House of Representatives

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

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
October 1, 2002.

I hereby appoint the Honorable Mike Pence to act as Speaker pro tempore on this day.

J. Dennis Hastert,
Speaker of the House of Representatives.

MESSAGE FROM THE SENATE

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

S. Res. 331
Resolved, That the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable Patsy T. Mink, late a Representative from the State of Hawaii.

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

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

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

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

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

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

MORNING HOUR DEBATES

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

QUESTIONING THE PRESIDENT’S POLICY CONCERNING IRAQ

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

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

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

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

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

I am pleased that President Bush has taken the initial steps to seek the approval of both the Congress and the
United Nations before engaging in preemptive strikes on Iraq. I firmly believe that Congress has a vital role to play and a constitutional responsibility to act on matters of national security. However, I also believe there are several questions that must be answered before going to war.

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

Does Iraq pose an immediate and independent threat to the United States? House Republicans? The President has identified the key threat from Iraq as its development of weapons of mass destruction and the potential for Iraq to transfer these weapons to the terrorist groups it sponsors. I agree with this assessment. However, whatever weapons of mass destruction does Iraq now have or will it have, is its development of weapons of mass destruction a threat to the United States? The answer is we do not now know. Without reinserting the U.N. weapons inspectors, we may never know.

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

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

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

I am disheartened that we appear to be following this course. If we take politics out of it, and I think we do that, our message to the world will be clearer. The decision is ours.

The National Economy

The Speaker pro tempore. Pursuant to the order of the House of January 31, 2002, Mr. Gephardt (Mo) is recognized during morning hour debates for 15 minutes.

Mr. GEPHARDT. Mr. Speaker, I rise to urge the House Republican leadership to address America's serious economic concerns. Today we awoke to reports on the radio which said that the front pages of major newspapers were dominated by the failed performance of our stock market. Sometimes I think our leaders care more about the performance of their portfolios than the performance of our stock market.

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

The Census Bureau reported this week that in the last year, the number of people without insurance rose by 1.4 million due to a faltering economy and the rise in unemployment. Republicans will pass this week another non-sense of the House resolution calling for tax cuts 9 years from now, in 2011, when our economic plan will be in place. In 2011, CNN reported this week that U.S. stocks, and I quote, looked to wrap up time and become a surplus within 5 years. Our economic plan defeated the 1991 recession, and the lives of almost every American citizen were improved due in large part to this responsible economic agenda promoting opportunity in people's lives.

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

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

Then, in the spring of 2001, the Republican economic program was enacted. It was a $2 trillion to the national debt. On March 28, 2001, the gentleman from Texas (Mr. DeLay), on this chart, on March 28, 2001, said that the President's budget will spur job creation. Again on the chart, the gentleman from Oklahoma (Mr. Watts) boasted that their budget not only provides tax relief, but creates jobs and grows the economy. But he said, we also fund our Nation's priorities and pay down the debt. Finally, the majority leader, the gentleman...
from Texas (Mr. ARMey), said that the plan will promote economic growth, a strong economy, and new and better jobs for our workers.

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

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

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

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

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

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

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

Well, I will tell my colleagues where it all is. It is nowhere. They have no intention of ever finishing the budget. They have put nothing substantial on the floor since the August recess. We have been here 3 days a week doing nothing but renaming post offices. We are fiddling while America’s economy implodes around the American people’s ears.

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

HONORING THE LIFE OF GUADALUPE CANTU

The SPEAKER pro tempore (Mr. PENCE). Pursuant to the order of the House of January 22, 2002, the gentleman from Texas (Mr. HINOJOSA) is recognized during morning hour debates for 5 minutes.

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

Guadalupe Cantu was never famous. Outside of my Texas congressional district, very few people knew him. But to me, he epitomized what every man should strive to become. Guadalupe Cantu and his wife came to this country in search of democracy and hope and promise for a better life. He began his adult life as a Mexican migrant farm worker and expert carpenter. He traveled throughout the country doing the hard manual farm labor that most Americans refuse to do; and yet, because of his hard work and the work of others like him, America produces food enough to feed our Nation and most of the world as well.

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

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

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

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

Mr. Speaker, if all of us use Guadalupe Cantu as our example, our children would be well educated and very successful, our community would be stronger, our friends would be numerous, and our world would be a better place. I can think of no better example of greatness. Many of Mr. Cantu’s hopes and dreams for his children and grandchildren were fulfilled. He will truly be missed by all, but his goodness lives on through his family and their countless accomplishments and good deeds. His kindness and generosity will never be forgotten.
The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until noon today. Accordingly (at 10 o'clock and 58 minutes a.m.), the House stood in recess until noon.

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

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

The Speaker pro tempore. Is there objection to the gentlewoman from Georgia? There was no objection.

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

WELCOMING THE REVEREND NEIL D. SMITH

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

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

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

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

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

TIME TO PASS A RESPONSIBLE BUDGET

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

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

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

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

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

CONGRATULATING RICOH ELECTRONICS ON ENVIRONMENTAL POLICIES

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

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

In 1999, 2000, 2001, they were awarded the EPA’s premier environmental recognition program, the National Performance Track, by promoting sound environmental management, continuous environmental improvement, public outreach and sustained environmental compliance.

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

I recommend Ricoh Electronics on being an excellent example of how today’s corporations can increase protection of public health and the environment in the workplace.

U.N. CREDIBILITY

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

Mr. Pitts. Mr. Speaker, tyrants speak only one language, and that is the language of raw power. Neville Chamberlain learned that the hard way
when he came back from his meeting with Hitler and proclaimed peace. We cannot negotiate, we cannot reason, we cannot expect them to keep their word.

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

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

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

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

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

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

MOSQUITO ABATEMENT FOR SAFETY AND HEALTH ACT

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

The Clerk read as follows:

H.R. 4793

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

SECTION 1. SHORT TITLE.

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

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

Part B of title III of the Public Health Service Act (42 U.S.C. 263 et seq.) is amended by section 4 of Public Law 107–84 and section 312 of Public Law 107–188, as amended—

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

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

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

(1) PREVENTION AND CONTROL GRANTS TO POLITICAL SUBDIVISIONS.—

(A) has conducted an assessment to determine the prevalence of mosquito-borne diseases in an area; and

(B) has demonstrated the need for control programs and will effectively coordinate such programs in such area.

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

(A) have an incidence or prevalence of mosquito-borne diseases that is substantial relative to other political subdivisions; and

(B) demonstrate to the Secretary the need for control programs and will effectively coordinate the activities of the control programs with contiguous political subdivisions.

(3) CERTAIN REQUIREMENTS.—A grant may be made under paragraph (1) only if the political subdivision involved justifies the waive.

(4) REQUIREMENT OF MATCHING FUNDS.—In general.—With respect to the costs of a control program, no funds may be carried out under paragraph (1) by a political subdivision, a grant under such paragraph may be made only if the subdivision agrees to make available (directly or through donations from public or private entities) non-Federal contributions toward such costs in an amount that is not less than 1⁄3 of such costs ($1 for each $2 of Federal funds provided in the grant).

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

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

(5) REPORTS TO SECRETARY.—A grant may be made under paragraph (1) if the political subdivision involved agrees that, promptly after the end of the fiscal year for which the grant is made, the subdivision will submit to the Secretary a report on the activities of the subdivision during the period for which the grant was made.

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

(b) ASSESSMENT GRANTS TO POLITICAL SUBDIVISIONS.

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

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

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

(B) demonstrate to the Secretary the need for control programs and will effectively coordinate the activities of the control programs with contiguous political subdivisions.

(c) COORDINATION GRANTS TO STATES.—

(1) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, may make grants to States for the purpose of coordinating control programs in the State and for coordinating plans that are required in paragraph (3) of subsection (a) as a condition of receiving a grant under paragraph (1) of such subsection.

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

(d) CONSTRUCTION GRANTS TO STATES.—

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

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

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

(A) the State involved has developed, or agrees to develop, a plan for coordinating control programs in the State, and such plan takes into account any assessments or plans described in subsection (a)(3) that have been made.
conducted or developed, respectively, by political subdivisions in the State; “(B) in developing such plan, the State consulted or will consult as the case may be under paragraph (A) with political subdivisions in the State that are carrying out or planning to carry out control programs; and “(C) the State agrees to monitor control programs in the State in order to ensure that the programs are carried out in accordance with such plan, with priority given to coordination of such programs with other programs in political subdivisions described in paragraph (2) that are contiguous. “(4) REPORT TO SECRETARY.—A grant may be made under paragraph (1) only if the State involved agrees that, promptly after the end of the fiscal year for which the grant is made, the State will submit to the Secretary a report that— “(A) describes the activities of the State under the grant; and “(B) contains an evaluation of whether the control programs of political subdivisions in the State were effectively coordinated with each other, which evaluation takes into account whether the State received under subsection (a)(5) from such subdivisions. “(5) AMOUNT OF GRANT; NUMBER OF GRANTS.—A grant under paragraph (1) for a fiscal year may not exceed $10,000. A State may not receive more than one grant under such paragraph. “(d) APPLICATIONS FOR GRANTS.—A grant may be made under subsection (a), (b), or (c) only if an application for the grant is submitted to the Secretary and the application contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out this section. “(e) TECHNICAL ASSISTANCE.—The Secretary may provide training and technical assistance to the Secretary and the application contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out this section. “(f) TECHNICAL ASSISTANCE.—The Secretary may provide training and technical assistance to the Secretary and the application contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out this section.

SEC. 463B. The Director of the Institute shall conduct or support research to identify or develop methods of controlling the population of insects that transmit to humans diseases that have significant adverse health consequences. “The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Louisiana (Mr. TAUZIN) and the gentleman from Louisiana (Mr. JOHN) each will control 20 minutes. “The Chair recognizes the gentleman from Louisiana (Mr. TAUZIN).

Mr. TAUZIN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration. “The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana? “There was no objection. “Mr. TAUZIN. Mr. Speaker, I yield myself such time as I may consume. “Mr. Speaker, I am pleased that today the House is considering legislation to address a West Nile outbreak. “The gentleman from Louisiana (Mr. JOHN) is the author of this legislation, and I am pleased that he joins me on the floor today to help secure House passage. “There is a reason the Chair may have said the gentleman from Virginia, because obviously there are lots of folks in Louisiana right now moving north with a new storm approaching in the Gulf of Mexico, and the gentleman from Louisiana (Mr. JOHN) was one of those who was here working in the Nation’s Capital while we watched our citizens and our friends in Louisiana being threatened once again. “Last week when Isidore came through, at least 24 inches of water on my State, it created another impending threat to the problems of mosquito growth and the spread of this virus in our home State, and we are about to see another hurricane on its way this week. “Since the Committee on Energy and Commerce reported this legislation 1 month ago, the number of human cases reported to the Centers for Disease Control and Prevention has increased 160 percent. Over 2,300 human cases are known, and over 190 deaths have occurred in the Nation now. 43 in total, are reporting laboratory-positive West Nile virus infections in mosquitoes, animals or humans. “Three years ago, West Nile virus was detected in New York City. It was the first time the disease had been reported in this hemisphere, let alone in the United States. My home State of Louisiana, as my colleagues know, has been particularly hard hit, with 200 of the human cases reported from my home State in Louisiana. “The Bush administration has responded quickly to the West Nile virus outbreak, transferring over the past 2 months an additional $17 million in emergency funds to assist State’s efforts to control the spread of the disease, and I want to thank Secretary Tommy Thompson, who took money out of his personal budget to send it to States hard hit like our own, for responding so rapidly. But the rapid outbreak of this disease this summer demands that we more effectively control the mosquito population to help reduce the risk of West Nile virus in its transmission. Today we are considering legislation that complements the work of the Centers for Disease Control and Prevention that they are already doing in so many mosquito-borne illnesses including, by the way, the discovery here recently of malaria. “The Mosquito Abatement for Safety and Health Act provides authority for the Secretary of Health and Human Services to make grants to political subdivisions to develop comprehensive mosquito control plans and programs. And historically, mosquito control programs have been operated at the local level. And we do not want to change that. Nothing in this bill will change that. It is clear, however, that currently many of the local communities are facing hardships. The rapid outbreak across this country is fast outpacing the predictions of many scientists, and it is very difficult for communities to respond. “In Louisiana only 18 of our 64 parishes have mosquito control programs in operation. The additional Federal dollars will make the difference in saving lives not only in Louisiana but across the country. And although mosquito control programs are indeed operated locally, infected mosquitos do not voluntarily stay confined to one area. They move around, as we know, and they have the tools to give some assistance from the Federal Government to make sure that these local authorities have the tools to work with. “But I want to commend the Centers for Disease Control; they have done a great job. We thank them. This bill will give them a lot more help. And the MASH Act will also direct the National Institutes of Health to conduct or support research and develop methods to control these insects and hopefully one day to find preventative vaccines or cures for some of these diseases. This legislation is only one way we can help Americans to “fight the bite.” if you will. And I want to thank my colleague, the gentleman from Louisiana (Mr. JOHN) who saw this problem coming before anyone else in this body, who filed this legislation months ago before it became such a severe national threat. This was great insight, and I think all of us in the Nation are indebted to him for the work he has done on this bill. “Mr. Speaker, I reserve the balance of my time.
Mr. JOHN. Mr. Speaker, I yield myself such time as I may consume.

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

I want to thank the gentleman from Louisiana (Mr. TAUZIN), the chairman, and the gentleman from Michigan (Mr. DINGELL), the ranking member, for having the vision and having the seriousness and understanding the seriousness and expediting it through the Committee on Commerce.

I really appreciate working with the staffs, both the majority and the minority staffs, working very hard to try to address this threat because without their leadership, we could not have been here today; and I really appreciate their help.

I introduced this bill back in May to address an emerging threat of mosquito-borne illness. Today it is West Nile. Tomorrow it could be any number of different diseases. We could be discussing malaria or any of the other diseases today. And since May, since I introduced the bill, the gentleman from Louisiana (Mr. TAUZIN) said there were 2,560 cases, but we could not establish how widespread this disease is.

Today it is West Nile. It is rice fields, it is bayous, it is expanses of mosquitoes; and we are trying very hard to establish a mosquito program, and this will go a long way to help that become a reality because the most effective way to combat this disease is widespread is through education and most importantly abatement.

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

Again, I want to thank the gentleman from Louisiana (Mr. TAUZIN) and the gentleman from Michigan (Mr. DINGELL) for working together with me and the other co-sponsors of this bill. When I first filed this bill, never did I envision that I would have this many co-sponsors but certainly never envisioned it. So that is the real need for this program. Not only is it an epidemic, but I also think the Federal Government should play a role in this.

Mr. SOUDER. Mr. Speaker, I thank the gentleman from Louisiana (Mr. TAUZIN) and the gentleman from Michigan (Mr. DINGELL) for working together with me and the other co-sponsors of this bill. When I first filed this bill, never did I envision that I would have this many co-sponsors but certainly never envisioned it. So that is the real need for this program. Not only is it an epidemic, but I also think the Federal Government should play a role in this.

Again, I want to thank the gentleman from Louisiana (Mr. TAUZIN) and the gentleman from Michigan (Mr. DINGELL) for working together with me and the other co-sponsors of this bill. When I first filed this bill, never did I envision that I would have this many co-sponsors but certainly never envisioned it. So that is the real need for this program. Not only is it an epidemic, but I also think the Federal Government should play a role in this.

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

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

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

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

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

On Thursday afternoon of this week, I will be chairing a hearing on the West Nile virus where we are going to have the Centers for Disease Control and Prevention, the Michigan Health Commissioner, and the Allen County Health Commissioner, as well as the Centers for Disease Control and Prevention and NIH to look at some of these questions about reimbursement levels, mosquito spraying, the viruses communicability through blood transfusions and organ transplants and how difficult it is and what we have not learned and some of the difficulties that they have faced in being able to come up with quicker ways to get feedback to individuals for vaccines. One of the most troubling aspects in my hometown is that one cannot find out for sure whether one has West Nile. A number of people have taken 5 weeks, are down to a cough, and if it is severe, in some cases, the cases where they have identified it, they have died shortly thereafter because they cannot find out soon enough.

I wanted to just read a couple of comments from one couple that went public about his struggles after he received the West Nile virus and how his body started to deteriorate, how initially one of the things that is panicking everybody on the news is they say if one stake, one gets a fever, one gets a neck ache and so on, they may have West Nile. So they go in for a test and this particular gentleman went in for the test, but then it was just the start. His fever climbed to 103. His body shook with chills. He became dizzy, began losing his balance, reached the point where he could not walk. After a blood test revealed that his white blood cell count was extremely high, indicating an infection of some kind, his doctor drew blood for the West Nile virus, and within 2 days, he was in the hospital multiple weeks until they can figure out what is happening. And the symptoms vary, ranging from the mild flu to this more
Mr. SHIMKUS. Mr. Speaker, I thank the chairman for yielding me this time. I am pleased to follow the gentleman from Illinois (Mr. DAVIS), as we have struggled with this West Nile, and we have throughout the country.

As a young child, fogging was pretty common. We would go buy, and we would all dunk under the water; and as it would go out, then we would get up and swim. And then we had a long reprieve from the aspects of fever and attacking the mosquito populations, and we can no longer afford to do that, especially with the West Nile virus, and it is being carried.

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

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

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

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

Mr. BILIRIKIS. Mr. Speaker, I support the bill. I am up here mostly to express my gratitude and acknowledgment to the gentleman from Louisiana (Mr. TAUZIN) and the gentleman from Michigan (Mr. JOHN), and the chairman of the subcommittees for bringing this important public health legislation to the floor.

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

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

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

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

Less than one month ago, on September 5th, the Committee on Energy and Commerce unanimously reported this bill out of committee. Since then, we have seen the number of confirmed human cases of West Nile virus increase in the United States jump dramatically from 638 to 2,206 today. In just these few weeks, we have seen the number of West Nile deaths climb from 31 to 108. Since our committee markup, 275 more people in my home State of Michigan have contracted this deadly virus and 117 having already died from the West Nile Virus. The grant programs and provisions of H.R. 4793 authorize the Senate, acting with the action of the Centers for Disease Control and Prevention (CDC), to make grants available, on a matching-funds basis, to political subdivisions of States for the operation of mosquito control programs to prevent and control mosquito-borne diseases. Among other necessary expenses, these grants will help pay for the costs of purchasing or updating equipment and laboratory facilities to cope with this fairly recent, evolving, and unpredictable epidemic.

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

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

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

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

My own state and district have already witnessed the rapid spread of the West Nile Virus, with the number of confirmed cases in Harris County rising from 4 to 19 in under 2 months, with already 2 fatalities. Probable cases now number at least 58. And across our country West Nile Virus is present in at least 41 states, with 2,404 people already infected and 117 having already died from the West Nile Virus. The grant programs and provisions of H.R. 4793 is an encouraging indication that federal, state, and local authorities can work together to combat and reverse this alarming trend of new cases. I believe the efforts of the federal government to assist state and local authorities in stemming the spread of this potentially deadly disease, as many of these entities are already straining to protect our most vulnerable citizens on limited budgets.
By focusing on those areas that have suffered a high incidence of mosquito-borne diseases, H.R. 4793 will provide the targeted financial assistance needed by local communities to expand their mosquito spraying programs, purchase new equipment, or update their laboratories. The CDC has recommended mosquito control measures as one of the most effective methods of West Nile prevention. H.R. 4793 provides the federal assistance to help local communities maintain and expand those spraying programs. Mosquito control programs also have the added benefit of protecting us from a host of other diseases besides West Nile Virus, including St. Louis encephalitis, La Crosse encephalitis, and dengue fever.

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

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

So far this year, 2,405 people have tested positive for West Nile Virus in the United States, 75 people have died, and the symptoms can end in swelling of the brain, and eventually death. There is no known cure for, or vaccine against, West Nile Virus. Out of the 2,405 infected this year, the virus has killed 117 people. And the season is not near over.

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

Although I was pleased with the expertise and dedication of those officials, I was struck by two problems. One, was that there are too many gaps in the funding and efforts to tackle this problem at the state and local levels. For example, in my home county of Harris County, the county did not directly receive any money from the Center for Disease Control and Prevention. The other problem I notice during my walk through the neighborhood in my district struck me most. People are told by public service announcements to do everything from flush the toilet to buy DEET-containing mosquito repellent, but of course they have to go outside to get the drugstore to buy some. And if they do find a way to get to the drugstore to protect themselves, they find that 56 percent of mosquito repellants that contain DEET—do not have the word DEET written anywhere on the label. I am continuing my work with the EPA and industry leaders to make sure that all DEET-containing product are clearly labeled by next season, to cut down on confusion and save lives. But, we need some quick fixes to these other pressing problems as well.

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

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

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

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

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

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, H.R. 4793, as amended, was passed.

A motion to reconsider was laid on the table.

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

The Clerk read as follows:

H.R. 3450

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

SECTION 1. Short title; table of contents.

(a) Short title.—This Act may be cited as the “Health Care Safety Net Improvement Act”.

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

Title I—Consolidated Health Center Program Amendments

Title II—Rural Health

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

Subtitle B—Telehealth Grant Consolidation

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

Title III—National Health Service Corps Program

Subtitle A—Health Care Safety Net Improvement Grant Programs

Subtitle B—The National Health Service Corps Scholarship Program

Subtitle C—Eligibility for Federal Funds

Subtitle D—Cost-sharing

Subtitle E—Authorization for Appropriations

Title IV—Additional Provisions

Subtitle A—Community Access demonstration program

Subtitle B—Expanding availability of dental services

Subtitle C—Study regarding barriers to participation of farmworkers in health programs

Subtitle D—Eligibility of certain entities for grants

Title V—Conforming amendments

Subtitle A—Increase of Authorization of Appropriations from $802,124,000 for Fiscal Year

CONGRESSIONAL RECORD—HOUSE

H6793

October 1, 2002
striking care network or plan.

serting such sums as may be necessary for each of

254b) is amended

leasing equipment.

quiring or leasing buildings, or purchasing or

subsection (c)(1)(C), and for the costs of ac-

ment, the provision of training and tech-

(1) in paragraph (1), by inserting “and paying the interest on, loans for equip-

(B) after a network or plan may include the purchase or

(1) in subparagraph (A), by inserting

(ii) in the matter following clause (ii), by inserting “managed health centers”;

(iii) in the matter following clause (ii), by inserting “managed care network or plan.”;

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

(ii) in the matter following clause (ii), by inserting “managed care network or plans” and all that follows through the period; and

(ii) by adding at the end the following:

“Care management networks. — The Secretary may make grants to health centers that receive assistance under this section to enable the centers to plan and develop care management networks that will enable the centers to:

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

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

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

(iv) improve the health status of communities.

(D) USE OF FUNDS. — The amounts for which grants may be made under subparagraphs (A) or (B) or (C) may include the purchase or lease of equipment, which may include data and information systems (including systems used for information management), including those in which the principal or, and paying the interest on, loans for equipment), the provision of training and technical assistance related to the provision of health care services on a prepaid basis or under another managed care arrangement, and other activities that promote the development of management or planned care networks and agencies.”.

(iv) by adding at the end the following:

(A) by striking “LOAN GUARANTEE PROGRAM.”;

(i) in paragraph (A), by striking “the principal and interest on loans” and all that follows through the period and inserting “the principal and interest on loans made by non-Federal lenders to health centers, fund-

(ii) by redesignating subparagraphs (A) and (B) as paragraphs (A) and (B), re-

(C) in paragraph (B);

(ii) in clause (i), by striking “or”;

(ii) in clause (i), by striking the period and inserting “;”;

(iii) by adding at the end the following:

(II) to refund a loan to the center or centers that receive assistance under this subsection, loan guarantees provided under this paragraph may be made directly to networks or plans that are at least majority controlled and, as applicable, at least majority owned by those health centers.”;

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

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

(iii) by adding after paragraph (8) the following:

“(II) the savings resulting from the refi-

(iii) by redesignating subparagraphs (A) and (B) as paragraphs (B) and (C), re-

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

“(A) in subparagraph (B), by striking “screening for breast and cervical cancer” and inserting “appropriate cancer screen-

(ii) by adding at the end the following:

(1) in subsection (b)(1)(A),

(B) in subparagraph (B),

(i) by striking “(i) and inserting “(1)”;

(II) the savings resulting from the refi-

(iii) in the matter following clause (i), by adding the end following the fol-

(iii) by adding at the end the following:

(ii) by redesignating clause (ii) as clause (i) and

(iii) by adding after clause (ii) the follow-

(9)(A) in subsection (l) (as amended by sub-

(ii) by adding after paragraph (8) the follow-

(ii) by redesigning subparagraphs (B) and (C) as subparagraphs (C) and (D), re-

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

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

(ii) by redesigning subparagraph (4) as paragraph (5) and

(ii) by inserting after paragraph (3) the fol-

(II) will assure that any fees or payments for services from the center to participate in any public or private (including employer-offered) health pro-

(A) by striking “and” and after the semicolon at the end;

(D) in subparagraph (L), by striking the pe-

(9)(A) in subsection (l) (as amended by sub-

(B) by transferring such undesignated sub-

(b) Additional Amendments.—Section 330(1)(1) of the Public Health Service Act (42 U.S.C. 254b(l(1))) is amended by striking “$802,124,000” and all that follows and insert-

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

(i) in subsection (b)(1)(A),

(2) in subsection (b)(2)—

(A) by redesignating subparagraphs (A) and (B) as paragraphs (B) and (C), re-

(ii) by redesignating clause (i), by striking “to the same extent and in the same manner as such subsection applies with re-

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

“(k) TECHNICAL ASSISTANCE.—The Secre-

(M) the center encourages persons receiv-

(1) by striking “and” after the semicolon at the end;

(2) by inserting “and” after “serving the popula-

(3) by adding at the end the following sub-

(7) in subsection (j)(3)—

(A) in paragraph (E)—

(i) in clause (i),

(ii) by inserting “;”;

(iii) by adding at the end the following:

(II) to refinance a loan to the center or centers that receive assistance under this subsection, loan guarantees provided under this paragraph may be made directly to networks or plans that are at least majority controlled and, as applicable, at least majority owned by those health centers.”;

(II) will assure that any fees or payments for services from the center to participate in any public or private (including employer-offered) health pro-

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

(9)(A) in subsection (l) (as amended by sub-

(B) by transferring such undesignated sub-

section has provided services described in

(9)(A) in subsection (l) (as amended by sub-

(B) by transferring such undesignated sub-

section has provided services described in

(9)(A) in subsection (l) (as amended by sub-

(B) by transferring such undesignated sub-

(2) by inserting “and” after “serving the popula-

(3) by adding at the end the following sub-

(7) in subsection (j)(3)—

(A) in paragraph (E)—

(i) in clause (i),

(ii) by inserting “;”;

(iii) by adding at the end the following:

(II) to refinance a loan to the center or centers that receive assistance under this subsection, loan guarantees provided under this paragraph may be made directly to networks or plans that are at least majority controlled and, as applicable, at least majority owned by those health centers.”;

(II) will assure that any fees or payments for services from the center to participate in any public or private (including employer-offered) health pro-

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

(9)(A) in subsection (l) (as amended by sub-

(B) by transferring such undesignated sub-

section has provided services described in

(9)(A) in subsection (l) (as amended by sub-

(B) by transferring such undesignated sub-

section has provided services described in

(9)(A) in subsection (l) (as amended by sub-

(B) by transferring such undesignated sub-

section has provided services described in

(9)(A) in subsection (l) (as amended by sub-

(B) by transferring such undesignated sub-

section has provided services described in

(9)(A) in subsection (l) (as amended by sub-

(B) by transferring such undesignated sub-

section has provided services described in

(9)(A) in subsection (l) (as amended by sub-

(B) by transferring such undesignated sub-

section has provided services described in

(9)(A) in subsection (l) (as amended by sub-

(B) by transferring such undesignated sub-

section has provided services described in

(9)(A) in subsection (l) (as amended by sub-

(B) by transferring such undesignated sub-

section has provided services described in

(9)(A) in subsection (l) (as amended by sub-

(B) by transferring such undesignated sub-

section has provided services described in

(9)(A) in subsection (l) (as amended by sub-

(B) by transferring such undesignated sub-

section has provided services described in

(9)(A) in subsection (l) (as amended by sub-

(B) by transferring such undesignated sub-

section has provided services described in

(9)(A) in subsection (l) (as amended by sub-

(B) by transferring such undesignated sub-

section has provided services described in

(9)(A) in subsection (l) (as amended by sub-

(B) by transferring such undesignated sub-

section has provided services described in

(9)(A) in subsection (l) (as amended by sub-

(B) by transferring such undesignated sub-

section has provided services described in

(9)(A) in subsection (l) (as amended by sub-

(B) by transferring such undesignated sub-

section has provided services described in

(9)(A) in subsection (l) (as amended by sub-

(B) by transferring such undesignated sub-

section has provided services described in

(9)(A) in subsection (l) (as amended by sub-

(B) by transferring such undesignated sub-

section has provided services described in

(9)(A) in subsection (l) (as amended by sub-

(B) by transferring such undesignated sub-

section has provided services described in

(9)(A) in subsection (l) (as amended by sub-

(B) by transferring such undesignated sub-

section has provided services described in

(9)(A) in subsection (l) (as amended by sub-

(B) by transferring such undesignated sub-

section has provided services described in

(9)(A) in subsection (l) (as amended by sub-

(B) by transferring such undesignated sub-

section has provided services described in

(9)(A) in subsection (l) (as amended by sub-

(B) by transferring such undesignated sub-

section has provided services described in

(9)(A) in subsection (l) (as amended by sub-

(B) by transferring such undesignated sub-

section has provided services described in
(D) in the subsection transferred by subparagraph (B), by inserting "(q) AUTHORIZATION before "of APPROPRIATIONS."; and
(10) in subsection (q) (as transferred and redesignated by paragraph (9)), in paragraph (2)—
(A) in subparagraph (A), by striking "(1)(3)(G)(i)" and inserting "(1)(3)(H)"; and
(B) by stricken subparagraph (B) and inserting the following:
"(B) DISTRIBUTION OF GRANTS.—For fiscal year 2002 and each of the following fiscal years, the Secretary, in awarding grants under this section, shall ensure that the proportion of the amount made available under each grant to be appropriated to carry out this section for that fiscal year, is equal to the proportion of the amount made available under subsection (b) of this section for fiscal year 2001, relative to the total amount appropriated to carry out this section for fiscal year 2002.

(c) TELEMEDICINE: INCENTIVE GRANTS REGARDING COORDINATION AMONG STATES.—
(1) IN GENERAL.—The Secretary of Health and Human Services may make grants to State agencies, or to regional boards upon approval by the Secretary, for purposes of using telemedicine.

(2) AUTHORIZATION OF APPROPRIATIONS.—
For the purpose of carrying out paragraph (1), there is authorized to be appropriated $10,000,000 for fiscal year 2002, and such sums as may be necessary for each of the fiscal years 2003 through 2007.

SEC. 102. MIGRATORY AND SEASONAL AGRICULTURAL WORKERS.

Section 330(g) of the Public Health Service Act (42 U.S.C. 2545g) is amended—
(1) in paragraph (2)—
(A) in subparagraph (A), by inserting "seasonal agricultural worker" after "agricultural worker"; and
(B) in subparagraph (B), by striking "and members of their families" and inserting "and seasonal agricultural workers, and members of their families; and"

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

TITLE II—RURAL HEALTH

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

SEC. 201. GRANT PROGRAMS.

Section 330A of the Public Health Service Act (42 U.S.C. 2545a) is amended to read as follows:

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

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

"(b) Definitions.—
"(1) Director.—The term ‘Director’ means the Director specified in subsection (d).

"(2) Federally qualified health center; rural health clinic.—The terms ‘Federally qualified health center’ and ‘rural health clinic’ have the meanings given in the terms in section 1861(aa) of the Social Security Act (42 U.S.C. 1395(aa)).

"(3) Health professional shortage area.—The term ‘health professional shortage area’ means a health professional shortage area designated under section 332.

"(4) Medically underserved community.—The term ‘medically underserved community’ has the meaning given the term in section 199B.

"(5) Medically underserved population.—The term ‘medically underserved population’ has the meaning given the term in section 330A(b).

"(c) Programs.—The Secretary shall establish, under section 330, a small health care provider quality improvement grant program.

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

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

"(B) Types of grants.—
"(i) to promote expanded delivery of health care services in rural areas under subsection (e);

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

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

"(3) Small health care provider quality improvement grant program.—
"(A) IN GENERAL.—The Director may award grants to eligible entities to promote rural health care services outreach by expanding the delivery of health care services to include new and enhanced services in rural areas. The Director may award the grants for periods of not more than 3 years.

"(B) Eligibility.—To be eligible to receive a grant under this section, an entity—
"(i) shall be a rural public or private entity;

"(ii) shall represent a network composed of members—
"(I) that include 3 or more health care providers; and

"(II) that may be nonprofit or for-profit entities; and

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

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

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

"(II) the history of collaborative activities carried out by the participants in the network;

"(III) the degree to which the participants are ready to integrate their functions; and

"(IV) how the local community or region to be served will benefit from and be involved in the activities carried out by the network.

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

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

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

"(g) SMALL HEALTH CARE PROVIDER QUALITY IMPROVEMENT GRANTS.—
Section 211. Short title. This subtitle may be cited as the “Tele-Health Grant Consolidation Act of 2001.”

Sec. 212. Consolidation and Reauthorization of Grant Programs.

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

“§ 330l. Telehealth Network and Telehealth Resource Centers Grant Programs.

“(a) Definitions.—In this section:

“(1) Director; Office.—The terms ‘Director’ and ‘Office’ mean the Director and Office specified in subsection (c).

“(2) Federal Telehealth Resource Centers and Rural Health Clinic.—The term ‘Federally qualified health center’ and ‘rural health clinic’ have the meanings given in terms in section 330i(a) of the Social Security Act (42 U.S.C. 1396x(aa)).

“(3) Frontier Community.—The term ‘frontier community’ means an area with fewer than 2,500 residents or that is less than 6 residents per square mile, as based on the latest population data published by the Bureau of the Census.

“(4) Medically Underserved Area.—The term ‘medically underserved area’ has the meaning given the term ‘medically underserved area’ in section 786(h).

“(5) Medically Underserved Popula­tion.—The term ‘medically underserved population’ has the meaning given the term in section 330b(5).

“(6) Telehealth Services.—The term ‘telehealth services’ means services provided through telehealth technologies.

“(7) Telehealth Technologies.—The term ‘telehealth technologies’ means technologies relating to the use of electronic information and telecommunication technologies, to support and promote, at a distance, health care, patient education, public health, self-help support and promote, at a distance, health care, patient education, public health, self-help, and health administration, and public health.

“(8) Programs.—The Secretary shall establish, under title IV of part D of title III of the Public Health Service Act (42 U.S.C. 254) and section 330i of this title, telehealth networks and telehealth resource centers grant programs.

“(c) Administration.—

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

“(2) Duties.—The telehealth network and telehealth resource centers grant programs established under paragraph (1) shall be admin­istered by the Director, in consultation with the State offices of rural health, State offices concerning primary care, or other appropriate State government entities.

“(d) Grants.—

“(1) Telehealth Network Grants.—The Secretary may, in carrying out the telehealth network grant programs referred to in subsection (b), award grants to eligible entities for projects to demonstrate how telehealth technologies can be used through telehealth networks in rural areas, frontier communities, and medically underserved areas, and for medically underserved populations, to:

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

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

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

“Telehealth Resource Centers Grants.—The Director may, in carrying out the telehealth resource centers grant program referred to in subsection (b), award grants to eligible entities for projects to demonstrate how telehealth technologies can be used in the areas and communities, and for the populations, described in para­graph (1), to establish telehealth resource centers.

“(e) Grant Periods.—The Director may award grants under this section for periods of not more than 4 years.

“(f) Eligible Entities.—

“(1) Telehealth Network Grants.—

“(i) In general.—To be eligible to receive a grant under subsection (d)(1), an entity shall be a nonprofit organization.

“(ii) Telehealth Networks.—

“(A) Local health departments.

“(B) Nonprofit hospitals, including community access hospitals.

“(C) Other publicly funded or supported entities, including health care providers, including pharma­cists, in private practice.

“(D) Entities operating clinics, including rural health clinics.

“(E) Local health departments.

“(G) Nonprofit hospitals, including community access hospitals.

“(H) Other publicly funded or supported entities, including health care providers, including pharma­cists, in private practice.

“(I) Providers of health care services in the home.

“(J) Providers of outpatient mental health services and entities operating outpatient mental health facilities.

“(K) Local or regional emergency health care providers.

“(L) Institutions of higher education.

“(M) Local health departments.

“(N) Nonprofit hospitals, including community access hospitals.

“(O) Other publicly funded or supported entities, including health care providers, including pharma­cists, in private practice.

“(P) Telehealth Resource Centers Grants.—To be eligible to receive a grant under subsection (d)(2), an entity shall be an appropriate State entity.

“(q) Applications.—To be eligible to receive a grant under subsection (d)(2), an eligible entity, in consultation with the appropriate State office of rural health or another appropriate State entity, shall prepare and submit to the Secretary an application, at such time, in such manner, and containing such information as the Secretary may require, including—

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

“(2) a description of the manner in which the project will be evaluated;

“(3) a description of the manner in which the project will be evaluated;

“(5) a plan for sustaining the project after Federal support for the project has ended; and

“(6) a description of how the project will be evaluated.

“(4) Expenditures for Small Health Care Provider Quality Improvement Grants.—In awarding a grant under this subsection, the Director shall ensure that the funds made available through the grant will be used to provide services to residents of rural areas. The Director shall not less than 50 percent of the funds made available under this subsection to providers located in and serving rural areas.

“(b) General Requirements.—

“(1) Certification of Uses of Funds.—An entity that receives a grant under this section may not use funds provided through the grant—

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

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

“(c) Coordination with Other Agencies.—The Secretary shall coordinate activities carried out under grant programs described in this section, to the extent practicable, with Federal and State agencies and non­profit organizations that are operating simi­lar grant programs, to maximize the effect of public dollars in funding meritorious pro­grams.

“(d) Preference.—In awarding grants under this section, the Secretary shall give preference to entities that—

“(A) are not involved in health professional shortage areas or medically underserved communities, or serve medically underserved populations; or

“(B) agree to inform projects with a focus on primary care, and wellness and pre­vention strategies.

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

“(f) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section $40,000,000 for fiscal years 2002, and such sums as may be necessary for each of fiscal years 2003 through 2006.”
(6) information demonstrating the long-term viability of the project, and other evidence of institutional commitment of the entity to the project; and

(7) best case for an application for a project involving a telehealth network, information demonstrating how the project will integrate telehealth technology operations with health care providers, to avoid redundancy, and improve access to and the quality of care.

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

(1) PREFERENCES.—

(A) TELEHEALTH NETWORKS.—In awarding grants under subsection (d)(1) for projects involving telehealth networks, the Secretary shall give preference to projects involving telehealth resource centers.

(B) DISSEMINATION AND SHARING OF TECHNOLOGIES.—The eligible entity shall demonstrate how the project to be carried out under the grant will be coordinated with other relevant telehealth resource centers, telehealth technology programs, telehealth networks, or other telehealth resource centers, programs, or networks.

(C) ORGANIZATION.—The eligible entity shall demonstrate how the project to be carried out under the grant will be coordinated with telehealth technology programs, telehealth networks, or other telehealth resource centers, programs, or networks.

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

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

(ii) a variety of clinical specialty services; and

(iii) patient or family education;

(iv) health care professional education; and

(v) rural residency support programs.

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

(A) developing and delivering clinical telehealth services that enhance access to and provide transportation of health care information, systems with other telehealth systems, to enhance the effectiveness of telehealth services; and

(B) developing and delivering clinical telehealth services that enhance access to rural areas, frontier communities, or medically underserved populations.

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

(A) not less than the aggregate amount of the funds awarded shall be awarded for projects in rural areas; and

(B) the total amount of funds awarded for such projects for each fiscal year under section 331A shall be not less than the total amount of funds awarded for such projects for fiscal year 2001 under section 331A (as in effect on the date before the date of enactment of this Act).

(B) USE OF FUNDS.—

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

(A) developing and delivering clinical telehealth services that enhance access to rural areas, frontier communities, or medically underserved populations; and

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

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

(A) not less than the aggregate amount of the funds awarded shall be awarded for projects in rural areas; and

(B) the total amount of funds awarded for such projects for each fiscal year under section 331A shall be not less than the total amount of funds awarded for such projects for fiscal year 2001 under section 331A (as in effect on the date before the date of enactment of the Health Care Safety Net Improvement Act of 1996).

(F) implementing special projects or studies under the direction of the Office of the Secretary to develop, test, and disseminate research findings related to telehealth services.
to the appropriate committees of Congress a report on the progress and accomplishments of the grant programs described in subsection (b)."

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

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

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

Subtitle C—Mental Health Services Telehealth;

Emergency Medical Service Training and Equipment Assistance Program

SEC. 221. PROGRAMS.

Subpart I of part D of title III of the Public Health Service Act (42 U.S.C. 256b et seq.) (as amended by section 212) is further amended by adding at the end the following:

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

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

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

“(1) be—

“(A) a State emergency medical services office;

“(B) a State emergency medical services association;

“(C) a State office of rural health;

“(D) a local government entity;

“(E) a State or local ambulance provider;

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

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

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

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

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

“(1) recruit emergency medical service personnel;

“(2) recruit volunteer emergency medical service personnel;

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

“(4) fund specific training to meet Federal or State contingency requirements;

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

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

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

“(8) fund additional public concerning cardiopulmonary resuscitation, first aid, injury prevention, safety awareness, illness prevention, and other related emergency preparedness training for employees.

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

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

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

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

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

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

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

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

“(2) includes services delivered by an emergency medical services provider (either compensated or volunteer) or other provider recognized by the State involved, to deliver medical care outside of a medical facility under emergency conditions that occur—

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

“(B) as a result of a natural disaster or similar situation.

“(g) AUTHORIZATION OF APPROPRIATIONS.—

“(1) IN GENERAL.—There are authorized to be appropriated—

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

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

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

“(a) DEFINITIONS.—In this section—

“(1) EMERGENCY MEDICAL SERVICES.—The term ‘emergency medical services’ means—

“(A) qualified mental health professionals providing mental health services using telehealth.

“(B) mental health professionals providing mental health services using telehealth.

“(2) MENTAL HEALTH SERVICES.—The term ‘mental health services’ means—

“(A) qualified mental health professionals providing mental health services using telehealth.

“(B) mental health professionals providing mental health services using telehealth.

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

“(D) SPECIAL POPULATIONS.—The term ‘special populations’ refers to the following 2 distinct groups:

“(1) CHILDREN AND ADOLESCENTS.—

“(2) ELDERLY INDIVIDUALS.—

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

“(4) USE OF FUNDS.—An eligible entity that receives a grant under this section shall use the grant funds to—

“(A) pay telecommunications costs; and

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

“(5) PROHIBITED USES.—An eligible entity that receives a grant under this section may not use the grant funds to—

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

“(B) build upon or acquire real property.

“(c) USE OF FUNDS.—In awarding grants under this section the Secretary shall ensure, to the greatest extent possible, that such grants are equitably distributed among geographical regions of the United States.

“(d) APPLICATION.—An entity that desires a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary determines to be reasonable.
“(1) REPORT.—Not later than 4 years after the date of enactment of the Health Care Safety Net Improvement Act, the Secretary shall prepare and submit to the appropriate committees a report that shall evaluate activities funded with grants under this section.

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

TITLE III—HISPANIC HEALTH SERVICE CORPS PROGRAM

SEC. 301. NATIONAL HEALTH SERVICE CORPS.

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

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

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

“(ii) The term ‘graduate program of behavioral and mental health’ means a program that trains behavioral and mental health professionals (including schools at which graduate programs of behavioral and mental health are offered).”; and

(2) in subsection (b)—

(A) in paragraph (1), by striking “health professions” and inserting “health professions, nurse practitioners, nurse specialists, and psychiatrists;”;

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

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

“(c) The Secretary may reimburse an applicant for a position in the Corps (including an individual considering entering into a written agreement pursuant to section 333D) for the actual and reasonable expenses incurred in traveling to and from the applicant’s place of residence to an eligible site to which the applicant may be assigned under section 332 for the purpose of evaluating such site with regard to being assigned at such site. The Secretary may establish a maximum total amount that may be paid to an individual as reimbursement for such expenses.

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

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

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

(1) in subsection (a)—

(A) in paragraph (1), by inserting after the first sentence the following: “All Federally qualified health centers and rural health clinics, as defined in section 331(a)(1) and section 331b, shall be eligible to receive such funds.”; and

(B) in paragraph (2), by inserting “or a population group, or facility, determined by the Secretary of Health and Human Services, in consultation with organizations representing individuals of a dental field and organizations representing publicly funded health professionals, shall develop and implement a plan for increasing the participation of dentists and dental hygienists in the National Health Service Corps Scholarship Program and the Loan Repayment Program under section 332 of the Public Health Service Act (42 U.S.C. 254l) and the Loan Repayment Program under section 332B of such Act (42 U.S.C. 254l–1).”;

(c) SCHOLARSHIP AND LOAN REPAYMENT PROGRAMS.—The Secretary of Health and Human Services, in consultation with organizations representing individuals of a dental field and organizations representing publicly funded health professionals, shall develop and implement a plan for increasing the participation of dentists and dental hygienists in the National Health Service Corps Scholarship Program and the Loan Repayment Program under section 332 of the Public Health Service Act (42 U.S.C. 254l) and the Loan Repayment Program under section 332B of such Act (42 U.S.C. 254l–1).

(d) SITE DESIGNATION PROCESS.—

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

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

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

“(1) the Governor of each State; and

“(2) an appropriate entity, population group, or facility selected by such Governor to receive such designation, to—

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

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

(e) GAO STUDY.—Not later than February 1, 2005, the Comptroller General of the United States shall submit to the Congress a report on the appropriate State and territorial dental directors, dental societies, and other interested parties, including but not limited to infant mortality rates, access to health services taking into account the distance to primary health services, the rate of poverty, the rate of poverty and low birth rates, established by the Secretary of Health and Human Services for the designation of health professional shortage areas, whether the designations are appropriate and necessary.

SEC. 303. ASSIGNMENT OF CORPS PERSONNEL

(a) IN GENERAL.—Section 333 of the Public Health Service Act (42 U.S.C. 254i) is amended—

(1) in subsection (a)—

(2) in subsection (b)—
(A) in paragraph (1)—
(i) in the matter before subparagraph (A), by striking “specified in the agreement described in section 334”;
(ii) as paragraph (A), by striking “non-profit”; and
(iii) by striking subparagraph (C) and inserting the following:
“(C) the entity agrees to comply with the requirements of section 334;” and

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

(2) in subsection (d)—
(A) in paragraphs (1), (2), and (4), by striking “non-profit” each place it appears; and
(B) in paragraph (1)—
(i) in the second sentence—

(C) by striking “and” at the end; and

(D) by striking the period and inserting “, and”;

(E) developing long-term plans for addressing health professional shortages and improving access to health care,;’’;

and

(ii) by redesigning paragraphs (1) through (3) as paragraphs (2) through (4), respectively;

(3) in subsection (e)—
(A) by redesignating paragraphs (1) through (3) as paragraphs (2) through (4), respectively;

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

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

(C) in subsection (f)(1), in the matter before subparagraph (A)—

(i) by striking “paragraph (2)” and inserting “paragraph (3)”;

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

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

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

“(3) NOTIFICATION OF AFFECTED PARTIES.—

(A) consultation with affected parties to accommodate applications to which Corps members may be assigned within 30 days after the Secretary has added to a list under paragraph (2) an entity specified as described in subparagraph (A) of such paragraph, the Secretary shall notify such entity that the entity has been provided an authorization to receive assignments of Corps members in the event that such members are available for the assignments.

(B) IN GENERAL.—

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

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

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

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

(A) shall accept an assignment pursuant to section 1912(b)(3)(B) of the Social Security Act (42 U.S.C. 1395l(b)(3)(B)) with respect to an individual who is a beneficiary under the Medicare program; and

(B) shall enter into an appropriate agreement with—

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

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

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

SEC. 305. COST-SHARING.

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

“SEC. 334. CHARGES FOR SERVICES BY ENTITIES RECEIVING FEDERAL FUNDS.

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

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

(2) because payment for the services would be made or received after the date of such assignment.

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

(1) IN GENERAL.—

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

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

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

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

(A) shall accept an assignment pursuant to section 1912(b)(3)(B) of the Social Security Act (42 U.S.C. 1395l(b)(3)(B)) with respect to an individual who is a beneficiary under the Medicare program; and

(B) shall enter into an appropriate agreement with—

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

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

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

SEC. 306. ELIGIBILITY FOR FEDERAL FUNDS.

Section 336(e)(1)(B) of the Public Health Service Act (42 U.S.C. 254h(e)(1)(B)) is amended by striking “XVIII or XIX” and inserting “XVIII, XIX, or XXI”.

SEC. 307. FACILITATING PROVIDER RESPONSIVE PROVISION OF CORPS SERVICES.

(a) HEALTH PROFESSIONAL SHORTAGE AREAS.—Section 306 of the Public Health Service Act (42 U.S.C. 254h) is amended—

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

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

(b) TECHNICAL AMENDMENT.—Section 338A of the Public Health Service Act (42 U.S.C. 254i) is amended by striking “agreement.”

SEC. 308. AUTHORIZATION OF APPROPRIATIONS.

Section 338 of the Public Health Service Act (42 U.S.C. 254h) is amended by striking the following:

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

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

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

SEC. 309. NATIONAL HEALTH SERVICE CORPS SCHOLARSHIP PROGRAM.

Section 338A of the Public Health Service Act (42 U.S.C. 254l) is amended—
(1) in subsection (a)(1), by inserting “behavioral and mental health professionals,” after “dentists;”; (2) in subsection (b)(1)(B), by inserting “or an individual with a degree from a graduate program of behavioral and mental health” after “other health profession”; (3) in subsection (c)(1)(A), (4) in subparagraph (A), by striking “338D” and inserting “338E”; and (5) by striking paragraph (2). (A) in paragraph (1), by striking “and” at the end; (B) redesignating subparagraph (B) as subparagraph (C); and (C) by inserting after subparagraph (A) the following: “(B) the Secretary, in considering applications from individuals accepted for enrollment or enrolled in dental school, shall consider applications from all individuals accepted for enrollment or enrolled in any accredited dental school in a State; and;” (5) in subsection (f)— (A) in paragraph (1)(B)— (i) by striking “(iii),” (ii) by redesigning clause (iv) as clause (v); and (iii) by inserting after clause (iii) the following new clause: “(iv) if pursuing a degree from a school of medicine or osteopathic medicine, such professional shortage areas. The National Advisory Council on Loan Repayment, established under this Act, shall not be less than $31,000. except that the amount the United States is entitled to recover under this paragraph shall not be less than $31,000.”; (B) by striking paragraphs (2) and (3) and inserting the following: “(2) The Secretary may terminate a contract with an individual under section 338B if, not later than 30 days before the end of the fiscal year in which the contract was entered into, the individual— (A) submits a written request for such termination; and (B) repays all amounts paid on behalf of the individual under section 338B(g);”; (C) by redesigning paragraph (4) as paragraphs (A) and (B); (4) in subsection (d)(3)(A), by striking “only if such discharge is granted after the expiration of the five-year period” and inserting “only if such discharge is granted after the expiration of the 7-year period”; and (5) by adding at the end the following new subsection— “(e) Notwithstanding any other provision of Federal or State law, there shall be no limitation on the period within which suit may be filed, a judgment may be enforced, or an action relating to an offset or garnishment, or other action, may be initiated or taken by the Secretary, the Attorney General, or the head of any other Federal Agency, as the case may be, for the repayment of the amount due from an individual under this section.” SEC. 314. AUTHORIZATION OF APPROPRIATIONS. Section 338H of the Public Health Service Act (42 U.S.C. 254n) is amended by striking subparagraph (D) and inserting the following: “(D) in subparagraph (C), by striking “or” at the end; and (D) by striking paragraph (D); (2) in subsection (b)— (A) in paragraph (1)(A)—(i) by striking “338B(d)” and inserting “338D(d);” (ii) by striking “either;” (iii) by striking “338D” or and inserting “338D;” and (iv) by inserting “or to complete a required residency, fellowship, or other action, may be initiated or taken by the Secretary, the Attorney General, or the head of any other Federal Agency, as the case may be, for the repayment of the amount due from an individual under this section.” SEC. 338H. AUTHORIZATION OF APPROPRIATIONS. Section 338H of the Public Health Service Act (42 U.S.C. 254n) is amended to read as follows: “SEC. 338H. AUTHORIZATION OF APPROPRIATIONS— “(a) Authorization of Appropriations.—For the purposes of carrying out this subpart, there are authorized to be appropriated $146,250,000 for fiscal year 2002, and such sums as may be necessary for each of fiscal years 2003 through 2006. (b) Scholarships and Loan Repayments.—With respect to certification as a nurse practitioner, nurse midwife, or physician assistant, the Secretary shall, from amounts appropriated hereunder for a fiscal year, obligate not less than a total of 10 percent for contracts for both scholarships under the Scholarship Program (as described in section 338A), and loan repayments under the Loan Repayment Program under section 338B to individuals who are entering the first year of a course of study or program of training as specified in section 338A(b)(1)(B) that leads to such a certification or individuals who are eligible for the loan repayment program as specified in section 338B(b) for a loan related to that certification.” SEC. 315. GRANTS TO STATES FOR LOAN REPAYMENT PROGRAMS. Section 338I of the Public Health Service Act (42 U.S.C. 254q) is amended— (1) in subsection (a), by striking paragraph (1) and inserting the following: “(1) AUTHORITY FOR GRANTS.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, may make grants to States for the purpose of assisting the States in operating programs of loan repayment as described in this Act. (2) In order to provide for the increased availability of primary health care services in health professional shortage areas. The National Advisory Council on Loan Repayment, established under this Act, shall advise the Administrator regarding the program under this section.”;

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

"(1) to submit to the Secretary such reports regarding the States loan repayment programs that make such determination to be appropriate by the Secretary; and; and"

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

"(1) to submit to the Secretary an application, except that preference may be given to applicants;"

Title IV—Additional Provisions

Sec. 401. Community Access Demonstration Program.

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

"Subpart V—Community Access Demonstration Program;"

"Sec. 430. Grants to Strengthen Effective-ness, Efficiency, and Coordina-tion of Services for the Uninsured and Underinsured." 

"(a) in General.—"

"(1) Grants.—The Secretary may make not more than 5 grants for the purpose of carrying out demonstration projects to improve the effectiveness, efficiency, and coordination of services for uninsured and underinsured individuals.

"(2) Project Period.—A demonstration project under this section may not receive funding under this section for more than three fiscal years.

"(b) Eligible Entities.—To be eligible to receive a grant under this section, an entity must—

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

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

"(B) a hospital that meets the requirements of section 340B(a)(4)(L) or, if none are available in the area, a hospital that is a provider of emergency services, and provides hospital services without regard to their ability to pay) without regard to 340B (a)(4)(L); or

"(C) a public health department; or

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

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

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

"(C) that may include other health care providers and related agencies and organizations except that preference may be given to applicants that are health care providers identified in paragraph (1) of this subsection;"

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

"(1) define a geographic area of uninsured and underinsured individuals in the area to which the application relates;

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

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

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

"(5) demonstrate the consortium's ability to develop innovative approaches of care that either directly provide or ensure the prompt provision of a broad range of high-quality, accessible services, including, as appropriate, primary, secondary, and tertiary services, as well as substance abuse treatment and mental health services and

"(6) demonstrate to the Secretary that the applicant and the consortium propose to perform under the grant to further the purposes of this section;

"(7) demonstrate the consortium's ability to develop innovative approaches of care that either directly provide or ensure the prompt provision of a broad range of high-quality, accessible services, including, as appropriate, primary, secondary, and tertiary services, as well as substance abuse treatment and mental health services and

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

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

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

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

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

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

"(1) whose consortium includes public hospitals, Federally qualified health centers (as defined under section 190(D)(2)(B) of the Social Security Act), and other providers that are covered entities as defined by section 340B(a)(4) of this Act or that would be covered entities under section 20(a)(1)(L)(1) of such section;

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

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

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

"(5) whose proposed program would improve coordination of healthcare providers and appropriate social service providers, including local and regional human services agencies, school systems, and agencies on aging;

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

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

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

"(e) Use of Funds.—

"(1) Use by Grantees.—(A) In General.—Except as provided in paragraph (2) and (d) of a grantee may use amounts provided under this section only for—

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

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

"(B) Specific Uses.—The following are examples of purposes for which a grantee may use funds, when the conditions stated in subparagraph (A):

"(i) Increase in outreach activities.

"(ii) Improvements to provider networks.

"(iii) Development of provider networks.

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

"(v) Establishment of the infrastructure for the purpose of coordinating health care.

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

"(vii) Improvement of provider communication, including implementation of shared information systems or shared clinical systems.

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

"(2) Reservation of Funds for National Program Purposes.—The Secretary may use not more than 3 percent of funds appropriated to carry out this section for technical assistance to grantees, obtaining assistance of experts and consultants, meetings, dissemination of information, evaluation, and activities that will extend the benefits of funded programs to communities other than the one for which the applicant is applying to receive such grant.

"(f) Maintenance of Effort.—With respect to activities for which a grant under this section is authorized, the Secretary may make a grant only to a grantee that certifies in advance of the grant and each of the participating providers agree that each one will maintain its expenditures of non-Federal funds for such activities at a level that is not less than the level of such expenditures during the year immediately preceding the fiscal year for which the applicant is applying to receive such grant.

"(g) Reports to the Secretary.—The recipient of a grant under this section shall furnish to the Secretary annually regarding—

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

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

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

Each person or entity which receives a grant under this section shall provide for an independent annual financial audit of all records that relate to the disposition of funds received through this grant.

(i) Technical Assistance.—The Secretary, may, either directly or by grant or
contract, provide any funded entity with technical and other non-financial assistance necessary to meet the requirements of this section.

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

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

SEC. 492. EXPANDING AVAILABILITY OF DENTAL SERVICES.

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

**Subpart X—Primary Dental Programs**

**SEC. 340F. DESIGNED DENTAL HEALTH PROFESSIONAL SHORTAGE AREAS.**

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

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

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

(b) State Activities.—A State receiving a grant under subsection (a) may use funds received under it for—

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

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

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

(C) agree to—

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

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

(2) dental recruitment and retention efforts;

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

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

(5) the establishment or expansion of dental residency programs in coordination with State and local dental societies to expand or establish oral health services and facilities in designated dental health professional shortage areas, including services and facilities for children with special needs, such as—

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

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

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

(6) improvements and support of dental student, dental residents, and advanced dentistry trainees;

(7) community-based services such as water fluoridation and dental sealant programs;

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

(9) communities under the grant such as such as water fluoridation and dental sealant programs;

(10) coordination with local educational agencies to manage the activities to be funded through the grant and to evaluate and report on the outcomes resulting from such activities.

(11) reporting requirements. The Secretary may not make a grant to a State under this section unless that State agrees that, with respect to the costs to be incurred by the grantee under the activities for which the grant was awarded, the State will provide non-Federal contributions in an amount equal to not less than 40 percent of Federal funds provided for the grant.

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

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

(c) Applications.—

(1) In General.—Each State desiring a grant under this section shall submit an application to the Secretary at such time, in such form, and manner, as the Secretary may reasonably require.

(2) Assurance.—The application shall include assurances that the State will meet the requirements of subsection (d) and that the State possesses sufficient infrastructure to manage the activities to be funded through the grant.

(d) Matching Requirement.—The Secretary may not make a grant to a State under this section unless that State agrees that, with respect to the costs to be incurred by the grantee under the activities for which the grant was awarded, the State will provide non-Federal contributions in an amount equal to not less than 40 percent of Federal funds provided for the grant.

(e) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section, $50,000,000 for the 5-year period beginning with fiscal year 2002.”

SEC. 403. STUDY REGARDING BARRIERS TO PARTICIPATION OF FARMWORKERS IN HEALTH PROGRAMS.

(a) In General.—The Secretary shall conduct a study of the problems experienced by farmworkers (including their families) under Medicare and SCHIP. Specifically, the Secretary shall examine the following:

(1) Barriers to Enrollment.—Barriers to their enrollment, including a lack of outreach and outstationed eligibility workers, complicated applications and eligibility determination procedures, and linguistic and cultural barriers.

(2) Lack of Portability.—The lack of portability of Medicaid and SCHIP coverage for farmworkers who are mobile in one State but who move to other States on a seasonal or other periodic basis.

(3) Possible Solutions.—The development of possible solutions to increase enrollment and access to benefits for farmworkers, because, in part, of the problems identified in paragraphs (1) and (2).

(b) Possible Solutions.—Possible solutions to be examined shall include each of the following:

(1) Interstate Compacts.—The use of interstate compacts among States to establish portability and reciprocity for eligibility for farmworkers under the Medicaid and SCHIP and potential financial incentives for States to enter into such compacts.

(2) Demonstration Projects.—The development of demonstration projects to increase enrollment and access to benefits for farmworkers, because, in part, of the problems identified in paragraphs (1) and (2).

(3) Use of Current Law Flexibility.—Use of current law Medicaid and SCHIP State plan options relating to the coverage of residents and out-of-State coverage.

(4) National Migrant Family Coverage.—The development of programs of national migrant family coverage in which States could participate.

(5) Public-Private Partnerships.—The provision of incentives for development of public-private partnerships to develop private coverage alternatives for farmworkers.

(6) Other Possible Solutions.—Other solutions as the Secretary deems appropriate.

(c) Consultations.—In conducting the study, the Secretary shall consult with the following:

(1) Farmworkers affected by the lack of portability of coverage under the Medicaid program or the State children’s health insurance program (under titles XIX and XXI of the Social Security Act).

(2) Individuals with expertise in providing health care to farmworkers, including designers of national and local organizations representing migrant health centers and other providers.

(3) Resources with expertise in health care financing.

(4) Representatives of foundations and other nonprofit entities that have conducted or supported research on farmworker health care issues.

(5) Representatives of Federal agencies which are involved in the provision or financing of health care to farmworkers, including the Health Care Financing Administration and the Health Resources and Services Administration.

(6) Representatives of State governments.

(7) Representatives of the farm and agricultural industries.

(8) Designees of labor organizations representing farmworkers.

(d) Definitions.—For purposes of this section—

(1) Farmworker.—The term ‘farmworker’ means a migratory agricultural worker or seasonal agricultural worker, as such terms are defined in section 330(g)(3) of the Public Health Service Act (42 U.S.C. 254c(g)(3)), and includes a family member of such a worker.

(2) Farmworker.—The term ‘farmworker’ means a migratory agricultural worker or seasonal agricultural worker, as such terms are defined in section 330(g)(3) of the Public Health Service Act (42 U.S.C. 254c(g)(3)), and includes a family member of such a worker.
(3) SCHIP.—The term "SCHIP" means the State children’s health insurance program under title XXI of the Social Security Act.

(e) REPORT.—Not later than one year after the date of enactment of this Act, the Secretary shall transmit a report to the President and the Congress on the study conducted under this section. The report shall contain a detailed statement of findings and conclusions of the study, together with its recommendations for such legislation and administrative actions as the Secretary considers appropriate.

SEC. 404. ELIGIBILITY OF CERTAIN ENTITIES FOR GRANTS.

If under a program established in this Act (other than section 401), or if pursuant to an amendment made by this Act, a private entity that is not a nonprofit entity is eligible for an award of a grant, contract, or cooperative agreement, such an award may not be made to such private entity unless the entity is the only available provider of quality health services in the geographic area involved.

SEC. 405. CONFORMING AMENDMENTS.

(a) HOMELESS PROGRAMS.—Subsections (c)(1)(B), (c)(1)(C), and (d)(1)(C) of section 224, and sections 317A(a)(2), 317E(c), 318A(e), (g)(1)(G)(ii), (k)(2), and (n)(1)(C) of section 330(h) of the Public Health Service Act (42 U.S.C. 200d, 200d-4–4(c), 200d-11, 254(a)(2)(C), 254(c)(5), 254(b)(6)(B), 1313, and 2632(b)) of the Public Health Service Act (42 U.S.C. 200d-2–26(c), 247c-1(a), 1221, 247c-1(b)(2), and 300F(c)(5); 300F(c)(6)); and

(b) HOMELESS INDIVIDUAL.—Section 530(2) of the Public Health Service Act (42 U.S.C. 290ccc-5(2)) is amended by striking "340" and inserting "350".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. BILIRAKIS) and the gentleman from Texas (Mr. GREEN) each will control 20 minutes.

The Chair recognizes the gentleman from Florida (Mr. BILIRAKIS).

Mr. BILIRAKIS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation, and to insert additional material on the bill.

The SPEAKER pro tempore. There being no objection, the unanimous consent is granted.

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

Mr. Speaker, I rise in strong support of H.R. 3450, the Health Care Safety Net Improvement Act. This bill reauthorizes our Nation’s key health care delivery systems and creates additional efficiencies. Specifically, this bill reauthorizes the Community Health Center program, the National Health Service Corps, and rural outreach grants. Each of these programs ensures that both the uninsured and the underinsured have access to quality health care services.

Since 1965, America’s health centers have provided comprehensive services to people who would otherwise face major barriers to obtaining quality, affordable health care. Health centers serve those who are hardest to reach and are required by law to make their services accessible to everyone, regardless of their ability to pay.

Our legislation increases the funding authorization for health centers to $1.293 billion. We have included language allowing health centers to provide behavioral, mental health, and substance abuse services if they choose. The legislation also creates a new program for practice management networks. These networks will improve access to care and reduce costs of delivering the high-quality care that health centers provide.

Many community health centers are located in America’s inner cities, isolated rural areas, and underserved and vulnerable communities, which often lack adequate numbers of health professionals. H.R. 3450 ensures that health centers will have an easier process for becoming designated as a health professional shortage area. The HPSA designation is important because it will help health centers access health professionals through other Federal programs.

One of the most important programs for ensuring an adequate supply of health professionals is the National Health Service Corps. The National Health Service Corps recruits, trains, and places primary care providers in both urban and rural health care shortage areas. Program participants are health professionals who receive educational assistance in return for a period of obligated service.

Our legislation reauthorizes this vital program, which serves as a pipeline for health care facilities that have trouble attracting health professionals. The bill strengthens the service obligations requirements of the National Health Service Corps. By strengthening this provision, health care facilities using program graduates can be certain that health corps personnel will fulfill their entire service contract, something I have been concerned with for years and years.

H.R. 3450 also recognizes the importance of oral health care and authorizes the expansion of dental care education. The bill creates flexibility for the HHS Secretary in administering the program to ensure that resources are maximized between the loan repayment and the scholarship programs.

Another area of focus in the Safety Net Improvement Act is in the rural health arena. Often rural communities have trouble developing capacity and maintaining health care facilities. Our legislation will help rural providers develop new service capacity and integrated health delivery networks. It will help rural facilities implement quality improvement initiatives.

A concern for many rural communities is the delivery of adequate specialty care and mental health services. Our bill consolidates programs within the Office of Telehealth to build on them to deliver services via teletechnologies. We authorize funding for the extension of programs that will expand access to, coordinate, and improve the quality of health services. These programs will also improve and expand the training of health care providers and the quality of health information available to underserved communities.

Mr. Speaker, I believe using telehealth technologies is an effective and efficient way to expand access to care for those in the most remote locations of our country. H.R. 3450 authorizes for the first time a demonstration program to coordinate the care that individuals receive in a particular geographic area. I believe that programs like this may reduce duplicative services and lead to greater efficiencies within our systems, and I anxiously await the GAO study on this program so we may better evaluate its overall effectiveness.

As health care delivery becomes more complex, we must be sure that we have the trained professionals and the necessary infrastructure to address the increasing demand for health care services.

Mr. Speaker, given recent events and news of increasing numbers of uninsured, it is vitally important that we keep our safety net strong. I believe this bill is a good start, and I am certain it will improve our Nation’s most vulnerable populations. I urge Members to support H.R. 3450, the Health Care Safety Net Improvement Act.

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

Mr. GREEN of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 3450, the Health Care Safety Net Improvement Act, and I thank the gentleman from Florida (Mr. BILIRAKIS) and the gentleman from Ohio (Mr. BROWN) for bringing this important legislation to the floor today. I would also like to thank the gentleman from Louisiana (Chairman TAUZIN) and the ranking member, the gentleman from Michigan (Mr. DINGELL), for their efforts to improve access to quality primary and primary care for the millions of medically underserved Americans who rely on these programs.

This important legislation strengthens our health care safety net by reauthorizing the Consolidated Health Centers program, the National Health Services Corps, certain rural health programs, and creating a new Community Access Demonstration Program.

This legislation could not come at a better time. The U.S. Census Bureau announced on Sunday that the number of uninsured people in the United States increased by 1.4 million in 2001 to more than 41 million Americans.

With the decline in the economy and escalating health care costs, the ranks of the uninsured will continue to grow. We must act now to ensure that our health care safety net is prepared for the flood of newly uninsured individuals. These programs ensure that all Americans have access to health care, regardless of their ability to pay.

I would like to take a moment to talk about the Community Access Program, or CAP program, as this is an...
issue I have been working on for a number of years. The CAP program was launched as a demonstration project in fiscal year 2000, providing grants to 23 communities across the country. This program has expanded in fiscal year 2001 to 27 communities, and again in fiscal year 2002 to a total of 136 communities.

The CAP program provides grants to help agencies coordinate preventive and primary care for that 41 million Americans without insurance. The uninsured and underinsured tend to be more expensive to treat, often because they fall through the cracks in our health care system. Instead of getting checkups and having small problems looked at, the undiagnosed often feel the symptoms of what might be larger problems because they simply cannot afford to go to the doctor. CAP can help fill the gaps in our health care safety net by improving infrastructure and communication among the agencies to ensure that care is continuous.

With better information, agencies can provide preventive, primary, and emergency clinical health services in an integrated and coordinated manner.

I am particularly proud of the CAP program in Houston, Texas, which has been operating for the past 2 years. Using Federal CAP funds, the Harris County Community Access Collaborative is growing into an organization consisting of 78 member and affiliate groups working together to coordinate and improve access to health care. In just the last year, over 9,000 persons have been assisted during the 15,000 interventions to procure access to care through navigation services.

And after-hours telephone service called Ask Your Nurse has been opened that is designed to provide health care information to 20,000 callers per year as an alternative to emergency rooms. The collaborative is also supporting the redesign of existing safety net services in order to assist them to use their resources more efficiently resulting in the redesign of services to 6,000 to 24,000 additional persons. This kind of program not only helps ease some of the burdens on our health care system, but makes a tremendous difference in the quality of life for many of these patients.

That is why I am pleased to support H.R. 3450, including a 3-year demonstration program for the CAP program.

However, I am concerned that H.R. 3450 limits the number of grants nationally to 35 and that the initial authorization level in the bill will not adequately support the program or provide for its growth.

Given that there are currently 136 grantees and many more prospective CAP participants, I support efforts to achieve the strongest CAP provisions possible as the bill moves forward. It is my hope in the closing days of the 107th Congress, we are able to work out the differences and produce a strong and effective CAP program.

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

Mr. BILIRAKIS, Mr. Speaker. I yield myself such time as I may consume. Mr. Speaker, I want to acknowledge the work of the gentleman from Texas (Mr. GREEN) on the entire issue of the Safety Net Community Health Centers, and particularly the CAP program. It should be noted that the bills that we are continuing to talk on it and hopefully improve on what we have in this legislation insofar as that area is concerned. But it is important also that we have oversight, and take a look at how it is working. It is working, as we hope and dream that it is working.

Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. SHIMKUS).

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

1245

Mr. SHIMKUS, Mr. Speaker, as a co-sponsor of the bill and as a proud member of the Committee on Energy and Commerce, I would like to commend the distinguished gentleman from Florida (Mr. BILIRAKIS), the Commerce Subcommittee on Health and all those who have worked on legislation to the floor. This bill will improve access to quality preventative and primary health care for the medically underserved, including the millions of Americans, many who reside in Illinois, without health insurance coverage.

First and foremost, H.R. 3450 would reauthorize the critically important Community Health Centers Program for another 5 years, including reaffirmation that health centers be located in high-need areas; provide comprehensive preventive and primary health care services; governed by community boards made up of a majority of current health center patients to assure responsiveness to local needs; and the provision of care that matches the needs of the communities they serve, regardless of ability to pay.

I have been in love with community health centers since I have been involved here in Washington. They are meeting a great need. That is why I wholeheartedly support what we are doing here.

This legislation also authorizes for the very first time the Community Access Program, the CAP program as has been talked about earlier before me, which supports the development of communitywide networks to organize and improve access to health care in low-income and uninsured populations. The CAP program has proven successful in improving health care access, reducing emergency room use and saving money through shared resources and economies of scale.

I have had the opportunity to observe the benefits of this important program up close when I visited Macoupin County Health Department and the Springfield Comprehensive Community Health Initiative, two innovative CAP projects in my district. I am proud to report that these two projects have helped tremendously to both expand and strengthen the health care safety net in the communities I represent.

I am pleased that H.R. 3450 includes a 5-year authorization for the CAP program. However, as has been stated by the gentleman from Texas, H.R. 3450 limits the number of grantees nationally to 35. Given that there are currently 136 grantees and many more prospective CAP participants, I strongly support efforts to achieve the 35 CAP provisions as possible as the bill moves forward, most importantly the elimination of the bill’s limit on the number of CAP grantees.

Again, I am pleased to support passage of H.R. 3450, and I stand ready to work with my esteemed colleagues to ensure that the Health Care Safety Net Improvement Act is enacted into law. I look forward to working with the gentleman from Florida (Mr. BILIRAKIS) and the gentleman from Texas (Mr. GREEN) in the future.

Mr. GREEN of Texas, Mr. Speaker, I yield 4 minutes to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. I thank the gentleman from Texas for yielding me this time and also for his outstanding work on this legislation.

Mr. Speaker, as a co-sponsor of the bill, former president of the National Association of Community Health Centers, cochair of the Health Center Caucus, former employee of two community health centers, and with 26 community health centers in my district, I rise to add my strong support for H.R. 3450, the Health Care Safety Net Improvement Act. I would like to commend the distinguished gentleman from Florida (Mr. BILIRAKIS), chairman of the House Energy and Commerce Subcommittee on Health, and the distinguished gentleman from Ohio (Mr. BROWN), ranking member of the House Energy and Commerce Subcommittee on Health, for bringing this important legislation to the floor today. I also like to commend the distinguished gentleman from Louisiana (Mr. TAUZIN), chairman of the Committee on Energy and Commerce and the distinguished gentleman from Michigan (Mr. DINGELL), the ranking member, for their efforts to improve access to quality preventative and primary health care for the medically underserved, including the millions of Americans without health insurance coverage.

The Federal Health Centers Program was designed as a unique public-private partnership with Federal resources provided directly to community organizations for the development and operation of local health care systems. Under program rules, a majority of the membership on the policy boards of the local health centers must consist of individuals who receive care at the local center and who represent the community being served. In this way communities in need are given the...
Mr. Speaker, community health centers are truly integral threads of America’s health care safety net. That is why I am pleased to support reauthorization of this critically important program for another 5 years.

Most importantly, H.R. 3450 strongly reaffirms the four foundations of the health centers programs that, one, health centers be located in high-need areas; two, provide comprehensive preventive and primary health care services; three, be governed by community boards made up of a majority of current health center patients to assure responsiveness to local needs; and, four, be open to everyone in the communities they serve, regardless of ability to pay. It is these requirements of the Health Centers Program that have made it a model of health care delivery for more than 30 years, providing high-quality care to our most vulnerable and most challenging health problems that exist. One example of this program’s effectiveness is the tenacity with which health centers have addressed the racial and ethnic disparities in health care, a growing issue highlighted by the Institute of Medicine’s March 2002 report entitled “Unequal Treatment: Confronting Racial and Ethnic Disparities in Health Care.” This report found overwhelming evidence that minorities in America generally receive poor health care even when income, insurance and medical conditions are similar. The report identified a number of causes for racial health disparities, including language barriers, inadequate coverage, provider bias, and lack of minority doctors. For most, it is not new.

This bill also expands the availability of dental health services at community health centers, which is so greatly and vitally needed even for senior citizens who have Medicare and still cannot get dental services.

Mr. Speaker, this is an outstanding program. I commend all of those who continue to make it happen.

Mr. BILIRAKIS. Mr. Speaker, I, too, thank the gentleman for his kind remarks and his support. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. FOLEY).

Mr. FOLEY. Mr. Speaker, let me thank the gentleman from Florida (Mr. BILIRAKIS), who is known as Mr. Health in the Florida delegation for his timely passage of H.R. 3450, and urge adoption. Coming from Florida, many people think of us as a very large agrarian rural county that are considered in 67 counties in the great State of Florida.

I happen to represent communities that go from the east coast to the west coast, and they include such impoverished communities as Glades and Hendry, where we do average, and a growth, if you will, of community health centers throughout these areas.

Five years ago most of these families would have had to travel to Lee County to gain any type of health care at all. Oftentimes doctors were not even available in the communities. You could not attract or recruit them. This bill goes a long way to ensuring not only do we have a quality work force of doctors, but trained professionals to assist.

The gentleman from Illinois just mentioned another important provision in this bill, which is dental health. Dental health is part of the physical health of a person. If we only care for the dentures, the teeth, the jaws and gums of the individuals we serve, they will have a decline, if you will, of quality of life.

The mental health coverage provided in this bill is expanded, and it brings about new innovations.

We mentioned again about providing help to migratory and seasonal agricultural workers. Oftentimes if we catch them after the disease is over, we can actually save society a great deal of money. The sicker a person becomes, whether it is pneumonia or some other disease, the more expensive it is and typically will be treated in an emergency room where the cost is that much greater for Medicaid and some of the other delivery services. Some of the hospitals in my district are going uncompensated for the care of some of these individuals.

This is the underpinnings of this very well-crafted legislation, that it reaches out and not only provides a safety net for our communities, but actually strengthens the communities through a delivery system of quality health care. Every citizen in this country is entitled to quality health care regardless of their ability to pay and regardless of their ability to speak English, because oftentimes they are the hardest working.

Again, I commend and salute the chairman, the ranking member, and the gentleman from Texas for his hard work on this issue. I urge all colleagues to strongly support H.R. 3450.

Mr. BARR of Georgia. Mr. Speaker, since its creation in 1972, the National Health Service Corps (NHSC) has made a significant impact both in improving the distribution of health care providers (physicians, physician assistants, nurse practitioners and dentists) in the underserved areas of our country and increasing primary care access for at-risk populations.

The NHSC operates two programs to help meet the needs of underserved communities: the scholarship program and the loan repayment program. The scholarship program provides funds to students for educational living expenses during health care practitioner training. The loan repayment program provides financial assistance to help newly graduated practitioners repay their educational loans. For each year of NHSC loan repayment support, participants are obligated to provide one year of medical care in underserved communities.

Noteworthy research comparing the effectiveness of the NHSC scholarship and loan repayment programs was conducted by The Cecil G. Sheps Center at UNC Chapel Hill, NC and Mathematica Policy Research—“Evaluation of the Effectiveness of the National Health Service Corps” HRSA Contract No. 240–95–0038, May 31, 2000. This research confirmed that only 20.7 percent of NHSC scholarship recipients stayed at least one month beyond their service obligation, compared to 57.2 percent of NHSC loan repayment recipients.

In addition, the General Accounting Office (GAO) in a 1995 report entitled, “National Health Service Corps: Opportunities to Stretch Scarce Dollars and Improve Provider Placement,” concluded that the NHSC scholarship program was significantly more expensive than the NHSC loan repayment program. This report stated that loan repayment recipients cost the federal government one-half to one-third less than scholarship recipients and the loan repayment program offers a better long term investment of limited federal dollars.

Given this information from both the Sheps Center/Mathematica study and the GAO report, I am a strong advocate for removing the current 30 percent set aside for NHSC scholars. The legislation before us today, H.R. 3450, does not include a 30 percent set aside for NHSC scholarships. Instead, the legislation leaves the division of resources between the scholarship and loan repayment programs up to the experts at the Health Resources Services Administration (HRSA). This way HRSA officials can look at all of the data collected on these programs and determine the best use of tax dollars.

We all want to see America’s safety net of community health care centers, rural health care clinics, and providers for underserved areas grow stronger and more stable. The NHSC loan repayment program has proven its effectiveness in this area and I am proud to say that the House-version of this legislation will enable the fullest possible support of that program.

Mr. BROWN of Ohio. Mr. Speaker, I want to thank Chairman of the Energy and Commerce Health Subcommittee, Mr. BILIRAKIS, for his hard work on this bill. And a special thanks to staff members Steve Tilton, Erin Okunzzi, and Pat Morissey, on the Republican side, and David Nelson and John Ford on ours. Community Health Centers and the National Health Service Corps provide health care to an underserved and uninsured population. A population that faces poverty, hunger, poor living conditions—all of which exacerbate the need for health care and all but guarantee disenfranchisement from the private health insurance system of the country that is guaranteed.

Community Health Centers and the National Health Service Corps serve populations that otherwise would fall through the cracks of our...
patch-work public/private healthcare system. In Ohio, over 217,000 patients receive services through Community Health Centers. Life-saving services like treatment for dehydration and for exposure to extreme heat and cold. Services as fundamental—and fundamentally important—as immunizations, child health exams and cancer screening. And services as sophisticated as treatment for heart disease, diabetes, asthma and mental illness.

Since 1972, the National Health Service Act has reach millions of Americans living in areas where quality care is scarce. The Corps has encouraged health professionals to go where other health professionals would not, providing access to health care and working to eliminate health disparities in underserved areas. Reauthorization of the Corps will only make this public program stronger.

Health centers and the National Health Service Corps continue to improve the quality of life for so many uninsured families. I urge my colleagues to support this popular bill.

While the committee did not report the bill, I have been in constant consultation with my colleagues to support this important legislation. I urge my colleagues to support this popular bill.

We recognize the critically important role that translation and interpretation services, as well as health care services provided in a culturally competent manner, play in ensuring the delivery of appropriate health care services to patients who have limited ability to speak English, and applaud the efforts of health centers to deliver linguistically and culturally appropriate care.

We encourage that health centers serve increasing numbers of patients speaking a variety of languages and representing a variety of racial and ethnic backgrounds.

We also recognize that the particular community health centers that serve limited English proficient populations bear a disproportionate financial, administrative and clinical burden above and beyond costs associated with providing health services and other general enabling services.

It is our expectation that the Secretary will work with health centers to enable them to provide, to the maximum extent feasible, appropriate translation and interpretation services for all of the patients they serve.

Mr. CAPUANO. Mr. Speaker, I rise today in support of H.R. 3450, the Health Care Safety Net Improvement Act. As a co-sponsor of this bill and Co-Chair of the Community Health Center Caucus I’d like to thank Mr. BLIRKAKIS and Mr. BROWN for their leadership in bringing this legislation to the floor today.

As you know, health centers were established to provide access to quality preventive and primary health care for the medically underserved—including the millions of Americans without health insurance, low income working families, members of minority groups, residents of rural areas, home-less persons, and agricultural farmworkers. Since their inception, health centers have served as a prototype for effective public-private partnerships, demonstrating an ability to meet pressing local health needs while being held accountable for meeting national performance standards.

H.R. 3450 would reauthorize the National Health Service Corps program and authorize the Community Access Program. According to the Department of Health and Human Serv-

ices, over 50 million people do not have a regular health care provider, including millions with public or private health insurance coverage. This legislation is vital in light of this data, including yesterday’s Census Bureau study reporting the number of Americans who lack health coverage has increased again after a two-year decline. The third of Latinos lack coverage, far more than any other racial or ethnic group. More than 4 in 10 residents who are not citizens are uninsured, and more than one-quarter of high school dropouts have no insurance.

Mr. Speaker, I urge all Members of the House to support this bill and to ensure its passage and enactment this year. The House must move quickly to ensure that health centers can continue to provide high quality health care services to vulnerable populations in underserved communities across America.

Ms. PELOSIO. Mr. Speaker, I rise in strong support of H.R. 3450, the Health Care Safety Net Improvement Act. By reauthorizing the Community Access Program and the National Health Service Corps, this important legislation will preserve and expand access to culturally and linguistically appropriate primary health care services for the millions of uninsured and underinsured Americans who rely on these programs.

Just this week, the Census Bureau released figures showing that the number of uninsured Americans increased by 1.4 million last year to a total of 41.2 million, or 14.6 percent of the total population. Community Health Centers are uniquely positioned to meet the extraordinary needs of those in the emergency room for those without adequate access to health care by providing comprehensive primary and preventive care to 12 million people each year, including 5 million uninsured Americans, in more than 3400 urban and rural communities.

H.R. 3450 will expand the availability of cancer screening and housing service at Health Centers, and create new grants to increase access to health services in rural areas.

Existing shortages in the health professions, especially in nursing, have strained all aspects of the health care system. The National Health Services Corps helps increase the number of trained health professionals available to meet the personnel needs of safety net providers by providing scholarship and loan repayment support to 2500 health professionals, who then agree to serve in Community Health Centers and other locations in underserved communities.

H.R. 3450 also authorizes the Healthy Communities Access Program, which has demonstrated and will strengthen our health care safety net through improved information systems, telecommunication, integrated networks, and better care management. Coordination of care is an issue that is consistently raised as one of the challenges associated with reducing the number of uninsured Americans. The Healthy Communities Access Program is the only federal program designed to address this need, and today’s legislation will ensure that it is preserved.

In my district, the San Francisco Community Clinics Consortium has used these funds to build a system that will link community health centers to each other and to family planning clinics, Ryan White grantees, and all of our city’s providers that serve uninsured San Franciscans. The result is a cohesive system of care that includes a common registration system, installation of electronic medical record software, standardization of referral systems, and integration of behavioral health care with primary care.

Expanding access to quality health care is one of our most important responsibilities in Congress. I urge my colleagues to vote in support of H.R. 3450.

Mr. DINGELL. Mr. Speaker, I support H.R. 3450, "Health Insurance Coverage Safety Net Improvement Act," an important piece of legislation. Its progress has been delayed for nearly a year by a Republican leadership that was willing to jeopardize a bill of vital importance to millions of Americans by attempting to attack an extraordinarily controversial, yet completely non-related, amendment to this bill. Thankfully we now have an opportunity, though long overdue, to pass this legislation.

H.R. 3450 will reauthorize the National Health Service Corps (NHSC), the Community Health Centers program, and will establish a Community Access demonstration program (CAP). H.R. 3450 is vital to providing health care services to the uninsured and under-insured. Health centers are located in more than 3,400 communities in all 50 states and often are the only available source of care for uninsured and medically under served individuals.

Health centers provide primary health care services to more than 12 million people per year—nearly five million of whom have no health insurance status or income, is an important component of H.R. 3450.

While health centers provide quality care to the uninsured for nearly one dollar per patient per day, they cannot continue to expand care to the growing numbers who seek their care without a significant increase in their appropriations. This legislation is valuable because it authorizes such appropriations as may be necessary for community health centers for FY 2003 through FY 2006 so that they may continue to serve to the public and the communities that depend on them for reliable, quality health care services.

We should be passing legislation that would double these programs now, but this bill authorizes needed funding to community health centers and we should therefore support its passage.

This bill, however, has two noteworthy shortcomings. The Administration has chosen
to minimize the CAP program that permits local communities to coordinate the use of scarce healthcare dollars, event though where implemented that program that has been praised by local officials. Secondly, all authorizations for construction of the physical facilities have been struck from the bill, because the House did not have time to allow vote on a bill that provides the basic labor protections found in the Davis-Bacon Act for all direct Federal construction projects. Such protections would pass if a vote were allowed, and needed construction could begin.

Mr. BERUETER. Mr. Speaker, as a cosponsor of the bill, this Member wishes to add his strong support for H.R. 3450, the Health Care Safety Net Improvement Act. Furthermore, this Member would like to commend the distinguished gentleman from Florida [Mr. BILIRAKIS], the Chairman of the House Energy and Commerce Subcommittee on Health, and the distinguished gentleman from Ohio [Mr. BROWN], the ranking member of the House Energy and Commerce Subcommittee on Health, for bringing this important legislation to the House Floor today. This Member would also like to commend the distinguished gentleman from Louisiana [Mr. TAUTZ], Chairman of the House Energy and Commerce Committee, and the distinguished gentleman from Michigan [Mr. DINGELL], the ranking member of the House Energy and Commerce Committee, for their efforts to improve access to quality preventive and primary health care for the medically underserved—including the millions of Americans without health insurance coverage.

The Health Care Safety Net Improvement Act would:

(1) reauthorize the critically important Community Health Centers program for another five years, including reaffirmation that Health Centers should be: located in high-need areas; provide comprehensive preventive and primary health care services; governed by community boards made up of a majority of current health center patients to assure responsiveness to local needs; and, open to everyone in the communities they serve, regardless of ability to pay; and

(2) reauthorize the important Telehealth Programs, as well as the Rural Health Outreach and the Rural Health Network Development. In addition, H.R. 3450 would authorize a new Small Health Care Provider Quality Improvement Program. These programs would go a long way to facilitate the provision of primary and preventive care at a cost of over $2,000,000 each.

This Member is particularly pleased that language is included in H.R. 3450 that would provide automatic designation to Federally Qualified Health Centers (FQHC) and Federally Certified Rural Health Clinics as Health Professional Shortage Areas (HPSA) facilities for a period of six years. This Member recognizes that the National Health Service Corps plays a critical role in providing care for underserved populations by placing clinicians in urban and rural health centers; and, in return, the current, cumbersome HPSA designation process. This is a process that certainly seems unnecessary and duplicative, and which in some cases may result in delays in the placement of needed practitioners at high-need health centers and rural health clinics. Last year, this Member sent a letter, along with several colleagues, to the Chairman of the Energy and Commerce Subcommittee on Health requesting this change on a permanent basis and greatly appreciates the inclusion of the provision—even in the short term.

In closing, Mr. Speaker, this Member looks forward to working with the Committee and Subcommittee leadership, as earlier noted, on this important issue and this important bill as H.R. 3450 moves forward.

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

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

The SPEAKER pro tempore (Mr. BOOZMAN). The question is on the motion offered by the gentleman from Florida (Mr. BILIRAKIS) that the House suspend the rules and pass the bill, H.R. 3450.

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

A motion to reconsider was laid on the table.

RECOGNIZING THE DEVASTATING IMPACT OF FRAGILE X

Mr. SHIMKUS. Mr. Speaker, I move to suspend the rules and agree to the resolution (H.Res. 398) recognizing the devastating impact of fragile X, urging increased funding for research on fragile X, and commending the goals of National Fragile X Research Day, and for other purposes.

The Clerk read as follows:

H. RES. 398

Whereas fragile X is the most common hereditary cause of mental retardation, affecting people of every race, income level, and nationality;

Whereas 1 in every 267 women is a carrier from Oklahoma (Mr. WATKINS) to recognize the devastating impact of fragile X, urging increased funding for research on fragile X, and commending the goals of National Fragile X Research Day, and for other purposes.

The Clerk read as follows:

H. RES. 398

Whereas fragile X is the most common hereditary cause of mental retardation, affecting people of every race, income level, and nationality;

Whereas 1 in every 267 women is a carrier from Oklahoma (Mr. WATKINS) to recognize the devastating impact of fragile X, urging increased funding for research on fragile X, and commending the goals of National Fragile X Research Day, and for other purposes.

Whereas children born with fragile X typically require a lifetime of special care at a cost of over $2,000,000 each;

Whereas fragile X frequently remains undetected because the defect was relatively recently discovered and there is a lack of awareness about the disease, even within the medical community;

Whereas the gene causing fragile X has been discovered and is easily identified by testing;

Whereas inquiry into fragile X is a powerful research model for neuropsychiatric disorders, such as autism, schizophrenia, pervasive developmental disorders, and other forms of X-chromosome-linked mental retardation;

Whereas individuals with fragile X can provide a homogeneous research population for advancing the understanding of neuropsychiatric disorders;

Whereas with focused research efforts, a cure for fragile X may be developed;

Whereas fragile X research, both basic and applied, has been vastly underfunded despite the prevalence of the disorder, the potential for the development of a cure, the established benefits of available treatments and interventions, and the significance that fragile X research has for related disorders;

Whereas Members of Congress are in unique positions to help raise public awareness about the need for increased funding for research and early diagnosis and treatment for fragile X; and

Whereas throughout the United States, families and friends of individuals with fragile X have designated October 5 as National Fragile X Research Day to promote efforts to find a treatment and cure for fragile X: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the devastating impact of fragile X on thousands of people in the United States and their families;

(2) calls on the National Institutes of Health, the Centers for Disease Control and Prevention, and other related Federal and private research funds to enhance and increase their efforts and commitments to fragile X research;

(3) calls on medical schools and other health educators, medical societies and associations, and Federal, State, and local health care facilities to promote research that will lead to a treatment and cure for fragile X; and

(4) commends the goals and ideals of a National Fragile X Research Day and supports interested groups in conducting appropriate ceremonies, activities, and programs to demonstrate support for such a day.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. SHIMKUS) and the gentleman from Texas (Mr. GREEN) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois (Mr. SHIMKUS).

GENERAL LEAVE

Mr. SHIMKUS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous material on the resolution.

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

There was no objection.

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

Mr. Speaker, I am pleased that today the House is considering House Resolution 398 introduced by the gentleman from Oklahoma (Mr. WATKINS) to recognize the impact of fragile X on thousands of people in the United States and their families. The Committee on Energy and Commerce approved this resolution unanimously last week, and I encourage my colleagues to adopt the resolution today on the floor.

Fragile X syndrome is the most common genetically inherited form of mental retardation. It has been estimated that 1 in every 4,000 newborn males and 1 in every 6,000 newborn females is born with fragile X, but only a fraction of those affected have been diagnosed with fragile X may experience mental impairments that range from mild learning disabilities and hyperactivity
January 10, 2002
CONGRESSIONAL RECORD—HOUSE

to severe mental retardation and autism. While there is no specific treatment for fragile X syndrome, health care professionals have directed their efforts toward training and education so that children with fragile X can reach their full potential.

The resolution before us today calls on both public and private researchers to enhance their efforts to find a treatment and cure for fragile X. The resolution also commends the work that advocates nationwide are doing to raise awareness about fragile X.

I would also like to express my appreciation for the outstanding work that the gentleman from Oklahoma has done to raise awareness about this genetic disorder. The work that scientists are conducting throughout the United States we hope will ultimately lead to a cure. Until then it is important that all of us show our support for families affected by fragile X.

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

Mr. GREEN of Texas. Mr. Speaker, I yield myself such time as I may consume. I rise to express my support for House Resolution 398, a resolution recognizing National Fragile X Research Day this Saturday, October 5, 2002.

Mr. Speaker, fragile X is the most common inherited cause of mental retardation, affecting 1 in 2,000 boys and 1 in 4,000 girls. It is often present in families with mental health and physical problems, including learning disabilities, mental retardation, attention deficit and hyperactivity disorders, anxiety, autistic-like behaviors, physical abnormalities and seizures.

Despite the prevalence of this illness, many Americans, including health care providers, are unfamiliar with fragile X. As a result, 80 to 90 percent of individuals with fragile X are often misdiagnosed. Without proper diagnosis many children are unable to reach their full potential or get the education or treatment they need to better cope with fragile X.

Fragile X is also a very expensive disease to treat. Most children with fragile X require a lifetime of special care at a cost of over $2 million each. The lost wages, special education and health care costs associated with fragile X create a significant societal burden that can be reduced by additional Federal research in this area. Advances in the current research indicate that this would be a worthwhile investment.

Many prominent scientists have undertaken fragile X research projects, rapidly advancing the progress and leading to new breakthroughs about its cause. Researchers have identified the gene which is normally regulated by the fragile X gene.

This set is also associated with other neurological and psychiatric problems, and these advances could lead to breakthroughs in two other neurological and psychiatric disorders, such as autism, pervasive development disorder, Rett Syndrome, schizophrenia, obsessive-compulsive disorder, Tourette’s Syndrome, and numerous other disorders.

The outgrowth of this genetic malfunction could benefit the hundreds of thousands of people suffering from these diseases.

Mr. Speaker, I would like to thank my colleagues, the gentleman from Oklahoma (Mr. WATKINS) and the gentleman from Massachusetts (Mr. DELAHUNT) for their commitment to finding a cure for fragile X, and I urge my colleagues to join me in supporting this important cause.

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

Mr. SHIMKUS. Mr. Speaker, I yield such time as he may consume to the gentleman from Oklahoma (Mr. WATKINS).

Mr. WATKINS of Oklahoma. Mr. Speaker, I rise today in support of House Resolution 398, legislation that recognizes National Fragile X Research Day this Saturday, October 5, 2002.

For several years, my good friend, the gentleman from Massachusetts (Mr. DELAHUNT), and I have actively supported the goals of fragile X families in order to help raise public awareness about the need for increased funding for research and effective treatment for fragile X. We have worked for funding for research, and we have now introduced this noncontroversial and much-needed resolution to show congressional support for improving the treatment and finding a cure for this disease by observing the first National Fragile X Research Day on this coming Saturday, October 5, 2002.

Mr. Speaker, fragile X is the most commonly inherited cause of mental retardation, as the gentleman from Texas (Mr. GREEN) just said, one in every 2,000 newborn boys and one in every 4,000 newborn girls in this country. One in every 261 women is a carrier and has a 50 percent chance in each pregnancy of having a child with fragile X. Most of these afflicted children will require a lifetime of special care.

In recent years, however, there have been great strides made toward finding a cure for this genetic disease. Current research holds great promise for the development of effective treatments, but additional support for these efforts are urgently needed by this Congress. Thanks to the recent increase in Federal funding, many prominent scientists have undertaken fragile X research projects for the first time, rapidly accelerating progress and leading to new breakthroughs about its cause. As one of the first discoveries of the Human Genome Project, the cause of fragile X is among the most sought after and mysterious. Since then, our understanding of how this disease causes mental retardation, seizures, aggressive outbursts, and severe anxiety has dramatically increased. This research has lead Dr. James Watson, who shared the Nobel Prize for discovering DNA, to believe that a cure for this terrible disease is within sight, with our help, with our help from Congress.

Mr. Speaker, my cousin was afflicted by this condition, a fact which has profoundly affected our families. I have worked both to provide funding for its research and to raise public awareness of this particularly tragic disease. Addition-
ally, I would like to mention McColl’s Chapel in Ada, Oklahoma, where my wife and I raised our family in that community in my district. McColl’s Chapel provides a facility for families who lots of times have no facility willing to help them and help the children who continue to suffer from mental retardation as adults. McColl’s Chapel is always there with open and welcoming arms. Few States have places today that will accommodate and serve those mentally retarded. Many families have been blessed by the works of the people at McColl’s Chapel. Many of these families I know personally.

Mr. Speaker, I would like to mention and thank my good friends who are with us today, David and Mary Beth Bushy, parents of two fragile X boys of their own. I know both of these young men and they are a great inspiration to me. This family is inspiring, and they are educating me and also a lot of other people about the need for research and treatment of fragile X.

Mr. Speaker, I urge all of my colleagues to adopt this resolution.

Mr. GREEN of Texas. Mr. Speaker, I yield 7 minutes to the gentleman from Massachusetts (Mr. DELAHUNT).

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

It was I think 4 years ago that a friend of mine in the Boston area approached me and described to me the characteristics and the symptoms of this disorder called fragile X. Like most Americans, I had never heard of fragile X, but he told me there was a fellow from Oklahoma, a Republican by the name of Wes Watkins, that was the champion of those who were afflicted with this particular disorder, and he encouraged me to seek him out. I am glad I did.

Fragile X, as others have said, is the most common inherited cause of mental retardation. We have heard the statistics, the high incidence rate, the fact that fragile X is relatively unknown, even among medical professionals. It is easily identified by a simple blood test, yet families are left often struggling for months, even years, searching for explanations for alarming developmental delays and behaviors that are associated with fragile X; and they live in a time of uncertainty. There are some common physical signs such as large ears, long faces,
and flat feet; but half of fragile X children do not exhibit any of these characteristics. Other symptoms are less obvious, including hyperactivity, attention deficits, severe anxiety, and even violent seizures, making diagnosis difficult.

Again, I think it was the gentleman from Texas (Mr. GREEN) who indicated that it is estimated that somewhere between 80 and 90 percent of children with fragile X are currently undiagnosed or misdiagnosed. So it is fitting that today we consider a resolution recognizing National Fragile X Research Day and the urgency of the need to increase funding for fragile X research.

Mr. Speaker, 2 years ago this week, Congress enacted another bill sponsored by the gentleman from Oklahoma (Mr. WATKINS) and myself; it was labeled the Fragile X Research Breakthrough Act as part of the Children’s Health Act of 2000. This law directed an arm of the National Institutes of Health to expand and coordinate research of fragile X and authorize the establishment of at least three fragile X research centers. I am pleased to report significant progress towards implementing these provisions. Early this year, the institute began accepting applications for the fragile X research centers, which hopefully will be ready to open their doors this coming spring.

Thanks to this Federal commitment, many prominent scientists have undertaken fragile X research projects, rapidly accelerating the progress and leading to new breakthroughs about its cause. In a series of landmark discoveries, researchers have identified the set of genes which are normally regulated by the fragile X gene. Scientists are also now pursuing promising drug therapies for fragile X as new evidence has shown that this type of defect may be blocked by relatively simple medications. These new discoveries may not only improve treatment for fragile X, but also have uncovered striking connections between fragile X and a whole litany of other neurological and psychiatric disorders. So all of this holds great promise for the development of safe and effective treatments. But as the gentleman from Oklahoma (Mr. WATKINS) has indicated, there is a great more still to be done.

So I encourage all of my colleagues to support this resolution. Again, I want to commend the gentleman from Oklahoma (Mr. WATKINS). His work in this particular endeavor is part of a wonderful legacy that he can take with him as he leaves this institution after some 20 years. So I want to extend my congratulations.

Mr. WATKINS of Oklahoma. Mr. Speaker, will the gentleman yield?

Mr. DELAHUNT. I yield to the gentleman from Oklahoma.

Mr. WATKINS of Oklahoma. Mr. Speaker, as the gentleman indicated, and the gentleman is my friend, and believe me, I truly feel that. The gentleman indicated that I am leaving. This is something I am very proud of in a humanitarian way, and I am going to be, hopefully, asking the gentleman to continue this work. I am going to be leaving the House. But I know that the gentleman will continue that effort.

Mr. Speaker, I would like to dedicate this day to a classmate that I had who had this when I was growing up. I used to sit next to him at this country school with a popsicle, and I always shared half that popsicle with him. So I dedicate this day to Herman Samples, that classmate of mine.

Mr. DELAHUNT. Mr. Speaker, re-claiming my time, I promise my friend and my colleague that I will take up this cause, and I will always remember this particular story that the gentleman concluded his remarks with. I too want to share in dedicating this day to him. Again, I thank the gentleman for everything that he has done for so many.

Mr. BILIRAKIS. Mr. Speaker, I rise today in support of H. Res. 398, which recognizes the devastating impact of Fragile X, the most common inherited cause of mental retardation.

Fragile X mental impairment may range from mild learning disabilities and hyperactivity to severe mental retardation. In addition to intellectual disabilities, individuals with Fragile X display common physical traits and characteristic facial features. Children with Fragile X often appear normal in infancy but develop typical physical characteristics during their lifetimes. Because of scientific advances, improved treatments, and increased awareness, the number of children diagnosed with Fragile X has increased significantly over the last decade.

I was proud to have worked with my friend from Ohio, Mr. Brown, to expand research on a number of disorders that disproportionately affect children, including Fragile X, through the Children’s Health Act of 2000. The law urges the Director of the National Institutes of Health (NIH) to expand, intensify, and coordinate research on Fragile X at NIH.

Mr. Speaker, I urge my colleagues to support H. Res. 398, which recognizes the devastating impact of Fragile X on thousands of people in the United States and their families. Furthermore, this resolution calls for additional Fragile X research and supports National Fragile X Research Day.

Mr. BEREUTER. Mr. Speaker, as an original cosponsor of the resolution, this Member wishes to add his strong support for H. Res. 398, which would support interested groups in conducting appropriate ceremonies, activities, and programs to demonstrate support for such a day.

Mr. Speaker, in closing, this Member urges his colleagues to support H. Res. 398.

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

Mr. SHIMKUS. Mr. Speaker, I want to thank the gentleman from Oklahoma and the gentleman from Massachusetts for their fine work on this bill, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BOOZMAN). The question is on the motion offered by the gentleman from Illinois (Mr. SHIMKUS) that the House suspend the rules and agree to the resolution.

The SPEAKER pro tempore. Pursuant to clause 8, rule XX, and the Chair’s prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

EXpressing the sense of the Congress with respect to the disease endometriosis

Mr. SHIMKUS. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution. (H. Con. Res. 291) expressing the sense of the Congress with respect to the disease endometriosis.

The Clerk read as follows:

H. Con. Res. 291
Whereas endometriosis is a painful, chronic gynecologic disease;
Whereas, with such disease, tissue that is similar to the endometrium (the tissue lining the inside of the uterus) grows outside the uterus in the abdominal cavity and results in internal bleeding, inflammation, and...
the development of scar tissue because the tissue has no means of leaving the body (unlike the monthly development and shedding of the endometrium through the menstruation process); Whereas an estimated 10 to 20 percent of American women of childbearing age have endometriosis; Whereas endometriosis is a poorly understood disease and can strike women of any socioeconomic class, age, or race; Whereas the disease can affect a woman’s ability to work, ability to reproduce, and relationships with her mate, children, and everyone around her; Whereas infertility occurs in about 30 to 40 percent of all women with endometriosis; Whereas the cause of endometriosis is unknown; Whereas the disease can only be definitively diagnosed through gynecologic surgery; Whereas studies have shown that the average delay in actual diagnosis is more than nine years; Whereas there is no definitive cure for endometriosis; Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) strongly supports efforts to raise public awareness of endometriosis throughout the medical and lay communities, and (2) recognizes the need for better support of patients with endometriosis, the need for physicians to better understand the disease, the need for more effective treatments, and ultimately, the need for a cure.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. SHIMKUS) and the gentleman from Texas (Mr. GREEN) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois (Mr. SHIMKUS).

Mr. SHIMKUS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous material.

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

The Chair recognizes Mr. SHIMKUS.

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

Mr. Speaker, today the House is considering House Concurrent Resolution 291, a resolution expressing the sense of the Congress with respect to endometriosis.

Reported unanimously by the Committee on Energy and Commerce, this resolution will help raise awareness about a common disease that can unfortunately lead to devastating consequences for many women.

Endometriosis is a painful, chronic gynecologic disease affecting approximately 10 to 20 percent of American women of childbearing age. Of those affected, about 30 to 40 percent will experience infertility.

Unfortunately, the cause of endometriosis is unknown, and there is still no cure. Diagnosis can be difficult to confirm without surgery, and it is typically not identified for the average of 6 years. The National Institutes of Health is currently conducting several studies that may lead to other treatment op-
recognizes the need for improved patient sup-
port, improved physician awareness and un-
derstanding, and more effective treatment, in-
cluding finding a cure. Mr. Speaker, I urge my
colleagues to support H. Con. Res. 291.

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

The SPEAKER pro tempore (Mr. BOOZMAN).
The question is on the motion offered by the
gentleman from Illinois (Mr. SHIMKUS) that the House sus-
pend the rules and pass the bill (H.R. 4013) to establish the Office of
Rare Diseases at the National Institutes of Health, and for other purposes.

The Clerk read as follows:

H.R. 4013

Be it enacted by the Senate and House of Represen-
tatives of the United States of America in Congress as-
sembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Rare Dis-

eases Act of 2002.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress makes the fol-
lowing findings:

(1) Rare diseases and disorders are those which affect small patient populations, typi-
cally populations smaller than 200,000 indi-
viduals in the United States. Such diseases and conditions include Huntington's disease, amyotrophic lateral sclerosis (Lou Gehrig's disease), Tourette syndrome, Crohn's disease, cystic fibrosis, cystinosis, and Duchenne muscular dystrophy.

(2) Of the 25,000,000 Americans suffering from the over 6,000 rare dis-

eases and disorders were denied access to ef-

teuctive medicines because prescription drug

manafacturers could rarely make a profit from marketing drugs for such small groups of patients. The prescription drug industry did not adequately fund research into such treatments. Despite the urgent health need for these medicines, they came to be known as "orphan drugs" because no companies would commercialize them.

(b) PURPOSES.—The purposes of this Act are to—

(1) amend the Public Health Service Act to estab-
lish an Office of Rare Diseases at the National Institutes of Health; and

(2) increase the national investment in the de-
velopment and commercialization of orphan drugs for rare diseases.

SEC. 3. NIH OFFICE OF RARE DISEASES AT NA-

TIONAL INSTITUTES OF HEALTH.

Title IV of the Public Health Service Act (42 U.S.C. 281 et seq.), as amended by Public Law 107-84, is amended by inserting after section 404E the following:

"OFFICE OF RARE DISEASES

SEC. 404F. (a) ESTABLISHMENT.—There is established within the Office of the Director of NIH an office to be known as the Office of Rare Diseases or the Office of Rare Diseases (in this section referred to as the ‘Office’), which shall be headed by a Di-

rector (in this section referred to as the ‘Di-

rector’), appointed by the Director of NIH.

(b) DUTIES.—"(1) In general.—The Director of the Of-

fice shall carry out the following:

(A) The Director shall recommend an agenda for conducting and supporting re-

search on rare diseases through the national research institutes and centers. The agenda shall provide for a broad range of research and education activities, including scientific workshops and symposia to identify research opportunities for rare diseases.

(B) The Director shall, with respect to rare diseases, coordinate cooperation and co-

operation among the national research insti-

tutes and centers and entities whose re-

search is supported by such institutes.

(C) The Director shall consult and collab-

orate with the directors of the other relevant institutes and centers of the National Institutes of Health, may enter into cooperative agree-

ments with and make grants to public or pri-

vate nonprofit entities to support such activities as are required for research; and

(D) The Director shall promote the suffi-

cient, adequate, and appropriate funding of the Na-

tional Institutes of Health for conducting and supporting research on rare diseases.

(4) The Orphan Drug Act created financial incentives for the research and production of such orphan drugs. New Federal programs at the National Institutes of Health and the Food and Drug Administration encouraged increased clinical research and commercial product de-

velopment for products that target rare dis-

eases. An Orphan Products Board was estab-

lished to promote the development of drugs and devices for rare diseases or disorders.

(5) Before 1983, some 38 orphan drugs had been developed. Since the enactment of the Orphan Drug Act, particular projects on orphan drugs have been approved and marketed in the United States and more than 800 addi-
tional drugs are in the research pipeline.

(6) Despite the successes of the Orphan Drug Act, rare diseases and disorders deserve greater emphasis in the national biomed-
ical research enterprise. The Office of Rare Diseases at the National Institutes of Health was created in 1993, but lacks a statu-
tory authorization.

(7) The National Institutes of Health has received a substantial increase in research funding from Congress for the purpose of ex-
panding the national investment in the United States in behavioral and biomedical research.

(8) Notwithstanding such increases, fund-

ing for rare diseases and disorders at the Na-

tional Institutes of Health has not increased appreciably.

(9) To redress this oversight, the Depart-

ment of Health and Human Services has pro-

posed the establishment of a network of re-

dional centers of excellence for research on rare diseases.

(b) PURPOSES.—The purposes of this Act are to—

(1) increase the national investment in the de-

velopment and commercialization of orphan drugs for rare diseases;

(2) encourage the development of orphan drugs; and

(3) improve cooperational agreements on rare diseases being con-

ducted or supported through the national re-

search institutes and centers, and that identi-

fy the medical professionals, patients and fami-

lies who could benefit from these projects that should in the future be conducted or

supported by the national research institutes and centers or other entities in the field of rare diseases.

(G) The Director shall prepare the NIH Director's annual report to Congress on rare disease research conducted by or supported through the national research institutes and centers.

(2) Principal Advisor Regarding Orphan Diseases.—With respect to rare diseases, the Director shall serve as the principal advisor
to the Director of NIH and shall provide advice to other relevant agencies. The Director shall provide liaison with national and inter-

national patient, health care, and other organiza-

tions concerned with rare diseases.

(c) DEFINITION.—For purposes of this sec-

tion, the term 'rare disease' means any dis-

ease or condition that affects less than 200,000 persons in the United States.

(d) AUTHORIZATION OF APPROPRIATIONS.—For purposes of carrying out this section, there are authorized to be appropriated such

sums as are required for fiscal years 2002 and, $4,000,000 for each of the fiscal years 2003 through 2006.

SEC. 4. RARE DISEASE REGIONAL CENTERS OF EXCELLENCE.

Title IV of the Public Health Service Act (42 U.S.C. 281 et seq.), as amended by section 3, is further amended by inserting after section 404F the following:

"RARE DISEASE REGIONAL CENTERS OF EXCELLENCE

SEC. 404G. (a) COOPERATIVE AGREEMENTS AND GRANTS.—

(1) IN GENERAL.—The Director of the Office of Rare Diseases (in this section referred to as the ‘Director’), in collaboration with the directors of the other relevant institutes and centers of the National Institutes of Health, may enter into cooperational agreements with and make grants to public or private nonprofit entities to support such activities as are required for research; and

(2) POLICIES.—A cooperative agreement or grant under paragraph (1) shall be entered into in accordance with policies established by the Director of NIH.

(b) COORDINATION WITH OTHER INSTITUTES.—The Director shall coordinate the activities conducted in accordance with such agreements and grants under this section, and shall coordinate with the directors and other relevant institutes and centers of the National Institutes of Health, the Food and Drug Administration, and other federal agencies to ensure that such institutes and centers have responsibilities that are related to rare diseases.

(c) USES FOR FEDERAL PAYMENTS UNDER COOPERATIVE AGREEMENTS OR GRANTS.—Federal payments made under a cooperative agreement or grant under subsection (a) may be used for—

(1) staffing, administrative, and other basic operating costs, including such patient care costs as are required for research; and

(2) clinical training, including training for allied health professionals, continuing...
education for health professionals and allied health professions personnel, and information programs for the public with respect to rare diseases; and
“(3) clinical research and demonstration programs.
“(d) Period of Support; Additional Periods.—Support of a center under subsection (a) may be extended for not more than 5 years. Such period may be extended by the Director for additional periods of not more than 5 years if the operations of such center have been reviewed by an appropriate technical and scientific peer review group established by the Director and if such group has recommended to the Director that such period and the extension be continued.
“(e) Authorization of Appropriations.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as are necessary: Provided, That the sums authorized to be appropriated for fiscal year 2002, and $20,000,000 for each of the fiscal years 2003 through 2006.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. SHIMKUS) and the gentleman from Texas (Mr. GREEN) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois (Mr. SHIMKUS).

GENERAL LEAVE

Mr. SHIMKUS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on this legislation.

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

There was no objection.

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

Mr. Speaker, I would like to commend the distinguished gentleman from Louisiana (Chairman Tauzin) and my good friend, the gentleman from Florida (Mr. Foley), for their work in bringing attention to rare diseases and disorders.

In the United States today, one in nine Americans suffer from a known rare disease or disorder for which there is often no good treatment or cure. The legislation sponsored by my colleagues works to correct that problem. Taken together, the Rare Diseases Act and its companion bill, the Rare Disease Orphan Product Development Act, encourage the development of better treatments, diagnostic procedures, and cures for large numbers of rare diseases and disorders.

There are over 6,000 known rare diseases, and although each of them individually affects less than 200,000 people, the total number of Americans affected is over 25 million people. These acts build on the success of the Orphan Drug Act of 1983, which has led to the development of over 220 treatments for rare diseases and disorders, including Huntington’s disease, Lou Gehrig’s disease, and Tourette syndrome.

Still, patients with rare diseases continue to face challenges in receiving appropriate and adequate treatments. The National Commission on Orphan Diseases estimated that only one-third of patients receive an accurate diagnosis in the 3 to 5 years after the onset of symptoms, and 50 percent of the population is not accurately diagnosed until 7 or more years after the onset of symptoms.

Research into rare diseases and disorders provides hope for millions of Americans and their families. This legislation does not detract from other worthy congressional research priorities of the NIH, such as the Children’s Health Act of 2000. Instead, these bills increase funding for two programs that have already had a positive and direct impact on this community. They expand and enhance existing research under way at various institutes of the NIH.

Again, I am pleased to support passage of these two pieces of legislation and stand ready to work with my esteemed colleagues to ensure that they are enacted into law.

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

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

Mr. Speaker, I rise in support of H.R. 4013, the Rare Diseases Act of 2002. I am proud to have introduced this piece of legislation with my colleague, the gentleman from Illinois (Mr. SHIMKUS). This is a bill which would work to the benefit of those suffering from rare diseases both by establishing an Office of Rare Diseases at the National Institutes of Health, and by providing for rare disease regional centers of excellence.

A rare disease is defined in the United States as one affecting fewer than 200,000 Americans. There are around 6,000 known rare diseases, and it is estimated that about 25 million Americans are affected by them. Over 220 treatments have been developed in the last two decades for rare diseases, but many more are needed.

The Office of Rare Diseases at the National Institutes of Health was established in 1993 to promote research and provide information. However, this office was not given any authority. Also, although Congress has substantially increased research funding for NIH, funding for rare diseases has only increased slightly. This legislation increases to $25 million the Orphan Product Research Grant Program administered by the Office of Orphan Product Development at the Food and Drug Administration, thus encouraging more extensive research, testing, and attention.

The Rare Diseases Act of 2002 establishes the Office of Rare Diseases as a Federal office, including its ability to coordinate research and establish regional centers of excellence for clinical research.

This is an important piece of legislation, and I urge all my colleagues to join me in supporting its passage.

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

Mr. SHIMKUS. Mr. Speaker, I yield myself such time as I may consume to the gentleman from Florida (Mr. Foley), who has been an ardent spokesperson and supporter of this legislation.

Mr. FOLEY. Mr. Speaker, I thank the gentleman for yielding time to me. I thank the gentleman from Illinois (Mr. SHIMKUS) for his leadership on these very important pieces of legislation. I am pleased, as well as the gentleman from California (Mr. WAXMAN) for his many, many years of outstanding service on the Subcommittee on Health.

Mr. Speaker, many people are unfamiliar with some of the diseases that were mentioned earlier. Today in Palm Beach County, there are a lot of diseases that have tremendous charity organizations helping to support them, to raise money. In fact, there is a ball a day that is pretty much dedicated to raising resources and to not only find research dollars, but hopefully find cures for diseases that ravage mankind, but most all of them are popular and well known. They may be AIDS, Alzheimer’s, things that people are very familiar with.

Regrettably, the rare diseases do not have the same fan club. They do not have the same outreach, and they certainly do not have the same support network as some of the bigger charities fortunate to have in my district and throughout the country. That is why it is critically important to pass both of these pieces of legislation today, because they create the framework to bring about an educational process, to create the framework to channel resources into the National Institutes of Health and other entities in order to find the potential cures, as well as the subsequent bill we will talk about that helps to provide, if you will, the kind of dollars necessary for pharmaceutical companies and others to be able to pursue what is not a profitable research path, but is a research path, nonetheless, that yields great results from the person suffering.

So again, I commend the gentleman from Illinois (Mr. SHIMKUS), and I am certain the citizens of Illinois appreciate the fact that he is on this very important subcommittee of the Committee on Commerce dealing with the health care of many millions of Americans who are silent on the floor today, but are watching with great anticipation as we hopefully unlock the key to one of the many doors that block some of the research available.

Hopefully with the skills we will see an outpouring of support not only into research endeavors, but also into long-term sustainability of the lives of these very important Americans we are speaking about today.

Mr. WAXMAN. Mr. Speaker, I am pleased to yield some time as he may consume to the gentleman from Illinois (Mr. Davis).

Mr. DAVIS of Illinois. Mr. Speaker, I want to, first of all, thank the gentleman from California (Mr. WAXMAN) for introducing this legislation, and commend him and the gentleman from Illinois (Mr. SHIMKUS) for introducing this legislation.
Mr. Speaker, with a large low-income population, 24 hospitals, 5 medical schools, and several research institutions in my district, I know firsthand the heartbreak faced by people who struggle to find the appropriate medical treatment for themselves and their families.

We have made tremendous strides in education, research, and medical protocols for individuals with diseases that affect large populations. Much funding has been dedicated and continues to be directed to treatment of diseases such as cancer, heart disease, and diabetes, and this is all good.

There are, however, a number of rare diseases which affect 200,000 or fewer Americans. Many continue to be underresourced. While statistically 200,000 people may be a small number, it is a large number when we consider it represents people needing medical treatment. However, if we aggregate the number of people suffering from at least 1 of the 6,000 known rare diseases and disorders, we are talking about 25 million Americans, 1 in 9, suffering from a rare disease.

Several months ago a mother and her young son, who suffers from Crohn’s disease, traveled hundreds of miles from Virginia to Northwestern Memorial Hospital in my district to see if he could be accepted into a special treatment program that was offered nowhere near his home. He wrote a letter to me thanking me for the fact that he was indeed able to get into Northwestern and to be considered for treatment for his very rare disease.

This bill, H.R. 4013, which establishes an Office of Rare Diseases at the National Institutes of Health, by increasing the national investment in the development of diagnostics and treatment for patients with rare diseases and disorders, and by allowing for rare disease regional centers of excellence, is a quantum leap in the right direction. I again commend my colleagues for its introduction and urge swift passage of this resolution.

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

Mr. KIRK. Mr. Speaker, I rise today in strong support of H.R. 4013, the Rare Disease Act of 2002. While more than 6,000 rare diseases affect 25 million Americans each year. While some progress has been made to fight rare diseases over the last twenty years, we must commit greater resources to this effort, particularly through the National Institutes of Health.

My own constituents have been very active in this fight. Families of Spinal Muscular Atrophy, based in Libertyville, Illinois, have been working to enhance research efforts of this and other rare diseases since 1984. I commend Audrey Lewis and all of the Families of SMA’s staff and volunteers for their continued dedication and hard work in this field.

SMA is just one of the thousands of rare diseases that continues to impact American families. Prematurely killing more than 50% of children under the age of two. A child of parents who both carry the SMA gene has a one in four chance of developing this devastating disease. Inflicted children are forced to live with neuromuscular deterioration that can affect crawling, walking, head control and swallowing.

We must make every effort to expand research efforts so that those with SMA and other rare diseases have a chance to live long and healthy lives. I hope that Congress can send a united message of the importance of enhanced research efforts in this field by supporting this bill. An Office of Rare Diseases at the National Institutes of Health is an essential element in our efforts to raise awareness and research for SMA and the thousands of other rare diseases out there.

I urge my colleagues to support H.R. 4013.

Mr. PITTS. Mr. Speaker, the legislation before us today represents the latest steps in Congress’ twenty year commitment to American families with rare diseases. Since its passage in 1983, the Orphan Drug Act has stimulated the development of 231 new marketed orphan products, with several hundred more in the pipeline for which we all have great hopes. Yet, there are still more than 5,000 rare diseases with no specialized treatment at all. For this reason, H.R. 4013 and H.R. 4014 represent major advances in stimulating new therapies for those with rare diseases, as well as improved care.

It is important, however, that even those 231 marketed orphan drugs, biologics, foods and devices are not always readily available to patients because of geographical and insurance barriers. One of the unfinished pieces of business facing this Congress is to make sure that Medicare is not contributing to this problem.

Three years ago, when Congress created the Medicare Hospital Outpatient Prospective Payment System, known as HOPPS, Congress placed all orphan products into a pass-through which is paid at a rate higher than retail. Even still, many hospitals have lost money when they stocked orphan drugs to treat patients with rare diseases.

Now we are faced with a situation where CMS has proposed a regulation for the 2003 HOPPS program that leaves most orphan drugs, biologicals and blood plasma therapies and their recombinant analogues such as clotting factors for individuals with Hemophilia without adequate reimbursement. Many hospitals will refuse to stock these drugs because of the large loss they will incur for treating a small number of patients. Without appropriate reimbursement, patients may be turned away from hospital emergency rooms or directed to alternative facilities if the location does not stock their products. Inadequate or non-existent access would be devastating, particularly in rural areas where the nearest hospital to stock a particular orphan drug may be a hundred or more miles away.

Mr. Speaker, it is critical that the House of Representatives act this year to ensure that orphan drugs are properly reimbursed.

Mr. KIND. Mr. Speaker, I rise in support of both the Rate Diseases Act (H.R. 4013) and Rare Diseases Orphan Product Development Act (H.R. 4014). A rare disease is defined as one that affects fewer than 200,000 individuals. Our country has over 6,000 rare diseases that affect more than 25 millions Americans.

Both of these measures will provide needed incentives for drug and biologics manufacturers to invest in treatment for rare diseases. H.R. 4014 would double the funding to $25 million for the successful FDA grant program for research on orphan drugs. Since 1983, the FDA has approved more than 200 treatments for rare diseases, this additional funding will be critical to increasing the number of treatments available.

A wonderful family in my hometown, the Kirches, brought the issue of rare diseases to my attention. I have had the opportunity to meet with Larry, Susan and their daughter Andrea, to hear about their struggle and triumphs with Allyson’s battle with mucopolysachharidosis (MPS) III. MPS III is a genetic disorder that results in the body’s inability to produce certain enzymes. This lack of enzymes leads to the breakdown of complex carbohydrates that are stored in almost every cell in the body. Without the breakdown, storage progressively builds in each cell causing damage in multiple systems within the body including respiratory, bone, brain and control nervous system. The results of this damage include mental retardation, short stature, cornea damage, loss of mobility, and most importantly a drastically shortened life span. At present there is no cure for MPS III. Allyson’s future depends on investment in scientific and biomedical research by the public and private sector and, we owe it to all children with these disorders to make every effort to improve their quality of life and ultimately contribute to efforts in developing effective treatments. I urge my colleagues to support these measures and assist families like the Kirches all across our country.

Mr. DINGELL. Mr. Speaker, I rise in strong support of H.R. 4013, the “Rare Diseases Act of 2002.” This legislation is called the Rare, or orphan diseases affect fewer than 200,000 individuals in America. Nearly one million people in my home state of Michigan are afflicted with a rare disease. There are more than 6,000 rare diseases. Enactment of the Orphan Drug Act of 1983 provided incentives for drug and biologic manufacturers to invest in treatment for rare diseases.

While the Orphan Drug Act has achieved dramatic increases in research into, and treatments for rare diseases, more still needs to be done on finding production of the usual orphan drugs. The Office of Rare Diseases within the National Institutes of Health (NIH) to select sites to concentrate on finding cures and treatment methods for rare diseases.

I urge all of my colleagues to join me in support of H.R. 4013.
Mr. SHIMKUS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to insert extraneous material on the bill, H.R. 4013.

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

There was no objection.

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

Mr. Speaker, this is really my first day ever managing a bill on the floor of the House. I have done a lot of other things from speaking to presiding but never actually managing a bill; and it is really appropriate that this legislation that we just took up, H.R. 4013, and this piece of legislation, H.R. 4014, I cannot think of a better bill to have a chance to manage. And so I thank my chairman and the subcommittee chairmen for doing that.

Mr. Speaker, I also want to take this time to say that it is an honor to be managing with my friend, the gentleman from California (Mr. WAXMAN), because many times we are opponents on the legislative agenda. One of the great things about this institution is when we can work together from across the political divide and ideological divide to find issues that we become impassioned about and we join in forces that really help move legislation. So I extend my thanks to my friend from California (Mr. WAXMAN) and this will be a memorable day for me as I think back on my congressional career.

Mr. Speaker, I rise today in support of this legislation, H.R. 4014, the Rare Disease Orphan Product Development Act of 2002. This bill is sponsored by my good friend, the gentleman from Florida (Mr. FOLEY), who will join us in a minute, and the gentleman from California (Mr. WAXMAN), and will increase the authorization for grants given to researchers who are developing cures and treatments for rare diseases. With more money available to these researchers, we will be better able to find cures for the 6,000 rare diseases affecting nearly 25 million Americans. And when you know a family who has someone affected by rare diseases, it does not seem that rare because it is time consuming, it is costly, and for doing that really be passionate about making sure everybody has some help in trying to find cures and drugs to help them alleviate the onset of their disease.

Prior to the passage of the Orphan Drug Act in 1983, only a handful of drug and biologics had been developed to treat rare diseases. The reasons for this were simple. There was very little economic incentive for drug companies to spend the hundreds of millions of dollars it takes to develop a drug for a particular condition to benefit thousands. That is why prior to 1983 only 38 drugs had been developed for rare diseases.

The SPEAKER pro tempore. pursuant to an earlier request by Mr. WAXMAN, a motion to add an amendment having been entered below theJoinder of two titles: SECTION 1. SHORT TITLE. This Act may be cited as the “Rare Diseases Orphan Product Development Act of 2002.”

SEC. 2. FINDINGS AND PURPOSES. (a) FINDINGS.—Congress makes the following findings:

(1) Rare diseases and disorders are those which affect small patient populations, typically populations smaller than 200,000 individuals in the United States. Such diseases and conditions include Huntington’s disease, amyotrophic lateral sclerosis (Lou Gehrig’s disease), Tourette syndrome, Crohn’s disease, cystic fibrosis, cystinosis, and Duchenne muscular dystrophy.

(2) For many years, the 25,000,000 Americans suffering from the over 6,000 rare diseases were denied access to effective medicines because prescription drug manufacturers could rarely make a profit from marketing drugs for such small groups of patients. Thus, prescription drug industry did not adequately fund research into such treatments. Despite the urgent health need for these medicines, they came to be known as “orphans” because no companies would commercialize them.

(3) During the 1970s, an organization called the National Organization for Rare Disorders (NORD) was founded to provide services and to lobby on behalf of patients with rare diseases and disorders. NORD was instrumental in pressing Congress for legislation to encourage the development of orphan drugs.

(4) The Orphan Drug Act created financial incentives for the research and production of such orphan drugs. New Federal programs at the National Institutes of Health and the Food and Drug Administration encouraged clinical research and commercial product development for products that target rare diseases. An Orphan Products Board was established to promote the development of drugs and devices for rare diseases or disorders.

(5) Before 1983, some 38 orphan drugs had been developed. Since the enactment of the Orphan Drug Act, more than 220 new orphan drugs have been approved and marketed in the United States and more than 800 additional drugs are in the research pipeline.

(6) Despite the tremendous success of the Orphan Drug Act, rare diseases and disorders deserve greater emphasis in the national biomedical research enterprise.

(7) The Food and Drug Administration supports small clinical trials through Orphan Products Research Grants. Such grants embody successful partnerships of government and industry, and have led to the development of at least 23 drugs and four medical devices for rare diseases and disorders. Yet the appropriation in fiscal year 2001 for such grants was less than in fiscal year 1995.

(b) PURPOSES.—The purpose of this Act is to increase the national investment in the development of treatments for patients with rare diseases and disorders.

SEC. 3. FOOD AND DRUG ADMINISTRATION; GRANTS AND CONTRACTS FOR THE DEVELOPMENT OF ORPHAN DRUGS.

Subsection (c) of section 5 of the Orphan Drug Act (21 U.S.C. 360e(c)) is amended to read as follows:

“(c) For grants and contracts under subsection (a), there are authorized to be appropriated such sums as may be necessary to carry out this section.”
Today I rise in strong support of our mutually agreed-upon bill, H.R. 4014, the Rare Disease Orphan Product Development Act of 2002. This important piece of bipartisan legislation will encourage better treatment, diagnostic procedures, and cures for large numbers of rare diseases and disorders.

The gentleman from California (Mr. WAXMAN) mentioned the statistics, 25 million people suffering from more than 6,000 rare diseases. A rare disease, to underscore, is one that affects the population under 200,000 people, or about one in 11 Americans.

Mr. Speaker, I would like to mention just one of those Americans, a little girl fighting for her life. Her name is Madison, but her parents call her Maddy. She is a 5-year-old constituent of mine from Madison, but her parents call her Maddy. She is a 5-year-old constituent of mine from Madison, Wisconsin. She has cystic fibrosis, a life-threatening disease which causes a lung disease and malnourishment. In addition to cystic fibrosis, Madison suffers from diabetes and muscular dystrophy, to mention three of the world-known diseases that affect less than 200,000 people, and, therefore, are designated as rare.

The availability of safe and effective treatments for rare diseases has historically been limited due to the lack of incentive for pharmaceutical firms to commercialize such medications. To address this problem, Congress passed the Orphan Drug Act, which allows for market exclusivity for products developed for rare diseases, as well as special tax treatment for the companies that are willing to make that investment.

In addition, the Food and Drug Administration supports small clinical trials through orphan products research grants. These grants have led to the development of at least 23 drugs and four medical devices for rare diseases. The purpose of this legislation is to increase the national investment in the development of diagnostics and treatments for people with rare diseases.

H.R. 4014 is for the funding of the Orphan Product Research Grant Program, and increases the national investment in the development of diagnostics and treatment for patients with these rare diseases. It is a good piece of legislation. I am pleased and honored to be able to share some thoughts on a bipartisan basis. There should be no partisanship or conflict that we see on other issues when it comes to trying to help Americans overcome the terror of diseases that afflict them and is such a burden on their families. I urge all of my colleagues to join all of us in supporting H.R. 4014.

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

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

Mr. Speaker, I also rise in support of this bill, and I am honored to be a cosponsor with the gentleman from Florida (Mr. FoLey) and the gentleman from California (Mr. Waxman) for their sponsorship of this legislation.

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

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

Mr. Speaker, I also rise in support of this bill, and I am honored to be a cosponsor with the gentleman from Florida (Mr. FoLey) and the gentleman from California (Mr. Waxman) for their sponsorship of this legislation.

This bill and the previous one are two bills that are furthering the cause of developing drugs for people with rare diseases. It is very important for the progress of research on treatments and to find cures for rare diseases. There are 6,000 rare diseases that affect approximately 25 million Americans. These diseases include cystic fibrosis, Lou Gehrig’s disease, and muscular dystrophy, to mention three of the world-known diseases that affect less than 200,000 people, and, therefore, are designated as rare.

The availability of safe and effective treatments for rare diseases has historically been limited due to the lack of incentive for pharmaceutical firms to commercialize such medications. To address this problem, Congress passed the Orphan Drug Act, which allows for market exclusivity for products developed for rare diseases, as well as special tax treatment for the companies that are willing to make that investment.

In addition, the Food and Drug Administration supports small clinical trials through orphan products research grants. These grants have led to the development of at least 23 drugs and four medical devices for rare diseases. The purpose of this legislation is to increase the national investment in the development of diagnostics and treatments for people with rare diseases.
Mr. WAXMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to use this opportunity to give the pharmaceutical industry its perspective on some of these issues with regard to the pharmaceutical industry.

Mr. Speaker, I think that the pharmaceutical industry could be credited with the enormous contribution they make to finding diseases. But I think we need to recognize that when the Orphan Drug Act was first talked about, it was due to the fact that the pharmaceutical industry did not pay attention to people who had rare diseases because the profit potential was not there for them to make the investment. They were much more interested, as any business would be, in trying to manufacture drugs that could have a widespread audience, so to speak, to buy their product.

A lot of the work they do is based on the government investment and research. We give money to the National Institutes of Health, and they work with grants and contracts with leading researchers all around the country to do the basic work. The pharmaceutical industry then takes the benefit of that public investment and finds an application which leads to products that they are able to market. They then get a patent on the product. I have always regarded the purpose of the public not to get its share of the return on our investment for some of these very same products.

But in the Orphan Drug Act we said, look, we will give you every incentive in the pharmaceutical industry to make the investment because we want people with rare diseases not to be ignored. So we gave them an exclusivity. If they developed a drug for patients with rare diseases, we gave them tax breaks. We funded research as this bill and the previous one will do at the NIH and at the FDA, but we found that while in most cases it barely offered any real profit numbers to be attractive to pharmaceutical industries, they responded well to the incentives.

In some cases, there were diseases that were classified as rare diseases which became a windfall for the pharmaceutical industry. The pharmaceutical industry, for example, when the HIV/AIDS epidemic hit, were able to classify their drugs as orphan drugs because the patient population was not that large at the time.

