican hold.

This conference report contains a provision modernizing Patent and Trademark Office specifically authorizing friends to augment the investigation and prosecution of intellectual property crimes of privacy online. There is no member of the business community who does not support it, from the largest to the smallest. Every Democratic Senator is ready to vote for it tonight. It is being held up by an anonymous Republican hold.

The conference report creates or extends 20 Federal judgeships. Those are more than all the judgeships created during the 6-plus years the Republican party controlled the United States Senate and blocked both Clinton administration judicial nominations and the creation of new Federal judicial positions. We have included new Federal judges in Arizona, Alabama, Texas, New Mexico, among others. I have heard repeatedly from our Republican friends that although they have blocked the creation of the judges during the previous administration, they want them now. I put them in. Every single Democrat is ready to vote for it and every Republican is against it. It is amazing. These judges we have needed for years, blocked during the last administration when the Democrats had the Presidency, now we put them in. I supported putting them in, from northern New York to Alabama. The Republicans say they want them. They will not be appointed by a Democratic president. They will be appointed by a Republican president. I don’t know what is going on unless they want to block every single democratic provision in this bill. I put them in. Every Democrat will vote for the new judges. But they are being held up by an anonymous Republican hold.
I do not want to hear bleeding and caterwauling from the White House or the political mouthpieces from the Department of Justice, asking, Where are the judges. All 50 Democratic Senators will vote for them, as 400 Republicans and Democrats in the House voted for them. It is the anony-
mous Republican hold.

The conference report prohibits mandatory arbitration in a motor vehicle franchise contract between manufacturers and automobile dealers. It is the Hatch-Feingold-Leahy-Grassley Motor Vehicle Franchise Contract Arbitration Act, S. 1140. That legislation has more than 60 co-sponsors, Republicans and Democrats. The automobile dealers lobbied strongly for it. All 50 Democrats are ready to vote for it. Their friends on the Republican side are holding it up.

The conference report includes an amendment to the Radiation Exposure Compensation Act to expand eligibility for our uranium miners, mill workers and ore trans-
porters. Many Senators from western States, on a bipartisan basis, such as Senators DASCHLE, HATCH, JOHNSON, DOMENICI, strongly support these changes. We are ready to vote for them. Republicans are holding it up.

Finally, the conference report includes several important immigration provisions to help underserved rural areas with a critical shortage of medical doctors and nurses in childbirth. Teenagers in an accident die because they did not get care. Older people do not get the preventive medicine they need. This allows foreign doctors who are educated in the United States to be educated in the underserved areas. It extends H-1B status for certain working aliens and makes it possible for chil-
dren whose sponsoring parent has died to apply for citizenship, nonetheless. I want all Senators as his gatekeepers. He could have no two more noble or re-

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

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

EXTENSION OF MORNING BUSINESS

Mr. REID. Madam President, it is my understanding we are in a period of morning business; is that correct?

The PRESIDING OFFICER. The time for morning business was to have expired at 5:15.

Mr. REID. Madam President, I ask unanimous consent that the time be extended until 6:45 p.m.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

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

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

HOMELAND SECURITY

Mr. NELSON of Nebraska. Madam President, as we enter our 5th week of debate on this Senate floor on the homeland security bill, I rise today to ponder exactly where we have been, and, perhaps much more importantly, where we are going.

Recent weeks, Democrats and Re-

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Recent weeks, Democrats and Re-
Department, the largest Government reorganization since the establishment of the Department of Defense. It will affect 170,000 Federal employees and each and every American. It will restructure existing agencies and create new ones. It will relocate and reclassify employees in order to establish the largest reaching intelligence-gathering operation in the history of civilization.

Is this the kind of legislation that Congress should approve blindly? Obviously not.

So would you have you believe that anyone who wants to make any change—no matter how slight—to this massive legislation is an opponent of the President.

I want to make a slight change to this bill, one I believe is supported by a majority of the Senate, but that does not make me an opponent, nor does my amendment make anyone an opponent. I support the President. I want to see this bill passed, but it does not have enough votes to invoke cloture.

Passing this bill comes down to one unresolved issue: the method of resolving differences as they pertain to labor-management in the new Department of Homeland Security. I have joined together with my colleagues, Senator John Breaux and Senator Lincoln Chafee, to put forth an amendment that has the support of a majority of the Senators, and should be embraced as a victory, not demagoged as a special interest protectionist measure.

The President’s bill, the Gramm-Miller bill, does not have enough votes to pass, and it does not have enough votes to invoke cloture. The Lieberman bill does have enough votes to pass, and it has not had enough votes to invoke cloture.

Without becoming unnecessarily bogged down with Senate procedure, it is important to point out that cloture means to shut off debate and a majority to pass a piece of legislation under these circumstances. Now, my amendment has enough to pass, but it does not have enough to shut off cloture. My amendment was passed and passed on the floor of the Senate the day before yesterday; it is now in the hands of the cloture committee. I think that this amendment does not have enough votes to invoke cloture.

Our compromise would give the President the authority to hire and fire, promote or demote employees in the new Department. Indeed, it gives him exactly the authority he sought when Homeland Security Director Tom Ridge wrote the chairman of the Governmental Affairs Committee in early September.

I have been one of those watching through the electronic eye—Governor Ridge’s comments to Senator Lieberman. I will quote in part, but I can quote before or after. There is some question about the context of this particular legislation. It was in conjunction with explaining what the White House was interested in terms of the flexibility that management would require over labor under employees. He said:

I support the President seeks for this new department the same management prerogatives that Congress has provided other departments and agencies throughout the executive branch. For example:

Then he identifies a couple of other processes that are fairly innocuous. Then he says, relating to personnel flexibility:

Personnel flexibility is currently enjoyed by the Federal Aviation Administration, the Internal Revenue Service, and the Transportation Security Administration.

We initially tried to embody the Federal Aviation Administration in our amendment, but it was ruled not to be germane. So we moved on to the one I believe is supported by a majority of the Senators, and should be embraced as a victory, not demagoged as a special interest protectionist measure.

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Without becoming unnecessarily bogged down with Senate procedure, it is important to point out that cloture means to shut off debate and a majority to pass a piece of legislation under these circumstances. Now, my amendment has enough to pass, but it does not have enough to shut off cloture. If my amendment were passed and passed on the floor of the Senate, the President would have more of what he seeks. He would have more of what he needs to establish the largest reaching intelligence-gathering operation in the history of civilization.

That is what we are really trying to do. It is not to have a Department that is an opponent of the American people. It is to have a Department that is an opponent of the American people.
We are beyond meeting, I believe, when it comes to this particular amendment. Flexibility is important and making sure that what we do in terms of this legislation is that we not adversely impact job security for national security, personnel is a slight adjustment. It certainly is a kind of major intrusion on the Presidential authority.

To include the Morella language, in terms of flexibility, simply adds to that. I hope we will be able to move beyond meetings to closing the gap, bridging this debate so it brings about the best result that we can, not simply for the White House but for the people of this great country. This should not be about Republicans or Democrats. It should not be about the legislative branch or the executive branch. It ought to be about what is in the best interest, the national interest of our people, and for those who share the same desire for freedom and are struggling to achieve it in other parts of the world.

We have a great responsibility to the American people, but we also have a responsibility that is now being questioned and challenged around the world. One of the ways for us to begin to resolve these issues is to take care of business at home. I cannot think of a better way than to adopt this amendment so we can adopt the Gramm-Miller proposal and move forward for national defense and our own homeland security.

Madam President, I appreciate the opportunity to speak, and I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. NELSON of Nebraska. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum be suspended.

The PRESIDING OFFICER (Mr. DAYTON). Without objection, it is so ordered.

A TRIBUTE TO THE LIFE OF HOL-LADAY JOHNSTON RICHARDSON

Mr. THURMOND. Mr. President, early this morning, I lost one of my closest friends and staff members, Holly Johnston Richardson, who succumbed after a difficult battle with cancer. For nearly 30 years, she was a member of my extended family in every sense of the word. She was my right hand. My trusted advisor. My vital link to literally thousands of South Carolina friends, constituents, and family members.

But more than anything else, Mr. President, Holly Richardson was one of my dearest friends, and I will miss her more than words can convey.

To her husband, Phil, to her two wonderful children, Anne and Emmett, and to Holly’s mother and father, Joanne and Coy Johnston of Summerville, South Carolina. I extend my heartfelt sympathies. I know my colleagues—so many of whom knew Holly very well—join me in expressing their support and offering their prayers during this very difficult time.

But it is Holly Richardson’s life, and the courage she demonstrated throughout her illness, that is most on my mind today. I know I speak for everyone who knew and loved Holly as I did in saying that we deeply mourn her passing, and yet celebrate her wonderful life, a life dedicated to God, to her family, to her fellow man, and to her State and Nation.

Like all trusted staff members, Holly Richardson had my ear. What she probably never knew fully is that she also had my heart. On a personal level, she was—for my entire family—an unofficial “third daughter.” Our confidant. Our friend. Our partner in so many aspects of our lives.

On a professional level, Holly and I were virtually inseparable. As anyone who has ever visited my Senate office knows, Holly was next to me. We shared an office ever since she became my personal secretary in 1979. She could always be counted upon to work the longest hours, to handle the toughest jobs, and to render even-handed advice and counsel.

In fact, it was Holly who quietly bragged that she had broken more than eight chiefs of staff, five or six office press secretaries, eight committee chief counsel, and literally hundreds of staff assistants, aides and interns. She was, of course, correct. Holly was “the standard” when it came to professionalism, hard work, integrity and public service in a United States Senate office.

It is not appropriate to say that “everyone” knew Holly. Whether you were from South Carolina, or were a Washington, D.C., fixture, if you were around politics, you knew, and you came to love, Holly Richardson. From Presidents and First Ladies, to Senate and House leaders, to everyday working men and women who would call my office, Holly was beloved at every level of life.

Single-minded. Fiercely independent. Loyal and dedicated. She had the personal qualities that define what President Theodore Roosevelt once called the “courageous life.”

But it was not until she was diagnosed with breast cancer less than a year ago, that people came to see just how courageous an individual Holly Richardson actually was.

Holly never wore her illness on her sleeve. She never asked you to feel sorry for her, share her burden, or wallow in her pity. In fact, few people outside of the office even knew Holly was sick. The reason was, of course, that she didn’t feel sorry for herself. Holly summoned the courage of a warrior to fight her disease. And with quiet dignity and the help of the Almighty, she fought as bravely as any soldier I have ever known.

Her dedication to work, and to the people of South Carolina—whom she considered her “real bosses”—paled only to her devotion as a wife and a mother. Holly always made time for what was truly important in life. She and her husband Phil together built a loving home and went on to have two wonderful children. She was an active member of her parish, Saint Paul’s Episcopal Church, in Virginia, and managed to make time to be scout helper, soccer Mom and, above all, role model.

Holly’s life was truly a gift, which she shared without reservation with everyone she knew and loved. That gift now lives on in all of us—for she inspired our lives, strengthened our spirits, and touched our hearts.

VALUE OF PUBLIC LANDS, NATIONAL PUBLIC LANDS DAY, SEPTEMBER 28, 2002

Mr. CRAIG. Mr. President, last Saturday was National Public Lands Day. It was a time for volunteers in states and communities across the country to give something back to America’s public lands.

National Public Lands Day is the largest grassroots, volunteer effort mounted on behalf of America’s public parks, rivers, lakes, forest, rangelands, and beaches.

This year’s National Public Lands Day theme was “Explore America’s Backyard,” recognizing that many volunteers go to nearby public lands for recreation and to enjoy the outdoors. These volunteers will put in a day of work on projects ranging from trail construction and repairs to habitat restoration to making public lands more accessible for disabled visitors.

This year’s signature event was held at Anacostia Park in Washington, D.C. where over 600 volunteers cleared brush, removed trash and debris, planted trees and grasses, and constructed benches and boardwalk trails. These volunteers were joined by key dignitaries: Washington, D.C. Mayor Anthony Williams, the current Miss USA, Shauntay Hinton, National Park Service Director Fran Mainella, Forest
The first National Public Lands Day, in 1994, was sponsored by three Federal agencies and attracted 700 volunteers in three sites. This year marks the ninth annual event which involved approximately 70,000 volunteers, who performed over eight million dollar’s worth of improvements to our public lands at nearly 500 locations in every state. This effort involved over 19 Federal, state, local, and private partners on sites identified by eight Federal agencies.

I believe National Public Lands Day is an opportunity to build a sense of ownership by Americans—through personal involvement and conservation education.

In recognition of National Public Lands Day and this sense of ownership we should all have for our public lands, I want to spend a few minutes today and share with you some value of our public lands and on what the future holds for them.

There are around 650 million acres of public lands in the United States. This represents a major portion of our total land area. However, most of these lands are concentrated in the West, where as much as 82 percent of a state can be composed of Federal land. In fact, 63 percent of my own home State of Idaho is owned by the Federal Government.

This can be beneficial, as our public lands have a lot to offer. For starters, there are numerous resources available on our public lands—from renewable forests to opportunities to raise livestock to oil and minerals beneath the surface—public lands hold a great deal of the resources we all depend on to live the lives we enjoy.

Having resources available on public lands affords us the opportunity for a return on those resources to help fund government services, from schools to roads to national defense, and ease the burden on taxpayers.

Just as important, though, are the recreation opportunities our public lands offer. Every day, people hike and pack into the solitude of wilderness areas, climb rocks, ski, camp, snowmobile, use off-road vehicles, hunt, fish, picnic, boat, swim, and the list goes on. Because the lands are owned by all of us, the opportunity has existed for everyone to use the land within reasonable limits.

However, times are changing. We are in the midst of a slow and methodical attack on our access to public lands. It started with the resources industries. It will not stop there. At the same time some radical groups are fighting to halt all resource management on our public lands, they are working to restrict and, in some cases, eliminate human access to our public lands for recreation.

Yes, we must manage our public lands responsibly, which includes restrictions on some activities in some areas. What we must not do is unreasonably restrict or eliminate certain activities. Some people like to hike in backcountry areas where they can find peace and solitude while others prefer to ride ATV’s into the woods. Some prefer to camp in more developed facilities while others prefer primitive spots. The point is that recreational opportunities on our public lands should be as diverse as the American public’s interests.

On the same note, we can use the natural resources we need in an environmentally responsible manner and still have plenty of opportunities to recreate. In fact, recreation, resource, and environmental interests can team together to help each other out. In my own State of Idaho, on the Nez Perce National Forest, representatives of these interests and many others have come together through a stewardship project. These groups are working with the Forest Service to implement a project that addresses all of their needs in some fashion. In order to achieve such success, each group has had to compromise to agree on a prescription that works for everyone. This is just one example of differing interests working together to help each other out and improve the opportunities on our public lands for everyone. We need to see more of this around the country.

Public land management has become embroiled in fights, appeals, and litigation. The reality is that only the ones who are winning are those who want to ensure we don’t use our public lands. This must stop. Differing interests have to come together and realize that we all have one common goal—use of the land in a responsible manner. We can not continue to make the same mistakes of the past on our public lands.

That being said, I would like each of my colleagues to think about how public lands benefit their state and how they might work to support the new generation that is working to make each day National Public Lands Day.

ADDITIONAL STATEMENTS

JOHN STALLWORTH

Mr. SESSIONS. Mr. President, I rise today to recognize the achievements of John Stallworth on the occasion of his recent induction into the Pro Football Hall of Fame on August 4, 2002.

Mr. Stallworth was born on July 15, 1952 in Tuscaloosa, AL. At the age of 5 he was told by doctors that he had polio, later found to be a mis-diagnosis. Mr. Stallworth overcame that hurdle to excel at a number of sports. In high school, he served as captain of his school’s football team and went on to play his college ball at Alabama A&M located just outside of Huntsville. While at Alabama A&M, Mr. Stallworth was an All-Southern Intercollegiate Athletic Conference receiver in 1972 and 1973 and became the Bulldogs’ all-time leading receiver. He was also the first Alabama A&M player to be selected to participate in the Senior Bowl, college football’s premiere all-star game in Mobile. Mr. Stallworth was selected by the Pittsburgh Steelers in the fourth round of the 1974 NFL draft, the 82nd player taken that year. I think a few teams around the league kicked themselves later for passing him up when they saw what he could do on the football field. After spending his first year as an underdude, he became a starter in his second season and held that job with the Steelers for the rest of his 14 year, 165-game career. The 6-2, 191 pound receiver teamed first with Lynn Swann and later with Louis Lipps to give the Steelers unusually potent pass-receiving tandems. Stallworth caught 537 passes for 8,723 yards and 63 touchdowns, all Steelers team records. Stallworth won four Super Bowl championships playing in Super Bowls IX, XII, XIII and XIV. He played in six AFC championship games and had 12 touchdowns and 17 consecutive postseason games with at least one reception. Stallworth, who scored a game-clinching touchdown on a 73-yard reception in Super Bowl XIV, holds Super Bowl records for career average per catch—24.4 yards—and single game average, 40.33 yards, in Super Bowl XIV. He was an All-Pro in 1979 and played in four Pro Bowls. He was selected All-Pro twice: in 1979 and 1984. Terry Bradshaw and Jack Lambert are the only other players who have received that honor two times. Stallworth was named to the Steelers’ All-Time Team in 1982 and the Alabama Sports Hall of Fame in 1989.

Never known for excessive celebration or as one who sought individual attention, Hall of Fame Coach Chuck Noll said of Stallworth:

John is a very special person. He is very much a team man and you need that to be successful.

Following his Hall of Fame football career, Mr. Stallworth returned to Huntsville, Alabama. He completed his MBA from Alabama A&M. Since then, he has achieved great success in the field of business. He is Cofounder, President, and Chief Executive Officer of Madison Research Corporation in Huntsville, Alabama. Under Mr. Stallworth’s leadership, Madison Research Corporation has emerged as one of the premier technology companies in the State of Alabama with 2001 revenues of over $60 million and a current staff of over 650 people. Some of his company’s clients include: the Department of Defense, all the military services, the Department of Energy, NASA, the Defense Intelligence Agency, and a number of Fortune 500 companies. As a result of Mr. Stallworth’s leadership, Madison Research Corporation was also ranked Company #11 of the nation’s top 25 small, minority-owned technology companies. The company also received...
the 1908 Better Business Bureau of North Alabama’s Torch Award for market ethics. This award was presented in recognition of Madison Research’s commitment to ethics in business. Mr. Stallworth also received the 1997 Region IV Minority Small Business Person of the Year Award, presented by the Small Business Administration.

Mr. Stallworth’s dedication did not end with football or business. He has given of himself to the city of Huntsville and the people of Alabama and they recently recognized his accomplishments with “John Stallworth Day in Huntsville.” At the celebration Mel Blount, himself a Hall of Famer, spoke of Stallworth:

John Stallworth exemplifies what a true professional is all about, not just in football but in the business world and in life.

Mr. Stallworth has served on a number of boards including the United Way, the Museum of Aviation, the Madison County Chamber of Commerce, the U.S. Space Camp, Harris Home for Underprivileged Children, and Alabama A&M University. He has been active with the Huntsville Boys and Girls Club, the United Negro College Fund, the Children’s Advocacy Center, the Rotary Club of Huntsville, the Alzheimer’s Association of Greater Huntsville, and Big Brothers/Big Sisters of North Alabama to name a few. He is also chairman of the Board of Directors of the John L. Stallworth Scholarship Foundation which helps to promote the education of our youth.

I have had the opportunity to get to know John Stallworth over the years and I can say that I am proud to call him my friend. He has served on my technology advisory committee and has been an asset to my work in the Senate. He has never hesitated to provide me with expert counsel on important issues that have come before the Senate. It is very satisfying for me to see how he has overcome adversity in his life to achieve greatness as a professional and as a human being. His accomplishments on and off the field have inspired thousands of our young people to strive for excellence and I applaud his efforts. The People of the State of Alabama are proud to call him our native son.

I am proud to recognize the accomplishments of a great American and Alabama, John Stallworth.●

TREATY TRIBES LOCATED IN THE STATE OF SOUTH DAKOTA

Mr. JOHNSON. Mr. President, I am honored to represent a State that has nine treaty tribes. It has become increasingly clear that nothing is more important to the tribes of South Dakota than the recognition of the obligations this Nation has to the Indian people of South Dakota as spelled out by the treaties entered into by the United States Government and the tribes of South Dakota. Especially at the urging of President John Steele of the Oglala Sioux Tribe and Chairman Andrew Grey of the Siisseton-Wahpeton Sioux Tribe, this statement pertaining to this issue of critical importance to the tribes located within my home State of South Dakota. As you know, the South Dakota tribes have a proud history of providing leadership to Indian issues. I thank President Steele and Chairman Grey for helping me understand this issue. It is with the utmost respect that I share with you some of our tribes’ perspective on what treaties mean to them, as follows:

It is important to note that each of the Tribes located in the State of South Dakota have entered into treaties with the Federal Government. All federally recognized Indian tribes and villages are often categorized into the same class. However, important rights were guaranteed to the South Dakota tribes by treaty and these rights continue to be enforceable today. From the first treaty with the Delawares in 1787 until the end of treaty-making in 1871, hundreds of agreements were negotiated by the Federal Government and various bands and tribes of Indians. Provisions of the treaties differ widely, but it was common to include a guarantee of peace, a delineation of boundaries, provisions that the tribe recognized the authority of the United States to enter into treaties with the Indian nation or tribe . . . shall be acknowledged or recognized as an independent nation, tribe, or power with whom the United States may contract by treaty. S.C.A. Sec. 71. The rider also specified that existing treaty obligations were not impaired. As an attempt to limit by statute the President’s constitutional treaty-making power, the rider may well be invalid, but it accomplished its purpose nonetheless by making it clear that no further treaties would be ratified. Indian treaty-making conceptually ended in 1871. Thereafter formal agreements made with the tribes were either approved by both houses of Congress or were simply embodied in statutes.

Congress, in declaring that Indian tribes should no longer be acknowledged as independent political entities with whom the United States might contract by treaty, did not end the tribal organization of Indian communities. The solution to the 1871 Act was the use of “treaty substitutes that consisted of supplementary agreements by each side to Indian treaties stand on essentially the same footing as treaties with foreign nations was no longer an essential goal. Although such agreements were similar to treaties, tribal consent was no longer a prerequisite to establish a binding agreement.

Many reservations were established by Executive Order issued by the President of the United States. Although no general law existed authorizing set asides for Indian use, Congress and the public acquiesced and the Courts upheld the action. Executive orders differed from treaties wherefore they could be easily changed and a new one substituted as occasion demanded. They were neither uniform in terminology nor scope. In addition, a reservation could be established by administrative action prior to the issuance of an executive order and later sanctioned by the official action taken by the President. A 1932 Report by the Commissioner of Indian Affairs found that of the total of 42,785,933 acres of Tribal trust land only 9,471,081 acres had been established by Treaty

and the remaining 23,043.439 acres of trust land were established by executive order.

Federally-recognized Indian tribes in South Dakota signed the Treaty of Fort Laramie 1868 with the desire to declare peace and thereby perpetuate a Nation-to-Nation relationship with the Federal Government. The common misconception that most Tribes have is that only one Tribe can be a party to a treaty with the United States serves as a great injustice to Tribes who have entered into such formal and solemn agreements. In 1868 there were 162 established Tribes; 56 of those were established by executive order, 6 by executive order under the authority of Congress, 28 by acts of Congress, 15 by treaty and executive order, 5 by treaty or agreement, and 1 act of Congress, 1 by unratified treaty and 51 by treaty or agreement. The treaty establishing the South Dakota Tribes is a contract negotiated between sovereign nations, relating to peace and alliance formally acknowledged by the signatories of the nations. The United States entered into such agreement because they desired peace and cessions of land from the Sioux Tribes, and in return they made promises that must be upheld. In conclusion, it is appropriate to recognize the special status of the treaty tribes located in South Dakota.

GUADALUPE MOUNTAINS NATIONAL PARK

- Mr. BINGAMAN. Mr. President, I rise today to congratulate the staff and supporters of Guadalupe Mountains National Park as we mark the 30th anniversary of this great natural treasure. Thirty years ago, the National Park Service established the Guadalupe Mountains National Park along the southeastern border of New Mexico and west Texas.

Guadalupe Mountains National Park treasures and protects desert lowlands, canyons, and a relic forest of pines and firs. It also includes one of the world’s greatest examples of a non-coral fossil reef. In addition, the rich cultural history and economic opportunities it provides to the region is part of the park’s significance.

Throughout my time in the Senate I have worked to protect our natural, cultural, and historical resources. The Guadalupe Mountains National Park is a prime example of the natural beauty of the Southwest. I hope this refuge will provide enjoyment for many future generations.

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 the 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 June 20, 2001 in Albany, NY. A gay man was beaten while sitting on a bench in a busy public park. The assailants, three teens, approached the victim, used anti-gay slurs, and repeatedly punched him in the head with their fists. Investigators believe the victim was targeted because of his sexual orientation.

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 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.

WELCOMING TAIWAN’S FIRST LADY, WU SUE-JEN

- Mr. ALLEN. Mr. President, I want to welcome Madame Chen Wu Sue-jen, First Lady of Taiwan, to the United States.

Madame Chen is a great champion of democracy, both at home and abroad. I applaud her efforts to learn from America’s experiences so that she can take those lessons back to Taiwan and its evolving democracy.

During her stay in the United States, Madame Chen has met with many of our nation’s finest scholars and statesmen. She has brought with her a wonderful example of leadership, charity and dedication to public service and continues to strive for human rights and justice at home.

I congratulate Madame Chen on her accomplishments and welcome her to the United States. We look forward to continued friendship with Madame Chen and the Taiwanese people.

PEACEFUL END TO A TENSE BASEBALL SEASON

- Mr. LEAHY. Mr. President, yesterday marked the end of the Major League Baseball regular season. Fans everywhere have enjoyed a season with Barry Bonds leading the league in hitting, Alex Rodriguez hitting 57 home runs, and Randy Johnson and Curt Schilling combining as perhaps the greatest pitching duo ever. It has been a tremendous season of achievement for many teams. The Minnesota Twins, a team Commissioner Selig wanted to disband last off-season, won the American League Central Division. The Oakland A’s set an American League record with a 20-game winning streak and won the American League’s Western Division.

Eight teams, and fans from across the country and around the world, are now gearing up for an exciting playoff season. The Twins and the A’s, as well as the Anaheim Angels, the St. Louis Cardinals and the San Francisco Giants, have earned the opportunity to continue into the playoffs, to compete for a pennant and even the World Series championship along with last year’s champion Arizona Diamondbacks, the New York Yankees and the Atlanta Braves. They are not the eight teams in the highest payrolls or biggest markets. They do share a few things in common: talented players having outstanding seasons, great team play and exceptional management both on and off the field.

We are fortunate that this baseball season is being played to its rightful conclusion and that crisis was avoided on August 30, when negotiators for team owners and the Major League Baseball Players Union reached a new agreement. The baseball labor dispute was announced just two hours before another work stoppage, this agreement saved professional baseball from a disastrous screeching halt to yet another baseball season.

With this agreement baseball can move on about the business of assessing the future of the sport in Montreal. It is unfortunate that this fine city, its team with a number of outstanding players, and its fans have been left in limbo for the past year over the future of the franchise. For a large number of Vermonters, Montreal provides the closest major league venue. This franchise is the major league affiliate for our own minor league Vermont Expos. There are many dedicated Expos fans in my State. Several local towns are doing their best to show their support for keeping the Expos in Montreal. I ask that a letter recently sent by the St. Albans Town Selectboard to the Mayor of Montreal be printed in the Record.

The letter follows:

AUGUST 12, 2002.

Mayor Gerald Tremblay,
Montreal, Quebec.

Mayor Tremblay, the St. Albans Town Selectboard wishes to express our utmost hope that the city of Montreal tries everything possible to help retain the Montreal Expos.

Montreal is a beautiful international city with much diversity and many different types of cultures. We believe the Expos are a large part of the city and it serves to bring many people from Northern Vermont to your city every year.

With a downtown stadium, we believe the Expos can flourish once again and help attract many more tourists to your wonderful city. We hope that you and your government are trying everything possible to work with new-interested buyers.

If the Town of St. Albans can be of assistance please feel free to contact us.

Cordially Yours,

TAYT R. BROOKS,
Vice-Chair.

Mr. President, through repeated hearings in the Judiciary Committee, Congress has tried to help the major league baseball owners and players find common ground. After the last work stoppage, we culminated almost a decade of hearings examining labor strife and other problems in major league baseball, when we enacted the Curt Flood Act in 1998. Senator Hatch was the lead sponsor of that measure, and I was his principal cosponsor. It was a bipartisan effort to clarify the law. By that effort we hoped to promote labor peace in Major League Baseball.

The principle purpose of the law was to make clear that federal antitrust laws apply to the relationships
President Reagan addressed the Korean National Assembly on November 12, 1983, and said to the people of South Korea: “In these days of turmoil and testing, the American people are very thankful to have such a constant and devoted ally. Today, America is grateful to you.”

President Reagan and his administration stood by South Korea during a volatile period, including the North Korean terrorist bombing of Korean Airlines flight 858 in November 1987, which killed 115 South Korean citizens; the first peaceful transfer of power from President Chun Doo Hwan to President Roh Tae Woo in February 1988; and the 1988 Summer Olympics in Seoul.

As we see both opportunity and risk on the Korean Peninsula, including the recent ground breaking visit of Japanese Prime Minister Junichiro Koizumi to Pyongyang, the commitment of President Reagan and the United States to peace through strength on the Korean peninsula and throughout Asia and the world remains strong.

Mr. President, I ask that the statement from Ambassador Joseph Verner Reed, who last year accepted the Great World Peace Award on behalf of President Reagan be printed in the Record.

The statement follows.

Remarks by Ambassador Joseph Verner Reed on the Occasion of the Awarding to President Ronald W. Reagan the Great World Peace Award, Kyung Hee University, Seoul, Republic of Korea, September 27, 2001

Ameria

‘One flag, one land, one heart, one hand, one Nation, evermore’

—Oliver Wendell Holmes

Chancellor Young Seok Choe

Distinguished Friends: It is a signal honor for me to be in Seoul, the noble nation of Korea, to serve as the President of the Korean National Assembly to present the Great World Peace Award to President Ronald W. Reagan, whose commitment to peace and freedom has made the world a safer and better place in which to live.

I have the highest regard for Chancellor Choe. I stand with great respect for the Chancellor and the Korean people in the world of education and in his untiring quest to seek peace on our troubled planet. As the godfather of the International Day of Peace his legacy is assured by leaders around the globe. As a spirited leader in education in this great country of Korea his fame and presence in modern day Korean history is already set in granite. I salute the Chancellor.

President Reagan is a most deserving leader to receive this award. The President’s close friend and colleague Charles Z. Wick, who was a senior official in both Reagan Administrations, was to have journeyed to Seoul to accept the Award. The Day of Terror precluded that.

I stand humbly before you to accept the Award and to deliver his message to the people of Korea to whom he has so often given encouragement and support. He described Korea as “one flag, one land, one heart, one hand, one Nation, evermore.”

President Reagan and the American people stand with you in this quest to seek peace as a basic human right.

—Ronald Reagan

Mr. President, I rise today to recognize one of our greatest American Presidents and one of the most important world leaders of the 20th century, the 40th President of the United States, Ronald Reagan.

One year ago Kyung Hee University in Korea awarded President Reagan the Great World Peace Award for his commitment to world peace.

President Reagan was a steadfast and true friend of South Korea. Former Secretary of State George Shultz wrote that “To Ronald Reagan, South Korea was a stalwart ally and a valiant symbol of resistance to communism.” The Soviet downing of the Korean Airlines flight 007 in September 1983, and the terrorist bombing the next month that killed 16 South Koreans, including Foreign Minister Lee Bum Suk and 3 Cabinet ministers, only reinforced President Reagan’s determination to visit the Republic of Korea that November.
lost by the ingenuity and will of citizens and soldiers, not by software or "smart bombs".

Unlike Americans, who are eager to put this messy time behind us, our adversaries have time on their side, and they will use it. They plan to flight a battle of attrition, hopp- ing to drag the battle out until the American public loses its will to fight.

It is clear to me that the will of the American citizenry is the center of gravity the en- emy has targeted. It will be the fulcrum upon which victory or defeat will turn.

The German Carl von Clausewitz, says that there is a "remarkable trinity of war" that is composed of (1) the will of the people, (2) the political leadership of the gov- ernment, and (3) the military leadership that plays out on the field of battle—in that order. Every American citizen, not just those who were unfortunate enough to be in the World Trade Center or Pentagon, was in the crosshairs of last Tuesday's attack. The will of the American people will decide this war.

If America is to win, it will be because we have what it takes to persevere through a few more hits, learn from our mistakes, im- prove and adapt. If we can do that, we will eventually prevail.

New York's remarkable response to the catastrophic attack at the World Trade Cen- ter has been well documented. Above the tragic din, at the very highest level of govern- ment, there is a sense of the essential voices of sanity. In closing, may I say that after all that has just passed, all the lives taken and all the possibilities and hopes that died with them, it is natural to wonder if America's fu- ture is one of fear. Some speak of an age of terror. With the obscene toll of those lost climbing above 6,000, it is hard to speak without rage.

In Korea and on this Peninsula you have known all too well the ravages of war and oc- cupation. It is therefore why I have taken you time on your side, and they will use it. They plan to flight a battle of attrition, hop- ing to drag the battle out until the American public loses its will to fight.

The Great World Peace Award. With humbleness, with honor and with great pride, I accept on behalf of President Ronald

Chancellor Choue—on behalf of President Ronald W. Reagan I extend great thanks to you for offering the President this Award. Mark Smith drives the dragster, assisted by his wife Shelley and sons Jared and Cannon. Their inge- nuity has helped showcase the limitless potential of biofuels. They make me proud to be a Missourian.

Wild Thang is fueled 100 percent by biodiesel, a soybean-based renewable fuel that can help us rely on the Mid- west, rather than the Middle East to meet our energy needs. The Smiths are proving in appearances across the Na- tion that soybean-based biodiesel can perform under the most rigorous condi- tions. Wild Thang produces 6,000 pounds of thrust and five g's of force against the driver's body while acce- lerating. In just 3.8 seconds, Wild Thang can travel 3⁄4 of a mile.

I commend the Smith family and their network of supporters for their hard work. They are tremendous am- bassadors for rural Missouri and for biodiesel. I am confident that the fu- ture will prove that the efforts of the Smith family are playing a key role in promoting farmer-produced biofuels. These fuels have unlimited potential to revitalize rural economies while pre- serving the environment. I commend the Smith family's achievements, and wish them continued success as they continue their exciting endeavor.

MESSAGES FROM THE HOUSE

ENROLLED BILL SIGNED

Under the authority of the order of the Senate of January 3, 2001, the Sec- retary of the Senate, on September 30, 2002, during the recess of the Senate, received a message from the House of Representa-tives announcing that the Speaker has signed the following en- rolled bill:

H.R. 1646. An act to authorize appropria- tions for the Department of State for fiscal year 2003, to authorize appropriations under the Arms Export Control Act and the For- eign Assistance Act of 1961 for security as- sistance for fiscal year 2003, and for other purposes.

Under the authority of the order of the Senate of January 3, 2001, the en- rolled bill was signed by the President
with an amendment in the nature of a substitute:
S. 1806: A bill to amend the Public Health Service Act with respect to health professions programs regarding the practice of pharmacy.

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. BINGAMAN (for himself and Mr. DOMENICI):
S. 3016. A bill to designate the United States courthouse at South Federal Place in Santa Fe, New Mexico, as the “Santiago E. Campos United States Courthouse”; to the Committee on Environment and Public Works.

By Mr. DASCHEL:
S. 306. A bill to amend the Farm Security and Rural Investment Act of 2002 to require the Secretary of Agriculture to establish research, extension, and educational programs to implement bio-based energy technologies, products, and economic diversification in rural areas of the United States; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. LEVIN:
S. 317. A bill to amend title 18, United States Code, to provide retroactive effect to a sentencing safety valve provision; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DASCHEL (for himself, Mr. LOTT, Mr. INOUYE, and Mr. AKAKA):
S. Res. 331. A resolution relative to the death of Representative Patsy T. Mink, of Hawaii; considered and agreed to.

ADDITIONAL COSPONSORS

S. 278
At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 278, A bill to restore health care coverage to retired members of the uniformed services.

S. 710
At the request of Mr. KENNEDY, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 710, A bill to require coverage for colorectal cancer screenings.

S. 1712
At the request of Mr. GRASSLEY, the names of the Senator from Nebraska (Mr. HAGEL) and the Senator from Indiana (Mr. LUGAR) were added as cosponsors of S. 1712, A bill to amend the procedures that apply to consideration of interstate class actions to assure fairer outcomes for class members and defendants, and for other purposes.

S. 2728
At the request of Mr. BINGAMAN, the names of the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Michigan (Ms. STAEHLEN) were added as cosponsors of S. 2728, A bill to treat certain motor dealer transitional assistance as an involuntary conversion, and for other purposes.

S. 2770
At the request of Mr. DODD, the names of the Senator from Massachusetts (Mr. KERRY) and the Senator from Georgia (Mr. CLINTON) were added as cosponsors of S. 2770, A bill to amend the Federal Law Enforcement Pay Reform Act of 1990 to adjust the percentage differentials payable to Federal law enforcement officers in certain high-cost areas.

S. 2869
At the request of Mr. KERRY, the names of the Senator from Vermont (Mr. JEFFORDS), the Senator from Arkansas (Mr. HUTCHINSON), the Senator from Washington (Ms. CANTWELL) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 2869, A bill to facilitate the ability of certain spectrum auction winners to pursue alternative measures required in the public interest to meet the needs of wireless telecommunications consumers.

S. 2674
At the request of Mr. DAYTON, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 2674, A bill to provide benefits to domestic partners of Federal employees.

S. 2679
At the request of Mr. GRASSLEY, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 2679, A bill to amend titles XVIII and XIV of the Social Security Act to improve the availability of accurate nursing facility staffing information, and for other purposes.

S. 2880
At the request of Mr. BINGAMAN, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 2880, A bill to designate Fort Bayard Historic District in the State of New Mexico as a National Historic Landmark, and for other purposes.

S. 2903
At the request of Mr. JOHNSON, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 2903, A bill to amend title 38, United States Code, to provide for a guaranteed adequate level of funding for veterans health care.

S. 2907
At the request of Mr. BREAUx, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 2907, A bill to promote elder justice, and for other purposes.

S. 3005
At the request of Mr. AKAKA, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 3005, A bill to revise the boundary of the Kaloko-Honokohau National Historical Park in the State of Hawaii, and for other purposes.

S. RES. 322
At the request of Mrs. LINCOLN, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. Res. 322, A resolution designating November 2002, as “National Epilepsy Awareness Month”.

S. Res. 325
At the request of Mr. SESSIONS, the names of the Senator from Virginia (Ms. LANDRIEU) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. Res. 325, Resolution designating the month of September 2002 as “National Prostate Cancer Awareness Month”.

S. CON. RES. 94
At the request of Mr. MILLER, his name was added as a cosponsor 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. 94
At the request of Mr. WYDEN, the name of the Senator from Arizona (Ms. LINCOLN) was added as a cosponsor of S. Con. Res. 94, supra.

S. CON. RES. 135
At the request of Mr. NICKLES, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. Con. Res. 135, A concurrent resolution expressing the sense of Congress regarding housing affordability and urgent fair and expeditious review by international trade tribunals to ensure a competitive North American market for softwood lumber.

S. CON. RES. 138
At the request of Mr. REID, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. Con. Res. 138, A concurrent resolution expressing the sense of Congress that the Secretary of Health and Human Services should conduct or support research on certain tests to screen for ovarian cancer, and Federal health care programs and group and individual health plans should cover the tests if demonstrated to be effective, and for other purposes.

S. CON. RES. 142
At the request of Mr. SMITH of Oregon, the names of the Senator from Massachusetts (Mr. KERRY), the Senator from Maine (Ms. SNOWE), the Senator from Arizona (Mr. MCCAIN), the Senator from Massachusetts (Mr. KERRY), the Senator from Kentucky (Mr. BUNNING) and the Senator from Idaho (Mr. CRAIG) were added as cosponsors of S. Con. Res. 142, A concurrent resolution expressing support for the goals and ideas of a day of tribute to all firefighters who have died in the line of duty and recognizing the important mission of the Fallen Firefighters Foundation in assisting family members to overcome the loss of their fallen heroes.

S. CON. RES. 143
At the request of Mr. INHOFE, the names of the Senator from North Dakota (Mr. DORGAN) and the Senator
from Colorado (Mr. CAMPBELL) were added as cosponsors of S. Con. Res. 143, A concurrent resolution designating October 6, 2002, through October 12, 2002, as ‘National 4-H Youth Development Program Week'.

At the request of Mrs. LINCOLN, the names of the Senator from Montana (Mr. BURNS) and the Senator from Illinois (Mr. DURBIN) were added as co-sponsors of S. Con. Res. 146. A concurrent resolution supporting the goals and ideas of National Take Your Kids to Vote Day.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BINGAMAN (for himself and Mr. DOMENICI):

S. 3015. A bill to designate the United States courthouse at South Federal Place in Santa Fe, New Mexico, as the ‘Santiago E. Campos United States Courthouse’; to the Committee on Environment and Public Works.

Mr. BINGAMAN. Mr. President, I rise today with my colleague Senator DOMENICI to introduce a bill to designate the United States Courthouse in Santa Fe, NM, as the ‘Honorable Santiago E. Campos United States Courthouse’. Santiago Campos was appointed to the Federal Bench in 1978 by President Jimmy Carter and was the first Hispanic Federal judge in New Mexico. He held the title of Chief U.S. District Judge from February 5, 1987 to December 31, 1989, and took senior status in 1992. Judge Campos had his chambers in the courthouse in Santa Fe for over 22 years. He was also the prime mover in reestablishing Federal court judicial activity in Santa Fe and in renovating the courthouse there.

Sadly, Judge Campos passed away January 20, 2001 after a long battle with cancer. Judge Campos was not only a great man, but also a dedicated role model and mentor to others in working for the people of New Mexico. He was admired and respected by all that knew him. I believe he would be proud to know that through this bill he has been remembered.

The mission of the consortium would be to make significant advances—not only in technological developments, but also in making sure those new technologies make it to market, therefore providing income alternatives to farmers and ranchers and providing opportunities to individuals and diversification to rural communities.

Increasing our nation’s investment in renewable fuels and other products like pharmaceuticals, building materials including bio-plastics, textiles, lubricants, solvents and adhesives.

Providing a framework for new investments in necessary research, and for ensuring that producers, communities, and our nation as a whole benefit from the results of that research.

I am hopeful that Senators will review the legislation and consider cosponsoring this exciting effort to help build a biobased economy that can assist our nation in so many important ways.

By Mr. LEVIN:

S. 3017. A bill to amend title 18, United States Code, to provide retroactive effect to a sentencing safety valve provision; to the Committee on the Judiciary.

Mr. LEVIN. Mr. President, I am pleased to introduce the Safety Valve Fairness Act. This bill addresses inequities in sentencing that were created by the passage of ‘safety valve’ provisions contained in the 1994 crime bill.

Mandatory minimum sentencing laws allow judges little or no discretion in making sentencing determinations. An unfortunate byproduct of this lack of discretion has been the imposition of disproportionately long sentences for some relatively low-level nonviolent offenders.

Congress acknowledged this in enacting so-called ‘safety valve’ provisions as part of the 1994 crime bill. These provisions allowed a narrow class of offenders, that is individuals with no criminal history, who committed a nonviolent crime, were not leaders or organizers of the crime, and who cooperated fully with the government, to petition the court for a review of their sentence. However, the safety valve provisions were retroactive to offenders sentenced before the bill became law in 1994. As a result, individuals who have arguably been most impacted by the mandatory minimum sentencing laws that the safety valve provisions sought to remedy, have been unable to benefit from their passage. This bill would rectify this situation by making the safety valve provisions retroactive to allow first-time, nonviolent offenders convicted prior to the passage of the 1994 crime bill to petition the court for a reconsideration of their sentence.

The existing safety valve law is not a ‘get out of jail free’ card. It simply allows prisoners to petition the courts for reconsideration. In order to have the mandatory minimum sentenced modified, offenders must first demonstrate to the court that they meet the criteria I mentioned earlier. It is up to the court to determine whether an individual is eligible to have their sentence modified and that a modification is appropriate in each case. I believe the original safety valve provisions appropriately restored discretion to the courts and it’s only fair that the law be changed so it applies equally to offenders without regard to when they were convicted.

Making the safety valve provisions retroactive would impact only an extremely small number of cases. According to the United States Sentencing Commission, only 25 to 40 currently incarcerated federal offenders would be eligible to petition the court to reconsider their sentences. All of these individuals have served at least eight years in prison and many have served significantly longer.

Mr. President, I request unanimous consent to print a letter from the Sentencing Commission in the Record.

The same considerations that motivated the Senate’s original passage of the safety valve legislation apply to those offenders who were sentenced before 1994. Fairness dictates that all those offenders who meet the criteria set out in the safety valve law should have their cases heard and I urge my colleagues to support this bill. There being no objection, the letter was ordered to be printed in the Record, as follows:


Hon. Carl Levin, U.S. Senate, Washington, D.C.

Dear Senator Levin: Thank you for your June 14, 2002, letter inquiring about the number of federal offenders who would be affected if the ‘safety valve’ provision enacted on September 13, 1994, were made retroactive. We estimate that 25 to 40 federal offenders currently incarcerated would benefit if the safety valve provision of the 1994 Crime Bill were made retroactive to cases sentenced prior to September 13, 1994.

We cannot provide a more exact figure because of a number of complicating circumstances. In order for the safety valve to apply, the sentencing judge must find that the offender meets certain criteria defined by Congress. In particular, one of the criteria is that the defendant truthfully provided to the Government all information and evidence the Government had not already developed concerning the offense or offenses that were part of the same course of conduct or of a common scheme or plan. Because this criterion was not relevant to sentences prior to the passage of the safety valve provision, presentence reports for cases sentenced prior to September 13, 1994, do not
necessarily address this factor. As a result, to respond to your inquiry we had to use receipt of a sentencing reduction for acceptance of responsibility as a rough proxy for this particular safety valve provision, which may overstate or understate the actual number of offenders who would meet this criterion if the safety value were made retroactive for certain other safety valve criterion also had to be used. In addition, the Commission does not have complete data with respect to release dates for offenders.

I hope you find this information helpful.

Sincerely,

Diana E. Murphy.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 331—RELATIVE TO THE DEATH OF REPRESENTATIVE PATSY T. MINK OF HAWAII

Mr. DASCHLE (for himself, Mr. LOTT, Mr. INOUYE, and Mr. AKAKA) submitted the following resolution; which was considered and agreed to:

S. RES. 331

Resolved, That the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable PatSY T. MINK, late a Representative from Minneapolis-St. Paul, MN-WI, and respectfully1 submit the following:

AMENDMENTS SUBMITTED AND PROPOSED

SA 4839. Mr. DODD 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 4840. Mr. CRAIG submitted an amendment intended to be proposed to amendment SA 4738 proposed by Mr. GRAMM to the bill H.R. 5005, supra; which was ordered to lie on the table.

SA 4841. Mr. ENZI submitted an amendment intended to be proposed to amendment SA 4738 proposed by Mr. GRAMM to the bill H.R. 5005, supra; which was ordered to lie on the table.

SA 4842. Mr. CRAIG submitted an amendment intended to be proposed to amendment SA 4738 proposed by Mr. GRAMM to the bill H.R. 5005, supra; which was ordered to lie on the table.

SA 4843. Mr. LIEBERMAN submitted an amendment intended to be proposed to amendment SA 4738 proposed by Mr. GRAMM to the bill H.R. 5005, supra; which was ordered to lie on the table.

SA 4844. Mr. SESSIONS submitted an amendment intended to be proposed to amendment SA 4738 proposed by Mr. GRAMM to the bill H.R. 5005, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 4839. Mr. DODD 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:

SEC. 2205. ADJUSTED DIFFERENTIALS.

(a) IN GENERAL.—Paragraph (1) of section 404(b) of the Federal Law Enforcement Pay Reform Act of 1990 (95 Stat. 530 note) is amended by striking the matter after “follows” and inserting the following:

‘’A—

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<thead>
<tr>
<th>Area</th>
<th>Differential Statistical Area</th>
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<tbody>
<tr>
<td>Atlanta Consolidated Metropolitan Statistical Area</td>
<td>17.31%</td>
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<td>Boston-Worcester-Lawrence, MA-NH-ME-CT-RI Consolidated Metropolitan Statistical Area</td>
<td>24.43%</td>
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<td>Chicago-Gary-Kenosha, IL-IN-WI Consolidated Metropolitan Statistical Area</td>
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<td>Cincinnati-Hamilton, OH-KY-IN Consolidated Metropolitan Statistical Area</td>
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<td>Dayton Consolidated Metropolitan Statistical Area</td>
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<td>Denver-Boulder-Greeley, CO Consolidated Metropolitan Statistical Area</td>
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<td>Detroit-Ann Arbor-Flint, MI Consolidated Metropolitan Statistical Area</td>
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<tr>
<td>Hartford, CT Consolidated Metropolitan Statistical Area</td>
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<td>Honolulu, HI Consolidated Metropolitan Statistical Area</td>
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<td>Houston-Galveston-Brazoria, TX Consolidated Metropolitan Statistical Area</td>
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<td>Los Angeles-Long Beach-Anaheim, CA Consolidated Metropolitan Statistical Area</td>
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<td>Miami-Fort Lauderdale, FL Consolidated Metropolitan Statistical Area</td>
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<td>Milwaukee Consolidated Metropolitan Statistical Area</td>
<td>18.03%</td>
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<tr>
<td>Minneapolis-St. Paul, MN-WI Consolidated Metropolitan Statistical Area</td>
<td>20.31%</td>
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<tr>
<td>New York-Northern New Jersey-Long Island, NY-NJ-CT-PA Consolidated Metropolitan Statistical Area</td>
<td>26.44%</td>
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<tr>
<td>Philadelphia-Wilmington-Atlantic City, PA-NJ-DE-MD Consolidated Metropolitan Statistical Area</td>
<td>21.14%</td>
</tr>
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</table>

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in the Federal Law Enforcement Pay Reform Act of 1990 on the date of the enactment of such Act and shall be effective only with respect to pay for service performed in pay periods beginning on or after the date of enactment of this Act.

SA 4840. Mr. CRAIG submitted an amendment intended to be proposed to amendment SA 4738 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. 1. MODIFICATIONS TO AVIATION AND TRANSPORTATION SECURITY ACT.

(a) SECURITY SCREENING OPT-OUT PROGRAM.—Section 409(b)(4) of title 49, United States Code, is amended—

(1) by striking “not more than 1 airport from each of the 5 airport security risk categories” and inserting “up to 49 airports equally distributed among the 5 airport security risk categories”; and

(2) by adding at the end the following:

“The Under Secretary shall encourage large and medium hub airports to participate in the program.”

(b) EXTENSION OF DEADLINE.—Section 118(c)(3) of the Aviation and Transportation Security Act is amended by striking “1 year after the date of enactment of this Act” and inserting “December 31, 2002.”

SA 4841. Mr. ENZI submitted an amendment intended to be proposed to amendment SA 4738 proposed by Mr. GRAMM 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. 1. REQUIREMENT TO BUY CERTAIN ARTICLES FROM AMERICAN SOURCES.

(a) REQUIREMENT.—Except as provided in subsections (c) through (f), funds appropriated or otherwise available to the Department of Homeland Security may not be used

Area

Pittsburgh Consolidated Metropolitan Statistical Area | 15.97% |

Portland-Salem, OR-WA Consolidated Metropolitan Statistical Area | 20.90% |

Richmond Consolidated Metropolitan Statistical Area | 17.05% |

Sacramento-Yolo, CA Consolidated Metropolitan Statistical Area | 15.28% |

San Diego, CA Consolidated Metropolitan Statistical Area | 22.28% |

San Francisco-Oakland-San Jose, CA Consolidated Metropolitan Statistical Area | 33.06% |

Seattle-Tacoma-Bremerton, WA Consolidated Metropolitan Statistical Area | 20.41% |

St. Louis Consolidated Metropolitan Statistical Area | 12.41% |

Washington-Baltimore, DC-MD-VA-WV Consolidated Metropolitan Statistical Area | 20.01% |

St. Louis Consolidated Metropolitan Statistical Area | 20.99% |

Los Angeles-Long Beach-Anaheim, CA Consolidated Metropolitan Statistical Area | 20.98% |

Sacramento-Yolo, CA Consolidated Metropolitan Statistical Area | 26.44% |

Philadelphia-Wilmington-Atlantic City, PA-NJ-DE-MD Consolidated Metropolitan Statistical Area | 21.14% |

Philadelphia-Wilmington-Atlantic City, PA-NJ-DE-MD Consolidated Metropolitan Statistical Area | 21.14% |

Sacramento-Yolo, CA Consolidated Metropolitan Statistical Area | 26.44% |

Philadelphia-Wilmington-Atlantic City, PA-NJ-DE-MD Consolidated Metropolitan Statistical Area | 21.14% |

Sacramento-Yolo, CA Consolidated Metropolitan Statistical Area | 26.44% |

Philadelphia-Wilmington-Atlantic City, PA-NJ-DE-MD Consolidated Metropolitan Statistical Area | 21.14% |
for the procurement of an item described in subsection (b) if the item is not grown, reprocessed, reused, or produced in the United States.

(b) COVERED ITEMS.—An item referred to in subsection (a) is any of the following:

(1) An article or item of—
   (A) Food;
   (B) clothing;
   (C) tents, tarps, or covers;
   (D) cotton and other natural fiber products,
      or cotton or wool spun yarns, fabrics, or materials;
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TITLE XXXIII—GOVERNMENT INFORMATION SECURITY

Sec. 3301. Information security.
Sec. 3302. Authorization of appropriations and effective dates.
Sec. 3301. Authorization of appropriations.
Sec. 3302. Effective dates.

DIVISION E—FLIGHT AND CABIN SECURITY ON PASSENGER AIRCRAFT

TITLE XI—FLIGHT AND CABIN SECURITY ON PASSENGER AIRCRAFT

Sec. 3301. Information security.
Sec. 3302. Authorization of appropriations and effective dates.
Sec. 3301. Authorization of appropriations.
Sec. 3302. Effective dates.

SEC. 101. ESTABLISHMENT OF THE DEPARTMENT OF HOMELAND SECURITY.

(a) IN GENERAL.—There is established the Department of National Homeland Security.
(b) EXECUTIVE DEPARTMENT.—Section 101 of title 5, United States Code, is amended by adding at the end the following:

(1) HOMELAND SECURITY. —The term "Homeland Security" means the assessment, analysis, management, mitigation, and coordination of homeland security threats, vulnerabilities, and risks.

(2) UNITED STATES.—The term "United States", when used in a geographic sense, means any State (within the meaning of section 102(4) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Public Law 93–288)), any possession of the United States, and any waters within the jurisdiction of the United States.

TITLED I—DEPARTMENT OF HOMELAND SECURITY

Subtitle A—Establishment of the Department of Homeland Security

SEC. 102. SECRETARY OF HOMELAND SECURITY.

(a) IN GENERAL.—The Secretary of Homeland Security shall be the head of the Department.
(b) RESPONSIBILITIES.—The responsibilities of the Secretary shall be the following:

(1) To develop policies, goals, objectives, priorities, and plans for the United States for the promotion of homeland security, particularly with regard to terrorism.

(2) To conduct, carry out, and promote the other established missions of the entities transferred to the Department.

(3) To develop a comprehensive strategy for combating terrorism and the homeland security response.

(4) To make budget recommendations relating to a homeland security strategy, border protection, emergency preparedness and response, science and technology promotion related to homeland security, and Federal support for local activities.

(5) To plan, coordinate, and integrate those Federal Government activities relating to the border and transportation security, critical infrastructure protection, all-hazards emergency preparedness, response, recovery, and mitigation.

(6) To serve as a national focal point to analyze potential contingencies available to the United States related to threats of terrorism and other homeland threats.

(7) To establish and manage a comprehensive emergency preparedness program that directs and coordinates the support of terrorism and other manmade and natural disasters.

(8) To identify and promote key scientific and technological advances that will enhance homeland security.

(9) To include, as appropriate, State and local governments and other entities in the full range of activity authorized by the Department to promote homeland security, including—

(10) Providing State and local government personnel, agencies, and authorities, with appropriate intelligence information, including warnings, regarding threats posed by terrorism in a timely and secure manner;

(11) Facilitating efforts by State and local law enforcement and other officials to assist in the collection and dissemination of intelligence and to provide information to the Department, and other agencies, in a timely and secure manner;

(12) Consulting with State and local governments, and other entities as appropriate, in developing a homeland security strategy; and

(13) Systematically identifying and removing obstacles to developing effective partnerships between the Department and other Federal agencies, and State, regional, and local government personnel, agencies, and authorities, the private sector, other entities, and the public to secure the homeland.

(b) RESPONSIBILITIES.—The responsibilities of the Secretary shall be the following:

(1) To develop, carry out, and promote the other established missions of the entities transferred to the Department.

(2) To develop a comprehensive strategy for combating terrorism and the homeland security response.

(3) To make budget recommendations relating to a homeland security strategy, border protection, emergency preparedness and response, science and technology promotion related to homeland security, and Federal support for local activities.

(4) To plan, coordinate, and integrate those Federal Government activities relating to the border and transportation security, critical infrastructure protection, all-hazards emergency preparedness, response, recovery, and mitigation.

(5) To serve as a national focal point to analyze potential contingencies available to the United States related to threats of terrorism and other homeland threats.

(6) To establish and manage a comprehensive emergency preparedness program that directs and coordinates the support of terrorism and other manmade and natural disasters.

(7) To identify and promote key scientific and technological advances that will enhance homeland security.

(8) To include, as appropriate, State and local governments and other entities in the full range of activity authorized by the Department to promote homeland security, including—

(9) Providing State and local government personnel, agencies, and authorities, with appropriate intelligence information, including warnings, regarding threats posed by terrorism in a timely and secure manner;

(10) Facilitating efforts by State and local law enforcement and other officials to assist in the collection and dissemination of intelligence and to provide information to the Department, and other agencies, in a timely and secure manner;

(11) Consulting with State and local governments, and other entities as appropriate, in developing a homeland security strategy; and

(12) Systematically identifying and removing obstacles to developing effective partnerships between the Department and other Federal agencies, and State, regional, and local government personnel, agencies, and authorities, the private sector, other entities, and the public to secure the homeland.
To direct the acquisition and management of all of the information resources of the Department, including communications resources.

(16) To endeavor to make the information technology systems of the Department, including communications systems, effective, efficient, secure, and appropriately interoperable.

(17) In furtherance of paragraph (16), to oversee and ensure the development and implementation of an enterprise architecture for information technology, with timetables for implementation.

(18) As the Secretary considers necessary, to oversee the development and implementation of updated versions of the enterprise architecture under paragraph (17).

(19) To report to Congress on the development and implementation of the enterprise architecture under paragraph (17) in—

(A) each implementation progress report required under section 185; and

(B) each biennial report required under section 192(b).

(c) Visa Issuance by the Secretary.—

(1) DEFINITION.—In this subsection, the term "foreign official" has the meaning given that term under section 101(a)(9) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(9)).

(2) In General.—Notwithstanding section 104(a) of the Immigration and Nationality Act (8 U.S.C. 1104(a)) or any other provision of law, the Secretary, provided under paragraph (3), the Secretary—

(A) shall be vested exclusively with all authorities to issue regulations with respect to, administer, and enforce the provisions of such Act, and of all other immigration and nationality laws, relating to the functions of consular officers, shall be provided all necessary resources, and shall be provided all necessary resources to perform the functions described under subparagraph (A) and (B) of this section, including training in foreign languages, in conditions in the particular country where each employee is assigned, and in other appropriate areas of study.

(B) Permanent Assignment; Participation in Terrorist Lookout Committee.—When appropriate, employees of the Department assigned to perform functions described in subparagraph (A) shall be provided all necessary resources, and shall be provided all necessary resources, and be provided all necessary resources.

(ii) Visa Issuance by the Secretary.—The Secretary shall ensure that any employees of the Department assigned to perform functions described in subparagraph (A) and, as appropriate, consular officers, shall be provided all necessary resources, including training in foreign languages, in conditions in the particular country where each employee is assigned, and in other appropriate areas of study.

(iii) Language Proficiency.—Before assigning employees of the Department to perform the functions described under subparagraph (A), the Secretary shall provide employees of the Department performing the functions described under subparagraph (A) and (B) of this section; and

(b) any legislative proposals necessary to further the objectives described in clauses (i) and (ii).
whom shall be appointed by the President, by and with the advice and consent of the Senate.

(b) Responsibilities.—(1) In general.—Whenever the President submits the name of an individual to the Senate for confirmation as an Assistant Secretary under this section, the President shall describe the general responsibilities that such appointee will exercise upon taking office.

(2) Assignment.—Subject to paragraph (1), the Secretary shall assign to each Assistant Secretary such functions as the Secretary considers appropriate.

SEC. 106. INSPECTOR GENERAL.

(a) In general.—There shall be in the Department an Inspector General. The Inspector General and the Office of Inspector General shall be subject to the Inspector General Act of 1978 (5 U.S.C. App.).

(b) Establishment.—Section 11 of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in paragraph (1), by inserting "Home- land Security," after "Health and Human Services;"; and

(2) in paragraph (2), by inserting "Home- land Security," after "Health and Human Services;".

(c) Review of the Department of Homeland Security.—The Inspector General shall designate 1 official who shall—

(1) review information and receive complaints alleging abuses of civil rights and civil liberties by employees and officials of the Department;

(2) publicize, through the Internet, radio, television, and newspaper advertisements—

(A) the procedures for filing complaints alleging abuses of civil rights and civil liberties; and

(B) instructions on how to contact the official; and

(3) in a semi-annual basis, submit to Congress, for referral to the appropriate committees or subcommittees of Congress—

(a) a report on the activities of the Inspector General during the preceding six months,

(b)(1) in writing and by electronic means,

(i) the number of complaints received, investigated, and closed during the preceding six months,

(ii) the number of complaints that were unresolved or are pending investigation, and

(iii) the number of administrative actions taken in response to complaints,

(b)(2) in writing and by electronic means, a report on the activities of the Inspector General, to include reference to complaints filed in the previous six months, of which the Inspector General has taken no action during the preceding six months,

(c) in a semi-annual basis, submit to Congress, for referral to the appropriate committees or subcommittees of Congress—

(1) information concerning the programs and policies of the Department; and

(2) any information concerning a subdivision referred to in paragraph (1).

(d) Access to records.—The Inspector General shall have access to records maintained by the Department.

(e) Authorization.—The Inspector General shall have access to records maintained by the Department.

(f) Designation of a Privacy Officer.—The Department shall designate a Privacy Officer, who shall—

(1) serve as the Chief Privacy Officer,

(2) provide legal assistance to the Secretary concerning the programs and policies of the Department; and

(3) advise and assist the Secretary in carrying out the responsibilities under section 102(b).

SEC. 110. CIVIL RIGHTS OFFICER.

(a) In general.—There shall be in the Department a Civil Rights Officer, who shall be appointed by the President, by and with the advice and consent of the Senate.

(b) Responsibilities.—The Civil Rights Officer shall—

(1) ensure compliance with all civil rights and related laws and regulations applicable to Department employees and participants in Department programs; and

(2) coordinate the development of policies and procedures that ensure that civil rights considerations are appropriately incorporated and implemented in Department programs and activities; and

(3) assist in the development of policies and procedures that ensure that civil rights considerations are appropriately incorporated and implemented in Department programs and activities; and

(4) determine the extent to which the programs and activities of the Department are consistent with civil rights laws and regulations.

(b) Technical and conforming amendments.—The Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in section 4(b), by striking "8F" each place it appears and inserting "9G"; and

(2) in section 8J (as redesignated by subsection (c)(1)), by striking "8H" and inserting "8I."
(1) oversee compliance with section 522a of title 5, United States Code (commonly referred to as the Privacy Act of 1974) and all other applicable laws relating to the privacy of personal information;

(2) assist the Secretary, directors, and offices with the development and implementation of policies and procedures that ensure that—

(A) privacy considerations and safeguards are appropriately incorporated and implemented in Department programs and activities; and

(B) any information received by the Department is used or disclosed in a manner that minimizes the risk of harm to individuals from the inappropriate disclosure or use of such materials;

(3) assist Department personnel with the preparation of impact assessments when required by law or considered appropriate by the Secretary; and

(4) notify the Inspector General of any matter that, in the opinion of the Privacy Officer, warrants further investigation.

SEC. 112. CHIEF HUMAN CAPITAL OFFICER.

(a) In General.—The Secretary shall appoint or designate a Chief Human Capital Officer, who shall—

(1) advise and assist the Secretary and other officers of the Department in ensuring that—

(i) the Department of Homeland Security has the necessary skills and training, and that the recruitment and retention policies of the Department allow the Department to attract and retain qualified women and men in accordance with all applicable laws and requirements, to enable the Department to achieve its missions;

(ii) the implementation of the laws, rules and regulations of the President and the Office of Personnel Management governing the civil service within the Department;

(iii) the Department is prepared for a crisis affecting the American public, requiring mobilization of its resources and personnel;

(b) Responsibilities.—The responsibilities of the Chief Human Capital Officer shall include—

(1) setting the workforce development strategy of the Department;

(2) assessing workforce characteristics and future needs based on the mission and strategic plans of the Department;

(3) aligning the human resources policies and programs of the Department with organization mission, strategic goals, and performance measures;

(4) developing and advocating a culture of continuous learning to attract and retain employees with superior abilities;

(5) identifying best practices and benchmarking studies;

(6) applying methods for measuring intellectual capital and identifying links of that capital to organizational performance and growth; and

(7) providing employee training and professional development.

SEC. 113. DIRECTORATE OF BORDER AND TRANSPORTATION PROTECTION.

(a) Establishment.—There is established within the Office of the Secretary, an Office of International Affairs. The Office shall be headed by an Assistant Secretary who shall be appointed by the Secretary.

(b) Responsibilities of the Director.—The Director shall have the following responsibilities:

(1) To promote information and education exchange with foreign nations in order to promote the best practices and technologies related to homeland security. Such information exchange shall include—

(A) joint research and development on countermeasures;

(B) joint training exercises of first responders; and

(C) exchange of expertise on terrorism prevention, response, and crisis management.

(2) To identify areas for homeland security information and training exchange.

(3) To participate in international conferences, exchange programs, and training activities.

(4) To manage activities under this section and other international activities within the Department in consultation with the Department of State and other relevant Federal officials.

(i) to initially concentrate on fostering cooperation with countries that are already highly focused on homeland security issues and that have demonstrated the capability for fruitful cooperation with the United States in the area of counterterrorism.

SEC. 114. EXECUTIVE SCHEDULE POSITIONS.

(a) EXECUTIVE SCHEDULE LEVEL I POSITIONS.—Section 5312 of title 5, United States Code, is amended by adding at the end the following:

"Secretary of Homeland Security.";

(b) EXECUTIVE SCHEDULE LEVEL II POSITIONS.—Section 5313 of title 5, United States Code, is amended by adding at the end the following:

"Deputy Secretary of Homeland Security.";

(c) EXECUTIVE SCHEDULE LEVEL III POSITIONS.—Section 5314 of title 5, United States Code, is amended by adding at the end the following:

"Under Secretary for Management, Department of Homeland Security.";

(d) EXECUTIVE SCHEDULE LEVEL IV POSITIONS.—Section 5315 of title 5, United States Code, is amended by adding at the end the following:

"Assistant Secretaries of Homeland Security (5)."

"Inspector General, Department of Homeland Security.

"Chief Financial Officer, Department of Homeland Security.

"Chief Information Officer, Department of Homeland Security.

"General Counsel, Department of Homeland Security.";

Subtitle B—Establishment of Directorates and Offices

SEC. 131. DIRECTORATE OF BORDER AND TRANSPORTATION PROTECTION.

(a) Establishment.—There is established within the Department of Homeland Security a Directorate of Border and Transportation Protection.

(b) Under Secretary.—There shall be an Under Secretary for Border and Transportation Protection, who shall be appointed by the President, by and with the advice and consent of the Senate.

(c) Responsibilities.—The Directorate of Border and Transportation Protection shall have the following responsibilities:

(1) Securing the borders, territorial waters, ports, terminals, waterways and air, land (including rail), and sea transportation systems of the United States, including coordinating governmental activities at ports of entry.

(2) Receiving and providing relevant intelligence on threats of terrorism and other homeland threats.

(3) Administering, carrying out, and promoting other functions of the entities transferred to the Directorate.

(4) Using intelligence from the Directorate of Intelligence and other Federal intelligence programs, pursuant to section 132(a)(1)(B) to establish inspection priorities to identify products and other goods imported from suspect locations recognized by the intelligence community as having terrorist activity, unusual human health or agriculture disease outbreaks, or harboring terrorism.

(5) Providing agency-specific training for agents and analysts within the Department, other agencies, and State and local agencies.

(6) Developing and implementing international partnerships, in coordination with other Directorates and entities outside the Department, in conducting appropriate risk analysis and risk management activities consistent with the mission and functions of the Directorate.

(7) Consistent with section 175, conducting agricultural import and entry inspection functions transferred under section 1311.

(8) Performing such other duties as assigned by the Secretary.

(c) TRANSFER OF AUTHORITIES, FUNCTIONS, AND RESPONSIBILITIES.—The Secretary of Homeland Security, in coordination with other Directorates and entities outside the Department, shall—

(1) The United States Customs Service, which shall be maintained as a distinct entity within the Department of Homeland Security.

(2) The Transportation Security Administration of the Department of Transportation.

(3) The Federal Law Enforcement Training Center of the Department of Justice.

(d) EXERCISE OF CUSTOMS REVENUE AUTHORITY.—

(a) Authorities Not Transferred.—Notwithstanding subsection (c), authority that was vested in the Secretary of the Treasury by law to issue regulations related to customs revenue functions before the effective date of this section under the provisions of law set forth under paragraph (2) shall not be transferred to the Secretary of the Treasury.

(b) Report.—Not later than 60 days after the date of enactment of this Act, the Secretary of the Treasury shall report to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives of proposed conforming amendment to the statutes set forth under paragraph (2) in order to determine the appropriate allocation of legal authorities described under this subsection.

(c) Exercise of Treasury Authority.—The Secretary of the Treasury shall also identify those authorities vested in the Secretary of the Treasury that are exercised by the Commissioner of Customs on or before the effective date of this Act.

(d) Exercise of Customs Revenue Authority.—The Secretary of the Treasury shall be responsible for the implementation and enforcement of regulations issued under this section.

(e) LIABILITIES.—The Secretary of the Treasury shall be responsible for the collection and enforcement of liabilities arising from regulations issued under this section.

(f) Applicable Laws.—The provisions of this Act relating to internal revenue procedures and practices shall apply to the Department of Homeland Security.
(E) Section 251 of the Revised Statutes of the United States (19 U.S.C. 66).
(G) The Foreign Trade Zones Act (19 U.S.C. 81a et seq).
(H) Section 1 of the Act of March 2, 1911 (19 U.S.C. 198).
(P) Any other provision of law vesting customs revenue functions in the Secretary of the Treasury.
(Q) Definition of customs revenue functions.—In this subsection, the term “customs revenue functions” means—
(A) assessing, collecting, and refunding duties (including any special duties), excise taxes, fees, and any liquidated damages or penalties due on imported merchandise, including classifying and valuing merchandise and the procedures for “entry” as that term is defined in the United States Customs laws;
(B) administering section 337 of the Tariff Act of 1930 and provisions relating to import quotas and the marking of imported merchandise, and providing Customs Recordations for copyrights, patents, and trademarks;
(C) collecting accurate import data for compilation of international trade statistics; and
(D) administering reciprocal trade agreements and trade preference legislation.
(E) Continuation of certain functions of the Customs Service.—
(1) In general.—
(A) Preservation of customs funds.—Notwithstanding any other provision of this Act, not to exceed $350,000,000 may be transferred from the United States Customs Service or collected under paragraphs (1) through (8) of section 13031(a) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(f)) for use by any other agency or office in the Department.
(B) Customs automation.—Section 13031(f) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(f)) is amended—
(i) in paragraph (1), by striking subparagraph (B) and inserting the following:
"(B) amounts deposited into the Customs Commercial and Homeland Security Automation Account under paragraph (5);"
(ii) in paragraph (4), by striking "otherwise than the excess fees determined by the Secretary under paragraph (5)"; and
(iii) by striking paragraph (5) and inserting the following:
"(5)(A) There is created within the general fund of the Treasury a separate account that shall be known as the Commercial and Homeland Security Automation Account. In each of fiscal years 2003, 2004, and 2005 there shall be deposited into the Account fees collected under subsection (a)(9)(A), $350,000,000.
(B) There is authorized to be appropriated from time to time such sums as may be necessary for the Commercial and Homeland Security Automation Account for each of fiscal years 2003 through 2005 such amounts as are available in that Account for the development, establishment, and implementation of the Automated Commercial Environment computer system for the processing of entries at ports of entry or re-entries and for other purposes related to the functions of the Department of Homeland Security. Amounts appropriated pursuant to this subsection shall be authorized to remain available until expended.
"(C) In adjusting the fee imposed by subsection (a)(9)(A) for fiscal year 2006, the Secretary shall—
(i) determine and project the amount estimated to be collected in fiscal year 2006 by the amount by which total fees deposited to the Customs Commercial and Homeland Security Automation Account during fiscal years 2003, 2004, and 2005 exceed total appropriations from that Account.
(ii) in paragraph (3)(A), by inserting “in consultation with the Secretary of Homeland Security” after “Secretary of the Treasury”; and
(B) in paragraph (4), by striking "jointly after "shall pre-".
(F) Conforming amendment.—Section 311(b) of the Customs Border Security Act of 2002 (Public Law 107-210) is amended by striking paragraph (2).

SEC. 102. DIRECTORATE OF INTELLIGENCE.
(a) Establishment.—
(1) Directorate.—
(A) In general.—There is established a Directorate of Intelligence which shall serve as a national-level focal point for information available to the United States Government relating to the plans, intentions, and capabilities of terrorists and terrorist organizations for the purpose of supporting the mission of the Department.
(B) Support to directorate.—The Directorate of Intelligence shall communicate, coordinate, and integrate with—
(i) the Federal Bureau of Investigation;
(ii) the intelligence community, as defined under section 3 of the National Security Act of 1947 (50 U.S.C. 403 note) as the Office of the Director of Central Intelligence, the National Intelligence Council, the Central Intelligence Agency, the Defense Intelligence Agency, the National Imagery and Mapping Agency, the National Reconnaissance Office, and the Bureau of Intelligence and Research of the Department of State; and
(iii) other agencies or entities, including those within the Department, as determined by the Secretary.
(2) Information on international terrorism.—
(i) Definitions.—In this subparagraph, the terms “foreign intelligence” and “counterintelligence” shall have the meaning given those terms in section 3 of the National Security Act of 1947 (50 U.S.C. 403a)."
(a)(1)(B), a secure communications and information technology infrastructure, and advanced analytical tools, to carry out the mission of the Directorate.

(7) Providing, in conjunction with the Chief Information Officer of the Department and appropriate officers of the agencies described under subsection (a)(1)(B), appropriate software, hardware, and other information technology, and security and formatting protocols, to ensure that Federal Government databases and information technology systems containing information relevant to terrorist threats, and other threats against the United States, are—

(A) secure; (B) comply with Federal laws concerning privacy and the prevention of unauthorized disclosure.

(8) Ensuring, in conjunction with the Director of Central Intelligence and the Attorney General, that all material received by the Department is protected against unauthorized disclosure and is utilized by the Department and its components for the purpose of fulfilling official duties, and is transmitted, retained, handled, and disseminated consistent with—

(A) as appropriate, similar authorities of the Attorney General concerning sensitive law enforcement and intelligence matters; (B) as appropriate, similar authorities of the Secretary of Defense concerning defense matters.

(9) Providing, through the Secretary, to the appropriate law enforcement or intelligence agency, information and analysis relating to threats.

(10) Coordinating, or where appropriate providing, training and other support as necessary to providers of information to the Department, or consumers of information from the Department, to allow such providers or consumers to identify and share intelligence information revealed in their ordinary duties or utilizing information from the Department, including training and support under section 908 of the USA PATRIOT Act of 2001 (Public Law 107-56).

(11) Reviewing, analyzing, and making recommendations through the Secretary for improvements in the policies and procedures governing the sharing of law enforcement, intelligence, and other information relating to threats of terrorism against the United States and other threats to homeland security with the States Government and between the United States Government and State and local governments, local law enforcement and intelligence agencies, and private parties.

(12) Assisting and supporting the Secretary, in cooperation with other Directors and entities outside the Department, in conducting appropriate risk analysis and risk management activities consistent with the mission and functions of the Directorate.

(13) Performing other related and appropriate duties assigned by the Secretary.

(c) ACCESS TO INFORMATION.—

(1) In general.—Unless otherwise directed by the President, the Secretary shall have access to the records and files of the agencies described under subsection (a)(1)(B), and the intelligence-related components of agencies transferred to this division, including the United States Coast Guard, shall be considered to be part of the United States intelligence community within the meaning of section 3 of the National Security Act of 1947 (50 U.S.C. 401a); and

(2) ADDITIONAL INFORMATION.—As the President directs, the Secretary shall receive additional information requested by the Secretary from the agencies described under subsection (a)(1)(B).

(3) Providing information.—Any information shall be provided to the Secretary consistent with the requirements of subsection (b)(3), unless otherwise determined by the President.

(4) COOPERATIVE ARRANGEMENTS.—The Secretary may enter into cooperative arrangements with other agencies and entities outside the Department, in conjunction with the head of the agencies described under subsection (a)(1)(B) to share material on a regular or routine basis, including arrangements involving broad categories of material, and regardless of whether the Secretary has entered into any such cooperative arrangement, all agencies described under subsection (a)(1)(B) shall promptly provide information under this subsection.

(d) AUTHORIZATION TO SHARE LAW ENFORCEMENT INFORMATION.—The Secretary shall be deemed to be a Federal law enforcement, intelligence, or national security official for purposes of law enforcement and intelligence sharing provisions of—

(1) section 203(d) of the USA PATRIOT Act of 2001 (Public Law 107-56);

(2) section 2517(6) of title 18, United States Code; and

(3) rule 6(e)(3)(C) of the Federal Rules of Criminal Procedure.

(e) ADDITIONAL RISK ANALYSIS AND RISK MANAGEMENT RESPONSIBILITIES.—The Under Secretary for Intelligence shall, in coordination with the Office of Risk Analysis and Assessment in the Directorate of Science and Technology, be responsible for—

(1) developing analysis concerning the means and methods terrorists might employ to exploit vulnerabilities in the homeland security infrastructure;

(2) supporting experiments, tests, and inspections to identify weaknesses in homeland defense;

(3) developing countersurveillance techniques to prevent attacks;

(4) conducting risk assessments to determine the risk posed by specific kinds of terrorist attacks, the probability of successful attacks, and the feasibility of specific countermatters.

(f) MANAGEMENT AND STAFFING.—

(1) IN GENERAL.—The Office of Intelligence shall be staffed, in part, by analysts and intelligence officers of the Department of Homeland Security.

(2) ADDITIONAL INFORMATION.—(A) as appropriate, similar authorities of the Director of Central Intelligence, to protect intelligence sources and methods from unauthorized disclosure.

(b) RESPONSIBILITIES.—The Director of Critical Infrastructure Protection shall be responsible for the following:

(1) Receiving relevant intelligence from the Director of Intelligence, law enforcement information, and other information in order to comprehensively assess the vulnerabilities of the key resources and critical infrastructures in the United States.

(2) Developing relevant information, intelligence analysis, and vulnerabilities assessments (whether such information, analyses, or assessments are provided by the Department or others) to identify priorities and support protective measures by the Department, by other agencies, by State and local government personnel, agencies, and authorities, by the private sector, and by other entities, to protect the key resources and critical infrastructures in the United States.

(3) As part of a homeland security strategy, developing a comprehensive national plan for securing the key resources and critical infrastructure in the United States.

(4) Assisting and supporting the Secretary, in coordination with the Department and entities outside the Department, in conducting appropriate risk analysis and risk management activities consistent with the mission of the Department. This shall include, in coordination with the Office of Risk Analysis and Assessment in the Directorate of Science and Technology, developing and enforcing protective measures in—

(a) public health infrastructure;

(b) food and water storage, production and distribution;

(c) commerce systems, including banking and finance;

(d) energy systems, including electric power and oil and gas production and storage;

(e) public transportation systems, including pipelines;

(f) information and communication systems;

(g) continuity of government services; and

(h) other systems or facilities the destruction or disruption of which could cause substantial harm to health, safety, property, or the environment.

(5) Enhancing the sharing of information regarding cyber security and physical security of the United States, developing appropriate policies, procedures, and training for law enforcement agencies, National Intelligence Coordination Center, and other United States Government agencies, and intelligence agencies; and

(6) Coordinating, or where appropriate, similar authorities of the Attorney General concerning sensitive law enforcement and intelligence matters; and

(7) Assisting and supporting the Secretary, in cooperation with other Directors and entities outside the Department, in conducting appropriate risk analysis and risk management activities consistent with the mission and functions of the Department. This shall include, in coordination with the Office of Risk Analysis and Assessment in the Directorate of Science and Technology, developing and enforcing protective measures in—

(a) public health infrastructure;

(b) food and water storage, production and distribution;

(c) commerce systems, including banking and finance;

(d) energy systems, including electric power and oil and gas production and storage;

(e) public transportation systems, including pipelines;

(f) information and communication systems;

(g) continuity of government services; and

(h) other systems or facilities the destruction or disruption of which could cause substantial harm to health, safety, property, or the environment.

(6) Enhancing the sharing of information regarding cyber security and physical security of the United States, developing appropriate policies, procedures, and training for law enforcement agencies, National Intelligence Coordination Center, and other United States Government agencies, and intelligence agencies; and

(7) Coordinating, or where appropriate, similar authorities of the Attorney General concerning sensitive law enforcement and intelligence matters; and

(8) Assisting and supporting the Secretary, in cooperation with other Directors and entities outside the Department, in conducting appropriate risk analysis and risk management activities consistent with the mission of the Department. This shall include, in coordination with the Office of Risk Analysis and Assessment in the Directorate of Science and Technology, developing and enforcing protective measures in—

(a) public health infrastructure;

(b) food and water storage, production and distribution;

(c) commerce systems, including banking and finance;

(d) energy systems, including electric power and oil and gas production and storage;

(e) public transportation systems, including pipelines;

(f) information and communication systems;

(g) continuity of government services; and

(h) other systems or facilities the destruction or disruption of which could cause substantial harm to health, safety, property, or the environment.

(6) Enhancing the sharing of information regarding cyber security and physical security of the United States, developing appropriate policies, procedures, and training for law enforcement agencies, National Intelligence Coordination Center, and other United States Government agencies, and intelligence agencies; and

(7) Coordinating, or where appropriate, similar authorities of the Attorney General concerning sensitive law enforcement and intelligence matters; and

(8) Assisting and supporting the Secretary, in cooperation with other Directors and entities outside the Department, in conducting appropriate risk analysis and risk management activities consistent with the mission of the Department. This shall include, in coordination with the Office of Risk Analysis and Assessment in the Directorate of Science and Technology, developing and enforcing protective measures in—

(a) public health infrastructure;

(b) food and water storage, production and distribution;

(c) commerce systems, including banking and finance;

(d) energy systems, including electric power and oil and gas production and storage;

(e) public transportation systems, including pipelines;

(f) information and communication systems;

(g) continuity of government services; and

(h) other systems or facilities the destruction or disruption of which could cause substantial harm to health, safety, property, or the environment.
roles of various Government agencies in preventing, defending, and recovering from attacks.

(6) Acting as the Critical Information Technology and Security Officer of the Department and assuming the responsibilities carried out by the Critical Infrastructure Assurance Office and the National Information Assurance and Operations Section before the effective date of this division.

(7) Coordinating the activities of the Information Sharing and Analysis Centers to share information, between the public and private sectors, on threats, vulnerabilities, individual incidents, and privacy issues regarding homeland security.

(8) Working with the Department of State on cyber security issues with respect to international bodies and coordinating with appropriate agencies in helping to establish cyber security policy, standards, and enforcement mechanisms.

(9) Establishing the necessary organizational structure within the Directorate to provide leadership and focus on both cyber security and physical security, and ensuring the maintenance of a nucleus of cyber security and physical security experts within the United States.

(10) Performing such other duties as assigned by the Secretary.

In this subsection, the term ‘key resources’ includes the National Park Service sites identified by the Secretary of the Interior that are so universally recognized as symbols of the United States and so heavily visited by the American and international public that such sites would likely be identified as targets of terrorist attacks, including the Statue of Liberty, Independence Hall and the Liberty Bell in Philadelphia, Pa.; the Lincoln Memorial, Mt. Rushmore, and memorials and monuments in Washington, D.C.

(c) Transfer of authorities, functions, personnel, and assets of the following entities are transferred to the Department:

(1) Critical Infrastructure Assurance Office of the Department of Commerce.

(2) The National Infrastructure Protection Center of the Federal Bureau of Investigation.

(3) The National Communications System of the Department of Defense.

(4) The National Security Division of the National Institute of Standards and Technology of the Department of Commerce.

(5) The National Infrastructure Simulation and Analysis Center of the Department of Energy.


SEC. 134. DIRECTORATE OF EMERGENCY PREPAREDNESS AND RESPONSE.

(a) Establishment.—There is established within the Department the Directorate of Emergency Preparedness and Response.

(b) Under Secretary.—There shall be an Under Secretary of Emergency Preparedness and Response, who shall be appointed by the President, by and with the advice and consent of the Senate.

(c) Transfer of authorities, functions, personnel, and assets of the following entities are transferred to the Department:

(1) The Federal Emergency Management Agency, the 10 regional offices of which shall be transferred to the Department, which shall be maintained as a distinct entity within the Department.

(2) The Office of Domestic Preparedness of the Department of Justice.

(3) The Office of Domestic Preparedness of the Department of Justice.

(4) The Office of Emergency Preparedness within the Office of the Assistant Secretary for Public Health Emergency Preparedness of the Department of Health and Human Services, including—

(A) The Noble Training Center;

(B) The Metropolitan Medical Response System;

(C) The Department of Health and Human Services component of the National Disaster Medical System;

(D) The Disaster Medical Assistance Teams, the Veterinary Medical Assistance Teams, and the Disaster Mortuary Operational Response Teams;

(E) the special events response; and

(F) the citizen preparedness programs.


(6) The functions of the Department of Agriculture under the Agricultural Bioterrorism Protection Act of 2002 (7 U.S.C. 8401 et seq.).

(B)(1) The Secretary shall collaborate with the Secretary of Agriculture and the Secretary of Health and Human Services in determining the biological agents and toxins that shall be listed as “select agents” in Appendix A of part 72 of title 42, Code of Federal Regulations, pursuant to section 351A of the Public Health Service Act (42 U.S.C. 262a).

(2) The Secretaries shall collaborate with the Secretary of Agriculture in determining the biological agents and toxins that shall be included on the list of biological agents and toxins required under section 212(a) of the Agricultural Bioterrorism Protection Act of 2002 (7 U.S.C. 8401).

(C) In promulgating regulations pursuant to the functions described in subparagraph (A) the Secretary shall consult with the Secretary of Health and Human Services and the Secretary of Agriculture.

(d) Appointment as Under Secretary and Director.—

(1) In general.—An individual may serve as both the Under Secretary for Emergency Preparedness and Response and the Director of the Federal Emergency Management Agency if appointed by the President, by and with the advice and consent of the Senate, to each office.

(2) Pay.—Nothing in paragraph (1) shall be construed to authorize an individual appointed to both positions to receive pay at a rate in excess of the rate of pay payable for the position to which the higher rate of pay applies.

(e) Report.—Not later than 1 year after the effective date of enactment of this Act, the Under Secretary for Emergency Preparedness and Response shall submit a report to Congress.
on the status of a national medical informatics system and an agricultural disease surveillance system, and the capacity of such systems to meet the goals under subsection (b)(12) in responding to a terrorist attack.

SEC. 135. DIRECTORATE OF SCIENCE AND TECHNOLOGY.

(a) PURPOSE.—The purpose of this section is to establish a Directorate of Science and Technology that will support the mission of the Department and the directorates of the Department by—

(1) establishing, funding, managing, and supporting research, development, demonstration, validation, and implementation activities to meet national homeland security needs and objectives;

(2) setting national research and development priorities pursuant to the mission of the Department, and developing strategies and policies in furtherance of such goals and priorities;

(3) coordinating and collaborating with other Federal departments and agencies, and State, local, academic, and private sector entities, to advance the research and development agenda of the Department;

(4) advising the Secretary on all scientific and technical matters relevant to homeland security;

(5) facilitating the transfer and deployment of technologies that will serve to enhance homeland security goals.

(b) DEFINITIONS.—

(1) COUNCIL.—The term "Council" means the Homeland Security Science and Technology Council established under this section.

(2) FUND.—The term "Fund" means the Acceleration Fund for Research and Development of Homeland Security Technologies established under this section.

(3) HOMELAND SECURITY RESEARCH AND DEVELOPMENT.—The term "homeland security research and development" means research and development applicable to the detection, prevention of, protection against, response to, and recovery from homeland security threats, particularly acts of terrorism.

(4) OSTP.—The term "OSTP" means the Office of Science and Technology Policy.

(5) SARPA.—The term "SARPA" means the Security Advanced Research Projects Agency established under this section.

(6) TECHNOLOGY ROADMAP.—The term "technology roadmap" means a plan or framework in which goals, priorities, and milestones for future technological capabilities and functions are established, and research and development alternatives or means for achieving those goals, priorities, and milestones are identified and analyzed in order to guide decisions on resource allocation and investments.

(7) UNDER SECRETARY.—The term "Under Secretary" means the Under Secretary for Science and Technology.

(c) DIRECTORATE OF SCIENCE AND TECHNOLOGY.

(1) ESTABLISHMENT.—There is established a Directorate of Science and Technology within the Department.

(2) AUTHORITY.—There shall be an Office of Science and Technology:

(A) With respect to research and development expenditures under this section, the authority (subject to the same limitations and conditions) as the Secretary of Defense under title 10, United States Code (except for subsections (b) and (f)), for a period of 5 years beginning on the date of enactment of this Act. Comptrollership procedures shall be used for the selection of projects and participants for transactions entered into under the authority of this paragraph.

(B) Developing a technology roadmap that shall be updated biannually for achieving technological goals relevant to homeland security needs.

(C) Implementing mechanisms to promote, facilitate, and expedite the transfer and deployment of technologies relevant to homeland security needs, including dual-use capabilities.

(D) Assisting the Secretary and the Director of OSTP to ensure that science and technology priorities are clearly reflected and considered in the Homeland Security Strategy.

(E) Establishing mechanisms for the sharing and dissemination of key homeland security research and technology developments and opportunities with appropriate Federal, State, local, and private sector entities.

(F) Establishing, in coordination with the Under Secretary for Critical Infrastructure Protection and the Under Secretary for Emergency Preparedness and Response, which shall be established under section 188, an Office of Science and Technology: (1) to assist local communities in responding to and recovering from emergency contingencies requiring specialized scientific and technical knowledge; (2) to carry out this responsibility, the Under Secretary shall establish and manage a database of National Emergency Technology Guard, comprised of teams of volunteers with expertise in relevant areas of science and technology, to assist local communities in responding to and recovering from emergency contingencies requiring specialized scientific and technical knowledge.

(G) Chaining the Working Group established under section 106 of the Public Health Security and Bioterrorism Preparedness and Response Act of 2002 (Public Law 107–188).

(H) Assisting the Secretary in developing a homeland security strategy for Countermeasure Research described under subsection (k).

(I) Assisting the Secretary and acting on behalf of the Secretary in contracting with, commissioning, or establishing federally funded research and development centers determined useful and appropriate by the Secretary for the purpose of providing the Department with independent analysis and support.

(J) Assisting the Secretary and acting on behalf of the Secretary in entering into joint sponsorship agreements with the Department or the National Institutes of Health for biodefense research supported by funding appropriated to the National Institutes of Health for biodefense research and development in collaboration with the Secretary.

(K) Assisting the Secretary in conducting appropriate risk analysis and risk management activities consistent with the mission and functions of the Directorate, and other applicable activities as directed by the Secretary.

(2) Research and Development-Related Authorities.—The Secretary shall exercise the following authorities of the Directorate of Science and Technology:

(A) With respect to research and development expenditures under this section, the authority (subject to the same limitations and conditions) as the Secretary of Defense under title 10, United States Code (except for subsections (b) and (f)), for a period of 5 years beginning on the date of enactment of this Act. Comptrollership procedures shall be used for the selection of projects and participants for transactions entered into under the authority of this paragraph.

(B) Authority to carry out prototype projects under section 188 of the National Institutes of Health Act (Public Law 101–243), for a period of 5 years beginning on the date of enactment of this Act. In applying the authorities of section 188 of the National Institutes of Health Act (Public Law 101–243), subsection (c) of that section shall apply with respect to prototype projects under this paragraph, and the Secretary shall perform the functions of the Secretary of Defense under subsection (d) of that section.

(C) In hiring personnel to assist in research, development, testing, and evaluation activities within the Department, the Secretary, through joint agreement with the Under Secretary for Science and Technology, the authority to exercise the personnel hiring and management authority under 5 U.S.C. 3101 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (5 U.S.C. 3104 note; Public Law 105–330), with the stipulation that the Secretary shall exercise such authority for a period of 7 years commencing on the date of enactment of this Act, that a maximum of 110 persons may be hired under such authority, and that the Secretary may appoint for employees under subsection (c)(1) of that section may not exceed 5 years before the granting of any extensions under subsection (c)(2) of that section.

(D) With respect to such research, development, testing, and evaluation responsibilities under this section (except as provided in subparagraph (B)) as the Secretary may elect to carry out through agencies other than the Department (under agreements with their respective heads), the Secretary shall be authorized to use any portion of the funds authorized to be appropriated under subsection (d)(4) for the Fund, not less than 10 percent of such funds for each fiscal year through 2005 shall be authorized only for the Under Secretary, through joint agreement with the Commandant of the Coast Guard, to carry out programs of joint research and development of improved ports, waterways, and coastal security surveillance and perimeter protection capabilities for the purpose of minimizing the possibility that Coast Guard operations will be diverted from non-homeland security missions to the ports, waterways, and coastal security missions.

(E) The Secretary may carry out human health biodefense-related biological, biomedical, and infectious disease research and development (including vaccine research and development) in collaboration with the Secretary of Health and Human Services. Research supported by funding appropriated to the National Institutes of Health for bioterrorism research and related facilities development shall be conducted through the National Institutes of Health under joint strategic prioritization agreements between the Secretary and the Secretary of Health and Human Services. The Secretary shall have the authority to establish general research and development priorities which shall be reflected in the joint strategic prioritization agreements with the Secretary of Health and Human Services.
Services. The specific scientific research agenda to implement agreements under this subparagraph shall be developed by the Secretary of Homeland and Human Services, who shall consult with the Secretary to ensure that the agreements conform with homeland security priorities. All research programs established under those agreements shall be managed and coordinated by the Director of the National Institutes of Health consistent with those agreements. The Secretary may transfer funds to the Department of Health and Human Services in connection with those agreements.

(d) ACCELERATION FUND.—
(1) ESTABLISHMENT.—There is established an Office for Technology Evaluation and Development, and support of homeland security.

(2) FUNCTION.—The Fund shall be used to stimulate and support research and development projects selected by SARPA under subsection (f), and to facilitate the rapid transfer of research and technology derived from such projects.

(3) RECIPIENTS.—Fund monies may be made available through grants, contracts, cooperative agreements, and other transactions under paragraph (4) for—
(A) public sector entities, including Federal, State, or local entities;
(B) private sector entities, including corporations, partnerships, or individuals;
(C) other nongovernmental entities, including universities, federally funded research and development centers, and other academic or research institutions.

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $200,000,000 for the Fund for fiscal year 2003, and such sums as are necessary in subsequent fiscal years.

(e) SCIENCE AND TECHNOLOGY COUNCIL.—
(1) ESTABLISHMENT.—There is established the Office of Science and Technology within the Directorate of Science and Technology. The Under Secretary shall chair the Council and have the authority to convene meetings. At the discretion of the Under Secretary and the Director of OSTP, the Council may be constituted as a subcommittee of the National Science and Technology Council.

(2) COMPOSITION.—The Council shall be composed of the following:
(A) Senior research and development officials of Federal agencies engaged in research and development relevant to homeland security and combating terrorism needs. Each representative shall be appointed by the representative's respective agency with the advice and consent of the Under Secretary.
(B) The Director of SARPA and other appropriate officials within the Department.
(C) The Director of the OSTP and other senior officials of the Executive Office of the President as designated by the President.
(D) OFFICE FOR TECHNOLOGY EVALUATION AND ASSESSMENT.—
(1) ESTABLISHMENT.—There is established an Office of Risk Analysis and Assessment within the Directorate of Science and Technology.

(2) FUNCTIONS.—The Office of Risk Analysis and Assessment shall—
(A) undertake and stimulate basic and applied research, including joint efforts with universities, federally funded research and development centers, and other academic or research institutions.
(B) advise the Secretary and Under Secretary on funding priorities under subsection (c)(2); and
(C) perform other appropriate activities as directed by the Under Secretary.

(g) OFFICE FOR TECHNOLOGY EVALUATION AND ASSESSMENT.—
(1) ESTABLISHMENT.—There is established an Office of Risk Analysis and Assessment within the Directorate of Science and Technology.

(2) FUNCTIONS.—The Office of Risk Analysis and Assessment shall—
(A) undertake and stimulate basic and applied research, including joint efforts with universities, federally funded research and development centers, and other academic or research institutions.
(B) advise the Secretary and Under Secretary on funding priorities under subsection (c)(2); and
(C) perform other appropriate activities as directed by the Under Secretary.

(h) OFFICE FOR TECHNOLOGY EVALUATION AND ASSESSMENT.—
(1) ESTABLISHMENT.—There is established an Office of Risk Analysis and Assessment within the Directorate of Science and Technology.

(2) FUNCTIONS.—The Office of Risk Analysis and Assessment shall—
(A) undertake and stimulate basic and applied research, including joint efforts with universities, federally funded research and development centers, and other academic or research institutions.
(B) advise the Secretary and Under Secretary on funding priorities under subsection (c)(2); and
(C) perform other appropriate activities as directed by the Under Secretary.

(i) OFFICE OF LABORATORY RESEARCH.—
(1) ESTABLISHMENT.—There is established an Office of Laboratory Research within the Office for Technology Evaluation and Development.

(2) RESEARCH AND DEVELOPMENT FUNCTIONS TRANSFERRED.—There shall be transferred to the Department, to be administered by the Under Secretary, the functions, personnel, assets, and liabilities of the following programs and activities:
(A) Within the Department of Energy (but not including programs and activities relating to the strategic nuclear defense posture of the United States): (i) The chemical and biological national security and supporting programs and activities supporting defensive use of nuclear materials.

(ii) The nuclear smuggling programs and activities, and other programs and activities described in the Nonproliferation and Verification Research and Development Program.

(iii) The nuclear assessment program and activities of the assessment, detection, and cooperation program of the National Nuclear Security Administration.

(iv) The Environmental Measurements Laboratory.

(2) RESPONSIBILITIES.—The Office of Laboratory Research shall—
(A) supervise the activities of the entities transferred under this subsection;
(B) administer the disbursement and undertake oversight of research and development funds transferred from the Department to other agencies outside of the Department, including agreements or contracts transferred to the Department of Health and Human Services consistent with subsection (c)(3)(E);
(C) establish and direct new research and development facilities as the Secretary determines appropriate;
(D) include a science advisor to the Under Secretary on research priorities with respect to:
(i) research on countermeasures for biological, chemical, and radiological weapons, including research on the development of drugs, devices, and biologicals; and
(ii) research on biological and chemical threat agents; and
(E) other appropriate activities as directed by the Under Secretary;
(3) OFFICE FOR NATIONAL LABORATORIES.—
(A) NATIONAL LABORATORIES.—The Department may be a joint sponsor, under a multiple agency sponsorship arrangement with the Department of Energy, of 1 or more Department of Energy national laboratories in the performance of work on behalf of the Department.
(B) DEPARTMENT OF ENERGY SITE.—The Department of Energy site at which such national laboratory or site is located shall have the following responsibilities:
(i) funds for work at the Department of Energy national laboratories or sites to carry out work to support the missions of the Department under applicable law, except that the Department of Energy may not charge or apply administrative fees for work on behalf of the Department.
(C) TECHNOLOGY TRANSFER.—The Office for National Laboratories may exercise the authorities in the Stevenson Wueller Technology Innovation Act of 1980 (15 U.S.C. 3710a) to permit the Director of a Department of Energy national laboratory to enter into cooperative research and development agreements, or to negotiate licensing agreements, pertaining to work supported by the Department at the Department of Energy national laboratory.
(D) C ONDITIONS.
(1) IN GENERAL.—The Secretary, through the Under Secretary for Science and Technology, shall develop a comprehensive, long-term strategy and plan for engaging the Federal sector, including the private, for-profit entities, in the research, development, and production of homeland security countermeasures for biological, chemical, and radiological weapons.
(2) TIMELINE.—The strategy and plan under this subsection, together with recommendations for the enactment of supplementary legislation, shall be submitted to the Congress within 270 days after the date of enactment of this Act.
(3) CONDITIONS.—In developing the strategy and plan under this subsection, the Secretary shall consult with—
(A) other agencies with expertise in research, development, and production of countermeasures;
(B) private, for-profit entities and entrepreneurs with appropriate expertise and capacity to respond to countermeasures;
(C) investors that fund such entities;
(D) nonprofit research universities and institutions;
(E) public health and other interested private sector and government entities; and
(F) governments allied with the United States in the war on terrorism.
(4) PURPOSE.—The strategy and plan under this subsection shall evaluate proposals to assure that—
(A) research on countermeasures by non-Federal entities leads to the expedient development and production of countermeasures that may be procured and deployed in the homeland security interests of the United States;
(B) capital is available to fund the expenses associated with such research, development, and production, including Government funding for appropriate capital formation tax incentives that apply to non-Federal entities with and without tax liability;
(C) terms for procurement of such countermeasures are defined in advance so that such entities may accurately and reliably assess the potential countermeasures market and the potential rate of return;
(D) appropriate intellectual property, risk protection, and Government approval standards are applicable to such countermeasures;
(E) Government-funded research is conducted and prioritized so that such research complements, and does not unnecessarily duplicate, research by non-Federal entities; and
(F) universities and research institutions participate as partners in research and development and technology transfer, with appropriate progress benchmarks for such activities, with for-profit entities.
(5) REPORTING.—The Secretary shall report periodically to the Congress on the status of non-Federal entity countermeasure research, development, and production, and submit additional recommendations for legislation as needed.
(1) CLASSIFICATION OF RESEARCH.—
(1) IN GENERAL.—To the greatest extent practicable, research conducted or supported by the Department shall be unclassified.
(2) CLASSIFICATION AND REVIEW.—The Under Secretary shall—
(A)(i) determine whether classification is appropriate for the award of a research grant, contract, cooperative agreement, or other transaction by the Department; and
(ii) if the decision under clause (i) is one of classification, control the research results through standard classification procedures;
(B) periodically review all classified research grants, contracts, cooperative agreements, and other transactions issued by the Department to determine whether classification is still necessary.
(3) RESTRICTIONS.—No restrictions shall be placed upon the conduct or reporting of federally funded fundamental research that has not received national security classification, except as provided under applicable provisions of law.
(3) OTHER ARRANGEMENTS.
(1) JOINT SPONSORSHIP ARRANGEMENTS.—
(A) NATIONAL LABORATORIES.—The Department may be a joint sponsor, under a multiple agency sponsorship arrangement with the Department of Energy, of 1 or more Department of Energy national laboratories in the performance of work on behalf of the Department.
(B) DEPARTMENT OF ENERGY SITE.—The Department of Energy site at which such national laboratory or site is located shall have the following responsibilities:
(i) provide for the direct funding and management by the Department of Energy national laboratories or sites to carry out work to support the missions of the Department under applicable law, except that the Department of Energy may not charge or apply administrative fees for work on behalf of the Department.
(C) TECHNOLOGY TRANSFER.—The Office for National Laboratories may exercise the authorities in the Stevenson Wueller Technology Innovation Act of 1980 (15 U.S.C. 3710a) to permit the Director of a Department of Energy national laboratory to enter into cooperative research and development agreements, or to negotiate licensing agreements, pertaining to work supported by the Department at the Department of Energy national laboratory.
(D) C ONDITIONS.
(1) IN GENERAL.—The Secretary, through the Under Secretary for Science and Technology, shall develop a comprehensive, long-term strategy and plan for engaging the Federal sector, including the private, for-profit entities, in the research, development, and production of homeland security countermeasures for biological, chemical, and radiological weapons.
(2) TIMELINE.—The strategy and plan under this subsection, together with recommendations for the enactment of supplementary legislation, shall be submitted to the Congress within 270 days after the date of enactment of this Act.
(3) CONDITIONS.—In developing the strategy and plan under this subsection, the Secretary shall consult with—
(A) other agencies with expertise in research, development, and production of countermeasures;
(B) private, for-profit entities and entrepreneurs with appropriate expertise and capacity to respond to countermeasures;
(C) investors that fund such entities;
(D) nonprofit research universities and institutions;
(E) public health and other interested private sector and government entities; and
(F) governments allied with the United States in the war on terrorism.
(4) PURPOSE.—The strategy and plan under this subsection shall evaluate proposals to assure that—
(A) research on countermeasures by non-Federal entities leads to the expedient development and production of countermeasures that may be procured and deployed in the homeland security interests of the United States;
(B) capital is available to fund the expenses associated with such research, development, and production, including Government funding for appropriate capital formation tax incentives that apply to non-Federal entities with and without tax liability;
(C) terms for procurement of such countermeasures are defined in advance so that such entities may accurately and reliably assess the potential countermeasures market and the potential rate of return;
(D) appropriate intellectual property, risk protection, and Government approval standards are applicable to such countermeasures;
(E) Government-funded research is conducted and prioritized so that such research complements, and does not unnecessarily duplicate, research by non-Federal entities; and
(F) universities and research institutions participate as partners in research and development and technology transfer, with appropriate progress benchmarks for such activities, with for-profit entities.
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(A)(i) decide whether classification is appropriate for the award of a research grant, contract, cooperative agreement, or other transaction by the Department; and
(ii) if the decision under clause (i) is one of classification, control the research results through standard classification procedures;
(B) periodically review all classified research grants, contracts, cooperative agreements, and other transactions issued by the Department to determine whether classification is still necessary.
(3) RESTRICTIONS.—No restrictions shall be placed upon the conduct or reporting of federally funded fundamental research that has not received national security classification, except as provided under applicable provisions of law.
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(C) investors that fund such entities;
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(E) public health and other interested private sector and government entities; and
(F) governments allied with the United States in the war on terrorism.
(4) PURPOSE.—The strategy and plan under this subsection shall evaluate proposals to assure that—
(A) research on countermeasures by non-Federal entities leads to the expedient development and production of countermeasures that may be procured and deployed in the homeland security interests of the United States;
(B) capital is available to fund the expenses associated with such research, development, and production, including Government funding for appropriate capital formation tax incentives that apply to non-Federal entities with and without tax liability;
(C) terms for procurement of such countermeasures are defined in advance so that such entities may accurately and reliably assess the potential countermeasures market and the potential rate of return;
(5) prepare an annual report, that contains—
(A) a description of the State and local priorities in each of the 50 States based on discovery, and recommendations to decrease or eliminate inefficiencies, including law enforcement agencies, fire and rescue agencies, medical providers, emergency service providers, and relief agencies;
(B) a needs assessment that identifies homeland security functions in which the Federal role is duplicative of the State or local role, and recommendations to decrease or eliminate inefficiencies among the Federal Government and State and local entities;
(C) recommendations to Congress regarding the creation, expansion, or elimination of any program to assist State and local entities to carry out their respective functions under the Department; and
(D) proposals to increase the coordination of Department priorities within each State and between the States.
(c) Homeland Security Liaison Officers.
(1) Designation.—The Secretary shall designate in each State and the District of Columbia not less than 1 employee of the Department to serve as the Homeland Security Liaison Officer for that State or District.
(2) Duties.—Each Homeland Security Liaison Officer designated under paragraph (1) shall—
(A) provide State and local government officials with regular information, research, and technical support to assist local efforts at securing the homeland;
(B) provide coordination between the Department and State and local first responders, including—
(i) law enforcement agencies;
(ii) fire and rescue agencies;
(iii) medical providers;
(iv) emergency service providers; and
(v) relief agencies;
(C) notify the Department of the State and local areas requiring additional information, training, resources, and security;
(D) provide training, information, and education regarding homeland security for State and local entities;
(E) identify homeland security functions in which the Federal role is duplicative of the State or local role, and recommend ways to decrease or eliminate inefficiencies;
(F) assist State and local entities in priority setting based on discovered needs of the Federal role is duplicative of the State or local role, and recommend ways to decrease or eliminate inefficiencies; and
(G) assist the Department to identify and implement State and local homeland security objectives in an efficient and productive manner.
(h) serve as a liaison to the Department in representing State and local priorities and concerns regarding homeland security;
(i) report to the State and local government officials, including emergency managers, to coordinate efforts and avoid duplication; and
(j) coordinate with Homeland Security Liaison Officers in neighboring States to—
(i) address shared vulnerabilities; and
(ii) identify opportunities to achieve efficiencies in State activities.
(d) Federal Interagency Committee on First Responders and State, Local, and Cross-Jurisdictional Issues.
(1) In general.—There is established an Interagency Committee on First Responders and State, Local, and Cross-Jurisdictional Issues (in this section referred to as the “Interagency Committee”), that shall—
(A) ensure coordination, with respect to homeland security functions, among the Federal agencies involved with—
(i) State, local, and regional governments;
(ii) State, local, and community-based law enforcement;
(iii) fire and rescue operations; and
(iv) medical and emergency relief services;
(B) identify and educate the Secretary on the latest technological advances in the field of first responders;
(C) recommend new or expanded grant programs to improve community-based law enforcement, fire and rescue, and medical and emergency relief services; and
(D) assist in priority setting based on discovered needs.
(2) Membership.—The Interagency Committee shall be composed of—
(A) a representative of the Office for State and Local Government Coordination;
(B) a representative of the Health Resources and Services Administration of the Department of Health and Human Services;
(C) a representative of the Centers for Disease Control and Prevention of the Department of Health and Human Services;
(D) a representative of the Federal Emergency Management Agency of the Department;
(E) a representative of the United States Coast Guard of the Department; and
(F) a representative of the Department of Defense.
(3) Administration.
(G) A representative of the Office of Domestic Preparedness of the Department;
(H) a representative of the Directorate of Immigration Affairs of the Department;
(I) a representative of the Transportation Security Administration of the Department;
(J) a representative of the Federal Bureau of Investigation of the Department; and
(K) representatives of any other federal agencies identified by the President as having a significant role in the purposes of the Interagency Committee.
(3) Administration.—The Department shall provide administrative support to the Interagency Committee and the Advisory Council, which shall include—
(A) scheduled meetings;
(B) preparing agenda;
(C) maintaining minutes and records;
(D) producing reports; and
(E) reimbursing Advisory Council members.
(4) Leadership.—The members of the Interagency Committee shall select annually a chairperson.
(5) Meetings.—The Interagency Committee shall meet not less frequently than once every 3 months.
(b) Establishment.—The Secretary shall establish a working group (in this section referred to as the “Working Group”), composed of the Secretary or the designee of the Secretary, the Under Secretary for Border and Transportation Protection, and the Under Secretary for Immigration Affairs.
(c) Functions.—The Working Group shall meet not less frequently than once every 3 months and shall—
(1) with respect to border security functions, develop coordinated budget requests, and share written agreements, staffing requirements, communication, use of equipment, transportation, facilities, and other infrastructure; and
(2) coordinate joint and cross-training programs for personnel border security working groups.
(2) Relevant agencies.—The term “relevant agencies” means any department or agency of the United States that the President determines to be relevant to performing border security functions.
(b) Establishment.—The Secretary shall establish a Working Group composed of the Secretary or the designee of the Secretary, the Under Secretary for Border and Transportation Protection, and the Under Secretary for Immigration Affairs.
(c) Functions.—The Working Group shall meet not less frequently than once every 3 months and shall—
(1) with respect to border security functions, develop coordinated budget requests, and share written agreements, staffing requirements, communication, use of equipment, transportation, facilities, and other infrastructure; and
(2) coordinate joint and cross-training programs for personnel border security working group.
(2) Relevant agencies.—The term “relevant agencies” means any department or agency of the United States that the President determines to be relevant to performing border security functions.
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agencies with respect to deliberations under subsection (c), and may include representatives of such agencies in Working Group deliberations, as appropriate.

SEC. 140. OFFICE OF NATIONAL CAPITAL REGION COORDINATION.

(a) ESTABLISHMENT.—

(1) In general.—There is established within the Office of the Secretary the Office of National Capital Region Coordination, to oversee and coordinate Federal programs for and related to State, local, and regional authorities in the National Capital Region, as defined under section 267q(f)(2) of title 10, United States Code.

(2) Office established under paragraph (1) shall be headed by a Director, who shall be appointed by the Secretary.

(3) COOPERATION.—The Secretary shall cooperate with the Governors of Maryland and Virginia, and other State, local, and regional officers in the National Capital Region to integrate the District of Columbia, Maryland, and Virginia into the planning, coordination, and execution of the activities of the Federal Government for the enhancement of domestic preparedness against the consequences of terrorist attacks.

(b) RESPONSIBILITIES.—The Office established under paragraph (1) shall—

(1) coordinate the activities of the Department relating to the National Capital Region, including cooperation with the Homeland Security Officers for Maryland, Virginia, and the District of Columbia within the Office for State and Local Government Coordination;

(2) assess, and advocate for, the resources needed by State, local, and regional authorities in the National Capital Region to implement efforts to secure the homeland;

(3) determine the roles and responsibilities of the National Capital Region, including information relevant to a homeland security mission, the restrictions in this paragraph shall not apply.

(4) develop a process for receiving meaningful input from State, local, and regional authorities and the private sector in the National Capital Region on terrorism preparedness to ensure adequate planning, information sharing, training, and execution of the Federal role in domestic preparedness activities;

(5) coordinate with Federal, State, local, and regional agencies, and the private sector in the National Capital Region on terrorism preparedness to ensure adequate planning, information sharing, training, and execution of domestic preparedness activities among these entities and organizations; and

(6) serve as a liaison between the Federal Government and State, local, and regional authorities, and private sector entities in the National Capital Region to facilitate access to Federal grants and other programs.

(c) ANNUAL REPORT.—The Office established under subsection (a) shall submit an annual report to Congress including—

(1) the identification of the resources required to fully implement homeland security efforts in the National Capital Region;

(2) an assessment of the progress made by the National Capital Region in implementing homeland security efforts; and

(3) recommendations to Congress regarding the additional resources needed to fully implement homeland security efforts in the National Capital Region.

(d) INFORMATION CONTAINED IN THIS SECTION SHALL BE CONSTRUED AS LIMITING THE POWER OF STATE AND LOCAL GOVERNMENTS.
S9612

CONESSIONAL RECORD — SENATE
September 30, 2002

(1) DISSEMINATION OF INFORMATION.—The Clearinghouse shall ensure efficient dissemination of accurate emergency preparedness information.

(2) SPECIALIZED.—The Clearinghouse shall establish a one-stop center for emergency preparedness information, which shall include a website, with links to other relevant Federal websites and a telephone number, and staff, through which information shall be made available on—
A ways in which States, political subdivisions, and private entities can access Federal grants;
B emergency preparedness education and awareness tools that businesses, schools, and the general public can use; and
C other information as appropriate.

(3) PUBLIC AWARENESS CAMPAIGN.—The Clearinghouse shall develop a public awareness campaign. The campaign shall be ongoing, and shall include an annual theme to be implemented during the National Emergency Preparedness Week established under section 154. The Clearinghouse shall work with heads of agencies to coordinate public service announcements and other information-sharing tools utilizing a wide range of media.

(4) EMERGENCY PREPAREDNESS INFORMATION.—The Clearinghouse shall compile and disseminate information on best practices for emergency preparedness identified by the Secretary and the heads of other agencies.

 SEC. 153. PILOT PROGRAM.
(a) EMERGENCY PREPAREDNESS ENHANCEMENT PILOT PROGRAM.—The Department shall award grants to private entities to pay the Federal share of the cost of improving emergency preparedness, and educating employees and other individuals using the entities’ facilities about emergency preparedness.

(b) USE OF FUNDS.—An entity that receives a grant under this subsection may use the funds made available through the grant to—
(1) develop evacuation plans and drills;
(2) plan additional or improved security measures, with an emphasis on innovative technologies or practices;
(3) deploy innovative emergency preparedness technologies; or—
(4) educate employees and customers about the development and planning activities described in paragraphs (1) and (2) in innovative ways.

(c) FEDERAL SHARE.—The Federal share of the cost described in subsection (a) shall be 50 percent, up to a maximum of $250,000 per grant recipient.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $5,000,000 for each of fiscal years 2003 through 2005 to carry out this section.

 SEC. 154. DESIGNATION OF NATIONAL EMERGENCY PREPAREDNESS WEEK.
(a) NATIONAL WEEK.—
(1) DESIGNATION.—Each week that includes September 11 is “National Emergency Preparedness Week”.

(2) PROCLAMATION.—The President is requested every year to issue a proclamation calling on the people of the United States (including State and local governments and the private sector) to observe the week with appropriate activities and programs.

(b) FEDERAL AGENCY ACTIVITIES.—In conjunction with National Emergency Preparedness Week, the head of each agency, as appropriate, shall provide for the Department to the extent necessary to implement the work required by the assignment; and

(c) SECURITY SCREENER PERSONNEL.—Notwithstanding any provision of law, and inserting the following:

“(d) SECURITY SCREENER PERSONNEL.—
(1) IN GENERAL.—Notwithstanding any other provision of law, and inserting the following:

“(d) SECURITY SCREENER PERSONNEL.—
(1) IN GENERAL.—Notwithstanding any other provision of law except as provided under paragraph (2),”

(2) by adding at the end the following:

“(2) WHISTLEBLOWER PROTECTION.—
(1) DEFINITION.—In this paragraph, the term ‘security screener’ means—
(A) any Federal employee hired as a security screener under subsection (e) of section 49833 of title 49, United States Code; or
(B) an applicant for the position of a security screener under that subsection.

(2) IN GENERAL.—Notwithstanding paragraph (1)—
(A) section 2302(b)(8) of title 5, United States Code, shall apply with respect to any security screener; and
(B) the Secretary, the Secretary shall ensure that
(1) the effectiveness and efficiency of Federal food safety oversight agencies; and
(2) the establishment of an independent Federal food safety oversight agency.

SEC. 165. WHISTLEBLOWER PROTECTION FOR CERTAIN AIRPORT EMPLOYEES.
(a) IN GENERAL.—Section 4212(a) of title 49, United States Code, is amended—
(1) by striking “(a) DISCRIMINATION AGAINST AIRLINE EMPLOYEES.—No air carrier or contractor or subcontractor of an air carrier” and inserting the following:

“(a) DISCRIMINATION AGAINST AIRLINE EMPLOYEES.—No air carrier or contractor or subcontractor of an air carrier or contractor, subcontractor, or employer described under paragraph (2):”

(2) by redesignating paragraphs (1) through (4) as subparagraphs (A) through (D), respectively; and

(3) by adding at the end the following:

“(2) APPLICABLE EMPLOYERS.—
(1) the Federal Government; and
(2) a contractor or subcontractor of an air carrier;
VICE CHAIRMAN OF THE COMMITTEE ON THE DISTRICT OF COLUMBIA.

Mr. Chairman—It is a great pleasure to be here this evening to discuss important provisions in the Emergency Supplemental Appropriations Act of 2002. This legislation addresses the needs of our nation's law enforcement agencies andour nation's emergency preparedness. These agencies are challenged by the threat of terrorism, and this legislation is designed to give them the resources they need to meet that challenge. I want to thank our partners in the Judiciary and the Senate for their continued support of the District of Columbia. As we work to build a stronger and safer America, it is important that we have the resources to meet the challenges we face. I am confident that this legislation will help us to do just that. Thank you for your time tonight and for your continued support of the District of Columbia.
(2) FORMATS.—The Secretary may submit the report in both classified and redacted formats if the Secretary determines that such action is necessary or appropriate.

SEC. 171. INTEROPERABILITY OF INFORMATION SYSTEMS.

(a) In General.—The Director of the Office of Management and Budget, in consultation with the Secretary and affected entities, shall develop—

(1) a comprehensive enterprise architecture for information systems, including communications systems, to achieve interoperability between and among information systems of agencies with responsibility for homeland security; and

(2) a plan to achieve interoperability between and among information systems, including communications systems, of agencies with responsibility for homeland security and those of State and local agencies with responsibility for homeland security.

(b) The Director of the Office of Management and Budget, in consultation with the Secretary and affected entities, shall establish timetables for development and implementation of the enterprise architecture and plan referred to in subsection (a).

(c) IMPLEMENTATION.—The Director of the Office of Management and Budget, in consultation with the Secretary and acting under the responsibilities of the Director under law (including the Clinger-Cohen Act of 1996), shall ensure the implementation of the enterprise architecture developed under subsection (a), and shall coordinate, oversee, and evaluate the management and acquisition of information technology by agencies with responsibility for homeland security to ensure interoperability consistent with the comprehensive enterprise architecture developed under subsection (a).

(d) AGENCY COOPERATION.—The head of each agency with responsibility for homeland security shall fully cooperate with the Director of the Office of Management and Budget in the development of a comprehensive enterprise architecture for information systems and in the management and acquisition of information technology consistent with the comprehensive enterprise architecture developed under subsection (a).

(e) CONSIDERATION OF CONTINuity.—The enterprise architecture developed under subsection (a) shall consider any contingency planning initiatives that are in place for continuity of operations if the Secretary determines that such action is necessary or appropriate.

(f) UPDated VERSIONS.—The Director of the Office of Management and Budget, in consultation with the Secretary, shall annually report to Congress on the development and implementation of the enterprise architecture and plan referred to under subsection (a).

SEC. 172. EXTENSION OF CUSTOMS USER FEES.


SEC. 173. CONFORMING AMENDMENTS REGARDING LAWS ADMINISTERED BY THE SECRETARY OF VETERANS AFFAIRS.

(a) TITLE 38, UNITED STATES CODE.—

(I) Section 3018A(a)(3).

(G) Section 3018B(a)(2)(C).

(E) Section 3012(b)(1)(A)(v).

(F) Section 3680A(g).

(D) Section 3035(b)(2).

(B) Section 3035(b)(1).

(2) DEPARTMENT OF HOMELAND SECURITY AS HEAD OF COAST GUARD.—Title 38, United States Code, is amended by striking “Secretary of Homeland Security” and inserting “Secretary of Homeland Security” in each of the following provisions:

(A) Section 101(25)(D).

(B) Section 1974(a)(5).

(C) Section 3002(5).

(D) Section 3011(a)(1)(A)1), both places it.

(E) Section 3012(b)(1)(A)(v).

(F) Section 3012(b)(1)(B)(v).

(G) Section 3018B(a)(1)(A).

(H) Section 3018B(a)(1)(C).

(I) Section 3018B(a)(2)(C).

(J) Section 3018A(a)(5).

(K) Section 3020c(b).

(L) Section 3035(d).

(M) Section 6105(c).

(2) DEPARTMENT OF HOMELAND SECURITY AS EXECUTIVE DEPARTMENT OF COAST GUARD.—Title 38, United States Code, is amended by striking —“Department of Transportation” and inserting “Department of Homeland Security” in each of the following provisions:

(A) Section 1560(a).

(B) Section 3035(b)(2).

(C) Section 3035(c).

(D) Section 3035(e).

(F) Section 3800(a).

(G) SOLdiers’ AND SAILORS’ CIVIL RELIEF ACT OF 1940.—The Soldiers’ and Sailors’ Civil Relief Act of 1940 is amended by striking “Secretary of Transportation” and inserting “Secretary of Homeland Security” in each of the following provisions:

(1) Section 105 (50 U.S.C. App. 515), both places it.

(2) Section 300(c) (50 U.S.C. App. 530).

(3) OTHER DOCUMENTS.—(1) Any reference to the Secretary of Transportation in that Secretary’s capacity as the head of the Coast Guard when it is not operating as a service in the Navy, in any law, regulation, map, document, record, or other paper of the United States administered by the Secretary of Veterans Affairs shall be considered to be a reference to the Secretary of Homeland Security.

(2) Any reference to the Department of Transportation, in its capacity as the executive department to which the Coast Guard when it is not operating as a service in the Navy, in any law, regulation, map, document, record, or other paper of the United States administered by the Secretary of Veterans Affairs shall be considered to be a reference to the Department of Homeland Security.

SEC. 174. PROHIBITION ON CONTRACTS WITH CORPORATE EXPIRATES.

(a) IN GENERAL.—The Secretary may not enter into any contract with a foreign incorporated entity which is treated as an inverted domestic corporation under subsection (b), or any subsidiary of such entity.

(b) INVERTED DOMESTIC CORPORATION.—For purposes of this section, a foreign incorporated entity shall be treated as an inverted domestic corporation if, pursuant to a plan (or a series of related transactions)—

(1) the entity has completed the direct or indirect acquisition of substantially all of the properties held directly or indirectly by a domestic corporation or substantially all of the businesses of an inverted 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 for any reason of holding a capital or profits interest in the domestic partnership, and

(3) the expanded affiliated group which acquired the controlling interest 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 APLICATION OF SUBSECTION (b).—In applying subsection (b) for purposes of subsection (a), the following rules shall apply:

(A) CERTAIN STOCK DISCARDED.—There shall not be taken into account in determining ownership for purposes of subsection (b) any stock held by members of the expanded affiliated group which includes the foreign incorporated entity or

(B) stock of such entity which is sold in a public offering before the date which is 2 years before 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 owner- ship is acquired, such actions shall be treated as pursuant to a plan.

(C) CERTAIN TRANSFERS DISCARDED.—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 partner related to the partnership.

(E) TREATMENT OF CERTAIN RIGHTS.—The Secretary shall prescribe such regulations as may be necessary—

(1) to protect warrants, options, contracts to acquire stock, convertible debt instruments, and other similar interests as stock, and

(2) to treat stock as not stock.

(2) EXPANDED AFFILIATED GROUP.—The term ‘‘expanded affiliated group’’ means an affiliated group as defined in section 1564(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 that would be, treated as a foreign corporation for purposes of the Internal Revenue Code of 1986.

(4) OTHER DEFINITIONS.—The terms “person”, “domestic”, and “foreign” have the meanings given such terms by paragraphs (1), (4), and (5) of section 7701(a) of the Internal Revenue Code of 1986, respectively.

(d) WAIVER.—The President may waive subsection (a) with respect to any specific contract if the President certifies to Congress that the waiver is required in the interest of national security.

(e) EFFECTIVE DATE.—This section shall take effect 1 day after the date of the enactment of this Act.

SEC. 175. TRANSFER OF CERTAIN AGRICULTURAL INSPECTION FUNCTIONS OF THE DEPARTMENT OF AGRICULTURE.

(a) DEFINITION OF COVERED LAW.—In this section, the term “covered law” means—

(1) the Agricultural Act of August 31, 1922 (commonly known as the “Honeybee Act”) (7 U.S.C. 281);

(2) title III of the Federal Seed Act (7 U.S.C. 136 et seq.);

(3) the Plant Protection Act (7 U.S.C. 7701 et seq.);

(4) the Animal Health Protection Act (7 U.S.C. 8301 et seq.);


(6) the Lacey Act Amendments of 1981 (16 U.S.C. 3371 et seq.);

(7) the eighth paragraph under the heading “BUREAU OF ANIMAL INDUSTRY” in the Act of March 4, 1913 (commonly known as the “Virus- Serum-Toxin Act”) (21 U.S.C. 151 et seq.);

(b) TRANSFER.—

(1) IN GENERAL.—Subject to paragraph (2), there is transferred to the Secretary of Homeland Security the functions of the Secretary of Agriculture relating to agricultural import and entry inspection activities under each covered law.

(2) QUARANTINE ACTIVITIES.—The functions transferred under paragraph (1) shall not include any quarantine activity carried out under a covered law.

(c) EFFECT OF TRANSFER.—

(1) COMPLIANCE WITH DEPARTMENT OF AGRICULTURE REGULATIONS.—The authority transferred under subsection (b) shall be exercised by the Secretary of Homeland Security in accordance with the regulations, policies, and procedures issued by the Secretary of Agriculture regarding the administration of each covered law.

(2) RULEMAKING COORDINATION.—The Secretary shall coordinate with the Secretary of Homeland Security in any case in which the Secretary of Agriculture prescribes regulations, policies, or procedures for administering the functions transferred under subsection (b) under a covered law.

(d) EFFECTIVE ADMINISTRATION.—The Secretary of Homeland Security, in consultation with the Secretary of Agriculture, may issue such directives and guidelines as are necessary to ensure the effective use of personnel by the Department of Homeland Security to carry out the functions transferred under subsection (b).

(2) TRANSFER AGREEMENT.—

(a) TRANSFER AGREEMENT.—Before the completion of the transition period (as defined in section 181), the Secretary of Agriculture and the Secretary of Homeland Security shall enter into an agreement to carry out this section.

(b) REQUIRED TERMS.—The agreement required by this subsection shall provide for—

(i) the Secretary of Agriculture shall periodically transfer to the Secretary of Homeland Security the training of employees of the Secretary of Homeland Security to carry out the functions transferred under subsection (b); and

(ii) the transfer of the funds to the Secretary of Homeland Security under subsection (e).

(3) TRANSFER OF DEPARTMENT OF AGRICULTURE FUNCTIONS TO SECRETARY OF HOMELAND SECURITY.—

(a) TRANSFER AGREEMENT.—Before the completion of the transition period (as defined in section 181), the Secretary of Agriculture and the Secretary of Homeland Security shall enter into an agreement to carry out this section.

(b) REQUIRED TERMS.—The agreement required by this subsection shall provide for—

(i) the Secretary of Agriculture shall periodically transfer to the Secretary of Homeland Security the training of employees of the Secretary of Homeland Security to carry out the functions transferred under subsection (b); and

(ii) the transfer of the funds to the Secretary of Homeland Security under subsection (e).

(c) AUTHORITY UNDER WHICH THE SECRETARY OF AGRICULTURE MAY USE EMPLOYEES.—The Secretary of Agriculture may use employees of the Department of Homeland Security to carry out activities funded by those fees; bears to

(d) TRANSFER AGREEMENT.—Before the completion of the transition period (as defined in section 181), the Secretary of Agriculture and the Secretary of Homeland Security shall enter into an agreement to carry out this section.

(e) PERIODIC TRANSFER OF FUNDS TO SECRETARY OF HOMELAND SECURITY.—

(1) TRANSFER OF FUNDS.—Subject to paragraph (2), out of any funds collected as fees under sections 2508 and 2509 of the Food, Agriculture, Conservation, and Trade Act of 1990 (21 U.S.C. 136, 136a), the Secretary of Agriculture shall periodically transfer to the Secretary of Homeland Security, in accordance with the agreement described in paragraph (1), funds for activities carried out by the Secretary of Homeland Security for which the fees were collected.

(2) LIMITATION.—The proportion of fees collected under sections 2508 and 2509 of the Food, Agriculture, Conservation, and Trade Act of 1990 (21 U.S.C. 136, 136a) that are transferred to the Secretary of Homeland Security under paragraph (1) may not exceed the proportion that—

(i) the costs incurred by the Secretary of Homeland Security to carry out activities funded by those fees; bears to

(ii) the costs incurred by the Federal Government to carry out activities funded by those fees.

(f) TRANSFER OF DEPARTMENT OF AGRICULTURE EMPLOYEES.—

(a) TRANSFER AGREEMENT.—Before the completion of the transition period (as defined in section 181), the Secretary of Agriculture shall transfer to the Department of Homeland Security employees in any case in which the Secretary of Agriculture determines that the affected employees are more affected agencies, is timely and efficiently exchanged between the affected agencies.

(b) COORDINATION.—Consistent with section 171, the Secretary of Homeland Security, in coordination with the Secretary of Agriculture, the Secretary of Health and Human Services, and the head of each other department or agency determined to be appropriate by the Secretary of Homeland Security, shall ensure that appropriate information (as determined by the Secretary of Homeland Security) concerning inspections of articles that are imported or entered into the United States, and are inspected or regulated by 1 or more affected agencies, is timely and efficiently exchanged between the affected agencies.

(c) REPORT AND PLAN.—Not later than 18 months after the date of enactment of this Act, the Secretary of Homeland Security, in coordination with the Secretary of Agriculture, the Secretary of Homeland Security, and the head of each other department or agency determined to be appropriate by the Secretary of Homeland Security, shall submit to Congress—

(1) a report on the progress made in implementing this section; and

SEC. 181. DEFINITIONS.

In this subtitle:

(1) AGENCY.—The term “agency” includes any entity, organizational unit, or function transferred or to be transferred under this title.

(2) TRANSITION PERIOD.—The term “transition period” means the 1-year period beginning on the effective date of this division.

SEC. 182. TRANSFER OF AGENCIES.

The transfer of an agency to the Department is authorized by this title, shall occur when the President so directs, but in no event later than the end of the transition period.

SEC. 183. TRANSITIONAL AUTHORITIES.

(a) PROVISION OF ASSISTANCE BY OFFICIALS.—Until an agency is transferred to the Department, any official having authority...
over, or functions relating to, the agency immediately before the effective date of this division shall provide to the Secretary such assistance, including the use of personnel and assets, as the Secretary may reasonably request in preparing for the transfer and integration of the agency into the Department.

SEC. 181. INCIDENTAL TRANSFERS AND TRANSFERRED FUNCTIONS.

(a) INCIDENTAL TRANSFERS.—The Director of the Office of Management and Budget, in consultation with the Secretary, shall make such additional incidental dispositions of personnel, assets, and liabilities held, used, arising from, available, or to be made available, in connection with the functions transferred by this title, as the Director determines necessary to accomplish the purposes of this title.

(b) ADJUDICATORY OR REVIEW FUNCTIONS.—(1) The Secretary shall submit to the Senate and the House of Representatives, not later than 6 months after the date of enactment of this Act, the Secretary shall submit the first implementation progress report.

SEC. 182. SPECIFICATIONS.

(i) an assessment of the existing and planned information systems of the Department; and

(ii) a report on the development and implementation of enterprise architecture and of the plan to achieve interoperability; and

(iii) recommendations for legislation that the Secretary determines is necessary to—

(A) facilitate the integration of transferred entities, organizational units, and functions into the Department;

(B) reorganize agencies, executive positions, and the arrangement of functions within the Department;

(C) address any inequitable disparities in pay or other terms and conditions of employment among employees within the Department resulting from the consolidation of agencies, functions, and personnel previously covered by disparate personnel systems;

(D) enable the Secretary to engage in procurement essential to the mission of the Department;

(E) otherwise help carry out the mission of the Department; and

(F) make technical and conforming amendments to existing laws to reflect the changes made by titles I and XI.

(ii) a report on the development and implementation of enterprise architecture and of the plan to achieve interoperability; and

(iv) an inescapable result of the Department in order for the Department to function effectively; and

(v) recommendations for legislation that the Secretary determines is necessary to—

(A) facilitate the integration of transferred entities, organizational units, and functions into the Department;

(B) reorganize agencies, executive positions, and the arrangement of functions within the Department;

(C) address any inequitable disparities in pay or other terms and conditions of employment among employees within the Department resulting from the consolidation of agencies, functions, and personnel previously covered by disparate personnel systems;

(D) enable the Secretary to engage in procurement essential to the mission of the Department;

(E) otherwise help carry out the mission of the Department; and

(F) make technical and conforming amendments to existing laws to reflect the changes made by titles I and XI.

(ii) a report on the development and implementation of enterprise architecture and of the plan to achieve interoperability; and

(iv) an inescapable result of the Department in order for the Department to function effectively; and

(v) recommendations for legislation that the Secretary determines is necessary to—

(A) facilitate the integration of transferred entities, organizational units, and functions into the Department;

(B) reorganize agencies, executive positions, and the arrangement of functions within the Department;

(C) address any inequitable disparities in pay or other terms and conditions of employment among employees within the Department resulting from the consolidation of agencies, functions, and personnel previously covered by disparate personnel systems;

(D) enable the Secretary to engage in procurement essential to the mission of the Department;

(E) otherwise help carry out the mission of the Department; and

(F) make technical and conforming amendments to existing laws to reflect the changes made by titles I and XI.
and other funds employed, held, used, arising from, available to, or to be made available in connection with the agencies transferred under this title, shall be transferred to the Secretary for appropriate allocation without the approval of the Director of the Office of Management and Budget and to section 1531 of title 31, United States Code, Unex- pended balances transferred under this section shall be used only for the purposes for which the funds were originally authorized and appropriated.

SEC. 188. TRANSITION PLAN.
(a) IN GENERAL.—Not later than September 15, 2002, the President shall submit to Con- gress a transition plan as set forth in subsection (b).
(b) CONTENTS.—(1) IN GENERAL.—The transition plan under subsection (a) shall include a detailed—
(A) plan for the transition to the Depart- ment and implementation of this title and division B; and
(B) proposal for the financing of those op- erations and needs of the Department that do not represent solely the continuation of functions for which appropriations already are available.
(2) FINANCING PROPOSAL.—The financing proposal under paragraph (1)(B) may consist of any combination of—
(A) appropriations transfers, specific reprogrammings, and new specific appropriations as the President considers advisable.

SEC. 189. USE OF TRANSFERRED FUNDS.
(a) APPLICABILITY OF THIS SECTION.—Notwithstanding any other provision of this Act or any other law, this section shall apply to the use of any funds, disposal of property, and acceptance, use, and disposal of gifts, or donations of services or property, of, for, or by the Department, including any agencies, entities, or other organizations transferred to the Department under this Act.
(b) AUTHORIZATION OF APPROPRIATIONS TO CREATE DEPARTMENT.—There is authorized to be appropriated to the Office of Homeland Security in the Executive Of- fice of the President to be transferred without delay to the Department upon its cre- ation by enactment of this Act, notwith- standing subsection (c)(1)(C) such funds shall be available only for the payment of nec- essary costs, not for the purposes of support or maintenance of the Department.
(c) USE OF TRANSFERRED FUNDS.—(1) IN GENERAL.—Except as may be provided in this subsection or in an appropriations Act in accordance with subsection (e), balances of appropriations and any other funds or assets transferred to the Department under this Act—
(A) shall be available only for the purposes for which they were originally available; (B) shall remain subject to the same condi- tions and limitations provided by the law originally appropriating or otherwise mak- ing available the amount, including limita- tions imposed in conjunction with the reprogramming of appropriated funds; and
(C) shall not be used to fund any new posi- tion not specifically permitted by this Act.
(2) TRANSFER OF FUNDS.—(A) IN GENERAL.—(1) Notwithstanding para- graph (1)(C), funds authorized to be trans- ferred by subparagraph (A) shall be available only for payment of necessary costs, includ- ing funding of new positions, for the initi- ation of operations of the Department and may not be transferred unless the Commit- tees on Appropriations are notified at least 30 days in advance of any such transfer and have approved such transfer in advance.
(B) LIMITATION.—(1) No effect on Intel- ligence Authori- zations.—The transfer of authorities, functions, personnel, and assets of elements of the United States Government under this title, or the assumption of authorities and func- tions by the Department under this title shall not be construed, in cases where such authorities, functions, personnel, and assets are engaged in intelligence activities as de- fined in section 3091 of title 50, United States Code, as affecting the authorities of the Director of Central Intelligence, the Secretary of De- fense, or the heads of departments and agen- cies within the Intelligence Community.

SEC. 187. SAVINGS PROVISIONS.
(a) IN GENERAL.—Nothing in this subsection shall be construed to affect any pro- visions of this title, including notices of proposed rule- making, orders issued in such proceedings, appeals shall be issued, made, granted, or allowed to become effective by the Presi- dent, any Federal agency or official thereof, or by a court of competent jurisdiction, in the same manner and with the same effect as if this title had not been enacted, and orders issued pursuant to such orders which are transferred under this title; and
(b) WHICH PROVISIONS APPLY.—(1) In general.—Nothing in this subsection shall apply to the notification requirements for which they were originally available; (2) Deposits of proceeds.—Under section 1105 of the Act, deposits of proceeds from the sale of assets transferred to the Department under this Act—
(A) shall be available only for the purposes for which they were originally available; (B) shall remain subject to the same condi- tions and limitations provided by the law originally appropriating or otherwise mak- ing available the amount, including limita- tions imposed in conjunction with the reprogramming of appropriated funds; and
(C) shall not be used to fund any new posi- tion not specifically permitted by this Act.

SEC. 186. USE OF ACCOUNTS OF THE DEPARTMENT FOR OTHER ITEMS.
(1) IN GENERAL.—The authority to transfer funds established in this section may not be used unless for higher priority items, based on demonstrated homeland secu- rity requirements, than those for which the funds were originally available; in no case where the item for which funds are re- quested has been denied by Congress.
(2) NOTIFICATION REGARDING TRANSFERS.—The President shall notify Congress not less than 15 days before any transfer of appro- priations balances, other funds, or assets under this Act.
(3) ADDITIONAL USES OF FUNDS DURING TRANSITION.—Subject to subsections (c) and (d), amounts transferred, or otherwise made available, to the Department during the transition period, as defined in section 801(2), for purposes in addition to those for which funds were originally available (including by transfer among accounts of the Department), but only to the extent such transfer or use is specifically permitted in advance in an appropriations Act and only under the conditions and for the purposes specified in such appropriations Act.

SEC. 185. DISPOSAL OF PROPERTY.
(a) IN GENERAL.—Except as specifically per- mitted in advance in an appropriations Act and only under the conditions and for the purposes specified in such appropriations Act, (b) DISPOSAL OF PROPERTY.—(1) STRICT COMPLIANCE.—If specifically au- thorized to dispose of real property in this or any other Act, the Secretary shall exercise such authority in strict compliance with sub- chapter IV of chapter 5 of title 40, United States Code.
(2) DISPOSAL OF PROCEEDS.—The Secretary shall deposit the proceeds of any exercise of property disposal authority into the miscellaneous receipts of the Treasury in ac- cordance with section 3302(b) of title 31, United States Code.
(3) GIFTS.—Gifts or donations of services or property of or for the Department may not be accepted, used, or disposed of unless specifically permitted in advance in an appropriations Act and only under the conditions and for the purposes specified in such appropriations Act.
shall submit to Congress a detailed budget request for the Department for fiscal year 2004, and for each subsequent fiscal year.

Subtitle F—Administrative Provisions

SEC. 191. REORGANIZATIONS AND DELEGATIONS.