Later it mushroomed, of course, as the epidemic progressed, and the Congress revisited the issues through hearings as to whether we were being too generous to the pharmaceutical industry in giving them the exclusivity which we felt was a break through block action. We were willing to give them exclusivity for a disease that did not offer much profit potential, but when it was extremely profitable, there was not really any justification for that exclusivity over and above their patents and other rights that pharmaceutical manufacturers have. But we have never been able to take anything back from the drug companies once they have gotten it. And if it was not justified for them to have it.

There was another example of this, by the way, earlier this year. I was involved in the original legislation to say to the pharmaceutical companies, do the research on children when they get a drug approved, do that research so that we can know what the needs are for children, if they could use a certain pharmaceutical product. We tried to use a carrot and a stick. A stick would be if they were coming up with a new drug, FDA should require those tests before it approved the new drug, but a carrot for those drugs that are already on the market, we gave them an exclusivity of 6 months. Does not sound like a lot of time.

Then when we revisited the issue, it turned out that the companies were using that exclusivity in a way to enhance their monopoly over drugs that are widely used even though the studies on children that might be required cost a lot of money. And this and other reasons required a minimal amount of investment. Not only that, they were doing the minimal amount investment on the use for children, on drugs that were rarely used by children, so they could get the monopoly on the pharmaceuticals that were used by adults. And monopoly is a real incentive for research, but it can be abusive, because after a while monopolies are simply a way to keep out competition, and we know what happens when there is no competition. It means consumers pay the highest prices.

So we have some pharmaceuticals where there are wonderful drugs, the public investment in research paid off when they were applied by the pharmaceutical industry to their drugs, but it meant that some consumers could not even afford the drugs that were developed.

This bill before us today is a good one. We want to encourage the development of drugs for rare diseases, and I commend the drug companies for their work, but we need to keep it in perspective, that sometimes we have to come back and review these special breaks that we give to the companies because they are in a loophole and expand it so enormously that it outprices many consumers for their product. We want to give them the incentive to develop the product, but we want to let the public be able to purchase the products with the government.

I take these few minutes to give some expansion of the historical perspective on the Orphan Drug Act, the pediatric exclusivity, and we will save for another time the abuses the Hatch-Waxman Act, which we, hopefully we can get beside the block action. I hope to try to end by following the example of the U.S. Senate in stopping the loopholes that have been so abused by pharmaceutical companies, far beyond anything that any of us ever envisioned when we adopted the original Hatch-Waxman Act.

I ask my colleagues to join me in supporting this legislation.

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

Mr. SHIMKUS. Mr. Speaker, I yield myself such time as I may consume. I appreciate my colleague's historical background. I am a relatively new Member still, in many ways, and I know there is a lot of water underneath the bridge on a lot of these issues, and it is always good to look back.

Mr. Speaker, I have been a leader and has been helpful on orphan drugs and pediatric exclusivity, and I am proud to have a chance to work with him on this legislation. I look forward to the opportunity to work with him more in the rare diseases. And to all our colleagues to try to get all our citizens in this country have access to affordable health care.

Mr. DINGELL. Mr. Speaker, I am proud to be an original cosponsor of the bill before us today, H.R. 4014, the "Rare Diseases Orphan Product Development Act of 2002." I would like to thank my colleagues, particularly Representatives WAXMAN, BROWN, and RUSH, for their work on this legislation.

Approximately 25 million Americans suffer from more than 6,000 rare diseases. These diseases include Huntington's disease, Lou Gehrig's disease, cystic fibrosis, and Duchenne muscular dystrophy. Because of the relatively small patient populations associated with rare diseases, pharmaceutical firms are not well positioned to receive an adequate return on their investment in developing medications to treat them.

In response to this problem, Congress passed the Orphan Drug Act, which allows for market exclusivity for products developed for rare diseases. Additionally, the Food and Drug Administration (FDA) has been able to support small clinical trials through Orphan Products Research Grants. These grants have been effective, leading to the development of more than 23 drugs and four medical devices for rare diseases.

The purpose of this legislation is to increase the national investment in the development of diagnostics and treatments for patients suffering from rare diseases. H.R. 4014 continues the Orphan Products Research Grant program for clinical research needed to evaluate the safety and efficacy of therapies to treat rare diseases. Specifically, this legislation authorizes such sums as already have been appropriated for fiscal year 2002, and $25 million for each of the fiscal years 2003 through 2006.

This is good legislation, I say to my colleagues to join me and support H.R. 4014.

Mr. BILIRAKIS. Mr. Speaker, I am also pleased today to support H.R. 4014, the Rare Diseases Orphan Product Development Act of 2002. This bill, which was introduced by our colleague from Florida, Mr. FOLEY, will ensure that cutting-edge treatments are available for a myriad of rare diseases.

Specifically, H.R. 4014 will increase funding for the Food and Drug Administration's Orphan Product Research Grants Program. This competitive research grants program provides funding to academic and small companies to conduct clinical trials on new orphan drugs, medical devices, and medical foods for rare diseases.
By definition, “orphan products” are treat-
ments for rare conditions that have small po-
tential markets and thus are not attractive in-
vestments for the private sector. Such treat-
ments were not being developed for rare dis-
eases until the Orphan Drug Act was enacted in 1983, and it has become a highly success-
ful government/industry partnership. Prior to 1983, only ten orphan products had come to the market, while more than 200 drugs and bi-
ological products for rare diseases have been brought to market since passage of the Or-
phan Drug Act.

H.R. 5091 ensures that adequate funding is available for the development of orphan prod-
ucts. I commend my colleagues for their bipar-
sisan efforts in this area and look forward to voting for this legislation.

Mr. SHIMKUS. Mr. Speaker, I have no other speakers on my side, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BOOZMAN). The question is on the motion offered by the gentleman from Illi-
nois (Mr. SHIMKUS) that the House sus-
pend the rules and pass the bill, H. R. 4014.

The question was taken.

The SPEAKER pro tempore. Pursuant to clause 8, rule XX and the Chair’s prior announce-
ment, further pro-
cedings on this motion will be post-
poned.

The point of no quorum is considered withdrawn.

CANCELING LOANS TO ALLOW
SCHOOL SYSTEMS TO ATTRACT CLASSROOM TEACHERS ACT

Mr. McKEON. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 5091) to increase the amount of student loan forgiveness available to qual-
fied teachers, with an emphasis on special education teachers, as amended.

The Clerk read as follows:

H. R. 5091

Be it enacted by the Senate and House of Re-
presentatives of the United States of America in Con-
gress assembled,

SEC. 1. SHORT TITLE.

This Act may be cited as the “Canceling Loans to Allow School Systems to Attract Classroom Teachers Act.”

SEC. 2. ADDITIONAL QUALIFIED LOAN AMOUNTS FOR STUDENT LOAN FORGIVENESS.

(a) FFEL LOANS. — Section 428(j)(3) of the Higher Education Act of 1965 (20 U.S.C. 1078-
10(c)) is amended by adding at the end the following new paragraph:

“(3) ADDITIONAL AMOUNTS; PRIORITY.—

“(A) LARGER AMOUNTS FROM APPROPRIATED FUNDS.—Notwithstanding the amount speci-
ified in paragraph (1), the aggregate amount that the Secretary may, from funds appropri-
ated under this section, repay under this section is a total amount equal to not more than $17,500.

“(B) AWARD BASIS; PRIORITY.—The Sec-

etary shall make payments under this para-

graph to elementary or secondary school teachers who meet the requirements of sub-
paragraph (a) on a first-come, first-served basis, subject to the availability of appropriations, but shall give priority in providing loan re-

payment under this paragraph for a fiscal year to teachers who—

“(i) are employed as special education teachers whose primary responsibility is to teach or support children with disabilities (as defined in section 1112(a) of the Individuals with Disabilities Act); and

“(ii) as certified by the chief administra-
tive officer of the school to which the borrower is employed, are teaching children with disabilities that correspond with the borrower’s training and demonstrated knowledge and teaching skills in the content areas of the elementary or secondary school curriculum that the borrower is teaching;

“(c) AUTHORIZATION OF APPROPRIA-

tions.—There are authorized to be appropriated such sums as may be necessary for fiscal year 2003 and for each of the 4 succeeding fiscal years.

(b) DIRECT LOANS. — Section 460(c) of the Higher Education Act of 1965 (20 U.S.C. 1078j(c)) is amended by adding at the end the following new paragraph:

“(c) ADDITIONAL AMOUNTS; PRIORITY.—

“(A) LARGER AMOUNTS FROM APPROPRIATED FUNDS.—Notwithstanding the amount speci-
ified in paragraph (1), the aggregate amount that the Secretary may, from funds appropri-
ated under this subparagraph (C), repay under this section is a total amount equal to not more than $37,500.

“(B) AWARD BASIS; PRIORITY.—The Sec-

etary shall make payments under this para-

graph to elementary or secondary school teachers who meet the requirements of sub-
section (a) on a first-come, first-served basis, subject to the availability of appropriations, but shall give priority in providing loan re-

payment under this paragraph for a fiscal year to teachers who—

“(i) are employed as special education teachers whose primary responsibility is to teach or support children with disabilities (as defined in section 602 of the Individuals with Disabilities Act); and

“(ii) as certified by the chief administra-
tive officer of the school to which the borrower is employed, are teaching children with disabilities that correspond with the borrower’s training and demonstrated knowledge and teaching skills in the content areas of the elementary or secondary school curriculum that the borrower is teaching;

“(c) AUTHORIZATION OF APPROPRIA-

tions.—There are authorized to be appropriated such sums as may be necessary for fiscal year 2003 and for each of the 4 succeeding fiscal years.

SEC. 3. CANCELLATION OF STUDENT LOAN IN-
DEBTEDNESS FOR SPOUSES, SURVIVING JOINT DEBTORS, AND PAR-
ENTS.

(a) DEFINITIONS.—For purposes of this sec-

tion:

“(1) ELIGIBLE PUBLIC SERVANT.—The term “eligible public servant” means an indi-

vidual who—

“(A) served as a police officer, firefighter, or public safety or respiratory corps mem-

ber of the Armed Forces; and

“(B) died (or dies) or became (or becomes) permanently and totally disabled due to injuries suffered in the terrorist attack on Sep-

tember 11, 2001; as determined in accordance with regula-
tions of the Secretary.

“(2) ELIGIBLE VICTIM.—The term “eligible victim” means an individual who died (or di-

es) or became (or becomes) permanently and totally disabled due to injuries suffered in the terrorist attack on September 11, 2001, as determined in accordance with regula-
tions of the Secretary.

“(3) ELIGIBLE SPOUSE.—The term “eligible spouse” means the spouse of an eligible pub-
lic servant, as determined in accordance with regula-
tions of the Secretary.

“(4) ELIGIBLE SURVIVING DEBTOR.—The term “eligible surviving debtor” means an indi-

vidual who owes a Federal student loan that is a consolidation loan that was used, jointly by that individual and an eligible victim, to repay the Federal student loans of that indi-

vidual and of such eligible victim.

“(5) ELIGIBLE PARENT.—The term “eligible parent” means the parent of an eligible vic-

tim who—

“(A) the parent owes a Federal student loan that is a consolidation loan that was used to repay a PLUS loan incurred on behalf of such eligible victim;

“(B) the parent owes a Federal student loan that is a PLUS loan incurred on behalf of an eligible victim who became (or be-

comes) permanently and totally disabled due to injuries suffered in the terrorist attack on September 11, 2001.

“(6) SECRETARY.—The term “Secretary” means the Secretary of Education.

(b) DIRECT LOANS. — The term “Federal student loan” means any loan made, insured, or guaranteed under part B, D, or E of title IV of the Higher Education Act of 1965.

(c) CANCELLATION OF STUDENT LOAN INDEBTEDNESS FOR SPOUSES, SURVIVING JOINT DEBTORS, AND PARENTS.—

(A) the consolidation loan indebtedness of an eligible survivor;

(B) the consolidation loan indebtedness of an eligible survivor debtor; and

(c) the portion of the consolidation loan indebtedness of an eligible parent that was incurred on behalf of an eligible victim, if the amount of such indebtedness with re-

spect to such eligible victim may be reliably determined on the basis of records available to the lender.

“(d) the PLUS loan indebtedness of an eligible survivor debtor; and

“(e) subject to the availability of appropriations, the amount of funds necessary to pay the Federal student loan of an eligible surviving debtor, an eligible survivor debtor, or an eligible parent;

“(f) subject to the availability of appropriations, the amount of funds necessary to pay the Federal student loan of an eligible survivor debtor, an eligible survivor debtor, or an eligible parent, as well as the Federal student loan of an eligible parent, in the aggregate amount as may be necessary for fiscal year 2003 and for each of the 4 succeeding fiscal years;

“(g) the terms and conditions of this section are applicable to such loan.

“The Secretary shall pro-

be prescribed and published within 90 days after the date of enactment of this Act.

“(h) The term “eligible surviving debtor” means—

“(1) an individual who died (or di-

es) or became (or becomes) permanently and totally disabled due to injuries suffered in the terrorist attack on September 11, 2001;

“(2) an individual who owes a Federal student loan that is a consolidation loan that was used, jointly by that individual and an eligible victim, to repay the Federal student loans of that indi-

vidual and of such eligible victim; and

“(3) an individual who owes a Federal student loan in the amount of $17,500 or less that was used, jointly by that individual and an eligible victim, to repay the Federal student loans of that indi-

vidual and of such eligible victim.

“(i) subject to the availability of appropriations, the amount of funds necessary to pay the Federal student loan of an eligible surviving debtor, an eligible survivor debtor, or an eligible parent, as well as the Federal student loan of an eligible survivor debtor, an eligible survivor debtor, or an eligible parent, in the aggregate amount as may be necessary for fiscal year 2003 and for each of the 4 succeeding fiscal years.

“The Secretary shall—

“(1) establish procedures for the filing of applic-
ations for discharge or cancellation under this section by regulations that shall be prescribed and published within 90 days.
after the date of enactment of this Act and without regard to the requirements of section 533 of title 5, United States Code; and
(2) take such actions as may be necessary to publicize the availability of discharge or cancellation of Federal student loan indebtedness for eligible spouses, eligible surviving debtors, and eligible parents under this section.

(d) AVAILABILITY OF FUNDS FOR PAYMENTS.—Funds available for the purposes of making payments to lenders in accordance with section 437(a) for the discharge of indebtedness of deceased or disabled individuals shall be available for making payments under section 437(a) to lenders of loans to the eligible surviving surviving debtors, and eligible parents as required by this section.

(e) APPLICABLE TO OUTSTANDING DEBT.—The provisions of this section shall be applied to discharge or cancel only Federal student loans (including consolidation loans) on which amounts were owed on September 11, 2001.

SEC. 4. INFORMATION ON BENEFITS TO RURAL SCHOOL DISTRICTS.

The Secretary shall—
(1) notify local educational agencies eligible to participate in the Small Rural Achievement Program authorized under section 521 of title 20, United States Code, and the elementary and secondary education agencies of the provisions of this Act; and
(2) encourage such agencies to notify their teachers of such benefits.

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

The Chair recognizes the gentleman from California (Mr. GEORGE MILLER).

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

Mr. Speaker, I rise in strong support of H.R. 5091, the Canceling Loans to Allow School Systems to Attract Classroom Teachers Act, or the CLASS Act, which will help low-income school districts recruit and retain high-quality teachers. The bill would provide up to $17,500 in student loan forgiveness for teachers who agree to serve in low-income schools with a priority on special education, math and science teachers.

We all know that in order to ensure the academic success of our Nation’s students, there must be a highly qualified teacher in the classroom. In fact, outside of the influence of parents, no other factor has a greater correlation to student success.

Already the Nation faces a serious teacher shortage, and over the next decade we will face the replacement of an even larger pool of teachers.

Over the last few years this Congress has looked for ways to provide a major boost to schools in their effort to establish and support a high-quality teaching force. With passage of the No Child Left Behind Act, we have gone a long way toward improving our children’s education by allowing greater flexibility for local school districts and teachers to make critical decisions to recruit and retain excellent teachers.

One of the hallmarks of the law asks States to have a highly qualified teacher in every public classroom by the year 2005, emphasizing State and local solutions to the problem. Unfortunately, all too often in the Congress in the past, there have been numerous reports about the difficulty that some States will have in meeting this deadline. This is especially true in those States where experienced teachers are in short supply, particularly in schools serving low-income and minority children.

In my home State of California, it will be a tremendous undertaking due to the fact that we have more than 50,000 teachers who do not have full credentials now. Of these, these newcomers are expected to grow as retirements and attrition take place over the next few years.

While States should continue to work with the Department of Education to find workable solutions, it will be more difficult in getting highly qualified individuals into high-poverty schools. If it was not subject to appropriations, then we could assure individuals who qualify for it that it would be available during the time that they spent in those schools.

We have a similar program and equally important program dealing with child care providers. It is subject to annual appropriations, and so far I think we have only helped 76 people nationwide. That is not the kind of program that we envision for this piece of legislation, but it is also the kind of guarantee that we should be able to provide to teachers that that would not happen in this program. Depending on what happens in year-to-year budgets within the House of Representatives or in years like this where we do not get budgets, we do not get appropriations bills, what happens to the teachers who have already started teaching for this year? Would they know or not know whether they would be eligible for loan forgiveness?

Next year in March in the State of California that my colleague has spoken about, we are concerned about the teacher shortage and recruitment in these schools, next year in March they will be getting pink slips because of the Federal funding. If we kick over the continuing resolution until March of next year, those teachers will not have the certainty of whether or not this appropriation would be available. That happens, unfortunately, all too often in the Congress, and that is why I would hope that this would be a guaranteed entitlement program for the length of the program.

Finally, that part of the problem could be solved if we would, in fact,
pass an education budget, if we would pass the education appropriations bill, but we will hear more about that on the topic of the continuing resolution tomorrow when it comes before this House where, once again, we will have to pass a continuing resolution because we have not been able to pass an appropriations bill because of the fight within the Republican Caucus dealing with the Education, Health and Human Services bill that has not been brought to the floor; although we were told in July it would be the first bill brought to the floor when we returned from our August break.

Finally, let me just mention a portion of this bill. It is a rather small portion, but I think a terribly important portion in terms of a statement by this Congress, and a very humane statement by this Congress, and a compassionate statement of this Congress, and that is a provision that was added to this bill in committee by our colleague, the gentleman from New York (Mrs. McCARTHY). She represents a district in New York that suffered a great many losses from individuals who were killed in the vicious attacks of September 11 on the World Trade Center in New York City. Many people in the district suffered losses of friends in the attack of the Pentagon and the drowning of the plane in Pennsylvania.

This legislation that was added to the bill is to provide for loan forgiveness to the families of firefighters, police officers and military personnel killed on September 11. The gentlewoman from New York (Mrs. McCARTHY) fought for this legislation almost immediately after September 11, and it took a whole year. We tried to offer it in committee by our colleagues; we tried to offer it as amendments. It took a whole year. We tried to offer it to this bill in committee by our colleague, the gentleman from Ohio (Mr. B OEHNER), chairman, and the gentleman from California (Mr. BOOZMAN). Without objection, the gentlewoman from New York (Mrs. McCARTHY) will manage the remainder of the time.

There was no objection. Mr. McKEON. Mr. Speaker, I yield 3 minutes to the gentleman from South Carolina (Mr. GRAHAM), the author of this very important provision. Mr. GRAHAM. Mr. Speaker, I thank the chairman for yielding me this time. About this committee, there is so much going on in America that is uncertain, so much confusion around the corner, a downturn in the economy, how to fix it. There is much to be debated on the floor of the House before we leave. The committee is operating in a fashion, the Committee on Education and the Workforce, that I know we are proud of; and the gentleman from Ohio (Mr. B OEHNER), chairman, and the gentleman from California (Mr. GEORGE MILLER), ranking member, deserve much credit. Not enough is being said about how this committee has produced quality legislation to address real problems. There is no uncertainty about teacher recruitment. We are going to have to replace half of the teachers that exist today in the next decade. And how do we get quality teachers to fill in those slots?

Most college students graduating from college, the biggest debt they face is a student loan. It is a good investment for the taxpayers which is a lot of money; but if we can get 35,000 new teachers with quality into hard-to-recruit areas, I think we all can tell the taxpayers that is a good investment. If they have got to earn it, they have got to work for 5 years; and I think that is a good deal for everybody involved.

I appreciate what the gentleman from California (Mr. GEORGE MILLER) has done to make this passed in a bipartisan fashion. And the part of the bill that he mentioned about the gentlewoman from New York’s (Mrs. McCARTHY) provision about survivors, family members of those people who lost their lives in 9-11, it is small. It is a small task in this legislation; but the impact it will have is huge; and I want to congratulate her for what she has done to help those families in a very significant way.

Mrs. McCARTHY of New York. Madam Speaker, I yield myself such time as I may consume. Before I begin my statement, I would like to take a moment to remember a colleague and friend in the Committee on Education and the Workforce, the gentlewoman from Hawaii. She will be greatly missed and always remembered for her compassion and dedication to the people of Hawaii. Madam Speaker, I rise today in strong support of H.R. 5091, the CLASS Act. Under this bill, special education teachers and math and science teachers who have served in a high-poverty school for 5 years are eligible for having up to $17,500 in student loans forgiven.

Giving relief to the men and women who teach children in America really is homeland security, and I hope this is the first step to forgiving the loans for all teachers who work in underserved schools.

Madam Speaker, I would like also to take this opportunity to personally thank the gentleman from Ohio (Mr. B OEHNER), the gentleman from California (Mr. GEORGE MILLER), the gentlewoman from California (Mrs. McCARTHY), and my colleagues for working with us on this, including my language to forgive student loans for the spouses of
emergency personnel affected by the September 11 attacks.

Unfortunately, due to the tragic events of September 11, many spouses who lost loved ones in the attacks are enduring financial hardships. Charitable organizations have offered some assistance, but the Federal Government must also play a role. That is why I fought so hard to get these loans forgiven. Currently, individuals who die have their loans forgiven, but that is not the case for the spouses who have lost loved ones. We must allow the income of their lost loved ones to pay the loans.

This legislation authorizes the Secretary of Education to discharge or cancel Federal student loans for the spouses. This relief is only for the spouses of policemen, firemen, emergency personnel, and members of the Armed Forces who died or became permanently disabled in the line of duty on 9-11. Relieving a student loan expense helps financially strapped spouses provide for their children as well as themselves during this difficult time. This is a very low-cost, tailored provision that will help the families of our bravest men and women who perished a year ago last month.

I thank again the gentlewoman from Ohio (Mr. BOEHNER) and the gentleman from California (MR. GEORGE MILLER) for their teamwork on this legislation. I know it has been a tough time getting here, but we all did pull together and get this done because our committee did know this was the right thing to do; and I appreciate all the help that everyone on the other side of the aisle gave me for this.

I urge all of my colleagues to join me in my support of this very important legislation, and I ask all my colleagues to vote “yes” on this bill.

Madam Speaker, I reserve the balance of my time.

Mr. KIND. Madam Speaker, I yield such time as he may consume to the full committee chairman, the gentleman from Ohio (Mr. BOEHNER).

Mr. BOEHNER. Madam Speaker, I thank the gentleman from California (Mr. McKEON) for yielding me this time.

Before I talk about the bill that we have on the floor today, let me pay tribute to a colleague and friend, PATSY MINK. It is my understanding that the House has referred a formal resolution this week honoring her service to our country, and I am pleased that we will have that opportunity to pay tribute to her in that fashion.

PATSY was a vibrant, passionate, and effective voice for the principles that she believed in. She was a true leader on our committee, and I am deeply saddened by the news of her passing. As chairman of the committee over the last 2 years, we worked together on the historic No Child Left Behind Act, as well as bipartisan legislation to improve access to higher education for our Nation’s youth. PATSY fought tirelessly for the causes she supported, and I think we are all grateful for her long record of public service. Her passing is a significant loss for our committee, the people of Hawaii, and the people of the United States. And I offer my sincerest condolences to her family and her constituents. She will be greatly missed.

Madam Speaker, today I rise in support of H.R. 5091, the Canceling Loans to Allow School Systems to Attract Classroom Teachers Act, or as we call it, the CLASS Act. This legislation authorizes the Secretary of Education to discharge or cancel Federal student loans for the spouses of policemen, firemen, emergency personnel, and members of the Armed Forces who died or became permanently disabled in the line of duty on 9-11. Relieving a student loan expense helps financially strapped spouses provide for their children as well as themselves during this difficult time. This is a very low-cost, tailored provision that will help the families of our bravest men and women who perished a year ago last month.

I thank again the gentlewoman from Ohio (Mr. BOEHNER) and the gentleman from California (MR. GEORGE MILLER) for their teamwork on this legislation. I know it has been a tough time getting here, but we all did pull together and get this done because our committee did know this was the right thing to do; and I appreciate all the help that everyone on the other side of the aisle gave me for this.

I urge all of my colleagues to join me in my support of this very important legislation, and I ask all my colleagues to vote “yes” on this bill.

Man Speaker, I reserve the balance of my time.

Mr. KIND. Madam Speaker, I thank the gentleman from Ohio (Mr. BOEHNER) and the gentleman from California (MR. GEORGE MILLER) for their teamwork on this legislation. I know it has been a tough time getting here, but we all did pull together and get this done because our committee did know this was the right thing to do; and I appreciate all the help that everyone on the other side of the aisle gave me for this.

I urge all of my colleagues to join me in my support of this very important legislation, and I ask all my colleagues to vote “yes” on this bill.

Madam Speaker, I reserve the balance of my time.

Mr. KIND. Madam Speaker, I thank the gentlewoman from Ohio (Mr. BOEHNER) and the gentleman from California (MR. GEORGE MILLER) for yielding me this time.

Madam Speaker, I want to preface my remarks by stating that today is truly a sad day in the House of Representatives for the people of the second district of Hawaii, for the people of the Nation who may not have seen or appreciated the fine work that PATSY MINK did in representing her constituents in Hawaii. In all my years of public service, Madam Speaker, I never met anyone with a deeper commitment and dedication to education than PATSY MINK. I believe she was the first woman of color to be elected to the United States Congress, and I have had the pleasure of serving with her for three terms now on the Committee on Education and the Workforce.

The depth of knowledge that she brought to the committee on issues of education, her fight to ensure that quality of education was a reality for our children, her wisdom and economic recovery now require us to exercise fiscal discipline and responsibility; and to meet this important responsibility, we drafted this program as a discretionary, rather than mandatory, program. At this time, budgetary offsets necessary to make this a mandatory spending program have not been found. However, we think it is vitally important to get this bill through and working with our appropriators and our colleagues on both sides of the aisle to fund this program in a responsible, bipartisan way.

In addition, H.R. 5091 contains a provision authored by my good friend and colleague, the gentlewoman from New York (Mrs. McCARTHY), that would forgive the student loans of the spouses of fire, police, military, and rescue personnel who were victims of the September 11, 2001, terrorist attacks. I fully support this provision and I urge my colleagues to vote “yes” on this important bill for our Nation’s teachers.

Mrs. McCARTHY of New York. Madam Speaker, I yield such time as he may consume to the gentleman from Wisconsin (Mr. KIND), my colleague who sits on our committee.

Mr. KIND. Madam Speaker, I thank the gentlewoman from New York (Mrs. McCARTHY) for yielding me this time.

Madam Speaker, I want to preface my remarks by stating that today is truly a sad day in the House of Representatives for the people of the second district of Hawaii, for the people of the Nation who may not have seen or appreciated the fine work that PATSY MINK did in representing her constituents in Hawaii. In all my years of public service, Madam Speaker, I never met anyone with a deeper commitment and dedication to education than PATSY MINK. I believe she was the first woman of color to be elected to the United States Congress, and I have had the pleasure of serving with her for three terms now on the Committee on Education and the Workforce.

The depth of knowledge that she brought to the committee on issues of education, her fight to ensure that quality of education was a reality for our children, her wisdom and economic recovery now require us to exercise fiscal discipline and responsibility; and to meet this important responsibility, we drafted this program as a discretionary, rather than mandatory, program. At this time, budgetary offsets necessary to make this a mandatory spending program have not been found. However, we think it is vitally important to get this bill through and working with our appropriators and our colleagues on both sides of the aisle to fund this program in a responsible, bipartisan way.

In addition, H.R. 5091 contains a provision authored by my good friend and colleague, the gentlewoman from New York (Mrs. McCARTHY), that would forgive the student loans of the spouses of fire, police, military, and rescue personnel who were victims of the September 11, 2001, terrorist attacks. I fully support this provision and I urge my colleagues to vote “yes” on this important bill for our Nation’s teachers.
was a dynamic personality with unlimited energy and compassion for the issues she felt so deeply about. I hope that the people will in the next week take a little time to read a little bit about PATSY MINK, the stories being written, to better understand her contribution for our great democracy and for the people of the second district in Hawaii.

Madam Speaker, I rise in support of H.R. 5091, the CLASS Act. I think this is an important piece of legislation to be able to attract young, qualified teachers into at-risk school districts where recruitment has proven difficult, where retention of quality teachers in the classroom has proven to be a great challenge.

We know that the second most important determinant of how well a child is going to succeed in school is the quality of the teacher in front of them in the classroom. That is why this legislation is long overdue. We had some differences of opinion in the committee in regards to whether this should be a mandatory program as opposed to an incentive program. I would hope that even though we went the discretionary route, effort would still be given to try to find offsets to make this a mandatory program. I think it is important to be able to offer this type of incentive for young, qualified teachers to enter very difficult school districts and to serve children in need.

Madam Speaker, I also want to commend the gentlewoman from New York (Mrs. MCCARTHY) for her passion in being able to bring loan forgiveness to the victims of September 11. She was there from the very beginning, advocating the importance of doing this. It is a token gesture, but I think an important gesture for those families that carry student loan debts that those be forgiven in recognition of the events of September 11.

I also thank the leadership on the committee for accepting my amendment, which is a notification requirement to rural school districts so they too will recognize the existence of this program and will better understand how they can qualify and apply for loan forgiveness. Oftentimes rural school districts are understaffed, underfinanced, and do not have professional grant writers to really take advantage of the various educational programs that exist at the Federal level.

This notification requirement is a small way to help get word out to school districts throughout the country that this is available and another tool of recruitment for rural school districts that are facing very difficult challenges in attracting young, qualified bright minds into the school system.

Many of my school districts in western Wisconsin have a difficult time finding any AP teachers to teach high school classes. If it were not for certain online opportunities, many of the students would have to go without because of the shortage and great demand for teachers. Hopefully with this notification requirement, more rural school districts will realize the availability of the program and the additional tool that they can use to attract young teachers into the classroom.

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

Madam Speaker, I associate myself with the remarks of the gentleman from Ohio (Mr. BOEHNER), the gentleman from Wisconsin (Mr. KIND), and the gentlemwoman from New York (Mrs. MCCARTHY) regarding Mrs. MINK. The gentlewoman will be missed by all of us, but I will especially miss her because for the last 2 years she has been the ranking member on this subcommittee, and we have had the opportunity of getting to know each other and working well together. I will miss her greatly.

Madam Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. ISAKSON).

Mr. ISAKSON. Madam Speaker, I want to express my deep sympathy to the family of PATSY MINK and to the citizens of Hawaii and recommend Members read an editorial that I read on the plane today about the contributions of her life, in particular in the field of politics and the law where she broke the glass ceiling for women in an era and a period where that ceiling was very low. She was an outstanding colleague and an outstanding individual, and she shall be missed.

Mr. Speaker, I commend the gentleman from South Carolina (Mr. GRAHAM) for his contribution to improving the education of America's most needy and in-need students. With the addition of the CLASS Act and the incentive to our schools, what the gentleman from South Carolina (Mr. GRAHAM) has done is he has the second one-two punch to what this Congress and this President has done to really focus on where educational needs are the greatest.

If we combine the ability to attract teachers through loan forgiveness, to make the commitment to our children who are the most in need, with the incentive to rural school districts in No Child Left Behind in our title I schools in rural and urban poor centers, what the gentleman from South Carolina (Mr. GRAHAM) has done has he the second one-two punch to what this Congress and this President has done to really focus on where educational needs are the greatest.

Its my hope that the other body will move quickly to pass this important legislation so we can send this bill to the President for his signature.

Madam Speaker, I commend my colleagues, especially the gentleman from Ohio (Mr. BOEHNER) and the gentleman from California (Mr. MILLER), who have spoken in favor of this bill; and I urge Members to vote in favor of this legislation, H.R. 5091.

Madam Speaker, I yield back the balance of my time.
a massive teacher shortage. In fact, over the next ten years, we will need to recruit and hire 2.2 million teachers just to keep up with the attrition of our teaching force.

We made great stride toward meeting these challenges with the passage of H.R. 1. Today we have opportunity to go further by encouraging the largest single field of teaching through loan forgiveness. The loan forgiveness program—which began in 1998 and provides up to $5,000 in student loan relief—helps ensure that disadvantaged students are taught by high quality professionals. This program also needs to be extended to reflect the true cost of college.

This bill will increase loan forgiveness to $17,500 for Special Education, Math and Science teachers. I am pleased the majority accepted my amendment to add Math and Science teachers as a priority to the bill.

Forty-three percent of math teachers in high poverty schools have neither majored nor minored in math related fields, compared to 27% in low poverty school. Over the next 10 years, large numbers of teachers will retire, leaving America classrooms with a serious teacher shortage, especially rural and inner city schools that already face one. By encouraging students to become math, science and special education teachers we can address this in equity.

As recent reports by the National Assessment Education Progress (NAEP) on November 21, 2001 and the Organization for Economic Co-operation and Development (OECD) on December 4, 2001 have indicated, American students are severely under-performing in math and science. According to the NAEP study, 82% per cent of high school seniors were less than proficient in science last year, while OECD reports that only four out of the 28 countries OECD tested performed worse than American students in science and five in math.

Given new challenges to our homeland defense, I think it should be obvious that having weak math and science education is not in our national interest. If we given short shrift to math and science education, how will future generations of Americans develop the vaccines to fight biological terror or the defense technology to track down and eliminate terrorists and other threats?

While this bill does not provide mandatory funding for teacher loan forgiveness, as I would have preferred it is a step in the right direction and I ask my colleagues to support it.

Mr. MOORE. Madam Speaker, I rise today to express my strong support for H.R. 5091, the Canceling Loans to Allow School Systems to Attract Classroom Teachers Act, and I encourage my colleagues to support this important legislation.

I have long recognized the great need for teacher loan forgiveness to help our local school districts address the nationwide teacher shortage. Urban, rural and suburban districts are all struggling with this problem caused by a combination of demographic trends and a low teacher retention rate.

Under current law, teachers can receive up to $5,000 in loan forgiveness after five years of service. H.R. 5091 would expand the program to forgive up to $17,500 in loans and give priority to special education teachers.

Although I am a strong supporter of this legislation, I believe that it could be greatly improved. I introduced a bill on February 14, 2001, that I believe would go much farther in addressing our national teacher shortage. H.R. 687, the Teacher Recruitment and Retention Act, would forgive up to $10,000, over five years, for any newly qualified educator who teaches in a low-income school, teaches special education, or teaches in a designated teacher shortage area.

I believe that offering loan forgiveness in the first year of teaching, as I have provided for in H.R. 687, would do more to encourage young teachers to stay in the profession. Also, loan forgiveness needs to be extended far beyond special education classroom districts; other school districts also struggle when hiring math, science and foreign language teachers.

I am glad that my colleagues have recognized our national teacher shortage as a national priority worthy of Federal investment. I believe that it is time for the Federal government to assist States and local school districts in attracting and keeping qualified teachers, and I am happy to offer my support for this legislation, which represents an important first step.

Mr. FALEOMAVAEGA. Mr. Speaker, today I rise in support of H.R. 5091, the Cancelling Loans to Allow School Systems to Attract Classroom Teachers Act. This act would increase the amount of student loan forgiveness available to qualified teachers. Loan cancellations would be made on a first-come, first-served basis, subject to the availability of appropriations, and with emphasis on special education, mathematics and science teachers.

I believe this legislation is solid and it is necessary legislation. As we are aware, American schools and the Territories struggle to retain and attract teachers. Our school systems are overcrowded. Our test scores are down, and our resources are limited. Many of our students are also disadvantaged by poverty and live in communities that are unable to raise revenue to meet the growing challenge of elevating learning.

As lawmakers, we are painfully aware that we must provide adequate funding for education if we are to maintain cohesion in our society. As lawmakers, we also agree that no child should be left behind. That is why we were disappointed that President Bush signed legislation promising a $5.65 billion increase in the No Child Left Behind legislation, but 4 weeks later provided an increase of only $1 billion. We are also disappointed that the President's budget holds aid to local schools virtually flat.

I believe our national and community colleges and universities are playing a critical role in preparing the teachers our students need, particularly in STEM fields. Yet many of these schools are having financial difficulty maintaining their programs in light of the recent cuts in education and the nationwide teacher shortage.

I would like to express my support for the bipartisan Higher Education Act of 1965, which aims to provide educational opportunities to a broad range of young and disadvantaged students.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. McKEON) that the House suspend the rules and pass the bill, H.R. 5091, as amended.

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

The title of the bill was amended so as to read: "A bill to increase the amount of student loan forgiveness available to qualified teachers, and for other purposes."

A motion to reconsider was laid on the table.

RECOGNIZING CONTRIBUTIONS OF HISPANIC-SERVING INSTITUTIONS

Mr. McKEON. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 561) recognizing the contributions of Hispanic-serving institutions.

The Clerk read as follows:

H. RES. 561

Whereas there are more than 300 Hispanic-serving institutions in the United States;

Whereas Hispanic-serving institutions provide the quality education so essential to our nation's participation in a complex, highly technological society;

Whereas the number of Hispanic Americans enrolled in college is growing twice as quickly as enrollment at all colleges, according to a recent report from the Department of Education;

Whereas Hispanic-serving institutions have allowed many students to attain their full potential through higher education;

What are the achievements and goals of Hispanic-serving institutions are deserving of special recognition; and

Whereas Hispanic Heritage Month is an appropriate time to express that recognition: Now, therefore, be it

RESOLVED, That:

(1) recognizes the significance of Hispanic-serving institutions;

(2) recognizes that Hispanic-serving institutions are indispensable in meeting the educational needs of our country's youngest and fastest-growing populations;

(3) commends the Nation's Hispanic-serving institutions for their commitment to academic excellence for all students, including low-income and educationally disadvantaged students;

(4) urges the presidents, faculty, and staff of the Nation's Hispanic-serving institutions to continue their efforts to recruit, retain, and graduate students who might otherwise not pursue a postsecondary education;

(5) recognizes the importance of title V of the Higher Education Act of 1965, which aids Hispanic-serving institutions in strengthening the academic quality, institutional management, and financial stability of Hispanic-serving institutions; and

(6) requests that the President issue a proclamation calling on the people of the United States and interested groups to demonstrate support for Hispanic-serving institutions in the United States during that month with appropriate ceremonies, activities, and programs.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. McKEON) and the gentleman from Texas (Mr. HINOJOSA) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. McKEON).

Mr. McKEON. Madam Speaker, I ask unanimous consent that all Members
may have 5 legislative days within which to revise and extend their remarks on H. Res. 561.

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

The SPEAKER pro tempore. The request is sustained.

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

Madam Speaker, I rise in support of House Resolution 561, in recognition of the contributions that Hispanic-serving institutions make in helping educate America’s youngest and fastest-growing population. Hispanic-serving institutions are vital components of the higher education equation. Not only do they improve access to higher education for Hispanic Americans, they are committed to providing academic excellence to low-income and disadvantaged students.

HSIs enroll and graduate thousands of impressive students each year, despite often-limited resources. Prior to the reauthorization of the Higher Education Act of 1998, HSIs were eligible for Federal funds under title III, part A, the strengthening institutions program. During reauthorization, we created a separate program and funding stream for Hispanic-serving institutions in an effort to expand educational opportunities for Hispanic students. The new program under title V allows institutions to use Federal money to build on their endowments and provide scholarships and fellowships for needy students. The gentleman from Texas (Mr. HINOJOSA) is the one that brought that to our attention, and I thank the gentleman for his effort in that regard.

Since the Higher Education Act of 1998, Federal support of HSIs has increased to $86 million, and President Bush’s budget, passed by the House earlier this year, would increase support for HSIs by an additional 3.5 percent.

It is important to also note that today’s recognition of HSIs and last week’s resolution recognizing the Historically Black Colleges and Universities are a continued commitment by this Congress to increase access to post-secondary education for not only minority students, but to all American students.

For example, Congress has made the Pell Grant program their highest priority for post-secondary education. Since 1995, we have increased the maximum Pell Grant every year. For 2002, the maximum Pell Grant reached a record high of $1,000, up from just $2,340 in 1995. This is a 71 percent increase in the maximum Pell Grant award and helps over 4.4 million low-income students each year. Next year, the Committee on Education and the Workforce will begin the process of reauthorizing the Higher Education Act, where our main focus will center on examining Federal policy that provides access to a high-quality and affordable college education.

During the process, we will continue to promote the role of HSIs in higher education and celebrate contributions they make to better the lives of so many young Americans.

Finally, I want to take this opportunity to highlight California State University, Northridge, a Hispanic-serving institution located in my congressional district in California. According to the U.S. Department of Education, CSUN ranked among the top 100 universities nationwide in graduating Hispanic students with Bachelor’s and master’s level. The university also places highly in Hispanic Outlook in Higher Education and Black Issues in Higher Education rankings for degrees awarded.

I am pleased to be able to recognize the impact that institutions like Cal State Northridge make on local and national communities. I urge the House to adopt this important resolution.

Madam Speaker, I reserve the balance of my time.

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

Madam Speaker, I also want to first express my condolences to the family of my good friend and colleague, PATSY MINK. The people of Hawaii and this Nation have experienced a tremendous loss. I worked with Patsy Mink for over 6 years on the Committee on Education and the Workforce and always found her to be a tireless advocate for children and workers. I will truly miss her wisdom, her wit, and her fighting spirit. She fought for all students to have access to high-quality education and have access to higher education.

Madam Speaker, with those thoughts having been expressed, I rise today to strongly support H. Res. 561, honoring the contributions of the more than 200 Hispanic-serving institutions, known as HSIs, throughout the United States.

I want to acknowledge the assistance of the gentleman from Ohio (Mr. BOEINER) and the gentleman from California (Mr. McKEON) in bringing this bill to the House floor. I also want to acknowledge the contributions which the gentleman from Ohio (Mr. GEORGE MILLER) has made to HSIs over the years. It is encouraging to see bipartisan support for these educational institutions of higher learning.

I was very pleased to hear the gentleman from California (Mr. McKEON) talk about the opportunity that I had in 1997-1998 during reauthorization of higher education to raise the level of awareness of the Nation for the work that the Hispanic-serving institutions are making in helping so many Latino students go to college and be able to raise the level of education attainment for this community. This bipartisan support will become increasingly important as we reauthorize the Higher Education Act of 2002.

In the last decade we have made significant progress in narrowing the gap of achievement between minority students and Anglo-Saxon students. We must continue to work to close the gap for Hispanics so that they, too, are successful in their higher education pursuits. Why is this important? It is important because Latinos are the fastest-growing population in the country. If Latinos are to fully contribute to society and this great Nation, then Hispanic students must be given access to educational opportunities. While the increase in Hispanics pursuing a post-secondary education is significant, it is still not keeping pace with the Hispanic American presence in the general population, nor with the pool of Latino high school graduates.

For my colleagues who are not familiar with HSIs, they are defined as institutions of higher learning with a Hispanic student enrollment of 25 percent or greater. A percentage must be low-income and first-generation students. These college institutions are often located in low tax-base communities and too often are grossly underfunded. Since 1996, there were 200 eligible HSIs competing for only $10 million for the whole country. Needless to say, only a small percentage received funding.

During the 1997-1998 reauthorization of the Higher Education Act, Congress included for the first time language that addressed these woefully neglected institutions. Since then, funding has significantly increased. Yes, as the gentleman from California (Mr. McKEON) said earlier, it has now gotten to $86 million. I hope that the leadership will consider some amount greater than 3 or 4 percent, but instead possibly looking at a 25 percent increase to be able to keep up with the need that we have for HSIs.

Yet despite these increases, it has been difficult to further develop these institutions because funding remains problematic at both the State and Federal levels. This neglect is a national crisis because HSIs produce most of the Hispanic baccalaureate degrees and graduate associate’s, bachelor’s, master’s and doctoral degrees. Almost two-thirds of the 1.5 million Hispanic students in higher education are enrolled in these HSIs. These colleges offer a real future to those who successfully complete their high school requirements.

The majority of HSIs are found in California, Arizona, Florida, Puerto Rico, New York and Illinois. There are also institutions in Washington State and New Jersey. Due to the projected growth of the Hispanic population nationwide, the number of HSIs are expected to increase significantly. There
are currently 100 additional institutions on the verge of being declared HSIs.

In closing, today we are honoring and recognizing the tremendous positive contributions that HSIs are making in training the next generation of Americans. However, we need to do more than commend HSIs. We need to give them the resources they need to continue their work. I strongly urge all my colleagues to support House Resolution 561.

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

Mr. ISAKSON. Madam Speaker, I yield such time as he may consume to the distinguished gentleman from Ohio (Mr. BOEHNER), chairman of the committee.

Mr. BOEHNER. Madam Speaker, I thank the gentleman from Georgia for yielding me this time. I want to thank the gentleman from Texas (Mr. HINOJOSA) for bringing this resolution forward. I encourage the administration to continue to support the growth that we have. I want to commend our colleagues for supporting the growth that we have.

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

Mr. HINOJOSA. Madam Speaker, I yield 2 minutes to the gentleman from New Mexico (Mr. UDALL).

Mr. UDALL of New Mexico. Madam Speaker, I rise today in support of H.R. 561, recognizing the contributions of Hispanic-serving institutions. It is important that Congress credit the institutions’ commitment to academic excellence through high-quality education. These institutions have worked with students from low-income and disadvantaged backgrounds to successfully help them achieve their academic ambitions and continue to strive for loftier goals upon graduation. Hispanic students are at greater risk of not enrolling or graduating from college. This disparity continues to increase. With the continued support of Hispanic-serving institutions towards recruitment and retention in postsecondary schools, these students would have missed the opportunity to contribute their knowledge and insight to our evolving technological workforce.

In my district, 10 Hispanic-serving institutions reach out to students throughout rural northern New Mexico. They present students with opportunities for higher education through universities, community colleges, vocational and technical institutes in a traditional and/or long-distance learning setting. The degree and certificate programs give students the tools they need to move beyond their history of disadvantages and towards a future of successful endeavors.

Mr. HINOJOSA. Madam Speaker, I am very pleased to yield 3 minutes to the gentleman from California (Mr. UDALL).

Ms. SANCHEZ. Madam Speaker, I would like to thank the gentleman from Texas for working so hard on this issue of Hispanic-serving institutions. Obviously I am a proud cosponsor of H.R. 561, which recognizes the contributions of Hispanic-serving institutions.

As a Hispanic, it might be a little different than what most people realize is going on in our Nation. First of all, the youngest population in the United States, the largest group of youngsters is the Hispanic population. In fact, over 50 percent of the Hispanic population in the Nation is under 18 years of age. We also make more and more of the workers of this country will be a large group of Hispanic people. So we need to educate them.
We have seen the graduation rates be very low for Hispanics. In fact, I would venture to say that unofficially probably about 50 percent of Hispanic students do not graduate from high school. Why is that? Because if someone goes and gets a job at McDonald’s before they graduate from high school, he is not considered a dropout. He is considered an employed person. But when you take a look at the population of Hispanics, it is a very high ratio. So we are not only trying to increase the number of Hispanics who graduate from the high school level, but also to prepare them well so that they can go on to universities, community colleges, etcetera.

Our Hispanic-serving institutions work very well in that arena. They work with the middle and high schools in the area to help ensure that the students are taking the right classes, the building blocks they need to get into the university. And then they welcome them into the university, and they retain them.

One of the biggest problems the Hispanic population has is that we drop out of college, so it is important to acknowledge the contribution to this Nation, to America, that the Hispanic-serving institutions are doing. I would like in particular acknowledge the two Hispanic-serving institutions that I have in Orange County in my area. Santa Ana College ranks 30th among the top 100 associate’s degree producers in the country, and it is the second highest producer of minority graduates in California.

Also, Cal State Fullerton, which also does extensive outreach to ensure that our Hispanic students are getting to college, are learning in college, and are graduating from college so that they can enter the workforce.

Mr. HINOJOSA. Madam Speaker, I yield myself the balance of the time.

Madam Speaker, I wish to say that this resolution is recognizing over 200 HSI’s that are making a great contribution towards raising the level of education attainment for thousands and thousands of minority students. I want to say that on a personal note, in my congressional district I have four colleges and universities with this HSI designation. The first one, the University of Texas Pan American, with over 14,000 students and how, in these last 5 years, we have seen a tremendous increase of students now enrolled at that university.

The Texas A&M Kingsville, another fine university with over 5,000 students also issuing lots of degrees in engineering and Ph.D.s in both education and engineering and other majors. Also, the South Texas Community College in the Rio Grande Valley of south Texas with an enrollment of over 12,000 students of which 95 percent are Hispanic. They are doing a wonderful job. Within only 8 years of having been founded, I can see the difference that it is making in our region of the country. The fourth one is the Coastal Bend Community College, with more than 5,000 students, in the center part of my district. Again, they are raising those opportunities and the hope for so many young men and women.

So again, it is an honor for us to be able to speak to this resolution and to be working on a bipartisan manner with our friends on the other side of the aisle. We are very appreciative of the support that is being given by all of our colleagues, and I urge that they approve this wonderful resolution.

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

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

I am very pleased to commend this resolution to the House and to commend the gentleman from California (Mr. McKENZIE), the chairman of the subcommittee, for his leadership. During Hispanic Heritage Month in America to introduce this resolution to commend Hispanic-serving institutions who are providing postsecondary education to the growing number of Hispanic American students. I want to also acknowledge the statements of the gentlewoman from California (Ms. SANCHEZ).

Many of the Hispanic American children in school today, elementary and high school in America, came to America or were born in America to parents whose jobs were on the low end, many times, of the employment spectrum. And to raise the opportunity for a post-secondary education by having available institutions like these to provide Hispanic American children with a higher education will ensure a richer life for them and for their children to come.

Madam Speaker, I commend this resolution to the body. I thank the gentleman from Texas (Mr. HINOJOSA) for his leadership. He is a tireless worker on behalf of the Hispanic American community.

Ms. NAPOLITANO. Madam Speaker, it is with great pleasure that I rise today in support of the resolution to honor the contributions of Hispanic-Serving Institutions (HSIs) to our nation. The 203 Hispanic-Serving Institutions throughout the country comprise two-thirds of the 1.5 million Hispanic students in postsecondary programs. Without these dedicated HSIs, these students would not have had the opportunity to go to college and realize their full academic and professional potential.

There are two HSIs in my district—Rio Hondo College and Cerritos College—and I have personally seen the impact these schools have on young Latinos in my community. Rio Hondo College has a wide variety of course offerings in fields including math, natural science, social science, humanities, communications and the arts. Rio Hondo College also offers pre-professional courses in fields such as nursing, psychology, education, law, information technology, fire-fighting and international trade. Cerritos College also offers courses in a number of fields, including health occupations, social sciences, technology training and liberal arts. Cerritos College is also providing Ford Motor Company Foundation mechanic training. Through a Department of Labor grant, Cerritos College also provides high-tech, high-numerical engineering training to fill the gap left by retiring workers.

Schools like these reach out to the Hispanic population and provide them with the opportunities and support they need. In addition to helping students continue their education, HSIs help current workers update their skills and help older as well as non-traditional students prepare to re-enter the workforce.

Despite the success of HSIs, Hispanics still suffer the lowest high school and college completion rates of any racial or ethnic group in our country. The high school dropout rate among Hispanics remains over 40 percent, and in some areas is as high as 70 percent. These statistics are very troubling. We must provide our Latino youth with high quality education to ensure that they are prepared to enter the workforce, become productive and involved citizens, and lead the next generation of leadership in the U.S.

It is clear that more work is needed, and we must build upon the achievements of our Hispanic-Serving Institutions and provide them with the funding they need to continue their valuable task of educating the Latino population in the U.S. This is not only good for the Latino community but also benefits our economy. More education and training leads to better jobs, and the more money Latinos make, the more they can spend and put back into our economy. We are taking an important step today by honoring HSIs and recognizing their valuable contributions to our nation.

Mr. RODRIGUEZ. Mr. Speaker, I rise today to recognize the contributions of Hispanic Serving Institutions (HSIs). An HSI is defined as an institution that has at least 25 percent full time Hispanic enrollment, and of the Hispanic student enrollment, at least 50 percent are low income. There are over 200 HSIs in the United States, and eight in my 28th Congressional District in Texas. As a former educator, I understand the importance of quality education—both to the success of the individual student, and ultimately to the success of our country. It should be clear that in order for America to maintain and build upon our global competitiveness we must have a capable and technologically advanced workforce.

Studies show that by the year 2008, 60 percent of all new jobs will require skills that are held by just 20 percent of the current workforce.

To meet this goal, we must ensure quality instruction and resources at our institutions of higher learning, especially in the areas of science and mathematics. Even if students do not pursue a career in these fields, they still will need basic knowledge in science and technology to be successful in our competitive workforce. As a country we cannot afford to have students completed high school and pursue a higher education scientifically and technologically illiterate.

According to a study by the Department of Education the number of Hispanic Americans enrolled in college is growing twice as quickly as overall enrollment at all colleges. With the beginning of the 21st Century, a larger proportion of the U.S. population will be composed of African Americans, Hispanics, and Native
Americans. As a group, these populations have traditionally been underrepresented in the science and engineering disciplines compared to their proportion of the total population.

A recent report produced by the National Science Foundation (NSF) reveals that among all Latino Americans, Hispanics and Native Americans as a whole comprise 23 percent of the population and earn, as a whole, 14.7 percent of the bachelor degrees, 8.2 percent of the master's degrees, and 5.5 percent of the doctorate degrees in science and engineering.

There are few within the scientific community who argue about the effect of demographics on the future science and engineering workforce. These fields have been the primary domain of white males. This can and must change. African Americans, Hispanics, and Native Americans, with Hispanics, being the fastest-growing, will comprise a more significant segment of the workforce and will need to fill more positions within the scientific community.

Hispanics are improving their academic achievement levels. They have increased their share of earned bachelor degrees from 4 percent in 1990 to 6.5 percent in 1998. The proportion of masters degrees received by Hispanics increased from 2.2 percent in 1990 to 3.5 percent in 1998. In doctoral candidates our proportion will hopefully increase in 1998 at 2.8 percent. We must continue to move forward and in order to succeed it will take a national commitment to education. The success illustrated by these increases reflect the hard work of HSIs and other institutions in recruiting and retaining Hispanic students.

Today I congratulate all HSIs, especially those in San Antonio: Our Lady of the Lake University Palo Alto College, San Antonio College, St. Mary’s University, St. Phillips College, The University of Texas at San Antonio, The University of Texas Health Science Center, and The University of the Incarnate Word, for all their wonderful contributions. HSI’s recognize how indispensable the contributions of Hispanics will be in the future, as they continue on their path of growth and dominance within our workforce. I commend HSI’s for their many contributions to the academic excellence within the Hispanic community and society at large. Further, I encourage all the presidents, faculty and staff of our nation’s HSI’s to continue their efforts in recruiting, retaining and graduating students who might otherwise not pursue a post-secondary education. Our country’s future is in your hands.

Mr. REYES. Madam Speaker, I am proud to be an original co-sponsor of House Resolution 561, Recognizing the Contributions of Hispanic-Serving Institutions and Taking Action to Support These Institutions. The resolution has the support of my colleague and fellow Texan, Congressman RUBÉN HINOJOSA, for authoring it. It is most fitting that during Hispanic Heritage Month we take a moment to reflect on the tremendous contributions made to the Latino community and the nation as a whole by Hispanic-Serving Institutions, HSI’s.

Over 200 colleges and universities across the country are considered HSIs as defined by the Higher Education Act. Together, these HSIs serve over 1.5 million Latino students, about forty percent of all Latinos in higher education. Thousands of future teachers, engineers, businessmen and women, lawyers, doctors, authors and artists are currently conducting their undergraduate studies at HSIs, and many more are yet to come. Hispanics form the fastest-growing sub-population of students in the country, making the continued support of HSIs all the more important.

Since coming to Congress, I have worked hard to increase the resources available to HSIs. Working with Congressman HINOJOSA, who chairs the Congressional Hispanic Caucus’ Education Task Force, we have increased Title V funding for the infrastructure and faculty development of HSIs from $12 million in 1998 to $86 million this year. We are working to increase that number again in the fiscal year 2003 appropriations, currently stalled in the House. What a fine tribute to HSI’s would it be if we could move the Labor-HHS-Education appropriations bill through the House and include a hefty increase in HSI funding, and funding for all Hispanic-serving education programs because if we fail to help children succeed in elementary and secondary school, they will never make it to an HSI or any other institution of higher education.

As chair of the Congressional Hispanic Caucus, I am pleased to recognize the role HSIs play in the advancement of the Latino community and urge all my colleagues to show their support for HSIs today and in the coming months and years.

Mr. ORTIZ. Madam Speaker, I rise in support of H.R. 561, Recognizing the Contributions of Hispanic Serving Institutions. Hispanic Serving Institutions are an important link in our institutions of higher learning.

It is the education provided by our colleges and universities upon which the future of our labor force depends. Hispanic Serving Institutions are the keyhole through which average students in Hispanic enclaves around the nation can unlock an education to prepare them for a career of professional work.

Here are some of the successful Hispanic Serving institutions in my congressional district: Coastal Bend College, Del Mar College, South Texas Community College, Texas A&M-Corpus Christi, Texas A&M-Kingsville, Texas State Technical College, and the University of Texas of the Permian Basin. In each of these institutions, I want to offer my personal thanks to those institutions, and to their presidents and faculty, for the education that so many Hispanics have achieved at these great schools, these pillars of our economy.

Hispanic Serving Institutions are an important tool in developing Hispanic talent in communities, which is an even more important tool in local economic development and prosperity. By focusing on institutions of higher education with a population of at least 25 percent Hispanic students and institutions that serve a minority community, we can develop students who can make the most diverse contribution to Hispanic communities.

By further targeting schools with a high enrollment of disadvantaged students, and low general expenditures—and where 50 percent of Hispanic students are from low-income families—on a regional, not federal, basis, we can make the most of federal efforts on schools that can make the most difference in Hispanic communities.

By targeting districts with a high enrollment of disadvantaged students, and low general expenditures—and where 50 percent of Hispanic students are from low-income families—are at a making maximum effort where the need is the greatest for young Hispanics trying to get an education.

Mr. Speaker. Hispanic Heritage Month is an appropriate time for Congress to formally show our appreciation for the significance of Hispanic-serving institutions, and to commend these higher-education institutions for their commitment to academic excellence. Title V of the Higher Education Act strengthened the academic quality and financial stability of Hispanic-serving institutions and insured their longevity.

I join my colleagues in supporting this resolution, which urges the president to issue a proclamation calling on the American people and interested groups to demonstrate support for Hispanic-serving educational institutions during National Hispanic Heritage Month.

We should be grateful for the people who created and nurtured this program; we are a stronger society for it. I urge the president and Congress to continue recruiting, retaining and graduating students who might not otherwise pursue higher education. Mr. SERRANO. Madam Speaker, it with great pride that I rise to recognize the extensive contributions of Hispanic-Serving Institutions. The opportunity to go to college is one that many Americans take for granted because it has become an accepted norm for many families in our society. For too many Hispanic families, however, it is not the norm and for many it is even seen as an unattainable reality. The increase and development of HSIs has been significantly slowed, however. At this very moment, nearly half a million Hispanic youth are studying at these 219 exceptional institutions and realizing the dreams of their grandparents. These young people will become critical actors in many parts of our society. As a group, these populations will be crucial serving education programs because if we fail to help children succeed in elementary and secondary school, they will never make it to an HSI or any other institution of higher education.

An education revolution is necessary in this country for Hispanic and African-American youth to catch up to their peers. The key to increasing college enrollment for these communities lies in the reformation of elementary and secondary schools, where overcrowded classrooms, under-trained educators, limited resources, and social risk factors make academic success a near impossibility. However, along with working to improve these fundamental educational issues, we must support and celebrate the achievements of HSIs, which allow students of exceptional aptitude the opportunity to succeed, no matter what barriers they may have encountered.

Madam Speaker, when an institution is identified as an HSI, this means that this school is responsible for educating a large number of Hispanic students who come from economically adverse backgrounds. These schools successfully educate these young people and prepare them for fruitful careers in a myriad of professions. This is important work—crucial work. It is worthy of continuing support and commemoration. HSIs have helped to realize the dreams of generations and empower the entire Hispanic community.

Mr. ISA-acson. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from California (Mr. MCKON) that the House suspend the rules and agree to the resolution. H. Res. 561.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.
EXPRESSING GRATITUDE FOR FOREIGN GUEST LABORERS, KNOWN AS "BRACEROS," WHO WORKED IN THE UNITED STATES FROM 1942 TO 1964

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

I rise today in support of this resolution sponsored by my friend and colleague, the gentleman from California (Mr. OSE), which recognizes and honors the foreign guest workers who worked here in the United States during a 22-year period from 1942 to 1964.

As a result of severe wartime shortages, the United States entered into an agreement with Mexico for the legal employment of agricultural workers from Mexico. During this time, between 4 and 5 million guest workers known as "braceros," were employed in the United States. They were an important source of labor during this period, helping to alleviate shortages of workers, particularly in the agricultural industry.

Thousands of braceros also labored on our Nation's railroads, maintaining and expanding critical infrastructure for the transportation of food, equipment, and other valuable supplies during and after World War II.

Whereas the first 1,500 Braceros arrived in California from Mexico City, Mexico, on September 29, 1942, to work in the sugar beet fields and on our railroads. They helped us grow the food and supplies during and after World War II.

Whereas the heroic work effort of the Braceros was recognized by many State and local governments around the Nation, but has not been recognized by the Federal Government;

Whereas the Nation and the world owe a debt of gratitude for the contribution the Braceros made to the war effort that defeated fascism in Europe and Asia;

Whereas more than 1,000,000 Braceros and their families or descendants are still United States residents or citizens; and

Whereas September 29, 2002, is the 60th anniversary of the arrival of the first of these guest workers in the United States, which is an important part of our country's workforce during World War II, when labor became a valuable commodity, especially on farms.

Today, many of these workers and their families or descendants are residents of the United States. Many have their identification cards as a proud remembrance of their service to the United States.

Today, many of these workers and their families or descendants are residents of the United States. Many have kept their identification cards as a proud remembrance of their service to the United States.

Resolved, That the House of Representatives—

(1) expresses gratitude for the foreign guest laborers, known as Braceros, who worked in the United States during the period from 1942 to 1964; and

(2) recognizes the Braceros for their contributions to the war effort and for their hard work, which helped to keep the United States strong and prosperous during this challenging period.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. BOEHNER) and the gentleman from Texas (Mr. HINOJOSA) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. BOEHNER).

Mr. BOEHNER. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks. On motion, H. Res. 522 was agreed to.

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

There was no objection.
1942 to provide contract labor. These guest workers known as braceros, literally meaning “strong arms,” were recruited and hired to work in the fields and on the railroads across the United States.

The first 1,500 braceros to enter the United States arrived in California to work in the sugar beet fields outside of Stockton on September 29, 1942, where they worked until December 24th of that same year. I would like to point out, a gentleman from Texas and my good friend, that this past Sunday marked the 60th anniversary of the first braceros in the United States.

Over the course of the next 22 years, as many as 5 million braceros participated in the program supporting our critical infrastructure. It was through their hard work that our Nation was able to effectively sustain our agricultural economy, as well as expand and maintain our railroads, resulting in a safe, reliable, and effective means of transporting food, medicine, troops, and other supplies for the war.

In 1964, the last braceros fulfilled their contracts and the program came to an end. However, their contributions last even today.

The United States did suffer a severe labor shortage as a result of World War II, but thanks to the efforts and hard work of millions of braceros, our Nation survived and today prospers. It is time we honor their contributions during this time of crisis and recognize the braceros for their place in American history as 5 million braceros participated in the program.

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

I was very pleased to hear my friend, the gentleman from California (Mr. Ose), talk about the need for the braceros who came to the United States to help us, who had strong arms, as he said. They also had strong backs. They worked very hard, just like our friends from other countries who came to the United States. They worked and were not exploited, for people who even have less status than the braceros, people who continue to toil in our fields, are entitled to this recognition. But we cannot be the only agenda for people who continue to toil in our fields, for people who continue to be exploited, for people who even have less status than the braceros, who were entitled to this recognition.

As I have pointed out, they originally came here in World War II so we could free many of our citizens to go off and fight in the Second World War and they could continue to provide work here on the home front. This resolution honors those individuals, and it honors the braceros the contribution that they have given to this country.

What we should not honor is the conditions under which they worked, the conditions under which they were forced to work. The braceros were separated from their families, the hours that they were required to toil, and the actual working conditions.

We had what became a big issue, a critical issue of the short-handed hoe that they were required to work with that led to disabilities of very young people, and in many instances permanent disabilities of their ability to work.

It was a fact that many of their children were kept from the schools of various States and this Nation, and there was very little or no sanitation for these individuals; that they were required to work constantly around pesticides that at that time were literally put on the crops without protective gear, without being able to wash up after work, without being able to protect their families and places that they lived from those very same pesticides. I say that because I spent time in what we called the bracero camps at that time, with as many as 12 or 14 people sharing a single room, or multiple families, or families sharing space with individuals, or individuals sleeping in the trucks at night when they were not used by the farmers that they were working for.

So while we think back about the dignity of those workers and the contribution they made to this Nation, Madam Speaker, we should understand the problems that they had when they tried to get fair wages; when, in many instances, they worked and were not paid; when, in many instances, they were worked, and unjust withholding was taken from their paycheck.

Yet out of this incredibly disgraceful treatment of these individuals, we saw the growth and the beginning of a very powerful movement that gave additional dignity and power to these men and women, led by Cesar Chavez and Dolores Huerta of the United Farm Workers Union, born in the 1960s, to demand decent living and working conditions. That movement brought to the forefront the critical issue of the poor working conditions and how the inexpensive food, fruits and vegetables they were eating were being subsidized by the poor working conditions and the poor wages of these individuals, which led to a nationwide boycott of the grape industry that was one of the most successful in the history of this country. That continues today to vigorously pursue the rights of these individuals to improve their working conditions.

Just last week, Governor Gray Davis signed into legislation a bill that requires mandatory mediation of labor disputes in the agricultural industry in our State. Why? Because many of these workers had a right to a union 23 years ago, and they still have not gotten the union. They won the right, but they won them all. They have not been recognized. Now we are saying if, after 3 years, you cannot get it, we will have mandatory mediation.

He also signed legislation to try to get the wages that were withheld from them so they could pay for their trip back to Mexico, but they were never returned to them, the 10 percent that was withheld. I wish this House would address that same issue. I wish this House would address agricultural labor. I wish this House would address the restitution to these people.

So as we speak here today and we talk about their dignity and their contribution, we have to recognize that many of these same conditions exist today. We have to recognize that this House, the Republican leadership, refuses to bring to the floor a resolution honoring Dolores Huerta, one of the most powerful labor leaders in the country, one of the most importantly symbolic labor leaders in this country with respect to females working in the agricultural movement and working in so many endeavors in this country; a woman who gave almost her life with this terrible illnesses, from all of her exposures in the field, this last year. Yet this House cannot summon its ability to recognize her dignity and her contribution to the American fabric and the fabric of this society.

So I join this, because these people were entitled to this recognition. But this cannot be the only agenda for people who continue to toil in our fields, for people who continue to be exploited, for people who even have less status than the braceros, people who are entitled to this recognition.
up the workers in the Napa Valley, in the Central Valley, in the Imperial Valley of California, people who today have no housing, no housing. These are people today who harvest the grapes that go into a $100 or $200 bottle of wine, and they have no housing. They sleep in the fields, in the cars, in the culverts. Those are the descendants of the braceros.

There are some who want to create a new bracero program. While we honor their dignity and contribution, let us remember before we ever contemplate a new bracero program that these people had no status in terms of their ability to have decent working conditions, decent living conditions, and decent wages. We can never recreate that situation in the United States.

I thank my colleagues on the committee for bringing this legislation to the floor. I hope the braceros and their descendants will understand what we are trying to do with this legislation, but I also hope that they understand that the struggle continues, and I would hope that this Congress understands that the struggle continues for these people to receive economic and social justice, and dignity for their families.

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

Madam Speaker, I wish to associate myself with the remarks of the gentleman from California (Mr. GEORGE MILLER), because I agree with all that he says of the injustices that braceros and guest workers have had to face over the many years that they have been helping us here in the United States.

I wish to say that the story that I was telling you before I recognized the gentleman from California (Mr. GEORGE MILLER) was that my parents were Mexican immigrants. They met here in the United States and raised families—more than one million braceros and their descendants are now permanent residents or citizens of our nation.

Despite these significant contributions, however, braceros suffered neglect and injustice at the hands of our government, the Mexican government, and many of the contractors that employed them. Despite putting in a full day's work in the fields, despite being fully exposed to the elements and a full range of other challenges, braceros did not receive compensation for their back-breaking work in full. As many as 400,000 workers saw their paychecks reduced by ten percent, totaling an estimated $70 million.

During the first seven years of the program, the explicit policy governing the program required that each worker sacrifice ten percent of his or her salary, with the promise that it would be available to them upon their return to Mexico. These deductions disappeared and went unaccounted for. At least $70 million of it—which, with interest, may be worth as much as $500 million to a billion dollars today—was gone.

Do we know where the money went? No. However, we do know this: under the bracero program, the U.S. government acted as the employer. Workers were contracted out to various businesses—farms, for example. The U.S. government withheld ten percent of their wages. The funds were then to be transferred to Wells-Fargo bank. The bank would transfer it to the Banco de Mexico which would then (supposedly) transfer it to regional banks.

Somehow along the way—sometimes during a process which we know began on U.S. soil and may, for all we know, ended on U.S. soil, too—the money was lost or taken away. All we know for sure is one thing: the money is still owed.

In June of this year, I was pleased to introduce legislation that sought to secure relief for braceros who have long-awaited the compensation that they are due. My bill, the Bracero Justice Act of 2002, H.R. 4918, would allow people to seek resources in a venue that so often has protected the most vulnerable in our society: the federal judicial system. In short, my bill would help secure a deserving type of reparations and to have their case heard on the merits.

Madam Speaker, I urge my colleagues to vote in favor of H. Res. 522. This resolution honors giving credit to the Bracero workers of the past and immigrant workers today continue to contribute to the richness and diversity of this country. I am grateful for the work and sacrifices the braceros made. I will continue to work for the passage of the Bracero Justice Act. Justice and fairness have been denied these workers and their families for too long.

At the start of the World War II, the United States needed hundreds of thousands of new workers to help with the war effort and make
up for those who left their jobs to serve in the military. Men and women worked 24 hour shifts, seven days a week to maintain the war effort, all the while trying to live their normal lives. We all recognize the image of Rosie the Riveter, but few know about another key and important element of the wartime workforce—the Mexican guest workers.

In August 1942, the United States and Mexico signed a historic treaty for the purpose of recruiting and hiring Mexicans to work in agriculture and to expand and maintain U.S. railroads. Mexican guest workers were known as the Braceros, literally meaning “strong arms.” It was through their hard work that our agricultural economy was able to survive and our railroads were able to safely and effectively transport food, medicine, equipment, and soldiers for the war.

The first 1,500 Braceros in the United States arrived for work in California on September 29, 1942, where they worked in the sugar beet fields outside of Stockton until December 29 of that year. Over the next twenty years, hundreds of thousands of Braceros labored in the United States supporting our critical infrastructure. Braceros constituted up to twenty-five percent of farm workers in several states, providing a significant source of labor that secured our nation’s global dominance in agriculture.

Join us in enthusiastically support this long overdue resolution to honor the Braceros. We cannot allow such an important part of our nation’s history to continue to be overlooked. Americans owe a debt of gratitude to them and their families.

Mr. FARRIGUEZ. Madam Speaker, I rise today to recognize the contributions of “Braceros,” to the United States workforce. During World War II the United States suffered from a shortage of labor as young men from across the country were shipped overseas in the armed forces or took factory jobs to support the war effort. In order to compensate for the lack of workers, especially in physically demanding jobs such as agriculture and railroad construction, the United States made arrangements with Mexico, Canada, Jamaica, and Peru to import hundreds of thousands of guest workers a year to fill the labor gap—the birth of the Bracero.

On August 4, 1942, the United States government signed the Mexican Farm Labor Program Agreement with Mexico, the first among several agreements aimed at legalizing and removing the lack of workers, especially in physically critical infrastructure. Braceros constituted up to twenty-five percent of farm workers in several states, providing a significant source of labor that secured our nation’s global dominance in agriculture.

Join us in enthusiastically support this long overdue resolution to honor the Braceros. We cannot allow such an important part of our nation’s history to continue to be overlooked. Americans owe a debt of gratitude to them and their families.

Mr. FARRIGUEZ. Madam Speaker, I rise today to recognize the contributions of “Braceros,” to the United States workforce. During World War II the United States suffered from a shortage of labor as young men from across the country were shipped overseas in the armed forces or took factory jobs to support the war effort. In order to compensate for the lack of workers, especially in physically demanding jobs such as agriculture and railroad construction, the United States made arrangements with Mexico, Canada, Jamaica, and Peru to import hundreds of thousands of guest workers a year to fill the labor gap—the birth of the Bracero.

On August 4, 1942, the United States government signed the Mexican Farm Labor Program Agreement with Mexico, the first among several agreements aimed at legalizing and controlling Mexican migrant farm workers along the southern border of the United States. Managed by several government agencies, including the Department of Agriculture, as a temporary, war-related measure to supply much-needed workers during the early years of World War II, the Bracero program continued uninterrupted until 1964. The agreement guaranteed a minimum wage of thirty cents an hour and humane treatment (in the form of adequate shelter, food, sanitation, etc.) of Mexican farm workers in the United States.

It has been estimated that in the 1950s the United States welcomed as many as 300,000 Mexican workers annually. By the end of the 1950s, Texas and other border states were receiving large numbers of Braceros. Mexican agricultural workers, often considered an unlimited supply of cheap labor, have unfortunately often been the target of repressive work and living conditions and have been forced to seek assistance from a host of economic, political, social and humanitarian interests. Regrettably, poor wages, lack of educational opportunities for their children, malnutrition, poor sanitation, and discrimination have often colored these workers’ exposure to the United States. These inhumane conditions did not discourage or slow the flow of workers, but rather raised consciousness and unity amongst these exploited class of workers—leading to the creation of several mutual aid societies and the facility of labor organizing. By 1954, more than 1.5 million Braceros entered the United States. Most remained to contribute their labor to the domestic economy.

September 29, 2002, marks the 60th anniversary of the first arrival of Bracero guest workers into the United States. Without the many and great contributions of Braceros, the foundation upon which our great country has been built would not exist. I congratulate the more than 1,000,000 Braceros and their families or descendants who still live in the United States from their ethical, pride, strength and endurance. I congratulate you today not only for the historical contributions you have made to our workforce, but also for your commitment to seek justice and equity in your homes and workplace. You have been relentless in pursuing a paid opportunity for all workers and the improvement of opportunities available to you and your families through political and legal advocacy.

Mr. REYES. Madam Speaker, I am proud to support this resolution that recognizes the countless contributions of thousands of hardworking immigrants who came to the U.S. more than fifty years ago to work in our nation as guest workers. They worked in our farms and railroads and produced with their labor the many things we needed at the time. They gave part of their lives to the United States and followed the rules as they were told.

It is only fitting today in this House recognize their many contributions.

As Chair of the Congressional Hispanic Caucus, just like I am proud to support this recognition, I am also disappointed that this House has been unable to respond to the Birthing of the Bracero. The Bracero Justice Act would go beyond the recognition that we support today and allow thousands of Braceros to be heard in court and make their case, and potentially receive money owed to them.

Braceros came to work for America. They fulfilled their part of the agreement that brought them here, but apparently money that had been withheld from their paychecks never made it back to their hands as was promised. And now we are looking for that lost money and we want the courts to look into the allegations of these hard-working individuals and see that justice is done.

It is only fair that if money was withheld and never made it back to the people who earned it, we do the right thing for the Braceros and their families, and give them the opportunity to get it back.

I strongly support this symbolic resolution and express my gratitude for all the contributions Braceros made to our country. I also call on this Congress to take a look at the Bracero Justice Act, to do the right thing and to move to help thousands of Braceros and their families.

Mr. FARR of California, Madam Speaker, I strongly support H. Res. 522, a long overdue recognition that we support today and the Bracero Justice Act. For in spite of the hard work performed by the braceros, many never received full compensation for their work.

In fact, an estimated $60 million dollars was withheld from their paychecks. Sixty years later thousands are still waiting to receive wages they earned.

Men like 75-year-old Mr. Andres Islas, a naturalized U.S. citizen, from my district, who performed backbreaking work in the agricultural fields of California in the 1940s. Mr. Islas, the father of Bell councilwoman Theresa Jacobo, recalls being told that the U.S. government was taking a portion of his paycheck, but was never told how or where he could reclaim it.

He and all the braceros of that time have a right to be paid for their hard work during this time of crisis in our nation’s history.

The Bracero Justice Act, currently before the House of Representatives, will help this to happen by requiring the U.S. and Mexican governments to give these men their day in court.

Justice is long overdue for Mr. Islas, his family, and the other braceros of that era, who sadly are passing away before this issue is resolved.

This resolution correctly praises the braceros for their contributions and should be passed, but there is still an injustice that needs rectification.

I urge the House leadership to bring the Bracero Justice Act to the floor for a vote and send a clear message that the U.S. is fair, just and appreciative of those who toil on behalf of our country.

Mr. FARR of California, Madam Speaker, I strongly support H. Res. 522, a long overdue
resolution to thank the Braceros for their contributions to the war effort.

As the Representative of California’s Central Coast, I have the distinct honor of representing the Salad Bowl of the Country, the Salinas Valley, known world wide for its lettuce and strawberry fields. The agriculture industry in the Salinas Valley was memorialized in John Steinbeck’s novel, “Grapes of Wrath.” I am proud to state that the Bracero workforce contributed significantly to the economic development of the Salinas Valley and the surrounding region.

Their hard labor then became the foundation for a thriving $2 billion fresh produce industry today.

At the onset of WWII, many Americans left their civilian jobs to join the war effort. This left labor shortages in many sectors of the national economy, particularly in agriculture and transportation. The U.S. government looked to Mexico as a ready source to fill these labor needs.

For the first time in our relationship with Mexico, the U.S. need for cooperation gave the Mexican government unprecedented bargaining power. The Mexican government insisted on a bilateral treaty to govern any large scale recruitment and movement of Mexican workers to the U.S.

In 1942, a treaty between the two governments was signed that allowed for the recruitment and employment of agricultural workers and contemplated that further agreements might be negotiated for recruitment of workers in other industries. The agreement regarding railroad workers followed shortly thereafter. This program became known as The Bracero Program.

These agreements covered a number of topics regarding recruitment, transport, salary and other terms and conditions of employment. The treaty contained a requirement that 10% of the salary of each worker was to be deducted by his employer and transmitted to the U.S. government for transfer to banks in Mexico. This 10% deduction was to be used for creation of a savings fund that the bracero could claim upon his return to Mexico. The savings fund for agricultural workers was to be held by Banco de Credito Rural; for railroad workers, by Banco del Ahorro National.

Both banks were wholly owned by the Mexican government, and the transfers were to occur through the Banco de Mexico, the equivalent of our Federal Reserve Bank.

According to documents from that era, an estimated $35 million was transferred through these various deduction programs between 1942 and 1949. In 1949, the two governments dropped the 10% savings withholding and made several other reforms to the program. The Bracero program continued until 1964, but without the wage withholding provision.

Due to a series of problems, including maladministration of the program, delays in the sending of funds from the U.S. to Mexico, the lack of adequate information regarding how to retrieve funds, worker illiteracy, and the difficulty for workers residing in isolated rural areas in Mexico to access funds held in banks headquartered in Mexico City, a significant percentage of this money was never recovered by the workers for whose benefit it was supposed to be held. The facts regarding the deduction and transmission of these funds have only recently come to light as a result of investigations of the savings fund program undertaken by bracero advocates in recent years. Most of these workers appear to have been unaware of the savings funds supposedly held on their behalf until recent publicity regarding this program and the filing of the lawsuit.

In consequence, many Mexican workers—some of whom made a significant contribution to the effort of democratic governments to defeat fascism in Europe and Asia, never received the full salary to which they were entitled for their work. These men are now in their 60’s, 70’s, 80’s and 90’s. Many of them are in ill health. Due to economic crises that have plagued Mexico for the last several decades, many are poor, and without any source of income to provide even the barest of necessities.

While this resolution is a good first step, it is only that, a first step. What this body really needs to do is pass H.R. 4918, the Bracero Justice Act of 2002. That bill will provide standing to the Braceros to take their case to court, statute of limitations notwithstanding. The responsible parties in this matter have made it clear that they intend to hide behind unenforceable legal technicalities to prevent these Mexican workers and their families from recouping what they lost. H.R. 4918 would ensure that the workers receive these long overdue funds.

So I ask my colleagues today to pass H. Res. 522, but also to bring true justice to the Braceros and pass H.R. 4918 as well.

Ms. SOLIS. Madam Speaker, I rise in strong support of House Resolution 522, honoring braceros. During World War II, working people across the country left their jobs to fight the War in Europe and the Pacific. Under an agreement between Mexico and the United States, thousands of Mexicans, known as braceros, left their homelands and came to the United States to help fill the labor shortage.

The braceros performed labor-intensive work, toiling in the fields and building railroads. Their work kept the U.S. strong during a time of tremendous need and helped the Allies win World War II. Today, on International Bracero Day, we honor these hard-working men and pay them the respect they deserve.

Unfortunately, the braceros’ struggle for full recognition of their work continues. The agreement between the U.S. and Mexican governments called for 10 percent of their wages to be deducted, with the promise that the money would be refunded when the workers returned to Mexico. Sixty years later, that promise has yet to be kept. Thousands have never received these wages.

I commend California Governor Gray Davis who recognized this struggle by signing into law yesterday a measure to help former braceros recover millions of dollars in lost wages by extending the applicable California statute of limitations.

The braceros worked hard and played by the rules established by the U.S. and Mexican governments. Some eventually served in the military, defending our nation an become United States citizens. In return for their hard work, the braceros simply asked to be treated fairly and honorably. It is time that we honor our commitment to the braceros and their families. I am glad that the House is taking a step in that direction today.

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

The SPEAKER pro tempore. The SPEAKER pro tempore (Mrs. Biggert). The question is on the motion offered by the gentleman from Ohio (Mr. BOHNER) that the House suspend the rules and agree to the resolution, House Resolution 522.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

HONORING CAEL SANDERSON FOR HIS PERFECT COLLEGIATE WRESTLING RECORD

Mr. ISAKSON. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 399) honoring Cael Sanderson for his perfect collegiate wrestling record, as amended.

The Clerk read as follows:

H. Res. 399

Whereas Cael Sanderson, continuing the storied tradition of Iowa State University wrestling, achieved a perfect collegiate wrestling record of 199 wins and no losses and is the first person ever to finish undefeated in collegiate wrestling;

Whereas Cael Sanderson is a four-time national wrestling champion, a four time National Collegiate Athletic Association championship outstanding wrestler, and a three time winner of the Dan Hodge Trophy;

Whereas the April 1, 2002, issue of Sports Illustrated ranked Cael Sanderson’s perfect wrestling record second in a list of the top ten “Most impressive college sports feats ever”;

Whereas Cael Sanderson is a two-time Academic All-American, a champion in the classroom as well as on the mat;

Whereas Cael Sanderson’s achievements have set a new benchmark for excellence in the sport of wrestling and will forever have an impact on college wrestling; and

Whereas through his persistence, hard work, and dedication, Cael Sanderson has set an example for all: Now, therefore, be it

Resolved, That the House of Representatives—

(1) congratulates Cael Sanderson for finishing his career as the first ever undefeated collegiate wrestler;

(2) recognizes the contributions of Cael Sanderson’s parents, Stephen and Debbie Sanderson, his coach, Robert “Bobby” Douglas, the support staff at Iowa State University, and Cyclone fans;

(3) directs the Clerk of the House of Representatives to transmit an enrolled copy of this resolution to—

(A) Cael Sanderson;

(B) Coach Robert “Bobby” Douglas of Iowa State University; and

(C) Cael Sanderson’s parents, Stephen and Debbie Sanderson.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. ISAKSON) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia (Mr. ISAKSON).

GENERAL LEAVE

Mr. ISAKSON. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Resolution 399.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?
There was no objection.

Mr. ISAKSON. Madam Speaker, I yield such time as he may consume to the distinguished gentleman from the State of Iowa (Mr. LATHAM).

Mr. LATHAM. Madam Speaker, I thank the gentleman from Georgia for yielding time to me.

Madam Speaker, I include for the RECORD a resolution from the Iowa State University Government of the Student Body.

The document referred to is as follows:

Iowa State University,
Government of the Student Body

SENATE RESOLUTION 2001-0-0068R THE GREATEST EVER

Whereas, Cael Sanderson, an Art and Design major, has recently completed his four seasons as a collegiate athlete, and
Whereas, Mr. Sanderson has won more matches than any other wrestler in collegiate history, and
Whereas, Mr. Sanderson is the first wrestler ever to win the Dan Hodge Trophy three (3) years in a row and the first three-time winner of this honor, and
Whereas, Mr. Sanderson has won the national championship each of the four years he has competed, and
Whereas, Mr. Sanderson was the first college wrestler to win the NCAA tournament's Outstanding Wrestler award four times, and
Whereas, Mr. Sanderson has finished his collegiate career with a 159-0 record, and
Whereas, Mr. Sanderson has brought new spectators to his sport in droves, and
Whereas, Mr. Sanderson is not only a great wrestler, but also a humble contributor to the Iowa State Community, be it therefore
Resolved, That the Government of the Student Body recognizes Cael Sanderson as a legendary campus figure whose athletic achievements are unparalleled not only at Iowa State, but unparalleled throughout collegiate wrestling.
Resolved, That the achievements of Cael Sanderson have made the students of Iowa State University very proud, and be it further
Resolved, The students of Iowa State University wish to commemorate Cael Sanderson on his accomplishments on our campus, and be it further
Resolved, That copies of this legislation be sent to Cael Sanderson, President Gregory Geoffroy, President of Student Affairs, ISU Alumni Association, ESPN, Sports Illustrated, and all other appropriate print and broadcast media.

Madam Speaker, this is a great day to be an Iowa State fan. It is a great day to be from the State of Iowa to show recognition for the tremendous young man, a tremendous athlete who did an astounding thing through his collegiate career at Iowa State. Cael Sanderson is that young man.

We just had the honor to be with the President, Cael, myself, and the Speaker, down in the Oval Office, and the chance to visit with the President. Cael, all the honors bestowed on him are very, very much deserved. I congratulate him and all of the entire House will, with this resolution.

Cael is now married to Kelly. His parents, Steve and Debbie, had four sons, Cody, Cole, Cyler, and Cael. Apparently they wrestled a lot in the house. They are still trying to fix a few walls around there from all the wrestling going on.

Cael Sanderson is truly the pride of Iowa State, and not only real by Iowa State, but the entire State. With the history we have, the tradition of wrestling in the State of Iowa, he is someone that we hold in extraordinary high esteem. Not since Dan Gable back in my days at Iowa State has there been anything like this three times a winner of the Dan Hodge Trophy, which is the highest acknowledgment that you can have as a college wrestler. I would say, Madam Speaker, that Cael Sanderson is much more. He is a tremendous young man. He was a two-time All-American academic winner at Iowa State. He is truly an inspiration and an example for all young people today. The way Cael conducts himself makes us all very, very proud.

We hear so many times about the problems we have today with our youth, and some troubles they get into; but someone like Cael Sanderson is an individual that these young people can look up to as an example of someone with his leadership that they can follow and really get themselves on the right path in life.

Just on behalf of the Iowa delegation, all Iowans and, I think, all Americans, we want to congratulate Cael Sanderson and thank him for his tremendous achievements, and wish him and his wife Kelly the best of luck. Cael is going to be in the Olympics in 2004 and is working very hard towards that goal.

We wish him the best of luck, and we thank especially his family for all their tremendous support; and the family at Iowa State, Coach Bobby Douglass and everyone, especially the fans at Iowa State, for the tremendous support they have given to Cael, and wrestling in general at Iowa State.

Madam Speaker, again, congratulations and thanks to Cael Sanderson.

Mr. GEORGE MILLER of California. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, those of us who have followed wrestling and have followed Steve and Debbie for four years, you know, have followed the career, have followed Dan Gable, and Dan Gable's been the best, the greatest. He wrestled aggressively but intelligently. He never coasted on a lead. His athletic prowess is awesome. But it is his soft
spoken humility, his grace under pressure, his good sportsmanship, his example as a role model for younger kids that make him special to Iowans.

He is the Cyclone version of Nile Kinnick, and whether we are Hawkeyes or Cyclones or UNI Panthers, we are proud of him. And we all hope that he too wins the Olympics. But if Cael Sanderson never stepped on a mat again, we would still have to say, thanks for the great memories.

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

I acknowledge that the Speaker of this House, the gentleman from Illinois (Mr. HASTERT), is a famous wrestler and wrestling coach of great renown; and I am confident, were he not busy working on the business of the American people, he would be here on this floor to commend not only Cael but also to commend his parents, his coach and his friends.

In a time of desperate need in America for role models for our young people, it is only appropriate that this House acknowledge a young man who has distinguished himself by achieving a record that is accomplished at a time while still maintaining an average to become an Academic All-American 2 years in a row.

I join my other colleagues who have spoken earlier today in commending Cael Sanderson for his achievement and his contribution and his role model life that he leads in the State of Iowa.

Madam Speaker, I rise in support of House Resolution 399. This resolution congratulates Cael Sanderson for achieving his career as the first ever undefeated collegiate wrestler. This resolution provides much deserved recognition to Mr. Sanderson's parents, Steven and Debbie Sanderson as well as his Iowa State University coach, Robert Douglas.

Our distinguished Speaker of the House, himself, was once a wrestling coach on the high school level, and I am sure would want to extend his congratulations to this accomplished young man, as well.

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

The SPEAKER pro tempore. Pursuant to the request of the gentleman from Illinois (Mr. HASTERT), and because no objection to the request of the gentleman from California, Mr. CASTLE. The SPEAKER pro tempore. Pursuant to the request of the gentleman from Delaware (Mr. CASTLE), and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

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

Mr. CASTLE. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Con. Res. 484.

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

There was no objection.

The SPEAKER pro tempore. Pursuant to the rules, the gentleman from Delaware (Mr. CASTLE) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

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

Mr. CASTLE. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Con. Res. 484.

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

There was no objection.

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

Madam Speaker, I rise in strong support of H. Con. Res. 484, a resolution which recognizes the importance of personal safety for children.

Last summer, child abductions dominated the news. Five-year-old Samantha Runnion was taken from the driveway in front of her home in Stanton, California. Six-year-old Cassandra Runnion was reported missing in 2001, and 85 to 90 percent of these missing persons were children; whereas approximately 58,200 children were abducted by nonfamily members in 1999, often in connection with another crime; whereas 115 of all nonfamily abductions (those perpetrated by strangers in the child being kept overnight, held for ransom, or killed; whereas over 50 percent of the children kidnapped in nonfamily abductions were taken away from the street in a vehicle or from a park or wooded area; whereas a central element of the congressionally-mandated mission of the National Center for Missing and Exploited Children (NCMEC) is the prevention of child victimization; whereas the National Center for Missing and Exploited Children, with the help of parents, local communities, and law enforcement, has assisted in the recovery of approximately 67,000 children; whereas the Departments of Justice, Health and Human Services, and Education recently developed a booklet, entitled “Personal Safety for Children”, which offers easy-to-read tips for parents to discuss safety and protection measures with their children; whereas parents and educators need to teach children about safety measures they can use to protect themselves against abduction and exploitation and to encourage them to be smart, strong, and safe; whereas President George W. Bush plans to convene the first-ever White House Conference on Missing, Exploited, and Runaway Children with policymakers, experts, community leaders, teachers, and law enforcement to discuss how to prevent the victimization of children; now, therefore, be it Resolved by the House of Representatives (the Senate concurring), That—

(1) it is the sense of the Congress that (A) Federal, State, and local law enforcement agencies and communities should work together to prevent the victimization of children; and (B) communities, schools, and parents should learn more about the steps that may be taken to safeguard children and teach children the skills they need to be safe; and (2) the Congress recognizes the booklet, “Personal Safety for Children”, as one of the tools available to help parents and teachers talk with children about personal safety.

The SPEAKER pro tempore. Pursuant to the rules, the gentleman from Delaware (Mr. CASTLE) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

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

Mr. CASTLE. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Con. Res. 484.

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

There was no objection.

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

Madam Speaker, I rise in strong support of H. Con. Res. 484, a resolution which recognizes the importance of personal safety for children.

Last summer, child abductions dominated the news. Five-year-old Samantha Runnion was taken from the driveway in front of her home in Stanton, California. Six-year-old Cassandra

H6834 CONGRESSIONAL RECORD — HOUSE October 1, 2002

WHEREAS it is the sense of the Congress that—

(1) it is the sense of the Congress that

(A) Federal, State, and local law enforcement agencies and communities should work together to prevent the victimization of children; and

(B) communities, schools, and parents should learn more about the steps that may be taken to safeguard children and teach children the skills they need to be safe; and

(2) the Congress recognizes the booklet, “Personal Safety for Children”, as one of the tools available to help parents and teachers talk with children about personal safety.
Williamson was abducted from her home in St. Louis, Missouri. And 7-year-old Erica Pratt of Philadelphia, Pennsylvania, was snatched from her yard but managed to escape from her kidnappers.

Last year 725,000 children were reported missing or abducted. Although many of these children ran away or were taken by a parent, 3,000 to 5,000 of these child abductions did not involve a family member, and 115 of these cases were the most serious type, where the stranger was the perpetrator and the child was kept overnight, held for ransom or killed.

Fortunately, increased public awareness and a more coordinated response to child abductions has resulted in a decline of this most serious type of abduction. Thanks to law enforcement, the National Center on Missing and Exploited Children, media saturation and a concerned public, the recovery rate of missing children is up from 62 percent just 10 years ago to 93 percent.

While we are all thankful to those who have helped return so many of our children safely home, I believe we can do more to prevent crimes against our children. Parents need to keep current phone numbers, as well as a detailed description, including eye color, weight and height, in the event of the unthinkable; and they need to talk to their children about personal safety.

Recognizing that many parents do not know how to talk about safety in a way that does not unduly alarm children and that Federal, State and local law enforcement agencies and communities need to work together to protect children, President and Mrs. Bush are hosting a conference tomorrow, October 2.

In addition, the Departments of Justice, Health and Education, and the National Center on Missing and Exploited Children created a booklet, “Personal Safety for Children, a Guide for Parents,” which will help parents discuss what children may be hearing about child abductions. Among other things, the book gives parents commonsense tips to help keep children safe, such as teaching them never to go anywhere without permission. It gives children simple-to-follow safety rules such as saying no if someone treats them in a way that makes them feel scared or uncomfortable.

At President Bush’s request, this booklet has been distributed by the Department of Education to every school in the country. The recent rash in child abductions and murders reminds us that we must work harder to keep children and youth from becoming victims. Our children need to understand that they are our number one priority and their safety is our number one concern.

At the same time, law enforcement and communities should work together to prevent the victimization of children, and we are indeed trying to do just that.

We say to the public, Congress is concerned about our American children and their safety. We believe that Federal, State and local law enforcement and communities should work together to prevent the victimization of children, and we are indeed trying to do just that.

The program that we have been hearing about with the Amber Alert that I have just mentioned is one where the public becomes a partner in the law enforcement and extends law enforcement’s ability to do significantly greater things within our communities.

We say to communities, schools and parents should learn more and teach their children the skills they need to be safe.

I want to thank the gentleman from Delaware (Mr. CASTLE) for introducing this legislation and letting me join him in the work on it and all of our other colleagues. Together, Republican and Democrat alike, we can make a difference in the lives of children everywhere. We are doing so with this and other pieces of legislation.

I urge my colleagues to support H. Con. Res. 484.

Mr. CASTLE. Madam Speaker, I yield myself 30 seconds just to thank the gentleman from Texas (Mr. LAMPSON) for all the work he has done. They say nice things about the rest of us in terms of what we have done, but he has spearheaded the movement to help in this area of safety of children and deserves a tremendous amount of credit for that. I just wanted to make sure that was understood.
Madam Speaker, I yield such time as he may consume to the distinguished gentleman from Pennsylvania (Mr. Gekas).

Mr. Gekas. Madam Speaker, I thank the gentleman from Delaware (Mr. Castle) for the time he has taken to support this resolution. I rise in support of the resolution that he has brought to the floor and commend him for the timeliness of it, the timeliness of it in several different respects. It is very timely with respect to the issues that are taking place on the exploitation of children, the victimization of children in every kitchen across the Nation, abduction of children, murder of children, kidnapping, exploitation of every type. So it is timely in the national discourse.

But in the work of the Congress it is also timely, because tomorrow the Committee on the Judiciary will be putting finishing touches on an omnibus bill that includes many of the elements outlined in the resolution that we are now considering.

I myself remember that about a month ago or so, I introduced a bill which passed the House that had to do with offering more monitoring capability on the part of judges to watch a sexual predator of children after he is convicted and after his release to make sure that perhaps even for a lifetime of that offender there is monitoring taking place. That bill, which passed the House, is going to be part of this omnibus bill tomorrow, as will several other items of new ideas in the question of victimization of children.

Then, as the gentleman himself observed, tomorrow many of us will be joining the President and the First Lady in the conference on victimization on children, missing children, exploited children, and that will highlight even more the awareness to which the gentleman from Delaware has contributed by this resolution.

It strikes me that we are all on our way as Members of Congress in reflecting the high level of concern that our families across the Nation are feeling about the new wave of dastardly things that are happening to our children, and so we are now in a position well poised with the President and some of the initiatives to actually adopt concrete measures dealing with the problem.

Mr. George Miller of California. Madam Speaker, I yield myself such time as the gentleman from Texas (Mr. Lampson) and the gentleman from Delaware (Mr. Castle) could possibly introduce a resolution that has provided assistance to law enforcement, assistance to families and to communities to cope with these incidents and to bring resources to try and save and recover these children, and the Amber Alert in California that was so successful just relatively recently, and many States are looking at replicating.

We owe a great deal of thanks to those families who have been able to summon the courage and the wherewithal to share their tragedy with others so that tragedies don't happen to other children and to the families. And again, I thank the gentleman from Delaware (Mr. Castle) so much for shepherding this resolution to the floor of the House.

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

Mr. Castle. Madam Speaker, I yield myself such time as I may consume, which will not be much. Let me start by thanking the gentleman from California for his interest in children is well-defined and well-known throughout this body, particularly in that of education; again, the gentleman from Texas (Mr. Lampson) for his abiding and continuing concern for the children. Let the gentleman from Pennsylvania (Mr. Gekas) for the same, for his abiding and continuing concern for the children of America, indeed for all the Members of the House and of, I am sure, the Senate. It is a concern of all of us, and I am delighted this conference is going to take place.

I think we all realize that the Presidential conference will call attention to an issue as much as anything that can happen. So I look forward to that happening tomorrow, and today we look forward to passing this resolution.

Mr. Boechner. Madam Speaker, I rise today in support of this resolution, which expresses the sense of Congress about the safety of America's children and points out the need for parents and educators to teach our children about safety measures they can use to protect themselves against abduction and exploitation.

During the past spring and summer, the American public has watched in horror as daily news reports have highlighted numerous stories of kidnapped children. According to the National Incidence Studies of Missing, Abducted, Runaway, and Thrownaway Children, there were 203,900 children abducted by family members and 58,200 children abducted by non-family members, 1999, the most recent year of collected and analyzed data. The U.S. Department of Justice's Office of Juvenile Justice and Delinquency Prevention released part of this study in August 2002, and the remainder of study will be released in November this year.

Non-family abductions are the smallest category of missing children, but the one in which the child is at greatest risk of injury or death.

These statistics highlight the need for communities, schools, and parents to learn more about the specific steps that can be taken to facilitate children's safety and teach children the skills and know-how they need to enable them to stay safe. I commend the Department of Justice, Health and Human Services, and Education for their recently developed booklet, "Personal Safety for Children," which offers tips to parents for discussing safety and protection measures with their children. For example, the booklet instructs parents to make a list with their children of their neighborhood boundaries, choosing significant landmarks and telling their children whose homes they are allowed to visit.

I would also like to commend the National Center for Missing and Exploited Children for their fight to protect children and their assistance in the recovery of countless missing children. Furthermore, the President will convene a White House Conference on
and continue to develop throughout a student’s entire educational career and beyond; whereas the National Assessment of Educational Progress (NAEP) United States History Assessment of 2001 found that 89 percent of high school seniors, 84 percent of 8th graders, and 82 percent of 4th graders scored below "proficient" levels; whereas the results of the 1998 National Assessment of Educational Progress Civics Assessment showed that one-third of 4th graders could not explain the meaning of "I pledge allegiance to the flag" on a multiple-choice test and a majority of 4th graders could not answer why "civilians elect people to make laws for them" in a democracy; whereas in 1999, the United States placed 6th in the International Civic Education (CivEd) Study, a study of 27 countries sponsored by The National Center for Education Statistics (NCES) designed to tap the civic knowledge and skills of 12th graders and their attitudes toward democracy and citizenship; whereas according to the CivEd study, 12 percent of United States students reported never or hardly ever studying history in school, and the majority of 9th graders typically spent less than one hour per week doing history homework; whereas according to the Center for Survey Research and Analysis, fewer than half of the seniors surveyed at top universities across the United States identify crucial events in United States history; whereas distinguished historians and intellectuals fear that without a common civic memory and understanding of the remarkable individuals, events, and ideals that have shaped the Nation, people in the United States risk losing much of what it means to be an American, as well as the ability to fulfill the fundamental responsibilities of citizens in a democracy; and whereas citizens who lack knowledge of United States history will also lack an understanding and appreciation of the democratic principles that define and sustain the Nation as a free people, such as liberty, justice, governance by the people, and equality under the law; Now, therefore, be it Resolved by the House of Representatives (the Senate concurring), That the Congress (1) recognizes the importance of teaching United States history and civics in elementary and secondary schools; (2) expresses concern regarding the lack of basic understanding of United States history among students of all levels in the United States; and (3) strongly supports efforts to promote the value of education in United States history and to ensure that students in the United States graduate from high school with a significant understanding of United States history and civics.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nebraska (Mr. OSBORNE) and the gentleman from Idaho (Mr. KIND) each will control 20 minutes.

The Chair recognizes the gentleman from Nebraska (Mr. OSBORNE).
to be striving for the common good and are supposed to be representing us, and I think to some degree the attack ads, the partisanship and some of the negativity that we hear right here on the floor has also led to some of the disaffection that people have with the political institutions.

I do not want to be totally negative here today, because I think there are some answers. I think there are some things being done. President Bush has announced three initiatives that are designed to support teaching American history and civics. The first of these are some grants to develop curricula and to train teachers, particularly in these areas; second, an Internet program which will provide historical documents on the Internet and also promote a greater understanding of U.S. history; and third, a forum at the White House which is intended to address these very issues that we have been talking about.

The beyond itself I think is very important and is something called Freedom’s Answer, and this is something that has been espoused and promoted by the gentleman from Texas (Mr. DELAY) and the gentledwoman from California (Ms. PELOSI). It is a nonpartisan campaign extending from September 11 to November 5, encouraging young people to register to vote. A great many young people are too young to vote, but they are encouraged to promote an interest on the part of their parents to vote and to get into the legislative process and to vote as well.

I certainly urge support for H. Con. Res. 451. Again I would like to thank the gentleman from Wisconsin (Mr. KIND) for his leadership on the issue.

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

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

Mr. KIND. Madam Speaker, I am passionate about American history. I believe there is an important role for it to play and be taught in our elementary and our secondary schools throughout the country, especially in light of modern times, especially in light of the last year that our Nation has gone through; and I want to thank the leadership, first of all, Madam Speaker, for bringing this resolution to the floor today. I also want to thank the chairman and the ranking member and their respective staffs on the committee for, of all, I would like to thank the gentleman from Nebraska (Mr. OSBORNE) for co-sponsoring this legislation with me, for championing it through the Committee on Education and the Workforce, for being here on the floor today.

On September 17, 1787, the delegates to the Constitutional Convention signed the United States Constitution. Consideration of this resolution, H. Con. Res. 451, recognizes the importance of teaching American history and civics, and it coincides nicely with the 225th anniversary of the signing of our Constitution and with the President’s recent announcements supporting new policies and initiatives for teaching American history and civics. I commend the administration’s efforts to encourage the teaching of these important issues, and I will continue to work to build support for them in this body.

When students have a solid foundation of basic American history and civics, they can better understand their roles and responsibilities as citizens of this great Nation and as a part of our global community. Furthermore, when students study U.S. history, they becoming familiar with the development and the expansion of our own country. This knowledge enables youth to better understand the present relationship between the United States and other countries and to participate future international relations.

Since the tragic events of September 11, 2001, this has become even more imperative. Knowing our Nation’s history and our civic duties as citizens of the United States is vital to understanding similar attacks here and abroad and provides an important knowledge on how to cope with a drastically changed world for us.

I believe that one of the most important parts of teaching history and learning civics education is to prepare people for bad times. The question is not whether people will remember the right phrases but whether they will turn words and lessons into practice when they fear for their freedom and their security. The chances for democratic principles to survive such crises depend upon the number of citizens who remember how free societies have responded to crises in the past, how free societies have acted to defend themselves and emerge from the bad times.

Why have some societies fallen and others have stood fast? Citizens need to be able to recognize the proper roles and responsibilities of citizenship and to understand the importance of the civic rights and responsibilities of citizenship. This is an important part of every American citizen’s history.

I am pleased that the reauthorization of the Elementary and Secondary Education Act includes the Teaching American History grant program and the Civic Education program. I would like to see American history and civics education remain a fundamental part of our schools’ curriculum. The Teaching American History program supports programs to raise student achievement by improving teachers’ knowledge of and appreciation of American history. It also prioritizes teaching American history as a separate academic subject. This program received $50 million in the 2002 fiscal year, and it must receive adequate appropriations again for the next fiscal year.

Just this last week I was notified by the Department of Education that the Cooperative Education Service Agency District 10 in my congressional district received a grant under this program for nearly $1 million for the next 3 years. This grant will serve 30 school districts, 200 teachers, and 5,205 students. I applaud the school districts for applying and receiving this grant.

The Civic Education Program in ESEA is a combination of domestic and international initiatives. The We the People program promotes civic competence and responsibility by educating elementary and secondary students about the institutions of constitutional democracy. The International Education Initiative provides assistance to ensure that children in emerging democracies throughout the world are exposed to democratic principles. The Civic Education Program received $27 million in this last fiscal year but was zeroed out, unfortunately, in the next fiscal year appropriations bill.

I urge the appropriators to fund this initiative, and at its authorization level of $30 million. Now is not the time to eliminate a program that has continually shown that students involved in civic education develop...
The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from Nebraska (Mr. OSBORNE) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 451, as amended.

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

The title of the concurrent resolution was amended so as to read: “Concurrent resolution recognizing the importance of teaching United States history and civics in elementary and secondary schools, and for other purposes.”

A motion to reconsider was laid on the table.

LEACH-LAFALCE INTERNET GAMBLING ENFORCEMENT ACT

Mr. LEACH. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 556) to prevent the use of certain bank instruments for unlawful Internet gambling, and for other purposes, as amended.

The Clerk read as follows:

H. R. 556

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Leach-LaFalce Internet Gambling Enforcement Act”.

SEC. 2. FINDINGS.

The Congress finds as follows:

(1) Internet gambling is primarily funded through personal use of bank instruments, including credit cards and wire transfers.

(2) The National Gambling Impact Study Commission in 1999 recommended the passage of legislation to prohibit wire transfers to Internet gambling sites or the banks which represent them.

(3) Internet gambling is a major cause of debt collection problems for insured depository institutions and the consumer credit industry.

(4) Internet gambling conducted through offshore jurisdictions has been identified by United States law enforcement officials as a significant money laundering vulnerability.

(5) Internet gambling, including credit cards and wire transfers, is a market in which the Education Secretary may as a payor or financial intermediary on behalf of or for the benefit of the other person.

(b) DEFINITIONS.—For purposes of this Act, the following definitions shall apply:

(1) BETS OR WAGERS.—The term “bets or wagers”—

(A) means the making or risking by any person of something of value upon the outcome of a contest of others, a sporting event, or a game subject to chance, upon an agreement or understanding that the person or another person will receive something of greater value than the amount staked or risked in the event of a certain outcome;

(B) includes the purchase of a chance or opportunity to win a lottery or other prize (which opportunity to win is predominantly subject to chance); and

(C) includes any scheme of a type described in section 3702 of title 28, United States Code.

(D) includes any instructions or information pertaining to the establishment or movement of funds in an account by the bettor or customer with the business of betting or wagering; and

(E) does not include—

(i) any activity governed by the securities laws (as that term is defined in section 3(a)(10) of the Securities Exchange Act of 1934) for the purchase or sale of securities (as that term is defined in section 3(a)(10) of such Act); or

(ii) any transaction conducted on or subject to the rules of a registered entity or exempt board of trade pursuant to the Commodity Exchange Act; or

(iii) any over-the-counter derivative instrument;

(iv) any other transaction that—

(I) is excluded or exempt from regulation under the Commodity Exchange Act; or

(II) is exempt from State gaming or bucket shop laws under section 13(e) of the Commodity Exchange Act or section 28(a) of the Securities Exchange Act of 1934; or

(v) any contract of indemnity or guarantee;

(vi) any contract for insurance;

(vii) any deposit or other transaction with a depository institution (as defined in section 3(c) of the Federal Deposit Insurance Act); or

(viii) any participation in a sports lottery or a lottery game or any other gambling event; and

(ix) any lawfully conducted lottery or other gambling event; and

(x) any transaction that does not include any other transaction that—

(1) is dependent solely on the outcome of any single sporting event or nonparticipant's singular individual performance in any single sporting event;

(2) has an outcome that reflects the relative knowledge and skill of the participants with such outcome determined predominately by accumulated statistical results of sporting events; and

(III) any other transaction that is subject to the rules of the Commodity Exchange Act or the Federal Deposit Insurance Act.

(c) PROHIBITION ON ACCEPTANCE OF ANY BANK INSTRUMENT FOR UNLAWFUL INTERNET GAMBLING.

(1) In General.—No person engaged in the business of betting or wagering may knowingly accept, in connection with the participation of another person in unlawful Internet gambling, cash or any other person will receive something of greater value than the amount staked or risked in the event of a certain outcome.

(2) Definitions.—For the purposes of this section, the term “person” includes any individual, partnership, corporation, association, trust, or any other organization.

(3) Prohibited Transactions.—No person engaged in the business of betting or wagering may—

(A) engage in any transaction that is a violation of any provision of this section; or

(B) use any financial instrument, financial intermediary, or any interactive computer service or telecommunications service.

October 1, 2002

CONGRESSIONAL RECORD—HOUSE

H6839
(3) Designated payment system defined.—The term ‘designated payment system’ means any system utilized by any creditor, credit card issuer, financial institution, operator of a terminal at which an electronic fund transfer may be initiated, money transmitting business, or money transmitting service, or any participant in such network, that the Secretary, in consultation with the Board of Governors of the Federal Reserve System and the Attorney General, determines, by regulation or order, could be utilized in connection with, or to facilitate, any restricted transaction.

(4) Term ‘Internet’ means the international computer network of interoperable packet switched data networks.

(5) Interactive computer service.—The term ‘interactive computer service’ has the same meaning as in section 203(t) of the Communications Act of 1934.

(6) Restricted transaction.—The term ‘restricted transaction’ means any transaction or transmittal involving any credit, funds, instrument, or proceeds described in any paragraph of subsection (a) which the recipient is prohibited from accepting under subsection (a).

(7) Unlawful Internet gambling.—The term ‘unlawful Internet gambling’ means to place, receive, transmit, or facilitate, any restricted transaction.

(8) Other terms.—(A) A CREDITOR; AND CREDIT CARD.—The terms ‘creditor’, ‘creditor’, and ‘credit card’ have the meanings given such terms in section 903 of the Electronic Financial Institution.

(B) INSTITUTION BY STATE ATTORNEY GENERAL.—The office of an affected State under paragraph (2), a district court may, in exigent circumstances, enter a permanent injunction enjoining such person from placing, receiving, or otherwise making illegal bets or wagers on or at which unlawful bets or wagers are offered to be placed, received, or otherwise made at which unlawful bets or wagers are offered to be placed, received, or otherwise made; or

(ii) RELIEF.—Upon application of the attorney general or other appropriate State official of an affected State under paragraph (2), the district court may enter a permanent injunction enjoining such person from placing, receiving, or otherwise making illegal bets or wagers on or at which unlawful bets or wagers are offered to be placed, received, or otherwise made at which unlawful bets or wagers are offered to be placed, received, or otherwise made; or

(B) INSTITUTION BY STATE ATTORNEY GENERAL.—(i) IN GENERAL.—The attorney general of a State (or other appropriate State official) in which a violation of this section has occurred or will occur may institute proceedings under this subsection to prevent or restrain a violation.

(ii) RELIEF.—Upon application of the attorney general or other appropriate State official of an affected State under subsection (a), the district court may enter a preliminary injunction or an injunction against any person to prevent or restrain a violation of this section, in accordance with Rule 65 of the Federal Rules of Civil Procedure.

(C) INDIAN LANDS.—(i) IN GENERAL.—Notwithstanding subparagraph (A) and (B), a violation that is alleged to have occurred, on Indian lands (as that term is defined in section 4 of the Indian Gaming Regulatory Act)—

(A) the United States shall have the enforcement authority provided under subparagraph (A); and

(B) the enforcement authorities specified in an applicable Tribal-State compact negotiated under section 11 of the Indian Gaming Regulatory Act shall be carried out in accordance with that compact.

(ii) RULE OF CONSTRUCTION.—No provision of this section shall be construed as altering, superseding, or otherwise affecting the application of the Indian Gaming Regulatory Act.

(e) Circumventions prohibited.—(A) In general.—Notwithstanding subsection (a), if a person alleged to be in violation of this section shall be fined under title 18, United States Code, and

(i) owns or controls, or is owned or controlled by, any person who operates, manages, supervises, or directs an Internet computer service, or

(B) Institution by state attorney general.—(i) IN GENERAL.—Upon conviction of a person under subsection (c), the court may enter a permanent injunction enjoining such person from placing, receiving, or otherwise making illegal bets or wagers on or at which unlawful bets or wagers are offered to be placed, received, or otherwise made at which unlawful bets or wagers are offered to be placed, received, or otherwise made; or

(ii) RELIEF.—Upon application of the United States under paragraph (2)(A), or the attorney general or other appropriate State official of an affected State under paragraph (2)(B), in accordance with Rule 65(b) of the Federal Rules of Civil Procedure.

(f) Limitation relating to interactive computer service.—(A) IN GENERAL.—Relief granted under this subsection against an interactive computer service shall—

(i) be limited to the removal of, or disabling of access to, an online site violating this section, or a hyperlink to an online site violating this section, that resides on a computer network service, or

(ii) specific control service to which the interactive computer service is connected shall be fined under title 18, United States Code, or imprisoned for not more than 5 years, or both.

(2) Permanent injunction.—Upon conviction of a person under this subsection, the court may enter a permanent injunction enjoining such person from placing, receiving, or otherwise making illegal bets or wagers on or at which unlawful bets or wagers are offered to be placed, received, or otherwise made at which unlawful bets or wagers are offered to be placed, received, or otherwise made; or

(e) Circumventions prohibited.—(A) In general.—Notwithstanding subsection (b)(2), a creditor, credit card issuer, financial institution, operator of a terminal at which an electronic fund transfer may be initiated, money transmitting business, or money transmitting service, or any participant in such network, may be liable under this section if such creditor, issuer, institution, operator,
business, network, or participant has actual knowledge and control of bets and wagers and—

(i) operates, manages, supervises, or directs an Internet website at which unlawful bets or wagers may be placed, received, or otherwise made or at which unlawful bets or wagers are offered to be placed, received, or otherwise made;

(ii) owns or controls, or is owned or controlled by, any person who operates, manages, or directs an Internet website at which unlawful bets or wagers may be placed, received, or otherwise made or at which unlawful bets or wagers are offered to be placed, received, or otherwise made;

(f) POLICIES AND PROCEDURES TO IDENTIFY AND PREVENT RESTRICTED TRANSACTIONS IN PAYMENT FOR UNLAWFUL INTERNET GAMBLING.—

(1) REGULATIONS.—Before the end of the 6-month period beginning on the date of the enactment of this Act, the Secretary, in consultation with the Board of Governors of the Federal Reserve System and the Attorney General, shall prescribe regulations requiring any designated payment system to establish policies and procedures reasonably designed to identify and prevent restricted transactions in any of the following ways:

(A) The establishment of policies and procedures that—

(1) for payment system and any person involved in the payment system to identify restricted transactions by means of codes in authorization messages or by other means; and

(ii) block restricted transactions identified as a result of the policies and procedures developed pursuant to clause (i).

(B) by inserting ‘‘or’’ in paragraph (5), as so designated

(2) in paragraph (5), as so designated

(C) otherwise prevent, such transactions.

(ii) the products or services of the payment system of which it is a member or participant in connection with restricted transactions.

(2) REQUIREMENTS FOR POLICIES AND PROCEDURES.—In prescribing regulations pursuant to paragraph (1), the Secretary shall—

(A) identify types of policies and procedures, including nonexclusive examples, which would be deemed to be ‘‘reasonably designed to identify’’ and ‘‘reasonably designed to block’’; and

(B) establish requirements for policies and procedures that prevent the acceptance of the products or services of the payment system in connection with restricted transactions.

(3) COMPLIANCE WITH PAYMENT SYSTEM POLICIES AND PROCEDURES.—A creditor, credit card issuer, financial institution, operator of a terminal at which an electronic fund transfer may be made, or any person transmitting business, or international, national, regional, or local network utilized to effect a credit transaction, electronic fund transfer, or money transmitting business, or a participant in such network, meets the requirement of paragraph (1) if—

(i) such person relies on and complies with the policies and procedures of a designated payment system of which it is a member or participant to—

(ii) identify and block restricted transactions; or

(iii) otherwise prevent the acceptance of the products or services of the payment system in connection with restricted transactions; and

(ii) by inserting ‘‘or’’ in paragraph (5), as so designated

(3) encourage the Financial Action Task Force on Money Laundering, in its annual report on money laundering typologies, to study the extent to which Internet gambling operations are being used for money laundering.

(b) REPORT REQUIRED.—The Secretary of the Treasury shall submit an annual report to the Congress on the operations between the United States and other countries on issues related to Internet gambling.

SEC. 5. AMENDMENTS TO GAMBLING PROVISIONS OF THE STABILIZATION AND REGULATORY ACT OF 1980.—

(a) AMENDMENT TO DEFINITION.—Section 1081 of title 18, United States Code, is amended—

(1) by designating the five undesignated paragraphs that begin with ‘‘The term’’ as paragraphs (1) through (5), respectively; and

(ii) in paragraph (5), as so designated—

(a) by striking ‘‘wiring a wire communication’’ and inserting ‘‘communication’’;

(b) by inserting ‘‘satellite, microwave, after ‘cable’;’’

(c) by inserting ‘‘(whether fixed or mobile) after ‘connection’;’’

(b) INCREASE IN PENALTY FOR UNLAWFUL WIRE TRANSMISSION OR WAGERING INFORMATION.—Section 1084(a) of title 18, United States Code, is amended by striking ‘‘two years’’ and inserting ‘‘5 years’’.

SEC. 6. PAYMENT FOR UNLAWFUL INTERNET GAMBLING.—

(a) AMENDMENT TO DEFINITION.—Section 1081 of title 18, United States Code, is amended—

(i) by designating the five undesignated paragraphs that begin with ‘‘The term’’ as paragraphs (1) through (5), respectively; and

(ii) by inserting ‘‘satellite, microwave, after ‘cable’;’’

(b) INCREASE IN PENALTY FOR UNLAWFUL WIRE TRANSMISSION OR WAGERING INFORMATION.—Section 1084(a) of title 18, United States Code, is amended by striking ‘‘two years’’ and inserting ‘‘5 years’’.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Iowa (Mr. LEACH) and the gentleman from New York (Mr. LaFalce) each will control 20 minutes.

The Chair recognizes the gentleman from Iowa (Mr. LEACH).

Mr. LEACH. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their re-marks on this legislation and to insert extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentle-man from Iowa?

There was no objection.

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

First, let me express my gratitude to the gentleman from Ohio (Mr. OXLEY), the gentleman from Wisconsin (Mr. SENSENBERGER), the gentleman from New York (Mr. LaFalce), the gentle-man from Alabama (Mr. BACHUS), the gentleman from New York (Mrs. KELLY), the gentleman from Virginia (Mr. GOODLATTE), the gentleman from Virginia (Mr. WOLF), the gentleman from Nebraska (Mr. OSBORNE), the gentle-man from Michigan (Mr. ROGERS), as well as the gentleman from Pennsylvania (Mr. PITTS) for their commitment and leadership on this subject.

I would also like to express my appreciation to groups such as the Christian Coalition to the Family Research Council, from the NCAA to the NFL and Major League Baseball for their support of this legislation.

The problem posed by Internet gambling is one we cannot afford. Gambling on the Internet is fast becoming one of the most critical issues confronting the American family. Casino gambling as it has been sanctioned in Western democracies is only allowed to exist with comprehensive regulation to protect participants from fraud, and to prevent criminal manipulation of the industry. Generally, casinos also add entertainment and involve elements of socialization. Gambling alone, on the other hand, whether using a laptop at home or computer in the workplace, involves no entertainment or socialization element and lacks the fundamental protections of law and regulation.

The very characteristics that make the Internet such a valuable resource are also the reasons why it has such huge potential to impinge on the stability of the American family, American financial institutions, and our national security. The easy access, anonymity, and speed of transactions which make such positive contributions to efficiency and cost for legitimate American enterprises also in the case of gambling make safeguards for society impractical. Internet gambling involves consumers ranging from bankrupt to more likely, money laundering an easy endeavor, and identity theft a likely burden.

The financial and economic implications of Internet gambling cannot be exaggerated. It is simply not good for the economy at large to have Americans send billions to overseas Internet casinos which often have shady or unknown owners. Nearly 80 percent of the money handed over to this industry is impossible to account for because these illegal gambling sites are located in the Caribbean or other jurisdictions with no effective regulation of gambling.
By definition, activities of these gambling sites are illegal under U.S. law, which means that over 1 million Americans are giving their personal financial information to criminals on a daily basis. Because this industry cannot and is not regulated, there is no way to track how this personal financial information is being used or by whom.

The FBI has testified that Internet gambling is a haven for money laundering and that Internet gambling remains a loophole in our fight against terrorist financing. Additionally, a recent GAO report highlights the ease at which criminal proceeds can be obscured through Internet gambling. Given the commitment of this Congress to quash the money-laundering and terrorist financing, there is no reason Internet gamblers should be given the same institutional loophole unplugged.

It is a myth to think that gambling affects only the addicted gamblers. Gambling losses and the resulting debt spillover only to the financial and social services system and to those who may never engage in gambling. Not only does Internet gambling put strains on financial standing but those who become addicted gamblers frequently find themselves contemplating divorce and in some cases suicide.

This bill, which represents the group efforts of the Committee on Financial Services and the Committee on the Judiciary, gives law enforcement new tools to enforce existing laws in a three-pronged approach.

First, it creates a new crime—accepting identifiable instruments such as credit cards or fund transfers for debts incurred in illegal Internet gambling. Secondly, because the perpetrators of this crime are often offshore and beyond the reach of traditional law enforcement, the bill enables State and Federal Attorneys General to request that credit card, wire transfer and other forms of payment be blocked. Thirdly, the bill empowers law enforcement to seize Internet gambling and, more importantly, other instruments.

Any American with a computer and a credit card can gain access to thousands of gambling sites across the world and can easily run up the credit limit on their own credit cards or parent’s credit cards on games that appear legitimate but at a price. If the child finds himself in a casino, which is illegal under United States law, he or she will not be able to gamble at thousands of casino online sites across the world.

Mr. LAFAULCE asked and was given permission to revise and extend his remarks.

Mr. LAFAULCE. Madam Speaker, 3 years have passed since the congressionally mandated National Gambling Impact Review Commission released its final report on gambling in the United States. While reaffirming the principle of State regulation of gambling, the commission did make an important exception for Internet gambling. The report called for legislative action to prohibit Internet gambling, and specifically, legislation to prohibit wire transfers and other payments to known Internet gambling sites.

The bill before us today implements this important recommendation of the national commission. Contrary to what some would have us believe, the bill does not purport to prohibit Internet gambling sites, nor is it designed to limit the use of Internet gambling under a variety of Federal statutes.

The number of Internet gambling sites has grown geometrically in recent years. Where the National Commission identified approximately 90 online casinos in 1998, a recent study by Bear Stearns & Company estimated that there are now more than 1,500 gambling sites identified by law enforcement. It simply blocks the payments that permit on-line betting and makes Internet gambling possible.

There is no meaningful way to determine the legitimacy of the games or the gambling operators. There are little or no protections against security breaches, hacking, diversion of credit card payments or identity theft.

More importantly, there is a high probability that many offshore gambling operations are being used as part of money laundering and other criminal activities, including terrorist financing. The FBI director recently testified before us and said offshore Internet gambling is a substantial problem as a loophole in our fight against terrorist financing.

Despite these obvious problems, online gambling continues to attract gambling operators and has become extremely lucrative for both the site operators and the host countries. Combined annual revenues received by Internet gambling sites near $1.3 billion to $3.1 billion, and this year revenues will easily exceed $4 billion.

Over 80 percent of the beta received by Internet gambling sites come from the United States, and almost all of this is illegal under United States law. The very features that make the Internet so attractive, its accessibility, convenience and anonymity, make it difficult to enable and encourage ordinary people to break the law. The Internet breaks down inhibitions to violate the law because the risks appear so much lower. As “Business Week” noted last week, people who would never walk themselves bombarded with offers to place bets at offshore casinos that are hard to resist.

The national commission emphasized that the social and economic problems associated with traditional gambling will increasingly be exacerbated by Internet gambling. The problems with compulsive gambling, which are largely confined to areas that legalized gambling, now be found virtually anywhere where there is a personal computer. This poses significant risks for our Nation’s youth.

A number of factors converge to make today’s youth particularly vulnerable to the lure of Internet gambling. They are more experienced and comfortable with computers than their parents and have grown up playing a wide variety of computer and video games, and most have broad access to the Internet, and large numbers of youth now have access to some form of credit, debit or stored-value cards to make online bets. Banks and credit card companies have aggressively marketed credit cards on college campuses for years and have recently initiated new programs to market stored-value cards to high-school-aged youth.

A young person sitting alone, whether at home or in a college dormitory with a laptop, can gain access to thousands of gambling sites across the world and can easily run up the credit line on their own credit cards or parent’s credit cards on games that appear legitimate. If the different that credit card games they have played since childhood.

It seems an easy opportunity to win a big jackpot, could result in financial losses that could harm their families and destroy their future plans.

Madam Speaker, this is a problem that must be dealt with. The bill does it in a surgical manner. It does it by blocking the source of credit, blocking the use of that credit card so that kids in college dorms will not be able to gamble at thousands of casino online sites across the world.

The issue that needs to be addressed is how we can protect our nation’s youth from the growing availability and potential negative consequences of Internet gambling. To me, the answer is simple. We cut off Internet gambling at its source by prohibiting the primary payment vehicles that make illegal on-line betting possible. H.R. 556 would prohibit Internet gambling sites from accepting any checks, credit card, debit card or other form of electronic transfer as payment of any bet or wager over the Internet. The effect of this prohibition is to deny known Internet gambling.
sites from being approved for credit card, debit and other electronic transfer accounts. This is currently being done voluntarily by numerous credit card banks—including American Express, Bank of America, Providian, CitiBank and Discover—and there is substantial jus-
tification for making this practice obligatory for all institutions.

The bill incorporates proposals suggested by Visa and MasterCard that would permit payment transfer networks to establish policies and procedures for identifying and blocking payments to known Internet gambling sites. Fi-
nancial institutions who are members of these networks and follow these procedures would be considered in compliance under the bill. I believe this is a reasonable accommodation that will expand the means to block illegal gam-
bling payments and also ease the compliance concerns and burdens of individual institutions.

H.R. 556 is endorsed by many of the nation’s largest credit card companies and by the largest online payment service, PayPal. It is supported by a growing number of Internet service providers and their trade groups, in-
cluding them and the United States Telecom Association. It is supported by law enforcement groups at all levels, including the FBI, the Federal Law Enforcement Officers Association and the Fraternal Order of Police. And it has the support of religious and family organization.

Madam Speaker, the time has come to pro-
tect our youth from the unnecessary and po-
tentially disastrous consequences of Internet gambling. It is time to eliminate Internet gam-
bbling as a convenient financial tool for crimi-
nals and terrorists. And it is time to provide law enforcement with the tools it needs to ad-
dress this growing illegal activity. H.R. 556 can achieve all of these important objectives and deserves our support.

Madam Speaker, I reserve the bal-
ance of my time.

Mr. LEACH. Madam Speaker, I yield 3½ minutes to the gentleman from Ohio (Mr. OXLEY), the chairman of the Committee on Financial Services, who has led this effort with great distinc-
tion.

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

Mr. OXLEY. Madam Speaker, this bill is the product of a lot of hard work on the part of many Members, and I want to pay special tribute to the gen-
tleman from Iowa (Mr. LEACH) for his dogged determination, as well as the hard work of the gentleman from New York (Mr. LaFALCE) in maybe his last major piece of legislation. Well, we hope to get to terrorism insurance before we adjourn; but the gentle-
man’s work has been extraordinary, along with the gentleman from Vir-
ginia (Mr. GOODLATTE) as well as the gentleman from Virginia (Mr. WOLF) for their efforts.

This bill has been touted by a num-
ber of groups, Madam Speaker. It en-
joys universal support from family and religious groups, antigambling groups, professional sports, college athletics, major players in the banking and cred-
it card industries, and law enforcement and Internet service providers. The list goes on and on and is getting larger every day. This is why this bill needs to pass, because of its broad base of support.

Five years ago, Internet gambling was almost nonexistent. The Internet was just coming into its own; but ap-
parently thisality phors a vacuum, and we have seen a huge growth of this type of gambling taking place, preying on the most vulnerable in our society, including our college-
aged students and people who can least afford it.

We heard testimony in the com-
mittee from the Department of Justice and the FBI that Internet gambling serves as a haven for money launderers and that unregulated offshore gam-
bling sites can be exploited by terror-
ist to launder money. That position was reiterated just recently by FBI Di-
rector Mueller when he cited Internet gambling as a substantial problem for law enforcement.

We know of at least two open cases before the bureau involving Internet gambling as a conduit for money laun-
dering by organized crime. The GAO, in an interim report to our committee, highlighted some concerns with Internet gambling and its vulnerability to money laundering, “including the volume, speed, and international reach of Internet trans-
actions and the offshore locations of Internet gambling sites” which “can promote a high level of anonymity and give rise to difficult jurisdictional issues.”

The Financial Action Task Force, an international organization dedicated to com-
bat money laundering, stated in a Feb-
ruary 2001 report that some member countries had evidence that criminals were using Internet gambling to laun-
der their illicit funds. For the record, let us make clear what the bill does and what it does not do. It does prohibit the acceptance of U.S. financial instruments, such as credit cards, for use in unlawful Internet gambling transactions. By so doing, it cuts off the financial lifeline of the illegal Internet gambling industry. It does not expand gambling in any way, shape or form. Those who claim otherwise are not telling the truth, or they simply do not get it.

The bill’s provisions kick in only where a court or banking regulator de-
termines that an illegal activity is tak-
ing place and relies on current Federal and State law to guide it in that deter-
mination.

H.R. 556 protects the right of States to 
 regulate gambling within their bor-
ers. It neither expands nor limits gambling beyond what is allowed under existing Federal, State, and tribal law. This bill represents legislation at its best. It is a direct approach to a seri-
sous problem. It will give law enforce-
ment an important new tool to fight crime and will protect families throughout America. It deserves the support and vote of every Member of this House.

Mr. LaFALCE. Mr. Speaker, I yield 4 minutes to the gentleman from Michi-
Mr. CONYERS. Let me ask the gentleman, why are they supporting the bill?

Mr. LEACH. It is in the national interest.

Mr. CONYERS. I thank the gentleman.

Mr. LEACH. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Alabama (Mr. BACHUS), who has led this fight so well.

Mr. BACHUS. Mr. Speaker, I think my comments may shed some light on the last speaker and some of what he said.

Imagine, if you will, if you heard news from home that they had built a casino next to your house, and, worse than that, they had invited your kids over to gamble in the casino which was built next door. You would say that was about as bad a news as you could receive. But it is actually worse than that. Sitting right on the computer desk, in your house, or better still in your child’s bedroom, is a computer. On that computer today, there is a child-accessible casino, because we have got 1,500 offshore, and they are offshore, this may address the last speaker’s concern because it is against the law in all 50 States to operate these Internet gambling sites. It is against the law in all the States, so they are all offshore. Your child could go in, he could turn on his computer, and he could gamble.

Mr. Speaker, I have five children. I knew nothing about this. We ought to thank the gentleman from Iowa (Mr. LEACH) and the gentleman from Virginia (Mr. GOOLLEY). It is also, I think, fortuitous that the gentleman from Iowa has offered is an amendment to the Judiciary, and this bill which the gentleman from Iowa offers is going to go a long way.

What about the demographics? What did we hear? We heard that in the over-65 age group, only 1 in 10 senior citizens in that group uses a computer as a hobby or to pursue their interests in an active way. We heard that 7 out of 10 in the 18-to-24 group use a computer. American Demographics, a study 2 years old, 7 out of 10 18-to-24-year-olds are online. A survey for Public Participation in the Arts did a study about 5 years ago, and they said that the average teenager or college student is spending 4 hours on the computer per day.

What else do we know about college kids? Eighty percent of them have credit cards. What do they need to play on the Internet? All they need is the use of a computer, which they are on 4 hours a day, and a credit card. They have got the tools.

Are they doing it? You bet they are doing it. The NCAA came to us and told us testimony about students losing $10,000, $5,000. Gambling addiction by college students as a result partially of Internet gambling on these illegal sites is reaching epidemic proportions.

I guess the most chilling testimony, and I will close with this, is what Dr. Howard Shaffer at Harvard University said. He said, I would compare what this illegal Internet gambling is doing to our youth in the gambling spectrum to what we saw with the introduction of crack cocaine, where it changed the drug-use habits of millions and caused millions of people to become addicted within a year or two. He said the same thing is happening today with illegal Internet gambling.

We have got to move against it. I commend the gentleman from Virginia. I commend the gentleman from Iowa. This bill shuts off the money. That is what these people are there for, the money. If we shut off the money, we shut off the sites.

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

Mr. LEACH. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from New York (Mrs. KELLY). Mrs. KELLY. I thank the gentleman from Iowa for yielding me this time.

Mr. Speaker, I would like to enter into a colloquy with the gentleman from Iowa, the author of this bill.

Certain State, tribal and private entities have raised concerns, and I would like to clarify the intention of the drafters of H.R. 556 on one point. Section 3, subsection (b)(1)(E)(ix) exempts from the bill’s provisions lawful transactions carried out with a business licensed and authorized by a State. Some parties have raised concerns that this could be read broadly to allow the transmission of casino or lottery games in interstate commerce, for example, over the Internet, simply because one State authorizes its businesses to do so.