(a) Reorganization Authority.—

(1) IN GENERAL.—The Secretary may, as necessary and appropriate—

(A) allocate, or reallocate, functions among officers of the Department; and

(B) establish, consolidate, alter, or discontinue organizational entities within the Department.

(2) LIMITATION.—Paragraph (1) does not apply to—

(A) any office, bureau, unit, or other entity established by law and transferred to the Department;

(B) any function vested by law in an entity referred to in subparagraph (A) or vested by law in an officer of such an entity; or

(C) the alteration of the assignment or delegation of functions assigned by this Act to any officer or organizational entity of the Department.

(b) Delegation Authority.—

(1) SECRETARY.—The Secretary may—

(A) delegate any of the functions of the Secretary to the other officers and employees of the Department;

(B) authorize successive redelegations of functions of the Secretary to other officers and employees of the Department;

(2) OFFICERS.—An officer of the Department may—

(A) delegate any function assigned to the officer by law; and

(B) authorize successive redelegations of functions assigned to the officer by law to other officers and employees of the Department.

(3) Limitations.—

(A) INTERMITTENT DELEGATION.—Any function assigned by this title to an organizational unit of the Department or to the head of an organizational unit of the Department may not be delegated to an officer or employee outside of that unit.

(B) Functions.—Any function vested by law in an entity established by law and transferred to the Department or vested by law in an officer of such an entity may not be delegated to an officer or employee outside of that entity.

SEC. 192. REPORTING REQUIREMENTS.

(a) Annual Evaluations.—The Comptroller General of the United States shall monitor and evaluate the implementation of this title and title XI. Not later than 15 months after the effective date of this division, and every year thereafter for the succeeding 5 years, the Comptroller General shall submit a report to Congress containing—

(1) an evaluation of the implementation progress reports submitted to Congress and the Comptroller General by the Secretary under subsection (b);

(2) the findings and conclusions of the Comptroller General of the United States resulting from the monitoring and evaluation conducted under paragraph (1), including evaluations of how successfully the Department is meeting—

(A) the homeland security missions of the Department; and

(B) the other missions of the Department; and

(3) any recommendations for legislation or administrative action the Comptroller General considers appropriate.

(b) Biennial Reports.—Every 2 years the Secretary shall submit to Congress—

(1) a report assessing the resources and requirements of executive agencies relating to border security and emergency preparedness issues issued by the Department; and

(2) a report certifying the preparedness of the United States to prevent, protect against, and respond to natural disasters, cyber attacks, and incidents involving weapons of mass destruction.

(c) POINT OF ENTRY MANAGEMENT REPORT.—Not later than 1 year after the effective date of this division, the Secretary shall submit to Congress a report outlining proposed steps to consolidate management authority for Foreign Commercial Traffic at key points of entry into the United States.

(d) COMBATING TERRORISM AND HOMELAND SECURITY.—Not later than 270 days after the date of enactment of this Act, the Secretary shall—

(1) in consultation with the head of each department or agency affected by titles I, II, and X of the term “combating terrorism” and “homeland security” for purposes of those titles and shall consider such definitions in determining the mission of the Department; and

(2) submit a report to Congress on such definitions.

(e) Results-Based Management.—

(1) STRATEGIC PLAN.—

(A) IN GENERAL.—Not later than September 30, 2003, consistent with the requirements of section 306 of title 5, United States Code, the Secretary shall prepare a strategic plan for the Department.

(B) CONTENTS.—The strategic plan shall cover a period of not less than 5 years from the fiscal year in which it is submitted and it shall be updated and revised at least every 3 years.

(2) Performance Plan.—

(A) IN GENERAL.—In accordance with section 1116 of title 31, United States Code, the Secretary shall prepare an annual performance plan covering each program activity set forth in the budget of the Department.

(B) CONTENTS.—The performance plan shall include—

(i) the goals to be achieved during the year;

(ii) strategies and resources required to meet the goals; and

(iii) the metrics used to verify and validate measured values.

(C) SCOPE.—The performance plan should describe the planned results for the non-homeland security related activities of the Department and the homeland security related activities of the Department.

(3) Performance Report.—

(A) IN GENERAL.—In accordance with section 1116 of title 31, United States Code, the Secretary shall prepare and submit to the President and Congress an annual report on program performance for each fiscal year.

(B) CONTENTS.—The performance report shall include the actual results achieved during the year compared to the goals expressed in the performance plan for that year.

SEC. 193. ENVIRONMENTAL PROTECTION, SAFETY, AND HEALTH REQUIREMENTS.

The Secretary shall—

(1) ensure that the Department complies with all applicable environmental, safety, and health statutes and requirements; and

(2) develop procedures for meeting such requirements.

SEC. 194. LABOR STANDARDS.

(a) IN GENERAL.—All laborers and mechanics employed by contractors or subcontractors in the performance of construction work managed or assisted under this Act shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with subchapter IV of chapter 31 of title 40, United States Code (commonly known as the “Davis-Bacon Act”).

(b) SECRETARY OF LABOR.—The Secretary of Labor shall have, with respect to the enforcement of labor laws, the powers and duties required to enforce the provisions of this Act.

SEC. 195. PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.

The Secretary may—

(1) procure the temporary or intermittent services of experts or consultants (or organizational entities thereof) in accordance with section 3109 of title 5, United States Code; and

(2) whenever necessary due to an urgent homeland security need, procure temporary (not to exceed 1 year) or intermittent personnel, including the services of experts or consultants (or organizations thereof), without regard to the pay limitations of such section 3109.

SEC. 196. PREVENTING NON-HOMELAND SECURITY MISSION PERFORMANCE.

(a) IN GENERAL.—For each entity transferred into the Department that has non-homeland security functions, the Under Secretary in charge, in consultation with the Secretary, shall prepare and submit to Congress a strategic plan for the program activity covering each program activity set forth in the budget of the Department.

(b) CONTENTS.—The report referred to in subsection (a) shall include—

(1) the number of employees who carry out those functions;

(2) the budgets for those functions; and

(3) the flexibilities, personnel or otherwise, currently used to carry out those functions.

(c) ConTENTS.—The performance report referred to in subsection (a) shall—

(1) to the greatest extent possible, provide an inventory of the non-homeland security functions of the entity and identify the capabilities of the entity with respect to those functions, including—

(A) the number of employees who carry out those functions;

(B) the budget for those functions; and

(C) the flexibilities, personnel or otherwise, currently used to carry out those functions.

(d) Performance Report.—The performance report referred to in subsection (a) shall—

(1) contain information related to the roles, responsibilities, missions, organizational structure, capabilities, personnel assets, and annual budgets, specifically with regard to the capability of the entity to accomplish its non-homeland security missions without any diminishment; and

(2) contain information regarding whether any non-homeland security responsibilities, missions, organizational structure, modernization programs, projects, activities, recruitment and retention programs, and annual fiscal resources to enable the entity to accomplish its non-homeland security missions without diminishment.

(e) Timing.—Each Under Secretary shall prepare the report referred to in subsection (a) annually, for the 5 years following the transfer of the entity to the Department.

SEC. 197. FUTURE YEARS HOMELAND SECURITY PROGRAM.

(a) IN GENERAL.—Each budget request submitted to Congress for the Department for fiscal years 2005 through 2009 shall include a Future Years Homeland Security Program.

(b) Contents.—The Future Years Homeland Security Program shall be prepared in a format that is consistent with the format established since the issuance of section 1105 of title 31, United States Code, and each budget request submitted to Congress for the National Terrorism Prevention and Response Program shall be accompanied by a Future Years Homeland Security Program.

(c) Timing.—Each Future Years Homeland Security Program shall be prepared in a format that is consistent with the format established since the issuance of section 1105 of title 31, United States Code, and each budget request submitted to Congress for the National Terrorism Prevention and Response Program shall be accompanied by a Future Years Homeland Security Program.
SEC. 198. ESTABLISHMENT OF VOLUNTARILY FURNISHED CONFIDENTIAL INFORMATION.

(a) DEFINITIONS.—In this section:

(1) the term ‘‘critical infrastructure’’ means the term ‘‘critical infrastructure’’ as defined in the PATRIOT Act of 2001 (42 U.S.C. 5195(e)).

(2) the term ‘‘confidential information’’ means information that is—

(A) provided voluntarily;

(B) is not submitted or used to satisfy any legal requirement or obligation to or to obtain any grant, permit, benefit (such as agency forbearance, loans, or reduction or modification of penalties or interest charged or imposed); or

(C) is not submitted or used to satisfy any legal requirement or obligation to or to obtain any grant, permit, benefit (such as agency forbearance, loans, or reduction or modification of penalties or interest charged or imposed).

(b) DISCLOSURE OF INDEPENDENTLY FURNISHED RECORD.

(1) IN GENERAL.

(A) the Committees on the Judiciary and Governmental Affairs of the Senate; and

(B) the Committees on the Judiciary and Government Reform and Oversight of the House of Representatives.

(2) FORM.—The report shall be submitted in unclassified form, but may include a classified annex.

SEC. 199. ESTABLISHMENT OF HUMAN RESOURCES MANAGEMENT SYSTEM.

(a) AUTHORITY.—

(1) SENSE OF CONGRESS.—It is the sense of Congress that—

(A) it is extremely important that employees of the Department be allowed to participate in a meaningful way in the creation of any human resources management system affecting them;

(B) such employees have the most direct knowledge of the demands of their jobs and have a direct interest in ensuring that their human resources management system is conducive to achieving optimal operational efficiencies;

(C) the 21st century human resources management system envisioned for the Department should be one that benefits from the input of its employees; and

(D) this collaborative effort will help secure our homeland.

(2) IN GENERAL.—Subpart I of part III of title 5, United States Code, is amended by adding at the end the following:

‘‘CHAPTER 97—DEPARTMENT OF HOMELAND SECURITY

‘‘Sec. 9701. Establishment of human resources management system.

‘‘(a) IN GENERAL.—Notwithstanding any other provision of this part, the Secretary of Homeland Security may—

(A) establish a human resources management system (to be called the ‘‘Homeland Security Human Resources Management System’’); and

(B) establish a collaborative effort with employees to ensure that the new human resources management system is conducive to achieving optimal operational efficiencies.?’’

(b) SYSTEM REQUIREMENTS.—Any system established under subsection (a) shall—

(1) be flexible;

(2) be contemporary;

(3) not waive, modify, or otherwise affect—

(A) the public employment principles of merit and fitness set forth in section 2301, inclusive, of title 5, as applied to human resources management system established under subsection (d); or

(B) the number of requests for provision of law referred to in section 2302(b)(1); or

(II) any provision of law implementing any provision of law referred to in section 2302(b)(1) by—

(I) providing for equal employment opportunity through affirmative action; or

(II) providing any right or remedy available to any employee or applicant for employment in the civil service;

(D) any other provision of this part (as described in subsection (c)); or

(E) any rule or regulation prescribed under any provision of law referred to in any of the preceding subparagraphs of this paragraph.

(4) make the record available to the public.

(5) be contemporary;

(6) be flexible;

(7) be nonwaivable.

(c) OTHER NONWAIVABLE PROVISIONS.—The other provisions of this part as referred to in subsection (b)(3)(D), are (to the extent not otherwise specified in subparagraph (A), (B), (C), or (D) of subsection (b)(3))—

(1) subparts A, B, E, G, and H of this part; and

(2) chapters 41, 45, 47, 55, 57, 59, 71, 72, 73, 77, and 79, and this chapter.

(4) LIMITATIONS RELATING TO PAY.—Nothing in this section shall constitute authority to—

(1) modify the pay of any employee who serves in—

(A) an Executive Schedule position under subchapter II of chapter 53 of this title; or

(B) a position for which the rate of basic pay is fixed in statute by reference to a section of title 5907 of the title in a year; or

(2) fix pay for any employee or position at an annual rate greater than the maximum amount of cash compensation allowable under section 5907 of this title in a year; or

(3) exempt any employee from the application of such section 5907.

(5) PROVISIONS TO ENSURE COLLABORATION WITH EMPLOYER REPRESENTATIVES.—

(1) IN GENERAL.—In order to ensure that the authority of this section is exercised in collaboration with, and in a manner that ensures the direct participation of employee representatives in the planning, development, and implementation of any human resources management system or adjustments under this section, the Secretary and the Director of the Office of Personnel Management shall provide for the following:

(A) NOTICE OF PROPOSAL. The Secretary and the Director shall, with respect to any proposed system or adjustment—

(i) provide to each employee representative representing any employees who might be affected, a written description of the proposed system or adjustment (including the reasons why it is considered necessary);
“(ii) give each representative at least 60 days (unless extraordinary circumstances require earlier action) to review and make recommendations with respect to the proposal; and

“(iii) give any recommendations received from any such representatives under clause (ii) full and fair consideration in deciding whether to accept or reject the proposal.

“(B) IMPLEMENTATION REQUIREMENTS.—If the Secretary and the Director decide to implement a proposal described in subparagraph (A), they shall before implementation—

“(i) give each representative details of the decision to implement the proposal, together with the information upon which the decision is based; and

“(ii) give each representative an opportunity to make recommendations with respect to the proposal; and

“(iii) give such recommendation full and fair consideration, including the providing of reasons to an employee representative if any of its recommendations are rejected.

“(C) CONTINUING COLLABORATION.—If a proposal described in subparagraph (A) is implemented, the Secretary and the Director shall—

“(i) develop a method for each employee representative to participate in any further planning or development which might become necessary; and

“(ii) give each employee representative adequate access to information to make that participation productive.

“(2) PROCEDURES.—Any procedures necessary to carry out this subsection shall be established by the Secretary and the Director jointly. Such procedures shall include measures to ensure—

“(A) in the case of employees within a unit with respect to which a labor organization is accorded exclusive recognition, representation of the employees by the labor organization or from among individuals nominated by such organization;

“(B) in the case of any employees who are not within such a unit, representation by any appropriate organization which represents a substantial percentage of those employees or, if none, in such other manner as may be consistent with the purposes of the purpose of the subsection; and

“(C) the selection of representatives in a manner consistent with the relative number of employees represented by the organizations or other representatives involved.

“(3) WRITTEN AGREEMENT.—Notwithstanding any other provision of this part, employment to which a labor organization is accorded exclusive recognition under chapter 71 shall not be subject to any system provided under this section unless the exclusive representative and the Secretary have entered into a written agreement, which specifically provides for the inclusion of such employees within such system. Such written agreement may be imposed by the Federal Service Impasses Panel under section 7119, after negotiations consistent with section 7117.

“(f) PROVISIONS RELATING TO APPELLATE PROCEDURES.—

“(1) SENSE OF CONGRESS.—It is the sense of Congress that—

“(A) the employees of the Department are entitled to fair treatment in any appeals that they bring in decisions relating to their employment; and

“(B) in prescribing regulations for any such appeals procedures, the Secretary and the Director of the Office of Personnel Management—

“(i) should ensure that employees of the Department are afforded the protections of due process; and

“(ii) toward that end, should be required to consult with the Merit Systems Protection Board before issuing any such regulations.

“(2) REQUIREMENTS.—Any regulations established under this section shall—

“(A) be consistent with requirements of due process; and

“(B) provide, to the maximum extent practicable, for the expeditious handling of any matters involving the Department; and

“(C) modify procedures under chapter 77 on a temporary basis only to be designed to further the fair, efficient, and expeditious resolution of matters involving the employees of the Department.

“(g) SUNSET PROVISION.—Effective 5 years after the conclusion of the transition period defined under section 181 of the Homeland Security Act of 2002, all authority to issue regulations under this section (including regulations which would modify, supersede, or terminate any regulations previously issued under this section) shall cease to be available.

“(3) CLERICAL AMENDMENT.—The table of chapters for part III of title 5, United States Code, is amended by adding at the end of the following:

971. Department of Homeland Security

(b) EFFECT ON PERSONNEL.—

(1) NONSEPARATION OR NONREDUCTION IN GRADE OR COMPENSATION OF FULL-TIME PERSONNEL AND PART-TIME PERSONNEL HOLDING PERMANENT POSITIONS.—Except as otherwise provided in this Act, employees transferred pursuant to this act of full-time personnel (except special Government employees) and part-time personnel holding permanent positions shall not be separated or reduced in grade or compensation for one year after the date of the transfer to the Department.

(2) POSITIONS COMPENSATED IN ACCORDANCE WITH EXECUTIVE SCHEDULE.—Any person who, on the day preceding such person’s date of transfer pursuant to this Act, held a position compensated in accordance with the Executive Schedule prescribed in chapter 53 of title 5, United States Code, and, without a break in service, is appointed in the Department at a grade or rate of pay comparable to the duties performed immediately preceding such appointment shall continue to be compensated in such new position at not less than the rate of pay comparable to the duties performed immediately preceding such position, for the duration of the service of such person in such new position.

(3) COORDINATION RULE.—Any exercise of authority under chapter 97 of title 5, United States Code (as amended by subsection (a)), including under any system established under such chapter, shall be in conformance with the requirements of this section.

There are authorized to be appropriated such sums as may be necessary to—

(1) enable the Secretary to administer and manage the Department and incorporate, under such Act and any other Act, the Inspector General for Investigations to carry out the functions of the Inspector General under the Act.

(2) carry out the functions of the Department other than those transferred to the Department under this Act.

TITLE II—LAW ENFORCEMENT POWERS OF INSPECTOR GENERAL AGENTS

SEC. 201. LAW ENFORCEMENT POWERS OF INSPECTOR GENERAL AGENTS.

(a) In General.—Section 402 of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by adding at the end the following:

“(e)(1) In addition to the authority otherwise provided by this Act, each Inspector General appointed under section 3, any Assistant Inspector General for Investigations under such an Inspector General, and any special agent supervised by such an Assistant Inspector General may be authorized by the Attorney General to—

“(A) carry a firearm while engaged in official duties as authorized by the Act or other statute, or as expressly authorized by the Attorney General;

“(B) make an arrest without a warrant with such authority as is authorized under this Act or other statute, or as expressly authorized by the Attorney General.
for any offense against the United States committed in the presence of such Inspector General, Assistant Inspector General, or agent, or for any felony cognizable under the laws of the United States if such Inspector General, Assistant Inspector General, or agent has reasonable grounds to believe that the person to be arrested has committed or is committing, and such arrest is carried out in support of a humanitarian or peacekeeping operation or a contingency operation, the simplified acquisition threshold definitions shall be applied as if the amount determined under the exception provided for such an operation in those definitions were—

(1) in the case of a contract to be awarded and performed, or purchase to be made, inside the United States, $500,000; and

(2) in the case of a contract to be awarded and performed, or purchase to be made, outside the United States, $500,000.

SEC. 306. USE OF STREAMLINED PROCEDURES.

(a) Required Use.—The head of an executive agency shall, when appropriate, use simplified acquisition threshold definitions in effect on the date of enactment of this Act.

(b) Authorization.—(1) The Attorney General shall promulgate guidelines that—

(A) the affected Office of Inspector General is significantly hampered in the performance of responsibilities established by this Act as a result of the lack of such powers;

(B) adequate internal safeguards and management procedures exist to ensure proper exercise of such powers; and

(C) the authority under section 305 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 644(j)) shall be applied as if the maximum anticipated value identified therein is equal to the amounts referred to in subsection (a).

SEC. 304. INCREASED MICRO-PURCHASE THRESHOLD FOR CERTAIN PROCUREMENTS.

In the administration of the Office of Federal Procurement Policy Act (41 U.S.C. 427(a)) with respect to a procurement referred to in section 302, the amount specified in subsection (a) of such section shall be deemed to be $10,000.

SEC. 305. APPLICATION OF CERTAIN COMMERCIAL ITEMS AUTHORITIES TO CERTAIN PROCUREMENTS.

(a) Authority.—

(1) In general.—The head of an executive agency may apply the provisions of law listed in paragraph (2) to a procurement referred to in section 302 without regard to whether the property or services are commercial items.

(2) Commercial item laws.—The provisions of law referred to in paragraph (1) are as follows:


(B) Section 2304(g) of title 10, United States Code.

(C) Section 303(g) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 644(j)).

(b) Inapplicability of Limitation on Use of Simplified Acquisition Procedures.—

(1) In general.—The $5,000,000 limitation provided in section 31(a)(2) of the Office of Federal Procurement Policy Act (41 U.S.C. 427(a)(2)), section 2304(g)(1)(B) of title 10, United States Code, and section 303(g)(1)(B) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 644(g)(1)(B)) shall not apply to purchases of property or services to which any of the provisions of law referred to in subsection (a) are applied under the authority of this section.

(c) OMB Guidance.—The Director of the Office of Management and Budget shall issue guidance and procedures for the use of simplified acquisition procedures in excess of $5,000,000 under the authority of this section.
streamlined acquisition authorities and procedures authorized by law for a procurement referred to in section 302, including authorities and procedures that are provided under the Federal Acquisition Streamlining Act of 1994.

(1) FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT OF 1949.—In title III of the Federal Property and Administrative Services Act of 1949, relating to use of procedures other than competitive procedures under certain circumstances (subject to subsection (e) of such section).

(2) Section 303J (41 U.S.C. 253j), relating to streamlined acquisition authorities and procedures authorized by law for a procurement referred to in section 302, including authorities and procedures that are provided under the Federal Acquisition Streamlining Act of 1994.

(3) OMB GUIDANCE.—The Comptroller General shall, to the maximum extent practicable, take advantage of commercially available market research methods and commercial databases, to carry out the research.

SEC. 401. ESTABLISHMENT OF COMMISSION.

There is established the National Commission on Terrorist Attacks Upon the United States in the title referred to as the "Commission".

SEC. 402. PURPOSES.

The purposes of the Commission are to—

(1) examine and report upon the facts and causes learned from the terrorist attacks of September 11, 2001, occurring at the World Trade Center in New York, New York, and at the Pentagon in Virginia;

(2) ascertain, evaluate, and report on the evidence developed by all relevant governmental agencies regarding the facts and circumstances surrounding the attacks;

(3) make full and complete accounting of the circumstances surrounding the attacks;

(4) make a full and complete accounting of the circumstances surrounding the attacks, and "9/11 Commission Report";

(5) the findings, conclusions, and recommendations of the Commission; and

(6) the Joint Inquiry of the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives regarding the terrorist attacks of September 11, 2001.

The functions of the Commission are to—

(1) conduct an investigation that—

(a) investigates relevant facts and circumstances relating to the terrorist attacks of September 11, 2001, including any relevant legislation, Executive order, regulation, plan, policy, practice, or procedure; and

(b) make a full and complete accounting of the circumstances surrounding the attacks, and "9/11 Commission Report";

(c) receive such evidence, administer such oaths; and

(d) make such reports as are required by this title concerning the terrorist attacks of September 11, 2001, including any relevant legislation, Executive order, regulation, plan, policy, practice, or procedure; and

(e) submit to the President and Congress its findings, conclusions, and recommendations for corrective measures that can be taken to prevent acts of terrorism.

SEC. 403. COMPOSITION OF THE COMMISSION.

(a) Members.—The Commission shall be composed of 10 members, of whom—

(1) 3 members shall be appointed by the majority leaders of the Senate and the House of Representatives; and

(2) 2 members shall be appointed by the Speaker of the House of Representatives; and

(3) 3 members shall be appointed by the majority leader of the Senate; and

(4) 2 members shall be appointed by the minority leader of the House of Representatives.

(b) Chairperson; Vice Chairperson.—

(1) In general.—Subject to paragraph (2), the Chairperson and Vice Chairperson of the Commission shall be selected by the members.

(2) Political party affiliation.—The Chairperson and Vice Chairperson shall not be from the same political party.

(c) Qualifications; Initial Meeting.

(1) Political party affiliation.—Not more than 5 members of the Commission shall be from the same political party.

(2) Nongovernmental appointees.—An individual appointed to the Commission may not be an officer or employee of the Federal Government or any State or local government.

(3) Other qualifications. — It is the sense of Congress that individuals appointed to the Commission should be prominent United States citizens, with national recognition and significant depth of experience in such professions as governmental service, law enforcement, the armed services, legal practice, public administration, intelligence gathering, commerce, including aviation matters, and foreign affairs.

(4) Initial Meeting.—If 60 days after the date of enactment of this Act, 6 or more members of the Commission have been appointed, those members who have been appointed may meet and, if necessary, select a temporary chairperson, who may begin the operations of the Commission, including the hiring of staff.

(d) Quorum; Vacancies.—After its initial meeting, the Commission shall meet upon the designation of a chairperson or a majority of its members. Six members of the Commission shall constitute a quorum. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

SEC. 404. FUNCTIONS OF THE COMMISSION.

The functions of the Commission include—

(a) Hearing and Evidence.—The Commission may, for the purpose of carrying out this title—

(i) hold such hearings and sit at such times and places, take such testimony, receive such evidence, administer such oaths; and

(ii) by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, and documents, as the Commission, in its discretion, may require.

(b) Procurement.—A majority of the Members of the Commission, including the chairperson, may make such reports as are required by this title concerning the terrorist attacks of September 11, 2001, including any relevant legislation, Executive order, regulation, plan, policy, practice, or procedure; and

(c) Senior executive service.—The Commission may make such reports as are required by this title concerning the terrorist attacks of September 11, 2001, including any relevant legislation, Executive order, regulation, plan, policy, practice, or procedure; and

(d) Expedited hiring of staff.—The Commission shall, to the maximum extent practicable, take advantage of commercially available market research methods and commercial databases.

(e) Annual report.—The Commission shall submit to the President and Congress, not later than 1 year after the date of enactment of this Act, a report on the Commission's activities and recommendations.
the vice chairperson of the Commission, the chairperson of any subcommittee created by a majority of the Commission, or any member designated by a majority of the Commission, may determine advisable and as may be authorized by law.

(f) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or of any other form of gift.

(g) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as departments and agencies of the United States.

SEC. 406. STAFF OF THE COMMISSION.

(a) IN GENERAL.—The Commission may use the United States mails in the same manner and under the same conditions as departments and agencies of the United States.

SEC. 407. COMPENSATION AND TRAVEL EXPENSES.

(a) COMPENSATION.—Each member of the Commission may be compensated at not to exceed the daily equivalent of the annual rate of basic pay in effect for a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day during which that member is engaged in the actual performance of the duties of the Commission.

(b) TRAVEL EXPENSES.—While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service under section 5703(b) of title 5, United States Code.

SEC. 408. SECURITY CLEARANCES FOR COMMISSION MEMBERS AND STAFF.

The appropriate executive departments and agencies shall cooperate with the Commission in expeditiously providing to the Commission members and staff appropriate security clearances in a manner consistent with existing procedures and requirements, except that no person shall be provided with access under this section who would not otherwise qualify for such security clearance.

SEC. 409. REPORTS OF THE COMMISSION; TERMINATION.

(a) INITIAL REPORT.—Not later than 6 months after the date of the first meeting of the Commission, the Commission shall submit to the President and Congress an initial report containing such findings, conclusions, and recommendations for corrective measures as have been agreed to by a majority of Commission members.

(b) ADDITIONAL REPORTS.—Not later than 1 year after the submission of the initial report of the Commission, the Commission shall submit to the President and Congress a second report containing such findings, conclusions, and recommendations for corrective measures as have been agreed to by a majority of Commission members.

(c) TERMINATION.—

(1) IN GENERAL.—The Commission, and all the authorities of this title, shall terminate 60 days after the date on which the second report is submitted under this Act.

(2) ADMINISTRATIVE ACTIVITIES BEFORE TERMINATION.—The Commission may use the 60-day period referred to in paragraph (1) for the purpose of concluding its activities, including providing testimony to committees of Congress concerning its reports and disseminating the second report.

SEC. 410. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Commission to carry out this title $3,000,000, to remain available until expended.

TITLE V—EFFECTIVE DATE

SEC. 501. EFFECTIVE DATE.

This division shall take effect 30 days after the date of enactment of this Act or, if enacted within 30 days before January 1, 2003, on January 1, 2003.

DIVISION B—IMMIGRATION REFORM, ACCOUNTABILITY, AND SECURITY ENHANCEMENT ACT OF 2002

TITLE X—SHORT TITLE AND DEFINITIONS

SEC. 1001. SHORT TITLE.

This division may be cited as the “Immigration Reform, Accountability, and Security Enhancement Act of 2002.”

SEC. 1002. DEFINITIONS.

In this division:

(1) ENFORCEMENT BUREAU.—The term “Enforcement Bureau” means the Bureau of Enforcement and Border Affairs established in section 114 of the Immigration and Nationality Act, as added by section 1105 of this Act.

(2) FUNCTION.—The term “function” includes any duty, obligation, power, authority, responsibility, right, privilege, activity, or duty.

(3) IMMIGRATION ENFORCEMENT FUNCTIONS.—The term “immigration enforcement functions” has the meaning given the term in section 114(b)(2) of the Immigration and Nationality Act, as added by section 1105 of this Act.

(4) IMMIGRATION LAWS OF THE UNITED STATES.—The term “immigration laws of the United States” means the Immigration and Nationality Act, as added by section 1102 of this Act.

(5) IMMIGRATION POLICY, ADMINISTRATION, AND INSPECTION FUNCTIONS.—The term “immigration policy, administration, and inspection functions” has the meaning given the term in section 112(b)(3) of the Immigration and Nationality Act, as added by section 1108 of this Act.

(6) IMMIGRATION SERVICE FUNCTIONS.—The term “immigration service functions” has the meaning given the term in section 112(b)(2) of the Immigration and Nationality Act, as added by section 1108 of this Act.

(7) OFFICE.—The term “office” includes any office, administration, agency, bureau, institute, council, unit, organizational entity, or component thereof.

(8) SECRETARY.—The term “Secretary” means the Secretary of Homeland Security.
110. ABOLITION OF INS

(a) IN GENERAL.—The Immigration and Naturalization Service is abolished.

(b) REPEAL.—Section 4 of the Act of February 14, 1903, as amended (32 Stat. 826; relating to the establishment of the Immigration and Naturalization Service), is repealed.

1102. ESTABLISHMENT OF DIRECTORATE OF IMMIGRATION AFFAIRS

(a) ESTABLISHMENT.—Title I of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended—

(1) by striking “CHAPTER 1—DEFINITIONS AND GENERAL AUTHORITIES” after “TITLE I—GENERAL”; and

(2) by adding at the end the following:

“CHAPTER 2—DIRECTORATE OF IMMIGRATION AFFAIRS

SEC. 111. ESTABLISHMENT OF DIRECTORATE OF IMMIGRATION AFFAIRS.

“(a) ESTABLISHMENT.—There is established within the Department of Homeland Security the Directorate of Immigration Affairs.

“(b) PRINCIPAL OFFICERS.—The principal officers of the Directorate are the following:

“(1) The Under Secretary of Homeland Security, who shall be appointed by the Secretary of Homeland Security under section 112.

“(2) The Assistant Secretary of Homeland Security for Immigration Affairs appointed under section 114.

“(3) The Assistant Secretary of Homeland Security for Enforcement and Border Affairs appointed under section 114.

“(c) FUNCTIONS.—Under the authority of the Secretary of Homeland Security, the Directorate shall perform the following functions:

“(1) Immigration policy, administration, and inspection functions, as defined in section 112(b).

“(2) Immigration service and adjudication functions, as defined in section 113(b).

“(3) Immigration enforcement functions, as defined in section 114(b).

“(4) AUTHORIZATION OF APPOINTMENTS.—

“(1) IN GENERAL.—There are authorized to be appointed to the Department of Homeland Security such sums as may be necessary to carry out the functions of the Directorate.

“(2) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to paragraph (1) are authorized to remain available until expended.

“(e) LAWS OF THE UNITED STATES DEFINED.—In this chapter, the term ‘immigration laws of the United States’ means the following:

“(1) This Act.

“(2) Such other statutes, Executive orders, regulations, or directives, treaties, or other international agreements to which the United States is a party, insofar as they relate to the admission to, detention in, or removal from the United States of aliens, insofar as they relate to the naturalization of aliens, insofar as they otherwise relate to the status of aliens.’.’.

(b) CONFORMING AMENDMENTS.—(1) The Immigration and Nationality Act (8 U.S.C. 1101 et seq. is amended—

(A) by striking section 101(a)(34) (8 U.S.C. 1101(a)(34)) and inserting the following:

“(34) The term ‘Directorate’ means the Directorate of Immigration Affairs established by section 111.”;

(B) by adding at the end of section 101(a) the following:

“(GI) the term ‘Secretary’ means the Secretary of Homeland Security.”;

“(HJ) The term ‘Act’ means the Act of February 14, 1903, as amended (32 Stat. 826; relating to the establishment of the Immigration and Naturalization Service), respectively; and

“(I) in section 101(a)(17) (8 U.S.C. 1101(a)(17)), by striking ‘The’ and inserting ‘Except as otherwise provided in section 111(e), the; and


“(K) Section 6 of the Act entitled ‘An Act to authorize certain administrative expenses for the Department of Justice, and for other purposes’, approved July 28, 1956 (64 Stat. 380), is hereby amended—

(A) by striking ‘Immigration and Naturalization Service’ and inserting ‘Directorate of Immigration Affairs’;

(B) by striking ‘impossible’ and inserting ‘impracticable’;

(C) by redesignating clauses (b), (c), (d), and (e) as clauses (a), (b), (c), and (d), respectively.

“(L) REFERENCES.—Any reference in any statute, reorganization plan, Executive order, regulation, agreement, determination, or other official document or proceeding to the Immigration and Naturalization Service shall be deemed to refer to the Directorate of Immigration Affairs of the Department of Homeland Security, and any reference in the immigration laws of the United States (as defined in section 111(e) of the Immigration and Nationality Act, as added by this section) to the Attorney General shall be deemed to refer to the Secretary of Homeland Security, acting through the Secretary of Homeland Security for Immigration Affairs.

1105. UNDER SECRETARY OF HOMELAND SECURITY FOR IMMIGRATION AFFAIRS

(a) IN GENERAL.—Chapter 2 of title I of the Immigration and Nationality Act, as added by section 1102 of this Act, is amended by adding at the end the following:

“SEC. 112. UNDER SECRETARY OF HOMELAND SECURITY FOR IMMIGRATION AFFAIRS.

“(a) UNDER SECRETARY OF IMMIGRATION AFFAIRS.—The Directorate shall be headed by an Under Secretary of Homeland Security for Immigration Affairs who shall be appointed in accordance with section 103(c) of the Immigration and Nationality Act.

“(b) RESPONSIBILITIES OF THE UNDER SECRETARY.—

“(1) IN GENERAL.—The Under Secretary shall be charged with all responsibilities in the administration of the Directorate and of this Act which are conferred upon the Secretary as may be delegated to the Under Secretary by the Secretary or which may be prescribed by the Secretary.

“(2) DUTIES.—Subject to the authority of the Secretary under paragraph (1), the Under Secretary shall have the following duties:

“(A) IMMIGRATION POLICY.—The Under Secretary shall develop and implement policy under the immigration laws of the United States regarding immigration issues that involve civil rights violations.

“(B) ADMINISTRATION.—The Under Secretary shall have responsibility for—

“(i) the administration and enforcement of the functions conferred upon the Directorate under section 1111(c) of this Act; and

“(ii) the administration of the Directorate, including the direction and coordination of the Bureau of Immigration Services and the Bureau of Enforcement and Border Affairs.

“(c) RESPONSIBILITIES.—The Under Secretary shall be directly responsible for the administration and enforcement of the functions of the Directorate under the immigration laws of the United States with respect to the inspection of aliens arriving at ports of entry of the United States.

“(d) GRANTING OF DUTIES.—As part of the duties described in paragraph (2), the Under Secretary shall do the following:

“(A) RESOURCES AND PERSONNEL MANAGEMENT.—The Under Secretary shall manage the resources, personnel, and other support requirements of the Directorate.

“(B) INFORMATION RESOURCES MANAGEMENT.—Under the direction of the Secretary, the Under Secretary shall manage the information resources of the Directorate, including the maintenance of records and data bases and the coordination of records and other information within the Department, and shall ensure that the Directorate obtains and maintains adequate information technology systems to carry out its functions.

“(C) COORDINATION OF RESPONSE TO CIVIL RIGHTS VIOLATIONS.—The Under Secretary shall coordinate, with the Chief Financial Officer of the Department of Homeland Security or other officials, as appropriate, the resolution of immigration issues that involve civil rights violations.

“(D) RISK ANALYSIS AND RISK MANAGEMENT.—Assisting and supporting the Secretary, in coordination with other Directors of the Department, in conducting appropriate risk analysis and risk management activities consistent with the mission and functions of the Directorate.

“(E) DEFINITION.—In this chapter, the term ‘immigration policy, administration, and inspection functions’ means the duties, activities, and powers described in this subsection.

“(E) GENERAL COUNSEL.—

“(1) IN GENERAL.—There shall be within the Directorate a General Counsel, who shall be appointed by the Secretary of Homeland Security in consultation with the Under Secretary.

“(2) FUNCTION.—The General Counsel shall—

“(A) serve as the chief legal officer for the Directorate; and

“(B) be responsible for providing specialized legal advice, opinions, determinations, regulations, and any other assistance to the Under Secretary with respect to legal matters affecting the Directorate, and any of its components.

“(F) FINANCIAL OFFICERS FOR THE DIRECTORATE OF IMMIGRATION AFFAIRS.—

“(1) CHIEF FINANCIAL OFFICER.—

“(A) IN GENERAL.—There shall be within the Directorate a Chief Financial Officer. The position of Chief Financial Officer shall be a career reserved position in the Senior Executive Service and shall have the authorities and functions described in section 902 of title 31, United States Code, in relation to financial activities of the Directorate. For purposes of section 903 of such title, the Under Secretary shall be deemed to be an agency head.

“(B) FUNCTIONS.—The Chief Financial Officer shall be responsible for capital planning, budgeting, supervising, and coordinating all budget formulae and execution for the Directorate.

“(2) DEPUTY CHIEF FINANCIAL OFFICER.—The Deputy Chief Financial Officer shall be responsible for purposes of section 903 of such title (relating to Deputy Chief Financial Officers).
...
by section 1102 and amended by sections 1103 and 1104, is further amended by adding at the end the following:

**SEC. 114. BUREAU OF ENFORCEMENT AND BORDER AFFAIRS.**—

(a) Establishment of Bureau.—

(1) IN GENERAL.—There is established within the Directorate a bureau to be known as the Bureau of Enforcement and Border Affairs (in this chapter referred to as the ‘‘Enforcement Bureau’’). (2) Assistant Secretary.—The head of the Enforcement Bureau shall be the Assistant Secretary of Homeland Security for Enforcement and Border Affairs (in this chapter referred to as the ‘‘Assistant Secretary for Immigration Enforcement’’), who—

(A) shall be appointed by the Secretary of Homeland Security, in consultation with the Under Secretary; and

(B) shall report directly to the Under Secretary.

(b) Responsibilities of the Assistant Secretary.—

(1) IN GENERAL.—Subject to the authority of the Secretary and the Under Secretary, the Assistant Secretary for Immigration Enforcement shall administer the immigration enforcement functions of the Directorate.

(2) IMMIGRATION ENFORCEMENT FUNCTIONS DEFINED.—In this chapter, the term ‘‘immigration enforcement functions’’ means the following functions under the immigration laws of the United States:

(A) The border patrol function.

(B) The inspections function, except as specified in section 113(b)(2)(P).

(C) The removal function.

(D) The intelligence function.

(E) The investigations function.

(F) The Chief Budget Officer of the Enforcement Bureau.—There shall be within the Enforcement Bureau a Chief Budget Officer, who shall—

(1) ensure that the Directorate has the financial resources necessary to address and rectify problems.

(2) report directly to the Under Secretary.

(3) STANDARDS OF RELIABILITY AND VALIDITY.—In determining the functions of the Bureau of Immigration and Nationality Affairs, the Under Secretary shall first consider maintaining and upgrading offices in existing geographic locations that satisfy the provisions of paragraph (1). The Under Secretary shall also explore the feasibility and desirability of establishing new Enforcement Bureau offices, including subofices and satellite offices, in new geographic locations where there is a demonstrated need.

**SEC. 115. OFFICE OF THE OMBUDSMAN WITHIN THE DIRECTORATE.**—

(a) IN GENERAL.—To ensure that the Directorate has the financial resources necessary to address and rectify problems, the Under Secretary shall first consider maintaining and upgrading offices in existing geographic locations that satisfy the provisions of paragraph (1). The Under Secretary shall also explore the feasibility and desirability of establishing new Enforcement Bureau offices, including subofices and satellite offices, in new geographic locations where there is a demonstrated need.

(b) OMBUDSMAN.—

(1) APPOINTMENT.—The Ombudsman shall be appointed by the Secretary of Homeland Security, in consultation with the Under Secretary. The Ombudsman shall report directly to the Under Secretary.

(2) COMPENSATION.—The Ombudsman shall be entitled to compensation at the same rate as the highest rate of basic pay established for the Senior Executive Service under section 5382 of title 5, United States Code, or, if the Secretary of Homeland Security so determines, at a rate fixed under section 9603 of such title.

(3) FUNCTIONS OF OFFICE.—The functions of the Office of the Ombudsman for Immigration Affairs, which shall be headed by the Ombudsman, are—

(A) to assist individuals in resolving problems with the Directorate or any component thereof;

(B) to identify systemic problems encountered by the public in dealings with the Directorate or any component thereof;

(C) to propose changes in the administrative practices or regulations of the Directorate, or any component thereof, to mitigate problems identified under paragraph (2);

(D) to identify potential changes in statutory law that may be required to mitigate such problems; and

(E) to monitor the coverage and geographic distribution of local offices of the Directorate.

(4) PERSONNEL ACTIONS.—The Ombudsman shall have the responsibility and authority to appoint local or regional representatives of the Ombudsman’s Office as in the Ombudsman’s judgment may be necessary to address and rectify problems.

(5) ANNUAL REPORT.—Not later than December 31 of each year, the Ombudsman shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives providing statistical data and information on the activities of the Ombudsman during the fiscal year ending in that calendar year. Each report shall contain a full and substantive analysis, in addition to statistical information, and shall contain—

(1) a description of the initiatives that the Office of the Ombudsman has taken on its own accord regarding the responsiveness of the Directorate;

(2) a summary of serious or systemic problems encountered by the public, including a description of the nature of such problems;

(3) an accounting of the items described in paragraphs (1) and (2) for which action has been taken, and the result of such action;

(4) an accounting of the items described in paragraphs (1) and (2) for which no action remains to be completed;

(5) an accounting of the items described in paragraphs (1) and (2) for which no action has been taken, the reasons for the inaction, and identify any Agency official who is responsible for such inaction;

(6) recommendations as may be appropriate to resolve problems encountered by the public;

(7) recommendations as may be appropriate to resolve problems encountered by the public, including problems created by backlogs in the adjudication and processing of petitions and applications;

(8) recommendations to resolve problems caused by inadequate funding or staffing; and

(b) such other information as the Ombudsman may deem advisable.

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) OMBUDSMAN.—The Ombudsman is authorized to be appropriated to the Office of the Ombudsman such sums as may be necessary to carry out its functions.

(2) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to paragraph (1) are authorized to remain available until expended.

**SEC. 1107. OFFICE OF IMMIGRATION STATISTICS WITHIN THE DIRECTORATE.**—

(a) IN GENERAL.—Chapter 2 of title I of the Immigration and Nationality Act, as added by section 1102 and amended by sections 1103, 1104, and 1105, is further amended by adding at the end the following:

**SEC. 1115. OFFICE OF THE OMBUDSMAN FOR IMMIGRATION AFFAIRS.**—

(a) IN GENERAL.—There is established within the Directorate the Office of the Ombudsman for Immigration Affairs, which shall be headed by the Ombudsman.

(b) OMBUDSMAN.—

(1) APPOINTMENT.—The Ombudsman shall be appointed by the Secretary of Homeland Security, in consultation with the Under Secretary. The Ombudsman shall report directly to the Under Secretary.

(2) COMPENSATION.—The Ombudsman shall be entitled to compensation at the same rate as the highest rate of basic pay established for the Senior Executive Service under section 5382 of title 5, United States Code, or, if the Secretary of Homeland Security so determines, at a rate fixed under section 9603 of such title.

(c) FUNCTIONS OF OFFICE.—The functions of the Office of the Ombudsman for Immigration Affairs are—

(1) to assist individuals in resolving problems with the Directorate or any component thereof;

(2) to identify systemic problems encountered by the public in dealings with the Directorate or any component thereof;

(3) to propose changes in the administrative practices or regulations of the Directorate, or any component thereof, to mitigate problems identified under paragraph (2);

(4) to identify potential changes in statutory law that may be required to mitigate such problems; and

(5) to monitor the coverage and geographic distribution of local offices of the Directorate.

(d) PERSONNEL ACTIONS.—The Ombudsman shall have the responsibility and authority to appoint local or regional representatives of the Ombudsman’s Office as in the Ombudsman’s judgment may be necessary to address and rectify problems.

(e) ANNUAL REPORT.—Not later than December 31 of each year, the Ombudsman shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives providing statistical data and information on the activities of the Ombudsman during the fiscal year ending in that calendar year. Each report shall contain a full and substantive analysis, in addition to statistical information, and shall contain—

(1) a description of the initiatives that the Office of the Ombudsman has taken on its own accord regarding the responsiveness of the Directorate;

(2) a summary of serious or systemic problems encountered by the public, including a description of the nature of such problems;

(3) an accounting of the items described in paragraphs (1) and (2) for which action has been taken, and the result of such action;

(4) an accounting of the items described in paragraphs (1) and (2) for which no action remains to be completed;

(5) an accounting of the items described in paragraphs (1) and (2) for which no action has been taken, the reasons for the inaction, and identify any Agency official who is responsible for such inaction;

(6) recommendations as may be appropriate to resolve problems encountered by the public;

(7) recommendations as may be appropriate to resolve problems encountered by the public, including problems created by backlogs in the adjudication and processing of petitions and applications;

(8) recommendations to resolve problems caused by inadequate funding or staffing; and

(b) such other information as the Ombudsman may deem advisable.

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) OMBUDSMAN.—The Ombudsman is authorized to be appropriated to the Office of the Ombudsman such sums as may be necessary to carry out its functions.

(2) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to paragraph (1) are authorized to remain available until expended.
the Directorate and the Executive Office for Immigration Review (or its successor entity), respectively, as requested by the Office, for the purpose of meeting the responsibilities of the Director of the Office.

“(2) DATABASES.—The Director of the Office, under the direction of the Secretary, shall ensure the interoperability of the databases of the Director, the Bureau of Immigration Services, the Bureau of Enforcement, and the Executive Office for Immigration Review (or its successor entity) to permit the Director or such Office to perform the duties of such office.

(b) TRANSFER OF FUNCTIONS.—There are transferred to the Directorate of Immigration Affairs (hereafter in this Act referred to as the "Directorate") all functions to which this Act, in effect immediately prior to the effective date of this Act, are transferred to the Secretary on the day before the effective date of this title.

SEC. 1102. TRANSFER OF PERSONNEL AND OTHER RESOURCES.

Subject to section 1531 of title 31, United States Code, on the effective date of this Act, the personnel of the Immigration and Naturalization Service (or its successor entity) to perform the functions transferred under this Act and the assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, available to, or to be made available to the Immigration and Naturalization Service in connection with the functions transferred pursuant to this Act.

SEC. 1103. DETERMINATIONS WITH RESPECT TO FUNCTIONS AND RESOURCES.

Under the direction of the Secretary, the Under Secretary shall determine, in accordance with the corresponding criteria set forth in sections 1112(b), 1113(b), and 1114(b) of the Immigration and Nationality Act (as added by this title), the personnel of the Department of Justice employed in connection with the functions transferred under this title and the assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, available to, or to be made available to the Immigration and Naturalization Service in connection with the functions transferred pursuant to this Act.

SEC. 1104. DELEGATION AND RESERVATION OF AUTHORITY.

(a) IN GENERAL.—The Secretary may, by delegation or otherwise, exercise all authorities under any other provision of law that were available with respect to the performance of that function to the extent of the existence of that provision of law immediately before the effective date of the transfer of the function under this title.

(b) EXERCISE OF AUTHORITIES.—Except as otherwise provided, the Under Secretary may, for purposes of exercising any function transferred to the Directorate of Immigration Affairs, exercise all authorities under any other provision of law that were available with respect to the performance of that function under the corresponding criteria set forth in paragraph (1) immediately prior to the effective date of the transfer of the function under this title.

(c) EFFECT OF DELEGATIONS.—Except as otherwise expressly prohibited by law or otherwise provided for in this title, the Under Secretary may make delegations under this subsection to such officers and employees of the office of the Under Secretary, the Service Bureau, and the Enforcement Bureau, respectively, as the Under Secretary may designate, and may authorize subsequent redelegation of such functions or may be necessary or appropriate. No delegation of functions under this subsection or under any other provision of this title shall relieve the Under Secretary of responsibility for the administration of the function.

SEC. 1105. ALLOCATION OF PERSONNEL AND OTHER RESOURCES.

(a) AUTHORITY OF THE UNDER SECRETARY.—

(1) IN GENERAL.—Subject to paragraph (2) and section 1114(b), the Under Secretary shall make allocations of personnel, assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available to, or to be made available to the Immigration and Naturalization Service in connection with the performance of the respective functions, as determined under section 1113, in accordance with the delegation of functions and the reservation of functions made under section 1114.

(2) LIMITATION.—Unexpended funds transferred pursuant to section 1112 shall be used only for the purposes for which the funds were originally authorized and appropriated.

(b) AUTHORITY TO TERMINATE AFFAIRS OF OFFICIALS.—The Attorney General, the Commissioner of Immigration and Naturalization Service and such further provisions as the Under Secretary may determine to be necessary or appropriate. No delegation of functions under this subsection or under any other provision of this title shall relieve the Under Secretary of responsibility for the administration of the function.

(c) TREATMENT OF SHARED RESOURCES.—The Under Secretary is authorized to provide for an appropriate allocation, or coordination, or both, of resources involved in support of the functions transferred pursuant to section 1112, or subordinate functions, for the office of the Under Secretary, the Service Bureau, and the Enforcement Bureau. The Under Secretary shall maintain oversight and control over the shared resources to ensure the faithful execution of the functions of the office of the Under Secretary, the Service Bureau, and the Enforcement Bureau, respectively, as the Under Secretary may designate, and may authorize subsequent redelegation of such functions or may be necessary or appropriate. No delegation of functions under this subsection or under any other provision of this title shall relieve the Under Secretary of responsibility for the administration of the function.

SEC. 1116. SAVINGS PROVISIONS.

SEC. 1112. TRANSFER OF FUNCTIONS.

(a) LEGAL DOCUMENTS.—All orders, determinations, rules, regulations, permits, licenses, grants, loans, contracts, recognition of labor organizations, agreements, including collective bargaining agreements, certificates, licenses, and privileges—

(1) that have been issued, made, granted, or allowed to become effective by the President, the Attorney General, the Commissioner of Immigration and Naturalization Service, their delegates, or any other Government official, or by a court of competent jurisdiction, in the performance of any function that is transferred under this title; and

(2) that are in effect on the effective date of such transfer (or become effective after such date pursuant to their terms as in effect on such effective date); shall continue in effect according to their terms until modified, terminated, superseded, or revoked. In accordance with law by the President, any other authorized official, a court of competent jurisdiction, or operation of law, except that any collective bargaining agreement shall remain in effect until the date of termination specified in the agreement.

SEC. 1113. BUREAUS AND OFFICES OF IMMIGRATION AFFAIRS.

(b) EXERCISE OF AUTHORITIES.—Except as otherwise expressly prohibited by law or otherwise provided for in this title, the Under Secretary may make delegations under this subsection to such officers and employees of the
(b) Procedural—

(1) Pending.—Sections 111 through 116 of the Immigration and Nationality Act, as added by subtitle A of this title, shall not affect any suit or proceeding commenced by or against any officer or employee of any immigration or naturalization service, any officer or employee of any function vested in, or exercised by the Executive Office for Immigration Review of the Department of Justice (or its successor entity), or against any individual in the official capacity of such individual as an officer or employee in connection with a function transferred under this title, after the effective date of this title.

(2) Orders.—Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this Act had not been enacted, and orders issued in any such proceeding commenced by or against any officer or employee of any function transferred under this title, but such proceedings and applications shall be continued.

(3) Discontinuance or Modification.—Nothing in this section shall be considered to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this section had not been enacted.

(c) Rights.—This title, and the amendments made by this title, shall not affect suits commenced before the effective date of this title, and in all such suits, proceedings shall be had, appealed, and judgments rendered in the same manner and with the same effect as if this title, and the amendments made by this title, had not been enacted.

(d) Nonabatement of Actions.—No suit, action, or other proceeding commenced by or against the Department of Justice or the Immigration and Naturalization Service, or by or against any individual in the official capacity of such individual as an officer or employee in connection with a function transferred pursuant to this section, shall abate by reason of this transferral of this Act.

(e) Continuance of Suit With Substitution of Parties.—If any Government officer in the official capacity of such officer is party to a suit with respect to a function of the officer, and such function is transferred under this title to any other officer or office, then such suit shall be continued with the other office or person as a party, as applicable, substituted or added as a party.

(f) Administrative Procedure and Judicial Review.—No suit, action, or other proceeding commenced by or against any officer or employee of the Immigration and Naturalization Service, or by or against any individual in the official capacity of such individual as an officer or employee in connection with a function transferred under this title shall apply to the exercise of such function by the head of the office, and other officers of the office, to which such function is transferred.

SEC. 1117. INTERIM SERVICE OF THE COMMISSIONER OF IMMIGRATION AND NATURALIZATION.

The individual serving as the Commissioner of Immigration and Naturalization on the day before the effective date of this title may serve as Under Secretary until the date on which an Under Secretary is appointed under section 112 of the Immigration and Nationality Act, as added by section 1103.

SEC. 1118. EXECUTIVE OFFICE FOR IMMIGRATION REVIEW. AUTHORITIES NOT AFFECTED.

Nothing in this title, or any amendment made by this title, may be construed to authorize or require the transfer or delegation of any function vested in, or exercised by the Executive Office for Immigration Review of the Department of Justice (or its successor entity), or by any individual in the official capacity of such individual as an officer or employee, of any function transferred under this title, if and only if such function is transferred under this title, but such proceedings and applications shall be continued.

SEC. 1119. OTHER AUTHORITIES NOT AFFECTED.

Nothing in this title, or any amendment made by this title, may be construed to authorize or require the transfer or delegation of any function vested in, or exercised by the Executive Office for Immigration Review of the Department of Justice (or its successor entity), or by any individual in the official capacity of such individual as an officer or employee, of any function transferred under this title, if and only if such function is transferred under this title, but such proceedings and applications shall be continued.

SEC. 1120. TRANSITION FUNDING.

(a) Authorization of Appropriations for Transition.—

(1) IN GENERAL.—There are authorized to be appropriated to the Department of Homeland Security such sums as may be necessary—

(A) to effect the transition of the Immigration and Naturalization Service;

(B) to carry out any other duty that is necessary to carry out the provisions of sections 207 through 209 of the Immigration and Nationality Act.

(2) Availability of Funds.—Funds appropriated pursuant to paragraph (1) are authorized to remain available until expended.

(b) Establishment.—There shall be established as an independent agency within the Department of Homeland Security a separate account, which shall be known as the "Directorate of Immigration and Naturalization Affairs Transfer Account." The establishment of such account shall effect the transfer of functions described in subsection (a) and the transfer of functions described in subsection (b) of section 1113 of this Act in accordance with such subsections.

(c) Authorization of Appropriations.—In addition to such sums as may be otherwise available for such purposes, there are authorized to be appropriated such sums as may be necessary to carry out the provisions of section 1109.

(d) Separation of Funds.—Funds shall be transferred between the Bureau of Immigration and Border Enforcement and the Bureau of Immigration and Border Affairs for purposes not authorized by section 286 of the Immigration and Nationality Act, as amended by subsection (a) of section 1122 of this Act.

(e) Authorization of Appropriations for Backlog Reduction.—There are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2003 through 2006 to carry out the Immigration and Nationality Act of 2000 (title II of Public Law 106-131).

(f) Use of Fees.—Fees imposed for a particular service, application, or benefit shall be deposited into the account established under paragraph (1) that is for the bureau with jurisdiction over the function to which the fee relates.

(g) Authorization of Appropriations for Program Mergers.—There are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2003 through 2006 for the purpose of merging functions of the Immigration and Naturalization Service with the Bureau of Immigration and Border Affairs and the Bureau of Immigration and Border Enforcement.

(h) Authorization of Appropriations for Staffing.—There are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2003 through 2006 for the purpose of staffing the Immigration and Naturalization Service with personnel, including the costs of similar services provided to asylum applicants or other immigrants and their families.

SEC. 1121. FUNDING ADJUDICATION AND NATURALIZATION SERVICES.

(a) Level of Fees.—Section 286(m) of the Immigration and Nationality Act (8 U.S.C. 1156(m)) is amended by striking the costs of similar services provided without charge to asylum applicants or other immigrants, and inserting "services", and—

(1) in general.—Each fee collected for the provision of an adjudication or naturalization service shall be used only to fund adjudication or naturalization services or, subject to the availability of funds provided pursuant to subsection (c), costs of similar services provided without charge to asylum applicants.

(b) Prohibition.—No fee may be used to fund adjudication- or naturalization-related audits that are not regularly conducted in the normal course of operation.

(c) Refund and Asylum Adjudication Services.—

(1) Authorization of Appropriations.—In addition to such sums as may be otherwise available for such purposes, there are authorized to be appropriated such sums as may be necessary to carry out the provisions of sections 207 through 209 of the Immigration and Nationality Act.

(2) Availability of Funds.—Funds appropriated pursuant to paragraph (1) are authorized to remain available until expended.

SEC. 1122. APPLICATION OF INTERNET-BASED TECHNOLOGIES.

(a) Establishment.—The Secretary, in consultation with the Director of Immigration and Border Affairs and the Director of Technology Programs, shall establish a plan for—

(1) the modernization of the Immigration and Naturalization Service and the Bureau of Enforcement and Border Affairs;

(2) the abolition of the Immigration and Naturalization Service; and

(3) the transfer of functions required to be made under this division.

(b) Authorization of Appropriations.—There are authorized to be appropriated such sums as may be necessary to carry out such transfer.

(c) Authorization of Appropriations for Transition.—

(1) IN GENERAL.—There are authorized to be appropriated to the Department of Homeland Security such sums as may be necessary—

(A) to effect the transition of the Immigration and Naturalization Service;

(B) to carry out any other duty that is necessary to carry out the provisions of sections 207 through 209 of the Immigration and Nationality Act.

(2) Availability of Funds.—Funds appropriated pursuant to paragraph (1) are authorized to remain available until expended.

(d) Authorization of Appropriations for Backlog Reduction.—There are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2003 through 2006 to carry out the Immigration and Naturality Improvement Act of 2000 (title II of Public Law 106-131).

(e) Authorization of Appropriations for Program Mergers.—There are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2003 through 2006 for the purpose of merging functions of the Immigration and Naturalization Service with the Bureau of Immigration and Border Affairs.

(f) Use of Fees.—Fees imposed for a particular service, application, or benefit shall be deposited into the account established under paragraph (1) that is for the bureau with jurisdiction over the function to which the fee relates.

(g) Authorization of Appropriations for Staffing.—There are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2003 through 2006 for the purpose of staffing the Immigration and Naturalization Service with personnel, including the costs of similar services provided to asylum applicants or other immigrants and their families.
(1) IN GENERAL.—Not later than 2 years after the effective date of division A, the Secretary, in consultation with the Under Secretary and the Technology Advisory Committee, shall conduct a study to determine the feasibility of on-line filing of the documents described in subsection (a).

(b) FEASIBILITY STUDY FOR ON-LINE FILING AND IMPROVED PROCESSING.—

(1) STUDY.—(A) IN GENERAL.—The Under Secretary shall conduct a study to determine the feasibility of filing asylum applications on-line and the costs of implementing on-line filing of such documents; and

(ii) consider other factors in implementing such a filing system, including the feasibility of the payment of fees on-line.

(2) REPORT.—Not later than 2 years after the effective date of division A, the Under Secretary shall submit a report to the Committees on the Judiciary of the Senate and the House of Representatives on the findings of the study conducted under this subsection.

(c) ADMINISTRATION OF THE ADVISORY COMMITTEE.—

(1) ESTABLISHMENT.—Not later than 1 year after the effective date of division A, the Under Secretary shall establish a board of experts from the public and private sector to support and advise the Under Secretary on matters relating to the care and placement of unaccompanied alien children.

(2) COMPOSITION.—The National Advisory Committee shall be composed of—

(A) experts from the public and private sector, including nonprofit voluntary agencies with expertise in the legal and social needs of asylum seekers.

(B) representatives of entities that provide care for unaccompanied alien children, including nonprofit voluntary agencies with expertise in the legal and social needs of asylum seekers.

(C) nonimmigrant, employer, or other person described in paragraph (1) through a personal identification number (PIN) or other personalized password.

(2) ON-LINE INFORMATION.—The on-line information accessible to unauthorized persons shall be limited to the information in the database that pertains to that person.

(b) SPECIFIC ALTERNATIVES FOR CONSIDERATION.—The Under Secretary shall consider the following specific alternatives to the detention of asylum seekers described in subsection (a):—

(i) Parole from detention.

(ii) A noninstitutional setting for minors, including foster care or group homes operated by private nonprofit voluntary agencies with expertise in the legal and social needs of asylum seekers.

(iii) Noninstitutional settings for minors such as foster care or group homes operated by private nonprofit voluntary agencies with expertise in the legal and social needs of asylum seekers.

(c) REGULATIONS.—The Under Secretary shall promulgate such regulations as may be necessary to carry out this section.

(d) DEFINITION.—In this section, the term ‘asylum seeker’ means any applicant for asylum under section 236a. An asylum seeker is any alien who indicates an intention to apply for asylum under section 236a.

(b) Clerical Amendment.—The table of contents of the Immigration and Nationality Act is amended by inserting after the item relating to section 236A the following new item:

“Sec. 236B. Alternatives to detention of asylum seekers.”

Subtitle D—Effective Date

SEC. 1131. EFFECTIVE DATE.

This title may be cited as the “Unaccompanied Alien Child Protection Act of 2002.”

TITLE XII—UNACCOMPANIED ALIEN CHILD PROTECTION

SEC. 1201. SHORT TITLE.

This title may be cited as the “Unaccompanied Alien Child Protection Act of 2002.”

SEC. 1202. DEFINITIONS.

(a) IN GENERAL.—In this title:

(i) DIRECTOR.—The term “Director” means the Director of the Office.

(ii) OFFICE.—The term “Office” means the Office of Refugee Resettlement as established by section 101(a) of the Immigration and Nationality Act.

(iii) SERVICE.—The term “Service” means the Immigration and Naturalization Service or (or, upon the effective date of this title XI, the Directorate of Immigration Affairs).

(iv) UNACCOMPANIED ALIEN CHILD.—The term “unaccompanied alien child” means a child who—

(A) has no lawful immigration status in the United States;

(B) has not attained the age of 18; and

(C) with respect to whom—

(i) there is no parent or legal guardian in the United States;

(ii) no parent or legal guardian in the United States is available to provide care and physical custody.

(5) VOLUNTARY AGENCY.—The term “voluntary agency” means any nonprofit voluntary agency with expertise in the cultural, developmental, or psychological needs of unaccompanied alien children as recognized by the Director of the Office of Refugee Resettlement.

(6) VOLUNTARY AGENCY.—The term “voluntary agency” means any nonprofit voluntary agency with expertise in the cultural, developmental, or psychological needs of unaccompanied alien children as recognized by the Director of the Office of Refugee Resettlement.

(7) VOLUNTARY AGENCY.—The term “voluntary agency” means any nonprofit voluntary agency with expertise in the cultural, developmental, or psychological needs of unaccompanied alien children as recognized by the Director of the Office of Refugee Resettlement.
(ii) the date on which the child entered into Federal custody, including each instance in which such child entered into the custody of—

(I) the Service; or

(II) any other entity, as determined by the Secretary of Homeland Security, that is responsible for the custody of such child; or

(iii) information relating to the custody, detention, release, and repatriation of unaccompanied alien children who have been in the custody of the Service, including the

(iv) in any case in which the child is placed in detention, an explanation relating to the detention; and

(v) the disposition of any actions in which the child is the subject;

(I) collecting and compiling statistical information from the Service, including Border Patrol and inspections officers, on the unaccompanied alien children with whom they come into contact; and

(J) conducting investigations and inspections of facilities and other entities in which unaccompanied alien children reside.

DUTIES WITH RESPECT TO FOSTER CARE.—In carrying out the duties described in paragraph (3), the Director shall have the power to—

(A) the contract with service providers to perform the services described in sections 1222, 1223, 1321, and 1232; and

(B) compel compliance with the terms and conditions set forth in section 1223, including the power to terminate the contracts of providers that are not in compliance with such conditions and reassign any unaccompanied alien child to a facility that is in compliance with such section.

(b) NO EFFECT ON SERVICE, EOIR, AND DEPARTMENT OF STATE ADJUDICATORY RESPONSIBILITY.—Nothing in this title may be construed to transfer the responsibility for adjudicating benefit determinations under the Immigration and Nationality Act from the authority of any official of the Service, the Executive Office of Immigration Review (or successor entity), or the Department of State.

SEC. 1212. ESTABLISHMENT OF INTERAGENCY TASK FORCE ON UNACCOMPANIED ALIEN CHILDREN.

(a) ESTABLISHMENT.—There is established an Interagency Task Force on Unaccompanied Alien Children. 

(b) COMPOSITION.—The Task Force shall consist of the following members:

(1) the Secretary, the Assistant Secretary for Children and Families, Department of Health and Human Services;

(2) the Under Secretary of Homeland Security for Immigration Affairs;

(3) the Assistant Secretary of State for Population, Refugees, and Migration;

(4) the Director;

(5) other officials in the executive branch of Government as may be designated by the President.

(c) CHAIRMAN.—The Task Force shall be chaired by the Assistant Secretary, Administration for Children and Families, Department of Health and Human Services.

(d) ACTIVITIES OF THE TASK FORCE.—In consultation with nongovernmental organizations, the Task Force shall—

(1) measure and evaluate the progress of the United States in treating unaccompanied alien children and in providing for their safe return to, or to be made available in connection with, any other office, as applicable, substituted or added to such party.

(b) ADMINISTRATIVE PROCEDURE AND JUDICIAL REVIEW.—Except as otherwise provided by this title, any statutory requirements relating to notice, hearing, action upon the record, or administrative or judicial review that apply to any function transferred pursuant to any provision of this Act shall apply to the exercise of such function by the head of the office, and other offices of the United States, to which such function is transferred pursuant to such provision.

SEC. 1214. EFFECTIVE DATE.

This subtitle shall take effect one year after the effective date of division A of this Act.

Subtitle B—Custody, Release, Family Reunification, and Detention

SEC. 1221. PROCEDURES WHEN ENCOUNTERING UNACCOMPANIED ALIEN CHILDREN.

(a) UNACCOMPANIED CHILDREN FOUND ALONG THE UNITED STATES BORDER OR AT UNITED STATES PORTS OF ENTRY.—

(1) IN GENERAL.—Subject to paragraph (2), if an immigration officer finds an unaccompanied alien child who is described in paragraph (2) at a land border or port of entry of the United States and determines that such child is inadmissible under the Immigration and Nationality Act, the officer shall—

(A) permit such child to withdraw the child’s application for admission pursuant to subsection (d) of the Immigration and Nationality Act; and

(B) remove such child from the United States.

(2) SPECIAL RULE FOR CONTIGUOUS COUNTRIES. —

(A) IN GENERAL.—Any child who is a national or habitual resident of a country that is contiguous with the United States and that has an agreement in writing with the United States providing for the safe return and orderly repatriation of unaccompanied alien children who are nationals or habitual residents of such country shall be treated in accordance with paragraph (1), unless a determination is made on a case-by-case basis that—

(i) such child has a fear of returning to the child’s country of nationality or country of last habitual residence owing to a fear of persecution;

(ii) the return of such child to the child’s country of nationality or country of last habitual residence would endanger the life or safety of such child; or

(iii) the child cannot make an independent decision to withdraw the child’s application for admission due to age or other lack of capacity.

(B) RIGHT OF CONSULTATION.—Any child described in subparagraph (A) shall have the right to consult with a consular officer from the child’s country of nationality or country of last habitual residence prior to repatriation, as well as consult with the Office, telephonically, and such child shall be informed of that right.

(3) RULE FOR APPREHENSIONS AT THE BORDERS.—The custody of unaccompanied alien
SEC. 1222. FAMILY REUNIFICATION FOR UNACCOMPANIED ALIEN CHILDREN IN THE UNITED STATES.

(1) ESTABLISHMENT OF JURISDICTION.—
(A) IN GENERAL.—Except as otherwise provided under subsection (a) and subparagraphs (B) and (C), the custody of all unaccompanied alien children, including responsibility for their detention, where appropriate, shall be under the jurisdiction of the Office.
(B) EXCEPTION FOR CHILDREN WHO HAVE COMMITTED CRIMES.—Notwithstanding subparagraph (A), the Service shall retain or assume the custody and care of any unaccompanied alien child who—
(i) has been charged with any felony, excluding offenses proscribed by the Immigration and Nationality Act, while such charges are pending; or
(ii) has been convicted of any such felony.
(C) EXCEPTION FOR CHILDREN WHO Threaten NATIONAL SECURITY.—Notwithstanding subparagraph (A), the Office shall retain or assume the custody and care of an unaccompanied alien child if the Secretary of Homeland Security has substantial evidence that such child endangers the national security of the United States.

(2) NOTIFICATION.—Upon apprehension of an unaccompanied alien child, the Secretary shall promptly notify the Office.

(3) TRANSFER OF UNACCOMPANIED ALIEN CHILDREN.—
(A) TRANSFER TO THE OFFICE.—The child and custody of such child shall be transferred to the Office—
(i) in the case of a child not described in paragraph (1) (B) or (C), not later than 72 hours after the apprehension of such child; or
(ii) in the case of a child whose custody has been retained or assumed by the Service pursuant to paragraph (1) (B) or (C), immediately following a determination that the child no longer meets the description set forth in such paragraph.
(B) TRANSFER TO THE SERVICE.—Upon determining that a child in the custody of the Office is described in paragraph (1) (B) or (C), the Director shall promptly make arrangements for the care and custody of such child to the Service.
(c) AGE DETERMINATIONS.—In any case in which a determination is in question as to the age of an unaccompanied alien child and the resolution of questions about such alien’s age would affect the alien’s eligibility for treatment under the provisions of this title, a determination of whether such alien meets the age requirements of this title shall be made in accordance with the provisions of section 1225.

SEC. 1223. HEADQUARTERS AND STATE POLICIES FOR UNACCOMPANIED ALIEN CHILDREN

(a) PLACEMENT.
(1) ORDER OF PREFERENCE.—Subject to the Director’s discretion under paragraph (4) and section 1223a(2), an unaccompanied alien child shall be placed in the custody of the appropriate State agency, a religious organization, a qualified adult or entity seeking custody, a facility housing delinquent children, or a foster home.
(b) CONFIDENTIALITY.—All information obtained by the Director relating to the immigration status of a person listed in subsection (a) may be used only for the purposes of determining such person’s qualifications under subsection (a)(1).

SEC. 1224. REPATRIATION OF UNACCOMPANIED ALIEN CHILDREN.

(a) COUNTRY CONDITIONS.
(1) SENSE OF CONGRESS.—It is the sense of Congress that, to the extent consistent with the treaties and other international agreements to which the United States is a party and to the extent practicable, the United States Government shall take steps to ensure that repatriation of children is consistent with international agreements, the Vienna Convention on the Legal Aspects of International Child Abduction, the Hague Convention on the Civil Aspects of International Child Abduction, the Vienna Declaration and Programme of Action, and the Declaration of Principles of Rights of the Child; and
(ii) limit any right or remedy under such international agreement.

(b) PROCEDURES.—
(1) PROHIBITION OF DETENTION IN CERTAIN SITUATIONS.—No unaccompanied alien child shall be detained in any of the following facilities unless it is determined by the Secretary in exercising the discretion under paragraph (2) that such child is a national security threat:
(i) A U.S. Immigration detention facility;
(ii) A State-licensed juvenile shelter, group home, or foster home;
(iii) A facility housing delinquent children;
(iv) A foster care placement.

(c) FACTORS FOR ASSESSMENT.
(1) STANDARDS FOR PLACEMENT.
(2) ASSESSMENT OF CONDITIONS.
(3) REASSESSMENT OF CONDITIONS.
(4) DETERMINATIONS).

(d) CONDITIONS OF DETENTION.
(1) IN GENERAL.—The Director shall provide for reasonable and humane conditions of detention in any facility housing alien children, including standards for appropriate behavior in a facility providing for the child’s physical and mental well-being.

(e) STATE LICENSURE.—In the case of a placement of a child with an entity described in section 1222(a)(1)(E), the entity must be licensed by an appropriate State agency to provide residential, group, child welfare, or foster care services for dependent children.

(f) CONFIDENTIALITY.—All information obtained by the Director relating to the immigration status of a person listed in subsection (a) may be used only for the purposes of determining such person’s qualifications under subsection (a)(1).
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(3) A statement of the nationalities, ages, and gender of such children.
(4) A description of the procedures used to effect the removal of such children from the United States.
(5) A description of steps taken to ensure that such children were safely and humanely repatriated to their country of origin.

SEC. 1225. ESTABLISHING THE AGE OF AN UNACCOMPANIED ALIEN CHILD.

The Director shall develop procedures that permit the presentation and consideration of a variety of forms of evidence, including testimony of a child and other persons, to determine an unaccompanied alien child’s age for purposes of placement, custody, parole, and detention. Such procedures shall allow the appeal of a determination to an immigration judge. Radiographs shall not be the sole means of determining age.

SEC. 1226. EFFECTIVE DATE.

This subtitle shall take effect one year after the effective date of division A of this Act.

Subtitle C—Access by Unaccompanied Alien Children to Guardians Ad Litem and Counsel

SEC. 1231. RIGHT OF UNACCOMPANIED ALIEN CHILDREN TO GUARDIANS AD LITEM.

(a) GUARDIAN AD LITEM.—

(1) APPOINTMENT.—The Director shall appoint a guardian ad litem who meets the qualifications in paragraph (2) for each unaccompanied alien child in the custody of the Office not later than 72 hours after the Office assumes physical or constructive custody of such child. The Director is encouraged, wherever practicable, to contract with a voluntary agency for the selection of a guardian ad litem under this paragraph.

(2) QUALIFICATIONS OF GUARDIAN AD LITEM.

(A) In general.—No person shall serve as a guardian ad litem unless such person—

(i) is a child welfare professional or other individual who has received training in child welfare matters;

(ii) possesses special training on the nature of problems encountered by unaccompanied alien children;

(B) PREFERENCE.—A guardian ad litem shall not be an employee of the Service.

(3) DUTIES.—The guardian ad litem shall—

(A) interview with the child in a manner that is appropriate, taking into account the child’s age;

(B) investigate the facts and circumstances relevant to such child’s presence in the United States, including facts and circumstances arising in the child’s nationality or last habitual residence and facts and circumstances arising subsequent to the child’s departure from such country;

(C) work with counsel to identify the child’s legal rights; and (D) prevent voluntary departure by sharing with counsel information collected under subparagraph (B).

(D) DEVELOPMENT OF RECOMMENDATIONS.—The guardian ad litem shall carry out the duties described in paragraph (3) until—

(A) those duties are completed,

(B) the child departs the United States,

(C) the child is granted permanent resident status in the United States,

(D) the child reaches the age of 18, or

(E) the child is placed in the custody of a parent or legal guardian, whichever occurs first.

(i) POWERS.—The guardian ad litem—

(A) shall have reasonable access to the child, including access while such child is being held in detention or in the care of a foster family;

(B) shall be permitted to review all records and information relating to such proceedings that are not deemed privileged or classified;

(C) may seek independent evaluations of the child;

(D) shall be notified in advance of all hearings involving the child that are held in connection with proceedings under the Immigration and Nationality Act, and shall be given a reasonable opportunity to be present at such hearings;

(E) shall be permitted to consult with the child during any hearing or interview involving such child.

(4) T ERMINATION OF APPOINTMENT .

(A) APPOINTMENT OF COMPETENT COUNSEL .

(1) A parent or legal guardian of an unaccompanied alien child may request that such child be represented by counsel.

(2) The director shall ensure that all unaccompanied alien children in the custody of the Office or in the custody of the Service are not deprived of the competent legal representation in immigration proceedings or matters.

(B) PRO BONO REPRESENTATION.—To the maximum extent practicable, the Director shall utilize the services of pro bono attorneys who agree to provide representation to such children without charge.

(C) GOVERNMENT FUNDED REPRESENTATION.—

(A) APPOINTMENT OF COMPETENT COUNSEL.—Notwithstanding section 292 of the Immigration and Nationality Act (8 U.S.C. 1362) or any other provision of law, when no competent counsel is available to represent an unaccompanied alien child without charge, the Director shall appoint competent counsel for such child at the expense of the Government.

(B) LIMITATION ON ATTORNEY FEES.—Counsel appointed under subparagraph (A) may represent an unaccompanied alien child at a rate in excess of the rate provided under section 3006A of title 18, United States Code.

(C) ASSUMPTION OF THE COST OF GOVERNMENT FUNDED REPRESENTATION.—

(A) In general.—In the case of a child for whom counsel is appointed under subparagraph (A) who is subsequently placed in the physical custody of a parent or legal guardian of such child, the Director may elect to retain the same counsel to continue representation of the child, at no expense to the Government, beginning on the date that the parent or legal guardian assumes physical custody of the child.

(B) DEVELOPMENT OF NECESSARY INFRASTRUCTURES AND SYSTEMS.—In ensuring that legal representation is provided to such children, the Director shall develop the necessary mechanisms to identify entities available to provide such legal assistance and representation to such entities, and

(C) CONTRACTING AND GRANT MAKING AUTHORITY.—

(A) IN GENERAL.—Subject to the availability of funds, the Director shall enter into contracts with, or make grants to, non-profit agencies with relevant expertise in the delivery of immigration-related legal services to children in order to carry out this subsection.

(B) INELIGIBILITY FOR GRANTS AND CONTRACTS.—In making grants and entering into contracts with such agencies, the Director shall ensure that no such agency is—

(i) a grantee or contractor for services provided under section 1102(e) of the Act,

(ii) simultaneously a grantee or contractor for services provided under subparagraph (A), (B), or (C) of section 1231(a) or 1232(b) of the Act, or

(iii) any entity engaged in the detention or transfer of unaccompanied alien children.

SEC. 1232. RIGHT OF UNACCOMPANIED ALIEN CHILDREN TO COUNSEL.

(a) ACCESS TO COUNSEL.—

(1) IN GENERAL.—The Director shall ensure that all unaccompanied alien children in the custody of the Office or in the custody of the Service who are not described in section 1225(a)(2) shall have competent counsel to represent them in immigration proceedings or matters.

(B) PRO BONO REPRESENTATION.—To the maximum extent practicable, the Director shall utilize the services of pro bono attorneys who agree to provide representation to such children without charge.

(C) GOVERNMENT FUNDED REPRESENTATION.—

(A) APPOINTMENT OF COMPETENT COUNSEL.—Notwithstanding section 292 of the Immigration and Nationality Act (8 U.S.C. 1362) or any other provision of law, when no competent counsel is available to represent an unaccompanied alien child without charge, the Director shall appoint competent counsel for such child at the expense of the Government.

(B) LIMITATION ON ATTORNEY FEES.—Counsel appointed under subparagraph (A) may represent an unaccompanied alien child at a rate in excess of the rate provided under section 3006A of title 18, United States Code.

(C) ASSUMPTION OF THE COST OF GOVERNMENT FUNDED REPRESENTATION.—

(A) In general.—In the case of a child for whom counsel is appointed under subparagraph (A) who is subsequently placed in the physical custody of a parent or legal guardian of such child, the Director may elect to retain the same counsel to continue representation of the child, at no expense to the Government, beginning on the date that the parent or legal guardian assumes physical custody of the child.

(B) DEVELOPMENT OF NECESSARY INFRASTRUCTURES AND SYSTEMS.—In ensuring that legal representation is provided to such children, the Director shall develop the necessary mechanisms to identify entities available to provide such legal assistance and representation to such entities, and

(C) CONTRACTING AND GRANT MAKING AUTHORITY.—

(A) IN GENERAL.—Subject to the availability of funds, the Director shall enter into contracts with, or make grants to, non-profit agencies with relevant expertise in the delivery of immigration-related legal services to children in order to carry out this subsection.

(B) INELIGIBILITY FOR GRANTS AND CONTRACTS.—In making grants and entering into contracts with such agencies, the Director shall ensure that no such agency is—

(i) a grantee or contractor for services provided under section 1102(e) of the Act,

(ii) simultaneously a grantee or contractor for services provided under subparagraph (A), (B), or (C) of section 1231(a) or 1232(b) of the Act, or

(iii) any entity engaged in the detention or transfer of unaccompanied alien children.

SEC. 1233. EFFECTIVE DATE. APPLICABILITY.

(a) EFFECTIVE DATE.—This subtitle shall take effect one year after the effective date of division A of this Act.

(b) APPLICABILITY.—The provisions of this subtitle shall apply to 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 VISAS.

(a) J Visa.—Section 101(a)(27)(J) (8 U.S.C. 1101(a)(27)(J)) is amended to read as follows:

"(J) any alien under the age of 18 on the date of application who is present in the United States—

(i) who has been declared eligible, on a juvenile petition, to be admitted to the United States; or whom such a court has legally committed to, or placed under the custody of, a department or agency of a State, or an individual or entity appointed by a State, and who has been deemed eligible by that court for long-term foster care due to abuse, neglect, or abandonment, or a similar basis found under State law; and

(ii) for whom it has been determined in administrative or judicial proceedings that it would not be in the alien’s best interest to be returned to the alien’s or parent’s previous country of nationality or country of last habitual residence; and

(iii) for whom the Office of Refugee Resettlement of the Department of Health and Human Services has determined that the alien is an unaccompanied alien child, as defined in section 1225(b)(3)(C) of this title;

(b) Adjustment of Status.—Section 207(e) (8 U.S.C. 1157(e)) is amended—

(1) by amending subparagraph (A) to read as follows:

"(A) paragraphs (1), (4), (5), (6), and (7)(A) of section 212(a) shall not apply; ";

(2) in subparagraph (B), by striking the period and inserting ; and

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

"(C) the Secretary of Health and Human Services may waive paragraph (2) (A) and (B) in the case of an offense which arose as a consequence of the child being unaccompanied.

(c) Ineligibility for Assistance.—A child who has been granted relief under section 101(a)(27)(J) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)(J)), as amended by subsection (a), and who in the custody of the Secretary of Health and Human Services shall be eligible for all funds made available under section 412(d) of such Act.

SEC. 1242. TRAINING OF OFFICIALS AND CERTAIN PRIVATE PARTIES WHO COME INTO CONTACT WITH UNACCOMPANIED ALIEN CHILDREN.

(a) Training of State and Local Officials and Certain Private Parties.—The Secretary of Health and Human Services, acting jointly with the Secretary, shall provide training to be available to State and county officials, child welfare specialists, teachers, public counsel, and juvenile judges who come into contact with unaccompanied alien children. The training shall provide education on the processes pertaining to unaccompanied alien children with pending immigration status and on the formats in which such information is available. The Secretary shall be responsible for establishing a core curriculum that can be incorporated into currently existing education, training, or other formats that are currently used by these professionals.

(b) Training of Service Personnel.—The Secretary, acting jointly with the Secretary of Health and Human Services, shall provide specialized training to all personnel of the Service who come into contact with unaccompanied alien children. In the case of Border Patrol agents and immigration inspectors, such training shall include specific training on identifying children at the United States ports of entry who have been victimized by smugglers or traffickers, and children for whom asylum or special immigrant relief may be appropriate. The training described in section 1221(a)(2).

Subtitle E—Children Refugee and Asylum Claims

SEC. 1251. GUIDELINES FOR CHILDREN’S ASYLUM CLAIMS.

(a) Sense of Congress.—Congress commends the Service for its issuance of its “Guidelines for Children’s Asylum Claims,” dated December 1998, and encourages and supports the Service’s implementation of such guidelines in an effort to facilitate the handling of children’s asylum claims. Congress calls upon the Executive Office for Immigration Review of the Department of Justice (the “Service”) to adopt the “Guidelines for Children’s Asylum Claims” in its handling of children’s asylum claims before immigration judges and the Board of Immigration Appeals.

(b) Training.—The Secretary of Homeland Security shall provide periodic comprehensive training under the “Guidelines for Children’s Asylum Claims” to asylum officers, immigration judges, members of the Board of Immigration Appeals, and immigration officers who have contact with children in order to familiarize such officers to the needs of children asylum seekers. Voluntary agencies shall be allowed to assist in such training.

SEC. 1252. UNACCOMPANIED REFUGEE CHILDREN.

(a) Identifying Unaccompanied Refugee Children.—Section 207(e) (8 U.S.C. 1157(e)) is amended—

(1) by redesignating paragraphs (3), (4), (5), (6), and (7) as paragraphs (4), (5), (6), and (7), respectively; and

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

"(8) An analysis of the worldwide situation faced by unaccompanied refugee children, by region. Such analysis shall include an assessment of—

(A) the number of unaccompanied refugee children, by region;

(B) the capacity of the Department of State to identify such refugees;

(C) the capacity of the international community to care for and protect such refugees;

(D) the capacity of the voluntary agency community to resettle such refugees in the United States;

(E) the degree to which the United States plans to resettle such refugees in the United States in the coming fiscal year; and

(F) the fate that will befall such unaccompanied refugee children for whom resettlement in the United States is not possible.

(b) Training on the Needs of Unaccompanied Refugee Children.—Section 207(f)(2) (8 U.S.C. 1157(f)(2)) is amended by—

(1) striking “and” after “countries,”; and

(2) inserting before the period at the end the following: “on the needs of unaccompanied refugee children.”

Subtitle F—Authorization of Appropriations

SEC. 1251. AUTHORIZATION OF APPROPRIATIONS.

(a) In General.—There are authorized to be appropriated pursuant to subsection (a) are authorized to remain available until expended.

(b) Availability of Funds.—Amounts appropriated pursuant to subsection (a) are authorized to remain available until expended.

TITLE XIII—AGENCY FOR IMMIGRATION HEARINGS AND APPEALS

Subtitle A—Structure and Function

SEC. 1301. ESTABLISHMENT.

(a) In General.—There is established within the Department of Justice the Agency for Immigration Hearings and Appeals (in this title referred to as the "Agency").

(b) Abolition of EOIR.—The Executive Office for Immigration Review of the Department of Justice is hereby abolished.

SEC. 1302. DIRECTOR OF THE AGENCY.

(a) Appointment.—There shall be at the head of the Agency a Director who shall be appointed by the President, by and with the advice and consent of the Senate.

(b) Officers.—The Director shall appoint a Deputy Director, General Counsel, Pro Bono Coordinator, and other offices as may be necessary to carry out this title.

(c) Responsibilities.—The Director shall—

(1) administer the Agency and be responsible for the promulgation of rules and regulations affecting the Agency;

(2) appoint each Member of the Board of Immigration Appeals, including a Chair;

(3) appoint the Chief Immigration Judge; and

(4) appoint and fix the compensation of attorneys, clerks, administrative assistants, and the other employees of the Agency.

SEC. 1303. BOARD OF IMMIGRATION APPEALS.

(a) In General.—The Board of Immigration Appeals (in this title referred to as the "Board") shall perform the appellate functions of the Agency. The Board shall consist of a Chair and not less than 14 other immigration appeals judges.

(b) Appointment.—Members of the Board shall be appointed by the Director, in consultation with the Chair of the Board of Immigration Appeals.

(c) Qualifications.—The Chair and each other Member of the Board shall be an attorney in good standing of a bar of a State or the District of Columbia and shall have at least 7 years of professional legal expertise in immigration and nationality law.

(d) Chair.—The Chair shall direct, supervise, and establish the procedures and policy of the Board.

(e) Jurisdiction.—

(1) In General.—The Board shall have such jurisdiction as was, prior to the date of enactment of this Act, by statute or regulation to the Board of Immigration Appeals (as in effect under the Executive Office of Immigration Review).

(2) De Novo Review.—The Board shall have de novo review of any decision by an immigration judge, including any final order of removal.

(f) Decisions of the Board.—The decisions of the Board shall constitute final agency action, subject to review only as provided by the Immigration and Nationality Act and other applicable law.

(g) Independence of Board Members.—The Members of the Board shall exercise their independent judgment and discretion in the cases coming before the Board.

SEC. 1304. CHIEF IMMIGRATION JUDGE.

(a) Establishment of Office.—There shall be in the Agency the Office of Chief Immigration Judge, who shall administer the immigration courts.

(b) Duties of the Chief Immigration Judge.—The Chief Immigration Judge shall be responsible for the general supervision, direction, and procurement of resource and facilities and for the general management of immigration court operations.

(c) Appointment of Immigration Judges.—Immigration judges shall be appointed by
the Director, in consultation with the Chief Immigration Judge.

(d) QUALIFICATIONS.—Each immigration judge, including the Chief Immigration Judge, shall be an attorney in good standing of a bar of a State or the District of Columbia and shall have at least 7 years of professional legal expertise in immigration and national law.

(e) JURISDICTION AND AUTHORITY OF IMMIGRATION COURTS.—The immigration courts shall have such jurisdiction as was, prior to the date of enactment of this Act, provided by statute or regulation to the immigration courts within the Executive Office for Immigration Review of the Department of Justice.

(f) INDEPENDENT JUDICIAL DISCRETION.—The immigration judges shall exercise their independent judgment and discretion in the cases coming before the Immigration Court.

SEC. 1305. CHIEF ADMINISTRATIVE HEARING OFFICER.

(a) ESTABLISHMENT OF POSITION.—There shall be within the Agency the position of Chief Administrative Hearing Officer.

(b) DUTIES OF THE CHIEF ADMINISTRATIVE HEARING OFFICER.—The Chief Administrative Hearing Officer shall be an attorney bearing out that under sections 274A, 274B, and 274C of the Immigration and Nationality Act.

SEC. 1306. REMOVAL OF JUDGES.

Immigration judges and Members of the Board of Immigration Appeals shall be removed from office only for good cause, including neglect of duty or malfeasance, by the Director, in consultation with the Chair of the Board, in the case of the removal of a Member of the Board, or in consultation with the Chief Immigration Judge, in the case of the removal of an immigration judge.

SEC. 1307. AUTHORIZATION OF APPROPRIATIONS.

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

Subtitle B—Transfer of Functions and Savings Provisions

SEC. 1311. TRANSITION PROVISIONS.

(a) TRANSFER OF FUNCTIONS.—All functions under the immigration laws of the United States (as defined in section 111(e) of the Immigration and Nationality Act, as added or modified by this section 1110(a)(2) of this Act) vested by statute in, or exercised by, the Executive Office of Immigration Review of the Department of Justice, an employee, component thereof, immediately prior to the effective date of this title, are transferred to the Agency.

(b) TRANSFERRING AND ALLOCATIONS OF APPROPRIATIONS AND PERSONNEL.—The personnel in connection with, and the assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, used, held, arising from, available to, or to be made available in connection with, any function transferred pursuant to this section shall be used only for the purposes for which the funds were originally authorized and appropriated.

(c) LEGAL DOCUMENTS.—All orders, determinations, rules, regulations, permits, grants, loans, contracts, recognition of labor organizations, agreements, including collective bargaining agreements, certificates, licenses, and privileges that have been issued, made, granted, or allowed to become effective by the Attorney General or the Executive Office of Immigration Review of the Department of Justice, their delegates, or any other Government official, or by a court of competent jurisdiction, in the performance of any function that is transferred under this section; and

(2) that are in effect on the effective date of such transfer (or become effective after such date pursuant to any terms until modified, terminated, superseded, set aside, or revoked in accordance with law by any other authorized official, a court of competent jurisdiction, or operation of law, except that any collective bargaining agreement shall remain in effect until the date of termination specified in the agreement.

(d) PROCEEDINGS.—

(1) PENNED.—The transfer of functions under subsection (a) shall not affect any proceeding or any application for any benefit, service, license, permit, certificate, or financial assistance pending on the effective date of this title before an office whose functions are transferred pursuant to this section, but such proceedings and applications shall be continued.

(2) ORDERS.—Orders shall be issued in such proceedings, appeals shall be taken from, and payments shall be made pursuant to such orders, if as this Act had not been enacted, and orders issued in any such proceeding shall continue until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law.

(3) DISCONTINUATION OR MODIFICATION.—Nothing in this section shall be considered to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this section had not been enacted.

(e) SUITS.—This section shall not affect suits commenced before the effective date of this title, and in all such suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this section had not been enacted.

(f) NONABATEMENT OF ACTIONS.—No suit, action, or other proceeding commenced by or against the Department of Justice or the Executive Office of Immigration Review, or by or against any individual in the official capacity of such individual as an officer or employee in connection with a function transferred under this section shall be abated by reason of the enactment of this Act.

(g) CONTINUANCE OF SUIT WITH SUBSTITUTION OF PARTIES.—If any Government officer in the official capacity of such officer is party to a suit with respect to a function of the officer, and pursuant to this section such function is transferred to any other officer or office, then such suit shall continue with the other officer or the head of such other office, applicable, substituted or added as a party.

(h) ADMINISTRATIVE PROCEDURE AND JUDICIAL REVIEW.—Except as otherwise provided by this title, any statutory requirements relating to notice, hearings, action upon the record, or administrative or judicial review that apply to any function transferred pursuant to any provision of this section shall to the extent applicable apply to such function by the head of the office, and other officers of the office, to which such function is transferred pursuant to such provision.

Subtitle C—Effective Date

SEC. 1321. EFFECTIVE DATE.

This title shall take effect one year after the effective date of division A of this Act.
SEC. 2103. CHIEF HUMAN CAPITAL OFFICERS COUNCIL.

(a) ESTABLISHMENT.—There is established a Chief Human Capital Officers Council, consisting of—

(1) the Director of the Office of Personnel Management, who shall act as chairperson of the Council;

(2) the Deputy Director for Management of the Office of Management and Budget, who shall act as vice chairperson of the Council; and

(3) the Chief Human Capital Officers of Executive departments and any other human capital officers who are designated by the Director of the Office of Management and Budget.

(b) FUNCTIONS.—The Chief Human Capital Officers Council shall meet periodically to advise and coordinate the activities of the agencies of its members on such matters as modernization of human resources systems, improved quality of human resources information, and legislation affecting human resources operations and organizations.

(c) EMPLOYER LABOR ORGANIZATIONS AT MEETINGS.—The Chief Human Capital Officers Council shall ensure that representatives of employer labor organizations are present at a meeting of the Council each year. Such representatives shall not be members of the Council.

(d) ANNUAL REPORT. — Each year the Chief Human Capital Officers Council shall submit a report to Congress on the activities of the Council.

SEC. 2104. STRATEGIC HUMAN CAPITAL MANAGEMENT.

Section 1103 of title 5, United States Code, is amended by adding at the end the following:

“(c)(1) The Office of Personnel Management shall design a set of systems, including appropriate metrics, for assessing the management of human capital by Federal agencies.

“(2) The systems referred to under paragraph (1) shall be defined in regulations of the Office of Personnel Management and include standards for—

“(A) aligning human capital strategies of agencies with the missions, goals, and organizational objectives of those agencies; and

“(B) integrating those strategies into the budget and strategic plans of those agencies;

“(C) ensuring continuity of effective leadership through implementation of recruitment, mentoring, and succession plans;

“(D) sustaining a culture that cultivates and develops a high performing workforce;

“(E) developing and implementing a knowledge management strategy supported by appropriate investment in training and technology; and

“(F) holding managers and human resources officers accountable for efficient and effective human resources management in support of agency missions in accordance with merit system principles.”.

SEC. 2105. EFFECTIVE DATE.

This title shall take effect 180 days after the date of enactment of this division.

TITLE XXII—REFORMS RELATING TO FEDERAL HUMAN CAPITAL MANAGEMENT

SEC. 2201. INCLUSION OF AGENCY HUMAN CAPITAL PERFORMANCE PLANS AND PROGRAM PERFORMANCE REPORTS.

(a) PURPOSE.—Section 1115 of title 31, United States Code, is amended—

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

“(3) the Human Capital Officers Council shall submit in each of the 3 years following that establishment, a report to Congress on that system including information on—

“(I) the number of employees hired under that system;

“(II) the impact that system has had on the hiring of veterans and minorities, including those who are American Indian or Alaska Natives, Asian, Black or African American, Hispanic, Native Hawaiian or other Pacific Islander; and

“(III) the way in which managers were trained in the administration of that system.

“(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 33 of title 5, United States Code, is amended by striking the item relating to section 3319 and inserting the following:

“(3319. Alternative ranking and selection procedures.”.

SEC. 2202. REFORM OF THE COMPETITIVE SERVICE.

(a) IN GENERAL.—Chapter 33 of title 5, United States Code, is amended—

(1) in section 3304(a)(1), by striking “and” after the semicolon;

(2) by redesignating paragraph (5) as paragraph (6); and

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

“(5) include a review of the performance goals and evaluation of the performance plan relative to the agency’s strategic human capital management; and

“(b) PROGRAM PERFORMANCE REPORTS.—Section 1116(d) of title 31, United States Code, is amended—

(1) in paragraph (4), by striking “and” after the semicolon; and

(2) by redesigning paragraph (5) as paragraph (6); and

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

“(5) include a review of the performance goals and evaluation of the performance plan relative to the agency’s strategic human capital management; and

“(c) EMPLOYEE LABOR ORGANIZATIONS AT MEETINGS.—The Chief Human Capital Officers Council shall ensure that representatives of employee labor organizations are present at a minimum of 1 meeting of the Council each year. Such representatives shall not be members of the Council.

“(d) ANNUAL REPORT. — Each year the Chief Human Capital Officers Council shall submit a report to Congress on the activities of the Council.

SEC. 2106. STRATEGIC HUMAN CAPITAL MANAGEMENT.

Section 1103 of title 5, United States Code, is amended by adding at the end the following:

“(c) The Office of Personnel Management shall design a set of systems, including appropriate metrics, for assessing the management of human capital by Federal agencies. The systems referred to under paragraph (1) shall be defined in regulations of the Office of Personnel Management and include standards for—

“(A) aligning human capital strategies of agencies with the missions, goals, and organizational objectives of those agencies; and

“(B) integrating those strategies into the budget and strategic plans of those agencies;

“(C) ensuring continuity of effective leadership through implementation of recruitment, mentoring, and succession plans;

“(D) sustaining a culture that cultivates and develops a high performing workforce;

“(E) developing and implementing a knowledge management strategy supported by appropriate investment in training and technology; and

“(F) holding managers and human resources officers accountable for efficient and effective human resources management in support of agency missions in accordance with merit system principles.”.

SEC. 2107. EFFECTIVE DATE.

This title shall take effect 180 days after the date of enactment of this division.

TITLES XXII—REFORMS RELATING TO FEDERAL HUMAN CAPITAL MANAGEMENT

SEC. 2201. INCLUSION OF AGENCY HUMAN CAPITAL PERFORMANCE PLANS AND PROGRAM PERFORMANCE REPORTS.

(a) PURPOSE.—Section 1115 of title 31, United States Code, is amended—

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

“(3) the Human Capital Officers Council shall submit in each of the 3 years following that establishment, a report to Congress on the activities of the Council on matters as modernization of human resources systems, improved quality of human resources information, and legislation affecting human resources operations and organizations.

(c) EMPLOYER LABOR ORGANIZATIONS AT MEETINGS.—The Chief Human Capital Officers Council shall ensure that representatives of employer labor organizations are present at a meeting of the Council each year. Such representatives shall not be members of the Council.

(d) ANNUAL REPORT. — Each year the Chief Human Capital Officers Council shall submit a report to Congress on the activities of the Council.

SEC. 2204. STRATEGIC HUMAN CAPITAL MANAGEMENT.

Section 1103 of title 5, United States Code, is amended by adding at the end the following:

“(c)(1) The Office of Personnel Management shall design a set of systems, including appropriate metrics, for assessing the management of human capital by Federal agencies.

“(2) The systems referred to under paragraph (1) shall be defined in regulations of the Office of Personnel Management and include standards for—

“(A) aligning human capital strategies of agencies with the missions, goals, and organizational objectives of those agencies; and

“(B) integrating those strategies into the budget and strategic plans of those agencies;

“(C) ensuring continuity of effective leadership through implementation of recruitment, mentoring, and succession plans;

“(D) sustaining a culture that cultivates and develops a high performing workforce;

“(E) developing and implementing a knowledge management strategy supported by appropriate investment in training and technology; and

“(F) holding managers and human resources officers accountable for efficient and effective human resources management in support of agency missions in accordance with merit system principles.”.

SEC. 2205. EFFECTIVE DATE.

This title shall take effect 180 days after the date of enactment of this division.
“(III) during the 12-month period preceding the date of separation of that employee, performed service for which a retention bonus was or is to be paid under section 5754.

§ 3522. Agency plans; approval
(a) (1) Using any resources for voluntary separation incentive payments, the head of each agency shall submit to the Office of Personnel Management a plan outlining the intended use of such incentive payments and a proposed organizational chart for the agency once such incentive payments have been completed.
(b) The plan for an agency under subsection (a) shall include—
(1) the specific positions and functions to be reduced or eliminated;
(2) a description of the categories of employees who will be offered incentives;
(3) the time period during which incentives may be paid;
(4) the number and amounts of voluntary separation incentive payments to be offered; and
(5) a description of how the agency will operate without the eliminated positions and functions.
(c) The Director of the Office of Personnel Management shall review each agency’s plan and may make any appropriate modifications in the plan, in consultation with the Director of the Office of Management and Budget. A plan under this section may not be implemented without the approval of the Director of the Office of Personnel Management.

§ 3523. Authority to provide voluntary separation incentive payments
(a) A voluntary separation incentive payment under this subchapter may be paid to an employee only as provided in the plan of an agency established under section 3522.
(b) A voluntary separation incentive payment—
(1) shall be offered to agency employees on the basis of—
(A) 1 or more organizational units;
(B) 1 or more occupational series or levels;
(C) 1 or more geographical locations;
(D) skills, knowledge, or other factors related to a position;
(E) specific periods of time during which eligible employees may elect a voluntary incentive payment; or
(F) any appropriate combination of such factors;
(2) shall be paid in a lump sum after the employee’s separation;
(3) shall be equal to the lesser of—
(A) an amount equal to the amount the employee would be entitled to receive under section 5959(c) if the employee were entitled to payment under such section (without adjustment for any previous payment made); or
(B) an amount determined by the agency head, not to exceed $25,000;
(4) may be made only in the case of an employee who voluntarily separates (whether by retirement or resignation) under this subchapter;
(5) shall not be a basis for payment, and shall not be included in the computation, of any other type of Government benefit;
(6) shall not be taken into account in determining the amount of any severance pay to which the employee may be entitled under section 5959, based on any other separation; and
(7) shall be paid from appropriations or funds available for the payment of the basic pay of the employee.

§ 3524. Effect of subsequent employment with another Government entity
(a) The term ‘employment’—
(1) in subsection (b) includes employment under a personal services contract (or other direct contract) with the United States Government (other than an entity in the legislative branch); and
(2) in subsection (c) does not include employment under such contract.
(b) An individual who has received a voluntary separation incentive payment under this subchapter and accepts employment with the Government of the United States within 5 years after the date of the separation on which the payment is based shall be required to pay, before the individual’s first day of employment, the entire amount of the incentive payment to the agency that paid the incentive payment.
(c)(i) If the employment under this section is with the General Accounting Office, the United States Postal Service, or the Postal Rate Commission, the Director of the Office of Personnel Management may, at the request of the head of the agency, waive the repayment if—
(A) the individual involved possesses unique skills directly related to resolving the emergency; and
(B) will serve on a temporary basis only as long as such services are made necessary by the emergency.
(ii) If the employment under this section is with an entity in the legislative branch, the head of the agency, or the appointing official in the executive branch may waive the repayment if the individual involved possesses unique skills necessary by the emergency.
(iii) If the employment under this section is with an entity in the judicial branch, the head of the entity or the appointing official in the executive branch may waive the repayment if the individual involved possesses unique skills or the individual involved possesses unique abilities and is the only qualified applicant available for the position.
(d) The Office of Personnel Management shall promulgate regulations to carry out this subchapter.

§ 3525. Regulations
The Office of Personnel Management may prescribe regulations to carry out this subchapter.

§ 3526. Effect of subsequent employment with another Government entity
Any agency exercising any voluntary separation incentive authority in effect on the effective date of this subchapter may continue to offer voluntary separation incentives consistent with that authority until that authority expires.

§ 3527. Effective date—This subchapter shall take effect 60 days after the date of enactment of this Act.

(b) FEDERAL EMPLOYEE VOLUNTARY EARLY RETIREMENT
(1) CIVIL SERVICE RETIREMENT SYSTEM—Section 8414(b)(1) of title 5, United States Code, is amended to read as follows:
(2) (A) has been employed continuously, by the agency in which the employee is serving, for at least the 31-day period ending on the date on which such agency requests the determination referred to in subparagraph (D);
(B) is serving under an appointment that is not time limited.
(C) has not been duly notified that such employee is to be involuntarily separated for misconduct or unacceptable performance;
(D) is separated from the service voluntarily during a period in which, as determined by the Office of Personnel Management (upon request of the agency) under regulations prescribed by the Office—
(i) such agency (or, if applicable, the component in which the employee is serving) is undergoing substantial delaying, substantial reorganization, substantial reductions in force, substantial transfer of function, or other substantial workforce restructuring (or shaping); or
(ii) a significant percentage of employees serving in such agency (or component) are likely to be separated or subject to an immediate reduction in the rate of basic pay (without regard to subchapter VI of chapter 53, or comparable provisions); or
(iii) identified as being in positions which are becoming surplus or excess to the agency’s future ability to carry out its mission effectively; and
(E) as determined by the agency under regulations prescribed by the Office, is within the scope of the offer of voluntary early retirement, which may be made on the basis of—
(i) 1 or more organizational units;
(ii) 1 or more occupational series or levels;
(iii) 1 or more geographical locations;
(iv) specific periods;
(v) skills, knowledge, or other factors related to a position; or
(vi) any appropriate combination of such factors;—
(2) FEDERAL EMPLOYEE RETIREMENT SYSTEM—Section 8414(b)(1) of title 5, United States Code, is amended by striking subparagraph (B) and inserting the following:
(3) (a) has been employed continuously, by the agency in which the employee is serving, for at least the 31-day period ending on the date on which such agency requests the determination referred to in clause (iv); or
(b) is serving under an appointment that is not time limited;
(c) has not been duly notified that such employee is to be involuntarily separated for misconduct or unacceptable performance;
(d) is separated from the service voluntarily during a period in which, as determined by the Office of Personnel Management (upon request of the agency) under regulations prescribed by the Office—
(i) such agency (or, if applicable, the component in which the employee is serving) is undergoing substantial delaying, substantial reorganization, substantial reductions in force, substantial transfer of function, or other substantial workforce restructuring (or shaping); or
(ii) a significant percentage of employees serving in such agency (or component) are likely to be separated or subject to an immediate reduction in the rate of basic pay (without regard to subchapter VI of chapter 53, or comparable provisions); or

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—
“(III) identified as being in positions which are becoming surplus or excess to the agency’s future ability to carry out its mission effectively; and

“(IV) positions determined by the agency under regulations prescribed by the Office, which are within the scope of the offer of voluntary early retirement, which may be made on the basis of—

“(A) 1 or more organizational units;

“(B) 1 or more occupational series or levels;

“(C) 1 or more geographical locations;

“(D) specific periods;

“(E) skills, knowledge, or other factors related to a position; or

“(F) any appropriate combination of such factors.”

(3) GENERAL ACCOUNTING OFFICE AUTHORITY.—The amendments made by this subsection shall not be construed to affect the authority under section 1 of Public Law 106–339, as amended, (5 U.S.C. 3386 note; 114 Stat. 1063).

(4) TECHNICAL AND CONFORMING AMENDMENT.—Section 7001 of the 1998 Supplemental Appropriations and Rescissions Act (Public Law 105–174; 112 Stat. 91) is repealed.

(5) REPEAL.—The Office of Personnel Management may prescribe regulations to carry out this subsection.

(c) SENSE OF CONGRESS.—It is the sense of Congress that the implementation of this section is intended to reshape the Federal workforce and not downsize the Federal workforce.

SEC. 2204. STUDENT VOLUNTEER TRANSIT SUBSIDY.

(a) IN GENERAL.—Section 7905(a)(1) of title 5, United States Code, is amended by striking “and a member of a uniformed service” and inserting “, a member of a uniformed service, and a student who provides volunteer services under section 3111”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 3111(c)(1) of title 5, United States Code, is amended by striking “title 81 of this title” and inserting “section 7905 (relating to commuting by means other than single-occupancy motor vehicles), chapter 81”.

TITLE XXIII—REFORMS RELATING TO THE SENIOR EXECUTIVE SERVICE

SEC. 2301. REPEAL OF CERTIFICATION REQUIREMENTS OF SENIOR EXECUTIVES.

(a) IN GENERAL.—Title 5, United States Code, is amended by striking “and a member of a uniformed service” and inserting “, a member of a uniformed service, and a student who provides volunteer services under section 3111”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 3111(c)(1) of title 5, United States Code, is amended by striking “chapter 81 of this title” and inserting “section 7905 (relating to commuting by means other than single-occupancy motor vehicles), chapter 81”.

TITLE XXIV—ACADEMIC TRAINING

SEC. 2401. ACADEMIC TRAINING.

(a) ACADEMIC DEGREE TRAINING.—Section 4107 of title 5, United States Code, is amended to read as follows:

“§ 4107. Academic degree training

“(1) Subject to subsection (b), an agency may select and assign an employee to academic degree training and may pay or reimburse the costs of such degree training from appropriated or other available funds if such training—

“(A) contributes significantly to—

“(i) meeting an identified agency training need;

“(ii) resolving an identified agency staffing problem; or

“(iii) accomplishing goals in the strategic plan of the agency;

“(B) is part of a planned, systematic, and coordinated agency employee development program linked to accomplishing the strategic goals of the agency; and

“(C) is accredited and is provided by a college or university that is accredited by a nationally recognized body.

“(2) In exercising authority under subsection (a), an agency shall—

“(A) consistent with the merit system principles specified in chapter 234 of title 5, United States Code, take into consideration the need to—

“(A) maintain a balanced workforce in which women, members of racial and ethnic minority groups, and persons with disabilities are appropriately represented in Government service; and

“(B) provide employees effective education and training to improve organizational and individual performance;

“(2) assure that the training is not for the sole purpose of providing an employee an opportunity to obtain an academic degree or to qualify for appointment to a particular position for which the academic degree is a basic requirement;

“(3) assure that no authority under this subsection is exercised by any employee occupying or seeking to qualify for—

“(A) a noncareer appointment in the Senior Executive Service; or

“(B) an appointment in any position that is excepted from the competitive service because of its confidential policy-determining, policy-making, or policy-advocating character; and

“(4) to the greatest extent practicable, facilitate the use of online degree training.”

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 2302 of title 5, United States Code, is amended by striking the item relating to section 4107 and inserting the following:

“4107. Academic degree training.”

SEC. 2402. MODIFICATIONS TO NATIONAL SECURITY EDUCATION PROGRAM.

(a) FINDINGS AND POLICIES.

(1) FINDINGS.—Congress finds that—

“(A) the United States Government actively encourages and financially supports the training, education, and development of many United States citizens;

“(B) as a condition of some of those supports, many of those citizens have an obligation to serve either with or without compensed employment in the Federal sector; and

“(C) it is in the United States national interest to maximize the return to the Nation of funds invested in the development of such citizens by seeking to employ them in the Federal sector.

“(2) POLICY.—It shall be the policy of the United States Government to—

“(A) establish procedures for ensuring that United States citizens who have incurred service obligations as a condition of receiving financial support for education and training from the United States Government and have applied for Federal positions are considered for all recruiting and staffing initiatives of Federal departments, bureaus, agencies, and offices; and

“(B) advertise and open all Federal positions to United States citizens who have incurred service obligations with the United States Government as the result of receiving financial support for education and training from the United States Government.”

(b) FULFILLMENT OF SERVICE REQUIREMENT IF NATIONAL SECURITY POSITIONS ARE AVAILABLE.—Section 802(b)(2) of the David L. Boren National Security Education Act of 1991 (50 U.S.C. 1902) is amended—

“(1) in subparagraph (A), by striking clause (i); and

“(ii) if the recipient demonstrates to the Secretary (in accordance with such regulations) that no national security position in the agency or office of the Federal Government having national security responsibilities is available, work in other offices or agencies of the Federal Government or in the field of higher education in a discipline relating to the foreign country, foreign language, area study, or international field of study for which the scholarship was awarded, or a position specified by the Secretary, which period shall be determined in accordance with clause (i); or”;

and
(2) in subparagraph (B), by striking clause (ii) and inserting the following:

"(ii) if the recipient demonstrates to the Secretary (in accordance with such regulations) that a sufficient security posture is available upon the completion of the degree, work in other offices or agencies of the Federal Government or in the field of higher education relating to the foreign country, foreign language, area study, or international field of study for which the fellowship was awarded, for a period specified by the Secretary, which period shall be established in accordance with clause (i); and".

SEC. 2403. COMPENSATORY TIME OFF FOR TRAVEL.

Subchapter V of chapter 55 of title 5, United States Code, is amended by adding at end the following:

``5535b. Compensatory time off for travel

(a) An employee shall receive 1 hour of compensatory time off for each hour spent by the employee in travel status away from the official duty station of the employee, to the extent that the time spent in travel status is not otherwise compensable.

(b) Not later than 30 days after the date of enactment of this section, the Office of Personnel Management shall prescribe regulations to implement this section.".''

DIVISION D—E-GOVERNMENT ACT OF 2002

TITLE XXX—SHORT TITLE; FINDINGS AND PURPOSES

SEC. 3001. SHORT TITLE.

This division may be cited as the "E-Government Act of 2002".

SEC. 3002. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds the following:

(1) The use of computers and the Internet is rapidly transforming societal interactions and the relationships among citizens, private businesses, and the Government.

(2) The Federal Government has had uneven success in applying advances in information technology to enhance governmental functions and services, achieve more efficient performance, increase access to Government information, and increase citizen participation in Government.

(3) Information services of the Federal Government are developed and presented separately, according to the jurisdictional boundaries of an individual department or agency, rather than being integrated cooperatively according to function or topic.

(4) Internet-based Government services involving interagency cooperation are especially difficult to develop and promote, in part because of a lack of sufficient funding mechanisms to support such interagency cooperation.

(5) Electronic Government has its impact through improved Government performance and outcomes within and across agencies.

(6) Electronic Government is a critical element in the management of Government, to be implemented as part of a management framework that also addresses finance, procurement, human capital, and other challenges to improve the performance of Government.

(7) To take full advantage of the improved Government in a discipline relating to the foreign country, foreign language, area study, or international field of study for which the fellowship was awarded, for a period specified by the Secretary, which period shall be established in accordance with clause (i); and".

SEC. 3003. SHORT TITLE; FINDINGS AND PURPOSES.

This division may be cited as the "E-Government Act of 2002".

SEC. 3001. SHORT TITLE.

This division may be cited as the "E-Government Act of 2002".

SEC. 3002. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds the following:

(1) The use of computers and the Internet is rapidly transforming societal interactions and the relationships among citizens, private businesses, and the Government.

(2) The Federal Government has had uneven success in applying advances in information technology to enhance governmental functions and services, achieve more efficient performance, increase access to Government information, and increase citizen participation in Government.

(3) Information services of the Federal Government are developed and presented separately, according to the jurisdictional boundaries of an individual department or agency, rather than being integrated cooperatively according to function or topic.

(4) Internet-based Government services involving interagency cooperation are especially difficult to develop and promote, in part because of a lack of sufficient funding mechanisms to support such interagency cooperation.

(5) Electronic Government has its impact through improved Government performance and outcomes within and across agencies.

(6) Electronic Government is a critical element in the management of Government, to be implemented as part of a management framework that also addresses finance, procurement, human capital, and other challenges to improve the performance of Government.

(7) To take full advantage of the improved Government in a discipline relating to the foreign country, foreign language, area study, or international field of study for which the fellowship was awarded, for a period specified by the Secretary, which period shall be established in accordance with clause (i); and".  

Title XXXI—Office of Management and Budget Electronic Government Services

SEC. 3101. MANAGEMENT AND PROMOTION OF ELECTRONIC GOVERNMENT SERVICES.

(a) In General.—Title 44, United States Code, is amended by inserting after chapter 36 the following:

"CHAPTER 36—MANAGEMENT AND PROMOTION OF ELECTRONIC GOVERNMENT SERVICES

Sec. 3601. Definitions.


3602. Chief Information Officers Council.

3603. E-Government agency.

3604. E-Government Fund.

3605. E-Government report.

3601. Definitions.

"In this chapter, the definitions under section 3502 shall apply, and the term—

(1) Administrator means the Administrator of the Office of Electronic Government established under section 3602;

(2) Council means the Chief Information Officers Council established under section 3603;

(3) 'electronic Government' means the use by the Government of web-based Internet applications and other information technologies, combined with processes that implement these technologies, to—

(A) enhance the access to and delivery of Government information and services to the public, other agencies, and other Government entities; or

(B) bring about improvements in Government information or agency operations that may include effectiveness, efficiency, service quality, or transformation;

(4) 'enterprise architecture'—

(A) means the:

(i) a strategic information asset base, which defines the mission;

(II) the information necessary to perform the mission;

(III) the technologies necessary to perform the mission; and

the transitional processes for implementing new technologies in response to changing mission needs; and

(B) includes—

(i) a baseline architecture; and

(ii) a target architecture; and

(iii) a sequencing plan;

(5) 'Fund' means the E-Government Fund established under section 3604; and

(6) interoperability means the ability of different operating and software systems, applications, and services to communicate and exchange data in an accurate, effective, and consistent manner;

(7) 'integrated service delivery' means the provision of Internet-based Federal Government information and services to the public, by and with the advice and consent of the Senate.

"3602. Office of Electronic Government

(a) There is established in the Office of Management and Budget an Office of Electronic Government.

(b) There shall be at the head of the Office an Administrator who shall be appointed by the President, by and with the advice and consent of the Senate.

(c) The Administrator shall assist the Director in carrying out—

(1) all functions under this chapter;

(2) all of the functions assigned to the Director under title XXXII of the E-Government Act of 2002; and

(3) other electronic government initiatives, consistent with other statutes.

(d) The Administrator shall assist the Director of the Office of Management and Budget with the Administrator of the Office of Information and Regulatory Affairs in setting strategic direction for implementing electronic Government, under relevant statutes, including—

(1) chapter 35;

(2) division E of the Clinger-Cohen Act of 1996 (division E of Public Law 104-106, 100 U.S.C. 1401 et seq.); and

(3) section 502a of title 5 (commonly referred to as the Privacy Act), and

(4) the Government Paperwork Elimination Act (44 U.S.C. 3504 note);

(5) the Government Information Security Reform Act, and


(e) The Administrator shall work with the Administrator of the Office of Information and Regulatory Affairs and with other offices within the Office of Management and Budget to oversee implementation of electronic Government under this chapter, chapter 35, the E-Government Act of 2002, and other relevant statutes, in a manner consistent with law, relating to—

(1) capital planning and investment control for information technology;

(2) the development of enterprise architectures;

(3) information security;

(4) privacy;

(5) access to, dissemination of, and preservation of Government information;
"(6) accessibility of information technology for persons with disabilities; and

"(7) other areas of electronic Government.

"(f) Subject to requirements of this chapter, the Administrator shall assist the Director by performing electronic Government functions as follows:

"(1) Advise the Director on the resources required to develop and effectively operate and maintain in Federal Government information systems.

"(2) Recommend to the Director changes relating to Governmentwide strategies and priorities in developing electronic Government.

"(3) Provide overall leadership and direction to the executive branch on electronic Government by working with authorized officials to establish information resources management policies and requirements, and by reviewing performance of each agency in acquiring, using, and managing information resources.

"(4) Promote innovative uses of information technology by agencies, particularly initiatives involving multiagency collaboration, through support of pilot projects, research, experimentation, and the use of innovative technologies.

"(5) Oversee the distribution of funds from, and ensure appropriate administration and coordination of, the E-Government Fund established under section 3604.

"(6) The Administrator of General Services regarding programs undertaken by the General Services Administration to promote electronic government and the efficient use of information technologies by agencies.

"(7) Lead the activities of the Chief Information Officers Council established under section 3603 on behalf of the Deputy Director for Management, who shall chair the council.

"(8) Assist the Director in establishing policies which shall set the framework for information technology standards for the Federal Government under section 5131 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1411), to be developed by the National Institute of Standards and Technology and promulgated by the Secretary of Commerce, taking into account, if appropriate, recommendations of the Chief Information Officers Council, experts, stakeholders from the private and nonprofit sectors and State, local, and tribal governments, and maximizing the use of commercial standards as appropriate, as follows:

"(A) Standards and guidelines for interconnectivity and interoperability as described under section 3604.

"(B) Consistent with the process under section 3207(d) of the E-Government Act of 2002, standards and guidelines for categorizing Federal Government electronic information to enable efficient use of technologies, such as through the use of extensible markup language.

"(C) Standards and guidelines for Federal Government computer system efficiency and security.

"(9) Sponsor ongoing dialogue that—

"(A) shall be conducted among Federal, State, local, and tribal government leaders on electronic Government in the executive, legislative, and judicial branches, as well as leaders in the private and nonprofit sectors, to encourage the understanding of best practices and innovative approaches in acquiring, using, and managing information resources;

"(B) shall be designed to improve the performance of governments in collaborating on the use of information technology to improve the delivery of Government information and services; and

"(C) may include—

"(i) development of innovative models—

"(1) for electronic Government management and Government information technology contracts; and

"(2) that may be developed through focused discussions or using separately sponsored research;

"(ii) identification of opportunities for public-private collaboration in using Internet-based or Internet-service-based technologies to improve the efficiency of Government-to-business transactions;

"(iii) identification of mechanisms for providing incentives to private managers of other Government employees to develop and implement innovative uses of information technologies; and

"(iv) identification of opportunities for public, private, and intergovernmental collaboration in addressing the disparities in access to the Internet and information technology.

"(10) Sponsor activities to engage the general public in the development and implementation of policies and programs, particularly activities aimed at fulfilling the goal of using the most effective citizen-centered strategies and those activities which engage multiple agencies providing similar or related information services.

"(11) Oversee the work of the General Services Administration and other agencies in developing the integrated Internet-based system under section 3204 of the E-Government Act of 2002.

"(12) Coordinate with the Administrator of the Office of Federal Procurement Policy to ensure effective implementation of electronic procurement initiatives.

"(13) Assist Federal agencies, including the General Services Administration, the Department of Commerce, and the United States Access Board in—

"(A) implementing accessibility standards under section 508 of the Rehabilitation Act of 1973 (29 U.S.C. 794d);

"(B) ensuring compliance with those standards through the budget review process and other means.

"(14) Oversee the development of enterprise architectures within and across agencies.

"(15) Assist the Director and the Deputy Director for Management in overseeing agency efforts to ensure that electronic Government activities incorporate adequate, risk-based, and cost-effective security compatible with business processes.

"(16) Administer the Office of Electronic Government established under section 3602.

"(17) Assist the Director in preparing the E-Government report established under section 3605.

"(g) The Director shall ensure that the Office of Management and Budget, including the Office of Electronic Government, the Office of Information and Regulatory Affairs, and other relevant offices, have adequate staff and resources to properly fulfill all functions under the E-Government Act of 2002.

"§ 3603. Chief Information Officers Council

"(a) There is established in the executive branch a Chief Information Officers Council.

"(b) The members of the Council shall be as follows:

"(1) The Deputy Director for Management of the Office of Management and Budget, who shall act as chairperson of the Council.

"(2) The Administrator of the Office of Electronic Government.

"(3) The Administrator of the Office of Information and Regulatory Affairs.

"(4) The chief information officer of each agency described under section 901(b) of title 44.

"(5) The chief information officer of the Central Intelligence Agency.

"(6) The chief information officer of the Department of the Army, the Department of the Navy, and the Department of the Air Force, if chief information officers have been designated for such departments under section 3506(a)(2)(B).

"(7) Any other officer or employee of the United States designated by the chairperson.

"(A) The Administrator of the Office of Electronic Government shall lead the activities of the Council on behalf of the Deputy Director for Management.

"(B) The Vice Chairman of the Council shall be selected by the Council from among its members.

"(C) The Council shall perform functions that include the following:

"(1) Develop recommendations for the Director on information resources management policies and requirements.

"(2) Share experiences, ideas, best practices, and innovative initiatives related to information resources management.

"(3) Assist the Administrator in the identification, development, and coordination of multiagency projects and other innovative initiatives to improve Government performance through the use of information technology.

"(4) Promote the development and use of common performance measures for agency information resources management under this chapter and title XXXII of the E-Government Act of 2002.

"(5) Work as appropriate with the National Institute of Standards and Technology and the Administrator to develop recommendations on information technology standards developed under section 20 of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3) and promulgated under section 5131 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1411), as follows:

"(A) Standards and guidelines for interconnectivity and interoperability as described under section 3604.

"(B) Consistent with the process under section 3207(d) of the E-Government Act of 2002, standards and guidelines for categorizing Federal Government electronic information to enable efficient use of technologies, such as through the use of extensible markup language.

"(C) Standards and guidelines for Federal Government computer system efficiency and security.

"(6) Work with the Office of Personnel Management to assess and address the hiring, training, classification, and professional development needs of the Government related to information resources management.

"(7) Work with the Archivist of the United States to assess how the Federal Records Act can be amended effectively by Federal information resources management activities.

"§ 3604. E-Government Fund

"(a)(1) There is established in the Treasury of the United States the E-Government Fund.

"(2) The Fund shall be administered by the Administrator of the General Services Administration to support projects approved by the Director, assisted by the Administrator
of the Office of Electronic Government, that enable the Federal Government to expand its ability, through the development and implementation of innovative uses of the Internet or other electronic methods, to conduct activities electronically.

‘‘(3) Projects under this subsection may include efforts to—

(A) make Federal Government information and services more readily available to members of the public (including individuals, businesses, grantees, and State and local governments);

(B) make it easier for the public to apply for benefits, receive services, pursue business opportunities, submit information, and otherwise conduct transactions with the Federal Government; and

(C) enable Federal agencies to take advantage of information technology in sharing information and conducting transactions with each other and with State and local governments.

(b)(1) The Administrator shall—

(A) establish procedures for accepting and reviewing proposals for funding;

(B) consult with interagency councils, including the Chief Information Officers Council, the Chief Financial Officers Council, and other interagency management councils, in establishing procedures and reviewing proposals; and

(C) assist the Director in coordinating resources that agencies receive from the Fund with other resources available to agencies for similar purposes.

(2) When reviewing proposals and managing the Fund, the Administrator shall observe and incorporate the following procedures:

(A) A project requiring substantial involvement or funding from an agency shall be approved by a senior official with agency-wide authority on behalf of the head of the agency, who shall report directly to the head of the agency.

(B) Projects shall adhere to fundamental capital planning and investment control processes.

(C) Agencies shall identify in their proposals resource commitments from the agencies involved and how these resources would be coordinated with support from the Fund, and include plans for potential continuation of projects after all funds made available from the Fund are expended.

(D) After considering the recommendations of the interagency councils, the Director, assisted by the Administrator, shall have final authority to determine which of the candidate projects shall be funded from the Fund.

(E) Agencies shall assess the results of funded projects.

(c) In determining which proposals to recommend for funding, the Administrator—

(1) shall consider criteria that include whether a proposal—

(A) is a joint project with other groups to be served, including citizens, businesses, the Federal Government, or other governments;

(B) indicates what service or information the project will provide that meets needs of groups identified under subparagraph (A);

(C) ensures proper security and protects privacy;

(D) is in an interagency scope, including projects implemented by a primary or single agency that—

(i) could confer benefits on multiple agencies; and

(ii) have the support of other agencies; and

(E) has performance objectives that tie to agency and the Administration’s and strategic goals, and interim results that relate to the objectives; and

(2) may also rank proposals based on criteria that include whether a proposal—

(A) has Governmentwide application or implications;

(B) has demonstrated support by the public to be served;

(C) integrates Federal with State, local, or tribal approaches to service delivery;

(D) identifies commitments from nongovernmental sectors;

(E) identifies resources commitments from the agencies involved;

(F) uses Internet-based technologies to achieve objectives;

(G) identifies records management and records access strategies;

(H) supports effective citizen participation in and interaction with agency activities that further progress toward a more citizen-centered Government;

(I) directly delivers Government information and services to the public or provides the infrastructure for delivery;

(J) supports integrated service delivery; and

(K) meets the evaluation criteria that further progress toward the goals set forth in the annual report submitted by the Director.

(3) The report under paragraph (1) shall describe—

(A) all projects which the Director has approved for funding from the Fund; and

(B) the results that have been achieved to date for those funded projects.

(4) There are authorized to be appropriated to the Fund:

(A) $55,000,000 for fiscal year 2004;

(B) $50,000,000 for fiscal year 2005;

(C) $100,000,000 for fiscal year 2006; and

(D) such sums as are necessary for fiscal year 2007.

(5) Funds appropriated under this subsection shall remain available until expended.

(6) Authority.

§ 3605. E-Government report

(a) Not later than March 1 of each year, the Director shall submit an E-Government status report to the Committee on Governmental Affairs of the Senate and the Committee on Government Reform of the House of Representatives.

(b) The report under subsection (a) shall contain—

(1) a summary of the information reported by agencies under section 3202(f) of the E-Government Act of 2002;

(2) the information required to be reported by section 3604(f); and

(3) a description of compliance by the Federal Government with other goals and provisions of the E-Government Act of 2002.”.

(b) Technical and Conforming Amendment.—The table of chapters for title 44, United States Code, is amended by inserting after the item relating to chapter 35 the following:

“§ 365. Management and Promotion of Electronic Government Services . . . 3601”.

SEC. 3202. CONFORMING AMENDMENTS.

(a) Electronic Government and Information Technologies.

(1) In General.—Chapter 3 of title 40, United States Code, is amended by inserting after section 304 the following:

“§ 305. Electronic Government and Information Technologies.

The Administrator of General Services shall consult with the Administrator of the Office of Electronic Government on programs undertaken by the General Services Administration to promote electronic Government and the efficient use of information technologies by Federal agencies.”

(2) Technical and Conforming Amendment.—The table of sections for chapter 5 of title 40, United States Code, is amended by inserting after the item relating to section 506 the following:

“§ 507. Office of Electronic Government

“The Office of Electronic Government, established under section 3602 of title 44, is an office in the Office of Management and Budget.”

(c) Office of Electronic Government.—

(1) In General.—Chapter 5 of title 31, United States Code, is amended by inserting after section 506 the following:


“The Office of Electronic Government, established under section 3602 of title 44, is an office in the Office of Management and Budget.”

(2) Technical and Conforming Amendment.—The table of sections for chapter 5 of title 31, United States Code, is amended by inserting after the item relating to section 506 the following:


“TITLE XXXII—FEDERAL MANAGEMENT AND PROMOTION OF ELECTRONIC GOVERNMENT SERVICES

SEC. 3201. DEFINITIONS.

Except as otherwise provided, in this title the definitions under sections 3502 and 3601 of title 44, United States Code, shall apply.

SEC. 3202. FEDERAL AGENCY RESPONSIBILITIES.

(a) In General.—The head of each agency shall be responsible for—

(1) complying with the requirements of this division (including regulations made by this Act), the related information resource management policies and guidance established by the Director of the Office of Management and Budget, and the related information technology standards promulgated by the Secretary of Commerce;

(2) ensuring that the information resource management policies and guidance established under this division by the Director, and the information technology standards promulgated under this division by the Secretary of Commerce, are communicated promptly and effectively to all relevant officials within their agency; and

(3) supporting the efforts of the Director for the purpose of enabling the General Services Administration to develop, maintain, and promote an integrated Internet-based
(b) PERFORMANCE INTEGRATION.—
(1) Agencies shall develop performance measures that demonstrate how electronic government enables progress toward agency objectives, strategic goals, and statutory mandates.
(2) In measuring performance under this section, agencies shall rely on existing data collected in the most practicable manner.
(3) Areas of performance measurement that agencies should consider include—
(A) customer service;
(B) efficiency and productivity; and
(C) adoption of innovative information technology, including the appropriate use of commercial best practices.

(4) Agencies shall link their performance goals to key groups, including citizens, businesses, and other governments, and to internal Federal Government operations.
(5) As appropriate, agencies shall work collectively in linking their performance goals to groups identified under paragraph (4) and shall use information technology in delivering Government information and services to those groups.

(c) AVOIDING DIMINISHED ACCESS.—When promulgating and implementing programs regarding the provision of Government information and services over the Internet, agency heads shall consider the impact of access to the Internet, and shall, to the extent practicable—
(1) ensure that the availability of Government information and services has not been diminished for individuals who lack access to the Internet; and
(2) pursue alternate modes of delivery that make Government information and services more accessible to individuals who do not own computers or lack access to the Internet.

(d) ACCESSIBILITY TO PEOPLE WITH DISABILITIES.—All actions taken by Federal departments and agencies under this division shall be in compliance with section 508 of the Rehabilitation Act of 1973 (29 U.S.C. 794d).

(e) SPONSORED ACTIVITIES.—Agencies shall sponsor activities that use information technology to engage the public in the development and implementation of policies and programs.

(f) CHIEF INFORMATION OFFICERS.—The Chief Information Officer of each of the agencies designated under chapter 36 of title 44, United States Code (as added by this Act) shall—
(1) participate in the functions of the Chief Information Officers Council; and
(2) monitoring the implementation, within their respective agencies, of information technology standards promulgated under this division by the Secretary of Commerce, including common standards for interconnectivity and interoperability, categorization of Federal Government electronic information, and computer system efficiency and security.

(g) E-GOVERNMENT STATUS REPORT.—
(1) IN GENERAL.—Each agency shall compile and submit to the Director an annual E-Government Status Report on—
(A) the status of the implementation by the agency of electronic government initiatives;
(B) compliance by the agency with this Act; and
(C) how electronic Government initiatives of the agency improve performance in delivering Government information and services.

(2) SUBMISSION.—Each agency shall submit an annual report under this subsection—
(A) to the Director at such time and in such form as the Director requires; and
(B) consistent with related reporting requirements; and
(C) which addresses any section in this title relevant to that agency.

(h) USE OF TECHNOLOGY.—Nothing in this division supersedes the responsibility of an agency to use appropriate information technology to deliver Government information and services that fulfill the statutory missions and programs of the agency.

(i) NATIONAL POLICIES.—
(1) INAPPLICABILITY.—Except as provided under paragraph (2), this title does not apply to national security systems as defined in section 303 of the United States Code.

(2) APPLICABILITY.—Sections 3302, 3303, 3121, and 3124 of this title apply to national security systems to the extent practicable and consistent with law.

SEC. 2204. COMPATIBILITY OF EXECUTIVE AGENCY METHODS FOR USE AND ACCEPTANCE OF ELECTRONIC SIGNATURES.

(a) PURPOSE.—The purpose of this section is to achieve interoperable implementation of electronic signatures for appropriately secure electronic transactions with Government agencies.

(b) ELECTRONIC SIGNATURES.—In order to fulfill the objectives of the Government Paperwork Elimination Act (Public Law 105–277; 112 Stat. 2568–75; 70 Stat. 2957), each Executive agency (as defined under section 105 of title 5, United States Code) shall ensure that its methods for use and acceptance of electronic signatures are interoperable with the relevant policies and procedures issued by the Director.

(c) AUTHORITY FOR ELECTRONIC SIGNATURES.—The Administrator of General Services shall support the Director by establishing a framework to allow efficient interoperability among Executive agencies when using electronic signatures, including processing of digital signatures.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the General Services Administration—
(1) for the purpose of electronic signature compatibility, or for other activities using electronic signatures, $8,000,000 in fiscal year 2003, and such sums as are necessary for each fiscal year thereafter.

SEC. 2205. FEDERAL INTERACTIVE PORTAL.

(a) IN GENERAL.—
(1) PUBLIC ACCESS.—The Director shall work with the Administrator of the General Services Administration and other agencies to maintain an integrated Internet-based system of providing the public with access to Government information and services.

(2) Cautions.—To the extent practicable, the integrated system shall be designed and operated according to the following criteria:
(A) The provision of Internet-based Government information on Internet-based systems to key groups, including citizens, business, and other governments, and integrated according to function or topic rather than separated according to the boundaries of agency jurisdiction.
(B) An ongoing effort to ensure that Internet-based Government services relevant to a given citizen activity are available from a single point.

(b) Access to Federal Government information and services consolidated, as appropriate, with Internet-based information and services provided by State, local, and tribal governments.

(c) Access to Federal Government information and services provided by State, local, and tribal governments.

(d) Access to Federal Government information and services provided by State, local, and tribal governments.

(e) STANDARDS FOR電子 INFORMATION.—The purpose of this section is to achieve interoperable implementation of electronic signatures for appropriately secure electronic transactions with Government agencies.

(f) DEFERRAL.—
(1) IN GENERAL.—Except as provided under paragraph (2), this section shall remain available online for not later than 1 year are not required to be made available online, except all written opinions with a date of issuance after the effective date of this section shall remain available online.

(g) ELECTRONIC FILINGS.—
(1) IN GENERAL.—The information and rules on each website shall be updated regularly and kept reasonably current.

(h) EXCEPTIONS.—Documents that are filed that are not otherwise available to the public, such as documents filed under seal, shall not be made available online.

(i) CIVIL PROCEDURAL RULES.—The Judicial Conference of the United States may promulgate rules under this subsection to protect important privacy and security concerns.

(j) SOA SYSTEMS.—Where practicable, agencies shall incorporate standard systems and technologies to improve the efficacy and accessibility of Government information and services.

(k) ELECTRONIC APPEALS.—All documents filed with the court shall be made available online for not later than 4 years after that effective date.

(l) SALES.—The purpose of this section is to achieve interoperable implementation of electronic signatures for appropriately secure electronic transactions with Government agencies.

(m) DATA ACCESS.—The purpose of this section is to achieve interoperable implementation of electronic signatures for appropriately secure electronic transactions with Government agencies.

(n) DEFERRAL.—
(1) IN GENERAL.—Each agency shall compile and submit to the Director an annual E-Government Status Report on—
(A) the status of the implementation by the agency of electronic government initiatives;
(B) compliance by the agency with this Act; and
(C) how electronic Government initiatives of the agency improve performance in delivering Government information and services.

(2) SUBMISSION.—Each agency shall submit an annual report under this subsection—
(A) to the Director at such time and in such form as the Director requires; and
(B) consistent with related reporting requirements; and
(C) which addresses any section in this title relevant to that agency.

(3) USE OF TECHNOLOGY.—Nothing in this division supersedes the responsibility of an agency to use appropriate information technology to deliver Government information and services that fulfill the statutory missions and programs of the agency.

(4) NATIONAL POLICIES.—
(1) INAPPLICABILITY.—Except as provided under paragraph (2), this title does not apply to national security systems as defined in section 303 of the United States Code.

(2) APPLICABILITY.—Sections 3302, 3303, 3121, and 3124 of this title apply to national security systems to the extent practicable and consistent with law.

DEFERRAL.—
(1) IN GENERAL.—Each agency shall compile and submit to the Director an annual E-Government Status Report on—
(A) the status of the implementation by the agency of electronic government initiatives;
(B) compliance by the agency with this Act; and
(C) how electronic Government initiatives of the agency improve performance in delivering Government information and services.

(2) SUBMISSION.—Each agency shall submit an annual report under this subsection—
(A) to the Director at such time and in such form as the Director requires; and
(B) consistent with related reporting requirements; and
(C) which addresses any section in this title relevant to that agency.

(3) USE OF TECHNOLOGY.—Nothing in this division supersedes the responsibility of an agency to use appropriate information technology to deliver Government information and services that fulfill the statutory missions and programs of the agency.

(4) NATIONAL POLICIES.—
(1) INAPPLICABILITY.—Except as provided under paragraph (2), this title does not apply to national security systems as defined in section 303 of the United States Code.

(2) APPLICABILITY.—Sections 3302, 3303, 3121, and 3124 of this title apply to national security systems to the extent practicable and consistent with law.

DEFERRAL.—
SEC. 2206. REGULATORY AGENCIES.

(a) PURPOSE.—The purposes of this section are to—

(1) improve performance in the development and issuance of agency regulations by using information technology to increase access, accountability, and transparency; and

(2) improve participation in the development of all regulations by electronic means, consistent with requirements under subchapter II of chapter 5 of title 5, United States Code, (commonly referred to as the Administrative Procedures Act).

(b) INFORMATION PROVIDED BY AGENCIES ONLINE.—To the extent practicable as determined by the agency in consultation with the Director, each agency (as defined under section 551 of title 5, United States Code) shall ensure that a publicly accessible Federal Government website contains electronic dockets for rulemakings under section 553 of title 5, United States Code, (commonly referred to as the Administrative Procedures Act).

(c) ELECTRONIC DOCKETING.—

(1) IN GENERAL.—To the extent practicable, as determined by the agency in consultation with the Director, each agency shall ensure that a publicly accessible Federal Government website contains electronic dockets for rulemakings under section 553 of title 5, United States Code.

(d) ELECTRONIC DocketING.—Agency electronic dockets shall make publicly available online to the extent practicable, as determined by the agency in consultation with the Director, all submissions under section 553(c) of title 5, United States Code.

(e) INFORMATION AVAILABLE.—Agency electronic dockets shall make publicly available online to the extent practicable, as determined by the agency in consultation with the Director, all submissions under section 553(c) of title 5, United States Code, whether or not submitted electronically.

(f) LIMITATION.—Agencies shall implement the requirements of this section consistent with a timetable established by the Director and reported to Congress in the first annual report under section 3305 of title 44 (as added by this Act).

SEC. 2207. ACCESSIBILITY, USABILITY, AND PREVENTION OF GOVERNMENT INFORMATION.

(a) PURPOSE.—The purpose of this section is to improve the methods by which Government information, including information on the Internet, is organized, preserved, and made accessible to the public.

(b) DEFINITIONS.—In this section, the terms—

(1) “Committee” means the Interagency Committee on Government Information established by subsection (c); and

(2) “Director” means the Director of the Office of Management and Budget.

(c) INTERAGENCY COMMITTEE.—

(1) ESTABLISHMENT.—Not later than 90 days after the date of enactment of this title, the Director shall establish the Interagency Committee on Government Information.

(2) MEMBERSHIP.—The Committee shall be chaired by the Director or the designee of the Director and—

(A) include representatives from—

(i) the National Archives and Records Administration;

(ii) the offices of the Chief Information Officers from Federal agencies; and

(iii) other relevant officers from the executive branch; and

(B) may include representatives from the Federal legislative and judicial branches.