I want to make clear that this exception will not expand the reach of gambling in any way. It is simply intended to recognize current law, which allows States jurisdiction over wholly intrastate activity, not interstate but intrastate activity, where bets or wagers, or information assisting bets or wagers, do not cross State lines or enter into interstate commerce. The exemption would leave intact the current intrastate gambling prohibitions such as the Wire Act, Federal prohibitions on lotteries, and the Gambling Ship Act so that casino and lottery games could not be placed on the Internet.

Put another way, this exemption does not relax the interstate wagering. For example, under this bill a resident of one State could not legally use the Internet to purchase a lottery ticket in another State. This exemption is simply intended to recognize current law, which allows States to regulate wholly intrastate activity and would leave intact the current Wire Act, which prohibits interstate gambling. Is that correct?

Mr. LEACH. Mr. Speaker, the gentleman from Iowa.

Mr. Speaker, the gentleman from Iowa has offered is an amendment to the Judiciary, and this bill which the gentleman from Iowa offers is going to go a long way.

The most serious offenders in the Internet gambling arena are the virtual casinos operating offshore, beyond the reach of U.S. law. Estimates put the number of foreign jurisdictions authorizing or tolerating Internet gambling at fifty. This includes not just the well-known bank secrecy jurisdictions of the Caribbean but other countries like Australia. The lure of lucrative profits and the possibility of sharing in gambling receipts is proving to be powerful incentives to enter the Internet gambling business. Antigua and Barbuda have reportedly licensed more than 80 Internet gambling websites already, charging a $75,000–$85,000 licensing fee for a sports betting site and $100,000 for a virtual casino. A report prepared for the South African government, as reported in the Bear Stearns study, revealed that Internet gambling revenues could yield up to $140 million in foreign exchange.

While Internet gambling represents a jackpot for such foreign jurisdictions, it is a wheel of misfortune for far too many Americans who struggle with gambling addictions and the loss of jobs, wrecked marriages, and destroyed families. This bill is often referred to as the ‘Internet gambling ban’. Any American armed with a credit card can have instant, anonymous access to round-the-clock gambling from the privacy of their homes. All of the social hazards associated with problem gambling at brick-and-mortar casinos are magnified greater, concern when it comes to on-line gambling.

Furthermore, Internet gambling poses a serious problem to our youth. In the areas in
which gambling is legal, strict laws have been enacted to ensure our children are prohibited from participating. In many homes the children are far more computer literate than the parents. What possibly would stop a child from placing a bet with their parent’s credit card? Since the child could easily make a successful deposit to participate in Internet gambling, it is important to keep children from this activity we must take steps to ensure that online casinos do not victimize our children. The issue of what we can do to protect children from these sites will be one of my first questions for our panelists today.

In addition to the social problems associated with Internet gambling, U.S. authorities warn that Internet gambling offers a powerful vehicle for laundering funds from illicit sources as well as to evade taxes. A 2001-2002 Financial Action Task Force (FATF) report on money laundering typologies indicates that there is evidence in some FATF jurisdictions that criminals are using the Internet gambling industry to commit crime and to launder the proceeds thereof. The use of credit cards and the place-ment of sites offshore make locating the relevant parties difficult if not impossible.

Despite the many problems associated with Internet gambling, there is clearly money to be made in this business, and U.S. firms are increas-ingly eager to claim their share. U.S.-based enterprises are already knee-deep in the Internet gam-bling business. Within the last year, two U.S. companies—MGM Mirage and Harrah’s—have announced plans to enter the Internet gambling business and offer free or play-for-prizes operations that are but a short step away from actual Internet gambling. Nevertheless, it is clear that absent strong Congressional action, the United States may be poised itself to head down the slippery slope of Internet gambling.

In 1999, the Congressionally-mandated National Gambling Impact Study Commission unanimously recommended a Federal ban on Internet gambling. Testifying at a hearing before the Banking Committee last Congress, Commission member Richard Lehnen explained that unlike the regulatory regimes that have accompanied the expansion of other forms of gambling in the United States, the emergence of Internet gambling has occurred with no reg-ulatory structure. As a result, the current framework of Federal and State laws govern-ing gambling can be easily circumvented. The Commission noted that the problems as-sociated with Internet gambling include: (1) the potential for abuse by gambling operators who can alter, move, or entirely remove sites within minutes; (2) the ability of gambling operators or computer hackers to tamper with gambling software to manipulate games to their benefit; and (3) the provision of additional means for individuals to launder money derived from criminal activities.

The Commission concluded that because Internet gambling crossed state lines, it would be difficult for States to effectively control it and that Federal legislation was the only re-course. The Commission further rejected the argument that Internet gambling could be ef-fectively regulated, and recommended, instead, that any Internet gambling not al-ready authorized by law, and without new or expanded exemptions. Although the States do not normally welcome Federal legislation on such matters, the National Association of At-torneys General, speaking on behalf of State Attorneys General, has indicated strong sup-port for Federal action.

In response to the Commission’s rec-ommendations and testimony from other inter-es-ted parties, the House Financial Services Committee approved this legislation now be-fore us, H.R. 556, the Unlawful Internet Gam-bling Funding Prohibition Act. This bill tackles the problem of Internet gambling by prohibiting gambling operations from accepting credit cards, checks, or other bank instruments in connection with Internet gambling. The justification for this bill is simple: if we cut off the Internet gambling industry’s access to money it will die.

If we fail to act and pass this legislation I fear that our actions will be misinterpreted as a green light to those in U.S. industry who are interested in launching on-line gambling oper-ations of one type or another. This issue can no longer simply be left to random events and foreign jurisdictions. It is time for Congress to address these issues and identify an appro-priate response. It is time for Congress to pass the Unlawful Internet Gam-bling Funding Prohibition Act. I ask all my col-leagues on both sides of the aisle to join me in support of this important legislation.

Mr. LaFalce. Mr. Speaker, I yield myself such time as I may consume. Let me point out a little bit of history. In 1994, as chairman of the Com-mittee on Small Business, I conducted some hearings into the problems of the proliferation of gambling across the United States.

At that time I introduced a bill to create a national commission to study the impact of gambling. In the November elections we lost, and the chief cosponsor of my bill was the gentleman from Virginia (Mr. Wolf).

In the next Congress the gentleman from Virginia became the chief sponsor of the bill, and I became the chief co-sponsor. With his great leadership and the assistance of a good many groups, and especially the Christian Consoli-dation, we were able to get the commission enacted into law. It had a difficult time getting started, having members appointed who would give us the type of objective analysis we wanted, but fi-nally it did render a report, and there was one specific provision that, as I re-call, they were unanimous on, and that was the issue of Internet gambling.

It has taken us a long time. As soon as they came out with that rec-ommendation, I introduced a bill in the House that proceeded through the pay-ment mechanism. The gentleman from Iowa (Mr. Leach) introduced a bill, too, that took slightly different approaches, although we were both going in exactly the same direction. The gentleman from Virginia (Mr. Goodlatte) has been magnificent over the years in pur-suing it, especially in the Committee on the Judiciary and working with the religious organizations.

Can we nitpick a bill? Sure we can. But as far as I am concerned, if this bill is not perfect, it is 99 percent close to perfect. It is pretty good. It is cer-tainly as good as we are going to be able to pass, and it does block off Internet gambling at its source by going to the credit card, the debit card, any electronic funds transfer. This is a growing, growing problem.

I hope, also, there are countless other problems we in the United States of Amer-ica associated with gambling, that we will have the courage to deal with those problems, because right now we have legalized gambling within about a half an hour drive of virtually any spot in the United States of America. So it is no longer an economic development tour. Now it is just a way of snaring people’s discretionary money, and usu-ally in preying upon people. It needs far more effective regulation than it is receiving from either the Federal or the State governments.

We do not deal with all those prob-lems here. We deal with one very, very narrow but large problem, and that is the problem of Internet gambling, not just because of the on-line gambling on our youth, but because of the way it is being used for money laundering, the way it is being used for terrorist activ-ity, et cetera, et cetera. This bill should be passed unanimously.

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

Mr. Leach. Mr. Speaker, I yield 1 minute to the gentleman from Virginia (Mr. Wolf), one of the Congress’ profoundest voices on moral issues, a great friend and a man I admire greatly.

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

Mr. Wolf. Mr. Speaker, I want to personally thank the gentleman from Iowa for staying with this and having the courage, and, as people back in Iowa ought to know, that because of him this thing is up.

I also thank the gentleman from New York (Mr. LaFalce), who unfortunately is going to be leaving us, the gentleman from Ohio (Mr. Oxley) and the gentleman from South Carolina (Mr. Goodlatte). Because of them this bill is here.

To vote against this bill would be un-believable. If anyone votes against this bill, I will not understand it. I just ap-preciate the gentleman from New York’s comments on the critical na-ture with regard to the terrorism. The FBI has testified there is a huge poten-tial for offshore gambling sites being used for money laundering, for ter-rorist and criminal activities. We have said it. Terrorist and criminal activi-ties.

Again, the gentleman from Iowa (Mr. Leach) should be thanked by everyone in the country. The gentleman from New York (Mr. LaFalce) should be thanked by everyone in the country, as should the gentleman from Ohio (Mr. Oxley) and the gentleman from Virginia (Mr. Goodlatte). They have made a difference and will save a lot of lives, and will really put a stake in the heart with regard to terrorism.

Mr. Speaker, I rise in strong support of H.R. 556 and want to commend my colleagues.
LACAS, JOHN LAFAKELL, and MIKE OXLEY and Virginia colleague BOB GOODLATTE for their partnership, their hard work and persistence to get this bill to the floor today.

The legislation before us has at its heart the kind of consensus building and compromise that I believe is the hallmark of the American system. It can attract the level of support needed to pass this important measure to give law enforcement agencies the tools they need to stop the criminal activity associated with unlawful Internet gambling.

In 1999, The National Gambling Impact Study Commission issued a report urging Congress to pass legislation "prohibiting transfers to known Internet gambling sites, or to the banks that represent them." As the author of the legislation that established the Commission, I have maintained a keen interest in following through on its recommendations which included addressing the explosive growth in Internet gambling.

According to the National Gambling Impact Study Commission, gambling on the Internet is especially enticing to youth, pathological gamblers, and criminals. There are currently no mechanisms in place to prevent youth—who make up the largest percentage of Internet users from using their parents' credit card numbers to register and set up accounts for use at Internet gambling sites.

In addition, pathological gamblers may become addicted to online gambling because of the Internet's easy access, anonymity and instant results. Dr. Howard J. Shaffer, director of addiction studies at Harvard University, likens the Internet to new delivery forms of addictive drugs: "As smoking crack cocaine changes the experience, I think electronic ones is going to change the way gambling is experienced."

Finally, Internet gambling can provide a nearly undetectable harbor for criminal enterprises. The anonymity associated with the Internet makes online gambling more susceptible to crime.

In 2001, Chairman LACAS and Chairman CONGRESSIONAL RECORD

I have long been a champion of the Internet and an advocate of limited government regulation of this new medium. However, that does not mean that the Internet is not a regulatory free zone or that our existing laws should not apply to the Internet. I think we can all agree that it would be very bad public policy to allow off-line activity deemed criminal by States to be freely committed online and to go unpunished simply because we are reluctant to apply our laws to the Internet.

Gaming on the Internet has become an extremely lucrative business. Numerous studies have charted the explosive growth of this industry, both by the increases in gambling Web sites available and via industry revenues.

Almost all of the more than 1,400 Internet gambling sites are offshore. Why? Because they seek to evade the laws of this country. This bill is directly targeted at those scofflaws sucking billions of dollars out of this country—people who go online and place bets, not knowing whether they are getting fair odds, not knowing whether they are even going to get paid. This indeed will be very effective, so I commend the gentlemen from Iowa and New York.

Mr. Speaker, it adds three provisions from the Committee on the Judiciary bill, which was a tough bill and which I would love to see passed. But we have spent a long time juggling the interests of all the various organizations, and this approach is the right approach at this time, just targeting the offshore folk.
I want to explain to everybody these three provisions. They are very important and valuable additions to the Committee on Financial Services bill. First, there is a provision that will allow law enforcement to obtain the cooperation of Internet service providers to not only deal with the credit cards and other financial transactions, but to require the taking down of those prolific ads on the Internet where you can click here and be at some offshore site. Those ads, if they are involving an entity that is engaged in illegal activity, will be subject to being taken down with a court order by the Internet service providers.

Secondly, it increases the penalties for violating the Wire Act from 2 years to 5 years. Finally, it makes it clear, and this is vitally important, it makes it clear that despite the changes in technologies, these new technologies being deployed today do not bypass the Wire Act. It makes it clear that the Wire Act applies regardless of the technology.

So I urge my colleagues to support this fine legislation.

A study by the research group Christiansen/ Cumming Associates estimated that between 1997 and 1999 Internet gambling more than doubled, from 6.9 million to 14.5 million gamblers, with revenues doubling from $300 million to $651 million. More recently, Bear, Stearns & Co. Inc. reported that there were at that time as many as 1,400 gambling sites, up from 700 just a year earlier. Other estimates indicate that Internet gambling could soon easily become a $10 billion a year industry.

Almost all virtual betting parlors accepting bets from individuals in the United States have attempted to avoid the application of United States law by locating themselves offshore and out of our jurisdictional reach. These offshore, fly-by-night Internet gambling operators are unlicensed, untaxed and unregulated and are sucking billions of dollars out of the United States.

The FBI and the Department of Justice have testified that Internet gambling serves as a vehicle for money laundering activities and can be exploited by terrorists to launder money.

The negative consequences of online gambling can be as detrimental to the families and communities of addictive gamblers as if a bricks and mortar casino was built right next door. Online gambling can result in addiction, bankruptcy, divorce, crime, and moral decline just as with traditional forms of gambling, the costs of which must ultimately be borne by society.

Internet gambling is especially enticing to youth, pathological gamblers, and criminals. There are currently no mechanisms in place to prevent youth—who make up the largest percentage of Internet users—from using their parents' credit card numbers to register and set up accounts for use at Internet gambling sites. In addition, pathological gamblers may become easily addicted to online gambling because of the Internet's easy access, anonymity and instant results. Dr. Howard J. Shaffer, director of addiction studies at Harvard, likens the Internet to the 18th century gaming salons of some drugs: "As smoking crack cocaine changed the cocaine experience, I think electronics is going to change the way gambling is experienced." Finally, Internet gambling can provide a nearly undetectable harbor for criminal enterprises. The anonymity associated with the Internet makes online gambling more susceptible to crime.

Gambling is currently illegal in the United States and required by the States. As such, every state has gambling statutes to determine the type and amount of legal gambling permitted. With the development of the Internet, however, prohibitions and regulations governing gambling have been turned on their head. Since 1996, the federal government has enacted federal gambling statutes when a particular type of gambling activity has escaped the ability of states to regulate it. For over one hundred years, Congress has acted to assist states in enforcing their respective policies on gambling when developments in technology of an interstate nature, such as the Internet, have compromised the effectiveness of state gambling laws.

The more than 1,400 gambling websites from the Caribbean and elsewhere are unlicensed, untaxed, and unregulated by any state, in some 50 state laws in which they are available. That is why state attorneys general, pro-family/anti-gambling groups, professional and amateur sports leagues, and the Department of Justice all agree that federal legislation is needed to clarify federal law as to offshore Internet gambling businesses are illegal.

The National Gambling Impact Study Commission recommended to Congress that federal legislation is needed to halt the expansion of Internet gambling and to prohibit wire transfers to known Internet gambling sites, or the banks who represent them.

Under current federal law, it is unclear that using the Internet to operate a gambling business is illegal. The closest useful statute is the Wire Act which prohibits gambling over telephone wires. However, because the Internet does not always travel over telephone wires, the Wire Act, which was written well before the invention of the World Wide Web, has become outdated—it is not clear that it applies to the Internet at all.

H.R. 556, as amended by provisions in Internet gambling legislation I introduced, clarifies the state of the law by amending the Wire Act to bring the current promotion against wireline interstate gambling up to speed with the development of new technology. This provision settles the uncertainty about whether the Wire Act applies to the Internet and at the request of the Justice Department, makes the Wire Act technology neutral so that the law applies to both the telephone and the Internet.

Language has also been included in H.R. 556 for further cooperation between law enforcement and interactive Computer Service Providers to combat illegal Internet gambling. This provision provides for ISPs to report to injunctions to take down illegal gambling websites or websites containing hypertext links hosted by the ISP. The bill makes clear that such injunctions would issue only after the opportunity for a hearing, would specify the service to which the order applies, and provide enough information so that the interactive computer service could locate the site or hypertext link. As a result of making these responsibilities and the needs of law enforcement, the bill has the support of the ISP community.

As the National Gambling Impact Study Commission has documented, and Senate and House hearings have confirmed, Internet gambling is growing at an explosive rate. It evades existing anti-gambling laws, endangers children in the home, promotes compulsive gambling among adults, preys on the poor, and facilitates fraud. H.R. 556 will put a stop to this harmful activity before it spread further.

Mr. LEACH, Mr. Speaker, if I could first inquire of my good friend, the gentleman from New York (Mr. LAFAULCE), whether there are two speakers and only 1½ minutes remaining.

Mr. LAFAULCE, Mr. Speaker, I yield 1 minute to the gentleman from Iowa (Mr. LEACH).

Mr. LEACH, Mr. Speaker, I thank the gentleman from New York (Mr. LAFAULCE) for yielding me time.

Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania (Mr. PITTS), and I note that the gentleman has worked on this very assiduously and is a man of great dignity and respect.

Mr. PITTS. Mr. Speaker, first of all, I want to thank and commend the gentleman from Iowa (Mr. LEACH), the gentleman from Ohio (Mr. OXLEY), the gentleman from Virginia (Mr. GOOD-LATTE), and the gentleman from New York (Mr. LAFAULCE), and the other sponsors for developing and moving this important legislation.

In the last couple of decades, gambling has exploded across this country, both legal and illegal forms of gambling. While many of us are concerned about legal gambling and its impact on society, this bill is about illegal gambling.

The Internet has made it possible to gamble away your money to offshore criminals right from your bedroom. Millions of Americans send these crooks their money; and up until now, the States have been powerless to do anything about it. With this bill, we solve the problem. It may be impossible to keep illegal gambling sites off the World Wide Web, but it is entirely possible to prevent American credit cards and other financial transactions from being deployed today do not bypass the Wire Act. It makes it clear that the Wire Act applies regardless of the technology.

I want to thank and commend the gentleman from Iowa (Mr. LEACH), the gentleman from New York (Mr. LAFAULCE), and House hearings have confirmed, Internet gambling is growing at an explosive rate. It evades existing anti-gambling laws, endangers children in the home, promotes compulsive gambling among adults, preys on the poor, and facilitates fraud. H.R. 556 will put a stop to this harmful activity before it spread further.
The main reason I am here today is that I am really interested in young people, and I am interested in sports gambling; and of course, Internet gambling has really lead to an explosion of gambling of intercollegiate athletics, and that is one reason why the NCAA, the NFL, and Major League Baseball all support this legislation.

College students often run up huge credit card debts on these sites, and this is involved with sports betting. According to the Federal Trade Commission, Internet gambling sites are advertising on Web pages normally visited by children. A child cannot gamble in a casino or race track or any other establishment because of age limits, but some young people are using parents or their own credit cards on these sites. One really alarming statistic I want to mention: it is estimated that 1.1 million adolescents between the ages of 12 and 18 are pathological gamblers. This is a higher percentage than adults. Young people become addicted to alcohol, drugs, and gambling more quickly than adults because of psychological and physiological immaturity. So I believe this is especially pernicious and particularly dangerous; and I urge support of this important legislation.

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

I think this is an extremely important bill. I think it is an extremely important bill for all Americans, but most especially for our youth who use computers every single day, hours and hours every day, and have countless, in the course of a week, dozens or hundreds of opportunities flashed in their face to engage in Internet gambling. They are flooded with credit cards that, if they use them will extend their credit far beyond their capacity to pay, perhaps for the next 40, 50 years or so.

There has been a growing tendency too of student loans being paid off by credit card debt, credit card debt that has often been incurring during the course of Internet gambling. There is a difficulty. Student loans cannot be discharged in bankruptcy. So the lives of these students are at stake, and we can do something about it. We can follow the recommendation of the national commission. We can follow the recommendations of the various religious organizations across America, the various athletic associations across America. The people behind the police organizations across America. We can follow the recommendations and vote “yes,” or we could ignore them and flaunt them and vote “no.”

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

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

Let me just conclude by thanking, if I can, the gentleman from New York (Mr. LAFALCE) and all of the others who have led this charge. I will just conclude with one observation. Gambling alone leads too easily to addiction. It leads to a situation where fathers lose their homes, mothers their families, students access to college and, in far too many instances, violence to the person and to their friends. This is a family issue. It is a national issue. We must act. I urge its adoption.

Mr. PAUL. Mr. Speaker, H.R. 556 limits the ability of individual citizens to use bank instruments, including credit cards or checks, to finance Internet gambling. This legislation should be rejected by Congress since the federal government has no constitutional authority to ban or even discourage any form of gambling.

In addition to being unconstitutional, H.R. 556 is likely to prove ineffective at ending Internet gambling. Instead, this bill will ensure that gambling is controlled by organized crime. History, from the failed experiment of prohibition to today’s futile “war on drugs,” shows that the government cannot eliminate demand for something like Internet gambling simply by passing a law. Instead, H.R. 556 will force those who wish to gamble over the Internet to patronize suppliers willing to flaunt the law. In many cases, providers of services banned by the government will be members of criminal organizations. Even if organized crime does not itself operate Internet gambling enterprises their competitors are likely to be controlled by organized crime. After all, since the owners and patrons of Internet gambling cannot rely on the police and courts to enforce contracts and resolve other disputes, they will be forced to rely on members of organized crime to perform those functions. Thus, the profits of Internet gambling will flow into organized crime. Furthermore, outlawing an activity will raise the price vendors are able to charge consumers, driving up the price consumers are willing to pay to organized crime from Internet gambling. It is bitterly ironic that a bill masquerading as an attack on crime will actually increase organized crime’s ability to control and profit from Internet gambling.

In conclusion, Mr. Speaker, H.R. 556 violates the constitutional limits on federal power. Furthermore, laws such as H.R. 556 are ineffective in eliminating the demand for vices such as Internet gambling; instead, they ensure that these enterprises will be controlled by organized crime. Therefore I urge my colleagues to reject H.R. 556, the Internet Gambling Prohibition Act.

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

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Pennsylvania (Mr. HOLDEN) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the bill, H.R. 5472, to extend for 6 months the period for which chapter 12 of title 11 of the United States Code is reenacted.

The Clerk read as follows:

H.R. 5472
Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, SECTION 1. SHORT TITLE.

This Act may be cited as the “Protection of Family Farmers Act of 2002.”

SEC. 2. 6-MONTH EXTENSION OF PERIOD FOR WHICH CHAPTER 12 OF TITLE 11 OF THE UNITED STATES CODE IS REENACTED.

(a) AMENDMENTS.—Section 149 of title I of division C of Public Law 105-277 is amended—

(1) by striking “January 1, 2002” each place it appears and inserting “July 1, 2003”;

and

(2) in subsection (a)—

(A) by striking “May 31, 2002” and inserting “December 31, 2002”;

and

(B) by striking “June 1, 2002” and inserting “January 1, 2003”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on January 1, 2003.

The SPEAKER pro tempore. The SPEAKER pro tempore.

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all
Mr. Speaker, I rise in support of H.R. 5472. This bill reenacts and extends Chapter 12 of the Bankruptcy Code—a specialized form of bankruptcy relief for family farmers—for a period of six months, from January 1, 2003 until July 1, 2003.

Chapter 12 was enacted on a temporary basis in 1986 in response to the financial upheaval that characterized that time owing to the continued volatility of the agricultural market. Chapter 12 has been extended on several occasions over the years. The most recent extension was enacted as part of the Farm Security and Rural Investment Act of 2002, which became law last May.

Without question, family farmers play a critical role in our nation’s health and economic well-being. Unfortunately, recurrent bad weather, rising energy costs, unpredictable market conditions, and competition from large agri-businesses and overseas producers are just some of the economic forces experienced by family farmers across our nation.

Chapter 12 addresses the special needs of family farmers by giving them the tools, under the protection of bankruptcy, to facilitate their financial wellbeing. On the contrary, Chapter 12 is utilized infrequently. While total bankruptcy filings in each of the past six years surpassed more than one million cases, the number of Chapter 12 cases exceeded one thousand on only one occasion and that was back in 1996. In the absence of Chapter 12, family farmers rely uniquely on the Bankruptcy Code’s other alternatives, although these generally do not work quite as well for farmers as Chapter 12.

Nevertheless, Chapter 12 is important for family farmers and—to his great credit—my colleague from the Commonwealth of Pennsylvania (Mr. Gekas) should be commended for his leadership and unwavering efforts over the years to make this form of bankruptcy relief a permanent component of the Bankruptcy Code. As the recent report on H.R. 333, the “Bankruptcy Abuse Prevention and Consumer Protection Act,” would not only make Chapter 12 permanent, but amend the current law to include many other significant farmer-friendly provisions. These provisions include the following.

First, H.R. 333 would increase the debt eligibility maximum and require this cap to be automatically adjusted for inflation on a periodic basis. In addition, H.R. 333 would lower the income percentage limit so that more family farmers will be able to file for Chapter 12 relief.

Second, H.R. 333 gives farmers more protections with respect to how they may treat the claims of creditors.

For example, it allows certain tax claims to be reclassified, in order to free up assets so that they can be sold. This will enhance a farmer’s ability to propose a plan of repayment to creditors and help the farmer better effectuate his or her financial “fresh start.”

Third, H.R. 333 prohibits a farmer from being required to prepare a new reorganization plan, to make payments that would leave the farmer with insufficient funds to maintain the farm’s operations after all payments under the modified plan are made.

In addition, H.R. 333—for the first time in the history of Chapter 12—provides that there will be a fresh start for family farmers by giving them the tools, under the protection of bankruptcy, to facilitate their financial wellbeing.

I ask all of you who say they support Chapter 12 and family farmers to put your words into action and support final passage of the conference report on H.R. 333.

H.R. 5472 is good for family farmers because it ensures Chapter 12 will be available in the upcoming months while we continue our efforts to complete consideration of the bankruptcy conference report, which will provide even more protections for family farmers when enacted.

Accordingly, I urge my colleagues to support H.R. 5472.

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

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

Mr. Speaker, I rise reluctantly to offer my support for H.R. 5472, the Family Farmer Protection Act of 2002. I say “reluctantly” because the legislation before us is an incomplete solution to a problem that has existed for more than 5 years.

In 1997, Mr. Speaker, the National Bankruptcy Review Commission recommended that chapter 12 of the Federal Bankruptcy Code, the chapter containing bankruptcy protections for family farmers, be made permanent.

The bill we are considering today marks the sixth time we are ignoring that 1997 recommendation and are instead extending chapter 12 on a temporary basis. It does not make sense. Chapter 12 is by no means a controversial issue. It was enacted in 1986 as a temporary measure to allow family farmers to repay their debts according to a plan under court supervision. Chapter 12 prevents the situation from occurring where a few bad crop years results in the loss of the family farm. In the absence of chapter 12, family farmers are forced to file for bankruptcy relief under the bankruptcy code’s other alternatives, none of which work quite as well for farmers as chapter 12 does. Chapter XI, for example, will require a farmer to sell the family farm to pay the claims of creditors. How can a farmer be expected to come up with the money to pay off his debts when he is out of his farm?

Chapter XI is an expensive process that does not accommodate the special needs of farmers. This Congress, just as in previous Congresses, the larger Bankruptcy Reform Act includes a provision that will permanently extend chapter 12. Also, in this Congress, just as in previous Congresses, the larger Bankruptcy Reform Act remains a controversial bill whose enactment is an uncertainty. For 5 years now, family farmers have been held hostage by the contentious debate surrounding the larger bankruptcy issue. For years they have been made to sit on pins and needles waiting to see if Congress will extend these protections for another few months until we reach the next legislative hurdle on the larger bankruptcy issue.

Mr. Speaker, family farmers have waited long enough. The games must stop. Right now, family farmers are making plans to borrow money based on next year’s expected harvest. As these farmers leverage themselves, they need to have the assurance that chapter 12 family farmer bankruptcy protections are going to be there for them on a long-term basis. Sporadic and temporary extensions do not do the job.

Permanently extending chapter 12 will give farmers the kind of protections they desperately need, the kind of protections we already voted for three times in the 107th Congress.

Mr. Speaker, this bill does little more than extend for another 6 months the time when family farmers are, once again, put at risk. I will support this bill today, because it is the only option available. But I continue to urge my friends on the other side, let us end this cliff-hanger once and for all; let us give family farmers the permanent protection they deserve.
and the Democratic manager is someone who does not serve on the Committee on the Judiciary.

Be that as it may, I appreciate the support for my bill. Mr. Speaker, I yield such time as he may allow to the gentleman from Pennsylvania (Mr. GEKAS), who has spent much more time in the vineyards of trying to pass bankruptcy reform than our newfound convert over on the other side of the aisle.

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

Mr. Speaker, it is true that from the very first moment that we began the movement for bankruptcy reform, farmers in Chapter 12 were always one of the priorities, and not a day passed in the formation of the new bankruptcy reform bill that we did not insist that the final version that we were going to pass in this House and hopefully in the Senate and sign into law would contain Chapter 12 permanency for our farmers.

What happened was that even though we made measured progress by passing the bank reform bill overwhelmingly in the House and overwhelmingly in the Senate at different times, the conference that was then formed never came to fruition. When it finally did, and we did pass it and presented it to the then incumbent President, Bill Clinton, he allowed it to fade into oblivion through a pocket veto.

So we are back at it again. We passed another bankruptcy reform bill. Again, we had the farmers in mind in Chapter 12 because in Chapter 12 they were always one of the priorities, and it is a permanent solution to a vexing problem, and it is in bankruptcy reform.

Now we have again at hand a conference report that treats our farmers in Chapter 12 the way they deserve to be treated, along with many other elements of our society who are protected and whose lives are enhanced by the other provisions in the bankruptcy reform measure. We await now the dissolution of the little quorum problem that vexes us that keeps us from final passage of bankruptcy reform.

In the meantime, we will continue with our vigilance for the farmers under Chapter 12 by passing this legislation.

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

Mr. Speaker, I say to my friend, the gentleman from Wisconsin, he is right, I do not serve on the Committee on the Judiciary, but I proudly serve on the Committee on Agriculture, and have worked very closely with my farmers in my congressional district, as well as farmers throughout the Commonwealth of Pennsylvania. I can tell the Members that they want to have us permanently extend or to make permanent Chapter 12 of the bankruptcy code, and I want us to actually just do it as we go along, giving them an extension; they want it to be made permanent.

I am here to lend my support to that. I will support this bill today, but hopefully we will be able to make Chapter 12 permanent in the very near future.

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

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

Mr. Speaker, we would not be here today talking about Chapter 12 or the whole issue of bankruptcy reform had not former President Clinton pocket-vetoed the bankruptcy reform bill introduced by the gentleman from Pennsylvania (Mr. GEKAS) in the last Congress, which passed both Houses, and then President Clinton decided that he would let the 10 days go by after the adjournment of Congress, and the bill did not become law because of a pocket veto. Because of that pocket veto, we have been struggling with bankruptcy reform again during this Congress.

Now, the gentleman from Pennsylvania (Mr. GEKAS) has been a leader since 1998 in bankruptcy reform. He introduced the first bill to make Chapter 12 permanent. He introduced a bill in the last Congress to make Chapter 12 permanent. He has been the principal author of the bill in this Congress to make Chapter 12 permanent.

Now, maybe my other friend, the gentleman from Pennsylvania, maybe his farmers are a little different from Wisconsin farmers. Wisconsin farmers do not want to go bankrupt. Chapter 12 is not a very commonly used provision in the bankruptcy law, but it is a necessary provision in the bankruptcy law.

I appreciate the recent interest of the gentleman from Pennsylvania (Mr. HOLDEN) in this issue. Unlike the other the gentleman from Pennsylvania (Mr. GEKAS), he has not introduced a single bill on Chapter 12. He has cosponsored one, but he has not sponsored it.

So I hope that we can have a groundswell of support, and I welcome him aboard.

Mr. BERKOUTER. Mr. Speaker, this Member rises today to express his support for H.R. 5472, which extends Chapter 12 bankruptcy for family farms and ranches to July 1, 2002. Chapter 12 bankruptcy once again is set to expire on January 1, 2002. This legislation is very important to the nation's agriculture sector.

This Member would express his appreciation to the distinguished gentleman from Wisconsin (Mr. SENSENBERGREN), the Chairman of the House Judiciary Committee, for introducing H.R. 5472. In addition, this Member would like to express his appreciation to the distinguished gentleman from Michigan (Mr. SMITH) for his efforts in getting this measure to the House Floor for consideration.

This extension of Chapter 12 bankruptcy is supported by this Member as it allows family farmers to reorganize their debts as compared to liquidating their assets. The use of the Chapter 12 bankruptcy provision has been an important and necessary option for family farmers throughout the nation. It has allowed family farmers to reorganize their assets in a manner which balances the interests of creditors and the future success of the involved farmers.

If Chapter 12 bankruptcy provisions are not extended for family farmers, it will be another very painful blow to an agricultural sector already suffering from low commodity prices. Not only will many family farmers have no viable option other than to end their operations, but it will also cause land values to likely plunge. Such a decrease in value of farmland will negatively affect the ability of family farmers to farm going forward. In addition, the resulting decrease in farmland value will impact the manner in which banks conduct their agricultural lending activities. Furthermore, this Member has received many contacts from his constituents supporting the extension of Chapter 12 bankruptcy because of the situation now being faced by our nation's farm families—it is clear that the agricultural sector is hurting.

Mr. Speaker, in closing, this Member urges his colleagues to support H.R. 5472. Mr. SENSENBERGREN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. GILCHREST). The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBERGREN) that the House suspend the rules and pass the bill, H.R. 5472.

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

A motion to reconsider was laid on the table.

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

Mr. HOLDEN. Mr. Speaker, pursuant to rule IX, clause 1, I rise to give notice of my intent to present a question of the privileges of the House. The form of the resolution is as follows:

A resolution in accordance with House Rule IX, expressing a sense of the House that its integrity has been impugned and its Constitutional duty hampered by the inability of the House to bring to the floor, a clean bill permanently extending Chapter 12 of title 11 of the U.S. Code which provides bankruptcy protections to family farmers.

Whereas, Chapter 12 of the Federal bankruptcy code was enacted in 1986 as a temporary measure to allow family farmers to repay their debts according to a plan under court supervision, preventing a situation from occurring where a few bad crop years lead to the loss of the family farm; and

Whereas, in the absence of Chapter 12, farmers are forced to file for bankruptcy reorganization under the Bankruptcy Code's other alternatives, none of which work quite as well for farmers as chapter 12; and

Whereas, since its creation, the Chapter 12 family farmer bankruptcy protection has been renewed regularly by Congress and has never been controversial; and

Whereas in 1997, the National Bankruptcy Review Commission recommended that Chapter 12 be made permanent; and

Whereas in this Congress, just as in previous Congresses, the larger Bankruptcy Reform Act includes a provision that permanently extends Chapter 12. And, in this Congress, just as in previous Congresses, the larger Bankruptcy Reform Act is a controversial bill whose enactment is an uncertainty; and
Whereas, for 5 years now, family farmers have been held hostage by the contentious debate surrounding the larger bankruptcy issue. For 5 years, the family farmer has been told, falsely, that Congress will extend these protections for another few months until we reach the next legislative hurdle on the larger bankruptcy issue; and

Whereas in reality, family farmers are making plans to borrow money based on next year’s expected harvest in order to be able to buy the seeds needed to plant the crops for that harvest. If these farmers extend these protections for another few months, they need to have the assurance that Chapter 12 family farmer bankruptcy protections are going to be there for them on a permanent basis. Further and temporary extensions do not do the job.

Now therefore, be it resolved that it is the sense of the House of Representatives that the Speaker should immediately call for consideration by this body, HR 5348, the Family Farmers and Family Fishermen Protection Act of 2002, which will once and for all give family farmers the permanent bankruptcy protections they have been waiting over five years for.

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

Pending that resolution, the form of the resolution noticed by the gentleman from Pennsylvania will appear in the RECORD at this point.

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

Mr. HOLDEN. Mr. Speaker, I ask to be heard at the appropriate time on the question of whether this resolution constitutes a question of privilege.

The SPEAKER pro tempore. That time will be designated.

FEDERAL COURTS IMPROVEMENT ACT OF 2002

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4125) to make improvements in the operation and administration of the Federal courts, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4125

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

SEC. 101. SHORT TITLE, TITLE, AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Federal Courts Improvement Act of 2002".

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

Sec. 101. Authority of bankruptcy administrators to appoint trustees and to serve as trustees in bankruptcy cases in the States of Alabama and North Carolina.

Sec. 102. Change in composition of divisions of Eastern District of Texas.

Sec. 103. Conditions of probation and supervised release.

Sec. 104. Recall of supervisory orders.

Sec. 105. Clarifying the scope of diversity of citizenship for resident aliens.

Sec. 106. Authority of district courts regarding matters pertaining to petit jurors serving on lengthy juries.

Sec. 107. Deletion of automatic excuse from petit jury wheels.

Sec. 108. Elimination of the public drawing rule for selection of juror wheels.

Sec. 109. Supplemental attendance fee for petit jurors serving on lengthy juries.

Sec. 110. Change in composition of divisions in Western District of Tennessee.

Sec. 111. Place of holding court in the Southern District of Ohio.

Sec. 112. Place of holding court in the Northern District of New York.

TITLES I—JUDICIAL PERSONNEL ADMINISTRATION, BENEFITS, AND PROTECTIONS

Title I—Judicial Personnel Administration, Benefits, and Protections

Title I—Judicial Personnel Administration, Benefits, and Protections

SEC. 101. AUTHORITY OF BANKRUPTCY ADMINISTRATORS TO APPOINT TRUSTEES AND TO SERVE AS TRUSTEES IN BANKRUPTCY CASES IN THE STATES OF ALABAMA AND NORTH CAROLINA.

Until the amendments made by subtitle A of title II of the Bankruptcy Judges, United States Trustees, and Family Farmer Bankruptcy Act of 1986 (28 U.S.C. 581 note; Public Law 99–554; 100 Stat. 3056) are each amended by inserting after "Delta, Denton, Fannin, Grayson, Hopkins, and Lamar"; and

(b) by inserting "and Plano" after "held at Sherman";

(c) EFFECTIVE DATE.—

(i) In general.—This section and the amendments made by this section shall take effect on the date of the enactment of this Act.

(ii) PENDING CASES NOT AFFECTED.—This section and the amendments made by this section shall not affect any action commenced before the effective date of this section and pending in the United States District Court for the Eastern District of Texas on such date.

(iii) JURIES NOT AFFECTED.—This section and the amendments made by this section shall not affect the composition, or preclude the service, of any grand or petit jury summoned, impaneled, or actually serving in the Eastern Judicial District of Texas on the effective date of this section.

SEC. 102. CONDITIONS OF PROBATION AND SUPERVISED RELEASE.

(a) CONDITIONS OF PROBATION.—Section 3583(a)(2) of title 18, United States Code, is amended by striking "(b)(2), (b)(3), or (b)(13)" and inserting "(b)(2) or (b)(12)"

(b) SUPERVISED RELEASE AFTER IMPRISONMENT.—Section 3621(d) of title 18, United States Code, is amended by striking "section 3621(b)(1)" and all that follows through "applicable term" and inserting "section 3621(b) and any other condition it considers to be appropriate, except that a condition set
forth in subsection 365(b)(10) shall be imposed only for a violation of a condition of supervised release in accordance with subsection (e)(2) of this section and only when facilities are available.

(c) CONFORMING AMENDMENT.—Section 365(b)(10) of title 18, United States Code, is amended by inserting "or supervised release" after "upon relinquishing office if the judge is then beyond the age of sixty-five years—"

SEC. 105. CLARIFYING THE SCOPE OF DIVERSITY OF CITIZENSHIP FOR RESIDENT ALIENS.

Section 1332(a) of title 28, United States Code, is amended in the first sentence —

(1) by striking "shall" and inserting "may"; and

(2) by striking "his" and inserting "the".

SEC. 106. AUTHORITY OF DISTRICT COURTS REGARDING JURORS.

Section 1869(g) of title 28, United States Code, is amended in the first sentence —

(1) by striking "shall" and inserting "may"; and

(2) by striking "his" and inserting "the".

SEC. 107. DELETION OF AUTOMATIC EXCUSE FROM JURY SERVICE FOR MEMBERS OF THE ARMED FORCES, MEMBERS OF POLICE AND FIRE DEPARTMENTS, AND MILITARY PERSONNEL.

(a) REMOVAL OF EXEMPTION.—Section 1863(b) of title 28, United States Code, is amended by striking paragraph (6) and redesignating paragraphs (7) and (8) as paragraphs (6) and (7), respectively.

(b) CONFORMING AMENDMENTS.—(1) Section 1863(a) of title 28, United States Code, is amended in the first sentence by striking "or," or "or," except that such judge is still serving at the time he or she is to retire under paragraph (2) of subsection (b) of that section; and in the second sentence by striking "and inserting "and".

(2) Section 1866 of title 28, United States Code, is amended —

(A) in the first sentence of subsection (a), by striking "exempt or";

(B) in the first sentence of subsection (c) —

(i) by striking "or (6)"; and

(ii) by striking "excused, or exempt" and inserting "or excused"; and

(C) in subsection (d), by striking "exempt.

(3) Section 1869 of title 28, United States Code, is amended —

(A) in the first sentence of subsection (b), by striking "or exempted"; and

(B) by inserting "and (7)".

(c) DISCRETIONARY EXEMPTION FROM SERVICE.—(1) Section 982 of title 10, United States Code, is amended —

(A) by amending the section heading to read as follows:

"982. Members: service on Federal, State, and local juries;"

and

(B) by striking "State or" and inserting "Federal, State, or".

(2) The item relating to section 982 in the table of sections for chapter 49 of title 10, United States Code, is amended to read as follows:

982. Members: service on Federal, State, and local juries;".

SEC. 108. ELIMINATION OF THE PUBLIC DRAWING REQUIREMENTS FOR SELECTION OF JURY WHEELS.

(a) DRAWING NAMES FROM JURY WHEEL.—Section 1864(a) of title 28, United States Code, is amended—

(1) in the first sentence, by striking "publicly"; and

(2) by inserting after the first sentence the following new sentence: "The clerk or jury commission shall post a general notice for public review in the clerk’s office explaining the process by which names are periodically and randomly drawn.

(b) SELECTION AND SUMMONING OF JURY PANELS.—Section 1865(a) of title 28, United States Code, is amended—

(1) in the second sentence, by striking "publicly"; and

(2) by inserting after the second sentence the following new sentence: "The clerk or jury commission shall post a general notice for public review in the clerk’s office explaining the process by which names are periodically and randomly drawn.

(c) CONFORMING AMENDMENT.—Section 1869(i) of title 28, United States Code, is repealed.

SEC. 109. SUPPLEMENTAL ATTENDANCE FEE FOR JURORS SERVING IN LENGTHY TRIALS.

Section 1871(b)(2) of title 28, United States Code, is amended by striking "thirty" each place it appears and inserting "fifty".

SEC. 110. CONFORMING AMENDMENTS TO DIVISIONS IN WESTERN DISTRICT OF TENNESSEE.

(a) IN GENERAL.—Section 123(c) of title 28, United States Code, is amended—

(1) in paragraph (1)—

(A) by inserting "Dyer," after "Decatur," and

(B) in the last sentence, by inserting "and Dyerburg" after "Jackson"; and

(2) in paragraph (2)—

(A) by striking "and Dyerburg," and

(B) in the second sentence, by striking "and Dyerburg.".

(b) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 111. PLACE OF HOLDING COURT IN THE DISTRICT COURT FOR THE WESTERN DISTRICT OF TENNESSEE.

(a) IN GENERAL.—This section and the amendments made by this section shall not affect any action commenced before the effective date of this section or any case pending in any District Court for the Western District of Tennessee.

(b) JURIES NOT AFFECTED.—This section and the amendments made by this section shall not affect the composition, or preclude the service, of any grand or petit jury summoned, impaneled, or actually serving in the Western Judicial District of Tennessee on the effective date of this section.

SEC. 112. PLACE OF HOLDING COURT IN THE NORTHERN DISTRICT OF OHIO.

Section 115(b)(2) of title 28, United States Code, is amended by striking " and Steuben-" and inserting " and Steuben- and Jackson County, and the following new sentence:

"IN GENERAL.—The section shall be adjusted pursuant to the provisions of such salary which the aggregate number of such judge’s years of judicial service bears to fifteen.

(b) BY AMENDING SUBSECTION (G) TO READ AS FOLLOWS:

"(g) Any retired judge who is entitled to receive an annuity under this section shall be entitled to a cost-of-living adjustment in the amount computed as specified in section 5332 of title 5, except that no case may be payable under age, as increased under this subsection, the salary of a judge in active service which the retired judge served before retiring;"

SEC. 202. FEDERAL JUDICIAL CENTER PERSONNEL MATTERS.

Section 5316 of title 28, United States Code, is amended—

(1) in subsection (b)—

(A) by striking "United States Code," and

(B) by striking "pay rates, section 5316, title 5, United States Code" and inserting "under chapter III of title 5 shall be adjusted pursuant to the provisions of section 894 of such title";

(2) in subsection (c), by striking "United States Code," and

(3) in subsection (d) —

(A) by striking "United States Code," and

(B) by striking "pay rates, section 5316, title 5, United States Code" and inserting "under section 5332 of title 5."
SEC. 203. ANNUAL LEAVE LIMIT FOR JUDICIAL BRANCH EXECUTIVES.
Section 6304(c)(1) of title 5, United States Code, as amended—
(1) in subparagraph (D), by striking "oral";
(2) in subparagraph (E), by striking the period and inserting "or"; and
(3) in subsection (c), by striking "(3)(C)(ii)" and inserting the following:
"(F) the judicial branch designated as a court unit executive position by the Judicial Conference of the United States or designated as an executive position in the Federal Judicial Center by the Board of the Federal Judicial Center.".

SEC. 204. SUPPLEMENTAL BENEFITS PROGRAM.
Section 803 of title 26, United States Code, is amended—
(1) by redesignating paragraphs (6) through (24) as paragraphs (7) through (25), respectively; and
(2) by inserting after paragraph (5) the following:
"(6) In the Director's discretion, establish a program of benefits, in addition to those otherwise provided by law, for officers and employees of the judicial branch, including justices and judges of the United States;"

SEC. 205. INSIGNIA OF JUDICIAL BRANCH PERSONNEL IN ORGAN DONOR LEAVE PROGRAM.
Section 422(a) of title 5, United States Code, is amended by inserting "or an entity of the judicial branch" after "an employee in or under an Executive agency".

SEC. 206. MAXIMUM AMOUNTS OF COMPENSATION FOR ATTORNEYS.
Paragraph (2) of subsection (d) of section 3006A of title 18, United States Code, is amended—
(1) by striking "$5,200" and inserting "$7,000"; and
(2) by striking "$1,500" and inserting "$2,000".

SEC. 207. MAXIMUM AMOUNTS OF COMPENSATION FOR SERVICES OTHER THAN COUNSEL.
Subsection (e) of section 3006A of title 18, United States Code, is amended—
(1) in paragraph (2)—
(A) by striking "$390" and inserting "$500"; and
(B) by striking "$200" and inserting "$300".

SEC. 208. PROTECTION AGAINST MALICIOUS RECORDING OF FICTITIOUS LIENS AGAINST FEDERAL JUDGES.
(a) In General.—Chapter 73 of title 18, United States Code, is amended by adding at the end thereof the following:
"§ 15251. Retaliating against a Federal judge by false claim or slander of title."

(b) Whoever files or attempts to file, in any public record or in any private record which is generally available to the public, any lien, encumbrance, civil claim, or other document against a Federal judge or against the real or personal property of a Federal judge, knowing or having reason to know that such claim, lien, encumbrance, or document is false or contains any materially false, fictitious, or fraudulent statement or representation, shall be fined under this title or imprisoned for not more than five years, or both. In any case under this subsection which was committed after the defendant had previously been convicted of an earlier offense under this subsection, the defendant shall be fined under this title or imprisoned for not more than ten years, or both.

"(b) As used in this section, the term 'Federal judge' means a justice or judge of the United States as defined in section 451 of title 28, a judge of the United States Court of Federal Claims, a District Court judge, a United States magistrate judge, and a judge of the United States Court of Appeals for the Armed Forces, United States Court of Appeals for Veterans Claims, United States Tax Court (including any special trial judge appointed under section 7443A of the Internal Revenue Code of 1986), District Court of Guam, District Court of the Northern Mariana Islands, or District Court of the Virgin Islands."

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 73 of title 18, United States Code, is amended by adding at the end the following new item:
"1521. Retaliating against a Federal judge by false claim or slander of title.
"(c) SEC. 209. APPOINTMENT AUTHORITY FOR CIRCUIT LIBRARIANS.
Section 713 of title 28, United States Code, is amended—
(1) in subsection (a)—
(A) by striking "Each court of appeals" and inserting "the Judicial council of each circuit;" and
(B) by striking "the court" and inserting "the judicial council;" and
(2) in subsection (b), by striking "courts" each place it appears and inserting "judicial council".

TITLE III—ADDITIONAL PROVISIONS
SEC. 301. MONITORING OF COMMUNICATIONS OF OFFICERS AND EMPLOYEES OF JUDICIAL BRANCH.
Section 604 of title 28, United States Code, is amended by adding at the end the following:
"(i)(1) The Judicial Conference should take such steps as it deems necessary and appropriate to safeguard the privacy of officers and employees of the judicial branch by ensuring that—
"(A) the Director does not intercept electronic communications of any such officer or employee (including any electronic communication consisting of an electronic mail message or a transfer of information by means of the World Wide Web or the Internet) between or among computers, or hire or enter into a contract with another entity to monitor or intercept such communications, except pursuant to—
"(i) a law enforcement investigation;
"(ii) prior authorization by the Judicial Conference or its Executive Committee; or
"(iii) a policy adopted by the Judicial Conference setting forth the procedures under which the interception of such communications may be authorized; and
"(B) any information obtained pursuant to interception of communications authorized under subparagraph (A) is used solely for the purposes for which the interception is authorized.
"(2) In this subsection—
"(A) the term 'electronic communication' has the meaning given that term in section 2510 of title 18;
"(B) the term 'by means of the World Wide Web' and 'Internet' have the meanings given those terms in section 231(e) of the Communications Act of 1934 (47 U.S.C. 231(e)); and
"(C) the term 'computer' has the meaning given that term in section 1030(e) of title 18.

SEC. 302. CEREMONIAL AMENDMENTS.
Section 332 of title 28, United States Code, is amended—
(1) in subsection (a)(3), by striking "§317(1)(A)" and inserting "§317(1)(B)"; and
(2) by striking the second subsection designated "(h)"; and

(3) in subsection (f)(4), by striking "United States Code".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Pennsylvania (Mr. HODGSON) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

GENERAL LEAVE
Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to read the remarks and to include extraneous material on H.R. 4125, the bill under consideration.

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

There was no objection.

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

Mr. Speaker, this bill is necessary for the proper functioning of the Federal court system. The legislation addresses various judicial process matters, as well as personnel and compensation issues. I will briefly mention a few of the major provisions included in this legislation.

The bill makes changes in places of holding court in order to alleviate hardships placed upon parties, jurors, lawyers, and judges that must otherwise travel great distances to participate. This will have a positive impact on the administration of justice.

The bill will permit judges to submit annual summary reports on wiretap orders acted on during the previous calendar year, such as prosecutors do. This change would simplify the reporting requirements for the judges and their staffs without affecting the accuracy or timeliness of the reporting required by statute.

The bill gives territorial judges in the District Courts of Guam, the Northern Mariana Islands, and the Virgin Islands comparable retirement arrangements as other judges.

The bill includes the judicial branch personnel in the Organ Donor Leave Program, and provides Federal judges with protection against the malicious recording of fictitious liens.

The manager's amendment makes only noncontroversial technical changes.

Section 101 is amended to clarify that bankruptcy administrators in North Carolina and Alabama have the same authority as U.S. trustees to appoint bankruptcy case trustees, standing trustees, examiners, and committees of creditors and equity security holders. The legislation corrects several highly technical drafting errors.

Finally, Mr. Speaker, section 204 authorizes the Director of the Administrative Office to establish a program of benefits not currently authorized by law. The Judicial Conference request for this authority is based on the conclusion that the health benefits provided for employees of the judicial branch
branch need to be upgraded to attract and retain employees in future years.

The Administrative Office intends to expand an existing cafeteria health benefit plan by adding a dental benefits program to it. The judiciary currently provides health benefit programs which involve the use of employee compensation contributions to medical savings accounts and long-term disability accounts. These health care costs can then be paid with pretax dollars. The dental program will require appropriated funds, and enactment of section 204 will allow the judiciary to seek funding for it from the Committee on Appropriations.

The authority provided in section 204 is not intended to provide open-ended discretion to the Director of the Administrative Office to establish benefit programs. The Committee on the Judiciary and Committee on Government Reform will exercise their oversight responsibility on this program. Also, the Committee on Appropriations will have a significant role to play as appropriations are requested to continue and expand judiciary employee benefits in the future.

I am assured that the Judicial Conference will work closely with the Congress as these programs progress in future years.

Mr. Speaker, H.R. 4125 will greatly assist the Federal Courts in their operations. This is noncontroversial legislation, and I urge my colleagues to support it.

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

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

Mr. Speaker, I rise in support of H.R. 4125, in order to provide a Federal Courts Improvement Act of 2002. H.R. 4125 is a noncontroversial bill that will contribute to judicial efficiency and promote the sound management of the judicial branch.

H.R. 4125 and its predecessor have been overwhelmingly supported by the Committee on the Judiciary. On July 17, 2001, the Subcommittee on Courts, the Internet, and Intellectual Property of the Committee on the Judiciary held a hearing on H.R. 2522, the precursor to H.R. 4125. Based on testimony received at the hearing and subsequent reaction, the subcommittee chairman, the gentleman from California (Mr. BERMAN), introduced a clean bill, H.R. 4125, devoid of all controversial items.

On May 2, the subcommittee conducted a markup of H.R. 4125. On September 10, 2002, the full Committee on the Judiciary held a markup, adopted several amendments, and reported H.R. 4125 favorably.

The version of H.R. 4125 before the House today contains several amendments to the version reported by the Committee on the Judiciary. Most of these amendments are technical but one is substantive. The amendments in section 101 ensure that the bankruptcy administrators have the same powers as bankruptcy trustees, no more and no less. With these amendments and those made during the committee consideration, I believe that H.R. 4125 has been rendered wholly noncontroversial.

H.R. 4125 contains a variety of noteworthy provisions, but I wish to highlight one in particular. Section 301 states that the Judicial Conference of the U.S. Courts should take certain steps to protect the privacy of judges and judicial employees. Namely, the Judicial Conference should ensure that the Administrative Office of the U.S. Courts does not intercept electronic communications of judges and judicial employees without authorization from the Judicial Conference.

I fully support H.R. 4125 and encourage my colleagues to do the same.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 4125, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. SENSENBRENNER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Res. 417.

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

There was no objection.

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

Mr. Speaker, this resolution was introduced by our distinguished colleague, the gentleman from Nevada (Mr. GIBBONS).

The honoree, C. Clifton Young, was a Member of Congress representing Nevada and currently serves on the Nevada Supreme Court. He has had a remarkable career beginning in his childhood, where he sold newspapers, was the local soda jerk, the valedictorian of his high school class, went to the University of Nevada at Reno, and was the only student with membership in both the University Singers and the college wrestling team. He joined the Army after college and served tours of duty in France, Germany and Austria and was honorably discharged as a major at the age of 23. He then went to Harvard Law School. I think that may have compromised his Western values a bit. But from there he went on to have over a half century of public service.

He served two terms as Nevada’s then lone representative in Congress. He was elected to the Nevada State Senate, following his service in Congress, and served 14 years there. And in 1984 he was appointed to the Nevada Supreme Court and will have served 18 years until his retirement at the end of the year.

Whereas Justice Young attended the University of Nevada in Reno, and Harvard Law School;

Whereas Justice Young proudly served as an officer in the 101st Infantry Division in France, Germany, and Austria during World War II;

Whereas Justice Young has been a loving husband to Jane Hempfling Young for almost 50 years, and together they have raised 5 children; and

Whereas Justice Young stands as a role model to all people of the United States as a proud and successful public servant: Now, therefore, be it

Resolved, That the House of Representatives:

1. honors the dedication and commitment of Justice C. Clifton Young to the people of Nevada and the United States;

2. congratulates Justice Young on his long and successful career; and

3. expresses its best wishes to Justice Young upon his retirement from the Nevada Supreme Court.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Pennsylvania (Mr. HOLDEN) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Res. 417.

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

There was no objection.

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

Mr. Speaker, this resolution was introduced by our distinguished colleague, the gentleman from Nevada (Mr. GIBBONS).

The honoree, C. Clifton Young, was a Member of Congress representing Nevada and currently serves on the Nevada Supreme Court. He has had a remarkable career beginning in his childhood, where he sold newspapers, was the local soda jerk, the valedictorian of his high school class, went to the University of Nevada at Reno, and was the only student with membership in both the University Singers and the college wrestling team. He joined the Army after college and served tours of duty in France, Germany and Austria and was honorably discharged as a major at the age of 23. He then went to Harvard Law School. I think that may have compromised his Western values a bit. But from there he went on to have over a half century of public service.

He served two terms as Nevada’s then lone representative in Congress. He was elected to the Nevada State Senate, following his service in Congress, and served 14 years there. And in 1984 he was appointed to the Nevada Supreme Court and will have served 18 years until his retirement at the end of the year.

Whereas Justice Young attended the University of Nevada in Reno, and Harvard Law School;

Whereas Justice Young proudly served as an officer in the 101st Infantry Division in France, Germany, and Austria during World War II;
He has been active in the Boy Scouts, the YMCA, and he also served as president of the National Wildlife Federation. I have a lengthy statement I will put in the Record, but I think that he is really an example of the American dream on a truly unique individual who returned many of his talents to his community, his State and his Nation, serving both in volunteer capacities and in the legislative and judicial branches of government.

H. Res. 417 introduced by Representative Gibbons of Nevada, recognizes the career and efforts of former Member C. Clifton Young, currently serving on the Nevada Supreme Court, Justice Young will be retiring from the Court at the end of this year when his term expires, thus completing a career which was comprised of decades of selfless public service.

Justice C. Clifton Young prepared for his illustrious career growing up in Lovelock, Nevada, selling newspapers and Grit magazine, shining shoes, and satisfying the community thirst in the hot Nevada plains as the local soda jerk. Even with all of these commitments, Young graduated Valedictorian of his High School class.

At the University of Nevada in Reno, Young remained active, becoming President of the Lambda Chi Fraternity, cadet commander of the campus ROTC, and was perhaps the only student with membership in both the University Singers and the college wrestling team.

Young went on to join the army after college and spent the next three and a half years in the Infantry of the 103rd Division. After serving tours of duty in France, Germany, and Austria, he was honorably discharged as a Major at the age of 23.

After the war, Young went on to graduate from Harvard Law School. From there Young set in for the beginnings of what would become over a half century of public service. From a county public administrator, Young went on to become Nevada’s then lone Representative in Congress, and over his two terms never missed a vote. In 1966 he was elected to the Nevada State Senate, where he served for 14 years.

He then was elected in 1984 to the Nevada Supreme Court, where he will have served for 18 years upon his retirement. While engaged in all of these life activities, Young also found time to be active in the Boy Scouts, YMCA, and serve as President of the National Wildlife Federation.

C. Clifton Young has given much to his community, and I support this resolution recognizing his public service. And let me just state that Justice Young deserves something like a resolution from this body. In 1952, full of the excitement of representing the people of Nevada, he was greeted by the District not with parades or fanfare, but instead by having his car stolen. We cannot replace his car, but we can support this resolution, which I urge my colleagues to do.

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

Mr. Holden. Mr. Speaker, I rise in support of H. Res. 417, which honors the life and work of Nevada Justice C. Clifton Young, and I urge my colleagues to vote for this resolution.

This bill was marked up by the Committee on the Judiciary in June of this year. No objections have been registered about this bill either before, during or after the Committee on the Judiciary considered the resolutions. In fact, H. Res. 417 has garnered universal support. While I do not know Justice Young personally, I was told in the consideration of this bill, and it became apparent he is quite a remarkable man.

Justice Young has led a life of public service. He served his country as an officer in the 103rd Infantry Division in France during World War II. He has served on the Nevada Supreme Court since 1984. He also served as president of the National Wildlife Foundation.

Sadly, Justice Young is retiring from the Nevada Supreme Court. It is only right at this time Congress pause to honor Justice Young and reflect on his public service. Once again, I urge all my colleagues to support H. Res. 417.

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

Mr. Sensenbrenner. Mr. Speaker, I yield such time as he may consume to the gentleman from Nevada (Mr. Gibbons).

Mr. Gibbons. Mr. Speaker, I thank my friend, the chairman of the Committee on the Judiciary, for yielding me time.

Mr. Speaker, it is my great honor today to be on the floor to speak in favor of H. Res. 417, a resolution I introduced to recognize the distinguished career and extraordinary life of Justice C. Clifton Young. Justice Clif Young will be retiring this year after serving 18 years on the Nevada Supreme Court. However, this achievement is only one in a long list of accomplishments which span Justice Young’s lifetime.

As a young boy in the rural, agricultural community of Lovelock, Nevada, Cliff Young was the son of pioneers and a remarkable man.

His work ethic earned him the honor of being named valedictorian of his high school class and then earning the highest scholastic achievement at graduation from the University of Nevada at Reno. He would eventually continue his studies at Harvard Law School thanks to the G.I. Bill, but before he embarked on a career in law and public service, Justice Young served his Nation as an officer in the 103rd Infantry Division during World War II. He was honorably discharged as a major at the age of 23.

After his military service and finishing law school, Cliff Young was elected to his first public office, the Washoe County public administrator. Two years later he would be elected the Representative of Nevada in this Chamber, the House of Representatives, where he served two terms, never missing a single vote. His time in Washington proved to be quite eventful and not solely due to legislation which came before Congress. Upon his arrival to the Nation’s Capital with his wife, their car was stolen. Then while serving in Congress, shots were fired into the Chamber wounding the Member sitting next to him.

Yes, Justice Young’s service in Congress was certainly eventful. After serving two terms, Cliff Young would return home to the State of Nevada. He would then serve 14 years in the Nevada State Senate and be elected to the Nevada Supreme Court in 1984. At the end of this term, Justice Young will have completed 50 years of public service to his State and to the Nation. All the while he remained active in his local community as a member of various organizations including serving as President of the YMCA, State chairman of the Nevada Cancer Association Campaign, and chairman of the Washoe County Parks and Recreation Board.

Justice Young not only devoted his life to public service but also to our legal system as a leader for meaningful judicial reform. His commitment to fairness and equality set him apart and earned him the respect of his colleagues and fellow Nevadans.

Justice Young stands as a role model to all Americans. This resolution celebrates Justice Young’s life, his work and, yes, his dedication. May this recognition inspire others to follow in his footsteps and embark on similar courses of distinguished service.

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

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

The Speaker pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. Sensenbrenner) that the House suspend the rules and agree to the resolution, H. Res. 417.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

ROBERT WAYNE JENKINS STATION

Mr. Sullivan. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4851) to redesignate the facility of the United States Postal Service located at 6910 South Yorktown Avenue in Tulsa, Oklahoma, as the "Robert Wayne Jenkins Station."

The Clerk read as follows:

H.R. 4851
Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ROBERT WAYNE JENKINS STATION.

(a) Designation.—The facility of the United States Postal Service located at 6910 South Yorktown Avenue in Tulsa, Oklahoma, is known as the "Southside Station, shall be known and designated as the "Robert Wayne Jenkins Station".
Mr. Speaker, I reserve the balance of my time.

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

Mr. Speaker, as a Member of the House committee on Government Reform, I rise to join my colleague in the consideration of H.R. 4851, which names a postal facility in Tulsa, Oklahoma, after Robert Wayne Jenkins.

H.R. 4851, which enjoys the support and co-sponsorship of the entire Oklahoma delegation, was introduced by the gentleman from Oklahoma (Mr. SULLIVAN) on May 23, 2002. Mr. Jenkins was a postal letter carrier who was delivering mail on his route when he was shot to death for no reason. A 9-year career letter carrier, Mr. Jenkins was a dedicated and trusted postal employee who went about his job in an efficient and effective manner. Sadly, he leaves behind a wife, Amber, and her infant, Caitlyn.

Mr. Speaker, I applaud the support of naming a post office after Mr. Robert Wayne Jenkins, slain postal letter carrier. But I am deeply disappointed and saddened that we were unable to also consider additional naming postal legislation today.

Last week two postal naming bills were placed on the postal naming list for floor consideration and subsequently removed from consideration. Those bills were H.R. 5340, sponsored by the gentleman from California (Ms. WATERS), which names a post office after the late great broadcaster Francis Dayle “Chick” Hearns, and H.R. 2578, sponsored by the gentlewoman from California (Ms. WATERs), which names a postal facility after former Representative Augustus F. Hawkins. These bills too have met the Committee on Government Reform policy and have been co-sponsored by the entire California delegation.

They, too, deserve prompt consideration and name postal facilities after deserving individuals. Both H.R. 5340 and H.R. 2578 deserve immediate consideration on the House floor.

While we will not object to today’s bill, we will object to future bills if the Republican leadership does not schedule Democratic postal-naming bills for a House vote so that there can be equity and fairness in the process.

Mr. Jenkins was a letter carrier, one of a proud group of employees who performed a valuable service to our country. In serving his country, Mr. Jenkins could not have paid a higher price.

I commend the gentleman from Oklahoma for introducing this legislation, urge its passage.

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

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

The SPEAKER pro tempore (Mr. SHIMKUS). The question is on the motion offered by the gentleman from Oklahoma (Mr. SULLIVAN) that the House suspend the rules and pass the bill, H.R. 4851.

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

A motion to reconsider was laid on the table.

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

Mr. BROWN of Ohio. Mr. Speaker, pursuant to House Rule IX, clause 1, I rise to give notice of my intent to present a question of privileges of the House.

The form of the resolution is as follows:

A resolution, in accordance with House Rule IX, expressing a sense of the House that its integrity has been impugned due to the failure of the House to fulfill its obligations under Article I, Section VIII, of the Constitution.

Whereas Article I, Section VIII, of the Constitution states Congress shall have Power to promote the progress of Science and the useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries; whereas such protections on Writings and Discoveries have been promulgated by patent, copyright, and other laws, including Public Law 98-417, affording Authors and Inventors the exclusive Right to their respective Writings and Discoveries for a limited period of time; whereas such provisions of Public Law 98-417 breach this constitutional requirement by failing to impose such limitation on the protection of certain medical inventions; whereas provisions of Public Law 98-417 imbue the Food and Drug Administration with the authority to secure for limited time for Inventors the exclusive Right to their respective Medical Inventions; whereas public Laws 98-417 fails to provide the Food and Drug Administration the authority to refrain from securing this exclusive right for inventors if the conditions for such exclusivity are not met; whereas due to the failure of Congress to provide the Food and Drug Administration with the proper authority to fulfill obligations under the Act, certain medical inventions have received the exclusive Right to their respective Inventions without limitation; whereas the unlimited exercise of exclusivity by prescription drug manufacturers such as healthcare consumers and third party payers to no-competitive prices and results in significantly higher prescription drug costs for purchasers; whereas health care costs increased by 5% in 2001, 3.7 times faster than overall inflation rate; whereas prescription drug cost spending is the fastest growing component of health care costs, and rose 17% in 2001;
Whereas health insurance premiums rose by 11% in 2001, driven largely by the increased cost of prescription drugs;

Whereas state Medicaid spending increased by 11% in Fiscal year 2002, driven primarily by increased prescription drug spending and enrollment growth;

Whereas the number of individuals with health insurance declined by 1.4 million in 2001, a function of the faltering economy, rapid health inflation, and a growing number of states in which public insurance programs are outsourcing budgets;

Whereas prescription drugs are prescribed by licensed healthcare professionals to consumers as a non-discretionary purchase essential to their welfare;

Whereas it is in the public interest to grant a limited period of exclusivity to inventors of prescription drugs, but extending that exclusivity places an inappropriate fiscal burden on consumers, insurers, and public sector payers;

Whereas generic drugs are sold as alternatives to medical inventions for which exclusivity is no longer available;

Whereas generic drugs have the same dosage, quality, and performance as the medical inventions for which they serve as substitutes, according to the Food and Drug Administration;

Whereas on exclusivity have allowed prescription drug prices to drop 40-50 percent when generic drugs enter the market;

Whereas limitations allowing generic drugs to enter the market saved consumers $43–$10 billion in 1994 alone, according to the Congressional Budget Office;

Whereas the failure to apply limitations to the Exclusive rights granted under Public Law 98–622 has afforded widely used medicines, including Prilosec and Paxil, an indefinite period of exclusivity;

Whereas Prilosec and Paxil were among the 50 medicines seniors used most in 2001;

Whereas the Senate has passed S. 812, which amends Public Law 98–417 to restore constitutionally mandated limitations on medical inventions;

Whereas the House has not considered legislation to amend Public Law 98–417 to restore constitutionally mandated limitations in medical inventions;

Whereas it is the obligation of the House to consider such legislation in keeping with its constitutionally mandated obligations to secure for Limited Times to Authors and inventors the right to their Writings and Inventions;

Whereas the failure of the House to restore limitations on the exclusivity afforded to the inventors of prescription drugs, if not remedied, will cost consumers and other purchasers $60 billion over the next ten years, according to the Congressional Budget Office;

Whereas the failure of the House to restore limitations on the exclusivity afforded to the inventors of prescription drugs, if not remedied, will leave more seniors and other Americans without access to needed medicines;

Resolved, that it is the sense of the House of Representatives that the House should consider pending legislation to amend Public Law 98–417 to restore constitutionally mandated limitations on medical inventions on the behalf of American consumers, including seniors, American businesses, and tax-funded federal and state health insurance programs.

The SPEAKER pro tempore. Under rule IX, a resolution offered from the floor 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 gentlewomen from Ohio will appear in the RECORD at this point.

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

Mr. BROWN of Ohio. Mr. Speaker, I ask to be heard at the appropriate time on the question of whether this resolution constitutes a question of privilege.

The SPEAKER pro tempore. That time will be designated.

CONGRATULATING OAKLAND ATHLETICS FOR SETTING MAJOR LEAGUE BASEBALL RECORD FOR LONGEST WINNING STREAK

Mr. SULLIVAN. Mr. Speaker, I move to suspend the rules and agree to the resolution, congratulating the players, management, staff, and fans of the Oakland Athletics organization for setting the Major League Baseball record for the longest winning streak by an American League baseball team.

The Clerk read as follows:

H. RES. 530

Whereas on September 4, 2002, the Oakland Athletics set the Major League Baseball record for the longest winning streak by an American League baseball team by winning 20 consecutive games;

Whereas before September 4, 2002, the record for the longest winning streak by an American League baseball team had stood for 55 years;

Whereas the only other 2 American League baseball teams to win 19 consecutive games were the 1947 New York Yankees and the 1906 Chicago White Sox;

Whereas the only other 2 Major League Baseball teams have won 20 or more consecutive games—this year’s Oakland Athletics with 20 consecutive wins and the 1935 Chicago Cubs with 21 consecutive wins;

Whereas the team also set a record for the Oakland Athletics by winning 24 games during the month of August;

Whereas during this winning streak the Oakland Athletics outscored their opponents 141 to 65 and trailed their opponents during only 10 innings of the 180 innings of the streak;

Whereas the starting pitchers of the Oakland Athletics—Barry Zito, Tim Hudson, Mark Mulder, and Cory Lidle—pitched into the seventh inning of every game of the streak; 6 of the games won as part of the streak and were credited with 15 of the 20 consecutive wins;

Whereas shortstop Miguel Tejada and first baseman Scott Hatteberg each hit walk-off home runs during the streak;

Whereas the Oakland Athletics won 4½ games out of first place in the Western Division of the American League and 2½ games out of the lead for the American League wild card at the beginning of the streak, and ended the streak with a 2 game lead in the division;

Whereas the Oakland Athletics accomplished this feat with the help of wise decisions by Manager Art Howe and General Manager Billy Beane;

Whereas the Oakland Athletics had to sweep some formidable opponents in order to achieve this record, including the leader of the Central Division of the American League, the Minnesota Twins; Now, therefore, be it

Resolved, That the House of Representatives congratulates the players, management, staff, and fans of the Oakland Athletics organization for setting the Major League Baseball record for the longest winning streak by an American League baseball team.

The SPEAKER pro tempore. (Mr. SHIMKUS). Pursuant to the rule, the gentleman from Oklahoma (Mr. SULLIVAN) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Oklahoma (Mr. SULLIVAN).

Mr. SULLIVAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Res. 530.

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

There was no objection.

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

Mr. Speaker, I am pleased to have the House consider House Resolution 530, legislation introduced by my distinguished colleague from California (Mr. Ose). This resolution congratulates the players, management, staff and fans of the Oakland Athletics organization for setting the Major League Baseball record for the longest winning streak by an American League baseball team.

The Athletics, or A’s as they are affectionately known, won 20 straight games earlier this season en route to winning their second American League West Division championship in the last three seasons.

During their remarkable streak, the A’s scorched their opponents 141 to 62. The A’s were defeated 2 to 1 on August 12 by the Toronto Blue Jays and did not lose until September 6 against the Minnesota Twins.

After the game that ended the improbable streak, Twins third baseman Corey Koskie said, “To win 20 games in a row, I don’t know too many high school teams that do that. To do that at the major league level is an amazing feat.”

Mr. Speaker, manager Art Howe and the Oakland Athletics have enjoyed a wonderful season, winning 103 games and qualifying for the playoffs, highlighted by their phenomenal 20-game winning streak.

I ask that all Members honor the efforts of the Oakland Athletics this season by supporting the adoption of House Resolution 530.

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

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, on the evening of Wednesday, September 4, the Oakland
Athletics made baseball history by becoming the first American League team to win 20 consecutive games.

With a 12–11 victory over the Royals before a record crowd at Network Associates Coliseum of 55,528 fans, the A’s passed the 1947 Yankees and the 1906 White Sox for the longest-running streak in American League history.

The game had plenty of drama and made-for-television episodes. The A’s jumped out to an 11–0 lead after 3 innings, but ended up getting caught with 11 unanswered runs. The game was tied when the A’s pulled off a game-winning homer in the bottom of the ninth.

The Oakland A’s accomplished this feat by beating many formidable opponents, and I, too, want to congratulate the team for earning its place in the baseball record book, and I would urge adoption of this resolution.

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

Mr. SULLIVAN. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. Ose).

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

Mr. Speaker, it is October 1, and every October 1 every American wakes up and realizes that it is playoff time. Today we across the country and in the cities fortunate to enough to have teams still participating, those playoffs start.

In the National League, the defending world champion Arizona Diamondbacks face off against the St. Louis Cardinals while the San Francisco Giants challenge the Atlanta Braves. Over in the American league, the Yankees face the Anaheim Angels, and the Oakland A’s take on the Minnesota Twins.

It is only appropriate that we take this opportunity at the end of the season to look back on the season and at an amazing record by those amazing A’s.

The truly historic part of this past season is what we are here to honor today, and that is the record 20-game winning streak of the Oakland A’s.

When the A’s took the field on August 14, they were 4½ games back in the American League West division standings. They were 2½ games out in the wild card race, and they got hot. They did not just get hot, Mr. Speaker; they started to cook.

Left-handed pitcher Barry Zito took the mound that night and, as he has for much of the Athletics’ season, set the tone for what was to come. Zito led the A’s to a narrow 4–0 victory, and he started something truly amazing.

The A’s won their next 19 games in a row. They had a second victory against Toronto. They took three against the White Sox when third baseman Miguel Tejada got his 48th RBI of the season.

They took four against the Cleveland Indians, including pitcher Corey Lidle’s one-hit shutout. They took three against Detroit where even Mother Nature, Mother Nature, conspired to try to stop them, but where the A’s returned from a 2-hour rain delay to keep on winning.

They won three against Kansas City, took all three, and Zito led them to their 10th straight road victory.

At that point, they took three more against Minnesota where Tejada went yard off the almost unhittable Twins closer Eddie Guardado and kept the streak alive.

They won two more against the Royals where Tejada and first baseman Scott Hatteberg led the A’s back in the late innings with game-winning hitting, but as everything must, this came to an end.

Finally, Twins pitcher Brad Radke stopped the seemingly unstoppable A’s, and that is what makes today’s game, incidentally between the A’s and the Twins, round 1 in the American League West playoffs. That is all much more exciting for pitching for the Twins today? It is Brad Radke, and I just want to bring my colleagues up to date.

It is the third inning, and the A’s are up to 5 to 3.

The 20 games the A’s won is the longest winning streak in American League history. In the past 55 years, no team had even won 19 in a row. In fact, the only two American League teams to win 19 straight were the 1947 Yankees and the 1906 Chicago White Sox. In fact, only one other Major League Baseball team has ever won 20 in a row and that is the ’35 Chicago Cubs who won 21 consecutive games.

Baseball is a game of statistics. Think about this. This is truly amazing. Every year every major league team has 142 opportunities to create a 20-game winning streak. In 55 years, this is 2002, so that would have been back to just after the end of World War II, for 55 years no team has accomplished what the A’s did this year. Right in the face of a heated pennant race, they kept at it.

Let us look at some of their numbers. During this winning streak, the A’s outscored their opponents 14½ to 65 and trailed their opponents during only 10 innings of the 180 innings of the streak. Their starting pitchers, Zito, Tim Hudson, Mark Mulder, and Corey Lidle, pitched into the seventh inning in all but six of the 20 games won and were credited with 15 of the 20 wins; and even when they did trail, as we all would hope, they fought back.

I’d mentioned in a row, Tejada and Hatteberg each had walk-off hits contributing to victories, game-ending rallies. This is a team that was trailing the Seattle Mariners and the Anaheim Angels when August began, and they came back to win the division. It was a great run.

Mr. Speaker, as in everything we do in this country, this 20-game winning streak took true teamwork. Defense, baseball is defense, baseball is pitching, baseball is offense, baseball is scouting. Credit not only goes to the players, but to the entire A’s organization. I join with my colleagues in congratulating owners Steve Schott and Ken Hoffman; Billy Beane, who used to play for Houston; and the other members of staff who contributed to building this record-setting team. They put this remarkable squad together despite losing many team leaders to free agency and with one of the smallest budgets of the league. Despite these challenges, they not only set records, the A’s finished the season with a better record this year than last. In Sacramento, home of the A’s AAA affiliate, the Sacramento River Cats, we watch many of the young men hope to make it to the big leagues with Oakland. It is truly a great pleasure to see them move up and move into the majors and make such an impact.

I would like to thank my colleagues for their support of this resolution, especially my committee sponsors, the gentlewoman from California (Ms. Lee), the gentleman from California (Mr. Pombo), the gentleman from California (Mr. Calvert), the gentlemen from California (Mr. Herger, Mr. Congressmen) and California (Mr. Matsui), the gentleman from California (Mrs. Napolitano), the gentlemen from California (Mr. Radanovich), the gentleman from California (Mr. Sherman), the gentleman from California (Mr. Stark), the gentleman from California (Mr. Davis), the very distinguished member of the Committee on Government Reform, for yielding me this time and for his leadership on so many issues that are winning. The streak is alive.

Mr. DAVIS of Illinois. Mr. Speaker, I yield such time as she may consume to the gentlewoman from California (Ms. Lee). I do not know if she has had a 20 and 0 record, but I know that she has won many victories for the people of Oakland and for people all over the country.

Ms. Lee. Mr. Speaker, first I want to thank the gentleman from Illinois (Mr. Davis), the very distinguished member of the Committee on Government Reform, for yielding me this time and for his leadership on so many issues that we are tackling here in this House.

I also want to thank the gentleman from California (Mr. Ose) for his efforts in bringing this resolution to commend my hometown team of the Oakland A’s to the floor today.

This is a bipartisan effort; and, Mr. Speaker, as a Democratic sponsor of this resolution, I want to congratulate the amazing Oakland A’s, the players, the management, and the staff, for setting the Major League
Baseball record for the longest winning streak by an American League baseball team.

On September 4, 2002, the Oakland A's set the major league record for the longest winning streak by an American League team by winning 20 consecutive games. Prior to this accomplishment, the record for longest winning streak by an American League baseball team had stood for 55 years. Only two major league baseball teams have won 20 or more consecutive games, this year's Oakland Athletics with 20 consecutive wins, and, it is my understanding, the 1935 Chicago Cubs with 21 consecutive wins.

During the winning streak, the Athletics outscored their opponents 141 to 65 and trailed their opponents in only 10 of the 180 innings of the streak. The key to any successful baseball team is of course its pitching staff. During the streak and for the duration of the season, Oakland's pitchers have been nothing less than spectacular. Leading the streak, Cy Young hopeful Barry Zito, Tim Hudson, Mark Mulder, and Corey Lidle pitched into the seventh inning in all six of the games, won as a part of the streak, and were credited with the 20 consecutive wins.

The phenomenal success of the Oakland Athletics can also be attributed to the team's clutch hitting. While the A's have a different hero really every night, Miguel Tejada's emerging superstardom, along with the 20 consecutive wins, has led the A's and truly energized the fans. The A's began the streak four and a half games out of first place in the Western Division of the American League and just concluded the regular season four games ahead of second place Anaheim. Remarkably, the A's accomplishments and continued success has come with the third-lowest payroll in the major leagues. Who said that low-budget teams cannot compete and really win?

The success of the A's can also be attributed to the managerial skills of Art Howe and the unique ability of general manager Billy Beane to build a perennial contender with a very limited budget.

The winning streak and success of the Oakland A's has brought together people from all walks of life and has really brought a new-found excitement to Oakland fans and the community. The accomplishments of the Oakland Athletics organization really extend far beyond their 20-game winning streak or their American League West title. For example, the Oakland A's community fund supports charitable organizations in their efforts to improve educational programs, aid to the underprivileged. They assist in crime and drug prevention and service to children, service to our senior citizens and those who work to improve the quality of life for people throughout the Bay Area.

On September 15, another example, the Oakland Athletics organization hosted their fourth annual Breast Cancer Awareness Day and raised over $100,000 for the cause. The athletic scholarship programs, disaster support fund, Little A's, and A's Amigos are just a few examples of how the athletics organization is really truly involved in our entire community. The accomplishments and contributions of the Oakland Athletics organization both on and off the field are worthy of recognition. So today I would like to congratulate the A's and its fans on a truly remarkable record-breaking regular season.

Mr. Speaker, does the gentleman from California (Mr. OSE) know are we still in the third inning with the A's up?

Mr. OSE. Mr. Speaker, will the gentlelmon woman yield?

Ms. LEE. I yield to the gentleman from California.

Mr. OSE. Mr. Speaker, I do not know. My last report is 3 to 5 A's. Go A's.

Ms. LEE. I am rooting and cheering them on to win their real first post-season game. I know that I am not alone in wishing the amazing A's the very best in their race for the pennant. Mr. Speaker, I want to thank the gentleman from California (Mr. OSE) and the gentleman from Illinois (Mr. DAVIS) for yielding me the time.

Mr. SULLIVAN. Mr. Speaker, I have no further speakers, and I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I thank my distinguished colleague from California for bringing this resolution to the floor. We congratulate the Oakland Athletics for the terrific 2002 season highlighted by their 20-game winning streak. I urge all Members to support this resolution.

Mr. POMBO. Mr. Speaker, growing up in Tracy, California, I have been a fan of the Oakland Athletics ever since they first came to Oakland in 1968. I was 7 years old at the time.

I remember their World Series Championship three-peat teams from 1972, 1973 and 1974, which featured players like Vida Blue, Bert Campaneris, Rollie Fingers, Jim "Catfish" Hunter, Joe Rudi and a young "Mr. October," Reggie Jackson. Being from the northern part of California's Central Valley, just over the Altamont Pass, the fact that their 1974 World Series Championship came by defeating the Los Angeles Dodgers made the victory even sweeter.

And what baseball fan can forget the 1989 World Series "Day Bridge Series" between Oakland and the San Francisco Giants? A great Oakland team, led by Jose Canseco, Dennis Eckersley, Rickey Henderson, Mark McGwire, and Dave Stewart prevailed in that series, but it was an earthquake that registered 7.1 on the Richter Scale, and the area uniting in response to the emergency situation, that we remember best.

Today, Mr. Chairman, as the Major League Baseball postseason begins, I am proud that the House of Representatives is taking a moment to recognize this accomplishment by the Oakland A's, their amazing 20 game-winning streak. And I am proud to be an original cosponsor of this resolution honoring this great team.

Mr. Chairman, winning 20 games in a row is no joke. I take a sustained effort both by the pitching staff and batting line up to win 20 in a row. I'm proud to say that the fearsome Oakland starting pitching staff, Barry Zito, Tim Hudson, Mark Mulder and Corey Lidle won 15 of the 20 games in the streak.

At the plate, the A's showed a never say die attitude, with shortstop Miguel Tejada and first baseman Scott Hattebergh each hitting an RBI at the final at bat of the game, winning the game and keeping the streak alive. This streak is the longest in American League history—second only to the 1935 Chicago Cubs' 21 game winning streak. As we enter baseball's post season, the 20 game-winning streak serves notice to the other teams in the playoffs that the Oakland A's are a team to be reckoned with.

I congratulate Manager Art Howe, General Manager Billy Beane and the entire Oakland Athletics organization.

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

The SPEAKER pro tempore Mr. Sam Johnson. The question is on the motion offered by the gentleman from Oklahoma (Mr. SULLIVAN) that the House suspend the rules and agree to the resolution, H. Res. 530.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution agreed to.

A motion to reconsider was laid on the table.

HONORING JOHNNY UNITAS AND EXTENDING CONDOLENCE TO HIS FAMILY ON HIS PASSING

Mr. SULLIVAN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 538), honoring Johnny Unitas and extending condolences to his family on his passing.

The Clerk read as follows:

H. Res. 538

Whereas, as a member of the Baltimore Colts, Johnny Unitas' leadership and passing skills helped change the game of football; whereas throughout his life, Unitas defined humility, grace, and determination; whereas in 1965 Unitas played for the love of the sport of football, earning just $6 per game as a player in the Greater Pittsburgh Football League; whereas Unitas led the Baltimore Colts over the New York Giants for the 1958 NFL championship in what came to be known as "The Greatest Game Ever Played" and quashed the Colts to a 2nd consecutive title in 1963; whereas Unitas threw a touchdown pass in the Colts victory over the Dallas Cowboys in Super Bowl V;
 Whereas when Unitas retired from the NFL in 1974, he held 22 NFL records, including the record of 47 consecutive games with a touchdown pass;  
 Whereas Unitas was named Player of the Year in 1959, 1964, and 1967, and played in 10 Pro Bowls;  
 Whereas Unitas completed 2,830 of 5,186 passes for 35,833 yards and 292 touchdowns during his career;  
 Whereas Unitas was elected to the Pro Football Hall of Fame in 1976;  
 Whereas Unitas was named the “Greatest Player in the First 50 Years of Pro Football”, and named to the NFL’s 75th Anniversary Team;  
 Whereas throughout his career Unitas played for the love of the game, his city, and its fans;  
 Whereas Unitas established the Johnny Unitas Golden Arm Educational Foundation, supported cystic fibrosis research, and with his wife Sandra, sought to assist victims of sexual assault and domestic violence; and  
 Whereas Unitas’ compassion and sense of charity gave hope to those in need in Baltimore and throughout the Nation: Now, therefore, be it  
 Resolved, That the House of Representatives—  
 (1) celebrates the remarkable life of Johnny Unitas and his indelible impression on the City of Baltimore;  
 (2) honors him for his leadership, sportsmanship, and outstanding achievements on the football field;  
 (3) recognizes his remarkable spirit and tireless work to improve the lives of those in need; and  
 (4) extends its heartfelt condolences to the family of Johnny Unitas on his passing.  

 The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Oklahoma (Mr. SULLIVAN) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.  

 The Chair recognizes the gentleman from Oklahoma (Mr. SULLIVAN).  

 General Leave  

 Mr. SULLIVAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks resolution 538.  

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

 There was no objection.  

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

 Mr. Speaker, I am pleased to have the House consider House Resolution 538, important legislation introduced by my distinguished colleague, the gentleman from Maryland (Mr. EHRHLICH). This resolution celebrates the life and achievements of the greatest quarterback who ever lived, Johnny Unitas.  

 Johnny Unitas passed away suddenly last month at the age of 69. He may be gone but his greatness on the football field will never be forgotten. Unitas played 17 seasons for the Baltimore Colts. He led the Colts to three NFL championships and held nearly every NFL passing record at the time of his retirement in 1973. He was the first quarterback to throw over 40,000 yards in a career. His legacy holds the record for throwing a touchdown pass in an incredible 47 consecutive games, nearly a 4-year span of games. But numbers alone do not adequately tell the story of his greatness on the football field.  

 Considered the ultimate team leader, Unitas is credited with inventing the 2-minute drill, leading the Colts to many victories in the final seconds of the game. His most famous game-winning drive happened when he led the Colts on an 80-yard drive in a sudden death overtime to beat the Giants for the NFL championship. To this day the 1958 championship game is known as the greatest game ever played. His compose and courage on the field were legendary. Former teammate John Mackey, himself a Hall of Famer and considered by many the best tight end to have played, once said of Unitas, “It’s like being in the huddle with God.”  

 Unitas led by example. On a Colts team full of tough, gritty players, former teammate and fellow Hall of Famer Art Donovan was asked who he considered to be the toughest of all. Without hesitation Donovan said “Unitas, because he took the punishment. And never said a word about it.”  

 After his football career ended in 1973, Unitas made Baltimore his home. The city loved and admired Unitas not only for his toughness and ability on the field but for his humanity. Even though he was revered by millions, he was a humble and gracious man. At his funeral mass in Baltimore, his youngest daughter, Paige, spoke of her father’s tenderness. When she once grew impatient waiting for his autograph, Unitas told her, “It takes so little to make people smile.” He was untiring in his work for charity, including supporting research for leukemia, cystic fibrosis, and prostate cancer. Also, he formed the Johnny Unitas Golden Arm Educational Foundation to provide financial assistance to underprivileged and deserving young scholar-athletes.  

 Johnny Unitas may have left us too soon, but he left us a legacy. The sight of a hunched-over Johnny U., No. 19, slowly walking off the field at Baltimore’s Memorial Stadium in his black high-topped shoes after throwing a touchdown pass will be etched in the memories of football fans for years to come. We offer condolences to Unitas’s family and celebrate the life of the greatest quarterback who ever played the game, Johnny Unitas. Mr. Speaker, I ask all Members to support this resolution.  

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

 Mr. SULLIVAN. Mr. Speaker, I yield 3 minutes to the gentleman from Maryland (Mr. EHRHLICH).  

 Mr. EHRHLICH. Mr. Speaker, we have heard about the numbers, about the greatest game ever played; and I just spent time with the guy from Maryland (Mr. CARDIN) about what a sad day it was at the funeral.  

 But I have a quick story about my friend and constituent. A couple years ago, Johnny Unitas was doing an event for me and the Q&A time came. The question was, “Mr. Unitas, if you were playing today, how much money would you be making?”
Mr. Speaker, let me pay my respects to the gentleman from Nebraska (Mr. Osborne) will appreciate this. Johnny thought for a second and said, “About 3 million bucks.”

There was a murmur in the crowd, and they were all thinking 3 million bucks, and that it’s not a lot of $100 million contracts these days and so the questioner said, “Aren’t you really underselling yourself, the greatest quarterback who ever played?”

Johnny thought for a second and said, “Well, I am 66 years old.”

Mr. Speaker, I have told that story a lot because it says all one needs to know about my friend and my constituent. And as Kendall Ehrlich, my wife, always likes to say, the coolest celebrity she has ever met because Johnny U. will always be the coolest celebrity one could ever meet because he was an ordinary person who was able to achieve extraordinary things on the football field and he never took himself too seriously. He always had time for whatever wanted an autograph or needed help, the charity of the day, the week, the month or the year in Baltimore, the State of Maryland, or in the United States of America.

That was our Johnny U. I will miss him. The people of Baltimore, the State of Maryland, United States of America, sports fans around the world will miss No. 19.

Mr. Davis of Illinois. Mr. Speaker, I yield such time as he may consume to the gentleman from Maryland (Mr. Cardin).

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

Mr. Speaker, let me pay my respects to Johnny Unitas, what he meant as an individual and what he meant to our community. I agree with the gentleman from Maryland (Mr. Ehrlich) and his comments. I feel very privileged to have been John’s agent and have the opportunity to witness Johnny playing at just about every one of his home football games in Baltimore.

During the NFL’s 50th anniversary, he was voted the “Greatest Quarterback of All Times.” and clearly was the greatest quarterback of all times on the field. He established just about every record during his time, and currently holds the record for throwing a touchdown pass in the most consecutive games, a record that is not likely to be challenged for a long time to come.

But that is just half the story about Johnny Unitas. Members know him as a great athlete, a person during the time of football when the quarterback really controlled the game, called the plays, was responsible for the leadership of the team. Johnny Unitas represented the best that there was in that regard. He is responsible for getting the American public interested in the game of football. He probably is responsible for a lot of the high salaries today because of the interest of television for football today.

But the other story is Johnny Unitas the individual, off the field. I feel privileged not only to have witnessed him as a great athlete on the field, but to see how he worked within our community. He was always there to help our community’s adopted home. He came to us through other towns, but Baltimore is where he lived his life and where he gave back so much to the community. He was responsible for a lot of charitable activities. He was a young people and never turned down a request for an autograph, not because he was honored to be asked to give an autograph, but because he did not want to disappoint anybody. That was the type of life he lived. He was a great individual.

He will always be remembered as the person who led Baltimore to championships, the person who always was on the sidelines during all of our games. His number 19, of course, is known by all; but a little later on in the hearts of all of the people of the Nation. I thank the gentleman for bringing this resolution before us.

Mr. Sullivan. Mr. Speaker, I yield 3 minutes to the gentleman from Nebraska (Mr. Osborne).

Mr. Osborne. Mr. Speaker, I rise in support of H. Res. 338. I was fortunate enough to play in several games against Johnny Unitas, I guess maybe the best record is “unfortunate” because Johnny’s team always came out on top.

One time we played in Baltimore, and they had a white horse that ran around the field every time Baltimore scored. One that day killed the horse because the horse ran around the field 15 to 20 times. Johnny was sharp that day, and we were not very good.

Johnny had a quick release, excellent skills, arm strength and accuracy. But as many Members have mentioned, probably his greatest attribute was physical toughness because at the time Johnny played, we did not have the rules protecting the quarterback that we have today. Today players can hardly touch a NFL quarterback, but Johnny took a licking for 18 years, and he always got up. I was impressed by his leadership and his physical toughness.

He did not have early NFL success. As was mentioned, he was cut by the Browns; then they beat the Cleveland Browns; and so began Johnny Unitas’ ascendance. Later that very season, he began...
his string of 47 consecutive games with a touchdown pass. That record is still unrivaled to this day. And no one has even come close. He typified an athletic style that at times seemed of a bygone era. He was famously hard-working, with a self-effacing manner, and was proud to be the greatest ever at his position to his adopted city and fans. With his modest style, it was said that one couldn’t tell from the way Johnny Unitas walked off a football field whether he’d thrown a touchdown or an interception. In fact, the photo of him taken moments after the game-winning overtime touchdown in the 1958 NFL Championship—what is known as the Greatest Game Ever Played—shows Johnny Unitas, head bent, walking toward the Colts bench as if nothing much had happened.

His skills, warmth, charities, and remarkable life have touched people far beyond the gridiron. During his funeral, a small plane pulled the same banner that flew above Memorial Stadium on his last game in Baltimore. It read: “Unitas: Leading the league in TD passes.”

He played for the love of the game, his city, and its fans. He was Baltimore. Our prayers are with the Unitas family. We all miss you, Johnny Unitas.

Mr. CUMMINGS. Mr. Speaker, I rise today to honor the life of Johnny Unitas—a great football player, a great Baltimorean, and a great human being. Johnny Unitas epitomized all that is right about sports, and he put Baltimore on the map with his dazzling skill and workmanlike attitude.

Johnny Unitas hitchhiked home from his first training camp in 1955, cut from the Pittsburgh Steelers. He spent that year playing semipro ball for $6 a game, and working at a construction site nearby to make ends meet. The rest, as they say, is history.

The Baltimore Colts signed Unitas the next year. He retired after the 1973 season, setting 22 NFL records, including the most passes attempted and completed, most yards gained passing, most touchdown passes and most season touchdown passes. Unitas completed 2,830 of 5,186 passes for 40,239 yards and 290 touchdowns. He completed at least one touchdown pass in 47 straight games, a record not challenged since it was set from 1956–60.

Johnny Unitas was the Most Valuable Player in 1964 and 1967 and played in 10 Pro Bowls. He led Baltimore to the NFL championship in 1958 and 1959 and the Super Bowl in 1970. On the NFL’s 50th anniversary in 1969, Unitas was voted the greatest quarterback of all time. He also was selected at quarterback for the NFL’s All-Time team in 2000 by the 36 Pro Football Hall of Fame voters.

To many, including myself, Johnny Unitas was the greatest quarterback to play the game. He left an indelible mark on football, Baltimore, and his hometown.

Johnny never strayed far from the game. After his retirement in 1973, he was a fixture in the Baltimore football scene that he made famous, watching the Baltimore Colts move to Indianapolis and the Ravens take their place. Johnny was famous for saying, “Talk is cheap. Let’s go play.” I believe this is advice we could all afford to heed.

On September 11, at the age of 69, Johnny Unitas suffered a heart attack and passed away.

I extend my condolences to the family of Johnny Unitas, to his fans, and to all those people he touched. He will be missed.

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

The SPEAKER pro tempore (Mr. SHIMKUS). The question is on the motion offered by the gentleman from Oklahoma (Mr. SULLIVAN) that the House suspend the rules and agree to the resolution, H. Res. 538.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. SULLIVAN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. The yeas and nays were ordered.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, SECTION 1. SHORT TITLE

This Act may be cited as the “Federal-Utah State Trust Lands Consolidation Act”.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds the following:

(1) The San Rafael Swell in Utah is a 900-square mile, wild and beautiful region west of the Green River. The San Rafael Swell is dominated by the jagged, uplifted San Rafael Reef, which has nearly two dozen major canyons and many side draws and box canyons. The San Rafael Swell towers above the desert like a wilderness castle, ringed by 1,000-foot-high peaks surrounded by canyons and traversed by sediment-laden desert streams.

(2) The San Rafael Swell region was one of the country’s last frontiers and possesses important natural, historical, and cultural resources, including exceptional backcountry recreation opportunities, productive habitat for Desert Bighorn Sheep, important historical and cultural sites, including sections of the Oljato, Spanish Trail and the Outlaw Trail, significant paleontological resources, and multiple wilderness study areas created pursuant to section 609 of the Federal Land Policy and Management Act of 1976, or otherwise identified by local government and conservation interests as having significant conservation values. The beautiful rural landscapes, historic and cultural landscapes, and spectacular scenic vistas of the San Rafael Swell region contain significant undeveloped recreational opportunities for people throughout the United States.

(3) The State of Utah owns approximately 102,671 acres of land located in the San Rafael Swell region. These lands were conveyed to the State of Utah by the United States under the Utah Enabling Act of 1894 (chapter 138; 23 Stat. 107), to be held in trust for the benefit of the State’s public school system and other public institutions. The lands are largely scattered in checkerboard fashion amidst the Federal lands comprising the remainder of the San Rafael Swell area.

(4) Development of Federal natural resources on State trust lands within the San Rafael Swell area, or the sale of such lands into private ownership, could be incompatible with the management of such lands for non-impairment of their wilderness characteristics pursuant to section 609(c) of the Federal Land Policy and Management Act of 1976, and could undermine the Federal lands in the San Rafael Swell, and potentially the lands as wilderness, or with future designation of such lands as a national monument, national heritage area, or other conservation designation.

(5) The State of Utah also owns 3,533 acres of land within or directly adjacent to the Manti-La Sal National Forest and Emery Counties, Utah, and 6,411 acres of land within the Red Cliffs Desert Reserve, a conservation reserve established in 1996 by the United States and Washington County, Utah, to implement a multiple-species habitat conservation plan approved by the Fish and Wildlife Service under section 10(a) of the Endangered Species Act of 1973. The Red Cliffs Desert Reserve contains the highest density of critical habitat for the Mojave desert tortoise, a threatened species, in the United States. These State trust lands are also managed by the Utah School and Institutional Trust Lands Administration, but the use of such lands by the State is limited because of the conservation designations of surrounding Federal lands.

(6) The United States owns lands and interests in lands elsewhere in Utah that can be transferred to the State of Utah in exchange for the San Rafael Swell inholdings, the Manti-La Sal National Forest, and the Red Cliffs Desert Reserve lands without jeopardizing Federal management objectives or needs.

(7) The large presence of State trust land inholdings in the San Rafael Swell region, the Manti-La Sal National Forest, and the Red Cliffs Desert Reserve makes land and resource management in these areas difficult, costly, and controversial for both the State of Utah and the United States.

(8) It is in the public interest to reach agreement on exchange of such inholdings, and does so fair to both the State of Utah and the United States. Such an agreement, subject to ratification by Congress and consent by the Utah legislature, would save much time and expense in meeting the legitimate expectations of the State school and institutional trusts, in simplifying management of Federal lands, and in avoiding the significant time and expense associated with administrative land exchanges.

(9) The State of Utah and the United States have reached an agreement under which the State would acquire the San Rafael Swell inholdings, the Manti-La Sal National Forest and the Red Cliffs Desert Reserve, and the United States would acquire lands without jeopardizing the State’s wilderness and/or conservation designations.

(10) The parties agreed at the outset of negotiations to avoid identifying Federal assets for conveyance to the State where any of the following was known to exist or likely to be an issue as a result of foreseeable future uses of the lands:

(A) Wilderness study areas.

(B) Areas proposed for wilderness designation in pending Federal legislation.

(C) Significant endangered species habitat.

(D) Significant archaeological sites.

(E) Areas of critical environmental concern.

(F) Other lands known to raise significant environmental concerns.

(11) Because the State trust lands to be acquired by the Federal Government include
Mr. RAHALL. Mr. Speaker, I yield myself such time as I may consume.

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

Mr. RAHALL. Mr. Speaker, the gentleman from Utah has adequately explained this bill. We have no problem on any side of the aisle. I support the gentleman’s legislation.

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

Mr. HANSEN. Mr. Speaker, I yield such time as he may consume to the gentleman from Utah (Mr. CANNON), the author of the bill.

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

Mr. CANNON. Mr. Speaker, I rise in support of H.R. 4968, the Federal-Utah State Trust Lands Consolidation Act. This land exchange represents the third major effort by Congress, the School and Institutional Trust Lands Administration, the State of Utah and the Department of the Interior to block up the checkerboard ownership of lands dedicated to the benefit of Utah’s schoolchildren.

H.R. 4968 will ratify an agreement signed by the Secretary of the Interior, the Secretary of Agriculture and the Governor of Utah that will exchange roughly 108,000 acres of land within Emery, Uintah, Utah, Washington and Sevier Counties. The Federal Government will gain ownership of spectacular lands located within the San Rafael Swell area, critical species habitat in the Red Cliffs Desert Reserve in Washington County and—holdings within the Manti-La Sal National Forest. In return, the school children of Utah will receive developable lands that may contain recoverable oil, gas, coal or other resources.

In this exchange, the two parties took a real world, businesslike approach. As someone with a background in business, I am fully aware of the extreme difficulty in negotiating the value of assets. In particular, I am aware of how difficult it is to place a value on something as intangible as the worth of a coherent, manageable piece of land as compared to something as intangible as the worth of a coherent, manageable piece of land as compared to something as intangible as the value of assets. In particular, I am aware of how difficult it is to place a value on some-
H6864

CONGRESSIONAL RECORD — HOUSE

October 1, 2002

Utah that should not be developed and allows the school children of Utah to fully appreciate the assets they own. We have wide spread support for this effort throughout the State, among the Congressional delegation, from the NEA, PTA, the Administration and members of the environmental community. Critics of the exchange argue that the 20% guarantee is not a credible basis for the exchange of public lands for private lands, which will provide additional income to each of Utah’s public schools, in a state where every penny counts.

This bill has received prominent attention in the national press. Much of that attention has been focused on what Utah stands to gain from the exchange. It is important that we look at the other side of the exchange as well. Under H.R. 4968, the Federal Government will acquire over 100,000 acres of conservation lands in the San Rafael Swell, as well as the balanced of the Red Cliffs Desert Reserve in Washington County, in exchange for less sensitive federal lands that can generate revenue for Utah’s schools.

This is the third land exchange in Utah in the last three Congresses. We are improving the process and we will do better next time. It is imperative that these exchanges be transparent and evenhanded. It is important that valuable resources are protected and that both parties be treated equitably. I am convinced this exchange meets those criteria.

I urge my colleagues to support H.R. 4968. Mr. Speaker, I yield back the balance of my time.

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

The SPEAKER pro tempore (Mr. SHIMKUS). The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, H.R. 4968, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, H.R. 4968, as amended.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) and the gentleman from West Virginia (Mr. RAHALL) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

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

H.R. 3813 the Coal Accountability and Retired Employee Act for the 21st Century introduced by the gentleman from West Virginia (Mr. RAHALL) transfers any interest retained by the Trustees of the Combined Benefit Fund identified in section 402(h)(2) of such Act (30 U.S.C. 701-1) to the fund established by section 401 of the Surface Mining Control and Reclamation Act of 1977 to the Combined Benefit Fund for 2 years.

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

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

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

Mr. RAHALL. Mr. Speaker, enactment this year of the pending legislation will stave off any potential reduction in health care coverage for 54,000 retired coal miners and their widows, whose average age is 78 years old. These miners have served our country through both war and peace, many of them working deep within the bowels of this Earth to produce the coal that powered this Nation through many of them working deep within the bowels of this Earth to produce the coal that powered this Nation through both the industrial and now the technological revolution. We owe them a debt of gratitude and as a society would be ill-served by not keeping the promise to them of lifetime health care.

In this regard I do want to express my sincere appreciation to the gentleman from Utah (Mr. HANSEN), chairman of the Committee on Resources, for his support of this legislation. He has not only been of tremendous help on this, but a great many other pieces of legislation that this committee has produced. I salute him for his leadership.

I also want to thank the gentlewoman from Wyoming (Mrs. CUBIN), I thank her for working with me on this bill and for helping to make it possible for this legislation to be considered on the floor today.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 3813, as amended. The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.
and the Santee Sioux Tribe remain undevolved;
(6) the United States Army Corps of Engineers took the Indian lands used for the Fort Randall Dam and Reservoir project by condemnation proceedings;
(7) the Federal Government did not give the Yankton Sioux Tribe and the Santee Sioux Tribe any opportunity to enter an agricultural project for direct damages from the Pick-Sloan program, even though the Federal Government gave 5 Indian reservations upstream from the reservoirs of those Indian tribes such an opportunity;
(8) the Yankton Sioux Tribe and the Santee Sioux Tribe did not receive just compensation for the taking of productive agricultural lands through the condemnation referred to in paragraph (6);
(9) the settlement agreement that the United States entered into with the Yankton Sioux Tribe and the Santee Sioux Tribe to provide compensation for the taking by condemnation referred to in paragraph (6) did not take into account the increase in property values over the years between the date of taking and the date of settlement; and
(10) in addition to the financial compensation under the settlement agreements referred to in paragraph (9)—
(A) the Yankton Sioux Tribe should receive an aggregate amount equal to $23,023,743; and
(B) the Santee Sioux Tribe should receive an aggregate amount equal to $4,789,010; and
(C) the Secretary of the Treasury shall deposit in the General Fund of the United States for use in accordance with paragraphs (2), (3), and (4).

The Secretary of the Treasury shall deposit interest resulting from such investments into the Fund.

(c) Payment of Interest to Tribe—(1) Withdrawal of Interest.—Beginning on the first day of the 11th fiscal year after the date of enactment of this Act and, on the first day of each fiscal year thereafter, the Secretary of the Treasury shall withdraw the aggregate amount of interest deposited into the Fund for that fiscal year and transfer that amount to the Secretary of the Interior for use in accordance with paragraph (2). Each amount so transferred shall be available without fiscal year limitation.

(2) Payments to Yankton Sioux Tribe.—(A) In General.—The Secretary of the Interior shall use the amounts transferred under paragraph (1) only for the purpose of transferring to the Yankton Sioux Tribe, as such payments are requested by that Indian tribe pursuant to tribal resolution.

(B) Limitation.—Payments may be made by the Secretary of the Interior under subparagraph (A) only after the Yankton Sioux Tribe has adopted a tribal plan under section 106.

(2) Payments to Santee Sioux Tribe.—The Santee Sioux Tribe shall use the payments made under subparagraph (A) only for carrying out projects and programs under the tribal plan prepared under section 106.

(d) Transfers and Withdrawals.—Except as provided in subsections (c) and (d)(1), the Secretary of the Treasury may not transfer or withdraw any amount deposited under subsection (b).

SEC. 105. SANTEE SIOUX TRIBE DEVELOPMENT TRUST FUND.

(a) Establishment.—There is established in the Treasury of the United States a fund to be known as the “Santee Sioux Tribe Development Trust Fund” (referred to in this subsection as the “Fund”). The Fund shall consist of any amounts deposited in the Fund and any interest on such amounts.

(b) Funding.—On the first day of the 11th fiscal year that begins after the date of enactment of this Act, the Secretary of the Treasury shall, from the General Fund of the Treasury, deposit into the Fund established under subsection (a)—
(1) $4,789,010; and
(2) an additional amount that equals the amount of interest that would have accrued on the amount described in paragraph (1) if such amount had been invested in interest-bearing obligations of the United States, or in obligations guaranteed as to both principal and interest by the United States, on the first day of the first fiscal year that begins after the date of enactment of this Act and compounded annually thereafter.

(c) Investment of Trust Fund.—It shall be the duty of the Secretary of the Treasury to invest such portion of the Fund as is not, in the Secretary of Treasury’s judgment, required to meet current withdrawals. Such investments may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States. The Secretary of the Treasury shall deposit interest resulting from such investments into the Fund.

(d) Payment of Interest to Tribe.—(1) Withdrawal of Interest.—Beginning on the first day of the 11th fiscal year after the date of enactment of this Act and, on the first day of each fiscal year thereafter, the Secretary of the Treasury shall withdraw the aggregate amount of interest deposited into the Fund for that fiscal year and transfer that amount to the Secretary of the Interior for use in accordance with paragraph (2). Each amount so transferred shall be available without fiscal year limitation.

(2) Payments to Yankton Sioux Tribe.—(A) In General.—The Secretary of the Interior shall use the amounts transferred under paragraph (1) only for the purpose of transferring to the Yankton Sioux Tribe, as such payments are requested by that Indian tribe pursuant to tribal resolution.

(B) Limitation.—Payments may be made by the Secretary of the Interior under subparagraph (A) only after the Yankton Sioux Tribe has adopted a tribal plan under section 106.

(C) Use of Payments by Yankton Sioux Tribe.—The Yankton Sioux Tribe shall use the payments made under subparagraph (A) only for carrying out projects and programs under the tribal plan prepared under section 106.

(d) Transfers and Withdrawals.—Except as provided in subsections (c) and (d)(1), the Secretary of the Treasury may not transfer or withdraw any amount deposited under subsection (b).

SEC. 106. TRIBAL PLANS.

(a) In General.—Not later than 24 months after the date of enactment of this Act, the tribal council of each of the Yankton Sioux and Santee Sioux Tribes shall prepare a plan for the use of the payments to the tribe under section 104(d) or 105(d)(1) referred to in this subsection as a “tribal plan”.

(b) Contents of Tribal Plan.—Each tribal plan shall provide for the manner in which the amounts covered under section 104(d) or 105(d)(1) shall be expended payments to the tribe under section 104(d) or 105(d)(1) to promote—
(1) economic development;
(2) infrastructure development;
(3) the educational, health, recreational, and social welfare objectives of the tribe and its members; or
(4) any combination of the activities described in paragraphs (1), (2), and (3).

(c) Tribal Plan Review and Revision.—(1) In General.—Each tribal council referred to in subsection (a) shall make available for review and comment by the members of the tribe a copy of the tribal plan for the Indian tribe before the tribal plan becomes final, in accordance with procedures established by the tribal council.

(2) Updating of Tribal Plan.—Each tribal council referred to in subsection (a) may, on an annual basis, revise the tribal plan prepared by that tribal council to update the tribal plan. In revising the tribal plan under this paragraph, the tribal council shall provide the tribe with an opportunity to review and comment on any proposed revision to the tribal plan.

(3) Consultation.—In preparing the tribal plan under paragraph (2), the tribal council shall consult with the Secretary of the Interior and the Secretary of Health and Human Services.

(d) Annual Reports.—Each tribe shall submit an annual report to the Secretary describing any expenditures of funds withdrawn by that tribe under this title.

(e) Prohibition on Use of Tribal Plan Payments.—No portion of any payment made under this title may be distributed to any member of the Yankton Sioux Tribe or the Santee Sioux Tribe of Nebraska on a per capita basis.

SEC. 107. ELIGIBILITY OF TRIBE FOR CERTAIN PROGRAMS AND SERVICES.

(a) In General.—No payment made to the Yankton Sioux Tribe or Santee Sioux Tribe pursuant to this title shall result in the reduction or denial of any service or program to the Yankton Sioux Tribe or Santee Sioux Tribe or to any individual who is a member of a tribe under paragraph (1) of this section.

(b) Determination.—The status of the tribe as a federally recognized tribe for purposes of this section shall be determined on the date of enactment of this Act.

(c) Administrative Resources.—Upon adoption of a plan under section 106, the Secretary of the Interior shall provide for the carrying out of projects and programs under the tribal plan prepared under section 106.

(d) Authorization of Appropriations.—There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section.
of the status of the individual as a member of the tribe.

(b) EXEMPTIONS FROM TAXATION.—No pay- 
ment made pursuant to this title shall be subject to Federal or State income tax.

(c) POWER RATES.—No payment made pur- 
suant to this title shall affect Pick-Sloan 
Missouri River Basin power rates.

SEC. 108. STATUTORY CONSTRUCTION.

Nothing in this title may be construed as 
diminishing or affecting any water right of 
an Indian tribe, except as specifically pro- 
vided in this Act. This Act shall not affect any 
treaty right that is in effect on the date of 
the enactment of this Act, or any authority 
of the Secretary of the Interior or the head of 
any appropriate agency under a law in 
effect on the date of enactment of this Act.

SEC. 109. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated 
such sums as are necessary to carry out this 
title, including such sums as may be nec- 
essary for the administration of the Yankton 
Sioux Tribe Development Trust Fund under 
section 104 and the Santee Sioux Tribe De- 
velopment Trust Fund under section 105.

SEC. 110. EXTINCTION OF CLAIMS.

Upon the deposit of funds under sections 104(b) and 105(b), all monetary claims that 
the Yankton or the Santee Sioux Tribe of Nebraska has or may have against the United States for loss of value 
or use of land related to lands described in sec- 
section 102(a)(10) resulting from the Fort Ran- 
dall and Gavins Point projects of the Pick- 
Sloan Missouri River Basin program shall be 
extinguished.

TITLED II—MARTIN'S COVE LAND TRANSFER.

SEC. 201. BRIEF TITLE.

This title may be cited as the “Martin’s Cove Land Transfer Act”.

SEC. 202. CONVEYANCE TO THE CORPORATION OF THE PRESIDING BISHOP.

(a) CONVEYANCE REQUIRED.—Notwith- 
standing the Federal Land Policy and Man- 
agement Act of 1976 (43 U.S.C. 1701 et seq.), 
the Secretary of the Interior (hereafter in 
this section referred to as the “Secretary”) 
shall offer to convey to the Corporation of the 
Presiding Bishop, all right, title, and in- 
terest of the United States in and to the pub- 
luc lands identified for disposition on the 
map entitled “Martin’s Cove Land Transfer 
Act” numbered MC/0002, and dated May 17, 
2002, for public education, historic pres- 
ervation, and the enhanced recre- 
tional enjoyment of the public. Such map 
shall be on file and available for public in- 
spection in the office of the Director of the 
Bureau of Land Management and the Lander 
District of the Bureau of Land Management.

(b) CONSIDERATION.

(1) IN GENERAL.—The Corporation of the 
Presiding Bishop shall pay to the United 
States an amount equal to the historic fair 
market value of the property conveyed under 
this Act, in exchange for any improvements 
to that property.

(2) DETERMINATION OF FAIR MARKET 
VALUE.—Not later than 90 days after the date 
of the enactment of this Act, the Secretary 
shall determine the historic fair market 
value of the property conveyed under this 
section, including any improvements to 
the property.

(c) ACCESS AGREEMENT.—Not later than 
180 days after the date of the enactment of 
this Act, the Secretary and the Corporation of 
the Presiding Bishop shall enter into an 
agreement, binding on any successor or as- 
signee, that ensures that the property con- 
veyed shall, consistent with the historic pur- 
poses of the site:

(1) be available in perpetuity for public 
education and historic preservation; and

(2) provide to the public, in perpetuity and 
without charge, access to the property con- 
veyed.

(d) RIGHT OF FIRST REFUSAL.—As a con- 
dition of any conveyance under this section, 
the Secretary shall require that the Church 
of Jesus Christ of Latter Day Saints and its 
current or future affiliated corporations 
shall have the right of first re- 
-

fusal to acquire all right, title, and interest 
in and to the property conveyed under this 
section, at historic fair market value, if the 
Church of Jesus Christ of Latter Day Saints 
or any of its current or future affiliated cor-

porations seeks to dispose of any right, title, 
or interest in or to the property.

(e) DISPOSITION OF PROCEEDS.—Proceeds 
of this conveyance shall be used exclusively 
by the National Historic Trails Interpretive 
Center Foundation, Inc., a nonprofit corpora- 
tion located in Casper, Wyoming, for the 
sole purpose of advancing the public under- 
standing and enjoyment of the National His- 
toric Trails System in accordance with sub- 
section (f).

(f) USE OF PROCEEDS.—Funds shall be used 
by the Foundation only for the following 

purposes and according to the following pri- 
xity:

(1) To complete the construction of the ex- 
hibits connected with the opening of the Na- 
tional Historic Trails Center scheduled for 
August 2002.

(2) To maintain, acquire, and further en- 
hance the exhibits, artistic representations, 
historic artifacts, and other displays of the 
National Historic Trails Center.

(g) NO PRECEDENT SET.—This title does not 
set a precedent for the resolution of land 
sales between the United States and 
private entities and the United States.

The SPEAKER pro tempore. Pursu- 
tant to the rule, the gentleman from Utah 
(Mr. HANSEN) and the gentleman from 
West Virginia (Mr. RAHALL) each 
will control 20 minutes.

The Chair recognizes the gentleman 
from Utah (Mr. HANSEN).

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

S. 434 would provide compensation 
for the Yankton Sioux and Santee Sioux 
Indian tribes for tribal lands 
condemned for the Pick-Sloan 
Missouri River Basin program project.

The second title of this bill is the 
text of my bill, H.R. 4103, which 
had already passed the House. It would 
direct the Secretary of the Interior to offer to 
sell 940 acres of BLM land in the 
Natrona County, Wyoming, to the LDS 
Church for the purpose of its historic 
preservation, public education and en- 
joyment of the public. Funds from the 
sale would be directed for the sole pur- 
pose of public understanding and enjoy- 
ment of the National Historic Trail 
system at the National Historic Trails 
Interpretive Center in Casper, Wyom- 
ing.

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

Mr. RAHALL. Mr. Speaker, I yield myself such time as I may consume. The minority has reviewed the legisla-

tion, infrastructure, education, health care 
and social welfare for the Yankton and Santee 
Sioux Tribes.

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

The minority has reviewed the legisla-
tion, infrastructure, education, health care 
and social welfare for the Yankton and Santee 
Sioux Tribes.

First of all, this is occurring in my 
State. We tried to get through to the 
chairman’s staff, to his chief of staff, 
all day today. We could not find out 
that this Martin’s Cove bill was on the 
Senate bill, S. 434, until late this after-
noon, at which time we had to call the 
Democratic senators, and find out that it was 
hooked on to this bill.

I have agreed that I would work with 
the chairman on finding a way to get a 
vote on this bill in the Senate because 
it did pass the House. However, Mr. 
Speaker, we all know the backlog of 
Senate bills, over 60, that are sitting at 
the floor of the Senate, and for us to 
attach a piece of legislation in a Mem-
ber’s district without the Member hav-
ing any knowledge whatsoever of this 
until late this afternoon on a Tom Daschle bill, Mr. Speaker, this is just 
wrong.

There has to be another way for the 
chairman to deal with the Martin’s 
Cove bill. I am willing to work with 
him, but I have to speak against this 
right now because we were totally left 
out of the loop. I believe that the 
chairman’s chief of staff deliberately 
would not call us back and let us know.

I e-mailed us finally late in the after-
noon after many attempts to find out. 
We certainly thank the gentleman 
from West Virginia and his staff for 
letting us know what happened, or 
what was going to happen before this 
came up.

I yield my time.

Mr. THUNE. Mr. Speaker, I would like 
to thank you for bringing this bill to the 
floor, which would provide compensation 
to the Yankton and Santee Sioux Tribes for the land 
sacrificed in the construction of the Pick-
Sloan water project on the Missouri River. I 
would also like to thank Congressman 
Osborne for introducing H.R. 2408, the House 
version of this important piece of legislation, of 
which I am proud to be a cosponsor.

The Pick-Sloan Missouri River program au-
thorized in 1944 was implemented to ease 
downstream flooding of the Missouri River, 
offer irrigation water for farmers and ranchers, 
and produce hydroelectric power.

While the intentions of these projects proved 
to be fruitful for some, it is fair to say that the 
Pick-Sloan program has certain negative im-
}
to improve the standard of living for the members of their tribe. These tribes, like many others, face significant challenges such as meeting important health care and education needs.

This legislation is not the first time tribes will have been compensated for destroyed and lost land as a result of the Pick-Sloan project. In my state alone, the Standing Rock, Lower Brule, Cheyenne River and Crow Creek Sioux Tribes have received compensation for land taken by the Pick-Sloan project. It is now time for the Yankton and Santee Sioux tribes to be compensated.

It is now time for action on this bill. I urge all of my colleagues to support this legislation, so these tribes may receive the much-needed compensation they so richly deserve.

Mr. OSBORNE. Mr. Speaker, I am pleased that today the House is taking up S. 434, the Yankton and Santee Sioux Compensation Act. Today’s mark-up is the culmination of many years of work on the part of the Santee Sioux tribe, and the Yankton Sioux tribe. I want to thank Chairman HANSEN for bringing this legislation forward. I also want to thank Chairman HANSEN’s Chief Counsel, Lisa Pittman, as well as Mike Olsen and former staffer Renee Howell in the Committee’s Office of Native American and Insular Affairs, who were instrumental in its drafting.

S. 434 would provide long overdue compensation by establishing two trust funds to be used by the Santee Sioux and Yankton Sioux tribes. Specifically, this bill directs the U.S. Treasury to deposit about $23 million into a fund to be used by the Santee Sioux and Yankton Sioux tribes to compensate the Tribe, which I represent, and the Yankton and Santee Sioux Compensation Act. Thus, it is now time for action on this bill. I urge all of my colleagues to support this legislation, further proceedings on this motion will be postponed.

RECLAMATION RECREATION MANAGEMENT ACT OF 2002

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5460) to reauthorize and amend the Federal Water Project Recreation Act, and for other purposes, as amended.

The Clerk read as follows:

H.R. 5460
Be it enacted by the Senate and House of Representat "tives of the United States of America in Congress assembled:

SECTION 1. SHORT TITLE.
This Act may be cited as the “Reclamation Recreation Management Act of 2002.”

SEC. 2. AMENDMENTS TO THE FEDERAL WATER PROJECT RECREATION ACT.
(a) CONGRESSIONAL POLICY.—The first section of the Federal Water Project Recreation Act (16 U.S.C. 460l-12) is amended by striking “public bodies” and inserting “entities”.
(b) ALLOCATION OF COSTS.—Section 2 of the Federal Water Project Recreation Act (16 U.S.C. 460l-13) is amended—
(1) in subsection (a) by striking “before authorization of a project,”;
(2) in subsection (a) by striking “public bodies” and inserting “entities” and “or”; and
(3) in subsection (b) by striking “non-Federal interests” each place it appears and inserting “non-Federal entities”;
(4) in subsection (b)(2)(A) by striking “provided, that the source of repayment may be limited to” and inserting “. The source of repayment may include”; and
(5) in subsection (b)(2)(B) by adding at the end the following: “and fees charged may be collected, retained and used by the non-Federal entities for operation, maintenance, and improvement of facilities, other than public bodies, and to provide for revenues and charges to public bodies.”
(c) RECREATION AND FISH AND WILDLIFE ENHANCEMENT.—Section 6 of the Federal Water Project Recreation Act (16 U.S.C. 460l-14) is amended—
(1) by striking subsection (a), redesignating subsection (b) as subsection (a), and inserting after subsection (a) (as so redesignated) the following:
(2) in the absence of a Federal managing partner, the Secretary of the Interior, acting through the Commissioner of Reclamation, may modify or expand existing facilities, the costs of which are nonreimbursable; and
(3) in subsection (b) by striking “public bodies” and inserting “entities”; and
(D) by striking “and” and inserting “and”; and
(E) by striking “or, in the absence thereof, will not be reimbursed from that potential”; and
(3) in subsection (c)(1)(B) by striking “public body” each place it appears and inserting “entity”; and
(4) by adding at the end of subsection (c) the following:
(4) in the absence of a non-Federal managing partner, the Secretary of the Interior, acting through the Commissioner of Reclamation, may modify or expand existing facilities, the costs of which are nonreimbursable; and
(d) LEASE OF FACILITIES.—
(1) REPEAL.—Section 4 of the Federal Water Project Recreation Act (16 U.S.C. 460l-15) is repealed, and subsections 5 through 11 of such Act are redesignated as sections 4 through 11, respectively.
(2) CONFORMING AMENDMENT.—Section 5(e) of the Federal Water Project Recreation Act (16 U.S.C. 460l-17(e)) is amended by striking “4,” and “5” and inserting “, 4,” and “5,”.
(3) POST AUTHORIZATION DEVELOPMENT.—Section 5 of the Federal Water Project Recreation Act (16 U.S.C. 460l-16) is amended by striking “public bodies” and inserting “entities”;
(f) PROVISION OF FACILITIES.—Section 7 of the Federal Water Project Recreation Act (16 U.S.C. 460l-18) is amended—
(1) by striking subsection (e) by striking “and” and inserting “and between 3 and 4”; and
(2) in subsection (g) by striking “3(b)” and inserting “3(a)”;
(3) in subsection (h) by striking “public bodies” and inserting “entities”; and by striking “3(b)” and inserting “3(a)”;
(g) MISCELLANEOUS REPORTS.—Section 6 of the Federal Water Project Recreation Act (16 U.S.C. 460l-17) is amended by adding at the end the following:
(1) Amounts collected under section 2805 of Public Law 102-575 for admission to or recreation use of project land and waters shall be deposited in a special account in the Reclamation Fund and shall remain available to the Commissioner of Reclamation without further appropriation until expended. Such funds may be used for the development, reconstruction, replacement, management, and operation of recreation resources on project lands and waters with not less than 60 percent being used at the site from which the fees were collected.
(b) MANAGEMENT FOR RECREATION, FISH AND WILDLIFE, AND OTHER RESOURCES.—Section 7 of the Federal Water Project Recreation Act (16 U.S.C. 460l-18) is amended—
(1) by amending subsection (a) to read as follows:
“(a) The Secretary of the Interior, acting through the Commissioner of Reclamation, is authorized, in conjunction with any water resource development project heretofore or hereafter approved which is otherwise under the Secretary’s control, to—

“(1) investigate, plan, design, construct, replace, manage, operate, and maintain or otherwise protect, recover, or dispose of all wildlife enhancement facilities and services, the costs of which may be nonreimbursable;

“(2) provide for public use and enjoyment of project lands, facilities, and water areas in a manner coordinated with the other project purposes, including by entering into grants, cooperative agreements, and similar instruments with non-Federal entities at cost sharing, for recreation projects and activities; and

“(3) to acquire or otherwise make available such adjacent lands or interests therein as are necessary for public recreation or fish and wildlife use.”;

“(b) In subsection (b)—

“(1) by inserting “and management” after “administration”;

“(2) by striking “lease” and

“(3) by adding at the end the following:

“All such agreements or contracts for administration or management shall identify the terms and conditions of administration, management, and use, approvals required from Bureau of Reclamation, and assure public access to project lands managed for recreation.”;

“(c) by adding at the end the following:

“(d) The Secretary of the Interior, acting through the Commissioner of Reclamation, is also authorized to enter into agreements with non-Federal entities for recreation purposes in connection with Bureau of Reclamation projects. All such agreements or contracts for management shall identify the terms and conditions of management and use, approvals required from Bureau of Reclamation, and assure public access to project lands managed for recreation.”;

“(e) The Secretary of the Interior, acting through the Commissioner of Reclamation, is authorized to approve the administration, management, or operation of Bureau of Reclamation lands, waters, and the resources thereon by means of easements, leases, licenses, contracts, permits, and other forms of conveyance instruments.

“(f) The Secretary of the Interior, acting through the Commissioner of Reclamation, is authorized to produce, sell, or otherwise make available to the public information about Bureau of Reclamation programs including publications, photographs, computer discs, maps, brochures, posters, videos, and other materials related to the Bureau of Reclamation and the natural, historic, and cultural resources of the area; and, other appropriate and suitable merchandise to enhance the visibility of the Bureau of Reclamation from such sales shall be credited to the Reclamation Fund to remain available, without further Act of appropriation, to pay costs associated with the production and sale of items, and any remaining revenue shall be available, without further Act of appropriation, to support recreation development and management of Bureau of Reclamation land and water areas.”.

“(j) AUTHORIZATION OF APPROPRIATIONS.—The Federal Water Project Recreation Act (16 U.S.C. 660–12 et seq.) is amended by redesignating section 11 (as redesignated by the Act of August 30, 1977) as section 11(a) and by inserting after section 10 the following:

“SEC. 11A. AVAILABILITY OF APPROPRIATIONS.

“(a) The funds authorized to be appropriated to the Secretary of the Interior for all purposes for the fiscal year ending September 30, 1997 or before such funds are available, as required under section 11 of the Federal Water Project Recreation Act of 1977, and the funds authorized to be appropriated to the Secretary of the Interior to carry out section 11(a) of the Federal Water Project Recreation Act of 1977, and the funds authorized under this section may remain available until expended.

“(b) LIMITATION ON APPROPRIATIONS.—This section and the amendments made by this section shall apply only to water resource development projects under the control of the Secretary of the Interior.

“SEC. 3. RECREATIONAL FACILITIES AT LOST CREEK RESERVOIR.

“(a) CONSTRUCTION OF FACILITIES.—As soon as practicable after funds are made available for this section, the Secretary of the Interior shall construct recreational facilities at Lost Creek Reservoir in Utah.

“(b) MAINTENANCE AND OPERATION OF FACILITIES.—Construction of recreational facilities under subsection (a) shall begin only after the Secretary has entered into a cooperative agreement with the State of Utah that provides for the operation and maintenance of the recreational facilities.

“(c) COST SHARING.—The Federal share of the cost of construction carried out under this section shall not exceed 50 percent.

“SEC. 4. TECHNICAL CORRECTION.

“Section 1(e) of Public Law 107–69 (115 Stat. 595) is amended by striking “section 2(c)(1)” and inserting “section 2(c)(1)”.

“SEC. 5. AUTHORIZATION OF AUSTIN, TEXAS, WASTEWATER RECLAMATION AND REUSE PROJECT.

“(a) AUTHORIZATION OF PROJECT.—The Reclamation Act of 1996 (Public Law 104–339) provides for the operation and maintenance of the Austin, Texas, Wastewater Reclamation and Reuse Project.

“(b) AUTHORIZATION.—The Secretary, in cooperation with the City of Austin and Wastewater Utility, Texas, is authorized to participate in the planning (including an appraisal and feasibility study), design, and construction of, and land acquisition for, a project to reclaim and reuse wastewater, including degraded groundwaters, within and outside of the service area of the City of Austin Wastewater Reclamation and Reuse Project, in the City of Austin, Texas.

“(c) COST SHARING.—The Federal share of the cost of the project authorized by this section shall not exceed 50 percent of the total cost of the project.

“(d) LIMITATION.—The Secretary shall not provide funds for the operation and maintenance of the project authorized by this section.

“SEC. 6. WILLARD BAY RESERVOIR ENLARGEMENT.

“(a) AUTHORIZATION OF FEASIBILITY STUDY.—Pursuant to the reclamation laws, the Secretary of the Interior, through the Bureau of Reclamation, may conduct a feasibility study on raising the height of Arthur V. Watkins Dam and thereby enlarging the Willard Bay Reservoir for the development of additional storage to meet water supply needs within the Weber Basin Project area. The feasibility study shall include such environmental evaluation as required under the National Environmental Policy Act of 1969 and a cost allocation as required under the Reclamation Projects Act of 1939.

“(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit a report on the results of the study to the Congress for review and approval.

“SEC. 7. REAUTHORIZATION OF WATER DESALINATION ACT OF 1996.

“(a) AUTHORIZATION OF COOPERATIVE AND INTERAGENCY AGREEMENTS.—Section 3(a) of the Water Desalination Act of 1996 (42 U.S.C. 10301 note) is amended in the first sentence by inserting “and cooperative and interagency agreements” after “agreements”.

“(b) AUTHORIZATION OF APPROPRIATIONS.—Section 8 of such Act is amended—

“(1) in subsection (a) by striking “1997 through 2002” and inserting “2003 through 2008”; and

“(2) in subsection (b) by striking “$25,000,000 for fiscal years 1997 through 2002” and inserting “$25,000,000 for fiscal years 2003 through 2008”.

“The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentleman from West Virginia (Mr. RHALL) each will have 20 minutes to comment.

“The Chair recognizes the gentleman from Utah (Mr. HANSEN). Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume.

“This legislation provides the Bureau of Reclamation the authority to develop and manage recreation at reclamation water projects. The legislation also authorizes the Secretary of the Interior to participate in the design, planning, and construction of a project to reclaim and reuse wastewater within the city of Austin, Texas.

“Furthermore, the bill provides for the reauthorization of the Water Desalination Act of 1996 and provides authority for the Secretary to study the feasibility of raising Willard Bay Reservoir in Utah.

“Mr. Speaker, I include the following for the RECORD:

U.S. HOUSE OF REPRESENTATIVES
COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE
WASHINGTON, DC,

October 1, 2002

Hon. James Hansen, Chairman, Committee on Resources, Washington, DC.

Dear Chairman Hansen: I am writing with regard to H.R. 5460, to reauthorize and amend the Federal Water Project Recreation Act, which was referred to the Committee on Resources on September 25, 2002. This legislation affects programs under the jurisdiction of the Transportation and Infrastructure Committee.

I recognize your desire to bring this bill before the House in an expeditious manner. Accordingly, I will not exercise my Committee’s right to a sequential referral of the legislation. By agreeing to waive its consideration of the bill, however, the Committee on Transportation and Infrastructure does not waive its jurisdiction over H.R. 5460. In addition, the Transportation and Infrastructure Committee reserves its authority to seek a hearing on any proposal that is within its jurisdiction during any House-Senate conference that may be convened on this legislation. I ask for your commitment to conferees on H.R. 5460.
Mr. Speaker, I reserve the balance of my time.

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

Mr. DOGGETT. Mr. Speaker, I thank the gentleman from California (Mr. HANSEN), the chairman of the committee, as well as the gentleman from California (Mr. CALVET), the subcommittee chairman who was very helpful to us during the subcommittee proceedings on this legislation, which has now been appended to some legislation of the gentleman from California (Mr. CALVET).

Mr. Speaker, I would also want to recognize the contribution of Mayor Gus Garcia of Austin. He ably presented the city’s case for this legislation in his first testimony before the Congress as our mayor.

After witnessing the catastrophic floods that struck central Texas earlier this year, many people may wonder why we need to conserve water. But, in fact, though we have some mighty pow- erful rivers, we also have a mighty thirst. Austin is a city that has been blessed with many resources. We believe that by conserving these resources in part through this bill that we will have an ample water supply in the future. This legislation will enable the city of Austin, with the assistance of the Bureau of Reclamation, to conserve our water supply through planning and development of a project to reclaim and reuse treated wastewater. The initiative will reduce demand on Austin’s water supply and conserve water. In the long run, it is estimated that the project can save as much as 9 billion gallons of water each year.

Austin is already a recognized leader in water resource planning, and with this Federal legislative backup, our community can further address water conservation and sustainable development.

The growth of the city of Austin has been tremendous in the last decade and has presented us with challenges, one of which is planning for our water needs. This legislation will help assure that the water reclamation project will provide assistance to beneficiaries as diverse as the city itself, from municipal parks to schools to industrial facilities. Indeed, our high-tech manufactoring plants are major water consumers and with this legislation they are assured not only greater water availability, but also a lower cost, which is very important to them.

Mr. Speaker, I believe it was Ben Franklin who said, “When the well is dry, we know the worth of water.” Fortunately, there is no danger of the Colorado River running dry, but there are many demands on water rights from that river, and it is well that through this legislation we move forward progressively, working with the Federal Government and the Bureau of Reclamation to assure that we have our water needs met in the future.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 5460, as amended.

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

A motion to reconsider was laid on the table.

CEDAR CREEK AND BELLE GROVE NATIONAL HISTORICAL PARK ACT

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4944) to designate the Cedar Creek Battlefield and Belle Grove Plantation National Historical Park as a unit of the National Park System, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4944
Be it enacted by the Senate and House of Representa-tives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.
This Act may be cited as the “Cedar Creek and Belle Grove National Historical Park Act”.

SEC. 2. PURPOSE.
The purpose of this Act is to establish the Cedar Creek and Belle Grove National Historical Park in order to—
(1) help protect a unique and interpret a nationally significant Civil War landscape and antebellum plantation for the education, inspiration, and benefit of present and future generations;
(2) tell the rich story of Shenandoah Valley history from early settlement through the Civil War and beyond, and the Battle of Cedar Creek and Belle Grove; and
(3) preserve the significant historic, natural, cultural, military, and scenic resources in the Cedar Creek Battlefield and Belle Grove Plantation areas through partnerships with local landowners and the community; and
(4) serve as a focal point to recognize and interpret important events and geographic locations within the Shenandoah Valley Batt-lefields National Historic District representing key Civil War battles in the Shenandoah Valley, including those battlefields associated with the Thomas J. (Stonewall) Jackson campaign of 1862 and the decisive campaigns of 1864.

SEC. 3. FINDINGS.
Congress finds the following:
(1) Belle Grove, also known as the battle of Belle Grove, was a major event of the Civil War and the history of this country. It represented the end of the Civil War Shenandoah Valley campaign of 1864 and contributed to the reection of President Abraham Lincoln and the eventual outcome of the war.
(2) 2,500 acres of the Cedar Creek Battlefield and Belle Grove Plantation were designated a national historic landmark in 1969 because of their ability to illustrate and interpret important eras and events in the his-tory of the United States. The Cedar Creek Battlefield, Belle Grove Manor House, the Heater House, and Harmony Hall (a National Historic Landmark) are also listed on the Virginia Landmarks Register.
(3) The Secretary of the Interior has approved the Shenandoah Valley Battlefields National Historic Landmark Management Plan and the National Park Service Special Resource Study, both of which recognized Cedar Creek Battlefield as the most significant Civil War resource in the district. The management plan, which was developed with extensive public participation over a 3-year period and is administered by the Shenandoah Valley Battlefields Foun-dation, recommends that Cedar Creek Bat-tlefield be established as a new unit of the National Park System.
(4) Belle Grove is a Historic Site of the National Trust for Historic Preservation and is a frequent visitor at Belle Grove, President Thomas Jefferson assisted with the design of the house. During the Civil War Belle Grove was at the center of the decisive battle of Cedar Creek. Belle Grove is managed locally by Belle Grove. In 1967, the house has been open to the public since 1967. The house has remained virtually unchanged since it was built in 1797, offering visitors an experience of the life and times of the people who lived there in the 18th and 19th centuries.
(5) Belle Grove is a Historic Site of the National Trust for Historic Preservation that occupies 383 acres within the boundaries of the National Historic Landmark. The foundation annually hosts a major reenactment and living history event on the Cedar Creek Battlefield.
(6) The panoramic views of the mountains, natural areas, and waterways provide visitors with an inspiring setting of great nat-ural beauty. The historic, natural, cultural, military, and scenic resources found in the Cedar Creek Battlefield and Belle Grove Plantation areas are nationally and regionally significant.
(1) COMMISSION.—The term ‘Commission’ means the Cedar Creek and Belle Grove National Historical Park Advisory Commission established by section 9.

(2) MAP—the term ‘Map’ means the map entitled ‘Boundary Map Cedar Creek and Belle Grove National Historical Park’, numbered CEBE-80,001, and dated September 2002.

(3) PARK.—The term ‘Park’ means the Cedar Creek and Belle Grove National Historical Park established under section 5 and depicted on the Map.

(4) SECRETARY.—The term ‘Secretary’ means the Secretary of the Interior.

SEC. 5. ESTABLISHMENT OF CEDAR CREEK AND BELLE GROVE NATIONAL HISTORICAL PARK.

(a) ESTABLISHMENT.—There is established the Cedar Creek and Belle Grove National Historical Park, consisting of approximately 3,000 acres, as generally depicted on the Map.

(b) AVAILABILITY OF MAP.—The Map shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior.

SEC. 6. ACQUISITION OF PROPERTY.

(a) REAL PROPERTY.—The Secretary may acquire personal property associated with, and appropriate for, interpretation of the Park.

(b) CONSERVATION EASEMENTS AND COVENANTS.—The Secretary is authorized to acquire conservation easements and enter into covenants regarding lands in or adjacent to the Park from willing sellers, only by donation, purchase with donated or appropriated funds, or exchange.

(c) PERSONAL PROPERTY.—The Secretary may acquire personal property associated with, and appropriate for, interpretation of the Park.

(d) CONSERVATION EASEMENTS AND COVENANTS.—The Secretary is authorized to acquire conservation easements and enter into covenants regarding lands in or adjacent to the Park from willing sellers, only on terms the Secretary shall—

(1) revise the boundary of the Park to include newly acquired land within the boundary; and

(2) administer newly acquired land subject to applicable laws (including regulations).

(e) PERSONAL PROPERTY.—The Secretary may acquire personal property associated with, and appropriate for, interpretation of the Park.

SEC. 7. ADMINISTRATION.

The Secretary shall administer the Park in accordance with this Act and the provisions of law generally applicable to units of the National Park System, including—

(1) the Act entitled ‘An Act to establish a National Park Service, and for other purposes’ approved August 25, 1916 (16 U.S.C. 1 et seq.); and

(2) the Act entitled ‘An Act to provide for the preservation of historic American sites, buildings, and structures of national significance, and for other purposes’, approved August 21, 1933 (16 U.S.C. 461 et seq.).

SEC. 8. MANAGEMENT OF PARK.

(a) MANAGEMENT PLAN.—The Secretary, in consultation with the Commission, shall prepare a management plan for the Park. In particular, the management plan shall contain provisions to address the needs of owners of non-Federal land, including independent nonprofit organizations within the boundary of the Park.

(b) SUBMISSION OF PLAN TO CONGRESS.—Not later than 3 years after the date of the enactment of this Act, the Secretary shall submit the management plan for the Park to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

SEC. 9. CEDAR CREEK AND BELLE GROVE NATIONAL HISTORICAL PARK ADVISORY COMMISSION.

(a) ESTABLISHMENT.—There is established the Cedar Creek and Belle Grove National Historical Park Advisory Commission.

(b) DUTIES.—The Commission shall—

(1) advise the Secretary in the preparation and implementation of a general management plan described in section 8; and

(2) advise the Secretary with respect to the identification of sites of significance outside the Park boundary deemed necessary to fulfill the purposes of this Act.

(c) MEMBERSHIP.—(1) COMPOSITION.—The Commission shall be composed of 15 members appointed by the Secretary as so to include the following:

(A) 1 representative from the Commonwealth of Virginia.

(B) 1 representative each from the local governments of Strasburg, Middletown, Frederick County, Shenandoah County, and Warren County.

(C) 2 representatives of private landowners within the Park.

(D) 1 representative from a citizen interest group.

(E) 1 representative from the Cedar Creek Battlefield Foundation.

(F) 1 representative from Belle Grove, Incorporated.

(G) 1 representative from the National Trust for Historic Preservation.

(H) 1 representative from the Shenandoah Valley Battlefields Foundation.

(I) 1 ex-officio representative from the National Park Service.

(J) 1 ex-officio representative from the United States Forest Service.

(2) CHAIRPERSON.—The Chairperson of the Commission shall be elected by the members to serve a term of one year renewable for one additional year.

(3) VACANCIES.—A vacancy on the Commission shall be filled in the same manner in which the original appointment was made.

(4) TERMS OF SERVICE.—

(A) IN GENERAL.—Each member shall be appointed for a term of 3 years and may be reappointed for not more than 2 successive terms.

(B) INITIAL MEMBERS.—Of the members first appointed under paragraph (1), the Secretary shall appoint—

(i) 4 members for a term of 1 year;

(ii) 5 members for a term of 2 years; and

(iii) 6 members for a term of 3 years.

(5) EXTENDED SERVICE.—A member may serve after the expiration of that member’s term until a successor has taken office.

(c) COMPENSATION.—(1) The chairperson of the Commission shall serve without pay.

(2) The members of the Commission shall serve without pay, except that each member may be reimbursed for travel expenses incurred in the performance of official duties.

(d) FUNDING.—The Secretary may provide technical assistance for the purposes of this Act, the Secretary is authorized to receive and expend funds from an endowment to be established with the National Park Foundation, or its successors and assigns.

SEC. 10. CONSERVATION OF CEDAR CREEK AND BELLE GROVE NATIONAL HISTORICAL PARK.

(a) ENCOURAGEMENT OF CONSERVATION.—The Secretary and the Commission shall encourage conservation of the historic and natural resources within and in proximity of the Park by landowners, local governments, organizations, and businesses.

(b) PROVISION OF TECHNICAL ASSISTANCE.—The Secretary may provide technical assistance to local governments, in cooperative efforts which complement the values of the Park.

(c) COOPERATION BY FEDERAL AGENCIES.—Any Federal entity conducting or supporting activities directly affecting the Park shall consult, cooperate, and, to the maximum extent practicable, coordinate activities with the Secretary in a manner that—

(1) is consistent with the purposes of this Act and the standards and criteria established pursuant to section 8; and

(2) is not likely to have an adverse effect on the resources of the Park; and

(3) is likely to promote public participation in order to consider the views of all interested parties.

SEC. 11. ENDOWMENT.

(a) IN GENERAL.—In accordance with the purposes of this Act, the Secretary is authorized to receive and expend funds from an endowment to be established with the National Park Foundation, or its successors and assigns.

(b) CONDITIONS.—Funds from the endowment referred to in subsection (a) shall be expended exclusively as the Secretary, in consultation with the Commission, may designate for the interpretation, preservation, and maintenance of the Park resources and public access areas. No expenditure shall be made, pursuant to this Act, unless the Secretary determines that such expenditure is consistent with the purposes of this Act.

SEC. 12. COOPERATIVE AGREEMENTS.

(a) IN GENERAL.—In order to further the purposes of this Act, the Secretary is authorized to enter into cooperative agreements with interested public and private entities and individuals (including the National Trust for Historic Preservation, Belle Grove, Inc., the Cedar Creek Battlefield Foundation, the Shenandoah Valley Battlefields Foundation, and the Counties of Frederick, Shenandoah, and Warren), in technical and financial assistance, including encouraging the conservation of historic and natural resources of the Park.

(b) TECHNICAL AND FINANCIAL ASSISTANCE.—The Secretary may provide to any person, organization, or governmental entity technical and financial assistance for the purposes of this Act, including the following:

(1) Preserving historic structures within the Park.

(2) Maintaining the natural or cultural landscape of the Park.

(3) Local preservation planning, interpretation, and management of public visitation to the Park.

(4) Furthering the goals of the Shenandoah Valley Battlefields Foundation related to the Park.
SEC. 13. ROLES OF KEY PARTNER ORGANIZATIONS.

(a) In General.—In recognition that central portions of the Park are presently owned and operated for the benefit of the public by key partner organizations, the Secretary shall acknowledge and support the continued participation of these organizations in the management of the Park.

(b) Park Partners.—Roles of the current key partners include the following:

(1) Cedar Creek Battlefield Foundation.—The Cedar Creek Battlefield Foundation may—

(A) continue to own, operate, and manage the land acquired by the Foundation within the Park;

(B) continue to conduct reenactments and other events within the Park; and

(C) transfer ownership interest in portions of their land to the National Park Service by donation, sale, or other means that meet the legal requirements of National Park Service land acquisitions.

(2) National Trust for Historic Preservation and Belle Grove Incorporated.—The National Trust for Historic Preservation and Belle Grove Corporation may continue to own, operate, and manage Belle Grove Plantation and its structures and grounds within the Park boundary. Belle Grove Corporation may continue to own the house and grounds known as Bowman's Fort or Harmony Hall for the purpose of permanent preservation, with a long-term goal of opening the site to the public.

(3) Shenandoah County.—Shenandoah County may continue to own, operate, and manage the Keister park site within the Park for the benefit of the public.

(4) Park Community Partners.—The Secretary shall cooperate with the Park's adjacent historic towns of Strasburg and Middle-town, as well as Frederick, Shenandoah, and Warren counties in furthering the purposes of the Park.

(5) Shenandoah Valley Battlefields Foundation.—The Shenandoah Valley Battlefields Foundation may continue to administer and manage the Shenandoah Valley Battlefields National Historic District in partnership with the National Park Service and in accordance with the Management Plan for the District in which the Park is located.

SEC. 14. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated such sums as are necessary to carry out this Act.

The Speaker pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. Hansen) and the gentleman from the Virgin Islands (Mrs. Christensen) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. Hansen).

Mr. Hansen. Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia (Mr. Wolf), the author of the bill.

Mr. Wolf asked and was given permission to revise and extend his remarks.

Mr. Wolf. Mr. Speaker, I rise in support of H.R. 4944, a bill to create the "Cedar Creek and Belle Grove National Historical Park.

I want to thank Chairman Hansen and the Resources Committee staff for their valuable assistance in moving this bill.

I also want to recognize the efforts of one of my former colleagues: the late D. French Slaughter, who lived in the House from 1985 until 1991. He helped lay the ground work for the creation of this park.

This legislation is the result of the tireless work of a number of people and organizations, including the National Park Service, local elected officials and landowners in the Shenandoah Valley, and prominent historians and preservationists.

An outgrowth of the efforts of the Shenandoah Valley Battlefields National Historic District Commission established by Congress in 1996, the park will help preserve and interpret the rich history of the Shenandoah Valley.

In addition to preserving the site of the Civil War Battle of Cedar Creek—it was the last battle of the 1864 Civil War Valley campaign, marking the end of Confederate power in the Valley and its timing just three weeks before the 1864 presidential election—also unquestionably influenced the magnitude of President Lincoln's reelection—the park will help tell the story of Native American burial grounds in the region, the influence of German settlers who migrated to the area along the Great Wagon Road and the creation of massive wheat plantations that foreshadowed the Valley's future as the "Breadbasket of the Confederacy." Historic Belle Grove Plantation also will be within the park's boundaries. It was built by Isaac Hite, who served in the Continental Army during the Revolutionary War, and married Nelly Conway Madison, the sister of President James Madison.

Belle Grove is one of the many outstanding mansions of the Shenandoah Valley and like other period houses built in that region, the plantation is influenced from the Tidewater and Piedmont areas, and also Classical Revival elements, an architectural innovation of the day.

The park also will help protect the historic scenic landscape of the region which features panoramic views of the Blue Ridge mountains, natural areas and waterways in the northern Shenandoah Valley.

The proposed park boundary includes approximately 3,000 acres at the intersection of Frederick, Shenandoah and Warren counties, and is based on the 1969 boundary established for the Cedar Creek and Belle Grove National Historic Landmark.

What makes this park even more special is that it will serve as a model for future national parks because:

It is based on partnerships and local community involvement;

Private organizations, families, and individuals will continue to live and work within its boundaries;

Landowners hold their right to sell their land whenever and to whomever they choose;

No land will be condemned or taken by eminent domain;

The Park Service will only purchase land from willing sellers; and

Finally, land use and zoning decisions within the park's boundaries will continue to be administered by local authorities at the county or municipal levels.

This park will go a long way toward preserving an important part of our Nation's rich heritage and history.

It also has the full support of the local community.

I urge support for H.R. 4944.

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

(Mrs. Christensen asked and was given permission to revise and extend her remarks.)

Mrs. Christensen. Mr. Speaker, the purpose of H.R. 4944 has been explained by the majority and our colleagues on the other side. This legislation is a result of a National Park Service study that worked with the local community on developing joint efforts to protect these Civil War resources. We have no objection to its passage.

Mr. Goodlatte. Mr. Speaker, I would like to thank the gentleman from Utah for yielding. I would also like to thank Congressman Wolf for his vision and leadership in bringing this legislation to the floor. I am pleased to share a bordering district with Mr. Wolf and share part of the Cedar Creek and Belle Grove properties.

I have the distinct honor of representing a significant part of the Shenandoah Valley. The Valley is one of the most diverse and beautiful regions in the country, and no one for its role in Civil War history—even being referred to by historians as the “breadbasket of the confederacy” for supplying food to soldiers. While my district is dotted with national parks, I would like to see added a new national park—the Cedar Creek Battlefield and Belle Grove Plantation National Historical Park to ensure the preservation of the history surrounding this site.

This park will also serve as a new model for future development of national parks because it is a collaboration of efforts between public and private entities. What is also unique about this park is that all landowners will continue working collectively for the visiting public while continuing to retain the right to sell their land—whenever and to whomever they choose. In addition, the park will work hand-in-hand with the local community because land use and zoning will continue to be administered by local authorities at the county or municipal level.

In addition, there are 9 other Civil War battlefields within the Shenandoah Valley that will also benefit from the national involvement in the Shenandoah Valley, while continuing to maintain its rural character and be protected and managed at a local level. Increased visitation to the new park and surrounding battlefields will bring added value and benefits to the local economy and play a significant role in hosting visitors from all over the country.

I would also like to take this time to pay tribute to Mr. Carrington Williams. I am deeply saddened by his recent death. It was an honor to work with Carrington in establishing and securing funds for the Shenandoah Valley Battlefield Commission. He was a true leader in the appreciation and preservation of our nation's Civil War Battlefields and his passion for...
protecting American heritage will be sorely missed. From his military service to this great Nation to his public service in the Virginia House of Delegates and his extensive community service, Carrington was a respected civic leader and visionary.

I appreciate the historic value and significance of Cedar Creek and Belle Grove. During my weekly drives through the Valley on my way to D.C. or back home to Roanoke, I am reminded almost every stretch of mile of the historic role the Shenandoah Valley has played during the events of the Civil War. I believe we have the unique ability to preserve this battlefield so it will continue to provide a historical lesson and glimpse into our nation's past for future generations.

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

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

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

The SPEAKER pro tempore (Mr. SIMMONS). The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 3802, as amended.

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

The title of the bill was amended so as to read: "A bill to designate the Cedar Creek and Belle Grove National Historical Park as a unit of the National Park System, and for other purposes."

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3802) to amend the Education Land Grant Act to require the Secretary of Agriculture to pay the costs of environmental reviews with respect to conveyances under that Act, as amended.

The Chair recognizes the gentleman from Utah (Mr. HANSEN). Mr. HANSEN. Mr. Speaker, the bill, H.R. 3802, was introduced by the gentleman from Arizona (Mr. HAYWORTH), and I yield such time as he may consume to the gentleman to explain this legislation.

Mr. HAYWORTH. Mr. Speaker, I thank the gentleman from Utah for yielding me this time. He has done an outstanding job as Chairman of the Committee on Resources and we shall miss him very much in that capacity.

Mr. Speaker, the Education Land Grant Act set up a national mechanism to convey small parcels of U.S. Forest Service land to local educational agencies for the purpose of renovation, expansion, or construction of school facilities. Mr. Speaker, the good news is that this bill was signed into law on December 28 of the year 2000. Here is where the difficulty has arisen, Mr. Speaker. In implementing this law, Forest Service staff have administratively determined that schools that apply for a conveyance under this act would need to pay various administrative costs, analyses, and environmental compliance assessments. In fact, the interim directive that has now finally been distributed states various costs to be borne by the school districts.

In fact, another memo mentioned that even staff time, even staff time used to process requests will need to be paid by school districts.

Mr. Speaker, here we have an example of bureaucrats trying to reinterpret what was very clear in the law. That is why we come to the floor today with H.R. 3802.

This bill simply requires the Forest Service to bear the costs of environmental assessments and administrative costs associated with an exchange under the Education Land Grant Act. The purpose of the act in the first place was to help those cash-strapped districts that lacked funds were going to help teachers teach and help children learn. Now we have a situation, through bureaucratic extrapolation, where the unelected are trying to reinterpret the will of the Congress. So, Mr. Speaker, we come here today to speak unequivocally to say that the Congress makes it very clear. Here are the instruments that will be utilized to help these cash-strapped districts realize the benefits of the Education Land Grant Act, and this legislation is the last step toward making school construction and expansion a reality for many rural schools across our country.

The Chair recognizes the gentleman from Utah (Mr. HANSEN). Mr. HANSEN. Mr. Speaker, the bill, H.R. 3802, was introduced by the gentleman from Arizona (Mr. HAYWORTH), and I yield such time as he may consume to the gentleman to explain this legislation.

Mr. HAYWORTH. Mr. Speaker, I thank the gentleman from Utah for yielding me this time. He has done an outstanding job as Chairman of the Committee on Resources and we shall miss him very much in that capacity.

Mr. Speaker, the Education Land Grant Act set up a national mechanism to convey small parcels of U.S. Forest Service land to local educational agencies for the purpose of renovation, expansion, or construction of school facilities. Mr. Speaker, the good news is that this bill was signed into law on December 28 of the year 2000. Here is where the difficulty has arisen, Mr. Speaker. In implementing this law, Forest Service staff have administratively determined that schools that apply for a conveyance under this act would need to pay various administrative costs, analyses, and environmental compliance assessments. In fact, the interim directive that has now finally been distributed states various costs to be borne by the school districts.

In fact, another memo mentioned that even staff time, even staff time used to process requests will need to be paid by school districts.

Mr. Speaker, here we have an example of bureaucrats trying to reinterpret what was very clear in the law. That is why we come to the floor today with H.R. 3802.

This bill simply requires the Forest Service to bear the costs of environmental assessments and administrative costs associated with an exchange under the Education Land Grant Act. The purpose of the act in the first place was to help those cash-strapped districts that lacked funds were going to help teachers teach and help children learn. Now we have a situation, through bureaucratic extrapolation, where the unelected are trying to reinterpret the will of the Congress. So, Mr. Speaker, we come here today to speak unequivocally to say that the Congress makes it very clear. Here are the instruments that will be utilized to help these cash-strapped districts realize the benefits of the Education Land Grant Act, and this legislation is the last step toward making school construction and expansion a reality for many rural schools across our country.

So it is in that spirit, Mr. Speaker, that I urge this House to adopt H.R. 3802.

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

Mrs. CHRISTENSEN asked and was given permission to revise and extend her remarks.)

Mrs. CHRISTENSEN. Mr. Speaker, H.R. 3802 would require the Secretary of Agriculture to pay the costs of environmental reviews pursuant to the Education Land Grant Act. The majority, in the person of the gentleman from Arizona (Mr. HAYWORTH), has very clearly and passionately explained the bill. We have no objection, Mr. Speaker.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 3802, as amended.

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

A motion to reconsider was laid on the table.

RED ROCK CANYON NATIONAL CONSERVATION AREA PROTECTION AND ENHANCEMENT ACT OF 2002

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3802) to authorize the acquisition by exchange of lands for inclusion in the Red Rock Canyon National Conservation Area, Clark County, Nevada, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3802

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, SECTION 1. SHORT TITLE. This Act may be cited as the "Red Rock Canyon National Conservation Area Protection and Enhancement Act of 2002".

SEC. 2. DEFINITIONS. In this Act, the following definitions apply:

(1) CORPORATION.—The term "Corporation" means The Howard Hughes Corporation, an affiliate of the Rouse Company, with its principal place of business at 10000 West Charleston Boulevard, Las Vegas, Nevada.


(3) RED ROCK MAP.—The term "Red Rock Map" means the map entitled "H.R. 4141—Boundary Modifications", dated July 1, 2002.

SEC. 3. FINDINGS AND PURPOSES. (a) FINDINGS.—The Congress makes the following findings:

(1) Red Rock is a natural resource of major significance to the people of Nevada and the...
October 1, 2002

CONGRESSIONAL RECORD — HOUSE

H6873

United States. It must be protected in its natural state for the enjoyment of future generations of Nevadans and Americans, and enhanced wherever possible.

(2) In 1998, the Congress enacted the Southern Nevada Public Lands Management Act of 1998 (Public Law 105-263), which provided among other things for the protection and enhancement of the Red Rock

(3) The Corporation owns much of the private land on Red Rock’s eastern boundary, and is engaged in developing a large-scale master-plan community.

(4) Included in the Corporation’s land holdings are 1,071 acres of high-ground lands at the eastern edge of Red Rock. These lands were intended to be part of Red Rock, but to date have not been acquired by the United States. The protection of this high-ground acreage would preserve an important element of the western Las Vegas Valley view-shed.

(5) The Corporation has volunteered to forgo development of the high-ground lands, and proposes that the United States acquire title to the lands so that they can be preserved in perpetuity to protect and expand Red Rock.

(b) PURPOSE.—This Act has the following purposes:

(1) To accomplish an exchange of lands between the United States and the Corporation that would transfer certain high-ground lands to the United States in exchange for the transfer of other lands that are probably approximately equal in value to the Corporation.

(2) To protect Red Rock and to expand its boundaries as contemplated by the Bureau of Land Management, as depicted on the Red Rock Map.

(3) To further fulfill the purposes of the Southern Nevada Public Lands Management Act of 1998 and in accordance with the Red Rock Canyon National Conservation Area Establishment Act of 1996.

SEC. 4. RED ROCK LAND EXCHANGE.

(a) ACQUISITION REQUIREMENT.—If the Corporation, the Secretary, or any administrative action, the Secretary shall:

(1) administer the lands as part of Red Rock and in accordance with the Red Rock Canyon National Conservation Area Establishment Act of 1990 (16 U.S.C. 460ccc et seq.), the Southern Nevada Public Lands Management Act of 1998 (Public Law 105-263), and all other applicable laws;

(2) create new maps showing the boundaries of Red Rock as modified by or pursuant to this Act, and such additional areas as are included in the conservation area pursuant to the Red Rock Canyon National Conservation Area Protection and Enhancement Act of 2002.

(b) PURCHASES.—The Secretary shall acquire the lands identified as federal lands in section 2(a) of the Red Rock Canyon National Conservation Area Establishment Act of 1990 (16 U.S.C. 460ccc-1(a)(2)) and such additional areas as are included in the conservation area pursuant to the Red Rock Canyon National Conservation Area Protection and Enhancement Act of 2002.

(c) WITHDRAWAL OF AFFECTED LANDS.—To the extent not already accomplished under law or administrative action, the Secretary shall withdraw from further locations within the land holdings and lie within the disposable boundaries identified by the Southern Nevada Public Land Management Act for development.

Mr. Speaker, Congress recognized the benefit of conveying Federal lands to local government without compensating the acquisition for recreational purposes when it passed the Recreation and Public Purposes Act of 1954. The transfer of approximately 1,200 acres of BLM land to the Howard Hughes Corporation has archeological, scenic, and recreational values. The public lands to be acquired by the Hughes Corporation in exchange are adjacent to the Hughes Corporate land holdings and lie within the disposable boundaries identified by the Southern Nevada Public Land Management Act for development.

Mr. Speaker, a previous bill considered by this Congress, the Southern Nevada Public Land Management Act of 1998, was enacted to provide for the orderly disposal of Federal lands in Clark County, Nevada, and to provide for the acquisition of lands that are environmentally sensitive in the State. Pursuant to these goals, and to those of the Recreation and Public Purposes Act, on April 10 of this year I introduced H.R. 4141 to further enhance the Red Rock Canyon National Conservation Area.

This legislation will promulgate the exchange of approximately 1,000 acres of private, environmentally-sensitive, mountainous land on the eastern border of the Red Rock National Conservation Area held by the Howard Hughes Corporation for approximately 1,000 acres of Bureau of Land Management lands. In addition, approximately 1,200 acres of BLM land will be transferred to Clark County to be used as a public park.
Senator, both of Nevada’s Representatives, Clark County, and the city of Las Vegas.

Further, the Southern Nevada Group of the Sierra Club has stated in a communication to the Howard Hughes Corporation that not only benefits their development interests, but also those of the local public. This sentiment is echoed by longtime southern Nevada environmentalist Jeff van Es who said, “Never in my history of environmental activism have I seen a developer or corporation that has been more responsive to orderly environmental-conscious development than Howard Hughes Corporation. I often say that they are setting the example for others to follow.”

Mr. Speaker, I want to make it clear that this is probably the last time that this proposal will come before this body. If this legislation fails to pass, it is very possible that the Hughes Corporation will choose a course of planning action that would not be as favorable to environmental interests that have expressed their support. I encourage my colleagues to pass this legislation which blends development and conservation interests into a wise and sensible solution for Red Rock Canyon as well as Nevada. Mr. Speaker, I yield myself such time as I may consume.

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

The SPEAKER pro tempore (Mr. SHIMKUS). The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 4141, as amended.

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

A motion to reconsider was laid on the table.

CIVIL WAR BATTLEFIELD PRESERVATION ACT OF 2002

Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5125) to amend the American Battlefield Protection Act of 1996 to authorize the Secretary of the Interior to establish a battlefield acquisition grant program, as amended.

The Clerk read as follows:

H.R. 5125
Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.
This Act may be cited as the “Civil War Battlefield Preservation Act of 2002”.

SEC. 2. FINDINGS AND PURPOSES.
(a) Findings.—Congress finds the following:
(1) Civil War battlefields provide a means for the people of the United States to understand a tragic period in the history of the United States.
(2) According to the Register in the Nation’s Civil War Battlefields, prepared by the Civil War Sites Advisory Commission, and dated July 1993, of the 384 principal Civil War battlefields—
(A) almost 20 percent are lost or fragmented;
(B) 17 percent are in poor condition; and
(C) 60 percent have been lost or are in imminent danger of being fragmented by development and lost as coherent historic sites.
(b) PURPOSES.—The purposes of this Act are—
(1) to act quickly and proactively to preserve and protect nationally significant Civil War battlefields through conservation easements and fee-simple purchases of those battlefields from willing sellers; and

Mr. Speaker, under this bill, our entire community will benefit. The Federal Government obtains invaluable environmentally-sensitive land, Clark County obtains a nature park that it will care for, and the Howard Hughes Corporation obtains lands that it will be able to develop. As someone that grew up in the southern Nevada area, I cannot emphasize how beautiful this area is and how important this legislation is to protect it. My entire community supports this legislation. Environmentalists, conservationists, homeowners, and the Howard Hughes Corporation, have been instrumental in our efforts to preserve Red Rock Canyon so that future generations of Nevadans and generations to come, my children and my children’s children, and beyond that will all be able to look up and enjoy Red Rock Canyon just as I did as a child.

1830

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

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

The SPEAKER pro tempore (Mr. SHIMKUS). The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 4141, as amended.

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

A motion to reconsider was laid on the table.

CIVIL WAR BATTLEFIELD PRESERVATION ACT OF 2002

Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5125) to amend the American Battlefield Protection Act of 1996 to authorize the Secretary of the Interior to establish a battlefield acquisition grant program, as amended.

The Clerk read as follows:

H.R. 5125
Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.
This Act may be cited as the “Civil War Battlefield Preservation Act of 2002”.

SEC. 2. FINDINGS AND PURPOSES.
(a) Findings.—Congress finds the following:
(1) Civil War battlefields provide a means for the people of the United States to understand a tragic period in the history of the United States.
(2) According to the Register in the Nation’s Civil War Battlefields, prepared by the Civil War Sites Advisory Commission, and dated July 1993, of the 384 principal Civil War battlefields—
(A) almost 20 percent are lost or fragmented;
(B) 17 percent are in poor condition; and
(C) 60 percent have been lost or are in imminent danger of being fragmented by development and lost as coherent historic sites.
(b) PURPOSES.—The purposes of this Act are—
(1) to act quickly and proactively to preserve and protect nationally significant Civil War battlefields through conservation easements and fee-simple purchases of those battlefields from willing sellers; and

Mr. Speaker, under this bill, our entire community will benefit. The Federal Government obtains invaluable environmentally-sensitive land, Clark County obtains a nature park that it will care for, and the Howard Hughes Corporation obtains lands that it will be able to develop. As someone that grew up in the southern Nevada area, I cannot emphasize how beautiful this area is and how important this legislation is to protect it. My entire community supports this legislation. Environmentalists, conservationists, homeowners, and the Howard Hughes Corporation, have been instrumental in our efforts to preserve Red Rock Canyon so that future generations of Nevadans and generations to come, my children and my children’s children, and beyond that will all be able to look up and enjoy Red Rock Canyon just as I did as a child.

1830

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

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

The SPEAKER pro tempore (Mr. SHIMKUS). The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 4141, as amended.

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

A motion to reconsider was laid on the table.

CIVIL WAR BATTLEFIELD PRESERVATION ACT OF 2002

Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5125) to amend the American Battlefield Protection Act of 1996 to authorize the Secretary of the Interior to establish a battlefield acquisition grant program, as amended.

The Clerk read as follows:

H.R. 5125
Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.
This Act may be cited as the “Civil War Battlefield Preservation Act of 2002”.2

SEC. 2. FINDINGS AND PURPOSES.
(a) Findings.—Congress finds the following:
(1) Civil War battlefields provide a means for the people of the United States to understand a tragic period in the history of the United States.
(2) According to the Register in the Nation’s Civil War Battlefields, prepared by the Civil War Sites Advisory Commission, and dated July 1993, of the 384 principal Civil War battlefields—
(A) almost 20 percent are lost or fragmented;
(B) 17 percent are in poor condition; and
(C) 60 percent have been lost or are in imminent danger of being fragmented by development and lost as coherent historic sites.
(b) PURPOSES.—The purposes of this Act are—
(1) to act quickly and proactively to preserve and protect nationally significant Civil War battlefields through conservation easements and fee-simple purchases of those battlefields from willing sellers; and
(2) in paragraph (2), by inserting “and provide battlefield acquisition grants” after “studies”.

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

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

Mr. HANSEN. Mr. Speaker, I yield such time as I may consume to the gentleman from California (Mr. GARY G. MILLER) to explain this legislation.

Mr. GARY G. MILLER of California, Mr. Speaker, I rise today in support of H.R. 5125, the Civil War Battlefield Preservation Act of 2002.

On July 15, I introduced this bill, along with five of my colleagues, to show Congress’s continued commitment to preserving these historic sites.

I believe by preserving history, we teach future generations not only where we are from, but also what we are about and where we are heading. Preserving our past allows us to teach our children about the valor of the soldiers who fought and died, the strife families and communities faced, and the challenges that our society met, and struggles our ideals conquered. These battlefields are living classrooms to remind future generations of our Nation’s history.

If enacted, this measure seeks to authorize the American Battlefield Preservation Program, ABPP, a proven program Congress funded in 1999 at $8 million and again in 2002 at $11 million.

The Civil War Battlefield Preservation Program, CWBPP, has been continually successful. The fiscal year 1999 appropriations were used to save nearly 7,000 acres of battlefield land, and generated an additional $16 million in non-Federal money for preservation.

This is a fiscally responsible program that promotes non-Federal partnerships with States, localities, and municipalities. Grants are competitively awarded through the American Battlefield Protection Program, ABPP, an arm of the National Park Service.

Money authorized in H.R. 5125 is to be used for the acquisition from willing sellers of priority battlefield properties outside NPS boundaries. Last year 63 Members and 12 Senators signed bipartisan letters supporting the fiscal year 2002 appropriation for this same purpose.

A companion bill, S. 2968, was introduced with tripartisan support. Senators SARBANES, SESSIONS and JEFFORDS are all in support of this fund.

This is a fiscally responsible program that promotes non-Federal partnerships with States, localities, and municipalities. Grants are competitively awarded through the American Battlefield Protection Program, ABPP, an arm of the National Park Service.

Money authorized in H.R. 5125 is to be used for the acquisition from willing sellers of priority battlefield properties outside NPS boundaries. Last year 63 Members and 12 Senators signed bipartisan letters supporting the fiscal year 2002 appropriation for this same purpose.

A companion bill, S. 2968, was introduced with tripartisan support. Senators SARBANES, SESSIONS and JEFFORDS are all in support of this fund.

The bill also authorizes $500,000 for ABPP from funds in the 993 Civil War Sites Advisory Commission fund, which prioritizes the 384 major conflicts of the Civil War by the status of threats to their integrity.

This authorization bill, which would fund battlefield preservation from fiscal year 2004 through 2008, would provide predictability and certainty to the program’s nonfunded partners as they prepare grant applications and make budgetary decisions.

I would like to thank the gentleman from Utah (Chairman HANSEN) and the gentleman from California (Mr. RADANOVICH), as well as the gentleman from West Virginia (Mr. RAHALL) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) for their commitment to preserving our Nation’s past.

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

(Mrs. CHRISTENSEN asked and was given permission to revise and extend her remarks.)

Mrs. CHRISTENSEN. Mr. Speaker, this bill has a very worthy goal, and we have no objection to its passage.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 5125, as amended.

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

A motion to reconsider was laid on the table.

CENTRAL UTAH PROJECT COMPLETION ACT AMENDMENTS ACT

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4129) to amend the Central Utah Project Completion Act to clarify the responsibilities of the Secretary of the Interior with respect to the Central Utah Project, to redirect unexpended budget authority for the Central Utah Project for wastewater treatment and reuse and other purposes, to provide for prepayment of repayment contracts for municipal and industrial water delivery facilities, and to eliminate a deadline for such prepayment, as amended.

The Clerk read as follows:

H.R. 4129
Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

SECTION 1. AMENDMENTS TO THE CENTRAL UTAH PROJECT COMPLETION ACT.

(a) TREATMENT OF INVESTIGATION COSTS.—Section 201(b) of the Central Utah Project Completion Act (106 Stat. 4607) is amended following paragraph (2) by inserting the following: ‘‘All amounts previously expended in planning and developing the projects and features described in this subsection including amounts previously expended for investigation of power features in the Bonneville Dam Basin shall be considered non-reimbursable and non-returnable.’’.

(b) CLARIFICATION OF SECRETARIAL RESPONSIBILITIES.—Section 201(e) of the Central Utah Project Completion Act (106 Stat. 4608) is amended—

(1) in the first sentence—
SEC. 2. USE OF PROJECT FACILITIES FOR NON-PROJECT WATER.

The Secretary of the Interior may enter into contracts with the Provo River Water Users Association for water from Provo River, Utah, under the Act of February 21, 1911 (43 U.S.C. 329), for—

(1) the impounding, storage, and carriage of nonproject water for domestic, municipal, industrial, and other beneficial purposes, using facilities associated with the Provo River Project, Utah; and

(2) the exchange of water among Provo River Project contractors, for the purposes set forth in section 202(a)(1) of the Central Utah Project Completion Act Amendments Act of 1978; or

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentleman from Utah (Mrs. CHRISTENSEN) each will control 20 minutes.

Mr. Speaker, I yield such time as he may consume to the gentleman from Utah (Mr. CANNON), the author of this legislation, to explain this legislation.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Utah (Mr. HANSEN).
The Clerk read as follows:

Whereas under the Act, each State and Indian tribe having a federally approved abandoned mine reclamation program is to be allowed to control 20 minutes of my time.

Mr. CHRISTENSEN asked and was given permission to revise and extend her remarks.

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

Whereas the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 et seq.) created the Abandoned Mine Reclamation Fund capitalized with a reclamation fee assessed on every ton of domestic coal production, for the purpose of protecting the environment by restoring lands and waters adversely affected by past mining practices; whereunder the Act, each State and Indian tribe having a federally approved abandoned mine reclamation program is to be allowed 50 percent of the reclamation fees collected in such State, or collected with respect to Indian lands under the jurisdiction of such tribe, respectively, subject to appropriations; whereas by the end of March 2002, $4,700,000,000 in reclamation fees had been deposited into the Abandoned Mine Reclamation Fund, but only $5,000,000 had been appropriated from the fund, leaving an unappropriated balance of $1,400,000,000; whereas by the end of March 2002, the State and tribal share of the unappropriated balance in the Abandoned Mine Reclamation Fund was $876,000,000; whereas—

(1) the State of Alabama should have received $15,000,000 of such unappropriated balance;
(2) the State of Alaska should have received $1,800,000 of such unappropriated balance;
(3) the State of Arkansas should have received $4,000,000 of such unappropriated balance;
(4) the State of Colorado should have received $19,300,000 of such unappropriated balance;
(5) the State of Illinois should have received $26,000,000 of such unappropriated balance;
(6) the State of Iowa should have received $3,000,000 of such unappropriated balance;
(7) the State of Kansas should have received $395,000 of such unappropriated balance;
(8) the State of Kentucky should have received $109,800,000 of such unappropriated balance;
(9) the State of Louisiana should have received $1,100,000 of such unappropriated balance;
(10) the State of Maryland should have received $2,600,000 of such unappropriated balance;
(11) the State of Missouri should have received $901,000 of such unappropriated balance;
(12) the State of Montana should have received $39,800,000 of such unappropriated balance;
(13) the State of New Mexico should have received $18,200,000 of such unappropriated balance;
(14) the State of North Dakota should have received $10,200,000 of such unappropriated balance;
(15) the State of Ohio should have received $21,500,000 of such unappropriated balance;
(16) the State of Oklahoma should have received $1,900,000 of such unappropriated balance;
(17) the State of Pennsylvania should have received $51,600,000 of such unappropriated balance;
(18) the State of Texas should have received $7,300,000 of such unappropriated balance;
(19) the State of Utah should have received $12,300,000 of such unappropriated balance;
(20) the State of Virginia should have received $23,200,000 of such unappropriated balance;
(21) the State of Washington should have received $107,400,000 of such unappropriated balance;
(22) the State of West Virginia should have received $6,200,000 of such unappropriated balance;
(23) the Crow Tribe should have received $26,000,000 of such unappropriated balance;
(24) the Hopi Tribe should have received $4,700,000 of such unappropriated balance;
(25) the Navajo Tribe should have received $26,000,000 of such unappropriated balance; and

Whereas such States and tribes are being adversely affected by past mining practices; whereas such States and tribes are part of the General Revenue Funds appropriated to carry out the purposes of this Act may be available without fiscal year limitation.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

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

Mr. Speaker, H.R. 4874, introduced by our colleague on the Committee on Resources, the gentleman from Idaho (Mr. OTTIER), would direct the Secretary of the Interior to disclaim any Federal interest simultaneously with the filing of the disclaimer of interest.

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

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

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

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

Ms. OTTER, and I yield myself such time as I may consume.

Mrs. CHRISTENSEN, Mr. Speaker, I ask permission to revise and extend her remarks.

Mrs. CHRISTENSEN. Mr. Speaker, I ask permission to revise and extend her remarks.

Whereas the Abandoned Mine Reclamation Act of 1977 (30 U.S.C. 1201 et seq.) provided for eligible States and Indian tribes to receive their lawful share of the unappropriated balance in the Abandoned Mine Reclamation Fund so that they may further protect and enhance the environments of their States and tribal lands.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

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

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

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

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

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

(Mrs. CHRISTENSEN asked and was given permission to revise and extend her remarks.)

Mrs. CHRISTENSEN, Mr. Speaker, we support this resolution.

Mr. GEKAS, Mr. Speaker, as an original co-sponsor of H. Con. Res. 425, I rise today to support its passage and to highlight the problems of abandoned mines in the Commonwealth of Pennsylvania.

The industrialization of the United States was fueled largely by Pennsylvania coal. Today, the Commonwealth still bears the scars from centuries of mining. Acid discharge still pollutes our streams and abandoned strip mines still make parts of Pennsylvania look like a lunar landscape. It is sad to see our environment in such a state but it is even more tragic that these abandoned mines pose a serious threat to the general public. So far this year, 26 people have died as a result of accidents at abandoned mine sites. Since January 2000, 78 individuals have died at abandoned mine sites. From hunters who have stumbled off rock faces to the youth who drowned in the nine miners who were rescued from the Quecreek Mine after their mine was flooded by an adjacent abandoned mine, we in Pennsylvania know all too well the dangers these abandoned mines pose.

I applaud the gentlewoman from Wyoming, Mrs. CUBIN, for introducing H. Con. Res. 425, and my many colleagues from Pennsylvania for cosponsoring it. The Abandoned Mine Land Trust Fund was created to erase the scars mining has left on our country. The Federal budget for FY 2004 should keep faith with the goals of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 et seq.) by providing for eligible States and Indian tribes to receive their lawful share of the unappropriated balance in the Abandoned Mine Reclamation Fund so that they may further protect and enhance the environments of their States and tribal lands.

Resolved by the House of Representatives (the Senate concurring), That the Federal budget for fiscal year 2004 should keep faith with the goals of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 et seq.) by providing for eligible States and Indian tribes to receive their lawful share of the unappropriated balance in the Abandoned Mine Reclamation Fund so that they may further protect and enhance the environments of their States and tribal lands.
On August 22 of this year I toured the Keim Tunnel in Dauphin County, one of the many abandoned mines in my district. I saw the effects it has on nearby streams and the potential dangers it poses to the public. In the past I have always advocated that Pennsylvania receive the support of the Abandoned Mine Land Trust Fund. I will continue this important work and I genuinely hope that the passage of H. Con. Res. 425 will bring us one step closer to this goal.

Mr. Speaker, as we consider H. Con. Res. 425 today, we must also remember that in the very near future we will be debating the authorization of the Abandoned Mine Land Trust Fund. I hope that when that time arrives Members of Congress from mining states, current and past, and non-mining states can get together and once and for all come up with a way to get abandoned mines in states like Pennsylvania cleaned up immediately. We owe this not only to our environment which has been scarred but also to the many people who have been killed or injured as a direct result of these abandoned mines.

Mr. RAHALL. Mr. Speaker, I join in the support of this resolution.

It is no secret that for many years I have worked to liberate the unspent balance in the Abandoned Mine Reclamation Fund for its intended purpose. And that is, the restoration of abandoned coal mine sites which pose a threat to human health, safety and the environment of coalfield residents.

The program has enjoyed success, to date, $1.4 billion worth of public health and safety coal-related problems have been addressed. Yet, at the same time, there exists an unspent balance in the fund of an estimated $19 billion as of the end of fiscal year 2002.

The expenditure of these funds is certainly needed. There remains about $2.8 billion or so worth of outstanding high priority problems.

While record keeping is sporadic, just last week the New York Times reported there have been 78 deaths in abandoned or inactive mines since January 2000, including 26 this year.

And the West Virginia Charleston Gazette noted in an August 13 editorial: ‘‘If West Virginia could simply get its share of the $1.4 billion locked up in the Abandoned Mine Lands reclamation fund, hundreds, if not thousands, of miners could be put to work cleaning up the industry’s past messes.’’

It should be noted that this fund is not financed by general taxpayer dollars, but rather, from a fee assessed on every ton of mined coal. Yet, to date, both the Administration and the Congress have failed to keep faith to the coal producing States by making this money available on a more sufficient basis.

I thank the gentlelady from Wyoming, the author of this resolution, for her efforts in this matter.

I urge all Members with an interest in this issue to work with this gentleman from West Virginia to press for greater appropriations from the Abandoned Mine Reclamation Fund.

Mr. KANJORSKI. Mr. Speaker, I rise today to speak in favor of and express my strong support for House Concurrent Resolution 425, which the gentlelady from Wyoming, Congresswoman BARBARA CUBIN, introduced. I am pleased to be an original cosponsor of this important legislation.

Although more than $1.5 billion collected from coal producers and dedicated for cleaning up our Nation’s abandoned coal mine sites is currently available for reclamation projects in Pennsylvania and throughout the United States, these funds sit unappropriated in the Abandoned Mine Land Trust Fund. As a result, we are needlessly postponing important ecological and economic redevelopment projects. Federal government’s bookkeepers can offset other expenditures from the Federal budget.

In fiscal 2002, Congress appropriated $203.5 million for abandoned mine land reclamation projects nationwide. For fiscal 2003, the Administration has requested just $175.5 million for this critical program, a cut of almost 14 percent. With an estimated total cost of abandoned coal land reclamation at $20 billion, we need to do more to fix this problem.

Past coal mining practices have had a devastating effect on the environment and the economic potential of our Nation. Additionally, this problem is widespread. In fact, more than 120 congressional districts in 27 states, represented by both political parties, are affected by the problem of abandoned mines. At the current rate of expenditures for mine land cleanup, however, some of our Nation’s abandoned coal land areas will remain unreclaimed 200 years from now. That is wrong.

To fix this problem, I have introduced a bill to establish an Abandoned Mine Land Area Redevelopment Bond Program. H.R. 3218, the Abandoned Mine Land Area Redevelopment Bond Act, would authorize the issuance of a federal tax credit in lieu of interest. This legislation would give States and local governments the ability to access the capital market and raise needed funds for retrospective reclamation projects. At the same time, it would leverage federal dollars so that the money made available to State and local governments in the past can be used to clean up the messes of the past.

I urge all Members with an interest in this issue to support the Abandoned Mine Land Area Redevelopment Bond Act of 2003, H.R. 3218, as a crucial step in addressing the long-standing problem of the abandoned mines.

In closing, Mr. Speaker, I again thank Congresswoman CUBIN for introducing House Concurrent Resolution 425. I urge all Members with an interest in this issue to support this legislation to receive its full share of the Abandoned Mine Land Area Redevelopment Bond funds.

In addition to cosponsoring this important legislation, I have introduced a bill to establish an alternative to the trust fund. H.R. 3218, the Abandoned Mine Land Area Redevelopment Act would provide capital to fund the health, safety, and environmental restoration and economic redevelopment of abandoned coal mine land areas.

More specifically, my bill would allow for comprehensive regional cleanup efforts without reliance on federal appropriations by authorizing a qualified entity to issue special tax credit bonds. The Abandoned Mine Land Area Redevelopment Bonds would receive a federal tax credit in lieu of interest. Regionally affected by abandoned coal lands would then use the proceeds from the sale of the bonds to design, undertake, and oversee a reclamation and redevelopment plan.

As we have heard today, while the abandoned Mine Land Trust Fund provides much-needed resources for redeveloping areas devastated by coal mining, these funds have not been sufficient to address all of the health, safety, and environmental problems of abandoned mine land areas.

The tax credit system established by my bill would result in the complete restoration of our Nation’s abandoned coal land areas in roughly 30 years.

In closing, I would like to thank Congresswoman CUBIN for introducing House Concurrent Resolution 425, and I encourage my colleagues to support this legislation to help our Nation’s mining communities. I also look forward to working with her and my other colleagues to consider other innovative solutions like the Abandoned Mine Land Area Redevelopment Act for addressing this long-standing problem in the near future.
Mr. SPRATT. Mr. Speaker, I thank the gentlewoman for yielding time to me.

Mr. Speaker, this is about the most important part of the campaign for the revolution, the revolution in the South, where the revolution was largely won after the fall of Charleston in the back country.

The whole matter has been popularized by Mel Gibson and others in a movie called The Patriot. The story now needs to be told right. There were over 200 battles and skirmishes, military incidents. We need this national corridor to tell it right.

We had 1 million visitors to 8 different battlefields in South Carolina in the year 2000, and even more now. This is a perfectly fit bill for those circumstances. The story needs to be told right and well.

I would like to commend the chairman and the ranking member for allowing this bill to come to the floor. I urge everyone to vote for it.

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

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

The SPEAKER pro tempore. The question was taken; and (two-thirds having voted in favor thereof) the bill was passed. H.R. 4692.

The Clerk read as follows:

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

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

Mr. Speaker, H.R. 4692, introduced by the gentleman from Georgia (Mr. BISHOP), would amend the enabling legislation of the Andersonville National Historic Site to authorize the addition of certain land.

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

Mrs. CHRISTENSEN asked and was given permission to revise and extend her remarks.

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

Mr. Speaker, H.R. 4692, introduced by the gentleman from Georgia (Mr. BISHOP), would amend the enabling legislation of the Andersonville National Historic Site to authorize the addition of certain land.

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

Mrs. CHRISTENSEN asked and was given permission to revise and extend her remarks.

Mr. HANSEN. Mr. Speaker, I commend the gentleman from Georgia (Mr. BISHOP) for his work on this bill.

Mr. Speaker, I yield 30 seconds to the gentleman from Georgia (Mr. BISHOP), the sponsor of the bill.

Mr. BISHOP. Mr. Speaker, I thank the gentlewoman for yielding time to me. I thank the committee for their strong support of this legislation.

Mr. Speaker, this bill is designed to increase the size of the Andersonville National Historic Site in Andersonville, Georgia, which is the site of America's only official National Prisoner of War Museum, exhibit, and the Andersonville National POW Cemetery.

It is necessary to expand the size because it is statutorily limited. In order to make the road safer and provide for better security, the Friends of Andersonville, a 501(c)(3) corporation, purchased the land and wishes to donate it. With this legislation, it can receive the land. The land can be made safer, and the Prisoners of War and America's people can properly recognize and commend the work of our POWs.

SEC. 3. STUDY AREA.

(a) IN GENERAL.—

(1) SOUTH CAROLINA.—The study area shall include the following counties in South Carolina: Colleton, Charleston, Beaufort, and Wilhamsburg.

(2) NORTH CAROLINA.—The study area may include the following sites and locations in North Carolina as appropriate.

(b) SPECIFIC SITES.—The heritage area may include the following sites of interest:

(1) NATIONAL PARK SERVICE SITE.—Kings Mountain National Military Park, Cowpens National Battlefield, Fort Moultrie National Monument, Charleston.


(3) COMMUNITIES.—Charleston, Beaufort, Georgetown, Kingsport, Cheraw, Camden, Winnboro, Orangeburg, and Cayce.

(4) OTHER KEY SITES OPEN TO THE PUBLIC.—Middleton Place, Goose Creek Church, Hopsewee Plantation, Walnut Grove Plantation, and Historic Brattonsville.

SEC. 4. REPORT.

Not later than 3 fiscal years after the date on which funds are first made available for this Act, the Secretary of the Interior shall submit to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on the findings, conclusions, and recommendations of the study.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

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

Mr. Speaker, H.R. 4630, introduced by the gentleman from South Carolina (Mr. SPRATT), would authorize the Secretary of the Interior to conduct a study of the suitability and feasibility of establishing the Southern Campaign of the Revolution Heritage Area.

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

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

(Mrs. CHRISTENSEN asked and was given permission to revise and extend her remarks.)

Mrs. CHRISTENSEN. Mr. Speaker, we fully support H.R. 4630.

Mr. Speaker, I yield 30 seconds to the gentleman from South Carolina (Mr. SPRATT), the sponsor of this bill.

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

Mr. SPRATT. Mr. Speaker, I thank the gentlewoman for yielding time to me.

Mr. Speaker, this is about the most important part of the campaign for the revolution, the revolution in the South, where the revolution was largely won after the fall of Charleston in the back country.

The whole matter has been popularized by Mel Gibson and others in a movie called The Patriot. The story now needs to be told right. There were over 200 battles and skirmishes, military incidents. We need this national corridor to tell it right.

We had 1 million visitors to 8 different battlefields in South Carolina in the year 2000, and even more now. This is a perfectly fit bill for those circumstances. The story needs to be told right and well.

I would like to commend the chairman and the ranking member for allowing this bill to come to the floor. I urge everyone to vote for it.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 4630.

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

A motion to reconsider was laid on the table.

ANDERSONVILLE NATIONAL HISTORIC SITE BOUNDARY ADJUSTMENT ACT

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4692) to amend the Act entitled "An Act to authorize the Establishment of the Andersonville National Historic Site in the State of Georgia, and for other purposes", approved October 16, 1970, is amended by striking "five hundred acres" and inserting "520 acres".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

Mr. SPRATT. Mr. Speaker, I thank the gentlewoman for yielding time to me.

Mr. Speaker, this is about the most important part of the campaign for the revolution, the revolution in the South, where the revolution was largely won after the fall of Charleston in the back country.

The whole matter has been popularized by Mel Gibson and others in a movie called The Patriot. The story now needs to be told right. There were over 200 battles and skirmishes, military incidents. We need this national corridor to tell it right.

We had 1 million visitors to 8 different battlefields in South Carolina in the year 2000, and even more now. This is a perfectly fit bill for those circumstances. The story needs to be told right and well.

I would like to commend the chairman and the ranking member for allowing this bill to come to the floor. I urge everyone to vote for it.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 4692.

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

A motion to reconsider was laid on the table.

CHEROKEE, CHOCTAW, AND CHICKASAW NATIONS CLAIMS SETTLEMENT ACT

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3534) to provide for the settlement of certain land claims of Cherokee, Choctaw, and Chickasaw Nations to the Arkansas Riverbed in Oklahoma, as amended.

Mr. BISHOP. Mr. Speaker, I thank the gentlewoman for yielding time to me. I thank the committee on Energy and Natural Resources of the House and the ranking member for allowing this bill to come to the floor. I urge everyone to vote for it.

Mr. Speaker, H.R. 4630, introduced by the gentleman from Georgia (Mr. BISHOP), would authorize the Secretary of the Interior to conduct a study of the suitability and feasibility of establishing the Southern Campaign of the Revolution Heritage Area.

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

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

(Mrs. CHRISTENSEN asked and was given permission to revise and extend her remarks.)

Mrs. CHRISTENSEN. Mr. Speaker, we fully support H.R. 4630.

Mr. Speaker, I yield 30 seconds to the gentleman from South Carolina (Mr. SPRATT), the sponsor of this bill.

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

Mr. SPRATT. Mr. Speaker, I thank the gentlewoman for yielding time to me.

Mr. Speaker, this is about the most important part of the campaign for the revolution, the revolution in the South, where the revolution was largely won after the fall of Charleston in the back country.

The whole matter has been popularized by Mel Gibson and others in a movie called The Patriot. The story now needs to be told right. There were over 200 battles and skirmishes, military incidents. We need this national corridor to tell it right.

We had 1 million visitors to 8 different battlefields in South Carolina in the year 2000, and even more now. This is a perfectly fit bill for those circumstances. The story needs to be told right and well.

I would like to commend the chairman and the ranking member for allowing this bill to come to the floor. I urge everyone to vote for it.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 4692.

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

A motion to reconsider was laid on the table.
The Clerk read as follows:

H.R. 3334

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

SEC. 1. SHORT TITLE.

This Act may be cited as the “Cherokee, Choctaw, and Chickasaw Nations Claims Set-
tlement Act”.

SEC. 2. FINDINGS.

The Congress finds the following:

(1) It is the policy of the United States to promote tribal self-determination and economic
development, to encourage resolution of disputes over historical claims through mutually
good faith settlements between Indian Nations and the United States.

(2) Prior to the enactment of the Indian Territory of Oklahoma Act (35 Stat. 21), the
United States Court of Federal Claims ruled that the Arkansas River formed the boundary be-
tween the Cherokee, Choctaw, and Chickasaw Nations.

(3) The Cherokee Nation, a federally recognized Indian tribe with its present tribal
headquarters in Adair, Oklahoma, having adopted its most recent constitution on July
1, 1983, and having entered into various treaties with the United States, includ-
ing but not limited to the Treaty at Hopewell, executed on January 3, 1876 (17 Stat.
21), and the Treaty at Washington, D.C., executed on April 28, 1886 (17 Stat. 21),
having maintained a continuous government-to-gov-
ernment relationship with the United States since the earliest years of the Union.

(4) The Choctaw Nation, a federally recognized Indian tribe with its present tribal
headquarters in Durant, Oklahoma, having adopted its most recent constitution on July
9, 1983, and having entered into various treaties with the United States of America,
including but not limited to the Treaty at Hopewell, executed on January 3, 1876 (17 Stat.
21), and the Treaty at Washington, D.C., executed on April 28, 1886 (17 Stat. 21),
having maintained a continuous government-to-gov-
ernment relationship with the United States since the earliest years of the Union.

(5) The Chickasaw Nation, a federally recognized Indian tribe with its present tribal
headquarters in Ada, Oklahoma, having adopted its most recent constitution on August
27, 1983, and having entered into various treaties with the United States of America,
including but not limited to the Treaty at Hopewell, executed on January 10, 1876 (7 Stat.
24), and the Treaty at Washington, D.C., executed on April 28, 1886 (7 Stat. 24),
having maintained a continuous government-to-gov-
ernment relationship with the United States since the earliest years of the Union.

(6) The first half of the 19th century, the Cherokee, Choctaw, and Chickasaw Nations
were forcibly removed from their homelands in the southeastern United States to lands
west of the Mississippi in the Indian Territory that were ceded to them by the United
States. From the “Three Forks” area near present day Muskogee, Oklahoma, down-
stream to the junction of the Three Forks and the Canadian River, the Arkansas River flowed
totally within the territory of the Cherokee Nation. From that point of confluence down-
stream to the Arkansas territorial line, the Arkansas River formed the boundary bet-
tween the Cherokee Nation on the left side of the thread of the river and the Choctaw and
Chickasaw Nations on the right.

(7) Pursuant to the Act of April 30, 1906 (34 Stat. 137), tribal property not allotted to in-
dividuals or otherwise disposed of, including the beneficial use and mismanagement of
the Drybed Lands have been occupied by a large number of adjacent landowners in Oklahoma.
Without federal legislation, further litigation against thousands of such landowners would
be likely and any final resolution of disputes would take many years and entail great expense
to the United States. The Indian Nations and the individuals and entities occupying
the Drybed Lands and the Wetbed Lands and the term

(1) D ISCLAIMED DRYBED LANDS .

(2) W ETBED LANDS.

(3) RIVERBED.

(4) RIVERBED.

(5) RIVERBED.

(6) RIVERBED.

(7) RIVERBED.

(8) RIVERBED.

(9) RIVERBED.

(10) RIVERBED.

(11) RIVERBED.

(12) RIVERBED.

(13) RIVERBED.

(14) RIVERBED.

(15) RIVERBED.

(16) RIVERBED.

(17) RIVERBED.

(18) RIVERBED.

(19) RIVERBED.

(20) RIVERBED.

(21) RIVERBED.

(22) RIVERBED.

(23) RIVERBED.

(24) RIVERBED.

(25) RIVERBED.

(26) RIVERBED.

(27) RIVERBED.

(28) RIVERBED.

(29) RIVERBED.

(30) RIVERBED.

(31) RIVERBED.

(32) RIVERBED.

(33) RIVERBED.

(34) RIVERBED.
the United States shall constitute a disclaimer of lands disclaimed. Such a plat or map may be used for the acquisition of land by the Indian Nations, and the United States shall lodge the consent decree with the Court of Federal Claims within 30 days of the enactment of this Act, and shall make a copy of the consent decree to all Indian Nations and tribal bodies identified in the official records of the Department of the Interior, Bureau of Indian Affairs. The disclaimer to be filed by the Secretary of the Interior under section 5(b)(1) of this Act shall reflect the legal description of the unallooted tracts retained by the Indian Nations.

(3) Setoff.—In the event the Court of Federal Claims shall not enter the consent decree as set forth in subsection (a), the United States shall be entitled to setoff against any claims of the Indian Nations as set forth in section 6 any interest accrued thereon up to the date of settlement. A quiet title action.—Notwithstanding any other provision of law, neither the United States nor any department of the United States shall be made parties to any quiet title lawsuit or other lawsuit to determine ownership of or an interest in the Disclaimed Drybed Lands initiated by any private person or private entity after execution of the disclaimer set out in section 5(b)(1). The United States will have no obligation to undertake any future quiet title action or actions for the recovery of lands or funds relating to any Disclaimed Drybed Lands retained by the Indian Nation or Indian Nations under this Act, including any lands which are transferred to the United States on the date of enactment of this Act, but which subsequently lie above or below the mean high water mark of the Arkansas River and the failure or decimation in and to lands held in trust by the United States on the date of enactment of this Act which lie above or below the mean high water mark of the Arkansas River, except for the Disclaimed Drybed Lands.

(c) The Indian Nations do not relinquish any right, title, or interest in any lands or minerals of certain unalloated tracts which are identified in the official records of the Eastern Oklahoma Regional Office, Bureau of Indian Affairs. The disclaimer to be filed by the Secretary of the Interior under section 5(b)(1) of this Act shall reflect the legal description of the unalloated tracts retained by the Indian Nations.

(3) Setoff.—In the event the Court of Federal Claims shall not enter the consent decree as set forth in subsection (a), the United States shall be entitled to setoff against any claims of the Indian Nations as set forth in section 6 any interest accrued thereon up to the date of settlement. A quiet title action.—Notwithstanding any other provision of law, neither the United States nor any department of the United States shall be made parties to any quiet title lawsuit or other lawsuit to determine ownership of or an interest in the Disclaimed Drybed Lands initiated by any private person or private entity after execution of the disclaimer set out in section 5(b)(1). The United States will have no obligation to undertake any future quiet title action or actions for the recovery of lands or funds relating to any Disclaimed Drybed Lands retained by the Indian Nation or Indian Nations under this Act, including any lands which are transferred to the United States on the date of enactment of this Act, but which subsequently lie above or below the mean high water mark of the Arkansas River and the failure or decimation in and to lands held in trust by the United States on the date of enactment of this Act which lie above or below the mean high water mark of the Arkansas River, except for the Disclaimed Drybed Lands.

(c) The Indian Nations do not relinquish any right, title, or interest in any lands or minerals of certain unalloated tracts which are identified in the official records of the Eastern Oklahoma Regional Office, Bureau of Indian Affairs. The disclaimer to be filed by the Secretary of the Interior under section 5(b)(1) of this Act shall reflect the legal description of the unalloated tracts retained by the Indian Nations.

(3) Setoff.—In the event the Court of Federal Claims shall not enter the consent decree as set forth in subsection (a), the United States shall be entitled to setoff against any claims of the Indian Nations as set forth in section 6 any interest accrued thereon up to the date of settlement. A quiet title action.—Notwithstanding any other provision of law, neither the United States nor any department of the United States shall be made parties to any quiet title lawsuit or other lawsuit to determine ownership of or an interest in the Disclaimed Drybed Lands initiated by any private person or private entity after execution of the disclaimer set out in section 5(b)(1). The United States will have no obligation to undertake any future quiet title action or actions for the recovery of lands or funds relating to any Disclaimed Drybed Lands retained by the Indian Nation or Indian Nations under this Act, including any lands which are transferred to the United States on the date of enactment of this Act, but which subsequently lie above or below the mean high water mark of the Arkansas River and the failure or decimation in and to lands held in trust by the United States on the date of enactment of this Act which lie above or below the mean high water mark of the Arkansas River, except for the Disclaimed Drybed Lands.

(c) The Indian Nations do not relinquish any right, title, or interest in any lands or minerals of certain unalloated tracts which are identified in the official records of the Eastern Oklahoma Regional Office, Bureau of Indian Affairs. The disclaimer to be filed by the Secretary of the Interior under section 5(b)(1) of this Act shall reflect the legal description of the unalloated tracts retained by the Indian Nations.

(3) Setoff.—In the event the Court of Federal Claims shall not enter the consent decree as set forth in subsection (a), the United States shall be entitled to setoff against any claims of the Indian Nations as set forth in section 6 any interest accrued thereon up to the date of settlement. A quiet title action.—Notwithstanding any other provision of law, neither the United States nor any department of the United States shall be made parties to any quiet title lawsuit or other lawsuit to determine ownership of or an interest in the Disclaimed Drybed Lands initiated by any private person or private entity after execution of the disclaimer set out in section 5(b)(1). The United States will have no obligation to undertake any future quiet title action or actions for the recovery of lands or funds relating to any Disclaimed Drybed Lands retained by the Indian Nation or Indian Nations under this Act, including any lands which are transferred to the United States on the date of enactment of this Act, but which subsequently lie above or below the mean high water mark of the Arkansas River and the failure or decimation in and to lands held in trust by the United States on the date of enactment of this Act which lie above or below the mean high water mark of the Arkansas River, except for the Disclaimed Drybed Lands.

(c) The Indian Nations do not relinquish any right, title, or interest in any lands or minerals of certain unalloated tracts which are identified in the official records of the Eastern Oklahoma Regional Office, Bureau of Indian Affairs. The disclaimer to be filed by the Secretary of the Interior under section 5(b)(1) of this Act shall reflect the legal description of the unalloated tracts retained by the Indian Nations.

(3) Setoff.—In the event the Court of Federal Claims shall not enter the consent decree as set forth in subsection (a), the United States shall be entitled to setoff against any claims of the Indian Nations as set forth in section 6 any interest accrued thereon up to the date of settlement. A quiet title action.—Notwithstanding any other provision of law, neither the United States nor any department of the United States shall be made parties to any quiet title lawsuit or other lawsuit to determine ownership of or an interest in the Disclaimed Drybed Lands initiated by any private person or private entity after execution of the disclaimer set out in section 5(b)(1). The United States will have no obligation to undertake any future quiet title action or actions for the recovery of lands or funds relating to any Disclaimed Drybed Lands retained by the Indian Nation or Indian Nations under this Act, including any lands which are transferred to the United States on the date of enactment of this Act, but which subsequently lie above or below the mean high water mark of the Arkansas River and the failure or decimation in and to lands held in trust by the United States on the date of enactment of this Act which lie above or below the mean high water mark of the Arkansas River, except for the Disclaimed Drybed Lands.

(c) The Indian Nations do not relinquish any right, title, or interest in any lands or minerals of certain unalloated tracts which are identified in the official records of the Eastern Oklahoma Regional Office, Bureau of Indian Affairs. The disclaimer to be filed by the Secretary of the Interior under section 5(b)(1) of this Act shall reflect the legal description of the unalloated tracts retained by the Indian Nations.

(3) Setoff.—In the event the Court of Federal Claims shall not enter the consent decree as set forth in subsection (a), the United States shall be entitled to setoff against any claims of the Indian Nations as set forth in section 6 any interest accrued thereon up to the date of settlement. A quiet title action.—Notwithstanding any other provision of law, neither the United States nor any department of the United States shall be made parties to any quiet title lawsuit or other lawsuit to determine ownership of or an interest in the Disclaimed Drybed Lands initiated by any private person or private entity after execution of the disclaimer set out in section 5(b)(1). The United States will have no obligation to undertake any future quiet title action or actions for the recovery of lands or funds relating to any Disclaimed Drybed Lands retained by the Indian Nation or Indian Nations under this Act, including any lands which are transferred to the United States on the date of enactment of this Act, but which subsequently lie above or below the mean high water mark of the Arkansas River and the failure or decimation in and to lands held in trust by the United States on the date of enactment of this Act which lie above or below the mean high water mark of the Arkansas River, except for the Disclaimed Drybed Lands.

(c) The Indian Nations do not relinquish any right, title, or interest in any lands or minerals of certain unalloated tracts which are identified in the official records of the Eastern Oklahoma Regional Office, Bureau of Indian Affairs. The disclaimer to be filed by the Secretary of the Interior under section 5(b)(1) of this Act shall reflect the legal description of the unalloated tracts retained by the Indian Nations.

(3) Setoff.—In the event the Court of Federal Claims shall not enter the consent decree as set forth in subsection (a), the United States shall be entitled to setoff against any claims of the Indian Nations as set forth in section 6 any interest accrued thereon up to the date of settlement. A quiet title action.—Notwithstanding any other provision of law, neither the United States nor any department of the United States shall be made parties to any quiet title lawsuit or other lawsuit to determine ownership of or an interest in the Disclaimed Drybed Lands initiated by any private person or private entity after execution of the disclaimer set out in section 5(b)(1). The United States will have no obligation to undertake any future quiet title action or actions for the recovery of lands or funds relating to any Disclaimed Drybed Lands retained by the Indian Nation or Indian Nations under this Act, including any lands which are transferred to the United States on the date of enactment of this Act, but which subsequently lie above or below the mean high water mark of the Arkansas River and the failure or decimation in and to lands held in trust by the United States on the date of enactment of this Act which lie above or below the mean high water mark of the Arkansas River, except for the Disclaimed Drybed Lands.

(c) The Indian Nations do not relinquish any right, title, or interest in any lands or minerals of certain unalloated tracts which are identified in the official records of the Eastern Oklahoma Regional Office, Bureau of Indian Affairs. The disclaimer to be filed by the Secretary of the Interior under section 5(b)(1) of this Act shall reflect the legal description of the unalloated tracts retained by the Indian Nations.

(3) Setoff.—In the event the Court of Federal Claims shall not enter the consent decree as set forth in subsection (a), the United States shall be entitled to setoff against any claims of the Indian Nations as set forth in section 6 any interest accrued thereon up to the date of settlement. A quiet title action.—Notwithstanding any other provision of law, neither the United States nor any department of the United States shall be made parties to any quiet title lawsuit or other lawsuit to determine ownership of or an interest in the Disclaimed Drybed Lands initiated by any private person or private entity after execution of the disclaimer set out in section 5(b)(1). The United States will have no obligation to undertake any future quiet title action or actions for the recovery of lands or funds relating to any Disclaimed Drybed Lands retained by the Indian Nation or Indian Nations under this Act, including any lands which are transferred to the United States on the date of enactment of this Act, but which subsequently lie above or below the mean high water mark of the Arkansas River and the failure or decimation in and to lands held in trust by the United States on the date of enactment of this Act which lie above or below the mean high water mark of the Arkansas River, except for the Disclaimed Drybed Lands.

(c) The Indian Nations do not relinquish any right, title, or interest in any lands or minerals of certain unalloated tracts which are identified in the official records of the Eastern Oklahoma Regional Office, Bureau of Indian Affairs. The disclaimer to be filed by the Secretary of the Interior under section 5(b)(1) of this Act shall reflect the legal description of the unalloated tracts retained by the Indian Nations.
Mr. CARSON of Oklahoma. Mr. Speaker, I yield myself such time as I may consume.

Mr. CARSON of Oklahoma asked and was given permission to revise and extend his remarks.

Mr. WATKINS of Oklahoma asked and was given permission to revise and extend his remarks.

Mr. RAHALL for working on the details of this legislation and bringing it to the floor. I would like to take this opportunity to extend a special thank you to my colleagues the gentleman from Oklahoma Mr. WATKINS, the gentleman from Utah, Mr. HANSEN, and Mr. CARSON of Oklahoma. Mr. WATKINS for their strong support and co-sponsorship of this bill.

I rise in strong support of H.R. 3534, the Cherokee, Chocotaw, and Chickasaw Nations Claims Settlement Act. The dispute involving the three tribes along the Arkansas River has been ongoing since 1907. This settlement will lay to rest and compensate these three tribes for the lands and resources that have been wrongfully taken from them, misused, and left dormant. The leaders of the tribal nations—Principal Chief Chuck Bill and Governor of the Chickasaw Nation Charles Bill and Governor Bill Anoatubby of the Chickasaw Nation and Chief Gregory Pyle of the Choctaw Nation have all communicated to me and the Resources Committee their unanimous support for the legislation and the great need for settlement.

First, in order to understand the need for this legislation, you must turn to the history of these tribal lands. In the 1830s, the Cherokee, Chocotaw, and Chickasaw Nations were forcibly removed to Indian Territory, now known as Oklahoma, to occupy lands ceded to them by the United States, through which the Arkansas River runs. In 1907, due to an erroneous legal opinion, the Arkansas riverbed was conveyed to the new State of Oklahoma. All navigable rivers of the United States were deemed property of the State under the Equal Footing Doctrine. However, the claims of the three tribes came long before the Equal Footing Doctrine. And, in 1970, in Choctaw Nation vs. Oklahoma, the U.S. Supreme Court ruled in favor of the tribes and determined that the tribes, indeed, were owners of the riverbed and not the State of Oklahoma.

Nevertheless, from 1976 through 1979, the Bureau of Indian Affairs acted on the assumption that Oklahoma owned the riverbed and, therefore, took no action to protect tribal resources such as oil and gas production, sand and gravel, grazing and croplands. The Government itself constructed hydroelectric dams in the upper reaches of the river, took 7,750 acres of land that was under water at the time of statehood but that is now dry due to changes in the course of the river.

Enactment of H.R. 3534 will bring about clear and tangible benefits to Indians and non-Indians. In exchange for $40 million dollars provided to the Nations under this settlement legislation, the Indian Nations will dismiss and release claims asserted against the United States in the Court of Federal Claims. The Indian Nations also agree to dismiss its right, title and interest in the 7,750 acres of disputed land and the United States to pass H.R. 3534 would allow future water deliveries, and strong enough reason to settle the Arkansas Riverbed issue once and for all.
Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 3534, as amended.

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

A motion to reconsider was laid on the table.

Mr. HANSEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the 14 bills just considered.

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

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will now put the question on motions pending the rules and pass the bill, H.R. 4013.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. SHIMKUS) that the House suspend the rules and pass the bill, H.R. 4013.

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

A motion to reconsider was laid on the table.

RARE DISEASES ACT OF 2002

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 4013.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. SHIMKUS) that the House suspend the rules and pass the bill, H.R. 4013.

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

A motion to reconsider was laid on the table.

RARE DISEASES ORPHAN PRODUCT DEVELOPMENT ACT OF 2002

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 4013.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. SHIMKUS) that the House suspend the rules and pass the bill, H.R. 4013.

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

A motion to reconsider was laid on the table.

YANKTON SIOUX TRIBE AND Santee Sioux Tribe Equitable Compensation Act

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the Senate bill, S. 343, as amended.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the Senate bill, S. 343, as amended, on which the yeas and nays are ordered.
Mr. HEFLEY changed his vote from "yea" to "nay.

Mr. SMITH of New Jersey changed his vote from "nay" to "yea.

So (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill, as amended, was passed.

The result of the vote was announced as above recorded.

The title of the Senate bill was amended so as to read: “An Act to provide equitable compensation to the Yankton Sioux Tribe of South Dakota and the Santee Sioux Tribe of Nebraska for the loss of value of certain lands, and for other purposes.”

A motion to reconsider was laid on the table.

MOURNING THE PASSING OF THE HON. PATSY MINK

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

Mr. ABERCROMBIE. Mr. Speaker, it is very difficult for me to grasp that I would be standing here this evening to announce to the House, with the most profound regret, that our dear friend and colleague PATSY MINK has passed away.

I know there are many Members who wish to express their respects to John Mink and Wendy Mink. PATSY’s husband and daughter, and to share with other Members and perhaps those who are observing our proceedings the measure of their feelings for PATSY and about her.

So at the proper time, Mr. Speaker, which I believe is after the votes which will be called, I will call up a resolution expressing the sorrow of the House of Representatives upon her death and offer the opportunity for such Members as would like to speak to indicate to the House their feelings on this most sad, profoundly sad, occasion.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The SPEAKER pro tempore. The SPEAKER pro tempore. The SPEAKER pro tempore.

The SPEAKER pro tempore. The SPEAKER pro tempore.

The SPEAKER pro tempore. The SPEAKER pro tempore.

The SPEAKER pro tempore. The SPEAKER pro tempore.

The SPEAKER pro tempore. The SPEAKER pro tempore.

The SPEAKER pro tempore. The SPEAKER pro tempore.

The SPEAKER pro tempore. The SPEAKER pro tempore.

The SPEAKER pro tempore. The SPEAKER pro tempore.

The SPEAKER pro tempore. The SPEAKER pro tempore.

The SPEAKER pro tempore. The SPEAKER pro tempore.

The SPEAKER pro tempore. The SPEAKER pro tempore.

The SPEAKER pro tempore. The SPEAKER pro tempore.

The SPEAKER pro tempore. The SPEAKER pro tempore.

The SPEAKER pro tempore. The SPEAKER pro tempore.

The SPEAKER pro tempore. The SPEAKER pro tempore.

The SPEAKER pro tempore. The SPEAKER pro tempore.

The SPEAKER pro tempore. The SPEAKER pro tempore.

The SPEAKER pro tempore. The SPEAKER pro tempore.

The SPEAKER pro tempore. The SPEAKER pro tempore.

The SPEAKER pro tempore. The SPEAKER pro tempore.

The SPEAKER pro tempore. The SPEAKER pro tempore.

The SPEAKER pro tempore. The SPEAKER pro tempore.

The SPEAKER pro tempore. The SPEAKER pro tempore.

The SPEAKER pro tempore. The SPEAKER pro tempore.

The SPEAKER pro tempore. The SPEAKER pro tempore.

The SPEAKER pro tempore. The SPEAKER pro tempore.

The SPEAKER pro tempore. The SPEAKER pro tempore.

The SPEAKER pro tempore. The SPEAKER pro tempore.

The SPEAKER pro tempore. The SPEAKER pro tempore.

The SPEAKER pro tempore. The SPEAKER pro tempore.

The SPEAKER pro tempore. The SPEAKER pro tempore.

The SPEAKER pro tempore. The SPEAKER pro tempore.

The SPEAKER pro tempore. The SPEAKER pro tempore.

The SPEAKER pro tempore. The SPEAKER pro tempore.

The SPEAKER pro tempore. The SPEAKER pro tempore.

The SPEAKER pro tempore. The SPEAKER pro tempore.

The SPEAKER pro tempore. The SPEAKER pro tempore.

The SPEAKER pro tempore. The SPEAKER pro tempore.

The SPEAKER pro tempore. The SPEAKER pro tempore.

The SPEAKER pro tempore. The SPEAKER pro tempore.

The SPEAKER pro tempore. The SPEAKER pro tempore.

The SPEAKER pro tempore. The SPEAKER pro tempore.

The SPEAKER pro tempore. The SPEAKER pro tempore.

The SPEAKER pro tempore. The SPEAKER pro tempore.

The SPEAKER pro tempore. The SPEAKER pro tempore.

The SPEAKER pro tempore. The SPEAKER pro tempore.

The SPEAKER pro tempore. The SPEAKER pro tempore.

The SPEAKER pro tempore. The SPEAKER pro tempore.

The SPEAKER pro tempore. The SPEAKER pro tempore.

The SPEAKER pro tempore. The SPEAKER pro tempore.

The SPEAKER pro tempore. The SPEAKER pro tempore.

The SPEAKER pro tempore. The SPEAKER pro tempore.

The SPEAKER pro tempore. The SPEAKER pro tempore.

The SPEAKER pro tempore. The SPEAKER pro tempore.

The SPEAKER pro tempore. The SPEAKER pro tempore.

The SPEAKER pro tempore. The SPEAKER pro tempore.

The SPEAKER pro tempore. The SPEAKER pro tempore.

The SPEAKER pro tempore. The SPEAKER pro tempore.

The SPEAKER pro tempore. The SPEAKER pro tempore.

The SPEAKER pro tempore. The SPEAKER pro tempore.

The SPEAKER pro tempore. The SPEAKER pro tempore.

The SPEAKER pro tempore. The SPEAKER pro tempore.

The SPEAKER pro tempore. The SPEAKER pro tempore.

The SPEAKER pro tempore. The SPEAKER pro tempore.

The SPEAKER pro tempore. The SPEAKER pro tempore.

The SPEAKER pro tempore. The SPEAKER pro tempore.

The SPEAKER pro tempore. The SPEAKER pro tempore.

The SPEAKER pro tempore. The SPEAKER pro tempore.

The SPEAKER pro tempore. The SPEAKER pro tempore.

The SPEAKER pro tempore. The SPEAKER pro tempore.

The SPEAKER pro tempore. The SPEAKER pro tempore.

The SPEAKER pro tempore. The SPEAKER pro tempore.

The SPEAKER pro tempore. The SPEAKER pro tempore.

The SPEAKER pro tempore. The SPEAKER pro tempore.

The SPEAKER pro tempore. The SPEAKER pro tempore.

The SPEAKER pro tempore. The SPEAKER pro tempore.

The SPEAKER pro tempore. The SPEAKER pro tempore.

The SPEAKER pro tempore. The SPEAKER pro tempore.

The SPEAKER pro tempore. The SPEAKER pro tempore.

The SPEAKER pro tempore. The SPEAKER pro tempore.

The SPEAKER pro tempore. The SPEAKER pro tempore.

The SPEAKER pro tempore. The SPEAKER pro tempore.

The SPEAKER pro tempore. The SPEAKER pro tempore.

The SPEAKER pro tempore. The SPEAKER pro tempore.

The SPEAKER pro tempore. The SPEAKER pro tempore.

The SPEAKER pro tempore. The SPEAKER pro tempore.

The SPEAKER pro tempore. The SPEAKER pro tempore.

The SPEAKER pro tempore. The SPEAKER pro tempore.

The SPEAKER pro tempore. The SPEAKER pro tempore.

The SPEAKER pro tempore. The SPEAKER pro tempore.

The SPEAKER pro tempore. The SPEAKER pro tempore.

The SPEAKER pro tempore. The SPEAKER pro tempore.

The SPEAKER pro tempore. The SPEAKER pro tempore.

The SPEAKER pro tempore. The SPEAKER pro tempore.

The SPEAKER pro tempore. The SPEAKER pro tempore.

The SPEAKER pro tempore. The SPEAKER pro tempore.

The SPEAKER pro tempore. The SPEAKER pro tempore.

The SPEAKER pro tempore. The SPEAKER pro tempore.

The SPEAKER pro tempore. The SPEAKER pro tempore.

The SPEAKER pro tempore. The SPEAKER pro tempore.

The SPEAKER pro tempore. The SPEAKER pro tempore.

The SPEAKER pro tempore. The SPEAKER pro tempore.

The SPEAKER pro tempore. The SPEAKER pro tempore.

The SPEAKER pro tempore. The SPEAKER pro tempore.

The SPEAKER pro tempore. The SPEAKER pro tempore.

The SPEAKER pro tempore. The SPEAKER pro tempore.

The SPEAKER pro tempore. The SPEAKER pro tempore.

The SPEAKER pro tempore. The SPEAKER pro tempore.

The SPEAKER pro tempore. The SPEAKER pro tempore.

The SPEAKER pro tempore. The SPEAKER pro tempore.

The SPEAKER pro tempore. The SPEAKER pro tempore.

The SPEAKER pro tempore. The SPEAKER pro tempore.

The SPEAKER pro tempore. The SPEAKER pro tempore.

The SPEAKER pro tempore. The SPEAKER pro tempore.

The SPEAKER pro tempore. The SPEAKER pro tempore.

The SPEAKER pro tempore. The SPEAKER pro tempore.

The SPEAKER pro tempore. The SPEAKER pro tempore.

The SPEAKER pro tempore. The SPEAKER pro tempore.

The SPEAKER pro tempore. The SPEAKER pro tempore.

The SPEAKER pro tempore. The SPEAKER pro tempore.

The SPEAKER pro tempore. The SPEAKER pro tempore.

The SPEAKER pro tempore. The SPEAKER pro tempore.

The SPEAKER pro tempore. The SPEAKER pro tempore.

The SPEAKER pro tempore. The SPEAKER pro tempore.
Mr. SAWYER and Ms. WATERS changed their vote from “yea” to “nay.”

Mr. WATT of North Carolina, Mr. GEORGE MILLER of California, and Ms. RIVERS changed their vote from “nay” to “yea.”

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY COMMITTEE ON RULES REGARDING AMENDMENTS TO S. 2690, PLEDGE OF ALLEGIANCE REAFFIRMATION ACT

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

Mr. SESSIONS, Mr. Speaker, a “Dear Colleague” letter is being sent to all Members informing them that the Committee on Rules may meet this week to grant a rule for S. 2690, to reaffirm the reference to “one Nation under God” in the Pledge of Allegiance, which may require that amendments be printed in the CONGRESSIONAL RECORD prior to their consideration on the floor.

Amendments should be drafted to the bill as reported by the Committee on the Judiciary, which was filed September 17, 2002. Members should check also with the Office of the Legislative Counsel to ensure that their amendments are properly drafted and should check also with the Office of the Parliamentarian to be certain their amendments comply with the rules of the House.

ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 3295, HELP AMERICA VOTE ACT OF 2001

(Mrs. MEEK of Florida, Mr. Speaker, pursuant to clause 7(c) of rule XX, I hereby announce my intention to offer a motion to instruct conferees on H.R. 3295 tomorrow.)

The form of the motion is as follows:

Mrs. MEEK of Florida moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendments to the bill H.R. 3295 be instructed to take such actions as may be appropriate—
PERSONAL EXPLANATION

Mr. GREEN of Texas. Mr. Speaker, last Thursday I was unavoidably detained and missed rollcall vote No. 425. Had I been present, I would have voted "aye."

EXPRESSING SORROW OF THE HOUSE AT THE DEATH OF THE HONORABLE PATSY T. MINK, MEMBER OF CONGRESS FROM THE STATE OF HAWAII

Mr. ABERCROMBIE, Mr. Speaker, I offer a privileged resolution (H. Res. 566) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 566
Resolved, That the House has heard with profound sorrow of the death of the Honorable Patsy T. Mink, a Representative from the State of Hawaii.
Resolved, That a committee of such Members of the House as the Speaker may designate, together with such Members of the Senate as may be joined, be appointed to attend the funeral.
Resolved, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions and that the necessary expenses in connection therewith be paid out of applicable accounts of the House.
Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.
Resolved, That when the House adjourns today, it adjourns as a further mark of respect to the memory of the deceased.

The SPEAKER pro tempore (Mr. Goodlatte). The gentleman from Hawaii (Mr. Abercrombie) is recognized for 1 hour.

Mr. ABERCROMBIE, Mr. Speaker, I ask unanimous consent that at the end of the allotted time, the House rise for a moment of silence out of respect for the Honorable Patsy T. Mink.

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

There was no objection.

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

Mr. Speaker, it is with a heavy heart that I take this action. The hearts of all of us here go out in sympathy to Patsy's husband, John, and her daughter, Debra; to her brother, Eugene; to her staff in Washington and in Hawaii; and to her large family of friends and admirers.

Mr. Speaker, I am devastated by her loss. Patsy Mink was more than my friend and my colleague; she was a true daughter of Hawaii. She was a person of enormous spirit and tenacity and inner strength. I will miss her terribly. I will especially miss her wisdom, her energy, her readiness to fight for principle. She fought all her life for social and economic justice.

Throughout nearly 50 years of public service, she championed America's most deeply held values: equality, fairness, above all, honor. She courageously upheld her willingness to speak out and champion causes that others might shun resulted in tremendous contributions in the fields of civil rights and education. She has earned in my estimation an honored place in the history of the United States Representatives as the co-author of title IX, which guarantees equality for women in education programs.

Every single woman in this Nation who today has the advantage of the capacity to command equal opportunity in education, and by extension in virtually every other field of endeavor, owes the impetus to that in modern times to Patsy Mink. She was one of the pioneers who transformed Hawaii and transformed this Nation. Her legacy will live on in every campus in America and in the heart of every American woman who aspires to greatness. Most profoundly, it lives on in my estimation in hope, hope for the millions of lives that she touched.

Mr. Speaker, it is difficult for me to realize that I am standing here this evening paying my respects to the memory of Patsy Mink because my first memories of her go back to when I was a student at the University of Hawaii involved in one of her first campaigns, not for elective office because she did that when Hawaii was still a territory.

She came back to Hawaii from her early plantation days, running around as a little kid in the plantation ditches over in Maui, encouraged by her family, most particularly her father, to reach for her star in the Hawaii terrain.

She was turned down for medical school, discontinued because she was female, because she was Japanese, because she came from an unknown territory out in the Pacific. That is why she went to law school, fought her way into law school so that she could achieve a degree that would enable her to fight against the discrimination she had suffered.

She was a champion then. We all recognized it. She was smart and she was tough and she was articulate and she would not quit. She was an inspiration then and now.

Whenever any of us felt some sense of discouragement, whenever any of us felt some sense of despair or feeling that we could not succeed, it was only required for Patsy to come in the room to change the atmosphere.

Patsy Mink had the capacity to make dead air move. Patsy Mink, this little lady from Hawaii, was a giant in her heart and in her commitment. With every breath that she took, she championed those who had no one to stand up and speak out for them. A little lady with a big heart, a lioness. We will not see her like again. Someone will take her place here in the House, that is the way of it in our democracy, but no one will replace her in the hearts of the people of Hawaii. I will replace her in the role that she played in this House of Representatives. No one was more beloved than Patsy Mink in this House.

Mr. Speaker, as an expression of the gravity of the feelings of the Members of this House, I yield 4 minutes to the gentlewoman from Ohio (Ms. Kaptur), whom I think has an opportunity for Members of the House to be able to express in a more concrete fashion the feelings that we all have for Patsy.

Ms. KAPTUR. Mr. Speaker, I would like to thank the distinguished gentleman from Hawaii (Mr. Abercrombie), now the senior Member representing that great State for our Republic in the House, and rise in support of his Resolution with all of our colleagues on both sides of the aisle to honor our friend and colleague Congresswoman Patsy Mink, as this beautiful, beautiful poster indicates, a woman of hope.

Patsy's service, now 24 years, places her among the longest-serving women in the House, certainly currently. She was honest and intelligent, gifted and dedicated, and leaves behind a stellar record of accomplishments. For almost half a century, she was a devoted advocate for her constituents and her native State of Hawaii. She served America with distinction. She will be deeply missed.

She was a trailblazer. Her career embodied a series of firsts. She was the first Asian American woman to practice law in Hawaii, and the first Asian American woman to be elected to the Hawaii Territorial Legislature. And then in 1964 she became the first, in her own words, woman of color ever elected to the United States Congress, an Asian American woman of Japanese American heritage from the then new State of Hawaii.

She transcended race and gender throughout her life. She was a leader on women's rights, social and economic justice, health care and child care, and no one here knew more about education. She came to this House at the beginning of the 88th Congress in 1965, served until 1977, and then again from 1990 until her untimely passing this past Sunday.

When Patsy first began her career in this Congress, she was one of only 11 women serving in the House. She watched as Members came in the 1980s and began to double the number of women in 1992, up to the current level of 62 with 13 women now in the Senate.

I agree with my colleagues that Patsy viewed as her most important achievement passage of Title IX of the Education Amendments of 1972. She, as the gentleman from Hawaii indicated, had experienced race and gender discrimination. She often said her life experiences challenged her to lead the
fight for women and girls to have equal access to education and athletic opportunities. Title IX has torn down barriers for women and girls in America. Title IX has had a dramatic impact on access to higher education opportunities, especially medical and law school, and in this great institution. She truly remains America’s daughter for all time, a woman of hope.

In that regard, Mr. Speaker, I would like to place on the record and ask my colleagues to sign a letter being sent to the Speaker from all of us that asks the Speaker to work with the membership as the Speaker deems appropriate to commission a portrait or sculpture of Congresswoman MINK to memorialize her contributions to our Nation. We would expect that the costs of this effort would be privately financed, working with an appropriate nonprofit entity, and that following the completion of this work of appropriate artistic quality, we would like to have it displayed in a fitting public space here in the Capitol, perhaps in the new Capitol Visitors Center, so that her story can continue to inspire the millions of visitors who come to Washington to learn more about our democratic system, which women and men every day of her service to our country and indeed the world.

Mr. Speaker, the text of the letter is as follows:

CONGRESS OF THE UNITED STATES,
Washington, D.C., October 1, 2002.

Hon. Dennis Hastert,
Speaker of the House, U.S. House of Representatives, Washington, DC.

Dear Mr. Speaker: In appreciation for the diversity and accomplishment of our nation’s leaders throughout our history, strengthens people’s understanding of freedom’s accomplishments, including correcting the underrepresentation of women in the current collection on display.

The passing of our beloved colleague, Congresswoman of Hawaii, offers to the opportunity to both improve our representation of women who have contributed to this institution and our nation, as well as pay proper recognition to a woman whose path-breaking efforts have shaped a more optimistic future for generations of Americans.

Congresswoman MINK’s life embodied a series of firsts. She was the first Asian-American woman to practice law in Hawaii, and was the first Asian-American to be elected to the Territorial House before Hawaii became a State in 1959, and she was one of the pioneers that advocated for Hawaii’s statehood. In 1964, she became, in her words, the first woman of color ever elected to the U.S. Congress. As the first Asian American woman of Japanese-American heritage elected, she served with distinction by the House of Representatives for two 12-year periods. Congresswoman MINK transcended race and gender discrimination throughout her career. Her life experiences challenged her to lead the fight for women and girls to have equal access to education and athletic opportunities. She played the leading role in the enactment of Title IX of the Education Amendments of 1972, which prohibited for the first time gender discrimination by federally funded institutions. That law has become the major tool for women’s fuller participation not only in sports, but also in all aspects of education.

PATSY’s leadership on a wide range of issues as the environment, poverty, education, and civil rights shaped a stronger America. During her tenure in Congress Mrs. MINK helped write environmental protection laws safeguarding land and water, and communities affected by coal strip mining.

For these reasons, Mr. Speaker, we respectfully request the opportunity to work with you and other officials of the House whom you deem appropriate to commission a portrait of Congresswoman MINK to memorialize her contributions. We would expect that the costs of this effort would be privately financed, with an appropriate nonprofit entity being designated to receive the receipt of any contributions. Following the completion of this work of appropriate artistic quality, we would like to have it displayed in a fitting public space of the House, including possibly the new Capitol Visitors Center, so that her story can continue to inspire the millions of visitors who come to Washington to learn more about our democratic system which calls for the inclusion of all Americans, regardless of race, gender, or origin.

We look forward to this opportunity to work with you.

Sincerely,

NEIL ABERCROMBIE,
MARCY KAPTUR,
ROBERT A. UNDERWOOD,
DIANE E. WATSON,
MICHAEL M. HONDA,
ROBERT T. MATSUI,
Members of Congress.

Mr. ABERCROMBIE. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. Matsui), Mr. MATSUI. I thank the gentleman from Hawaii for yielding me this time.

Mr. Speaker, first I would like to offer my condolences to John, PATSY’s husband, and Wendy, PATSY’s daughter, and all of the family that had P ATSY because of her conviction, be-
first not admitted. But at the age of 26, PATSY MINK challenged the Hawaiian residency requirements in respect to admission to the bar, and her life was like that.

I think the gentlewoman from Ohio stated that PATSY was the one who made an amendment through the Higher Education Act, Title IX, back in 1972. Because of her, young elementary schoolgirls can say that they want to be like Mia Hamm. A young woman in college now can aspire to be a professional athlete and the WNBA. She has just done so much.

Two things stuck out in my mind about PATSY, if I may just say this, and I know there are so many speakers that want to talk about PATSY. When she came back in 1990, Bill Ford was the chairman of what was then known as the Committee on Education and Labor. Bill said, “PATSY MINK, she’s coming back. I’m going to get her on my committee. She’s just a great Member.” I said, “Yeah, I know.”

He said, “No, no, you don’t understand. PATSY MINK is a great legislator. She knows how to bring people together, she knows how to develop a consensus. She knows how to use words that are words of art. She is a legislator’s legislator.” I think all of us that have worked with PATSY know that.

Last, let me just say that I have worked with PATSY on welfare and on a number of issues. I have never seen anyone in this body, or in any body, any more impassioned, any more committed to the forgotten people, the people that perhaps do not have the chance that many of us have, for people that really want to aspire in America. That is what PATSY MINK means to me and to all of us. She is truly a role model not just for Asian Americans or women, but for all Americans.

Mr. ABERCROMBIE. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. GIILMAN).

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

Mr. GIILMAN. Mr. Speaker, I thank the gentleman from Hawaii for bringing this resolution to the floor and for yielding me this time.

Mr. Speaker, on days such as this, we sadly lose the present but nostalgically reflect upon the past. Hawaii and the Congress has lost one of its great leaders this week, a Congresswoman whose life and her 24-year congressional career have been nothing short of amazing. The passing of Congresswoman PATSY MINK is felt not only by her family, her husband John and daughter Wendy, and those close to her, but also by her constituents and all of us in the Congress who had the privilege to serve with PATSY.

2000

I served with her on the Committee on Education years ago. Known for her strong, sincere demeanor, PATSY MINK has been an outstanding asset to Hawaii’s Second Congressional District. She achieved significant support for the people of Hawaii. In those respects, PATSY was close to us all. Mrs. MINK was one of our Nation’s strongest proponents of women’s equality, pushing feminism from a fringe cause to an important rallying cry. Her sense of what was needed to be done to help her native Hawaiians and immigrant citizens alike has marked her as a sympathetic and caring congressional Member. She championed important reforms in education, such as smaller class sizes, passage of title IX, and more spending on special education and school construction, and the need to provide more assistance for Impact Aid, for which I had the honor and pleasure of working with PATSY.

All of PATSY’s work in education demonstrates her desire to improve the future of our children who one day will be our Nation’s leaders. This Congress will sorely miss PATSY MINK. She will be remembered as a woman of leadership, her concern, her compassion, for her positive aspects and the efforts she has undertaken to make Hawaii a strong political force in our Nation. May it be of some consolation to her husband, John, to her daughter, Wendy, that the people of Hawaii and so many others across the country will not forget our outstanding colleague, Congresswoman PATSY MINK.

Mr. ABERCROMBIE. Mr. Speaker, I yield such time as he may consume to the gentleman from Massachusetts (Mr. TIERNEY).

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

Mr. TIERNEY. Mr. Speaker, I rise to express my condolences on the death of the Honorable PATSY MINK.

Mr. Speaker. I rise this evening to join my colleagues in commemoration of the remarkable life and tremendous achievements of the woman who drafted, passed and implemented Title IX, and more spending on education, such as smaller class sizes, passing of Title IX, and more spending on special education and school construction, and the need to provide more assistance for Impact Aid, for which I had the honor and pleasure of working with PATSY.

All of PATSY’s work in education demonstrates her desire to improve the future of our children who one day will be our Nation’s leaders. This Congress will sorely miss PATSY MINK. She will be remembered as a woman of leadership, her concern, her compassion, for her positive aspects and the efforts she has undertaken to make Hawaii a strong political force in our Nation. May it be of some consolation to her husband, John, to her daughter, Wendy, that the people of Hawaii and so many others across the country will not forget our outstanding colleague, Congresswoman PATSY MINK.

Mr. ABERCROMBIE. Mr. Speaker, I yield 2 1/2 minutes to the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Speaker, I thank the gentleman for yielding me this time, and I thank him for bringing this together this evening to be able to express ourselves about PATSY and the wonderful person she was.

PATSY had a wonderful sense of urgency about being a Member of Congress. She was so clearly aware that anything given to the people of Hawaii, and she was so clearly aware that it was not to be wasted and not a moment was to be wasted as long as she was in this body.

When I first came here in 1974, she was a very senior member of the Committee on Natural Resources and of the Committee on Education and Labor, and I was the most junior member. When PATSY came back, I was one of the most senior members of those two committees, and she was a junior member of those two committees. The relationship never changed from the first day in 1974. I admired her skill on the Committee on Natural Resources as we argued mining law, public lands issues, forest issues, law of the sea. I asked her once, How do you do it? How do you do it? She was so engaged in the debate, and that is when debate really took place in the House of Representatives. She said, Read the bill and make them defend it. Make them defend it. And she did. She read every word in the legislation. And in those committee hearings, you had to defend your amendment; you had to defend your bill. And if you could not, she was not with you.

No matter what the topic was, whether it was title IX or pay equity or natural resources or mining law, the issues that she was involved in span the globe, but the reason was always the same: ending all forms of social injustice. She never waivered. It did not matter if it was welfare reform or water reform. She wanted to know what the
implications were for economic and social justice, who was getting and who was giving.

She never waivered from that, and for that she made many of us uncomfortable, as we thought we could waiv- er, and then it would all be over. Then you and I say, you cannot do that. You cannot be for this. You cannot vote for this. She said it to me when I was her chairman, and she said it to me when I was her ranking member; and she said it to me when I was a freshman member.

Mr. ABERCROMBIE. Mr. Speaker, I yield 2 minutes to the gentlewoman from Hawaii (Ms. MILLENDER-McDONALD).

Ms. MILLENDER-McDONALD. Mr. Speaker, I rise to highlight the legacy of one of the most distinguished and honorable women of this august body, my friend, my colleague, Congresswoman PATSY MINK.

I shall remember her as a giant who spoke in gentle tones, but very fierce and very deliberate, whose frame towered with her ability to rise above the fray and get to the substantive issues at hand. In a career that began before territorial Hawaii became a State in 1959, Patsy Mink, with authority, will, and clear perspective, became one of the best-known women politicians in these United States and, of course, as everyone has said, the first woman of color.

I stand today to celebrate the role that Patsy played in the life of this great Nation. Her career spanned over 24 years of service in this House of Representatives; and Patsy concentrated upon the removal of negative factors, social, economic, and educational re-strictions which had been directed against minority groups, and which prevented the full development of an individual's ability and dignity.

It is hardly possible to stand here today to recapitulate on the extraor-dinary career of Patsy Mink, except to point out that a succession of legisla-tive victories are owed to her tireless work. Later on next week, the women of the House will highlight the many legislative victories that this great woman was instrumental in the achievement of, like improved opportunity in education, elimination of much overt discrimina-tion, and modifying environ-mental policies which were part of the hallmark of her career.

Her persistent and passionate campaign for equity for women is credited as a centerpiece for the Democratic-Party today. I can recall a couple of legislative victories that she created 30 years of the passage of title IX, and I came on the floor to talk with her and I asked Patsy, I said, Patsy, are all of the States in compliance with this law? She says, JUANITA, I don't know, but why don't you find out? and Mr. Speaker, I have begun to get on that. I thank her so much for giving me the courage and tenacity to move forward on title IX.

Mr. ABERCROMBIE. Mr. Speaker, I yield 2 minutes to the gentlewoman from Wisconsin (Mr. OSEY).

Mr. OSEY. Mr. Speaker, until last Saturday, Patsy was one of the three people left in this House who was here when I first came. At that time, she was one of the progressives who would gather each week to discuss ways that we could prod our own party into being more aggressive in pushing for education and health and retire-ment needs of working people. I learned oh, so much from her. She was always looking for ideas, doing this House. She was a superb legislative craftsman; and above all, she had steel, and she had something else. She had a passion for justice, for women, for minorities, and the poor. She had a sense of rage about the people left in this House, who would gather each day to do more for the people who have no other resource. We respected her, we loved her, this tiny woman with that giant heart. We were very lucky to have her as long as we had her. She made us all better than we ever expected to be.

Mr. ABERCROMBIE. Mr. Speaker, I yield 2½ minutes to the gentlewoman from California (Ms. WATSON).

Ms. WATSON of California. Mr. Speaker, in paying tribute to an outstanding United States Congresswoman, I am saddened, like the rest of my colleagues, by the loss of a tireless advocate for civil rights for women and minorities, espe-cially native Hawaiians.

First elected in 1965, Patsy Mink was a pioneer for women across this country. As the first minority woman elected to Congress, Patsy has always been an inspiration to me as an elected official. She was one of the best debaters in this House. She was a superb legislative craftsman; and above all, she had steel, and she had something else. She had a passion for justice, for women, for minorities, and the poor. She had a sense of rage about the people left in this House, who would gather each day to do more for the people who have no other resource. We respected her, we loved her, this tiny woman with that giant heart. We were very lucky to have her as long as we had her. She made us all better than we ever expected to be.

Mr. ABERCROMBIE. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT. Mr. Speaker, I rise today to pay tribute to a distinguished legislator and an amazing activist and a wonderful person, Patsy Mink. President Kennedy once said, "A nation reveals itself not only by the men it produces, but also by the men it honors, the men it remembers." Because of Patsy, both from her example and her legislative achievements, that quote needs to be amended, for a Na-tion is revealed not only by its men, but also by the women produced, hon-ored, and remembered.

Now as a Member of the 107th Congress, replacing another strong public servant prematurely taken from us, Julian Dixon, and one of the highlights of my short time here so far has been the opportunity to work with Patsy on the fast-moving world of Congress, I was able to spend some quality time with Patsy after going on a trip to Sacramento to col-lect the data on our welfare reform program. We worked together to com-pare information for clarification. We might have been unsuccessful; but in working with her, I knew I had some-one who really understood what we were trying to achieve.

Mr. Speaker, all our most re-cent attempt for meaningful change was rebuffed in committee, I want my colleagues to know that Patsy, that working with her, she leaves a legacy that we can all model after. Her dedica-tion, her strength, her principled and hard-working self will remain with us forever. Patsy, thank you for what you have done for all of us, especially women.

Mr. ABERCROMBIE. Mr. Speaker, I yield 2 minutes to the gentleman from Connecticut (Mr. SHAYS).

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

Patsy Mink was a thoughtful, passion-ate, kind, strong, gentle, and love-ly person who bravely and courage-ously fought and spoke out for those who could not always do it for them-selves. She fought unmerciful for social and economic justice in this country and around the world, and she never gave up. She is, in my eyes, Winston Churchill's ideal model when he spoke to a group of young men, young boys during the war, the Second World War, and told them "Never, give up. Never give up. Never, never, never give up."

She was a giant. I did not even know that she was small in figure. She al-ways, me, was a small woman. I think I was someone I wanted to know better. I loved her passion, but I loved more understanding why she felt so passion-ate. She wanted to make a differ-ence in this place. I want her family to know her efforts every minute. She did make a difference, a huge difference. I loved, no, I want to say I love Patsy Mink.

Mr. ABERCROMBIE. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT. Mr. Speaker, I rise today to pay tribute to a distinguished legislator and an amazing activist and a wonderful person, Patsy Mink. President Kennedy once said, "A nation reveals itself not only by the men it produces, but also by the men it honors, the men it remembers." Because of Patsy, both from her example and her legislative achievements, that quote needs to be amended, for a Nation is revealed not only by its men, but also by the women produced, honored, and remembered.

As we know from working with her, Patsy made sure that, as a Nation, we
honored and remembered those who might otherwise be pushed aside and forgotten. PATSY was a voice, loud and strong, for those who had no voice, or those whose voices were in danger of being drowned out.

As the author of Title IX, she drew attention to women’s educational needs and abilities. When we consider that over 80 percent of women in senior executive positions today report having participated in organized sports after grammar school, we can know that PATSY MINK’s work has changed the face of the Nation.

Through her years in the House, she tirelessly fought for women, for the poor, for immigrants, for children, for workers. She fought for civil rights, for health care, education, child care, teachers’ professional development.

I had the honor of knowing PATSY for the last 10 years. We were on the Committee on Education and the Workforce, where I had the privilege of watching her at her best. Although we mourn the loss of PATSY, I will always honor the privilege of having served alongside such a tenacious and thoughtful legislator. The legacy of her life and accomplishments are great lessons to us all. We owe many thanks to her work and her memory, and that has revealed a lot about this Nation. So today we are better for honoring and remembering the gentlewoman from Hawaii, the Honorable PATSY MINK.

Mr. ABERCROMBIE. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. FARR).

Mr. FARR of California asked and was given permission to revise and extend his remarks.)

Mr. FARR of California. Mr. Speaker, I rise to speak of the gentlewoman from Hawaii, PATSY MINK, and especially to her daughter, my constituent, Wendy.

Mr. ABERCROMBIE. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Mr. FARR).

Mr. FARR of California asked and was given permission to revise and extend his remarks.)

Mr. FARR of California. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. FARR).

Ms. CARSON of Indiana. Mr. Speaker, I yield 2 minutes to the gentlewoman from Florida (Mrs. MEEK).

Mrs. MEEK of Florida. Mr. Speaker, my dear departed friend and colleague, PATSY MINK, was a big girl. She was slight and small in stature, but great in spirit and heart.

I think God thought about PATSY and decided he needed somebody in the Congress who could reach out to everyone, who could make laws, who could extend her hand to everyone. God needed a very strong person. He needed a woman who would stand up against everybody and bring a voice to this Congress for the voiceless people.

That is what he did: He chose PATSY. She came in and broke down barriers. She opened doors. She did everything God would have her do. In terms of race, color, gender, she had nothing to stop her.

PATSY was a woman of great honor, and we come here tonight to honor her, because God chose PATSY. She spent a lot of her time working for all of us. Every woman in this country stands now on the shoulders of PATSY MINK. I know that if I were a student of history, or learned what I learned because of what PATSY left, the legacy she left to us. She was a tireless advocate for her constituents in Hawaii. She was a great leader. She was a great model.

I remember the many things. Being one of the older women here in the Congress, of the work that PATSY did: Equal pay for equal work; all of it. There is a litany of things that PATSY did which I will put in the RECORD.

She was a great friend and kindred spirit. She used to send me candy on my birthday; and I had plenty of those. Mr. Speaker. She would send me whatever those nuts are that they grow in Hawaii.

Mr. ABERCROMBIE. Mr. Speaker, will the gentlewoman yield?

Mrs. MEEK of Florida. I yield to the gentleman from Hawaii.

Mr. ABERCROMBIE. Mr. Speaker, I will keep on doing that for the gentlewoman. Mrs. MEEK of Florida. Good. I hope the gentleman will keep it up.

PATSY MINK was the first woman of color admitted in Congress, and the first Japanese woman admitted to the bar in Hawaii.

So I say, I stand on her shoulders, Mr. Speaker, and I pray that each of us here would take a pattern from PATSY, because she was a great leader who gave service to God for the space she occupied.

Mr. ABERCROMBIE. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Mrs. DAVIS).

Mrs. DAVIS of California. Mr. Speaker, with real sorrow I come to the podium today to honor a truly memorable colleague, the Honorable PATSY MINK. As a freshman Member, it has been so inspiring to serve on a committee with a role model who has made a real mark on our society through her lengthy service in the House of Representatives.

It was an honor for me to join her at this podium on June 19 in the commemoration of the 30th anniversary of Title IX. Seldom does one get to join forces with one of the original sponsors of legislation that was not only landmark legislation for our country, but was so formative for my children’s generation.

When I was a local school board member, I remember how hard we had to work to change the culture of our society to implement the equality embodied in this bill. She lived the battle for equal opportunity that that bill codified.

I was so touched that she thanked those of us who spoke honoring this legislation by presenting us with the T-shirt that I wear very, very proudly today.

The comment has already been made: We know how giving PATSY was, because whenever we did something that she liked, she showered us with macadamia nuts so we would have a taste of Hawaii.

I thank my colleague, the gentlewoman from Hawaii (Mr. ABERCROMBIE), for bringing us all together this evening. No one will easily fill the chair of PATSY MINK, but we were all privileged to call ourselves her colleague, and we will rekindle the commitment she made to the issues which empowered her life: working for children, their education, their homes, and their health care. I thank her for showing us the way.

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

Just before I go on, Mr. Speaker, I most deeply want to thank everyone who has spoken so far. There are many more people to come, as we can see, Mr. Speaker, but the depth and the breadth of what PATSY accomplished I think is now going on the RECORD here in the 107th Congress. It will be there for all to see and view, and I know it will be an inspiration.

I am very, very grateful, as are the people of Hawaii, to all who have appeared so far and are yet to come for letting everyone know of PATSY’s legacy.

Mr. Speaker, I yield 2 minutes to the gentlewoman from Indiana (Ms. CARSON).

Ms. CARSON of Indiana. Mr. Speaker, I thank the honorable gentleman from Hawaii (Mr. ABERCROMBIE) for yielding time to me.

Mr. Speaker, I want to first include for the RECORD comments from my predecessor, the Honorable Congressman from Indianapolis, Mr. Andy Jacobs, who was in the class of the honorable gentlewoman from Hawaii, Mrs. MINK. He wrote a letter to the family, John and Wendy, which simply says: “I hurt, dear God, do I hurt. You are in my prayers and in my heart, Andy Jacobs.”

The letter referred to is as follows:

CONGRESSMAN ANDY JACOBS (R):—INDIANA.

TO JOHN—WENDY, I hurt, Dear God do I hurt. You are in my prayers and in my heart.

ANDY JACOBS.

Mr. Speaker, in the greatest book ever written, in the most universally read book of all times, it is worth reading in this most special period in the U.S. House of Representatives an inscription in the book of Ecclesiastes.

It says: “For everything there is a season, and a time for every purpose under heaven: A time to be born, and a time to die; a time to plant, and a time to pluck up that which has been planted.”

Representative PATSY MINK represented her seasons and her purpose...
I appreciate her passion for peace. PATSY was an early opponent of the Vietnam War, and accompanied another great woman, Bella Abzug of New York, to Paris to participate during the Vietnam-era peace talks.

In 1967, right here on this floor, and I want to quote this, because PATSY spoke of peace instead of war, she said right here, “America is not a country which needs to punish its dissenters to preserve its honor.” PATSY said, “America is not a country which needs to demand conformity of all its people, for its strength lies in all of our diversities converging in one common belief, that of the importance of freedom as the essence of our country.” PATSY said that in 1967 right here.

Of course, I have thought long on this issue, and truly respect PATSY for her courage and her fortitude.

She was tremendously supportive of me on many tough issues and truly was an inspiration. PATSY had a brilliant mind and a lot of soul. As a leader and advocate on so many issues, she always took the time to say thank you, as we heard earlier. Sometimes she sent candy or flowers or nuts or coffee from her home State as a token of her appreciation and her friendship.

To know PATSY was really to love her. Many of us, myself included, have benefited from PATSY’s warm hospitality when visiting her beautiful home, the State of Hawaii. She happily shared her knowledge about her home, and wanted her friends to experience it to its fullest, and to really feel at home.

Mr. Speaker, let me just say, I will miss PATSY. She was a woman whose wisdom and genius really helped us make a better world. May she rest in peace.

Mr. ABERCROMBIE. Mr. Speaker, I yield 2 1/2 minutes to the gentleman from Georgia (Mr. Lewis).

Mr. LEE. Mr. Speaker, I thank the gentleman for yielding time to me, and for bringing this resolution honoring our colleague, the gentlewoman from Hawaii, and our dear friend.

First, I want to begin by extending my deepest and most heartfelt condolences to PATSY’s family, to John, Wendy, friends, and constituents, and to the entire State of Hawaii. My thoughts, Mr. Speaker, are with them during this very difficult period.

In the words of our Secretary of Transportation, Norm Mineta, Norm said: PATSY MINK spoke for the forgotten, the disenfranchised, the poor, and worked unceasingly to remind the Nation of its obligations to those whom it sometimes forgets.

PATSY spoke not only for the forgotten, the disenfranchised, the poor, but also for the advance of all Americans. The leadership that PATSY commanded on the welfare reauthorization debate this year exemplified her values and her character.

During that debate and during our work on welfare, PATSY MINK authored a fair and compassionate bill that would have helped women provide for their families and enhance their future through education. Although that bill was not voted out of the House, it was really the right bill, and many members, myself included, supported it. We were determined to stand by PATSY through this. I am glad we did. She was right.
Representative Mink went on to attend college at the University of Hawaii, but transferred to the University of Nebraska where she faced a policy of segregated student housing. She arrived at the campus and was housed at the International house. When she found this housing was for “colored” students, she was outraged. Congresswoman Mink wrote a letter of protest and sent it to the local newspaper. The accompanying protests and objections resulted in the University changing its policies.

However, Congresswoman Mink was not able to enjoy the changes she had caused to be made because she had to return home to Hawaii where she finished her baccalaureate degree.

She returned to the University of Hawaii to prepare for medical school and graduated with a degree in zoology and chemistry. However, in 1948, none of the twenty medical schools to which she applied would accept women.

She decided to study law and was accepted by the University of Chicago because they considered her a “foreign student.” Choosing not to inform the University that Hawaii was an American territory, she obtained her Doctor of Jurisprudence in 1951.

Getting a job in the legal field was not easy for a woman at that time, but that did not deter Congresswoman Mink. No one was willing to hire her, even as a law clerk. She worked at the University of Chicago law library until the eighth month of her pregnancy. Six months after giving birth, she, her husband John and baby daughter Gwendolyn moved to Hawaii.

When she found no law firm that would hire a woman, she decided to start her own firm. In 1953, she became the first Japanese-American woman lawyer in Hawaii. She also taught at the Chicago Law School library until the eighth month of her pregnancy. Six months after giving birth, she, her husband John and baby daughter Gwendolyn moved to Hawaii.

In 1965, Congresswoman Mink was elected to the U.S. House of Representatives and began the first of six consecutive terms in the House of Representatives. Again, she was the first woman of color to be elected to Congress.

Mink’s ability to build coalitions for progressive legislation continued during her tenure in Congress. She introduced the first comprehensive Early Childhood Education Act and authored the first comprehensive legislation continued during her tenure in Congress. She introduced the first comprehensive Early Childhood Education Act and authored the Education Act, which she helped authored in 1972. It mandated gender equality in any education program or activity receiving federal financial assistance. Title IX has become the major tool for women’s full participation, not only in sports, but in all aspects of education. The law promotes equality in school athletics.

The law promotes equality in school athletics.

Representative Mink was an early opponent of the Vietnam War and accompanied fellow Representative Bella Abzug, D–N.Y., to Paris to talk to participants in the Vietnam War peace talks. She supported women’s rights, was against the death penalty and had as her spending priorities education, housing, and health. Mink’s strong liberal stands led conservative opponents to dub her “Patsy Pink.”

Her career included an appointment by President Jimmy Carter as Assistant Secretary of State for Oceans, International, Environmental and Scientific Affairs from 1977 to 1978.

Congresswoman Patsy Mink was an aggressive fighter for what was best for citizens of the second district in Hawaii, as well as this nation as a whole. She was a tireless supporter of the Congressional Black Caucus. She was a disciplined and focused advocate for the voiceless. And she was my dear friend. As Heaven gains another angel, may the Congress mourn our unfortunate loss. May God be with the Mink family.

Mr. ABERCROMBIE. Mr. Speaker, I yield 2 1/2 minutes to the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON).

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to pay tribute to my dear friend and colleague, Congresswoman Patsy Mink. Congresswoman Patsy Mink spoke for the women of the world, children of the world, and really broke barriers that she also was a role model for women and children of the world. She was an aggressive fighter for what was best for citizens of the second district in Hawaii, but also for the Nation and for the whole world.

She was a tireless supporter of the Congressional Black Caucus and its agenda. She was a disciplined and focused advocate for the voiceless, and she was my dear friend. As heaven gains another angel, may the Congress mourn our unfortunate loss. May God be with the Mink family.

Mr. Speaker, I rise today to pay final tribute to my dear friend and colleague, Congresswoman Patsy Mink.

Congresswoman Mink was able to break through racial and gender barriers to attain goals that others thought were impossible. Her career was a series of firsts: the first woman of color elected to Congress, the first Asian-American woman elected to Congress. She was a role model for women and children of the world, and really broke so many barriers that she also was a role model for women and children of the world. She was an aggressive fighter for what was best for citizens of the second district in Hawaii, but also for the Nation and for the whole world.

She was a tireless supporter of the Congressional Black Caucus and its agenda. She was a disciplined and focused advocate for the voiceless, and she was my dear friend. As heaven gains another angel, may the Congress mourn our unfortunate loss. May God be with the Mink family.

Mr. Speaker, I rise today to pay final tribute to my dear friend and colleague, Congresswoman Patsy Mink.

Congresswoman Mink was able to break through racial and gender barriers to attain goals that others thought were impossible. Her career was a series of firsts: the first woman of color elected to Congress, the first Asian-American woman elected to Congress. She was a role model for women and children of the world, and really broke so many barriers that she also was a role model for women and children of the world. She was an aggressive fighter for what was best for citizens of the second district in Hawaii, but also for the Nation and for the whole world.

She was a tireless supporter of the Congressional Black Caucus and its agenda. She was a disciplined and focused advocate for the voiceless, and she was my dear friend. As heaven gains another angel, may the Congress mourn our unfortunate loss. May God be with the Mink family.

Mr. Speaker, I rise today to pay final tribute to my dear friend and colleague, Congresswoman Patsy Mink.

Congresswoman Mink was able to break through racial and gender barriers to attain goals that others thought were impossible. Her career was a series of firsts: the first woman of color elected to Congress, the first Asian-American woman elected to Congress. She was a role model for women and children of the world, and really broke so many barriers that she also was a role model for women and children of the world. She was an aggressive fighter for what was best for citizens of the second district in Hawaii, but also for the Nation and for the whole world.

She was a tireless supporter of the Congressional Black Caucus and its agenda. She was a disciplined and focused advocate for the voiceless, and she was my dear friend. As heaven gains another angel, may the Congress mourn our unfortunate loss. May God be with the Mink family.

Mr. Speaker, I rise today to pay final tribute to my dear friend and colleague, Congresswoman Patsy Mink.

Congresswoman Mink was able to break through racial and gender barriers to attain goals that others thought were impossible. Her career was a series of firsts: the first woman of color elected to Congress, the first Asian-American woman elected to Congress. She was a role model for women and children of the world, and really broke so many barriers that she also was a role model for women and children of the world. She was an aggressive fighter for what was best for citizens of the second district in Hawaii, but also for the Nation and for the whole world.

She was a tireless supporter of the Congressional Black Caucus and its agenda. She was a disciplined and focused advocate for the voiceless, and she was my dear friend. As heaven gains another angel, may the Congress mourn our unfortunate loss. May God be with the Mink family.
Thank you, Congresswoman MINK for title IX because I knew what it was like when I grew up; but what joy as I watch the Olympics time after time after time to see young women rising because of you.

I close briefly because I know time draws nigh to simply say this in Patsy's words. She was asked what she wished someone had said to her when she started and she said,

When I was in high school and college I wanted to become a medical doctor. I wish someone then that medical schools in the U.S. did not admit women students except for one all-female school. I wish someone had told me about sex discrimination—and about how deeply embedded it is and about how every day would be a struggle to overcome it.

Patsy, they may not have told you, but you were a fighter. May you rest in peace.

I would like to express my heart-felt condolences to the many colleagues, constituents, friends, and relatives of Congresswoman Patsy Mink of the 2nd Congressional District of Hawaii. A coalition builder for greater understanding, the late Congresswoman Mink served in the House of Representatives for twenty terms as the first woman of Asian descent to serve in the U.S. Congress.

Representative Mink was the first woman of an ethnic minority elected to federal office and had been a member of the House for 24 years over two different stretches. She won re-election two years ago by a nearly two-to-one margin, and has been considered a sure winner in the November 5 general election.

Her ancestry has been noted as a classic story of immigrants seeking and determined to succeed. After time to see young women rising to the many colleagues, constituents, friends, and relatives of Congresswoman Mink, and offer my condolences to her family and to the members of her staff and her many friends.

As others have noted, Representative Mink was a trail blazer whose career in Congress spanned 4 decades and whose service has left our country a far better place.

I want to focus my remarks very briefly on the work that Patsy and I had an opportunity to do just on education: it was a passion of hers and certainly is one of mine.

Prior to my service in this body, I served as the State superintendent of schools in my home State of North Carolina; and when I came here in 1996, I was appointed as co-chair along with Pat to lead a number of others to the Democratic Caucus Task Force. I wanted to thank Patsy tonight for looking after the children of North Carolina as I did many times.

She was a long-time champion of the efforts to help our public schools, and she fought when others were not willing to fight. And as task force co-chairs, Patsy and I worked side by side with our other colleagues here in Washington on some very positive progressive policies to strengthen public education in this country.

We may have seemed something like an odd couple. Me, a tall lanky Southerner and Patsy a short lady from Hawaii, but she was tough as a leather knot, as we say in North Carolina, and a good Hawaiian lawyer and we made a good team along with others.

Together with the gentleman from Texas (Mr. HINOJO), the gentleman from Indiana (Mr. ROEMER), the gentleman from New Jersey (Mr. MENENDEZ), and the gentleman from New York (Mr. OWENS) and a number of others, we repeatedly fought back the efforts to cut education, to eliminate private school vouchers and other anti-education items. We pushed our message so successfully and Patsy was out there hammering so hard, that the other party's Presidential candidate borrowed our message and used it to talk about improving quality public education in this country.

Patsy would be proud of that tonight, as she is. Indeed, she made a difference. The list of her accomplishments have been listed already. And I thank Patsy for title IX and my daughter thanks her. All the daughters of America thank her. She made a difference in this country, in the title I children that would not have had a chance, the poor children, and all the others, I could not go through the list. Others have gone through them. I will not read them.

But most importantly, Patsy Mink was a leader whose country will forever owe her a great debt of gratitude, and there is a bright star burning in heaven tonight.

Mr. ABERCROMBIE. Mr. Speaker, Patsy was so moved by the gentleman from North Carolina’s (Mr. ETHERIDGE) remarks that she let him know what she thought about it. She is our guardian angel here tonight. She makes her presence known.

Mr. Speaker, I yield 2¼ minutes to the gentleman from California (Mr.
Ms. WALTERS. Mr. Speaker, when the gentleman from Hawaii (Mr. ABERCROMBIE) said to me last week he was concerned about PATSY, that he thought she was at risk, I could not grasp what he was saying to me. I could not think about her being at the kind of risk that would cause her death.

My sincere condolences to John and to her family. PATSY was my friend. I knew her long before I ever came to the Congress of the United States. PATSY was there on the cutting edge of the women’s movement. PATSY was there when all of the great strategies were formed, when all of the great organizations got started. PATSY was there with Bella Abzug and Gloria Steinem and women who dedicated their lives so that women could have justice and equality in America.

She was there for ERA. She was there for pay equity, and certainly it has been mentioned time and time again that she cosponsored Title IX, women’s educational equity.

It was just a few months ago that I sat at the WNBA All Star Game where PATSY was honored for 30 years’ recognition of PATSY’s work. As I looked at all of the great women out there playing and my dear child, Lisa Leslie, who won the All-Star honor that evening, I thought it was a short, little woman that caused this tall, big woman to be able to realize her dreams, to be able to hone her talents. What a wonderful moment that was.

We are going to miss her because she was a woman of impeccable integrity. She was not about misleading anybody. She did not do a lot of small talk. She was a passionate woman, a brilliant woman, who was a passionate and articulate debater and debate she could. When PATSY took the floor and she decided to let anybody have it, she really could do it.

Let me just say, PATSY was an expert on any number of subjects and certainly on education, but the mark of this woman was the fact that this brilliant woman devoted her time to poor women. Many people get very sophisticated and want to talk about other kinds of subjects once they have served in the Congress of the United States, but she stayed with poor women.

She was an advocate for poor women. She fought for poor women to have a safety net as we debated welfare reform, and people tried to make it something else. She simply talked about the need for poor women and their children to have a place to live and food to eat.

We love you, PATSY. We will miss you.

Mr. ABERCROMBIE. Mr. Speaker, I yield 2½ minutes to the gentleman from California (Ms. WATERS).

Mr. WATERS. Mr. Speaker, when the gentleman from Hawaii (Mr. ABERCROMBIE) said to me last week he was concerned about PATSY, that he thought she was at risk, I could not grasp what he was saying to me. I could not think about her being at the kind of risk that would cause her death.

My sincere condolences to John and to her family. PATSY was my friend. I knew her long before I ever came to the Congress of the United States. PATSY was there on the cutting edge of the women’s movement. PATSY was there when all of the great strategies were formed, when all of the great organizations got started. PATSY was there with Bella Abzug and Gloria Steinem and women who dedicated their lives so that women could have justice and equality in America.

She was there for ERA. She was there for pay equity, and certainly it has been mentioned time and time again that she cosponsored Title IX, women’s educational equity.

It was just a few months ago that I sat at the WNBA All Star Game where PATSY was honored for 30 years’ recognition of PATSY’s work. As I looked at all of the great women out there playing and my dear child, Lisa Leslie, who won the All-Star honor that evening, I thought it was a short, little woman that caused this tall, big woman to be able to realize her dreams, to be able to hone her talents. What a wonderful moment that was.

We are going to miss her because she was a woman of impeccable integrity. She was not about misleading anybody. She did not do a lot of small talk. She was a passionate woman, a brilliant woman, who was a passionate and articulate debater and debate she could. When PATSY took the floor and she decided to let anybody have it, she really could do it.

Let me just say, PATSY was an expert on any number of subjects and certainly on education, but the mark of this woman was the fact that this brilliant woman devoted her time to poor women. Many people get very sophisticated and want to talk about other kinds of subjects once they have served in the Congress of the United States, but she stayed with poor women.

She was an advocate for poor women. She fought for poor women to have a safety net as we debated welfare reform, and people tried to make it something else. She simply talked about the need for poor women and their children to have a place to live and food to eat.

We love you, PATSY. We will miss you.

Mr. ABERCROMBIE. Mr. Speaker, I yield 2½ minutes to the gentleman from Hawaii (Mr. ABERCROMBIE) for yielding me the time, and I remember that PATSY was here a few months ahead of us in the special election. She got the jump on us in seniority. Actually she had been here 25 years ahead of us. PATSY had a second coming, and the House is all the better for it, but the heart of the House is broken today.

Historic woman, first woman of color, from 4 years ahead of Shirley Chisholm, the first African American, came to the House.

She is known for two signature issues among the many issues that are around her name, education and equality. PATSY, of course, is the godmother and the fighter for Title IX. I think she would want this memorial to serve a purpose, especially today when Title IX is under attack.

I remember 2 months ago when she came to this floor to commemorate Title IX, and she said this: We have heard much about the many successes of Title IX, particularly in athletics. Most do not know of the long, arduous battle we took on in support of Title IX and the battles that we have fought to keep it intact. And as we remember her tonight, remember, we are fighting a battle to keep it intact tonight.

I will recount some of those battles. She talked about 1975 when there was an amendment to keep then HEW from promulgating regulations under Title IX. That is how deep it got. Even after Title IX was passed, she had a way of piercing to the truth, when they said there is no Title IX. It took four men to summarize what she said on the floor, 2 months ago, that reductions in men’s sports are due to choices made by college administrators in favor of the big-budget, revenue-generating programs such as football and basketball. She told it like it was. She could not help it.

Let us remember as we commemorate and celebrate Title IX and celebrate PATSY’s life being fought through today. There is an administration task force. With all her being, PATSY opposed to fix what is not broken. Title IX, 30 years later when we go from 32,000 female athletes to 150,000. Instead of commemorating, the administration is fixing. Leave Title IX alone. Let it stand. Let it be. Do it for women, and do it for PATSY MINK.

Mr. ABERCROMBIE. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Ms. VELAZQUEZ).

Ms. VELAZQUEZ. Mr. Speaker, the mark of an American hero is a person who created reality and shaped the values that we take for granted today. PATSY MINK is one such American hero. Each time we look around at what America is today, we should think of PATSY MINK because our Nation is a better place due to the contributions she made throughout her life on education, immigrants’ rights, health care, and protecting the poor.

She fought for civil rights in an era of segregation. She was an advocate for Asian Americans after the internment policy of World War II. She opposed a
war before it made headlines. She fought to provide every child with a quality education, and she created opportunities for girls to play college sports, sparking a revolution for an entire generation that is now the envy of the world.

She was the first in so many things, the first female student body president, the first Japanese American woman to practice law in Hawaii, the first woman of color to serve in the United States Congress, and the first woman to take for granted today. We should always remember it was Patsy who fought to get us here, especially women.

Perhaps Patsy herself could sum up her life and legacy best when she said, "My career in politics has been a crucible of challenges and crises where in the end the principles to which I was committed prevailed. We should all strive to be as dedicated to our process and as passionate in our arguments as Patsy was to hers. For the many causes she championed, there was no fiercer advocate than Patsy Mink." I will miss her friendship, her spirit and her sense of humanity.

Ms. KAPTUR. Mr. Speaker, I yield 2 minutes to the gentlewoman from Ohio (Ms. KAPTUR).

The SPEAKER pro tempore (Mr. REHERD). Is there objection to the request of the gentleman from Hawaii?

There was no objection.