(3) FUNCTIONS.—The Committee shall—

(A) engage in public consultation to the maximum extent feasible, including consultation with interested communities such as public advocacy organizations;

(B) conduct studies and submit recommendations, as provided under this section, to the Director and Congress; and

(C) share effective practices for access to, dissemination of, and retention of Federal information.

(d) TERMINATION.—The Committee may be terminated only by the Director, except the Committee may not terminate before the Committee submits all recommendations required under this section.

(e) CATEGORIZING INFORMATION.—

(1) COMMITTEE FUNCTIONS.—Not later than 1 year after the date of enactment of this Act, the Committee shall, submit recommendations to the Director on—

(A) the adoption of standards, which are open to the maximum extent feasible, to enable the organization and categorization of Government information—

(i) in a way that is searchable electronically, including by searchable identifiers; and

(ii) in ways that are interoperable across agencies; and

(iii) that are, as appropriate, consistent with the standards promulgated by the Sec- tion 3302(k)(1) of title 44, United States Code;

(B) defining categories of Government information which shall be required to be classified under the standards; and

(C) determining priorities and developing schedules for the initial implementation of the standards by agencies.

(f) AVAILABILITY OF GOVERNMENT INFORMATION ON THE INTERNET.—

(1) COMMITTEE FUNCTIONS.—Not later than 180 days after the submission of recommendations by the Committee under paragraph (1), the Archivist of the United States shall issue policies—

(A) requiring the adoption by agencies of policies and procedures to ensure that chapters 21, 25, 27, 29, and 31 of title 44, United States Code, are applied effectively and comprehensively to Government information on the Internet and to other electronic records; and

(B) imposing timetables for the implementation of the policies and procedures by agencies.

(2) FUNCTIONS OF THE ARCHIVIST.—Not later than 180 days after the submission of recommendations by the Committee under paragraph (1), the Archivist of the United States shall issue policies—

(A) requiring the adoption by agencies of policies and procedures to ensure that chapters 21, 25, 27, 29, and 31 of title 44, United States Code, are applied effectively and comprehensively to Government information on the Internet and to other electronic records; and

(B) imposing timetables for the implementation of the policies and procedures by agencies.

(3) MODIFICATION OF POLICIES.—After the submission of agency reports under paragraph (4), the Archivist of the United States shall modify the policies, as needed, in consultation with the Committee and interested parties.

(4) AGENCY FUNCTIONS.—Each agency shall report annually to the Director, in the report established under section 3202(g), on compliance of that agency with the policies issued under paragraph (2)(A).

(5) PUBLIC ACCESS TO ELECTRONIC INFORMATION.—

(a) PURPOSE.—The purpose of this section is to improve the methods by which information is organized, preserved, and made accessible to the public.

(b) DEFINITIONS.—In this section, the terms—

(1) “Agency” means an executive department of the United States, the Judiciary of the United States, a chief judge, or chief banking officer of a Federal savings association (as defined under section 551 of title 5, United States Code, whether or not submitted electronically).

(2) “Publicly accessible Federal Government website” means a website that is publicly accessible and not under the control of the Archivist of the United States.

(3) “Electronic docket” means a docket under section 553(c) of title 5, United States Code; and

(4) “Director” means the Director of the Office of Management and Budget.

(c) REQUIREMENTS.—Each agency shall ensure that a publicly accessible Federal Government website contains electronic dockets for rulemakings under section 553 of title 5, United States Code, whether or not submitted electronically.

(d) MODIFICATION OF POLICIES.—After the submission of agency reports under paragraph (4), the Archivist of the United States shall modify the policies, as needed, in consultation with the Committee and interested parties.

(e) AGENCY FUNCTIONS.—Each agency shall report annually to the Director, in the report established under section 3202(g), on compliance of that agency with the policies issued under paragraph (2)(A).

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Committee shall—

(A) engage in consultation and solicit public comment;

(B) determine which Government information the agency intends to make available and accessible to the public on the Internet and by other means;

(C) develop priorities and schedules for making that Government information available on the Internet;

(D) make such final determinations, priorities, and schedules available for public comment; and

(E) submit such final determinations, priorities, and schedules to the Director; and

(F) submit such final determinations, priorities, and schedules to the Director, in the report established under section 3202(g).
agency, as needed, after consulting with the Committee and soliciting public comment, if appropriate.

(g) ACCESS TO FEDERALLY FUNDED RESEARCH AND DEVELOPMENT.

(1) ESTABLISHMENT AND MAINTENANCE OF GOVERNMENTWIDE REPOSITORY AND WEBSITE.

(A) Repository and Website.—The Director of the National Science Foundation, working in consultation with the Director of the Office of Science and Technology Policy and other relevant agencies, shall ensure the development and maintenance of a repository and website that—

(i) consists of an online database that fully integrates, to the maximum extent feasible, information about research and development funded by the Federal Government, and the repository shall—

(I) include information about research and development funded by the Federal Government and performed by—

(aa) institutions not a part of the Federal Government, including State, local, and foreign governments; industrial firms; educational institutions; not-for-profit organizations; federally funded research and development centers; and private individuals; and

(bb) entities of the Federal Government, including research and development laboratories, centers, and offices; and

(ii) if practicable, issue separate research and development task or award, including—

(aa) dates upon which the task or award is expected to start and end;

(bb) a brief summary describing the objective and the scientific and technical focus of the task or award;

(cc) the entity or institution performing the task or award and its contact information;

(dd) the total amount of Federal funds expected to be provided to the task or award over its lifetime and the amount of funds expected to be provided in each fiscal year in which the work of the task or award is ongoing;

(ee) any restrictions attached to the task or award that would prevent the sharing with the general public of any or all of the information required by this subsection, and the reasons for such restrictions; and

(ff) such other information as may be determined as necessary.

(ii) 1 or more websites upon which all or part of the repository of Federal research and development shall be made available to and searched by federal agencies and non-Federal entities, including the general public, to facilitate—

(I) the coordination of Federal research and development activities;

(II) collaboration among those conducting Federal research and development; and

(III) the transfer of technology among Federal agencies and between Federal agencies and non-Federal entities; and

(iv) access by policymakers and the public to information concerning Federal research and development activities.

(B) OVERSIGHT.—The Director of the Office of Management and Budget shall issue any guidance determined necessary to ensure that agencies provide all information requested under this subsection.

(2) AGENCY FUNCTIONS.—Any agency that funds Federal research and development under this subsection shall provide the information required to populate the repository in the manner prescribed by the Director of the Office of Management and Budget.

(i) Authorization.—Not later than 18 months after the date of enactment of this Act, working with the Director of the Office of Science and Technology Policy, and after consultation with the aforementioned agencies, the Committee shall submit recommendations to the Director on—

(A) policies to improve agency reporting of information for the repository established under this subsection; and

(B) policies to improve dissemination of the results of research performed by Federal agencies and federally funded research and development centers.

(4) FUNCTIONS OF THE DIRECTOR.—After submission of the report under paragraph (3), the Director shall report on the recommendations of the Committee and Director to Congress, in the E-Government report under section 3605 of title 44 (as added by this Act).

(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the National Science Foundation for the development, maintenance, and operation of the Governmentwide repository and website under this subsection—

(A) $2,000,000 in each of the fiscal years 2003 through 2005; and

(B) such sums as are necessary in each of the fiscal years 2006 and 2007.

(b) PUBLIC DOMAIN DIRECTORY OF PUBLIC FEDERAL GOVERNMENT WEBSITES.

(1) ESTABLISHMENT.—Not later than 2 years after the effective date of this title, the Director of the National Science Foundation and the Director of the Office of Management and Budget shall jointly issue a report to Congress, which shall include—

(A) a list of websites that include information about research and development funded by the Federal Government, including public access to the websites of Federal Government websites.

(2) DEVELOPMENT.—With the assistance of each agency, the Director shall—

(A) develop the directory through a collaborative effort, including input from—

(i) agency librarians;

(ii) information technology managers;

(iii) program managers;

(iv) records managers;

(v) Federal agency librarians; and

(vi) other interested parties; and

(B) develop a public domain taxonomy of subjects used to review and categorize public Federal Government websites.

(3) UPDATE.—With the assistance of each agency, the Director shall update the directory as necessary, but not less than every 6 months; and

(B) solicit interested persons for improvement of the directory; and

(i) direct the development of the directory through a collaborative effort, including input from—

(A) agency librarians;

(B) information technology managers;

(C) program managers;

(D) records managers;

(E) Federal agency librarians; and

(F) other interested parties; and

(ii) develop a public domain taxonomy of subjects used to review and categorize public Federal Government websites.

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the National Science Foundation for the development, maintenance, and operation of the Governmentwide repository and website under this subsection—

(A) $2,000,000 in each of the fiscal years 2003 through 2005; and

(B) such sums as are necessary in each of the fiscal years 2006 and 2007.

(c) ACCESS TO FEDERALLY FUNDED RESEARCH AND DEVELOPMENT.

(1) RESPONSIBILITIES OF AGENCIES.

(I) Transparency.—Any agency that funds Federal research and development under this subsection shall provide the information required to populate the repository in the manner prescribed by the Director of the Office of Management and Budget.

(ii) initiating a new collection of information that includes any identifier permitting the physical or online contacting of a specific individual; or

(iii) initiating a new collection of information that includes an identifier permitting the physical or online contacting of a specific individual, if the information concerns 10 or more persons.

(ii) AGENCY ACTIVITIES.—To the extent required under subparagraph (A), each agency shall—

(A) conduct a privacy impact assessment;

(B) ensure the review of the privacy impact assessment by the Chief Information Officer, or equivalent official, as determined by the head of the agency; and

(C) implement, after completion of the review under clause (ii), the privacy impact assessment publicly available through the website of the repository and in the Federal Register, or other means.

(2) CONTENTS OF A PRIVACY IMPACT ASSESSMENT.

(A) IN GENERAL.—The Director shall issue guidance to agencies specifying the required contents of a privacy impact assessment.

(B) GUIDANCE.—The guidance shall—

(i) ensure that a privacy impact assessment is commensurate with the size of the information system being assessed, the sensitivity of personally identifiable information in that system, and the risk of harm from unauthorized release of that information; and

(ii) require that a privacy impact assessment address—

(1) what information is to be collected;

(2) the intended use of the agency of the information;

(3) with whom the information will be shared;

(4) what notice or opportunities for consent would be provided to individuals regarding what information is collected and how that information is shared; and

(VII) whether a system of records is being created under section 552a of title 5, United States Code, (commonly referred to as the Privacy Act).

(3) RESPONSIBILITIES OF THE DIRECTOR.—The Director shall—

(A) develop policies and guidelines for agencies on the conduct of privacy impact assessments;

(B) oversee the implementation of the privacy impact assessment process throughout the Government; and

(C) require agencies to conduct privacy impact assessments of existing information systems and ongoing collections of personally identifiable information as the Director determines appropriate.
"(c) PRIVACY PROTECTIONS ON AGENCY WEBSITES.—

(1) PRIVACY POLICIES ON WEBSITES.—

(A) GUIDELINES FOR NOTICES.—The Director shall develop guidelines for privacy notices on agency websites used by the public.

(B) CONTENTS.—The guidance shall require that a privacy notice address, consistent with section 522a of title 5, United States Code—

(i) what information is to be collected;

(ii) why the information is being collected;

(iii) the intended use of the agency of the information;

(iv) with whom the information will be shared;

(v) what notice or opportunities for consent would be provided to individuals regarding what information is collected and how that information is shared;

(vi) how the information will be secured; and

(vii) the rights of the individual under section 522a of title 5, United States Code (commonly referred to as the Privacy Act), and other laws relevant to the protection of the privacy of an individual.

(2) PRIVACY POLICIES IN MACHINE-READABLE FORMATS.—The Director shall issue guidance requiring agencies to translate privacy policies into a standardized machine-readable format.

SEC. 3209. FEDERAL INFORMATION TECHNOLOGY WORKFORCE DEVELOPMENT.

(a) PURPOSE.—The purpose of this section is to establish the Federal Information Technology Workforce Development Program, to improve the information and information resource management; and

(b) DUTIES.—Subject to the Federal Information Technology Workforce Development Program, the Director, the Chief Information Officers Council, and the Administrator of General Services, the Director of the Office of Personnel Management shall—

(i) develop, on an ongoing basis, the personnel needs of the Federal Government related to information technology and information resource management;

(ii) assess the training of curricula, training methods, and training priorities that are to be projected personnel needs of the Federal Government related to information technology and information resource management; and

(iii) oversee the development of curricula, training methods, and training priorities that are to be projected personnel needs of the Federal Government related to information technology and information resource management.

(c) EMPLOYEE PARTICIPATION.—Subject to resource information management needs and the limitations imposed by resource needs in other occupational areas, and consistent with their overall workforce development strategies, agencies shall encourage employees to participate in occupational information technology training.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Office of Personnel Management for the implementation of this section, $7,000,000 in fiscal year 2003 and such sums as are necessary for each fiscal year thereafter.

SEC. 3210. COMMON PROTOCOLS FOR GEOGRAPHIC INFORMATION SYSTEMS.

(a) PURPOSE.—The purposes of this section are to—

(1) reduce redundant data collection and information; and

(2) promote collaboration and use of standards for government geographic information.

(b) DEFINITION.—In this section, the term "geographic information" means information systems that involve locational data, such as maps or other geospatial information.

(c) DUTY.—

(1) COMMON PROTOCOLS.—The Secretary of the Interior, working with the Director and through an interagency group, and working with private sector experts, State, local, and tribal governments, commercial and international standards groups, and other interested persons, shall develop and promulgate common protocols for the development, acquisition, maintenance, distribution, and application of geographic information. The Secretary of the Interior shall incorporate intergovernmental and public private geographic information partnerships into efforts under this subsection.

(2) INTERAGENCY GROUP.—The interagency group referred to under paragraph (1) shall include representatives of the National Institute of Standards and Technology and other agencies.

(d) DIRECTOR.—The Director shall oversee—

(i) the interagency initiative to develop common protocols;

(ii) the coordination with State, local, and tribal governments, public private partnerships, and other interested persons on effective and efficient ways to align geographic information and develop common protocols; and

(iii) the adoption of common standards relating to the protocols.

(e) COMMON PROTOCOLS.—The common protocols shall be—

(i) maximize the degree to which unclassified geographic information from various sources can be made electronically compatible and accessible;

(ii) promote the development of interoperable geographic information systems technologies that shall—

(A) allow widespread, low-cost use and sharing of geographic data by Federal agencies, State, local, and tribal governments, and the public;

(B) enable the enhancement of services using geographic data;

(iii) establish, as necessary, to carry out this section for each of the fiscal years 2003 through 2007.

SEC. 3211. SHARE-IN-SAVINGS PROGRAM IMPROVEMENTS.

Section 11521 of title 40, United States Code, is amended by—

(1) in subsection (a)—

(A) by striking "the heads of two executive agencies to carry out" and inserting "heads of executive agencies to carry out a total of 6 projects under subsection (b)";

(B) by striking "and" at the end of paragraph (1); and

(C) by striking the period at the end of subsection (a) and replacing it with a semicolon;

(2) by striking paragraph (2) and replacing it with a semicolon;

(3) by striking paragraph (3) and replacing it with a semicolon;

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

"(d) REPORT.—

(1) IN GENERAL.—After 5 pilot projects have been completed, but no later than 3 years after the effective date of this subsection, the Director shall submit a report to the Committee on Governmental Affairs of the Senate and the Committee on Governmental Reform of the House of Representatives.

(b) CONTENTS.—The report under paragraph (1) shall include—

(A) a description of the reduced costs and other measurable benefits of the pilot projects;

(B) a description of the ability of agencies to determine the baseline costs of a project against which savings would be measured; and

(C) recommendations of the Director relating to whether Congress should provide general authority to the heads of executive agencies to use a share-in-savings contracting approach for the acquisition of information technology solutions for improving mission-related or administrative processes of the Federal Government.

SEC. 3212. INTEGRATED REPORTING STUDY AND PILOT PROJECTS.

(a) PURPOSE.—The purposes of this section are to—

(1) enhance the interoperability of Federal information systems;

(2) assist the public, including the regulated community, in electronically submitting information to agencies under Federal requirements, by reducing the burden of duplicative collection and ensuring the accuracy of submitted information; and

(3) enable any person to integrate and obtain similar information held by 1 or more agencies under 1 or more Federal requirements without violating the privacy rights of an individual.

(b) DEFINITIONS.—In this section, the term—

(1) "agency" means an Executive agency as defined under section 105 of title 5, United States Code; and

(2) "person" means any individual, trust, firm, joint stock company, corporation (including a government corporation), partnership, association, State, municipality, commonwealth, political subdivision of a State, interstate body, or agency or component of the Federal Government.

(c) DUTY.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Director shall oversee a study, in consultation with agencies, the regulated community, public interest organizations, and the public, and submit a report to the Committee on Governmental Affairs of the Senate and the Committees on Governmental Reform of the House of Representatives on progress toward integrating Federal information systems across agencies.

(d) REPORT.—The report under this section shall—

(A) address the integration of data elements used in the electronic collection of information within databases established under Federal statute without reducing the quality, accessibility, scope, or utility of the information contained in each database; and

(B) address the feasibility of developing, or enabling the development of, software, including Internet-based tools, for use by reporting persons in assembling, documenting, and validating the accuracy of information electronically submitted to agencies under nonvoluntary, statutory, and regulatory requirements; and

(C) address the feasibility of developing a distributed information system involving, on a voluntary basis, at least 2 agencies, that—
(1) provides consistent, dependable, and timely public access to the information holdings of 1 or more agencies, or some portion of such holdings, including the underlying raw data, that can facilitate public users to know which agency holds the information; and

(2) allows the integration of public information held by the participating agencies; and

(b) The availability of information may encourage the use of best practices used by community technology centers; and

(2) promotes awareness of the availability of community technology centers, public libraries, and other institutions that provide computer and Internet access to the public.

SEC. 3213. COMMUNITY TECHNOLOGY CENTERS.

(a) Purposes.—The purposes of this section are to—

(1) study and enhance the effectiveness of community technology centers, public libraries, and other institutions that provide computer and Internet access to the public; and

(b) Study and Report.—Not later than 2 years after the effective date of this title, the Secretary of Education, in consultation with the Federal Emergency Management Agency, the Department of Housing and Urban Development, the Secretary of Commerce, the Director of the National Science Foundation, and the Director of the Institute of Museum and Library Services, shall—

(1) conduct a study to evaluate the best practices of community technology centers that provide computer and Internet access to the public; and

(2) submit a report on the study to—

(A) the Committee on Governmental Affairs of the Senate; and

(B) the Committee on Health, Education, Labor, and Pensions of the Senate; and

(C) the Committee on Government Reform of the House of Representatives; and

(D) the Committee on Education and the Workforce of the House of Representatives.

(c) Contents.—The report under subsection (b) may include—

(1) an evaluation of the best practices being used by successful community technology centers; and

(2) a strategy for—

(A) continuing the evaluation of best practices used by community technology centers; and

(B) establishing a network to share information and resources as community technology centers evolve; and

(d) Pilot Projects To Encourage Integration of Community Technology Centers.—

Each goal described under this subsection may include—

(1) the identification of methods to expand the use of best practices at community technology centers, public libraries, and other institutions that provide computer and Internet access to the public; and

(2) a strategy for—

(A) the Committee on Governmental Affairs of the Senate; and

(B) the Committee on Humor of the House of Representatives.

(e) Resources.—The activities authorized under subsection (d) may include—

(1) confidential business information consistent with section 552(b)(4) of title 5, United States Code, and other relevant law; and

(2) information under subsections 552(b) (6) and (7)(C), title 52a of title 5, United States Code, and other relevant law; and

(f) Congressional Record.—The Secretary of Education shall submit a report under this section to Congress on other activities that further the goal of maximizing the utility of information technology in disaster management.
The Federal Emergency Management Agency shall cooperate with other relevant agencies, and, if appropriate, State, local, and tribal governments, in initiating such pilot projects.

SEC. 3215. DISPARITIES IN ACCESS TO THE INTERNET.

(a) STUDY AND REPORT.—
(1) In general.—Not later than 90 days after the date of enactment of this Act, the Director of the National Science Foundation shall request that the National Academy of Sciences through the National Research Council, enter into a contract to conduct a study on disparities in Internet access for online Government services.
(2) Content.—Not later than 2 years after the date of enactment of this Act, the Director of the National Science Foundation shall submit to the Committee on Governmental Affairs of the Senate and the Committee on Government Reform of the House of Representatives a final report of the study under this section, which shall set forth the findings, conclusions, and recommendations of the National Research Council.
(b) CONTENTS.—The report under subsection (a) shall include a study of—
(1) how disparities in Internet access influence the effectiveness of online Government services, including a review of—
(A) the nature of disparities in Internet access;
(B) the affordability of Internet service;
(C) the incidence of disparities among different population subgroups;
(D) changes in the nature of personal and public Internet access that may alleviate or aggravate effective access to online Government services;
(2) how the increase in online Government services is influencing the disparities in Internet access and how technology developments and other factors may offset such adverse influences; and
(3) related societal effects arising from the interplay of disparities in Internet access and the increase in online Government services.
(c) RECOMMENDATIONS.—The report shall include recommendations on actions to ensure that online Government initiatives shall not have the unintended result of increasing any deficiency in public access to Government services.
(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the National Science Foundation $950,000 in fiscal year 2003 to carry out this section.

SEC. 3216. ABOLITION OF OBSCURE OR COUNTERPRODUCTIVE PROVISIONS.

If the Director of the Office of Management and Budget makes a determination that any provision of this division (including any amendment made by this division) is obsolete or counterproductive to the purposes of this Act, as a result of changes in technology or other reason, the Director shall submit notification of that determination to—
(1) the Committee on Governmental Affairs of the Senate; and
(2) the Committee on Government Reform of the House of Representatives.

TITLE XXXIII—GOVERNMENT INFORMATION SECURITY

SEC. 3301. INFORMATION SECURITY.

(a) ADDITION OF SHORT TITLE.—Subtitle G of title X of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–266) is amended by inserting after the heading for the subtitle the following new section—

SEC. 3301. SUBTITLE.

"This subtitle may be cited as the ‘Government Information Security Reform Act’.

(b) CONTINUATION OF AUTHORITY.—
(1) IN GENERAL.—Section 3536 of title 44, United States Code, is repealed.
(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 44 of title 44, United States Code, is amended by striking the item relating to section 3536.

TITLE XXXIV—AUTHORIZATION OF APPROPRIATIONS AND EFFECTIVE DATES

SEC. 3401. APPROPRIATIONS.

Except for those purposes for which an authorization of appropriations is specifically provided in title XXXII or XXXIII, including the amendments made by such titles, there are authorized to be appropriated such sums as are necessary to carry out titles XXXII and XXXIII for each of fiscal years 2003 through 2007.

SEC. 3402. EFFECTIVE DATES.

(a) TITLES XXXI AND XXXII.—
(1) IN GENERAL.—Except as provided under paragraph (2), titles XXXI and XXXII and the amendments made by such titles shall take effect 120 days after the date of enactment of this Act.
(2) IMMEDIATE ENACTMENT.—Sections 3207, 3214, 3215, 3301, and 3302 take effect on the date of enactment of this Act.
(b) TITLES XXXIII AND XXXIV.—Title XXXIII and this title shall take effect on the date of enactment of this Act.

DIVISION E—FLIGHT AND CABIN SECURITY ON PASSENGER AIRCRAFT

TITLE XLII—FLIGHT AND CABIN SECURITY ON PASSENGER AIRCRAFT

SECTION 4101. SHORT TITLE.

This title may be cited as the “Arming Pilots Against Terrorism and Cabin Defense Act of 2002”.

SECTION 4102. FINDINGS.

Congress makes the following findings:
(1) Terrorist threats represent a profound threat to the American people.
(2) According to the Federal Aviation Administration, between 33,500 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 a terrorist threat.
(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) other Federal agents;
(E) properly-trained armed pilots;
(F) flight attendants trained in self-defense and terrorism prevention; and
(G) electronic communications devices, such as real-time video monitoring and hands-free wireless communications devices that permit pilots to monitor activities in the cabin.

SECTION 4103. FEDERAL FLIGHT DECK OFFICER PROGRAM.

(a) IN GENERAL.—Subtitle 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*

(1) ESTABLISHMENT.—Not later than 90 days after the date of enactment of this Act, the Under Secretary of Transportation for Security shall establish a program to deputize qualified pilots of commercial air carriers as Federal flight deck 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 marshals program.
(2) QUALIFIED PILOT.—Under this program described in subsection (1), 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 49906(a)(1).
(3) TRAINING, SUPERVISION, AND EQUIPMENT.—The Under Secretary of Transportation for Security shall provide or make arrangements for training, supervision, and equipment necessary for a qualified pilot to be a Federal flight deck officer under this section at no expense to the pilot or the air carrier employing the pilot. Such qualifications, curriculum, and equipment shall be consistent with and equivalent to those required of Federal law enforcement officers and shall include periodic qualification as determined by the Under Secretary.
(4) 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.
(5) 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.
(6) 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.
(7) 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 commercial cargo aircraft engaged in providing air transportation or intrastate air transportation.
(8) 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.
(9) LIABILITY 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 such officer 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 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 2686 of title 28 United States Code.

(1) 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.

(2) 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) TECHNICAL AMENDMENTS.—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) FLIGHT DECK SECURITY.—Section 128 of the Aviation and Transportation Security Act (49 U.S.C. 44903 note) is repealed.

SEC. 4104. CABIN SECURITY.

(a) TECHNICAL AMENDMENTS.—Section 44903 of title 49, United States Code, is amended—

(1) by redesignating subsection (h) (relating to authority to arm flight deck crew with less-than-lethal weapons, as added by section 126(b) of public law 107-71) as subsection (i); and

(2) by redesignating subsection (b) (relating to liability for acts that are depurated as Federal flight deck officers under section 44921) as subsection (b).

(3) FLIGHT DECK SECURITY.—Section 128 of the Aviation and Transportation Security Act (49 U.S.C. 44903 note) is repealed.

SEC. 4105. COMMUNICATION DEVICES.

(a) REQUIREMENT FOR AIR CARRIERS.—The requirements described in subsection (a) shall include—

(1) A certification program for the instruction of air crew officers on the proper and necessary use of communications devices;

(2) 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).

(b) CONFORMING AMENDMENTS.—The requirements described in subsection (a) shall include—

(1) A certification program for the instruction of air crew officers on the proper and necessary use of communications devices;

(2) 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).

(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 non-lethal 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 board civil aircraft.

(2) **Report.—**Not later than 6 months after the date of enactment of this Act, the Under Secretary of Transportation for Security shall prepare and submit to Congress a report on the study conducted under paragraph (1).

**SEC. 4105. PROHIBITION ON OPENING COCKPIT DOORS IN FLIGHT.**

(a) **In General.—**Subchapter I of chapter 449 of title 49, United States Code, is amended—

(1) by inserting after the item relating to section 44916 the following:

”§ 44917. Prohibition on opening cockpit doors in flight

”(a) The door to the flight deck of any aircraft engaged in passenger transportation or interstate air transportation that is required to have a door between the passenger and pilot compartment under title 14, Code of Federal Regulations, shall remain closed and locked at all times during flight, except for mechanical or physiological emergencies.

”(b) **Mental Door Exception.—**It shall not be unlawful for an authorized person to enter or leave the flight deck during flight of any aircraft described in subsection (a) that is equipped with double doors between the flight deck and the passenger compartment that are designed so that—

”(1) any person entering or leaving the flight deck is required to lock the first door through which that person passes before the second door can be opened; and

”(2) the flight crew is able to monitor by remote means the area between the 2 doors and prevent the door to the flight deck from being unlocked from that area.

(2) **Conforming Amendment.—**The chapter analysis for chapter 499 of title 49, United States Code, is amended by inserting after the item relating to section 49916 the following:

”4917. Prohibition on opening cockpit doors in flight.”.

(c) **Effective Date.—**The amendments made by this section shall take effect 1 day after the date of enactment of this Act.

**SA 4844. Mr. SESSONs submitted an amendment intended to be proposed to amendment SA 4736 proposed by Mr. GRAHAM (for himself and Mr. MCCAULIFFE, Mr. MCCONNELL, Mr. THOMPSON, Mr. STEVENS, Mr. HAGEL, Mr. HUTCHINSON, and Mr. BUNNING) to the amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to stand on the table; as follows:

At the appropriate place, insert the following:

**SEC. 1105. TREATMENT OF CHARITABLE TRUSTS FOR MEMBERS OF THE ARMED FORCES OF THE UNITED STATES AND DEPENDENTS OF GOVERNMENTAL ORGANIZATIONS.**

(a) **Findings.—**Congress finds the following:

(1) Members of the Armed Forces of the United States defend the freedom and security of our Nation.

(2) Members of the Armed Forces of the United States risk their lives while fighting the evils of terrorism around the world.

(3) Personnel of the Central Intelligence Agency (CIA) charged with the responsibility of counter observation of terrorists around the world are often put in harm’s way during their service to the United States.

(b) **In General.—**The rules and regulations of the Internal Revenue Service shall be consistent with the protection of intelligence sources and methods, sensitive law enforcement information, or other sensitive national security information, including methods for confidentially disbursing funds.

(c) **Effective Date.—**Each Johnny Micheal Spann Patriot Trust that receives annual contributions totaling more than $1,000,000 must be audited annually by an independent certified public accounting firm. Such audits shall be filed with the Internal Revenue Service, and shall be open to public inspection, except that the conduct, filing, and availability of the audit shall be consistent with the protection of intelligence sources and methods, sensitive law enforcement information, and of other sensitive national security information.

**SA 4736. Mr. Mccaulliffe submitted an amendment intended to be proposed to** amendment SA 4844 submitted by Mr. GRAHAM (for himself Mr. MCCAULIFFE, Mr. MCCONNELL, Mr. T HOMPSON, Mr. S TEVENS, Mr. HAGEL, Mr. HUTCHINSON, Mr. T HOMPSON, Mr. J OHNSON, Mr. MAZZUCA, Mr. SCOTT, Mr. S TENYER, and Mr. W AIKEN) to the amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to stand on the table; as follows:

At the appropriate place, insert the following:

**SEC. 1105. TREATMENT OF JOHNNY MICHEAL SPANN PATRIOT TRUSTS.**

(a) **In General.—**TheJohnny Micheal Spann Patriot Trust shall make distributions to beneficiaries described in paragraph (1) at least once every calendar year, beginning not more than 12 months after the formation of such Trust, and all funds and donations received and earnings not placed in a private foundation dedicated to such beneficiaries must be distributed within 36 months after the end of the fiscal year in which such funds, donations, and earnings are received.

(b) **Collateral Source Compensation.—**Each Johnny Micheal Spann Patriot Trust shall refrain from conducting the activities described in clauses (i) and (ii) of section 323(e)(2) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(e)(2)) for a distribution under subsection (c)(1) for a distribution under subsection (c)(1).

(c) **Requirements for the Designation of Johnny Micheal Spann Patriot Trusts.—**The requirements described in this subsection are as follows:

(1) Not taking into account funds or donations reasonably necessary to establish a trust, at least 85 percent of all funds or donations (including any earnings on the investment of such funds or donations) received or collected by any Johnny Micheal Spann Patriot Trust shall be distributed to (or, if placed in a private foundation, held in trust for) the surviving spouses, children, or dependent parents, grandparents, or siblings of 1 or more of the following:

(A) members of the Armed Forces of the United States;

(B) personnel, including contractors, of elements of the intelligence community, as defined in section 3(4) of the National Security Act of 1947;

(C) employees of the Federal Bureau of Investigation; and

(D) officers, employees, or contract employees of the United States Government, whose deaths occur in the line of duty and whose collateral source compensation, intelligence operations, law enforcement operations, or accidents connected with activities occurring after September 11, 2001, and related to or the design or deployment of efforts to curb international terrorism, including the Authorization for Use of Military Force (Public Law 107–40; 115 Stat. 224).

(2) Other than funds or donations reasonably necessary to establish a trust, not more than 15 percent of all funds or donations (or 15 percent of annual earnings on funds invested in a private foundation) may be used for administrative purposes.

(3) No part of the net earnings of any Johnny Micheal Spann Patriot Trust may inure to the benefit of, or be used solely for, the position of such individual as a shareholder, an officer or employee of such Trust.

(4) No part of the activities of any Johnny Micheal Spann Patriot Trust may be used for distributing propaganda or otherwise attempting to influence legislation.

(5) No Johnny Micheal Spann Patriot Trust may participate in or intervene in any political campaign on behalf of (or in opposition to) any candidate for public office, in any propaganda or publicity or publication or distribution of statements.

(6) Each Johnny Micheal Spann Patriot Trust shall comply with the instructions and regulations of the Director of Intelligence, the Attorney General, or the Secretary of Defense relating to the protection of intelligence sources and methods, sensitive law enforcement information, or other sensitive national security information, including methods for confidentially disbursing funds.
SA 4845. Mr. SESSIONS submitted an amendment intended to be proposed to amendment SA 4738 proposed by Mr. GRAMM (for himself, Mr. MILLER, Mr. MCCONNELL, Mr. THOMPSON, Mr. STEVENS, Mr. HAGEL, Mr. HUTCHINSON, and Mr. BUNNING) to the amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

On page 220 of the amendment, after the item inserted by line 15, insert the following:

SEC. 1124. PILOT PROGRAM.

(a) Establishment of Pilot Program.—The Commissioner of Immigration and Naturalization Service and State and local law enforcement officials that use video conferencing—

(1) to evaluate the legal status of aliens in the custody of State and local law enforcement; and

(2) to initiate deportation proceedings under the Immigration and Naturalization Act where warranted.

(b) Implementation.—The pilot program shall establish a pilot program of cooperation between inspectors of the Immigration and Naturalization Service and State and local law enforcement officials that use video conferencing—

(1) to evaluate the legal status of aliens in the custody of State and local law enforcement; and

(2) to initiate deportation proceedings under the Immigration and Naturalization Act where warranted.

(c) Authorization of Appropriations.—There are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2003 through 2007 to carry out section 236C of the Immigration and Nationality Act, as added by subsection (a).

BUSINESS OF THE SENATE

Mr. REID. Mr. President, we have had another unproductive day. As you know, we are starting the fifth week on homeland security and Interior Appropriations bill. As I said a few weeks ago, it appears the other side does not want us to pass these two bills, and they are accomplishing what they set out to do. We are not doing the work of the country.

As the Presiding Officer knows, we have lost 2 million jobs in the last 18 months. We have had the weakest economic growth in some 50 years. Business has been down in each of the last six quarters, the weakest trend in 50 years. There has been a $4.5 trillion loss in stock market wealth, the sharpest decline since President Hoover—$440 billion lost in 401(k) and IRA retirement savings this past year—and the median family income was down last year, the first decrease in 12 years. The Nasdaq stock exchange was down to its lowest level in 6 years. Of course, it dropped again today. Dow Jones dropped again today. The poverty rate is up for the first time in 10 years.

We have a lot of problems with the economy, and we are not addressing them. We are focused on Iraq. I have no problem focusing on Iraq, but we can focus on more than one issue, and we have not done that. I do not think that is good for the people of the State I represent, the people the Presiding Officer represents, or anyplace else in the country.

I hope we can change direction from what we are doing now.

A FOND FAREWELL

Mr. REID. Mr. President, I came to the Congress 10 years ago. One of the people with whom I came was Bob Torricelli. He and I have been friends for 20 years now. I didn’t know him before he and I were elected to the House of Representatives. Today, he announced he was not going to continue in his election, and I feel terrible about it. It shows the class he has. I talked to Senator Torricelli this afternoon. He recognizes the Senate seat in New Jersey is more important than him. As a result of that, he knows it would be better for the institution, the Senate, than he not continue in his election contest.

For me, the memories of having served with this fine man are very significant. The work he did first as the assistant to Senator Bob KERRY’s campaign committee and then as chairman of the campaign committee will be written in the history books. He did the impossible. He did what only he said could be done. Most of us did not believe he could do what he did, and he did it all the way. He was responsible for because he made us competitive. He was a voracious fundraiser.

I extend my best wishes to Bob Torricelli. I congratulate him for the 20 years of service to the State of New Jersey and the country as a member of the U.S. Congress. I do hope his great talents will be used. He is a fine speaker. He has a great mind. His knowledge of foreign affairs is unsurpassed.

He and I served together on the committee in the House of Representatives. I wish I had words to describe the affection I have for Senator Torricelli and the expression I would like to make of the courage he showed this afternoon.

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 107–17

Mr. REID. Mr. President, I ask unanimous consent the injunction of secrecy be removed from the following treaty transmitted to the Senate on September 30, 2002, by the President of the United States:


I further ask the treaty be considered as having been read the first time; that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President’s message be printed in the RECORD.

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

The President’s message is as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the 1992 Partial Revision of the Radio Regulations (Geneva, 1979), with appendices, signed by the United States at Malaga, Torremolinos on March 3, 1992 (the “1992 Partial Revision”), together with declarations and reservations of the
United States as contained in the Final Acts of the World Administrative Radio Conference for Dealing with Frequency Allocations in Certain Parts of the Spectrum (WARC-92). I transmit also, for the information of the Senate, the report of the Department of State concordances.

The 1992 Partial Revision, which was adopted at WARC-92, constitutes a revision of the International Telecommunication Union (ITU) Radio Regulations (Geneva, 1979), as revised, to which the United States is a party. It provides for additional spectrum for new or expanding telecommunication services, primarily terrestrial and satellite broadcasting, terrestrial and satellite mobile and space services and is consistent with the proposals and positions taken by the United States at the conference.

Subject to the U.S. declarations and reservations mentioned above, I believe that the United States should become a party to the 1992 Partial Revision, which provides additional spectrum for existing and new telecommunication services in which the United States plays a significant leadership role. It is my hope that the Senate will take early action on this matter and give its advice and consent to ratification.

GEORGE W. BUSH.


EXECUTIVE SESSION

NOMINATIONS DISCHARGED

Mr. REID. Mr. President, I ask unanimous consent the Senate proceed to the executive session and the Commerce Committee filing of nomination No. 1047 and the nominations placed on the Secretary’s desk be vitiated; that the Committee be discharged from further consideration of these nominations; that the nominations be confirmed, the motions to reconsider be laid on the table, the President be immediately notified of the Senate’s action; that any statements relating thereto be printed in the RECORD; and that the Senate resume legislative session, with the preceding occurring without intervening action or debate.

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

The nominations were considered and confirmed as follows:

COAST GUARD

The following named officer for appointment to the grade indicated under Title 14, U.S.C., Section 271 and to serve as the Director of the Coast Guard Reserve pursuant to Title 14, U.S.C. Section 53:

PN2194 Coast Guard nominations (120) beginning Alan N Arsenault, and ending Matthew J Zamary, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of September 24, 2002.

DEATH OF REPRESENTATIVE PATSY T. MINK OF HAWAII

Mr. REID. I ask unanimous consent the Senate proceed to the consideration of S. Res. 331 submitted earlier today by the majority and the Republican leaders.

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

The legislative clerk read as follows:

A resolution (S. Res. 331) relative to the death of Representative Patsy T. Mink of Hawaii.

There being no objection, the Senate proceeded to the consideration of the resolution.

Mr. REID. I ask unanimous consent the resolution be agreed to and the motion to reconsider laid on the table, with no intervening action or debate.

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

The resolution (S. Res. 331) was agreed to, as follows:

S. Res. 331

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

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

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

NATIONAL PROSTATE CANCER AWARENESS MONTH

Mr. REID. I ask unanimous consent the Judiciary Committee be discharged from further consideration of S. Res. 325 and the Senate now proceed to that matter.

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

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 325) designating the month of September 2002 as "National Prostate Cancer Awareness Month".

(A) to raise awareness about the importance of screening methods and treatment of prostate cancer;

(B) to increase research funding that is commensurate with the burden of the disease so that the causes of, and improved methods for screening, treating, and curing prostate cancer may be discovered and

(C) to continue to consider ways for improving access to, and the quality of, health care services for detecting and treating prostate cancer; and

(3) requests the President to issue a proclamation calling upon the people of the United States, interested groups, and affected persons to promote awareness of prostate cancer, to take an active role in the fight to end the devastating effects of prostate cancer on individuals, their families, and the economy, and to observe the month of September 2002 with appropriate ceremonies and activities.

ORDERS FOR TUESDAY, OCTOBER 1, 2002

Mr. REID. I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. tomorrow morning, Tuesday, October 1st; that following the prayer and pledge, the morning hour be limited expired, the Journal of Proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and there be a period of morning business until 11 a.m., 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 of the time under the control of Senator DASCHLE or his designee; that at 11 a.m. the Senate reconsider the Homeland Security Act with 1 hour of debate equally divided between the two leaders or their designees, prior to a 12
noon vote on cloture on the Gramm-Miller amendment to homeland security; further, that the Senate recess from 12:30 to 2:15 p.m. for the weekly party conferences.

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

PROGRAM

Mr. REID. Senators have until 11 a.m. tomorrow to file second-degree amendments to the Homeland Security Act.

ADJOURNMENT UNTIL 9:30 A.M., TOMORROW

Mr. REID. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the parameters of S. Res. 331, as a further mark of respect to the memory of the deceased Patsy Mink.

There being no objection, the Senate, at 6:16 p.m., adjourned until Tuesday, October 1, 2002, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate September 30, 2002:

DEPARTMENT OF AGRICULTURE

THOMAS C. DORR, OF IOWA, TO BE UNDER SECRETARY OF AGRICULTURE FOR RURAL DEVELOPMENT, VICE JILL L. LONG, RESIGNED, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

THOMAS C. DORR, OF IOWA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE COMMODITY CREDIT CORPORATION, VICE JILL L. LONG, RESIGNED, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

EXPORT-IMPORT BANK OF THE UNITED STATES

PHILIP MERRELL, OF MARYLAND, TO BE PRESIDENT OF THE EXPORT-IMPORT BANK OF THE UNITED STATES FOR THE REMAINDER OF THE TERM EXPIRING JANUARY 20, 2005, VICE JOHN E. ROBISON.

CORPORATION FOR PUBLIC BROADCASTING

CHERYL FELDMAN HALPERN, OF NEW JERSEY, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR PUBLIC BROADCASTING FOR A TERM EXPIRING JANUARY 31, 2008, VICE HEIDI H. SCHULMAN, TERM EXPIRED, TO WHICH POSITION SHE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

MERIT SYSTEMS PROTECTION BOARD

SUSANNE T. MARSHALL, OF VIRGINIA, TO BE CHAIRMAN OF THE MERIT SYSTEMS PROTECTION BOARD, VICE BETH SUSAN SLAVET, TO WHICH POSITION SHE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

POSTAL RATE COMMISSION

TONY HAMMOND, OF VIRGINIA, TO BE A COMMISSIONER OF THE POSTAL RATE COMMISSION FOR THE REMAINDER OF THE TERM EXPIRING OCTOBER 14, 2004, VICE EDWARD JAY GLEIMAN, RESIGNED, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

UNITED STATES POSTAL SERVICE

ALBERT CASEY, OF TEXAS, TO BE A GOVERNOR OF THE UNITED STATES POSTAL SERVICE FOR A TERM EXPIRING DECEMBER 8, 2009, VICE TIRSO DEL JUNCO, TERM EXPIRED, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

W. SCOTT RAILTON, OF VIRGINIA, TO BE A MEMBER OF THE OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION FOR A TERM EXPIRING APRIL 27, 2007, VICE GARY L. VissCHER, TERM EXPIRED, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

CONFIRMATIONS

Executive nominations confirmed by the Senate September 30, 2002:

IN THE COAST GUARD


To be rear admiral (lower half)

REAR ADM. (SELECTEE) ROBERT J. PAPP

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DUTY CONSTITUTED COMMITTEE OF THE SENATE.


COAST GUARD NOMINATIONS BEGINNING ALAN N. ARSÉNAULT AND ENDING MATTHEW J. ZAMARY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 24, 2002.
EXTENSIONS OF REMARKS

A PROCLAMATION RECOGNIZING BRIAN GOSSETT

HON. ROBERT W. NEY
OF OHIO
IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 2002

Mr. NEY. Mr. Speaker, whereas, Brian Gossett has been awarded the Rodney D. Hanson Memorial Scholarship for the 2002-03 academic year; and

Whereas, Brian Gossett is a senior at Ohio University Eastern majoring in middle childhood education; and

Whereas, Brian Gossett should be commended for his dedication and hard work; and

Whereas, Brian Gossett has demonstrated a steadfast commitment to meeting challenges in juggling work and classes with enthusiasm and confidence;

Therefore, I join with the residents of the entire 18th Congressional District of Ohio in honoring and congratulating Brian Gossett for his outstanding accomplishment.

HONORING HERBERT H. PEARCE
FOR HIS DEDICATED SERVICE TO THE COMMUNITY

HON. ROSA L. DELAURO
OF CONNECTICUT
IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 2002

Ms. DELAURO. Mr. Speaker, it gives me great pleasure to rise today to recognize an outstanding community member and my good friend, Herbert H. Pearce, as he is honored by the New Haven Colony Historical Society with the Seal of the City Award.

The Seal of the City Award is presented annually to an individual or individuals who have strived to improve the quality of life for New Haven residents and have demonstrated a commitment to the overall improvement of the community. First presented to Mayor Richard C. Lee in 1992, this award reflects the dedication which we, the New Haven community, have toward the continued growth and revitalization of our city. Today, Herb will receive this award as a token of our sincere appreciation for his contributions to our community.

A New Haven native, Herb has a long and proud history of service to our community. He has been a strong leader in business and a vocal advocate for many local non-profit organizations. The founder of H. Pearce Real Estate, Herb has directed this company since its inception nearly half a century ago, introducing a number of innovative ideas in advertising and promotion. He also served as President of the Connecticut Association of Realtors and was a member of the National Board of REALTORS.

The Quinnipiac Council of Boy Scouts, Yale-New Haven Hospital, American Red Cross and the New Haven Symphony are just some of the local, state and national organizations who have benefited from his dedicated work. Past President of the Greater New Haven Chamber of Commerce and the United Way of Greater New Haven, Herb’s efforts have made a real difference in the lives of many. His generosity and good will are reflected in the myriad of awards and recognitions he has received throughout his lifetime. The City of New Haven is indeed fortunate to have such a dedicated individual working on behalf of our community.

His support of and active participation with non-profit organizations has served to enhance the quality and prosperity of the City of New Haven. I am proud to join with family, friends, and community members to recognize Herbert U. Pearce, as he is honored with this very special award. His outstanding record of service is an example for other community leaders—an embodiment of the very spirit of the Seal of the City Award.

HONORING TONY HALL

HON. DEBORAH PRYCE
OF OHIO
IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 2002

Ms. PRYCE of Ohio. Mr. Speaker, rise to congratulate and celebrate the accomplishments of my fellow Ohioan and good friend, TONY HALL, as he is confirmed today as the United States Ambassador to the United Nations Food and Agriculture Organization in Rome, Italy.

Over the years, I had the pleasure of working with TONY on the House Rules Committee, as well as on many issues important to our state. TONY has done so much good work for the people of Ohio. However, I rise today not just to recognize his service to my state, but to emphasize the immeasurable contributions he has made to our nation and our global community.

TONY was a voice of conscience to all of us and kept us keenly aware of human rights conditions around the world. Through his far reaching travels to the Philippines, East Timor, Paraguay, North Korea, Romania, and the former Soviet Union, TONY took an interest in relieving human suffering wherever it exists. With his personal experience, TONY was able to present us with a greater understanding of the realities of the human condition.

I will always remember TONY’s life-long determination to fight and alleviate hunger in our poorest neighborhoods, towns, and cities at home and around the world. For four years, TONY served as the Chairman of the Select Committee on Hunger, and he went on hunger strike to protest the abolition of the committee. He founded and chaired the Congressional Hunger Center. He sponsored innumerable legislative efforts to provide food to war-torn areas around the globe, increase assistance to low-income Americans, and fight hunger-related disease.

His devotion and tireless effort to rid the world of hunger have been widely respected and recognized. TONY received the 1992 Silver World Food Day Medal from the Food and Agriculture Organization of the United Nations, the United States Committee for UNICEF 1995 Children’s Legislative Advocate Award, the U.S. AID Presidential End Hunger Award, the 1992 Oxfam America Partners Award, the Bread for the World Distinguished Service Against Hunger Award, and the NCAA Silver Anniversary Award. He has been nominated for the Nobel Peace Prize no less than three times so far in his career.

I can think of no individual with more expertise, better experience, or a bigger heart to take on this position with the United Nations Food and Agriculture Organization.

TONY has a long and proud record of public service—as a member of the Peace Corps, the Ohio House of Representatives, the Ohio Senate, and finally as a member of Congress for nearly 24 years. I know that in his new role, he will be serve the United States with the same dignity and dedication with which he has served in all his prior roles.

TONY, you will be truly missed around here. We have shared our happiness for legislative victories for our state, and shared our grief when we lost our children to cancer. You may no longer be a fellow-Member of the House, but you will always be a friend.

I congratulate TONY on his life of accomplishments and wish him the best of luck in his new position. He will be greatly missed by all of us here, and his legacy of passion, determination, and perseverance will be remembered and followed here in Congress for years to come.

CONGRESSIONAL BUDGET OFFICE
COST ESTIMATES FOR H.R. 4919

HON. JAMES V. HANSEN
OF UTAH
IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 2002

Mr. HANSEN. Mr. Speaker, I request that the attached cost estimates for H.R. 4919 be submitted for the RECORD under General Leave.

As you know, H.R. 4919 passed the House under suspension of the rules on Tuesday, September 24, 2002. At the time of passage, the Committee on Resources had not yet received a cost estimate from the Congressional Budget Office.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
HON. JAMES V. HANSEN,
Chairman, Committee on Resources, U.S. House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 4919, the Tonto and Coconino National Forests Land Exchange Act.

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

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.
If you wish further details on this estimate, we will be pleased to provide them.

Sincerely,

BARRY B. ANDERSON
(For Dani L. Crumen, Director)

CONGRESSIONAL BUDGET OFFICE COST ESTATE
H.R. 4919—Tonto and Coconino National Forests Land Exchange—As ordered reported by the House Committee on Resources on September 12, 2002

CBO estimates that enacting H.R. 4919 would not significantly affect the federal budget. The national land exchange would not directly affect the federal budget (including offsetting receipts); therefore, pay-as-you-go procedures would apply, but we estimate that any net change in direct spending would be insignificant. H.R. 4919 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would have no significant impact on the budgets of state, local, or tribal governments.

H.R. 4919 would authorize the Secretary of Agriculture to convey to two private parties about 330 acres of federal land in Arizona in exchange for roughly 760 acres of land owned by those parties. If the value of those lands are not equal, the Secretary could make or accept cash equalization payments. The bill would authorize the Secretary to spend any receipts from such payments to acquire nonfederal lands in Arizona.

CBO estimates that enacting H.R. 4919 would result in an insignificant increase in direct spending. According to the agency, the federal land to be conveyed currently generate offsetting receipts (a credit against direct spending) from special use permits totaling less than $20,000 a year. Those receipts would be forgone if H.R. 4919 is enacted. Based on information from the agency, we estimate that any cash equalization payments received under H.R. 4919 would total less than $500,000. We also estimate that the agency would spend receipts from such payments in the same year they are received and that any resulting net change in direct spending would be negligible.

The CBO contact for this estimate is Megan Carroll. This estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

HONORING THE 180TH ANNIVERSARY CELEBRATION OF THE BRENTSVILLE HISTORIC COURthouse SEPTEMBER 26, 2002

HON. TOM DAVIS OF VIRGINIA IN THE HOUSE OF REPRESENTATIVES Thursday, September 26, 2002

Mr. TOM DAVIS of Virginia. Mr. Speaker, I would like to take this opportunity to honor the anniversary of the historic Brentsville Courthouse in Brentsville, Virginia.

On Saturday, September 28, 2002, the first annual "Brentsville Court Day" will commemorate the national significance of this courthouse and the prominent position it held in Prince William County during the 19th Century. The day will be filled with activities designed to entertain and educate citizens of all ages on the key role this courthouse played 180 years ago.

When the Brentsville Courthouse was first in use, Washington City had been the Nation's Capital for only twenty-two years and the U.S. Constitution had been in place for a mere three years. It is believed that the first Fourth of July in Prince William County was celebrated on the front steps of the Brentsville Courthouse, with a speech given by Dr. Thomas Ewell, a noted surgeon of that time.

Recapturing the patriotic spirit of the American Revolution was of growing importance at that time, as the nation was aging and memories of their sacrifices were fading. As a result, speeches honoring these patriots became the norm. Yet research undertaken by local historians indicates the speech given by Dr. Ewell that day was extraordinary.

The research uncovered twenty letters spanning twenty years of correspondence between Drs. Ewell and Thomas Jefferson. In his letter responding to Dr. Ewell's July 4th oration, Jefferson recognized Ewell's July 4, 1823 speech —on the 50th anniversary of the United States—as a reflection of "the true spirit of '76."

The 180th anniversary celebration will occur, Mr. Speaker, in a town new to the 11th congressional district of Virginia, but rich in American history.

Mr. Speaker, in closing, given the historical significance and roots of Brentsville Courthouse, we have great reason to celebrate today. Accordingly, I extend my warmest congratulations on its 180th Anniversary. The Courthouse is a national treasure and a source of pride for both my constituents and me. I call upon my colleagues to join me in applauding 180 years of excellence and American spirit.

A PROCLAMATION CONGRATULATING 5 B’S

HON. ROBERT W. NEY OF OHIO IN THE HOUSE OF REPRESENTATIVES Thursday, September 26, 2002

Mr. NEY. Mr. Speaker, whereas, 5 B’s of Zanesville is successfully responding to Chapter 11 Bankruptcy and has been simultaneously expanding services and opportunities for employees; and

Whereas, 5 B’s amazing success story is due to the determination, sacrifice, vision, and hard work of the company’s owner, Lee Biles, and employees; and

Whereas, 5 B’s has brought employment, investment, and progress to the Ohio valley; and

Whereas, the founders and employees must be commended for their long hours and commitment to excellence, which has allowed 5 B’s to succeed;

Therefore, I join with the residents of the entire 13th Congressional District of Ohio in celebrating 5 B’s record of determination and exceptional service.

HONORING THE BETHEL AFRICAN METHODIST EPISCOPAL CHURCH ON THEIR 165 ANNIVERSARY

HON. ROSA L. DELAURO OF CONNECTICUT IN THE HOUSE OF REPRESENTATIVES Thursday, September 26, 2002

Ms. DELAURO. Mr. Speaker, it is with great pleasure that I rise today to join Reverend Daylan Greer, Sr. and the congregation of the Bethel African Methodist Episcopal Church of New Haven, Connecticut as they celebrate their 165th Anniversary—a tremendous milestone for this New Haven institution.

Founded in Philadelphia in response to discrimination found in the Methodist Church, the first Bethel African Methodist Episcopal Church, now fondly known as Mother Bethel, opened its doors in 1794. The vision of the Reverend Richard Allen, a freed slave, the African Methodist Episcopal Church was the successful development of a separate religious identity for African Americans and was the first fully independent black denomination in America. Upon his election as the first Bishop of the A.M.E., Reverend Allen set the stage for the church in New England by sending preachers to cities that had a population of one hundred or more African Americans. New Haven was one of those cities.

The year 1838 is marked with the Reverend Eli N. Hall as becoming the first pastor of the Bethel-New Haven, Connecticut. Under the direction of Reverend Hall and the many pastors who followed, the church and become an important fixture in the Dixwell community. It is the dedication and commitment of their congregation that has made this church such a great success. Our churches play a vital role in our communities—providing people with a place to turn to for comfort when they are in need. In over a century, there have been many who have worshiped within their halls and many who have found peace and strength in the outstretched arms of the congregation.

It is with honor and the deepest thanks and appreciation for all of their good work that I rise today to extend my sincere congratulations to the Bethel African Methodist Episcopal Church of New Haven on their 165th Anniversary.

IN MEMORY OF THE TRAGEDY OF SEPTEMBER 11, 2001

HON. DEBORAH PRYCE OF OHIO IN THE HOUSE OF REPRESENTATIVES Thursday, September 26, 2002

Ms. PRYCE of Ohio. Mr. Speaker, I rise today, just over one year after the tragic events that touched the life of every American, to give solemn remembrance to that darkest of days.

As do all Americans, my heart continues to ache when I think about the countless victims and families struck by the sad and shocking attacks of September 11, 2001. But, there is also pride in my heart for our great nation and the men and women who have responded so resolutely and valiantly to this challenge to our very way of life.

The stories of tragedy, and the compelling stories of heroism, that emerged from the smoke and shattered buildings will forever be a part of our memory that day.

When I rose to the House floor one-year ago filled with so many deep and powerful emotions, I pledged that we would not let the days that followed be remembered just for our sadness and anger, but for our national resolve. As a nation, we have pulled together in so many ways to overcome the vicious attempt to break our national spirit.
We are living in historic times, and I have been so proud of the American people. New York City has been the personification of American strength and resiliency.

I have also been proud of our work here in Congress to put aside politics to provide our armed forces and law enforcement officers with the resources and tools they need to fight the war on terrorism, and to make this nation safer than it was on September 10, 2001. This war is not an issue of politics, it is an issue of patriotism.

Those responsible for last year’s horrific events seriously miscalculated the strength and resolve of Americans. Our sense of security may have been temporarily unsteadied, but our unity is unwavering. Our bonds of liberty, our bonds of freedom, our bonds of democracy are stronger and run deeper than any individual, than any building, than any monument. No act of violence, no sharpened razor, can sever them.

America has been committed through this last year to the difficult realities of living in the shadows of war. We have gone on living our lives because to do otherwise would be giving in to the evil behind September 11. But there should be no doubt that we will remain committed until those responsible learn the steep cost of taking innocent lives—innocent American lives—on American soil. We will never stop working to make America safe and secure.

The flame of liberty remains bright and will continue to shine upon the world, casting deep into the dark shadows of violence, intolerance, and extremism. This is a time of remembrance. But it is also a time to renew our dedication to fighting until America is free from the threat of terrorism.

**Abortion Non-Discrimination Act of 2002**

**SPEECH OF HON. CLIFF STEARNS OF FLORIDA IN THE HOUSE OF REPRESENTATIVES**

**Wednesday, September 25, 2002**

Mr. STEARNS. Mr. Speaker, I come to the Floor this morning to express my strong support of the Abortion Non-Discrimination Act (ANDA). I believe the rights of religious hospitals and other health care entities who may be opposed, in conscience to abortion, from ever having to perform, provide medical training or fund induced abortions should be protected.

Lynn Wardle, Professor of Law at Brigham Young University, in his testimony before the Energy and Commerce Committee this summer noted, ANDA, “The basic issue in the Abortion Non-Discrimination Act is forced abortion. A forced abortion occurs not only when a woman is forced to have an abortion she does not want, but also when a health care provider is forced to provide or participate in an abortion against her will. The right of individuals and organizations of individuals to choose in accordance with their conscience to not have and to not participate in abortion must be protected against extremists who are trying to force others to provide abortion services that these extremists want but which others find morally repugnant. That is what ANDA is about.” The rights of individuals to choose according to their conscience must be protected; it is the principle of freedom that we have the duty to defend.

As we face an ever-increasing rise in the cost of managed care many smaller, private, sometimes religious hospitals are forced to merge with larger hospitals in order to survive. Conscience protection would ensure that these smaller, often denominational, hospitals would not have to choose between providing services that violate their conscience and closing their doors. These hospitals were often first organized to serve the poor and needy, it is these very people that will suffer should these hospitals be forced to close. The heart of the matter is this: Health care entities, as well as individuals, deserve the right to choose.

Currently, 49 states have some kind of conscience protection for health care providers. It is time we clarify in law once and for all every state’s right to act according to his or her conscience.

**PERSONAL EXPLANATION**

**HON. SPENCER BACHUS OF ALABAMA IN THE HOUSE OF REPRESENTATIVES**

**Thursday, September 26, 2002**

Mr. BACHUS. Mr. Speaker, on Wednesday, September 25th I missed rollcall votes 411, 412, 413, 414 and 415 due to a family emergency. If I had been present I would have voted “nay” on rollcall 411, “yea” on rollcall 412, “yea” on rollcall 413, “yea” on rollcall 414 and “yea” on rollcall 415.

**ANNIVERSARY OF THE SEPTEMBER 11TH TERRORIST ATTACK—SPECIAL JOINT MEETING OF CONGRESS IN NEW YORK CITY**

**HON. JOHN ELIAS BALDACCI OF MAINE IN THE HOUSE OF REPRESENTATIVES**

**Thursday, September 26, 2002**

Mr. BALDACCI. Mr. Speaker, like every American, I will always remember September 11th. Today we gather to mourn our nation’s losses and to demonstrate our resolve that America will not be slowed or diminished by terrorist attacks.

September 11th was an unsettling day for each of us, wherever we were. Nearly 3000 Americans lost their lives that day. All of us lost the sense of security that we as Americans had long taken for granted. The victims came from all across the country and every walk of life. They had one thing in common—they were simply going about their business. It was a crisp, clear, sunny morning. I thought I saw the light of hope when America’s light shined through. Millions of us joined together to donate blood and money to help the victims and their families. I visited the Pentagon to encourage rescue workers, and worked with the FAA to ensure that medical supplies would continue to arrive at Maine hospitals during the shutdown of airline service. Maine businesses and individuals donated food and supplies for workers and displaced families.

The great irony of September 11th is that the terrorists sought to drive America apart, but instead brought us together as a nation. Our people have once again shown an incredible resilience and an ability to come together in times of need. America is, indeed, one nation, under God, indivisible.

The acts of terrorism perpetrated against our country have reminded us of the precious nature of life and of the lives of those around us. We will always carry in our hearts the memories of those who were lost on September 11th. May we also always remember the patriotism and unity that we have experienced in its aftermath.

We stand together today as Americans, united in mourning and also in our resolve to triumph over factions that would tear us apart. Together, we will ensure that hope, freedom and justice will prevail.

**BARBARA ANN “BOBBIE” HOUSEHOLDER**

**HON. JOHN J. DUNCAN, JR. OF TENNESSEE IN THE HOUSE OF REPRESENTATIVES**

**Thursday, September 26, 2002**

Mr. DUNCAN. Mr. Speaker, Barbara Ann “Bobbie” Householder, one of my constituents, passed away last week after losing a battle with cancer.

Bobbie Householder was a longtime community volunteer and was well-known in my District for her extensive community service, as well as her years of association with the Blount County Chamber of Commerce. Barbara Ann helped organize events for the Adopt-A-School program, she volunteered for Leadership Blount and the Blount County Dogwood Arts Festival and also was a great volunteer in her church.

She retired with the title of vice president of community development for the Blount County Chamber of Commerce. Although retired, she continued to work hard on her volunteer work. Up until a week before her death, she was recruiting volunteers for the United Way from her hospital bed.

Bobbie Householder was one of the finest people I have ever known and will be greatly missed by the whole community. Her efforts and achievements are an inspiration to us all, and I would like to call a newspaper article that was printed in the Maryville Daily Times about her life to the attention of my colleagues and other readers of the RECORD.

(From the Daily Times, Aug. 22, 2002)

**VOLUNTEER, FORMER CHAMBER OFFICIAL HOUSEHOLDER DIES OF CANCER AT 74**

(From Staff Reports)

Longtime community volunteer Barbara Ann “Bobbie” Householder of Alcoa died Wednesday morning at Blount Memorial Hospital after a battle with cancer.

Although she was never elected to public office, Householder was one of Blount County’s best-known people through her volunteer work and her years of association with the Blount County Chamber of Commerce.
To many people in Blount County and throughout the area, Bobbie was the chamber of commerce," chamber President and CEO Fred Forster said Wednesday. "She was the center of everything in this community for many years. Many of the things we enjoy here now are the fruits of her work over the years.

"All of us in the chamber family will miss her," Forster said.

Householder, 74, was a native of Knoxville. She and Glen, her husband of 56 years, moved to Blount County in 1962 and became the parents of two sons and a daughter. Not long after the Householders' move to Blount County, she went to work as a bookkeeper for the Chamber-United Way office, then located at the Maryville Municipal Building, to help out for a few days. Her volunteer work with the chamber led to a full-time job there, and she retired in 1994 after 31 years with the organization.

Early in her career with the chamber, the staff consisted of the executive director, a bookkeeper and Householder. She handled office responsibilities and coordinated chamber projects, including coordination of Blount County's United Way campaigns for 25 years.

By the end of her tenure with the chamber, Householder was vice president of the Blount County Chamber of Commerce, the Chamber Foundation and the Smoky Mountain Visitors Bureau, three of the four organizations under the Blount Partnership's administrative umbrella.

In addition to her other duties, Householder helped organize and coordinate Homecoming '86 for Blount County, the Adopt-A-School Program, Leadership Blount and the Blount County Dogwood Arts Festival. She also was extremely active in the Maryville-Alcoa Jaycees, an organization involved in initial tourism efforts.

She retired with the title of vice president of community development for the Blount County Chamber of Commerce.

Retirement did little to slow Householder, and her efforts to better her community were recognized when she received the 2001 Pride of Tennessee Award. The award is given to one person each year who has a history of community involvement.

Since 1994 she has served as president of the Friends of the Library, a member of the Keep Blount Beautiful Board of Directors, a member of the Blount County Bicentennial Committee, an officer with the Blount County Extension Forestry, and co-chairman of the Blount County Millennium Committee.

Householder also served several years as chairman for the United Way of Blount County's Day of Caring and in other volunteer roles for United Way.

"She was a great lady with great ideas, but the best thing about Bobbie was that you could count on her," United Way Executive Director Sandra Davis said Wednesday.

"She and Blount United Methodist volunteers from her hospital bed as recently as last week," Davis said. "She was one of the best volunteers any nonprofit organization could ask for—always willing to go the extra mile."

Davis said she and Householder also shared an interest in activities through the Methodist church, not only at the local level but at the conference level as well. Her work in the church included service as communications coordinator for the Holston Conference United Methodists.

Householder was a member of Broadway United Methodist Church. Her pastor, the Rev. James Dougherty, will officiate at a celebration of her life at 8 p.m. Friday at the church. The family will receive friends from 6:30 p.m. until 8 p.m. Friday at the church.

In addition to her husband, she is survived by her son and daughter-in-law, Gary and Janet Householder of Louisville, KY, her son Alan Householder of Cosby, and her daughter and son-in-law, Ed and Eastridge of Alcoa, grandparents Cindy and Brian Householder of Louisville, KY, and Jeff and Amy Eastridge of Alcoa. She is also survived by her brother, Richard Hubbs of Johnson City, and several nieces and nephews.

The family suggests no flowers. Memorials may be made to Broadway United Methodist Church, to the Blount County Education Foundation, to Friends of the Library or to the United Way of Blount County.

A PROCLAMATION RECOGNIZING COLLEEN GERE

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 2002

Mr. NEY. Mr. Speaker, whereas, Colleen Gereg has been awarded the Rodney D. Hanson Memorial Scholarship for the 2002–03 academic year; and

Whereas, Colleen Gereg is a senior at Ohio University Eastern majoring in education; and

Whereas, Colleen Gereg should be commended for her dedication and hard work; and

Whereas, Colleen Gereg has demonstrated a steadfast commitment to meeting challenges in juggling work and classes with enthusiasm and confidence; Therefore, I join with the residents of the entire 19th Congressional District of Ohio in honoring and congratulating Colleen Gereg for her outstanding accomplishment.

HONORING FRANCES "BITSIE" CLARK ON HER RETIREMENT FROM THE ARTS COUNCIL OF GREATER NEW HAVEN

HON. ROSA L. DELAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 2002

Ms. DELAURO. Mr. Speaker, it is with great pleasure that I rise today to join the New Haven community in extending my sincere congratulations to an outstanding member of our community and a dear friend, Frances "Bitsie" Clark, as she celebrates her retirement.

As the Executive Director of the Arts Council of Greater New Haven for the last twenty years, Bitsie has been the driving force behind the rejuvenation of New Haven’s Arts community. Under her leadership, the Arts Council worked diligently, partnering with many local organizations to bring the magic of the arts to our community. During her tenure, I have had the opportunity to work with Bitsie on a variety of projects. Her commitment and dedication is unparalleled and I am in awe of her seemingly endless energy. The City of New Haven has been truly fortunate to have such an advocate.

The Arts Council has taken the lead in supporting cultural development throughout Southeast Connecticut. Much of their success can be credited to Bitsie’s vision of making New Haven the creative capital of Connecticut. In the last two decades, we have witnessed the completion of the Audubon Development project, which included the building of 55 Whitney Avenue, the Audubon Court condominium and retail complex and the Audubon Parking Garage; the construction of 70 Audubon Street which houses the offices of the Arts Council, the Community Foundation, and the Connecticut Commission on the Arts. We have seen the creation of programs and services like Women in the Arts Month, the African Caribbean Festival Commission, the Hearts for Life Aids benefit and the New Haven Inner City Cultural Development Program and many others—all of which would not have been possible without the support they received from the Arts Council.

The arts in any medium, play a vital role in all of our lives. They are not only a vehicle of expression, but a means by which our culture and traditions are passed from one generation to another. Bitsie embraced this idea and through her efforts many talented artists and creative individuals were able to realize their dreams—there is no greater gift.

Bitsie’s tremendous work and many contributions have left an indelible mark on our community. It is with deepest thanks and appreciation that I stand today to join the many friends, family, and community members who have gathered today to extend my very best wishes to Frances “Bitsie” Clark as she celebrates her retirement. We will not forget the difference her generosity and commitment have made.

CONGRESSIONAL BUDGET OFFICE

COST ESTIMATES FOR H.R. 5099

HON. JAMES V. HANSEN

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 2002

Mr. HANSEN. Mr. Speaker, I request that the attached cost estimates for H.R. 5099 be submitted for the record under General Leave.

As you know, H.R. 5099 passed the House under suspension of the rules on Tuesday, September 24, 2002. At the time of passage, the Committee on Resources had not yet received a cost estimate for the Congressional Budget Office.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,

Hon. James V. Hansen,
Chairman, Committee on Resources,
U.S. House of Representatives, Washington, DC.

Dear Mr. Chairman: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 5099, a bill to extend the period of authorization for the Secretary of the Interior to implement capital construction projects associated with the endangered fish recovery implementation programs for the Upper Colorado and San Juan River Basins.

If you wish further details on this estimate, we will be pleased to provide them.

Sincerely,

Barry B. Anderson,
(for Dan L. Crippen, Director).
CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

H.R. 5099: A bill to extend the period of authorization for the Secretary of the Interior to implement capital construction projects associated with the endangered fish recovery implementation programs for the...
Upper Colorado and San Juan River Basins—As ordered reported by the House Committee on Resources on September 12, 2002.

Summary.—H.R. 5099 would amend the current authorization of appropriations for implementing endangered fish recovery programs in the Upper Colorado and San Juan River Basins. That authority will expire in fiscal year 2005 for the Upper Colorado program and in fiscal year 2007 for the San Juan program. H.R. 5099 would extend the authorization for both programs until 2008.

CBO estimates that implementing H.R. 5099 would have no significant net impact on the federal budget. We estimate that the bill would reduce direct spending by about $5 million over the 2005–2005 period and increase it by the same amount over the 2006–2006 period, because enacting H.R. 5099 would affect direct spending, pay-as-you-go procedures would apply. H.R. 5099 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments.

Estimated cost to the federal government.—The estimated budgetary impact of H.R. 5099 is shown in the following table. The costs of this legislation fall within budget function 300 (natural resources and environment).

### Table: Estimated Budgetary Impact of H.R. 5099

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Intergovernmental and private-sector impact.—H.R. 5099 contains no intergovernmental or private-sector mandates as defined in UMRA and would impose no costs on state, local, or tribal governments.