Mr. ANDREWS. Mr. Speaker, I yield 1½ minutes to the gentleman from New Jersey (Mr. ANDREWS).

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

Mr. ANDREWS. Mr. Speaker, I thank my friend from Hawaii for yielding me the time.

I rise in sincere remembrance of a gentle soul and a good friend, Patsy Mink. As I reminded my colleagues to her husband John, daughter Wendy, and my thanks to the service that the entire family has given by permitting their wife and mother to serve this Nation.

Patsy has gone from our lives, but she will touch the lives of so many people tomorrow whose names she will never know. Tomorrow there will be welfare mothers who will get up and have a first-rate child care center to take their children to; women who will be able to stay in school, because Patsy Mink made sure that would happen. Tomorrow there will be young women who will have a chance to learn math or science or go on to engineering careers because Patsy Mink helped lead the fight to let little girls know what they could be anything they wanted to achieve in any discipline through her work on women's equity in education.

A few hours ago on the east coast, and Mr. Speaker, right now across the country, young women are coming home from sports practice, from soccer and field hockey and all the other sports that young women play.

And the most talented ones know that they have a chance to compete now at the intercollegiate level because Patsy Mink wrote title IX and made sure it stuck.

Patsy Mink will touch my life for years to come. My two greatest achievements are 9 years old and 7 years old, my two daughters; and I take comfort at this time of great loss from the fact that they will live in a world where they can be anything they set their minds to, reach any heights to which they are large enough to share the limelight. This firebrand of a woman stood on this floor and served this country.

It is my honor to call her a friend. My great expression of condolences to her family. May God rest her soul.

Ms. KAPTUR. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. LOFGREN).

Ms. LOFGREN. Mr. Speaker, this is a very sad day. I remember when I first met Patsy and saw Patsy. It was in 1970, and I was on the staff of then-Congressman Don Edwards, and I thought this was really somebody; this was really somebody; and I watched her and I learned a great deal from her, her intelligence, her tenacity, her wherewithal, a true steel magnolia, a true profile in courage, someone who fought the last few days that we were arguing about welfare reform, how important it was for us to decide upon providing women with the ability to have child care because if they chose to go to work and could find work, the only way they would be able to escape poverty was to be able to get child care. And she fought tooth and nail even sometimes against our own leadership, and many of us stood with her.

I learned a great deal from her, her compassion, and she did shower us with support and friendship. And as a new Member here in the House, she was someone I looked up to in our Committee on Education and the Workforce, always moving me, pushing me, keeping me going. Do not give up. Stand up to those people. Do not let people make you turn your back."

She taught us a powerful lesson. She is the first in many categories in her own State and somebody who should be given the dignity and honor to stand with us forever, and that is by paying tribute to her and in either having a commissioned portrait or a statue, a woman to represent us, so proud, and throughout the world.

I yield to the gentleman from Hawaii and her family and to have worked with her staff and someone that we have to somehow undertake the courage that she had to continue the fight because Patsy is watching us and Patsy is going to hold us accountable, and she is going to say. My work was not done in vain because I have helped to lift so many people out of poverty and give them hope.

And I know she has given us that. I have heard many here speak about her attributes and everything she gave so unselfishly; and I too, like my colleagues, join the world in praying for her because she is a wonderful, wonderful role model for so many of us. I...
Ms. KAPTUR. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Speaker, I thank the gentlewoman from Hawaii (Mr. ABERCROMBIE) for making this possible for all of us to come here to honor our colleague, PATSY MINK, with the resolution that expresses with memories that say so very much about this woman that we loved so dearly. But as everyone as heard, no words can capture the great loss that we feel. The Congress, our country, and the rest of this world have lost a most remarkable woman. I knew of PATSY MINK from Hawaii by reputation for many, many years before I met her. In fact, PATSY is one of the reasons I decided to run for the House of Representatives. I was convinced that I would be a help to her in her work for civil rights and economic justice; but once I was elected and sworn in in 1993, I think I was more work to PATSY than I was help for her because she became a mentor, a mentor to me, and through her I learned so very much about standing up for my beliefs even when they were not always popular, knowing and trusting my constituents, remembering that those were the people that I work for and passionately fighting for those who are less well off who need a hand up.

Women and minorities in our country have benefited greatly because of PATSY MINK. She has taught us all so very much. PATSY MINK will never be forgotten, and she will always be honored.

Ms. KAPTUR. Mr. Speaker, I yield 2 minutes and 15 seconds to the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN). 

Mrs. CHRISTENSEN. Mr. Speaker, I thank the gentleman from Hawaii (Mr. ABERCROMBIE) for bringing us together. I rise to join our other colleagues to pay tribute to PATSY MINK’s outstanding legacy which spanned more than 24 years. Though small in stature, as many of us have made reference to, the death of our dear friend, colleague and leader on so many important issues has left a very large void in this body. Our hearts and prayers go out to her husband, John; daughter Wendy; brother; and other family members, and the community she loved and served so well.

I consider myself privileged to have had the wonderful opportunity to work with her on a number of issues. I have been particularly grateful for her tenacity in our work to eliminate health disparities for women and people of color.

This summer we were all fortunate to be able to follow her leadership as she worked to craft commonsense welfare reform legislation which would not only prepare those on welfare for work but lift them out of poverty and give them the opportunity to improve their status and the status of their families. She was always sensitive to the unique issues of my district and the other offshore territories.

Congresswoman MINK is most remembered for her work on title IX of the education amendments of 1972 to eliminate sex discrimination in all educational institutions receiving Federal funds. PATSY MINK displayed a thirst for justice, a drive to convince others that it is in the best interest of all that women be treated equally, a zeal to ensure that no young girl would ever be told that she could not achieve her goals, and a disdain for any antiquated approaches which would leave women behind.

By challenging discrimination both at home and in the Nation at large, she helped this country to better live up to its obligation to improve the health and well-being of all its residents and to close the wide gaps in service and status for women and people of color.

PATSY gave of herself generously. She was a warrior who never shied from the challenge when the cause was just; and by her life, her service, she has lifted us all.

I am, we all, are honored by having had the opportunity to know her, to serve with her, and partake of her wisdom, her warmth, and her friendship.

Mr. Speaker, I rise to join our other colleagues to pay tribute to PATSY MINK’s outstanding legacy which spanned more than 24 years.

Through small in stature, the death of our dear friend, colleague and leader on so many important issues has left a very large void in this body. Our hearts and prayers go out to her husband, John, daughter Wendy, brother, other family members and the community she loved and served so well.

I consider myself privileged to have had the wonderful opportunity to work with her on a number of issues. I have been particularly grateful for her tenacity in our work to eliminate health disparities for women and people of color.

Just this past spring, PATSY joined me in a forum on improving health care quality for minority Americans. As ranking member on the education and workforce subcommittee on 21st century competitiveness, the gentle lady from Hawaii used her position to influence and improve education and work opportunities for all.

This summer we were all fortunate to be able to follow her leadership as she worked to craft commonsense welfare reform legislation which would not only prepare those on welfare for work, but lift them out of poverty and give them the opportunity to improve their status and the status of their families. She was always sensitive to the unique issues of our district and the other offshore territories. 

 Congresswoman MINK is most remembered for her work on the title IX of the education amendments of 1972 to eliminate sex discrimination in all educational institutions receiving Federal funds. 

 PATSY MINK displayed a thirst for justice, a drive to convince others that it is in the best interest of all that women be treated equally, a zeal to ensure that no young girl would ever be told that she could not achieve her goals, and a disdain for any antiquated approaches which would leave women behind. 

 By challenging discrimination both at home and in the Nation at large, she helped this country to better live up to its obligation to improve the health and well-being of all its residents and to close the wide gaps in service and status for women and people of color. 

 It is her legacy that allows the women of Congress to walk these hallowed halls with sure footing. I thank PATSY MINK for her grateful heart, her strong spirit, for breaking down barriers, and for leading the way as the first woman of color in the Congress of the United States. Through her presence and her determination, she set the stage to ensure that all issues—that minority issues and women’s issues are also American issues.

I therefore, and on behalf of the family, staff and constituents, I express my sincere condolences and that of my constituents of the U.S. Virgin Islands.

PATSY gave of herself generously. She was a warrior who never shied from a challenge when the cause was just; and by her life, her service, she has lifted us all.

As ranking member on the education and workforce subcommittee on 21st century competitiveness, the gentle lady from Hawaii used her position to influence and improve education and work opportunities for all.

This summer we were all fortunate to be able to follow her leadership as she worked to craft commonsense welfare reform legislation which would not only prepare those on welfare for work, but lift them out of poverty and give them the opportunity to improve their status and the status of their families. She was always sensitive to the unique issues of my district and the other offshore territories.

Congresswoman MINK is most remembered for her work on title IX of the education amendments of 1972 to eliminate sex discrimination in all educational institutions receiving Federal funds.

PATSY MINK displayed a thirst for justice, a drive to convince others that it is in the best interest of all that women be treated equally, a zeal to ensure that no young girl would ever be told that she could not achieve her goals, and a disdain for any antiquated approaches which would leave women behind.

By challenging discrimination both at home and in the Nation at large, she helped this country to better live up to its obligation to improve the health and well-being of all its residents and to close the wide gaps in service and status for women and people of color.

It is her legacy that allows the women of Congress to walk these hallowed halls with sure footing. I thank PATSY MINK for her grateful heart, her strong spirit, for breaking down barriers, and for leading the way as the first woman of color in the Congress of the United States. Through her presence and her determination, she set the stage to ensure that all issues—that minority issues and women’s issues are also American issues.

I therefore, and on behalf of the family, staff and constituents, I express my sincere condolences and that of my constituents of the U.S. Virgin Islands.

PATSY gave of herself generously. She was a warrior who never shied from a challenge when the cause was just; and by her life, her service, she has lifted us all.

I am, we all, are honored by having had the opportunity to know her, to serve with her, and partake of her wisdom, her warmth and her friendship.

Ms. KAPTUR. Mr. Speaker, I yield 2 minutes to the gentlewoman from North Carolina (Mrs. CLAYTON).

Mrs. CLAYTON. Mr. Speaker, I thank the gentlewoman from Ohio (Ms. KAPTUR) for yielding me this time.

I thank the gentleman from Hawaii (Mr. ABERCROMBIE) for organizing, introducing the legislation allowing us to reflect on PATSY MINK’s life. I think all of us have a sense of loss and especially those of us who feel that somehow we just did not take seriously that she was the leader and we just did not understand that we will have the rejoicing of her coming back and to feel that somehow we did not understand that. But perhaps it was wise that we did not. I was back there when the gentleman from Hawaii (Mr. ABERCROMBIE) mentioned that too.

I want to extend my sympathy to the family, John and her daughter. I got to travel on three occasions with PATSY, and I also got to feel that I knew her husband. And I remember PATSY because I did not do that well in organic chemistry. And graduating from the University of Chicago as a woman in 1971, an honor student, and she told me she could hardly find a job as a clerk and the difficulty they gave her in her birthplace to even pass the bar.

I also went to law school and I did not finish. I had four kids, but I understood what it meant when she was denied the right as a person, a resident of
Hawaii not to be allowed to take the bar other than through her husband. That was a way of discriminating even among her own natives. I will remember PATSY for a lot of reasons, for all the legislative reasons that my colleagues know even better; but one thing I remember about PATSY is that she was a little person but had a loud voice and a very forceful voice. And the 58th chapter of Isaiah says this, and I am reading from the English version. It says: "The Lord says shout as loud as you can, tell my people Israel about your sins."

PATSY spoke loudly and clearly, eloquently, about the injustice, inequality, and she also is known not for what she passed in legislation but what she was willing to fight against. So we remember PATSY with passion and dignity, and we pray that her life will be a shining life for the rest of us to carry on in the same way.

Ms. KAPTUR. Mr. Speaker, I thank the gentlewoman from North Carolina (Mrs. CLAYTON) for those eloquent words.

Mr. Speaker, I yield 2 minutes to the gentleman from Oregon (Mr. WU).

Mr. WU. Mr. Speaker, I rise to honor our friend and colleague, PATSY MINK. I was honored to serve with her on the Committee on Education and the Workforce, and I am proud to be one of her successors as Chair of the Asian Pacific American Caucus.

PATSY was an absolutely wonderful, wonderful person from a wonderful place. Mr. Speaker, I can share with my colleagues the very first time I was ever recognized on this floor, I was recognized as the gentleman from Hawaii, and I had to resist the temptation then, representing my wonderful folks, the sensible folks from Oregon, from saying yes, yes, I am the gentleman from Hawaii.

□ 2115

Mr. Speaker, Hawaii is a wonderful place, a great culture, good people and fine Representatives here in the United States Congress. It has a wonderful language, words like ohana and aloha. Sometimes we wonder whether they found too much use for consonants, but a wonderful, beautiful language, and those words embody for me what PATSY and her service here was all about, community. Communities where children, where every child would have a chance to build a better future, where all of us would rise together rather than divided against each other.

Aloha, the spirit of aloha where PATSY was so helpful to us freshmen and junior Members. She was like a gentle Hawaiian breeze, but we all knew her issues; she could storm up like a typhoon. I had the misfortune to follow her on a podium once, and after my rather tepid remarks, she pounded home her views and she was Olympian in her stature, and it was like thunderbolts were coming from her forehead. There is a time when God calls us all home; and I have to say, PATSY, you are fortunate that God has called you home to Hawaii. We will miss you.

Ms. KAPTUR. Mr. Speaker, I yield 4 minutes to the gentleman from American Samoa (Mr. FALEOMAVAEGA).

Mr. FALEOMAVAEGA. Mr. Speaker, it is with great sadness that I rise to participate in this Special Order to share with my colleagues of the House and with the American people the tremendous loss to our Nation and the good people of the State of Hawaii, the recent passing of the gentlewoman from Hawaii, PATSY TAKEMOTO MINK.

PATSY was more than a friend to this Member. She was my mentor, my teacher, my senior advisor on the nuances of this institution. She was my champion fighter on any issues taken by this body on anything relating to the rights and lives of millions of American women, children, minorities, and last but not least, the poor and the needy.

Some of my colleagues have outlined a listing of so many of the accomplishments of PATSY’s career in public service. So as not to be repetitious, I want to share with my colleagues and our Nation how I feel about PATSY MINK as a person.

PATSY did not share much with me concerning her early youth, born of a humble family and grew up on the Island of Maui, graduated from high school on Maui, and then enrolled at the University of Hawaii, but as I can remember, remember well and imagine the hardships PATSY had to endure, especially after the sudden attack of Pearl Harbor by Japanese war planes that Americans of Japanese ancestry immediately, herded like cattle and placed in what was then described as relocation camps but I consider them as concentration camps, I have no doubt that PATSY and her family were severely affected socially and psychologically.

How a Nation can unilaterally terminate the constitutional rights of its citizens solely on the basis of race, their lands and properties were confiscated, and some 100,000 American citizens, men, women and children, who happened to be of Japanese ancestry were placed in these so-called relocation camps throughout the United States. Despite all this, at the height of racism, hatred and bigotry placed against Japanese Americans during World War II, some talented Japanese American members of Congress, like Senator DAN INOUYE and the late Senator Spark Matsunaga among them, nevertheless volunteered to fight against our Nation’s enemies in Europe. That was part of PATSY’s early youth in Hawaii. But as I can remember, remember, remember well and imagine the hardships she had to endure, she would sometimes call one of my friends, Wendy, and her daughter, Joan Manke, her administrative assistant, and members of her staff.

PATSY TAKEMOTO MINK, may you have a successful journey.

Ms. KAPTUR. Mr. Speaker, I yield 4 minutes to the gentlewoman from New York (Mrs. MALONEY).

Ms. MALONEY of New York. Mr. Speaker, I thank the gentlewoman for yielding me this time, and I thank the gentlewoman from Hawaii (Mrs. ABERCROMBIE) for her leadership on this and so many important issues before this body.

It is with great sadness that we come to the floor this evening to honor the legacy and hard work of my good friend and colleague, PATSY MINK. She was a champion for women’s rights, education, civil rights, and America’s workers. She was a tireless advocate for our Nation.

I have a long list of firsts where PATSY was the first person to do a particular job or make a particular gift to this Nation, and I would like to enter this into the RECORD.

In fact, she told me she never intended to come to Congress. It was her dream to be a doctor. Like many very talented and intelligent women, she applied to medical school, and every single one of them turned her down. She told me that she faced great discrimination in her life, yet she turned adversity into a positive life of working to help improve the lives of women, children, minorities, and the equality of all people.

One of the things that I loved about PATSY, there was never an issue that was too large or too small for her to champion and for her to work extremely hard on. Unlike many of us, she was able to see the fruits of her hard work. As one of the principle authors of title IX, she saw the benefits of a whole generation of young women, including my two daughters, who have benefited from the equality in treatment of women in education and sports.

When I first came to Congress, I would sometimes call one of my friends and mentors from New York, Bella Abzug, and Bella would always end the conversation by saying, “Carolyn, why in the world are you calling me when you could talk to PATSY MINK on the floor?”

PATSY told me that many of her colleagues would call her in Hawaii, and because of the time difference, they would wake her up at 2, 3 in the morning yet she would always wake up and be there to help.

It is impossible to name all of PATSY’s great accomplishments, but
Ms. KAPUR. Mr. Speaker. I yield such time as he may consume to the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Speaker, I thank the gentlewoman for yielding me this time and gentlemen from Hawaii (Mr. ABERCROMBIE) for having this resolution on the floor tonight.

My condolences go to PATSY MINK’s family; and our condolences, of course, go to the people of Hawaii who have suffered a great loss.

For almost a generation, anyone who served in this House of Representatives has had the privilege of serving with Patsy MINK and had the honor of calling her colleague. Anyone who knew her, worked with her on a daily basis, had his or her day brightened by the communication from Patsy. She was a patriotic, committed, dedicated American.

She was enthusiastic about America’s children. She worked her heart out for them. She literally gave her life ministering to their needs, visiting a clinic for poor children where she contracted chicken pox. It just does not seem real that we have lost such a valuable, valuable person on this Earth.

I know it was intended by the gentlewoman from Hawaii (Mr. ABERCROMBIE) and the gentlewoman from Ohio (Ms. KAPUR) for this to be a resolution with an hour of time, but the people of Hawaii should know because of the outpouring of love for Patsy MINK, it has not turned out to be an hour of debate on a bill, but a vigil in honor of a beloved Member of Congress.

We all know how much the people of Hawaii thought of Patsy MINK. We want them to know how much Members of Congress respected her as a person, and are mourning her leaving us so deeply.

I am sure colleagues have spoken about her incredible leadership on title IX. She conceived this idea and worked very hard for its passage, and then an accident that harmed her dear daughter, Wendy, called her away from the floor on the day of the vote, and the bill lost by one vote. True to her family values, absolutely to go to her daughter’s side. Patsy did something so incredible. She came back to Congress at a future time and persuaded the speaker, then-Speaker Carl Albert to bring the bill up again. That picture of Patsy really captures the essence of this tiny giant.

I thank Patsy for being a mentor to so many of us, a joy in our lives. Even when Patsy was fighting in her toughest time, and she would be fighting as hard as she possibly could, she always did it with a smile. She always did it with a smile. So she attracted people to her. She attracted people to her point of view. She attracted people to her State, which she said that the people of us will be talking about Patsy for a long time to come. We will never forget her. We will always be inspired by her, and we know that although she is no longer with us physically, that Patsy MINK lives.

She lives in the spirit of young girls playing sports all over America. She lives in the school rooms of America for all she did for America’s children. She lives in the spirit that she leaves us as she departs in such an untimely fashion.

Again, many of us will be going on Thursday, returning Friday night. The plane leaves at the close of business. I hope many Members will join those of us who are going to Hawaii to bid to our dear Patsy Mink, aloha.

Ms. KAPUR. Mr. Speaker, I would like to thank all of those who have participated this evening and give special regard and thanks to the gentlewoman from Hawaii (Mr. ABERCROMBIE), who has brought us all together, and who has been with us on the floor working to design this resolution and to assure that all Members had an opportunity to speak this evening.

Mr. Speaker, I yield such time as he may consume to the gentleman from Hawaii (Mr. ABERCROMBIE) for the next proceeding.

Mr. ABERCROMBIE. As we draw the discussion for the passage of this resolution to a conclusion, I would ask, Mr. Speaker, that at the appropriate time if you could indicate to the House that perhaps we could rise and observe a moment of silence in honor of Patsy MINK with the passage of the resolution. I would be very appreciative, and I think it is the appropriate way to finish our commemoration.

Let me conclude my remarks, then, Mr. Speaker. I had not intended to speak much further because of the eloquent, articulate, certainly comprehensive manner in which the Members tonight have discussed the great contributions of Patsy to this body and to the Nation. But all through this evening, Mr. Speaker, I have been unable to avoid looking at the picture that has been down by the podium on the floor. That picture of Patsy really captures the essence of this tiny giant. You can see her steadfastness, her sense of perseverance, the stalwart person that she was on behalf of all those who had no hope.

Mr. Speaker, it never occurred to me in my youth that I would have the honor and privilege of serving in the presence of the House of Representatives. I look around the floor at my colleagues here. I see my dear friend DANA ROHRABACHER and others here on
October 1, 2002

CONGRESSIONAL RECORD — HOUSE

H6899

the floor: NANCY PELOSI, who has just finished speaking of her friendship and love for PATSY, and I understand what it was that I knew intellectually so many years ago when I worked on PATSY’s first campaign as a college student. A diversity of PATSY’s career when she first came here to the House of Representatives. I understood intellectually what it was to serve in the House of Representatives. But I am sure, Mr. Speaker, you know, as all of our colleagues here in the people’s house, that those of us who have sworn an oath to uphold and defend the Constitution in this house of freedom know what it means to have had the presence of someone like PATSY MINK.

Surely, Mr. Speaker, there is no other people so fortunate as we, free men and women, in the freest country on the face of the Earth, in the history of the planet. No one has embodied more the spirit of this House than this gentlewoman from Hawaii, a true daughter of Hawaii who celebrated in aloha and cruelty and horror, PATSY MINK was more than a friend to this member. She was a warm compassionate colleague, civil and generous even to the opponents who angered her the most.

Aloha means that our diversity defines us rather than divides us. In this world of pain and tension and cruelty and horror, PATSY MINK was able to stand for those who could not speak for themselves and was the living embodiment of what aloha means not just for our Rainbow State, not just for our multicultural, multi-ethnic, multiracial people, but it gave the message of aloha to this House, to this Nation and to this world.

Aloha, PATSY.

Mr. Speaker, I believe that the time is appropriate to call for an expression of assent to the resolution before us, and if I could ask for that to be in the form of Members rising, Members and those present to rise with a moment of silence not only in commemoration of PATSY MINK, but to constitute passage of the resolution.

Mr. FALEOMAVAEGA. Mr. Speaker, it is with great sadness that I rise to participate in this service. I have had the pleasure of working closely with my colleagues and with my Whip on the Education and Labor Committee. Too many of us have forgotten the value of the institutional memory. While the House is filled with members who speak as experts on education, Congresswoman MINK was among the few with hard earned credentials. She was a part of the development and nurturing of Title IX of the Education Act of 1972. Congresswoman MINK was among the few with hard earned credentials. She was a part of the development and nurturing of Title IX of the Education Act of 1972. Congresswoman MINK was among the few with hard earned credentials. She was a part of the development and nurturing of Title IX of the Education Act of 1972. Congresswoman MINK was among the few with hard earned credentials. She was a part of the development and nurturing of Title IX of the Education Act of 1972.

Aloha, PATSY.

Mr. Speaker, I rise to remember my colleague of these past ten years, Representative Patsy Mink, who passed away this weekend.

During my first years in Congress, I worked closely with Patsy when we both served on the Education and Labor Committee.

PATSY was a wonderful person who believed in the power of education. She wanted to ensure that all Americans, especially women, received a quality education.

She was a tireless warrior for women and education, authoring the Women’s Educational Equity Act of 1974, which provided funding for schools attempting to eliminate inequities and discrimination against women as required by Title IX.

She worked to increase Impact Aid to Hawaii public schools, which helps offset the cost of educating the children of Federal employees and military personnel.

PATSY did not limit herself to only education issues. She was also a champion of all working Americans, fighting to protect the landmark
Davis-Bacon Act, which requires federal contractors to pay local prevailing wages. She led efforts to protect the Legal Services Corporation, which provides needy individuals nationwide with legal assistance.

In short, PATSY was a champion of the forgotten, the homeless, those who needed financial assistance for college, those who were without health insurance, and those who were unemployed.

And like the best Members of Congress, PATSY fought hardest for her people at home. She was a champion for native Hawaiians, and actively sought to make sure their interests were protected at the Federal level.

I have a special affinity for PATSY, for personal reasons as well. When my son, Chris, graduated from college, he went to Hawaii to work.

I could always count on PATSY to occasionally check on Chris, and tell me how he was doing when we both came back to Washington the next week.

Mr. Speaker, PATSY MINK, has been part of the Hawaiian island landscape since before statehood, and has served as a mentor to generations of young Hawaiians.

Her presence will be missed, both here in Washington, but even more back home. This institution will miss her greatly.

Mr. Speaker, PATSY MINK was my friend and my colleague and I am deeply saddened by her death.

PATSY fought hard every day for the values and ideals that make our nation great. She worked to ensure access to good public schools for every American child. She stood up as a leading voice for women's rights, civil rights and labor unions devoted to raising living standards and providing opportunities to all Americans. And PATSY MINK never lost her passion for righting the economic and social injustices in Hawaii and across America.

PATSY MINK blazed a trail unlike few members in the history of the House. She was the first Asian American woman admitted to the Hawaii bar, the first American woman elected to the state legislature and the first woman of color to win national office in 1964. She knew she was here to serve, and to make it better, and she worked to make it so, and to make it better serve those who most need the help of our country to realize their full potential as valuable, productive and happy citizens.

PATSY worked for the young, for the health, education, for their nutrition and training. PATSY used Congress to better the lives of the young with legislation which helped them to achieve their real value in our society.

Every program to help people with greatest need enacted by this Congress during her career bears the mark of her character, her leadership, and her goodness.

Her labors for the poor, downtrodden, the sick are her shining monument. Her compassion, her energy, her dedication and decency are her hallmark, and made her a leader for those who needed her most.

She is properly loved, will be long remembered for her goodness and work. She will be missed, and never will be replaced. We love her, we honor her memory and her labors and accomplishments.

We pray for her soul, we know God will receive her lovingly. We know He greeted her warmly, with the statement, “Well done, good and faithful servant. Welcome home. You have earned your place here in Heaven.”

Mr. ORTIZ. Mr. Speaker, I thank my colleagues, the Honorable Ms. MILLER-MCDONALD, for organizing this tribute to a giant in the House of Representatives.

PATSY MINK was a fighter. She fought every day of her public service for the inclusion of women at every level of government and society.

She was an inspiration to so many people: women, Pacific Islanders, mothers, children, and the working poor.

PATSY was my neighbor in the southeast corner of the Rayburn building for several years. We often walked back and forth to votes together. We found ourselves on the same side of political issues, but we always marveled that our party was big enough to include both of us.

PATSY always spoke candidly, and never strayed from the business at hand. Her office brightened our corner of the hallway with beautiful, fresh exotic flowers from Hawaii every week.

Through her life, and via her work in Congress, PATSY redefined the possibilities for generations of women to come. She forced educational institutions to find equity in education between men and women through her work on Title IX.

PATSY's championed her vision of equality and justice in the Congress. From her support of Medicare in her first term of service in the House—to her work in education, labor, and Hawaiian agriculture—PATSY's legacy will live on in classrooms, union halls and farm fields in Hawaii and around the nation.

Mrs. MCCARTHY of New York. Mr. Speaker, I rise today saddened by the death of a dear friend and colleague, the Honorable PATSY MINK. Throughout her public service career, she was a tremendous force in breaking gender and racial barriers by being the first Asian-American woman to be elected to Congress, and the first women of color to win national office.

One of PATSY's most influential pieces of legislation, Title IX, which she co-authored in 1972, is credited by many with changing the face of women's sports and societal attitudes about women, and bans gender discrimination in schools that receive federal funding.

During my 8 years in Congress it was both an honor and a joy to work with Congresswoman MINK on the Education Committee. I will always remember her as a strong, compassionate woman who was not only a superior colleague but also a great friend.

Not only will I miss her intelligence and her wit, but I will also miss her generosity. Congresswoman MINK's generosity was famous here in the House because of the delicious chocolate covered macadamia nuts she brought to late night sessions. Her passing not only leaves a void in Congress, but also the district and the state she represented so proudly and honorably. We will all miss her.

Ms. ROYBAL-ALLARD. Mr. Speaker, it is with a heavy heart that I rise to express my deep sadness upon her passing of my fellow congresswoman and friend, PATSY MINK.

I had the privilege of knowing PATSY and of serving with her in the House of Representatives for many years, specifically on the Budget Committee and in the Congressional Women's Caucus.

PATSY was a trailblazer, a fighter for the rights of women and minorities, and a role model for women and people of color everywhere.

Long before becoming the first Asian-American woman to be elected to the U.S. House of Representatives, PATSY was breaking barriers, redefining the possibilities for generations of women to come. She forced educational institutions to find equity in education between men and women through her work on Title IX.

When PATSY was told she could not live in Hawaii because she was a woman, Waii would hire her because she was a woman. She became the first Asian-American woman and woman of color admitted to the Hawaii bar. She was the first Asian American woman to be elected to Congress, and the first woman of color to win national office.

When PATSY was told she could not live in Hawaii because she was a woman, Waii would hire her because she was a woman. She became the first Asian-American woman and woman of color admitted to the Hawaii bar. She was the first Asian American woman to be elected to Congress, and the first woman of color to win national office.

When PATSY was told she could not live in Hawaii because she was a woman, Waii would hire her because she was a woman. She became the first Asian-American woman and woman of color admitted to the Hawaii bar. She was the first Asian American woman to be elected to Congress, and the first woman of color to win national office.

When PATSY was told she could not live in Hawaii because she was a woman, Waii would hire her because she was a woman. She became the first Asian-American woman and woman of color admitted to the Hawaii bar. She was the first Asian American woman to be elected to Congress, and the first woman of color to win national office.

When PATSY was told she could not live in Hawaii because she was a woman, Waii would hire her because she was a woman. She became the first Asian-American woman and woman of color admitted to the Hawaii bar. She was the first Asian American woman to be elected to Congress, and the first woman of color to win national office.

When PATSY was told she could not live in Hawaii because she was a woman, Waii would hire her because she was a woman. She became the first Asian-American woman and woman of color admitted to the Hawaii bar. She was the first Asian American woman to be elected to Congress, and the first woman of color to win national office.

When PATSY was told she could not live in Hawaii because she was a woman, Waii would hire her because she was a woman. She became the first Asian-American woman and woman of color admitted to the Hawaii bar. She was the first Asian American woman to be elected to Congress, and the first woman of color to win national office.

When PATSY was told she could not live in Hawaii because she was a woman, Waii would hire her because she was a woman. She became the first Asian-American woman and woman of color admitted to the Hawaii bar. She was the first Asian American woman to be elected to Congress, and the first woman of color to win national office.

When PATSY was told she could not live in Hawaii because she was a woman, Waii would hire her because she was a woman. She became the first Asian-American woman and woman of color admitted to the Hawaii bar. She was the first Asian American woman to be elected to Congress, and the first woman of color to win national office.

When PATSY was told she could not live in Hawaii because she was a woman, Waii would hire her because she was a woman. She became the first Asian-American woman and woman of color admitted to the Hawaii bar. She was the first Asian American woman to be elected to Congress, and the first woman of color to win national office.

When PATSY was told she could not live in Hawaii because she was a woman, Waii would hire her because she was a woman. She became the first Asian-American woman and woman of color admitted to the Hawaii bar. She was the first Asian American woman to be elected to Congress, and the first woman of color to win national office.

When PATSY was told she could not live in Hawaii because she was a woman, Waii would hire her because she was a woman. She became the first Asian-American woman and woman of color admitted to the Hawaii bar. She was the first Asian American woman to be elected to Congress, and the first woman of color to win national office.
Mr. Speaker, Patsy will be sorely missed in this House, but she will be fondly remembered as a woman who used her success and talents to tear down barriers and provide fairness and equal opportunity for others, particularly women and minorities. Her hard work, perseverance, and dedication to the principles of equality will serve as an enduring model to us all.

I join with my colleagues and send my sincere condolences to Patsy Mink’s family and friends, and to the constituents she represented.

Mr. GUTIERREZ. Mr. Speaker, I rise today with a heavy heart to honor and say goodbye to our good friend and colleague Congresswoman Patsy Mink. For 24 years, Congresswoman Mink served as a strong and courageous voice for those who are not always heard in our political process. She was an unwavering champion and tireless advocate for women’s rights, including authoring the landmark Title IX section of the Education Act. Among her many accomplishments, we should never forget her ardent and selfless struggles to promote equal opportunity for all races, to improve the current education system across the nation and to protect our environment.

As impressive as her legislative accomplishments were, the personal and professional barriers that she had to overcome in her life were, by far, more impressive: she was the first Asian-American woman to practice law in Hawaii; the first Asian-American woman elected to her state legislature and the first Asian-American woman elected to Congress. The courageous choices she made in her life made her a unique role model and afforded countless others the opportunity to follow in her amazing footsteps.

Make no mistake about it, what Patsy may have lacked in physical stature, she more than made up for with a heart that could fill this room and the courage and tenacity to match it.

Robert F. Kennedy once said, “It is not enough to understand, or to see clearly. The future will be shaped in the arena of human activity by those willing to commit their minds and their bodies to the task.”

To the end, Congresswoman Mink embodied those attributes and served as role model and beacon in the fight for social and economic justice. I am humbled to have had the opportunity to work closely with her.

Congresswoman Mink received her law degree at the University of Chicago. Although there is no doubt she would have made enormous contributions to our city, Patsy was destined to return to Hawaii, where her devotion and dedication to public service helped shape the state and also our nation.

Our hearts and prayers go out to Patsy's husband, John, and daughter, Wendy.

Congresswoman Mink was a true star from heaven, who walked among us and touched our lives in countless ways.

She will be greatly missed.

Mr. HINOJOSA. Mr. Speaker, I rise tonight to honor one of my esteemed colleagues, Congresswoman Patsy Mink of Hawaii, who passed away this weekend, on September 28, 2002. This is a very sad day for me and for all of Congress as we mourn the loss of a colleague and a friend.

While Patsy’s death does bring deep sadness to this Congress and the state of Hawaii, this is a day for us to reflect on the wonderful legacy that she has left behind. I would like to state first and foremost that Congresswoman Mink was indeed a true pioneer and a maverick. I am honored to have served on the House Education and Workforce Committee with her during my tenure here in Congress. She served as a great example to someone like me who believed in her causes and would stop at nothing to bring her dreams and those of her constituents to fruition. Patsy will be remembered as a champion of minority education, especially Title IX legislation that mandated equal educational opportunities for women’s athletics and academics at institutions receiving federal money. She will also be remembered as someone who defended worker’s rights and fought for a welfare system that truly helped people receive the training and child care services they need to move into the workforce.

Patsy had the great distinction of being the first Asian American woman elected to Congress. Most of her career was spent in politics, where her focus was on education, childcare, the environment and equal opportunity. Her dedication and drive resulted in a significant impact on politics at both the state and national levels.

Patsy Mink grew up in Hawaii. After graduating as valedictorian of Maui High School, she went on to the University of Hawaii in Honolulu to pursue a doctorate. After the end of the war, Patsy had planned on going to medical school. Luckily for us in Congress, for those in her district and for the United States, Patsy instead was accepted at the University of Chicago School of Law, married, and ultimately became the first Japanese-American woman lawyer in Hawaii. Since no law firm would hire her because she was a woman, Patsy decided to open her own practice. She also taught at the University of Hawaii. She became increasingly involved in politics, and she started the Oahu Young Democrats and then the Hawaii Young Democrats. From there, Patsy worked on the 1954 elections. She decided to run for Congress and easily won a seat in the Territory of Hawaii House of Representatives in 1956. In 1959, she became a member of the Territory of Hawaii Senate. In 1959, Patsy ran for Congress but lost to Daniel Inouye. In 1960, she attended the Democratic National Convention and was chosen to give the speech for the civil rights plank. In 1962, she returned to the campaign trail and easily won a seat in the Hawaii State Senate. In 1964, she ran for U.S. Congress once more. This time, she won and was sworn in on January 4, 1965. She had worked long and hard to win that seat, and she served 12 non-consecutive terms.

Recently, Congresswoman Mink and I had worked closely on H.R. 1, the “No Child Left Behind Act” which passed both houses of Congress and the President signed into law. Patsy served as a key negotiator during our Committee’s consideration of that bill. I will always admire her for being the first Member of the Education Committee to stand by my side when I called for a boycott over the manner in which the Majority was organizing the Education Committee this Congress. Because of her determination and courage, all of the Democrats stood beside us. Consequently, we had the opportunity to admit the passage of Title IX of the Education Act. What is truly unfortunate for us here in Congress is that Congresswoman Mink will be unable to play a key role in the upcoming reauthorization of the higher education reauthorization act. Her institutional knowledge of the subject is irreplaceable.

Again, Mr. Speaker, I rise to express my sympathy for the loss of a great person, the Patsy Mink. I wish to express my sympathy to her family and to her constituents. This Congress, Hawaii and this nation have lost a truly wonderful person. History will be kind to her.

Mr. SERMAN. Mr. Speaker, Patsy Mink was a wonderful person with a compassionate heart and a warm and loving spirit. She was tireless and forceful in her advocacy for civil rights, for justice, for the environment, and for adequate health care and education for the disadvantaged.

Throughout her distinguished legislative career, her work was characterized by great skill and a straightforward approach that instilled confidence and won her a reputation for being forthright and honest. She was known for her ability to build coalitions for progressive legislation.

Hawaii was not yet a state when Patsy started down the path of political activism. As the first Asian-American woman elected to Congress, indeed the first woman of any ethnicity elected to Congress, she took very seriously her responsibilities as a role model and mentor. She fought fiercely against words, actions, and policies that she saw as unfair or intolerant. She spent her life breaking down barriers and dedicated herself to fighting for equality.

For me, Patsy was not only a talented professional, but a friend and I will miss her greatly.

Mr. MCCARTHY of Missouri, Mr. Speaker, I rise today to honor and remember the works of a great mentor, friend, colleague, and champion in Congress, Representative Patsy Mink.

I am saddened by the sudden loss of such a great leader and heroine. She inspired many of us through her tireless work, commitment, and dedication throughout her tenure in Congress. I send my love and condolences to Representative Mink’s family, Mr. John Francis Mink, her husband, and Gwendolyn Reuel Mink, her daughter. You are in my thoughts and prayers.

Congresswoman Mink was the first Asian American woman to serve in Congress. During her time in Congress she championed many issues including women's rights, education, the environment, equal opportunity for all citizens, and Title IX of the Education Act. She will always be remembered as an outspoken advocate for women, children, the underrepresented and humanity. She was the kind of public servant we all want to emulate.

She left a lasting legacy behind that has inspired us to continue her work. She touched the lives of many individuals, particularly women through her work on Title IX, which mandates gender equality in any education program or activity receiving federal financial assistance. Title IX has been instrumental in prohibiting discrimination on the basis of sex in educational programs and sports activities that receive federal funding. Before Title IX, many schools saw no problem in maintaining strict limits on the admission of women or similar programs or activities. Title IX has changed dramatically. In 1994, women received 38% of medical degrees, 43% of law degrees, and 44% of all
As members of the House pay tribute to the legacy of this stateswoman, we should also take a moment to thank Patsy's staff in Washington and in Hawaii for their hard work and dedication. Because Patsy's office neighbors mine in the Rayburn building, I have seen her staff members burning the midnight oil on more than one occasion. With several time zones between Washington and Hawaii, they have often worked long hours to get the job done.

Mr. Speaker, Congresswoman Patsy Mink was a remarkable woman who always stood for what she believed. She was a strong, brave American who is a role model for women throughout the nation. Most importantly, however, Patsy was a dear friend, and I will miss her. My wife Susie and I offer our condolences to Patsy's husband, John, and to their daughter Wendy.

Mr. Davis of Illinois, Mr. Speaker, for those who knew her, Patsy Mink was a tiny woman physically. But don't let appearances fool you—Patsy Mink was a giant. This Nation has lost a great public servant and a true crusader for social justice. For 74 years, every time she came to a door that was slammed tightly closed—for no good reason—she used those tiny feet of hers to kick it open—and to let others follow behind her.

Among those who benefited from her tenacity have not forgotten Patsy's pioneering steps. The National Organization for Women, in its tribute to Representative Mink, wrote "Girls and women... lost one of their most valiant and steadfast champions. Every woman today who is enjoying the fruits of her pioneering efforts and every girl who has a chance to play sports in school, owes a nod of thanks to Mink who unremittingly and dauntlessly challenged old stereotypes about 'women's place' and helped engineer the steady progress for women over the last four decades—parallel to Mink's career in politics."

Patsy Mink was born in Maui, Hawaii, in December 1927, and began her political career when she ran for and won the election for student body president during her junior year in high school and a chance to run. She later went on to graduate as the class valedictorian of Maui High School—but her academic achievement became less important than her race and sex when she set off to college. She attended Wilson College, in Chambersburg, Pennsylvania, and then the University of Nebraska, where she faced segregated student housing. Patsy Mink worked with others to end this discriminatory policy. She returned to finish her studies in chemistry and zoology from the University of Chicago, graduating as only one of two women in a class of 200. She practiced law and turned her sights to public service while mobilizing the Democratic party to take control of the Hawaii territorial government in the mid-1950s. From that time, Patsy served as an elected representative in the territorial and state legislatures, a city councilwoman, a federal official, and a Member of Congress.

In Congress, as a member of the House Education and Workforce Committee, she consistently championed legislation that would improve education, child care, welfare, and gender equality. Patsy was an especially fierce advocate for women's issues and was instrumental in the creation of Title IX of the federal education act, which has opened many opportunities for women athletes in schools and colleges across America.

Patsy also cared deeply about the men and women who serve in our nation's military. The State of Hawaii and its citizens play an instrumental role in advancing U.S. national security presence throughout the Pacific region. As a representative from Hawaii, Patsy recognized the important military function in her state, and promoted the welfare of our troops and their families.

As a champion for civil rights, family rights, education, civil liberties, and equal rights and opportunities, Rep. Mink will be remembered for many things. She wrote the Women's Educational Equity Act, sponsored the first Early Childhood Education Act Amendments in 1972 which prohibited gender discrimination by educational institutions receiving federal funds. Thirty years after
the passage of this remarkable legislation we can look back at a great legacy of American women’s athletics and forward to its future; a future made possible by a Congresswoman’s desire to see that women be treated equally on the playing field. Join with me and my colleagues in Congress mourning the passing Congresswoman PATSY MINK—a trailblazing political leader, a champion of civil rights, a strong woman and a great friend whom will be missed.

Mr. REYES. Mr. Speaker, this House, the State of Hawaii, and the nation lost a powerful figure on Saturday. Sadly, our colleague, Congresswoman PATSY MINK, passed away in her home state of Hawaii. My condolences, thoughts and prayers are with her family and friends.

Patsy spent more than four decades advancing civil rights, expanding educational and health care opportunities, and combating poverty. Her particular efforts in promoting women’s rights and equality have helped change the face of this country for the better. My daughters, and my granddaughter, have had and will have opportunities in life that our forebears never dreamed of. I cannot bid her farewell with the same ease of mind as I would have been able to do. And while I am sure that Congresswoman Mink was comforted by her knowledge that she has helped to make the world a better place, I am aware that this is not the case for everyone in this world. And while I am sure that Congresswoman Mink was comforted by her knowledge that she has helped to make the world a better place, I am aware that this is not the case for everyone in this world.

Earlier this year, Patsy played a key role in a joint resolution of Members of the Congressional Black, Hispanic and Asian-Pacific Caususes. Her enthusiasm and her strong support of this legislation bridged that unites Americans of different backgrounds. As the current Chair of the Congressional Hispanic Caucus, it has been a pleasure and inspiration to work with her on important issues such as providing assistance to low income families and protecting immigrants’ rights.

Witnessing the energy Patsy brought to her work this year never would have led me to believe I would have to bid her farewell so soon. A woman of her stature, experience, expertise and dedication will be impossible to replace. Patsy Mink will be sorely missed.

Mr. BACA. Mr. Speaker, I would like to pay tribute to Patsy T. Mink a very special individual to me and to the entire 107th Congress. She was truly a beloved woman.

Born in 1927, Patsy was destined for greatness. She made history as the first Asian Pacific American woman admitted to the bar of Hawaii, the first Asian Pacific American woman elected to state office in Hawaii, and in 1964 became the first woman of color to be elected to the United States House of Representatives. Furthermore, her vision to change the status quo and better the livelihood of all Americans led her to co-sponsor Title IX of the Education Act of 1972, paving the way for every woman athlete in America.

Patsy, who constituted her own 2nd Congressional District of Hawaii, to the fullest of her ability. Before being elected to Congress she served in both Hawaii State House of Representatives and Senate. With more than 40 years in the political arena she possessed a wealth of knowledge that poised her as one of the most revered Members of Congress. She dedicated her life to serving her fellow Hawaiians through diligently working on legislation that addressed education, health, women and veteran issues. She was a beloved community figure whose passionate voice spoke for every person regardless of race or gender.

Patsy is survived by her husband John and daughter Wendy. My prayers and condolences are with her family and friends as they have lost a great, loving, and kind woman. She will be greatly missed.

And so Mr. Speaker, I submit this loving memorial to be included in the archives of the history of this great nation, for women like Congresswoman Patsy T. Mink are critical in their generous contributions to this country.

Mr. PAYNE. Mr. Speaker, I join with my colleagues in expressing profound sorrow over the loss this weekend of our esteemed colleague Congresswoman PATSY MINK of Hawaii. While her passing saddens me immensely, I find myself reflecting this evening not so much on the loss of a respected colleague and dear friend but rather on the remarkable life of Patsy Mink, one of the most courageous and inspiring women I have ever known.

I had the great privilege of serving on the Committee on Education and the Workforce with Congresswoman Mink, whose political journey began in 1956 in the U.S. territory of Hawaii, where she was elected to the Territorial House of Representatives. She had originally intended to become a medical doctor, but in 1948 few opportunities existed for women wishing to pursue a career in medicine. Patsy Mink applied to twenty medical schools, and was rejected by all of them—not because of her academic record, which was highly commendable, but rather because of her gender. She did not abandon her dream of a challenging and meaningful career, however, and she simply shifted her focus. She decided to pursue a career in law instead, and was accepted by the University of Chicago School of Law. Upon finishing her legal education in Chicago, she returned to Hawaii, where she became the first Asian American woman to practice law in the territory. In 1965, Patsy Mink became the first woman of color elected to the U.S. House of Representatives. She would go on to serve twelve years in Congress.

During her time in office, Congresswoman Mink fought tirelessly for those issues she cared about so passionately: the environment, poverty, civil rights and, most notably, education and equality for women. In fact, she was a pioneer in the struggle for the equitable treatment of women in education, authoring the Women’s Educational Equity Act. Additionally, Congresswoman Mink worked to increase funding for research on diseases primarily affecting women and to expand opportunities for women to become physicians. Unquestionably, however, her greatest accomplishment came with the passage of Title IX of the federal education act in 1972, which she co-authored. Congresswoman Mink played an instrumental role in the passage of this groundbreaking legislation, which prohibits gender discrimination by federally funded institutions. This law has become the vehicle by which girls and women have achieved greater opportunities in the professions and, most notably, athletics.

I know that I am not alone when I say that I will sorely miss the extraordinary Patsy Mink, and that I bravely challenged the status quo—tirelessly fighting for progressive legislation which has transformed not only her home state of Hawaii but also the entire nation.

Mr. CUMMINGS. Mr. Speaker, I rise today in honor of the passing of one of our own—Representative Patsy Mink was in the truest sense a leader by example, and she will be missed.

Patsy’s life is a remarkable story of achievement and bravery, of fighting for what she believed in, and—at the end of the day—of incredible success in improving the lives of Hawaiians and all Americans.

I think that to understand Patsy’s determination to make the United States a nation of opportunity is to understand her personal history. Patsy created opportunity for herself, and in her success, she has helped make opportunity for all Americans less elusive.

PATSY TAKEMOTO was born to poor parents on a sugar plantation on the island of Maui in Hawaii. An excellent student, she was elected president of her high school class and, after graduation, attended the University of Hawaii. Patsy then enrolled in the prestigious University of Chicago School of Law. With her law degree, she returned to Hawaii and became the first Japanese-American woman to hold a law license in the state’s history. As she was her entire life, Patsy remained unfazed by doing what had not been done before—with the bravado and grace that, as her colleagues, we all know well.

After election to the Hawaii Territorial Legislature in 1955, and the Hawaii State Senate in 1958, Ms. Mink was elected to the House of Representatives in 1965. Since then, she has championed causes that mattered to her with a rare sense of determination.

I have long marveled at Patsy’s ability to get things done. She was a powerful advocate for the equal rights and fair treatment of American women—among her many achievements in this arena, she was a leading sponsor of Title IX funding that ensured that women’s sports were supported at equal levels as those of men. She was an eloquent voice of caution during the unfolding debacle of Vietnam. She was an ardent supporter of civil rights. She was, in her later terms, one of the truly wise voices of this body.

Mr. Speaker, I believe I speak for all of us when I say that I am a better legislator and the America is a better nation because of the service of Congresswoman Mink.

I would like to take this opportunity to send my condolences to the entire Mink family, and to all of the people who have shared in sustaining this loss.

Ms. SLAUGHTER. Mr. Speaker, I rise today to honor my friend and colleague, Congresswoman Patsy TAKEMOTO Mink, beloved representative from the State of Hawaii for over 24 years. Ms. Mink was elected to Congress at age 74. She is survived by her husband John Mink, and their daughter, Gwendolyn, and I extend my deepest and most heartfelt condolences to them on their loss.

Congresswoman Mink has had a distinguished and extraordinary career, both in the private sector and public service. After serving the Hawaii state legislature, she was first elected to the House of Representatives in 1965, and was the first minority woman to serve in the U.S. Congress. However, this was not the first barrier she broke through. Congresswoman Mink earned her law degree at the University of Chicago in 1951, and subsequently was the first Japanese-American woman attorney in Hawaii.
Her frustration at her inability to find employment due to her gender led her to her first involvement in politics. According to The Honolulu Advertiser, Congresswoman Mink recalled that “I didn’t start off wanting to be in politics—I wanted to be a learned professional, serving the community. Women weren’t hiring just then. Not being able to get a job from anybody changed things.”

Her early first-hand experience with these issues led her to her vocal championing of legislative responses to the problem—most notably the landmark Women’s Educational Equity Act, otherwise known as Title IX, which was passed 30 years ago and mandates gender equality in any education program or activity receiving federal financial assistance. In the years since, the athletic scholarship money available in the face of namecalling, as she was labeled she always did what she felt was right, even in the most dangerous situations.

Another issue on which Congresswoman Mink led was opposition to the Vietnam War. After being elected in the fall of 1964, she was one of Congress’ most vocal opponents of the prolonged military campaign. Indeed, she and fellow member Representative Bella Abzug of New York flew to Paris to talk to participants in the Vietnam War Peace Talks. Although this position brought her scathing criticism from many sources, including her own constituents, she always did what she felt was right, even in the face of namecalling, as she was labeled “Patsy Pink”.

After leaving the House to pursue other political opportunities in the 70’s, she returned to the House in 1990. Since then, she has continued to be a vocal leader for progressive causes, most recently as the lead sponsor of the Women’s Educational Equity Act and Native Hawaiian Educational Equity Act and Native Hawaiian educational and cultural conservation. In the years since, the athletic scholarship money available in the face of namecalling, as she was labeled she always did what she felt was right, even in the face of namecalling, as she was labeled “Patsy Pink”.

After leaving the House to pursue other political opportunities in the 70’s, she returned to the House in 1990. Since then, she has continued to be a vocal leader for progressive causes. Indeed, she and fellow member Representative Bella Abzug of New York flew to Paris to talk to participants in the Vietnam War Peace Talks. Although this position brought her scathing criticism from many sources, including her own constituents, she always did what she felt was right, even in the face of namecalling, as she was labeled “Patsy Pink”.

The Speaker pro tempore (Mr. GUTTUCCI). Pursuant to the request of the gentleman from Hawaii, the Chair requests that all Members stand to observe a moment of silence in memory of the late Honorable Patsy T. Mink, a Representative from the great State of Hawaii.

Without objection, the previous question is ordered on the resolution.

There was no objection.

The Speaker pro tempore. The question is on the resolution. The resolution was agreed to.

A motion to reconsider was laid on the table.

REEREFERRAL OF H.R. 5498 TO COMMITTEE ON RESOURCES

Mr. ROHRABACHER. Mr. Speaker, I ask unanimous consent that the bill, H.R. 5498, be referred to the Committee on Resources.

The Speaker pro tempore. There is objection to the request of the gentleman from California?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The Speaker pro tempore. Pursuant to clause 7 of rule XX, the Chair will postpone further proceedings this evening on motions to suspend the rules on which a recorded vote is taken. In the case of nays and ayes, the vote is ordered to be taken under clause 6 of rule XX.

Any record votes on postponed questions will be taken tomorrow.

REMOTE SENSING APPLICATIONS ACT OF 2002

Mr. ROHRABACHER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2436) to encourage the development and integrated use by the public and private sectors of remote sensing and other geospatial information, and for other purposes, as amended.

The Clerk read as follows:

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

SECTION 1. SHORT TITLE

This Act may be cited as the “Remote Sensing Applications Act of 2002”.

SEC. 2. FINDINGS.

The Congress finds that—

(1) although land use planning, growth management, and other functions of State, local, regional, and tribal agencies are rightfully within their jurisdiction, the Federal Government can and should play an important role in the development and demonstration of innovative techniques to improve comprehensive land use planning and growth management;

(2) the United States is making a major investment in acquiring remote sensing and other geospatial information from both governmental and commercial sources; while much of this data, which has been acquired for scientific and national security purposes, it also can have important applications to help meet societal goals;

(4) it has already been demonstrated that Landsat data and other earth observation data can be of enormous assistance to Federal, State, local, regional, and tribal agencies for urban land use planning, coastal zone management, natural and cultural resources management, and disaster monitoring;

(5) remote sensing, coupled with the emergence of geographic information systems and satellite-based positioning information, offers the capability of developing important new applications of integrated sets of geospatial information to address societal needs;

(6) the full range of applications of remote sensing and other forms of geospatial information to meeting public sector requirements has not been adequately explored or evaluated;


(8) many State, local, regional, tribal, and Federal agencies are currently utilizing the utility of remote sensing and other geospatial information for meeting their needs, even when research has demonstrated the potential applications of that information;

(9) remote sensing and other geospatial information can be particularly useful to State, local, regional, and tribal agencies in the area of urban planning in their efforts to plan for and manage the impacts of growth, development, and sprawl, as well as in environmental impact and disaster risk planning and management.

(10) the National Aeronautics and Space Administration, in coordination with other agencies, can play a unique role in demonstrating how data acquired for scientific purposes, when combined with other data sources and processing capabilities, can be applied to assist State, local, regional, and tribal agencies and the private sector in decision making in such areas as agriculture, weather forecasting, and forest management; and

(11) in addition, the National Aeronautics and Space Administration, in conjunction with other agencies, can play a unique role...
in stimulating the development of the remote sensing and other geospatial information sector through pilot projects to demonstrate the value of integrating governmental, educational, and private sector remote sensing data with geographic information systems and satellite-based positioning data to provide useful applications products.

SEC. 4. PILOT PROJECTS TO ENCOURAGE PUBLIC SECTOR APPLICATIONS.

(a) In general.—The Administrator shall establish a program of grants for competitively awarded pilot projects to explore the integration of remote sensing and other geospatial information to address State, local, regional, and tribal agency needs.

(b) Preferred projects.—In awarding grants under this section, the Administrator shall give preference to projects that—

(1) make use of existing public or commercial data sets;

(2) integrate multiple sources of geospatial information, such as geographic information system data, satellite-provided positioning data, and remotely sensed data, in innovative ways;

(3) include funds or in-kind contributions from non-Federal sources;

(4) be the application of commercial entities that process raw or lightly processed data, often merging that data with other geospatial information, to create data products that have significant value added to the original data; and

(5) taken together demonstrate as diverse a set of public sector applications as possible.

(c) Opposition maintained. In carrying out this section, the Administrator shall seek opportunities to assist—

(1) in the development of commercial applications potential available from the remote sensing industry; and

(2) State, local, regional, and tribal agencies in applying remote sensing and other geospatial information technologies for growth management.

(d) Duration.—Assistance for a pilot project under subsection (a) shall be provided for a period not to exceed 3 years.

(e) Report.—Each recipient of a grant under subsection (a) shall transmit a report to the Administrator on the results of the pilot project within 180 days of the completion of that project.

(f) Workshop.—Each recipient of a grant under subsection (a) shall, not later than 180 days after the completion of the pilot project, conduct at least one workshop for potential users to disseminate the lessons learned from the pilot project as widely as feasible.

(g) Regulations.—The Administrator shall issue regulations establishing application, selection, and evaluation procedures for pilot projects, and guidelines for reports and workshops required by this section.

SEC. 5. PROGRAM EVALUATION.

(a) Advisory Committee.—The Administrator shall establish an advisory committee, consisting of individuals with appropriate expertise in State, local, regional, and tribal agencies, the university research community, and the remote sensing and other geospatial information industry, to monitor the program established under section 4. The advisory committee shall consult with the Federal Geographic Data Committee and other appropriate industry representatives and organizations. Notwithstanding section 14 of this Act, the advisory committee established under this subsection shall remain in effect until the termination of the program under section 4.

(b) Effectiveness Evaluation.—Not later than December 31, 2006, the Administrator shall transmit to the Congress an evaluation of the program established under section 4. The study shall identify applications that are likely to be most affected by reductions in the cost of remote sensing imagery. Not later than 2 years after the date of the enactment of this Act, the Administrator shall transmit to the Congress the results of the study conducted under this section.

SEC. 6. DATA AVAILABILITY.

The Administrator shall ensure that the results of each of the pilot projects completed under section 4 shall be retrievable through an electronic, Internet-accessible database.

SEC. 7. EDUCATION.

The Administrator shall establish an educational outreach program to increase awareness at institutions of higher education and State, local, regional, and tribal agencies of the potential applications of remote sensing and other geospatial information.

SEC. 8. COST SENSITIVITY STUDY.

The Administrator shall conduct a study of the effect of remote sensing imagery costs on potential State, local, regional, and tribal agency applications. The study shall identify applications that are likely to be most affected by reductions in the cost of remote sensing imagery. Not later than 2 years after the date of the enactment of this Act, the Administrator shall transmit to the Congress the results of the study conducted under this section.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Administrator $15,000,000 for each of the fiscal years 2003 through 2007 to carry out this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. ROHRABACHER) and the gentleman from Colorado (Mr. UDALL) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and in support extraneous H.R. 2426.

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

There was no objection.

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

First of all, I congratulate the gentleman from Colorado (Mr. UDALL) for having this bill come to the floor and the hard work that he has put into this bill. He has breached a tremendous inspiration to us in working for high technology and a great environment at the same time. This bill, I think, exemplifies that type of attitude and commitment. So I congratulate him first and foremost for the great work he has done that has manifested itself in this bill.

I support H.R. 2426, the Remote Sensing Applications Act of 2002. This bill provides incentives to make federally funded remote sensing data accessible and useful to address current needs in local communities. This has been a great concern of mine for several years. Since getting to Congress, I have always talked about getting down-to-earth benefits for the taxpayer from satellite data. So I am very pleased to support this legislation that will result in benefits for a broad range of users.

This bill establishes a pilot program to enable the development of creative ideas for applying remote sensing toward societal needs. These applications will benefit all who depend on or work in the areas of agriculture, urban planning, environmental management, weather forecasting, resource management and disaster relief, just to name a few. I would suggest that perhaps we could add to that list, and I hope with his leadership to work with him on this, see a way that we can use satellite sensing to help discover sources of pollution in the ocean which plague the coastal areas of California where I happen to represent.

I have always strongly supported the use of satellite remote sensing data to address current problems in our society, with tangible benefits of course, to the taxpayers who are paying for these satellites in the first place.

This bill is not another big government program with no end, however. Yes, we are providing a service, but instead we are doing so in a very responsible way. Instead, it is a limited 3-year program to jump-start projects that will benefit thousands, maybe millions of citizens. These projects will be competitively selected with preference given to those that partner with non-Federal sources of support. These projects will be evaluated for their effectiveness with the results made available to everyone through the Internet. Successful ideas will spur private industry to develop more and more useful applications for remote sensing with direct benefits, of course, to the citizens of the United States and to the world.

I urge my colleagues to support H.R. 2426 as a remarkably forward-thinking piece of legislation. Again, I would like to mention to the gentleman from Colorado (Mr. Udall) that I know that there was an older Udall that was here when I first came here. This is a bill in keeping with that fine tradition that he left in this body.

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

Mr. UDALL of Colorado. Mr. Speaker, I yield myself such time as I may consume.
of the bill. I want to thank the gentleman from California (Mr. ROHRABACHER) for his kind words and also his support. I also wanted to thank the gentleman from New York (Mr. BOEHLER), the chairman of the Committee on Science, and the gentleman from Texas (Mr. HALL) for their ranking member, for making it possible for the House to consider the bill today.

I introduced the Remote Sensing Applications Act in June 2001 to address a real problem we have in Colorado, the problem of excess growth and sprawl. My goal was to point to a way to utilize the resources of the Federal Government to help foster wise community planning and management at the local level. As a member of the House Committee on Science and the Subcommittee on Space and Aeronautics, it made sense to me to look for ways to help communities grow in a smarter way through the use of technology.

One new space-age tool, and the gentleman from California was talking about it, is the use of satellites to provide images of the Earth’s surface. We now have the technology, using geospatial data from satellites, that can produce very accurate maps that show information about vegetation, wildlife habitat, flood plains, transportation corridors, soil types and many other things. By giving State and local governments and communities greater access to geospatial data from commercial sources and Federal agencies such as NASA, I believe that the Federal Government can help bring valuable and powerful informational planning resources to the table.

H.R. 2426 would facilitate this transfer of information. The bill would establish in NASA a program of grants for competitively awarded pilot projects. The purpose of the grants would be to explore the integrated use of sources of remote sensing and other geospatial information to address State, local, tribal and regional needs. This legislation would build on and complement an applications program that NASA’s Office of Earth Science announced last year.

State and local governments and communities can use this geospatial data in a wide variety of applications, in such areas as urban land use planning, coastal zone management and erosion control, transportation corridors, environmental planning, and agricultural and forest management. One potential application that has garnered much attention since the tragic events of last September 11 is the use of geospatial technology to bolster our homeland security.

Emergency management has always been an important responsibility of State and local governments; but in the aftermath of the terrorist attacks, the responsibilities have broadened. Geospatial technology can help States and localities identify the location, nature, and scope of potential vulnerabilities and the impact of potential hazards, as well as how to respond to events and recover from them. Certainly, it is important that we continue to add to our database of available geospatial information. More information is always better than less, but it may also make sense that we have maximum use of the information that we already have at hand, and that is the need that this bill would address.

State and local officials are becoming more familiar with the uses of geospatial technology for various planning purposes. There is a need for Federal agencies such as NASA, which has been pioneering the use of satellite remote sensing technologies, to work with State and local organizations to demonstrate how remote sensing and other geospatial data can offer a cost-effective planning and assessment tool.

I am pleased that there is broad bipartisan cosponsorship of the bill and that it has earned the endorsement of a number of important national organizations. H.R. 2426 underscores the importance of targeting geospatial information at the places where it will have the greatest impact, that being local and regional levels. This act can help begin to bridge the gap between established and emerging technology solutions and the problems and challenges that State and local communities face regarding growth management, homeland security, forest fire management, and other issues.

Mr. Speaker, I believe this bill will be welcomed by States and localities nationwide, and I urge its adoption.

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

Mr. ROHRABACHER. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. SMITH).

Mr. SMITH. Mr. Speaker, my compliments to my colleagues, the gentleman from California (Mr. ROHRABACHER) and the gentleman from Colorado (Mr. UDALL), on moving this ahead. My colleagues talk very calmly about what a useful tool this is in so many areas. From my experiences in agriculture, I have learned that we now have the remote sensing capability that we are really not using to predict insect infestation, to predict how the yields are going to accommodate the demand for food in this world. So with useful information of satellites and assisted land set help from the U.S. Department of Agriculture and our university of systems, so many things that we can do to make sure that we can plan ahead for such things as drought or insects or low production in certain parts of the world so we can accommodate increased production in other areas.

So I commend my colleagues for moving this bill ahead; I hope we will pass this bill. I hope we will eventually have the kind of funding so that we can maximize the use of these tools and techniques.
The bill would authorize $15 million for each of fiscal years 2002 through 2006. This is a bargain considering the potential benefits of the program. I strongly support H.R. 2426, the Remote Sensing Application Act.

Mr. BOEHLELT. Mr. Speaker, I submit the following correspondence:

HOUSE OF REPRESENTATIVES
COMMITTEE ON SCIENCE, WASHINGTON, DC September 30, 2002.
The Hon. J. DENNIS HASTERT, Office of the Speaker, House of Representatives, Washington, DC.

Dear Speaker HASTERT: I am writing to inform you that the Committee on Science has directed me to further consideration of H.R. 2426, the “Remote Sensing Applications Act of 2002.” H.R. 2426 was referred to this Committee on June 28, 2001.

Sincerely,

SHERWOOD L. BOEHLELT, Chairman.

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

The SPEAKER pro tempore. The Chair recognizes the gentleman from California (Mr. ROHRABACHER) and the gentleman from Colorado (Mr. UDALL).

Mr. ROHRABACHER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5303) to authorize the Administrator of the National Aeronautics and Space Administration to establish an awards program in honor of Charles “Pete” Conrad, astronaut and science educator, for recognizing the discoveries made by amateur astronomers of asteroids with near-Earth orbit trajectories, as amended.

The Clerk read as follows:

H.R. 5303
Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE. This Act may be cited as the "Charles 'Pete' Conrad Astronomy Awards Act".

SEC. 2. PETE CONRAD ASTRONOMY AWARD PROGRAM.

(a) PROGRAM AUTHORIZED.—The Administrator of the National Aeronautics and Space Administration (hereafter referred to as the "Administrator") is authorized to establish an awards program in honor of Charles "Pete" Conrad, astronaut and science educator, for recognizing the discoveries made by amateur astronomers of asteroids with near-Earth orbit trajectories, as amended.

(b) PURPOSE.—The purpose of the program authorized by subsection (a) shall be to award prizes to amateur astronomers who make asteroid discoveries and to augment asteroid discovery efforts by the Government.

(c) AWARD CATEGORIES.—The award program authorized under subsection (a) shall consist of 3 categories of awards as follows:

(1) FIRST CATEGORY.—An award in the first category shall be presented annually to the amateur astronomer who, using amateur equipment only, discovers the largest absolute magnitude new asteroid having a near-Earth orbit during the preceding calendar year.

(2) SECOND CATEGORY.—An award in the second category shall be presented annually to an amateur astronomer for discovery efforts, including—

(A) the discovery of asteroids by an amateur astronomer using professional telescopes or as a result of the amateur's use of time on professional equipment; and

(B) efforts to locate newly discovered asteroids using old images and already discovered near-Earth orbit asteroids that have been "lost".

(3) THIRD CATEGORY.—An award in the third category shall be presented annually to the amateur astronomer, or professional not funded for optical astronomy, who provides the greatest service to update the minor planet catalogue. Eligible discoveries may be made by visual, photographic, or electronic means.

(4) GUIDELINES FOR AWARDING PRIZES.—General guidelines for the awarding of prizes are as follows:

(1) Prizes shall be awarded to the person or group with the greatest contributions as determined by the Minor Planet Center for the second and third categories.

(2) The award in the first category shall not be presented for years in which there are no eligible asteroid discoveries.

(3) All awards are reserved for United States citizens.

(4) The decisions of the Minor Planet Center in administering the award program are final.

(e) ELIGIBILITY.—Individuals are eligible to apply for the awards authorized under this section if the following conditions are satisfied:

(1) All applicants must demonstrate that they are not funded to use professional telescopes or observations and are acting solely in an amateur capacity.

(2) Government and professional astronomers associated with the near-Earth orbit asteroid project, as well as members of their immediate families, are not eligible for the awards.

(f) REGULATIONS.—The Administrator or the Minor Planet Center may prescribe such regulations as may be necessary to implement the program authorized by this section.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $15,000 for each of fiscal years 2003 and 2004 to carry out this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. ROHRABACHER) and the gentleman from Washington, D.C. (Mr. UDAHL) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. ROHRABACHER).

GENERAL LEAVE

Mr. ROHRABACHER. Mr. Speaker, I ask unanimous consent that all Members may make a statement of not to exceed 2 minutes within which to revise and extend their remarks on H.R. 5303.

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

There was no objection.

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

Mr. Speaker, one of my top priorities as chairman of the Subcommittee on Space and Aeronautics has been addressing the threat posed by near-Earth objects, or NEOs. Our subcommittee will, in fact, hold a second hearing on this subject this Thursday. In our first hearing, I heard disturbing testimony about the potential for a close encounter or a collision between Earth and one of these objects that are meandering around space.

Our message, Mr. Speaker, this year alone, two asteroids came close enough to the Earth to pass within the distance between the Moon and the Earth, and the other passed at a slightly greater distance. In astronomical terms, they missed our planet by a hair.

Given the vast number of asteroids and comets that inhabit our Earth neighborhood, a greater effort for tracking and monitoring these objects is critical. This is why I rise in support of H.R. 5303, the "Charles 'Pete' Conrad Astronomy Awards Act."

This bill is intended to encourage amateur astronomers to discover new and track previously identified large asteroids, particularly those that pose a close approach to Earth. The bill establishes an award for outstanding amateur astronomers who make asteroid discoveries.

The act contains three categories of awards to be presented annually. The first category awards amateur astronomers who discover the largest new asteroid having a near-Earth orbit. The second category awards amateur astronomers for discovery of asteroids using the information derived from professional sources and locating newly discovered asteroids. And the third category awards those who provide the greatest service to update the Minor Planet Center’s catalog of known asteroids. The funds for the annual awards shall be $2,000 per category.

This bill is a tribute to Pete Conrad for his tremendous contributions to space exploration. Pete Conrad was a pilot, explorer, and entrepreneur of the highest caliber. He commanded Apollo 12 and, during that mission, became the third man to walk on the Moon. He saw space as a place to get to, to explore, and to do business. Space exploration and commercialization is what he did.

He then worked to develop new spacecraft and space transportation systems. I might add that later in his career he lived in my congressional district and had a business in my congressional district, a space-related business of managing satellites. An interesting aside to this is that, as we are naming this bill after Pete Conrad and we are trying to encourage young astronomers, one aside of this is that a recent analysis of an orbiting object which was identified by an amateur astronomer suggests that this object, which no one could figure out what it was, they thought it might be some near-
Earth object or an asteroid or a comet, but it turns out that it probably is the remains of a Saturn 5 third-stage rocket, and it is most likely that this near-Earth object that has just been discovered by an amateur astronomer was part of Pete Conrad's Apollo mission. So the idea of a catastrophic asteroid or comet impacting on the Earth has, of course, caught the attention of Hollywood and the mass media in the past. Nevertheless, it is vital for all of us to realize that this is not science fiction that we are talking about. The Earth's moon and many other planetary bodies in our solar system are covered with impact craters. Most people have heard, of course, of the "dinosaur extinction" theory, or perhaps have seen pictures of the meteor crater in Arizona; and I remember as a young boy being taken to that meteor crater in Arizona; and I remember as a young boy that is the possibility of a near-Earth object striking the Earth and causing a worldwide calamity, it may be remote; but the threat is real, nonetheless.

In a hearing that we had, it was described as perhaps you have no greater chance of being killed by a comet or an asteroid than getting a straight flush in Las Vegas. I remember after the witness said that, I remembered that I had gotten a straight flush in Las Vegas, a royal flush. And I remember that. So we have to take this very seriously.

So this is no fantasy. We have to look at this as a potential threat, put it in perspective, and move forward. This bill does precisely that, and it is a first good step in cataloging these potential dangers. Indeed, the near-Earth object issue has given the topic of planetary defense a serious tone within many quarters of the space community. So far, NASA has surveyed 600 asteroids, but this is but a fraction of the total number of asteroids in space. What needs to be done now is to fully understand the scope and the breadth of the near-Earth objects that may and could possibly hit the Earth and would be coming in our direction.

While the asteroids that killed the dinosaurs is estimated to have happened perhaps 100 million years ago or more, and it may only happen that often; and still incredibly hazardous, asteroids impact happen much more frequently. For example, the destructive force of the 1908 asteroid that hit in Siberia was roughly equal to a 10-megaton blast of TNT. An asteroid hit South Dakota in 1998 at over 10,000 mph, struck central Asia in the 1940s and, in 1996, satellites detected high-altitude bursts over Greenland involving an asteroid which had the destructive force of 100 tons of TNT.

Ironically, if you look at an asteroid from the perspective of our national goals in space, they also offer opportunities as well as dangers. In terms of pure science, asteroids are geological time capsules from the era of when our solar system was formed. Even better, they are orbiting mines of metals, minerals, and other resources we can use to possibly build structures in space and carry things up to and from Earth.

They are readily accessible compared to, for example, going to the moon or going to Mars, because the orbits of these asteroids may bring them closer to the Earth than the moon, and certainly than Mars.

In closing, asteroids deserve a lot more attention from the scientific community. The first step, however, is tracking all of the sizable near-Earth objects. That is what H.R. 5303 is all about. It is a modest step towards this goal.

I urge my colleagues to support this bill, and I urge them to remember Pete Conrad. A few years ago, Pete died in a motorcycle accident. That is it. The man who went to the moon, rode there on the top of a large rocket, died when his motorcycle hit a drainage ditch on a mountain road.

But Pete would want us to keep moving on. Pete would not want us to look back, and he would not want us to look down. He would always want us to keep looking up. That is what this bill is all about.

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

Mr. UDALL of Colorado. Mr. Speaker, I yield myself such time as I may consume.

(Mr. UDALL of Colorado asked and was given permission to revise and extend his remarks.)

Mr. UDALL of Colorado. Mr. Speaker, I, too, rise in support of H.R. 5303, the Charles "Pete" Conrad Astronomy Awards Act.

The bill which was introduced by the gentleman from California (Chairman ROHRABACHER), has led much of that work. I want to commend him for his attention to this important area.

The late Chairman George Brown held hearings on the topic early in the last decade, and Congress subsequently passed legislation directing NASA to establish a near-Earth object detection program. There is a growing scientific consensus that asteroid impacts have had profound effects on the history of our planet and may have helped lead to the demise of the dinosaurs.

I remember growing up in Arizona. In Arizona in the northern section is Meteor Crater. We were very familiar with that incredible event that led to a crater being created there that is over a mile wide, and quite an object to behold.

The gentleman mentioned later this week that the Subcommittee on Space and Aeronautics will be holding a hearing on near-Earth objects. At that hearing the subcommittee will receive an update on the nature of the potential threat posed by Earth orbit-crossing asteroids, as well as the status of the international efforts to detect them.

As noted in H.R. 5303, amateur astronomers can play a useful role in detecting asteroids, and their efforts should be recognized.

Mr. Speaker, the bill before us today is a constructive measure, and I want to commend the gentleman from California (Chairman ROHRABACHER) for his initiatives.

I urge my colleagues to suspend the rules and pass this bill.

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

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

Madam Speaker, I would just say that this bill accomplishes a number of things that we have gone over today. I think perhaps the most important element of this legislation is that it is designed to try to enlist young people in America's space program in a very meaningful way. This bill will encourage young people, boys and girls, in grade school and in scouting units and perhaps junior high schools and high
October 1, 2002

CONGRESSIONAL RECORD—HOUSE

H6909

sloths and colleges, to actually go out and to look into the heavens and get to know about the intricacies and the stories and the forces at work in this vast area around this planet and around this universe and around our solar system.

It will, I believe, go a long way to encouraging young people who, let us say if we inspire them with this bill, they might make a lifetime of contributions. We may be encouraging a young lady or a young man who later on would become the Pete Conrad of the next generation, because he or she would be so excited in understanding that they had seen something in space that perhaps no one else had seen, and strive towards that type of accomplishment.

I think that that is one element of this legislation that we should not overlook. It is very futuristic-oriented, but there are some real positive benefits today, any way.

One last note about George Brown, who was the chairman of the Committee on Science while I was a junior member of the Committee on Science. Let me say that for George Brown, this was an area of his interest. I forgot about this for a while, but it was just recently by my friend, the gentleman from Colorado, George Brown took a personal interest in this.

I will have the Members know that George Brown was one of the most admired men here in Congress. He was such a fine person, and his memory to this day, I am glad the gentleman brought it up here in remembering Pete, these were the kinds of Americans who really made this country. George Brown was really kind of a real liberal guy compared to my political area in the spectrum, and Pete, I guess, was a little more conservative, on the conservative side of the spectrum, although he was nonpolitical. He was just a real professional in that business.

But I would say that what we are talking about when we talk about developing technologies and taking America into the future and creating this type of a vision, it is something that can unite a country and a people and has served to unite us in the past.

I believe that America’s space program has not gotten the attention it deserves in these last, I would say, 15 years. That was something that George Brown was fighting for when he was alive. That is what he really wanted to do, and I am sorry that he was not able to fully succeed in reenergizing America’s space program; and I do not think we have, either. We are all working on it.

Perhaps if we can attract the younger generation by offering them a chance like this to actually participate and to find some things in space, we should go out of our way to make sure that we were not what this bill does. I am sorry, maybe I should have named it the Pete Conrad and the George Brown bill, but we remember George tonight as we debate this, because I am sure he would be more than happy to be here tonight helping out, if he was alive and with us. I remember his passing, and I miss him very much.

So, Madam Speaker, I ask my fellow colleagues to support this legislation and keep looking up, as we do.

Mr. BOEHLERT. Mr. Speaker, I submitted the following correspondence:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON SCIENCE,
Washington, DC September 30, 2002,
Hon. J. DENNIS HASTERT,
Speaker, Office of the Speaker, House of Representa-tives, DC.

DEAR SHERWOOD, L. BOEHLERT,
Chairman,
Mr. UDALL of Colorado, Madam Speaker, I yield back the balance of my time.

Mr. ROHRABACHER. Madam Speaker, I yield back the balance of my time. The SPEAKER pro tempore (Ms. HART). The question is on the motion offered by the gentleman from California (Mr. ROHRABACHER) that the House suspend the rules and pass the bill. H.R. 5503, as amended.

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

A motion to reconsider was laid on the table.

EXPRESSING SUPPORT FOR GOALS AND IDEAS OF DAY OF TRIBUTE TO ALL FIREFIGHTERS

Mr. SMITH of Michigan. Madam Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 476) expressing support for the goals and ideas of a day of tribute to all firefighters who have died in the line of duty and recognizing the importance of the National Fallen Firefighters Foundation in assisting family members to overcome the loss of their fallen heroes.

The Clerk read as follows:

H. Con. Res. 476

WHEREAS for over 350 years the Nation’s firefighters have dedicated their lives to the safety of their fellow Americans;

WHEREAS throughout the Nation’s history many firefighters have fallen in the line of duty, leaving behind family members and friends who have grieved their untimely losses;

WHEREAS each year the National Fallen Firefighters Foundation honors their deeds and remembers those firefighters who gave their lives while in the line of duty during the year 2001. It also recognizes the important mission and contributions of the National Fallen Firefighters Foundation;

WHEREAS the National Fallen Firefighters Foundation established the National Fallen Firefighters Foundation Memorial, a park dedicated to the firefighters who gave their lives while in the line of duty;

WHEREAS the National Fallen Firefighters Foundation Memorial is located in Emmitsburg, Maryland, near the town where the Foundation is headquartered;

WHEREAS this year’s dedication ceremony will take place October 5 and 6 at the National Fallen Firefighters Foundation Memorial;

WHEREAS the National Fallen Firefighters Foundation Memorial will honor 446 firefighters who have died in the line of duty during the year 2001;

WHEREAS the National Fallen Firefighters Foundation will honor the sacrifices of these heroes through a variety of activities; and

WHEREAS each year the National Fallen Firefighters Foundation hosts an annual memorial service to honor the memory of all firefighters who die in the line of duty and their support and counseling to their families;

WHEREAS in 2002 the memorial service will take place the weekend of October 5 and 6 at the National Fallen Firefighters Foundation Memorial;

WHEREAS George Brown was really the gentleman from Colorado (Mr. UDALL) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan (Mr. SMITH).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. SMITH) is recognized for 15 minutes.

Mr. SMITH of Michigan. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, this important resolution that I cosponsored with my friend, the gentleman from Pennsylvania (Mr. WELDON), provides us with an opportunity to honor the commitment and bravery of those firefighters who gave their lives while in the line of duty during the year 2001. It also recognizes the important mission and contributions of the National Fallen Firefighters Foundation.

In 1992, Congress created the National Fallen Firefighters Foundation to lead a nationwide effort to remember our fallen heroes of these first responders. The Foundation has successfully met this challenge, providing a variety of supporting activities to surviving family members, including emotional support, awards, scholarships for surviving spouses and children, and the establishment of a national park in Emmitsburg, Maryland, to memorialize the fallen firefighters.

Madam Speaker, this Sunday the Foundation will honor 446 firefighters that lost their lives in the line of duty and that annual ceremony usually held in Emmitsburg, but this year held here in Washington. The Foundation is expecting over 20,000 people to attend this year’s memorial weekend, a record number. Many of these people will be the children and spouses of 343 firefighters that perished September 11.

On that warm September morning in 2001, the firefighters of the New York
City Fire Department reported to work as they did every day, ready to respond to whatever emergency situation might occur. But that morning was different. The 110-story World Trade Centers that were both literally and symbolically the center of world commerce were hit by hijacked 747s.

The firefighters of the New York Fire Department received the most terrifying and overwhelming emergency call that this Nation has ever known. Still, they responded with true bravery, even as they saw that burning building without hesitation. They helped evacuate 23,000 people, 25,000, the largest evacuation in the history of the world, and certainly they struggled until the last possible moments to free those who were trapped. Three hundred forty-three of them lost their lives in doing so. It was on that September day that the American firefighter, I think, became the symbol of American freedom and American bravery to not only those of us in the United States, but certainly to millions around the world.

In addition to the heroism displayed on 9-11, we know that first responders all over the country display similar heroism every day, not just when major disasters strike, but every day, as full-time and volunteers often risk their lives to protect the lives and property of people around the country.

Fire and emergency service personnel respond to over 16 million calls annually. The 343 heroes who gave their lives in New York City on 9-11, last year we lost another 99 firefighters, volunteers and full-time, working in the line of duty to save property and lives.

I think we all agree that it is our job as Americans and as Members of Congress to never forget the sacrifices of those who protect us, and I commend the National Fallen Firefighters Foundation for its exceptional efforts in leading the way. I offer my fullest support to this resolution, and certainly invite my colleagues to attend this Sunday's tribute.

Madam Speaker, I reserve the balance of my time.

Mr. UDALL of Colorado. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in strong support of House Concurrent Resolution 476. As my friend, the gentleman from Michigan, so articulately pointed out, this resolution salutes the memory of the brave firefighters who gave their lives to help their citizens during the past year. It also recognizes the efforts of the National Fallen Firefighters Foundation to help our Nation honor the firefighters who die in the line of duty each year.

The National Fallen Firefighters Foundation is a charitable, nonprofit corporation funded by donations from individuals and corporations. The Foundation maintains and preserves the National Fallen Firefighters Memorial, which is on the grounds of the National Fire Academy in Emmitsburg, Maryland. This memorial is a 7-foot stone monument topped by a sculptured bronze Maltese cross, which is a traditional symbol of the fire service. The monument is encircled by plaques listing the names of those who have died in service to their communities.

In 1990, Congress approved a joint resolution to designate this striking monument as the official national memorial to volunteer and career firefighters who die in the line of duty. Each October during Fire Prevention Week, the National Fallen Firefighters Foundation organizes a memorial service held at the monument to honor all of the career and volunteer firefighters who were killed in the line of duty during the previous year. This year the ceremony will take place this coming weekend of October 5 and 6. The ceremony will honor 446 firefighters from 31 States who gave their lives last year. This includes the 347 heroes who perished at the World Trade Center. The National Fallen Firefighters Foundation will provide support for the firefighters' families wishing to attend the memorial service in honor of their loved ones. It is appropriate that Congress by means of the resolution now before us further reinforces the Nation's attention the dedication and sacrifice of the fire services during this week leading to the ceremony in Washington.

I want to thank my friend, the gentleman from Michigan (Mr. SMITH), and I want to thank the gentleman from Pennsylvania (Mr. WELDON) for taking the lead in developing H. Con. Res. 476 and for their leadership in the House on fire service-related issues. And I also wanted to thank the chairman of the Committee on Science, the gentleman from New York (Mr. BOEHLERT), for his efforts to bring the resolution to the floor.

Madam Speaker, I urge my colleagues to support passage of the measure.

Madam Speaker, I reserve the balance of my time.

Mr. SMITH of Michigan. Madam Speaker, I yield 7 minutes to the gentleman from Pennsylvania (Mr. WELDON), the author of this important resolution but also a firefighter himself, the motivator for the assistance of the Firefighter Grant Program that we started a couple years ago. (Mr. WELDON of Pennsylvania asked and was given permission to revise and extend his remarks.)

Mr. WELDON of Pennsylvania. Madam Speaker, I thank my good friend who had taken me through an ordeal on September 11, I got a frantic phone call on my cell phone from my friends in New York that my good friend who had taken me through...
the July 4 and Memorial Day parades.

Ray Downing was the chief of all rescue operations for New York City on September 11. He was the guy who was overseeing the bulk of the 343 New York firefighters who were going up in the buildings when the buildings were coming down. Ray Downing left behind a wife and five kids and grandkids. In fact, 1 month after September 11, I brought them all down to my district. We had a parade with 40,000 people to honor Ray Downing as an American hero.

Perhaps one of the most emotional days I have had during my tenure in Congress was when I went to Ground Zero and spent 12 hours there 2 days after it occurred with my friends of the New York City Fire Department. We went around the back of what used to be one of the huge towers, which is now a seven-story pile of rubble; and I saw two firefighters in their turn-out gear among thousands who were collecting rubble. And I looked on the back of their turn-out gear and on the bottom were the names Downing and Downing, because Ray Downing’s two sons are officers in the New York City Fire Department. One is a captain; one is a lieutenant. They were looking for the remains of their dad. We did not find the remains of Ray Downing until 3 months ago. It went through DNA sampling. We were able to determine that Ray in fact had been accounted for.

Madam Speaker, this coming Sunday we will honor these brave firefighters, the 343 from New York and the others that combined for a total of 422 brave Americans. Anytime this country has gone to war and lost 442 of our sons and daughters, we have mourned as a Nation. Well, this past year we have lost 422 brave Americans. They were not soldiers on the battlefield overseas. They were battle heroes here at home.

And it is certainly fitting and proper that we set aside a day to honor them, that we have turn out, as I will be in attendance on Sunday, to pay our respects at the MCI Center here in Washington. It is my fervent hope that all Americans pause as we begin to celebrate the national week of recognition for the fire service, always the first week in October, and pay tribute to our true American heroes.

As I have said time and time around the country, the firefighter is more than just a person who puts out the fires. It is the person you call upon to handle the hazmat incidents, the fires, and the conflagrations, the floods, the tornadoes, the earthquakes, the terrorist bombings. They are the people you call when the cat is in the tree, when the cellar has been flooded. They are the first group you call to organize a search party to find your lost child.

In many of our small towns, the fire house is where you vote on election day. It is the organization that hosts the July 4 and Memorial Day parades.

It is the organization where the Boy Scout troops and Girl Scout troops meet. It is the organization that makes our towns what they are. It really is, in my opinion, the heart and soul of America. I can think of no better group that represents what America is all about. Amazingly, 85 percent of these people are volunteers. What other group in America has their volunteers killed each year in protecting the community while going out and raising the money to buy trucks which costs from $4 to $600,000 by having chicken dinners and tag days? Imagine having our police departments or trash departments out and raise the money to buy the trash trucks and the police cars.

In every fire department in America, in all of our districts there are volunteers out there just doing that. In fact, this past Labor Day at Jerry Lewis’ annual telethon, as has been the case every year, the IAFF Firefighters Union has been a contributor to the fight against muscular dystrophy, the number one group in the country in reaching out to help other people.

These truly are the heroes of our country. They are the people who time after time have put their lives on the line. We understand what America is all about, selfless service to help others. And as our friend, the gentleman from Michigan (Mr. SMITH), said, we lost 343 at the Trade Center; but the real story is the success they had in rescuing tens of thousands of people that are today united with their families.

So I ask all of my colleagues to join with us in supporting this resolution and paying tribute to America’s heroes. Mr. SMITH of Michigan. Madam Speaker, I yield 3 minutes to the gentleman from Connecticut (Mr. SHAYS), who has been very instrumental because of many of his constituents that were involved in September 11 of 2001. Mr. SMITH of Michigan, can I ask the gentleman for yielding me time.

We appreciate what our chairman has done in regards to the National Fallen Firefighters Foundation and his strong support of H. Con. Res. 476. I also thank the gentleman from Michigan (Mr. SMITH) for his pursuing this effort. And, particularly, the gentleman from Pennsylvania (Mr. WELDON) who has rightfully identified that the volunteer firefighters and the paid firefighters are a truly unique section of our country, that captures the soul and camaraderie of the spirit of America.

I do say and acknowledge that after September 11, I think all of us thought a little longer and a little harder about how much we owe to our firefighters, how much we appreciate what they do for us and how grateful we are to them.

I was reading in preparing for today to think that 446 firefighters lost their lives in the line of duty during the past year. And even if you subtract out the incredibly large number of 343 whose lives were taken on September 11, it is amazing to me to think that over 100 firefighters sacrificed themselves for the protection of their community. I am very grateful to them.

I am very grateful to our other service industry providers, our police, our EMS and others; but tonight we are recognizing the firefighters, and this is a resolution that clearly will have the 100 percent support and for very good reason. We owe a debt of gratitude to our firefighters and appreciation as well to the National Fallen Firefighters Association.

Mr. UDALL of Colorado. Madam Speaker, I again want to urge support for this important resolution.

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

Mr. SMITH of Michigan. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I thank the gentleman from Colorado (Mr. UDALL). I yield back the balance of my time.

Mr. SMITH of Michigan. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, we have lost 343 at the World Trade Center; but the real story is the success they had in rescuing tens of thousands of people that are today united with their families.

As I have said, time and time around the country, the firefighter is more than just a person who puts out the fires. It is the person you call upon to handle the hazmat incidents, the fires, and the conflagrations, the floods, the tornadoes, the earthquakes, the terrorist bombings. They are the people you call when the cat is in the tree, when the cellar has been flooded. They are the first group you call to organize a search party to find your lost child.

In many of our small towns, the fire house is where you vote on election day. It is the organization that hosts the July 4 and Memorial Day parades.
From 1981–2001, New York lists the highest number of firefighters in the country who were lost in the line of duty. New York is at the very top of an extremely unfortunate list. Last year alone there were 347 dedicated firefighters who died in the World Trade Center disaster. Overall, the dragon kills about 4,500 people per year—natural disasters, deaths combined. Another 27,000 people are injured, not to mention the emotional and financial injuries incurred by the families of fallen firefighters.

The families of firefighters live a life of uncertainty as to whether their loved one will come home each day after work. When a family receives the dreaded news that their loved one will not be returning home chaos sets in, and these survivors desperately need support. As part of an effort to remember America’s fallen firefighters and to provide assistance to their survivors, Congress created the National Fallen Firefighters Foundation (NFFF) in 1992.

The foundation is a nonprofit organization located in Maryland which receives funding from private donations from individuals, organizations, corporations and foundations, as well as federal, state, and local benefits. These benefits include lump sum death payments, workers’ compensation, educational grants, benefits, scholarships, and retirement programs and private support. The NFFF also provides services such as regional training sessions to help fire departments handle a line of duty death, and an Annual National Tribute which honors survivors of firefighters in the previous year. This year’s national ceremony is scheduled for October 5 and 6, and will honor 445 firefighters, including those killed at the World Trade Center.

Last September, the entire world watched with bated breath as firefighters unsungselfy and effectively did their jobs. Their acts of honor and bravery were in sharp contrast to the cowardly acts of violence perpetrated on America. Our lives depend on firefighters and we are beholden to them for so very much.

I support this Resolution which reminds us all of what our brave firefighters have done and the sacrifices their families make. I am proud to honor the lives lost, the thousands of firefighters who continue to work tirelessly and bravely, as well as their families.

Mr. GRUCCI. Madam Speaker, I would first like to thank my colleague Congressman WELDON for his tireless efforts on behalf of America’s firefighters, and for bringing this measure to the floor today.

Few images throughout history more clearly illustrate heroism better than the images of America. Our lives depend on firefighters and we are beholden to them for so very much.

On that tragic day—September 11, 2001—347 firefighters died in the line of duty, several from my own district on Long Island.

While the heroic efforts of these brave men and women may be more clear on that day there isn’t a day that passes when firefighters do not risk their own lives to save others.

Last year alone, 442 firefighters sacrificed their lives in order to save the lives of innocent victims of fire and other emergencies.

Later this week, the National Fallen Firefighters Foundation will honor these firefighters and their families for the sacrifices made over the last year. We will remember the impact these brave firefighters have made in towns and communities throughout America and the heroism that has saved countless lives.

On behalf of the First Congressional District of New York—home to several fallen firefighters—I join my colleagues in support of H. Con. Res. 476.

Mr. GEKAS. Madam Speaker, I rise today in strong support of H. Con. Res. 476 and urge my colleagues to support this important piece of legislation as well.

Our firefighters protect us every day and sometimes give up their own lives to protect and serve their communities and their fellow man. This was never more evident than on September 11, 2001. On that day, as frightened and wounded civilians ran from the World Trade Center, brave firefighters rushed in, in a determined effort to save others. These brave individuals risked everything in an effort to render aid and evacuate the people trapped in the towers. This effort cost many firefighters their lives. The September 11, 2001, attacks highlighted the spirit and courage of firefighters across our nation. Mostly volunteers, these men and women protect our lives and property, and while they never boast of their heroic deeds, they are truly heroes.

H. Con. Res. 476 reaffirms that Congress supports the goals and ideas of a day of tribute to all firefighters who have died in the line of duty and recognizes the important mission of the National Fallen Firefighters Foundation in assisting family members to overcome the loss of their fallen heroes. I am thankful to be able to rise today and proclaim support of H. Con. Res. 476 on behalf of every firefighter in Pennsylvania’s 17th Congressional District.

Madam Speaker, this is the very least we can do. I salute Congressman WELDON for sponsoring this resolution and would like to thank him for his leadership on the Congressional Fire Services Caucus, of which I am a member. The firefighters of the United States should know that the Congressional Fire Services Caucus is continually striving to respond to their needs and to deliver to them the equipment and training they need to do their job in a safe and effective way.

Firefighting will never be a safe endeavor but we in Congress must do all we can to help our firefighters. No matter what we provide to our firefighters we will never equal the sacrifices they make for us. Collectively, we in Congress thank you and the passage of H. Con. Res. 476 is just a small token of appreciation. We will never be able to thank you enough.

Madam Speaker, I reaffirm my support of H. Con. Res. 476 and of the firefighters of Pennsylvania’s 17th Congressional District.

Mr. BOEHLERT. Madam Speaker, I rise in strong support of H. Con. Res. 476, recognizing the goals and ideas of a day of tribute for fallen firefighters, and supporting the important mission of the National Fallen Firefighters Foundation.

Congress created this non-profit foundation ten years ago to lead a national effort to honor firefighters who have died in the line of duty and to assist surviving firefighters and family members.

The Foundation has been steadily expanding its activities. In addition to providing emotional support services to survivors and scholarship awards for surviving spouses and children, the Foundation is now creating the first National Park to memorialize fallen firefighters in Emmitsburg, Maryland. And this Sunday, October 6th, the Foundation will sponsor a memorial weekend to honor the commitment, bravery and sacrifice of the 446 firefighters who died in the line of duty in the past year.

432 firefighters gave their lives for the mission of the National Fallen Firefighters Foundation and were taken on September 11th, 2001.

No one could have anticipated the magnitude of destruction and loss of life that occurred last September. In the wake of those tragic events, the value and contributions of our fallen firefighters Foundation became unmistakably clear.

At the request of the Federal Emergency Management Agency, the National Fallen Firefighters Foundation sent support staff to Ground Zero within days of the attacks, working around the clock to coordinate chaplain support services, survivor support services, as well as logistical and administrative support association with the loss of the firefighters.

The Foundation’s efforts in New York City during its time of greatest need were truly invaluable, and I proudly support its cause, as well as the resolution recognizing its presence.

U.S. HOUSE OF REPRESENTATIVES,
WASHINGTON, DC, SEPTEMBER 30, 2002.

HON. J. DENNIS HASTERT
Office of the Speaker, U.S. House of Representatives, Washington, D.C.

DEAR SPEAKER HASTERT, I am writing to inform you that the Committee on Science has discharged from further consideration H. Con. Res. 476, a resolution “Expressing support for the goals and ideas of a day of tribute to all firefighters who have died in the line of duty and recognizing the important mission of the National Fallen Firefighters Foundation in assisting family members to overcome the loss of their fallen heroes.” H. Con. Res. 476 was referred to this Committee on September 19, 2002.

Sincerely,

SHERWOOD L. BOEHLERT
Chairman

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

The SPEAKER pro tempore (Ms. HART). The question is on the motion offered by the gentleman from Michigan (Mr. SMITH) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 476.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. SMITH of Michigan. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair’s prior announcement, further proceedings on this motion will be postponed.
and other houses of worship to engage in political campaigns.

The Clerk reads as follows:

H. R. 2357

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Houses of Worship Political Speech Protection Act”.

SEC. 2. HOUSES OF WORSHIP PERMITTED TO ENGAGE IN POLITICAL CAMPAIGNS, ETC.

(a) In General.—Paragraph (3) of section 501(c) of the Internal Revenue Code of 1986 is amended—

(1) by striking “and which does not” and inserting “except in the case of an organization described in section 500(c)(1)(A) (relating to churches), which does not”;

(2) by inserting before the period “and, in the case of an organization described in section 500(c)(1)(A), no substantial part of the activities of which is participating in, or intervening in (including the publishing or distributing of statements), any political campaign on behalf of or in opposition to any candidate for public office”;

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to expenditures made after the date of the enactment of this Act.

The SPEAKER pro tempore (Ms. HART). Pursuant to the rule, the gentleman from California (Mr. HERGER) and the gentleman from Georgia (Mr. LEWIS) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. HERGER).

Mr. HERGER. Madam Speaker. I yield myself such time as I may consume.

Madam Speaker, I rise today in strong support of legislation introduced by the gentleman from North Carolina (Mr. JONES) to protect the first amendment rights of men and women of faith across America. Our Nation’s pastors, priests, rabbis and clerics should be free to express their political views and to act just as every other American is free to do so.

Unfortunately, many church leaders today are afraid to voice their political opinions because they fear that the IRS may revoke their tax-exempt status. This is exactly what happened to a church which, by the way, they may be targeted by the IRS if they simply inform their parishioners of a candidate’s position on an issue. These religious leaders portray what the IRS has recently investigated a number of conservative groups while leaving uncathed liberal church organizations who actively promote a candidate or political party.

Madam Speaker, this is wrong. During the 2000 election campaign, American citizens united for the Separation of Church and State, a liberal special interest group, sent letters to houses of worship across the country warning them against distributing Christian Coalition voter guides lest they be in danger of losing their tax-exempt status. This has a chilling effect on political speech due to the current ambiguity of the Federal Tax Code.

The gentleman from North Carolina’s (Mr. JONES) bill will go a long way toward providing churches with respect to religious institutions and their participation in the political process.

Madam Speaker, at a time when our society can most benefit from a wide diversity of views informed by faith and conscience, we should be doing everything we can to promote freedom of speech by both religious and secular institutions. I urge my colleagues to support this bill.

Madam Speaker, I reserve the balance of my time.

Mr. LEWIS of Georgia. Madam Speaker, I yield myself 4½ minutes.

From the outset, Madam Speaker, I want to make it clear that this piece of legislation that we are considering today is not aimed at the subcommittee or the full committee of the Committee on Ways and Means of the House. There was only a hearing in the Subcommittee on Oversight.

Madam Speaker, the sponsor of this bill will have the floor that they are merely protecting free speech, but do not be fooled. This legislation has one purpose and one purpose only, to allow our houses of worship to become vehicles for partisan political activity.

As someone who stood alongside Dr. Martin Luther King, Jr., and the other great leaders of the civil rights movement of the 1960s, I can tell my colleagues that they would be dismayed by this legislation. During the civil rights movement, we worked to end legal segregation and break down barriers to political participation. The church was the heart and soul of our efforts because ministers had the moral authority and respect to stand against immoral and indefensible laws, bad laws, bad customs, bad tradition.

Ministers who led the civil rights movement did not select political candidates and operate our churches like political action committees. Although their colleagues faced violence and hatred for their efforts to protect human rights and human dignity, they were free and even protected by the Constitution to speak out on the issues to protect human rights and human dignity.

Instead of providing a minister, a rabbi or a mosque leader in the pulpit saying vote against so and so, or God told me vote against so and so, taking up offerings in the church, in the synagogue, in the temple, in the mosque, tax-exempt organizations.

Finally, Madam Speaker, if my colleagues think that ministers and religious leaders are muzzled politically and are clamoring for this legislation, look at the list of more than 200 mainstream churches and religious organizations who are opposed to this bill: the Unitarian Universalist Church, the American Baptist Church, the American Jewish Congress, the Islamic Supreme Council, Evangelical Lutherans, Presbyterians, Buddhists, Quakers, and the list goes on and on.

I cannot allow supporters of this measure, however well-intentioned they may be, to influence us to recklessly discard the time-tested system we now have in place or substitute it with a dangerous experiment in mixing religion with partisan politics.

This bill before us tonight, Madam Speaker, threatens not only our quest for meaningful campaign finance reform, but threatens the very integrity and independence of our churches and our houses of worship, to breach the wall of separation between church and State is breached, religious liberty is threatened. The wall between church and state must be solid. It has guided us for 230 years. It must not be breached for any reason. I urge my colleagues to protect our tradition of religious liberty and vote against this bill.

Madam Speaker, I reserve the balance of my time.

Mr. HERGER. Madam Speaker, I yield 6 minutes to the gentleman from North Carolina (Mr. JONES), the sponsor of this legislation.

Mr. JONES of North Carolina. Madam Speaker, I thank the gentleman from California for yielding the time, and certainly the gentleman from Georgia, who I have great respect for, as well as the gentleman from Texas. And what makes this great body, what it is, is the freedom that we all enjoy to disagree and many times against each other.

Let me talk a little bit about the history of this issue. If this was 1953, we would not be debating this issue because it would not be an issue. The
churches in this country had the freedom to talk about the issues of the day, whether they be political issues or nonpolitical issues. There was no restriction from the beginning of the churches in this country.

There was a restriction until Lyndon Johnson put an amendment on a revenue bill going through the Senate with no debate, and Mr. Johnson was opposed to the H.L. Hunt family, who were working against his reelection. And he had established two 501(c)(3), and so Mr. Johnson put an amendment on without any debate that said if an organization is a 501(c)(3), they may not have political speech.

Let me tell my colleagues what really concerns me even more is that Mr. Lynn, about a month later, sent out a press release. I checked with the Internal Revenue Service yesterday. We have over 880,000 houses of worship. Mr. Lynn, in 2000, sent out a press release that said, we plan to mail it to approximately 285,000 houses of worship. I am confident that every church targeted by this legislation will receive this letter. My question to Mr. Lynn and to those who believe this is a good law, maybe we ought to hire 880,000 inspectors to represent the Internal Revenue Service at every church and every synagogue and every mosque in this Nation during the months of September and October. If we want to make the law fair so it applies to everybody, then make it fair for everybody. Do not just single out certain groups and target certain groups.

The last point I would like to make on this issue is that when we had the hearing, and I want to thank the gentleman from New York (Mr. Houghton), even though he does not agree with the legislation, he did hold a hearing that was very bipartisan, and I am going to wait until the next round to go into details of the testimony, but I am pleased to tell my colleagues that two great men of God came to testify, Dr. D. James Kennedy and Pastor Walter Fauntroy here in Washington, D.C., a former Member of Congress that we all served with.

Again, I have great respect for the gentleman from Georgia (Mr. Lewis), and I have great respect for Pastor Fauntroy, and I know he marched with my colleague to bring civil rights to this country, to the people of this country so they could enjoy equal rights and civil rights. I applaud them, and I applaud Walter Fauntroy and certainly Martin Luther King.

In addition, I am pleased to tell my colleagues that I had a long conversation with Floyd Flake. Mr. Flake was one of the finest Members of Congress. He is a man of God. He is a man I respect. We might not politically always agree, but a man I fully respect.

Mr. LEWIS of Georgia. Madam Speaker, I yield 3 minutes to the gentleman from New York (Mr. Houghton), chairperson of the Subcommittee on Oversight of the Committee on Ways and Means.

Mr. Houghton. Madam Speaker, I think that Madam Speaker (Mr. Lewis) for yielding me this time.

I have a great deal of respect for the gentleman from North Carolina (Mr. Jones) and the gentleman from California (Mr. Hgeregg). I just happen to disagree with them on this particular issue, and let me tell you why. This is really a tax consideration, and all tax bills really should go through the Committee on Ways and Means, and this has not. I have been on the Subcommittee on Oversight of the Committee on Ways and Means. We reviewed this in May. We had a good meeting. There was no consensus on the part of the religious community for Tax Code change. So the whole concept of the 501(c)(3) which includes religious organizations and so on and so forth, they receive tax preferential treatment, and there is a trade-off. For that there are no political campaign activities. And today churches are free to talk about the issues in any way they want, but they cannot use the church resources, on a tax deductible basis to campaign for a candidate. I think that makes perfectly good sense. They can do what they want, but they should not use the Tax Code the way no one else can use the Tax Code for this political purpose.

Mr. Lewis. Madam Speaker, I yield 4 minutes to the honorable gentleman from Texas (Mr. Edwards), my friend and colleague.

Mr. Edwards. Madam Speaker, from the time I was a small child my parents taught me to go to church was a sacred house of worship, a spiritual place where people of faith could meet, honor God and thank Him for our many blessings. Now as a father, it is my hope that my two young sons will have the same sense of reverence for our church and all houses of worship.

Based on those values, it is my opinion that this bill demeans religion and demeans houses of worship by converting them into political campaign organizations. According to the bill itself, its purpose is “to permit churches and other houses of worship to engage in political campaigns.” Madam Speaker, this bill would go so far as to even allow churches to endorse political candidates and to contribute church funds to political campaigns.

If I had a malicious intent to import divisiveness into our churches, I could find no better way to do it than to pass this ill-conceived bill into law. That is why this is not just a bad bill, it is a dangerous bill.

Think about life under this bill. Our churches, synagogues, and mosques could cut back on their spiritual worship time so they could hear from their campaign committee. Then rather than
Mr. HERGER. Madam Speaker, I yield 3 minutes to the gentleman from Indiana (Mr. HOSTETTLER). (Mr. HOSTETTLER asked and was given permission to revise and extend his remarks.)

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

I rise today in strong support of the Houses of Worship Political Speech Protection Act and commend the gentleman from North Carolina (Mr. JONES) for sponsoring this important piece of legislation.

H.R. 2357 seeks to allow our churches and religious institutions to address the moral and political issues of the day, as they have for the first 300-plus years of America's history, without fear of the threat of financial penalties or revoking their tax-exempt status altogether. This legislation frees our clergy to speak their consciences from the pulpit on all issues, even those which may stem from the political arena.

Our clergy and religious institutions have played a significant role in our Nation’s political life from the earliest days of our Republic. A clear example can be found right here in the Capitol. The statue of Reverend John Peter Gabriel Muhlenberg depicts him removing his clerical robes to reveal the uniform of a military officer following his farewell sermon to his Virginia congregation on January 21, 1776. From the pulpit Muhlenberg declared that “there is a time and a season for all things.” Reverend Muhlenberg’s rousing sermon led 300 men from his congregation to join him that day in America’s war for independence. Reverend Muhlenberg was not interested in the endorsements of politicians or in the belittlement of religion itself; he was interested in the freedom to speak out on issues, and current law makes that impossible.

Our clergy and religious institutions should be able to receive tax-deductible contributions while permitting them to contribute to politicians and political campaigns. This legislation does not extend the same privilege to nonreligious 501(c)(3) organizations. In February, this body demonstrated a strong commitment to reforming our campaign finance laws when it voted to ban the use of soft money, corporate treasury money, union dues money, and unlimited sums from individuals. H.R. 2357 would allow religious organizations to maintain their 501(c)(3) tax-exempt status, which allows them to receive tax-deductible contributions.

While this illustrates only one incident in our Nation’s past, it still leads one to consider what the fabric of American society would look like today without our past clergy and women denouncing the evils of tyranny, slavery, and segregation.

H.R. 2357 simply attempts to return our worshipping role to the people. The role they have historically held as an active participant in the political process, addressing the important issues of the day. This bill assures that those who hold to fundamental truths are not divorced from the arena of ideas simply because they happen to be standing behind a pulpit.

I urge my colleagues to support the Houses of Worship Political Speech Protection Act.

Mr. LEWIS of Georgia. Madam Speaker, I yield 3 minutes to the gentleman from Connecticut (Mr. SHAYS), my friend and colleague.

Mr. SHAYS. Madam Speaker, I want to first say that I was deeply impressed by the presentation made by the gentleman from Texas (Mr. EDWARDS), and I could feel his pain as he spoke on this legislation and against it because I believe he is a deeply religious man. And this is an awkward thing but what we need to speak plainly about it. I too strongly oppose H.R. 2357, the House of Worship Political Speech Protection Act, because I believe it flies in the face of our campaign finance laws and more importantly would create a large soft money loophole. I also have serious concerns the legislation would erode the separation of church and State, a bedrock value of our Nation and one I strongly support. Religious institutions should be able to speak out on issues, and current law already gives these institutions the absolute right to use their pulpit to address an issue they wish. One has to wonder, therefore, why this legislation is necessary. What religious institutions cannot do is use their tax-exempt donations to contribute to a candidate’s political campaign.

H.R. 2357 would allow religious organizations to maintain their 501(c)(3) tax-exempt status, which allows them to receive tax-deductible contributions while permitting them to contribute to politicians and political campaigns. This legislation does not extend the same privilege to nonreligious 501(c)(3) organizations.

In February, this body demonstrated a strong commitment to reforming our campaign finance laws when it voted to ban the use of soft money, corporate treasury money, union dues money, and unlimited sums from individuals. H.R. 2357 would be a major step backward. This legislation, if enacted, would permit big-dollar political donors, corporate, union, or individual, to funnel soft money through partisan incorporated religious organizations and funnel them issue ads through really campaign ads with these funds.

I strongly urge my colleagues to vote against H.R. 2357. We should not allow tax-exempt institutions to make campaign contributions.

Mr. HERGER. Madam Speaker, I yield 4 minutes to the gentleman from Indiana (Mr. SOUDER).

Mr. SOUDER. Madam Speaker, I think the chairman and I also want to thank my friend and the gentleman from North Carolina (Mr. JONES), for his efforts. We are here on the floor again with some deep differences of people who share very strong commitments on this issue and of the role of how we work through as Christians and people of multiple and diverse faiths in America, how we work through the role of those who have deeply felt views and how they can express those and participate.

I do want to raise a couple of things on the record from the gentleman from Texas (Mr. EDWARDS) because I think there is a little bit of overpanorama.
One is that in the idea that charitable choice is somehow going to be tied in with this, as the gentleman knows, while the bill passed the House, it is pending in nowhere. We have agreed with a compromise, and many of us here tonight have agreed with compromise. We developed a compromise and there will be no charitable choice grants coming through, authorized by Congress. They are working through some of those things in the executive branch, but we have worked out that we have shared concerns about the Federal Government getting it directly into funding and what that could mean to the separation of church and State if churches become dependent on federal funding.

Furthermore, the statement that we are doing this late at night is because of the death of our friend and colleague, Patsy Mink, we had a waiver. This was originally scheduled to occur much earlier in the evening. We had a 2-hour break and then I passed it later in the evening. This in fact would have been debated in prime time. It is near prime time in much of the country anyway. But this is, first, a fundamental disagreement about what the bill is. I do not believe nor do any of the people who wrote the bill nor do most people who do not have a position that is overtly against the conservative churches basically being able to speak out believe this affects money. This affects endorsement. I do not think the churches campaign finance one wit. And I was talking with my dear friend, the gentleman from Connecticut (Mr. Shays) because I share his concern about churches having, as the gentleman from Georgia (Mr. Lewis), my friend, said, taking up collections for political campaigns. That would be horrendous.

That is not what this bill does. We have fundamental disagreements even about what the bill does. This is supposed to be able to clarify Internal Revenue Code that pastors who speak on behalf of the church can say what they believe. We know in America that many churches in fact do that. In fact, in the civil rights movement had brave people not been willing to stand up and register in churches, and Reverend Jesse White is a statue in Fort Wayne for his work. He was active through his church in registering voters, bringing in candidates, endorsing candidates because he felt that was the only way in my home area to change some of our civil rights areas.

In the Vietnam War era, pastors were endorsing candidates in liberal churches. There are many conservative Christians in this country who deeply feel in the fundamental part of their heart, and we can see it in which groups are backing them, that the conservative churches, once they got active, and most denominations like mine are very separatist and would never endorse from the pulpit and believe in that separation.

But many churches believe, including those churches that do not endorse, that there has been a difference in America; and the conservative churches participating get politically involved. This Clinton administration came down on them. And that belief is deeply felt. That is what we are trying to address.

We believe that all people ought to be created equal, and they cannot not be direct funding. That is covered in campaign finance law. There should not be church funds intermingled. That is the point of (c)(3)s and (c)(4)s. But when there are deeply felt issues like abortion that conservatives feel deeply about; the pastor should be allowed to say this is what we believe. These are candidates who share those views. They should not be able to use church funds to promote that view. That is the point of (c)(3)s. They can have their viewpoint, but they cannot do other things with nonchurch money; but they ought to be allowed, when a Christian world view is fully comprehensive, the beliefs of Jesus Christ are not just faith, they are also conscience. These are the churches, a pastor whether he sees civil rights or war or abortion or pornography, he ought to be allowed to speak out and the congregation ought to be allowed to speak out.

Mr. Lewis of Georgia, Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, there is not one thing in the present code that would prohibit ministers, religious leaders, rabbis, any church organization from speaking up on the great issues of our time.

Mr. Speaker, I yield 4 minutes to the gentleman from Virginia (Mr. Scott)

Mr. Scott. Mr. Speaker, I rise in opposition to this bill. Once again we are looking at a tax bill that has profound constitutional implications which has bypassed the regular order in the committee of jurisdiction, has been placed on the suspension calendar late at night with limited time for debate and no amendments allowed.

I do not know what the supporters of the bill think it does, but this bill is in fact a tax bill and describes what a church can do and still maintain its tax exemption. The legislation before us defies a religious tax-exempt organization to engage in political activities, partisan political activities, while using tax-exempt resources so long as those activities are not more than an "insubstantial part" of their activities. Pursuant to the Tax Code that means anywhere from 5 to 15 percent of an organization's budget can be used for partisan political activities. For a church with a $1 million budget, that is 50,000 to $150,000 in campaign cash.

Mr. Speaker, we also have to consider the bill has already been passed the House, and that is H.R. 7, the so-called Charitable Choice bill, which allows the church to be directly funded with government contracts. This bill will allow those churches to show their appreciation to the government officials that helped them with campaign contributions amounting to 5 to 15 percent of the grant. This gives a new meaning to the idea of tithe.

Contrary to assertions, churches and other houses of worship can and do speak out on issues of the day. When the gentleman from California says that he does not know whether they can take out a paid political ad paid for with tax-deductible money. But under current law, churches can host candidate forums, can issue unbiased voting guides, engage in lobbying activities on legislation, endorse or oppose referendums, constitutional amendments or other ballot initiatives, and they can certainly speak out on the moral issues of the day, whether it be civil rights, universal health care, or education.

Furthermore, ministers or religious leaders in their private capacity can and do endorse political candidates and even become candidates themselves. In fact, my representative in the Virginia Senate is a pastor of a Baptist church. The problem is they cannot use the resources of a tax-exempt church in a partisan political campaign.

Churches, like other tax-exempt organizations, are prohibited from using tax-exempt church contributions for campaign activities. They cannot form PACs or solicit or provide financial support to a candidate. That would change under this legislation, which specifically allows our houses of worship to funnel tax-exempt funds to candidates in political parties. There are other issues that we have to consider as we debate this measure.

For example, houses of worship are exempt from certain Internal Revenue filings; and, therefore, we will never know whether they are spending 5 percent or 50 percent of their funds on political activities unless the supporters expect the IRS to be auditing church finances.

In addition, unlike other organization exempt under section 501(c), churches do not have to file for incorporation. Essentially any organization claiming to be a church gets automatic tax-exempt status from the IRS. As a result, during election cycles we might see the formation of churches formed for the express purpose of political activity on behalf of a candidate or political party.

Mr. Speaker, current law treats our houses of worship and secular nonprofits with respect to partisan political activity equally. Neither can use tax-exempt resources for partisan political activities. If they want their organizational resources to be used for partisan political activities, they can. They just cannot get tax deductions for tax-exempt resources for that purpose. Should this legislation pass, our houses of worship may risk becoming sham political organizations.
As the gentleman from Connecticut (Mr. Shays) explained, we would have created a gaping loophole in our campaign finance laws. I strongly urge rejection of this legislation.

Mr. LEWIS of Georgia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in closing, let me just relate that a leading supporter of this piece of legislation, a minister, is seeking to create a gaping loophole in our campaign finance laws. I strongly urge rejection of this legislation.

I yield myself such time as I may consume.

Mr. Speaker, in closing, let me just relate that a leading supporter of this legislation, a minister, is seeking to create a gaping loophole in our campaign finance laws. I strongly urge rejection of this legislation.

Let me also say to my friend, the gentleman from Connecticut (Mr. Shays), who is my friend, that under the Bipartisan Campaign Finance Reform Act of 1999 and the Federal Election Campaign Act, all corporations including tax-exempt churches and nonprofit corporations are barred from making hard-money contributions or any direct or indirect disbursement for electioneering communications. That is on page 101 and 102 (A and B). I just want to get that on the record, also.

Let me also say that, again, when you think about the fact that prior to 1954 there were no restrictions of speech on our churches, and I am pleased to say that the gentleman from Georgia (Mr. Lewis), for whom I do have great respect, during the hearing with the Internal Revenue Service, his question to Mr. Miller who worked with IRS is: As a rule do you monitor the activities of churches during the political season?

Mr. Miller’s answer to Mr. Lewis is: We do monitor churches. So our monitoring is mostly as a recipient of information from third parties who are looking in. That is Barry Lind looking in. What are you saying? “I’m going to report you to the Internal Revenue Service.” Then Mr. Miller says: If a priest wants to say that George Bush is prolife, let the priest say George Bush is prolife. If my dear friend and your dear friend Floyd Flake wants to have Al Gore in his church, and when Al Gore finishes speaking he puts his hand on his shoulder and he says, “I think this is the right man to lead America,” he should be able to do it. He got a letter of reprimand from the Internal Revenue Service. Somebody snitched on him because Internal Revenue Service is dependent on a third party to report because, quite frankly, I will be honest with the gentleman from Virginia (Mr. Scott), they cannot enforce the law to begin with. That is an absolute joke. They cannot enforce the law. So they are dependent on a third party.

That somewhat reminds me of my history about Germany, quite frankly, where I believe that the priest says or the preacher says or what the rabbi might say. That in itself should be enough to offend all of us on both sides of the aisle who raise our hand to defend the constitutional rights of the American people, that we make sure that anyone, whether they be a preacher, a priest, a rabbi or a cleric, that they have a right to speak from their heart, and if they believe that that is the right thing to say to educate their people in their congregation, then they should say it.

Let me close this way from Floyd Flake, a great, great man of spiritual faith and a spiritual leader. He says, “It is unjust that churches and clergy men and women are unfairly targeted when they exercise their rights as American citizens, I am pleased to offer my wholehearted support with sincere prayer for passage of this important and liberating legislation, Floyd Flake.” He is talking about H.R. 2357.

Mr. WATTS of Oklahoma. Mr. Speaker, under the First Amendment to the United States Constitution, Americans have the freedom to preach from the pulpit, then they have a right to speak from their heart, a priest, a rabbi or a cleric, that anyone, whether they be a preacher, a priest, a rabbi or a cleric, that they have a right to speak from their heart, and if they believe that that is the right thing to say to educate their people in their congregation, then they should say it.

While I strongly commend the gentleman from North Carolina for advancing this issue, I do have some concerns with the way this particular bill has been drafted. In my opinion, the legislation is too ambiguous. It has not been defined by Congress, the Treasury Department or the courts, so passage of this bill will require that
we wait until the IRS prosecutes a church for a violation to learn what substantial means.

Since the 104th Congress, I have introduced the Brightline Act that clearly defines, using dollar limitations, the activities that religious organizations may engage in while maintaining their tax-exempt status. It is a clean, easy way for churches to know whether or not they have run afoul of the Internal Revenue Code. I hope, that as we continue to move this issue forward, the gentleman from North Carolina will be willing to work with me to ensure that whatever we put on the President’s desk for signature provides churches with clear rules so that this matter is not resolved by the courts.

Finally, I would be remiss if I did not take a moment to thank the people who have worked so hard over the years to advance this issue. First and foremost, I want to thank the millions of Americans at the grassroots level who have contacted their members of Congress to get their support. Second, and most importantly, I want to thank my good friend Reverend Lou Sheldon for his tireless efforts to advance this issue. Pastor Lou has led the change on this issue since 1994 and I hope those who support this bill will recognize his hard work.

Mr. Speaker, today I rise in strong support of the House of Worship Political Speech Act, introduced by my good friend, WALTER J. JONES. For too long, the separation of church and state has been tilted too far towards one extreme and has restricted the free speech rights of religious communities in America. HR 2357 attempts to restore balance and reasonableness by amending the Internal Revenue Code to permit churches and other houses of worship to fully participate in the democratic political process.

I believe that the First Amendment’s prohibition against the establishment of an official religion akin to the Church of England in the UK was never meant to mean that communities of faith were barred from a robust participation in all aspects of our nation’s political life. America’s system is weaker and less representative when important voices are excluded from the political dimension.

Prior to 1954, pastors and religious leaders spoke freely about candidates and political issues that directly affected the interests of their congregations. The anti-abortion and abolitionist organizations and the civil rights movement are examples of church-inspired political organizations that changed the face of our society. In fact, churches played a central role in dismantling the Jim Crow laws that so egregiously violated the civil rights of African Americans. Our society would have been much worse off if historically black churches and clergy were prohibited from speaking out or distributing materials.

The origins of current law, which this bill seeks to correct, are very instructive. In 1954, Senator Lyndon Johnson added language to pending tax legislation to prevent two non-profit groups that opposed him in 1948 from speaking out against him in his 1954 re-election.

The vexing question is that the IRS is empowered with sweeping powers to strip a church’s tax-exempt status if clergy engage in political speech. This is clearly wrong and the framers of the Constitution would be appalled at this abuse of power. Priests, pastors, rabbis, or any religious leader should not be bullied into silence by the IRS.

LB’s capricious and punitive tax proviso has been used in an arbitrary manner to silence political speech in America’s houses of worship. The Church at Pierce Creek in Virginia, just a few miles from this building—and openly urged parishioners to vote for then-Senator Chuck Robb and Vice President Al Gore.

Mr. Speaker, why is it permissible for Bill Clinton to make partisan speeches in churches, while other church leaders are gagged if they criticize Bill Clinton?

In a national poll conducted this summer by The Poling Company, 84 percent of men, and 77 percent of women agreed that the First Amendment should protect religious leaders from being penalized for political speech.

I want to remind my colleagues that the separation of church and state stemmed from Americans’ desire to have church and state operate independently from one another, in order to avoid the establishment of a state church. The affairs of states however often compare with, contradict or comply with the moral imperatives found in Holy Writ.

Nothing in this legislation demands that a church get involved in the political dialogue of our nation. Issues of war and peace and other important issues shouldn’t be the exclusive preserve of the political elite. The Jones bill would simply allow them that opportunity so that those churches, without the coercive power of government, putting their tax-exempt status at risk.

### TABLE OF CONTENTS

<table>
<thead>
<tr>
<th>Date</th>
<th>Candidate</th>
<th>Church</th>
<th>Activity</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. 9/11/94</td>
<td>Sue V. Myers (D, County Exec.)</td>
<td>NaI Church of God, Fort Washington, MD</td>
<td>Addressed church members from the pulpit.</td>
</tr>
<tr>
<td>2. 10/94</td>
<td>George Pataki (NY Gov. Cand.)</td>
<td>Abyssinian Baptist, Harlem, NY</td>
<td>Addressed church members from the pulpit.</td>
</tr>
<tr>
<td>3. 10/94</td>
<td>Carl McColl (NY State Commissioner)</td>
<td>Abyssinian Baptist, Harlem, NY</td>
<td>Addressed church members from the pulpit.</td>
</tr>
<tr>
<td>4. 9/84</td>
<td>Ron Stinson (U.S. Senate Candidate)</td>
<td>First A.M.E. Church, Seattle, WA</td>
<td>Addressed church members from the pulpit.</td>
</tr>
<tr>
<td>5. 9/84</td>
<td>Scott Hardman (U.S. Senate candidate)</td>
<td>First A.M.E. Church, Seattle, WA</td>
<td>Addressed church members from the pulpit.</td>
</tr>
<tr>
<td>6. 9/84</td>
<td>Mike Jones (U.S. Senate Candidate)</td>
<td>First A.M.E. Church, Seattle, WA</td>
<td>Addressed church members from the pulpit.</td>
</tr>
<tr>
<td>7. 9/84</td>
<td>Jesse Whiteley (U.S. Senate Candidate)</td>
<td>First A.M.E. Church, Seattle, WA</td>
<td>Addressed church members from the pulpit.</td>
</tr>
<tr>
<td>8. 10/84</td>
<td>All Candidates for City Council</td>
<td>Bethel Missionary Baptist Church, Memphis, TN</td>
<td>Addressed church members from the pulpit.</td>
</tr>
<tr>
<td>10/3/97</td>
<td>Gov. Clinton (Pres. Cand.)</td>
<td>Pleasure Grove Baptist Church, Chicago, IL</td>
<td>Addressed church members from the pulpit.</td>
</tr>
<tr>
<td>11/19/94</td>
<td>School Board Candidates</td>
<td>Oak Falls Church, Sacramento, CA</td>
<td>Addressed church members from the pulpit.</td>
</tr>
<tr>
<td>9/11/94</td>
<td>All Candidate (-100)</td>
<td>Calvary Chapel, Costa Mesa, CA</td>
<td>Addressed church members from the pulpit.</td>
</tr>
<tr>
<td>13. 11/27/90</td>
<td>Pres. Clinton (President)</td>
<td>St. Theresa’s Catholic Church, Little Rock, AR</td>
<td>Addressed church members from the pulpit.</td>
</tr>
<tr>
<td>16-1515. 11/2/99</td>
<td>Jesse Jackson (Pres. Cand.)</td>
<td>Fellowship Missionary Baptist Church, Chicago, Il &amp; 490 others</td>
<td>Addressed church members from the pulpit.</td>
</tr>
<tr>
<td>519. 2/98</td>
<td>J. Jackson</td>
<td>American Baptist Church, Memphis, TN</td>
<td>Addressed church members from the pulpit.</td>
</tr>
<tr>
<td>520. 3/7/98</td>
<td>B. Clinton</td>
<td>Antioch Baptist Ch., Atlanta, GA</td>
<td>Addressed church members from the pulpit.</td>
</tr>
<tr>
<td>522. 1/20/93</td>
<td>Clinton/Gore</td>
<td>First Baptist Church, Washington, DC</td>
<td>Addressed church members from the pulpit.</td>
</tr>
<tr>
<td>523. 1/14/94</td>
<td>Clinton</td>
<td>Temple of the Church of God in Christ, Memphis, TN</td>
<td>Addressed church members from the pulpit.</td>
</tr>
<tr>
<td>524. 3/8/92</td>
<td>Clinton</td>
<td>Lynch Unity Church, Houston, TX</td>
<td>Addressed church members from the pulpit.</td>
</tr>
<tr>
<td>525. 8/14/94</td>
<td>Clinton</td>
<td>Full Gospel A.M.E. Zion Church, temple Hills, MD</td>
<td>Addressed church members from the pulpit.</td>
</tr>
<tr>
<td>526. 1/27/92</td>
<td>Tami Harkins (Pres. Cand.)</td>
<td>Heritage United Church of Christ, Baltimore, MD</td>
<td>Addressed church members from the pulpit.</td>
</tr>
<tr>
<td>527. 7/18/90</td>
<td>Clinton</td>
<td>Bethel A.M.E. Church, NY</td>
<td>Addressed church members from the pulpit.</td>
</tr>
<tr>
<td>528. 9/25/94</td>
<td>Clinton</td>
<td>Bethel A.M.E. Church, New York, NY</td>
<td>Addressed church members from the pulpit.</td>
</tr>
<tr>
<td>529. Bridge Street, A.M.E., HARLEM, NY</td>
<td>Clinton</td>
<td>Bridge Street, A.M.E., HARLEM, NY</td>
<td>Addressed church members from the pulpit.</td>
</tr>
<tr>
<td>530. 3/5/99</td>
<td>Clinton</td>
<td>Unknown, S.F. CA</td>
<td>Addressed church members from the pulpit.</td>
</tr>
<tr>
<td>531. 5/10/99</td>
<td>Clinton</td>
<td>Irving Baptist Ch., Irving, TX</td>
<td>Addressed church members from the pulpit.</td>
</tr>
<tr>
<td>532. 5/10/99</td>
<td>Clinton</td>
<td>Irving Baptist Ch., Irving, TX</td>
<td>Addressed church members from the pulpit.</td>
</tr>
<tr>
<td>533. 5/10/99</td>
<td>Clinton</td>
<td>Irving Baptist Ch., Irving, TX</td>
<td>Addressed church members from the pulpit.</td>
</tr>
<tr>
<td>534. 8/19/97</td>
<td>Clinton</td>
<td>A. Small Meth.-Eps. Ch., Washington, DC</td>
<td>Addressed church members from the pulpit.</td>
</tr>
<tr>
<td>535. 5/10/96</td>
<td>Clinton</td>
<td>Temple of the Church of God in Christ, Memphis, TN</td>
<td>Addressed church members from the pulpit.</td>
</tr>
<tr>
<td>536. 1/15/91</td>
<td>Clinton</td>
<td>Lykes Unity Church, Houston, TX</td>
<td>Addressed church members from the pulpit.</td>
</tr>
<tr>
<td>537. 7/28/92</td>
<td>Clinton</td>
<td>Full Gospel A.M.E. Zion Church, temple Hills, MD</td>
<td>Addressed church members from the pulpit.</td>
</tr>
<tr>
<td>538. 9/25/94</td>
<td>Clinton</td>
<td>Heritage United Church of Christ, Baltimore, MD</td>
<td>Addressed church members from the pulpit.</td>
</tr>
<tr>
<td>539. 1/25/99</td>
<td>Clinton</td>
<td>Bethel A.M.E. Church, NY</td>
<td>Addressed church members from the pulpit.</td>
</tr>
<tr>
<td>540. 3/5/99</td>
<td>Clinton</td>
<td>Bethel A.M.E. Church, New York, NY</td>
<td>Addressed church members from the pulpit.</td>
</tr>
<tr>
<td>541. 5/10/99</td>
<td>Clinton</td>
<td>Irving Baptist Ch., Irving, TX</td>
<td>Addressed church members from the pulpit.</td>
</tr>
<tr>
<td>542. 5/10/99</td>
<td>Clinton</td>
<td>Irving Baptist Ch., Irving, TX</td>
<td>Addressed church members from the pulpit.</td>
</tr>
</tbody>
</table>

The American Center for Law and Justice, which represented the Church at Pierce Creek, has subsequently documented more than 500 instances where candidates had appeared before churches. Yet no enforcement action was taken in those cases perhaps suggesting a double standard. Mr. Speaker, I ask that these instances be made a part of the record.

Approximately two years ago, former President Bill Clinton stood in the pulpit of the Alfred Street Baptist Church in Alexandria, Virginia—just a few miles from this building—and openly urged parishioners to vote for then-Senator Chuck Robb and Vice President Al Gore.

Mr. Speaker, why is it permissible for Bill Clinton to make partisan speeches in churches, while other church leaders are gagged if they criticize Bill Clinton?

In a national poll conducted this summer by The Poling Company, 84 percent of men, and 77 percent of women agreed that the First Amendment should protect religious leaders from being penalized for political speech.
Finally, I want to point out that this is not a partisan issue. I am proud to work with my colleagues—Democrats and Republicans alike—to pass this important legislation. I urge my colleagues to help restore freedom of speech to churches, synagogues and other houses of worship by voting yes on this critical legislation.

Mr. STARK. Mr. Speaker, I rise today in opposition to H.R. 2357, the Houses of Worship Political Speech Protection Act. This bill is an assault on the Constitution’s fundamental separation between church and state. It was crafted with the single purpose of giving right-wing religious groups a special advantage in the political process. It would allow them to promote their narrow political agenda while exploiting the tax-exempt status traditionally reserved for non-partisan religious and charitable organizations.

Mr. EDWARDS. Mr. Speaker, in the spirit of honest discussion on an issue that was so important that Mr. Madison and Mr. Jefferson debated it for 10 years in the Virginia Legislature, I am wondering if it would be within the rules of the House for me to now ask for unanimous consent to have 3 minutes of discussion with the author of the bill so I can clarify what the direct impact of this bill would be. If I do have that parliamentary right, I would like to make that unanimous-consent request.

The SPEAKER pro tempore. By unanimous consent, there would have to be 3 minutes equally divided.

Mr. EDWARDS. That would be fine.

Mr. JONES of North Carolina. Mr. Speaker, I object to that for this reason. I respect the man, and this just continues this debate. Obviously I would have liked to have been here earlier this afternoon. I was hoping we would be here earlier. But at 11:15 at night, I think I know your position, which I respect, and you know my position, so I object.

The SPEAKER pro tempore. Objection is heard.

The question is on the motion offered by the gentleman from California (Mr. HERGER) that the House suspend the rules and pass the bill, H.R. 2357.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. LEWIS of Georgia. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to the provisions of clause 8 of rule XX and the Chair’s prior announcement, further proceedings on this motion will be postponed.
Mr. HERGER. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and to include extraneous material on the subject of H.R. 2357.

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

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker’s announced policy of January 3, 2001, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. ROS-LEHTINEN) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, as so many of my colleagues, I went home this weekend and talked to our constituents about the very serious and all-important subject of war, and I thought that I would put some of this on the record tonight, because my constituents are asking me, is war the answer? Is war the answer to meet the terrorist threat? Who is really the answer? Is war the answer to meet the terrorist threat?

I found a great ambivalence among the people, wanting to say, “Well, we want to be united even though we do not understand the cause. We want to stand with the President. We may not agree with what is being done, but if we stand united, then we will win whatever we go into because we remember Vietnam, and the reason we lost in Vietnam is we were not united, and so this time united we stand.”

I just wanted to say to those who may not have lived during the Vietnam period, America did not lose in Vietnam because she was not united. America did not carry the day because there was no way any Western power could have carried the day in a country that was undergoing regime change, fundamental, a fight we never should have been into in the first place, and we asked the impossible.

So we think about what is happening with the terrorist situation and some of the breeding grounds for those who hate the West in the Middle East and Central Asia, and it is important to ask ourselves whether war will solve the problem; will solve the problem of growing terrorism; will solve the problem of hatred expressed against the United States and other Western countries and installations.

I have done quite a bit of research, and I want to put on the RECORD tonight one chart, a chart that covers the entirety of the 20th century and goes back actually to 1902 and to how the original countries in the Middle East and Central Asia were formed. But it reminds us also, it takes us through back in 1966; and then when I came of political age, the assassination of Robert Kennedy as a Democratic candidate for President by a Jordanian Arab national who felt he had lost his homeland in east Jerusalem. And still remaining, the Israeli-Palestinian conflict that remains unsolved and remains a lightning rod and source of discontent in that region of the world. Then, in 1968, the beginning of mass terrorism. One can go through 1979; we probably remember the Iranian hostage-takers, held 52 Americans for 444 days.

The point I wish to make is, with all of the turmoil, all of the assassinations, and the growing level of violence, did the Persian Gulf War really solve the growing level of terrorism and violence we see? Did the wars of the Middle East and Central Asia solve the terrorism that we now see springing up all the way from Malaysia to Central and East Africa?

I think it is important for us to understand the roots of the terrorism that have resulted in the loss now last year of 3,025 additional lives here in our country. So I wish to place on the RECORD this summary. It also exists on our Web site. Mr. Speaker, I wanted to quote from a very, very prescient author, Robin Wright, “Sacred Rage,” written back during the 1980s and recently updated from the first chapter where she talks about the great task of leaving this world, the challenge of terrorism is really the challenge of meeting a different point of view arising globally from many sources. She quotes the former Lebanese Prime Minister, Saeed Salam, who said, “The growth of Islamic fundamentalism is an earthquake.”

I can remember being elected in 1992, coming here in 1993, in the fall; and we saw the U.S. marine command center at Beirut’s International Airport devasted by terrorists and we lost 240 Marines, and Navy personnel dead. I can remember at that time becoming brutally aware of a changing world and the shifting sands of the politics of that region of the world.

In Robin Wright’s book she talks about a wall in our State Department where if you walked in the door at that time, two greenish-black stone plaques listed in gold letters the names and dates of diplomats of the United States killed in the line of duty since the founding of our Republic. Over that period, from 1780 to 1967, over 187 years, we had lost 143 U.S. diplomats killed in the line of duty. But the second plaque that sits at the State Department was filled in equal number in almost 18 years. And, if one looks at the pace of terrorist attacks against the West, one sees that the pace is increasing in spite of wars, in spite of additional military actions. So one has to ask ourselves whether more wars lead to less terrorism or more terrorism, and whether war is really the answer to give at the root of what the problem is.

I commend this book, “Sacred Rage,” to those who are listening, and among our colleagues here and only end with one of the sentences in the book that points out some of the mistakes, particularly by the West, that have only provoked the Muslim fundamentalists rather than cope realistically with what they represent: “The stakes have never been so high, the potential for misunderstanding and further violence never so great.”

Mr. Speaker, war may not be the answer to solving the terrorist threat.
to manage; habitat for 168 threatened and endangered species; more than 80 million museum artifacts, some of the greatest collections of museum artifacts than other museums combined, for the most part; 1.5 million archeological sites; and 26,000 historic structures.

Now, the problem that we have is that we have a shortfall of $600 million just to keep the maintenance backlog covered, which amounts to 32 percent of where the Park Service needs to fulfill its mission, and we are falling more and more deeply behind. What I wanted to address in addition to the very specific thing that a number of us have requested is that the conference committee, and the gentleman from Georgia (Mr. Lewis), who just a little bit ago and I were debating on another matter have cosponsored legislation or efforts to raise the National Parks funding to $280 million. We were successful in getting an additional $118.5 million through the gentleman from New Mexico (Mr. Skeen) and the gentleman from Washington (Mr. Dicks), the chairman and ranking member. And the wonderful people on the Interior Committee on Appropriations actually boosted the park funding over the President’s request. However, the Senate bill is much less, and we need to make sure we hold that House position.

Let me give an illustration of why this is so important. Earlier this month, this House passed these boundary adjustments for the Pemberton’s headquarters in Vicksburg National Military Park, the George Washington Birthplace National Monument, the Santa Monica Mountains National Recreation area, the Golden Gate Recreation Area boundary adjustment, and the Allegheny Portage, Pennsylvania Railroad National Historical Park.

We also did land acquisition at the Salt Lake City Museum of Natural History, Salt River Bay St. Croix, Virgin Islands and Timpanogos Cave National Monument, Grand Teton land exchange, James V. Hansen Shoshone National Monument, the Mcloughlin House Preservation and the William Jefferson Clinton Birthplace.

We also passed in this House a study for feasibility and inclusion of the Miami Circle site, a very expensive site, by the way, in the city of Miami, but within the Gateway Communities Cooperation, Mount Nebo Wilderness Boundary, and Bainbridge Island Japanese American Memorial.

We also voted to establish Victims of Terrorist Attacks Memorial in Washington, D.C. We also asked for more funding for Historically Black Colleges and Universities; historic preservation, which could be as high as $120 million from 2003 to 2007; and we passed the Vancouver, Washington National Historical Park development costs from 5 million to $25 million.

Tonight, alone, on Monday night we passed the Cedar Creek Battlefield and Belle Grove Plantation National Historical Park Act. We passed the Spirit Lake and Twin Lakes Land Adjustment Act. We passed the Red Rock Canyon National Conservation Area Protection Enhancement Act of 2002. We passed tonight the Southern Campaign of the Revolution Heritage Area Study Act. We passed tonight the Andersonville National Historic Site Boundary Adjustment Act.

We also have passed the Civil War Battlefield Preservation Act to preserve Civil War battlefields. These are worthwhile projects, but how can we stand here and pass bill after bill after bill after bill to go into the National Park Service, and then say we have no more money, when we have a backlog of $600 million? There has to be some sort of accountability within this Congress.

I supported these bills. I was here tonight and let them go through on unanimous consent. But then I have an obligation to say we are going to fund these efforts, because otherwise we are pulling the wool over the Americans’ eyes. We cannot keep saying that we are going to do this new park, this new park, this new heritage area, we are going to maintain Glacier and Yellowstone National Parks, we are going to make sure the campgrounds are up to snuff, we are going to make sure there are decent roads, we are going to make sure the resources are protected, and then not do the funding.

We need to make sure we hold the House funding level. It is a critical part of our national heritage.

The SPEAKER pro tempore (Mr. Rehberg). Under a previous order of the House, the gentleman from Texas (Mr. Green) is recognized for 5 minutes.

(Mr. Green of Texas addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. Dreier) is recognized for 5 minutes.

(Mr. Dreier of California addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Ms. Millender-McDonald) is recognized for 5 minutes.

(Ms. Millender-McDonald of California addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. Brown) is recognized for 5 minutes.

(Mr. Brown of Ohio addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from the District of Columbia (Ms. Norton) is recognized for 5 minutes.

(Ms. Norton of the District of Columbia addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Ms. Eddie Bernice Johnson) is recognized for 5 minutes.

(Ms. Eddie Bernice Johnson of Texas addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)
The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Mrs. DAVIS) is recognized for 5 minutes. (Ms. DAVIS of California addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Illinois (Ms. SCHAKOWSKY) is recognized for 5 minutes. (Ms. SCHAKOWSKY addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Guam (Mr. UNDERWOOD) is recognized for 5 minutes. (Mr. UNDERWOOD addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. LOFGREN) is recognized for 5 minutes. (Ms. LOFGREN addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Ms. SLAUGHTER) is recognized for 5 minutes. (Ms. SLAUGHTER addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. SAWYER) is recognized for 5 minutes. (Mr. SAWYER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. SHERMAN) is recognized for 5 minutes. (Mr. SHERMAN addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. CHRISTENSEN) is recognized for 5 minutes. (Mrs. CHRISTENSEN addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia (Mr. FARR) is recognized for 5 minutes. (Mr. FARR of California addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. SPRATT) is recognized for 5 minutes. (Mr. SPRATT addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. OBEY) is recognized for 5 minutes. (Mr. OBEY addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. SOLIS) is recognized for 5 minutes. (Ms. SOLIS addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes. (Ms. WOOLSEY addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes. (Ms. JACKSON-LEE of Texas addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. OWENS) is recognized for 5 minutes. (Mr. OWENS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from American Samoa (Mr. FALEOMAVAEGA) is recognized for 5 minutes. (Mr. FALEOMAVAEGA addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under the Speaker’s announced policy of January 3, 2001, the gentleman from Texas (Mr. SANDLIN) is recognized for half the time before midnight as the designee of the minority leader. Mr. SANDLIN, Mr. Speaker, I think it is important that we ask ourselves: What are we doing here today? What have we been doing recently?

During the day we waste our time on mostly ridiculous nonbinding resolutions while major economic issues are needed to be addressed. Where is the debate on Social Security? What are we doing about economics? What about our education reform? Where is some real pension reform legislation? What about a real prescription drug plan for this country? What about health care, Medicare? What about these issues? What are we doing; and importantly, where are we going?

Mr. Speaker, today, as we stand here today, it marks the first day of the fiscal new year. As Alan Jackson, a country western singer, says, Who says you can’t have it all? Well, apparently not our country on the other side of the aisle. While most New Years are a cause for celebration, this particular fiscal new year is anything but joyous and provides us with a very sober opportunity to examine the sorry state of our country’s fiscal health: $6.15 trillion in debt, $1 billion a day interest payments, increasing obligations, decreasing investments, and broken promises.

The Blue Dog Coalition has worked hard to sustain the Federal budget surpluses that our country has enjoyed for the last several years. Make no mistake about it, we have huge deficits, we have huge debts. Those deficits are growing day by day. Right now, as our friend Chris Parley would say, we do not have Jack squat.

The deteriorating state of our Nation’s fiscal situation is well known to Members of the Congress and to the public, though it is worth recalling exactly how drastically our budget surpluses have turned into budget deficits. Just last year, in 2001, the CBO projected that the Federal Government would run a 10-year budget surplus of $3.4 trillion, excluding the Social Security surplus. The CBO now predicts that our government will run a 10-year budget deficit of $1.5 trillion, a staggering reversal of approximately $5 trillion.

Further, the CBO estimates that the Federal Government will run a unified deficit of $157 billion in fiscal year 2002. When the Social Security surplus is excluded, however, the CBO projects a deficit of $314 billion. For the current
fiscal year, which starts today, the CBO estimates a unified budget deficit of $145 billion and a deficit of $315 billion when the Social Security surplus is excluded.

Now, while Members of both parties argue that specific reasons for the shift from surpluses to deficits, the fact remains that the Federal budget is now in the red and will remain in the red for the foreseeable future. Further, though our country’s anticipated effort to disarm Saddam Hussein’s weapons of mass destruction is necessary, any future action in Iraq will increase Federal spending and almost certainly expand deficits in the near future.

In light of our current and anticipated deficits, the Blue Dogs believe that the Congress must take several vitally important steps to return our Federal budget to fiscal health and fiscal responsibility.

For starters, the other body needs to extend the pay-go provision of the Budget Enforcement Act, which expired just yesterday. Our country is in real danger of suffering from a budget hangover in the aftermath of this fiscal new year. As we all know, pay-go restrains the natural tendencies of Congress to overspend by renewing enforceable spending limits. As called for in the Blue Dogs’ ABC budget plan, Congress can take the necessary first step towards reestablishing balanced budgets and possibly budget surpluses.

As Federal Reserve Chairman Alan Greenspan noted recently in his September 12 testimony before the Committee on the Budget, “The pay-go rules served as useful tools to control the deficits. In essence, the rules provided a means for advancing the broader good of sound fiscal policy over narrow interests.”

Chairman Greenspan went on to assert that “now is not the time to abandon the discipline and structure that works so well, for so long. The framework enacted in the Budget Enforcement Act of 1990 and extended several times must be preserved.”

But the pay-go rules to which Congress has adhered for the past decade are not an end to themselves. They serve only as a means to very important ends. The people of east Texas in my district have felt the negative impact of the national economic downturn, and seniors in my district need assurances that Congress will not end up raiding the Social Security fund to make up for budget shortfalls.

During 2001, Congress and the President promised to secure the Social Security Trust Fund surplus in a so-called lockbox. The Democrats promised a true lockbox. The Republican lockbox had a trap door and is nothing more than a figment of their collective imagination. Our country’s anticipated budget deficits will siphon money out of the Social Security Trust Fund for years and years and years and years to come.

Last year a number of Blue Dogs, including myself, introduced the Restore Fiscal Discipline and Safeguard Social Security Act. This legislation, which would require Congress and the President to have a midyear review if the CBO projects ongoing deficits during its annual budget reestimates in August, is an important step toward ensuring the continued existence of the Social Security Trust Fund.

Unfortunately, the Blue Dogs’ efforts to offer this measure on the House floor were repeatedly denied by the Republican House leadership. Budget deficits have consequences and are financed by sacrificing national priorities like Social Security and Medicare.

The Federal Government is projected to borrow nearly all of the Social Security surpluses to pay for the deficits in the remainder of the budget. We are scheduled to borrow nearly all of it, $964 billion over the next 5 years, and more than $2 trillion over the next 10 years.

Mr. Speaker, deficit spending to compensate for a downturn in the economy and a war in Iraq should not jeopardize the retirement security of our Nation’s seniors, who in most cases have contributed to the Social Security system for all of their working lives.

In addition to preserving Social Security for current and future generations, the Blue Dogs continue to work for fiscal discipline in an effort to lower long-term interest rates. Congress has a significant role to play in keeping the growth of long-term interest rates in check through the enforcement of fiscal discipline.

According to Alan Greenspan in his testimony, “If you watch the way markets behave, long-term interest rates, both real and nominal, are affected in a significant manner by the long-term fiscal outlook, and when you change the long-term fiscal outlook or, more exactly, when the markets perceive a change in the long-term fiscal outlook, interest rates react immediately.”

Lower interest rates represent a de facto tax cut for millions of American families and serve as an effective economic stimulus as families and individuals save money on their mortgages, save money on their car loans, save money on their credit cards payments, save money on all consumer debt. It is the best tax cut of all for American families.

The Blue Dogs remain committed to strong economic growth which does not represent party labels and it benefits all Americans. Fiscal responsibility includes transparent budgeting, paying down the debt, balancing the budget, and keeping our government to respect our seniors and invest in the children of America.

Let us give the budget debate the time it deserves. Let us do it now. Let us see how to keep, day to day, week to week and, yes, month to month until the important work of the people is complete.

We need a prescription drug plan. We need legislation to protect pensions and to jail corporate thieves. We need a true Patients’ Bill of Rights. We need to protect Social Security from privatization. To address these needs we need a firm financial foundation. To address these needs we need a fiscally responsible budget. Let us do it. Let us do it now. Let us take the time to do the people’s work.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:
Mr. Becerra (at the request of Mr. Gephardt) for today on account of personal reasons.
Mr. Hastings of Florida (at the request of Mr. Gephardt) for today and the balance of the week on account of official business.
Ms. McKinney (at the request of Mr. Gephardt) for today on account of a family emergency.
Mr. Mascara (at the request of Mr. Gephardt) for today on account of illness in the family.
Mr. Menendez (at the request of Mr. Gephardt) for today on account of a death in the family.
Mr. Tanner (at the request of Mr. Gephardt) for today and October 2 on account of a death in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:
(The following Members (at the request of Mr. Sandlin) to revise and extend their remarks and include extraneous material:)
Ms. Kaptur, for 5 minutes, today.
Mr. Green of Texas, for 5 minutes, today.
Ms. Millender-McDonald, for 5 minutes, today.
Mr. Filner, for 5 minutes, today.
Mr. Brown of Ohio, for 5 minutes, today.
Ms. Norton, for 5 minutes, today.
Ms. Eddie Bernice Johnson of Texas, for 5 minutes, today.
Mr. Etheridge, for 5 minutes, today.
Mrs. Maloney of New York, for 5 minutes, today.
Mr. DeFazio, for 5 minutes, today.
Ms. Roybal-Allard, for 5 minutes, today.
Ms. Honda, for 5 minutes, today.
Mr. Payne, for 5 minutes, today.
Mrs. Davis of California, for 5 minutes, today.
Ms. Schakowsky, for 5 minutes, today.
Mr. Underwood, for 5 minutes, today.
Ms. Slaughter, for 5 minutes, today.
Mr. Sawyer, for 5 minutes, today.
Mr. Sherman, for 5 minutes, today.
Ms. Lofgren, for 5 minutes, today.
Ms. Lee, for 5 minutes, today.
Mr. Napolitano, for 5 minutes, today.
Ms. Watson of California, for 5 minutes, today.
Mrs. CHRISTENSEN, for 5 minutes, today.
Mr. FARR of California, for 5 minutes, today.
Mr. SPRATT, for 5 minutes, today.
Mr. OBEY, for 5 minutes, today.
Ms. Schakowsky, for 5 minutes, today.
Ms. WOODSEY, for 5 minutes, today.
Ms. JACOBSON of Texas, for 5 minutes, today.
Mr. OWENS, for 5 minutes, today.
Mr. FALEOMAVAEGA, for 5 minutes, today.

The following Members (at the request of Mr. SOUDER) to revise and extend their remarks and include extraneous material:)
Ms. ROSENTHAL, for 5 minutes, today, October 2 and 3.
Mr. PAUL, for 5 minutes, October 2 and 3.
Mr. GUTKNECHT, for 5 minutes, October 2.
Mr. KENNEDY of Minnesota, for 5 minutes, October 2.
Mr. SOUDER, for 5 minutes, today.
Mr. VICENTE, for 5 minutes, October 2.
Mr. DREYER, for 5 minutes, today and October 2.

BILLS PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House reports that on September 30, 2002 he presented to the President of the United States, for his approval, the following bill.

H.R. 1646. To authorize appropriations for the Department of State for fiscal year 2003, to authorize appropriations under the Arms Export Control Act and the Foreign Assistance Act of 1961 for security assistance for fiscal year 2003, and for other purposes.

ADJOURNMENT

Mr. SANDLIN. Mr. Speaker, pursuant to House Resolution 566, 1 move the House adjourn in memory of the late Hon. PATSY T. MINK.

The motion was agreed to; accordingly (at 11 o’clock and 43 minutes p.m.), pursuant to House Resolution 566, the House adjourned until tomorrow, Wednesday, October 2, 2002, at 10 a.m., in memory of the late Hon. PATSY T. MINK.

EXECUTIVE COMMUNICATIONS,
ETC.

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

9437. A letter from the Administrator, Department of Agriculture, transmitting the Department’s final rule — Establishment of Minimum Quality and Handling Standards for Domestic and Imported Peanuts Marketed in the United States and Termination of the Peanut Marketing Agreement and Associated Rules and Regulations [Docket No. FV02-996-1 IFR] received September 26, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9438. A letter from the Administrator, Department of Agriculture, transmitting the Department’s final rule — Oranges, Grapefruit, Tangerines, and Tangelos Grown in Florida; Limiting the Volume of Small Red Seedless Grapefruit [Docket No. FV02-905-5 IFR] received September 26, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9439. A letter from the Administrator, Department of Agriculture, transmitting the Department’s final rule — Vidalia Onions Grown in Georgia; Revision of Reporting and Assessment Requirements [Docket No. FV02-945-1 FRL] received September 26, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9440. A letter from the Administrator, Department of Agriculture, transmitting the Department’s final rule — Nectarines Grown in California; Decreased Assessment Rate [Docket No. FV02-916-2 FRL] received September 26, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9441. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency’s final rule — Sucrose Octanoate Esters; Future Years Defense Program Funding; Full Tolerance [OPP-2002-0016; FRL-7199-1] received September 24, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9442. A letter from the Principal Associate Administrator, Environmental Protection Agency, transmitting the Agency’s final rule — Pseudozyma strain PF-22 U1; Exemption from the Requirement of a Tolerance [OPP-2002-0233; FRL-7198-8] received September 24, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9443. A letter from the Comptroller General, General Accounting Office, transmitting a report of deferrals of budget authority for information technology and business management systems that should have been budgeted but were not, reported to the Congress by the President, pursuant to 2 U.S.C. 685; (H. Doc. No. 107-269); to the Committee on Appropriations and ordered to be printed.

9444. A letter from the Comptroller, Department of Defense, transmitting the Department’s letter certifying that the current Future Years Defense Program fully funds the support costs associated with the UH-60 MH-60 multyear program; to the Committee on Armed Services.

9445. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency’s final rule — Flood Elevation Determinations; Changes to State Plans: Revision of Mr. SOUDER) to revise and extend their remarks and include extraneous material:)


9453. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency’s final rule — Approval and Promulgation of Implementation Plans; Louisiana; Baton Rouge Nonattainment Area; Ozone; 1-Hour Ozone Attainment Demonstration; Attainment Date Extension, and Withdrawal of Nonattainment Determination and Reclasification [FRL-7387-9] received September 26, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.


9455. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission’s final rule — Industry Codes and Standards; Amendment to the Final Rule [RIN: 1058-AR50] received September 26, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9456. A letter from the Director, International Cooperation, Department of Defense, transmitting a copy of Transmittal No. 02-62 which informs Congress of the Department’s intent to sign an Amendment to the Memorandum of Understanding (MOU) between the United States, the United Kingdom, Canada, Denmark, the Netherlands, Turkey and Australia concerning the Cooperative Framework for the System Development and Demonstration (SDD) Phase of the Joint Strike Fighter (JSF) Program and the Australian Supplement between the United States and Australia, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

9457. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification for FY 2003 that the country of origin standards of United Nations affiliated agency grants and official status, accreditation, or recognition to any organization which promotes,condones, or engages in the illegal use of lips, which includes as a subsidiary or member any such organization, pursuant to Public Law 101—
REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

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


Mr. YOUNG of Alaska: Committee on Transportation and Infrastructure. H. R. 5083. A bill to designate the United States courthouse at South Federal Place in Santa Fe, New Mexico, as the “Santiago E. Campos United States Courthouse” (Rept. 107–703). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Transportation and Infrastructure. H. R. 5335. A bill to designate the Federal building and United States courthouse located at 200 West 2nd Street in Dayton Ohio, as the “Tory Hall Federal Building and United States Courthouse” (Rept. 107–704). Referred to the House Calendar.

Mr. HANSEN: Committee on Resources. H. R. 4141. A bill to authorize the acquisition by exchange of lands for inclusion in the Red Rock Canyon National Conservation Area, Clark County, Nevada, and for other purposes; with an amendment (Rept. 107–705). Referred to the Committee of the Whole House on the State of the Union.

Mr. HANSEN: Committee on Resources. S. 343. An act to provide equitable compensa-tion to the railroads of the states of South Dakota and the Santee Sioux Tribe of Nebraska for the loss of value of certain lands (Rept. 107–706). Referred to the Committee of the Whole House on the State of the Union.

Mr. HANSEN: Committee on Resources. H. R. 5097. A bill to adjust the boundaries of the Salt River Bay National Historical Park and Ecological Preserve located in St. Croix, Virgin Islands; with an amendment (Rept. 107–707). Referred to the Committee of the Whole House on the State of the Union.

Mr. HANSEN: Committee on Resources. H. R. 5376. A bill to protect certain lands held in fee by the Pechanga Band of the Mission Indians from condemnation until a final decision of the Secretary of the Interior regarding a pending fee to trust application for that land, and for other purposes (Rept. 107–708). Referred to the Committee of the Whole House on the State of the Union.

Mr. HANSEN: Committee on Resources. H. R. 4968. A bill to provide for the exchange of certain lands in Utah; with an amendment (Rept. 107–709). Referred to the Committee of the Whole House on the State of the Union.

Mr. HANSEN: Committee on Resources. H. R. 4967. A bill from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service’s final rule — Changes in accounting periods and in methods of accounting for the Tax Year 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee of Ways and Means.

Mr. HANSEN: Committee on Resources. H. R. 4830. A bill to direct the Secretary of the Interior to conduct a study of the suitability and feasibility of establishing the Andersonville National Historic Site in the State of Georgia, and for other purposes (Rept. 107–711). Referred to the Committee of the Whole House on the State of the Union.

Mr. HANSEN: Committee on Resources. H. R. 4992. A bill to amend the Act entitled “An Act to authorize the Establishment of the Andersonville National Historic Site in the State of Georgia, and for other purposes”, to provide, for the addition of certain lands to the Andersonville National Historic Site (Rept. 107–712). Referred to the Committee of the Whole House on the State of the Union.

Mr. HANSEN: Committee on Resources. H. R. 4994. A bill to designate the Cedar Creek Battlefield and Belle Grove Plantation National Historical Park as a unit of the National Park System, and for other purposes; with amendments (Rept. 107–713). Referred to the Committee of the Whole House on the State of the Union.

Mr. THOMAS: Committee on Ways and Means. H. R. 4889. A bill to amend title XI of the Social Security Act to improve the patient security; with an amendment (Rept. 107–714 Pt. 1). Ordered to be printed.

TIME LIMITATION OF REFERRED BILL
Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H. R. 4889. Referral to the Committee on Energy and Commerce extended for a period ending not later than October 4, 2002.

PUBLIC BILLS AND RESOLUTIONS

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

By Mr. SHIMkus (for himself), Mr. TAUZIN, Mr. WALDEN of Oregon, Mr. PICKERING, Mr. TERRY, Mrs. BONO, and Mr. BAIRON of Texas: H. R. 5504. A bill to provide for the improvement of the safety of child restraints in passenger motor vehicles, and for other purposes; to the Committee on Energy and Commerce.

By Mr. HOUGHTON: H. R. 5505. A bill to simplify certain provisions of the Internal Revenue Code of 1986 and to establish a uniform pass-thru regime; to the Committee on Ways and Means.

By Mr. MICA: H. R. 5506. A bill to amend title 49, United States Code, to provide relief to the airline industry, to reform the Federal Aviation Administration, and to make technical corrections, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. LaFALCE: H. R. 5507. A bill to amend the Truth in Lending Act to adjust the exempt transactions amount for inflation; to the Committee on Financial Services.

By Mr. DEAL of Georgia (for himself and Mr. TOWNS): H. R. 5508. A bill to amend title XVIII of the Social Security Act to exclude brachytherapy devices from the prospective payment system for outpatient hospital services under the Medicare program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker; to have the first consideration of such provisions as fall within the jurisdiction of the committee concerned.
By Mr. BROWN of South Carolina:
H.R. 5509. A bill to permit the transpor-
tation of passengers between United States
ports by certain foreign-flag vessels and to
encourage United States-flag vessels to par-
ticipate in such transportation; to the
Committee on Transportation and Infra-
structure, and in addition to the Committee on
Armed Services and the Committee on
Appropriations, for a period to be subse-
cuently determined by the Speaker, in each
case for consideration of such provisions as
fall within the jurisdiction of the committee
concerned.

By Mr. CONYERS (for himself, Mr.
Frost, Mr. Ranger, Ms. Jackson-Lee of Texas,
Ms. Waters, Mr. Clyburn, Mr. Davis of Indiana,
Mr. Brown of Ohio, Mr. Rush, Mr. Owens, Ms.
Kilpatrick, Mr. Wynn, Mr. Jackson of Illinois,
Mr. Hastings of Florida, Mr. Fattah, Ms. Lee,
Mr. Cummings, Mr. Hilliard, Mr. Brady of Pennsyl-
vaniania, Mr. Ford, Mrs. Jones of Ohio,
Mr. Schakowsky, Mr. Lewis of Geor-
gia, and Ms. Norton):
H.R. 5510. A bill to secure the Federal vot-
ing rights of persons who have been released
from incarceration; to the Committee on
Judiciary.

By Ms. DeLAURO:
H.R. 5511. A bill to amend title XVIII of the
Social Security Act to provide for coverage
under part B of the Medicare Program of
paramedic interhospital services provided in sup-
port of public, volunteer, or non-profit pro-
vider services; to the Committee on Energy and Commerce, and in ad-
dition to the Committee on Ways and Means,
for a period to be subsequently determined
by the Speaker, in each case for consider-
ation of such provisions as fall within the
jurisdiction of the committee concerned.

By Ms. DUNN (for herself, Mr. Dicks,
Ms. Kirkpatrick of Washington, and Mr.
Larsen of Washington):
H.R. 5512. A bill to provide for an adjust-
ment of the boundaries of Mount Rainier Na-
tional Park, and for other purposes; to the
Committee on Resources.

By Mr. HAYWORTH (for himself, Mr.
Stupak, and Mr. Flake):
H.R. 5513. A bill to authorize and direct the
exchange of certain land in the State of Ari-
izona between the Secretary of Agriculture and
Yavapai Ranch Limited Partnership; to the
Committee on Resources.

By Ms. KILPATRICK (for herself, Ms.
Lee, Mr. Frost, Mr. Ranger, Mr. Conyers
of Pennsylvania, Mr. Ford, Mrs. Jones of Ohio,
Ms. Schakowsky, Mr. Lewis of Georgia, and Ms.
Norton):
H.R. 5514. A bill to amend the Communica-
tions Act of 1934 with respect to retrans-
mission consent and must-carry for cable op-
erators and satellite carriers; to the
Committee on Energy and Commerce.

By Mr. REYES:
H.R. 5517. A bill to provide for the convey-
ance of the reversionary interest of the United
States in certain lands to the Clint
Independent School District, El Paso Coun-
ty, Texas; to the Committee on Inter-
national Relations.

By Mr. SROCK:
H.R. 5518. A bill to provide liability protec-
tions for nonprofit volunteer pilot organiza-
tions flying for public benefit and to the pi-
lots and staff of such organizations; to the
Committee on the Judiciary.

By Mr. SMITH of Texas:
H.R. 5522. A bill to permit an individual from
knowingly opening, maintaining, man-
gaging, controlling, renting, leasing, making
available for use, or profiting from any place
for the purpose of manufacturing, distribu-
ting, or using any controlled substance, and
for other purposes; to the Committee on the
Judiciary, and in addition to the Committee on
Energy and Commerce, for a period to be subse-
cuently determined by the Speaker, in each
case for consideration of such provi-
sions as fall within the jurisdiction of the
committee concerned.

By Mr. YOUNG of Florida:
H.J. Res. 112. A joint resolution making
further continuing appropriations for the fis-
cal year 2003, and for other purposes; to the
Committee on Appropriations.

By Mr. ROHRABACHER:
H. Con. Res. 492. Concurrent resolution wel-
coming Her Majesty Queen Sirikit of Thailand upon her arrival in the United
States; to the Committee on International
Relations.

By Mrs. JONES of Ohio (for herself,
Mr. Owens, Mr. Lipinski, and Mr.
Frost):
H. Con. Res. 493. Concurrent resolution ex-
pressing the sense of the Congress that the
United States Postal Service should issue a
commemorative stamp on the subject of
school safety awareness; to the Committee on
Government Reform.

By Mr. ORTIZ (for himself, Mr.
Hinojosa, Mr. Reyes, Mr. Rodriguez,
Mr. Green of Texas, Mrs. Napolitano,
Mr. Pastor, Mr. Bonilla, Mr. Frost, and Mr.
Benten):
H. Con. Res. 494. Concurrent resolution ex-
pressing the sense of the Congress that the
States Postal Service should issue a
commemorative stamp on the subject of
school safety awareness; to the Committee on
Government Reform.

By Mr. KNOLLENBERG (for himself
and Mr. Ehlers):
H. Res. 565. Resolution honoring Ernie
Harwell; to the Committee on Government
Reform.

By Mr. ABERCROMBIE:
H. Res. 566. A resolution expressing the con-
dolences of the House of Representatives
on the death of the Honorable Patay T.
Mink, a Representative from Hawaii; consid-
ered and agreed to.

By Mr. GARY G. MILLER of California
(for himself, Mr. Young of Alaska,
Mr. Obey, Mr. Blumenauer, Mr.
Honda, Mr. Rogers of Michigan, Mr.
Otter, Mr. Graves, Mr. Shuster,
Mr. Platts, Mr. Brown of South
Carolina, Mr. Insack, and Mr.
Boozman):
H. Res. 567. A resolution recognizing the
importance of surface transportation infra-
structure to interstate and international com-
merce and the traveling public and the
contributions of the trucking, rail, and pas-
enger transit industries to the economic
well being of the United States; to the
Committee on Transportation and Infra-
structure.

ADDITIONAL SPONSORS
Under clause 7 of rule XII, sponsors
were added to public bills and resolu-
tions flying for public benefit and to the pi-
lots and staff of such organizations; to the
Committee on the Judiciary.

By Mr. SMITH of Texas:
H.R. 5320. A bill to authorize the Court
services of Washington, and Mr.
Larsen of Washington):
H.R. 5512. A bill to provide for an adjust-
ment of the boundaries of Mount Rainier Na-
tional Park, and for other purposes; to the
Committee on Resources.

By Mr. HAYWORTH (for himself, Mr.
Stupak, and Mr. Flake):
H.R. 5513. A bill to authorize and direct the
exchange of certain land in the State of Ari-
izona between the Secretary of Agriculture and
Yavapai Ranch Limited Partnership; to the
Committee on Resources.

By Ms. KILPATRICK (for herself, Ms.
Lee, Mr. Frost, Mr. Ranger, Mr. Conyers
of Pennsylvania, Mr. Ford, Mrs. Jones of Ohio,
Ms. Schakowsky, Mr. Lewis of Georgia, and Ms.
Norton):
H.R. 5514. A bill to amend the Communica-
tions Act of 1934 with respect to retrans-
mission consent and must-carry for cable op-
erators and satellite carriers; to the
Committee on Energy and Commerce.

By Mr. REYES:
H.R. 5517. A bill to provide for the convey-
ance of the reversionary interest of the United
States in certain lands to the Clint
Independent School District, El Paso Coun-
ty, Texas; to the Committee on Inter-
national Relations.

By Mr. SROCK:
H.R. 5518. A bill to provide liability protec-
tions for nonprofit volunteer pilot organiza-
tions flying for public benefit and to the pi-
lots and staff of such organizations; to the
Committee on the Judiciary.

By Mr. SMITH of Texas:
H.R. 5320. A bill to authorize the Court
services of Washington, and Mr.
Larsen of Washington):
H.R. 5512. A bill to provide for an adjust-
ment of the boundaries of Mount Rainier Na-
tional Park, and for other purposes; to the
Committee on Resources.

By Mr. HAYWORTH (for himself, Mr.
Stupak, and Mr. Flake):
H.R. 5513. A bill to authorize and direct the
exchange of certain land in the State of Ari-
izona between the Secretary of Agriculture and
Yavapai Ranch Limited Partnership; to the
Committee on Resources.

By Ms. KILPATRICK (for herself, Ms.
Lee, Mr. Frost, Mr. Ranger, Mr. Conyers
of Pennsylvania, Mr. Ford, Mrs. Jones of Ohio,
Ms. Schakowsky, Mr. Lewis of Georgia, and Ms.
Norton):
H.R. 5514. A bill to amend the Communica-
tions Act of 1934 with respect to retrans-
mission consent and must-carry for cable op-
erators and satellite carriers; to the
Committee on Energy and Commerce.

By Mr. REYES:
H.R. 5517. A bill to provide for the convey-
ance of the reversionary interest of the United
States in certain lands to the Clint
Independent School District, El Paso Coun-
ty, Texas; to the Committee on Inter-
national Relations.

By Mr. SROCK:
H.R. 5518. A bill to provide liability protec-
tions for nonprofit volunteer pilot organiza-
tions flying for public benefit and to the pi-
lots and staff of such organizations; to the
Committee on the Judiciary.

By Mr. SMITH of Texas:
H.R. 5320. A bill to authorize the Court
services of Washington, and Mr.
Larsen of Washington):
H.R. 5512. A bill to provide for an adjust-
ment of the boundaries of Mount Rainier Na-
tional Park, and for other purposes; to the
Committee on Resources.

By Mr. HAYWORTH (for himself, Mr.
Stupak, and Mr. Flake):
H.R. 5513. A bill to authorize and direct the
exchange of certain land in the State of Ari-
izona between the Secretary of Agriculture and
Yavapai Ranch Limited Partnership; to the
Committee on Resources.

By Ms. KILPATRICK (for herself, Ms.
Lee, Mr. Frost, Mr. Ranger, Mr. Conyers
of Pennsylvania, Mr. Ford, Mrs. Jones of Ohio,
Ms. Schakowsky, Mr. Lewis of Georgia, and Ms.
Norton):
H.R. 5514. A bill to amend the Communica-
tions Act of 1934 with respect to retrans-
mission consent and must-carry for cable op-
erators and satellite carriers; to the
Committee on Energy and Commerce.

By Mr. REYES:
H.R. 5517. A bill to provide for the convey-
ance of the reversionary interest of the United
States in certain lands to the Clint
Independent School District, El Paso Coun-
ty, Texas; to the Committee on Inter-
national Relations.

By Mr. SROCK:
H.R. 5518. A bill to provide liability protec-
tions for nonprofit volunteer pilot organiza-
H. Res. 530: Mr. BACA and Mr. MCKEON.
H. Res. 538: Mr. DOYLE, Mr. HOYER, and Mr. COBLE.
H. Res. 548: Mr. DOYLE.
H. Res. 549: Mr. WATKINS, Mr. HORN, Mr. Wilson of South Carolina, Mr. WELDON of Florida, Mr. SCHROCK, Mrs. TAUSCHER, Mr. FORBES, and Mr. Brown of South Carolina.
H. Res. 555: Mr. HOUGHTON, Mr. ISSA, Mr. CRANE, Mr. KIRK, Mr. SHAW, Mr. ROHR-ABACHER, Mr. SAWYER, Mr. ACKERMAN, Mr. HUMMERSAUDER, Mr. HORN, Mr. OXLEY, Mr. HYDE, Mr. ENGEL, Mr. KING, Mr. KOLBE, Mr. BERNMAN, Mr. LANTOS, Mr. LEACH, Mr. BRADY of Texas, Mr. KNOLENSBERG, Mrs. NAPOLETTANO, Mr. MARKEY, Mr. BALLANGER, and Mr. CROWLEY.
H. Res. 557: Mr. TOWNS, Mr. BOYD, Mr. STUPAK, Mr. TAYLOR of Mississippi, Mr. ROSS, and Mr. OBERSTAR.
H. Res. 559: Mr. RADANOVICH, Mr. LINDER, and Mr. GUCCI.
H. Res. 561: Mr. BACA.
H. Res. 564: Mr. LIPINSKI, Mr. BORSKI, Mr. DINGELL, Mr. MALONEY of Connecticut, Ms. KILPATRICK, Mr. LAFLACKE, and Mr. MCNULTY.
The Senate met at 9:30 a.m. and was called to order by the Honorable ZELL MILLER, a Senator from the State of Georgia.

The PRESIDING OFFICER. Today’s prayer will be offered by Rabbi Gerald Kane of Temple Beth-El, Las Cruces, NM.

PRAYER

The guest Chaplain offered the following prayer:

In these most challenging of times, may this parable from Jewish tradition provide inspiration and guidance to you, the distinguished Senators of our wonder-filled country.

A man, wandering lost in a dark forest for several days, finally encounters another. He calls out: “Brother, show me the way out of here.”

The man replies: “Brother, I too am lost. I can only tell you this: the paths I have tried to get out of this forest have led me nowhere. They have only led me astray. Here, take hold of my hand, and let us search for a way out of this dark place together.”

“And so it is with us,” the author of the parable concludes. “When we go our separate ways, we may go astray. Let us join hands and look for the path out of the darkness together.”

Dear God, inspire those gathered in this historic chamber to walk on the path of freedom, respect, and solidarity together in to the light of a sun-filled day.

Imbue them with Your wise guidance, tremendous strength, and awesome courage. Together may we better pursue the high ideals of liberty, justice, and equality for all upon which this, our great Nation, is founded. Lift up Thy countenance upon us, and grant us Thy most precious of blessings, the gift of shalom, balance, and peace. Amen.

PLEDGE OF ALLEGIANCE

The Honorable ZELL MILLER led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:


To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable ZELL MILLER, a Senator from the State of Georgia, to perform the duties of the Chair.

ROBERT C. BYRD, President pro tempore.

Mr. MILLER thereupon assumed the Chair as Acting President pro tempore.

The ACTING PRESIDENT pro tempore. The Senator from Nevada is recognized.

SCHEDULE

Mr. REID. Mr. President, the Chair will shortly announce a period of morning business with the first half under the control of the Republicans and the second half under the control of the majority. I ask unanimous consent that after the Chair’s ruling the Senator from New Mexico be recognized for up to 5 minutes to speak, as the guest Chaplain is from the State of New Mexico. I ask unanimous consent that the time not be charged against either the Democrats or the Republicans in that morning business.

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

The Senator from New Mexico is recognized.

THE GUEST CHAPLAIN

Mr. BINGAMAN. Mr. President, I wish to take a moment of the Senate’s time to particularly acknowledge the presence of our guest Chaplain, Gerald Kane, who is the Rabbi of Temple Beth-El in Las Cruces, NM.

Rabbi Kane was ordained first in Cincinnati in 1970 at the Hebrew Union College-Jewish Institute of Religion. He has served pulpits in Portland, OR, New Orleans, Phoenix, and in Kansas City, before coming to Las Cruces some 3 years ago.

Las Cruces is the second largest city in my home State of New Mexico, a very vibrant, growing metropolitan area. It is one of only five communities in New Mexico that has a synagogue. It has the third synagogue that was built in our State.

Our Jewish community has always had a special role in the life of Las Cruces. Three of the mayors of that city have been of the Jewish faith.

Following the September 11 attacks, Rabbi Kane, together with other religious leaders in Las Cruces, issued a joint statement of unity and support at the Las Cruces Islamic Center. He has coordinated clergy participation in this year following 9/11, and has worked very hard to bring the community together in that regard.

We are very proud that he is here. In talking with him this morning, we were at a loss to think when we last had a clergyman from New Mexico as our guest Chaplain in the Senate. But it is entirely appropriate that we do today.

I am very honored that Rabbi Kane was able to be with us.

Also, I wish to acknowledge the presence of his wife Cyrille, who is here with him. They have four children and nine grandchildren.

Let me also acknowledge the very good work of one of the staff people who works with me, Jeff Steinborn, who works in our Las Cruces office and who helped make the arrangements today for Rabbi Kane to be here.
RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tem.

pore. Under the previous order, leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tem.

Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 11 a.m., with Senators permitted to speak therein for up to 10 minutes each. Under the previous order, the first half of the time shall be under the control of the Republican leader or his designee.

The Senator from Florida is recognized.

ORDER OF PROCEDURE

Mr. NELSON of Florida. Mr. President, I have already cleared this with the Senator from Wyoming. I ask unanimous consent that I be allowed to speak for up to 10 minutes and it be charged against the Democrat’s time.

The ACTING PRESIDENT pro tem.

Without objection, it is so ordered.

DEFICIT SPENDING

Mr. NELSON of Florida. Mr. President, during the last few weeks, there has been much discussion about whether or not we should expand our war against terrorism to a specific war in Iraq. A lot of us have been on the talk shows and on the news programs. This morning Senator Brownback of Kansas and I were on CNN talking about this very subject. It is expected that we will take up a resolution with regard to a war with Iraq probably later this week.

In the midst of this very public discussion, largely neglected have been conversations about a battle we are in the midst of fighting on our own soil—an economic battle against the long-term fiscal stability of our country, an economic battle involving the condition of our budget and our national economy.

As we talk about protecting against terrorism and protecting against Saddam Hussein in Iraq, clearly, we have to talk about military strength. But there is also a major component to being militarily strong; that is, to be economically strong.

Let’s look at our condition. Last year the administration told us we could expect over $5 trillion of surpluses over the next decade. As a member of the Budget Committee, having gone through a similar situation way back in the early 1980s, I warned that that was a risky gamble. I cited the experiences of 1981 when we voted for a huge tax cut. I recalled, as we had this debate over a year ago about the projected surpluses over time, that those surpluses were not to materialize. If you give a tax cut that is too large, it is going to throw you back into deficit financing.

Indeed, that is what happened in 1981. We had a tax cut that was so huge, we had to undo it—not once, but twice, but three times in the decade of the 1980s.

Last year when we were having this debate, I suggested that you just couldn’t count on a 10-year forecast, that there was too much risk associated with planning that far in advance. At the time I supported a huge tax cut. I supported one version on an amendment that was up to $1.2 trillion over a decade and one that would give back to our citizens and assist those who were struggling to make ends meet but one that wouldn’t break the back of the Federal Government should things not appear quite as we thought they were going to be, which has been the case.

Things didn’t turn out anywhere close to the rosy picture that was painted for us a year ago. After passing $1 trillion tax cut, that was up towards $2 trillion over a decade, we find that if we adopt over the next decade the administration’s, the President’s spending and tax policies, we will not see the $5.6 trillion of surpluses, but we will see instead a $400 billion of deficits.

Some point to congressional spending as the root of this problem. That is simply not accurate. We will experience these deficits using the administration’s, the President’s, the White House’s own proposals for spending and additional tax cuts. This doesn’t even take into account the trillions of dollars of Social Security funds that are also going to be spent.

The true deficit, not counting Social Security surpluses, is not $400 billion. Over that decade, it is going to be $2.7 trillion. Remember, in the election of 2000 we all said we were not going to touch the surpluses in Social Security; that we were going to leave those alone; that there was going to be a fence off of Social Security surpluses. Then those surpluses would pay off the national debt over a 12-year period. That didn’t happen.

The Congressional Budget Office tells us nearly $6 trillion of last year’s projected surplus is gone. There is nothing left.

Now, let’s recap where it went. According to CBO, 34 percent of the lost surplus went to last year’s tax cuts. Twenty-nine percent of it was lost due to the overestimations of revenue by the administration; that was the rosy picture of the surpluses that we were going to be, projecting over 10 years. In other words, lost revenue accounts for 63 percent of the disappearance of last year’s surplus.

The remainder of the lost surplus went to the surplus on terrorism—something we obviously have to finance—or was directly related to the recession. Twenty-two percent of that went to increased spending on national defense, and only 15 percent of the disappearance of the surplus is as a result of the economic downturn.

For all of those folks asserting the overspending has eaten through our surplus projects, that is simply not accurate. The two largest reasons for the disappearance of the surplus are tax cuts and the administration’s rosy estimates of the revenue.

The third biggest reason is what you won’t hear about. Spending on defense. The smallest cause of the disappearance is the economic downturn.

The fact is, the surplus is gone. We are back up to our eyeballs in national debt. Last year, the administration said the debt held by the public would be virtually eliminated. Last year, the administration said the debt would be eliminated by 2008. It didn’t happen that way.

Now we are in the middle of deficit financing. Instead of having no debt, we are going to be stuck over that decade with $3.8 trillion of debt, and the consequences of this enormously increased debt are that the interest cost to the Federal Government will have tripled from $260 billion over the decade we are in to almost $800 billion over the next decade, going to have real consequences in our national economy.

Why do you think the stock market is going in the tank. It is right now? Every day it is losing. It is down in the 7,000 range on the Dow Jones. It is not just because of the threatened war on Iraq. That is one element of it. But it is a fact that the Federal Government has now gone back into its old ways of deficit financing; that is, borrowing money to pay present bills every year, projected over this decade to the point that we said we were not going to do it. We must pay attention to our bottom line and to the economic security and the fundamental financial strength of America. That is what gives texture and vibrancy for us as a Nation that needs to be militarily strong, as well as morally strong. We need that undergirding of economic strength.

With deficits projected the rest of the decade, we are going to be digging a deeper national debt hole. And when is that going to occur? Lo and behold, it is going to occur just at the time that all of the baby boomers are going to retire and our cashflow situation is going to get worse.

We are living right now on the positive cashflow out of the Medicare and the Social Security trust funds. But by the year 2016, those trust funds go from cash positive to cash negative, and they do it in a very big way. We cannot afford to continue to cut receipts in the hope that doing so will somehow miraculously turn into more revenues. We have to begin to think more realistically before our overly rosy optimism financially paralyzes our Federal Government. At the same time, our economy is continuing to be sluggish. Although most analysts remain optimistic that we will pull out of this recession eventually, the path is not rising very fast, if it is rising at all.

The economic indicators are disturbing: Last week, leading economic indicators dropped for the third month
in a row, and Nasdaq hit a 6-year low. The Dow Jones is down 1,200 points since August 22. Oil prices just recently spiked to a 19-month high, and consumer confidence is at its lowest since November 2001.

Since the beginning of 2001, 2 million jobs have been lost, the first decline in the number of private sector jobs in 50 years. The U.S. poverty rate rose last year for the first time in 8 years.

Last year’s administration spending and tax cut plan has resulted in today’s collision course of more deficits, more debt, more economic insecurity, higher interest rates, lower economic growth and lower employment.

All of this is occurring right under our noses. Yet I do not believe that the administration is paying attention. I appreciate the ongoing dialog about a potentially impending war in the Middle East—but we also need to pay attention to the battles that we are already waging. We must do something to revitalize the economy. We must pay attention to our Government bottom line. We must not continue to raise the debt for our grandchildren to later pay off.

The ACTING PRESIDENT pro tempore, the Senator from Wyoming.

Mr. THOMAS. Mr. President, I want to make a few short comments before I turn it over to my friend from Iowa. I have been listening to my friend from Florida. He is blaming the administration for the disaster. I remind him that it is that spends the money. The administration cannot spend a dime without the President or the Congress. We have passed no appropriations this year. We are supposed to have been finished with appropriations. Today, we start a new fiscal year—without the passage of any appropriations bills. Obviously, we plan to go with a continuing resolution for most of them, but we cannot do that for Defense or military construction. We have to decide those as priorities. Then we have to have a continuing resolution to carry out government operations until sometime in the future—whether it is a November return, December, January or February, whatever. That has to be done and, I hope, in a clean way that allows us to move forward with attaching a great many things to it.

So that is where we are. Certainly, we are all aware of the necessity of accomplishing those things in a reasonably short time we have in which to do so. So I urge the leadership and all of us to try to lead the public to those things and do them as quickly as we can, so we will be able to leave here when the time comes. These things must be done in the meantime.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Iowa is recognized.

DEMOCRATIC LEADERSHIP’S ATTACK ON PRESIDENT BUSH’S FISCAL POLICIES

Mr. GRASSLEY. Mr. President, I want to respond to what has been a coordinated attack by the Democratic leadership on President Bush. This drumbeat, as we all know, started a couple of weeks ago. Our distinguished majority leader, Senator DASCHLE, took the lead on a Senate floor speech to question the leadership of President Bush. He was joined by others in the Democratic majority who criticized the President and used many colorful charts and other props to make their points. I was tempted to respond at that time, but, as you know, the Senate has been in debate on homeland security. I don’t think there was an opportunity at that time.

It is probably good to reflect upon what was said 2 weeks ago and remind the public once again. The attack basically blamed the President for all that ails our economy. There was an article in the Wall Street Journal, dated September 18 of this year, the day the attacks started, summarizing the strategy of the other party and the sub-

pects of their arguments. I will put that article in the RECORD. I will quote from it:

In a Senate floor speech he plans to make following the breakfast meeting with Mr. Bush, Mr. Daschle says the President’s policies are responsible for U.S. job losses, weak economy, declining business investment, shrinking retirement accounts, an erosion of consumer confidence, rising health care costs, vanishing budget surpluses, and record executive pay.

Indeed, we have seen our Democratic friends on several occasions use charts and other props to make their points. I was tempted to respond at that time, but, as you know, the Senate has been in debate on homeland security. I don’t think there was an opportunity at that time.

I will tell you, Mr. President, that is an awesome amount of power that has been attributed to one individual—the President of the United States. But there is a little bit more. The distinguished majority leader ascribes so much power to the President you could almost make the public believe the President is a king. Maybe this much power makes the President an emperor. Now, how many times have we heard another Democrat—the distinguished chairman of the Appropriations Committee, Senator Byrd—pull his Constitution out of his pocket and say the President is not a king? So who is right? Is it Senator Daschle, who has made the President such an imperial figure, or is it Senator Byrd, who says the President is not a king? I think we need to work through this. My view is reality and history favor Senator Byrd’s point of view that the President is only the President of the United States and not an imperial POTUS.

So I want to go through the Democratic leadership’s attack point by point. According to Senator Daschle, the President singlehandedly fired millions of workers. Funny, Mr. President, I thought employers laid off workers, not the President of the United States. It seems to me the President can fire political appointees, such as White House staff, but I don’t think he can even fire Federal workers in America. He’s right now working on the homeland security debate. That is a fight over the extent of the President’s powers with respect to Federal workers in the Department of Homeland Security.

The next charge, Mr. President. All by himself, the President has slowed economic growth. Funny, I thought we had a global economic downturn, we had war on terrorism, we had overcapacity in telecom, and we had a bubble in the stock market during the Clinton years. These things might have had something to do with it—but not according to Senator Daschle. No.
Under the Democratic leadership's theory, all of these things are the fault of the President of the United States.

A third charge. Declining business investment is all George W. Bush's fault under the Daschle theory as well. Funny, the last business made investment decisions, not the President of the United States. Actually, we had a stimulus package pushed by the President. Well, that hasn't had any effect, according to Democratic leadership. I guess the business cycle doesn't exist, for Daschle economics.

The fourth charge. Democratic leaders blame recent decline in 401(k) accounts all on President Bush. Senator Daschle seems fixated on recent stock market decline. I have a lot of concern myself.

The Democratic leadership, however, seems very obsessed with assigning blame. By contrast, folks in the heartland, such as my State of Iowa, tell me they want us to look forward and do something. They do not want a bunch of political fingerpointing.

If we look forward, we see some very good issues in the area of retirement security. In fact, last year's bipartisan tax relief bill contained the largest expansion of tax incentives for retirement security in a whole generation. There is $50 billion in new incentives. I guess Senator Daschle's opposition to the largest increase in IRA and 401(k) account contributions in last year's tax bill does not make a bit of difference; it just does not matter. While some may want to find fault, constructive legislators can point to bipartisan initiatives on retirement security that workers can look forward to in the future.

Why scare workers? Why whip up anger? Why not work together? Why not recognize some good we do around here, such as the retirement security package that phases in as part of the bipartisan tax relief legislation?

Why not bring up the bipartisan Finance Committee pension bill which has been on the calendar for the last 3 months? I introduced it only this year as a consensus document, and the Finance Committee approved it. Let's get out of the partisan blame game and do some bipartisan work for the benefit of our workers. Let's build on what we did last year.

The fifth charge: Senator Daschle blames an erosion in consumer confidence all on President Bush. Funny, it seems to me that the President, although being a very important leader, cannot stimulate consumer confidence all by himself. What he can do is propose to return more taxpayers' money to the taxpayers so they have a brighter future.

As policymakers in a time of slackening demand, we hope consumers will spend the extra tax dollars that were left in their pockets by this tax bill.

So the Bush tax cut, the largest tax cut in a whole generation, with checks to every taxpayer, which the Democratic leadership opposed, had a negative effect on consumer confidence. Give me a break. But that is the charge Senator Daschle has made. More money to spend for every American on their needs negatively affects their confidence? That is the charge.

It goes further: you, this makes no sense. In the parlance of a hunter, that dog does not hunt.

The sixth charge: The Democratic leadership says rising health care costs are all the fault of the President. In fact, when the President took his oath, the President of the United States was not a physician. He is not a nurse. He is not an insurance company executive. He is not a pharmaceutical executive. He is not a trial lawyer who sues physicians, nurses, and hospitals. The President of the United States does not send you a health care bill. But none of that matters. It just does not matter. No, ignore market dynamics and other conditions. According to Daschle economics, the President all by himself is responsible for every share of rising health care costs.

The seventh charge: Vanishing budget surpluses are all the President's fault, according to Senator Daschle. According to the Democratic leadership, their spending demands have never been greater. No, the recession does not matter. The money for rebuilding New York after September 11 does not matter. Bailing out airlines has no consequences on the budget, or fighting the war in Afghanistan and the need to have our military there does not matter. These are all unanticipated bipartisan responses to unexpected events, and all that does not matter.

No, under Daschle economics, it is all the fault of President Bush. Just plain and simple, it is the President's fault. Fairedminded folks back home know it is not that plain. They know it is not that simple. And the folks in the heartland of America are right. I will get back to that in just a minute. I want to go to the eighth and final charge. And hold on to your hat. This one is pretty amazing.

According to the Democratic leadership, record executive pay is all the President's fault. Apparently, Senator Daschle thinks the President votes every share, controls every board of every corporation that has suffered from excessive executive pay. So folks such as Terry McAuliffe, the Democratic National Committee chairman who profited from insider deals occur more than once, and somehow not accountable for their own actions. The boards of directors do not matter, according to Daschle economics.

Oh, and there is another thing. Just ignore the fact that a lot of these sweetheart insider deals occurred long before President Bush was ever sworn in on January 20, 2001. Do not let that little fact get in the way of the debate.

How can anyone take that charge seriously. To the President of the United States is responsible for excessive executive pay of corporations? The President no more sets executive pay than you or I do, Mr. President. It is true that we can affect how executive pay is taxed, or disclosure, but we do not decide the level of that pay.

Let's be clear: Either the President is an imperial figure or the charges made by the Democratic leadership are without merit. Both cannot be true in a modern global economy.

I will take a few minutes to talk specifically about the bipartisan tax relief package enacted last year. Despite the sky-is-falling partisan opposition during the tax debate last year, the passage of time tells a very different story and it discounts the fictitious picture of doom and gloom portrayed last year by my big-spending friends, most on the other side of the aisle.

According to revised economic data released by the Federal Government in August, the economy started to falter earlier than previously believed. The figures from economists show that the economy started negative growth as early as January 2001, 20 days before President Bush was sworn in. This proves the economy needed a shot in the arm sooner rather than later to get things rolling again; quite frankly, even more so than we thought at the time we passed the tax bill.

The primary weakness causing the economy to sputter was lackluster business investment, not a waning of personal consumption and the expenditure by our consumers.

Clearly, the job-creating machine in America needed a tune-up. President Bush was sworn in. This proves the economy needed a shot in the arm sooner rather than later to get things rolling again; quite frankly, even more so than we thought at the time we passed the tax bill.

The best way to grow the economy is not by growing Government, it is by allowing the industrious people of the United States to manage their own income.

Reducing marginal tax rates on income and investment was exactly the right policy prescription to cure sluggish business investments and prime the pumps that enable American entrepreneurs, small business owners, manufacturers, and consumers to grow the economy and create jobs.

It was the right policy. We thought so at the time. History now, learning that the recession started on January 1, 2001, and not in the fall 2001, as we had anticipated, it was absolutely the right policy to do, because we were fortunate it came along at the time it did, in the middle of that recession.

Letting workers, investors, entrepreneurs, employers, families, and re- tirees keep more of their money unleashes chain reaction because they spend two-thirds of the economy. They save it—not enough of our economy. They invest it—probably not enough of
our economy. But they open small businesses, creating jobs; they pay higher wages, or they buy a house, upgrade manufacturing equipment, pay for higher education. The list goes on.

It is a fundamental principle that policymakers must remember. Money recycled through Washington does not squeeze the most bang out of our almighty dollar, and yet plenty of critics continue to blame the Republican tax cut rather than the bipartisan Federal Reserve’s efforts to get the economy out of recession once again.

This was a bipartisan tax bill because one-quarter of the Democratic caucus in the Senate voted for the tax cuts. In an election year, too many candidates still like to divide the American electorate, and they do so in that demagogic way of pitting the rich against everyone else.

I am sure voters will get their fill of statistics claiming that the Bush tax cut hands out 40 percent of the benefit to the top quartile of the taxpayers. This is not merely misleading; it is outright false. Some folks must be under the impression that as long as something is repeated often enough, it will be true. That is how Adolf Hitler got to the top.

The facts certainly are thorny little details for the critics of the bipartisan tax relief package. According to the Joint Committee on Taxation, Congress’s official nonpartisan scorekeeper, the Federal Tax Code became more progressive with the tax relief package passed in Congress last year, and taxpayers in the lower to middle income brackets get the biggest break. For example, taxpayers with income between $10,000 and $20,000 will see their taxes reduced almost 14 percent when the tax cut takes full effect, whereas taxpayers with over $200,000 a year in income will see their taxes reduced by a mere 6 percent compared to that 14 percent.

As for the budget, the bipartisan tax cut was a minimal factor in the Federal Government’s surplus to deficit situation last year; the tax cut accounted for just 8 percent of the shortfall. Indeed, increased spending outpaced tax cuts by $6 billion. In other words, Congress spent $6 billion more than the taxpayers got back in their pocket from the tax bill.

Over the long term, the 10-year surplus declines from $5.6 trillion to $300 billion. The tax cut represents 33 percent of the decline. Those who are looking to blame need only point to the fingers at Congress’s appetite to spend. Folks who decry the tax cut should instead weep for the hard-working taxpayer because of the bite that Uncle Sam takes out of their paychecks.

The Bush tax cut saved Iowa households $752, on average, in its first year. So I ask Iowans if they can’t use that money and if that money probably has not been put to good use, now that the economy has slowed, to keep the economy out of recession once again.

Even with that tax cut, the Federal Government takes 19 cents out of every dollar earned. That is a record burden, higher than any decade since World War II. So thanks in part to the bipartisan tax cut enacted in the summer of 2001, things are starting to turn around. Weaknesses persist in the manufacturing and employment sectors, but right now the economy is as resilient as the spirit of the American people.

Lowering the tax burden in America triggers growth, creates jobs, spreads economic opportunity. Plus, tax cuts are a powerful signal that a bigger economic pie will dish up a bigger slice of revenue to fulfill the Government’s needs and priorities, including what is a result of the war on terrorism and the need for homeland security.

As the top Republican on the Senate tax-writing committee, I will continue to champion pro-growth economic policies. That includes making last year’s tax cuts a permanent part of the Tax Code.

We have, as I am told, maybe just a handful of days between now and the end of the session. There are a lot of bipartisan measures that are on the agenda that are going to be left undone because we have wasted the whole month of September not wanting to vote on a lot of critical issues.

We have the Enron-induced 401(k) refinements so that workers can control their own 401(k). We have prescription drug benefits for senior citizens on the agenda. We have the bipartisan approach to re-capturing lost corporate tax revenue because corporations overseas set up shell corporations to avoid tax policy. We have welfare reform that needs to be reauthorized. We can go on and on.

Not just economic policy but the management of the Senate needs to be an issue in this election because with so much left undone on the Senate calendar that is bipartisan, there is no excuse for that not having been done before. Somebody is going to take some hard political votes between now and the election that could have moved the Interior appropriations bill and homeland security along very quickly.

Management of the Senate is a very important issue in this upcoming election based upon what is left on the calendar’s unfinished business.

THE PRESIDING OFFICER (Mr. CARPER). The Senator from New York.

THE ECONOMY

Mrs. CLINTON. Mr. President, I rise to talk about hard-working Americans, their needs in our current economy, and the kind of obligations we owe to one another.

I have the greatest respect for the ranking member on the Finance Committee. Senator GRASSLEY is an extraordinarily effective advocate and Senator on behalf not only of the people he represents but on behalf of Americans. Of course, we have a difference of opinion about what is the best thing to do to get the economy going, to start creating jobs, to put people back to work, and to make sure that the economic prospects are bright for our young people. That is an honest disagreement, but there could be no disagreement that we do, unfortunately, at this moment have what is called an economic recovery.

That is half right. I think the jobless part is right. I think the recovery part is a bit of a stretch. Unfortunately, many hard-working Americans, from San Francisco to New York City to Cleveland to San Antonio, have been unemployed through no fault of their own but through the downturn in the economy, through the economic impacts of the disastrous and horrible terrorist attacks we suffered. I think we owe something to these hard-working Americans. Every other Congress, every other administration, has recognized that obligation.

When you do what you are supposed to, when you get up, you go to your job, and you do what you needed to do to get the paycheck at the end of the week to support yourself and your family, that is what we want for all Americans. The goal of our economic policy in this wonderful free enterprise society that we cherish is to create enough jobs so everyone who is willing to work can work.

Unfortunately, we now have rising unemployment, and 1.2 million Americans have exhausted the safety net that has always been there for people who lose their jobs. That is called unemployment insurance. Believe me, no one I know wants to be on unemployment insurance instead of having a job. It does not provide enough benefits. It does not take you away. It is the dead end of all dead ends, but it does provide subsistence support for you and your family. I have been talking with so many of the Americans, especially New Yorkers, who are unemployed. That is what they tell me. They have been looking for work.

The economy of the 1990s has reaped. There are not enough jobs for the people who are looking for work. Many have told me heartbreaking stories of going to job fairs, of walking the streets, of answering every ad they can find, of absolutely making a nuisance of themselves to try to find some job opening to get working again. Unfortunately, there are not enough jobs right now.

We have an honest disagreement in this Chamber about the best way to start creating jobs again. It will not surprise my colleagues that I come from the Clinton school of economics. We need a balanced approach. Stimulate the economy by putting people back to work, by putting tax cuts, pay down the debt, and make investments that will lead to our Nation being richer, safer, smarter, and stronger.

The administration and my colleagues on the other side of the aisle have a different theory. Evidence does count for something. The evidence is on our side, not their side. Eventually
October 1, 2002

S9658

CONGRESSIONAL RECORD — SENATE

they will get around to recognizing that and we will go back to a sensible economic policy. In the meantime, honest, hard-working Americans should not bear the brunt for bad economic policies. They should not bear the brunt because the administration does not have an economic plan. They need to help them. We have the means to do so. We should act immediately.


In addition to no jobs for honest, hard-working people looking for jobs, the poverty rate has gone back up. For the first time in 8 years, the poverty rate increased by almost half a million. For the first time since 1991 the median household income dropped by 2.2 percent. The Dow Jones Industrial Average has been under 10,000 since September 1997. The number of Americans who no longer have health insurance has increased by 1.4 million.

How much more of a wakeup call do we need to penetrate the fog of ideology that sits over this Capitol? How much more information and evidence do we require to admit we have millions of Americans who are unemployed, on the brink of financial ruin because we are not giving them a helping hand? We can take steps right now to extend unemployment insurance. It may seem like a small step to someone who is not unemployed. That is always the problem. We are sitting here with a cushy job, and we hear of people who do not have work, thinking good luck to them. That is inexcusable. Those fortunate enough to have a job to count on during a jobless recovery know there are a lot of people “there but for the grace of God go us.” We should be there with a helping hand. It is not right to ignore their plight any longer.

Many Americans are exhausting all of their unemployment benefits. That is understandable; we only extended it for 13 weeks. I keep thinking of the contrast between the recession of the early 1990s and this recession. In the early 1990s, former President Bush extended unemployment three times. And then President Clinton extended it twice. We went into a new year and up jobs began to be available again. I don’t think we need to look any further than our own history of the past 10 years.

When times get tough and people cannot find work because the economy is not creating jobs, that is what unemployment insurance is for. It is not only the right thing to do, it is also smart. It provides a direct stimulus into our economy. Every dollar we spend on unemployment insurance generates $2.15 in our gross domestic product. It puts into the hands of people who will spend that money immediately the means to pay their rent to buy the food, to buy the school books, to pay the mortgage, to pay the car payment.

I don’t think there is any doubt that Americans are the hardest working people in the world. We do not take vacations like those in the developed world. Some of World Bank longer hours. Some of us take more than one job in order to get ahead. It is the story of America. It is a great story. It is filled with optimism. It rests on the bedrock belief that hard work will pay off.

The problem we have is that something terrible happens, something unforeseen happens. A CEO of a major corporation starts looting the corporation to have a $100 million house or a $30 million boat. All of a sudden people are down the drain: Their jobs, their income, their pensions, their retirement security. They are unemployed. Sometimes the worst happens and the waiters and waitresses and janitors and maintenance people who got up every day and for years went to work at the World Trade Center see not just their jobs but their friends’ lives and literally the buildings in which they work collapse.

I am hoping we will extend benefits once again. We have only done it once. We have the money in the fund to pay for the right thing and the smart thing. We need to do it because so many of our unemployed will run out of benefits completely by the end of December. I am hoping this Congress will act to extend unemployment and disaster unemployment assistance for an additional 13 weeks for all States and 20 weeks for States such as New York that are suffering from high unemployment, much of it directly related to the attacks we also suffered. I don’t think we should take another day. We should send a clear message that we care about the working men and women of this country. We care about their families. We are going to try to help them get back on their feet. We will give them the help they deserve because they paid into this fund. We just have to pull the trigger so it goes out to them in their time of need.

The PRESIDING OFFICER. The Senator from Utah.

THE ECONOMY

Mr. BENNETT. Mr. President, I have listened with some interest to the Senator from New York and I have some comments to make which I hope will clearly set the record in some areas.

She referred to the jobless recovery in which we find ourselves. This is exactly parallel to the jobless recovery that occurred in the early 1990s as we came out of the recession that started in 1990, and the recovery started in 1991. There was a period when the Congress was concerned about the fact that we were recovering, but not enough jobs were created. That is fairly typical of a recovery.

The present recovery is no different in that regard.

Mrs. CLINTON. Will the Senator yield?

Mr. BENNETT. I will be happy to yield for a comment.

Mrs. CLINTON. The Senator is correct, we had a jobless recovery in the early 1990s, and a jobless recovery in the early jobless recovery of the early 1990s, the first President Bush extended unemployment benefits three times. Is it the position of the Senator that this job of recovery means it is so different we should not be helping the President did in the early nineties to those who lost their jobs then?

Mr. BENNETT. I have not gotten to the issue of extending unemployment. I have no particular objection to extending unemployment. I am trying to set the record straight about some of the statistics that are being quoted.

Mrs. CLINTON. I thank the Senator for his lack of objection, and I hope it transforms into support for extending unemployment insurance.

Mr. BENNETT. When the bill comes to the floor of the Senate, I will be happy to give it consideration, and I see no reason at the moment why I should oppose it.

The Senator commented on unemployment rising. The fact is the unemployment rate is falling. The unemployment rate hit its high in the circumstance of 6 percent and starting to come down in August. It was 5.7 percent. We do not have the September numbers yet.

I remember being taught in economics if we were at 6 percent unemployment, we were at full employment. The assumption was the economy could not absorb more jobs than that without going into inflation. We have proven this is not the case.

But to panic because unemployment hits 6 percent and is now falling and to say we are not in recovery is, frankly, not accurate. We are in a recovery. However slow it may be, however sluggish it may be, it is a genuine recovery, and we should not panic everybody into believing we are on the verge of a double dip or a major recurrence of recession.

Personal income was unchanged in July and rose in August. The Senator said personal income was falling. Again, that is not sustained by the actual numbers. Personal income is rising, and the recovery is stronger than the Senator from New York would have us believe.

I spoke on this issue yesterday, and pointed out we were in a recovery which began in the fourth quarter of 2001 when the gross domestic product rose at 2.7 percent. From the first quarter of this year, gross domestic product rose at 5 percent. Previous figures for the second quarter of this year indicate that and we are now growing at 1.1 percent. Those figures have now been revised. They have been revised upward.
Looking back over it, we are now told the recovery continued in the second quarter with gross domestic product rising at 1.3 instead of 1.1, and the blue-chip forecast which said in the current quarter—the third quarter—we would see a gross domestic product rising at 2.7. The same rate it did in the fourth quarter of last year, that those figures are low; that, in fact, the forecast now is the third quarter of this year will see gross domestic product numbers closer to 3 percent instead of 2.7 as the forecast.

I don’t expect anyone to remember all of these numbers I recite. I hope they will remember that the general trend is up and is more encouraging than the Senator from New York and others would lead us to believe.

We keep being told we are in a period of great distress and disaster, and we must do something and do something drastic about it. One of the things that is proposed is we must postpone the effect of the Bush tax cut. That was proposed by wide marginals—both in this body and the other body—at the beginning of the Bush Presidency.

I want to discuss that for just a moment. It has been framed with the same kind of statistical manipulation I have tried to address here. The question that makes for a good headline in a political stump speech is who lost the surplus? They are talking about a $5.6 trillion surplus that was projected at the time we had the tax cut debate. That surplus has now disappeared in the projections that were being made, and we are being asked again and again, Who lost the surplus?

The first point I want to make on that score is the surplus never existed. The surplus was a projection. I can take the Nation back through every projection made by the CBO; before that by the Office of Management and Budget; before the Congressional Budget Office, by the old Bureau of Budget; and before the Office of Management and Budget was created, and demonstrate virtually every projection of surplus or deficit made by those entities has always been wrong. Sometimes it has been wrong on the high side. Sometimes it has been wrong on the low side. But the one consistency is every project, surplus, or deficit in future years has always been wrong.

It comes as no surprise to discover the projection of the $5.6 trillion surplus was wrong in this case as well. I remember a discussion with Alan Greenspan when he was before the Banking Committee, or perhaps the Joint Economic Committee. I sit on both, and he testifies before both. Someone asked him about the projections that were being given to us at the time with great confidence. They said, Mr. Chairman, how likely is it this projection will be realized? He said it will not be the projection will be realized. He said I cannot tell you whether it will be wrong on the high side or the low side. I cannot tell you and neither can any other economist tell you whether we will reap the benefits of the new age economy to a degree far greater than demonstrated by this projection or whether we will fall on our face and come in flat.

The proposal is—I am not now quoting Greenspan—with an economy doing something like $11 trillion a year and subject to the uncertainties of the business cycle as well as the outside shocks that can occur in this world, no one can look into a crystal ball and tell you with absolute certainty what is going to happen.

I find it interesting that those who insist the loss of the $5.6 trillion surplus is due to the Bush tax cut and solely to the Bush tax cut also say to us why don’t we deal with our current economic problems by postponing the effective date of the Bush tax cut? And, after all, that is going to take place in the outyears, anyway. So postponing the effective date of the Bush tax cut has no particular impact short term.

All right. Hold onto that argument for just a minute and listen to the other argument that we are being told. We are being told the Bush tax cut that blew the hole into the surplus. Wait a minute. If the impact of the Bush tax cut is going to come in later years so it can be postponed without making any difference, how could it have been the primary mover in creating the deficit right now? Well, I can tell you how. I was part of the discussions as we crafted the tax cut. Democrats said to us at the time the tax cut has been proposed we would have to have an immediate impact. We have to put money in the hands of people right now. We can’t wait for the tax cut impact in the outyears.

The proposal was made primarily from the Democratic side of the aisle that in addition to cutting the marginal rates for taxes there be an immediate rebate, $300 per taxpayer, right away. That was not part of the original Bush proposal. That came out of Democratic proposals. The rebate is a fringe benefit. It seemed like a good idea. The Bush administration embraced it. We have a combination of cutting the marginal tax rates over a period of time into the future and a rebate to get money into the hands of the economy and into the hands of people right away.

If, indeed, it was the tax cut that destroyed the surplus right away, it was the rebate side of the tax cut that was proposed by the Democratic party and endorsed certainly by me and other Members of the Republican party.

You cannot have it both ways. You cannot say postponing the effective date of the tax cut won’t affect the present situation. You cannot say there was an immediate impact which was bad and then say our proposal will have no immediate impact and that is good. This debate has gotten somewhat into Alice in Wonderland. I hope we can stay with the facts.

THE PRESIDING OFFICER. The deputy majority leader.

ORDER OF PROCEDURE

Mr. REID. Mr. President, the majority has 21 minutes. I am going to use a few minutes. Following my remarks, I ask unanimous consent that the Senator from Missouri, Mrs. CARNAHAN, have 6 minutes; the Senator from Washington, Ms. CANTWELL, have 5 minutes; and Senator Kennedy have 10 minutes. And if we use extra time, that would just be counted against the time we have before the cloture vote. We each have a half hour on that.

THE ECONOMY

Mr. REID. Mr. President, my friend from Utah—and he is my friend; I think the world of him—has a unique argument: Who lost the surplus? I never heard that until he talked about it. I think we all know who lost the surplus. He never answered that question.

And then the unique observation is: It never existed. We never had a surplus.

Talk about Alice in Wonderland. About a month ago—actually it was in August—I went on a family vacation. I had not read “Alice in Wonderland” for a long time. I read “Alice in Wonderland,” and there are a lot of strange things that go on in that little girl’s life when she takes this strange odyssey.

But part of that is, as the Senator from Utah mentioned, Alice in Wonderland, because the statements he has just made really are—I say this respectfully—illogical and illusionary. They simply do not exist.

The fact is we have, in the Bush economic record, weak economic growth, record job loss, declining business investment, a falling stock market, shrinking retirement accounts, eroding consumer confidence, rising health care costs, escalating foreclosures, vanishing surpluses, higher interest costs, raiding Social Security, record executive pay, and stagnating minimum wage.

In the Bush world, everything that should be up is down, and everything that should be down is up. Job losses should be down; they are up. Health care costs should be down; they are up. Foreclosures should be down; they are up. The national debt should be down; it is up. Federal interest costs should be up; they are down. The Social Security trust, we should not be raiding it. In fact, we are doing just the opposite of what we should be doing.

Those things that should be going up in the Bush economic plan are going down: economic growth, going down; business investment, going down; the stock market, going down, retirement accounts, going down; consumer confidence, going down. Everything you would think should be up economically is down.
They have things reversed. For someone to come on this floor and tell people we are in the midst of a recovery? Come on. We are in the midst of a recovery? I talked to Senator John Kerry today. He indicated that a company in Massachusetts is laying off. I think he said, 9,000 or 10,000 people today. That is economic recovery? Last week we had all these layoffs taking place with a phone company where they laid off 14,000 people.

Moreover, 2 million jobs have been lost in 18 months. That is economic recovery? We have the weakest economic growth in 50 years. That is economic recovery? Business investment was down each of the last six quarters; the weakest trend in 50 years. That is economic recovery?

There has been $4.5 trillion of lost stock market wealth; the sharpest decline since President Hoover was President of the United States in the early 1930s; $440 billion of lost 401(k) and IRA retirement savings in the last year. That is economic recovery?

The Nasdaq Stock Exchange is down to its lowest level in 6 or 7 years; the Dow Jones Industrial Average is down drastically and still going down; the poverty rate up for the first time since 1992. Let’s at least talk realism. We are not in an economic recovery. We have to address the economy, as Congress should. We are not doing that. We are focusing on only Iraq. I have no problem with focusing on Iraq, but we can do more than one thing. This is the beginning of the fifth week since we came back after the August recess, and we have not done a single thing to address the staggering, faltering, stumbling economy.

Mr. President, was my unanimous consent request granted?

The PRESIDING OFFICER. It was. Mr. Reid. I thank the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

EXTENSION OF UNEMPLOYMENT COMPENSATION

Mrs. CARNAHAN. Mr. President, the state of our economy is causing great concern. The experts may tell us the recession is officially over; but that is cold comfort to many Americans.

Last week, we got some startling new numbers on the pain being felt by working families. The income of middle-class families fell for the first time in 12 years, our national poverty rate grew. Today, almost 33 million Americans live below the poverty line.

The stock market is also reflecting the uncertainty Americans feel. Yesterday, the market finished its worst quarter since 1987. The Dow Jones lost nearly 1,200 points in the last month, and the Nasdaq just hit a 6-year low. These losses are more than numbers. They are a crushing reality for far too many Americans who are working hard to save for their retirement.

The recent declines are especially painful to our seniors who are living off their savings or planned to in the next couple of years. Congress has taken some important steps to address our economic woes. In July, Congress also took the first steps toward accounting reform, a small step toward beginning to begin restoring investor confidence. The American people are now receiving accurate information about a company’s financial condition.

Congress also worked across party lines last spring to enact a stimulus package. That legislation provides tax incentives for businesses to help them grow, invest, and avoid laying off employees. That law also extended unemployment insurance for workers who were hit the hardest by the economic slowdown. At that time, we made sure workers who had lost their jobs and exhausted their State employment compensation received an additional 13 weeks of unemployment insurance while they were looking for jobs.

It is urgent that Congress act again. Our economic recovery is disappointingly slow.

Last quarter, our economy grew at a meager 1.3 percent. Such an anemic growth rate means businesses are struggling to stay afloat and workers are struggling to pay their bills.

Some have called this a jobless recovery. But there is no recovery for the jobless number last year, my home State of Missouri has lost more than 55,000 jobs in manufacturing and farming.

More than 8 million Americans are unemployed today. An alarming number of unemployed workers have been looking for jobs for more than 6 months. By the end of the year, more than 2 million workers are expected to exhaust their unemployment compensation.

Unemployment benefits are supposed to help tide workers over during hard times. It is intended to help them support their families, to help them pay the rent, and put food on the table.

Right now our economy is not creating enough jobs for these people to get back to work. It will take more time for them to find a job.

It is appropriate that we respond to this emergency as we have done in the past. In the early 1990s, Congress provided 26 weeks of additional unemployment insurance.

I am very pleased to be a cosponsor of legislation introduced last week that will provide the same temporary relief. Our bill will ensure that if a worker cannot find a new job, and if that worker has completely exhausted the unemployment insurance currently available, then that worker could receive another 13 weeks of assistance.

Workers and their families deserve this safety net. Congress cannot turn a blind eye to the plight of jobless men and women, those who are hurting in this economy: the hurting, the helpless, and the hopeless.

I urge my colleagues to act quickly. The time is running out for too many Americans.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mr. Cantwell. Mr. President, I rise today to urge my colleagues to consider a bipartisan effort to pass legislation on which Senators Kennedy, Clinton, and Wellstone have worked so hard. Their leadership has shown it is critical that we pass this legislation now.

No other State, probably, needs this legislation more than Washington. Washington State is in the middle of an economic crisis resulting from a downturn in both our aviation and high-tech sectors. With the jobless rate at 7.2 percent, we are teetering among the highest, if not the highest, unemployment rates in the country.

Mr. President, 202,000 Washingtonians are unable to work. And over the last 12 months, our State has lost 50,000 jobs, and 60 percent of those are in the high-paying manufacturing sector.

Just in the last 2 weeks, Boeing announced it would exceed its original projections of 30,000 layoffs that it has already carried out.

Last month alone, 56,000 unemployed workers of Washington State received extended unemployment benefits. But all those benefits will expire on December 31, 2002, unless we pass the proposal before us today and pass it into legislation. That means if we don’t pass this legislation, those 56,000 workers will not be adding to our State’s troubled economy.

We can no longer wait because things are not getting better. Our State economist Chang Mook Sohn issued a report saying we are not going to see a recovery anytime soon and very little growth in the next 6 months.

We understand that unemployment checks are not long-term answers; jobs are. But while people look for new work, extending unemployment benefits will help unemployed workers make mortgage payments, put food on the table, pay utility bills, health care bills, and, in my State, the high cost of energy bills.

Extending unemployment benefits will give people a new opportunity to upgrade their skills. As has been pointed out, extending benefits will also boost our economy, injecting into communities that have already been strapped with high unemployment rates a little bit of stimulus. A 1999 Department of Labor study concluded that for every dollar spent on unemployment, it generates $2.15 of economic activity. This proposal for Washington State over the next 6 months would mean over $1 billion in economic stimulus.

The cost of extending this program will be paid by the unemployment insurance trust fund, which has nearly $30 billion in it and is a very healthy account.
Congressional Record — Senate

October 1, 2002

Congress created unemployment insurance in 1935 to help unemployed workers get through the Great Depression. In the 1990s, we expanded that five times and even higher for the States that had high unemployment. So far this year, Congress has only done this once.

We, in Washington State, need the support of our colleagues and of the White House in dealing with this economic crisis. It is clearly imperative that we pass the Kennedy-Clinton-Wellstone legislation and do so immediately so that as our economy continues to struggle, we bridge the gap with a stimulus and a helping hand to working men and women in America. I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I bring to the attention of the Senate a major economic failure in many of the families in my State of Massachusetts, and that is the continued escalation of those on the unemployment list. We have seen that grow to a figure of 175,000 in our State.

In Massachusetts, we have the highest number of unemployed workers of any of the New England States. Two years ago we had the lowest unemployment of any of the States. Now we have the highest, with very little hope in the future for getting these workers back to work.

There has been a reduction in the total number of jobs. We have more workers searching for fewer jobs than at any other point in recent history. These are not just figures developed by the Democratic Party. They are figures developed by the Department of Labor: 8.1 million unemployed, trying to fill 2.2 million positions. The disparity between the highest and the available jobs is one of the highest percentages of any recent time, and that is true all over this country.

The people of my State are wondering, are we going to have to go to the ends meet, whether they are going to see the expiration of their unemployment compensation.

I was here in the early 1990s when, on four to five different occasions we had bipartisan support for extension of unemployment compensation.

The purpose of unemployment compensation is to reach out a helping hand to workers who work hard, play by the rules, are trying to pay a mortgage, trying to pay for children’s school clothes, and to live a somewhat normal life, but because of the economic exigencies they are out of a job.

The unemployment fund is now at a surplus of roughly $25 billion. It was developed for just the kinds of reasons we are facing today. We, on this side, believe we ought to have an opportunity to extend unemployment compensation to the families of this country thrown out of work through no fault of their own. They ought to be able to at least have this lifeline that will help support them during this difficult time before they are able to get back on their feet.

That is the issue. It is one of decency, fairness, and humanity. At other times in our history, Republicans and Democrats in this body came together in order to provide that.

Now we are finding the Republican leadership proposal, effectively saying thumbs down to workers in my State, thumbs down to workers all across New England and all across the country. It is the wrong policy at the wrong time.

I join my colleagues, with Senator WELSTONE, who has been the leader in this battle for extended unemployment compensation, and my friend and colleague, Senator CLINTON, Senator GINNIE HARKIN, Senator Bentsen, and others, urging the Senate to take action. We can do it. It has been done in a bipartisan way. It should not be partisan. This is about hard-working Americans. Are we going to reach out with a helping hand to make sure their interests are going to be protected?

We ask the Senate for consent to provide additional unemployment benefits for millions of out-of-work Americans. I urge my colleagues to give that consent.

Over 2 million Americans who have lost their jobs are about to also lose their unemployment benefits. The Emergency Unemployment Compensation Act of 2002 will extend their benefits just as we have every recession over the past three decades. Families are struggling, and we must act.

In fact, since President Bush assumed office in January 2001, the economic well-being of American families has dramatically deteriorated. This is not just an economic coincidence, it is the result of the economic policies of this administration—policies which neglect the basic needs of working men and women. We lavish extravagant tax breaks on the wealthiest taxpayers, and allow corporate abuse and excess to go unchecked.

President Bush says he has already taken care of the troubled economy by cutting income taxes. In opposition to supporting our bill, called on Congress to make the tax cuts permanent.

There are now 8.1 million unemployed Americans. 2.2 million more than when President Bush took office. And no amount of tax cuts for the wealthy can restore their jobs and pay their bills.

But this is déjà vu all over again. The first pay aid rider Bush tried to block legislation to provide much-needed unemployment benefits before finally signing into law three benefit extensions. In this recession, 800,000 more workers are expected to run out of unemployment benefits than in the last recession during the same period. It will only get worse if we don’t act.

Last March, Congress extended benefits for the first and only time during this recession. That is not enough. Already, more than 1 million workers have exhausted these benefits without finding a new job, and another 2 million will join their ranks by the end of the year.

Most of them have families to support. They are scrapping on school supplies; maxing out credit cards; and juggling electric bills with mortgage payments. These are our fellow citizens, and they need help now.

We support legislation that mirrors the benefits signed into law by the first President Bush in the early 1990s. The bill will extend benefits for workers in all States, and provide additional benefits for high-unemployment States. This bill will ensure that workers can keep a roof over their heads and food on their tables while they search for jobs in this tight economy.

This Bush administration has fought efforts to provide adequate unemployment assistance to workers. But the administration can no longer afford to ignore the pain and the needs of struggling families. We must act—and act now—to help our fellow citizens in their time of need.

Alan Gonsenhausen of Northborough, MA, is one of those workers who has lost his benefits. He is the vice president of a consulting firm whose largest client was Enron, he was laid off last December. Nine months later, he is still looking for a job. He, his wife, and their two children have relied on unemployment benefits and personal savings to cover family expenses, but his benefits expired last month.

Many hard-working Americans and their families have suffered as a result of the recent spate of corporate scandals and the failure of the administration to take decisive action. At WorldCom, more than 20,000 workers were laid off. At Arthur Andersen, 7,000 workers were laid off. At Global Crosswinds, more than 9,000 workers were laid off. Enron laid off about 4,000 workers.

Americans who are out of work are watching their savings shrink while the cost of living just grows and grows. The cost of health insurance for families has risen 18 percent over the last year and a half, and 27 percent for single individuals. Even more workers are being forced to go without health insurance. The cost of prescription drugs is going up at three times the rate of inflation. Yet this administration repeatedly sides with the health care industry and against working families.

Families are struggling to pay for college for their children. Tuition and fees at public and private colleges are at all-time highs. Families who spent years saving to purchase their dream homes are now unable to afford them.
These are the economic fears which are keeping American workers up at night—losing their job, losing their homes, losing their retirement savings, losing their health care, and paying for college. Millions more of them are kept awake by these fears today than were 18 months ago. The Bush economy has turned the American dream into a nightmare for them.

It’s time to restore economic security for the Nation. Democrats support extending unemployment benefits, guaranteeing retirement security through pension reform, raising the minimum wage, insuring health care for the uninsured, and making prescription drugs and college more affordable for millions of Americans. America’s working families deserve nothing less.

The PRESIDING OFFICER. The majority leader.

Mr. DASCHLE. Mr. President, I compliment the distinguished Senator from Massachusetts for his powerful statement and my colleagues, the Senators from New York, Missouri, and Washington State, and others, in support of the Wellstone unanimous consent request will propose it momentarily. We are waiting for the assistant Republican leader to come to the Chamber.

In the meantime, I add my voice to those who have spoken this morning. The economic conditions in this country continue to worsen. We now have 2 million jobs that have been lost over the last 20 months. The number of the private sector unemployed has gone up by over 2 million people. We have seen the number of long-term unemployed go from about 650,000 now to 1.5 million people—those who are unemployed for more than 6 months. We have seen a $4.5 trillion loss in market capitalization. We have seen the number of foreclosures rate higher than anything in recent years.

Over and over, every single indicator points to the fact that this economy continues to worsen. Yet we have an administration that, for whatever reason, chooses to ignore it entirely.

The point we make this morning and the very least we ought to be sensitive to the fact that this economy is bipartisan. The economy is not doing well, and the families we represent in our States are not doing well.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 619, S. 3009, a bill to provide economic security for America’s workers; that the bill be read the third time, passed, and the motion to reconsider be laid upon the table, without intervening action or debate.

I say to my colleague from Oklahoma, I don’t know whether he wants to do this. I know Senator SMITH wanted to speak. If you are going to support this, I hope he can speak after—or maybe you want to let him speak a few words before. Would that be possible?

Mr. NICKLES. Is it in order to make a unanimous consent request?

Mr. WELLSTONE. The Senator can follow then. I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 619, S. 3009, a bill to provide economic security for American workers—this is to extend it another 13 weeks, and we should do that—that the bill be read three times, passed, and the motion to reconsider be laid upon the table, without intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. NICKLES. Mr. President, reserving the right to object, I need to ask my colleague a couple of questions.

I am sympathetic to granting an extension of unemployment compensation. As the Senator mentioned, we have done it in the past. I am not familiar with the Senator or the bill. Has the bill been printed yet? Not to get in too big a hurry, but is the bill available? My staff said maybe we can find it on the Internet, but I don’t believe it has been printed yet.

Mr. WELLSTONE. I have a copy of the bill that I would be pleased to give to the Senator.

Mr. NICKLES. I would appreciate a copy. I would like to look at it.

Mr. WELLSTONE. I am not sure that is nothing really complicated about this. We have a lot of people out of work. The economy is not doing well. They have run out of benefits, and they need another 13 weeks.

Mr. NICKLES. I don’t think asking a couple of questions is too much to ask. Is this a clean 13-week extension in unemployment compensation?

Mr. WELLSTONE. The Senator is absolutely correct.

Mr. NICKLES. Is that all it is?

Mr. WELLSTONE. The Senator is correct. Although it is 13 weeks, it is 20 weeks for States with higher levels of unemployment.

Mr. NICKLES. Back to my question, it is not just a 13-week extension of unemployment compensation.
Mr. WELLSTONE. The same way. I say to my colleague, we did it in a bipartisan way in the early 1990s, where it was 13 weeks, and for States with higher levels of unemployment, it went to 20 weeks. We have done it before, and I feel it is right business to do it again.

Mr. NICKLES. I will just inform my colleague that I just need to see his bill.

One additional question: Has there been a cost estimate? I think I am familiar with old cost estimates. We can do a clean 13-week extension, but I am not familiar with how much additional the Senator is asking. Does he have a cost estimate on his bill?

Mr. WELLSTONE. CBO has not given us an estimate. I think it will be $10 billion to $13 billion. If I may say to my colleague for a moment, I appreciate his question and what he is talking about, and we will let you read it. But people are flat on their backs. In the case of States with high unemployment—12 to 20 weeks. We have done it before. The CBO estimate—I have given you what I believe it is going to be. I am not neutral. We need to do this. We need to take this action.

Mr. NICKLES. Just for my colleagues' information, I have not seen his bill. I understand from staff it was introduced on Thursday, but it has not been printed yet. I would appreciate a copy of the bill. We would like to review it and see what it is. I will work with my colleague and my friend from Oregon, who I know is interested in the bill as well. We have other colleagues who are also interested in passing some extension of unemployment. Whether it goes beyond the 13 weeks or not needs to be discussed. There are Democrats and Republicans—other Senators besides just a couple who want to address this issue.

At this point, I will object. But I will tell my colleague that I will work with all interested Senators to see if we can pass some form of unemployment compensation extension before we adjourn in the next week or so. We at least need to see the bill. This idea of having a bill introduced on Thursday and not printed in the RECORD yet, and then wanting to pass it on Tuesday, without other people looking at it, I think is premature. So at this point I shall object.

The PRESIDING OFFICER. Objection is heard.

Mr. WELLSTONE. Mr. President, if I may say to my colleague from Oklahoma, I appreciate what I heard and his willingness to move forward. I can guarantee him that he will have the bill in a matter of seconds, lest we harp on the complexity of all of this to the point where it becomes a reason for not taking action; it is very simple and straightforward, as I have defined. We have done this before in a bipartisan way. God knows, there is not one Senator here who doesn't understand the economy in their State. We can take prompt action right away, and for people out of work in Minnesota and around the country, they need this. We are pleased to do this. We will come back to the floor ASAP and pass it in a bipartisan fashion.

The PRESIDING OFFICER. At this time, all time remaining under morning business will be apportioned as described by the assistant Democratic leader.

Mr. REID. I dare the Presiding Officer to tell us what we have just done.

Mr. NICKLES. The Senator from Oregon gets 5 minutes and then we have 1 hour.

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

Mr. REID. I ask the Chair, how much time do we have for the three speakers on our side?

The PRESIDING OFFICER. Thirty minutes.

Mr. REID. Ten minutes per speaker.

Ten minutes to Senator KENNEDY. 10 minutes to Senator SARBANES--

Mr. SARBANES. Five minutes. We are saving 15 minutes for Senator LIEBERMAN. It will be 5 minutes.

Mr. NICKLES. Five minutes for Senator KENNEDY, 5 minutes for Senator SARBANES, 5 minutes for Senator DURBIN, and then the other 15 minutes for Senator LIEBERMAN. If he feels very genuine, he can yield to the other 15 minutes to these other Senators.

The PRESIDING OFFICER. The Senator from Oregon.

EMERGENCY UNEMPLOYMENT COMPENSATION ACT OF 2002

Mr. SMITH of Oregon. Mr. President, I probably will not use all the 5 minutes allocated. I thank my colleagues for their courtesy in granting me this time.

I have been on the floor this morning listening to charges and countercharges between the parties as to who is to blame for the current state of the economy. Frankly, I do not believe we planned this economy. I think Congress and Presidents are given too much credit and blame for the free-market system. I think the people at home could care less about all the finger-pointing. In my view, now is the time to come together, not as partisans but as Americans and as bipartisans, if you will, to support legislation that is critical to those who are bearing the brunt of the economic downturn our country has been experiencing.

I have joined Senator KENNEDY as the lead cosponsor of this legislation to extend emergency benefits for workers who have already exhausted their benefits under the Unemployment Insurance Program. I am here again to offer my support for another attempt to extend the emergency benefits for unemployed workers.

Last week, Senator KENNEDY, Senator WELLSTONE, and I introduced the Emergency Unemployment Compensation Act of 2002. This is yet another effort to push the issue to provide benefits from this Congress before it adjourns.

I note for the record, I have been pushing emergency benefits for unemployed workers in Oregon for a year...
now, since October of 2001. After months of work, last March Congress finally extended emergency unemployment benefits to workers who have lost their jobs during the economic downturn, but this is no longer adequate.

Unemployment insurance is now 5.7 percent, with over 8.1 million workers who are unemployed. 1.4 million other workers who have exhausted their benefits for "high unemployment" are still unable to find work. According to the Department of Labor, by the end of August over 1.1 million workers have exhausted the extended unemployment insurance benefits provided by the stimulus legislation and now have no funding at all available to them. According to the Center for Budget and Policy Priorities, those states that provided up to 26 additional weeks of unemployment insurance benefits in August 2002 were 46 percent higher than the number of who exhausted such benefits two years ago in August 2001. The number who exhausted their regular unemployment benefits in the first six months of 2002 is 75 percent greater than the number who exhausted these benefits in the first eight months of 2001, and is more than double the number who exhausted these benefits during the same months of 2000.

For workers in New Mexico and across the Nation, these data are truly frightening. And in spite of these data, the comments we keep hearing from the administration is that we are on the verge of a recovery, or we have a strong foundation for a recovery, or the recovery is just around the corner. But I see no evidence of this. Investment in new equipment is flat. Production is falling. Layoffs are rising. From what I can tell there is a complete lack of concern in the administration about where the economy is going right now. Nothing is being said about what should be done or when it should be done.

Given this lack of response by the administration, I say it is time we in Congress act. The Emergency Unemployment Insurance Act of 2002 is a very positive step in this direction. Its purpose is very straightforward: it will provide a temporary unemployment program to provide an additional 20 weeks of temporary extended benefits for "high unemployment" States, States like New Mexico, and an additional 13 weeks to all other states until June 2003.

As a practical matter, this means workers can continue to get unemployment insurance benefits while they continue to search for work. In my view it is the least we can do for these folks. Unemployment insurance offers at most a subsistence-level existence, and most workers who receive benefits are forced to choose between paying for education, health care, mortgages, and food. These are followed by the rules over the years and now find themselves in hard times. Personally, I would prefer that we offer them more, but if we cannot, then it seems to me we should be able to offer them some minimal financial security when they need it the most.

So I want to add my voice to the others today and say that we must pass this legislation before we go out on recess. American workers deserve to be dealt with in a fair and equitable manner, especially in this time of need. They need a lifeline, and its up to us to provide it. I recognize that there are a number of important issues that we have to address in a very short time frame. But from where I sit, this is a priority. The administration can talk all it wants about how the economy is going to improve, but what matters to the folks in my home state is whether they can find good jobs and keep them. Right now, they can't do that. We need to give them some help until they can. This is one step in that direction.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mrs. CARNANAN.) Morning business is closed.

HOMELAND SECURITY ACT OF 2002

The PRESIDING OFFICER. Under the previous order, the hour of 11 a.m. having arrived, the Senate will resume consideration of H.R. 5005, which the clerk will report.

The legislative clerk read as follows:

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

Pending:

Garamendi amendment No. 4471, in the nature of a substitute, for amendment No. 4738 (to amendment No. 4471), of a perfecting nature, to prevent terrorist attacks within the United States.

Nelson of Nebraska amendment No. 4740 (to amendment No. 4738) to modify certain personnel provisions.

The PRESIDING OFFICER. Under the previous order, there will now be an hour for debate equally divided between the two leaders or their designees. The Senator from Maryland.

Mr. SARBANES. Madam President, pursuant to these folks that have played an agreement, I have been allocated 5 minutes to speak.

The PRESIDING OFFICER. The Senator is correct.
EMERGENCY UNEMPLOYMENT COMPENSATION ACT OF 2002

Mr. SARBANES. Madam President, I rise in very strong support of the legislation to extend unemployment insurance benefits, the Emergency Unemployment Compensation Act, which Senator Wellstone and others have introduced. I am very pleased to have joined in cosponsoring this legislation.

I have a few points to make in the limited amount of time that has been allotted to me this morning. First of all, we need unemployment benefits in every previous recession. The concept behind extending benefits is that when the economy goes soft and people lose their jobs, in order to help support them, we extend unemployment benefits beyond the standard 26 weeks. Otherwise, benefits are limited to 26 weeks. Let me underscore we are talking about working people. One cannot draw unemployment insurance if one is not working. So by definition, the people we are trying to help are people who were working and producing and helping to move our economy forward and, because of conditions beyond their control, find themselves out of work. When they are out of work, they are losing income that is needed in order to support themselves and often their families.

Traditionally, we give benefits for 26 weeks and then we figure that people will find a job and go back to work. But when the economy goes soft, then we have a very difficult problem on our hands, which is there are not any jobs to go back to.

Most of the economic indicators now are trending downwards. We continue to face a serious economic problem, and the effort to extend the unemployment insurance benefits is a response to this pressing need. This need is felt by unemployed workers all across the country as they confront the problem of how will they take care of their families, and where will they find the income with which to make it from day to day.

Unemployment insurance pays only a small percentage of what people were previously earning. When a person is receiving unemployment insurance benefits their income takes a real hit. In any event, these benefits provide unemployed workers some support so that they are not completely cast out without any means of sustenance.

Unemployment insurance has been carefully designed to be a countercyclical measure against recession because it provides extra income at a time of economic downturn. Almost by definition this money will be spent since the formerly employed workers are consumers, that is to say, they will spend the income they have lost, and through this process, provide a boost to the economy because this money will be paid to formerly employed workers who will spend this money back into the economy, helping to boost this economy.

The PRESIDING OFFICER. The Senator has used 5 minutes.

Mr. SARBANES. I urge my colleagues to support this legislation.

I yield the floor.

Mr. DURBIN. Madam President, it is my understanding that I was allotted 5 minutes under the unanimous consent request.

The PRESIDING OFFICER. The Senator is correct.

Mr. DURBIN. Madam President, we are discussing unemployment insurance. A few of these charts really tell the story. If we take a look at the economic record over the last year and a half, we see some rather dramatic things have occurred. When President Bush took office in January 2001, 618,000 Americans were listed as long-term unemployed, that put us fifth in the Nation for the highest unemployment rate. These are people who have been unemployed for more than 26 weeks.

By August of this year, that number had more than doubled to 1.4 million Americans facing long-term unemployment. In fact, if we compare the record of the Bush administration on private sector jobs, it is a dramatic indication of the failure of our economic policy.

This chart starts with President Eisenhower, goes through every single President in the way to President George W. Bush. Without exception, every one of these Presidents saw an increase in private sector jobs during their administration. The largest increases came under President Johnson, then President Carter and President Clinton. There is only one President who has seen a decline in the number of private sector jobs in their administration, and that is the current President George W. Bush.

So fewer jobs are being created, and there is higher unemployment. Traditionally, the Senate has not wasted any time in reacting. Take a look at what happened in the second worst recession of the last 50 years under President Bush’s father—when they had a job increase of only four-tenths of 1 percent. When they faced high unemployment under President Bush’s father, the Senate went to great lengths to pass extensions of unemployment benefits, realizing there were hundreds of thousands, perhaps millions, of Americans out of work. Look at how quickly Congress responded, not only once but five times, to increase and extend unemployment benefits.

Then look at the votes in the Senate. There is not a single vote with fewer than 94 Senators supporting it. In some cases, as many as 94 Senators supported it. So there has been strong bipartisan support.

I cannot understand this, but why is this administration resisting the effort of providing unemployment compensation to Americans who have lost their jobs? The President’s economic policy has failed. It has done nothing as an economy which is sluggish. Take a look at the stock market on a day-to-day basis and tell me there is any indication of hope on the horizon.

This morning, I met with representatives of major businesses. I went around the table and asked: What do you think the future holds? And not a single one of them is optimistic beyond the range of a year or two from now. So more and more people will face unemployment.

Why, then, should unemployment insurance become this political football? The Democratic side is insisting we extend unemployment insurance, to make certain that people have some more money to live on in the hope that they can find another job or at least keep their families together during some of the most perilous times.

In the State of Illinois, we announced an unemployment rate in the month of August that put us fifth in the Nation for the highest unemployment rate. We frankly have a situation now where across this country many people are losing their jobs and, frankly, have nowhere to turn. The August 2002 unemployment rate of 5.7 percent nationwide is more than 18 percent higher than it was the year before.

So under the Bush administration, the value of people’s savings has declined because of the stock market crashing. We have seen people’s pension plans declined and their plans for their actual activity changed because they have had to decide to go back to work.
I heard a report recently where one investment counselor said: I never dreamed there would come a day when I had to call a retired person and say I am sorry, I have taken a look at your portfolio, and you are not going to make it. You had to go back to work. But this person said they had to do it. That is a reality. That is what is facing people.

So there is a rush on these jobs and for a lot of people who have lost their pension savings. Now, there is a situation where people who are unemployed have nowhere to turn. They have run out of unemployment insurance benefits.

This morning, the minority whip, Senator Nickles from Oklahoma, said to this effort by Senator Kennedy, I should be given that time pending his objection, it is so ordered.

I had to call a retired person and say I dreamed there would come a day when spending the money. They have to, for the necessities of life. Spending it, with the multiplier in our economy, creates jobs as a result. It seems it is so essential that instead of providing for a "majority" of such employees, it would be prudent to extend unemployment benefits.

This bill we are supporting, the Emergency Unemployment Compensation Act of 2002, ensures that the millions of workers exhausting their regular unemployment benefits will have a safety net on which they can rely. It ensures that over 800,000 workers benefitting from temporary extended benefits at the end of the year will not be faced with the abrupt expiration of that benefit on December 28. It ensures that over 863,000 workers who have already exhausted their temporary extended benefits and remain unemployed for over 26 weeks have a place to which to turn. It is basic. It is essential.

For goodness sake, don't we owe it to the people of America to talk about the issues that hit them at home? Hit them in the pocketbooks? Is it enough to talk about the Middle East and Iraq 23 hours a day, but can we spend an hour a day on the economy? I don't think it is unreasonable. If the President would suspend his conversations relative to campaigns for 1 hour a week to address the economy, it is something the American people believe is long overdue.

I hope my colleagues will support this extension of unemployment benefits. I yield the floor and suggest the adoption of the resolution.
Then with respect to the issue of negotiability, the Gramm-Miller bill has six categories: Performance appraisal under chapter 43, classification under chapter 51, pay rates and systems under chapter 53, labor-management relations under chapter 71, adverse actions under chapter 75, and appeals under chapter 77.

The Nelson amendment would leave in four of those categories—performance appraisal, classification, pay rates and systems, and adverse actions—and would subject their implementation to review by the Federal Services Impasses Panel, seven appointees, all appointed by the President.

It seems to me we could borrow the language from chapter 71 under labor-management relations, under a national security waiver, and provide flexibility which the President is seeking in the event that there is a national security issue.

I believe it is very important we resolve this matter so we can move ahead with enactment of a homeland security bill. As I said last Thursday and repeated yesterday, I have not taken a position in favor either of the provisions of the Nelson amendment or of the provisions which are in the Gramm amendment.

But I believe we are so close together these differences can be reconciled.

I wonder if I might have the attention of the manager of the bill, the Senator from Connecticut. Will the Senator from Connecticut respond to a question?

I ask unanimous consent I may ask a question of the Senator from Connecticut without losing my right to the floor.

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

Mr. SPECTER. My question to the Senator from Connecticut is:

When you take the language of title V, chapter 71, which specifies the President may issue an order excluding any agency or subdivision thereof from coverage under this chapter if the President determines (a) the agency or subdivision has as a primary function intelligence, counterintelligence, investigative or national security work; and, (b) the provisions of this chapter cannot be applied to that agency or subdivision in a manner consistent with national security requirements or considerations;

And, add to that the language from the Nelson-Chafee-Breaux amendment which specifies that the President could not use his authority without showing that, (1) the mission and responsibilities of the agency or subdivision materially change; and, (2) the majority of such employees within such agency or subdivision have as their primary duty intelligence, counterintelligence or investigative work directly related to terrorism investigation.

My question is, isn't it true the provisions of existing law and the additions made by the Nelson amendment are very close?

Mr. LIEBERMAN. Responding, Madam President, to the Senator from Pennsylvania, that is my understanding as well. The language with regard to the particular section cited by the Senator from Pennsylvania in the Nelson-Chafee-Breaux language is supplemental to this statute, and essentially adds those two extra determinations the President makes to waive collective bargaining rights of Federal employees because of national security reasons, and the determination is totally that of the President.

Mr. SPECTER. Madam President, I direct another question to the Senator from Connecticut; that is, it has been reported to me the White House may be willing to accept the language of Nelson on the clause if a "majority" of such employees was modified to "significant number" of such employees.

I ask the Senator from Connecticut if he thinks we might be able to make that minor modification if that would in fact close the area of disagreement on this issue.

Mr. LIEBERMAN. Madam President, responding to my friend from Pennsylvania, I think the question in the report of what the White House has really demonstrated how close we are to an agreement. I prefer the word "majority;" that is, to set some standard. Basically, this provision of Nelson-Chafee-Breaux gives some minimal due process protection for Federal workers in the future from a President who would arbitrarily apply this national security waiver to remove collective bargaining rights of Federal employees.

One of the elements of due process is to say for the determination to be made, a "majority" of the employees of the agency or office department would have to be involved and, speaking generally, national security. A "significant number" seems a little lower. I think we want to be a word. It is a little too low, it seems to me, between those two words to grant both some comfort level for Federal employees without diminishing the authority of the President.

I say again these statements are some of the reasons the President will have to make his determination. But the President's determination, for all intents and purposes, is final. As we discussed last week, there is one reported case where an appeal was made of a determination by President Reagan. He just gave an order. He didn't make a determination. The circuit court even upheld that because the presumption in favor of the President when he invokes national security is so high.

But I welcome this colloquy with the Senator from Pennsylvania. I think somewhere, if the concern of the White House on this particular section is about the word "majority," we can find another word which I hope can satisfy all concerned and still provide that minimal due process for Federal employees.

After this vote that is coming up, I hope we will continue to work. I fear cloture will not be invoked. I think the Senator from Pennsylvania, along with my colleague, the Senator from Tennessee, can play a critical role in getting us over this last obstacle which we are so close before. This bill as it is all we say we agree on 95 percent of, except this major disagreement.

Mr. SPECTER. Madam President, I thank the Senator from Connecticut for that answer. The purpose of the question and the colloquy is to demonstrate how close we are. When the Senator from Connecticut says he prefers language of a "majority" of such employees to a "significant number" of such employees, I can understand his preference. But what I especially liked about his answer was his determination which matches mine to find language which will find another word which will bridge the gap. When we talk about a 95 percent agreement, I think we are really much closer than when you really strip down all the language.

If I might have the attention of the Senator from Connecticut again for another question, moving now to the issue of so-called flexibility where the Nelson amendment is willing to give the flexibility which the President sought under four of the six chapters, subject only to reference to the Federal Services Impasses Panel in the event of disagreement over implementation—again, noting that all seven of those appointees are designated by the President—the thought I believe might bridge the gap would be if as to five of these areas—performance appraisal, chapter 43; classification, chapter 51; pay raise systems, chapter 53; adverse actions, chapter 75; and appeals, chapter 77, excluding only labor-management relations under chapter 71, for which there already is a national security waiver—my question to the Senator from Connecticut is whether we might be able to bridge the gap by giving the President national security authority for waiver to devise the human resource management system in the event the President makes a determination national security requires it, borrowing the language from chapter 71 where the agency or subdivision has a primary function of intelligence, counterintelligence, investigative or national security work, and the human resources arrangements cannot be applied in a manner consistent with national security requirements and considerations so in the event we borrow the national security waiver provisions which apply as to collective bargaining for the other five categories where the President is seeking some flexibility.

Mr. LIEBERMAN. Madam President, responding through you to the Senator from Pennsylvania, I genuinely appreciate the thought and effort he is giving to this to try to find a way out of an impasse that is stopping us from
doing what we really have a responsibility to do, which is to create the Department of Homeland Security as soon as possible. And he has just offered, on the floor of the Senate, a new idea, at least one I had not heard before and I do not believe has been part of the discussions.

I think we ought to try to sit down—invoking, obviously, some of those who have been working on this compromise; Senators Nelson, Chafee, Breaux, the White House, Senator Thompson and I and yourself, I say to you, Senator Specter—as soon as we can to see whether this idea you have offered can be a breakthrough.

The fact is, on collective bargaining rules, as I say, the time should not run against those who oppose cloture. The time has been set—given the opportunity for compromise on this issue. And while I disagree to give the proponents of Gramm-Miller such a vote, the proponents of the Nelson amendment have a right, as a second-degree amendment, to proceed to have a vote on their second-degree amendment.

So while I supported the position and voted against cloture when the cloture motion was made on Gramm-Miller last week—and I did so in part to give an opportunity for compromise on this issue, Senator, that would be an opportunity for an amendment which this Senator intends to offer, which would bring all of the intelligence agencies under one umbrella—but it seems to me at this point that we ought to move ahead and invoke cloture on Gramm-Miller. That will then bring to a head the second-degree amendment offered by Senator Nelson. And then we would finally get down to some of the really tough negotiations to try to bridge the gap. There is nothing that promotes the negotiation or the influence of a vote on a specific subject.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. Thompson. May I inquire as to how much time we have left?

The PRESIDING OFFICER. Does the Senator from Pennsylvania yield?

Mr. Specter. I do, without losing my right to the floor, for a question.

The PRESIDING OFFICER. Without objection?

Mr. Thompson. Madam President, let me withdraw that inquiry for the moment and say that it appears we are about out of time with regard to those who oppose cloture. The time has been running against us. And now it appears that the Senator from Pennsylvania supports cloture. I would suggest that the time should not run against those of us who oppose cloture. Should that time not be allocated differently?

Mr. Specter. Madam President, I think the Senator from Tennessee raises a very good point. I will yield the floor momentarily. But before doing so, if I might have the attention of the Senator from Pennsylvania, I will yield the floor after a question to the Senator from Tennessee.

The Senator from Connecticut and the Senator from Pennsylvania and I have been in the cloakroom discussing these matters, and we had discussed how close we are. As the Senator from Tennessee and the Senator from Connecticut ventured the view that we were very close on the two-labor-management issues, as to adding the language of Nelson to the existing law which retains the national security waiver, and then the suggestion of giving the President flexibility where the President makes a determination of national security.

Inquiring of the Senator from Tennessee what his view is as to how close we are to resolving these two outstanding issues.

Mr. Thompson. Madam President, if I may respond.

Unfortunately, not as close as I think the Senator apparently thinks. With regard to the labor-management relations issue that was referred to initially by the Senator from Pennsylvania, and was the subject of the conversation, the dialog, a moment ago with the Senator from Connecticut with regard to the Presidential authority, the point was made that there is a disagreement with the wording of the portion of the amendment that refers to the "majority of the employees." The suggestion was that it be "substantial number of employees." The Senator is correct that is a point, but it is only one point.

My understanding is we have submitted language to those on the other side that should address this issue that addresses, in addition to that, the concern that the President is limited to acting with regard to matters of terrorism only.

It is the last couple of lines of page 12, of the draft that I have anyway, that the current language says "or investigative work directly related to terrorism investigation."

The language that has been submitted by us is "or preventing investigation or responding to terrorists or other serious threats to homeland security." In other words, why should this President be limited to exercising his authority to a more narrow range of activity—that would be terrorism—when there could be some other national security issues that prior Presidents have had the opportunity to deal with that this President would not? So the compromise was suggested to keep the focus on terrorism but also add other serious threats to homeland security.

As I understand it, that suggestion lies at this moment with the other side. We have not had a response to that. I wouldn’t want those listening to think there is only a one-word difference between us regarding that issue, that is, unfortunate as that may be.

Mr. Specter. Madam President, I thank the Senator from Tennessee for that response. He raises a good issue. I agree with him the earlier language which exists presently, categorizing national security generally and consistent with national security requirements and considerations, is the broader language. I do not think the additional language of terrorism seeks to limit that, but I think the Senator makes a good point that it ought to be clarified so the national security considerations are broader than just terrorism.
I direct the attention of the Senator from Tennessee to the second consideration; that is, whether a national security waiver or determination by the President of national security considerations would be sufficient on the issues of the flexibility on the other five children.

Mr. THOMPSON. Madam President, that is certainly worth considering, as Senator LIEBERMAN reflected a moment ago. Once you get down to it, the issue has to do with two situations, as I see it. On both sides of the border, there is a situation involving collective bargaining agreements and what you do about that. There are issues as to matters somewhat minor, if not frivolous. Some matters have taken years to resolve—whether or not the annual company picnic was called off and things of that nature.

On the other hand, there are other issues that may be part of a collective bargaining agreement that might limit, for example, the authority to transfer someone to a border where that was needed.

Unless there is a national emergency situation, the President or the Secretary should not be limited to situations that have already become emergencies. They should be proactive and preventive. That is one category of issues.

I could see why we might have the status quo with regard to the run-of-the-mill kind of collective bargaining issues we have, limit the Secretary's flexibility even with regard to those matters, as long as with regard to the matters that really mattered, the President had such a waiver or a certain amount of discretion in that area.

The same thing could be said with regard to the second category of matters at issue; that is, matters concerning individual employees in terms of dismissal, discipline, things of that nature. It often takes up to 18 months to process. Multitude, multimonths, into years.

The status quo with regard to the Secretary of Homeland Security's waiver authority or determination by the President of national security considerations, that is, whether a national security waiver or determination by the President would want to step in and interfere with regard to the disciplining of an individual employee in terms of dismissal, discipline, things of that nature. It takes up to 18 months to process. Multitude, multimonths, into years. Many are handcuffed and placed in cells with other juveniles who have committed serious violent crimes. Because of their age and inexperience, children may not be able to articulate their fears or testify to their plight with the same degree of accuracy as adults. Yet despite these facts, no Federal laws and policies have been developed and implemented, thus far, to protect them.

While not all children will merit asylum, providing them appointed counsel would help the INS and the courts understand the special circumstances of the child's arrival in the United States, while at the same time help the child to understand the process he or she is undergoing.

In my mind this goes a long way in explaining my opposition to the Gramm substitute as it relates to unaccompanied alien children and why the Lieberman substitute is much stronger in this regard.

Both pieces of legislation sought comprehensive reform in the way in which these vulnerable children are treated while under the watch of immigration authorities. The Gramm substitute, however, would strip many of the important reforms relating to unaccompanied alien children from the homeland security bill.

Moreover, the provisions with respect to these children included in the Lieberman substitute are nothing more than a legislative sleight of hand that appears to make reforms, but in reality would render those provisions meaningless.

Clearly, most unaccompanied alien children do not pose a threat to our national security, and must be treated with all the care and decency they deserve outside the reach of this new Department.

Moreover, the unaccompanied alien child protection provisions now contained in Title XII of the Lieberman substitute would involuntarily render the manner in which unaccompanied alien children are treated under our immigration system.

These provisions would also: preserve the functions of apprehending and adjudicating immigration claims of such children, and, when the situation warrants, of repatriating a child to his home country, within the Immigration Affairs Agency, and under the umbrella of homeland security.

The unaccompanied alien child protection provisions would transfer the care and custody of these children to the Department of Health and Human Services. Its Office of Refugee Resettlement has real expertise in dealing with both child welfare and immigration issues.

At the same time, these provisions would establish minimum standards for the care of unaccompanied alien children; provide mechanisms to ensure that unaccompanied alien children have access to counsel; permit the Director of the Office of Refugee Resettlement to appoint guardian ad litem.
if necessary, to look after the children’s interests; and provide safeguards to ensure that children engaged in criminal behavior remain under the control of immigration enforcement authorities at all times.

Roughly 5,000 foreign-born children under the age of 18 enter the United States each year unaccompanied by parents or other legal guardians. Some have fled political persecution, war, famine, abusive families, or other life-threatening conditions in their home countries. They often have a harder time than adults in expressing their fears or testifying in court, especially if they lack English language proficiency.

Unbelievably, some of these children are subjected to such punitive actions as shackling, the use of leg manacles, and strip searches while in INS custody. Others are housed with violent juvenile offenders, or subjected to solitary confinement.

Despite such horrific circumstances, the Federal response has fallen short in providing for their protection.

Unaccompanied minors are among the most vulnerable of the world’s asylum seekers, and they deserve our support and care.

And yet, no immigration laws or policies currently exist that effectively meet the needs of these children. Instead, children are being forced to struggle through a complex system that was designed for adults.

It is important that we address this issue in the present legislation for a number of reasons.

First of all, as we contemplate transferring the functions of the Immigration and Naturalization Service (INS) into the proposed new Department of Homeland Security, we must ensure that the new Department is not burdened with functions that do not relate to its core mission.

Presently, the INS has failed in its responsibility to care for these vulnerable children. As we transfer and reshape the INS in this legislation, it is imperative to relieve the agency of its responsibility of the care and custody of unaccompanied children.

Doing so would accomplish two ends: one, it would permit the INS to focus its energies, efforts, and attention on its core missions; and two, it would transfer the care and custody of these children to the Office of Refugee Resettlement, ORR, an office that is better suited and more experienced in handling the complexities of the children’s situations.

As we turn over these responsibilities to a different agency, Congress must clearly define its expectations of the agency regarding the standards of care for these children.

It would be irresponsible for us to do anything less.

Quite frankly, it confounds me that, after more than a century since the first federal immigration law was enacted, our immigration system is still incapable of meeting the special needs of these children, whether those needs are medical, psychological, or legal.

This is why, in an effort to change current U.S. policy toward the treatment of unaccompanied foreign-born children, I introduced the “Unaccompanied Alien Child Protection Act”, S. 121.

The overall purpose of this legislation is to refocus our policy away from treating these children like criminals, and to move to a system that protects and serves their best interests.

Sometimes, this means safely returning them to a parent or guardian in their home country.

In other, more extraordinary cases, a child’s best interest may involve a grant of asylum.

As introduced, S. 121 was a reasonable, moderate, bipartisan bill with the main purpose of reforming the care of unaccompanied alien children who come to the attention of Federal authorities.

As reasonable as it was, my staff and I conducted numerous meetings and phone calls with the Department of Justice and the INS, to further refine the bill’s provisions.

Last February, the Judiciary Subcommittee on Immigration held a hearing on the legislation. I listened to all of the ideas that they expressed, and I addressed almost all of them in the modifications that were made in the version of the legislation now included in Title XII of the Lieberman substitute.

Still, after all this compromise, the administration did not bother to even mention Title XII in its statement of administration policy of this legislation.

Given the moderate nature of Title XII, and the fact that so many Republicans are cosponsors of it, I urge the Senate to maintain the provisions I have outlined today, rather than accept the evisceration of the bill’s core protections that would result under the Gramm substitute.

If it becomes necessary, in the coming days I intend to offer an amendment to restore these important provisions to the homeland security bill.

And I will call on my colleagues to support that amendment.

Mr. AKAKA. Mr. President, today I rise once again to point out problems with the amendment offered by Senators Gramm and Miller which would take away the rights of federal employees.

Last week I spoke of the need to provide full whistleblower protection to employees in the new Department of Homeland Security, and how the Gramm-Miller amendment falls to provide such protection despite claims to the contrary. While the substantive rights are maintained for whistleblowers, the methods to enforce such rights are not part of the amendment. And despite claims made by the Senator from Tennessee, Senator Thompson, and the most veteran of preference would be protected, the Gramm-Miller amendment fails to fully protect veterans in the new Department.

It appears that my colleagues believe that by maintaining the merit system principles, the new Department will protect our federal employees from retaliation for blowing the whistle and from violations of veterans’ preference requirements. However, simply following the model is not fully protect the Federal workers who protect our Nation from terrorist attacks. We must provide a neutral third-party method to enforce such rights.

The Gramm-Miller amendment fails to do this.

Currently, Federal employees, who believe that they have been denied a position or have been subject to a designer Reduction-In-Force, RIF, action in violation of veterans’ preference requirements, can challenge such wrongful actions through the Merit Systems Protection Board or through a union grievance procedure. Whistleblowers who allege that they have been subject to a prohibited personnel practice may file a complaint with the Office Counsel and to the MSPB for corrective action.

In addition, whistleblowers can bring allegations of retaliation through the union grievance procedure. The Gramm-Miller substitute amendment would block both routes for appeal.

Under Gramm-Miller, the Department of Homeland Security could waive any and all due process appeals to the Merit Systems Protection Board. Instead, the due process procedures of the MSPB under current law would be replaced with an internal department appeals process. By allowing the agency, rather than an independent third party, to determine whether the agency violated veterans’ preference or other employee protection laws, we will have removed the impartiality of the process.

However, under the Lieberman substitute, as well as the Nelson-Chafee-Breaux amendment, veterans’ rights are not compromised. The appeals to the MSPB under 5 U.S.C. Chapter 77 may not be waived.

In addition, Chapter 71 of Title 5 which relates to Labor-Management Relations, may not be waived. This allows veterans and whistleblowers who are in collective bargaining units to exercise their right to use a negotiated grievance process to challenge violations of veterans’ preference requirements or the Whistleblower Protection Act. Under the Gramm-Miller substitute, veterans may have no way to seek redress for any violation of those rights. We have a proud history of protecting the rights of veterans and federal workers who protect this country. Whether they are active duty service members or veterans, federal employees serve their Nation well. We need to support those who are willing to serve their Government.
Mrs. FEINSTEIN. Mr. President, I rise to reaffirm my overall support for a Department of Homeland Security. And I remain convinced that it is still possible to reach a consensus on this critical issue, and that we must strive to do so at the end of this Congress.

However, after giving this matter a great deal of thought, I must stand in opposition to the provisions in the Gramm-Miller bill that would strip many of the protections afforded to employees of the new Department of Homeland Security. As I stand, the bill's language would take away rights from some 200,000 Federal employees, rights that have been available for decades to most of the Federal workforce.

None of us dispute that any organization, particularly one entrusted with such a vital mission as homeland security, can function properly only if its managers have the authority to offer incentives to talented employees and to fire negligent or ineffective employees. And despite a great deal of rhetoric to the contrary, such flexibility already exists under the current labor provisions that govern the Federal workforce.

The flexibility was granted under the terms of the Civil Service Reform Act of 1978, allowing managers to: performance standards, and have the power to fire employees for performance failures as long as there is at least some plausible evidence.

In light of these facts, it is downright wrong to suggest that the Government cannot fire employees who, say, are drunk on the job or who commit crimes.

In fact, under current law, managers can remove such employees from their jobs immediately, while the employees' appeal can be settled definitively within 30 days.

Under current law, managers also have the latitude in transferring, suspending, and reassigning employees, as well as in appointing candidates from outside the federal government to fill open positions.

On both sides of the aisle, there is virtual unanimity that any homeland security legislation must include a package of additional flexibilities regarding hiring, training, separation, and retirement. These additional flexibilities are in the Lieberman substitute.

And yet, the President has threatened to veto the Lieberman substitute, unless the Senate agrees to the labor provisions of the Gramm-Miller substitute.

Apparently, the President is willing to scrap crucial legislation to protect our country from terrorism if he is not given open-ended authority to abolish or limit federal employee rights and protections.

In my view, this threat is unnecessary, unwarranted, and highly unproductive.

And now the President has rejected a perfectly sound bipartisan compromise proposed by Senators NELSON, BREAUX, and CHAFEE. This compromise, which I support, provides what he wants, management flexibility authority, and what the Federal Government requires, safeguards to ensure that he cannot abuse them.

This amendment allows the President to remove an employee's rights to collectively bargain and to form unions, if that employee's duties materially change and these duties directly relate to homeland security.

This amendment allows the President to remove an employee's rights to collectively bargain and to form unions, if that employee's duties materially change and these duties directly relate to homeland security.

In threatening to veto this compromise, the administration has tried to frame the debate in terms of national security. For instance, the President's spokesman recently said that the compromise bill would prevent the president "from making decisions based on national security, no matter how urgent a crisis we find ourselves in."

I find it disturbing that the administration has suggested that putting any restriction on the President's authority to limit or abolish federal employee rights and protections somehow jeopardizes our national security.

The way I see it, the administration is getting it exactly backwards.

The administration's attempt to give the executive branch total authority to rewrite the civil service system without conferring anyone would not help protect our country. Indeed, it would leave it more vulnerable.

At a time of such massive restructuring of the federal government, it is absolutely critical that we maintain as much continuity as possible.

Yet the Gramm-Miller substitute's open-ended language would allow the President to eliminate, by fiat, many important workers' rights.

This would be a huge blow to the morale and productivity of many thousands of Federal employees, and would risk the loss of many highly qualified individuals to the private sector.

There is also a large percentage of workers who, if push comes to shove, can opt for early retirement. This is no time for the federal government to suffer a so-called "brain drain," and be forced to train novices from scratch.

In the middle of our war on terrorism, the last thing we want to do is lose experienced employees on the front lines of this war.

We are talking about employees at the Coast Guard, the Department of Defense, the Federal Emergency Management Agency, the Border Patrol, the Federal Aviation Authority, and other agencies.

We are talking about men and women who are working around the clock to prevent another terrorist attack and to protect our citizens.

I for one do not see any inherent clash between collective bargaining rights and homeland security.

For example, Department of Defense civilians with top security clearances are long-standing union members whose membership has not compromised our national security.

And many of the heroes of September 11 were unionized. The New York City firefighters who ran into the Twin Towers did not see any conflict between worker rights and emergency response.

And let's not forget that Federal employees do not have the right to strike. The Administration's attempt to put any restrictions on the President's proposal not been able to identify one instance of a labor dispute which contributed to a breakdown in our national security.

I have heard from many Federal employees in California who would be affected by this legislation. I would like to share with you the words of just one.

Joseph Dassaro is a Senior Border Patrol Agent assigned to the San Diego Sector of our southern border. He has been an agent for ten years, and is President of the San Diego Chapter of the National Border Patrol Council.

In his words: "The loss of collective bargaining rights and civil service protections would force me to leave the Border Patrol. Simply put, without the union and the Civil Service Reform Act ... "I have no faith in the ability of the agency, or any subsequently created agency, to provide working conditions in which I can operate in the best interests of this nation. Additionally, based on the vast input I have received from the many agents I represent, I can assure you that [if the President's proposal is enacted], Border Patrol attrition rates would more than double ... "At record levels, agents are applying for local police positions in Southern California. Recently, the San Diego County Sheriffs [Department] interviewed over twelve agents from one Border Patrol station. Not only do these agencies offer better pay, incentives, and working conditions, they also offer an environment which rewards merit and service."

Mr. Dassaro, along with the hundreds of thousands of other Federal employees, has been working day in and day out to keep our country secure.

I do not know why the administration wants to take fundamental rights and protections away from these patriotic Americans. We should not be attacking job security under the guise of national security.

This debate on homeland security should not be an exercise in scoring political points at the expense of labor protections for Federal employees, protections that are already in place at
virtually every other Federal agency and which have functioned smoothly for many years.

Which is why I ask my colleagues to vote against the anti-immigrant provisions in Gramm-Miller, while urging the Bush Administration to reconsider the compromise offered by Senators NELSON, BREAUX and CHafee.

Mr. KENNEDY. Mr. President, we know that our Nation faces a very serious threat of terrorism. To protect our national security in today's world, we need an immigration system that can carefully screen foreign nationals seeking to enter the United States and that can protect our Nation's borders. We need a system that can make effective use of intelligence information and identify those who seek to harm us.

Unfortunately, our current Immigration and Naturalization Service is not up to these challenges. For years, INS has been plagued with problems, from mismanagement to mismanagement to inadequate resources. As a result, INS has been unable to meet its dual responsibility to enforce our immigration laws and to provide services to immigrants, refugees, and aspiring citizens.

The immigration reforms in the Lieberman substitute amendment are carefully designed to correct these problems and bring our immigration system into the 21st century. The amendment untangles the overlapping and inefficient structure of the INS and replaces it with two clear lines of command, one for enforcement and the other for services. It also includes a strong chief executive officer, the Under Secretary for Immigration Affairs, who, under the direction of the Secretary of Homeland Defense, will act as a central authority to ensure a uniform immigration policy and provide effective coordination between the service and the enforcement functions. Developed on a bipartisan basis in consultation with respected experts, the immigration reforms in the Lieberman substitute emphasize clear direction, close coordination, and genuine accountability to the American people.

On these key issues, the Gramm-Miller substitute moves in exactly the wrong direction. Rather than establishing a single, accountable director for immigration policy, Gramm-Miller establishes three: the Under Secretary for Immigration and Transportation Security, the Under Secretary for Immigration Affairs, and the Chief of Immigration Policy within the Deputy Secretary’s office. Little coordination is provided among these three positions. These officials will have authority to issue conflicting policies and conflicting interpretations of law. The result for the Nation’s immigration system is likely to be a new period of disarray, not real reform.

Given the vast responsibilities of our immigration agency, the large number of people who cross our borders, and the major national-security concerns that have arisen since September 11, we will do the country a great disservice if we enact a so-called “reform” that makes the chronic problems of the INS even worse. We deserve a well-thought-out, effective reform, like that included in the Lieberman substitute, not the proposal offered by Gramm-Miller.

We need a separate and comprehensive directorate within which we can balance border security, provision of services, and efficient and fair enforcement. Within this separate directorate, it is essential to include both the service and the enforcement components of immigration policy. Nearly every immigration-related action involves both enforcement and service components. Coordination between the two is critical to ensure that the laws are interpreted and implemented consistently. Coordination cannot be achieved merely by sharing a database or having a common management structure far up the ladder. Coordination will only be achieved if enforcement and services are housed in different departments.

That, however, is exactly what the Gramm-Miller proposal does. The two most critical enforcement functions, the use of Health and Human Services, an office that has decades of experience working with foreign-born children and is well-equipped to place these children in appropriate facilities where they will receive the care and attention they need.

We also provide safeguards to ensure that children have the assistance of counsel and guardians in the course of their proceedings. Currently, over half of the children in immigration proceedings are unrepresented by counsel. Children as young as 18-months-old have appeared in immigration court without a lawyer. These children simply cannot be expected to effectively represent themselves when faced with the complexities of U.S. immigration law.

The Gramm-Miller substitute provides plainly inadequate protections for these vulnerable children. Although care and custody is transferred to the Office of Refugee Resettlement, this substitute leaves out the counsel and guardian provisions.

The fear that providing government-funded counsel for children will set a precedent for the provision of counsel for deportee populations in immigration proceedings is unfounded. Our plan transfers responsibility for the provision of counsel for deportee populations in immigration proceedings is unfounded. Our plan contains a very narrow exception for vulnerable children, and only Congress can extend that exception to other groups.

Guardians are crucial in order to ensure that the best interests of children are addressed throughout their immigration proceedings. Guardians would ensure that the child understands the nature of the proceedings. Immigration proceedings are often legal proceedings in which children are not provided the assistance of a guardian or court-appointed special advocate.
Finally, the Lieberman substitute remedies decades-old problems with our immigration court system. That system—called the Executive Office for Immigration Review—is part of the Department of Justice. Every day, immigration courts make life-altering decisions. The stakes at stake are significant, especially for persons facing persecution and for long-time permanent residents, who face permanent separation from family members.

Dealing with major responsibilities, the immigration court system exists by regulation only. As such, it can be moved, dissolved, or reconfigured at any time, without Congressional involvement. For years, immigration judges have been criticized because they are too closely aligned with immigration enforcers. Their impartiality is jeopardized when both judge and prosecutor are too closely linked. These criticisms will only intensify if the immigration courts are relocated to the new security agency.

We need an immigration court system that provides individuals with a fair hearing before an impartial and independent tribunal, and meaningful appellate review. The Lieberman substitute would create a new immigration court system at the Justice Department, so that immigration judges and immigration enforcers are effectively separated. It also codifies the existing court structure and its components, making it an inherent part of our immigration system.

The Gramm-Miller substitute would seriously undermine the role of immigration judges. It vests the Attorney General with all-encompassing authority, depriving immigration judges of their ability to exercise independent judgement. Even more disturbing, the Gramm-Miller proposal could curtail the right to appeal adverse decisions, since the Attorney General will have the authority to change or even eliminate appellate review. This result is a recipe for mistakes and abuse. An independent judicial system is essential to our system of checks and balances. Immigrants who face the severest of consequences deserve their day in court.