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

### PERSONAL EXPLANATION

**HON. JIM McDERMOTT
OF WASHINGTON**

**IN THE HOUSE OF REPRESENTATIVES**

Thursday, September 26, 2002

Mr. McDERMOTT. Mr. Speaker, I missed some votes because I was traveling. I left for Iraq yesterday to get a better understanding of how a preemptive US military strike against Iraq will affect the Iraqi people.

Had I been able to, I would have voted: No on H. Res. 547 (Rollcall vote #413); no on H. Res. 540 (Rollcall vote #414); no on H. Res. 544 (Rollcall vote #415).

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**HONORING JOHN J. BIONDI**

**HON. STEVEN R. ROTMAN
OF NEW JERSEY**

**IN THE HOUSE OF REPRESENTATIVES**

Thursday, September 26, 2002

Mr. ROTMAN. Mr. Speaker, I rise today to pay tribute to a man who has spent his entire career dedicated to improving the education of our children, particularly those in New Jersey. As a key figure at the New Jersey Education Association, Mr. John J. Biondi demonstrated the type of leadership this country needs to advance its educational system so that students receive the education they deserve and need to compete in the twenty-first century global economy.

Born and raised in New Jersey, Mr. Biondi is a product of the Garden State’s school system, where as a teacher he became a part of the school system as well. For 31 years, Mr. Biondi has served as a member of the New Jersey Education Association where his colleagues described him in every positive way possible. Whether it was from the integrity and responsibility he brought to the job each and everyday or his resourcefulness and creativity that helped him meet the changing needs of his organization, John Biondi’s presence at the New Jersey Education Association, helped lead that group forward as it advanced its goals of improving the education system throughout the state.

This month, John Biondi is retiring from the New Jersey Education Association. In honor of his outstanding efforts, the Educational Community of Bergen County has proclaimed the Twenty-Ninth of September to be “John Biondi Day.” I join my friends in the education community in saluting this incredible man whose commitment to an improved education system has proved invaluable for countless New Jersey students.

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**TRIBUTE TO REVEREND WILLIAM HALL HARTER**

**HON. BILL SHUSTER
OF PENNSYLVANIA**

**IN THE HOUSE OF REPRESENTATIVES**

Thursday, September 26, 2002

Mr. SHUSTER. Mr. Speaker, I rise today to extend my thanks to Reverend William Hall Harter for his faithful and diligent service to his community. Reverend Harter became the minister to the Presbyterian Church of Falling Spring in Chambersburg, Pennsylvania in 1977, and 25 years later, continues to be an exemplary spiritual leader. He began his career of service as a tutor and adjunct lecturer in the New Testament at the Union Theological Seminary, during which time he also served as the minister at the Margaretville and New Kingston United Presbyterian Churches in the Catskill Mountains of New York. After New York, Reverend Harter served as the minister of the Presbyterian Church in New York, and then in New Jersey.

Today, Reverend Harter will retire from the New Jersey Education Association. On behalf of the House of Representatives, I join my friends in the education community in saluting this incredible man whose dedication to an improved educational system has proved invaluable for countless New Jersey students.
of his own time to contribute to the betterment of the local community.

In addition to serving as minister to the Falling Spring congregation, Reverend Harter is very involved with numerous community projects and endeavors. Like so many other leaders in communities around the country, Reverend Harter had known the value of faith-based community action programs long before they became a topic of national debate. President George W. Bush is also a great supporter of faith-based programs and has praised their effectiveness because he knows how beneficial they can be to people in all regions of the country. In his own community, Reverend Harter has been instrumental in establishing programs that make a marked improvement in the lives of community residents and provide an atmosphere that allows for their spiritual and personal growth. Some examples of these programs are: Franklin County for the Homeless, Committee for Annual Holocaust Memorial Service, Community Worship Committee, Committee for Annual Martin Luther King, Jr. Memorial Service, Building Our Pride in Chambersburg, Inc., Carlisle Presbytery Camps and Conference Committee, and the Chambersburg Ministerium.

I would like to commend Reverend William Hall Harter again for his contributions and thank him for his first 25 years of service at the Presbyterian Church of Falling Spring in Chambersburg, Pennsylvania. I wish him all the best as he continues to better his community through his ministry and involvement with so many worthy organizations.

A PROCLAMATION RECOGNIZING ERIC J. ROUSE

HON. ROBERT W. NEY
OF OHIO
IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 2002

Mr. NEY. Mr. Speaker, whereas, Eric Rouse is a professional teacher of American history and social studies at Swiss Hills Career Center; and

Whereas, Eric Rouse has been awarded a James Madison Fellowship by the James Madison Fellowship Foundation in its tenth annual competition; and

Whereas, Eric Rouse should be commended for reaching this milestone;

Therefore, I join with the residents of the entire 18th Congressional District of Ohio in honoring and congratulating Eric Rouse for his outstanding accomplishment.

TRIBUTE TO JIM LLOYD

HON. DAVID DREIER
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 2002

Mr. DREIER. Mr. Speaker, I want to take this opportunity to extend warmest 80th birthday wishes to our former colleague and good friend from West Covina, California, Jim Lloyd. Jim wins first mentions to Congress in 1974 and served until 1981, representing the people of the San Gabriel Valley with distinction. And while many of us remember his tenure on the Armed Services Committee and Science and Technology Committee, where he served as Chairman of the Investigation and Oversight Subcommittee, Jim Lloyd came to the House with an already distinguished record of public service.

From 1942 to 1963, Jim served as an officer in the United States Navy, flying combat missions during World War II and, at the onset of the Cold War, completed his last duty assignment at Guantanamo Bay, Cuba, during the Bay of Pigs and Cuban Missile Crisis. The flying and the excitement had only just begun.

Stateside, Jim owned and operated a small public relations and advertising firm with his beautiful wife, Jackie, in West Covina. He also caught the political bug, ably serving on the West Covina City Council from 1968 to 1974, and as Mayor from 1973 to 1974. In 1974, Jim was elected to the United States House of Representatives, where he served for three terms. And he kept on flying, receiving his helicopter rating and fixed wing license.

Since leaving the House, Jim has served as a consultant for a number of local, national, and international clients. But, most of all, he has maintained his love for flying, logging in over 14,000 hours in approximately 150 different types of aircraft ranging from the single engine Cessna Citation, to the F-18 and F-16 fighter aircraft, to the 747 jumbo jet, and also flying with the British, French, and Israeli Air Forces. Today, Jim owns a Piper Commanche and is still regularly in the air.

I am proud to call Jim Lloyd a friend, and invite my colleagues to join me, his wife Jackie, son Brian Patrick, and grandsons Cameron and Seth James, in saluting him on the occasion of his 80th birthday and wishing him many more years in the wild blue yonder.

TRIBUTE TO GEORGE THOMPSON

HON. GARY G. MILLER
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 2002

Mr. GARY G. MILLER of California. Mr. Speaker, I rise to pay tribute and honor the outstanding accomplishments of George Thompson, who is retiring after 28 exemplary years as Scout Master of Boy Scout Troop 762 in Yorba Linda, California.

During this time, Mr. Thompson impacted the lives of more than 440 young men ages 11 to 18 years of age. The leadership, guidance and support he provided, played a great role in 47 of those young men attaining the elite rank of Eagle Scout, the highest award that a Boy Scout can receive.

Mr. Thompson has been the worthy recipient of many honors and awards for his ongoing dedication and service, among them, the Order of the Arrow, 1973; Scouter’s Training Award, 1974; Scouter’s Key, 1981; District Award of Merit, 1981; National Eagle Scout Association Regional Award of Excellence, 1986 and the Silver Beaver in 1988.

Mr. Thompson’s commitment to scouting has earned him the admiration and respect of those who have had the privilege of working with him. I would like to congratulate him on these impressive accomplishments and sincerely thank him for the difference that he has made in his community.

A PROCLAMATION IN MEMORY OF J. HARVEY GOODMAN

HON. ROBERT W. NEY
OF OHIO
IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 2002

Mr. NEY. Mr. Speaker, I hereby offer my heartfelt condolences to the family and friends of J. Harvey Goodman upon the death of this outstanding person.

J. Harvey Goodman was born May 25, 1912 and has lived in the St. Clairsville area since the 1940’s. J. Harvey Goodman was chief executive officer of the Goodman realty firm. His contributions will continue to bless the community, including the St. Clairsville Council of Churches Food Pantry.

Mr. Goodman will certainly be remembered by all those who knew him for his personal sacrifices of time and energy to his family, friends, and community. The understanding and kindness to which he gave to others will stand as a monument to a truly fine person. His life and love gave joy to all who knew him.

I offer this token of profound sympathy to the family and friends of J. Harvey Goodman.

U.S. POSTAL STAMP IN HONOR OF DIWALI, THE FESTIVAL OF LIGHT

HON. FRANK PALLONE, JR.
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 2002

Mr. PALLONE. Mr. Speaker, I am pleased to introduce a resolution today that expresses the Sense of Congress that the United States
Postal Service should issue a stamp honoring the holiday “Diwali”, also known as the Festival of Lights.

The Citizens Stamp Advisory Commission under the U.S. Postal Service currently issues many stamps with holiday themes, including Christmas, Kwanzaa, Hanukkah, and most recently, Eid. Mr. Speaker, I have requested that the Commission consider issuing a stamp honoring Diwali, and I am hopeful that we will soon have a U.S. postal stamp commemorating this beautiful festival celebrated in India and throughout the world.

Diwali is one of the most important and colorful of the Indian festivals and is celebrated enthusiastically by Indians all over the world. It marks the beginning of the Hindu New Year and is seen as a brand new beginning for all.

Traditionally Diwali is celebrated for five days, each day having its own significance, rituals and myths. Light, in the form of candles and lamps, is a crucial part of Diwali, representing the triumph of light over darkness, goodness over evil and hope for the future.

During Diwali people light small oil lamps and place them around the home to pray for health, wealth, knowledge, peace and fame. Fireworks are an exciting part of Diwali and the celebration of the festival is also customarily accompanied by exchanging sweets.

The rich culture associated with the Diwali tradition includes observance of this holiday by Hindus, Sikhs, Christians, Jains, Muslims and Buddhists. Diwali is a time for communal gatherings and spiritual enlightenment. People from across the world make an effort to visit their family, friends and neighbors on this wonderful holiday.

The spirit of Diwali has survived political, economic and social vicissitudes throughout history, always carrying the universal symbolism of the triumph of light, goodness, knowledge and truth. Lastly, Mr. Speaker, Diwali is an exceptionally rich and culturally significant holiday that expresses hope and for these reasons, this holiday should be commemorated as a United States postal stamp.

Mr. Speaker, I feel that Diwali is truly a marvelous holiday that deserves recognition. As the Citizen’s Stamp Advisory Committee continues for issuing new stamps, I hope that it will consider issuing a Diwali stamp to honor this culturally significant holiday celebrated in the United States and abroad.

COMMEMORATIVE JOINT MEETING OF CONGRESS, FEDERAL HALL, NEW YORK, NEW YORK

HON. TAMMY BALDWIN
OF WISCONSIN
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 26, 2002

Ms. BALDWIN. Mr. Speaker, today we gather here in Federal Hall to honor and recognize the dedication and determination of the survivors of the terrible terrorist attacks of September 11, 2001. It is fitting that we do so.

It was here in Federal Hall that the new Congress of the United States first met in 1789 to govern our new Nation. It was here in New York that our founding fathers passed the laws that provided for our democratic political system. From this solid foundation, our Nation has grown and prospered. Our people have excelled in science, in the humanities, in art and culture. We have grown to be a great Nation, home to a great people, with tremendous hopes and incredible dreams for the future. And it all began right here in Federal Hall.

One year ago, terrorists attacked America. Their targets were not simply the buildings they intended to destroy, but also the lives of innocent Americans. They were attacking the very ideals that define what it means to be an American. They wanted to drive us apart and make us afraid.

Mr. Speaker, I am proud to say that they failed.

Faced with tragedy and destruction, the people of the United States, and particularly the people of New York, came together as one community. We gathered the emotional resources to survive and heal, and we pulled together the financial resources to rebuild. This has not been easy. It takes incredible courage to move forward after a tragedy like 9–11. But we did find that courage within ourselves.

That is why it is so fitting that we are here in New York today. One year after September 11, we are rededicating Federal Hall. The terrorists have not won. They have lost. Our Nation is stronger and more united. Our freedom, our courage, our determination, our unity, our diversity, our charity and our democracy are our strengths. New York has exhibited all of these strengths in abundance over the last year. And they are everywhere in America.

WELCOMING HER MAJESTY QUEEN SIRIKIT OF THAILAND TO THE UNITED STATES

HON. JOHN B. LARSON
OF CONNECTICUT
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 26, 2002

Mr. LARSON of Connecticut. Mr. Speaker, I rise today to welcome Her Majesty Queen Sirikit of Thailand on her visit to the United States from October 4 to 16, 2002.

Mr. Speaker, my colleagues in the House are undoubtedly aware, Thailand and the United States have been friends for almost two centuries. Our formal relations extend back 169 years to the signing of the Treaty of Amity and Commerce between our two nations on March 20, 1833, during the Presidency of Andrew Jackson, the seventh United States President, and the reign of His Majesty King Phra Nang Klaow, or King Rama III, of the Chakri Dynasty. This Treaty was the first such treaty that the United States had concluded with any Asian country and it contains a pledge to establish “a perpetual peace” between our two countries. I believe that this pledge has been honored during the long and happy relationship between Thailand and the United States as we have so often fought side by side and have made countless sacrifices for one another in defense of our common values. I’d also like to remind my colleagues that His Majesty King Bhumibol Adulyadej Maharaj, Thailand’s present King, was born some 75 years ago in Cambridge, Massachusetts, where His father, His Royal Highness Prince Mahidol, was studying at the Harvard Medical School.

In addition to highlighting the strong ties between the United States and Thailand, the Queen’s visit to the United States will allow also us to become more aware of the many charitable organizations which She has founded and has worked so hard to make successful. One of the more important of these is the Foundation for the Promotion of Supplementary Occupations and Related Techniques, or SUPPORT. SUPPORT was founded by King Bhumibol Adulyadej under Her royal patronage and chairmanship and provides outlets for local wares and handicrafts from all regions of the Kingdom. The promotion and sales of these items provide extra income-generating occupations for farmers who find it difficult to sell farm incomes alone. By supporting these cottage and indigenous industries, the Foundation also helps keep alive dying arts, such as traditional clay “chao wang” dolls and tie-dye “mud-mee” silk. Many of my colleagues and I are looking forward to seeing the display of products and activities of the SUPPORT Foundation at the gala dinner which will be presided over by Her Majesty at the Jefferson Building of the Library of Congress on October 9.

One of the highlights of the Queen’s visit will be to preside over the premier of the Thai film The Legend of Suriyothai at the John F. Kennedy Center for the Performing Arts here in Washington. This critically acclaimed film by one of Thailand’s most experienced filmmakers, Prince Chatchaiyerm Yukol, is an epic historical motion picture that portrays one of Thailand’s foremost heroes, Queen Phra Suriyothai. She fought and died to protect Her husband and king’s life and Her actions united Her people to win a war against an invading army in the 14th century.

During Her visit to the United States, Queen Sirikit will also travel to Houston, Texas, where She will be presented with The University of Texas M.D. Anderson Cancer Center Award for Humanitarian Service. This award will recognize Her Majesty’s lifelong dedication to improving the health and well being of the people of Thailand and for international leadership in health and the environment. Former President and Mrs. George Bush will also host tea for Her Majesty during Her stay in Houston.

Mr. Speaker, given the importance of our relationship with Thailand and in recognition all Queen Sirikit has done to improve the lives of Her subjects and people throughout the world, I rise today to welcome Her Majesty to the United States and to urge my colleagues in joining me in honoring one of the world’s most respected humanitarians.

HONORING MR. MICHAEL G. ANZIOLotti FOR HIS YEARS OF DEDICATION TO HIS COMMUNITY

HON. TOM DAVIS
OF VIRGINIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 26, 2002

Mr. TOM DAVIS of Virginia. Mr. Speaker, I would like to take this opportunity to pay tribute to Mr. Michael G. Anzilotti for receiving the 2002 Gala & Community Leadership Award. Mr. Anzilotti deserves praise for his long-time commitment, and the ongoing involvement of his firm, to community service. He earned his B.S. in 1971 from Virginia Polytechnic Institute and State University with a Bachelor’s of Science Degree in marketing. In addition he has received a Master’s Degree in Business
Administration from George Mason University and is a graduate of the Stonier Graduate School of Banking.

In 1971, Mr. Anzilotti joined First Virginia Bank as a management trainee in the accounting department. In recognition of his superior work, he was promoted to Senior Vice President and Chief Financial Officer in 1982. The following year, he was promoted to President of Northern Operations Center, Inc. Then, in 1986, he was promoted to the post of Executive Vice President and Chief Administrative Officer. Finally, in 1995, he was promoted to his current position, President and Chief Executive Officer.

Mr. Anzilotti is currently a member of the Board of Trustees of George Mason University Foundations, Inc. He is a member of the Boards of the Fairfax County School Superintendent’s Business/Industry Advisory Council (BIAC), The Virginia Business Higher Educational Council, the Northern Virginia Business Roundtable, the Northern Virginia Transportation Alliance, and is chairman of the Virginia State Chamber of Commerce. He is also Past Chairman of the Fairfax County Chamber of Commerce, Past President of the Northern Virginia Community College Educational Foundation, Inc., and Past Chairman of the Arts Council of Fairfax County. All of these impressive accomplishments and titles, however, pale in comparison to his work to improve our schools, better our communities, and enhance the quality of life for all Virginians.

Mr. Anzilotti resides in Chantilly, Virginia with his wonderful wife, Jane Anzilotti. Together, they have raised two children, who are now fully grown.

Mr. Speaker, in closing, I wish the very best to Mr. Anzilotti as he is recognized for his years of service to the First Virginia Bank. He certainly has earned this recognition, and I call upon all of my colleagues to join me in applauding his remarkable service to our community.

TRIBUTE TO OLIVER W. WADDELL

HON. ROB PORTMAN
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 26, 2002

Mr. PORTMAN. Mr. Speaker, I rise today to pay tribute to Oliver W. Waddell, a distinguished constituent, dear friend and an accomplished business leader who will receive the National Multiple Sclerosis Society’s Silver Hope Award at the 2002 Dinner of Champions on October 3, 2002. The Silver Hope Award is the highest honor given by the National Multiple Sclerosis Society, and Ollie is being honored for his dedication to ending the devastating effects of Multiple Sclerosis (MS).

Ollie is from Falmouth, Kentucky, and is perhaps best known from his long and very successful career with Star Bank, (formerly the First National Bank of Cincinnati), which he joined in 1957 as a management trainee. In 1980, he was appointed president and director, and, in 1982, chief executive officer of Star Banc Corporation, the parent company of Star Bank, N.A. In August, 1990, Ollie was chairman, president and chief executive officer of Star Banc Corporation. Under his direction, Star Banc Corporation doubled in size, becoming a multi-state bank holding company with offices located in Ohio, Kentucky and Indiana.

Ollie was chairman, president and chief executive officer of Star Banc Corporation until May, 1993, when he stepped down as president and chief executive officer. Ollie cares deeply about his family, and continued to spend more time with her. Years before this decision, Virgilee was diagnosed with MS. Though the Waddells’ battle against MS has been a very personal and private one, they recently made the decision to help others in that fight by creating the Waddell Center for Multiple Sclerosis through the University of Cincinnati. The Center will have an important role in helping to end the devastating effects of MS.

Over the years, Ollie has been very active in our community. He has served on the boards of directors for several organizations which include: Star Banc Corporation; Star Bank, N.A; Cincinnati Gas and Electric Company; Myers Y. Cooper Company; Cincinnati/Northern Kentucky International Airport; and Ohio National Life Insurance Company. He also has been active in the community as a member of the Commercial Club, Commonwealth Club, Optimists Club, Queen City Club and Rotary Club. Ollie is very dedicated to his family. Ollie and Virgilee have been married for 47 years. They have 3 children and 6 grandchildren.

Mr. Speaker, all of us in Southwestern Ohio thank Ollie for his commitment to fighting MS, and we congratulate him on receiving the prestigious Silver Hope Award. I hope my colleagues will join me in wishing Ollie and Virgilee the very best as they continue to fight their own battle against this difficult disease.

HONORING JANETT MARTIN

HON. JIM DAVIS
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 26, 2002

Mr. DAVIS of Florida. Mr. Speaker, I rise in honor of Janett Martin, a very strong leader in the City of Tampa who devoted her life to her church and community.

Janett was a pioneer in the advancement of diversity and fairness in the workplace and will be greatly missed by family, friends, and admirers. She led the way by becoming Tampa’s first African-American city clerk, as well as president of the American Society of Public Administrators. Many in the Tampa Bay area were drawn to her intelligence, hard work, and perseverance.

Janett took on as many responsibilities as possible, showing all heart and boundless determination. Even after she became ill, she still served a term as president of Tampa’s League of Women Voters. Janett continued to make a difference in the African-American community by recently heading the Lincoln-Douglas Ball.

Without a doubt, Janett Martin left a unique mark throughout the entire Tampa Bay community. I would like to express my utmost admiration and respect for Janett and my condolences to the Martin family. She will be well-remembered for her integrity, strength, and commitment to her ideals.

ALOPECIA AREATA AWARENESS MONTH

HON. LYNN C. WOOLSEY
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 26, 2002

Ms. WOOLSEY. Mr. Speaker, I rise today to recognize that September is Alopecia Areata Awareness Month, and to commend the efforts of the National Alopecia Areata Foundation in San Rafael, CA, which is part of the district that I am privileged to represent. For over twenty years this organization has dedicated itself to researching this horrible disease and providing support for those with this condition.

Very few people may know about this disease, or have even heard of it, but alopecia areata is a serious condition that can affect the entire population, although it most commonly affects children. Alopecia areata affects the partial to complete loss of hair over the entire body. Without eyelashes, eyebrows, and hair on the tongue, those affected feel unprotected from the weather and other environmental conditions. While not medically disabling or life threatening, this disease causes much emotional pain. Sufferers of this disease may have difficulty adjusting to the changes to their body and the differences between themselves and others around them. Children may encounter frustrating situations at school with other children who do not understand this disease.

Alopecia areata is an autoimmune disease, with no known cause and no known cure. Greater awareness and an increased investment in alopecia areata research are critical components in our quest for a cure. That is why the National Alopecia Areata Foundation plays an important role in the lives of those who suffer from this disease. This foundation provides funding for research, as well as support services and resources for the sufferers. I am so proud to represent this foundation in my district and offer them my continued support.

Mr. Speaker, especially during the month of September, as well as throughout the year, we must continue to raise awareness for alopecia areata and work to find a cure for this devastating disease.

ABORTION NON-DISCRIMINATION ACT OF 2002

SPEECH OF
HON. JANE HARMAN
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, September 25, 2002

Ms. HARMAN. Mr. Speaker, let me begin by clarifying a point of debate.

In existing law, hospitals, clinics, or any health care provider to perform an abortion against their religious or moral beliefs. This is true at the Federal level, and this is true in California, where additional legislation protects individual doctors and nurses from retaliation if they do not wish to participate in an abortion.

The pending legislation claims to solve a problem that does not exist, and it does so by
restricting women's access to information about abortion.

Clinics and hospitals are not required to offer abortion services, but in certain circumstances, are required to refer women to a doctor who will perform an abortion. The legislation we are debating today would allow a facility to accept federal funds for family planning, but not provide a woman information on what all of her options are. It would allow them to care for a Medicaid patient who has been raped, but not inform her that Medicaid would pay for an abortion, even if she asks for this information.

Mr. Speaker, we cannot have the right to choose without full information about our choices.

I would never advocate forcing an individual or organization to act against their conscience. And nothing in current law does so. But providing information is not the same thing as providing services. Women, particularly women who have been the victim of an attack, deserve information about all their choices, no matter where they get their health care.

I strongly oppose this legislation, and urge my colleagues to vote against it.

THE WILL OF THE AMERICAN PEOPLE

HON. CLIFF STEARNS
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 26, 2002

Mr. STEARNS. Mr. Speaker, recently, I came across an e-mail that had been circulated last year shortly after the September 11 attacks. It was sent by a former military professor in which he stated that the will of the American people is the fulcrum of this Nation's war on terrorism. He stated that the terrorists that attacked on 9–11 counted on a “soft and spoiled” America, who would eventually quit if retaliation did not result in immediate success.

What the author of the e-mail discovered was an outpouring of “what can I do” to help in response. And I believe this amply illustrates what we continue to see across the United States. What the terrorists actually demonstrated with their attacks on 9–11, was their profound ignorance of the American people and of history.

Military theorist Clausewitz, terms war as a “remarkable trinity composed of the primordial passions of the people, the rational policies of the state, and the combination of incidents in battle.”

The “passions of the people” were awakened after Pearl Harbor and again were awakened after 9–11. One year later, the passions are still high. American’s are aware that what we are facing is that which America’s has never seen up close. We were attacked on our own soil by an organization of individuals bent—not on removing our presence from certain parts of the world—but on our utter destruction.

We are facing an enemy who despises our very existence. They are consumed by hatred for the United States, that despite its faults, is open to all people regardless of race or religion. We operate under principles of freedom, the ability to pursue life, liberty and happiness. As such, our country is fighting with hope against terror and freedom against oppression. Our enemies will never know freedom, because they are imprisoned by hate; and for that they have already lost.

Former U.S. defense secretary, Caspar Weinberger, stated “The will of the American people once aroused . . . is capable of accomplishing all things that need to be done.” As long as we continue to maintain a moral high ground in this campaign against terrorism and its supporters and take the appropriate and precise responsive measures, the will of the people of this county will have no bounds.

CONDEMNING THE ATTACK ON THE SWAMINARAYAN TEMPLE IN GUJARAT

HON. EDWARD R. ROYCE
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 26, 2002

Mr. ROYCE. Mr. Speaker, this week, the world witnessed yet another act of senseless violence. I rise as the Co-Chairman of the Congressional Caucus on India and Indian Americans to express my condolences to the families of the victims over the brutal attack on the Swaminarayan Temple in Gujarat.

Thirty-two—including many children—died in an attack in Gandhinagar.

Last year, I lead a congressional delegation to Gujarat immediately following the devastating earthquake that hit the state. From that trip and my dealings with the Gujarati community in the U.S., I have developed a deep fondness for the people of Gujarat.

During my visit, I visited the Swaminarayan Temple and witnessed first hand the efforts of the Swaminarayan Temple to assist victims of the earthquake. Our heart goes out to all Gujaratis harmed by this violent act.

The Swaminarayan organization was established in 1907. It is a religion that preaches religious tolerance and practical spirituality. I only wish that more people in this world would share those values.

ABORTION NON-DISCRIMINATION ACT OF 2002

SPREECH OF
HON. DENNIS MOORE
OF KANSAS
IN THE HOUSE OF REPRESENTATIVES
Wednesday, September 25, 2002

Mr. MOORE. Mr. Speaker, I rise in opposition to this bill.

I support the right of an individual to follow his or her conscience and personally refuse to participate in abortion services, and if that was what this bill was about, I would be voting for it today.

Current law already allows health providers to refrain from providing services to which they object. This bill goes too far by allowing insurance companies or HMOs to opt out of any reproductive services for any reason—not necessarily a religious or moral objection. It would even allow states to refuse to provide currently available abortion services to Medicaid beneficiaries who are victims of rape or incest or when the mother’s life is in danger.

Most critically, this legislation bans the provision of information. People have many different opinions and beliefs about abortion. I believe women should be able to make their own decisions on this very personal matter. This bill goes too far by allowing restrictions on abortion information, counseling and referrals. Under this bill, emergency room physicians could be gagged from telling rape victims about abortion as an emergency option. Even Title X clinics, which are funded by the federal government with the purpose of allowing women to make an informed choice from every available option, could be gagged if this legislation were to be signed into law.

Restricting informed choice is not the way to reduce the number of abortions in America. I challenge my colleagues today to reject election-year politics and work with me toward policies that prevent unintended pregnancies, improve reproductive health, and strongly encourage adoption.

TRIBUTE TO THE VICTIMS AND HEROES OF SEPTEMBER 11, 2001

HON. KEN CALVERT
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 26, 2002

Mr. CALVERT. Mr. Speaker, I rise today to honor and pay tribute to the victims and heroes of September 11, 2001. Over the past year, this country has tried to come to terms with the tragedy we experienced on September 11th. Although I have written or spoken about that day many times, I have found that words often fail to describe the magnitude of that day. There are the haunting stories of loss and grief as well as stories of heroism and triumph. We learned about ourselves and our country that day and while we grieved for those we lost, we also cultivated a new sense of unity and patriotism. As a nation we renewed our belief in the American spirit and in the bravery of fellow Americans who would willingly risk their lives for a stranger. The stories of what ordinary men and women did under extraordinary circumstances continue to amaze me.

As we remember September 11, 2001, let us remember all the brave men and women who not only saved lives but saved our sense of brotherhood. Let us extend our prayers to all our brave men and women in the Armed Forces who right now are protecting our way of life and let us extend our deepest gratitude to our fire and police forces who have redefined the word ‘sacrifice’.

COMMEMORATING SEPTEMBER 11, 2001

HON. DENNIS R. REHBERG
OF MONTANA
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 26, 2002

Mr. REHBERG. Mr. Speaker, Americans should be proud of how they’ve handled the past 12 months. Yes, September 11th changed America forever, but not in the way the terrorists anticipated.

Those who committed this horrible act of war were intent on destroying America and our way of life—but they failed miserably. They tried to make us question our dedication
to democracy but they only increased our re-
solve in preserving the greatest form of gov-
ernment the world has ever known. They tried
to destroy our economy—but the whole world
knows America is still open for business, for
farming, for travel. And they tried to exting-
uish the flame of liberty and hope in our country,
but they only made it burn brighter. Yes, America
has changed—we’re stronger than ever.

CRISIS IN THE CHILD WELFARE
SYSTEM

HON. GEORGE MILLER
OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 2002

Mr. GEORGE MILLER of California. Mr. Speaker, over the past few days, millions of
Americans watched their television screens’
transfixes by the horrific images of a woman
repeatedly striking her 4-year-old daughter in
a department store parking lot. As a result of
the settling incident has unfortunately
played itself out in the media like a tragic
movie of the week. Clearly, the child needs
transfixed by the horrific images of a woman
Americans watched their television screens
farming, for travel. And they tried to extinguish
liberties between foster parents and birth
parents and the public’s general mistrust of
child-welfare agencies
Still, Mattingly said, the program has
flourished. It began in Ohio and four other states, and
now is in 32 communities nationwide. Com-
bined, they’ve received nearly $75 million in
grants and technical assistance from the
Children’s Defense Fund, a private organization
that works to improve the lives of disadvan-
taged children.
“Child-welfare agencies can improve,” Matttingly said, “but it’s hard work.”

To become more community-friendly, Children Services plans to hire more translators and workers to speak foreign languages, because of the growing diversity in the county. And it will create a committee of child-welfare workers, court officials and mental-health and addiction experts to help decide where to place children with severe behavioral and health problems.

“We’ve had such great success with Family to Family, it’s time for more-revolutionary changes,” Saro said.

Sabrina Martin credits Family to Family with smoothing out her relationship with her daughters.

“I don’t think we would have been able to get back on track without it,” she said.

SUCCESS OF THE NAGORNO-KARABAKH PRESIDENTIAL ELECTION

HON. ADAM B. SCHIFF
OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES
Thursday, September 26, 2002

Mr. SCHIFF. Mr. Speaker, on August 11, 2002, the men and women of Nagorno-Karabakh exercised their right to vote in an election that we fought for in Europe during two World Wars and are continuing to fight for in the war on terrorism.

As freedom loving people who stood up against tyranny, we have a duty to applaud and support others who aspire to the principles that resulted in the Declaration of Independence and the Bill of Rights.

Mr. Speaker, on August 11, 2002, the people of Nagorno-Karabakh re-elected President Arkady Ghoukassian by a majority vote in what the independent election observers from the United States, Russia, Great Britain, France, Italy and Armenia called a free and transparent election.

The independent international observers, who monitored the election and the subsequent vote count, included a number of acting and former parliamentarians, former diplomats, foreign policy experts, and representatives of non-governmental human rights organizations. In addition, journalists from the United States, Russia, France, Spain, Great Britain and Armenia covered the course of the election.

The democratic presidential election of Nagorno-Karabakh, with an impressive 76 percent turnout, is evidence of the people’s adherence to Western values and its determination to form a civil society and organize its affairs through a representative body based on the rule of law.

Observers from the British Helsinki Human Rights Group, which had observed 85 elections within the jurisdiction of the Organization of Security and Cooperation in Europe, stated that the election in Nagorno-Karabakh had surpassed many elections internationally recognized and approved by the OSCE and the Council of Europe. In particular, the elections in Bosnia and Kosovo.

The five independent observers from the United States, which included former high-ranking foreign service officers and foreign policy experts, were extremely impressed with the election process and the people’s resolute determination to live in freedom. One observer described it as “an impressive exercise in democracy.”

Mr. Speaker, last summer I visited Nagorno-Karabakh and saw firsthand the harsh yet dramatic terrain of Nagorno-Karabakh and the rugged individualism of its people and leadership. Their compassion and conviction to forge ahead despite the difficult challenges was reminiscent of our founding fathers, who when faced with the choice of liberty or tyranny fought to live.

The people of Nagorno-Karabakh continue to live with the daily reminders of the war—landmines, collapsed buildings, and the noticeable absence of fathers, brothers and sons. Yet, they have chosen to rebuild their lives and their towns so their children will live in freedom.

Congratulations President Ghoukassian and congratulations to the people of Nagorno-Karabakh for your spirit and your commitment to freedom and democracy.

TRIBUTE TO STERLING HEIGHTS FIREFIGHTERS

HON. SANDER M. LEVIN
OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES
Thursday, September 26, 2002

Mr. LEVIN. Mr. Speaker, September 11, 2001 stands as a stark reminder of the valor, commitment, and sacrifice exhibited every day by firefighters and law enforcement officers throughout our nation. Like so many others in public life they serve the community, but they do so at great risk of peril to their own health and lives.

I am particularly pleased and proud to rise today in recognition of the careers of two distinguished firefighters from Sterling Heights, Michigan upon their retirement and as they embark upon a new phase of their lives.

Training Chief Rick Williams began his firefighting career in 1978. Since then, he has obtained numerous certifications ranging from Fire Inspector and conducting many public education programs.

Fire Inspector John Vought was appointed a firefighter in 1978, and has received many certifications from receiving the Outstanding Firefighter of the Year Award presented by the Sterling Heights Elks Club in 1992 to the Meritorious Unit Citation for the rescue of three children from a house fire in 1989.

We are indeed grateful for the service that these two individuals have provided the community and the citizens of Sterling Heights over their long careers. They have served the public well and have received many letters of thanks and commendation from the community in response.

Mr. Speaker, I ask my colleagues to join me in thanking these men and wishing them a healthy and happy retirement.

THE NEW YORK SPECIAL JOINT SESSION OF CONGRESS

HON. JERROLD NADLER
OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES
Thursday, September 26, 2002

Mr. NADLER. Mr. President, Mr. Speaker, today marks a historic occasion for New York and for the United States Congress. This is the first Congress that has convened here in New York since the First Congress convened here to watch President Washington take the oath of office and to pass the Bill of Rights.

We join here today not as Republicans or Democrats, but as Americans. The symbolic gesture of our joint meeting is both solemn and celebratory.

It is solemn because we come here today to honor a city devastated by the most terrible single attack on American soil in our history, and the thousands of innocent people lost in that attack. As the elected Representative for the area of New York most directly impacted by the attacks of September 11, 2001, I can tell you that my constituents are grateful for the act of solidarity with New York that we show here today. I can also tell you that they are grateful Congress has rallied to help this City for the past year.

Our joint meeting today is also celebratory. One year ago, a group of vicious and heartless terrorists sought to cripple this city and this country by obliterating one of its great landmarks. It was their hope that not only would thousands be rendered lifeless, but that our way of life, our democracy, would be extinguished. Today, we celebrate the life and vibrancy of our democracy that still lives—and do so in a city that remains the most lively, diverse, and mighty on the face of the earth, despite the worst efforts of those terrorists.

It is only right that we seek out those who sought to destroy us. But bombs and bullets are merely the tools we use in our self-defense. Revenge against our foes will come not through bloodshed, but through acts defiant of their goals. For the last year, despite the aim of the terrorists to kill our national spirit, this nation has proudly and defiantly displayed the flag from our homes, our cars, our community centers, and our houses of worship. Despite the murderous foes who sought to divide us, our people have joined in concerts celebrating our country and its ideals, and vigils marking our unity.

Over two centuries ago, after stumbling through a government under the Articles of Confederation, with most of the world wishing to see our demise, we gathered here, defiant of the world and its wishes, resolved to make our great democratic experiment work. It is only fitting then, that we stand here again defiant of those who wish for our demise. Let there be no doubt, today we are telling the world that New York lives on, America lives on, and her ideals live on.

MISSLE DEFENSE

HON. BOB SCHAFFER
OF COLORADO

IN THE HOUSE OF REPRESENTATIVES
Thursday, September 26, 2002

Mr. SCHAFFER. Mr. Speaker, I respectfully submit the following correspondence for the
Re "Missile Defense Choices Sought"—Defense Science Board 
Congressman Bob Stump, 
Chairman, Defense Science Services Committee, 
House of Representatives, Washington, DC. 

Dear Sir: A troubling Washington Post article appeared on September 3, 2002 relaying the conclusion of a study conducted by the Defense Science Board to develop the architecture for the ballistic missile defense program of the Bush administration. Evidently under pressure to focus the program on achieving a narrow set of initial capabilities to reach deployment—believing this narrow focus to be the key to building a defense in an evolutionary approach—the Defense Science Board has discredited itself in embracing the plans and architecture for a ground-based defense while ignoring the advantages and feasibility of a space-based defense.

Its program has already redifined the architecture of the Bush administration’s ballistic missile defense programs. It is becoming evident that a product of the president’s well-stated vision on missile defense and more a carryover of the plans and programs of the preceding Clinton administration which sought to build a limited defense comprised of ground-based interceptors deployed at a site in Alaska. It would have the potential for adding new sites.

With the exception of deploying the interceptors in Alaska rather than near an ICBM field or Washington D.C., it is a program for building an ABM Treaty-compliant defense, notwithstanding the Bush administration’s withdrawal from that treaty. In its treatment of theater missile defense programs, the Board seems to be abandoning the comprehensive architecture articulated by President Bush in deference to the planning of the Clinton administration, which sought to develop a reduced number of theater missile defense programs, although it hopes to utilize Navy Theater Wide in a national missile defense.

The Defense Science Board is presenting a conclusion made after the fact. It is not a study of ballistic missile defense architectures. It is a statement supporting the decision of the previous Clinton administration to build an ABM Treaty-compliant defense with the exception of deployment in Alaska.

Such a defense would be expensive and relatively ineffective. The Clinton administration was fully aware its decision to build a ground-based, as opposed to a space-based, defense was based on the technical advantages that accrue from deployment in space.

The Clinton administration adhered to the strategy of Mutual Assured Destruction (MAD) introduced in the 1960’s by Defense Secretary Robert McNamara. Mutual Assured Destruction required that the United States leave itself open to being struck by ballistic missiles to support Clinton’s decision not to deploy a national ballistic missile defense. Under Mutual Assured Destruction, MAD, the role of an ultimate, indestructible weapon.

As often happens to pet theories, the continued viability of Mutual Assured Destruction was based on more important matters—defense of the American people. It became more important for ballistic missiles to remain indestructible than to build a defense against those missiles. Mutual Assured Destruction thus created and reflected a willingness of opposition toward the development of ballistics defenses and advanced technology for space.

Mutual Assured Destruction reflected a belief commonly known as “arms control”, which advocates that slowing down the pace of technological development would slow down the arms race. As the deployment of a ballistic missile defense is a potential application and development of advanced technology, especially for space, it would be criticized by those who wanted to “demi- litarize” or “denuclearize” the arms competition for ballistic missiles to carry weapons of mass destruction.

As feared by “arms control” proponents, the deployment of a space-based ballistic missile defense called for by President Reagan’s Strategic Defense Initiative resulted in a technological surge, which benefited the economy while providing improved defensive capabilities. The development of space spurs the development of new technology. How- ever, as noted by the Strategic Defense Initiative helped end the Cold War, and provided a new focus on the development of precision weapons rather than the construction of more weapons of mass destruction.

Mr. Chairman, the Defense Science Board has limited discussion as to how and why the Clinton administration decided to support the deployment of a ground-based over a space-based defense. Moreover, it has not questioned why, or even whether, the Bush administration chose to build a ground-based defense, reflecting an inherent bias against space. In reaching their decision to support the deployment of a ground-based over a space-based missile defense, the Board is ignoring the revolutionary advantages provided by a space-based defense, which include global coverage, a boost-phase interception capability, and multipule opportunities for intercepting a missile.

You are aware, of course, how in 1990 the Clinton administration implemented its vision to take the stars out of “Star Wars” by terminating the Brilliant Pebbles space-based ballistic missile defense. It was approved as a Major Defense Acquisition Program in 1991, and cutting the Space Based Laser Program when it had reached a stage of technological maturity but only lacked funding to be considered for deployment. In 1996, three contractors prepared an estimate for building a Space-Based Laser defense, clearly indicating its technological capabilities. Space-based ballistic missile defenses have been feasible for years, and would be more effective and less costly than a ground-based defense as noted by former SDIO Director Ambassador Henry F. Cooper and others. The Defense Science Board, however, focused on building a narrow set of initial capabilities in order to achieve deployment, which apparently stemmed from a belief that a ballistic missile defense must be built as an evolutionary capability by precluding the use of space-based defenses.

Despite the protestations of the Clinton administration in presenting its 3+3 plan to develop and deploy a national missile defense that would be ABM Treaty-compliant requiring the use of ground-based interceptors (and which would have only $5-6 billion, less than the $10-15 billion the Strategic Defense Initiative Organization’s estimate of $22-24 billion in Fiscal Year 1991 dollars for an initial deploy- ment of the ABM Treaty proposal (at a single site), the Congress is now facing the ramifications of having bought into narrow plans to build a ground-based interceptor defense.

To respond to issues surrounding the cost of a ground-based defense and its effective- ness, which should invite considerable comment and discussion, the Defense Science Board is presenting as a conclusion that a ground-based defense is the only feasible approach, and requires an evolutionary ap- proach that starts by focusing on achieving a narrow set of initial capabilities—the deployment of a very limited defense. The arti- cles referred to in the report as the findings of the Defense Science Board seemingly reflected the thinking of Air Force Lt. Gen. Ronald Kadish, Director of the Missile Defense Agency. It was not an independent review, apparently.

Essentially, the findings of the Defense Science Board were pre-ordained by the limitation in space on ballistic missile defenses programs by those who wished to merely deploy the treaty. The limited capability of a ground-based inter- ceptor defense requires that its progress be measured by an evolutionary approach with a narrow set of initial capabilities.

By expressing a belief that a ballistic missile defense must be built in an evolutionary approach where a network is assembled “a piece at a time when it’s ready,” the feasi- bility of building a ground-based defense was redefined to accommodate the special views of General Kadish. This approach en- genders itself to the construction of a single site ground-based defense which may be contrasted in terms of the capability that would result from an initial deployment. The ground-based approach would first call for deployment of perhaps 12 interceptors in Alaska. This defense would provide limited protection against ballistic missiles coming in over the North Polar Region, presumably originating from North Korea. It may result in the defense having two shots at a missile during the mid-course phase.

In contrast, an initial deployment of 1.000 Brilliant Pebbles could provide global cover- age, have a potential boost phase interception capability, and offer repeated shots at a missile, perhaps even more than two in a shoot-look-shoot sequence.

In addition, a Brilliant Pebbles defense would be capable of intercepting ballistic missiles of all types and sizes, and short-range down to ranges of about 300 miles—in even theater defense applications. This same capability for theater defense would not exist for the ground-based inter- ceptor defense.

Alternatively, an initial deployment of 12 Space-Based Lasers could provide global cover- age, boost-phase interception, and a power- ful ability to discriminate decoys during the mid-course phase not duplicated by a ground-based defense. Brilliant Pebbles, Space-Based Lasers could engage ballistic missiles of all types, down to ranges as short as 75 miles. Either space-based de- fense—the Brilliant Pebbles and Space-Based Lasers—would provide a broader set of initial capabilities than the initial deployment of 100 ground-based interceptors in Alaska.

An obvious observation that Brilliant Pebbles had been fully approved as a Major De- fense Acquisition Program in 1992. Progress on the Space-Based Laser was close behind that of Brilliant Pebbles. Progress for building a Space-Based Laser defense being one sign of its technological maturity. The principle should be clear. Deployment in 2002 does not preclude the capability of being obtained in an initial deployment. It provides a broader set of initial capabilities than can be
achieved by a ground-based defense, and the technology has been feasible for years.

Another key principle for building an effective defense needs to be discussed—multiple layers of defense. This principle is the cornerstone of any robust defensive capability. An evolutionary ground-based defense can do very little to build a multi-layer defense. It may build faster interceptors to attempt boost phase interception, and may build more sites. It lacks, however, the inherent advantages of a space-based defense where it can engage a missile during its boost phase and entire mid-course phase. In addition, a ground-based defense lacks the ability to use high-energy lasers to internally destroy ballistic missiles during their boost phase, discriminate decoys, and for particle beams, internally destroy the warhead elements during the mid-course phase.

A key difference needs to be noted in how space-based defense can use a distributed architecture for the command and control of independent, yet coordinated, layers, instead of requiring a centralized approach used in a ground-based defense. Unlike a ground-based defense, a space-based defense provides an autonomous capability, taking advantage of advances in computers. This type of architecture would be less susceptible to countermeasures directed against a centralized control center.

In addition, a space-based defense using Brilliant Pebbles and Space-Based Lasers would provide a third method of lethality against ballistic missiles, which would further improve the robustness of the defense.

The use of space for defense, science, or commercial purposes is an issue that transcends party line or division. It is neither Republican nor Democratic. The current ambiguity in administering the Missile Defense Agency compared to the Strategy Defense Initiative under the Reagan administration should be proof. Space is a broad and encompassing issue, including vision for its use and the development of technology. As noted, the development of a defense is not a program of technology. A pro-space policy will necessarily support the development of advanced technology, benefitting the economy.

That the Missile Defense Agency and the Defense Science Board are unable to advance the advantages and feasibility of a space-based defense should be proof. This policy of opposition to develop a multi-layer defense is the policy of the United States, achieving an operational defensive capability, taking advantage of advances in computers. This type of architecture would be less susceptible to countermeasures directed against a centralized control center.

The Defense Science Board supports the idea of building a ship-based ballistic missile defense system. The Navy has agreed to this. While this is a key step, it needs to develop a faster interceptor than the Standard Missile-3. This solution, however, apparently neglected how Navy Theater Wide was an application of the LEAP (Lightweight Eco-atmospheric Projector). The Navy has studied the advantages of putting Brilliant Pebbles, Navy Theater Wide was an application of technology developed for a space-based defense. Had this understanding been present, the technical solution would have been clearer and more elegant.

The Defense Science Board should have recommended a restart of Brilliant Pebbles attended with a program for developing a second-generation Brilliant Pebbles that would reflect a new emphasis on miniaturization. The miniaturization of Brilliant Pebbles and Space-Based Lasers should use high-energy laser technology to be applied to the Navy for ballistic-missile defense. Going back to the origin of Navy Theater Wide—going back to particle beams, this is a solution. It avoids the technical solution would have been clearer and more elegant.

The article is grossly misleading in saying, “work on space-based systems has remained slow. Congress has generally opposed their continued development.” There is little doubt about the technical challenges involved in developing space-based defenses, the article does not impart how space-based ballistic missile defense technology was developed a decade ago. Both Brilliant Pebbles and the Space-Based Laser were noted for being well run programs. Space-based defense programs have not been deployed because of opposition to the use of space as a matter of policy, not feasibility.

Notably, the article quoted one informed source as saying, “If you’re going to meet the guidance to get something deployed, you’re going to have to do some things faster than is really necessary. The space-based defenses were ready to move into their acquisition phase a decade ago. The question of whether space-based defenses could be deployed more quickly is the subject of a serious debate. The United States simply does not wish to defend itself using the advantages of a space-based defense.

It was very shocking that the Defense Science Board remained silent, unable to oppose the apparent plans of the Missile Defense Agency to disassemble the infrastructure and technology for the Space-Based Laser. The lack of professional integrity is shocking. The Defense Science Board deserves the very harshest of criticism for its plans to eliminate two decades of technological progress in building a highly effective defense, using Space-Based Lasers. It would ordinarily be thought that scientists would support science and technology, rather than remain voiceless over a deliberate regression.

Furthermore, it is unusual the Defense Science Board was unable to offer any opinions or suggestions for the technical difficulties encountered in completing the development of the Navy Area Wide interceptor, particularly its forward-looking fuze incorporating an infrared seeker and short-range radar. Some type of technical opinion would have been in order.

In conclusion Mr. Chairman, nearly two decades ago the Strategic Defense Initiative investigated and developed a number of different technologies for ballistic-missile defense. Space-based defenses from a Democratic-controlled Congress of ten years ago wrought a pernicious error of strategy. It was very shocking that the Defense Science Board, the Navy Area Wide interceptor, particularly its forward-looking fuze incorporating an infrared seeker and short-range radar. Some type of technical opinion would have been in order.

The United States will continue to develop an inferior ballistic-missile defense as long as it chooses to ignore the inherent and invaluable benefits of space. Its ballistic-missile defense programs will continue to stall in controversy and increase in cost. More studies and more reviews will be created to answer an endless stream of questions, and the Missile Defense Agency will continue to squander the billions of dollars and years of effort devoted to the Strategic Defense Initiative.

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advanced technology, benefiting the economy.

Very truly yours, Bob Schaffer, Member of Congress from Colorado.

A TRIBUTE TO AMBASSADOR NECDET KENT OF TURKEY, HOLOCAUST HERO

HON. TON LANTOS
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 2002

Mr. LANTOS. Mr. Speaker, it is with deep sorrow that I rise today, after learning of the passing of Ambassador Necdet Kent on Friday, September 20, at the age of 91. Ambassador Kent was a Turkish diplomat who served with distinction at many posts. Between 1941 and 1944, he was posted as deputy consul in the Turkish Consulate-General in Marseilles, France. He used that position to bestow Turkish citizenship on—and thereby save—dozens of Turkish Jews who were resident in France and otherwise lacked proper identity papers to prevent their deportation to Nazi gas chambers. Most of those Jews had left Turkey years earlier with no intention of returning but technically had remained Turkish citizens. Necdet Kent exploited their all-but-lapsed Turkish citizenship to stay their execution and spare their lives.

On one occasion, Kent boarded a train bound for Auschwitz after Nazi guards refused to honor his demand to allow all its passengers—some 70 Turkish Jews—to disembark. At subsequent stops, Nazi officials tried to persuade Kent to leave the train, assuring him that his passengers were not real Turks but merely Jews. Kent made clear that he and his nation made no such distinction, and he steadfastly refused to disembark without his fellow citizens. Finally, after an hour of effort to dissuade Kent from his course, the Nazi guards gave up. Apparently cautious not to create a precedent with regard to this incident, in this instance, the Nazis allowed the stunned Jews to leave the train with Kent and with their lives.

Mr. Speaker, Ambassador Kent had an uncommon love of humanity and an even more rare combination of moral and physical courage that saved many Jewish lives during the Holocaust. As a Holocaust survivor who was saved by the great Swedish diplomat Raoul Wallenberg, I am constantly mindful that I owe my life to that rare breed of humanity to which Necdet Kent belonged.

Although I never had the pleasure of meeting Ambassador Kent, I know from reading his words and seeing him in a documentary released last year that he was a very modest man—excessively so, in my opinion, since his modesty long precluded him from winning the widespread accolades that he so richly deserved. Necdet Kent was so special that he seemed unable to recognize his own extraordinary character. I recall his simple reply when asked how he summoned the courage to defy the Gestapo and board that Nazi cattle car: "I didn’t do anything else." If only that statement were as true as it is humble, far more diplomats would have had the courage to behave similarly, and countless more lives could have been saved. Happily, towards the end of his life, Ambassador Kent received far more of the tributes and praise he earned, thanks mainly to the aforementioned documentary, called "Desperate Hours."

Mr. Speaker, Ambassador Kent leaves this world with the admiration and gratitude of humanity in countless countries and the wider human family to which he belonged, on the loss of one of the representatives of a man who, as a mere deputy consul, truly granted "visas for life."

SUMMARY OF DRAFT NUCLEAR WORKERS COMPENSATION IMPROVEMENT AMENDMENTS

HON. TED STRICKLAND
OF OHIO
IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 2002

Mr. STRICKLAND. Mr. Speaker, I include the following for the RECORD.

TITLE I—WORKER COMPENSATION BENEFITS FOR DEPARTMENT OF ENERGY CONTRACTOR EMPLOYEES EXPOSED TO TOXIC SUBSTANCES

Overview: Title I revises EEOICPA Subtitle D (as currently enacted) to designate the Department of Labor (DOL) as the "designated agency" for addressing Federal Employees Compensation Act (FECA) claims for occupational illnesses arising out of employment at DOE facilities, instead of having the Department of Energy "assist" claimants with state worker compensation claims. DOL would evaluate disability and adjust payments accordingly. Without a uniform process to pay meritorious claims, it is possible that nearly half of the claims will have no "willing payor." Payment would match FECA levels of benefits, and use the same administrative processes now used by the DOE for radiation-related claims. Payments come from EEOICPA Fund as direct spending. Eliminates MOAs with states.

Section 3660—DOE Physician's Panels (appointed by HHS) are the agency's radiation-related panels for federal worker compensation claims. DOE will adjudicate disputes of up to $150,000 lump sum amounts that are being paid in a state worker compensation system. DOL will adjudicate disputes over $150,000, and retains the portions of DOE's final rule that will continue to apply to these amendments. DOE will adjudicate disputes of adverse Physician Panel findings. DOE Physician Panels serve as ombudsmen to assist claimants, authorize expanded dates of coverage for beryllium and atomic weapons vendors where there is significant residual contamination and NIOSH has issued recommended dates of coverage, sets forth time limits on dose reconstruction and Special Exposure Cohort petitions, and makes some improvements to the NIOSH IREP Model.

Section 201—Advises chronic renal disease as a covered illness eligible for lump sum payments for workers employed for at least 1 year at a covered uranium facility. DOE will define what are "covered" facilities based on the facility processed, machined, forged or enriched uranium for the DOE.

Section 202—Extends coverage to the list of covered beryllium facilities. If the lung cancer arose 5 years after first exposure to beryllium, the claimant may have been exposed at a non-covered facility, claimant would be eligible for lump sum payment. Beryllium is classified as a known human carcinogen with respect to lung cancer.

Section 203—Extends coverage to the list of covered beryllium facilities. If the lung cancer arose 5 years after first exposure to beryllium, the claimant may have been exposed at a non-covered facility, claimant would be eligible for lump sum payment. Beryllium is classified as a known human carcinogen with respect to lung cancer.

Section 204—Removes consideration of smoking in the NIOSH Compensation model, and requires NIOSH to adjust its compensations related to uranium and beryllium, provides a means for incorporating latest science for radiation-related illnesses, authorizes for an ombudsman to assist claimants, authorizes expanded dates of coverage for beryllium and atomic weapons vendors where there is significant residual contamination and NIOSH has issued recommended dates of coverage, sets forth time limits on dose reconstruction and Special Exposure Cohort petitions, and makes some improvements to the NIOSH IREP Model.

Section 205—Authorization of NIOSH to recommend to Congress additional radiogenic cancers for the Special Exposure Cohort. Provides for public review and comment.

Section 206—Authorization to issue regulations for the same illness.

Section 207—Requires that the facility processed, machined, forged or enriched uranium for the DOE.

Section 208—Coups claims for payment to the DOL, instead of state worker compensation claims. DOL will reduce payments by 20% to address the DOE claims.

Section 209—Removes consideration of smoking in the NIOSH Compensation model, and requires NIOSH to adjust its compensations related to uranium and beryllium, provides a means for incorporating latest science for radiation-related illnesses, authorizes for an ombudsman to assist claimants, authorizes expanded dates of coverage for beryllium and atomic weapons vendors where there is significant residual contamination and NIOSH has issued recommended dates of coverage, sets forth time limits on dose reconstruction and Special Exposure Cohort petitions, and makes some improvements to the NIOSH IREP Model.

Section 210—Advises chronic renal disease as a covered illness eligible for lump sum payments for workers employed for at least 1 year at a covered uranium facility. DOE will define what are "covered" facilities based on the facility processed, machined, forged or enriched uranium for the DOE.

Section 211—Extends coverage to the list of covered beryllium facilities. If the lung cancer arose 5 years after first exposure to beryllium, the claimant may have been exposed at a non-covered facility, claimant would be eligible for lump sum payment. Beryllium is classified as a known human carcinogen with respect to lung cancer.

Section 212—Extends coverage to the list of covered beryllium facilities. If the lung cancer arose 5 years after first exposure to beryllium, the claimant may have been exposed at a non-covered facility, claimant would be eligible for lump sum payment. Beryllium is classified as a known human carcinogen with respect to lung cancer.

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Section 215—Extends coverage to the list of covered beryllium facilities. If the lung cancer arose 5 years after first exposure to beryllium, the claimant may have been exposed at a non-covered facility, claimant would be eligible for lump sum payment. Beryllium is classified as a known human carcinogen with respect to lung cancer.

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Section 217—Extends coverage to the list of covered beryllium facilities. If the lung cancer arose 5 years after first exposure to beryllium, the claimant may have been exposed at a non-covered facility, claimant would be eligible for lump sum payment. Beryllium is classified as a known human carcinogen with respect to lung cancer.

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Section 220—Extends coverage to the list of covered beryllium facilities. If the lung cancer arose 5 years after first exposure to beryllium, the claimant may have been exposed at a non-covered facility, claimant would be eligible for lump sum payment. Beryllium is classified as a known human carcinogen with respect to lung cancer.
activities could have substantially contributed to or caused the cancer or beryllium disease of a covered employee.

Title III—Relief for Claimants Under Any Act of Congress

Section 301—When medical records necessary for processing a claim cannot be produced by DOE or a DOE contractor, this section authorizes DOE or DOL to consider affidavits (coupled with other available information) in evaluating medical evidence for a claim.

Section 302—Requires that the Secretaries of DOL and DOE maintain resource centers and outreach programs relating to the availability of benefits until September 30, 2004. Or, in the case of an under-served area, such center shall be maintained until demand is exhausted.

Section 303—Authorizes an Office of Ombudsman in the DOL to assist claimants with exhausted

of DOL and Congress on recommended improvements. Appointment by Secretary of Labor.

"SAY 'NO' TO UNESCO" ACT

HON. RON PAUL
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 2002

Mr. PAUL. Mr. Speaker, I rise today to introduce the "Say 'No' to UNESCO" act.

This bill expresses the sense of the Congress that the United States should not rejoin the United Nations Educational, Scientific, and Cultural Organization (UNESCO).

Mr. Speaker, in 1984 President Ronald Reagan withdrew the United States from membership in that organization, citing egregious financial mis-management, blatant anti-Americanism, and UNESCO’s general anti-freedom policies. President Reagan was correct in identifying UNESCO as an organization that does not act in America’s interest, and he was correct in questioning why the United States should fund 25 percent of UNESCO’s budget for that privilege.

Those calling for the United States to rejoin UNESCO claim that the organization has undertaken fundamental reforms and therefore the United States should re-join. It is strange that in the 18 years since the United States left UNESCO, we only started reading about the beginnings of reform in the year 2000. Are we to believe that after nearly two decades of no change in UNESCO’s way of mis-managing itself things have changed so much in just two years? Is it worth spending $60 million dollars per year on an organization with such a terrible history of waste, corruption, and anti-Americanism?

Mr. Speaker, evidence of UNESCO has been "reforming" its finances over the past two years, its programmatic activities are still enough to cause great concern among those of us who value American sovereignty and honor our Constitution. Consider the following as a partial list of UNESCO’s ongoing highly questionable activities:

UNESCO meddles in the education affairs of its member-countries and has sought to construct a UN-based school curriculum for American schools.

UNESCO has been fully supportive of the United Nations’ Population Fund (UNFPA) in its assistance to China’s brutal coercive population control program.

UNESCO has designated 47 U.N. Biosphere Reserves in the United States covering more than 70 million acres, without Congressional consultation.

UNESCO effectively bypasses Congressional authority to manage federal lands, by establishing management policies without Congressional consultation of approval.

Mr. Speaker, I hope all members of this body will join me in opposing renewed United States membership in the United Nations Educational, Scientific, and Cultural Organization by co-sponsoring the "Say 'No' to UNESCO" act.

STATEMENT ON H.R. 4727

HON. JEFF FLAKE
OF ARIZONA
IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 2002

Mr. FLAKE. Mr. Speaker, on September 5, 2002, I voted against legislation to authorize the Dam Safety and Security Act of 2002. This bill is just another example of federal involvement in projects that are already being conducted by the states. The bill inserts federal management and funding into the already operating state-level programs that ensure the safety of the nation’s dams. It establishes a new federal board to oversee and monitor state implementation but authorizes $35 million in government spending. Like many federal programs, the government seeks to lure states with federal tax dollars into ceding control of state responsibilities. The problem is, this program and the additional spending does nothing more to ensure the safety of dams than what individual states already do. State and local officials in Arizona determine what is required to ensure the safety of their dams, and what works in some instances might not work in others.

PERSONAL EXPLANATION

HON. TERRY EVERETT
OF ALABAMA
IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 2002

Mr. EVERETT. Mr. Speaker, due to events that required my return to my district, I was unable to vote during the following roll call votes. Had I been present, I would have voted as indicated below.

Roll Call No. 400—On agreeing to H. Res. 525, expressing the sense of the House of Representatives that the 107th Congress should complete action on and present to the President, before September 30, 2002, legislation extending and strengthening the successful 1996 welfare reform laws—"yes."

Roll Call No. 401—On agreeing to H. Res. 524, expressing the sense of the House that Congress should complete action on the Permanent Death Tax Repeal Act of 2002—"yes."

Roll Call No. 402—On motion to suspend the rules and agree to H. Con. Res. 337, Recognizing the Teams and Players of the Negro Baseball Leagues for their Achievements, Dedication, Sacrifices, and Contributions to Baseball and the Nation—"yes."

Roll Call No. 403—On motion to instruct Conferences on H.R. 3295, the Help America Vote Act—"yes."

SEPTEMBER 11, 2001
HON. SAM GRAVES
OF MISSOURI
IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 2002

Mr. GRAVES. Mr. Speaker, on September 11, 2001, America awoke to the worst terrorist attack in history. As we went to work and school, we left with a feeling of security that we have long since forgotten. By the time we returned to our families, our lives and our Nation had forever changed. It had been many years since America felt so insecure, so vulnerable. On that morning, the American people’s resolve was put to the ultimate test. Everything appeared to be so certain that day. Who would do such a thing? Why would they do it? Is there more to come? How can I protect my family?

But there was much that was certain that day. America made a promise to the victims and their families, to future generations of Americans, and to the world. The American people promised that this would not go unanswered. We promised that this action would only strengthen and unite us, not divide us. We would respond forcefully to those who were responsible while tending to our neighbors, our fellow countrymen. Together, you and people across northwest Missouri and our Nation donated blood for the victims, and donated money for their families. Together, we prayed for those who lost so much that day. We prayed for our soldiers who stood ready—preparing to defend our freedom.

As we stop to remember that terrible day, some of the pain and fear has subsided. But our determination to defeat those who seek to terrorize us must never fall victim to the passage of time. In the coming months, the American people will face a choice: Live up to our responsibility by making tough choices and sacrifices to continue our assault on terrorism, or quit now and hope that they choose to stop planning future attacks. The American people should never have to endure such a tragedy again. As we have learned over the past year, we can do something about it. We must never mislead ourselves that we have to wait to be attacked again to continue our defense from terrorism. The more than 3,000 lives lost is all the justification we need to have to defend against a certain threat of terrorism. The United States must remain vigilant and prepared, so that we remain forever free.

H.R. 2982

SPEECH OF
HON. VITO FOSSELLA
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 24, 2002

Mr. FOSSELLA. Mr. Speaker, H.R. 2982 authorizing the establishment of a memorial with-in the District of Columbia to the victims of terror-ist attacks on the United States.

Words are generally inadequate to give voice to the loss we suffered on September 11, 2001. Today, we will try to leave a more worthy token.

The enormity of what happened last year is still difficult to grasp, especially to those of us in the communities most directly affected. The
scope of the casualty list is particularly overwhelm-ing when considering each individual that was taken from us. Each had a name, a face, a personality, a legacy that they left behind.

Susan Conlon said goodbye to her 6-year-old daughter Kimberly before going to work that day at the World Trade Center, in an office she had occupied for less than 3 months. Robert Curatolo was a newlywed who charged into danger as one of all too many firemen that never returned that day. Vassilis Haramis was a hero of the 1993 WTC bombing, an engineer who loved working there as he had since the 1970’s, not long after coming to this country.

These stories, times a thousand and more, can only begin to trace the outline of the victims of the 9–11 attacks. I offer them as examples from my own district of heartbreaking losses.

I believe what we are proposing today will be an eloquent testament to the memory of the victims. By acting today, while the memory of that terrible day has not yet faded, we can be sure that future generations will have a better understanding of the victims and heroes of September 11th, and their legacies will never be forgotten.

NEW YORK JOINT SESSION OF CONGRESS, SEPTEMBER 6, 2002

HON. RANDY “DUKE” CUNNINGHAM OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 2002

Mr. CUNNINGHAM. Mr. Speaker, 1 year ago, America watched with horror as the tragic events of September 11 unfolded here in New York City and in our Nation’s capital. On that morning, already aghast at the attack on the Twin Towers, I looked out the window of my Capitol Hill Office and gasped in horror as I watched the black smoke billow out of the Pentagon and drift across the clear blue sky. Still stunned, I was quickly shuffled out of my office for safety.

Today, as I reflect on the profound loss that our nation faced in midst of these horrific attacks, I am also heartened by the selfless acts of valor, community spirit, and national unity that have followed this tragedy. Despite the stresses that our nation has experienced, the ties that bind our diverse country together are stronger than ever.

Immediately following, the terrorist attacks on America, President Bush called on all of us to volunteer to bring our country together and reestablish those local ties that often times are neglected. Americans responded. The resurgence of commitment to community can be found in our homes, our houses of worship, our schools, and our workplaces. From New York City to San Diego, citizens responded with soup kitchens, mentoring programs and charitable donations of goods and time. And the proud men and women of the U.S. military responded, allowing our country to take an aggressive lead in the War on Terrorism.

I have heard many stories of outstanding individuals who have gone above and beyond this call to aid those in their community through extraordinary service and exemplary acts. While we reflect on the American spirit, it is also important to highlight the measures we have taken to prevent future attacks of this magnitude.

The attacks on our Nation were motivated by intolerant and ignorant individuals seeking to forever change our way of life and destroy this great Nation. Much like Washington, Adams and Jefferson, we must seek to ensure that this country remains an example of democracy and freedom—we must be the Patriots of today.

Since September 11, 2001, all levels and branches of government have cooperated to strengthen aviation and border security, stockpile the medicines to defend against bio-terrorism, improve information sharing among our intelligence agencies and deploy more resources and personnel to protect our critical infrastructure.

At the same time, the changing nature of threats to our nation requires a new and reformed government structure to protect against enemies who can strike at any time with any number of weapons. As I write this column, no single government agency has homeland security as its primary mission. In fact, responsibilities for homeland security are dispersed among more than one hundred different government organizations. America needs a unified homeland security structure that will improve protection against today’s threats and be flexible enough to help meet the unknown threats of the future.

President Bush has proposed the most significant transformation of the U.S. government in over a half-century by consolidating the current confusing patchwork of government activities into a single department called the Department of Homeland Security. Changing threats require a new government structure to meet these threats. The Department of Homeland Security will have in one place all the resources needed to do what it takes to protect our country. The reorganization of America’s homeland security infrastructure is crucial to overcoming the enormous threat we face today.

The shocking and tragic events of September 11 reminded us of the frailty of life, but today’s special session demonstrates our resilience and strength in the face of adversity. Thousands wrote to me and to the Department of Homeland Security September 11 thinking about their jobs, their families, their friends—most likely not contemplating their own mortality. Yet in an instant, death and injury met them face to face. We must never forget those who perished, and we honor them again today. We owe it to their memory to ensure that we never face such a loss again. Regrouping as individuals and as a nation, we must continue rebuilding, and working to defeat the terrorists by growing even stronger as a nation.

TRIBUTE TO CHIEF ELECTRICIANS MATE (SUBMARINES) JOSEPH AIMON MANGIN, U.S. NAVY

HON. JO ANN DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 2002

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I rise today to honor Chief Electricians Mate (Submarines) Joseph Aimon Mangin, United States Navy, Chief Petty Officer Mangin will retire on Monday, 30 September 2002 after 23 years of faithful service to our Nation.

Chief Mangin enlisted in the United States Army in September 1978. Following Army Basic Training and Army Cooking School at Fort Jackson, South Carolina, he reported to his first assignment as part of headquarters and Headquarters Company, 1st Battalion, 70th Armor in Wiesbaden, Germany in January 1979. During his European tour he participated in several field exercises including Return of Forces to Germany (REFORGER) and exercises at the Fulda Gap.

In October 1981 Chief Mangin transferred to Headquarters and Headquarters Company, 1st Battalion, 14th Infantry (Golden Dragons) of the 25th Infantry Division at Schofield Barracks, Hawaii. While attached to the Golden Dragons he again participated in many field exercises including Team Spirit in Korea and jungle operations in the Republic of the Philippines. During his Hawaii tour Chief Mangin was named the battalion, brigade, division, and US Army Western Command Cook of the Year for 1982. In March 1984 Chief Mangin returned to the Army and spent nine months with the California National Guard.

In December 1984, feeling again the call to serve he joined the United States Navy. He attended Navy Recruit Training, Basic Electricity and Electronics School and Electricians’ Mate “A” School at Great Lakes, Illinois. In January 1985 Chief Mangin completed the “A” School with a rating of Leading Chief Petty Officer. In 1998, Chief Mangin reported to the Nuclear Power Training Unit Idaho Falls, Idaho, where he was the first student in his class to graduate. He then completed Nuclear Power School in Orlando, Florida, and in May of 1986 was assigned for training to Nuclear Power Training Unit Idaho Falls, Idaho, where he was the first student in his class to graduate.

In February 1987 Chief Mangin joined the crew of USS Olympia (SSN 717) in Pearl Harbor. Serving as Olympia’s Command Career Counselor, his efforts helped the ship earn the Commander Pacific Submarine Force Silver Anchor award for retention excellence. During his time on Olympia, the ship completed three Western Pacific deployments and two northern deployments. After graduating first in his class at Radiological Controls Maintenance School, Chief Mangin completed a three-year tour as a Radiological Controls Maintenance Technician at Subbase Pearl Harbor, qualifying as a Radiological Controls Shift Supervisor and serving as Leading Petty Officer.

Chief Mangin then received orders to the US Navy Oklahoma City (SSN 723) in Norfolk, Virginia. Serving as Leading Petty Officer of Radiological Division, he was named Oklahoma City’s Sailor of the Year for 1995. During this tour, the ship completed a Mediterranean deployment. In 1996, following his selection as a Chief Petty Officer, Chief Mangin reported to USS Norfolk (SSN 714) as Electrical Division Leading Chief Petty Officer. Chief Mangin then completed Nuclear Submarine Pay (SUBPAY) Monitor, working on the staff of the Deputy Chief of Naval Operations at the Navy Annex in Washington DC. In this position, he oversaw all aspects of the $45M SUBPAY budget. His thorough analysis built the compelling business case that resulted in targeted increases to the SUBPAY program, the first increase in fifteen years.