In reforming our immigration system, we must isolate terrorists without isolating America. We must protect our Nation, and we must also protect immigrants. In strengthening our defense against terrorism, we must protect our Nation, and we must also protect our Nation. In protecting our nation from the new Department of Homeland Security. While claiming to enhance our preparedness for bioterrorism, the Gramm-Miller amendment would do by transferring responsibilities for bioterrorism research and response to the new Department of Homeland Security. While claiming to enhance our preparedness for bioterrorism, the Gramm-Miller amendment would actually diminish it by needlessly splitting responsibilities for bioterrorism between HHS and the new Department.

We heard from Dr. Tony Fauci, the Nation’s leading expert on infectious disease, that NIH is working swiftly to develop a new vaccine against the West Nile virus. Dr. Fauci and the other medical leaders at NIH should retain the responsibility for developing new vaccines and other biological weapons. These responsibilities should not be transferred to a new department with unproven scientific expertise. Certainly, the new Department should set broad priorities for our homeland security research program, but the funding and the scientific responsibility for carrying out that research should remain with NIH.

Sadly, the Gramm-Miller amendment also includes fails to include protections for the ethical treatment of human subjects in research. America has a tragic history of unethical abuses in national security research. In our Senate inquiries during the 1970s, we learned how the CIA had given LSD and other dangerous drugs to experimental subjects without their knowledge or their consent. These shameful experiments led to the death by suicide of an agent in New York. That is not let history repeat itself in the research carried out by this new Department. Basic protections for human subjects cover research conducted by all other Federal agencies. They should also apply to the new Department. These protections should not be discretionary. They should be a required element of every research project that the new Department conducts.

I also want to speak today about America’s workers. We live in a nation forever changed by the tragic events of September 11. The dreadful images seared into our memories on that fateful day exceeded any event in our nation’s history. We must act wisely to create a new Department of Homeland Security. We must act wisely to protect America from future attack. An essential part of meeting this challenge is protecting the ideals that America stands for around the world. The new Department of Homeland Security. We must ensure that we create a new Department of Homeland Security. We must ensure that we meet our security needs in a way that reflects the values that make America the envy of the world.

As we debate the formation of this new agency, we should remember the events of September 11 and the heroism of our Nation’s union workers in the cause of homeland security. Union members risked and lost their lives to protect the President and our Nation’s security. And we must meet our security needs in ways that reflect the values that make America the envy of the world.

As we debate the formation of this new agency, we should remember the events of September 11 and the heroism of our Nation’s union workers in the cause of homeland security. Union members risked and lost their lives to protect the President and our Nation’s security. And we must meet our security needs in ways that reflect the values that make America the envy of the world.

As we debate the formation of this new agency, we should remember the events of September 11 and the heroism of our Nation’s union workers in the cause of homeland security. Union members risked and lost their lives to protect the President and our Nation’s security. And we must meet our security needs in ways that reflect the values that make America the envy of the world.

As we debate the formation of this new agency, we should remember the events of September 11 and the heroism of our Nation’s union workers in the cause of homeland security. Union members risked and lost their lives to protect the President and our Nation’s security. And we must meet our security needs in ways that reflect the values that make America the envy of the world.
talking about Federal workers like Robert J. Patterson, who was awarded the Purple Heart medal and the Bronze Star and many other honors for his service in Vietnam. He was ambushed and shot in the legs, the stomach and the shoulder while on patrol in Vietnam, but he managed to crawl to a call for backup and save the lives of many other members of his squad. For nearly 20 years now, Mr. Patterson has worked as a civilian employee for the Federal Government, and he now serves as Vice Commander of his local VFW post and is active with the Boy Scouts and as a mentor for troubled youth.

Dedicated Federal workers like Mr. Patterson take pride in their work, love their country, and have served it with distinction for decades. Nearly half a million Federal workers are veterans of our Nation’s armed services. Veterans are represented at twice the rate in the Federal workforce as in the private sector. Disabled veterans, those who paid a great price for serving this Nation, are five times more likely to work in the Federal Government as the private sector.

On September 11, unionized Federal workers were on the scene and played critical roles at the World Trade Center and the Pentagon as they worked round-the-clock to make our homeland secure. Denise Dukes, of the Federal Emergency Management Agency, worked a 24-hour shift in Washington, DC to ensure the first food and water was reaching the rescue personnel at Ground Zero. Afterwards, she left her two children to go to New York and coordinate the response and recovery effort on the ground. As Ms. Dukes explains of her fellow Federal workers: “We were proud and eager to serve our fellow Americans, and we would never allow anything to stand in the way of that mission.”

Michael Brescio, who works for the Environmental Protection Agency’s Response Team, got tens of thousands of urgently needed respirators to the rescue workers at Ground Zero immediately after the attack. Far away in Kodiak, AK, Mark Andrew Jamison went on high security alert in order to protect our Nation’s coastline. Mr. Jamison, a veteran of our Nation’s armed services who was entrusted with a top secret security clearance, loves his job because, as he put it: “Above all . . . I’m a patriot like the hundreds of thousands of other Federal workers who keep our country secure and safe day-in and day-out.”

We must protect the rights of these dedicated Federal workers to remain union members and we must allow other workers in the new department to exercise their fundamental right to form a union. Unions are critical to protecting our Nation’s homeland security. Many Federal workers would not speak out about security lapses without the protection of a union because of the legitimate fear of retaliation by their supervisors. After September 11, an 18-year veteran of the U.S. Border Patrol named Mark Hall bravely spoke out about the vulnerability of our Northern border after INS management ignored this concern. Mr. Hall was threatened with being fired by the INS and faced a 90-day suspension without pay for speaking out to protect the American public. The actions of Mr. Hall helped to make our borders safer. Congress subsequently acted to triple the border patrol personnel on our Northern border.

Union membership was critical to Mr. Hall’s ability to speak out in the first place. As he explains, he “would never have spoken out if I hadn’t had my union behind me because whistleblower protections alone would not have been enough.” Federal workers who are denied union rights will be far less likely to speak out and protect the public in the future for fear of unjust retaliation. Denying Federal workers fundamental rights will undermine our Nation’s ability to carry out its mission at a time when we can ill afford it.

The President now has the executive authority to exclude workers engaged in intelligence work or particularly sensitive investigative work from basic collective bargaining. Federal employees have used this authority sparingly, out of respect for government workers—even in times of war. They have barred collective bargaining only in highly specialized and sensitive positions, such as U.S. Army Intelligence, Naval Intelligence, Naval Special Warfare Development Group and the Air Force Office of Special Investigations.

This administration has already demonstrated its intention to go far beyond every past administration in its use of this authority. Earlier this year, this Administration stripped clerical and other workers in the Department of Justice and the U.S. Attorney’s office of their long-held union membership. The Attorney General’s Office to this Nation as union members, secretaries in the civil division of the U.S. Attorney’s office were excluded from collective bargaining. These secretaries were not involved in national security, but they were processing claims by people injured on government property and others suing over their denial of benefits. Nonetheless, this administration chose to deny these dedicated workers their fundamental rights.

We all know that this administration is not a champion of worker rights. They do not support a much-needed extension of unemployment insurance benefits. They oppose an increase in the minimum wage for the millions of Americans who work hard but still don’t make enough to stay above the poverty line. This administration opposes ergonomic protections that would keep millions of workers from suffering debilitating injuries while at work. Immediately after taking office, this administration, in violation of longstanding law, required Federal contractors to obey our Nation’s labor laws and undermined protections for Federal workers.

But how far is this anti-worker agenda going to go?

We have witnessed the bravery of these workers, their dedication to their country, their military service, their contributions to their communities. Yet, this administration respects a contempt for workers and particularly for the Federal workers who serve with dedication every day to keep our Nation safe.

These unionized contract workers maintain the highest security clearances and do extensive work for the Department of Defense. Under the administration’s proposal, we could well see Federal workers working alongside contractors with the federal workers being denied the same fundamental rights and protections that the contractors continue to hold.

These are the very rights held by the brave firefighters and police in New York City who paid the ultimate price to protect others. They are the rights that allowed those courageous border patrol officers to speak out and improve homeland security. It is essential that we respect and protect the rights of these, and thousands of other hardworking Federal employees, whose work is so vital to the new Department’s success and the Nation’s security. Denying basic rights to those who strive and sacrifice to make us safer will not protect homeland security.

Some on the other side of the aisle claim that union membership is inconsistent with service to our country. For contractors like Mr. Hall, whose work is so vital that union workers kept Logan Airport’s luggage inspection area from being renovated by the Customs Service. He claims that the renovation had to be negotiated with the union as part of a collective bargaining agreement.

This is just one example of the many distortions being offered on the other side by those who want to deny dedicated Federal workers their fundamental rights. In private bargaining agreements, some dedicated Customs workers did not prevent the Customs Service from renovating the terminal. The union did not have the right to bargain over whether any renovation could take place. The agreement between these workers and the Customs service simply provided that the workers should be notified of the change and be able to discuss the impact of the particular implementation. In this case, the workers who were not notified, the new construction was poorly done. It left the Customs inspectors with an obstructed view, making it much harder for them to do their job well. The result was that the rate of contraband seizures subsequently went down at the airport.

This case is a perfect example of how ignoring the front-line workers who protect America day in and day out will not make us safer. These workers work day in and day out, each and every day. For that reason, they challenged the Customs service for failing to properly notify and consult the
workers and won the case before the Federal Labor Relations Authority.

The real test of our core values come not during easy times but during times of crisis. We must stand up for the right of free association and the basic protection for the dedicated Federal workers. This is the real test of how we are as a nation. By being true to the values that make America great, we honor the sacrifices of America's veterans even as we protect the security of our homes.

Mr. LIEBERMAN. Madam President, we have now entered the sixth week in which the Senate has been considering legislation to create a Department of Homeland Security which all of us, most all of us, agree is urgently necessary because the current disorganization in the Federal homeland security apparatus is dangerous. This is the sixth week, not all day every day, but parts of 6 weeks, beginning today.

Second, we are about to have the fifth day of invoking cloture on this bill, to stop the debate in deference to the urgent national security interests in adopting this legislation.

I fear the majority of my colleagues are on automatic pilot in which they are, for reasons I consider to be peripheral, marginal, and unknowing, insensitive to the fact that the Senator from Texas, Mr. GRAMM, and I and everybody else have acknowledged that on more than 90 percent of this bill, we all agree. So we are prohibiting action on a matter of urgent national security importance because of a small disagreement.

There is a lot of interest in it. It means a lot to Members on both sides. Why not follow the leadership and independence of the Senator from Pennsylvania who has just said: My Republican colleague, this is too urgent a matter to delay any longer. I will vote for cloture.

The threat is not like cloture and the imminence of a vote on the underlying bill to force the kind of compromise that we need to have in the interest of national security and that we are so close to having.

Up until this time, largely through the good work of Senators BEN NELSON, JOHN BREAUX, LINCOLN CHAFEE, encouraged by a lot of us, there has been a show of flexibility with regard to the protections for homeland security workers and the President's desire for executive prorogative, particularly in cases of national emergency, that Federal employees and those who are concerned about their rights in the Chamber have moved.

In fact, Nelson-Chafee-Breaux compromise moves back from the protections for homeland security workers our bipartisan committee bill provided.

I supported those compromises, and the Federal employee associations, workers groups, unions also supported them because they knew how urgent it is to adopt a homeland security bill.

The White House regretfully has moved hardly at all. The Senator from Texas who led the debate on the other side has moved hardly at all. That is why we are at this impasse.

Mr. DURBIN. If the Senator will yield, I want to point out how hard the Senate has worked on this, even before the Secretary of Homeland Security has made his commitment to a Department of Homeland Security. The Senator worked through the Governmental Affairs Committee on a bill. There were long hearings and markups, and they brought it to the floor, and now for weeks we have been on it. This is the fifth time we are going to try to bring debate to a close and a final vote.

I say to my colleague from Connecticut, if the Senate Republicans reject this effort to end the debate, I frankly think we ought to harken back to the Cub fans back in Chicago, who said: It is time to wait until next year.

Mr. LIEBERMAN. I thank my friend from Illinois for his kind comments. I must take note of that.

The Senator worked through the R ECORD an e-mail sent apparently by the Senator from Pennsylvania who has just said: My friends, the Cub fans back in Chicago, who said: It is time to wait until next year.

The evidence grows that the disorganization of the Federal bureaucracy contributed to the vulnerability that the terrorists took advantage of on September 11. As I say, I am a trusting person. So I keep asking myself, why won't the White House negotiate on these matters? I have been reading and listening with alarm to some of the things being said, and they trouble me because I worry now that we are being stopped from achieving an agreement that we all agree 95 percent on, for reasons that have something to do with the election.

Last week on this floor, Senator HARRY REID of Nevada introduced into the RECORD an e-mail sent apparently to almost 2 million people on the Republican National Committee mailing list that said the Senate is more interested in special interests in Washington and not in the security of the American people, and we will not accept a department that doesn't allow this President and—et cetera, et cetera, and then quoting President Bush. It also says the bipartisan approach is stalled in the Senate because some Democrats chose to put special interests and Federal Government employees ahead of the American people. That is untrue.

President Bush altered his rhetoric at the end of last week after the eruption over that language and toned it down a bit, but still kept it in a political context. In Flagstaff, AZ, last week, reading from the Washington Post of September 28, the day before, the reporter Edward Walsh says:

The President today portrayed his differences with the Senate over the creation of a Department of Homeland Security as a struggle between common sense and business as usual, and he urged Republicans to help him implement his idea.

Mort Kondracke reports yesterday Roll Call a conversation with our colleague, the other Senator from Tennessee, Mr. FRIST, chair of the National Republican Senate Committee:

In an interview, Bill Frist, chairman of the NRSC told me he has no intention of turning Iraq into a campaign issue, but every intention of doing so with homeland security.

Of course, it is the right of the Republican Party and the President to make an election issue out of anything they want to make an election issue out of, but this is a matter on which we should not be engaged in politics. This is a matter on which we should be reasoning together to get over the small differences that remain on this question, to reach common ground and get this done. The Gramm-Miller substitute leaves out some very critical parts that our committee put in. Senator DURBIN has a part on information technology. Of course we should support Senators CARPER and COLLINS put in an amendment to create a COPS-like program for firefighters. There should be broad, bipartisan agreement on that. I could go on. Senator CARPER has a provision relating to the safety and security of Amtrak facilities. None of those are in Gramm-Miller. If we can reach agreement on this question of protection for Federal Homeland Security workers and protecting also the President's prerogatives regarding national security, I would guess that the Gramm-Miller substitute, as amended by NELSON-CHAFEE-BREAUX, would have a real head of steam behind it and would probably find its way rapidly to the conference committee.

Let me make this appeal to my colleagues on the other side. We are not a unicameral legislature. The White House seems to be insisting that we negotiate to the final point here in the Senate bill, and with that stubborn intransigence they are blocking us from achieving all the rest that we want to achieve in terms of homeland security. We can pass the bill here. It then goes to conference. The process continues.

So let's not have it reach a dead end here. The time is passing, and if it is nothing but politics, as we move on to the Iraq resolution and the probability of adjourning—or at least recessing—quite soon thereafter, I appeal to my colleagues—mostly Republicans, but some of those Democrats who voted against cloture the first time on Gramm-Miller—to listen to the words of the Senator from Pennsylvania. The best way to get this moving is to invoke cloture, force the compromises we need. Let's have the meetings that Senator THOMPSON, Senator DURBIN and I urged our colleagues with Senators NELSON, BREAUX, CHAFEE, and anybody else who wants to come. This is an eminently solvable
dispute, if we have the will to do it. Then we can go on to protect the security of our people and dispatch our responsibility under the Constitution.

How much time do I have remaining? The PRESIDING OFFICER. Two minutes, Mr. LIEBERMAN.

Mr. LIEBERMAN. I yield that time to the Senator from Louisiana, unless the Senator from Tennessee wishes to go forward.

Mr. THOMPSON. No. The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Mr. BREAUX. Mr. President, I think the Senator is right on target. We have two different opinions about how to approach this matter, and there is not a dime’s worth of difference between the two. The easiest way to figure out how to reach a legitimate compromise is to vote cloture, and then we can negotiate what is the proper approach to this legislation. If you read both offerings in this particular area, we will give the President essentially the authority to take away collective bargaining rights of American workers if they are related to national security or threats of national security. We also basically give him the authority to make management changes, I will address this quickly.

If you are going to make management changes, do you want the people whose jobs are being changed to be involved in that decision or do you want to take away their collective bargaining rights, one, and tell them arbitrarily what they are going to have to do? What type of a worker are you going to have if you take that away and then not even let them talk about what their duties are going to be. You are going to have a very reluctant workforce, which is not in the interest of this country from a homeland security standpoint. We have suggested models after the IRS, which say let them come in and negotiate, talk, and find out what their duties are going to be. If you cannot agree, we suggested turning it over to a Federal board that the President appoints to resolve the conflict and let them make the decision. At least the workers will have an opportunity to be heard. I don’t think that is asking too much when you have taken away all of their collective bargaining rights.

This thing can be resolved. We are going to have our meetings this afternoon. We have taken 3, 4 weeks already and have not made a lot of headway. Perhaps we ought to appoint a Federal negotiating board to handle the Senate, and maybe we can resolve it that way because, obviously, right now we are not making progress. But we are going to continue our efforts.

I yield the floor. The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. THOMPSON. Madam President, the bill here with regard to this cloture motion is whether or not the President of the United States is entitled to an up-or-down vote on his proposal to make this country more safe. I repeat. The issue—and the only issue—on this cloture vote is whether or not the President of the United States, at this time in our history, is entitled to an up-or-down vote on his proposal to make the country safer. I think the answer to that is yes and the answer to cloture should therefore be no.

If there is not a dime’s worth of difference between these proposals, I would like to think the President in this time in our history would be given the benefit of the doubt on these issues, which our friends on the other side say are really insignificant.

The Senator from Connecticut says the evidence mounts as to shortcomings of the Federal bureaucracy and that it contributed to the problem we had on September 11. I could not agree more. My only question is: Then why are we not allowed to make some changes that might improve the situation?

Gramm-Miller does provide for consultation. The implication has just been made that Gramm-Miller does not provide for that. Why shouldn’t employees be brought in and enter into a dialog? It provides for that.

However, the Nelson-Chafee-Breaux so-called compromise still puts additional hurdles in the path of this President that other Presidents have not had. For some reason, at this time, with regard to this Department of Homeland Security, we are putting forward additional hurdles and additional determinations this President must make that other Presidents have not had to make.

The Nelson-Chafee-Breaux compromise takes the issue of labor-management and the issue of appeals off the table altogether and says: You shall make no changes, regardless of the myriad indications we have had where we have deficiencies in our system with regard to these issues.

There is no reason why these issues should take years and years to resolve. There is no reason why we should fiddle while Rome is burning. Surely we can do better, but this so-called compromise takes those issues off the table and out of the power to make any kind of adjustments. I suggest that is not a reasonable compromise. I suggest the President is entitled to an up-or-down vote.

I agree with my good friend from Connecticut; we are in the last stages of this discussion. If we do not resolve this matter within the next day or so, there will be no homeland security bill this year. That is a tragedy for this country. We apparently divided sides and decided who benefits. That is the fact, and, therefore, I urge no on the cloture vote.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the Gramm-Miller amendment No. 4738:

Joseph Lieberman, Max Baucus, Ben Nelson of Nebraska, Dianne Feinstein, Tim Johnson, Patrick Leahy, Jeff Bingaman, Jack Reed, H. R. Potham Clinton, Jim Jeffords, Debbie Stabenow, Daniel K. Akaka, Harry Reid, Maria Cantwell, Byron L. Dorgan, Herb Kohl

By unanimous consent, the manda-

The question is, Is it the sense of the Senate that debate on the Gramm-Miller amendment No. 4738 to H.R. 5005, an act to establish the Department of Homeland Security, and for other purposes, shall be brought to a close? The yeas and nays are required under the rule. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from New Jersey (Mr. CORZINE) and the Senator from New Jersey (Mr. TORRICELLI) are necessarily absent.

I further announce that, if present and voting, the Senator from New Jersey (Mr. CORZINE) would vote ‘aye’.

Mr. NICKLES. I announce that the Senator from Colorado (Mr. ALLARD) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 45, nays 52, as follows:

[Rollcall Vote No. 228 Leg.]

YEAS—45

Akaka
Baucus
Bayh
Bingaman
Breaux
Baucus
Carson
Carper
Chafee
Cleland
Clinton
Conrad
Daschle
Dayton

NAYS—52

Allen
Bennett
Bond
Boxer
Brownback
Bunning
Burns
Byrd
Campbell
Chafee
Collins
Craig
DeWeine
Domenici
Ensign
Enzi
Feingold
Allard

Fitzgerald
Frank
Gramm
Grassley
Gregg
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Inouye
Jenkins
Johnson
Kerry
Kohl
Landrieu
Leahy

Arrington
Baucus
Bayh
Bingaman
Breaux
Baucus
Carson
Carper
Chafee
Cleland
Clinton
Conrad
Daschle
Dayton

NAYS—3

Allen
Bennett
Bond
Boxer
Brownback
Bunning
Burns
Byrd
Campbell
Chafee
Collins
Craig
DeWeine
Domenici
Ensign
Enzi
Feingold

Corzine

The PRESIDING OFFICER. On this vote, the yeas are 45, the nays are 52.
Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

RECESS
The PRESIDING OFFICER. Under the previous order, the hour of 12:30 having come and gone, the Senate will now stand in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:52 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. CLELAND).

The PRESIDING OFFICER. The Senator from Nevada.

ORDER OF PROCEDURE

Mr. REID. Mr. President, the majority leader shortly wishes to make a statement. I see my friend from Missouri is in the Chamber, and a number of other Senators and members of other parties wish to speak.

Do any of the Senators wish to speak now?

Mr. BOND. Mr. President, I have a number of issues to speak about. I wish to speak in relation to a welcoming resolution, and then I have further remarks upon which I wish to expound.

I am happy to accommodate the floor leader's desire. I ask what his intentions are.

Mr. REID. My intention was that we go into a quorum call until the majority leader appears on the floor. But maybe—and does the Senator from Missouri wish to speak now?

Ms. LANDRIEU. Yes, Thank you, I say to the assistant majority leader. I wish to talk about the West Nile virus for a few moments because it is an issue that is so important to Louisianans and many States.

Mr. REID. How long does the Senator wish to speak?

Ms. LANDRIEU. Maybe 10 minutes. But we may not be ready. The House is passing their bill. I am kind of open to the time.

Mr. REID. How long does the Senator from Missouri wish to speak, approximately?

Mr. BOND. Mr. President, I have one matter that will take 2 minutes and another matter that will take 10 to 15 minutes. If nothing else is happening, I could go for another 20.

Mr. REID. I am wondering if my two friends, the Senator from Louisiana and the Senator from Missouri, if the majority leader comes to the floor, would be willing to yield to him for his statement?

Mr. BOND. Pardon?

Mr. REID. I said, if the majority leader appears on the floor, will you be willing to yield to him for a statement?

Mr. BOND. Mr. President, of course. I am always happy to accommodate my colleague.

Mr. REID. Mr. President, I ask unanimous consent that the Senator from Missouri be recognized for up to 20 minutes; and that following that, the Senator from Louisiana be recognized for 10 minutes; and that they both agree, when the majority leader appears, that they will yield to him for his statement.

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

Mr. BOND. Mr. President, I thank my good friend, the majority floor leader. My first item should be a non-controversial one.

WELCOMING HER MAJESTY QUEEN SIRIKIT OF THAILAND

Mr. BOND. Mr. President, we are going to have a visit from a very important leader of a great ally, the Queen of Thailand. Her Majesty Queen Sirikit arrives here in Washington on Friday of this week.

We know that Thailand and the United States have a shared commitment to peace, liberty, democracy, and free enterprise. We are very dependent upon that country for economic trade as well as security. Queen Sirikit has done a remarkable job in leading the way in humanitarian efforts, including in rural Thailand.

Mr. President, we are experiencing a period of national tension as the United States girds itself to confront those nations and those faceless individuals who want the prosperity, our security and, indeed, our very lives. However, in such times of anxiety, it is important that we recall that the globe is populated much more heavily with our friends than with our enemies and that, while we must face those enemies, we should also pause to honor our faithful allies.

With this thought in mind, I take a moment to draw the attention of the Senate to the Government and people of Thailand whose Queen, Her Majesty Queen Sirikit, arrives here in Washington, D.C. on Friday, October 4, 2002.

The United States enjoys a long and constructive relationship with the people of Thailand, dating back to 1833 when the administration of President Andrew Jackson negotiated and signed the Treaty of Amity and Commerce in which the two signatories pledged to establish “a perpetual peace” between them. That treaty, the first such that the United States signed with any Asian nation, commenced a 169-year period of amicable, mutually beneficial relations.

Thailand and the United States enjoyed a shared commitment to peace, liberty, democracy and free enterprise, enabling us to cooperate both in the broadening and the protection of those values. Thailand is one of the only five developing nations to achieve sustainable growth that could prove to be as high as 5 percent this year. The U.S. remains Thailand’s largest export market while Thailand ranks 22nd as a destiny of U.S. exports. This nation has an aggregate investment of almost $30 billion, while 600 U.S. companies, large and small, are currently doing business there.

But I do not wish to talk solely of general U.S.-Thai relations. I also wish to acquaint the Senate with the splendid humanitarian work of Queen Sirikit, who has worked tirelessly to promote the well being of both Thais and non Thais alike. For the past 46 years she has served as President of the Thai Red Cross Society. In this capacity she had to address the humanitarian problems posed by the influx of 40,000 Cambodian refugees as they flooded across the Thai border to flee the turmoil in their country. Many of those people lived for years in the Khao Leam Center set up to shelter, feed and care for families with small children and unaccompanied orphans.

Her own people have similarly benefited from Her Majesty’s close attention. To increase the income of the country’s rural families, Her Majesty has initiated many projects, such as the Foundation for the Promotion of Supplementary Occupations and Techniques, better known as the SUPPORT Foundation. This is certainly a model for other developing countries as many are discovering to their cost that the early stages of economic development can often prompt a rush from the land to the city that the nascent urban economy is often unable to bear. If developing nations are to achieve sustainable growth, they will have to emulate Queen Sirikit’s attention to the needs of the rural population.

I am by no means the first person to recognize Her Majesty’s achievements. She has been awarded the prestigious CERES medal by the Food and Agriculture Organization of the United Nations.

Tufts University has honored her with an Honorary Doctorate in Human Letters in recognition of her work for the people of Thailand. Her care for the health of those same people has won her an Honorary Fellowship from Great Britain’s Royal College of Physicians.

I ask my colleagues from both sides of the aisle to join me in welcoming Queen Sirikit to the United States. I understand that Her Majesty will preside over an event at the Library of Congress on October 1, 2002.

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

The Senate is now in recess until the hour of 3:00 p.m.
Congress next Wednesday, October 9, during which the work and activities of the SUPPORT Foundation will also be exhibited and I look forward to seeing many of you there.

I have a resolution that I hope to be able to bring up which will join with the House in extending the welcome of Congress to Her Majesty, the Queen. We look forward to discussing that with the leaders on both sides. And I hope to be able to address that later on.

SENATE INACTION

Mr. BOND. Mr. President, I think it is time that we take a look at where we are and determine what is happening in this body. We have not completed an energy bill, a Defense authorization bill, a terrorism reinsurance bill, a homeland security bill, or a bill to provide a prescription drug benefit. Even to break the logjam this year, the new fiscal year today, this is not a happy occasion. We have not considered a budget on this floor. We have not completed and sent to the President a single 1 of the 13 appropriations bills. The President may not even be handed a bill to sign or veto.

Our distinguished former colleague and leader, Senator Bob Dole, once said: "I do believe we spend a lot of time doing very little, and that may be an understatement. Meanwhile, there are great needs. Our economy struggles. We have not passed a terrorism risk reinsurance bill that would put our construction industry back to work. We haven't passed an energy bill that could put literally three-quarters of a million people to work in the construction area, in the development of the goods and the products, the pipelines we need to secure our energy future.

The economy is a problem. This summer, the Governor of the State of Missouri announced that Missouri's relative job loss was the highest in the Nation over the past year. There are measures pending before us that have been recommended that we have not passed. Here we are, the first day of the new fiscal year, and we have not yet begun to debate a budget that would be the framework for our appropriations bills. We have not even been brought up on April 15. We worked on it in the Budget Committee. It was a contentious debate. But we said at the time that the bill that was reported out of the Budget Committee was not one that could pass. Unfortunately, we were correct. It has not even been brought up.

The majority has not even brought up their own budget bill to be amended or to be debated on the floor. Even if the bill is not perfect, we should at least bring it up for debate so we can proceed to get a budget. Since 1976, when the Congressional Budget Act of 1974 first went into effect, this has never happened. This is the first time the Senate has not seen fit to consider a budget since the Ford administration. Historically, the budget resolution has been a difficult matter to resolve. On average, it has been adopted late in May. I see the distinguished former chairman of the Budget Committee on the floor. He has fought many difficult battles, but he has accomplished the purpose. And we passed a budget so we could pass appropriations bills; so we have some discipline. The time is over 5 months late and counting.

One of the key congressional responsibilities provided for in the Constitution remains unscheduled. Furthermore, as of midnight last night, there are no budget enforcement provisions, no pay-as-you-go requirements, no points of order against overspending. They are all relaxed. As of today, all budget enforcement provisions have expired. I hope nobody will take this as an invitation to spend the budget with more directed spending.

On top of this, we have not completed a single appropriations bill, which was supposed to have been completed by midnight last night. We have begun the fiscal year with a record of zero for 13—not a very good average. Only three bills have completed Senate consideration in appropriations.

We all know resolving spending matters is always difficult. There is always someone to blame. But clearly the Senate has not completed its most primary responsibility, which is expressing the will of the public in the form of a budget. I understand in the last 8 weeks we have not completed action and had a rolcall vote to pass a major piece of legislation. We have been on the Interior appropriations bill for 4 weeks. This is week 5.

In this case, we are making no progress because the majority will not permit a vote on an amendment designed to prevent forest fires from destroying forests and homes and taking human life. I know members of the Appropriations Committee are ready to bring their bills before the Senate for consideration. The chairman, Senator Byrd, and ranking member, Senator Stevens, reported all 13 bills out of the Appropriations Committee by the end of July. The Senator from Maryland, Ms. Mikulski, and I are ready to bring our bill to the floor to fund veterans and housing and the environment and space and science and emergency management. Well, it is not there. We go into the new year without any of these bills being passed.

I don't want to be confrontational with those managing the Senate, but this is week 5 on a bill that should have taken 2 days. As someone who has spent a lot of time in my few years working with the majority and minority and with the House and the administration resolving difficult matters of disagreement, I know how difficult it is to complete spending bills. However, I fear this process is bogged down by design.

Last week, we were told we may have to vote on Saturday. But instead of voting on Saturday, we canceled votes for Monday and the Senate has overwhelmed the Interior bill. Meanwhile, western Senators have an amendment to protect their forests and their citizens from fire. But the majority, apparently on behalf of certain interest groups, will not permit the Senate to vote. We should vote. That is our job. We work up or down. We win or lose. The whole purpose of this delay, regrettably, is to avoid voting.

What is reprehensible is that the authors of the amendment to prevent devastating, deadly fires—deadly to humans, to forests, property, and wildlife—are not even given an opportunity to get a vote. If we would vote, we could get to the remaining amendment, pass this bill, and move on in the next day or two. Mr. Craig are suggesting—this I believe is outrageous—that the sponsors of the amendment should have to pull their amendment so we would not have to vote. We have only cast 227 votes this year. I can't remember any year in my 12 years where we have had fewer votes. But this would be a good time to pass another one. We could cast another vote and pass this bill.

The sponsors of this amendment have had people in their States who have been burned out of their homes, including old-growth trees, habitat, and wildlife ruined, killed by fire, and houses burned. They have a solution on which the Senate should have the courtesy, if not the common sense, to vote. How poorly is the majority leadership willing to treat Senators from these States?

The Senators and their constituents deserve a vote, period. If Senators want to vote against it, then do so. Senator Craig has not had the opportunity to slip this provision into a conference report, so he is doing what the Senator is paid to do, which is to offer an amendment up or down and have a vote. Why can't we? Should the sponsors be asked to ignore their burning States and set their amendments aside or should the people preventing a vote decide that the Senate should do what we are paid to do? To me, the answer is obvious.

We have been in session for over 4 weeks. The last weeks, we have cast a whopping 19 votes, many of them on noncontroversial judges. I compliment our colleagues from South Dakota for figuring out a way to protect their State from fire. But I want others to have the same opportunity. I have had no want of an aid. The Senator from South Dakota got his vote on farm aid. I voted for it. It was not germane to the bill, it was not relevant to the bill, but I voted for it because it is important to farmers all across the heartland of America.

Why can't the Senators whose States are on fire or threatened to be on fire have a vote? I haven't heard one good
They have to either vote for their con-
body might be put in a difficult spot.
manmade spark could set these off.
trees. Guess what. It was a very dry
forests or you will have catastrophic
sets off catastrophic fires in the
people, know you cannot leave the fuel
esters, the professional Forest Service
avocation is forestry and having talked
say, having studied this issue and hav-
Mr. Domenici amendment, which
was going to permit us to have a vote
in reference to the thinning of forest
accumulations in certain parts of the
West to avoid fire, here is the logic: We
won't let you vote. But do you know
why they won't let us vote?
Mr. Bond. I am happy to yield.
Mr. Domenici. If you think through
the Craig-Domenici amendment, which
was approved and enacted in 1990 and
they will also know that it was one
of the Senate's most effective tools in
our quest for guiding fiscal policy here in
the Congress.
Mr. Domenici. The upshot is that
with anybody. But we have dis-
Mr. Bond. I am puzzled why we can't
give a vote on this commonsense, sound
forest management plan. I defer to my
colleague and ask for his guidance.
Mr. Domenici. Two reasons: One,
some of their Senators would have to
vote for it because it is such a good
amendment; they know some of them
are yearning to vote for it so they get
to vote. Secondly, if it got enough
votes, they would have to filibuster
it—"they" being the other side of the
aisle—because it would then be an
amendment that the environmentalists
who don't support it would insist that
their Members on that side vote against
It is the strangest kind of filibuster
you ever saw. It is a filibuster so as to
ever let an amendment pass so that
the majority won't have to vote on it.
And if it were to pass, they would have
to filibuster it. So they are clean and
blaming us for the filibuster.
Mr. Bond. Mr. President, I thank my
colleagues for their guidance. They
have remaining?
Mr. Domenici. Will the Senator
yield whatever time he has remaining?
Mr. Bond. Yes. How much time do I
have remaining?
The Presiding Officer. Four
minutes.
Mr. Bond. I yield 4 minutes to the
Senator from New Mexico.
Mr. Domenici. Mr. President, I want
to merely comment on the issue
raised by my good friend from Mis-
souri. I think the people in the West
understand we are not being dealt with
fairly. The Western States have this
large accumulation of debris and for-
est fires are burning down. Our amend-
ment would permit some help to those
States where we see these enormous accumu-
lations going up in flames. We could
take that out.
NEW FISCAL YEAR—2003
Mr. Domenici. Mr. President, Happy
New Fiscal Year.
My colleagues will remember that
the new fiscal year began at midnight last night and none
of the 13 regular appropriation bills has been
enacted. Over the last decade, this
has happened only two other times—in
1996 and last year.
Now, one could make a good argu-
ment that the failure to complete any
of the regular appropriations bills last
year was completely understandable
given the events of last September.
...
resolution to extend these pay-and-go and other enforcement provisions that expired at midnight last night.

We should adopt this resolution without delay; it is the least we can do to keep some hope alive that the budget process will survive the set backs this last week.

I think, as Chairman Greenspan—maybe I should say, Chairman Greenspan in recognition of his knighting last week—that we need to do at least this small resolution to send a signal to the markets and the public that fiscal discipline has not been totally abhorred.

Again, today is the first day of a new year. October 1 is the first day of the new year under our budgets and it has been so for quite some time. It used to be July 1. Everybody thought it was too soon, so they moved it to October so there would be plenty of time. So it is the first day, but we don’t have a budget resolution.

Today, we start a budget and start spending money—if we ever get around to it—under a budget that doesn’t exist. I think it is time we do that. Seeing the majority leader on the floor, I want to ask in a forthright way—because I know he is aware of this—when does he think we might be able to take up the resolution I am going to introduce with the ranking member of the Budget Committee, the so-called pay-go resolution? I ask the leader, is that on his agenda somewhere? I would be here to help him if there is anything I could do to move the time.

Mr. DASCHLE. If the Senator will yield, I will be happy to respond.

Mr. DOMENICI. Yes.

Mr. DASCHLE. As he knows, we have attempted to bring debate on homeland security to a close now on 5 separate occasions. We failed to do that again this morning. It was my expectation we were going to take up the budget enforcement resolution prior to the time we moved to the Iraqi resolution. That may be complicated now, in part, because I think we need to get started on the resolution on Iraq prior to the end of this week. But without any doubt, we will address the budget enforcement resolution the Senator has addressed prior to the time we depart, prior to adjournment.

I have made that commitment to the budget chair and I have said it on the floor on several occasions. I think it is essential. I have not heard all of his remarks, but I assume the Senator from New Mexico made a similar statement. So we will make that effort. I am quite confident when we do, it will be successful.

Mr. DOMENICI. That means before we recess, is that correct?

Mr. DASCHLE. The Senator is correct.

Mr. DOMENICI. It only has to be passed by the Senate, and we will have extended the pay-go provisions.

MOTION TO PROCEED—H.R. 2215

Mr. DASCHLE. Mr. President, I move to proceed to the conference report to accompany H.R. 2215, the 21st Century Department of Justice Appropriations Authorization Act.

The PRESIDING OFFICER. Is there objection?

Mr. NICKLES. Mr. President, reserving the right to object. I will ask the majority leader a question. The majority leader is wanting to move to a conference report on the Department of Justice reauthorization bill, is that correct?

Mr. DASCHLE. Correct.

Mr. NICKLES. So we will be setting aside the homeland security bill?

Mr. DASCHLE. No. We will only interrupt the ongoing consideration of homeland security. This does not disrupt homeland security on the calendar. The regular order would be we would revert right back to homeland security once the conference report has been disposed of, with no additional action required on the part of the Senate.

Mr. NICKLES. Mr. President, I appreciate the Senator’s explanation. I know there have been some negotiations, though not as fruitful as we would like, on homeland security, but I trust the negotiations will be ongoing, and maybe we will have some success upon the conclusion of the DOJ authorization bill. I shall not object.

The PRESIDING OFFICER. The question is on agreeing to the motion to proceed.

The motion was agreed to.

Mr. DASCHLE. Mr. President, prior to the clerk reporting the conference report, I ask unanimous consent I be allowed to speak as in morning business for 3 minutes.

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

HOMELAND SECURITY

Mr. DASCHLE. Mr. President, I simply add to the comments I have just made to the Senator from Oklahoma, that we are going to finish the debate on homeland security, even if it is the night before the election. So I want those Senators on both sides of the aisle thinking that somehow this is going to go away to be very clear. We have voted now on cloture five times: three times on the pending bill, the original bill, and twice on the Republican amendment—twice on the Republican amendment.

I have offered the Republican leadership the opportunity for an up-or-down vote on the Republican amendment, and I am still told that is not good enough. For the life of me, I do not know what else to do. But we will continue to have cloture votes. We will continue to stay here. To the extent we can, we will interrupt—and I use that word—interfere with “displace”—homeland security with other pieces of business so we do not keep spinning our wheels.

If it is November 4, we will be here. If it is November 7, we will be here. I have heard there are those on the other side who believe somehow they can make this a political issue if we just drag it out and blame the Democrats. We are not going to do that. I think the record is about who is holding this up. We will vote on it. We will vote on final passage at some point this fall. I just want to make sure my colleagues all understand that.

This is the sixth week—the sixth week—we have debated this bill, and there are probably 70 or 80 amendments pending. So you tell me when we will finish; I will tell you whenever that is we are going to be here. I yield the floor.

21ST CENTURY DEPARTMENT OF JUSTICE APPROPRIATIONS AUTHORIZATION ACT—CONFERENCE REPORT

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The committee of conference on the disagreement votes of the Senate to the amendment of the Senate to the bill (H.R. 2215), to authorize appropriations for the Department of Justice for fiscal year 2002, and for other purposes, having met, have agreed that the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, and an amendment to the title, signed by all of the conferees, to the report of the Senate, and agree to the amendment of the Senate to the bill (H.R. 2215), to authorize appropriations for the Department of Justice for fiscal year 2002, and for other purposes, having met, have agreed that the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, and an amendment to the title, signed by all of the conferees on the part of both Houses.

The PRESIDING OFFICER. The Senate will proceed to the consideration of the conference report.

The report is printed in the House proceedings of the RECORD of September 25, 2002.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I thank the distinguished majority leader for moving to the Department of Justice Authorization Act. This is the first one in 21 years. I note for my friend from South Dakota and my friend from Nevada, this passed the House of Representatives 400 to 4. The conferees, Republicans and Democrats, endorsed it unanimously. It should be able to pass, I hope, easily here.

I spoke at some length yesterday about all the items that law enforcement has asked for in this bill. I know the distinguished majority leader from Louisiana is waiting to speak. I will take only a few seconds. I wish to emphasize again, this is legislation that passed 400 to 4 in the other body. It has been endorsed across the political spectrum—law enforcement, anti-terrorism groups, schools, those small towns in rural America facing drug problems. They are all looking for the adoption of this conference report.

The high-tech industry is looking for the passage of the Madrid Protocol which is in the bill.

There are 20 new judge positions. Actually, we were trying to get these authorized during the last 6 years of
President Clinton’s term, and they were blocked. Now with President Bush in office, I put the same 20 in to show bipartisanship. They are back in there and should be passed. President Bush can nominate the people for these positions. I cannot believe either side would be against that.

I hope we will have a consent agreement for a limited amount of debate at some point and then go to a vote.

Mr. REID. Will the Senator yield?

Mr. LEAHY. Yes.

Mr. REID. Under the previous unanimous consent agreement that has been granted, the Senator from Louisiana has 10 minutes before we get to debate on this bill. It has been 21 years since this bill has been reauthorized, so I do not think anyone can criticize the Senator from Vermont and/or Senator HATCH for taking a little time talking about this bill. But it appears this is such important legislation that we will probably have a rollcall vote on it, which I would think.

Mr. LEAHY. I hope so.

Mr. REID. I ask my friend from Vermont, does he have an idea how long he and/or Senator HATCH will take debating this conference report?

Mr. LEAHY. I cannot speak for Senator HATCH, Mr. President, but I will be happy to vote later this afternoon at 4:30 or so.

Mr. REID. It is quarter to 3 now. So within the next couple hours, it is likely we will have a vote.

Mr. LEAHY. I hope.

Mr. REID. Has the Senator asked for the yeas and nays on this yet?

Mr. LEAHY. No, but I will. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. LEAHY. Mr. President, I yield the floor and thank my good friend from Vermont for her usual courtesy and cooperation.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I thank the Senator. While this underwhelming bill is indeed a step forward, it may not have the same breadth and depth as the one that was just described. The people of Louisiana, and I might add, the people of Illinois—Senator Durbin has been working hard on this particular issue—and many other States have been severely affected by the West Nile virus. In fact, over 17 people have died in Louisiana and over 2,400 people have been affected and infected by this very frightening disease. If we can manage today—and I have had discussions with the leadership—we are going to hopefully pass this bill by unanimous consent, which will give grants to our counties and parishes in Louisiana to help their local officials do more effective pest eradication, whether that is through traditional spraying or larvicide techniques that are used to kill mosquitoes at their various stages before they can attack human beings and carry this deadly disease.

The effects are quite frightening. People in my State are having a very tough week. We had a terrible storm that was not a hurricane but nonetheless it was a large and intense tropical storm. So the headlines at home have been filled with storm warnings, storm preparations, and consequences of the storm management.

Now, in the gulf, we find ourselves facing yet another potential hurricane that is moving toward the shores of Louisiana. So this summer has been a very anxious time between the storms and the West Nile virus at home where a lot of the parishes in Louisiana were affected. Seventeen deaths are quite extraordinary. This is the largest outbreak in many years. We are really struggling with providing some help to the local communities and parishes that, in fact, do have mosquito abatement control districts and, under normal circumstances, can take care of those needs on a local level. But when something such as this breaks out, it is important for us to step up to the plate and help.

This bill will give local governments an opportunity to submit for grants to take care of their businesses and to upgrade their eradication programs. There are other parts of the Federal Government that can be helpful in educating people about how to stay safe from this virus, such as what to do, what symptoms it shows.

This bill that I hope we can take up today will provide hard dollars, not for bureaucrats, not for a new Federal agency but to get grants to Georgia, the State of the President, and my State, for those local jurisdictions to get their spraying up to par and to do it in an environmentally safe way.

Hopefully, the worst is behind us, but we do need to prepare in the event we have another outbreak. Getting this grant program established will help us next year if this happens again.

My colleagues are_cosponsor H.R. 4793—I am not asking that it be called up at this time—which I hope we can pass by unanimous consent later on today.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

HOME LAND SECURITY

Mr. BOND. Mr. President, it is important for us to understand where we are on the homeland security bill. This is, obviously, a very important bill for the President. The President has outlined extensively his plan of organizing this agency.

The one thing he has asked is that he be given an agency that is workable. The distinguished majority leader has outlined out there a number of cloture votes and we have not gotten cloture, so by that he suggests that somehow this side of the aisle is the problem.

I believe it was June of this year that the majority leader promised he would not fill up the tree. For those who may be listening at home, that is a means of adding a number of amendments so that the other side cannot offer any amendments for a vote. Well, they filled up the tree to an extent.

I urge it effective in defending the homeland, we ought to give the Commander in Chief at least a vote on his proposal.
I believe my colleagues who have been working on the bipartisan bill that reflects the President’s proposals have taken some 25 different amendments to accommodate the interests of Congress and various bodies. The distinguished junior Senator from Georgia and the junior Senator from Texas have worked with the Senator from Tennessee on this measure. They have gotten to the point where they have made compromises. It comes down to the point where the President believes, and most of us on this side agree, that he could not manage the Department effectively if his hands were tied. Whether my colleagues want to vote on it or not, I think it makes sense, out of common courtesy, if nothing else, to give the Commander in Chief an up-or-down vote on his proposal.

As has been pointed out, the Senate bill does not include the managerial flexibilities the President needs to run the Department. His representative, Dr. Falkenrath, stated today that the Senate bill, as reported by the Governmental Affairs Committee, would create an extremely rigid bureaucracy. There would be a huge gap between the responsibilities of the Secretary to integrate the Department and the responsibilities of the Secretary to accommodate the interests of the Members of Congress and others who wanted to see changes in it.

We can pass this bill. All we ask for is an up-or-down vote. If we have an up-or-down vote, those who favor the system that has been reported out of the Governmental Affairs Committee may win or we may win, but we certainly would like to have some flexibility and simply to prevent a vote on what the President said is a critically important issue for national security.

I believe the time has come to stop filling up the trees, trying to invoke cloture to lock in an amendment that would undercut the President’s power before he has an opportunity to have a vote on his proposal. That does not make any sense.

This body ought to show not only concern for the Commander in Chief’s request but ought to respect the needs of the American people who must be assured we are doing everything in our power to move forward on homeland security with the Department that is effectively constituted and set up to carry out the responsibilities.

### Use of Force Against Iraq

We also have another important issue before the Senate. Before we get out of Iraq and then move on to protect us from others, we will be moving toward a resolution authorizing the use of force against the threat posed by Saddam Hussein. Let’s be clear about the intent. The resolution, that I trust the House will adopt and we will adopt, should send a clear message to the world community and the Iraqi regime that the demands of the United Nations Security Council must be followed. Saddam Hussein must be disarmed.

Previous administrations, both President Clinton and Vice President Gore, have outlined the dangers that Saddam Hussein has posed. President Clinton made a very forceful statement in 1998 and then on May 23 of 2000. The Vice President, Al Gore, said we must get rid of Saddam Hussein.

Regrettably, the situation has gotten worse. Without inspectors, there has been no check on the development of weapons of mass destruction. We know from defectors and other intelligence sources he is moving forward on these issues. We know the Iraqi regime possesses biological and chemical weapons. It is rebuilding the facilities to make more. According to the report we received from British Prime Minister Tony Blair, he could launch a chemical or biological attack in as little as 45 minutes after the order is given. The regime has longstanding and continuing relations to terrorist groups. We know there are tens of thousands of Iraqis who are not satisfied with the domination of Iraq. Members of al-Qaida and the Iraq Government have been in contact for many years. This regime is seeking a nuclear weapon and the delivery capability to go with it.

Unfortunately, the President has readily available other weapons of mass destruction such as biological and chemical weapons. The Iraqi dictator has answered a decade of resolutions from the United Nations with a decade of defiance. In the southern and northern fly zones over Iraq, coalition aircraft continue to be fired upon and coalition pilots continue to put their lives on the line just to enforce these resolutions.

Unfortunately, some elected officials want a vote on this bill and said: We trust Saddam Hussein; we do not trust our President. They should have watched what we have seen on television, the firing on the coalition aircraft by Iraqi forces. In the last 2 weeks alone, coalition aircraft have been fired on 67 times. Saddam Hussein claims to be willing to accept inspections. He wants to work with us. However, 67 times he has tried to kill our pilots who are flying to enforce the resolutions of the United Nations Security Council.

As President Bush stated this past weekend, the Iraqi regime is led by a dangerous and brutal man. We know he is actively seeking the destructive technologies to match his hatred. We know he must be stopped. The dangers we face will only worsen from month to month and year to year. To ignore these threats is to encourage them. When they fully materialize, it may be too late for the United Nations Security Council and the United States to protect our allies. By then, the Iraqi dictator will have had the means to materialize and dominate the region and each passing day could be the one in which the Iraqi regime gives anthrax or VX nerve gas or a nuclear weapon to a terrorist group.

The mantle of leadership requires this body to act. We have seen the United Nations speak loudly and carry a soft stick too long. I am pleased to be able to work with my colleagues on both sides of the aisle who believe we made reasonable accommodations in the resolution the President has recommended. I hope we can have hearings on that resolution. We see the final word, get it passed by the House, and pass it out of this body by a very significant majority vote of both parties. That is the clearest message we can send to the United Nations, to our allies, to those on the fence, and to the malefactors of great evil who lurk in our world today.

I yield the floor. The PRESIDING OFFICER (Ms. Cantwell). The Senator from Georgia.
BUS SAFETY

Mr. CLELAND. Madam President, I rise today to address two timely issues. It is with a heavy heart over the loss of two passengers on a Greyhound bus last night in California and the injury of several others that I turn the attention of Senate and the House. This tragedy occurred when a passenger attacked the driver of the bus. After a heroic struggle upon being stabbed in the neck, the driver lost control of the bus. That is when the bus careened off Interstate 5. The alleged attacker was subsequently arrested by the police.

While terrorism is not suspected as the cause of the attack, no one knows what would have happened had the attacker gained control of the bus. Also, this attack occurs almost exactly 1 year after the October 3, 2001, Greyhound attack in Tennessee that left 7 dead.

However, we have seen the all-too-often result of buses used to commit terrorism. In the Middle East, where suicide bombers have used buses to carry out their deadly work. Historically, between 1920 and 2000, about half of the terrorist acts in the world occurred against buses or bus companies. With intercity buses serving almost 800 million passengers annually in over 4,000 communities, I believe Congress must act to protect our travelers from being subject to the same terror and safety concerns.

Last November, I introduced S. 1739 to authorize a 2-year grant program to improve the safety and security of buses. Funding could be used for safety improvements inside the terminals and on buses—for equipment such as metal detectors, database programs for sharing passenger lists, communication technology, cameras, and more. My legislation passed the Commerce Committee earlier this year without opposition, but unfortunately, it has been stalled waiting for floor action. I urge my colleagues to clear this bill for passage by the full Senate today. We owe it to the families of those who have been touched by this tragedy, and we owe it to the millions of passengers embarking on a trip or tour via bus service.

Also, the House companion legislation, H.R. 3429, has passed the House Transportation and Infrastructure Committee and is pending on the House floor. It has strong bipartisan support, including its sponsor Committee Chairmen DON YOUNG.

Congress has already expressed its approval for funding of such security measures in the 2002 supplemental appropriations bill by providing $15 million for bus security. My legislation authorizes the program at more adequate levels and provides much-needed congressional commitment for implementation of the program. Intercity bus passengers—our fellow citizens—should and can feel safe, and Congress should not stand in the way.

Additionally, I would like to ask my colleagues to examine the issue of access to technology, which is also important to protecting the security of our people. Over 7 months ago the Commerce committee held a hearing on the so-called digital divide at our colleges and universities that serve the largest concentrations of the Nation’s minority-serving institutions. The compelling testimony that a significant technology gap exists for a majority of these students at a time when the world economy is becoming increasingly technology driven. Only one tribal college has funding for a broadband connection, and it is not yet in place. At private historically black colleges and universities, 75 percent of their servers and printers are obsolete or nearly obsolete and in need of replacement. Half of the HBCUs surveyed in a landmark study 2 years ago by the Department of Commerce did not have computers available in the location most accessible to students—their dormitories. Hispanic students are almost 20 percent less likely than non-Hispanic white students to have a home computer and almost 25 percent less likely to use the Internet at home.

Currently there is no Federal program that provides funds to minority-serving colleges and universities for computer hardware and software acquisition. S. 414, the NTIA Digital Technology Program Act, would provide this critically needed resource for America’s under-represented and educationally disadvantaged minorities in higher education. It has been labeled as the most significant tool for addressing the infrastructure and instrumentation needs of the Nation’s minority-serving institutions since the reauthorization of title III of the Higher Education Act. It is a bipartisan bill sponsored by 18 Senators from both sides of the aisle. The bill was reported unanimously by the Senate Commerce Committee in May and also enjoys bipartisan cosponsorship and support in the House of Representatives.

In the ever-expanding world of the information highway, it should be our mandate to work to ensure that no one in this country is left behind least of all our leaders of tomorrow.

UNANIMOUS CONSENT REQUEST—S. 414

Mr. CLELAND. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of calendar No. 544, S. 414; that the committee-reported amendments be agreed to, the bill as amended, be read three times and passed, and the motion to reconsider be laid upon the table without further intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. BOND. Madam President, I object on behalf of Members on this side.

The PRESIDING OFFICER. Objection is heard.

Mr. CLELAND. Madam President, I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

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

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

HIGH COST OF HEALTH INSURANCE

Mr. BOND. Madam President, there is another matter that is extremely important for small businesses in this country; that is, the high cost of health insurance.

I have, along with my colleague, Senator HUTCHINSON from Arkansas, introduced a measure to authorize association of health plans so small businesses can come together in trade associations or other multistate bodies with similar interests to purchase their health insurance with a large pool. If you purchase as an individual or as a very small business, it is like going into the store and buying soda one can at a time. You can’t get a very good price. It also costs you a lot more in administrative costs to administer that plan if you are the sole administrator. From the health insurance standpoint, you don’t share the risks over a broad group of people so that you can make an actuarially sound determination of how much health insurance costs.

We have seen health insurance costs rising all across the Nation. Early last month, I hosted my second National Conference for Women and Small Business Owners in St. Louis. Among participants, some 72 percent of them said providing health insurance, which is extremely costly, was one of the most important challenges they face.

We also found another statistic that I found very alarming. We have 20 or 40 million people without health insurance in the country today. That is far too many. But did you know that 60 percent—roughly 24 million of those

UNANIMOUS CONSENT REQUEST—S. 1739

Mr. CLELAND. Madam President, I ask unanimous consent the Senate proceed to the immediate consideration of calendar No. 544, S. 1739; that the Cledland amendment at the desk be agreed to, the bill, as amended, be read three times and passed, and the motion to reconsider be laid upon the table without further intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. BOND. Madam President, I object on behalf of Members on this side.

The PRESIDING OFFICER. Objection is heard.
people—are either employees, employers, or members of the families of people employed in small business? Some 24 million people are without health insurance today because their chief breadwinner belongs to a small business that cannot afford health insurance.

I think that is just too many. The high costs of health insurance have made it difficult for small businesses to get the health insurance coverage they need. They do not have the bargaining power. They cannot spread the administrative cost. They cannot get as good a deal as a large corporation or a union or the Government can get.

We are very fortunate, as Federal employees, to have access to the Federal Employees Health Benefits Program. That is because we have a great big pool and we can bargain to get the best rates and we have choices from health insurance providers. Those choices are not available to small business. So we have developed a plan, with the full support and leadership of the President, to authorize establishing association health plans. The time has come for these health plans to be set up by legislation.

On Monday of this week, we found that there has been a jump in the number of those Americans without health insurance. It is extremely timely. Yesterday, I understand, the Secretary of Labor wrote to the majority leader and asked that we bring up and try to pass association health plans. It has already been passed by the House.

It is just sitting here. We need to pass it. I hope before we get out of here—I hope that is October 11; I am not sure from what the majority leader said whether we will make it by October 11—but before we go, I hope we have a vote on association health plans.

The Secretary of Labor has said this is the highest priority. And the Secretary of Labor would be the one who would regulate these plans to make sure they do not cherry-pick, that they are financially sound, and that they meet the requirements of the law.

The law is carefully structured to prevent picking out only healthy insured groups. You could not set up a group of fitness instructors, for example. That plan because that would take the lowest risk people and give them an unfair advantage over others, when health insurance is supposed to spread the risk over a broad population.

Association health plans are just one, but a very important, step we need to take in assuring that a significant number of those 24 or more million Americans who do not have health insurance get it.

This is something I have heard from small business groups, as I have listened to them in my State and across the country, in forums of all sizes. We get e-mails. We do not get letters very often; they still get held up in the radiation process, but when we do get letters, they are still talking about the high cost of health care.

Association health plans are one way we could give small business the power to deal with the high cost of health insurance. I have spoken to my colleagues about this before. This has been an item of great interest in our Small Business Committee. I hope more colleagues will look into this distinction of getting adequate and affordable health insurance coverage through association health plans.

The President has made a very strong and clear statement in favor of association health plans. I would hope this body could follow the leadership of the House of Representatives, which has already passed the association health plan legislation. This would be something very important we could do for small businesses and their employees and their families.

Madam President, I am happy to respond to questions from my colleagues to provide them further information. I invite their attention and I hope we can get agreement they have from the Madam President. I yield the floor. Seeing no one seeking recognition, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

ELECTION REFORM

Mr. BOND. Madam President, I was interested to read in today’s Washington Post an editorial urging us to move forward on the election reform bill. This bill has been championed by Senator DODD, the chairman of the committee, and Senator MCCONNELL, the ranking member. I have had a role in some antifraud provisions.

The Florida elections of this year seem to have brought more attention to the need for election law reform. The conclusion of the Washington Post is that:

At a time when voter turnout is at an all-time low, bolstering public confidence in the machinery of democracy is especially urgent.

I agree with that. That is why I worked so hard to see if we could get a bill passed that would do that. We need to make it easier to vote and tougher to cheat. Unfortunately, what we saw in Florida this year was the old truth: No matter how much appropriations in or what kind of legislation you have, if you have incompetence in local election officials, incompetence trumps everything. We know there were tremendous problems this year in an area where there were problems in 2000, even though they had new machines.

Nevertheless, we have worked on a bill that has many compromises and has a good structure for getting the kind of equipment we need to improve elections, providing additional safeguards, voting machines for those with disabilities and, in my view, the very important role of preventing dead people, nonexistent people, and dogs from voting.

Many of my colleagues don’t want to hear me talk anymore about Ritzy Mekler, the dog that was registered in Missouri. Unfortunately, Ritzy joins a very distinguished list of dogs who registered to vote around the country because motor voter does not have protection against phony registration.

We spent more than 7 months last year negotiating a bill. We brought it to the floor. There was some backsliding. We got it passed late this winter. It has been stalled in trying to work out the final details.

I have been discouraged because I have worked with the leaders from the other side on the bill to offer some compromises. We want to get the bill passed. I believe, along with Senator MCCONNELL, that we have proposed reasonable means of dealing with the problems they have. And unfortunately, the negotiations at the staff level have been stymied. Every time we get the wheelbarrow full of frogs, we find, as we try to wrap up the final details and get the final frogs in, some of the frogs have jumped out of the wheelbarrow.

Election reform is another bill that is long overdue for passage. I see my colleague from Kentucky in the Chamber who has been a champion in this area. I appreciate working with him and Senator DODD. I hope we can work with our colleagues on the House side, if we will just move forward and deal with some very important protections against more fraud in voting.

Since I see the manager of the bill is ready to go, I yield the floor.

ORDER OF PROCEDURE

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Madam President, I also see my friend from Kentucky. I want to go back to the bill.

Mr. MCCONNELL. I say to the Senator from Vermont, I am looking at 10 max, probably less.

Mr. LEAHY. I am wondering, I know the distinguished Senator from Kentucky can say more in less time than most people I know, and brilliantly. Could he perhaps say 5 minutes?

Mr. MCCONNELL. If I could beg the indulgence of the Senator from Vermont, this is a speech I have hoped to make on homeland security for some time now. We are only talking about 10 minutes. I would appreciate the opportunity to make the statement.

Mr. LEAHY. Madam President, I am trying to be helpful. I ask unanimous consent that the Senator from Kentucky be recognized for 10 minutes and then the floor revert to the senior Senator from Vermont.

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

Mr. MCCONNELL. Madam President, the homeland security bill is being held up because some labor unions want to put their special interests ahead of the collective interests of the Nation's security. Remember, these unions are not fighting against any increase in the President's authority to override collective bargaining agreements in the interest of national security. No, they actually want to roll back this authority that every President has had and has used since President Jimmy Carter.

How do union special interests affect national security? Here are just a few examples:

In 1987, a union objected to renovating border protection areas at Logan Airport—the same airport used by the terrorist hijackers.

In 1990, a union prevented the INS from adding extra immigration inspectors in the Hawaii airport because it might affect the overtime pay of existing workers.

In 2000, a union objected to a Customs Service drug interdiction along the Florida coast because it would interfere with vacation days.

Let me say that again. In 2000, a union objected to a Customs Service drug interdiction along the Florida coast simply because it would interfere with vacation days.

So why are our colleagues on the other side advancing the labor union's agenda? Well, let's take a look at this chart. Four of the five major public sector unions who are publicly pushing for the Lieberman bill have showered over 93 percent of their campaign contributions to Democrats. The fifth contributed 87 percent.

Here are the labor union contributors supporting the Lieberman bill: American Federation of State, County, and Municipal Employees contributed 99 percent of their funds to Democrats; American Federation of Teachers, 99 percent; International Association of Fire Fighters, 87 percent; American Federation of Government Employees, 93 percent; and National Treasury Employees Union, 94 percent.

When it comes to the accusations of linking campaign contributions to political power, my Democratic colleagues and their friends in the media continue to believe influence peddles down a one-way street. Remember the energy bill? You could hardly sit down to breakfast in the morning without reading about how Republicans were shamelessly catering to big oil and big energy interests at the expense of the environment. These accusations have blared forth from every corner of the media establishment. The New York Times—surprise, surprise—on several occasions editorialized about the money driving the energy bill, essentially viewing it as a payoff to oil companies and their friends in the administration, which include "the biggest and dirtiest utilities."

The Boston Globe judged a House-passed energy bill as "little better than the one cobbled together by Enron, other utilities, and big oil for the Bush administration.

The Fort Worth Star ominously warned of the "propriety of allowing big contributors to shape public policy to their personal benefit."

The Greensboro, North Carolina News and Register declared "clearly something is wrong when big business shapes the nation's energy policy."

This rhetoric also blared forth from my colleagues on the other side of the aisle who charged this bill was "crafted behind closed doors." and that it "looked like the Exxon-Mobil report," and that Exxon-Mobil, Enron, and Chevron enjoyed an excess bonanza at the expense of consumers.

Finally, the rhetoric blares out of our television sets every Wednesday night at 9 o'clock on the "West Wing," a 60-minute political commercial masquerading as a television drama. On the premiere last week, the pretend president proclaimed, "The Republicans are back. They are trying to convince us that we can't afford new energy and that they are not in the vast pockets of big oil, and that is a tough sell."

He then charged, "This isn't the time for politics--doom scenario is a little less at the pump for Texaco and Shell. This isn't a time for people who say there aren't any energy alternatives just because they can't think of any. This is the time for American heroes, and we reach for the stars."

Mr. President, this is a gift from NBC and GE to the Democratic Party, financed by millions of—you guessed it—corporate dollars. That is what the "West Wing" has been. I hope Senators don't dispute these corporations have a right to their opinions. I do not believe political donations dictate public policy. In fact, I have been vigorously involved throughout my career defending the right of all these entities to contribute to the candidates of their choice and say, through issue advocacy, whatever they choose to say during the course of a year.

But as long as people are going to make that charge, they ought to do it evenly. For those who do believe contributions dictate political opinion, when let's, in the name of basic fairness, apply the same scrutiny to unions on the homeland security bill that the New York Times, NBC, and my Democratic colleagues applied to energy companies on the energy bill. If they did, here is what they would find. The biggest public sector unions—American Federation of State, County, and Municipal Employees; the American Federation of Teachers; International Association of Fire Fighters; the American Federation of Government Employees; and others, have spent an enormous amount of time to see to it the President's homeland security bill.

It seems to me that is not asking too much. I know the Senator from Texas, Mr. Kyl, Mr. President, I come to the floor today in opposition to the Lieberman Homeland Department proposal and in support of the Gramm/ Miller, administration-supported, bipartisan substitute. As Senator Gramm and others have so ably demonstrated, the Lieberman proposal takes away the President's existing authority to exempt personnel in the new department from federal collective bargaining requirements when national security requires it. The substitute reinstates the President's authority in this area.
While I understand that those on the other side might have a different political agenda than the President of the United States on this, time has almost run out. If we don’t soon get together and acknowledge the importance of passing a bill to allow Government to better deal with the threat of terrorism, Congress might adjourn without passing anything. After 6 weeks of Senate floor consideration, that would be a shame.

Under the Lieberman approach to providing labor flexibility to the President when it comes to issues of national security, the President would be better off with the agencies as they exist, coupled with better information, from an administrative or executive point of view, to move people around within those agencies; he would be better able to achieve his goals without any legislation than by adopting the legislation that is before us. Under the amendment being proposed by the Senators from Nebraska, Rhode Island, and Louisiana.

The labor issues that we must settle in this bill are extremely important, but I believe they are moving the debate far from some of the other important differences between the Lieberman homeland bill and the Republican homeland, Gramm-Miller, substitute. As the Senate continues to consider the homeland security proposal pending in Congress, I want to reemphasize the relatively few, but very important changes, that the Republican substitute makes to address border and immigration security concerns raised by the Lieberman substitute.

“Division B” of the Lieberman bill creates the “Immigration Affairs Directorate,” with an undersecretary to oversee all immigration functions of the U.S. government. “Division A” of the Lieberman bill, among other things, creates the “Border and Transportation Protection Directorate,” with an undersecretary to manage all activities related to border and transportation security.

Under Division B, all immigration functions, including all immigration enforcement functions—intelligence, investigations, detention, border patrol, and border inspections—are under the “Immigration Affairs Directorate,” informally referred to as the “Immigration Affairs box.” This problem with this approach is that it leaves a gaping hole in the “Border and Transportation box.” The creation of the Office of Secretary of Homeland Security is the Bush administration, and of the Congress, has been to create a more streamlined border, both along the U.S.-Mexico and U.S.-Canada border. The Lieberman bill, by refusing to move border control and border inspections functions out of the Immigration Affairs box and into the Border and Transportation box, will only exacerbate the coordination problems that currently exist at our nation’s southern and northern borders.

Mr. President, all of our Nation’s immigration enforcement functions, including intelligence, detention, and investigations, have border components and could arguably be better placed with the undersecretary for Border Protection. At the very least, I repeat, the Border Patrol and Border Inspections functions should be included in the Border and Transportation box.

Instead, in the Lieberman proposal, a bare-bones, almost meaningless “Border and Transportation” box is created. It includes Customs, but maintains that Customs is its “own distinct entity” so that Customs can continue to operate almost independently of the Under Secretary of the Border and Transportation Directorates. Coast Guard—again as a distinct entity, divisions of the Animal and Plant Health Inspection Service, and the Federal Law Enforcement Training Center, FLETC. Without including Border Patrol and border inspections as a function of the Border Protection Directorate, this “box” will not effectively streamline much border activity at all. Another ironic point is that FLETC is included in the Border Protection box. FLETC trains Border Patrol agents and yet the Border Patrol is not included in the Border Protection box.

Mr. President, the Republican substitute, or Gramm-Miller substitute as it is known, in this area is a much wiser approach—it includes the Border Patrol and Border Inspections functions in the Border Protection Directorate. This will allow for better coordination of resources and elimination of duplicative functions at the border. Protecting our borders is one of our first lines of defense against terrorism, and we must get it right.

Another major problem with Division B, “Immigration Affairs,” of the Lieberman bill is its inclusion of language that would abolish the Executive Office of Immigration Review (EOIR) and create a new independent agency for immigration judges.

Immigration law is complicated. There is a process by which you have a decision made, a review of that decision, and eventually the final review all the way up the chain into the Department of Justice by the Attorney General of the United States. There is a body of case law built around this. The modernization built around it. As far as I know, those procedures are working. I do not know of any reason, for homeland security, why we would want to change that.

It seems at the very least that the Lieberman proposal, which designates when and how new Executive Office for Immigration Review operates, needs to be changed so that the checks and balances that exist today with respect to EOIR will continue to exist—the Gramm-Miller substitute maintains the current—existing—authority for review of EOIR decisions with the Attorney General.

Mr. President, one of the most critical functions of the reorganization of agencies that deal with our homeland security is the border function, and we must get it right. Let’s work to pass the Gramm-Miller substitute, which, among the numerous other important immigration changes it incorporates, two important border/immigration changes to the pending Lieberman homeland bill.

Mr. GRASSLEY. Mr. President, I would like to take a few minutes to speak in support of an amendment that Senator Baucus and I introduced which modifies the Customs provisions of the homeland security bill.

The creation of a Department to oversee homeland security is a tremendous undertaking for Congress and the White House which will face multiple challenges. This is certainly true in the context of incorporating the U.S. Customs Service into the new Department.

The U.S. Customs Service is one of the oldest agencies in the U.S. Government. Established in 1789 to enforce U.S. tariff policy, the agency’s mission has continually adapted to meet the changing needs of our Nation.

Today, it is one of the most modernized agencies in the U.S. Government. Responsible for managing over 23 million entries and 472 million passengers a year. It collects over $23 billion dollars in duties and fees and is responsible for seizing millions of pounds of contraband narcotics every year. The Customs Service is a vital component of our Government.

Given the importance of the agency in facilitating international trade and law enforcement, I think we have an obligation to do everything we can to enhance the effectiveness of the new Department as it moves from Treasury to Homeland Security.

That is why I, working closely with Senator Baucus, developed a series of recommendations regarding the Customs Service which led to the Committee on Governmental Affairs early in the process of developing this bill.

I would like to take this opportunity to thank Senators LIEBERMAN and THOMPSON for incorporating the vast majority of our recommendations into the homeland security bill. I especially appreciate the collegial and bipartisan spirit in which the recommendations were developed and adopted by the committee. I think we will have a much better product because of our joint efforts.

The additional changes we are offering to the bill will further enhance the effectiveness of the Customs Service as it moves into the Department of Homeland Security.

The ability of the Customs Service to effectively facilitate international trade while at the same time perform its law enforcement functions is in large part due to the cooperative relationship which the Customs Service has with much of the international trade community. This cooperative relationship benefits both parties and has
been developed over a long period of time. By understanding the business community and how international trade actually works, the Customs Service is much more adept at identifying anomalies in trade patterns that often indicate criminal activity, and to make sure these relationships are not lost with the transfer of the Customs Service to Homeland Security.

Part of the key in maintaining this traditional relationship is to maintain the advisory elements on which they are built. This means carrying forth such committees as the Treasury Advisory Committee on the Commercial Operations of the Customs Service, or TACAC, to the new Department of Homeland Security. This is precisely what our amendment does.

I also want to make sure the international trade functions of the Customs Service continue to receive adequate resources to continue their work. A good example of this is the continued construction of the automated commercial environment, or ACE. Currently, the automated commercial system is the only comprehensive mechanism to trace trade flows. Yet it is antiquated and subject to periodic slowdowns. We must do better.

That is why I strongly support rapid and efficient deployment of ACE, the automated commercial environment. The ACE system will be key to facilitating economic trade in the future. We must make sure that, even in these times of tight budget constraints and intense focus on homeland security, we continue to use Customs Service funds needed to get the ACE system up and running. A well-functioning automated mechanism for monitoring trade flows will help facilitate international trade and help Customs more effectively perform its law enforcement functions.

Our amendment establishes a new account within the Customs Service called the Customs Commercial and Homeland Security Automation Account for fiscal years 2003-2005, $350 million in Customs user fees would be allocated specifically to this account. Creation of this account will ensure that sufficient funding is available to complete construction of the automated commercial environment. I want to assure ACE after Customs moves from the Department of the Treasury to Homeland Security.

As we move forward in enhancing our border security efforts, it is important to keep in mind that a large part of homeland security is economic security. And, international trade is a critical component of our economic security. Exports alone accounted for 25 percent of our gross domestic product growth from 1990-2000. Exports alone support an estimated 12 million jobs. Trade also promotes more competitive businesses—as well as more choices of goods and inputs, with lower prices. If we impede trade, we impede our own economic growth and our own well-being.

The tragedy of September 11 make it clear that the United States must be at the forefront in developing the border technologies and enforcement methodologies which will enable our economy to prosper and grow in the new global environment. We cannot afford to do any less. A nation which masterminds the competing goals of international trade and homeland security will be a nation which can confidently embrace new world trading system. It will be a nation which prospers well into this new millennium. I stand ready to work with my colleagues and President Bush as our Nation rises to meet this challenge.

Mr. FEINGOLD. Mr. President, I rise today to express my support for the amendment offered by the Senator from Nebraska, Mr. NELSON, and others to protect the rights of the thousands of Federal employees who will be transferred to the proposed Department of Homeland Security, and to express my opposition to the amendment offered by the Senator from Texas, Mr. GRAMM and the Administration’s efforts to lessen those rights.

The employees of the 22 agencies that are slated to be reorganized into the Department of Homeland Security are on the front lines of the effort to respond to the September 11 attacks and to prevent further acts of terrorism. These dedicated men and women, who have served the American people during this uncertain time, are about to undergo a professional upheaval, while at the same time being expected to maintain their high level of performance. This massive reorganization should not be used as an excuse to take from these employees the one constant that they expect would follow them to their new department: the Federal civil service protections which they all have in common, regardless of their current home agency.

The civil service system was put into place in order to end the corrupt patronage system that permeated government hiring and advancement. The creation of a new department should not be used as an excuse to roll back these protections and plunge these workers into uncertainty regarding their professional futures.

I am concerned that the administration appears ready to use the creation of this new cabinet-level department as an opportunity to eliminate or weaken the civil service protections currently in place for the employees who would be transferred to the that department. Unless it is amended by the Nelson amendment, the pending Gramm amendment would have this effect of weakening these civil service protections.

Some in the administration and some on this Senate floor have argued that the civil service system is rigid and could prevent the new Secretary from acting quickly in the face of an imminent threat. This is not the case. The civil service system already provides the administration with broad flexibility, while at the same time ensuring that Federal workers have a consistent framework of basic protections, including appeal rights. This flexibility is important in an issue as critical as our Nation’s security, but the underlying Lieberman substitute and the Nelson amendment would provide the flexibility needed.

Supporters of stripping these protections also have argued that the new Department should be allowed to scrap the existing system because that system has some problems. The ongoing debate over civil service reforms should not be used as an excuse to allow the Department of Homeland Security to be the only Federal department with employees who are not covered by this system.

I regret that the administration has issued a veto threat against the Senate Homeland Security bill as reported by the Governmental Affairs Committee because it ensures that the approximate 30,000 employees who are slated to be transferred to the new department would retain basic civil service protections. Civil service protections level the playing field for Federal workers, ensuring that they are treated equally among the agencies in one department, many of whom have had these protections for years, differently from their counterparts in other departments would undermine seriously the entire civil service system.

No one, including the President, has demonstrated how maintaining these protections could jeopardize our national security. We can protect both our country and the rights of workers. In fact, we can better protect our country if our workers’ rights are well-protected, too. The United States affords its workers some of the best labor and employment protections in the world. Any wholesale elimination of these rights under the guise of homeland security would send exactly the wrong message.

The amendment offered by the Senator from Nebraska would grant the Secretary of Homeland Security expanded authority to create a new personnel system while still ensuring that the rights of workers are protected. This compromise will help to ensure that workers have input into the structure of any new system that is created. As a number of our colleagues have said, it would be harmful to worker morale and to worker-management relations to simply foist a new system upon these workers without their input and then expect them to accept it.

In addition to basic civil service protections, the Nelson amendment addresses the issue of collective bargaining. I support the right of workers to have a union and the right to collective bargaining. To propose to treat workers that the administration appears poised to strip existing union representation and collective bargaining rights from many of these workers. I also am troubled by the implication that union membership is somehow a threat to our national security.

The Nelson amendment would allow workers who are covered by existing
collective bargaining agreements to keep those rights. It does not hamper the ability of the new Secretary or the President to remove collective bargaining rights from individual workers or newly-created agencies within the department if there is a valid national security concern. Simply being an employee of a department with the word “security” in its name is not sufficient cause to be stripped of collective bargaining rights.

I urge my colleagues to support the Nelson amendment and to oppose the Gramm amendment.

21ST CENTURY DEPARTMENT OF JUSTICE APPROPRIATIONS AUTHORIZATION ACT—CONFERENCE REPORT—Continued

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. LEAHY. Madam President, I am glad we are on the Department of Justice authorization. As I said earlier, I appreciate the fact the distinguished majority leader moved to it. This is actually a very important bill. At a time when so much good legislation is being stalled, it would be a shame if this was too.

I know since January of last year Senate Democrats have tried to bridge the gap and make bipartisan progress on campaign finance reform, corporate accountability, and a real Patients’ Bill of Rights, and a number of bipartisan anticrime, antidrug, antiterrorism bills. We worked with the administration after September 11 on the USA Patriot Act; we passed that in record time. We created the September 11 victims’ trust fund and we created the Sep- tember 11th responders act. Chairman Grassley amendment. As I said earlier, I appreciate the plans. I mention this because some at the White House, who should know better, I mention this because we have tried to go more than halfway. As I said, during 15 months, we moved more judges than the Republicans did during 30 months. We have reached out in order to pass legislation from our committee—and the distinguished Presiding Officer is a valued member of that committee—and passed out piece after piece either unanimously or by a strong bipartisan majority. We passed intellectual property legislation, consumer legislation, anticrime legislation, antidrug legislation, but then mysterious Republican holds came up and stopped them.

Here are some of the bills we passed out of the subcommittee that have been held up on the Republican side: the Leahy-Grassley FBI Reform Act; the Hatch-Leahy Drug Abuse Education Prevention and Treatment Act; the DREAM Act, championed by Senators Durbin and Hatch; a charter amendment to the Veterans of Foreign Wars, something totally without partisan- ship. We passed it unanimously, as the distinguished Senator from Washington State knows. We passed out a charter amendment to the Veterans of Foreign War, Senator Feingold. We cannot get it through the Senate because it is being held up on the Republican side of the aisle.

We passed out a charter amendment for AMVETS, a wonderful veterans organization. The distinguished Presiding Officer and I voted for it and it was voted unanimously out of our committee. It is being held up on the Republican side of the aisle.

We passed another amendment for the American Legion. Every Demo- crat voted for that. Every Democrat has agreed: Move that through the Senate. It is being held up on the Republican side.

Now we find there is a Republican hold on the Department of Justice Appropriations Authorization Act. This is the first one in 21 years. It passed in the House of Representatives by a vote of 490 to 4. The chief sponsor is a leading Republican Member of the House. He strengthened our Justice Depart- ment, increase our preparedness against terrorist attacks, prevent crime and drug abuse, improve our in- telllectual property and antitrust laws, strengthen our judiciary, and offer our children a safe place to go after school. It is a product of years of work.

I commend Senator DASCHLE for bringing this up for a vote. Let me show my colleagues some charts. This is not a hodgepodge where one might go in and look as to whether you wear a green tie or paisley tie or drive a blue car or a black car; this is something that really affects Americans.

It was passed by the House of Rep- resentatives. If it is allowed to come to a vote, it could pass easily in this body: border security, domestic preparedness, suppression of financing terrorism.

Let me mention the last part. We worked this out with the Bush administration. They said there is a difficulty in following the money used by terrorists around the world. We know how quickly President Bush and Secretary Nellie moved last year to freeze the assets of some of these terrorist groups, and I comm- mend the President for that action; I praise the President for doing that. But I wish the President now would tell his own party, we ought to be doing that.

The Body Armor Act is something every law enforcement agency from which I have heard wants to protect police officers from those who would attack them. I cannot understand why this is being held up on the other side. We ought to go forward with this bill. We ought to pass it. We ought to tell our law enforcement officers that we will help them.

Senator CARNAHAN’S Law Enforce- ment Tribute Act is in this legislation. It authorizes grants to States, local governments, and Indian tribes for mem- orials to honor killed or disabled offi- cers. Some of these FBI agents are working in some of the most dangerous places, especially overseas. Sometimes their mere presence targets them for assassination. This is agent danger pay. We ought to be doing that.

The Body Armor Act is something every law enforcement agency from which I have heard wants to protect police officers from those who would attack them. I cannot understand why this is being held up on the other side. We ought to go forward with this bill. We ought to pass it. We ought to tell our law enforcement officers that we will help them.

Senator CARNAHAN’S Law Enforce- ment Tribute Act is in this legislation. It authorizes grants to States, local governments, and Indian tribes for mem- orials to honor killed or disabled offi- cers. Some of these FBI agents are working in some of the most dangerous places, especially overseas. Sometimes their mere presence targets them for assassination. This is agent danger pay. We ought to be doing that.

The Body Armor Act is something every law enforcement agency from which I have heard wants to protect police officers from those who would attack them. I cannot understand why this is being held up on the other side. We ought to go forward with this bill. We ought to pass it. We ought to tell our law enforcement officers that we will help them.

Senator CARNAHAN’S Law Enforce- ment Tribute Act is in this legislation. It authorizes grants to States, local governments, and Indian tribes for mem- orials to honor killed or disabled offi- cers. Some of these FBI agents are working in some of the most dangerous places, especially overseas. Sometimes their mere presence targets them for assassination. This is agent danger pay. We ought to be doing that.

The Body Armor Act is something every law enforcement agency from which I have heard wants to protect police officers from those who would attack them. I cannot understand why this is being held up on the other side. We ought to go forward with this bill. We ought to pass it. We ought to tell our law enforcement officers that we will help them.
I remember that Boys and Girls Club back in the days when I was State’s attorney. I know those kids who went there had a place to go, had a place to learn, had a place to gather, had a place to constructively work, and were not the kids who got in trouble. They were the ones who I saw in the courtroom. They were not the ones who made our crime list. They were the ones who made the star list in our community.

I mention this because Senator Hatch and I went to the Boys and Girls Club congressional breakfast honoring the regional youth of the year. We also honored Senator Thurmond. I heard, and I know they were sincere, Republican Senator after Republican Senator going forward and say we have to authorize and expand the Boys and Girls Clubs. All right. Let’s do it.

Last week, we offered to pass this bill on a voice vote, zip it through. I polled every single member of this side of the aisle. They were all in support of that Boys and Girls Club authorization, as they were the Body Armor Act and the help for law enforcement. Every single Democrat was ready to vote for it. We were willing to have it go by on a voice vote. An anonymous objection came from the Republican side.

I know in an election year some politics gets played, but not with the Boys and Girls Clubs and not with the Violence Against Women Office. We want to increase Federal focus on this tragic and recurring problem. Preventing domestic violence is not a partisan issue. I remember when— I was a member of the emergency rooms of our hospitals at 3:00 in the morning when I was in law enforcement. I saw the results of domestic violence. I saw women beaten so badly that they may have beaten them, they could not even tell us through a broken jaw, swollen lips, and bloody faces. I saw that. I saw domestic violence even in a bucolic State like mine, but the amount of domestic violence is the same in every State.

It was not just those battered individuals I saw in the emergency room—at least we had hopes they would be brought back to health. We at least had hopes that medical care would return them to their ability to function—I still have nightmares sometimes of some of the others I saw, but I didn’t see them in the emergency room. I saw them one floor up in the morgue.

This happens in every single State, and I never heard a police officer say: I wonder if this victim is Republican or Democrat. The police officer said: Why don’t we do something to stop it? How do we choose to do something. Let’s vote for it.

The Crime Free Rural States Grants, we have crime in our cities, but we also have crimes in our rural areas. The distinguished Presiding Officer was Governor in one of our finest States, a State that is a part of the American heartland, a State I have had the pleasure of visiting.

In fact, there were Leahys who moved out to Nebraska in the 1850s when my great-grandfather and his brothers came over from Ireland, some staying in Vermont, some staying in New York and others going to Nebraska. I know how beautiful a State it is, how beautiful our parks and our lakes and our rural areas. I know how hard the distinguished Presiding Officer as Governor fought against crime in both areas. He knows, as I do, that crime is a fact of life in rural areas. It is sometimes more difficult to fight because there are not all the needed resources available. It might be a small sheriff’s department. The chief of police may be the whole police force.

We can help. This legislation authorizes programs that will reduce drug abuse and recidivism, mandatory, to increased funding for drug treatment in prisons, to funding for police training in South and Central Asia. These proposals are not Republican or Democrat; these are bipartisan. Most of them were in the Hatch-Leahy Drug Abuse Education, Prevention and Treatment Act.

Drug courts, drug-free prisons, reauthorizing the Juvenile Justice and Delinquency Prevention Act—one of the saddest things is going to juvenile court and seeing 12- or 13-year-old boys and girls who are already recidivists, people who have committed crimes that one would think a child that age would not even know about.

In going back through the reports, there are steps that could have been taken 2, 3, or 4 years before that might have prevented that. Now these boys and girls are people who are probably going to end up in an adult jail somewhere, lost to society and lost to themselves. We should have stopped it. That help is in here.

That is one of the reasons the House of Representatives, facing some of the same kind of the circumstances that we face in this great body, passed it 400 to 4. I do not need to tell the distinguished Presiding Officer the need for these kinds of investments. He has had the experience both as a Governor, a Senator, and a parent. He knows what we have to do, just as I do. Let’s go ahead and do it. Let’s set aside the partisanship for a while and let’s do something.

There are intellectual property provisions in this bill. We are in the United States seeing an enormous loss of jobs. In the last 2 years, we have had the biggest drop in jobs that I can remember, the largest number of layoffs we have seen in years. The economy is in a tailspin. The stock market has had a greater drop than at any time since the Presidency of Herbert Hoover. If anything, we should be helping American innovators and businesses, both big and small. We want these businesses to prosper. We want these businesses to be on a worldwide scale.

We want these businesses to hire the people of Nebraska, Vermont, South Dakota, New York, California, Florida, Arizona, Alabama, and all our other States. So we put in the Leahy-Hatch Madrid Protocol Implementation Act.

What this does is the sort of thing that the President and all the people around him say we need, something to simplify life for business. It would be a real step to a treaty to allow American businesses to have one stop for international trademark registration which they can do only to countries that sign on to the protocol.

American businesses and companies that need to protect their trademarks if they sell their goods and services in international markets, especially over the Internet, would be helped by this legislation. Every single business leader I have heard of, regardless of their political background—from chambers of commerce, to business leaders, Republicans and Democrats alike—say pass this bill.

I checked on this side of the aisle. Every single Democrat agreed to vote for it right now. It has been held up for over a year by a Republican hold. I say to some of the businesses, talk to the Members of the Republican Party. The Democrats are ready to pass it.

We have another provision in the TEACH Act, an exemption that allows educators to use the same rich material of distance learning over the Internet as in face-to-face classrooms. Let me state why that is important. In rural areas—either Nebraska, Vermont, or New York—there may be a number of small schools that cannot each support a library and sometimes cannot afford a teacher in a specialized area such as science, history, or math. Together they can, but you have to link them. So copyright laws apply. We worked that out. This is a no-brainer. It will help the kids. It should be a no-brainer for the Senate to pass.

We reauthorize and modernize the Patent and Trademark Office and give them the funds they need. When I hear the baloney that comes out of the political people in the Attorney General’s office and the White House about judges, this would be the one they should want. There are 20 new judges included to be appointed by President Bush. For a little bit of history, this is more than were created during the 6-plus years the Republican Party controlled the Senate. The Clinton administration wanted to create these judgeships. They wanted to create judicial positions, and they were blocked by the Republicans. I believed the judicial positions were needed when President Clinton was President. I thought it was wrong that the Republicans stopped us from doing that. I did not vote to support the Senate that did the one they should want. Two wrongs do not make a right. So it was included. These are Federal judges in States we know are Republican and will be chosen by Republican Senators in Arizona, Alabama, Texas. We include them just the same.

Why did that not pass last week? One may wonder, finally, having blocked it.
S9690

CONGRESSIONAL RECORD — SENATE

October 1, 2002

for 6 years during the Clinton administration, now they have 20 judges President Bush may appoint—one may wonder why it has not been passed by a Democratic-controlled Senate. The Democratic-controlled Senate wanted to. But when the Republican Senator held it up. That is what happened. I hope no one comes down and says, We need more judges. We have 20 judgeships included, mostly in Republican States.

There are a lot of other provisions, including the Radiation Exposure Compensation Act. A lot of western Senators want that. We get into immigration matters. I talked a lot about rural areas.

Let me talk about the rural under-served medical areas. Every Senator has rural areas in their State. My State happens to be predominantly rural. But even the States of New York, California, Texas, and Illinois have large rural areas. It is very hard sometimes to get doctors into those areas. If you have someone injured in a farming accident, there may not be a doctor. That injured person may die for want of needed medical treatment. You may find it in a difficulty to get the money for doctors to come. Sometimes to get doctors into these areas. If you have someone injured in a farming accident, there may not be a doctor. That injured person may die for want of needed medical treatment. You may find it in a difficulty to get the money for doctors to come.

There may be an elderly person who just needs a certain amount of preventive care to lead a happy, productive life. We have worked with the provisions of the bill to allow doctors from outside this country to serve in rural areas: Extend their visa providing they will stay in rural areas and help where there is a need. It allows grandparents to apply for citizenship on behalf of orphaned children, grandparents who saw their grandchildren orphaned in the tragedy of last September 11. These are some items included.

This is as much a bipartisan piece of legislation as I have seen in 28 years. The people supporting this legislation are wide ranging. By golly, I just happen to have a chart. Let’s see who is in favor of this: Boys and Girls Clubs of America; the Coalition for Juvenile Justice; the Fraternal Order of Police; Family Violence Prevention Fund; National Automobile Dealers Association; National Association of Counties; National Association of Police Organizations; National Coalition Against Domestic Violence; National Mental Health Association; National Network to End Domestic Violence; Presbyterian Church, Washington office; Volunteers of America; U.S. Council for International Business; National Association of Manufacturers; the International Trademark Association; American Intellectual Property Law Association; U.S. Copyright Office; the American Library Association; Association of American Universities; American Research Libraries; Intellectual Property Owners Association; American Intellectual Property Law Association; Avon Products; Nintendo; Warner Brothers; IBM—I could go on. That is about as broad a cross section supporting this as we will see in the Senate.

I am not sure what game is being played. I urge my good friends on the other side of the aisle to come forward, belly up to the bar, pay the price, pass the bill before we lose it.

I ask unanimous consent to have printed in the RECORD a number of letters of support.

There being no objection, the material was ordered to be printed in the RECORD and is printed below.

BOYS AND GIRLS CLUBS OF AMERICA, Rockville, MD, September 27, 2002.

Senator PATRICK LEAHY, Chairman, Senate Judiciary Committee, Washington, DC.

Dear Senator Leahy: I am writing to you today in regard to H.R. 2215, the 21st Century Department of Justice Appropriations Authorization Act. As you know, in addition to the many other critical components of the bill, H.R. 2215 authorizes continued funding to Boys & Girls Clubs of America, so that we may continue our aggressive growth efforts in disadvantaged communities throughout the country.

Today, thanks in large part to Congress, Boys & Girls Clubs of America is serving more than 3,300,000 youth in more than 3,200 Clubs. We are located in all 50 states, and now in a difficult economic situation for housing and 120 Clubs on Native American lands. We are located in inner-city, and rural communities throughout America playing a vital role in the development of our children.

During the past 5 years, we have grown by more than 1,000 Clubs and 1,000,000 new youth served. The Congressional funding that we have received is at least $1 per dollar nationally, bringing true public-private partnerships to communities all over America.

Senator, we thank you for your strong support of Boys & Girls Clubs of America, and ask that you move quickly and decisively in passing the 21st Century Department of Justice Appropriations Authorization Act.

Sincerely,

ROBBIE CALLAWAY, Senior Vice President.

NATIONAL COALITION AGAINST DOMESTIC VIOLENCE; NATIONAL NETWORK TO END DOMESTIC VIOLENCE; FAMILY VIOLENCE PREVENTION FUND; NOW LEGAL DEFENSE AND EDUCATION FUND, September 26, 2002.

Dear Senator: As national organizations working to address the varied needs of victims of domestic and sexual violence and the service providers that serve them, we urge you to support the Violence Against Women Office in the Department of Justice by voting in favor of the Conference Report of H.R. 2215, the 21st Century Department of Justice (DOJ) Appropriations Authorization Act.

As you know, the Violence Against Women Office (VAWO) was created in 1995 to implement the Violence Against Women Act of 1994 and to lead the national effort to support the Violence Against Women Office and women and children by voting in favor of the Conference Report of H.R. 2215, the 21st Century Department of Justice (DOJ) Appropriations Authorization Act.

If you have any questions, please do not hesitate to contact us at the numbers listed below.

Sincerely,

JULIE FULCHER, Public Policy Director, National Coalition Against Domestic Violence; LISA MAATZ, Vice President of Government Relations NOW Legal Defense and Education Fund;

LYNN HENNESSEN, Executive Director, National Network to End Domestic Violence; KIERSTEN STEWART, Director of Public Policy, Family Violence Prevention Fund.

BUSINESS SOFTWARE ALLIANCE, September 30, 2002.

Hon. Patrick Leahy,
Chairman, Senate Judiciary Committee, Washington, DC.

Dear Chairman Leahy: I am writing to support Senate passage of H.R. 2215, the Department of Justice Reauthorization Act. The members of the Business Software Alliance work with a variety of Justice departments to reduce software piracy and to ensure a safe and legal online world in this heightened cybersecurity environment.

The legislation strengthens our nation’s criminal justice system and increases the frequency and quality of reports to Congress. Effective criminal enforcement requires both initiatives by prosecutors and timely action by the courts. BSA is particularly supportive of funding for the enforcement of our nation’s intellectual property laws in Section 101 and the related language contained in Section 206. The robustness of our nation’s tech sector depends in part upon...
the strength of the laws that govern intellectual property as well as the enforcement of such laws. Until recently, there have been few criminal copyright cases brought by the Department, and there is nothing else to turn if the federal government does not enforce our nation’s intellectual property laws.

We appreciate the longstanding efforts of Congress to strengthen our nation’s criminal laws and make our nation’s intellectual property laws a catalyst for growth.

Sincerely,
ROBERT W. HOLLEYMAN, II
President and CEO.

SEPTMBE 27, 2002.
Hon. PATRICK LEAHY,
Chairman, Senate Judiciary Committee, Washington, DC.

DEAR MR. CHAIRMAN: We are writing to express our support of the inclusion of the modified versions of H.R. 1900 and H.R. 863 in the conference report to authorize the reauthorization of the Department of Justice. The undersigned members of the Juvenile Justice and Delinquency Prevention Commission, which make up the full membership of your committee, support your efforts to approve a reauthorization of the Juvenile Justice and Delinquency Prevention Act (JJDPA) of 1974 that retains the rehabilitative principles of our juvenile justice system.

In particular, we appreciate your efforts to preserve current law in several key areas that have worked well for more than 25 years to ensure that youth in the juvenile justice system are protected from abuse and assault by adults in adult jails. The modified version of H.R. 1900 codifies the separation protection for youth, which requires that states prevent all contact between juvenile and adult inmates, including any ‘sight or sound’ contact. The proposal also drops a harmful provision that would have permitted children to be placed in adult facilities with parental consent. This provision represented a radical change from current law and would have resulted in children being unnecessarily placed in adult jails.

The revised version of H.R. 1900 also includes an appropriate concentration on prevention through the restoration of the Title V Local Delinquency Prevention Grant program. In order to ensure that children stay out of the ‘right track,’ a significant investment in and emphasis on prevention, particularly primary prevention, is crucial. The Title V program provides an effective model of community collaboration in which community stakeholders—including locally elected officials, law enforcement, school officials, public recreation, private nonprofit organizations, and youth workers—come together to develop a plan for juvenile delinquency prevention. Working in more than 1,000 communities nationwide, Title V is currently the only federal program providing delinquency prevention funding to communities through a flexible, local prevention block grant. The aim is to help communities reduce juvenile delinquency and related problems and enable young people to transition successfully into adulthood.

Finally, we are pleased that H.R. 863, legislation to authorize the Juvenile Accountability Block Grant (JABIG), has also been included in the conference report. Never authorized, the JABIG was created in the 1986 Commerce Justice State Appropriations bill to provide states and units of local government with funds to develop programs to promote greater accountability in the juvenile justice system. Under H.R. 863, the program purpose areas are expanded significantly to provide additional services and treatment for juvenile offenders supporting the rehabilitative purposes, JABIG will provide needed resources to proven strategies for rehabilitating adjudicated youth and families as well as reducing juvenile re-offense rates.

We appreciate your continued efforts on behalf of children and youth and look forward to final approval of H.R. 2215.

Sincerely,
AMERICAN ACADEMY OF CHILD AND ADOLESCENT PSYCHIATRY; AMERICAN CIVIL LIBERTIES UNION; ASSOCIATION OF NATIVE ORGANIZATIONS; AMERICAN PROHIBITION AND PROFESSIONAL ASSOCIATION; AMERICAN PSYCHOLOGICAL ASSOCIATION; BAZOONET CENTER FOR MENTAL HEALTH LAW; CHILD WELFARE LEAGUE OF AMERICA; CHILDREN & ADULTS WITH ATTENTION-DEFICIT/HYPERACTIVITY DISORDER (CHADD); DEFENSE Education Fund; FEDERAL OFFICE TO STOP GUN VIOLENCE; JUSTICE POLICY INSTITUTE; NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE (NAACP); NATIONAL ASSOCIATION OF COUNTIES; NATIONAL ASSOCIATION OF CRIMINAL DEFENSE LAWYERS; NATIONAL EDUCATION ASSOCIATION; NATIONAL MENTAL HEALTH ASSOCIATION; NATIONAL NETWORK FOR YOUTH; NATIONAL RECREATION AND PARK ASSOCIATION; PRESBYTERIAN CHURCH (USA); WASHINGTON OFFICE; WOMEN OF REFORM JUDAISM; YOUTH LAW CENTER.

MR. LEAHY. Mr. President, we don’t have one of the leaders on the floor at the present time. I was going to ask that we proceed to a vote. But I am not going to do that. I do not have everyone on this side ready to vote. I suggest the absence of a quorum.

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

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

The PRESIDING OFFICER. The Clerk will now call the roll.

MR. LEAHY. Mr. President, while the distinguished committee chairman is on the floor, Senator LEAHY, I would like to ask a couple of questions.

MR. LEAHY. Mr. President, we are now on this conference report. It is my understanding that it passed the House 400 to 4. We moved to this a couple of hours ago. Does the Senator know of any opposition to this matter on either side of the aisle?

MR. LEAHY. Mr. President, I tell my distinguished friend, the senior Senator from Nevada, that I checked. I know his office also checked on our side. I do not know if it is represented here. But I know everyone on this side is ready to vote. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Clerk will call the roll.

MR. REID. Mr. President, while the distinguished committee chairman is on the floor, Senator LEAHY, I would like to ask a couple of questions.

MR. LEAHY. Mr. President, I tell my distinguished friend, the senior Senator from Nevada, that I checked. I know his office also checked on our side. Everybody is in favor. I am not sure if it is represented here. But I know everyone on this side is ready to vote. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Clerk will call the roll.

MR. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

MR. LEAHY. I am sure he was. I read a list of all those who support it. This is probably as broad a spectrum—National Association of Manufacturers to the Boys and Girls Clubs of America. It sure encompasses a lot.

We have a charter change for the Veterans of Foreign Wars in here; a charter change for AMVETS; a charter change for the American Legion. All of those organizations support it. The chairman of the Military Committee, I pushed that through.

This is something that the AMVETS and Veterans of Foreign Wars discussed and asked for, this charter change. They all support it. All the Republicans and Democrats on the committee support it. We ought to pass it. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Clerk will call the roll.

MR. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

MR. LEAHY. Mr. President, I want to make sure that it is clearly stated and make sure it is clearly in the RECORD. The charter changes for the American Legion, the charter changes for AMVETS, the charter changes for Vet- erns of Foreign Wars are in a separate bill that has the Republican hold on it. However, there is no opposition from members of the Judiciary Committee. I certainly ample opportunity to do that. But I hope before the day ends we can pass this very important piece of legislation. I know there are things in here which are important to the people of Nevada and to the rest of the country. I think the committee should come together to get this thing to the floor, and getting to conference.

Getting anything out of conference under the present atmosphere is a remarkable feat. Senator LEAHY is to be admired and commended for doing this. I suggest that before the day ends we can pass this important piece of legislation.

MR. LEAHY. Mr. President, I thank my friend from Nevada. The committee of conference went across the political spectrum. Every conferee—Republican and Democrat—signed that conference report. They passed it 400 to 4 in the House. I am amazed that we are still even on the floor. I have been advised by the Republican side that a Republican Senator was going to speak. Otherwise, I would have said let us go to a vote now. Obviously, I don’t want to cut off any Senator who wishes to speak. But I tell my friend from Nevada that, as far as this Senator is concerned, I am perfectly willing to go to a vote anytime we want. It is now 4:30. I can’t imagine why we need to wait beyond 5 o’clock.

Again, just before the Senator from Nevada came to the floor I read a list. Mr. REID. I was listening.

MR. LEAHY. I am sure he was. I read a list of all those who support it. This is probably as broad a spectrum—National Association of Manufacturers to the Boys and Girls Clubs of America. It sure encompasses a lot.
am told there is no Democrat who opposes those charter changes. I am told that every Democrat in the Senate is perfectly willing to pass the charter changes for the American Legion, for the AMVETS, and for the Veterans of Foreign Wars, and as soon as the Re- publican side lifted on the charter changes for the Veterans of Foreign Wars, the American Legion, and AMVETS, we can pass it. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

The Senator from Arizona.

Mr. KYL. Mr. President, I will speak to the legislation that has been placed before us this afternoon, the Department of Justice reauthorization bill or, as it is officially titled, the 21st Century Department of Justice Appropriations Authorization Act.

I begin by putting this in the context of what our priorities are. We are now less than 2 weeks, probably, from closing the session of this Congress, and there is a great deal of unfinished business to which we need to attend.

As a matter of fact, we are bringing this legislation up—I should say the majority leader has brought this legislation up—deerring, for our consideration, the bill that is currently on the floor, the homeland defense reorganization bill that the President asked us to deal with about 3 months ago. That bill has now been on the floor of the Senate for at least a month, and we still have not even voted on the President’s proposal.

This DOJ, or Department of Justice, reauthorization has a lot oflearnable provisions in it. I am going to get to those in a moment. But in terms of priorities, it seems to me we must reauthorize the Department of Justice—new authorities, if we had before us a reauthorization bill and a Defense appropriations bill to actually provide the money for the Department of Defense and the conduct of the war. Things have changed so dramatically since last year when an appropriation bill for the Department of Defense that all recognize—this is not a partisan issue; I think everybody recognizes—we are going to have to pass a Defense authorization bill and a Defense appropriations bill, and that it might justify a new authorization act. We have already passed an entirely different bill than this.

As I said, it has been now more than two decades since the Department of Justice has had a reauthorization. All we have done in those two decades is each year appropriate money for the various programs we have passed for the Department of Justice. It is important in an organization such as the Department of Defense, where we have had such a dramatic change in requirements since last year with the war on terror.

I ask unanimous consent the order for the quorum call be rescinded. We have already acted on three or four.

One could argue that because of the war on terror, there are a lot of new things that need to be done in the Department of Justice—new authorities granted, new capabilities, new funding, and that it might justify a new authorization act. I could abide by that rationale, if we had before us a reauthorization that embodied those kinds of new programs. But that is not what we have. This is the same old, warmed over stuff that we have had for the last couple of decades.

If we want to pass a Defense bill today, we want to take our precious time to reauthorize the Department of Justice with that in mind, we would write an entirely different bill than this.

One example, just off the top of my head: We had testimony in the Intelligence Committee last week that there is a great deal of confusion about the FISA Act, the forward intelligence surveillance law under which our law enforcement officials have the ability to collect intelligence on people who are thought to be foreign agents or working on behalf of foreign governments or engaged in terrorist activities internationally. It is a little bit easier to collect intelligence on people like that than it is under our normal criminal justice system where a crime has been committed or is being committed and the FBI is investigating that crime.

As part of the USA Patriot Act last year, we made changes to the FISA law to make it more effective in the new era of the war on terror. We found out something. This came about in a variety of different ways, but it has all come together here. This FISA law has one defect that my Democrat colleague Senator SCHUMER and I have a proposal to fix it, but we haven’t been able to get it on to the floor. As a matter of fact, I had anticipated including it in the intelligence reauthorization. We will have the conference on that tomorrow evening. It is almost to the floor.

But I was told by Chairman GRAHAM that a member on the majority side
was going to object to the inclusion of the Schumer-Kyl provision and, therefore, would I please not include it in that bill. I said, of course, I would be happy to because we want to get the intelligence authorization passed. But at some point we have to make this change in FISA. I will describe what the change is.

It should have been in here but it is not. If we are talking about priorities, I would get that done now. I have to wade through all of this. We have gone two decades without this. But we need to make some of these changes for law enforcement.

The evidence before the Intelligence Committee was that the FBI thought, with respect to Zacarias Moussaoui, thought to be the 20th hijacker, that he had some connection to international terrorism. He was a foreign person, not a U.S. citizen, and had engaged in flight training a group of Minnesotas, but no conditions deemed to be suspicious by the FBI there. We all heard about the memorandum or letter from agent Rowley from the Minneapolis office complaining about the fact that the FBI has not been fit to apply for a FISA warrant to look into Zacarias Moussaoui’s computer to see what was there.

We all know that after the fact, after September 11, this was done, and certain things were found, and so on, which we don’t discuss here.

The fact is, a lot of people criticized the FBI for misunderstanding or misapplying the law and not seeking a FISA warrant. The testimony we had before the committee was that there was a dispute within the FBI about what they had to prove, and there was some suggestion that maybe he might have been connected in some way to the Chechens, but nobody could connect him to a foreign power or an international terrorist organization. Those are the two requirements for FISA to apply.

Back then Senator SCHUMER and I advocate been in effect. It is clear that we could have gotten a warrant against Moussaoui because it would simply add the phrase “or foreign person,” which would mean that if you had probable cause to believe that someone is involved in a terrorist kind of enterprise, but you don’t necessarily know what country he is working for and you can’t necessarily connect him to a particular terrorist organization, you then it is just a terrorist, and with this warrant you might find out exactly who it is he is connected to, but you don’t really have that information at this point, you could go ahead and seek the warrant to tap his telephone or, look in his computer, search his house, whatever the case may be.

It is a very straightforward approach. Agent Rowley, who testified before the Intelligence Committee or the Judiciary Committee—we had a combined testimony—said she thought that would have been a very good thing and strongly supported it.

It has the support of the Department of Justice and the FBI. We have had several different witnesses from those organizations testify both before the Judiciary Committee and the Intelligence Committee, both of which I sit on. It is our view that it would be a very helpful change in the law, so that with respect to a guy like Moussaoui, if you didn’t have the evidence that he was connected to a particular terrorist organization, or that he was working for a particular foreign power, you could still get a warrant to investigate exactly what he was up to if you could demonstrate to the judge you thought he was up to something, that he was a foreign person, and that the kind of activity that he appeared to be looking at was a terrorist kind of activity.

I cannot imagine anybody who would oppose that, but I understand maybe there is somebody who would. We need to talk about that before. We leave here in a way that is not only happy about it, so that we can actually improve our ability to fight international terrorism.

You would think those kinds of changes would be in the reauthorization act. It is not in here. Not only that, but one of the authors is alleged to be one of the people who would object to what Senator SCHUMER and I are trying to do. We need to get to the bottom of those things. I want to find out. If anybody is going to fit into the Schumer-Kyl amendment, come to the Senate floor and tell us so we can find out who is behind the objection, get it on the floor, get it approved and enacted into law and signed by the President.

Our law enforcement officials want it. It is important to fight the war on terror, to get after the terrorists so we can investigate them before rather than after they commit crimes against us. That is the kind of priority we ought to be engaged in here.

Instead, what does this bill have in it? Well, it is about 240 pages long. It has a lot of provisions. For example, it authorizes $75,000 for an exchange program with Thailand for prosecutors. That is probably a nice thing, I don’t know of any reason why that isn’t a good thing to do. But $75,000, as you know, is kind of decimal dust around here. We would ordinarily be focused on somewhat larger issues. Here is a bigger milliliter of a training site in south and central Asia. Probably a good idea, although I don’t know.

One thing that we have been asked by the administration—especially at this time of war—not to do is to impose any more reporting requirements on our agencies that are involved in the war on terror. I am trying to count the number of reports and commissions contained in the bill. There are too many to count so far. I am trying to figure out how many I have to say there are numerous reports—report after report—that we are asking the Justice Department to prepare and send up to us on a whole variety of issues.

Oversight is very important, and we need to engage in oversight of the Department of Justice. But there is a balance between causing them to have to do a lot of things that they literally cannot do the job we ask them to do. I am not sure how some of these reports, anyway, will advance the ball with respect to justice.

The bill speaks of the 21st Century Department of Justice Appropriations Act, but it contains a lot more than just appropriations. It seems to me that we ought to be pretty well focused on the mission. If the FBI, for example, is going to literally change its focus from, first and foremost, being an investigator of crimes that have been committed so they can be prosecuted in court, to an agency—and remember it is part of the Department of Justice—which has now its first and foremost focus of preventing terrorism by conducting investigations that will potentially lead to uncovering the possibility of terrorists in the United States who would perform these horrible acts against us, if that is the new mandate, do we need to require that the Justice Department to do for us. If the FBI, for example, has been very forthright about the need for change in the FBI and the need to create this new priority in the FBI, and I commend him, and Attorney General John Ashcroft, has supported the same kind of reform in the Department of Justice and the FBI—then why is that kind of priority not reflected in this document? It is kind of the same old thing, rather than a new 21st century mission with terrorism at the core.

We need to find resources to fight terrorism. A lot in this bill has nothing to do with terror. That is not to say there is not a great deal the Department needs to do that doesn’t relate to terrorism, and we all understand and agree that. One thing there would at least be something here that represents the case for looking forward into the 21st century, rather than just looking back for the last couple of decades and trying to pull together different things that we would like for the Department of Justice to do for us.

Let me get back to the issue of reports. Do we need to require the Attorney General to submit to the Committee on the Judiciary and Appropriations the report identifying and describing every grant and cooperative agreement that was made for which additional or supplemental funds were provided in the immediately preceding year? I suppose somebody should put that information together. I wonder whether we need to mandate it in this authorization bill. Here is another report identifying and reviewing every office of justice program grant, cooperative agreement, or programmatic contract. I suppose somebody should put that information on the books, but is it necessary to send a report to the committees of the House and the Senate? Do we need to
I do not know whether that is right or not, but that is their argument. They say the Federal Government is bringing an action against the motor companies whose big auto companies, that had barred them because they signed bad contracts and were under pressure by the franchisers, the big auto companies, that had bargaining power leverage over them, basically, to say: You either sign the contract the way we have presented it to you or you cannot be our franchisees. I do not know whether that is right or not, but that is their argument.

They say the Federal Government has to intervene and, in effect, create an opportunity for the voiding of those provisions of those contracts when they signed bad contracts and were under pressure by the franchisers, the big auto companies, that had bargaining power leverage over them, basically, to say: You either sign the contract the way we have presented it to you or you cannot be our franchisees. I do not know whether that is right or not, but that is their argument.

They say the Federal Government has an opportunity to intervene and, in effect, create an opportunity for the voiding of those provisions of those contracts when they signed bad contracts and were under pressure by the franchisers, the big auto companies, that had bargaining power leverage over them, basically, to say: You either sign the contract the way we have presented it to you or you cannot be our franchisees. I do not know whether that is right or not, but that is their argument.

They say the Federal Government has to intervene and, in effect, create an opportunity for the voiding of those provisions of those contracts when they signed bad contracts and were under pressure by the franchisers, the big auto companies, that had bargaining power leverage over them, basically, to say: You either sign the contract the way we have presented it to you or you cannot be our franchisees. I do not know whether that is right or not, but that is their argument.

They say the Federal Government has an opportunity to intervene and, in effect, create an opportunity for the voiding of those provisions of those contracts when they signed bad contracts and were under pressure by the franchisers, the big auto companies, that had bargaining power leverage over them, basically, to say: You either sign the contract the way we have presented it to you or you cannot be our franchisees. I do not know whether that is right or not, but that is their argument.
They probably knew something I did not know. I guess they might have known this was coming to the floor and I did not realize that was the situation. I perhaps should have.

The problem now is that we debate this bill in which there have been no amendments. The conference report, under our rules, cannot be amended. The only way to amend it is to send it back and have the conference committee revisit it, and that is a motion that very rarely is accepted. I am not even sure it would be accepted.

This is the kind of thing that should not be done in this type of bill. It was done by a very few people. I am on the Judiciary Committee, as is the President. I did not know it was put in there. I did not have anything to do with it. I was not asked, and yet we are members of the Judiciary Committee and this is supposed to be our product.

Again, I do not know whether this is a good idea or a bad idea. I would have liked to have heard debate on it, perhaps an opportunity for it to be amended, but that will not be possible. That is another problem with the conference report as it has come to us.

What we are talking about here is the motor vehicle franchise dispute resolution process bill. That is not the only example of items that were added to the conference report and which had never been passed by the House of Representatives or by the Senate. Let me give some examples.

In title I, subtitle A, there is something called the Law Enforcement Tribute Act. This section authorizes grants for the construction of memorials to honor the men and women in the United States who were killed or disabled while serving as law enforcement or public safety officers. Is there anything wrong with that? Absolutely not. I presume there is nothing wrong with the grants for construction. If the grants for construction got out of hand from a monetary standpoint we might have some objection. We obviously want to use some prudence in what kind of money is appropriated for that purpose.

I do not know anything about that issue. I am on the Judiciary Committee and that was never considered. It did not come through the Senate. It did not come through the House. But it is in the conference report. It was put in in the conference report.

There is a section 11002, disclosure of grand jury matters relating to money laundering offenses. This would add two sections relating to money laundering to the list of banking law violations where a prosecutor can disclose grand jury information to a State financial or a Federal financial institution or regulatory agency.

We have had a lot of complaints in the war on terror about the disclosure of grand jury testimony. Here national security is involved. There are some who still say that we should not release grand jury testimony on a very classified basis to other law enforcement or intelligence agencies, such as the CIA, so that it can do its work better to protect us from terrorists; that when information is presented to a grand jury, it is as if it is sacred and nobody else can know about it. We cannot even use it for protection against terrorism. But having passed through the House or Senate, includes a section that would let grand jury information be disclosed to either a State financial or a Federal financial institution or regulatory agency.

That is, that may be a thing if you are trying to go after people who launder money. That may well be a good section. I just do not know. Again, being a member of the Judiciary Committee and a Member of the Senate does not provide enough protection for us really to have had the opportunity to debate or amend this provision.

There is a section called grant program for State and local domestic preparedness support. This would seem to be a good program. The use of grant funds and changes the name from the Office of State and Local Domestic Preparedness Support to the Office of Domestic Preparedness. It does not seem to me there would be anything wrong with that. It did not pass the Senate. It did not pass the House.

There is a provision, section 11004, U.S. Sentencing Commission Act access to NCIC terminal. This is a big deal. It would allow the Attorney General to have information with the U.S. Sentencing Commission. The reason, I guess, is the Sentencing Commission has stated it is necessary for it to help complete a study that it wants to do on recidivism rates that they have been charged—by who else?—by Congress to complete. They are currently working with the FBI, and they support this.

There is another section dealing with danger pay for FBI agents, and this is an authorization of a category of a response to the war on terror, although I do not know. It is the kind of thing one might expect to see in the bill even though it was not in the Senate-passed or House-passed bill. It would be interesting to find out whether or not the granting of the danger pay allowance is a response to the war on terror. That might well be an appropriate one of those rare exceptions where even though the House did not have this in it, it might be a good thing to include in the conference report, but one would hope there would be some description and discussion of that so we would all appreciate the reason for doing it.

There is a section on Police Corps. It provides for increases in the tuition allotments for Police Corps officers; scholarship reimbursement from $10,000 to $13,333 a year; reauthorizes the program for 4 more years. It increases the stipend for training from $250 to $400 a week and allows $10,000 direct payment to participating police agencies requirement—or opportunity, I should say.

Again, that is what one ordinarily would have seen come before the committee and the Senate, but it did not pass this body. Section 11007, radiation exposure compensation technical amendments; section 11008. Federal Juvenile Justice Protection Act of 2002—I have pages of these—persons authorized to serve search warrants; a study on reentry, mental illness and public safety; technical amendments to the Omnibus Crime Control Act; debt collection implementation; use of annuity brokerage instruction settlements.

There is a provision which I would certainly support, section 11014, authorization of a State criminal alien assistance program. There are those who oppose this. I favor it. For those who oppose it, maybe they would want to offer an amendment reducing the amount of it.

Frankly, I would love to offer an amendment increasing the amount because the amount that is authorized is about one-third what is necessary to reimburse the States for the housing of criminal illegal aliens who are the responsibility of the Federal Government because the States undertake to house in their prisons.

I am denied the opportunity to offer an amendment to increase the funding under this very good program because it comes to us in the conference report upon which we did not act.

I will not go through all of these, but there are INS processing fees; U.S. Parole Commission extension; the waiver of foreign country residence requirements with respect to national medical graduates; pretrial disclosure of expert testimony relating to a defendant’s mental condition; MultiParty/Multiform Trial Jurisdiction Act of 2002; direct shipment of wine, there is a proviso on that; Webster Commission Implementation Report. There is a very large provision in effect authorizing the establishment of a police force within the FBI to provide protection for FBI buildings and personnel in various areas. There is a report on information management technology; a GAO report on crime statistics. There is a big grant program—well, not big. It authorizes $30 million for the Attorney General to make grants to States for various reasons. There is a new motor vehicle franchise—excuse me, that is the one I mentioned before. There is a new holding court in a certain State. I will not mention it. I do not know the State, but just one State though.

The point is that this bill includes numerous provisions which did not pass the House, did not pass the Senate, which we have no opportunity to amend to seek the amendment which are presented to us in a take-it-or-leave-it form in the conference report. It is not the right way for us to do business, again, in the last 10 days or so of our session.

I will not say anything more about the bill itself because I do not want one to get the impression that reauthorizing the Department of Justice is not
a good thing; it is—that many of the provisions I read to you are not good provisions. Some of them I know are good provisions because I know what they are. Others I presume are good, though I do not necessarily know that. But at least I offer one amendment to one of them, and I know I will not be given that opportunity.

It is not what we should be doing in the context of the debate we are having in these last 10 days, which is, How do we ensure the national security of the United States of America?

I go back to the three things we should be doing right now. We should be completing our work on the Homeland Security Department. At a minimum, the President should be granted an opportunity for Senators to vote on his proposal. Why have we not been allowed to do that? Why, right after the debate on that very issue, right after another culture motion on that fall, did we effectively vote in lieu of the Homeland Security Department legislation and go to this bill instead? That is more important, and that should take precedence. So should the Defense authorization and appropriations bill and the American Patriot Act Amendments of 2002, which both Senator KYL and I have worked on for 6 years. To Lee Guelff, whose brother, Chris McCurley, was killed in the line of duty, I say congratulations.

I am very proud to say that legislation has worked over the years, whether under my chairmanship or Senator FEINSTEIN’s chairmanship, on the kinds of legislation I was speaking of earlier, the very things we need to do to help our law enforcement agencies have the power to do the job we want them to do.

I am very proud to say that legislation we worked on together as a result of hearings we held together was finally passed as part of the USA Patriot Act, and the work that that subcommittee has done over the years has really paid the way for a lot of what we know now was important to do but until, unfortunately, after September 11 people were not willing to focus on in order to keep the country safe.

I conclude by saying it is a matter of priorities. We ought to be focused right now on first things first, and that is our national security, and that means first and foremost passing legislation such as that part of the American Patriot Act, getting our Homeland Security Department legislation concluded, getting our Defense authorization and appropriations bills concluded, and paving the way for action on a resolution of force with respect to Iraq.

The PRESIDING OFFICER. The Chair recognizes the Senator from California.

Mrs. FEINSTEIN. Mr. President, I appreciate the words of my distinguished colleague and friend from Arizona. I must say I differ with him on this bill because I am very much in support of this bill. In particular, I commend both Senators Lott and HATCH for bringing this first Department of Justice authorization report to the Senate floor in 20 years. I very much hope the Senate is going to adopt the report.

Before I go into saying what this bill does with respect to Federal judge- ships, I want to comment that this bill does deal with homeland security, particularly border security. This bill specifically authorizes more than $3.2 billion for the administration and enforcement of laws relating to immigration, naturalization, and alien registration. More than $3.2 billion of this amount will be allotted to the National Guard, which both Senator KYL and I have worked on our subcommittee for a substantial period of time, and I am very pleased to see this authorization. It deals with domestic preparedness, the Office of Domestic Preparedness. It has the Feinstein-Sessions-Hatch-Leahy-Grassley FBI Reform Act to codify the authority to the attorney general to create the FBI office of domestic preparedness to support State and local law enforcement agencies. This bill also has FBI reform. It includes provisions from the Leahy-Grassley FBI Reform Act to codify the authority of the attorney general to create the FBI inspector general to investigate allegations of misconduct by FBI employees.

The conference report provides special danger pay allowances to FBI agents in hazardous duty locations outside the United States. The bill also increases the FBI's anti-terrorism capabilities, including more emergency preparedness funds and training for the FBI. This bill has the Law Enforcement Tribute Act. It has the Feinstein-Sessions-Carnahan-Dodd-Geithr and Chris Murcley Body Armor Act, which imposes criminal penalties on individuals who use body armor in the commission of crimes of violence or drug trafficking crimes. This bill specifically originated as a product of the work of Lee Guelff, whose brother, James Guelff, was a police officer at San Francisco's northern station. Officer Guelfff responded to a sniper incident at the corner of Franklin and Pine streets. He wore an individual, completely clad in Kevlar—Kevlar helmet, Kevlar vest, Kevlar pants, the whole thing—with about 1,100 rounds of ammunition. Officer Guelfff only had his police revolver, which he emptied to no effect against his Kevlar protected assailant, who shot the officer in the head and killed him. It took 150 police officers to equal the firepower of this one man with semiautomatic weapons clad in Kevlar standing in the intersection.

This is a very important bill. We have worked for 6 years. To Lee Guelff, congratulations.

This bill authorizes a separate and independent Violence Against Women Office within the Department of Justice similar to S. 570 introduced by Senator BIDEN with 22 cosponsors. It is a very important step for those who would like to see this separate office set up.

The bill has crime-free rural States grants. It creates and authorizes $30 million for the crime-free rural States program to make grants to rural States to help local communities prevent and reduce crime, violence, and substance abuse.

For many of us, this bill is important because it restores a vital program, the SCAAP program, that the President cut out. SCAAP is an acronym for the State Criminal Alien Assistance Program. Under law, the Federal Government is responsible for the borders. If we do not protect the borders, people come to our country illegally. Some commit crimes, they are convicted, they do time in jails, but the local jurisdictions pay for that time in jail. In States on the border, this is the only program that reimburses the States for their cost of incarcerating illegal aliens. It is a very important program. Senator KYL and the people of Arizona support it. I support it. I believe every member of the Judiciary Committee supports it. I believe the Presiding Officer supports it. That authorization is in this bill.

Regarding drug abuse, this bill includes several provisions from the Hatch-Leahy-Biden-Feinstein Drug Abuse Education Prevention and Treatment Act that will move Federal antidrug policy toward a more balanced approach that includes added attention to prevention and treatment. The provisions in this bill, for example, authorize funding for drug courts. We know drug courts work in prevention of narcotic use. The bill authorizes $172 million over the next 3 fiscal years to support State and local adult and juvenile drug courts. These courts provide treatment as an alternative for nonviolent offenders who stay off drugs. The statistics of recidivism show this approach works.

There are provisions with respect to drug-free prisons. The bill authorizes the use of Federal funds for jail-based substance abuse programs, for reentry programs, for DEA, and police training. It authorizes funding for the drug enforcement agency police training in South and Central Asia to reduce the supply of drugs entering the United States.

The bill has a myriad of proposals with respect to protecting intellectual property: The Madrid Protocol, distance learning, Patent and Trademark Office authorization and modernization, and enhanced enforcement of intellectual property.

Most importantly, this bill authorizes a number of new judgships. It authorizes five new permanent judgships in the southern district of California at
San Diego, as well as two in the western district of Texas. The western district of North Carolina receives one. It converts four temporary judgeships to permanent judgeships: One in the central district of Illinois, the northern district of California, the eastern district of Virginia, and it creates seven new temporary judgeships, one in each of the northern districts of Alabama, Arizona, central district of California, southern district of Florida, district of New Mexico, western district of North Carolina, eastern district of Texas. It extends the temporary judgeship in the northern district of Ohio for 5 years.

I have heard Members of this body implore the Judiciary Committee about the need for additional judgeships. The Southern District court in San Diego, for example, has the heaviest caseload in the nation. This court has operated in a state of emergency since September, 2000. The Southern District handles complex litigation as well as major drug cases that emanate from the closeness of San Diego to the Mexican border. The district is relying on temporary and senior judges. The bench now is close to real catastrophe. This bill finally brings relief.

This bill improves civil justice; has motor vehicle franchise fairness; the Radiation Exposure Compensation Act; and the Antitrust Technical Corrections Act. These are a number of things in this bill to bring to immigration procedures: The J-1 visa program, the H-1B visas, help to children, and more. I conclude by noting that this bill is not unrelated to our present place in time. It is not unrelated to the need to protect our borders, to seeing that our nation has adequate border security, to seeing that FBI agents have hazardous duty pay, and to seeing that our visa program is improved. The bill provides authorization for the payment to State and local jurisdictions for the incarceration of illegal immigrants and for the addition of additional judgeships. It is a very important bill.

Again, I particularly thank the Chair and the Ranking Member. Without them, this bill would not be on the floor today. It is a very important bill. I urge an “aye” vote.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

TRIBUTE TO JO-ANNE COE

Mr. DASCHLE. Mr. President, last week we regrettably learned of the passing of Jo-Anne Coe. She served the Senate and Senator Dole for many years. She was an admirable public servant.

From 1985 to 1987, during the 99th Congress, she became the Senate’s first woman to serve as Secretary of the Senate. Our condolences and prayers go out to her daughter Kathryn Coombs, her niece Kindra, her nephew Kevin, and of course to our former colleague. Senator Bob Dole not only had an ally, a friend, a staff person, he had someone who walked the floor on so many occasions. We regret her loss, not only the loss of an employee, not only the loss of an important public servant, but the loss of a friend.

ORDER OF BUSINESS

Mr. DASCHLE. Mr. President, there will be no further roll call votes today. I yield the floor.

21ST CENTURY DEPARTMENT OF JUSTICE APPROPRIATIONS AUTHORIZATION ACT—CONFERENCE REPORT—Continued

CLOTURE MOTION

Mr. DASCHLE. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

Mr. DASCHLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the conference report to accompany H.R. 2215, the 21 Century Department of Justice Appropriations Authorization Act.


Mr. DASCHLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

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

Mrs. HUTCHISON. Mr. President, I wish to speak briefly on the reauthorization conference that is before the Senate today. There are many parts of this legislation I want to talk about. One part that is very important to me is the new judgeships that would be created in the border areas of our country, in new district judgeships in the western district of Texas, and one temporary judgeship in the eastern district of Texas.

The conference report contains language that Senator Feinstein and I put forward because of the judicial emergency that exists in our States. Largely in the border regions, we have had an onslaught of caseload that has made it very difficult for our judges to not even stay even but just to try to handle the most important cases. So we have been trying to add some judgeships, both in California and in Texas, to relieve some of this emergency.

The judgeships in the western and eastern districts of Texas have been designated by the bipartisan judgeship committee as in need of judgeships. The creation of new judgeships will certainly bring much needed relief.

Not all the courts in the country that are desperate for judges, the United States-Mexico border courts have the most critical need. According to the statistics from last year, the western district of Texas handles the most criminal cases in the country; last year, 4,434.

Currently, the western district of Texas is facing a criminal caseload of 1,987 pending cases; that is 2,758 defendants. In El Paso, 884 cases are pending overall—more than any other region in the district. Each day, more cases are added, overwhelming an already overburdened western district.

As our war against terrorism is advancing, as well as our war against drugs, it is even more crucial we have highly qualified judges and law enforcement officials in charge of our justice system.

Mr. President, I really appreciate the fact that we do have a cloture motion on this conference report. I hope very much that we will be able to pass this legislation and create these courts. Hopefully, they will be able to be up and running sometime next year and try to bring justice. Justice delayed is justice denied in many instances. We would like to clear out the backlog and let people face trials and either serve their sentences or, if they are acquitted, of course, allow them to go free. Right now, they are incarcerated, and it is creating not only a burden on the court system but on the prison system. Many of our county prisons and State prisons are overloaded and trying to help with the backlog, but it is very hard for these counties to justify the costs when they do not get full reimbursement.

So we would appreciate passing this bill so we could get these courts. I hope the Senate will act expeditiously on this bill.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. DAYTON). The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. SESSIONS. Mr. President, I wish to speak a few minutes on the Department of Justice conference report that is before the Senate.

The Department of Justice is one of the great departments of our Government. It is one of the oldest, one of the
original Departments. I served in that Department for 15 years. It was the greatest honor for me. I believe it has worked, and I believe, all in all, this bill is a healthy bill. I am pleased to support it.

The provision that came out of this conference committee, however, with which I am not pleased. It was not in the Senate bill; it was not in the House bill. It was placed in the conference report without having been passed by either body, which is against the tradition of the Senate and the House. This should not be done. It is normally not done.

That provision deals with automobile dealers and arbitration clauses they have with automobile manufacturers. The truth is, most automobile dealers today are pretty sizable entities. They have lawyers. They negotiate these contracts when they have an agreement with a big company. It requires arbitration apparently in most of these contracts. They want to alter this right of contract and eliminate it. I objected to it in committee.

I believe the question of binding arbitration is one that requires a good deal of thought. I believe pretty strongly that to change arbitration law in America to exempt people from binding arbitration, I am not sure the first place we should start is between automobile dealers and automobile manufacturers. That seems to me to be an odd place to start. There was not a lot of thought put into it. There are disputes and arguments between the dealers and the manufacturer, and the dealers believe they will have a better chance in court, if they can take that to court. There is probably throwing some claims in that lawsuit. They want to do it that way.

Apparently, most of our colleagues agreed; an overwhelming number of people supported the amendment. It is now included in the bill.

I say that because I earlier introduced an arbitration bill that focuses on improving arbitration across the board. It was a broad bill and had a lot of positive changes in it. I will be introducing today another, more comprehensive bill to deal with arbitration. I will not go into all the details of it, but I call this bill the Arbitration Fairness Act of 2002, and it will continue the changes we offered in the 106th Congress when I introduced the consumer and employee arbitration bill of rights.

This will be a broader procedure. It will deal with the question of Federal arbitration. Congress enacted the Federal Arbitration Act in 1925. It has served us well for three-quarters of a century.

Under the act, if parties agree to a contract affecting interstate commerce that contains a clause requiring arbitration, the clause will be enforceable in court. That is the fundamental issue with which we have been dealing.

My State has had a lot of debate about arbitration. It is healthy to look at what we did 75 years ago. We found there were legitimate complaints about arbitration. Our act, a bill of rights of protections for people who are involved in arbitration, I think will take us a step in the right direction.

It will maintain cost-benefits of arbitration. Many times it is quite cost-effective to arbitrate, but there are instances in which arbitration costs more and is more of a headache than perhaps going to small claims court or other courts.

There have been some concerns that the arbitrators under these agreements are not independent and the corporation or the larger entity has too much power in selecting who might arbitrate.

The bill provides the following rights:

No. 1: Notice. Under the bill, an arbitration clause, if it is to be enforceable, would have to have a hearing in large, bold print that states whether arbitration is binding or optional and identify a source that the parties may contact for more information and state that a consumer could opt out and go to small claims court.

In other words, when you have an arbitrator, you have to pay the arbitrators. Both parties have to go. Many States have effective small claims courts where you file a $25 fee and an independent judge will hear the case.

Sometimes that is better. This would allow an opt-out for a person who is involved in an arbitration matter if they choose and if they qualify for the small claims court. That probably is healthy.

It would eliminate a lot of the complaints we have heard about over a small amount of money involved in a sofa or refrigerator, that could cost more to arbitrate than the merchandise is worth. This would at least give that option, so a party could opt out if it chose.

No. 2: The independent selection of arbitrators. The bill would grant all parties the right to have potential arbitrators disclose relevant information concerning their business ties and employment. All parties to the arbitration would thereby gain more voice in selecting a neutral arbitrator.

This ensures that the large company that sold a consumer product will not select the arbitrator itself because the consumer with a grievance will have the right to nominate potential arbitrators, too. As a result, the final arbitrator selected will have to have the explicit approval of both parties to the dispute. This means the arbitrator will be a neutral party with no allegiance to either party. There are some instances when that has not been the case.

We deal with choice of law. We make clear that parties can be represented by counsel at their own expense. It guarantees that all parties will have a fair hearing in a forum that is reasonably convenient to the consumer or employee to prevent a large company, for example, from requiring a consumer or an employee or small businessperson to travel across the country to arbitrate a claim.

The bill grants to all parties the right to conduct discovery and present evidence; to have cross-examination; that there should be a tape recording of the hearing at the arbitration hearing. The hearing, and that there would be a timely resolution. That is important.

One of the reasons we choose arbitration is for timely resolution. There have been complaints that these have not been timely and in fact have been just as long, in some instances longer, as going to court.

Under the bill, the defendant must file an answer within 30 days of the filing of a complaint. The arbitrator has 30 days to hold a hearing and must render a decision within 30 days after the hearing. That would be the maximum time that would be allowed. It would require a written decision. As to expenses, it grants all parties the right to have an arbitrator provide for reimbursement of arbitration fees in the interest of justice; the reduction, deferral, or waiver of arbitration fees in cases of extreme hardship; and also the small claims opt-out.

This is a Department of Justice bill that I believe has some good things in it. It has 20 new Federal judges, pretty much selected on a need all across America. Some States are really in crisis, such as California and they need some additional district judges. We need several in Alabama. It has that in there.

It has a body armor bill that Senator FEINSTEIN and I worked on that says if you deal with such a violent criminal who has been convicted of a serious crime, who wears body armor while they are committing that crime, then the judge is authorized to give a more substantial penalty where that occurs and make it a separate offense for wearing body armor during the commission of a felony.

We had an instance in my State, and Senator FEINSTEIN in California, in which a criminal actually wore body armor and killed a law enforcement official. The time to hold a hearing and have a judge render a decision is the greatest single bottleneck in justice today is a delay that so often occurs in obtaining scientific analysis of evidence. A prosecutor cannot go forward with a case involving cocaine, white powder, until some chemist reports that is actually cocaine. But prosecutors probably will not take it to a grand jury until they have that chemical report.
If there are fingerprints, an analysis is needed. If there is a weapon involved, the ballistics need to be examined. If there are DNA issues, DNA is needed. If there has been a rape, the DNA analysis and blood samples are needed. Those are procedures that are being delayed.