Chief Mangin’s contributions have had a direct and lasting impact on the overall readiness and effectiveness of the Navy Submarine Force personnel. He is an individual of uncommon character and his professionalism will be sincerely missed. I am proud, Mr. Speaker, to thank him for his honorable service in the
Mr. SCHAEFFER. Mr. Speaker, I rise today to honor a former congressional colleague and good friend, Senator Hank Brown. Senator Brown recently stepped down as president of the University of Northern Colorado, a highly regarded institution of nearly 11,000 students in Greeley, CO. As president of the University, Senator Brown combined his past experiences in law, business, politics, and higher education to truly transform the school into a leading university.

Prior to becoming president of the University of Northern Colorado, Senator Brown served a distinguished career in the Colorado State Legislature, U.S. House of Representatives and U.S. Senate. While a U.S. Senator, he also taught night classes in political science at Catholic University. Prior to having a faculty position at the Graduate School at Georgetown University, I am honored to follow Senator Brown in serving the Fourth Congressional District of Colorado.

Mr. Speaker, the House will recall Senator Hank Brown as a remarkable American. His service to the country was marked by his courage, thoughtful deliberative style, his cogent rhetorical manner, and his honest character. Hank Brown embodied Colorado in the Congress, and he still does today as Citizen Brown. He represented his state and country throughout the world with clarity of purpose and a noble vision steeped in the nation’s glorious history. He was and remains an authentic statesman. Coloradans are forever grateful for Senator Hank Brown as a remarkable American. His service to the country was marked by his courage, thoughtful deliberative style, his cogent rhetorical manner, and his honest character. His leadership has been recognized for his constituency has clearly earned from all in this state support for the building and renovation of educational and residential facilities on the campus, more than what had been received in the previous 30 years.

Mr. Speaker and Members of the House, please join me in commending Senator Hank Brown for his 22 years of public service and his deep commitment to the students and faculty at the University of Northern Colorado. It is fitting and proper to honor this man upon the establishment of the Hank Brown Scholarship for Excellence Endowment Fund. For generations to come, students will benefit from the opportunities presented by its lasting legacy.

IN RECOGNITION OF FORMER CONGRESSMAN ROMAN C. PUCINSKI

HON. WILLIAM O. LIPINSKI
OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES
Thursday, September 26, 2002

Mr. LIPINSKI. Mr. Speaker, I rise today to pay my respects to a former colleague and dear friend, Mr. Roman Pucinski. Mr. Pucinski, who passed away in Park Ridge, Illinois, on September 25, 2002, represented the northwestern side of the City of Chicago in the U.S. House of Representatives from 1959 to 1973.

Pucinski grew up in a heavily Polish neighborhood of Chicago named Wicker Park. His youth was shaped by his father’s abandonment of his mother and siblings when he was a child and by the Depression in his pre-teens years when he wore government-issued shoes, said his daughter Aurelia, who followed her father into politics and served as Cook County Circuit Court clerk from 1988 to 2000.

Pucinski, articulate and never at a loss for words, had an early interest in public affairs. After graduating from Northwestern University, he worked as a reporter, as a bombardier during World War II and as a bilingual chief investigator for a special House subcommittee investigating the Katyn Forest massacre of thousands of Polish military officers by the Soviets during the war. Urged by Mayor Richard J. Daley to run for Congress, Pucinski entered the 11th District race on the Northwest Side in 1958 and won.

From the start of his tenure in Congress, Representative Pucinski (“Pooch” to colleagues and friends) mounted a one-man effort to require airlines to install crash-proof cockpit voice recorders in airplanes. Because the nation wasIVEN the cockpit as a pilot, Pucinski understood the need for passenger and aircraft safety. He spearheaded the debate in the House, where he helped secure $3.9 million for crash-proof cockpit voice recorders in their aircraft, and for his compassion. He was and remains an authentic statesman.

Mr. Speaker, Roman Pucinski was a committed public servant and was revered and respected by nearly all who knew him. I ask our colleagues to join me in honoring the memory of such a dedicated and courageous man. He will be greatly missed.

IN HONOR OF MS. DORELLA BOND

HON. MARTIN FROST
OF TEXAS

IN THE HOUSE OF REPRESENTATIVES
Thursday, September 26, 2002

Mr. FROST. Mr. Speaker, I rise today in honor of Ms. Donella Bond from my district in Grand Prairie, Texas. On October 2nd of this year, Ms. Bond will celebrate her 50th anniversary working for Lockheed Martin Missiles and Fire Control and its predecessor companies.
Ms. Bond has spent a lifetime in dedicated service to her country and her company; a company that has produced many of the military’s most recognizable defensive systems: systems that have helped guarantee our freedoms as Americans.

Dorella first joined the Lockheed Martin family at the tender age of 18 when, on October 2nd, 1952, she was hired by one of Lockheed Martin’s predecessor companies, Temco Electronics and Missiles. Although she began her career as a Production Control Clerk-B, she quickly progressed up company ranks. Today, five decades later, Dorella serves as Executive Assistant to the Senior Vice President of Finance/Chief Financial Officer. She still displays the same tenacity and dedication that she brought to the job 50 years ago, and shows no sign of stopping.

Ms. Bond truly exemplifies the positive work ethic, experience, loyalty and dependability so important to our society today. She is truly a shining example of the American worker.

Mr. Speaker, fifty years of service with an organization is a tremendous accomplishment, one deserving special recognition and honor for a job well done. I know my colleagues will join me today in honoring a remarkable woman and a tireless worker. We salute Dorella Bond today, and wish her continued success and accomplishment at Lockheed Martin.

THE IDENTITY THEFT CONSUMER NOTIFICATION ACT

HON. GERALD D. KLECZKA
OF WISCONSIN
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 26, 2002

Mr. KLECZKA. Mr. Speaker, earlier this year, hundreds of residents of Wisconsin were notified by their bank that their personal information had been stolen by a former employee. While the bank in question had discovered last September that this crime had taken place, it did not notify the victims until May 2002. This is completely unacceptable. In the meantime, those whose information had been compromised had no idea that their information had been sold to a ring of identity thieves, who were using the financial records to make purchases in the victims’ names, including high-end automobiles.

Today I am introducing legislation that requires financial institutions to notify their customers if their personal information was compromised as the result of employee misconduct or computer hacking.

Identity theft is a crime that occurs with increasing frequency every year, and I have introduced legislation in three consecutive sessions of Congress to increase the level of control and protection one has over personal information. However, the fact that there is nothing in law that compels financial institutions to notify customers that their personal information had been compromised in a timely fashion requires action.

My legislation, the Identity Theft Consumer Notification Act, would require banks to promptly notify consumers that their information had been compromised, assist the customer in repairing his or her credit history, and cover any false charges made by the criminal for which the victim is liable. In addition, the annual privacy notices that financial institutions are required to send customers on an annual basis would have to include a description of the bank’s obligation to provide notification and assistance in cases in which a customer’s information had been compromised.

There could be instances in which identity theft is discovered, but law enforcement would be in a better position to successfully complete an investigation and collect sufficient evidence for conviction if notification was delayed. As a result, this bill allows for a temporary waiver of disclosure if law enforcement makes such a request.

Lastly, a recent Supreme Court case limited the statute of limitations for victims seeking compensation from credit reporting agencies that allowed criminals to falsely use another person’s financial information. The Court held that the statute of limitations begins to toll at the time a crime was committed, rather than at the time that the crime was eventually discovered by the victim. Given that the statute of limitation is only two years, it makes sense to start the clock when the crime is discovered, rather than at the time the crime was committed, since that abbreviated time limit leaves some victims unable to seek compensation.

This legislation will give consumers confidence that institutions that they have entrusted with their finances have an obligation to notify them if their personal information has been compromised, and that the institution will help them through the often arduous task of correcting their credit history and compensate them for losses incurred as a result of this crime. I urge my colleagues to cosponsor this legislation and give consumers the notification they need to minimize and quickly repair the damage done by identity thieves.

IN RECOGNITION OF THE 75TH ANNIVERSARY OF THE ROSEMEAD CHAMBER OF COMMERCE

HON. HILDA L. SOLIS
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 26, 2002

Ms. SOLIS. Mr. Speaker, on the eve of the 75th Anniversary of the Rosemead Chamber of Commerce, I rise to recognize the accomplishments of the Chamber.

Since its inception in 1927 as the Rosemead Improvement Association, the organization that three years after became the Rosemead Chamber of Commerce, has been instrumental in the operations and well-being of the city. Throughout the years, it has maintained its pivotal role as the commercial heart of the city by bringing together community leaders, business owners and residents.

The Rosemead Chamber of Commerce has made numerous contributions to Rosemead. It has fostered economic growth by giving the business sector a voice and has helped to establish a tradition that live events. At one point, these included Fiesta Day and the Halien Parade; now they are composed of trade shows, career fairs and “One on One Breakfasts.” The Rosemead Chamber of Commerce has changed according to the changing needs and interests of the city of Rosemead.

Over the past 75 years, the Chamber has played an important role in the lives of Rosemead residents and fostered a strong economy for the City. I wish the Chamber continued success and growth and I ask you to join me in honoring it for 75 years of service to the community.

COMMEMORATING SEPTEMBER 11, 2001

HON. F. JAMES SENSENBRENNER, JR. OF WISCONSIN
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 26, 2002

Mr. SENSENBRENNER. Mr. Speaker, since September 11 last year, life has taken on new meaning. For some, that day’s devastation has caused them to become more cynical, changed by the events of a few hours. For others, each day since then has taken on more significance as they realize what it means when people say that you can’t take life for granted. But for all of us the memories of that day will live on as we not only think about the people trapped in the World Trade Center, the Pentagon, and the hijacked planes, but also remember their loved ones who were helpless to prevent the tragedies.

As the President said in his Proclamation earlier this month, “Those whom we lost on September 11 will forever hold a cherished place in our hearts and in the history of our Nation. As we mark the first anniversary of that tragic day, we remember their sacrifice; and we commit ourselves to honoring their memory by pursuing peace and justice in the world and security at home.”

Life after September 11 took on new meaning for Members of Congress too. We reacted by changing our priorities, and began work on legislation to respond to that day’s horrific events. One of the first things we did was pass legislation authorizing the use of US Armed Forces against those responsible for the attacks. Since then, Congress passed numerous bills dealing with the issues that are widely believed to have allowed the events of September 11 to occur. They include: beefing up airline security, strengthening our nation’s borders, restructuring the Immigration and Naturalization Service to make it a more efficient agency, and passing the USA–PATRIOT Act to improve information sharing between law enforcement and intelligence communities. More recently, the House passed legislation to create a new Department of Homeland Security in response to the President’s request for a flexible, effective department, with the singular mission of protecting our nation. Financially, we have also passed legislation to provide the department with the resources it will need to address the new challenges that now face the nation.

Many individuals have changed their priorities too. Spurred by our war against terrorism and the words of the Administration and various law enforcement agencies, Americans have begun to pay more attention to their surroundings and take better note of anything that appears out of the ordinary, particularly in airports. Gone are the days when one can easily dismiss peoples’ errant behavior as harmless without making sure that that is indeed the case. As the price to pay for not checking can be awfully steep.

After the events of that Tuesday, life in Washington, DC, returned to some semblance
of normalcy. Yet, a year later, although life appears the same as always, there is a difference. Certainly, Congress is in the middle of its appropriations debates as it almost always is this time of year and Republicans and Democrats are embroiled in many of the same arguments that typically take place around now. However, there is now an underlying sense of wariness in our nation that didn’t exist before—but this is good, as it shows that we have learned from last year’s events. It demonstrates that as a nation, we have grown. September 11, 2001, wasn’t that long ago, but America has lived a lifetime in the year since that fateful day.

SENSE OF THE HOUSE THAT CONGRESS SHOULD COMPLETE ACTION ON H.R. 3762, PENSION SECURITY ACT OF 2002

SPREAD OF
HON. HOWARD P. “BUCK” MECKEN OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, September 25, 2002

Mr. McKEON. Mr. Speaker, I rise in support of H. Res. 540. Nine months ago, in his State of the Union address, President George W. Bush called on Congress to enact important new safe guards to protect the pensions of millions of American workers. The President called on Congress to move quickly to enact these important reforms so that people who work hard and save for their retirement can have full confidence in our retirement system. In response to the President’s call, the House immediately took action by holding several hearings on the Enron Collapse and its implications for worker retirement security. We heard from hard working Americans who loyally dedicated decades of their lives to Enron only to lose their life savings when the company collapsed due to corporate corruption. These employees were not millionaire corporate big wigs. They were regular blue collar Americans who had diligently saved their hard earned money for their family’s future. We also heard from honest employers who voluntarily offer their employees retirement plans. But the House did more than just hold hearings.

In April, this body took action and passed a comprehensive Pension Security Act, which would give workers unprecedented new retirement security protections and new freedoms to diversify their retirement savings. The Senate has yet to pass a Pension Security Act. In April, the House took action and passed a Pension Security Act that would have helped protect thousands of Enron and WorldCom employees who lost their savings during the collapses due to corporate corruption. The Senate has yet to pass a Pension Security Act.

Mr. Speaker, more than 160 days ago, the House took action to help hard working Americans protect their retirement savings. The Senate has not yet acted on the Pension Security Act.

The President is waiting for a bill to sign to protect worker retirement savings from corporate meltdowns. Mr. Speaker, I strongly support this resolution because I strongly support the Pension Security Act passed by the House several months ago.

HONORING REAR ADMIRAL LESLIE GEHRES
HON. THOMAS M. REYNOLDS
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 26, 2002

Mr. REYNOLDS. Mr. Speaker, I rise today to salute a true American hero, Rear Admiral Leslie Gehres. A native of Newark in Wayne County, NY, Admiral Gehres will be honored by his community on Saturday, September 28, 2002, with a monument and memorial exhibit at Newark High School. Admiral Gehres began his long and illustrious naval career in 1914, when he enlisted in the New York Naval Militia. When his unit was mobilized on April 6, 1917, he was appointed to the rank of Ensign, and transferred to the regular navy, following completion of course work at the U.S. Naval Academy in Annapolis, MD.

Admiral Gehres became a Naval Aviator in 1927, and in 1929, trained and led “The Nine High Hats,” a prestigious nine-plane acrobatic formation. After the outbreak of World War II, Admiral Gehres took command of Patrol Wing 4, and took part in the Aleutians campaigns. He was responsible for driving the Japanese out of the Aleutian Islands, and for his services, earned the Army’s Distinguished Flying Cross, Legion of Merit, and Gold Star in lieu of a second Legion of Merit. He was also promoted to the rank of Commodore for his leadership in that campaign, a rank that had not been given to any naval officer since Commodore Oliver Hazard Perry in the War of 1812.

Following his detachment from Fleet Wing 4, Admiral Gehres assumed command of the USS Franklin in the Pacific Fleet. Admiral Gehres courageously and successfully returned that carrier to the Naval Yard in New York, after being heavily damaged by Japanese forces. “For extraordinary heroism as Commanding Officer of the USS Franklin,” read his Navy citation, Admiral Gehres was awarded the Navy Cross.

Mr. Speaker, Rear Admiral Leslie Edward Gehres passed away in 1975, but he will now be forever remembered for his heroism and selfless service to his nation, and I ask that this Congress join me in saluting his proud career, and in thanking the community of Newark, NY, for honoring his leadership and valor.

‘LESS WE FORGET’ THE TEN COMMANDMENTS
HON. BRIAN D. KERNS
OF INDIANA
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 26, 2002

Mr. KERNS. Mr. Speaker, I rise today to bring to your attention an event which took place in my district over the weekend. This past Saturday in Crawfordsville, Indiana, I had the honor of participating in a special ceremony to unveil the monument of the Ten Commandments. This monument was dedicated with over 100 of my fellow Hoosiers present. The ceremony included two tablets containing the Ten Commandments with the words “Less We Forget!” inscribed between them.

La’Shar Sharp, who is only 15 years old, is one of the key persons who made this memorial possible. Ms. Sharp had the vision of creating the Ten Commandments monument to be dedicated on the September 11 one year anniversary. The Hoosiers in my district took the young girl’s vision and turned it into a reality. The Church of Pentecostals of Crawfordsville donated the land and the Allen Monument Company built the memorial. A number of other individuals, businesses and organizations contributed to the dedication ceremony, including the Veterans Foreign Wars whose members raised the flag and served as the ceremonial color guard.

There is no better symbol for this memorial than the Ten Commandments. As you may know Mr. Speaker, the Crawfordsville Courthouse was forced to take down its depiction of the Ten Commandments. For this reason, I introduced legislation (H. Con. Res. 315), which would prominently display the Ten Commandments in both the House and Senate Chambers. It is important in these times of uncertainty that we be steadfast in our beliefs and mindful of our roots.

I would like to leave you with the words of Crawfordsville’s Mayor Steve Gentry, who at the dedication said “The stone may, in time, grow old and become hard to read, but the words and their meaning will carry on for future generations. May God bless the effort that gave us this ceremony, and may God bless the United States of America.”

FIRE PLAN ON FEDERAL LANDS
HON. BOB SCHAFER
OF COLORADO
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 26, 2002

Mr. SCHAFER. Mr. Speaker, I rise today to recognize the efforts of the Colorado General Assembly concerning implementation of the National Fire Plan on Federal Lands. Joint Resolution 02S–1007, passed by Colorado’s General Assembly, endorses H.R. 3948, introduced in the 107th U.S. Congress to improve the implementation of the National Fire Plan by reducing fuels in the wildland-urban interface. I commend the work of the Colorado General Assembly for its strong efforts toward the betterment of the state and well being of the people of the great state of Colorado.

I hereby submit for the Record Colorado House Joint Resolution 02S–1007.

HOUSE JOINT RESOLUTION 02S–1007

By Representative(s) Hefley, Alexander, Johnson, Madden, Snook, Witwer, Cloer, Coleman, Crane, Dean, Fritz, Harvey, Lawrence, Mace, Marshall, Plant, Rhodes, Romainoff, Smith, Spradley, Stafford, Tapia, Velga, Vigil, Williams S., Decker, and Weddig; also Senator(s) Fitz-Gerald, Isgar, Tupa, Hernandez, Phillips, and Windels

CONCERNING IMPLEMENTATION OF THE NATIONAL FIRE PLAN ON FEDERAL LANDS.

Whereas, The paramount goal of fire policy must be the protection of lives, homes, and communities; and

Whereas, 1.3 million Colorado citizens reside in and adjacent to forested areas with high wildfire risk, and living in a wildland-urban interface is predicted to increase substantially over the next few decades; and

Whereas, Hundreds of firefighters heroically put their lives at risk to save homes and communities every year; and
Whereas, Intermixed land ownership means that Colorado’s federal land managers, state land managers, and private property owners are all responsible for the protection of private property and

Whereas, USDA Forest Service research has demonstrated that fuel reduction within the immediate vicinity of structures and the use of noncombustible building material are the most important factors determining whether a structure will survive a wildfire; and

Whereas, A primary purpose of the National Fire Plan is to reduce the risk of severe wildfires in the wildland-urban interface where communities adjoin or intermingle with federal public lands, and substantial funds have been appropriated to the federal land management agencies to implement this plan; and

Whereas, At a 1998 Colorado forest conference sponsored by Governor Romer and the USDA Forest Service, consensus developed between the environmental community, the timber industry, and the USDA wildland-urban interface red zone; and

Whereas, In January 2002, the General Accounting Office concluded that USDA Forest Service accounting and tracking is so poor that there is no way to determine whether the USDA Forest Service had appropriately spent the funds allocated to thinning and prescribed fire in the wildland-urban interface red zone; and

Whereas, The USDA Forest Service has aggressively sought to require 60% of the National Fire Plan funds to be spent on fuel reduction projects that will provide the greatest protection to the at-risk communities; and

Whereas, The federal land managers in Colorado are using National Fire Plan moneys in some instances to assist in the completion of projects that do little to reduce fuels in the wildland-urban interface; and

Whereas, Colorado Congressmen Joel Heffley and Mark Udall have recognized this problem and introduced a bipartisan resolution, H.R. 3948, to improve implementation of the National Fire Plan by reducing the build-up of fuels in the wildland-urban interface by establishing an interagency council to coordinate implementation of the National Fire Plan, directing the council to define consent criteria to identify the communities within the wildland-urban interface that are most at risk from severe wildfires, requiring that fuel reduction be accomplished in those communities before other fuel reduction efforts are undertaken in the state, and directing the council to determine the most effective and appropriate methods to utilize fuel removed pursuant to the National Fire Plan; now, therefore,

Be It Resolved by the House of Representatives of the Sixty-third General Assembly of the State of Colorado in convention convened: That the General Assembly endorses H.R. 3948 to improve the implementation of the National Fire Plan, by reducing fuels in the wildland-urban interface, and urges the Colorado Congressional Delegation to support and cosponsor this resolution.

Be It Further Resolved, That copies of this Joint Resolution be sent to the President of the United States, the Secretary of the Interior, the Secretary of Agriculture, and each member of the Colorado Congressional Delegation.

DOUG DEAN,
Speaker of the House.
ED PHELDMUTTER,
President Pro Tem of the Senate.
JUDITH RODRIGUE,
Chief Clerk of the House of Representatives.

KAREN GOLDMAN,
Secretary of the Senate.

SPECIAL JOINT MEETING OF CONGRESS IN NEW YORK ON SEPTEMBER 6, 2002

HON. JAMES H. MALONEY
OF CONNECTICUT
IN THE HOUSE OF REPRESENTATIVES

THURSDAY, SEPTEMBER 26, 2002

Mr. MALONEY. Mr. Speaker, it was a historic experience to join with my colleagues in the Special Joint Meeting of Congress held in New York City. I have visited New York many times since the terrorist attacks on September 11 2001. It is a city that has recovered from, but not forgotten, the events of that tragic day. The families and friends of those who perished have endured a year of unbearable loss. They have my deepest sympathy. Rarely have we felt vile acts of terrorism perpetrated on our shores, and never on the scale of September 11th, 2001. Our response has shown the strength of character of the American people. The horror of that day, and in the days since, has hardened into a resolve to honor the memories of those who perished, to heal our wounds so that our nation is even stronger than before, and to bring righteous justice to those who perpetrated the attacks.

The Congressional Session in New York was a fitting salute to that great metropolis, and a dramatic affirmation that all Americans stand united with the people of New York as we move forward to root out terrorism and build a free and secure world community.

Mr. Speaker, this is the kind of leadership that is needed from our local governments and our business community that we need to win the war on terrorism and protect our homeland. We in Congress have passed legislation to tighten security in America and provide funding to help our neighbors prepare. But our first responders in our communities are the ones who will make homeland security work.

The people at Marathon Ashland Petroleum and the brave police officers, firefighters, and EMTs from northern Illinois are leading the charge to protect our people. And I commend them for that.

COMMEMORATIVE ANNIVERSARY OF SEPTEMBER 11TH

HON. NITA M. LOWEY
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES

THURSDAY, SEPTEMBER 26, 2002

Mrs. LOWEY. Mr. Speaker, today I rise in recognition of the one year anniversary of the tragic events of September 11, 2001.

Last September, the lives of all Americans were forever changed. Loved ones have been lost, and the grief we feel is as sharp now as it was one year ago. The losses in families, in offices, in communities, where sons and daughters, husbands and wives, parents, siblings and friends once were.

Our country has changed. We have focused intently on the task of ensuring our homeland security—a term seldom heard before this past year. We have invested billions of dollars in securing our ports and borders, water and food, and airways. We have enhanced the strength of our military and intelligence capacities, undertaking an unprecedented campaign to end the threat of international terrorism. We have a new appreciation for the hard work of our men and women in uniform—whether they are soldiers, police officers, emergency medical technicians, or firefighters.

We joined together with the President, the Governor, and former Mayor Giuliani in passing an emergency spending bill which provided $21 billion to fund the rescue and recovery efforts at the World Trade Center site and cleanup in lower Manhattan. This funding has also helped alleviate some of the economic ramifications of the terrorist attacks, provide counseling to New York schoolchildren affected by 9/11, and it is now being used to modernize the transportation systems that were devastated by the towers’ collapse. The
THEREOF WILDFIRES

HON. BOB SCHAFFER
OF COLORADO
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 26, 2002

Mr. SCHAFFER. Mr. Speaker, I rise today to recognize the efforts of the Colorado General Assembly in combating the mitigation of the threat of wildfires in the national forests through the removal of dead fuel. Resolution 02S–1002, passed by Colorado's General Assembly, urges federal action on a fire strategy to comprehensively reduce the risk of catastrophic wildfire and improve the overall condition of Colorado's forests. The bill further supports utilizing an appropriate mix of fire-prevention activities and management practices including forest restoration, treatment of at-risk forest stands, grazing, selective tree removal, and other measures to control insects and pathogens, removal of excessive dead ground fuels, and small-scale prescribed burns. I commend the work of the Colorado General Assembly for its strong efforts toward the betterment of the state and the well-being of the people of the great state of Colorado.

I hereby submit for the RECORD Colorado House Resolution 02S–1002: 2002:

WHEREAS, The current condition of Colorado's national forest lands poses public health and safety risks to citizens of this state in terms of air quality, water quality and quantity, and potential loss of human life and damage to property and threatens damage to municipal infrastructures;

WHEREAS, The USDA Forest Service has allowed an unnatural volume of dead fuels to build up within national forest lands that poses an immediate threat to nearly 20 million forested acres in Colorado; and

WHEREAS, The number of forested acres in Colorado treated by the USDA Forest Service has been grossly insufficient to mitigate the threat of unnatural, catastrophic wildfires; and

WHEREAS, Insect and disease infestations have impacted over 500,000 acres throughout the state, and these conditions have exacerbated the already dangerous wildfire hazard; and

WHEREAS, Major wildfires that occur in Colorado's backcountry decrease wildlife habitat and threaten at-risk-listed species, and threaten to denude critical watersheds surrounding high-mountain reservoirs; and

WHEREAS, The wildfires in Colorado have burned 357,000 acres in 25 counties, cost $110 million, received 14 FEMA declarations, and burned over 1,000 structures; now, therefore,

Be It Resolved by the House of Representatives of the State of Colorado:

1. That we, the members of the House of Representatives, hereby recognize the dangerous conditions of Colorado's forests and urge aggressive action by the USDA Forest Service to mitigate the threat of wildfire on national forest lands in the State of Colorado through the removal of vast accumulations of dead fuels.

2. That we urge federal action on a fire strategy to comprehensively reduce the risk of catastrophic wildfire and improve the overall condition of Colorado's forests.

3. That we support all possible and necessary steps in order for projects to control insect- and disease-impacted forests in Colorado.

4. That we support utilizing an appropriate mix of fire-prevention activities and management practices including forest restoration, treatment of at-risk forest stands, grazing, selective tree removal, and other measures to control insects and pathogens, removal of excessive dead ground fuels, and small-scale prescribed burns.

5. That we strongly encourage the Congress of the United States to expeditiously pass legislation, maintain sufficient National Fire Plan funding, and encourage refinements of current legislation to address the gridlock issue obliterating active land management by the USDA Forest Service and other federal land management agencies.

Be It Further Resolved, that this conference report be sent to the USDA Forest Service and to each member of the Colorado Congressional Delegation.

CONFERENCE REPORT ON H.R. 1646, FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEAR 2003

SPEECH OF HON. JIM KOLBE
OF ARIZONA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, September 25, 2002

Mr. KOLBE. Mr. Speaker, first let me congratulate the Chairman of the International Relations Committee, Mr. Hyde, for successfully managing this important piece of legislation. For many years it has proven difficult to reach the stage of final congressional approval of a free-standing State Department authorization bill, but in his capacity as Chairman he has managed to do just that.

I also congratulate him for including authorizations of appropriations for a number of ac-
CONGRESSIONAL RECORD — Extensions of Remarks  September 30, 2002

INTRODUCTION OF A RESOLUTION RECOGNIZING THE CONTRIBUTIONS OF HISPANIC-SERVING INSTITUTIONS

HON. HOWARD P. “BUCK” MECKON
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 2002

Mr. McKENY. Mr. Speaker, I rise today to introduce a House resolution honoring the contributions made by this country’s Hispanic-serving institutions (HSI). In my congressional district in California, California State University-Northridge has been designated as a HSI and it is my privilege to recognize the dedication and service that it provides to the Los Angeles community.

Under Title V of the Higher Education Act of 1965, a Hispanic-serving institution (HSI) is an institution of postsecondary education with a student enrollment that is at least 25 percent Hispanic, with at least 50 percent of its Hispanic students coming from low-income families. These institutions play a vital role in providing a quality postsecondary education for all Americans, and are deserving of our recognition and continued support.

I am proud of the role that this body has played in adding important investments. The Higher Education Amendments of 1998 created a program designed to aid HSIs in strengthening their institutions under Title V of the Higher Education Act. These changes included allowing institutions to use Federal money to build their endowments, and to provide scholarships for minority students. Since 1998, we have increased our support for HSIs by $86 million. President Bush’s budget, passed by the House in March, would increase support for these institutions by an additional 3.5 percent.

We have also taken other important steps to serve not only minority students, but all American students. For example, the Pell Grant program is, and has always been, our highest priority for postsecondary education. Since 1995, we have increased the maximum Pell Grant every year. For Fiscal Year 2002, the maximum Pell Grant reached a record high of $4,000; up from just $2,340 in FY 1995, and a 33 percent increase from FY 1998 level.

We have also passed the Higher Education Amendments of 1998 to make college more affordable, simplified the student aid system, and stressed academic quality. That legislation ensured that student loans would continue to be available for all qualified students, and resulted in the lowest student loan interest rate in the history of the program. It also provided increased aid to the neediest students, strengthened important financial aid programs such as College Work Study, SEOG, Perkins Loans, and TRIO, and created the government’s first Performance Based Organization (PBO) to improve service to schools, students, and parents.

This Nation’s HSIs play a vital role in educating America’s citizens. It is my goal and the goal of the Committee on Education and the Workforce to build on the record of academic excellence of students attending HSIs. This resolution honors the important work done at HSIs, it encourages all students to attend college and prepare for the challenges and opportunities of the 21st Century. I urge my colleagues to support this resolution.

A TRIBUTE TO THE 2002 CAROLINA COURAGE WOMEN’S SOCCER TEAM

HON. MIKE MCINTYRE
OF NORTH CAROLINA
IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 2002

Mr. MCINTYRE. Mr. Speaker, it is with great pleasure that I rise today to acknowledge the Women’s United Soccer Association’s (WUSA) Carolina Courage. On August 24, 2002, the Carolina Courage defeated the Washington Freedom to claim their first WUSA Championship and the Founders Cup.

From their modest beginnings only two short years ago, the WUSA has become one of the catalysts in increasing both interest and participation in soccer for young girls. While soccer remains the most popular sport worldwide, the teams comprising the WUSA have provided young girls with a group of positive, female role models.

In these two short years, the Carolina Courage has cultivated a fan base throughout the State of North Carolina. The women who make up this remarkable team hail from all over the world, and they have united together to form one of the most explosive and entertaining professional teams in the United States. I am proud of the way in which the women work tirelessly to improve their soccer skills and to improve their communities.

My fellow colleagues, please join me in saluting the 2002 Carolina Courage for their efforts. May God’s blessings be not only upon this great team, but also upon all of those teams within the WUSA which are setting positive examples for our young people across America.

DISASTER RELIEF

HON. BOB SCHAFFER
OF COLORADO
IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 2002

Mr. SCHAFFER. Mr. Speaker, I rise today to recognize the efforts of the Colorado General Assembly concerning the recognition of the ability of the inmate population to provide disaster relief. Resolution 02S-1001, passed by Colorado’s General Assembly supports the low-cost alternative of using the Colorado inmate population to assist communities in reestablishing their homes and businesses.

I commend the work of the Colorado General Assembly for its strong efforts toward a betterment of the state and well being of the people of the great state of Colorado.

I hereby submit for the RECORD Colorado House Resolution 02S-1001:

HOUSE RESOLUTION 02S-1001

Be It Resolved by the House of Representatives of the Sixty-third General Assembly of the State of Colorado:

(1) That, although the state faces a severe budget crisis and must be fiscally responsible, the members of the Colorado General Assembly of the Sixty-third General Assembly, recognize that assistance for communities that have been devastated by wildfires is of paramount importance and needs to be accomplished in the most fiscally responsible manner possible, and we support the low-cost alternative of using the Colorado inmate population to assist communities in reestablishing their homes and businesses; and

(2) That we, the members of House of Representatives of the Sixty-third General Assembly, believe the use of inmates for mitigation and rehabilitation is a quicker and more cost-effective alternative for the citizens of Colorado in the current emergencies than the extensive long-term training needed to allow inmates to directly fight forest fires; and

(3) That we, the members of the House of Representatives of the Sixty-third General Assembly hereby encourage all relevant agencies of federal, state, and local government to consider that the Colorado inmate population may be easily trained and mobilized on request to perform numerous assignments in preparing for and responding to various disasters; and

(4) That the Colorado Department of Corrections can provide the necessary training and supervision for those inmates to carry out those critical assignments.

Be It Further Resolved, That copies of this Resolution be sent to each member of the state’s congressional delegation, to the President of the United States, to the Governor, to the Executive Director of the Department of Corrections, and to any state-wide organizations representing counties and municipalities.

JUDITH RODRIGUEZ,
Chief Clerk of the House of Represent-atives.

DOUG DEAN,
Speaker of the House of Representatives.
Mr. ACEVEDO-VILÁ. Mr. Speaker, I rise today in support of H.R. 1701 and urge my colleagues to vote in favor of this important resolution. The leadership to bring House Concurrent Resolution 177 to the floor. This Resolution recognizes the achievements of a great American; moreover, of a great woman. Dolores Huerta was a leader for farmworkers’ rights. She was the cofounder of American Farm Workers with Cesar Chavez. They have fought for fair wages, safe working conditions, and against harmful pesticides. The Women’s Hall of Fame recognized her great achievements by inducting her in 1993. Additionally, she has recently been named as one of the six women sustaining the American Spirit by the National Women’s History Project. It is important that we bring special attention to this woman’s achievements. In closing, as a original co-sponsor to H. Con. Res. 177, I urge you to bring this to the floor.

CONSUMER RENTAL PURCHASE AGREEMENT ACT

SPEECH OF

HON. BETTY MCCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 2002

Ms. McCOLLUM. Mr. Speaker, I rise in opposition to H.R. 1701, the Consumer Rental Purchase Agreement Act. While supporters of this bill claim that it will protect the interests of consumers, it will do the exact opposite in my state of Minnesota and other states that have enacted strong protections against abuses by the “rent-to-own” industry.

If enacted, H.R. 1701 would pre-empt laws in Minnesota, New Jersey, Wisconsin and Vermont that currently treat “rent-to-own” as consumer credit transactions subject to state credit sales laws. These strong state laws protect consumers from being charged exorbitant prices for items purchased through “rent-to-own” transactions. Conversely, H.R. 1701 would require all states to treat these transactions as renewable leases subject to minimum disclosures.

H.R. 1701 would allow “rent-to-own” businesses to charge even more outrageous prices to consumers. While “rent-to-own” businesses must currently comply with usury laws that set maximum interests that may be charged for these transactions, H.R. 1701 would completely undermine this protection.

Further, this bill would allow the “rent-to-own” industry to avoid millions of dollars in legal penalties that are collected from businesses in violation of Minnesota’s consumer protection laws. With strong enforcement of these laws, Minnesota courts have collected $30 million in penalties since just one “rent-to-own” chain. Clearly, the “rent-to-own” industry stands to benefit greatly from the “get out of jail free” card that H.R. 1701 would provide.

During my time in the Minnesota House of Representatives, I fought attempts by the “rent-to-own” industry to strip these important protections from our state law. Now, as a member of Congress, I must fight these attempts again to protect the interests of the low- and moderate-income consumers who are targeted by the deceptive practices of the “rent-to-own” industry.

IMPACTS OF UNCOMPENSATED CARE ON SOUTHWEST BORDER COUNTIES

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 2002

Mr. HUNTER. Mr. Speaker, this morning, the United States/Mexico Border Counties Coalition released an important report detailing the increased cost incurred based on the fact that our nation’s twenty-four counties that share a border with our southern neighbor, Mexico. I am privileged to represent a congressional district that includes nearly all of the California/Mexico international border. As a result, I can tell this body firsthand what the study proves—border communities suffer a significant financial burden from providing unreimbursable healthcare services to undocumented aliens.

The study, titled “Medical Emergency: Costs of Uncompensated Care in Southwest Border Counties,” estimates that at least 25 percent of the border county hospitals uncompensated care costs, or $190 million in 2000, are incurred from providing services to undocumented aliens. In addition, emergency medical service providers lost about $13 million providing care and transportation for illegal aliens injured while crossing the border.

In 1998, Imperial County alone incurred nearly $1.3 million in unreimbursed healthcare services provided to undocumented aliens. Unfortunately, Imperial County is already one of the poorest counties in the country and certainly in the State of California. As a result, this financial burden is particularly difficult for this community to sustain. While the cost of healthcare delivery is high, it is not the only cost incurred on behalf of illegal aliens. In total, Imperial County estimates that, in 1998, it spent more than $5.4 million providing services to undocumented aliens and that amount continues to increase.

At the same time, San Diego County is also bearing a significant cost for unreimbursable services provided to illegal aliens. The County estimates that in 1998 they spent nearly $10.8 million for emergency medical care and over $50 million in total services provided. Clearly, this money would be better spent delivering services to needy county residents.

The impacts of unreimbursable emergency services delivered to affected hospitals’ balance sheet. Healthcare costs and insurance premiums are on the rise, partially in order to cover the unreimbursable costs incurred by the healthcare institutions. Rising health insurance premiums are threatening employers’ ability, particularly small businesses, to offer their employees affordable health care benefits. High liability costs and low levels of compensation are threatening the viability of emergency rooms and emergency transportation providers along the border, and particularly in California where the healthcare system is already in crisis.

Throughout my tenure in Congress, I have fought for additional border security, not only to address safety concerns, but also as a way of addressing the financial impacts of caring for the undocumented alien population. The fact is, securing our international borders is the responsibility of the federal government. So it logically follows that providing necessary medical care for individuals who penetrate our border is also a federal responsibility.

To make matters worse, the federal border agencies, in order to avoid paying the costs associated with healthcare delivery to the injured alien, will report an emergency situation to local emergency personnel without officially taking control of the alien. As a result, when the ambulance picks up the undocumented alien for transport to the nearest hospital, they are also accepting total financial obligations for the immigrant. It is unacceptable for federal agencies to be passing on their responsibilities to our already financially-strapped local communities. This practice must come to an end.

The study makes several important recommendations for addressing these problems, all of which appear to have merit. The primary solution, however, is clear: border communities must be compensated for the costs incurred from caring for undocumented aliens. I plan to work closely with my colleagues who represent affected counties to find a solution to this problem and I hope my colleagues throughout the Congress will join us in this effort. After all, it is a matter of fairness and accepting responsibility of our federal obligations.

KYRGYZSTAN

HON. JOSEPH R. PITTS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 2002

Mr. PITTS. Mr. Speaker, earlier this week, the President of Kyrgyzstan, Askar Akayev, and the First Lady, visited the United States. I rise to welcome them and thank them for their friendship.

Kyrgyzstan is centrally located along the Great Silk Road, an ancient economic and cultural trade route that connected Europe to Asia. Kyrgyzstan has absorbed traditions from the East and the West, making its history rich and its people diverse. Today, the Great Silk Road is being renewed and Kyrgyzstan, once again, is at the center.

Kyrgyzstan has made notable progress since its independence, but it still faces many challenges. In the past decade, Kyrgyzstan has moved to adopt democratic reforms and a market economy. However, the potential that Kyrgyzstan holds to be an example to the region has not yet been fully realized. The U.S.
must work closely with President Akayev to encourage additional reforms.

Still, the Kyrgyz people are hungry for democracy and thirsty for economic prosperity. The future of the Kyrgyzstan rests in the hands of its young people. And it is a bright future. With this in mind, it is encouraging to see the positive work of the Foundation of Kyrgyzstan on behalf of the children in her country. The U.S. must continue to support these efforts.

Kyrgyzstan has also been a strong supporter of the United States’ war on terrorism. President Akayev has cooperated in allowing the use of an airbase in Bishkek and the government has helped with providing information on terrorist cells in the region.

A prosperous Kyrgyzstan is important for regional security and stability. Therefore, we must work together to continue building relations between Kyrgyzstan and the U.S.

116TH AIR CONTROL WING

HON. SAXBY CHAMBLISS
OF GEORGIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 26, 2002

Mr. CHAMBLISS. Mr. Speaker, as a member of the House Armed Services Committee, I support many of the transformation initiatives our military is undertaking. Through the vision and leadership of Secretary Roche and General Jumper, the Air Force has been a leading proponent of transformation. The Joint Surveillance Target Attack Radar System, or JSTARS, and the 116th Air National Guard unit at Robins Air Force Base are a prime example of a transformational mission. These unique units are on the verge of becoming ever more transformational as they blend Air National Guard personnel into the active JSTARS unit.

On Monday, September 30, 2002 the Guard’s 116th Bomb Wing and the active duty 93rd Air Control Wing will merge into a first of its kind “blended wing.” The new wing will operate all of the Air Force’s Joint STARS aircraft. It is a mission of considerable importance. The J-STARS aircraft can find and track moving targets on the ground hundreds of miles into enemy territory and are prized assets and constantly in demand by theater commanders.

Developing a blended unit has proven to be a daunting task. However, the Air Force and members of both the 93rd Air Control wing and the 116th Bomb Wing have stepped up to the plate and cleaved every hurdle in their way. Secretary Roche stated that “Outdated laws and policies would have to change to reflect requirements in command-and-control, fiscal, and personnel issues,” and he was right. The members of the Air National Guard and the Air Force Reserve have worked tirelessly to transform a “blended wing” and have done it in an exceptional fashion.

The Air Force has long been the model of full and seamless integration of the Reserve Components. Its Guard and Reserve associate programs are long-term success stories that maximize weapon system utilization while leveraging the strength of Guard and Reserve personnel. Strong national defense rests on the foundation of a well-equipped, well-trained and mobile military force. The 116th JSTARS unit.

HONORING JUDGE JOSEPH LODGE
OF VERMONT
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 26, 2002

Mr. SANDERS. Mr. Speaker, our nation was forever changed on the morning of Sept 11. The goal of Osama bin Laden was to demoralize us, create fear, uncertainty and instability in our country—he failed. Last week Congress met in New York to pay tribute to those who were killed, and I was reminded how strong and resilient our country truly is. Last September 11 we saw amazing displays of heroism and bravery. I will never forget the sight of firemen entering the World Trade Center risking their lives to save others.

We have also learned a great deal since Sept 11. We’ve learned that we are a vulnerable nation, and that we must lead an international coalition against bigoted, religious fanatics who believe they have the right to kill in order to impose their reactionary ideology on others. Many of us also have learned that in order to be true to American values, we must not undermine the fundamental principles and constitutional rights that our country was founded on.

As an American and a Vermonter, I was enormously proud of how our people responded to this crisis in terms of blood donations, financial contributions and coming together as a community to support the victims and each other. It is my hope that we will continue to show that same sense of community that we demonstrated in the aftermath of the September 11 attacks.

HONORING JUDGE LOUIS CAPPS
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 26, 2002

Mrs. CAPPS. Mr. Speaker, today I would like to pay tribute to an extraordinary citizen of California’s central coast, Judge Joseph Lodge. As both a judge and a teacher at the University of California, Santa Barbara, there is no question as to how much Judge Lodge has given to the Santa Barbara community and I am very pleased to have the opportunity to honor him.

In 1955, after graduating from the University of Michigan School of Law, Joe Lodge began his legal career working as a clerk for the chief judge of the U.S. Court of Appeals, 9th Circuit. In 1956 Joe moved to Santa Barbara, which he has called home ever since. He became the first full-time attorney in the Santa Barbara suburb, Goleta, and in 1958, at the young age of 26, he made the decision to run for a part-time judgeship in a local court. In 1965, after the South Coast courts merged, Judge Lodge became a full-time judge in the municipal court, although he still found time to continue teaching at UCSB. In 1998, Judge Lodge was moved to the Superior Court, where he sits now.

Judge Lodge holds the distinction of being the longest sitting trial judge in the State of California. Not only has he dedicated the last 44 years to presiding on the bench, but he has also spent the last 20 years teaching an extremely popular criminal justice course at UCSB. Since Judge Lodge has vowed never to retire, the residents of the central coast decided to throw him an “In-Lieu-of-Retirement Party” on the evening of Thursday, September 26.

The Santa Barbara community has benefited greatly from the many, many years of service Judge Lodge has dedicated. His wisdom and fairness has played a part in so many people’s lives and it is truly fitting that we have the opportunity to honor him today.

PAYING TRIBUTE TO: J. NICHOLAS MCGRATH
OF COLORADO
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 26, 2002

Mr. McINNIS. Mr. Speaker, it is with great sadness that I recognize the life and passing of J. Nicholas McGrath of Basalt, Colorado. Mr. McGrath was a very prominent and well-respected attorney not only in the State of Colorado but also throughout the entire nation. As his family mourns their loss, I would like to pay tribute to the life and accomplishments of Nicholas McGrath before this body of Congress and this nation.


Despite a demanding career, Mr. McGrath still found the time to become actively involved in his community. Mr. McGrath participated extensively in many Basalt recreational programs and was president of the Basalt soccer club. He was extremely dedicated to expanding many of Basalt’s youth programs throughout the community and is responsible for providing many kids with the opportunity to play organized sports. At his own children’s sporting events, he was always Nick and Molly’s biggest fan.

Mr. McGrath is in every sense of the word, a Basaltite. His deep-rooted love of its people, its place and its culture are very much a part of the Basalt way of life. His death is a loss not only to Basalt, but the entire State of Colorado. My sincere condolences go to his family, his friends, his clients, and his children Nicholas and Molly McGrath. He will be deeply missed, the memory of his kindness...
ON THE OCCASION OF THE SPECIAL JOINT SESSION OF CONGRESS IN NEW YORK CITY, NEW YORK

HON. MICHAEL R. McNULTY
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 26, 2002

Mr. McNULTY. Mr. Speaker, on Friday, September 6 of this year, a special Joint Session of the United States Congress convened in New York City to reflect on the terrorist attacks of September 11, 2001. This most rare and somber session served as a necessary reminder of the human loss and heroism that the City and State of New York, our nation, and our world experienced on that fateful day. I am proud and blessed—as an American, and as a New Yorker—to have been able to take part.

We met at Federal Hall, the very same site where the first Congress met over two centuries ago. We met just blocks from where the events of September 11, 2001. This most rare and somber session served as a necessary reminder of the human loss and heroism that the City and State of New York, our nation, and our world experienced on that fateful day. I am proud and blessed—as an American, and as a New Yorker—to have been able to take part.

We met at Federal Hall, the very same site where the first Congress met over two centuries ago. We met just blocks from where the World Trade Center towers once pierced the city’s majestic skyline. Therefore resorts to the line today, to allow us the privilege of living in the freest and most open democracy on the face of the earth. Our patriots fight for the cause of freedom, and we shall support them every step of the way.

The events of September 11, 2001, were basic violations of the fundamental right that life is—to lose it. I am proud that this Congress gathered on September 6, in the shadow of Ground Zero, to remember and honor both the victims and the heroes—and to remind the world that the forces of evil shall never prevail.

REFORM OF ENERGY WORKERS COMPENSATION ACT (REWCA)

HON. TED STRICKLAND
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 26, 2002

Mr. STRICKLAND. Mr. Speaker, today I am introducing a bill to reform the Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA).

The Department of Energy (DOE) has conceded that, over the 50 year history of making nuclear weapons, it consistently placed workers and their families at risk of harm to health and safety. In the fall of 1999, DOE admitted that it had placed these Cold War Veterans in harm’s way without their knowledge or consent and that compensation was due.

In the spring of 2000, the President’s National Economic Council issued a report that identified 14 DOE facilities where there was an excess rate of cancer which was attributable to radiation. This report also noted that state worker compensation systems were not well-suited for compensating occupational diseases due to a variety of hurdles, such as statutes of limitations. Also in the spring of 2000, the House and Senate introduced bipartisan legislation to establish a federal compensation program for these sick nuclear workers and their survivors. Congress held hearings in the House and Senate on legislation that would provide compensation to employees of DOE who were exposed to radiation, beryllium, silica and numerous other toxic substances used in making nuclear weapons.

The compromise which emerged from the conference committee in October 2000 created two separate programs: one for workers exposed to radiation, beryllium and silica which is administered by the Department of Labor, and a second for workers exposed to toxic substances and other hazardous materials which is administered, in part, by the Department of Energy. This second program, codified under Subtitle D, is the primary focus of the reform legislation today.

Under Subtitle D, the Department of Energy is required to use a Physician’s Panel to review claims related to exposure to toxic substances. This Panel determines whether an illness is work related and relies upon individual state worker compensation programs to make payments for wage loss and medical costs. However, this approach, by DOE’s own admission, will not work for these occupational illnesses. A majority of the claimants will not have a “willing payor” who will honor the findings of the Department of Energy Physician’s Panel. Congress intended to create a uniform, adequate and equitable federal compensation program for these workers who toiled in the nation’s nuclear weapons factories in service to our nation. It is simply unacceptable for the government to tell these workers that help is on the way, and then have them file with a program where potentially there is no one to pay as many as half the claims. This law needs to be fixed.

The introduction of REWCA, the Reform of Energy Workers Compensation Act, aims to fulfill Congress’ original objectives and ensure all of the nation’s nuclear workers who were made sick from their jobs in nuclear weapons factories through no fault of their own receive a measure of just compensation for their disabilities and illnesses.

PAYING TRIBUTE TO EDWARD R. HEATH SR.

HON. SCOTT McINNIS
OF COLORADO
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 26, 2002

Mr. McINNIS. Mr. Speaker, it is my privilege to recognize Mr. Edward R. Heath Sr. of Mechanic Falls, Maine for his dedication and commitment to the United States military and this nation. Mr. Heath, a disabled Vietnam Era Veteran, was recently elected National Commander of Disabled American Veterans. As we celebrate achievement, I would like to pay tribute to the achievements and contributions he has made to military veterans throughout the country.

Throughout his life, Mr. Heath has embodied the principles of courage, honor, and integrity that we, as Americans, have come to expect from the men and women in our nation’s military. Mr. Heath enlisted in the U.S. Army in 1954, where he served in many foreign theatres including France, Germany, and Korea. Mr. Heath also served at a variety of army posts in the United States, including a tour with the 1st Armored Division during the Cuban Missile Crisis. In 1967, Mr. Heath was seriously injured in a car accident with a civilian who toiled in the nation’s nuclear weapons factories in service to our nation. It is simply unacceptable for the government to tell these workers that help is on the way, and then have them file with a program where potentially there is no one to pay as many as half the claims. This law needs to be fixed.

The introduction of REWCA, the Reform of Energy Workers Compensation Act, aims to fulfill Congress’ original objectives and ensure all of the nation’s nuclear workers who were made sick from their jobs in nuclear weapons factories through no fault of their own receive a measure of just compensation for their disabilities and illnesses.

Although his injuries were a major challenge, Mr. Heath would not let his misfortune impede his future service to his country. Mr. Heath went to and graduated from the University of Southern Maine. He continued his education by earning a law degree at the New England School of Law in Boston, MA, in 1978. From there, he began working for the Board of Veteran’s appeals, which specializes in Veteran claims on issues such as radiation exposure and Post Traumatic Stress Disorder. In 1989, Mr. Heath began working for the Disabled American Veteran’s (DAV), representing veterans at the US Court of Appeals. In 2002, he was elected National Commander of the DAV at the Organization’s National Convention in Dallas.

Mr. Speaker, it is my distinct privilege to recognize Mr. Edward R. Heath before this Congress and this nation for the extraordinary service he has given to the United States military and to disabled veterans throughout the country. As a soldier he served his country with honor and courage; as a lawyer he served with integrity and benevolence. Congratulations on your new achievement and good luck in your future endeavors.
HON. FRANK PALLONE, JR.  
OF NEW JERSEY  
IN THE HOUSE OF REPRESENTATIVES  

Thursday, September 26, 2002

Mr. PALLONE. Mr. Speaker, I rise today as a member of the Native American Caucus to introduce the Native Act to Transform Imagery in Various Environments (NATIVE) Act. This bill would provide funding for the establishment of an incentive program for schools to eliminate the use of names and symbols that are offensive to Native American people.

Many elementary and secondary schools across the country use words and symbols representing their schools that are demeaning to Native Americans. Nationally, more than 1,200 schools inappropriately use such offensive names or nicknames, often these become mascots. In addition, these names or symbols are used at athletic games for mascot characters, chants and other antics.

While I believe the intentions of these school communities is not to disrespect or harm Native Americans, that is the end result of allowing these offensive terms to continue in their educational institutions.

Once this bill is signed into law, the Secretary of Education would be authorized to make grants to eligible schools to assist such schools to discontinue use of a derogatory or discriminatory name or term, or a depiction as to a new name, name, or nickname. Funding would be provided to schools to change their names and symbols on all equipment and apparel throughout the institution, including on team jerseys, signs, stationary, walls, fields and gymnasium floors. Schools participating in the program may also qualify for construction or renovation funds.

Given that the president’s No Child Left Behind education plan does not include construction and renovation funding (with the exception of immediate danger areas), this would be a major incentive for schools to replace their offensive names and logos. Because of the federal government's trust responsibility and obligations to tribal governments, tribally-controlled schools would be eligible for construction or renovation funds, regardless of whether or not they alter their names and symbols.

The legislation would also provide for the establishment of a Committee of American Indian Relations to conduct cultural proficiency trainings at schools participating in the program to further assist the school communities with understanding and changing their behavior. The committee would also assist the Secretary with reviewing proposals submitted by schools for eligibility determination and funding of grant purposes. The committee would be headed by a Director, selected by the Secretary in consultation with tribal governments. This Director would receive federal funding for five years. During the first two years of the program, some funding would be devoted to establishing the Committee, identifying schools interested in participating and then working with those schools to actually change the offensive names and symbols. Over the remaining three years, funding would be devoted to any necessary construction and renovation required at the school sites.

I have developed this legislation in consultation with representatives from the National Indian Education Association, the Indian Teacher and Educational Personnel Program, the Capital Area Indian Resource Center and the California Rural Indian Health Board and would like to thank these tribal organizations and their staff for their commitment to bringing this bill to fruition.

The idea for this legislation came from a similar bill proposed in the California state legislature. The California bill would have mandated that all schools in the state with offensive Native American names and symbols change their identifying features in order to continue receiving state funding. This bill failed to receive the votes necessary to become state law.

I believe that forcing educational institutions to adhere to a new procedure without preparing them for such a change can have negative consequences. Educating the school community about why such change is important, and gradually gaining their support can make the transition easier and oftentimes leads to positive results.

This is why I am introducing this bill that would not mandate schools change, but instead provide incentives and activities building awareness in school communities as to why these names and symbols are not appropriate in educational environments.

I urge my colleagues to support and vote in favor of the Native Act to Transform Imagery in Various Environments (NATIVE) Act.

CELEBRATING THE FIESTA OF SAN DIMAS, PATRON SAINT OF THE VILLAGE OF MALESSO  

HON. ROBERT A. UNDERWOOD  
OF GUAM  
IN THE HOUSE OF REPRESENTATIVES  

Thursday, September 26, 2002

Mr. UNDERWOOD. Mr. Speaker, I rise today to recognize the feast day of one of Guam’s oldest patron saints. This Sunday, September 29, 2002, the residents of Guam will celebrate the feast day of San Dimas, the patron saint of Maléso, which is the island’s southernmost village. For more than three centuries the San Dimas Catholic Church has stood as a center of faith and traditions for the community of Maléso. On the eve of the fiesta celebration, I would like to commemorate Father San Dimas Church. As a result, many others on the island have enjoyed the special traditions, particularly the San Dimas fiesta.

This year is especially gratifying since the church reopened its doors after four years of being closed to rebuild the church structure. Hundreds of church volunteers led by San Dimas’ Pastor, Pale Mike Irisostomo, devoted thousands of hours working on the church’s Finance Council, Demolition Crew, Worship Staff, Volunteer Council, Building Committee, Parish Council, Pastoral Planning Committee, Finance Committee, Solicitation Committee, Building Committee, Cemetery Committee, Confraternity of Christian Mothers, Angel Tree Project, Faith Formation or “This Is My Church”, Ministry of Liturgy, Sacristan, Eucharistic Ministers, Acolytes, Altar Servers, Music Ministry, Knights of Columbus, Maintenance and Landscaping, and Office Staff, to make the rebuilding and re dedication of San Dimas Church a great success.

The biggest and best celebration of the patron saint San Dimas, promises to be Maléso’s biggest and best celebration.

Hagatna, and began to make various mission journeys covering more than half the island. Late in 1672, Father Esquerra became concerned at the great distance they had to travel to get to the usual anchorage of the ships, which was the port of San Antonio de Umatag (Umat). He decided it would be good to have a church in the southern part of the island where the Padres could settle. Father Esquerra decided upon the village of Maléso, and built a church there under the patronage of San Dimas. The Padres frequently attended the construction of the church. Two years later in 1674, Father Esquerra was martyred. However, the legacy of the San Dimas Church still lives today.

Thirty-one pastors have served the people of San Dimas Parish for 350 years. The Padres include:


Nearly 80 percent of Guam’s residents are Roman Catholics. This identity has profoundly shaped many of the island’s culture and traditions. For more than three centuries, pastors and parishioners have given their time and skills with strong loyalty to the San Dimas Church. As a result, many others on the island have enjoyed the special traditions, particularly the San Dimas fiesta.

This year is especially gratifying since the church reopened its doors after four years of being closed to rebuild the church structure. Hundreds of church volunteers led by San Dimas’ Pastor, Pale Mike Irisostomo, devoted thousands of hours working on the church’s Finance Council, Demolition Crew, Worship Staff, Volunteer Council, Building Committee, Parish Council, Pastoral Planning Committee, Finance Committee, Solicitation Committee, Building Committee, Cemetery Committee, Confraternity of Christian Mothers, Angel Tree Project, Faith Formation or “This Is My Church”, Ministry of Liturgy, Sacristan, Eucharistic Ministers, Acolytes, Altar Servers, Music Ministry, Knights of Columbus, Maintenance and Landscaping, and Office Staff, to make the rebuilding and redecoration of San Dimas Church a great success.

The Padres worked hard in Hagatna, the capital city of Guam, preaching to Spanish soldiers and lay workers, while maintaining carefully the devoted congregations formed by Father San Vitores. They rebuilt the Hagatna church, which had been destroyed in the typhoon of 1671. Father Esquerra and the other Padres soon were not content to work only in
the many individuals who will prepare the food for the village feast, set up all of the palapas and tents, decorate the church and surrounding areas and the celebrants who will all help to ring in biggest event of Maleesso this year. BiBa San Dimas! BiBa Malesso! BiBa Guam!

IN RECOGNITION OF JOHN C. (JACK) MENG
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 2002

Mr. MENG of Wisconsin. Mr. Speaker, today before this House I’d like to recognize and honor Jack Meng, whose exceptional leadership and civic commitment have strengthened both Schreiber Foods, Inc. and Northeast Wisconsin for decades.

Jack’s dedicated service at Schreiber Foods has spanned decades. During that time, he demonstrated an unwavering commitment to quality, honesty and integrity. He helped Schreiber Foods become both the largest brand cheese company in the world, and a shining example of sound customer service.

As a member of various community boards, Jack has used his business expertise and extensive leadership experience to make lasting contributions to our area and its proud citizens. His lifelong commitment to service has been an inspiration to us all.

Mr. Speaker, it is an honor and pleasure to recognize today the extraordinary contributions of Jack Meng. On behalf of my constituents, we wish him all the best as he steps into retirement.

HONORING UNIVERSITY OF MICHIGAN-FLINT ALUMNI ANNIVERSARY CELEBRATION

HON. DALE E. KILDEE
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 2002

Mr. KILDEE. Mr. Speaker, I rise today to recognize an important event in the history of the University of Michigan-Flint. On October 25th, faculty, staff, alumni, and students of the University’s Physical Therapy Department will celebrate the 50th anniversary of its founding, which originated on the University of Michigan Ann Arbor campus, and the 20th anniversary of its relocation to the Flint campus.

Proclaimed a leadership in physical therapy at the University of Michigan commenced in 1952 within the Department of Physical Medicine and Rehabilitation, in the Medical School on the Ann Arbor campus. It was the first professional preparation program in physical therapy in the State of Michigan. Graduates received a Bachelor of Science degree from the College of Literature, Science and the Arts and a Certificate in Physical Therapy from the Medical School. In 1982-83, in response to multiple professional developments, the educational program was relocated to the Flint campus. The University in order to achieve budgetary, curricular, logistical and administrative enhancements not possible on the Ann Arbor campus, due to changing Medical School priorities and a period of academic retraction.

In keeping with its tradition of academic leadership, the program became the first program in the state to make the transition to the professional (entry-level) MPT (Master of Physical Therapy) as well as offer a post-professional MPT degree for practicing clinicians. The University will also be the first in the state to offer the Doctor of Physical Therapy (DPT) degree, with the first class graduating in December 2002. This doctoral degree will be the first doctoral degree offered at one of the University of Michigan regional campuses.

Mr. Speaker, for 50 years the University of Michigan-Flint’s Physical Therapy Department has prepared generalist physical therapy practitioners, many of whom have gone on to practice in specialty areas as well as teach in both academic and clinical settings, or who serve as managers and researchers within definitive areas of professional practice. Over 1700 graduates have served patient clients not only in the state of Michigan but nationally and internationally. Many have assumed leadership positions in health care delivery systems and academic institutions. The long tradition of preparing practitioners who are outstanding clinicians who practice in a humanistic way has made the program highly valued by client/patients and sought by employers. As a lifelong resident of Flint, I am exceptionally pleased with the accomplishments and advancements made at the university. It continues to serve as one of most valuable resources of my district. I ask my colleagues in the 107th Congress to please join me in congratulating the university, and the dedicated men and women that make up the Physical Therapy Department.

TRIBUTE TO THE COLORADO GENERAL ASSEMBLY

HON. BOB SCHAFER
OF COLORADO
IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 2002

Mr. SCHAFER. Mr. Speaker, I rise today to recognize the efforts of the Colorado General Assembly concerning federal assistance for crop and livestock producers due to drought devastation. Joint Resolution 02S 1005, passed by Colorado’s General Assembly, urges the U.S. Congress to adopt measures to allow producers of agricultural commodities to receive short-term assistance in coping with and responding to the drought conditions. I commend the work of the Colorado General Assembly for its strong efforts towards the betterment of the state and well being of the people of the great state of Colorado.

I hereby submit for the RECORD Colorado House Joint Resolution 02S–1005:

HOUSE JOINT RESOLUTION 02S–1005

By: Representativess; Coleman, Miller, Boyd, Dean, Groff, Grossman, Helley, Hodge, Jahn, Jameson, Lee, Mace, Marshall, Rasdalen, Romanoff, Sanchez, Stafford, and Vela.

Be It Resolved by the House of Representativess of the Sixty-third General Assembly of the State of Colorado, the Senate concurring herein: we, the members of the Colorado General Assembly, strongly urge the United States Congress:

(1) To examine and adopt measures to allow producers of agricultural commodities to receive short-term assistance in coping with and responding to the drought conditions, such as the following:

(a) Implementing tax code modifications that enable producers who are forced to sell livestock during periods of drought to receive additional time to reinvest the sale proceeds before having to pay capital gains tax on the earnings, thus allowing the producer to wait until the drought conditions have subsided before re-establishing to Colorado’s agricultural community, but also will have an overall effect on the economy of the entire state; and

(b) Providing crop and livestock producers with direct emergency assistance to be delivered through existing Farm Service Agency channels;

(2) To reexamine how drought relief assistance is provided and consider elevating the manner in which it is provided to place drought assistance on the same level of assistance that is provided to other natural disasters such as wildfires, hurricanes, and floods; and

(3) To examine the feasibility of prioritizing water allocations.
In addition, tribal governments which own these lands. American people of present and future generations have made available the one percent not already taken by mineral development. I believe that the federal government, in conjunction with the peoples of the region, should work together to protect these natural environments. Such efforts would provide these grasslands with the protection they need to regenerate themselves. In spite of this revitalization process, the plains region, a small portion are on tribal lands. I believe that the federal government lands. I believe that the federal government should have a greater role in managing federal grassland wilderness areas. Tribal governments administer hospitals, law enforcement and public safety agencies, research centers, childcare facilities, primary and secondary schools, colleges, court systems, environmental protection agencies and carry out numerous other governmental functions.

As a result of such tribal governmental administration activity, Indian tribes provide major contributions to the local, regional and national economy by providing both revenue and employment opportunities to both Indian and non-Indian people of America. Clearly, such governments can effectively assist the federal government in managing federal grassland wilderness areas.

Tribal colleges of this region would be headed by a Director, selected by the Secretary of the Interior. The Office would be headed by a Director, selected by the Secretary in consultation with tribal governments from the plains region.

I would like to thank all of the tribal government leaders who participated in the consultation sessions to design this bill. I would especially like to thank Ms. Charmaine White Face for her dedication and consistency in assisting in bringing this bill to fruition.

PARTICIPATING TERRITORY

INTRODUCING THE GREAT PLAINS HISTORIC GRASSLAND WILDERNESS AREA ACT

HON. FRANK PALLONE, JR.
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 26, 2002

Mr. PALLONE. Mr. Speaker, I rise today as a member of the Native American Caucus to introduce the Great Plains Historic Grassland Wilderness Area Act and urge my colleagues to co-sponsor and vote for this legislation. This bill will ensure that the last remaining pristine grasslands are protected.

While ninety-nine percent of the original grasslands have been altered from their natural state for corporate interests, such as mining coal, oil and gas, one percent remains in pristine form. I believe this one percent must be protected.

Though humans continue to transform and extract “resources” from the natural environment, our earth maintains the ability to revitalize itself. In spite of this revitalization process, numerous species and natural environments have been destroyed because of our decisions.

While most of the remaining pristine grasslands are located on federal lands throughout the plains region, a small portion are on tribal government lands. I believe that the federal government, in conjunction with tribal governments of this region, should work together to ensure the continuance of these unique environments. Such efforts would provide these areas of the earth the time to replenish through natural processes.

In 1964, Congress vowed, “to secure for the American people of present and future generations the benefits of an enduring source of wilderness.” I believe this promise has not been met and am introducing this legislation to reinforce Congress’ commitment to protect these lands.

Once this bill is signed into law, federal lands that contain pristine grasslands would be protected and enhanced for the benefit and enjoyment of present and future generations. In addition, tribal governments which own such pristine land, and have such land held in trust by the federal government, could choose to participate in the benefits and programs provided under this bill.

Participating tribal governments would receive financial and technical assistance for their complete participation in the processes to manage, protect, and restore these natural environments with the federal government. I believe that these governments should have a greater role in managing federal grassland wilderness areas.

The bill would establish a Great Plains Historic Grassland Wilderness Area Office under the Department of the Interior. The Office would be headed by a Director, selected by the Secretary in consultation with tribal governments from the plains region.

I would like to thank all of the tribal government leaders who participated in the consultation sessions to design this bill. I would especially like to thank Ms. Charmaine White Face for her dedication and consistency in assisting in bringing this bill to fruition.

COMMENDING THE UNITED FILIPINO STUDENT ASSOCIATION OF GUAM

HON. ROBERT A. UNDERWOOD
OF GUAM
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 26, 2002

Mr. UNDERWOOD. Mr. Speaker, student activism is strong and commonplace on my home island of Guam. Historically, Guam students have joined organizations to gain a sense of comradery and to seize upon an opportunity to work on issues relevant to their everyday experiences. Promoting the knowledge of the historical, political, social and economic conditions of Filipino people outside of the Philippines, the UFSA serves as a dependable resource and information source for issues affecting Filipino youth and community on Guam.

On September 30, 2002, this very prominent student organization will be swearing in its newly elected officers, marking another chapter in the rich history of the UFSA over the last two decades. The first UFSA on Guam was founded at the University of Guam in 1972, and after an eight year period of dormancy, the association was revived in 1993. The officers spearheading its renewed presence then were Patrick S. Luces, Mark Galang, Lelia Orden, Buena Fernandez, Analisa Retumap, Norman Analista, and Lawrence S. Luces. In 1998, Mark Galang, Mike Cabral, and Kendrick De Vera succeeded in integrating UOG UFSA with UFSA of George Washington High School, John F. Kennedy High School, and Simon Sanchez High School. This organizational merging proved to empower the membership base and rejuvenate their work. In 2001, Southern High UFSA was chartered and joined the overall UFSA organization. This year, expansion efforts continue with the Guam Community College (GCC). Filipino Students at GCC are currently in the process of establishing an UFSA organization in their school.

Through the years, UFSA has reached out island-wide and touched an entire community. The Filipino youth of Guam, who worked so diligently to build the UFSA today are to be commended for their leadership and example. The UFSA has strengthened the education of so many, supplementing their classroom experiences with valuable civic commitment. The organization has served as a medium through which students have demonstrated the highest levels of citizenship. I commend the UFSA for their work and encourage their newly elected leadership to carry this torch of success for the future. I thank the outgoing President, Patrick Quigutua, and congratulate the incoming President, Andrew T. Solidum. I also congratulate Diane Reyes, the first Vice President who will serve an additional term, and Riza Marquez, the second Vice President who will also serve another term. Finally, I thank Lea Beth Nadawao, their president for their service and dedication to the UFSA, I commend the UFSA for their work and encourage their newly elected leadership to carry this torch of success for the future. I thank the outgoing President, Patrick Quigutua, and congratulate the incoming President, Andrew T. Solidum. I also congratulate Diane Reyes, the first Vice President who will serve an additional term, and Riza Marquez, the second Vice President who will also serve another term. Finally, I thank Lea Beth Nadawao, their president for their service and dedication to the UFSA.

HONORING THE 167TH ANNIVERSARY OF ALL SAINTS EPISCOPAL CHURCH

HON. DALE E. KILDEE
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 26, 2002

Mr. KILDEE. Mr. Speaker, I ask the House of Representatives to join me in congratulating All Saints Church upon celebrating 165 years of ministry, fellowship and outreach in Pontiac, Michigan.

All Saints Episcopal Church was started in 1837 as a mission. Reverend Algeron Holister, of nearby St. John’s Parish in Troy, first organized the parish to serve the one thousand persons living in the Pontiac area at that time. Originally called Zion Church, its first liturgy was celebrated on September 24 with 16 persons receiving the Eucharist that Sunday morning. The parish moved quickly to build a
church. The original wooden structure, built on the corner of Williams and Pike Streets, was replaced with a stone church in 1854.

After struggling for years under several rectors, the parish experienced a transformation under the leadership of Reverend Lawrence Stevenson, who assumed the rector's position in 1881. Known for his generosity to persons in need, he was also noted for his ability to comfort the sick and mourning. His energy infused the parish and the congregation became a center in the community to assist the poor and suffering. Even after his stewardship on the parish, he says, his influence could still be felt. When the parish hall was added in 1927, it was named in his honor.

The congregation decided to rename the parish in 1904. Now known as All Saints Episcopal Church, the parish suffered a blow the next year. Fire destroyed part of the church. Undaunted, the parish cleared away the rubble, erected a temporary roof and continued to celebrate the Eucharist until a new building was finished in 1908. The parish continued its growth and in 1922 two hundred families made it their home. That year Reverend Bates Burt became the church's new pastor. He remained in that post for the next 25 years and guided All Saints Church in several important missions. Together with his son, Alfred, and the church organist, Whila Hutson, Reverend Burt composed several Christmas carols. They are now known as “Burt Carols” and sung in churches throughout the Anglican Communion. He was instrumental in the building of Stevens Hall and his vision shaped the use of that structure. He saw the parish hall as not only a meeting place for the congregation but of the community as a whole. His vision of social justice and interaction with all the citizens of Pontiac has guided the parish in the intervening years.

Through the Great Depression and World War II, All Saints Parish has been a beacon to those desperate to sustain body and soul. When the congregations of other denominations decided to leave the city of Pontiac during the period of the Fair Housing Covenant and mandatory school integration, All Saints Parish voted to remain in their home in the heart of the city. The parish members believed that God had placed the church in its location and they would be violating His mandate to desert the city in its time of crisis. With the advent of Reverend Katherine Waynick as rector in 1993, the people of All Saints Parish expanded their outreach and started the Bound Together program. Serving the children of Pontiac, it provides tutoring, social activities, arts and crafts and hot food to nourish both their physical and spiritual lives. Through the years All Saints Parish have been elevated to the episcopate, the Reverend Herbert Fox, the Reverend Invol Curtis and the Reverend Catherine Waynick. In 1997 the national Episcopal Church designated All Saints as a Jubilee Center. This honor was accorded to the parish to recognize its vibrant, ongoing partnership with the greater Pontiac community.

For 165 years All Saints Parish has been a dynamic force for the public good. At every time of social need or upheaval, the parishioners have resoundingly responded by living the gospel spoken every Sunday in the sanctuary. The inspiration for living by Christian ideals is repeated again and again in the lives of the clergy and congregation of this parish.

Mr. Speaker I ask the House of Representatives to rise with me and applaud the continued service of Reverend Catherine Waynick as rector of All Saints Parish.

THE DAY LIBERTY CRIED

HON. RICHARD H. BAKER
OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 2002

Mr. BAKER. Mr. Speaker, today I rise to honor Nicole Marie Totino, New Jersey’s newest Miss America. Nicole Marie Totino graduated from Bayonne’s Redvale High School in 1997 and was anointed Queen of Pioneer Days, and in 1999 was named Miss Bayonne. In honor of her historic past, Mrs. Sullivan grew up and has spent her life in southwestern Colorado after her grandparents relocated there in the 19th century. As Jefferson Davis’ great granddaughter, Mrs. Sullivan is part of a proud legacy that is still revered throughout the South for Davis’ leadership as President of the Confederacy during the Civil War. Davis was also an influential leader in the War with Mexico, and as the Secretary of War for the Franklin Pierce Administration.

In honor of her historic past, Mrs. Sullivan was anointed Queen of Pioneer Days, and has just recently traveled to the Mississippi Delta with 16 other family members for Davis’ annual birthday celebration. The festivities were held at the Beauvoir home and museum, and then a family reunion was prepared at Davis’ other home, both homes were owned by Davis after his former properties had been confiscated by Union soldiers after the Civil War.

Mr. Speaker, I am delighted to recognize Mrs. Lucinda Sullivan before this Congress and this nation for her participation in preserving our nation’s rich and enduring history. It is through the continued efforts of citizens like Mrs. Sullivan that keeps American history alive today and I commend her for her efforts.

PAYING TRIBUTE TO LUCINDA SULLIVAN

HON. SCOTT McINNIS
OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 2002

Mr. McINNIS. Mr. Speaker, it is my distinct privilege to recognize Mrs. Lucinda Sullivan of Redvale, Colorado. Mrs. Sullivan has recently been honored in the State of Mississippi as the oldest living relative of the Confederate President, Jefferson Davis.

Mrs. Sullivan grew up and has spent her life in southwestern Colorado after her grandparents relocated there in the 19th century. As Jefferson Davis’ great granddaughter, Mrs. Sullivan is part of a proud legacy that is still revered throughout the South for Davis’ leadership as President of the Confederacy during the Civil War. Davis was also an influential leader in the War with Mexico, and as the Secretary of War for the Franklin Pierce Administration.

In honor of her historic past, Mrs. Sullivan was anointed Queen of Pioneer Days, and has just recently traveled to the Mississippi Delta with 16 other family members for Davis’ annual birthday celebration. The festivities were held at the Beauvoir home and museum, and then a family reunion was prepared at Davis’ other home, both homes were owned by Davis after his former properties had been confiscated by Union soldiers after the Civil War.

Mr. Speaker, I am delighted to recognize Mrs. Lucinda Sullivan before this Congress and this nation for her participation in preserving our nation’s rich and enduring history. It is through the continued efforts of citizens like Mrs. Sullivan that keeps American history alive today and I commend her for her efforts.
INTRODUCING THE TRIBAL GOVERNMENT HOMELAND SECURITY COORDINATION AND INTEGRA TION ACT

HON. FRANK PALLONE, JR. OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 2002

Mr. PALLONE. Mr. Speaker, I rise today as a member of the Native American Caucus to introduce the Tribal Government Homeland Security Coordination and Integration Act and urge my colleagues to co-sponsor and vote for this legislation. This bill will help ensure that the United States is better prepared to prevent and respond to terrorist activities and other emergencies.

Once this bill is signed into law, federal, state, local and tribal governments within the United States will be fully integrated in a national homeland security strategy. Moreover, my bill will ensure that all levels of government are equipped to defend against bioterrorism and to handle any other public health or safety emergency that threatens our land or people. For the first time in the history of our country, every government in America will be positioned and united to assist in the singular effort of protecting what we have here on our shores.

Ever since President Bush stated in his State of the Union Address earlier this year that State and local governments should have access to federal homeland security funding, it has been my strong belief that tribal governments should participate in these programs and be included in the distribution of these funds.

However, since the president did not mandate the inclusion of tribal governments in homeland security and emergency preparedness programs, there has been confusion within the departments of the Federal Government as to whether or not Indian tribes should receive homeland security program or grant funds. Similar to State governments, tribal governments have citizens to serve and protect and their decisions often benefit the larger surrounding communities and states.

Tribal governments administer hospitals, law enforcement and public safety agencies, research centers, childcare facilities, primary and secondary schools, colleges, court systems, environmental protection agencies and carry out numerous other governmental functions. Tribal business interests include a full range of activities from agriculture to industrial production to business parks. As a result of such wide-ranging administration and commercial activity, Indian tribes provide major contributions to the local, regional and national economy by providing both revenue and employment opportunities to both Indian and non-Indian people of America.

During the first round of homeland security funding distribution, every state was allocated $5 million in federal funds to develop their homeland emergency preparedness plans. However, tribal governments struggled to develop their emergency preparedness plans with their existing resources.

It is vital to Congress and the Administration to ensure that the Federal Government and State, local and tribal governments participate in an integrated and coordinated effort to protect our people and lands. A failure to integrate and coordinate with tribal governments in the homeland security plan could leave many weak governmental links in America’s homeland security chain of protection. Since we are spending a great deal of time and resources developing a national homeland security strategic plan, it might as well serve to get it right the first time.

Therefore, I urge my colleagues to support the Tribal Government Homeland Security Coordination and Integration Act.

During a House Energy and Commerce Committee hearing in March, I asked Health and Human Services Secretary Tommy Thompson if tribal governments would have access to homeland security funds administered by his Department, and if so, by what means would the Secretary inform tribes of their eligibility? Secretary Thompson responded by stating that to the best of his knowledge, tribal governments would be eligible for such funding and that he would notify the tribal governments of their ability to access these funds. I hoped that by informing tribal governments of their ability to request these funds, this would encourage such governments to come forward and successfully receive the funds crucial to protecting their people and land and participate in the national strategy for homeland security.

Unfortunately, Secretary Thompson has failed to clarify the eligibility of tribal governments to participate in homeland security administrated by the Health and Human Services Department. In addition, Secretary Thompson did not adequately contact tribes about their needs or reach out to provide them with homeland security information. Instead, he responded to my request by sending a letter to Governors reminding each that they should not overlook the Secretary of tribal governments within their borders.

While I was disappointed that Secretary Thompson had not chosen to reach out to tribal governments prior to March, I believed that the lack of communication between the new Administration and the tribal governments stemmed from the President’s non-issuance of an Executive Order requiring the Federal Government to establish a consultation policy with tribal governments. Without such an order, I believed tribal governments would have continued to rely on federal programs and other information that could dramatically benefit their governments and citizens.

In an attempt to address this situation, I sent a letter to the President, which was co-signed by twelve of my colleagues, asking that he clarify his policy position regarding consultation with tribal governments and I urged him to offer an Executive Order. I am pleased that the administration responded to my letter by reaffirming the existing Executive Order on tribal consultation.

After 6 months of communications concerning the necessary role of tribal consultation and requesting that the President issue a directive for such interaction, I am pleased that the Bush Administration has clarified its policy. In a letter dated June 20, 2002, Senator Albert Gonzales, Counsel to the President, wrote:

Dear Congressman Pallone: On behalf of President Bush, thank you for the letter you and some of your colleagues sent on March 20, 2002, regarding the issuance of an Executive Order on consultation and coordination with Indian tribal governments.

As you know, President Clinton issued Executive Order 13175, entitled Consultation and Coordination with Indian Tribal Governments, on November 6, 2000. In early 2001, the Bush Administration reviewed Executive Order 13175 and found it to be consistent with the views of the Administration on tribal consultation and coordination. Currently, the Administration is reviewing the Executive Order to assure that the order is implemented. It is our hope that growing experience with tribal consultation and the emergence of agency policies and procedures will result in better federal government on issues of concern to tribal governments.

I applaud the administration for clarifying the role the federal departments will take in consulting with tribal governments on issues that affect them. Yet, I remain concerned about their record in implementing this policy. My bill will remedy the Administration’s failure to establish tribal participation in homeland security activities and provide that tribes are treated as states, as appropriate, but there are many other instances in which federal programs need further clarification with respect to the eligibility of Indian tribes.

I want to thank all of my colleagues in Congress who supported my letter to the President requesting clarification of his tribal consultation procedure. I want to thank Representatives BACA, BLUMENAUER, FILNER, INSLEE, JEFFERSON, LEE, MALONEY, MCCOLLUM, REYES, ROYBAL-ALLARD, STUPAK AND UDALL, for their support on this initiative.

During this 107th session of Congress, the president and Congress have worked closely to respond to the terrorist attacks on September 11, 2001, and the subsequent introduction of weapons of mass destruction into the United States postal system and congressional office buildings in Washington, D.C., the President and the Congress have worked closely to respond to the need to rebuild and strengthen the nation’s public health, national security and emergency response systems.

Current versions of Homeland Security Department legislation incorporate state and local governments, health officials and law enforcement entities. However, to make certain the United States is fully prepared to prevent and respond to terrorist activities on all fronts, I believe tribal governments must also be included.

Despite the government-to-government relationship between tribal governments and the United States, the United States has not honored its trust responsibility and failed to include and consult with tribal governments in homeland security planning. Moreover, there are no specific provisions for the BIA or the IHS to participate in homeland security programs and funding.

In an attempt to remedy these situations, I am introducing this bill to mandate the coordination and integration of tribal governments in the national homeland security strategy and to establish an Office of Tribal Government Homeland Security within the Department of...
Homeland Security. The bill will also designate specific provisions for the BIA and the IHS to participate in homeland security funding.

Throughout many areas of the United States, tribal, BIA and IHS facilities and services are the only sources available to provide emergency shelter services, disaster response, and law enforcement to tribal and surrounding non-tribal communities alike. Thus, enhancing the capacity of Tribes to plan, protect against and respond to bioterrorism or other public health or safety emergencies is vital to all Americans.

To illustrate the bill meets the needs and honors the rights of tribal governments, I have consulted with representatives from the National Indian Health Board (NIHB), National Congress of American Indians, California Rural Indian Health Board and tribal governments in designing its contents. I am pleased that we are moving forward together on this initiative. I would like to acknowledge Ms. Lenna Aoki of NIHB for lending her expertise in government relations and strategic planning in this legislative effort.

Summary of events

9/11/01, terrorists attack World Trade Center in New York City and shortly thereafter weapons grade anthrax is delivered into the United States postal system and congressional office buildings in Washington, D.C.

1/29/02, President Bush declares in his State of the Union Address that state governments should have access to federal homeland and anti-bioterrorism security funding. During his speech, the President fails to specify whether or not tribal governments are included in this homeland emergency preparedness plan, establishing great confusion within the departments of the federal government as to whether or not they have access to funds.

1/31/02, Health and Human Services Secretary Tommy Thompson writes a letter to all state governors requesting that, “State’s plans take full advantage of the great resources and health care delivery systems that Tribes and the IHS have to offer and that you involve them to the maximum degree possible in both your planning and implementation.”

5/13/02, Congressman Pallone sends “Dear Advocates of Indian Country” letter to tribal governments informing them of his effort to pressure the Bush Administration to make homeland security funds available to tribes.

6/19/02, Health and Human Services Secretary Tommy Thompson writes a letter to all state governors requesting that, “State’s plans take full advantage of the great resources and health care delivery systems that Tribes and the IHS have to offer and that you involve them to the maximum degree possible in both your planning and implementation.”

6/19/02, Alberto Gonzales, counsel to the President, responds to the letter sent by Congressman Pallone and the twelve colleagues regarding consultation with tribal governments.

Mr. Gonzales writes, “In early 2001, the Bush Administration reviewed the Executive Order and found it to be consistent with the views of the Administration on tribal consultation and coordination. Currently, the Administration is working to see that the Order is implemented.”

7/17/02, Congressman Pallone sends “Dear Advocates of Indian Country” letter to tribal governments, updating them on his decision to conduct a comprehensive review of the existing appropriations and authorization measures of the Anti-Terrorism Emergency spending bills; the president’s budget request for FY 03 related to this initiative, as well as the newly planned homeland security department budget to determine where tribal governments can access such funding.

7/25/03, Congressman Pallone sends “Dear Advocates of Indian Country” letter to tribal governments informing them of the Administration’s decision regarding the role the federal departments will take in consulting with tribal governments on all issues that affect them.

8/5/02, Congressman Pallone sends “Dear Advocates of Indian Country” letter to tribal governments updating them on the consultation meetings he has held with the National Indian Health Board regarding the proposed Homeland Security Department.

8/5/02, Health and Human Services Secretary Tommy Thompson writes a letter to Congressman Pallone informing him of the results of the Department of Health and Human Services’ conference with Indian tribes. The Department of Health and Human Services has made to ensure the inclusion of tribal leaders in bioterrorism and overall public health preparedness activities.

The Secretary states, “though we did not specifically include American Indian and Alaska native tribes in the initial letter sent to governors, the HRSA Bioterrorism Program cooperative agreement guidance dated February 15, 2002 recommended that tribal and IHS hospital take a leadership role in regional planning.

8/28/02, Congressman Pallone publishes a column in Indian Country Today regarding his decision to introduce a bill to ensure the coordination and integration of tribal governments in the national homeland security plan and to establish an Office of Tribal Government Homeland Security within the Department of Homeland Security. The bill, developed in consultation with tribal governments and their representative organizations, will also designate specific provisions for the BIA and the IHS to participate in homeland security funding.

9/26/03, Congressman Pallone introduces the Tribal Government Homeland Security Coordination and Integration Act.

Sikh Author and Scholar Gurjeet Singh Exposes Indian Tyranny

HON. CYNTHIA A. McKinney

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 30, 2002

Ms. McKinney. Mr. Speaker, recently a semana was held in New York on the oppression of minorities in Hindu nationalist India. One of the speakers was the Sikh scholar and author Gurjeet Singh, Professor of Sikhism. He is also the author of the book Chakravyuh: Web of Indian Secularism.

Professor Gurjeet Singh discussed the history of Sikh independence and the Sikh religion. He exposed the connivance of Sikh leaders of all parties with the Indian government. He discussed the efforts of the Hindu nationalists to absorb the Sikh religion.

The information he discussed underlies the need for the Sikhs in Punjab, Kashmir, and the Sikhs in Kashmir and elsewhere to work to achieve their freedom. Unfortunately, the Indian government has recently reaffirmed its commitment to the idea that India is a Hindu country and that Muslims and Sikhs are second class citizens.

Since the United States was formed to be the bastion of freedom, we owe it to the people there to do what we can to support their freedom efforts. We should declare our support for a free and fair plebiscite in Punjab and Kashmir, in primarily Christian Nagaland, and elsewhere in the subcontinent where people are seeking freedom and independence. The democratic way is the best way to resolve issues. Until all people in India enjoy the full civil rights of democratic citizens, until human rights are respected, India should not receive American aid or trade. This is the best way that America can help bring freedom to that troubled region.

Mr. Speaker, the Council of Khalistan recently publicly published a press release commending Professor Gurjeet Singh for his work for human
rights and his presentation at the New York panel. I would like to insert this press release into the Record at this time.

S. GURTEJ SINGH EXPOSES INDIAN TYRANNY
AT SEMINAR

WASHINGTON, D.C., May 16, 2002.—The Sikh Nation appreciates the contributions of S. Gurtej Singh that he spoke at a seminar in New York last week. He exposed the genocide of the Indian government and the betrayals and corruption of the Akali Dal leadership in his book, Chakravyuh. Welt of Indian Secularism, and in his speech he gave historical facts about the sovereign, independent state and the independence of the Sikh religion since its inception. He explained how the Hindu majority wants to assimilate the Sikh religion and establish a Hindu Rashtra. We recommend that everyone read his book.

“S. Gurtej Singh has done an excellent job of exposing the connivance of the Akali leaders, such as Badal, Tohra, and Mann, with the Indian government in its campaign of terror against the Sikh Nation,” said Dr. Gurmit Singh Aulakh, President of the Council of Khalistan, “He is to be saluted.” Dr. Aulakh said, “The Sikh Nation needs more good Sikhs like S. Gurtej Singh if it is ever to end the oppression.” The Council of Khalistan in its statement explains how the attack on Khalistan, the Sikh homeland that declared its independence from India on October 7, 1987. The Council of Khalistan leads the Sikh Nation’s struggle for independence.

“Gurtej Singh’s presentation was excellent and he made a detailed presentation of the abuses and oppression of the Sikh Nation,” Dr. Aulakh said. This time has come to throw out the conniving Sikh leadership of the Akalis and Congress and unite behind committed, pro-Sikh leaders who are committed.”

The Indian government has murdered over 250,000 Sikhs since 1984. Over 75,000 Kashmiri Muslims have been killed since 1998. More than 200,000 Christians have been killed since 1947, along with tens of thousands of Dalits, Tamils, Assamese, Bodos, Manipuris, and other minorities. Last month, police, stopped by as militant Hindus attacked Muslims in Gujarat. Over 5000 people died, according to the Indian newspaper The Hindu. The Indian government as much compensation to the families of Hindus who were killed as it paid to Muslims who were killed. The U.S. State Department reported in 1994 that the Indian government paid out over 41,000 cash bounties to police officers for killing Sikhs. Since Christmas 1998, a wave of violence against Christians has seen priests murdered, nuns being raped, churches being burned, Christian schools and prayer halls destroyed, and no one has been punished for these acts. Militant Hindu fundamentalists allied with the pro-Fascist RSS, the parent organization of the ruling BJP, burned missionary Graham Staines and his two sons to death.

“For the survival of the Sikh Nation, the time has come to launch a Shantmai Morcha (peaceful agitation) to liberate Khalistan from Indian occupation,” Dr. Aulakh said. “I call on the Sikh leadership in Punjab to begin a Shantmai Morcha immediately. If they will not, the Sikh Nation should rid itself of them and support leaders who will do so,” he said. “I also call on the United States government to support freedom for Khalistan and the other minority nations seeking self-determination from India.”

“Sikhs are a separate nation and ruled Punjab until 1849. No Sikh has signed the Indian constitution,” Dr. Aulakh said. “Sikhs are a sovereign, independent, monothestic religion which believes in the equality of the whole human race, including gender equality. Sikhs pray every day for the well being of all humanity. The Sikh Nation was established as sovereign. Guru gave political power to the Sikh Nation. (“In Sri Gurbaksh Ko Dera Parchhai.”). “Freedom and self-determination are the birthright of all peoples and nations. The people of South Asia must have self-determination now,” Dr. Aulakh said. “America is on the verge of disintegration,” he said. “Khalistan will be free by 2008.”

SEPTEMBER 11 ANNIVERSARY
HON. DAVID VITTER
OF LOUISIANA
IN THE HOUSE OF REPRESENTATIVES
Monday, September 30, 2002

Mr. VITTER. Mr. Speaker, on September 11, 2001 our people, our democracy, and our values were attacked in a cowardly and reprehensible way. I visited the Pentagon two days after the attacks, and the sheer devastation viewed in person was beyond the imagination.

When I made it back home to Louisiana, I hugged my wife and kids and could not help but think of the people who never returned home on September 11. That fateful day introduced us to hundreds of heroes. And it reintroduced us to the wonderful spirit of our nation.

I visited Ground Zero for the Commemorative Joint Meeting of Congress one year later and visited the Pentagon on the anniversary of the attacks. These sites—all along with the Pennsylvania crash site—stand as reminders of the devastation our country suffered, but they also remind us that America is not devastated.

We are unified in the knowledge that democracy and freedom will prevail. People across the country have, over the last year, demonstrated to the world that terrorism can never destroy our way of life. And I am proud of our country, proud of my fellow citizens for the patriotism, spirit, and strength they have shown over the last year.

It is a great honor to serve in Congress at this time, and I take very seriously my pledge to protect and defend the United States of America.

May God bless us all, and may He continue to bless our great nation.

PERSONAL EXPLANATION
HON. JIM McDERMOTT
OF WASHINGTON
IN THE HOUSE OF REPRESENTATIVES
Monday, September 30, 2002

Mr. McDERMOTT. Mr. Speaker, I missed some votes because I was traveling. I left for Iraq on Wednesday to get a better understanding of how a preemptive U.S. military strike against Iraq will affect the Iraqi people. Had I been able to, I would have voted:

“No” on H. Res. 552 (rollcall vote No. 416),

“No” on Approving the Journal (rollcall vote No. 417).

“Yes” on the Motion to Instruct Conferences on H.R. 3295 (rollcall vote No. 18).

“No” on H. Res. 553 (rollcall vote No. 419).

“No” on the motion to sustain H.R. 4600 with instructions (rollcall vote No. 420).

“No” on final passage of H.R. 4600 (rollcall vote No. 421).

“Yes” on H.R. 2215 (rollcall vote No. 422),

“Yes” on H. Res. 111 (rollcall vote No. 423).

INDIA CANNOT GOVERN WITHOUT THE PEOPLE’S CONSENT
HON. ADAM B. SCHIFF
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Monday, September 30, 2002

Mr. SCHIFF. Mr. Speaker, I rise today to recognize the work of Mr. Timothy Gregory in preserving a vital part of Southern California’s architectural heritage. Over the last few years, Mr. Gregory has been instrumental in bringing to light the architectural significance of the Janes Village area.

Mr. Gregory is locally known as “The Building Biographer,” and his knowledge has aided countless citizens in the community in appreciation of the architectural treasures that surround them every day. Through innumerable hours devoted to researching and informing the community about Janes Village and the vision of Elisha P. Janes, the noted local builder for whom the area is named, Mr. Gregory has almost single-handedly been responsible for the rediscovery of Mr. Janes’ Janesville building projects and their spectacular architecture.

The three hundred homes built between 1924 and 1926 are part of Mr. Janes’ vision to build a thousand homes in Altadena. Although he never met that mark, the hundreds of homes he did build still stand as a testament to the early years of development in the Los Angeles area. Originally billed as “Homes of Distinction in Scenic Altadena,” these homes are as unique and special today as the day they were built.

These homes stand as an enduring architectural monument—three hundred homes built on nine streets, of which two thirds can be directly attributed to the work of Mr. Janes. Their distinctive English Revival style marks some of the most remarkable architecture of the time.

Thanks to the efforts of Mr. Gregory, Janes Village has now established itself not only as a Heritage Area, but as a neighborhood and community with a rich historical past. I ask all Members of Congress to join me in applauding the work of Timothy Gregory in celebrating and preserving a piece of our incredible architectural history.
won't have any effect in terms of freeing the people, but merely change the facts of the oppressors. The letter noted that in the likely event of a war between India and Pakistan, it will be the Sikhs and the Kashmiris who will be the primary victims. He called on Sikhs not to fight for India. He reminded us that no Sikh representative ever signed India's constitution. How can India's constitution be binding on the Sikhs when they have never been a party to it?

Dr. Aulakh wrote that India is not one country and is a remnant of British colonialism. He wrote that its breakup is inevitable. On January 25, Indian Home Minister L.K. Advani admitted that when Kashmir leaves India, India will unravel. That is why India is so scared of the 17 freedom movements within its borders. There is clear sentiment for freedom within India's borders. Mr. Speaker. We must do what we can to help that cause along.

What can America do to help the cause of freedom in South Asia? For one thing, we can try to keep Pakistan and India from fighting. Unfortunately, there has already been firing across the Line of Control in Kashmir. We should use our diplomatic power to stop the fighting before it becomes all-out war. Both sides have nuclear weapons, Mr. Speaker, and the Pakistani government has been quite helpful in curbing the terrorist attacks by the LTTE, as India's military maneuvers forced them to divert troops to the Indian-Pakistani border.

We should stop our aid to India to help stop the atrocities against Sikhs, Christians, Kashmiri Muslims, dark-skinned Dalit "untouchables," and others. We should also publicly declare our support for self-determination for Khalistan, Kashmir, Nagaland, and all the minority nations and peoples seeking their freedom from India.

Mr. Speaker, the Council of Khalistan's open letter is very informative. I think my colleagues will be very well informed by reading it. Therefore, I would like to place it in the RECORD now.

COUNCIL OF KHALISTAN,

KHALSA JI: Wahe Guru Ji Ka Khalsa, Wahe Guru Ji Ki Fateh!

Happy New Year to you and your family and God bless you 2002 be the best year you have ever had.

At the dawn of a new year, freedom for Khalistan is closer than ever. India is showing its instability. The Indian government is so desperate that it was caught red-handed murdering Sikh girls in Kashmir. Just as it did in Chittagong, the regime is committing terrorist acts to try to set minority nations against one another in pursuit of India's ongoing drive for hegemony in South Asia. Indian soldiers have been caught red-handed trying to set fire to a Gurdwara and some Sikhs homes in Kashmir. Sikh and Muslim residents of the village overpowered the troops and stopped them from carrying out this atrocity. Now India has set up another terrorist incident that has cost the lives of at least three Sikh girls. India has massed large numbers of troops and warheads on the border. Unfortunately, the upcoming war will result in the deaths of many Sikhs, Kashmiris, and other minorities, according to the Indian government document. Mr. Speaker, I urge Sikhs not to support India. Punjab and Kashmir will be the main battlegrounds. Sikhs will be killed in the upcoming war as they have in every war in the past. It is Sikhs who will suffer the most, and that suffering would be made worse by shedding Sikh blood for the oppressors of the Sikh Nation. We do not have a choice of peace or war. The Sikh Nation has a right to choose peace, and that choice belongs to the people of Khalistan. To save Sikh lives, do not fight with the Hindu slavemasters. Instead, work to liberate our people from the oppression of Hindu India.

This is an ideal opportunity to begin a Shantmori Marcha and form a Khalas Raj Party to achieve independence for Khalistan and to liberate the other tenants of the government. This would strengthen the Sikh politicians from India's occupation. Take advantage of this opportunity. Fight to free Khalistan. Remember the words of former Akali leader Prof. Darshan Singh: "If a Sikh is not Khalistan, he is not a Sikh." Self-determination is the right of all people and nations. India is not one nation. It has 18 official languages. The Sikh Nation's sentiment for Khalistan is clear. Pro-Khalistan handbills were handed out at the Golden Temple on June 7 during the commemoration of Galughara Divas and Sant Bhindranwale's martyrdom. Ajmer Singh Lokahwal, the head of the B.K. Union, has called for self-determination for the Sikhs. The flame of freedom burns bright in the hearts of the Sikhs. India wants to wipe out minority nations so that they cannot ask for their freedom. To achieve that objective, the Indian government has passed laws since 1984, over 200,000 Christians in Nagaland since 1947, more than 75,000 Kashmiri Muslims since 1988, and tens of thousands of Dalits (dark-skinned "Untouchables," the aboriginal people of South Asia), Tamils, Bodos, Assamese, Manipuris, and others.

The Deccan Chronicle reported that the Indian government attacked Parliament, which killed 13 people, in advance and did nothing. The Indian army carried out the attack to provide a pretext for an attack on Pakistan. It happened to use the killings of young Sikh girls to get Sikhs to fight against Kashmiris. India has a long record of terrorism. In November 1994, the Indian newspaper Hitavada reported that the Indian government paid the late governor of Punjab, Suresh Nath, approximately 32 crores of rupees to organize and support covert state terrorism in Punjab, Khalistan, and in Kashmir. The book Soft Target, written by two very respected journalists from the Toronto Globe and Mail, conclusively establishes that the Indian government blew up its own airplanes, Stinsons, shortly after September 29, 1989, in order to有一点点. According to India Today, the Indian government created the Liberation Tigers of Tamil Elam (LTTE) and put up LTTE leaders in New Delhi's finest hotel. According to journalist Justin Raimondo of www.antiwar.com, George Fernandes, now the Defense Minister, even raised funds for the LTTE. The LTTE were created to stoop on Pakistan and Kashmir. It hopes to use the killings of young Sikh girls to get Sikhs to fight against Kashmiris. To save the people of the Punjab, do not fight against India. Let the Indian government and are under their control. Do not trust them. Remember, India promised during the last election campaign that he would release Sikh political prisoners, punish guilty police officials who committed atrocities against the Sikhs, and from a commission to investigate atrocities committed against the Sikhs since 1984.

In 1947, when India was divided, the cunning and deceitful Hindu leadership promised that Sikhs would have the glow of freedom in Punjab and that no law affecting Sikh rights would be passed without Sikh consent. As soon as the transfer of power had occurred and India was free, those promises were broken. Instead, India has attempted to wipe out the Sikh people, the Sikh Nation, and the Sikh religion. The Sikh Nation must regain its sovereignty to survive. India has over 80 political parties and is now a multiparty democracy. It is the responsibility of the people of the United Kingdom and the United States to make sure that institutions of higher education be accredited in order to be eligible for federal funds. The system of accreditation of colleges and universities that has developed in the United States does not serve its avowed purpose of ensuring that institutions of higher education have good academic programs and standards, and it fails to provide hardly any benefit at all to our higher education system. Additionally, more effective and least costly mechanisms are already in place to protect states from the harm that could result from receiving federal funds until the Department of Education certifies its financial and administrative capacity.
Accreditation these days has little to do with academic rigor or educational outcomes; rather, it serves only to show that a school has the right set of inputs, and virtually every college and university in the nation is able to comply with these standards. Because federal law makes eligibility to receive federal student loan funds conditional upon retaining accredited status from an accrediting association recognized by the Department of Education, schools have a rather large incentive to maintain their accreditation status. This places an enormous amount of influence in the hands of the accreditors, who sometimes force schools to reallocate resources or even adopt policies at odds with a school’s individual mission in order to comply with accreditation requirements and recommendations.

As we continue to pursue policies of accountability for our education institutions and strive to do our part in making higher education affordable for more Americans, we should examine ways that the accreditation process can be changed to play a more useful role—one that provides meaningful information about how we told our students and parents. I believe my legislation is the necessary first step to achieve this goal.

RESTORING BUDGET DISCIPLINES
HON. JOHN M. SPRATT, JR.,
OF SOUTH CAROLINA
IN THE HOUSE OF REPRESENTATIVES
Monday, September 30, 2002

Mr. SPRATT. Mr. Speaker, the end of September marks not only the end of fiscal year 2002, but also the expiration date for crucial mechanisms of budget discipline. I arise today to inform my colleagues that I have introduced the Restoring Budget Disciplines Act of 2002, a bill designed to extend budget enforcement mechanisms and get us back on the path of balanced budgets. I invite all members, from both sides of the aisle, to co-sponsor this legislation.

The 1990s were a decade of great fiscal progress, as we converted chronic deficits into hard-won surpluses. There is widespread agreement that the discretionary spending caps and the pay-as-you-go (PAYGO) rules— which were originally established in 1990 and which expire today—played a critical role in achieving this progress. Indeed, in his recent appearance before the House Budget Committee, Federal Reserve Chairman Alan Greenspan testified that the spending caps and PAYGO rules have been effective, and noted that “[f]ailing to preserve them would be a grave mistake.”

The bill I have introduced extends the PAYGO rules through fiscal year 2007. As you know, the PAYGO rules require that the cost of all mandatory spending increases and all tax cuts enacted during a session be fully offset. If this condition is not met and the net effect of all tax legislation and mandatory spending legislation enacted during a session reduces the surpluses or increases the deficit, then the rules provide for a sequestration of resources by the Office of Management and Budget.

The bill also takes important steps toward extending the discretionary spending caps. The precise levels at which these caps should be extended can emerge only from bipartisan negotiations. But this bill puts the Congress on record as supporting a renewal of the caps, and it provides for the extension of key provisions of the Budget Act pertaining to the caps once such levels are set.

The fiscal progress of the last decade was achieved largely as a result of budget agreements between the White House and Congress. Now is the time for bipartisan action to renew the budget enforcement mechanisms that were created and extended in those landmark agreements.

TRIBUTE TO COL. AND MRS. DOUGLAS RAABERG
HON. IKE SKELTON
OF MISSOURI
IN THE HOUSE OF REPRESENTATIVES
Monday, September 30, 2002

Mr. SKELTON. Mr. Speaker, it has come to my attention that Claudia and Douglas Raaberg have received the 2002 Gen. and Mrs. Jerome F. O’Malley Award. The Raabergs have demonstrated a strong commitment and dedication to the United States Air Force.

The Gen. and Mrs. Jerome F. O’Malley Award recognizes the wing commander and spouse whose contributions to their wing, Air Force and local community best exemplify the highest ideals and positive leadership of a military couple in a key Air Force position. The Raabergs received this award for their efforts while stationed at Vance Air Force Base, Oklahoma.

As commander of the 71st Flying Training Wing, Col. Raaberg secured $11.5 million and 11 acres of land to build 230 new housing units, the first for the base in 60 years. His emphasis on dormitory improvements resulted in new furniture, carpet, microwaves and free Internet access for assigned airmen.

Claudia oversaw the Vance Spouses Club “compassion coalition,” an initiative to invite spouse clubs across the Department of Defense to contribute to the assistance program for survivors of the September 11 terrorist attacks. She was also an active participant in “Christmas in April,” mustering volunteers and $20,000 to rebuild and repair 10 homes in a day for local disabled and elderly residents.

Mr. Speaker, Claudia and Douglas Raaberg have distinguished themselves as community leaders in the United States Air Force. Their service to our nation is invaluable and I am sure that my colleagues will join me in wishing the Raaberg family all the best.

GUJARAT VIOLENCE: A POGROM AGAINST MUSLIMS, NEWS REPORT SAYS
HON. CYNTHIA A. MCKINNEY
OF GEORGIA
IN THE HOUSE OF REPRESENTATIVES
Monday, September 30, 2002

Ms. MCKINNEY. Mr. Speaker, on June 4, an interesting article appeared at Islam Online, an Internet news site. It said that the People’s Union for Democratic Rights (PUDR), one of India’s premiere human rights organizations, said in its report on the violence in Gujarat, “The whole intent of the pogrom has been to reduce Muslims to second class citizens.”

The PUDR is a well-known independent human rights organization in India monitoring human rights for the past 20 years. It is the only organization devoted to the human rights of Muslims and weaker sections of society.

The PUDR report said the cause of the anti-Muslim carnage was planned well before the Godhra train tragedy. It says that the hate propaganda which had been carefully cultivated for over many years.

The report said that the anti-Muslim carnage was planned well before the Godhra train tragedy. It says that the hate propaganda increased in the six months prior to February 2002. The PUDR report says that the VHP (World Hindu Council) and its youth wing, the Bajrang Dal, organized trishul (tridents) distribution ceremonies in villages with Muslim populations. Speeches were made abusing and threatening Muslims during these ceremonies.

The report gives the instance of Pandarwada village where one of the worst massacres and sexual abuse cases took place. It says that the attack was held in this village about a fortnight before the attack.

The PUDR report provides detailed lists of people named as organizers and attackers.

Many of these are functionalities of the ruling party, BJP, the VHP and the Bajrang Dal.
The report gives a list of victims in some of the mass killings, which establishes that their numbers were higher than the ones the government admits.

The VHP has accused the state government of abetting the anti-Muslim pogrom. “The fact that the Gujarat government supported the bandh (general strike) of February 28 and March 1 despite its experience of large-scale violence against Muslims after a similar bandh in 2000, is evidence of its complicity in the violence right from the start,” it said.

The report also accuses the judiciary of not performing its duty. It illustrates as to how the concept of justice in the state is corrupted in the denial of justice to the riot victims. It corroborates the widely-reported fact that the police make a mockery of the investigative process. That and even courts have shown reluctance to do their duty.

The PUDR team visited 21 relief camps and 75 villages and met with representatives of government officials, members of traders’ associations, the VHP, the Jamait-e-Ulema-e-Hind and NGOs.

It has demanded the Narendra Modi government in Gujarat be dismissed and asked for an independent probe by the Central Bureau of Investigation into major incidents of communal violence, and expressed doubts over the Modi government’s intentions to take action against the perpetrators of riots.

HONORING THE ONE HUNDREDTH ANNIVERSARY OF THE MCLERNAN COUNTY COURTHOUSE

HON. CHET EDWARDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 30, 2002

Mr. EDWARDS. Mr. Speaker, the citizens of McLennan County, Texas are celebrating today, September 26, 2002, the 100th Anniversary of the McLennan County Courthouse, located in my hometown of Waco.

On April 28, 1900, at the turn of the last century, the needs of a growing Central Texas population demanded a new courthouse and jail. To pay for a structure, bonds were approved by the voters, and construction of the Courthouse began with the purchase of land on the corner of North 5th and Washington St. In December 1900, a contract for construction of the Courthouse was awarded, and in June 1901, the cornerstone was laid. Less than a year later, in 1902, the project was completed.

Today, the McLennan County Courthouse is the Texas Historical Landmark and is listed on the National Register of Historic Places. With its classical columns and Renaissance Revival design, it is widely recognized as one of the most beautiful public buildings still in use. Recent additions to the Courthouse include a series of paintings celebrating the rich history of Waco and McLennan County.

A green building stands Themis, the Greek personification of Justice, Justitia, her Roman counterpart, and Liberty, the torchbearer, representing the importance of justice and the law to the citizens of McLennan County for the past hundred years. Although much has changed in that hundred years, the McLennan County Courthouse continues to provide integral services to the community, and stands as an important monument to the long tradition of the rule of law in Central Texas.

Mr. Speaker, I ask the Members of the House of Representatives to join me in celebrating, with the City of Waco, Texas and its surrounding communities, the 100th Anniversary of the McLennan County Courthouse.

CONGRESS MUST NOT UPSET THE DELICATE ECOLOGICAL BALANCE OF THE ST. LAWRENCE RIVER

HON. JOHN M. McHUGH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 30, 2002

Mr. McHUGH. Mr. Speaker, for all the aspects of natural beauty that grace the North Country, few equal the splendor of the St. Lawrence River. From the wide expanse of its Gulf to the grandeur of the Thousand Islands, the St. Lawrence River is truly a wonder to behold.

For those of us who call this special region home, the St. Lawrence has long been a vital source of commercial and recreational activity. From its waters and its fragile environs, many thousands earn their living and renew their lives. Simply put, our welfare in tangible and vital ways is inextricably linked and dependent upon the vitality of the St. Lawrence.

It is, therefore, both understandable and logical that so many of us have viewed with great skepticism recent initiatives that seek to measure the potential impact of conducting a massive construction and dredging project designed to significantly expand the existing shipping locks and channel depths to accommodate Seaway access to a larger class of freight vessels. Their concern has focused on the unavoidable scope of such an undertaking and the disruptive effects that would result upon a delicately balanced ecosystem that even today is severely stressed by the Sistling Seaway traffic.

As someone who has been granted the honor of representing the entire New York State span of the St. Lawrence, I have spent much time in recent months considering the views of both those who doubt and those who embrace the proposed project. Clearly, the Seaway serves a vital purpose both to this region and to others throughout the Great Lakes that utilize the shipping it accommodates. Just as evident is the need to re-formula this vital system’s operations to ensure its highest utilization into the future. Indeed, the observation that the proposal in question is no more than a study designed to identify the existence and scope of any resulting problem is not without merit.

In the final analysis, however, my foremost responsibility is to assume those positions that represent the greater interests of those I represent. In my opinion, no matter what merits any study may offer, the inescapable fact remains that the perils of such a project, if initiated, would far outweigh any benefits that may result to our region. The viability of our vital tourism industry, the generation of economically stimulating hydropower, and the untold enjoyment that the St. Lawrence provides deserves less from the shipping that the river supports than the delicate environment it nurtures. As past studies have invariably found, the efforts to expand on a project in question would unavoidably and unilaterally upset the delicate ecological balance of the St. Lawrence River and all that prospers from it.

Given the great importance of this issue to our region, I feel compelled to declare my opposition to the proposed study and the requested funding to advance it. I fully recognize the likely reality that my views may be shared by few in the House of Representatives. While the area I represent affords me the distinction of being the only Member to have the St. Lawrence River shores within their district, it also means that many others hail from areas that stand to realize greater benefits any expansion of the existing systems might afford. The fact that both the Energy and Water Development Subcommittees and the full House Appropriations Committee have provided $2 million to advance this study attest to the support this initiative has gained thus far. Nevertheless, I have no intention of abandoning the higher interests of my district because the odds may be long.

I have begun the preparation of an amendment that will seek to remove the $2 million in study funding currently contained in the FY03 House Appropriations bill should this legislation be advanced. I will submit that amendment to the Rules Committee stating that it be approved for consideration if and when the full bill is brought to the House Floor for a vote. In this way, I hope to convey to other Members the peril that such an initiative holds and, hopefully, gain the support of those who recognize the need to stand on the side of preserving a resource that is so critically important to so many.

S. 1105 THE GRAND TETON NATIONAL PARKLAND EXCHANGE ACT

HON. DARLENE HOOLEY

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Monday, September 30, 2002

Ms. HOOLEY of Oregon. Mr. Speaker, I rise today in support of the Grand Teton National Park Land Exchange Act (S. 1105) and specifically its amended version that includes legislation that I introduced named the McLoughlin House Preservation Act (H.R. 3434).

Standing six feet four inches, John McLoughlin cast a giant of a shadow on the early development of the Oregon frontier. For twenty-one years his powerful voice was the only influence of law and order over an empire two and a half times the size of Texas. He had absolute control, and he maintained it peacefully and profitably with a balanced sense of justice. With an overwhelming sense of compassion and generosity beyond reproach, it's of little wonder that he was regarded by Native Americans as "The Great White Eagle." John McLoughlin, did indeed, walk taller and cast the greatest shadow that ever fell so humbly on the changing face of Oregon.

McLoughlin was born in 1784 outside of Quebec, Canada. When McLoughlin was only 14 years old, he began an apprenticeship with a doctor and in 1803, at the youthful age of 19, was granted his license to practice surgery and pharmacy. Shortly thereafter Dr. McLoughlin obtained an appointment as medical officer for the North West Company, fierce competitor of the Hudson's Bay Company in the fur trade. McLoughlin continued his employment and partnership with the North West
Company until 1821, at which point it was absorbed by the Hudson’s Bay Company in a merger.

In 1824, McLoughlin arrived at Fort George, now called Astoria, Oregon near the mouth of the Columbia River, to further establish an administrative and supply headquarters for the ever expanding Hudson’s Bay Company. In part, his duties were to create a mercantile arm of the British government, to monopolize the fur trade business, and maintain peace among the numerous tribes of Indians. Finding the facility at Astoria to be grossly rundown, unfertile and too far from inland trade facilities, in 1825 McLoughlin moved the northwest headquarters to a more favorable location on the northern side of the Columbia. He built the new site at Belle Vue Point in what is now Washington State and named it, Fort Vancouver.

The fort was nearly 750 feet long and 450 feet wide with a stockade about 20 feet high. There were about 40 buildings inside the fort. The fort housed a school, a library, pharmacy, power house, chapel, officers, warehouse, blacksmith shop and the largest manufacturing facility west of the Rocky Mountains. Fully contained, behind the fort were fields of grains, an orchard and a vegetable garden. The Indians, with whom Dr. McLoughlin maintained a very good relationship, could come inside the stockade and would conduct their trading through a porthole in the door. In 1829, a ship arrived from Boston bringing with it a horrible fever which broke out among them. Dr. McLoughlin spent much of his own time tending to the ills which broke out among them. Dr. McLoughlin was so pathetic to the plight of the settlers and offered out provisions, his kindly heart extended them credit, fed and clothed them, cared for the sick, and supplied them with seed for farming. His personal decision to provide supplies and support to the American settlers coming over the Oregon Trail, contrary to his orders from the Hudson’s Bay Company Governor, proved to be critical to the peaceful settlement of the territory in favor of U.S. claims. In 1845, no longer able to stomach company policy toward American settlers, Dr. McLoughlin resigned his position with the Hudson’s Bay Company. After his resignation, he purchased Hudson’s Bay Company’s land claim at Willamette Falls in Oregon City, and he and his family moved into his newly-built house (The McLoughlin House) in 1846. McLoughlin remained a public figure during his retirement and became a U.S. citizen in 1849. He donated land for a jail and female seminary, and in 1851 he was elected mayor of Oregon City. He died in his home only six short years later.

In 1941, the McLoughlin House was designated a National Historic Site, the first one in the state of Oregon. In 1957, Dr. John McLoughlin was named “Father of Oregon” by the Oregon State Legislature. As you can see, Fort Vancouver and the McLoughlin House National Historic Site have a long and storied history together. The intent of this legislation is to see that history continued by expanding the boundaries of Fort Vancouver to include the McLoughlin House National Historic Site.

Currently the McLoughlin House National Historic Site is maintained and managed by the non-profit McLoughlin Memorial Association. When the McLoughlin House faced demolition in 1909, the Memorial Association was formed and money was raised to move the house to a public park atop the bluff. McLoughlin’s home opened as a museum in 1910. For almost 100 years, the association has done admirable work to preserve and maintain this historic treasure so thousands of people can continue to tour the site annually. However, over the past several years, the association has been unable to raise the funds required to provide the needed maintenance and upkeep of the property that is now in jeopardy of falling into disrepair.

The McLoughlin House National Historic Site Act would do what I believe should have occurred over 60 years ago and that is include these properties as part of the National Park System to be managed by the National Park Service. Again, it is my belief that this should be done not by creating a new unit of the National Park System, but rather by simply including the McLoughlin House into the boundaries of Fort Vancouver National Historic Site which is already administered as part of the National Park System. I believe that including the McLoughlin House into the boundaries of Fort Vancouver is the only way to preserve in perpetuity the cultural, educational, and historical benefits of this historic site for future generations.

In closing I would like to convey my sincere appreciation to Chairman HANSEN, Ranking member RAHALL, and Chairman RADANOVICH for so generously agreeing to work with me on this bill and helping to move it forward. I would also like to extend my gratitude to Luke John- son and David Watkins of the Resources Committee staff for their tireless efforts on behal- f of this bill. Thank you to John Salisbury and the McLoughlin Memorial Association for all your hard work to preserve this Oregon treasure. And lastly I’d like to thank Tracy Fortmann for her advocacy on behalf of the McLoughlin House over the years. She’s done wonderful work and we are extremely lucky to have her at Fort Vancouver. I urge my colleagues to support this legisla- tion today.

INDIANS BOAST OF SUCCESSFUL INTERVENTION IN U.S. ELECTION

HON. CYNTHIA A. MCKINNEY OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 30, 2002

Ms. MCKINNEY. Mr. Speaker, as you know, I recently suffered a setback in my bid for re-election. I am beginning to get over the disappointment that I will no longer be able to serve the people of Georgia in the next Con- gress. I will miss serving.

However, there were some alarming things about the campaign to defeat me that I think my colleagues and I would do well to look out for. I am not talking about the Republicans who crossed over to vote for my opponent, but the heavy involvement of Indians in the pri- mary. I am one of the Members of Congress who has tried to get out the truth about South Asia, and I am proud to report this year, I was one of 42 Members of Congress who wrote to President Bush to urge the release of Sikh and other political prisoners in India.

Apparently, this irritated the Indians because the newspaper article I am inserting in the RECORD along with this statement shows that they admitted that they invested heavily in the effort to defeat me. To my colleagues of both parties who have also been involved in the ef- fort to expose India’s brutal record, I say: We take note and credit Indian activities.

India has a record of illegal interference in U.S. elections. Former Ambassador S.S. Ray publicly urged the reelection of former Senator Larry Pressler in opposition to now Senator ROBERT TORRICELLI. An Indian American, with the help of a law firm representing the India government, successfully fun- neled money from the Indian Embassy to Congres- sional candidates, according to the Balti- more Sun. Most of the candidates were of my party, people I am proud to have had as my colleagues during my service in Congress. But it is still illegal and wrong for India to funnel Embassy money to these Members’ campaigns.

Now I have become the latest political of- ficeholder in India’s cross hairs. I won’t be the last unless their activities are exposed. Mr. Speaker, whether I am in office or not, I don’t intend to let a foreign power determine the re- sults of American elections if I can help it. Mr. Speaker, I would like to insert the article showing Indian involvement in my primary into the RECORD to help expose their activities.

[From The Times of India, Aug. 21, 2002]

INDIAN-AMERICANS HELP UNSEAT US LAWMAKER

(From Chidayand Rajghatta)

WASHINGTON.—The headlines credit the Jewish lobby for the surprise primary victory of lawmaker Cynthia McKinney in the Congressional pri-

aries on Tuesday. But a neophyte Indian- American activists group, which co-wrote the script for this unusual Georgia election that attracted nationwide attention, is happy with just the footnote that recorded their role.

They like to do quietly. They are not as political or as established as the Jewish lobby.

Congresswoman McKinney outraged a lot of people with some bizarre remarks. Among her more provocative comments was her theory that President Bush purposely ignored warnings about 9/11 to help the U.S. arms in- dustry. The comment angered not just the Jewish groups, but regular Americans as well.

The African American incumbents was not shy of expressing her opinion on the sub- continent either—mostly ill-informed re- peats made at the behest of the Pakistan and Khalistani lobby, according to Indian- Americans.

A sample: The Indian government is re- sponsible for terrorism against its own peo- ple. I collaborated with the Indians in Kashmir and the blowing up of a passenger airliner.
Community leaders said she recorded that kind of “unsubstantiated nonsense, usually peddled by disgruntled and discredited conspiracy theorists,” in the Congressional Record.

But it was when she began talking about the imminent breakup of India because of its “17 different separatist movements” that the Indians of Georgia lost it for her and banded together.

One prominent activist sent out an e-mail to 3600 Indian-Americans in the area reporting her remarks (under the subject line—“Balkanisation of India—advocated by Rep. Cynthia McKinney”) and urging them to work for her opponent, a local judge named Denise Majette.

Led by a prominent dotcommer in the area, they were soon holding fund-raisers for Majette, who like McKinney is also African-American. They chipped in with $20,000, although much larger sums came in later from Middle East groups—the Jews backing Majette and Arabs and Muslims supporting McKinney. Indian-Americans contributed in other ways too. Several volunteers worked full weeks for Majette’s campaign. She was invited as the chief guest for an Indian-American beauty pageant. A motel owner turned his electronic billboard next to the main highway into her campaign sign.

It was much after the Indian-American effort began that the Jewish lobby rolled into town. But the two sides joined hands for a phono-thon and pooled other resources for the campaign.

When the results came in on Tuesday, Majette had polled 58 per cent to McKinney’s 42 per cent. The Indian bush telegraph—e-mail—was buzzing.

‘Money is important. But volunteer and other efforts are equally important. Even more important is that we need to be on the radar screen of the candidate we are supporting. Ms. Denise Majette hopefully knows that we made a difference in her bid. Please keep in communication with her to further the relationship between IA (Indian Americans) and her,” one prominent activist wrote. “The good news is that we offered our support before the poll numbers and Jewish money transpired. Thus, we got noticed,” another group leader responded.

In keeping with the low-profile effort, none of them were eager to be identified.

The Indian embassy also quietly celebrated McKinney’s loss, although, sticking to the principle of non-interference in local elections, it declined any comment. The embassy has been accused in the past of being a little too interested in the Congressional races.

Democrat Majette will now go up against the winner of the Republican primary for a seat in the Congress in the main elections due in November. But for now, Indians and Indian-Americans can breathe easy that they do not have to hear Cynthia McKinney’s conspiracy theories in Congress.
SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, October 1, 2002 may be found in the Daily Digest of today’s RECORD.

MEETINGS SCHEDULED

OCTOBER 2

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings to examine airlines viability in the current economic climate.                            SD-253
10 a.m.
Judiciary
To hold hearings to examine protecting children from child pornography.                            SD-226
Appropritions
Treasury and General Government Subcommittee
To hold hearings to examine the appropriateness of U.S. companies moving their headquarters to offshore tax havens. SD-192
10:30 a.m.
Finance
Business meeting to consider S. 418, to amend title 18, United States Code, to limit the misuse of social security numbers, to establish criminal penalties for such misuse, and an original bill to make miscellaneous and technical corrections amendments to the trade laws. SD-215
2 p.m.
Environment and Public Works
To hold hearings to examine the status and studies of the health impacts of fine particles which result from fuel combustion from motor vehicles, power generation, and industrial facilities, as well as from residential fireplaces and wood stoves, known as PM-2.5, focusing on those effects associated with power plant emissions. SD-406

OCTOBER 3

9 a.m.
Rules and Administration
To hold hearings to examine the nomination of Bruce R. James, of Nevada, to be Public Printer, Government Printing Office. SR-301
Foreign Relations
To hold hearings to examine certain pending nominations. SD-419
9:30 a.m.
Commerce, Science, and Transportation
To hold oversight hearings to examine park overflight regulations. SR-253
Energy and Natural Resources
Business meeting to consider pending calendar business. SD-366
Banking, Housing, and Urban Affairs
To hold oversight hearings to examine the Administration’s national money laundering strategy for 2002. SD-538
10:30 a.m.
Foreign Relations
To hold hearings to examine the nominations of Maura Ann Harty, of Florida, to be Assistant Secretary of State for Consular Affairs; Kim R. Holmes, of Maryland, to be Assistant Secretary of State for International Organization Affairs; Francis X. Taylor, of Maryland, to be Assistant Secretary of State for Diplomatic Security, and Director for the Office of Foreign Missions, with the rank of Ambassador; and Ellen R. Sauerbrey, of Maryland, for the rank of Ambassador on the Commission on the Status of Women of the Economic and Social Council of the United Nations. SD-419
11 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings to examine the nomination of Nancy C. Pellett, of Iowa, to be a Member of the Farm Credit Administration Board, Farm Credit Administration. SR-328A
2:30 p.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings to examine Title IX, the equal treatment of women in education focusing on the sciences. SR-253

Banking, Housing, and Urban Affairs
To hold hearings to examine the nominations of Alberto Faustino Trevino, of California, to be an Assistant Secretary of Housing and Urban Development; Armando J. Bucolo, Jr., of Florida, to be a Director of the Securities Investor Protection Corporation; Diana E. Furchtgott-Roth, of Maryland, to be a Director of the Federal Housing Finance Board; Carolyn Y. Peoples, of Maryland, to be an Assistant Secretary of Housing and Urban Development; John M. Reich, of Virginia, to be Vice Chairperson of the Board of Directors of the Federal Deposit Insurance Corporation. SD-538

OCTOBER 4

9:30 a.m.
Joint Economic Committee
To hold hearings to examine the employee situation focusing on September 2002. 1334, Longworth Building
10 a.m.
Foreign Relations
To hold hearings to examine certain pending nominations. SD-419

OCTOBER 7

1:30 p.m.
Health, Education, Labor, and Pensions
To hold hearings to examine the nomination of Mark McClellan to be Commissioner of the Food and Drug Administration, Department of Health and Human Services (pending receipt by the Senate). SD-430

OCTOBER 8

10 a.m.
Judiciary
Constitution Subcommittee
To hold hearings to examine the detention of U.S. citizens. SD-226
Governmental Affairs
Oversight of Government Management, Restructuring and the District of Columbia Subcommittee
To hold hearings to examine the current system of regulation of the herb ephedra and oversight of dietary supplements. SD-342
Daily Digest
Senate

Chamber Action

Routine Proceedings, pages S9561–S9651

Measures Introduced: Three bills and one resolution were introduced, as follows: S. 3015–3017, and S. Res. 331.

Measures Reported:
S. 2949, to provide for enhanced aviation security, with amendments. (S. Rept. No. 107–293)
S. 1806, to amend the Public Health Service Act with respect to health professions programs regarding the practice of pharmacy, with an amendment in the nature of a substitute.

Measures Passed:
Relative to the Death of Representative Mink:
Senate agreed to S. Res. 331, relative to the death of Representative Patsy T. Mink, of Hawaii.

National Prostate Cancer Awareness Month:
Committee on the Judiciary was discharged from further consideration of S. Res. 325, designating the month of September 2002 as “National Prostate Cancer Awareness Month”, and the resolution was then agreed to.

Homeland Security Act: Senate resumed consideration of H.R. 5005, to establish the Department of Homeland Security, taking action on the following amendments proposed thereto:

Pending:
Lieberman Amendment No. 4471, in the nature of a substitute.
Gramm/Miller Amendment No. 4738 (to Amendment No. 4471), of a perfecting nature, to prevent terrorist attacks within the United States.
Nelson (NE.) Amendment No. 4740 (to Amendment No. 4738, to modify certain personnel provisions).

Daschle motion to commit the bill to the Committee on Governmental Affairs and that it be reported back forthwith with the pending Lieberman Amendment No. 4471, listed above, as amended.
Daschle Amendment No. 4742 (to the instructions of the motion to commit H.R. 5005 to the Committee on Governmental Affairs), of a perfecting nature, to prevent terrorist attacks within the United States.

Daschle Amendment No. 4743 (to Amendment No. 4742), to modify certain personnel provisions.
Daschle motion to reconsider the vote (Vote No. 227) by which cloture was not invoked on Gramm/Miller Amendment No. 4738 (to Amendment No. 4471), listed above.
A unanimous-consent agreement was reached providing that the cloture vote on Gramm/Miller Amendment No. 4738 (to Amendment No. 4471), will occur at 12 noon on Tuesday, October 1, 2002.

A unanimous-consent agreement was reached providing for further consideration of the bill at 11 a.m., on Tuesday, October 11, 2002, with a vote on the motion to close further debate on Gramm/Miller Amendment No. 4738 (to Amendment No. 4471), to occur at 12 noon.

Removal of Injunction of Secrecy: The injunction of secrecy was removed from the following treaty:
The treaty was transmitted to the Senate today, considered as having been read for the first time, and referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed.

Nominations Confirmed: Committee on Commerce, Science, and Transportation was discharged from further consideration and the Senate then confirmed the following nominations:
1 Coast Guard nomination in the rank of admiral.
Routine lists in the Coast Guard.

Nominations Received: Senate received the following nominations:
Thomas C. Dorr, of Iowa, to be Under Secretary of Agriculture for Rural Development.
Thomas C. Dorr, of Iowa, to be a Member of the Board of Directors of the Commodity Credit Corporation.

Philip Merrill, of Maryland, to be President of the Export-Import Bank of the United States for the remainder of the term expiring January 20, 2005.

Cheryl Feldman Halpern, of New Jersey, to be a Member of the Board of Directors of the Corporation for Public Broadcasting for a term expiring January 31, 2008.

Susanne T. Marshall, of Virginia, to be Chairman of the Merit Systems Protection Board.

Tony Hammond, of Virginia, to be a Commissioner of the Postal Rate Commission for the remainder of the term expiring October 14, 2004.

Albert Casey, of Texas, to be a Governor of the United States Postal Service for a term expiring December 8, 2009.

W. Scott Railton, of Virginia, to be a Member of the Occupational Safety and Health Review Commission for a term expiring April 27, 2007.

Messages From the House:

Measures Placed on Calendar:

Enrolled Bills Presented:

Additional Cosponsors:

Statements on Introduced Bills/Resolutions:

Additional Statements:

Amendments Submitted:

Adjournment: Senate met at 1 p.m., and as a further mark of respect to the memory of the late Representative Patsy T. Mink, of Hawaii, in accordance with S. Res. 331, adjourned at 6:16 p.m., until 9:30 a.m., on Tuesday, October 1, 2002. (For Senate’s program, see the remarks of the Acting Majority Leader in today’s Record on page S9651).

Committee Meetings

(Committees not listed did not meet)

NOMINATIONS

Committee on Armed Services: On Friday, September 27, Committee concluded hearings on the nominations of General James L. Jones, Jr., USMC, for reappointment to the grade of general and to be Commander, United States European Command and Supreme Allied Commander, Europe, Admiral James O. Ellis, Jr., USN, for reappointment to the grade of admiral and to be Commander, United States Strategic Command, Lieutenant General Michael W. Hagee, USMC, for appointment to the grade of general and to be Commandant of the Marine Corps, Charles S. Abell, of Virginia, to be Deputy Under Secretary of Defense for Personnel and Readiness, Thomas Forrest Hall, of Oklahoma, to be Assistant Secretary of Defense for Reserve Affairs, and Charles E. Erdmann, of Colorado, to be a Judge of the United States Court of Appeals for the Armed Forces, after the nominees testified and answered questions in their own behalf. Lieutenant General Michael W. Hagee was introduced by Senator Hutchison and Mr. Erdmann was introduced by Senator Burns.

FEDERAL HIGHWAY AID

Committee on Environment and Public Works: Subcommittee on Transportation, Infrastructure, and Nuclear Safety concluded hearings to examine the conditions and performance of the federal-aid highway system and the challenges and strategies for enhancing mobility, after receiving testimony from Senator Byrd; Mary E. Peters, Administrator, Federal Highway Administration, Department of Transportation; JayEtta Z. Hecker, Director, Physical Infrastructure Issues, General Accounting Office; Joseph L. Perkins, Alaska Department of Transportation, Juneau, on behalf of the American Association of State Highway and Transportation Officials; Gordon Proctor, Ohio Department of Transportation, Columbus; and Thomas L. Jackson, American Society of Civil Engineers, and William Buechner, American Road and Transportation Builders Association, both of Washington, D.C.

POSTAL SERVICE

Committee on Governmental Affairs: On Friday, September 27, Subcommittee on International Security, Proliferation and Federal Services concluded hearings to examine the annual report of the Postmaster General, focusing on the Postal Service Transformation Plan, the progress of cleaning anthrax-contaminated postal facilities, and further steps the Postal Service will take to reduce debt and increase financial transparency, after receiving testimony from John E. Potter, Postmaster General of the United States of America.
House of Representatives

Chamber Action

Measures Introduced: 5 public bills, H.R. 5499–5503; 1 resolution, H. Res. 564, were introduced.

Reports Filed: Reports were filed today as follows:
    H.R. 4125, to make improvements in the operation and administration of the Federal courts (H. Rept. 107–700); and
    H.R. 4561, to amend title 5, United States Code, to require that agencies, in promulgating rules, take into consideration the impact of such rules on the privacy of individuals (H. Rept. 107–701).

Speaker Pro Tempore: Read a letter from the Speaker wherein he appointed Representative Dan Miller of Florida.

Questions of Privilege: Representatives Visclosky and Obey announced their intention to offer privileged resolutions expressing a sense of the House dealing with the completion of the Labor, HHS, and Education Appropriations bill.

Senate Messages: Messages received from the Senate appear on page H6779.

Referral: S. 2237 was held at the desk.

Quorum Calls—Votes: No quorum calls or recorded votes developed during the proceedings of the House today.

Adjournment: The House met at 2 p.m. and adjourned at 2:29 p.m.

Committee Meetings

OVERSIGHT—COMMERCIAL ACTIVITIES PANEL FINDINGS

Committee on Government Reform: On September 27, the Subcommittee on Technology and Procurement Policy held a hearing titled “An Oversight hearing to Review the Findings of the Commercial Activities Panel.” Testimony was heard from David M. Walker, Comptroller General, GAO; Angela Styles, Director, Office of Federal Procurement Policy, OMB; Joseph Sikes, Director, Competitive Sourcing and Privatization, Department of Defense; and public witnesses.

Committee Meetings for Tuesday October 1, 2002

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Commerce, Science, and Transportation: to hold hearings to examine the government’s role in promoting the future of the telecommunications industry and broadband deployment, 9:30 a.m., SR–253.

Committee on Environment and Public Works: to hold hearings to examine environmental standards for schools such as school siting in relation to toxic waste sites and green building codes, focusing on environmental and energy concerns relevant to school properties, 10 a.m., SD–406.

Committee on Foreign Relations: to hold hearings to examine the nominations of Gene B. Christy, of Texas, to be Ambassador to Brunei Darussalam; David L. Lyon, of California, to be Ambassador to the Republic of Fiji, and to serve concurrently and without additional compensation as Ambassador to the Republic of Nauru, the Kingdom of Tonga, and Tuvalu; Charles Aaron Ray, of Texas, to be Ambassador to the Kingdom of Cambodia; and Grover Joseph Rees, of Louisiana, to be Ambassador to the Democratic Republic of East Timor, 2:30 p.m., SD–419.

Committee on Indian Affairs: business meeting to consider S. 2799, to provide for the use of and distribution of certain funds awarded to the Gila River Pima-Maricopa Indian Community; S. 2743, to approve the settlement of the water rights claims of the Zuni Indian Tribe in Apache County, Arizona; the nominations of Philip N. Hogen, of South Dakota, to be Chairman of the National Indian Gaming Commission, and Quanah Crossland Stamps, of Virginia, to be Commissioner of the Administration for Native Americans, Department of Health and Human Services, and other pending calendar business, 2:30 p.m., SR–485.

Select Committee on Intelligence: to resume joint hearings with the House Permanent Select Committee on Intelligence to examine events surrounding September 11, 2001, 10 a.m., SH–216.

Committee on the Judiciary: to hold hearings to examine recent Supreme Court jurisprudence on federalism issues, 11 a.m., SD–226.

Subcommittee on Immigration, to hold hearings to examine the detention and treatment of Haitian asylum seekers, 2:15 p.m., SD–226.

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Committee on Appropriations, to continue mark up of the Transportation appropriations for fiscal year 2003, 2 p.m., 2359 Rayburn.

Committee on Education and the Workforce, Subcommittee on 21st Century Competitiveness, hearing on “Assuring Quality and Accountability in Postsecondary Education: Assessing the Role of Accreditation,” 2:30 p.m., 2175 Rayburn.
Committee on Energy and Commerce, Subcommittee on Oversight and Investigations, to continue hearings entitled “Capacity Swaps by Global Crossing and Qwest: Sham Transactions Designed to Boost Revenues?” 9 a.m., 2322 Rayburn.

Subcommittee on Telecommunications and the Internet, hearing entitled “Recording Industry Marketing Practices: A Check-up,” 10 a.m., 2123 Rayburn.

Committee on Government Reform, Subcommittee on National Security, Veterans Affairs and International Relations, hearing on Chemical and Biological Equipment: Preparing for a Toxic Battlefield, 10 a.m., 2247 Rayburn and, executive, to continue hearings on Chemical and Biological Equipment: Preparing for a Toxic Battlefield, 1 p.m., 2203 Rayburn.


Committee on the Judiciary, Subcommittee on Crime, Terrorism and Homeland Security, hearing and markup of H.R. 5422, Child Abduction Prevention Act, 4 p.m., 2237 Rayburn.

Permanent Select Committee on Intelligence, executive, briefing on Special Programs, 5:30 p.m., H–405 Rayburn.

Joint Meetings

Conference: meeting of conferees on H.R. 4, to enhance energy conservation, research and development and to provide for security and diversity in the energy supply for the American people, 4 p.m., SR–325.

Joint Meetings: Senate Select Committee on Intelligence, to resume joint hearings with the House Permanent Select Committee on Intelligence to examine events surrounding September 11, 2001, 10 a.m., SH–216.
Extensions of Remarks, as inserted in this issue

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(10) H. Con. Res. 484, Expressing the sense of the Congress regarding personal safety for children;
(11) H. Con. Res. 451, Recognizing the importance of teaching U.S history in schools;
(12) H.R. 556, Unlawful Internet Gambling Funding Prohibition Act;
(13) H. Res. 538, Honoring Johnny Unitas and extending condolences to his family;
(14) H.R. 4851, Robert Wayne Jenkins Post Office Station, Tulsa, Oklahoma;
(15) H. Con. Res. 530, Congratulating the players, management, staff, and fans of the Oakland Athletics;
(16) H.R. 5472, Protection of Family Farmers Act;
(17) H.R. 5469, Suspension of the Librarian of Congress determination on the digital performance of sound and ephemeral recordings;
(18) H.R. 4125, Federal Courts Improvement Act;
(19) H.R. 2426, Remote Sensing Applications Act;
(20) H.R. 5303, Charles "Pete" Conrad Astronomy Awards Act;
(21) H. Con. Res. 476, Support for a day of tribute to all firefighters;
(22) H.R. 5385, Miscellaneous Trade and Technical Corrections Act;
(23) H.R. 2357, Houses of Worship Political Speech Protection Act;
(24) H.R. 4944, Cedar Creek Battlefield and Belle Grove Plantation National Historical Park Act;
(25) H.R. 5125, Civil War Battlefield Preservation Act;
(26) H.R. 4874, Spirit Lake and Twin Lakes Land Adjustment Act;
(27) H.R. 4141, Red Rock Canyon National Conservation Area Protection and Enhancement Act;
(28) H.R. 4968, Federal-Utah State Trust Lands Consolidation Act;
(29) H.R. 4129, Central Utah Project Completion Act Amendments Act;
(30) H.R. 3802, Education Land Grant Conveyance Review Cost Act;
(31) H. Con. Res. 425, Full Appropriation of State and tribal shares of the Abandoned Mine Reclamation Fund;
(32) H.R. 3813, Coal Accountability and Retired Employee Act for the 21st Century;
(33) H.R. 4830, Southern Campaign of the Revolution Heritage Area Study Act;
(34) H.R. 4692, Andersonville National Historic Site Boundary Adjustment Act; and
Next Meeting of the SENATE
9:30 a.m., Tuesday, October 1

Senate Chamber

Program for Tuesday: After the transaction of any morning business (not to extend beyond 11 a.m.), Senate will continue consideration of H.R. 5005, Homeland Security Act, with a vote on the motion to close further debate on Gramm/Miller Amendment No. 4738 (to Amendment No. 4471) to occur at 12 noon.
(Senate will recess from 12:30 p.m. until 2:15 p.m., for their respective party conferences.)

Next Meeting of the HOUSE OF REPRESENTATIVES
10:30 a.m., Tuesday, October 1

House Chamber

Program for Tuesday: Consideration of Suspensions:
(1) H.R. 4793, Mosquito Abatement for Safety and Health;
(2) H.R. 3450, Health Care Safety Net Improvement;
(3) H. Res. 398, Recognizing the devastating impact of fragile X;
(4) H. Con. Res. 291, Sense of the Congress with respect to endometriosis;
(5) H.R. 4013, Rare Diseases Act;
(6) H.R. 4014, Rare Diseases Orphan Product Development;
(7) H.R. 5091, Canceling Loans to Allow School Systems to Attract Classroom Teachers;
(8) H. Res. 561, Recognizing the contributions of Hispanic-serving institutions;
(9) H. Res. 399, Honoring Cael Sanderson for his perfect collegiate wrestling record;

(Continued on page D1009)