In my State, we saw delays of as much as a year or more in actually receiving the scientific analysis. On a routine basis, that is happening around America. It is important we assist in that, and I am alarmed after former Senator Paul Coverdell—who was such a wonderful Member of this body, a bill he worked on before his death—would help strengthen that.

I believe we are moving in the right direction, and I would like to see the Federal Government take a stronger lead in encouraging the States to move forward on forensic capabilities.

We spend huge amounts of money on prisons. We spend huge amounts of money on officers. We spend huge amounts of money on the Department of Justice and increase our pre- vention efforts. The Congress of the United States is only one part of the Department of Justice and all of its component agencies. Communities qualify for funds only if they have programs tailored to local problems. Communities that qualify for funding are those that can present plans that are critical to any juvenile crime strategy, and we need to support them.

According to the Partnership for Drug Free America's 2001 National Survey on Drug Use and Health, 13.6 million Americans have now tried ecstasy and 2.8 million teenagers in America, aged 12 to 17, say they experimented with Ecstasy than cocaine, crack or heroin. Approximately 2.8 million teenagers in America, roughly one of every 11 teens in the Nation, have now tried ecstasy.

Even the Armed Services have been impacted by this dangerous drug. In July 2002, 82 marines and soldiers at Camp Lejeune, NC, were convicted in a military court for either using or distrib- uting ecstasy.

Despite the abundant evidence to the contrary, drug users have been lulled into believing that ecstasy and other designer drugs are safe ways to get high without risking addiction or physical harm. As legislators, we have a responsibility to stop the proliferation of this potentially life threatening drug. I re- main firmly committed to working on legisla- tion to combat this dangerous drug and I appreciate my colleagues' willingness to work with me to pass this legislation.

Mr. KOHL. Mr. President, I rise today in strong support of the Department of Justice reauthorization bill. The reauthorization of the Department of Justice and all of its component parts is long overdue. In particular, this bill is important because it reau- thorizes the Incentive Grants for Local Drug Prevention Programs, Title V, which is the cornerstone of our national juvenile crime prevention strategy. Senator LEAHY deserves special mention for recognizing the import- ance of juvenile crime policy and working with other Members to reau- thorize many important programs.

Effective prevention programs are critical to any juvenile crime strategy, and title V is one of the programs that deserve our support. Let me tell you why. And whether any drug use is permitted by the Federal Government, to identify solu- tions tailored to local problems. Communities quality for funds only if they.
establish local boards to design long-term strategies for combating juvenile crime, and if they match Federal funds with a 50-percent local contribution.

And, title V works. Participating communities, from 49 States, believe in this program so much that, according to the GAO, they’ve matched Federal money almost dollar-for-dollar, far more than the 50-percent match this program requires. In addition, studies confirm that many of these programs have reduced crime in cities across the Nation. A program that can motivate the communities both to cooperate in improving safety and to collect the resources to do so is one that really works.

I would also like to commend the conferees for including in the final bill important provisions from S. 1165, the Biden-Kohl-Reed-Landrieu-Daschle Juvenile Crime Prevention and Control Act. Senator BIDEN has always been a leader on juvenile crime control issues and I applaud his perseverance to work with him. This bill understands the importance of federal assistance to our communities in the area of juvenile crime control and delinquency prevention programs.

Finally, on a different issue, I am pleased that the bill makes several needed technical corrections to the Nation’s antitrust laws. It will also eliminate unnecessary and unused antitrust review authority placed in the Nuclear Regulatory Commission’s antitrust laws. It will also eliminate unnecessary and unused antitrust review authority placed in the Nuclear Regulatory Commission’s antitrust laws, and will therefore further our goal to consolidate antitrust oversight.

Again, I applaud the Senate’s consideration and passage of this important legislation.

Mrs. CARNAHAN. Mr. President, I rise today to express my support for passage of the 21st Century Department of Justice Appropriations Authorization Act, H.R. 2215. I applaud Chairman LEAHY, who along with his staff, was put in long hours to complete this bill. It is my hope that the conference report, which has passed the House by a vote of 400-4, will pass the Senate today.

I am pleased that H.R. 2215 includes the Law Enforcement Trust Act, a bill I introduced. The Law Enforcement Trust Act authorizes $3 million in grant funding to States, localities, and Indian tribes to provide for permanent tributes to the police officers and firefighters who have been injured or killed in the line of duty. I have been contacted by numerous law enforcement and public safety organizations that have voiced their support for the bill, including the National Association of Police Organizations, the International Association of Fire Fighters, the Missouri Fraternal Order of Police, and the Missouri Police Chiefs Association. These organizations believe, as I do, that it is appropriate for our national Government to help local communities pay tribute to those who have made the ultimate sacrifice.

H.R. 2215 also authorizes language for many programs of critical importance to our nation’s security. It authorizes funds to enhance border security and increase domestic preparedness. The bill includes important provisions to strengthen law enforcement, such as FBI reform, and better witness protection. H.R. 2215 improves state and local forensic science laboratories, implements appropriate sentencing enhancements when defendants use body armor in crimes of violence or drug trafficking crimes.

H.R. 2215 also authorizes $30 million for the Crime-Free Rural States program to make grants to rural States to help local communities prevent and reduce crime, violence, and substance abuse. H.R. 2215 authorizes the Juvenile Justice and Delinquency Prevention Act, and preserves the core protections that ensure our juvenile delinquents are dealt with firmly but fairly.

Support for these law enforcement programs comes at an important time. Crime rates, which had fallen to record lows during the 1990’s, have begun to creep back up. Federal, State, and local law enforcement agencies have had new and important responsibilities placed on them following the September 11 attacks. So, I am extremely pleased that we are expressing our support for a law enforcement bill that will make a real difference in increasing the personal security of all Americans.

Mr. KENNEDY. Mr. President, I strongly support this bipartisan legislation. The fact that it is now before the Senate for a final vote is primarily due to the skill, patience, and determination of our colleagues on the Senate and House Judiciary Committees, especially Chairman LEAHY, Senator HATCH, Chairman SENSENIBRENNER, and Congressman CONYERS, and I commend them for their leadership. They have guided our Senate-House conference with a steady hand and have kept the process moving, even when the prospect of the bill’s passage appeared in doubt. As a result, we are about to complete action on a genuinely comprehensive authorization bill for the Department of Justice—something Congress has not managed to enact since 1979.

The need for this legislation is urgent. The terrorist attacks of September 11 made clear that we must strengthen the ability of our justice system to deal with the threat of terrorism. Since September 11, Congress has enacted laws giving law enforcement and intelligence officials enhanced powers to investigate and prosecute terrorism, improving the security of our borders, and strengthening our defenses against bioterrorism.

On May 14, President Bush signed the Enhanced Border Security and Visa Entry Reform Act. The Department of Justice Authorization Act builds on that bipartisan legislation by authorizing over $4 billion for the administration and enforcement of our immigration laws—$3.2 billion of which will be allotted to the Border Patrol. The act authorizes funding for the Drug Enforcement Administration to conduct training in Central and South America, and improves our implementation of the International Convention for the Suppression of Financing Terrorism. These will be important tools in our effort to win the war on terrorism and protect the country.

Here at home, the Department of Justice Authorization Act achieves many important goals: It implements needed reforms of the Federal Bureau of Investigation, including a long-overdue plan to improve the Bureau’s outdated computer system. It also provides special danger pay to Federal agents who perform hazardous duties outside the United States.

The bill closes a number of loopholes in our criminal code, and increases the protection of witnesses who report criminal activity. It increases sentences for defendants who use body armor during the commission of violent crimes. It reauthorizes State assistance program to help States deal more effectively with the problem of criminal aliens. It authorizes funding for the Boys and Girls Clubs of America, including the creation of 1,200 new clubs across the Nation, and improves the lives of at-risk youth. It reauthorizes the Juvenile Justice and Delinquency Prevention Act, while preserving the core protections to see that juvenile delinquents are treated fairly and humanely.

It authorizes a number of important drug treatment and prevention programs, including programs to reduce drug dependency among prisoners and to support State and local drug courts. These cost-effective programs will reduce the demand for drugs in America, which President Bush has called “the most effective way to reduce the supply of drugs in America.” I am also pleased that this legislation contains a provision to extend H-1B visa status for persons with pending labor certification applications. Unfortunately, this application process now takes years to complete, and is undermining the ability of American companies to keep qualified workers.

The Department of Justice Authorization Act also reauthorizes the Police Corps, a program that I have strongly supported since its creation in 1954, to improve the quality of police training, develop strong community-police partnerships, and produce officers who will take future positions of leadership and responsibility in law enforcement.

Finally, the Department of Justice Authorization Act is an impressive bipartisan achievement that will strengthen our justice system and our defenses against terrorism. I commend all the conferees for their effective work.

The House of Representatives overwhelmingly adopted this legislation last week by a vote of 400 to 4, and I urge the Senate to support it now.
Mr. BIDEN. Mr. President, I rise in support of the conference report on H.R. 2215.

With approval of this conference report, we are one step closer to authorizing the operations of the Justice Department’s Violence Against Women Office, which will handle and coordinate the Department’s extensive duties and functions relating to the elimination of domestic violence, sexual assault and stalking.

A key tool in that fight is the permanent and independent Violence Against Women Office. Nineteen years ago, I first introduced in the Senate in March, 2001, and now established in the Conference Report, this provision means that the Office will be removed from its current location inside the Justice Department; will become its own, independent and under the jurisdiction of the Attorney General. The bill also sets out the extensive duties and functions of the Director. It also requires that the Director be nominated by the President, confirmed by the Senate and report directly to the Attorney General.

With this bill, the Violence Against Women Office is set out in black and white. Its leadership and agenda cannot be pushed to the sidelines nor marginalized as one of many offices in a large bureau. Instead, this law gives the Violence Against Women Office the foundation and roots it deserves. It will be its own, separate and distinct office within the Department of Justice with a Director who answers only to the Attorney General. This statutory authority is long overdue.

Since we passed my Violence Against Women Act in 1994, the Office has been charged with disbursing billions of dollars to states, localities, tribal governments and private organizations to improve the investigation and prosecution of crimes of domestic violence, sexual assault and stalking; to train prosecutors, law enforcement and judges on the unique aspects of cases involving violence against women; and to offer needed services to victims and their families.

The Violence Against Women Office also handles and coordinates the Department of Justice’s legal and policy issues regarding violence against women, everything from enforcing protection orders across State lines to issuing annual reports on stalking. The Office also works with other Federal agencies, such as the Department of Housing and Urban Development, and the Immigration and Naturalization Service about Federal policies, programs, statutes, and regulations that impact victims. It is a tall order for the Violence Against Women Office, and to carry out these critical mandates, we must ensure that the Office has the sufficient visibility, prestige and authority. An independent office will provide just that. This conference report of the Violence Against Women Office will be insulated from any attempts to undo the great work it has historically accomplished. A director nominated by the President and confirmed by the Senate will have the credibility and the bully pulpit to travel this country and get local people to the table. Let me be clear, to meet its mandate, the Violence Against Women Office should not, must not, and cannot be buried within a grant-making bureaucracy.

I want to thank the Chairman of the Judiciary Committee Senator LEAHY, for the tireless efforts of advocates and service providers who support the women and children victimized by domestic violence and sexual assault.

The next point I would like to highlight is that the Conference Report reauthorizes the Juvenile Justice and Delinquency Prevention Act of 1974. Congress has tried for over six years to get this job done and as the former Chairman of the Subcommittee on Crime and Drugs I am extremely gratified we were able to renew the juvenile justice law here. Last year, Senators KOHL and REED and I introduced S. 1165 and S. 1174 Crime Prevention and Control Act. That bill reauthorized the 1974 Act, authorized the Juvenile Accountability Incentive Block Grant for the first time, and proposed to close the gun show loophole. S. 1165 contained provisions similar to H.R. 1900 and H.R. 863, and proposals complimentary to Senator LEAHY’s S. 1174. Major provisions of H.R. 1900, H.R. 863, S. 1165 and S. 1174 are included in this Conference Report today. Provisions from S. 1165 included in the Conference Report will ensure that youth in the juvenile justice system are protected from abuse and assault by adults in adult jails. The Conference Report ensures we will remain focused on preventing juvenile crime before it occurs: it reauthorizes Title V, the Justice Department’s juvenile crime prevention grant program. Title V resources have been critical in Delaware and across the Nation, to divert youth in the juvenile justice system. The Conference Report includes these critical provisions.

I want to thank the Chairman of the Judiciary Committee Senator LEAHY, Senators HATCH and CARPER who originally joined me when I first introduced a bill for an independent office in March, 2001. And finally, in this first week of Domestic Violence Awareness Month, it is right to give thanks for the efforts of advocates and service providers who support the women and children victimized by domestic violence and sexual assault.

Today is the first day of Domestic Violence Awareness Month, and it is a fitting tribute to this special month that the Senate will have the credibility and the bully pulpit to travel this country and get local people to the table. Let me be clear, to meet its mandate, the Violence Against Women Office should not, must not, and cannot be buried within a grant-making bureaucracy.

As I mentioned earlier, the Violence Against Women Act passed in 1994, we have changed the way folks think about domestic violence and sexual assault. We have hauled these matters out from the closet, and called them their proper names, "crimes that warrant investigation and prosecution with crime victims who desperately need our help. Across the country there are signs that the law is working. Statistics released by the Justice Department last month indicate that in the last 10 years, while sexual assault and sexual assault rates have not changed during this period, the number of sexual violence cases filed has increased by 104% and convictions have increased by 60% from 1990 to 2001. The New York City Police Department is beginning to use digital cameras to capture the injuries of domestic violence which has drastically improved the way these cases are prosecuted. One of the first trials for cyberstalking is underway in Chicago.

In my home State of Delaware, the Violence Against Women Act and the leadership of the Office have made an enormous impact. Just last week, the trial of the first sexual assault conviction under the Violence Against Women Act was completed. One of the first trials for cyberstalking is underway in Chicago.

Since the Violence Against Women Act passed in 1994, we have hauled these matters out from the closet, and called them their proper names, "crimes that warrant investigation and prosecution with crime victims who desperately need our help. Across the country there are signs that the law is working. Statistics released by the Justice Department last month indicate that in the last 10 years, while sexual assault and sexual assault rates have not changed during this period, the number of sexual violence cases filed has increased by 104% and convictions have increased by 60% from 1990 to 2001. The New York City Police Department is beginning to use digital cameras to capture the injuries of domestic violence which has drastically improved the way these cases are prosecuted. One of the first trials for cyberstalking is underway in Chicago.

In my home State of Delaware, the Violence Against Women Act and the leadership of the Office have made an enormous impact. Just last week, the trial of the first sexual assault conviction under the Violence Against Women Act was completed. One of the first trials for cyberstalking is underway in Chicago.

In my home State of Delaware, the Violence Against Women Act and the leadership of the Office have made an enormous impact. Just last week, the trial of the first sexual assault conviction under the Violence Against Women Act was completed. One of the first trials for cyberstalking is underway in Chicago.

In my home State of Delaware, the Violence Against Women Act and the leadership of the Office have made an enormous impact. Just last week, the trial of the first sexual assault conviction under the Violence Against Women Act was completed. One of the first trials for cyberstalking is underway in Chicago.
as well as for reducing juvenile re-offense rates. In years past, my state has used JAIIB funds to establish a Serious Juvenile Offender program through the Delaware Division of Youth Rehabilitative Services, which provides an immediate arrest and disposition of juvenile offenders who have violated the terms of their probation. Delaware has also used these funds to expand diversionary programs such as Teen Court and Drug Court, thus reducing the time between arrest and disposition of juvenile offenders, and to add psycho-forensic evaluators in the Delaware Office of the Public Defender to identify and address mental illness as a cause for delinquent conduct. I compliment the conference for including provisions drawn from S. 1165 and H.R. 863 in this Report.

I would also like to highlight the provisions in the Conference Report that are designed to strengthen Boys and Girls Clubs of America. Provisions here will authorize the establishment of 2,000 additional Clubs across the Nation. This will bring the number of Clubs to nearly 4,000, serving nearly 6 million young people across America.

Finally, the Conference Report also incorporates much of S. 304, the Drug Abuse Education Prevention and Treatment Act, a bill which Senators Hatch, Leahy and I introduced together. While I am disappointed that many of the bill’s drug treatment provisions were dropped in conference, I promise to fight for those provisions again in the next Congress.

I want to draw attention to three of the important provisions from S. 304 that were included in the conference report to address addiction among those in the criminal justice system and make sure that we are doing all we can to keep them from reoffending. Specifically, the conference report reauthorizes two key programs created in the Crime Law Enforcement Act with drug addicts in the criminal justice system, prison-based drug treatment and the drug court program, and includes my “Offender Reentry and Community Safety Act of 2001,” which creates demonstration programs to oversee the reintegration of high-risk, high-need offenders into society upon release.

Let me address prison-based drug treatment first. Providing prison-based treatment is not enough. It is smart crime prevention policy as the Key and Crest programs in my home state of Delaware have shown. If we do not treat addicted offenders before they are released, they will return to our streets and make sure they get the services and other support that they need so they won’t go back to a life of crime and can be productive members of our society.

Once again, I thank the conferees, Senators Biden and Kennedy and their staff, including Bruce Cohen, Beryl Howell, Ed Pagano, Tim Lynch, Steve Dettelbach, Makan Delrahim, Leah Belaire, Wan Kim, parody Barnes and Robin Toone, for their unflagging support for these provisions, and for their hard work in bringing the Conference Report to the floor.

VIOLANCE AGAINST WOMEN OFFICER

Mr. LEAHY. As you stated earlier, the pending Justice realignment conference included an independent Violence Against Women Office, and isn’t it true that this Office will be an autonomous and separate office within the Department of Justice and no longer underneath the jurisdiction of the Office of Justice Programs?

Mr. BIDEN. That is absolutely correct. Rather than be one of many offices subsumed in a larger bureau or office, the Violence Against Women Officer will now be its own, separate and distinct entity within the Department of Justice. That means that the Office will be removed from its current location in the Office of Justice Programs, and become its own free-standing entity. This is a non-negotiable and unambiguous provision of the act. What this means is that the leadership and the agenda of the Office cannot be pushed to the sidelines or marginalized. You and I both know that the debate over violence against women is too important of an issue to be relegated to a back office.

Mr. LEAHY. I couldn’t agree with you more, Senator. I am particularly pleased that the Violence Against Women Office will now be led by a Director nominated by the President and confirmed by the Senate. How will this provision affect our nation’s fight to end domestic violence and sexual assaults?

Mr. BIDEN. A director who is nominated by the President and confirmed by the Senate will have the stature, credibility and authority necessary to spearhead the efforts to end violence against women. In the future, a director within this sort of clout will attract the attention of key Congressional leaders, will be able to travel the country and bring state leaders to the table for local initiatives, and will be able to go commando full-on at fully pulpit on these issues. Another key provision in the statute creating the Violence Against Women Office is the explicit instruction that the Director report directly to the Attorney General. Would the Senator agree?

Mr. LEAHY. Yes, the statute is unequivocal. The director shall report directly to the Attorney General—do not pass go, do not get out of jail free. The law is clear that the Director shall report to various deputies or assistants, but rather straight to the Attorney General. That kind of unfettered access to the Attorney General will ensure that issues of violence against women will be part of the decision-making and policy-development done by those at the highest levels of government, isn’t that so?

Mr. BIDEN. That is right. As the former Director of the Violence Against Women Office, I know, “This is a world of difference between full participation in the highest levels of decision-making and being buried in a back office.” When the director is out of the leadership circle, and placed in a back office, the Violence Against Women Office’s involvement in activities decreases; for example, it is no longer involved in educating U.S. Attorneys about their role in local communities, in efforts to stop violence or it is no longer involved in deciding whether to bring or appeal specific cases. The new Violence Against Women Office Act will be sure that the Director has the access and the tools to fully participate in the fight to end violence against women deserves no less.

I thank the Senator for his efforts as our Judiciary Committee Chairman and as a conferee to the Justice Realignment Act in moving this important act forward.

Mr. ENZI. Mr. President, I rise in support of the Conference Report for
the U.S. Department of Justice Reau-
torization. We are debating legisla-
tion that overwhelmingly passed the
House last Thursday on a vote of 400–4.
It is my hope that it will pass the Sen-
ate with an equally strong majority.
I am speaking of legislation included in the conference report that protects the rights of motor vehi-
cle dealers, many of which are small businesses, under State law. The provi-
sion is identical in substance to Sen-
ators HATCH and FEINGOLD’s S. 1140, which has bipartisan support of 64 cosponsors. I ask my colleagues to pass this legislation and restore desperately needed rights to small businesses throughout the nation.
S. 1140 is necessary to restore fair-
ness for automobile dealers by pre-
serving their state rights in dispute resolution with manufacturers under motor vehicle dealer contracts. All 50 States, including Wyoming, have enacted laws to regulate the relationship between motor vehicle dealers and manufacturers and curb unfair manufactu-
er practices. These laws are nec-
essary to protect auto dealers since they think we want manufacturers to sell the product. A Supreme Court decision, however, allows manufacturers to skirt these State laws by including manda-
tory binding arbitration in their dealer contracts.
Congress never intended to strip the State’s role in regulating the motor vehi-
cle dealer franchise relationship, but because of the Supreme Court interpre-
tation, states cannot prohibit manufac-
turers from forcing dealers to waive their state rights and forums. Dealers
must sign “take-it-or-leave it con-
tracts” drafted by the manufacturer to stay in business, and are vulnerable to manufacturer abuses of power. Since States currently remedy this problem, Federal legislation is necessary to re-
store dealers’ rights.
Specifically, the legislation included in the conference report States that whenever a motor vehicle franchi-
se agreement provides for the use of arbi-
tration to resolve a contractual con-
troversy, arbitration may be used to settle the controversy only if both par-
ties consent in writing after the con-
troversy arises. It also requires the ar-
bitrator to provide the parties with a written explanation of the factual and legal basis for the award.
The arbitration language in the con-
ference report before us is supported by Wyoming automobile and truck dealers and dealers throughout the country be-
cause it would merely restore State law. It is consistent with Wyoming law, which does not allow a manufactu-
er to force a dealer to prospectively waive their rights and remedies under State law. I urge my colleagues to pass this legislation and protect our States’ inter-
est in regulating the auto dealer/manu-
facturer relationship.

The PRESIDING OFFICER. The Sen-
ator from Nevada.
Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.
The assistant legislative clerk pro-
cceeded to call the roll.
Mr. REID. Mr. President, I ask unan-
imous consent that the order for the quorum call be rescinded.
The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT REQUEST—
H.R. 4069
Mr. REID. Mr. President, I ask unan-
imous consent that the Finance Com-
mittee be discharged from further con-
sideration of H.R. 4069 and the Senate now proceed to its consideration, that it be read the third time and passed, and the motion to reconsider be laid upon the table, all with no intervening action or debate.
The PRESIDING OFFICER. Is there objection?
Mr. SESSIONS. I object. There are individuals on this side who have an objection. I object.
The PRESIDING OFFICER. The ob-
jection is heard.
Mr. REID. Mr. President, I appreciate the courtesy of the Senator from Alabama waiting.
Mr. President, I suggest the absence of a quorum.
The PRESIDING OFFICER. The clerk will call the roll.
The legislative clerk proceeded to call the roll.
Mr. REID. Mr. President, I ask unan-
imous consent that the order for the quorum call be rescinded.
The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS
Mr. REID. Mr. President, I ask unan-
imous consent that the Senate now proceed to a period of morning business with Senators allowed to speak therein for up to 5 minutes each.
The PRESIDING OFFICER. Without objection, it is so ordered.

IMPOSING BUDGET ENFORCEMENT
RULES
Mr. DASCHLE. Mr. President, yester-
day marked the end of the fiscal year, and, absent action by the Senate, it will also mark the end of a fiscal discipli-
ne system that has served this country very well for more than a dec-
ade.
Earlier this year, we had a chance to pass a budget blueprint for 2003. It was jointly co-sponsored by Senators CON-
RAD and DOMENICI, the chair and rank-
ing member of the Senate Budget Com-
mittee. It received 59 votes. one vote short of passage. It would have done exactly what everyone in this chamber knows we should do. It would have ex-
tended the pay-as-you-go rules and the other points of order that have helped enforce at least some measure of fiscal discipline around here since 1990.
When we voted in the spring, many Republicans voted “no” citing the total amount for 2003 discretionary spending. That issue has been removed from the current effort to extend the budget enforcement rules, and there is no longer any plausible reason to op-
pose a simple extension of the points of order.
Prior to the time President George H.W. Bush signed the budget act into law in 1990, there were no procedural barriers to the most irresponsible fiscal proposi-
tions. Spending proposals could be offered without any consideration for offsetting their budgetary affects. Tax cuts could be implemented without the slightest thought for their long-
term consequences. Enormous fiscal damage could be inflicted with a sim-
ple majority vote.
The 1990 Budget Act ended the bad old days, and it did so with over-
whelming bipartisan support. It has subsequently been extended each time it expired whether the Senate was in Demo-
cratic or Republican hands.
It should be extended here today. I think we all know that the budg-
etary trend of the last year has been profoundly negative. For many years, the two parties have disagreed vehe-
mently about the most fundamental aspects of our country’s spending and tax policies—and we will continue to disagree. But the times when we were able to restore fiscal balance, like we did in the 1990s, were the times when both parties agreed to retain basic dis-
cipline at the procedural level. We very much need to agree to that right now. Demo-
crats will continue to press for adoption of the Conrad-Domenici budg-
et enforcement resolution as soon as possible, and we urge all Senators to support it.

CHALLENGES TO CONCURRENT RE-
CEIPT OF BENEFITS FOR DIS-
abled Veterans
Mr. REID. Mr. President, I have worked hard to make sure all the brave men and women who have served in our Armed Forces are treated fairly.
Many military retirees, like so many other Americans, have relocated to fast-growing Nevada because of its high qu-
ality of life. And Nevada is also home to some of the country’s finest military installations.
Regardless of where our loyal vet-

ers and service members live, they all deserve our gratitude, respect, and fair treatment.
For several years I have introduced and championed legislation that would end the unfair policy of denying Amer-
ica’s disabled veterans retirement ben-
efits they have earned through years of service and sacrifice.
Changing the current law that re-
quires disabled retirees to forfeit a dol-
lar of their earned retired pay for each dollar they receive in veterans’ dis-
ability compensation is simply the right thing to do.
I am therefore extremely troubled that the Bush administration opposes a
provision in the Senate Defense authorization bill allowing so-called concurrent receipt of retirement pay and disability pay by disabled military retirees.

Some officials have been quoted in recent newspaper articles as saying that retired pay and disability pay are “two pays for the same event” and that receiving both would be “double-dipping” not permitted other retirees. These statements are simply not true. Career military retired veterans are the only group of Federal retirees required to waive their retirement pay in order to receive VA disability. Other Federal retirees get both disability and retirement pay.

This antiquated law that denies our veterans concurrent receipt in effect implies wrongly and unfairly that disabled military retirees neither need nor deserve the full compensation they earned for their 20 or more years served in uniform.

Military retirement pay and disability compensation are earned for entirely different purposes and therefore a disabled veteran should be allowed to receive both. Current law ignores the distinction between these two benefits. Military pay is earned compensation for the extraordinary demands and sacrifices inherent in a military career. It is a reward promised for serving two decades or more under conditions that most Americans find intolerable.

Veterans’ disability compensation, on the other hand, is recompense for pain, suffering, and lost future earning power caused by a service-connected illness or injury. Few retirees can afford to live on their retired pay alone, and a severe disability only makes the problem worse by limiting or denying any postservice working life. A retiree shouldn’t have to forfeit part or all of his or her earned retired pay as a result of having suffered a service-connected disability.

Likewise, the administration’s assertion that if concurrent receipt passes “1.2 million veterans could qualify” for extra payments is simply not credible. The Department of Defense and Department of Veterans Affairs previously informed Congress that about 550,000 disabled retirees would qualify if the Senate concurrent receipt plan were approved. But the new administration has acknowledged that an additional 700,000 might apply for and be granted disability ratings is an unfounded exaggeration.

The administration’s argument that funding benefits for America’s disabled veterans would hurt current military personnel is also misleading. Congress is not cutting funding for those who are now serving our country in order to provide benefits for those from previous generations who served loyally and made tremendous sacrifices. Congress will appropriate the money to pay for it.

Enacting my concurrent receipt legislation will not cause service members to live in standard quarters, as some Defense leaders try to claim in a misguided attempt to turn one generation of patriots against others.

Moreover, at a time when our Nation is calling upon our Armed Forces to defend democracy and freedom, we must not send the wrong signal to those now in uniform. All who have selected to make their career in the U.S. military now face an additional unknown risk in our fight against terrorism. If they are injured, they would be forced to forego their retired pay in order to receive their VA disability compensation. In effect, they would be paying for their own disability benefits from their retirement checks unless my legislation is enacted.

We must send a signal to these brave men and women that the American people and Government take care of those who make sacrifices for our Nation. We have a unique opportunity this year to redress the unfair practice of requiring disabled military retirees to fund their own disability compensation. It is time for us to show our appreciation to these men and women.

Finally the assertion that the veterans’ concurrent receipt are already doing well financially is ridiculous. NBC News recently aired three news stories documenting the dire situation that veterans are facing today. The Pentagon has acknowledged that its studies of concurrent receipt of retirement pay included very few seriously disabled retirees.

On July 8, 2002, I sent a letter to the President urging him to support the inclusion of a concurrent receipt provision in the final Defense Authorization Act. Our veterans have heard enough excuses. Now it is time for them to receive the benefits they earned.

TRIBUTE TO COMMANDER DAVID G. MANERO, U.S. NAVY

Mr. LOTT. Mr. President, I wish to take this opportunity to recognize an outstanding Naval Officer, Commander Dave Manero, for the tremendous work he has done as a member of my staff during the second session of the 107th Congress. It is my privilege to recognize his many career accomplishments and to commend him for the superb service he has provided the Navy, the Nation, the State of Mississippi, and our Nation.

Commander Manero is the son of Carmen and Rosemary Manero of Highland Park, NJ. He earned his commission through NROTC at the University of Pennsylvania, and graduated in 1988 with a Bachelor of Science in Electrical Engineering. He received his Wings of Gold from Helicopter Training Squadron Eight at NAS Whiting Field, FL, on July 7, 1989.

Following flight school, Commander Manero was assigned to Helicopter Anti-Submarine Squadron Light, HSL, 41 where he received training in the SH-60B Seahawk with a follow-on tour at the HSL-45 ‘Wolfpack.’ While assigned to the Wolfpack, he deployed in USS Paul F. Foster, DD-964, as Detachment One Operations Officer in support of Operation Desert Storm. During the Gulf War, he worked in close coordination with British Lynx helicopters in the destruction of hostile surface combatants. He subsequently cruised as Detachment Three Maintenance Officer embarked in USS Jarrett, FFG–33, in support of Operation Southern Watch. He was presented with the 1991 Naval Helicopter Association national “Aircrew of the Year” and the 1993 Wolfpack “Officer of the Year” awards.

Commander Manero’s next assignment included selection for the Navy’s Advanced Education Program where he attended a two-year Masters Program at Harvard University. He graduated in 1995 with a Master of Public Policy specializing in International Affairs and Security. After graduate school, Commander Manero was assigned as Flag-Group, Command Group ONE located in San Diego, CA. He deployed to the South Pacific embarked in USS Blue Ridge, LCC–19, and Arabian Gulf in USS Carl Vinson, CVN–70, as a member of the fly-away Joint Forces Air Component and then staff.

Commander Manero returned again to the East Coast where he attended the U.S. Naval Test Pilot School and graduated in December 1997 with Class 112. In January 1998, he reported to the Naval Rotary Wing Aircraft Test Squadron in Patuxent River, MD where he served as a Test Pilot and as the Sea-Control Department Head. A Member of the Society of Experimental Test Pilots, he has accumulated over 2800 flight hours in over 30 different aircraft types.

In May 1999, Commander Manero reported to the HSL–43 ‘BattleCats’ where he served as Training Officer, Detachment Officer-in-Charge, and Squadron Maintenance Officer. Prior to his detachment from his department head tour, he was selected for Commander and was nominated for the prestigious ‘John Paul Jones Inspirational Leadership’ award. Dave is currently assigned as a Legislative Fellow on my staff and has made tremendous contributions towards shaping our Navy’s future through the DD(X), Littoral Combat Ship, LHD, and LHR programs. He also was instrumental in securing over $100 million in Navy Construction funding for Mississippi. I offer my sincere congratulations for Dave’s recent selection to command. He will depart my staff in December to take command of a squadron in mid-2004.

Throughout his most distinguished career, Dave has served the United States Navy and our Nation with pride and excellence. His awards include the Air Medal, two Strike Flight, the Navy Commendation Medal, five, three with Combat Valor Distinction, the Navy Achievement Medal, the Combat Action Ribbon, and numerous other campaign and unit distinctions.
TRIBUTE TO LIEUTENANT COLONEL JAMES B. HECKER, U.S. AIR FORCE

Mr. LOTT. Mr. President, I would like to take this opportunity to recognize and say farewell to an outstanding Air Force officer, Lieutenant Colonel Jim “Scorch” Hecker, upon his departure from my staff. Lieutenant Colonel Hecker was selected as an Air Force Fellow to work in my office during the Second Session of the 107th Congress due to his final reputation and superior knowledge of Defense issues, the United States Air Force requirements process, and the military presence in my home State. He has been a valued team member and it is a privilege to recognize his outstanding achievements and the superior service he has provided the United States Senate, the Air Force, and our Nation.

Lieutenant Colonel Hecker, the son of Rick Hecker and Cindy Walker, was a graduate of the Air Force Academy where he was commissioned as a Second Lieutenant. Since then, Lieutenant Colonel Hecker has spent the majority of his career patrolling the world’s skies as an Air Force fighter pilot. Following flight training, he began his service flying the F–15C “Eagle” in the 8th Fighter Squadron, 49th Tactical Fighter Wing at Holloman AFB, NM. When the F–15C’s left Holloman AFB, so did Lieutenant Colonel Hecker. He was reassigned to the 390th Fighter Squadron, 366th Wing, Mountain Home AFB, ID. During this tour, Lieutenant Colonel Hecker was instrumental in bedding down the F–15C aircraft in the first Composite Wing in the Air Force. After this tour, Lieutenant Colonel Hecker attended the Air Force Weapons School at Nellis AFB, NV with a follow-on tour at the 44th Fighter Squadron, 18th Air Base, Okinawa, Japan. As the squadron Weapons Officer, Lieutenant Colonel Hecker was the lead pilot responsible for preparing the squadron to go to war. During this tour, Lieutenant Colonel Hecker deployed in support of Operations SOUTHERN WATCH where he led combat missions patrolling the skies over Iraq enforcing the no-fly zone. In July 1998, Lieutenant Colonel Hecker was handpicked to return as an instructor at the Air Force Weapons School where he deployed in support of Operation ALLIED FORCE. Lieutenant Colonel Hecker led 10 combat missions and was the focal point in the Combined Air Operations Center C5 Strategy Cell for resolving air-to-air issues. In 2000, Lieutenant Colonel Hecker left the cockpit to serve on the staff of the Secretary of the Air Force, 12th Street, Washington, DC as an Air Force Senate Liaison Officer and then was selected to serve as a Military Legislative Fellow during the 2nd session of the 107th Congress.

Lieutenant Colonel Hecker quickly became a valued member of my staff sharing his proven operational experience and insightful knowledge on a number of Department of Defense issues, including defense health care, operational beddown of C–17 and C–130J aircraft, various weapons systems, military construction, university research programs, and economic development projects. Importantly, Jim was instrumental in helping the Air Force gain Congressional support for the F/A–22 aircraft and solve the weather radar problem with the WC–130J aircraft at Keesler AFB. He helped me articulate a successful case for adding funding for additional maintenance training simulators and military construction projects that will help ensure the successful beddown in Jackson, MS of the first ever C–17 aircraft assigned to the National Guard. He successfully negotiated with Northrop Grumman Corporation to move the production of the Global Hawk’s wing as well as full assembly of the Fire Scout to Mississippi. Lieutenant Colonel Hecker’s coordination with the staffs of the Senate Armed Services Committee and the Senate Appropriations Defense Subcommittee led to over $106 million in military construction funding for Mississippi’s military bases.

Lieutenant Colonel Hecker is married to the former Terrie Lee Draney of Colorado Springs, CO. They have two children, 7 year-old son Jaden and 5 year-old son Colton. The Congress and the country applaud the selfless commitment his entire family has made to the Nation in supporting his military career. Among Lieutenant Colonel Hecker’s many awards and decorations are the Meritorious Service Medal with two oak leaf clusters, Air Medal with oak leaf cluster, and Air Force Achievement Medal along with numerous other campaign and unit distinctions.

Lieutenant Colonel Hecker will return to the Air Force at Langley AFB, VA where he will once again control the skies in the F–15C. I have appreciated greatly Lieutenant Colonel Hecker’s contributions to my team and I will miss him. On behalf of my colleagues and me, I wish Lieutenant Colonel Hecker and his family “Good Hunting and God-speed.”

HOLLADAY JOHNSTON RICHARDSON

Mr. HELMS. Mr. President, our friend and distinguished colleague, STROM THURMOND, has lost a dear member of his Senate Family. Holly Richardson’s courageous battle with breast cancer ended early Monday morning. I will miss the wonderful colleague, friend, and supporter she was. If there ever was a courageous cancer patient, it was Holly Richardson. She fought until the end and never gave up.

Holly was one of the most delightful people I have ever met. She was Strom Thurmond’s right-hand man for almost 25 years and she meant so much to the entire Thurmond family. Holly’s strong faith helped her immeasurably and while we all mourn her passing, we know where she is.

In her obituary in this morning’s Columbia, SC, newspaper, The State, poignantly describes this remarkable lady, as does the article about her in today’s Charlotte Observer. I ask unanimous consent that they be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

[From the State, Columbia, SC, Oct. 1, 2002]

HOLLY JOHNSTON RICHARDSON—LONGTIME THURMOND CONFIDANTE

(By Lauren Markoe)


“Early this morning, I lost one of my closest friends and staff members,” Thurmond said in a statement issued by his office. “She was a member of my extended family in every sense of the word.”

The Summerville native was 48. Since 1979, Richardson functioned as Thurmond’s master scheduler, making sure he was in the right place at the right time.

But generations of staffers say it was her Southern charm, impeccable manners and love for Thurmond that made her one of the most important people in his life.

“I’ve seen the senator cry twice. When his daughter died and today, when Holly died,” said Mark Goodin, a former press secretary and adviser to Thurmond. “She was always there for him. I don’t think anybody ever thought she would go before he did.”

Thurmond’s daughter Nancy Moore Thurmond died in 1996 in a car crash. The oldest living and longest-serving senator, he will turn 100 on Dec. 5.

Chris Kelley Cimko, Thurmond’s press secretary from 1993 to 1997, said Richardson went well beyond her office duties in her service to Thurmond, particularly before he began living at Walter Reed Army Medical Center last year.

“When she was cooking Sunday night, she would make a double batch of whatever it was and make sure it was in his refrigerator,” said Cimko.

“Like all trusted staff members, Holly Richardson had my ear,” Thurmond’s statement continued. “What she probably never knew is that she was my al.”

Richardson met the Thurmond Family after joining his 1978 re-election campaign, just

Mr. HELMS. Mr. President, our friend and distinguished colleague, STROM THURMOND, has lost a dear member of his Senate Family. Holly Richardson’s courageous battle with breast cancer ended early Monday morning. I will miss the wonderful colleague, friend, and supporter she was. If there ever was a courageous cancer patient, it was Holly Richardson. She fought until the end and never gave up.

Holly was one of the most delightful people I have ever met. She was Strom Thurmond’s right-hand man for almost 25 years and she meant so much to the entire Thurmond family. Holly’s strong faith helped her immeasurably and while we all mourn her passing, we know where she is.

Mr. HELMS. Mr. President, our friend and distinguished colleague, STROM THURMOND, has lost a dear member of his Senate Family. Holly Richardson’s courageous battle with breast cancer ended early Monday morning. I will miss the wonderful colleague, friend, and supporter she was. If there ever was a courageous cancer patient, it was Holly Richardson. She fought until the end and never gave up.

Holly was one of the most delightful people I have ever met. She was Strom Thurmond’s right-hand man for almost 25 years and she meant so much to the entire Thurmond family. Holly’s strong faith helped her immeasurably and while we all mourn her passing, we know where she is.

Mr. HELMS. Mr. President, our friend and distinguished colleague, STROM THURMOND, has lost a dear member of his Senate Family. Holly Richardson’s courageous battle with breast cancer ended early Monday morning. I will miss the wonderful colleague, friend, and supporter she was. If there ever was a courageous cancer patient, it was Holly Richardson. She fought until the end and never gave up.

Holly was one of the most delightful people I have ever met. She was Strom Thurmond’s right-hand man for almost 25 years and she meant so much to the entire Thurmond family. Holly’s strong faith helped her immeasurably and while we all mourn her passing, we know where she is.

Mr. HELMS. Mr. President, our friend and distinguished colleague, STROM THURMOND, has lost a dear member of his Senate Family. Holly Richardson’s courageous battle with breast cancer ended early Monday morning. I will miss the wonderful colleague, friend, and supporter she was. If there ever was a courageous cancer patient, it was Holly Richardson. She fought until the end and never gave up.

Holly was one of the most delightful people I have ever met. She was Strom Thurmond’s right-hand man for almost 25 years and she meant so much to the entire Thurmond family. Holly’s strong faith helped her immeasurably and while we all mourn her passing, we know where she is.

Mr. HELMS. Mr. President, our friend and distinguished colleague, STROM THURMOND, has lost a dear member of his Senate Family. Holly Richardson’s courageous battle with breast cancer ended early Monday morning. I will miss the wonderful colleague, friend, and supporter she was. If there ever was a courageous cancer patient, it was Holly Richardson. She fought until the end and never gave up.

Holly was one of the most delightful people I have ever met. She was Strom Thurmond’s right-hand man for almost 25 years and she meant so much to the entire Thurmond family. Holly’s strong faith helped her immeasurably and while we all mourn her passing, we know where she is.

Mr. HELMS. Mr. President, our friend and distinguished colleague, STROM THURMOND, has lost a dear member of his Senate Family. Holly Richardson’s courageous battle with breast cancer ended early Monday morning. I will miss the wonderful colleague, friend, and supporter she was. If there ever was a courageous cancer patient, it was Holly Richardson. She fought until the end and never gave up.

Holly was one of the most delightful people I have ever met. She was Strom Thurmond’s right-hand man for almost 25 years and she meant so much to the entire Thurmond family. Holly’s strong faith helped her immeasurably and while we all mourn her passing, we know where she is.
after her graduation from Converse College in Spartanburg. She drove a camper, nick-
named “Strom Trek,” over 10,000 miles in 10 weeks, recalled Nancy Thurmond, the sen-
aior’s now estranged wife.
Her first job in Thurmond’s office was to
answer phones, greet visitors and help out with constituents’ problems. She also
oversaw the office’s intern and page pro-
grams, which gave high school and college
students opportunities to learn the workings
of a congressional office.
Generations of interns, staffers and mem-
bers of Congress recall her courtesy and
work ethic.
“Holly Richardson was one of the most
personable and efficient people I’ve ever
known,” said N.C. Sen. Jesse Helms. “She
was unfailingly pleasant and devoted to Strom
Thurmond—a feeling that was mutu-
al.”
“She treated everyone the same way, with
dignity and respect,” said Cimko.
She is survived by her husband, Phil, and
two children, Emmett, 12, and Anne 9, and
her parents, Joanne and Coy Johnston of
Summerville.
Richardson, an active member of St. Paul’s
Episcopal Church in Alexandria, Va., her
adopted hometown, had a strong faith that
supported here and others. She was also an
active member of the Junior League.
“When we lost our daughter, Holly’s vigi-
lant faith helped to sustain all of us,” Nancy
Thurmond said.
But Richardson devoted as she was to the Thur-
mond’s own family still came first, said
Nancy Thurmond. She and staffers said they
marveled at Richardson’s ability to balance
her family life and her work on Capitol Hill.
She was diagnosed with breast cancer less
than a year ago, and rebounded after rounds
of chemotherapy. But the disease spread, and
than a year ago, and rebounded after rounds
of chemotherapy. But the disease spread, and
rebonded after rounds of chemotherapy. But the disease spread, and
In May, Richardson and her family walked in
the National Race for the Cure in Wash-
ington.
She described to a reporter for Roll Call at
the time how she and her family had coped
with her diseases by helping people less for-
tunate, such as a bed-ridden neighbor for
whom they cooked.
“You go through a few minutes of self pity
before you realize that you can either sit
here and feel sorry for yourself or you can
put it aside and move on,” she was quoted as
saying.
Richardson is survived by her husband, Phil,
their children Anne, 9, and Emmett, 12, and
her parents, Joanne and Coy Johnston of
Summerville, S.C.

Congressional Record — Senate
October 1, 2002

TRIBUTE TO CONGRESSWOMAN
PATSY T. MINK

Mr. INOWYE. Mr. President, on Sat-
urday, September 28, 2002, Hawaii lost
a beloved and extraordinary daughter,
PATSY TAKEMOTO MINK, who rep-
resented Hawaii in the U.S. House of
Representatives for 24 years. I extend
to her husband, John, and daughter,
Wendy, my deepest condolences.

The passing of Congresswoman Mink
is a great loss for our Nation and our
State, and it is a personal loss for me.
She was an honorable colleague and
a dear friend throughout our political ca-
reers.

I was privileged to work with Patsy
in 1956, when we were both members of
the Hawaii Territorial House of Rep-
resentatives. She was the first Asian-
American woman elected to the Hawaii
Legislature. In the 1960s, we both gave
speeches at Democratic National Con-
ventions. She was Chairwoman of the
Honolulu City Council. In 1964, she
joined me as a member of Hawaii’s
Congressional Delegation when she be-
came the first Asian-American woman
elected to the U.S. House of Represen-
atives. For 24 years, she was an integ-
ral part of the Hawaii Delegation. I
appreciated her honesty, I respected
her thoughts, and I admired her re-
solve.

Throughout her public service, Patsy
concerned herself with making our coun-
try a better place for all people. She
will be remembered for her power-
ful and passionate voice as she cham-
pioned causes for women, children, the
deveryday and the not so fortunate.

Born Patsy Takemoto in a plantation
community in Paia, Maui, on Decem-
ber 6, 1927, Patsy had the intelligence
and work ethic to succeed in any pro-
fession. However, medical school elud-
ed her and the legal community did not
embrace her after she received her law
degree from the University of Chicago
in 1951. The reason she was rejected by
medical schools and legal circles? Her
race and her gender.

Rather than accept defeat, the
strong-willed Patsy set out to elimi-
nate the societal barriers of the day.
and ran for office in the U.S. House of
Representatives, which at that time
was comprised of mostly white and
mostly males members. She won the
election and went on to pave the way
for new generations of women to more
fully enjoy their rights as citizens of a
great nation.

Patsy co-authored and spearheaded
the difficult passage of Title IX of the
Education Amendments of 1972, which
prohibits discrimination in educational
opportunities based on sex at institu-
tions receiving federal funds. It
opened academic opportunities for
women, and revolutionized the world of
sports. Since the passage of this land-
mark legislation, participation by girls
in high school athletics nationwide has
increased nearly tenfold, and college
participation has grown almost five
times. College scholarships awarded to
women in 2002 were worth $180 million.

Title IX serves as the foundation of the
career of today’s U.S. female athletes.
The U.S. women soccer team’s 1999 World Cup triumph,
U.S. women’s domination of Olympic
sports, and the birth of the women’s
professional National Basketball Asso-
ciation are rooted in Title IX.

To fully appreciate the significance of
Title IX, compare women’s sports in
1972 to today as reported by the Hono-
lulu Advertiser. In 1972, the only
woman with an athletic scholarship at
the University of Hawaii was a drum
majorette. Of UH’s $1 million athletic
budget, $5,000 was given to women’s
club sports. Today, UH spends $4 mil-
don annually on 11 women’s teams.

Patsy’s reputation as a relentless
determined and formidable lawmaker extends
beyond the passage of Title IX. She advo-
cated for civil rights, peace, education,
health care, and the environment with
equal eloquence and effectiveness.

I last spoke with my friend, Patsy,
in August at a funeral for her
cousin in Hawaii. She mingled and talked
with constituents with her trademark vim
and vigor. Her deep love for her con-
stituents and her nation was evident.
She was focused on the future and con-
tinuing her service to the people of Ha-
waii.

Patsy answered the call to public
service to the end, and her work im-
measurably improved America’s land-
scape for the under-represented and
down-trodden for whom she had so
much compassion. It was her credo:
we hug together at a funeral, a little bit
longer and a little bit tighter. Our
hearts wept for the thousands of fami-
lies who unexpectedly and
unbelievably lost a husband or wife, a

REFLECTING ON THE
ANNIVERSARY OF SEPTEMBER 11

Mr. ENSIGN. Mr. President, one year
ago, this Nation stood united. Together
we mourned, prayed, and hoped. We
hugged our loved ones a little bit
longer and a little bit tighter. Our
hearts wept for the thousands of fami-
ilies who unexpectedly and
unbelievably lost a husband or wife, a

[From the Charlotte Observer, Oct. 1, 2002]
THURMOND STAFFER DIES OF CANCER AT 47

(By Charles Hurt)
WASHINGTON—Holladay Richardson, one
of Strom Thurmond’s top aides for nearly
a quarter century, died Monday after a year-
long fight against breast cancer.
She was 47 and the mother of two chil-
dren.

“Words cannot begin to express my deep-
sadness and pain with the loss of Holly,”
Thurmond wrote in a statement.

In a statement made part of the Senate’s
public record, South Carolina’s senior sen-
or said many aides over the years had
his ear, but that only Richardson “had my
heart.” He called her his “unofficial third
dughter.”

Richardson’s most recent post was sched-
uler, the person who sets up Thurmond’s cal-
en.

She first worked for him in South Carolina
on his 1978 Senate campaign. Since 1979, she
has shared Thurmond’s Washington office,
where she has seen eight chief of staff come
and go.

Nationally syndicated political columnist
Armstrong Williams recalled Richardson’s
importance from his days on Thurmond’s
staff more than 20 years ago.

“I can’t remember the senator without Holly,” he said. “I knew she had cancer, but
this is terrible. She was always there.”

As Thurmond’s health faded in recent
years, Richardson and other top staffers as-
sumed greater roles in the office of American
history’s oldest and longest-serving senator.

“Holly protected him, would finish sen-
tences for him and knew what he was think-
ing,” Williams said. “She was everything
that anybody would ever want in a daughter.
She was like a child protecting her parent.”

In May, Richardson and her family walked in
the National Race for the Cure in Wash-
ington.

She described to a reporter for Roll Call at
the time how she and her family had coped
with her diseases by helping people less for-
tunate, such as a bed-ridden neighbor for
whom they cooked.

“You go through a few minutes of self pity
before you realize that you can either sit
here and feel sorry for yourself or you can
put it aside and move on,” she was quoted as
saying.

Richardson is survived by her husband, Phil,
their children Anne, 9, and Emmett, 12,
and her parents, Joanne and Coy Johnston of
Summerville.
mother or father, a son or daughter at the hands of evil.

It’s hard to believe that an entire year has passed since that surreal day. While we have observed holidays, celebrated milestones, and continued with life, there are still daily reminders of the horrific events of one year ago. Flags still fly more frequently than before, security precautions still cause delay, and our hearts still weigh heavy when we think about the dreams that were cut short that tragic day.

I encourage you to make today a day of introspection and compassion. Remember where you were last year when you heard the news. Remember the footage you watched in disbelief. Remember the pain you felt in your heart. Take those images with you throughout the day. Make it a point to leave work on time, have dinner with your family, talk to each other about what today means, and hug your loved ones a little bit longer and a little bit tighter.

On your own or as a family, consider doing something for your community in honor of the victims of 9/11. It can be donating blood, making a financial contribution to a needy cause, or giving your time and energy to a worthwhile organization.

I hope that we can all make today a positive and meaningful opportunity to unite our communities in helping others and honoring the victims of 9/11. Together we will send a strong message to the world that Americans remain united. Time will not steal our memory of the victims and attacks of September 11.

AMENDMENT TO HOMELAND SECURITY ACT OF 2002

Mr. SPECTER. Mr. President, I ask unanimous consent to have printed in the RECORD the text of an amendment regarding the Homeland Security bill.

This amendment, the material was ordered to be printed in the RECORD, as follows:

SPECTER AMENDMENT 2 TO LIBERMAN SUBSTITUTE

Insert on page 59, line 21, of the Liberman Amendment No. 471, a new section (c) entitled “HOMELAND SECURITY ASSESSMENT CENTER.” After inserting the title, insert attached text with designated edits (revised sections, paragraphs and subparagraphs accordingly).

(c) HOMELAND SECURITY ASSESSMENT.—

(1) ESTABLISHMENT.—There is established in the Department the Homeland Security Assessment Center.

(2) HEAD.—The Under Secretary of Homeland Security for Intelligence shall be the head of the Center.

(3) RESPONSIBILITIES.—The responsibilities of the Center shall be as follows:

(A) To assist the Directorate of Intelligence of the Secretary under subsection (b) of this section.

(B) To provide intelligence and information analysis and support to other elements of the Department.

(C) To perform such other duties as the Secretary shall provide.

(4) STAFF.—

(A) IN GENERAL.—The Secretary shall provide the Center with a staff of analysts having appropriate expertise and experience to assist the Center in discharging the responsibilities under this section.

(B) PRIVATE SECTOR ANALYSTS.—Analysts under this subsection may include analysts from the private sector.

(5) USER SECURITY CLEARANCES.—Analysts under this subsection shall possess security clearances appropriate for their work under this section.

(6) SUPPORT.—

(A) IN GENERAL.—The following elements of the Department shall provide personnel and resource support to the Center:

(i) Other elements of the Department designated by the Secretary for that purpose.

(ii) The Federal bureau of Investigation.

(iii) Other elements of the intelligence community, as that term is defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

(iv) Such other elements of the Federal Government as the President considers appropriate.

(B) MEMORANDA OF UNDERSTANDING.—The Secretary may enter into one or more memoranda of understanding with the head of an element referred to in subparagraph (A) regarding the provision of support to the Center under that paragraph.

(7) DETAIL OF PERSONNEL.—

(A) IN GENERAL.—In order to assist the Center in discharging the responsibilities under subsection (c), personnel of the agencies referred to in paragraph (2) may be detailed to the Department for the performance of analytic functions and related duties.

(B) COVERED AGENCIES.—The agencies referred to in this paragraph are as follows:

(i) The Department of State.

(ii) The National Counterintelligence and Security Center.

(iii) The Federal Bureau of Investigation.

(iv) The National Security Agency.


(vi) The Defense Intelligence Agency.

(vii) Other elements of the intelligence community, as defined in this section.

(B) COVERED AGENCIES.—The agencies referred to in paragraph (1) are as follows:


(ii) The Central Intelligence Agency.

(iii) The Federal Bureau of Investigation.

(iv) The National Security Agency.


(vi) The Defense Intelligence Agency.

(vii) Other elements of the intelligence community, as defined in this section.

(viii) Any other element of the Government that the Secretary considers appropriate.

(C) COOPERATIVE AGREEMENTS.—Personnel shall be detailed under this subsection pursuant to cooperative agreement entered into for that purpose by the Secretary and the head of the agency concerned.

(D) BASIS.—The personal under this subsection may be on a reimbursable or non-reimbursable basis.

(B) STUDY OF REIMBURSEMENT OF INTELLIGENCE COMMUNITY.—Not later than 90 days after the effective date of this Act, the President shall submit to the Committee on Governmental Affairs and the Select Committee on Intelligence of the Senate and the Committee on Government Reform and the Permanent Select Committee on Intelligence of the House of Representatives a report assessing the advisability of the following:

(A) Placing the elements of the Center concerned with the collection of foreign intelligence information within the intelligence community under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

(B) Placing within the National Foreign Intelligence Program for budgetary purposes.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Mr. President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of last year. The Local Law Enforcement Act of 2001 would add new categories to the federal hate crimes legislation and send a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred September 14, 2001 in Covina, CA. A driver of Afghan descent was attacked in a parking lot just days after the terrorist attacks of September 11. The assailant, Michael Wayne Johnson, 49, pulled alongside the victim, asked if he was from Afghanistan, then jumped out of his truck and punched the victim. During the attack Mr. Johnson yelled "I’m going to kill you!"

I believe that Government’s first duty is to defend its citizens, to defend the honor of this great nation, and to stop the goal of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

THE NEED FOR BROADBAND DEPLOYMENT IN RURAL AMERICA

Mr. JOHNSON. Mr. President, as I have on many occasions, I want to speak to the very important issue of broadband deployment, especially in rural States like my home State of South Dakota. I want to ensure new technology is utilized in ways that will help link rural communities to new and exciting opportunities available via the Internet.

Technology will be critical to bringing new jobs, educational opportunities, and health care to South Dakota communities.

As the Senate considers the various proposals on how best to encourage the deployment of broadband, I want to make absolutely certain that any legislation we pass takes into account the extraordinary challenges we face in rural America to deploy advanced telecommunications services at an affordable cost to consumers. On this point, I must acknowledge and comment on the terrific effort put forth by so many of our rural independent and cooperative telecommunications providers in South Dakota. These companies have taken very seriously their commitment to serving rural communities, and now it’s our turn in Congress to do our part towards this effort.

Not only will broadband deployment assist rural communities in developing new opportunities, I believe increased broadband deployment will help jumpstart our lagging economy. A recent study by an economist with the Brookings Institution concluded that additional broadband connections could boost the economy by $500 billion per year. To support this finding, computer and technology companies like

October 1, 2002
Microsoft, Cisco, Hewlett Packard, Dell, Intel, Corning, Motorola, and NCR have weighed in, saying it is critically important for the United States to adopt a national broadband policy that encourages investment in new broadband infrastructure, applications, and services.

Broadband deployment should be a national priority in the 21st century. In order to be competitive, educate our workforce, and increase productivity, the United States must have universal broadband. Millions of Americans are rural areas and inner cities are impeded in accessing the full range of services available from the Internet because they do not have access to broadband service. We should strive to connect all Americans to the Internet through broadband technology. I will work with my colleagues to find a way to accomplish this goal in a fair manner that supports broadband deployment throughout all of our Nation.

ADDITIONAL STATEMENTS

HISPANIC HERITAGE MONTH

Mr. SARBAES. Mr. President, every year the Congress designates the September 15—October 15 period as Hispanic Heritage Month, but even as we do so we know that the contributions Hispanic Americans make to our national life are much greater than the modest tribute we pay them. Of all the varied cultures and traditions that are woven together into the distinctive fabric of American life, Hispanic Americans have some of the most distinctive, vigorous, and sustained culture and traditions.

In recent years the Hispanic American population in the United States has grown very rapidly. According to the 2000 census it stands at 35 million, which represents an increase of 58 percent in the previous decade alone. Projections show that by mid-century Hispanic Americans will make up 24 percent of the population; put another way, just about one in every four Americans will be of Hispanic-American origin. We have seen this trend very clearly in my own State of Maryland, where the Hispanic American population has grown more than 82 percent since 1990, and now makes up more than 4 percent of the population statewide. But numbers and percentages, while impressive, only hint at the vigor and the variety of the Hispanic contribution to Maryland's culture and economy.

Just as the U.S. population is diverse, so is the Hispanic American community itself. There have long been established Puerto Rican and Dominican communities in New York City, Central American communities in the Washington metropolitan area, Cuban-Americans in Florida, Hispanic Americans in California and the Southwest; but Hispanics from many different countries now live in cities and towns and villages in every corner of the nation, and they bring to the communities in which they settle the rich cultures of the nations from which they have come. They are moving forward to take their place in community and political institutions at every level, changing the face of America, and changing the way we see America. As Hispanic Americans participate increasingly in every aspect of our national life grows, they bring a new dimension to ethnic diversity; and within their midst they challenge the old, corrosive assumptions that divided the world into black and white.

We must see to it that Hispanic Americans, like all others Americans, have access to all the opportunities that make our society stronger, opportunities for education, employment, health care and housing. We must also see that language barriers do not create unnecessary and unproductive impediments to participation. Sensitivity to cultural differences is important in our schools and clinics, our financial institutions, government offices and courts; appropriate bilingual materials can often solve problems of communication. Hispanic Americans have given much to our national life, and with adequate opportunities they will give much more.

Succeeding generations of immigrants have come to this country in search of a better life. They have worked hard, often against the most difficult odds, to make a place for themselves and their families, and to realize fully the promise this Nation offers. Diversity has always been the hallmark of the Republic; the attacks of September 11 a year ago have brought home to us, perhaps more so than ever in the past, that in the diversity of our people lies one of our greatest strengths. Hispanic Americans are now helping to write an important new chapter in our history, and I am proud and pleased to offer this tribute to Hispanic Heritage Month, which recognizes and celebrates their accomplishments.

HONORING FRED ABRAHAM

Mr. DEWINE. Mr. President, I rise today to congratulate and honor an outstanding Ohioan, Fred Abraham, on his upcoming retirement. Fred is retiring after 16 years of public service, but his passion for wetlands and his motivation to preserve these areas for us now and for generations in the future is unaffected. There is no question that Fred Abraham is “the Man” when it comes to wetlands, and the Wetlands Reserve Program is a testament to his dedication.

Fred was born in Canton, OH, and served time in the Air Force during the Korean War. He then returned to Ohio, where he worked in the steel mills and began a career marketing baked goods. As an Ohioan, he has been an incredibly valuable friend and support throughout Ohio to voice their concerns on wildlife and conservation issues.

Fred was one of the early advocates of fostering industrial responsibility, and he started organizing sportsmen’s clubs throughout Ohio to voice their concerns on wildlife and conservation issues. Fred was one of the early advocates of fostering industrial responsibility, and he started organizing sportsmen’s clubs throughout Ohio to voice their concerns on wildlife and conservation issues. Fred was one of the early advocates of fostering industrial responsibility, and he started organizing sportsmen’s clubs throughout Ohio to voice their concerns on wildlife and conservation issues. Fred was one of the early advocates of fostering industrial responsibility, and he started organizing sportsmen’s clubs throughout Ohio to voice their concerns on wildlife and conservation issues. Fred was one of the early advocates of fostering industrial responsibility, and he started organizing sportsmen’s clubs throughout Ohio to voice their concerns on wildlife and conservation issues. Fred was one of the early advocates of fostering industrial responsibility, and he started organizing sportsmen’s clubs throughout Ohio to voice their concerns on wildlife and conservation issues.
A TRIBUTE TO MR. RALPH PAIGE

Mr. MILLER. Mr. President, it is a pleasure for me to recognize Ralph Paige, executive director of the Southern Federation of Cooperatives/Land Assistance Fund, or LAF, as the recipient for the National Cooperative Monty pleasant Award. I congratulate Mr. Paige on receiving the 2002 Cooperative Month Economic Freedom Award.

Under Mr. Paige's leadership, the Federation/LAF has aided the underserved communities in the great State of Georgia, and the rural South, by creating credit unions, farmer-owned cooperatives, and new sources of affordable housing for low-income people. He has also been a leading advocate for fair treatment and land retention for African-Americans and other minority farmers. The Federation/LAF has created more than 70 cooperative member groups with a membership of more than 20,000 families across 10 Southern States, 200 units of affordable housing, and 19 credit unions with more than 10,000 members.

Ralph Paige epitomizes cooperation. Since 1967, the Federation/LAF has worked on behalf of some of the most disadvantaged citizens of our Nation to enable them to do two of the things most basic to economic freedom: own land and operate businesses. For these reasons, it is my honor to recognize Ralph for his work to advance cooperative businesses and rural communities. I congratulate you on receiving the 2002 Cooperative Month Economic Freedom Award.

THREE TRIBUTES

IN MEMORY OF HOLLY J. RICHARDSON

Mr. HOLLINGS. Mr. President, today I pay tribute to an outstanding citizen of the great State of Alabama, Mrs. Holly J. Richardson, after a battle with cancer. She was Senator Thurmond's executive assistant and personal secretary, having worked for him for half of his career in this body.

But Holly also was a part of the entire Senate family from South Carolina, being as kind and accommodating to my office in the many dealings that we have together as she was to Senator Thurmond. She was the most efficient, conscientious person you'll ever want to meet. Always with the gracious attitude of the fine southern lady she was. We will miss her.

We extend our deepest sympathies to her husband, Phil, and to their children, Anne and Emmett.

TRIBUTE TO TECHNICAL SERGEANT CAESAR KELLUM

Mr. SESSIONS. Mr. President, it has come to my attention that Technical Sergeant Caesar Kellum has been recognized as one of 12 Outstanding Airmen of the Year by the United States Air Force. Technical Sergeant Kellum is the noncommissioned officer in charge of the Airspace Division, South Team Captain for the Millennium Cure Florida Air National Guard FLANG, Tydall AFB, FL.

Cesar has excelled as a member of the United States Air Force. For example, he maintained a 100 percent academic average on all written evaluations; unprecedented in his unit's history. Out of 36 weapons directors, he is the only one to earn an "exceptionally qualified" rating on back-to-back evaluations. Additionally, he is a key member of an evaluation team to assess operations control center's readiness to help detect and identify 80,000 aircraft annually.

In addition to his excellent work with the U.S. Air Force, TSgt Kellum has exhibited a great deal of involvement within the local community. He orchestrated the sector's participation in the American Cancer Society's Annual Relay for Life event and served as team captain for the Millennium Cancer Relay Walkers. He raised $5,061.56 for the American Cancer Society, exceeding the goal by 237 percent. As a result of his performance, he was awarded the highly coveted 'Team Spirit' award, which is extended to those with the best overall effort and attitude.

Cesar Kellum was raised in Athens, AL and, after graduating from West Limestone High School in Salem, AL, enlisted in the United States Air Force in August of 1990. Since arriving at Tydall AFB, FL, Technical Sergeant Kellum has completed all the requirements and received his associate degree in Instructor of Technology Studies from the Embry College of the Air Force. Currently, he is in his junior year at the American Military University working on a bachelor of science degree in Management.

SGT Kellum's military decorations include the Air Foundation Medal with two oak leaf clusters, Air Force Achievement Medal, Combat Readiness Medal, Air Force Outstanding Unit Award, Organizational Excellence Award, Humanitarian Service Medal, Good Conduct Medal, and the Air Force Professional Military Education Graduate Ribbon.

IN MEMORY OF HOLLY J. RICHARDSON

Mr. HOLLINGS. Mr. President, today I pay tribute to an outstanding citizen of the great State of Alabama, Mrs. Holly J. Richardson, after a battle with cancer. She was Senator Thurmond's executive assistant and personal secretary, having worked for him for half of his career in this body.

But Holly also was a part of the entire Senate family from South Carolina, being as kind and accommodating to my office in the many dealings that we have together as she was to Senator Thurmond. She was the most efficient, conscientious person you'll ever want to meet. Always with the gracious attitude of the fine southern lady she was. We will miss her.

We extend our deepest sympathies to her husband, Phil, and to their children, Anne and Emmett.

TRIBUTE TO TECHNICAL SERGEANT CAESAR KELLUM

Mr. SESSIONS. Mr. President, it has come to my attention that Technical Sergeant Caesar Kellum has been recognized as one of 12 Outstanding Airmen of the Year by the United States Air Force. Technical Sergeant Kellum is the noncommissioned officer in charge of the Airspace Division, South Team Captain for the Millennium Cure Florida Air National Guard FLANG, Tyn dall AFB, FL.

Cesar has excelled as a member of the United States Air Force. For example, he maintained a 100 percent academic average on all written evaluations; unprecedented in his unit's history. Out of 36 weapons directors, he is the only one to earn an "exceptionally qualified" rating on back-to-back evaluations. Additionally, he is a key member of an evaluation team to assess operations control center's readiness to help detect and identify 80,000 aircraft annually.

In addition to his excellent work with the U.S. Air Force, TSgt Kellum has exhibited a great deal of involvement within the local community. He orchestrated the sector's participation in the American Cancer Society's Annual Relay for Life event and served as team captain for the Millennium Cancer Relay Walkers. He raised $5,061.56 for the American Cancer Society, exceeding the goal by 237 percent. As a result of his performance, he was awarded the highly coveted 'Team Spirit' award, which is extended to those with the best overall effort and attitude.

Cesar Kellum was raised in Athens, AL and, after graduating from West Limestone High School in Salem, AL, enlisted in the United States Air Force in August of 1990. Since arriving at Tydall AFB, FL, Technical Sergeant Kellum has completed all the requirements and received his associate degree in Instructor of Technology Studies from the Embry College of the Air Force. Currently, he is in his junior year at the American Military University working on a bachelor of science degree in Management.

SGT Kellum's military decorations include the Air Foundation Medal with two oak leaf clusters, Air Force Achievement Medal, Combat Readiness Medal, Air Force Outstanding Unit Award, Organizational Excellence Award, Humanitarian Service Medal, Good Conduct Medal, and the Air Force Professional Military Education Graduate Ribbon.

IN MEMORY OF HOLLY J. RICHARDSON

Mr. HOLLINGS. Mr. President, today I pay tribute to an outstanding citizen of the great State of Alabama, Mrs. Holly J. Richardson, after a battle with cancer. She was Senator Thurmond's executive assistant and personal secretary, having worked for him for half of his career in this body.

But Holly also was a part of the entire Senate family from South Carolina, being as kind and accommodating to my office in the many dealings that we have together as she was to Senator Thurmond. She was the most efficient, conscientious person you'll ever want to meet. Always with the gracious attitude of the fine southern lady she was. We will miss her.

We extend our deepest sympathies to her husband, Phil, and to their children, Anne and Emmett.

TRIBUTE TO TECHNICAL SERGEANT CAESAR KELLUM

Mr. SESSIONS. Mr. President, it has come to my attention that Technical Sergeant Caesar Kellum has been recognized as one of 12 Outstanding Airmen of the Year by the United States Air Force. Technical Sergeant Kellum is the noncommissioned officer in charge of the Airspace Division, South Team Captain for the Millennium Cure Florida Air National Guard FLANG, Tydall AFB, FL.

Cesar has excelled as a member of the United States Air Force. For example, he maintained a 100 percent academic average on all written evaluations; unprecedented in his unit's history. Out of 36 weapons directors, he is the only one to earn an "exceptionally qualified" rating on back-to-back evaluations. Additionally, he is a key member of an evaluation team to assess operations control center's readiness to help detect and identify 80,000 aircraft annually.

In addition to his excellent work with the U.S. Air Force, TSgt Kellum has exhibited a great deal of involvement within the local community. He orchestrated the sector's participation in the American Cancer Society's Annual Relay for Life event and served as team captain for the Millennium Cancer Relay Walkers. He raised $5,061.56 for the American Cancer Society, exceeding the goal by 237 percent. As a result of his performance, he was awarded the highly coveted 'Team Spirit' award, which is extended to those with the best overall effort and attitude.

Cesar Kellum was raised in Athens, AL and, after graduating from West Limestone High School in Salem, AL, enlisted in the United States Air Force in August of 1990. Since arriving at Tydall AFB, FL, Technical Sergeant Kellum has completed all the requirements and received his associate degree in Instructor of Technology Studies from the Embry College of the Air Force. Currently, he is in his junior year at the American Military University working on a bachelor of science degree in Management.

SGT Kellum's military decorations include the Air Foundation Medal with two oak leaf clusters, Air Force Achievement Medal, Combat Readiness Medal, Air Force Outstanding Unit Award, Organizational Excellence Award, Humanitarian Service Medal, Good Conduct Medal, and the Air Force Professional Military Education Graduate Ribbon.
TSgt Caesar Kellum deserves the thanks and praise of the nation that he continues to faithfully serve. I know the Members of the Senate will join me in wishing him and his wife Tiffney Ann, also in the USAF, all the best in the years ahead. Well done, TSgt Kellum. You have made Alabama and America Proud.

I had the pleasure recently to visit with Caesar and Tiffney. They are the very model of a couple that have given their lives to excellence in public service, and was inspired just talking to them.

50TH ANNIVERSARY OF DANIEL J. EDELMAN, INC.

Mr. DURBIN. Mr. President, I am pleased today to congratulate Daniel J. Edelman, Inc., as it commemorates its 50th anniversary. Public relations firms look to Edelman as a company to follow, and I commend their work.

Since its founding in Chicago in 1952 by Daniel J. Edelman, the agency that bears his name has consistently been identified for its leadership in public relations. Edelman has received several awards, including the Golden World Award from the International Public Relations Association and the Sword of Excellence Award from the Institute of Public Relations in London.

Mr. Edelman is widely regarded in public relations circles as a leader and innovator in the development of public relations practices, standards and ethics in the United States and internationally. He has generously given his time to the Public Relations Society of America and to students seeking public relations careers. Mr. Edelman believes that public relations should be practiced in a professional manner with commitment to the highest standards.

Edelman Public Relations has contributed significant time to local, national and international philanthropic causes and organizations.

I know my fellow Senators will join me in congratulating Edelman on its 50th anniversary. I applaud this company for its dedication and extend my best wishes for the future.

CONGRATULATIONS TO WKDZ RADIO

Mr. BUNNING. Mr. President, I rise today to congratulate and honor the men and women at WKDZ FM radio in Cadiz, KY on winning the most prestigious nationwide award broadcasting has to offer. WKDZ was recently awarded a Marconi Radio Award by the National Association of Broadcasters, recognizing it as the “Small Market Station of the Year.” WKDZ is the only Kentucky station to ever receive a Marconi Award as Small Market Station of the Year.

WKDZ does not win this award based solely on their ability to play good music or put interesting personalities on the air. Criteria used by the Marconi judges included ratings, community awards and recognition, events sponsored by the station, continuing community service broadcasts, and staff involvement in the community.

Over the years, WKDZ has raised thousands upon thousands of dollars for charity. The station raised more than $150,000 during the Relay for Life, $82,000 on the Rotary Radio Auction, surpassing their goal of $75,000 and helped gather 4,000 cans for the community Thanksgiving Food Bank. WKDZ has furthermore sponsored such local events as the Community Egg Hunt, Halloween Safety Night and the Trigg County Country Ham Festival.

WKDZ is a shining example of how a private-owned business can on one hand be a profitable contributor to the local economy and on the other be an active and influential participant in the community. I applaud WKDZ’s efforts and congratulate them on this noteworthy honor.

IN RECOGNITION OF MARYGROVE COLLEGE’S 75TH ANNIVERSARY

Mr. LEVIN. Mr. President, I would like to extend my congratulations to Marygrove College in Detroit on the celebration of its 75th anniversary.

For the last three-quarters of a century, Marygrove College has offered a strong liberal arts education to students from a variety of backgrounds. Marygrove was originally founded in 1846 as St. Mary Academy in Monroe, MI, by the Sister, Servants of the Immaculate Heart of Mary. The school was originally designed to teach young women and girls. The gates of Marygrove College opened in September 1927 to welcome 287 students through its doors. Today, 6,000 students crisscross its metropolitan Detroit campus to take advantage of a quality and diverse education.

The college offers associate’s, bachelor’s, and master’s degrees in 54 areas of study. The courses range from arts, music, and social work to radiology and science. Taking into account the fact that the average undergraduate student is 33 years old and the average graduate student is 36, Marygrove offers a special opportunity for students to advance their education within a schedule built around their established lives. Without an educational opportunity like Marygrove’s, many people might choose not to pursue their education because they believe they are too busy or too entrenched in their “normal” lives.

Marygrove’s importance to Detroit is enhanced by its contributions to the arts community. The school enriches Detroit’s cultural scene through its extensive art, dance, and music programs. The school regularly sponsors exhibits in its beautiful art gallery as well as frequent recitals and concerts for the community.

Two and a half years ago, Marygrove became the home of Detroit’s 80-year-old Institute of Music and Dance.

Along with the celebrations for its 75-year anniversary, Marygrove will open its newly-renovated 400-seat theater in November. In addition to a more dancer-friendly surface, the theater will contain a new multipurpose studio for rehearsals and dance classes. The facility will house acoustical systems, new house and theatrical lighting, better dressing room facilities, and better lines of sight from the balcony seats. The reopening of this theater, once used by the native Michiganders, Madonna, will provide a new chance for developing and pursuing performing arts opportunities in Detroit.

I am sure that my Senate colleagues join me in congratulating the staff, teachers, and students of Marygrove College on its 75 years of educational accomplishments. Best of luck to Marygrove on the next 75.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the PRESIDING OFFICER laid before the Senate messages from the President of the United States submitting sundry nominations which were referred as indicated:

EC–9137. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Tricintazone; Pesticide Tolerance” (FRL7300–6) received on September 25, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–9138. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Sucrose Octanoate Esters; Exemption from the Requirement of a Tolerance” (FRL7199–1) received on September 25, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–9139. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Spinosad; Pesticide Tolerance”
Title 33 Environmental Quality Part III: Air Chapter 5, Permit Procedures, 594; Non-attainment New Source Review Procedures (FRL7384-7) received on September 25, 2002; to the Committee on Environment and Public Works.

EC-9170. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval of Section 112(q) Authority for Hazardous Air Pollutants: Delisting of Section 111 and Section 112 Standards; State of New Hampshire” (FRL7378-4) received on September 25, 2002; to the Committee on Environment and Public Works.

EC-9171. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Correction of Implementation Plans: California” (FRL7378-2) received on September 25, 2002; to the Committee on Environment and Public Works.

EC-9172. A communication from the Principal Deputy Associate Administrator of the Envelope Protection and Counterterrorism, pursuant to law, the report of a rule entitled “Fringe Benefits Aircraft Valuation Act—Amendments” (Rev. Proc. 2002–61) received on September 25, 2002; to the Committee on Energy and Natural Resources.

EC-9173. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promotion of Air Quality State Implementation Plans (SIP); Louisiana; Emissions Reduction Credits Banking in Nonattainment Areas” (FRL7384-6) received on September 25, 2002; to the Committee on Environment and Public Works.

EC-9177. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Control of Emissions from Nonroad Large Spark-ignition Engines, and Recreational Engines (Marine and Land-based)” (FRL7380-2) received on September 17, 2002; to the Committee on Environment and Public Works.

EC-9179. A communication from the Secretary of Commerce, transmitting, pursuant to law, the fourth annual report addressing the challenges of international bribery and fair competition for 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC-9180. A communication from the Director, Financial Crimes Enforcement Network, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Amendments to the Bank Secrecy Act Regulations—Requirement that Casinos and Card Clubs Report Suspicious Transactions” (RIN1506-AA22) received on September 19, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC-9181. A communication from the Director, Financial Crimes Enforcement Network, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Amendments to the Bank Secrecy Act—Journey on (1) Prohibition on United States Correspondent Accounts with Foreign Shell Banks and (2) Recordkeeping Requirements and Termination of Correspondent Accounts for Foreign Banks” (RIN1505-AA87) received on September 19, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC-9182. A communication from the Director, Financial Crimes Enforcement Network, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Special Information Sharing Procedures to Protect Against Money Laundering and Terrorist Activity” (RIN1505-AA27) received on September 19, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC-9183. A communication from the Assistant General Counsel for Regulatory Law, Office of Environment, Safety and Health, Department of Energy, transmitting, pursuant to law, the report of a rule entitled “Guidelines for Physician Panel Determinations on Worker Request for Assistance in Filing for Workers’ Compensation Benefits” (RIN1901–AA90) received on August 27, 2002; to the Committee on Energy and Natural Resources.

EC-9184. A communication from the Acting Director of Human Resources Management, Department of Energy, transmitting, pursuant to law, the report of a vacancy and a nomination confirmed for the position of Deputy Secretary, Office of the Secretary of Energy, received on September 10, 2002; to the Committee on Energy and Natural Resources.

EC-9185. A communication from the Acting Director of Human Resources Management, Department of Energy, transmitting, pursuant to law, the report of a rule entitled “Amendments to the Bank Secrecy Act Regulations—Requirement that Casinos and Card Clubs Report Suspicious Transactions” (RIN1506-AA22) received on September 19, 2002; to the Committee on Energy and Natural Resources.

EC-9186. A communication from the Acting Director of Human Resources Management, Department of Energy, transmitting, pursuant to law, the report of a rule entitled “Applicable Federal Rates—October 2001” (Rev. Rul. 2001–54) received on September 23, 2002; to the Committee on Finance.

EC-9187. A communication from the Acting Director of Human Resources Management, Department of Energy, transmitting, pursuant to law, the report of a rule entitled “Applicable Federal Rates—December 2001” (Rev. Rul. 2001–53) received on September 23, 2002; to the Committee on Finance.

EC-9188. A communication from the Acting Director of Human Resources Management, Department of Energy, transmitting, pursuant to law, the report of a rule entitled “Amendments to the Bank Secrecy Act Regulations—Requirement that Casinos and Card Clubs Report Suspicious Transactions” (RIN1506-AA22) received on September 19, 2002; to the Committee on Energy and Natural Resources.

EC-9189. A communication from the Acting Director of Human Resources Management, Department of Energy, transmitting, pursuant to law, the report of a rule entitled “Amendments to the Bank Secrecy Act Regulations—Requirement that Casinos and Card Clubs Report Suspicious Transactions” (RIN1506-AA22) received on September 19, 2002; to the Committee on Energy and Natural Resources.

EC-9190. A communication from the Acting Director of Human Resources Management, Department of Energy, transmitting, pursuant to law, the report of a rule entitled “Amendments to the Bank Secrecy Act Regulations—Requirement that Casinos and Card Clubs Report Suspicious Transactions” (RIN1506-AA22) received on September 19, 2002; to the Committee on Energy and Natural Resources.

EC-9191. A communication from the Acting Director of Human Resources Management, Department of Energy, transmitting, pursuant to law, the report of a rule entitled “Amendments to the Bank Secrecy Act Regulations—Requirement that Casinos and Card Clubs Report Suspicious Transactions” (RIN1506-AA22) received on September 19, 2002; to the Committee on Energy and Natural Resources.

EC-9192. A communication from the Acting Director of Human Resources Management, Department of Energy, transmitting, pursuant to law, the report of a rule entitled “Applicable Federal Rates—October 2002” (Rev. Rul. 2002–61) received on September 23, 2002; to the Committee on Finance.

EC-9193. A communication from the Acting Director of Human Resources Management, Department of Energy, transmitting, pursuant to law, the report of a rule entitled “Applicable Federal Rates—October 2003” (Rev. Proc. 2002–61) received on September 21, 2002; to the Committee on Finance.

EC-9194. A communication from the Acting Director of Human Resources Management, Department of Energy, transmitting, pursuant to law, the report of a rule entitled “Applicable Federal Rates—October 2001” (Rev. Rul. 2001–54) received on September 23, 2002; to the Committee on Finance.

EC-9195. A communication from the Acting Director of Human Resources Management, Department of Energy, transmitting, pursuant to law, the report of a rule entitled “Applicable Federal Rates—October 2002” (Rev. Rul. 2002–61) received on September 23, 2002; to the Committee on Finance.

EC-9196. A communication from the Acting Director of Human Resources Management, Department of Energy, transmitting, pursuant to law, the report of a rule entitled “Applicable Federal Rates—October 2003” (Rev. Proc. 2002–61) received on September 21, 2002; to the Committee on Finance.

EC-9197. A communication from the Acting Director of Human Resources Management, Department of Energy, transmitting, pursuant to law, the report of a rule entitled “Amendments to the Bank Secrecy Act Regulations—Requirement that Casinos and Card Clubs Report Suspicious Transactions” (RIN1506-AA22) received on September 19, 2002; to the Committee on Energy and Natural Resources.

EC-9198. A communication from the Acting Director of Human Resources Management, Department of Energy, transmitting, pursuant to law, the report of a rule entitled “Applicable Federal Rates—October 2001” (Rev. Rul. 2001–54) received on September 23, 2002; to the Committee on Finance.

EC-9199. A communication from the Acting Director of Human Resources Management, Department of Energy, transmitting, pursuant to law, the report of a rule entitled “Amendments to the Bank Secrecy Act Regulations—Requirement that Casinos and Card Clubs Report Suspicious Transactions” (RIN1506-AA22) received on September 19, 2002; to the Committee on Energy and Natural Resources.
REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. KERRY, from the Committee on Small Business and Entrepreneurship, with amendments:

EC-9209. A communication from the Chief Financial Officer, Department of Education, transmitting, pursuant to law, the report of the discontinuation of service in acting role for the position of Chairman, received on September 3, 2002; to the Committee on Health, Education, Labor, and Pensions.

EC-9208. A communication from the Acting General Counsel, National Endowment for the Arts, transmitting, pursuant to law, the report of the discontinuation of service in acting role for the position of Chairman, received on September 3, 2002; to the Committee on Health, Education, Labor, and Pensions.

EC-9207. A communication from the Assisant Secretary of Defense, Department of the Navy, transmitting, pursuant to law, the report of appointments, received on October 1, 2002; to the Committee on Armed Services.

EC-9206. A communication from the Director of the Commission on Civil Rights, transmitting, pursuant to law, the report of the discontinuation of service in acting role for the position of Chairman, received on September 3, 2002; to the Committee on the Judiciary.

EC-9205. A communication from the Staff Director the Civil Rights Commission, transmitting, pursuant to law, the report of the discontinuation of service in acting role for the position of Chairman, received on September 3, 2002; to the Committee on the Judiciary.

EC-9204. A communication from the Director of the Sentencing Commission, transmitting, pursuant to law, the report of the discontinuation of service in acting role for the position of Chairman, received on September 3, 2002; to the Committee on the Judiciary.

EC-9203. A communication from the Office of Congressional Communication and Legislative Affairs, transmitting, pursuant to law, the report of the discontinuation of service in acting role for the position of Director, received on September 3, 2002; to the Committee on the Judiciary.

EC-9202. A communication from the Chief of the Regulations Branch, Customs Service, Department of Treasury, transmitting, pursuant to law, the report of the discontinuation of service in acting role for the position of Commissioner, received on September 3, 2002; to the Committee on Governmental Affairs.

EC-9201. A communication from the Chief Financial Officer, Department of Education, transmitting, pursuant to law, the report of the discontinuation of service in acting role for the position of Chairman, received on September 3, 2002; to the Committee on Health, Education, Labor, and Pensions.

EC-9200. A communication from the Commissioner of Social Security, transmitting, pursuant to law, the Annual Report of Commissions for Fiscal Year 2001; to the Committee on Finance.

EC-9199. A communication from the Commissioner of Social Security, transmitting, pursuant to law, the report of the discontinuation of service in acting role for the position of Acting Commissioner, received on September 3, 2002; to the Committee on Finance.

EC-9198. A communication from the Commissioner of Social Security, transmitting, pursuant to law, the report of the discontinuation of service in acting role for the position of Assistant Commissioner, received on September 3, 2002; to the Committee on Finance.

EC-9197. A communication from the Chief of the Regulations Branch, Indian Health Service, Department of Health and Human Services, transmitting, pursuant to law, the report of the discontinuation of service in acting role for the position of Commissioner, received on September 3, 2002; to the Committee on Indian Affairs.

EC-89212. A communication from the Secretary of Labor, transmitting, pursuant to law, the annual report of the Social Security Administration for Fiscal Year 2001; to the Committee on Health, Education, Labor, and Pensions.
Army nominations beginning John R. Hinson and ending Joseph M. Scaturro, which nominations were received by the Senate and appeared in the Congressional Record on September 23, 2002.

Army nominations beginning Cathy A. Kiger and ending Timothy R. Warrick which nominations were received by the Senate and appeared in the Congressional Record on September 17, 2002.

Army nominations beginning Jay F. Daley and ending Donna S. Woodyb, which nominations were received by the Senate and appeared in the Congressional Record on September 23, 2002.

Army nominations beginning Cesar Estrada Chavez and the farm labor study of sites associated with the life of the medicare program, and for other purposes; to the Committee on Environment and Public Works.

By Mr. ROBERTS:

S. 3022. A bill to amend the Food Security Act of 1985 to suspend the requirement that an eligible irrigation reclamation project in the Conservation Reserve Program be reduced by reason of harvesting or grazing conducted in response to a drought or other emergency; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. SARBANES (for himself, Mr. WARNER, and Ms. MIKULSKI):

S. 3025. A bill to require the Secretary of Agriculture to establish a program to expand and strengthen cooperative efforts to restore and protect forests in the Chesapeake Bay watershed, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. SARBANES (for himself and Ms. MIKULSKI):

S. 3024. A bill to designate Catoctin Mountain Park in the State of Maryland as the “Catoctin Mountain National Recreation Area”, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. SARBANES (for himself, Mr. WARNER, and Ms. MIKULSKI):

S. 3023. A bill to require the Secretary of the Navy to designate the Catoctin Mountain National Recreation Area, and for other purposes; to the Committee on Environment and Natural Resources.

By Mr. SARBANES (for himself, Mr. WARNER, and Ms. MIKULSKI):

S. 3022. A bill to designate Catoctin Mountain Park in the State of Maryland as the “Catoctin Mountain National Recreation Area”, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. SARBANES (for himself, Mr. WARNER, and Ms. MIKULSKI):

S. 3025. A bill to reauthorize and improve the Chesapeake Bay Environmental Restoration and Protection Program; to the Committee on Environment and Public Works.

By Mr. SESSIONS:

S. 3026. A bill to amend chapter 1 of title 9, United States Code, to provide for greater fairness in the arbitration process; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 710

At the request of Mr. KENNEDY, the names of the Senator from New York (Mrs. CLINTON) and the Senator from Delaware (Mr. BIDEN) were added as cosponsors of S. 710, a bill to require coverage for colorectal cancer screenings.

S. 1226

At the request of Mr. CAMPBELL, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 1226, a bill to require the display of the POW/MIA flag at the World War II memorial, the Korean War Veterans Memorial, and the Vietnam Veterans Memorial.

S. 1394

At the request of Mr. ENSNING, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 1394, a bill to amend title XVIII of the Social Security Act to require the medicare outpatient rehabilitation therapy caps.

S. 1650

At the request of Mr. BIDEN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1655, a bill to amend title 18, United States Code, to prohibit certain interstate conduct relating to exotic animals.

S. 1739

At the request of Mr. CLELAND, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 1739, a bill to authorize grants to improve security on over-the-road buses.

At the request of Mr. EDWARDS, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 2219, a bill to provide for compassionate payments with regard to individuals who contracted the human immunodeficiency virus as a result of transfusion of a contaminated blood transfusion, and for other purposes.

S. 2489

At the request of Mr. LEAHY, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 2489, a bill to remove the United States Code, to exempt qualified current and former law enforcement officers from state laws prohibiting the carrying of concealed handguns.

S. 2566

At the request of Mr. KENNEDY, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 2566, a bill to improve early learning opportunities and promote school preparedness, and for other purposes.

S. 2613

At the request of Mr. LIEBERMAN, the name of the Senator from Florida (Mr. GRAHAM) was added as a cosponsor of S. 2613, a bill to amend section 507 of the Omnibus Parks and Public Lands Management Act of 1996 to authorize additional appropriations for historically black colleges and universities, to decrease the cost-sharing requirement relating to the additional appropriations, and for other purposes.

S. 2672

At the request of Mr. BINGAMAN, the names of the Senator from New Mexico (Mr. DOMENICI) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. 2672, a bill to provide opportunities for collaborative restoration projects on National Forest System and other public domain lands, and for other purposes.

S. 2821

At the request of Mr. FRIST, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 2821, a bill to establish grants to provide health services for improved nutrition, increased physical activity, obesity prevention, and for other purposes.

S. 2892

At the request of Mr. KENNEDY, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 2892, a bill to provide economic security for America’s workers.

S. 2903

At the request of Mr. JOHNSON, the name of the Senator from Hawaii (Mr. NUGUE) was added as a cosponsor of S. 2903, a bill to amend section 138, United States Code, to provide for a guaranteed adequate level of funding for veterans health care.

S. 2922

At the request of Ms. LANDRIEU, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of
S. 2922, a bill to facilitate the deployment of wireless telecommunications networks in order to further the availability of the Emergency Alert System, and for other purposes.

S. 2949

At the request of Mr. Hollings, the name of the Senator from California (Mrs. Feinstein) was added as a cosponsor of S. 2949, a bill to provide for enhanced aviation security, and for other purposes.

S. 2965

At the request of Mr. Kennedy, the name of the Senator from Montana (Ms. Baucus) was added as a cosponsor of S. 2965, a bill to amend the Public Health Service Act to improve the quality of care for cancer, and for other purposes.

S. 3009

At the request of Mr. Wellstone, the names of the Senator from Maryland (Mrs. Mikulski) and the Senator from Washington (Mrs. Murray) were added as cosponsors of S. 3009, a bill to provide economic security for America's workers.

S. CON. RES. 11

At the request of Mrs. Feinstein, the name of the Senator from New York (Mrs. Clinton) was added as a cosponsor of S. Con. Res. 11. A concurrent resolution expressing the sense of Congress to fully use the powers of the Federal Government to enhance the science and technology to more fully develop the field of health promotion and disease prevention, and to explore how strategies can be developed to integrate lifestyle improvement programs into national policy, our health care system, schools, workplaces, families and communities.

S. CON. RES. 94

At the request of Mrs. Wyden, the names of the Senator from Louisiana (Ms. Landrieu) and the Senator from Utah (Mr. Hatch) were added as cosponsors of S. Con. Res. 94. A concurrent resolution expressing the sense of Congress that public awareness and education about the importance of health care coverage is of the utmost priority and that a National Importance of Health Care Coverage Month should be established to promote that awareness and education.

S. CON. RES. 138

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

S. CON. RES. 142

At the request of Mr. Smith of Oregon, the names of the Senator from Ohio (Mr. Dewine) and the Senator from Montana (Mr. Baucus) were added as cosponsors of S. Con. Res. 142. A concurrent resolution expressing support for the goals and ideas of a day of tribute to all firefighters who have died in the line of duty and recognizing the important mission of the Fallen Firefighters Foundation in assisting family members to overcome the loss of their fallen heroes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. Baucus (for himself and Mr. Grassley):

S. 3018. A bill to amend title XVIII of the Social Security Act to enhance beneficiary access to quality health care services under the medicare program, and for other purposes; read the first time.

Mr. BAUCUS. Mr. President, I rise today, along with Senator Grassley, to introduce the “Beneficiary Access to Care and Medicare Equity Act.” This legislation is critical to ensuring access to quality, affordable health care for the 40 million Medicare beneficiaries nationwide.

Medicare, a success story of America’s great success stories. Since its inception 36 years ago, Medicare has provided millions of elderly and disabled Americans with insurance coverage they would not have otherwise had. When Medicare was enacted, about half of America’s elderly were in poverty. Now nearly all are covered by Medicare.

Over the past three decades, Medicare has undergone significant changes, including changes in the way that health care providers are reimbursed. In response to rising Medicare expenditures, Congress has responded with complex cost-containment mechanisms: diagnosis related groups, or DRGs, for hospital inpatient services in the early 1980s, a fee schedule for physicians in 1997. And in 1997, Congress passed the Balanced Budget Act, which mandated prospective payment systems for hospital outpatient departments, home health agencies, and skilled nursing facilities. Gradually, Medicare has changed from a cost-based system to one of prospective, flat-rate payment.

The significant changes in payment policy have resulted in a few bumps along the way, particularly those enacted as part of the Balanced Budget Act of 1997. The BBA was a well-intended attempt to get our Nation’s fiscal house in order and extend the life of the Medicare trust fund. And in that regard, the goal of the legislation was achieved. Solvency of the Part A Trust Fund was extended by almost 30 years. But in some instances, the BBA cuts threatened to disrupt the Medicare fee schedule in a more than 20 years. In some instances, the BBA cuts went too far.

In such cases, these cuts threatened to reduce Medicare and Medicaid beneficiaries’ access to quality medical care services. Congress responded by passing the Balanced Budget Refinement Act, BBRA, of 1999 and the Beneficiary Improvement and Protection Act, BIPA, of 2000. I was proud to play a role in both of these bills, including help for rural areas, which were disproportionately affected by the BBA.

Despite the policies and payment changes enacted as part of BBRA and BIPA, we still find that in some cases more improvements and adjustments are needed. And that is why Senator Grassley and I are introducing this bill today.

So what does this bill do? Most importantly, this bill would restore payments to physicians, which were cut in 2002 by about five percent. Under the Medicare fee schedule, payment for physician services depends on several factors, including the growth in medical inflation, performance of the American economy, and changes in law and regulation.

Also central to the calculation of payments are estimates by the Centers for Medicare and Medicaid Services, or CMS, which was formerly known as the Health Care Financing Administration, of the numbers of Medicare beneficiaries in traditional fee-for-service Medicare. Largely because of significant estimation errors and a weakened economy, physicians under Medicare experienced an average reduction of five percent in 2002. If Congress does not act to fix the system, further large cuts are forecast for the coming years. And the potential consequences of inaction are serious.

According to a 30 State survey by the Medicare Rights Center, Medicare beneficiaries in 15 states and the District of Columbia are already having trouble finding a physician who accepts new Medicare patients. And researchers from the Center for Studying Health System Change have found that the percentage of Medicare beneficiaries who reported delaying or not getting necessary physician care rose from 9.1 percent in 1997 to 11 percent in 2001. The study also showed that of the near-elderly, patients between 50 and 64, 18.4 percent experienced difficulty in seeing a physician in 2001, up from 15.2 percent in 1997.

This bill would provide positive payment updates to the physician fee schedule over the next three years, representing a dramatic turnaround in Medicare physician payments. It would also modify the formula that is used to increase payments each year, the so-called SGR, which most physicians have learned to view with uncertainty and distrust.

While this proposal on physician updates represents progress, I acknowledge that it is imperfect, producing large reductions in Medicare physician payments in 2006 and beyond. I am committed to working with my colleagues in the Congress and the Administration to find a more reasonable solution.

Aside from physician payments, this legislation addresses a number of other important Medicare reimbursement issues, many of which are set to take effect today, October 1. The bill will
Our bill would also prohibit approval of future waivers that would take dollars set aside for children’s health insurance—just yesterday, we learned that in 2001 another 1.4 million people joined the ranks of the uninsured, many become eligible for Medicaid. At the same time, States are forced to cut back on this vital program when people need it most. This is a vicious cycle that we must help end. If we don’t, the ultimate result of all this is an increase in the uninsured. Just as we saw in the early 1990s.

The financial crisis facing State Medicaid programs is also felt by the facilities that provide care to Medicaid beneficiaries and low-income insured populations. To ensure that hospitals serving our most vulnerable populations can continue providing their vital services, this bill eliminates the scheduled reduction in federal Medicaid funding for hospitals that serve a disproportionate share of Medicaid beneficiaries. And by increasing funding for temporary fiscal relief to states in two years, this legislation will help sustain the significant progress S–CHIP has made in reducing the ranks of uninsured children. In addition, the new caseload stabilization pool will provide additional funds to states expected to have insufficient federal funds over the next few years, reducing the chance that children will be dropped from the rolls.

This bill also seeks to continue the unqualified success of the S–CHIP program by ensuring that S–CHIP funds are used to cover as many children as possible, as efficiently and effectively as possible. By giving states an additional year to spend funds that would otherwise be returned to the Treasury and renewing the ongoing system to allocate unspent S–CHIP funds equitably among the States, the legislation will help sustain the significant progress S–CHIP has made in reducing the ranks of uninsured children. In addition, the new caseload stabilization pool will provide additional funds to states expected to have insufficient federal funds over the next few years, reducing the chance that children will be dropped from the rolls.

This bill would also make important improvements to the Medicaid and S–CHIP waiver programs. Medicaid and S–CHIP waives have become an increasingly powerful way for the Secretary of Health and Human Services to make changes to crucial health programs without having to consult with, or seek legislative change from, the Congress.

The General Accounting Office recently identified continued reliance on the current waiver approval process, including a lack of accountability in several areas. I am pleased to have worked with Senator Grassley to develop legislation that would address many of these weaknesses and begin to restore integrity to the waiver process. More specifically, this bill would require that the waiver process be more transparent and require public notification when major changes are in store.

Our bill would also prohibit approval of future waivers that would take dollars set aside for children’s health and

...2001 another 1.4 million people joined the ranks of the uninsured, many become eligible for Medicaid. At the same time, States are forced to cut back on this vital program when people need it most. This is a vicious cycle that we must help end. If we don’t, the ultimate result of all this is an increase in the uninsured. Just as we saw in the early 1990s.

The financial crisis facing State Medicaid programs is also felt by the facilities that provide care to Medicaid beneficiaries and low-income insured populations. To ensure that hospitals serving our most vulnerable populations can continue providing their vital services, this bill eliminates the scheduled reduction in federal Medicaid funding for hospitals that serve a disproportionate share of Medicaid beneficiaries. And by increasing funding for temporary fiscal relief to states in two years, this legislation will help sustain the significant progress S–CHIP has made in reducing the ranks of uninsured children. In addition, the new caseload stabilization pool will provide additional funds to states expected to have insufficient federal funds over the next few years, reducing the chance that children will be dropped from the rolls.

This bill also seeks to continue the unqualified success of the S–CHIP program by ensuring that S–CHIP funds...children...as possible, as efficiently and effectively as possible. By giving states an additional year to spend funds that would otherwise be returned to the Treasury and renewing the ongoing system to allocate unspent S–CHIP funds equitably among the States, the legislation will help sustain the significant progress S–CHIP has made in reducing the ranks of uninsured children. In addition, the new caseload stabilization pool will provide additional funds to states expected to have insufficient federal funds over the next few years, reducing the chance that children will be dropped from the rolls.

This bill would also make important improvements to the Medicaid and S–CHIP waiver programs. Medicaid and S–CHIP waives have become an increasingly powerful way for the Secretary of Health and Human Services to make changes to crucial health programs without having to consult with, or seek legislative change from, the Congress.

The General Accounting Office recently identified continued reliance on the current waiver approval process, including a lack of accountability in several areas. I am pleased to have worked with Senator Grassley to develop legislation that would address many of these weaknesses and begin to restore integrity to the waiver process. More specifically, this bill would require that the waiver process be more transparent and require public notification when major changes are in store.

Our bill would also prohibit approval of future waivers that would take dollars set aside for children’s health and

...2001 another 1.4 million people joined the ranks of the uninsured, many become eligible for Medicaid. At the same time, States are forced to cut back on this vital program when people need it most. This is a vicious cycle that we must help end. If we don’t, the ultimate result of all this is an increase in the uninsured. Just as we saw in the early 1990s.

The financial crisis facing State Medicaid programs is also felt by the facilities that provide care to Medicaid beneficiaries and low-income insured populations. To ensure that hospitals serving our most vulnerable populations can continue providing their vital services, this bill eliminates the scheduled reduction in federal Medicaid funding for hospitals that serve a disproportionate share of Medicaid beneficiaries. And by increasing funding for temporary fiscal relief to states in two years, this legislation will help sustain the significant progress S–CHIP has made in reducing the ranks of uninsured children. In addition, the new caseload stabilization pool will provide additional funds to states expected to have insufficient federal funds over the next few years, reducing the chance that children will be dropped from the rolls.

This bill also seeks to continue the unqualified success of the S–CHIP program by ensuring that S–CHIP funds are used to cover as many children as possible, as efficiently and effectively as possible. By giving states an additional year to spend funds that would otherwise be returned to the Treasury and renewing the ongoing system to allocate unspent S–CHIP funds equitably among the States, the legislation will help sustain the significant progress S–CHIP has made in reducing the ranks of uninsured children. In addition, the new caseload stabilization pool will provide additional funds to states expected to have insufficient federal funds over the next few years, reducing the chance that children will be dropped from the rolls.

This bill would also make important improvements to the Medicaid and S–CHIP waiver programs. Medicaid and S–CHIP waives have become an increasingly powerful way for the Secretary of Health and Human Services to make changes to crucial health programs without having to consult with, or seek legislative change from, the Congress.

The General Accounting Office recently identified continued reliance on the current waiver approval process, including a lack of accountability in several areas. I am pleased to have worked with Senator Grassley to develop legislation that would address many of these weaknesses and begin to restore integrity to the waiver process. More specifically, this bill would require that the waiver process be more transparent and require public notification when major changes are in store.

Our bill would also prohibit approval of future waivers that would take dollars set aside for children’s health and

...2001 another 1.4 million people joined the ranks of the uninsured, many become eligible for Medicaid. At the same time, States are forced to cut back on this vital program when people need it most. This is a vicious cycle that we must help end. If we don’t, the ultimate result of all this is an increase in the uninsured. Just as we saw in the early 1990s.

The financial crisis facing State Medicaid programs is also felt by the facilities that provide care to Medicaid beneficiaries and low-income insured populations. To ensure that hospitals serving our most vulnerable populations can continue providing their vital services, this bill eliminates the scheduled reduction in federal Medicaid funding for hospitals that serve a disproportionate share of Medicaid beneficiaries. And by increasing funding for temporary fiscal relief to states in two years, this legislation will help sustain the significant progress S–CHIP has made in reducing the ranks of uninsured children. In addition, the new caseload stabilization pool will provide additional funds to states expected to have insufficient federal funds over the next few years, reducing the chance that children will be dropped from the rolls.

This bill also seeks to continue the unqualified success of the S–CHIP program by ensuring that S–CHIP funds are used to cover as many children as possible, as efficiently and effectively as possible. By giving states an additional year to spend funds that would otherwise be returned to the Treasury and renewing the ongoing system to allocate unspent S–CHIP funds equitably among the States, the legislation will help sustain the significant progress S–CHIP has made in reducing the ranks of uninsured children. In addition, the new caseload stabilization pool will provide additional funds to states expected to have insufficient federal funds over the next few years, reducing the chance that children will be dropped from the rolls.

This bill would also make important improvements to the Medicaid and S–CHIP waiver programs. Medicaid and S–CHIP waives have become an increasingly powerful way for the Secretary of Health and Human Services to make changes to crucial health programs without having to consult with, or seek legislative change from, the Congress.

The General Accounting Office recently identified continued reliance on the current waiver approval process, including a lack of accountability in several areas. I am pleased to have worked with Senator Grassley to develop legislation that would address many of these weaknesses and begin to restore integrity to the waiver process. More specifically, this bill would require that the waiver process be more transparent and require public notification when major changes are in store.

Our bill would also prohibit approval of future waivers that would take dollars set aside for children’s health and
use them instead on childless adults. Where Congress has set limits on the use of federal dollars, waivers should not be used as a back door way to get around those limits.

Without question, the Medicaid and SCHIP programs are critical components of America’s health care safety net, and both programs are critical to the well-being of thousands in my State. The Billings Gazette reported yesterday that about 14,000 of the 18,000 newly insured Montanans since 1998 were additions to Montana’s Medicaid and SCHIP programs.

But despite the critical role these programs play, I am not convinced that we know enough about our nation’s health care safety net. Based on legislation I introduced last congress with Senator GRASSLEY, the bill we are introducing today would change that, by establishing the Safety Net Organizations for Seniors, Advisory Commission, SNOPAC would be an independent and nonpartisan commission charged with the authority to oversee all aspects of America’s health care safety net, including Medicaid and SCHIP.

Based on a study of Medicare reports, SNOPAC will include health care experts from the disparate parts of our safety net system, reporting to Congress on recommendations to maintain our intact, but endangered, health care safety net.

Some will argue that Congress has more pressing Medicare priorities to address than restoring payments to health care providers. They argue will that before action on a bill concerning Medicare payment policy, Congress should debate and enact a solid prescription Medicare drug benefit.

I agree wholeheartedly with the need for a good drug benefit. I have worked for years to enact one, and I think that the lack of a drug benefit is the greatest deficiency in the Medicare program today. Almost 40 percent of seniors currently lack drug coverage. And for those who have it, it is often unreliable and unaffordable.

I did my utmost to pass a drug benefit this year, and I will continue my efforts until one is signed into law. But I will not support a benefit that is unworkable for Montana, and I will not support reviving a prescription drug debate that threatens passage of the important bill Senator GRASSLEY and I are introducing today.

The United States Senate debated Medicare prescription drug coverage last July. We had four votes on four different proposals to establish a drug benefit under Medicare. But all of those votes failed. None came close to getting the required 60 votes for passage on the third try.

Voting again on a prescription drug bill that has not changed materially from the proposals we voted on in July is not the way to pass a drug benefit. In fact, it’s a prescription for legislative impasse—on prescription drugs and on provider reimbursement issues.

For those reasons, I urge my colleagues to support this legislation, with the recognition that there are other pressing issues facing the Medicare program besides provider payments, but with the acknowledgment that maintaining access to health care services is also an important goal.

As Calvin Coolidge once said, “We cannot do everything at once . . . but we can do something at once.” Today is October 1, and large Medicare, Medicaid and SCHIP payment reductions and changes will go into effect. Congress should be possible to address these issues, to get something done, and to ensure access to care for our seniors, our children, and our disabled population. This bill is necessary, timely and should be considered with expedition. I urge Congress and the President to act swiftly on this comprehensive legislation and enact it into law.

Mr. GRASSLEY. Mr. President, I am joining Chairman BAUCUS today to introduce the Beneficiary Access to Care and Medicare Equity Act of 2002.

This legislation arrives at an important time for Medicare beneficiaries and the providers that care for them: October 1. Many provisions of the Medicare law that ensure adequate payments for providers, and in turn, beneficiary access to care, expire today. I urge the Senate to consider this legislation with all speed, as soon as possible.

Our address pressing needs. The clock is running out on Medicare payments to doctors, who are scheduled for yet another reduction in their fees for a second straight year, absent Congressional action. Skilled Nursing Facilities also face a major reduction in payment today. In other areas facing imminent payment cuts, such as home health and hospital services, our bill injects financial support that will stabilize these essential services our seniors rely on. The legislation also provides health care payments for Medicare and Children’s Health Insurance Programs.

In addition to ensuring continued access to quality care for Medicare beneficiaries, our bipartisan Beneficiary Access to Care and Medicare Equity Act makes long overdue improvements to health care in rural America. Our bill invests in States like Iowa, my home State, where small providers that practice efficient medicine are hurt by complex payment formulas that favor high-cost care in big cities.

The formulas also don’t recognize special costs faced by smaller, more isolated physicians, hospitals and clinics. It obviously doesn’t make sense to penalize States like Iowa who do more with less. That’s why I’m so committed to fixing these formulas. The proposal I’ve put together with Senator BAUCUS would provide an infusion of cash to hard pressed health care providers across Iowa and to other rural States. It takes money to ensure access to care for Iowans, and this will help make the federal government part of the solution instead of part of the problem.

Together, Senator BAUCUS and I have introduced our bill under Rule 14, which means that Members can file directly on the calendar two days from now, rather than referred to our own Committee, the Finance Committee. We agreed to take this extraordinary step because the Senate is basically tied up in knots right now. Well, our message is that Medicare doesn’t have to be a victim of gridlock. Our action today gives Senate Majority Leader DASCHLE the ability to call the bill up as early as Thursday. In short, there’s no time to waste.

By Mr. MCCAIN:

S. 3019. A bill to authorize the Secretary of the Interior to conduct a special resource study of sites associated with the life of Cesar Chavez and the farm labor movement; to the Committee on Energy and Natural Resources.

Mr. MCCAIN. Mr. President, I am introducing legislation today to authorize the Secretary of the Interior to conduct a special resource study of sites associated with the life of Cesar Estrada Chavez. Chavez is one of the most revered public servants in our history for his leadership in helping organize and improve the lot of migrant farm workers for providing inspiration to the most oppressed in our society. It is important that we cherish his struggle and do what we can to preserve certain sites located in Arizona, California and other states that are significant to his life.

My fellow Arizonan, Cesar Chavez was born in Yuma. He was the son of migrant farm workers, and an exemplary American hero. He gave a voice to those that had no voice. In his words: “We cannot seek achievement for ourselves and forget about progress and prosperity for our community . . . our ambitions must be broad enough to include the aspirations and needs of others, for their sakes and for our own.”

This legislation, almost identical to the House bill, H.R. 2966, introduced by Congresswoman HILDA SOLIS, D-CA, in September 2001, would specifically authorize the Secretary of the Interior to determine whether any of the sites are introducing today would change that, by establishing the Safety Net Organizations for Seniors, Advisory Commission, SNOPAC would be an independent and nonpartisan commission charged with the authority to oversee all aspects of America’s health care safety net, including Medicaid and SCHIP.

Based on a study of Medicare reports, SNOPAC will include health care experts from the disparate parts of our safety net system, reporting to Congress on recommendations to maintain our intact, but endangered, health care safety net.

Some will argue that Congress has more pressing Medicare priorities to address than restoring payments to health care providers. They argue will that before action on a bill concerning Medicare payment policy, Congress should debate and enact a solid prescription Medicare drug benefit.

I agree wholeheartedly with the need for a good drug benefit. I have worked for years to enact one, and I think that the lack of a drug benefit is the greatest deficiency in the Medicare program today. Almost 40 percent of seniors currently lack drug coverage. And for those who have it, it is often unreliable and unaffordable.

I did my utmost to pass a drug benefit this year, and I will continue my efforts until one is signed into law. But I will not support a benefit that is unworkable for Montana, and I will not support reviving a prescription drug debate that threatens passage of the important bill Senator GRASSLEY and I are introducing today.

The United States Senate debated Medicare prescription drug coverage last July. We had four votes on four different proposals to establish a drug benefit under Medicare. But all of those votes failed. None came close to getting the required 60 votes for passage on the third try.

Voting again on a prescription drug bill that has not changed materially from the proposals we voted on in July is not the way to pass a drug benefit. In fact, it’s a prescription for legislative impasse—on prescription drugs and on provider reimbursement issues.

For those reasons, I urge my colleagues to support this legislation, with the recognition that there are other pressing issues facing the Medicare program besides provider payments, but with the acknowledgment that maintaining access to health care services is also an important goal.

As Calvin Coolidge once said, “We cannot do everything at once . . . but we can do something at once.” Today is October 1, and large Medicare, Medicaid and SCHIP payment reductions and changes will go into effect. Congress should be possible to address these issues, to get something done, and to ensure access to care for our seniors, our children, and our disabled population. This bill is necessary, timely and should be considered with expedition. I urge Congress and the President to act swiftly on this comprehensive legislation and enact it into law.

Mr. GRASSLEY. Mr. President, I am joining Chairman BAUCUS today to introduce the Beneficiary Access to Care and Medicare Equity Act of 2002.

This legislation arrives at an important time for Medicare beneficiaries and the providers that care for them: October 1. Many provisions of the Medicare law that ensure adequate payments for providers, and in turn, beneficiary access to care, expire today. I urge the Senate to consider this legislation with all speed, as soon as possible.

Our address pressing needs. The clock is running out on Medicare payments to doctors, who are scheduled for yet another reduction in their fees for a second straight year, absent Congressional action. Skilled Nursing Facilities also face a major reduction in payment today. In other areas facing imminent payment cuts, such as home health and hospital services, our bill injects financial support that will stabilize these essential services our seniors rely on. The legislation also provides health care payments for Medicare and Children’s Health Insurance Programs.

In addition to ensuring continued access to quality care for Medicare beneficiaries, our bipartisan Beneficiary Access to Care and Medicare Equity Act makes long overdue improvements to health care in rural America. Our bill invests in States like Iowa, my home State, where small providers that practice efficient medicine are hurt by complex payment formulas that favor high-cost care in big cities.

The formulas also don’t recognize special costs faced by smaller, more isolated physicians, hospitals and clinics. It obviously doesn’t make sense to penalize States like Iowa who do more with less. That’s why I’m so committed to fixing these formulas. The proposal I’ve put together with Senator BAUCUS would provide an infusion of cash to hard pressed health care providers across Iowa and to other rural States. It takes money to ensure access to care for Iowans, and this will help make the federal government part of the solution instead of part of the problem.

Together, Senator BAUCUS and I have introduced our bill under Rule 14, which means that Members can file directly on the calendar two days from now, rather than referred to our own Committee, the Finance Committee. We agreed to take this extraordinary step because the Senate is basically tied up in knots right now. Well, our message is that Medicare doesn’t have to be a victim of gridlock. Our action today gives Senate Majority Leader DASCHLE the ability to call the bill up as early as Thursday. In short, there’s no time to waste.

By Mr. MCCAIN:

S. 3019. A bill to authorize the Secretary of the Interior to conduct a special resource study of sites associated with the life of Cesar Chavez and the farm labor movement; to the Committee on Energy and Natural Resources.

Mr. MCCAIN. Mr. President, I am introducing legislation today to authorize the Secretary of the Interior to conduct a special resource study of sites associated with the life of Cesar Estrada Chavez. Chavez is one of the most revered public servants in our history for his leadership in helping organize and improve the lot of migrant farm workers for providing inspiration to the most oppressed in our society. It is important that we cherish his struggle and do what we can to preserve certain sites located in Arizona, California and other states that are significant to his life.

My fellow Arizonan, Cesar Chavez was born in Yuma. He was the son of migrant farm workers, and an exemplary American hero. He gave a voice to those that had no voice. In his words: “We cannot seek achievement for ourselves and forget about progress and prosperity for our community . . . our ambitions must be broad enough to include the aspirations and needs of others, for their sakes and for our own.”

This legislation, almost identical to the House bill, H.R. 2966, introduced by Congresswoman HILDA SOLIS, D-CA, in September 2001, would specifically authorize the Secretary of the Interior to determine whether any of the sites
meet the criteria for being listed on the National Register of Historic Landmarks. The study would be conducted within three years. The goal of this legislation is to establish a foundation for a future bill that will designate land and/or sites to become Historic Landmarks.

César Chávez was a humble man of deep conviction who understood what it meant to serve and sacrifice for others. He was a true American hero that embodied the values of justice and freedom this nation holds dear. Honoring the places of his life will enable his legacy to inspire and serve as an example for our future leaders.

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

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3018

Be it enacted by the Senate and House of Representa-
tives of the United States of America in Congress as-
ssembled,

SEC. 1. SHORT TITLE.

This Act may be cited as the “César Estrada Chávez Study Act”.

SEC. 2. FINDINGS.

Congress finds that—

(1) on March 31, 1927, César Estrada Chávez was born on a small farm near Yuma, Arizona;

(2) at age 10, Chávez and his family became migrant farm workers after they lost their farm in the Great Depression;

(3) throughout his youth and into adulthood, he traveled across the Southwest, laboring in fields and vineyards;

(4) during this period, Chávez was exposed to the hardships and injustices of farm worker life;

(5) in 1952, Chávez’s life as an organizer and public servant began when he left the fields and joined the Community Service Organization, a community-based self-help organization;

(6) while with the Community Service Organization, a community-based self-help organization, Chávez conducted—

(A) voter registration drives; and

(B) campaigns against racial and economic discrimination;

(7) during the late 1950’s and early 1960’s, Chávez served as the national director of the Community Service Organization;

(8) in 1962, Chávez founded the National Farm Workers Association, an organization that—

(A) was the first successful farm workers union in the United States; and

(B) became known as the “United Farm Workers of America”;

(9) from 1962 to 1993, as leader of United Farm Workers of America, Chávez achieved for tens of thousands of farm workers—

(A) dignity and respect;

(B) fair wages;

(C) medical coverage;

(D) pension benefits;

(E) humane living conditions; and

(F) other rights and protections;

(10) the leadership and humanitarianism of César Chávez continue to influence and inspire millions of citizens of the United States to seek social justice and civil rights for the poor and disenfranchised; and

(11) the example of César Chávez and his family provides an outstanding opportunity to illustrate and interpret the history of agricultural labor in the western United States.

SEC. 3. RESOURCE STUDY.

RECORD.

for our future leaders.

There are currently more than 53,000 veterans in Wyoming. They live in every town, big and small, and they must often travel hundreds of miles for health care and other veteran benefits. The largest and most concentrated group of veterans in Wyoming live near Wyoming’s only military base, F.E. Warren Air Force Base in Cheyenne. Unfortunately, this veteran population must travel either 110 miles to the national cemetery in Colorado or 235 miles to the national cemetery in Maxwell, NE. It is worse for the veteran population living in other areas of the State. There are no national cemeteries in Montana, Idaho or Utah, which leaves veterans in the northwest with few options.

Regardless of a veteran’s place of residency in Wyoming, most are forced to select the Wyoming State Cemetery as their place of burial because it is the only state or national cemetery in the entire state. Although it is located in Wyoming’s second-largest city of Casper, Wyoming’s State cemetery does not adequately meet the needs of veterans in a State that spans more than 97,000 square miles on average, 150 miles from any other incorporated city, and is more than 175 miles from the most concentrated veteran population in Cheyenne. While I commend the Wyoming State Cemetery for its exceptional service and careful maintenance, this is an extraordinary distance for friends and family to travel to visit their deceased loved ones. As such, I am introducing legislation today to create a National Veterans Cemetery in Cheyenne, WY because every veteran deserves to be buried near their families and with the honor that comes with being laid to rest in a national veterans cemetery.

This is why I am introducing a bill to honor those who have given so much in defense of our great country. The price of freedom is not free, and many of our Nation’s veterans have paid the ultimate price. Millions have been laid to rest in our Nation’s cemeteries, and millions more will follow. These veterans deserve to be placed next to those veterans with whom they so courageously engaged in battle throughout the years.

All veterans deserve the opportunity to be buried in a veterans cemetery regardless of their place of residency. Fortunately, the Department of Veteran Affairs recognizes the importance of providing burial sites for our Nation’s veterans next to their comrades and near their families. As such, they have established a goal to increase the percentage of veterans served by a national or State veterans cemetery within 75 miles of their residence to 88 percent by 2006. I commend the VA’s efforts and believe my bill will help the department reach that goal.

Be it enacted by the Senate and House of Representa-
tives of the United States of America in Congress as-
ssembled,
SECTION 1. ESTABLISHMENT OF NATIONAL CEMETERY IN CHEYENNE, WYOMING, METROPOLITAN AREA.

(a) In General.—The Secretary of Veterans Affairs shall establish, in accordance with chapter 24 of title 38, United States Code, a national cemetery in the Cheyenne, Wyoming, metropolitan area to serve the needs of veterans and their families.

(b) CONSULTATION IN SELECTION OF SITE.—Before site for the national cemetery established under subsection (a), the Secretary shall consult with—

(1) appropriate officials of the State of Wyoming and local officials of the Cheyenne metropolitan area; and

(2) appropriate officials of the United States, including the Administrator of General Services, with respect to land belonging to the United States in that area that would be suitable to establish the national cemetery under subsection (a).

(c) AUTHORITY TO ACCEPT DONATION OF PARCEL OF LAND.—(1) The Secretary may accept on behalf of the United States the gift of an appropriate parcel of real property. The Secretary shall have administrative jurisdiction over such parcel of real property, and shall use such parcel to establish the national cemetery under subsection (a).

(2) For purposes of Federal income, estate, and gift taxes, the real property accepted under paragraph (1) shall be considered as a gift to the United States.

(d) REPORT.—As soon as practicable after the date of enactment of this Act, the Secretary shall submit to Congress a report on the establishment of the national cemetery under subsection (a).

Before selecting the site for the national cemetery, the Secretary shall consult with—

(1) appropriate officials of the State of Wyoming and the local officials of the Cheyenne metropolitan area; and

(2) appropriate officials of the United States, including the Administrator of General Services, with respect to land belonging to the United States in that area that would be suitable to establish the national cemetery under subsection (a).

SEC. 2. DEFINITIONS.

In this Act—

(1) the term "national cemetery" means a cemetery established under this Act;

(2) the term "Secretary" means the Secretary of Veterans Affairs; and

(3) the term "State" means a State of the United States, the District of Columbia, and the outlying areas of the United States.

SEC. 3. ESTABLISHMENT.

(a) IN GENERAL.—The Secretary of Veterans Affairs shall establish, in accordance with subsection (a), the Secretary shall submit to Congress a report on the date of enactment of this Act, the Secretary shall have administrative jurisdiction over such parcel of real property, and shall use such parcel to establish the national cemetery under subsection (a).

(c) AUTHORITY TO ACCEPT DONATION OF PARCEL OF LAND.—(1) The Secretary may accept on behalf of the United States the gift of an appropriate parcel of real property. The Secretary shall have administrative jurisdiction over such parcel of real property, and shall use such parcel to establish the national cemetery under subsection (a).

(2) For purposes of Federal income, estate, and gift taxes, the real property accepted under paragraph (1) shall be considered as a gift to the United States.

(d) REPORT.—As soon as practicable after the date of enactment of this Act, the Secretary shall submit to Congress a report on the establishment of the national cemetery under subsection (a).

Before selecting the site for the national cemetery, the Secretary shall consult with—

(1) appropriate officials of the State of Wyoming and local officials of the Cheyenne metropolitan area; and

(2) appropriate officials of the United States, including the Administrator of General Services, with respect to land belonging to the United States in that area that would be suitable to establish the national cemetery under subsection (a).

This legislation codifies the roles and responsibilities of the USDA Forest Service to the Bay restoration effort. It strengthens existing coordination, technical assistance, forest resource assessment and planning efforts. It authorizes a small grants program to support local agencies, watershed associations and citizen groups in conducting on-the-ground conservation projects. It also establishes a regional applied forestry research and training program to enhance urban and rural forests in the watershed. Finally it authorizes $3.5 million for each of fiscal years 2004 through 2010, a modest increase in view of the six-state, 64,000 square mile watershed. I urge my colleagues to join me in supporting this legislation.

By Mr. SARBAKES (for himself, Mr. WARNER, and Ms. MIKULSKI):

S. 3023. A bill to require the Secretary of Agriculture to establish a program to expand and strengthen cooperative efforts to restore and protect forests in the Chesapeake Bay watershed, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. SARBAKES. Mr. President, today I am introducing legislation to continue and enhance the USDA Forest Service's role in the restoration of the Chesapeake Bay watershed. Joining me in sponsoring this legislation are my colleagues, Senators WARNER and MIKULSKI.

Forest loss and fragmentation are occurring rapidly in the Chesapeake Bay region and are among the most important issues facing the Bay and forest management today. According to the U.S. National Resources Inventory the States closest to the Bay lost 350,000 acres of forest between 1987-1997 or almost 100 acres per day. More and more rural areas are being converted to suburban development, resulting in smaller contiguous forest tracts. These trends are leading to a regional forest land base that is more vulnerable to conversion, less likely to be economically viable in the future, and is losing its capacity to protect watershed health and other ecosystem services, such as controlling storm water runoff, erosion and air pollution, all critical to the Bay clean-up effort.

October 1, 2002

CONGRESSIONAL RECORD — SENATE

S9719

Since 1990, the USDA Forest Service has been an important part of the Chesapeake Bay Program. Administered through the Northeastern Area, State and Private Forestry, this program has worked closely with Federal, State and local partners in the six-state Chesapeake Bay region to demonstrate how forest protection, restoration and stewardship activities, can contribute to achieving the Bay restoration goals. Over the past 12 years, it has provided modest levels of technical and financial assistance, averaging approximately $300,000/year, to develop collaborative watershed projects that address watershed forest conservation, restoration and stewardship. With the signing of the Chesapeake 2000 Agreement, the role of the USDA Forest Service has become more important than ever. Among other provisions, this Agreement requires the signatories to conserve existing forests along all streams and shoreline; promote the expansion and connection of contiguous areas of forest; protect and restore forest lands; and provide technical and financial assistance to local governments to plan for or revise plans, ordinances and subdivision regulations to provide for the conservation and sustained use of the forest and agricultural lands. To address these goals, the USDA Forest Service must have additional resources and authority, and that is what my amendment seeks to provide.

This legislation codifies the roles and responsibilities of the USDA Forest Service to the Bay restoration effort. It strengthens existing coordination, technical assistance, forest resource assessment and planning efforts. It authorizes a small grants program to support local agencies, watershed associations and citizen groups in conducting on-the-ground conservation projects. It also establishes a regional applied forestry research and training program to enhance urban and rural forests in the watershed. Finally it authorizes $3.5 million for each of fiscal years 2004 through 2010, a modest increase in view of the six-state, 64,000 square mile watershed. I urge my colleagues to join me in supporting this legislation.

By Mr. SARBAKES (for himself, Mr. WARNER, and Ms. MIKULSKI):

S. 3025. A bill to reauthorize and improve the Chesapeake Bay Environmental Restoration and Protection Program; to the Committee on Environment and Public Works.

Mr. SARBANES. Mr. President, today I am introducing legislation, together with Senators WARNER and MIKULSKI, to reauthorize and enhance the Chesapeake Bay Environmental Protection and Restoration Program. This program, which was first established in Section 420 of the Water Resources Development Act of 1996, Public Law 104-303, authorizes the U.S. Army Corps of Engineers to provide design and construction assistance to State and local authorities in the environmental restoration of the Chesapeake Bay.

In 1994, when I first introduced the legislation to create this program, I spoke about the need for this assistance and the unique capabilities of the Army Corps of Engineers to bring to the Chesapeake Bay restoration effort. I want to underscore some of those arguments today and the vital importance of continuing and enhancing this program.

The Army Corps of Engineers has been an integral part of the Chesapeake Bay Program for many years. In 1984 the Corps completed one of the most comprehensive investigations of the entire Chesapeake Bay basin, a landmark report which identified many of the serious problems facing the Bay. The Corps played a vital role in the development of the Bay Program's state-of-the-art computer model and has undertaken a variety of projects in the 6-state Chesapeake Bay watershed including the Poplar Island beneficial use of dredged material project, oyster reef restoration, and removal of blockages to fish passage. The agency is currently conducting investigations on sedimentation, pollution, and environmental problems in specific watersheds that we hope will result in additional projects to restore the Bay. And I am delighted that the Environment and Public Works Committee has just approved our Study Resolution directing the Corps to integrate these existing and future work efforts into a coordinated, comprehensive master plan.

But while these projects and studies continue and the master plan is being developed, it is vital that environmental restoration efforts be sustained and expanded. Two years ago, the States in the Chesapeake Bay watershed and the Federal Government committed an extensive evaluation of cleanup progress since the 1980s and determined that, despite significant advances, efforts must be redoubled to restore the integrity of the Chesapeake Bay ecosystem. A new Chesapeake 2000 agreement was signed to serve as a blueprint for the restoration effort over the next decade. To meet the goals established in the new agreement, it is estimated that the local, State and Federal Governments must dedicate more than $3 billion over the course of the next ten years. Nutrient and sediment loads must be significantly reduced, oyster populations must be increased, Submerged Aquatic Vegetation and wetlands must be protected and restored, and remaining blockages to fish passage must be removed, among other actions. As the lead Federal agency in water resource management, the Corps has an essential role to play in this effort.

Since the Chesapeake Bay Environmental Restoration and Protection Program was first established and funding was appropriated, requests from State and local governments for
assistance under the program has grown dramatically. The design-construct nature of this program, which enables the Corps to streamline its process of undertaking on-the-ground environmental restoration projects, is particularly appealing to State and local governments. To date, the Corps of Engineers has constructed or approved $9.3 million in projects under the Chesapeake Bay Environmental Restoration and Protection Program including oyster restoration projects in Virginia shoreline protection and wetland/sewage treatment projects at Smith Island in Maryland and the upgrade of the Scranton Wastewater Treatment Plant in Pennsylvania to reduce the amount of nutrients delivered to the Chesapeake Bay. These projects have nearly exhausted the current $10 million authorization.

The legislation which I am introducing increases the authorization for this program from $10 million to $30 million. The program will carry out small-scale restoration and protection projects in the Chesapeake Bay watershed. The program would be administered by the National Fish and Wildlife Foundation which has extensive experience and expertise in managing these kinds of grants for other Federal agencies. Ten percent of the funds appropriated each year under this program would be set-aside for these grants.

In view of the great need and the many requests for assistance from the Bay area states, this legislation is clearly warranted and I urge my colleagues to join me in supporting this measure; to the Committee on the Judiciary.

Mr. SESSION. Mr. President, I rise to send to the desk a bill entitled, "The Arbitration Fairness Act of 2002." This bill continues the process that I started in the 106th Congress with the introduction of the Consumer and Employee Arbitration Bill of Rights. The purpose of these bills is to improve the Federal Arbitration Act so that it will remain as a cost-effective means of resolving disputes, but will do so in a fair way. The Arbitration Fairness Act will provide procedural protections to everyone who enters into a contract that contains an arbitration clause. This bill would ensure that consumers, employees, and small businesses that enter into contracts covered by the Federal Arbitration Act will have their disputes resolved in accordance with due process of law, and in a speedy and cost effective manner.

Congress enacted the Federal Arbitration Act in 1925. It has served us as well for three-quarters of a century. Under the Act, if the parties agree to a contract affecting interstate commerce that contains a clause requiring arbitration, the clause will be enforceable in court. In short, the Federal Arbitration Act allows parties to a contract to agree not to take their disputes to court, but to resolve any dispute arising from the contract through neutral decision-maker, generally selected by a non-profit arbitration organization, such as the American Arbitration Association or the National Arbitration Forum. The parties can generally present evidence and be represented by counsel. And the decision-makers will apply the relevant State law in resolving the dispute. Arbitration is generally quicker and less expensive than going to court.

In recent years, there have been some cases where the arbitration process has not worked well, but thousands of disputes have been fairly and effectively settled by arbitrators. Such a system is even more important because of skyrocketing legal costs where attorneys require large contingent fees. Accordingly, I have opposed piecemeal legislative changes to the act. Instead, I believe that the Senate should approach the Arbitration Act in a comprehensive manner.

The approach of reforming arbitration, rather than abandoning the arbitration process provides several benefits. Arbitration is one of the most cost-effective means of resolving a dispute. Unlike businesses, consumers and employees generally cannot afford a team of lawyers to represent them. And their claims are often not being brought so that a lawyer would take the case on a 25 percent or even a 50 percent contingent fee. In an article in the Columbia Human Rights Law Review, Lewis Maltby, Director, National Task Force on Civil Liberties in the Workplace of the American Civil Liberties Union and a Director of the American Arbitration Association—note die-hard conservative entities—explains how court litigation is too expensive for most employees: "Even if the client has clearly been wronged and is virtually certain to prevail in court, the attorney will be forced to turn down the case unless there are substantial damages. A survey of plaintiff employment lawyers found that a prospective plaintiff needed to have a minimum of $60,000 in provable damages—not including pain and suffering or other intangible damages—before an attorney would take the case.

Even this, however, does not exhaust the financial obstacles an employee must overcome to secure representation. In light of their risk of losing such cases, many plaintiffs' attorneys require large contingent fees. According to a study of some plaintiffs' attorneys now require out-of-pocket expenses in the case as they are incurred. Donohue and Siegelman found that expenses in employment cases can be substantial. In an article in the Columbia Human Rights Law Review, Lewis Maltby, Director, National Task Force on Civil Liberties in the Workplace of the American Civil Liberties Union and a Director of the American Arbitration Association—note die-hard conservative entities—explains how court litigation is too expensive for most employees: "Even if the client has clearly been wronged and is virtually certain to prevail in court, the attorney will be forced to turn down the case unless there are substantial damages. A survey of plaintiff employment lawyers found that a prospective plaintiff needed to have a minimum of $60,000 in provable damages—not including pain and suffering or other intangible damages—before an attorney would take the case.

Even this, however, does not exhaust the financial obstacles an employee must overcome to secure representation. In light of their risk of losing such cases, many plaintiffs' attorneys require large contingent fees. According to a study of some plaintiffs' attorneys now require out-of-pocket expenses in the case as they are incurred. Donohue and Siegelman found that expenses in employment cases can be substantial. In an article in the Columbia Human Rights Law Review, Lewis Maltby, Director, National Task Force on Civil Liberties in the Workplace of the American Civil Liberties Union and a Director of the American Arbitration Association—note die-hard conservative entities—explains how court litigation is too expensive for most employees: "Even if the client has clearly been wronged and is virtually certain to prevail in court, the attorney will be forced to turn down the case unless there are substantial damages. A survey of plaintiff employment lawyers found that a prospective plaintiff needed to have a minimum of $60,000 in provable damages—not including pain and suffering or other intangible damages—before an attorney would take the case.

The result of these formidable hurdles in that most people with claims against their employer are unable to obtain counsel, and thus never receive justice. Paul Tolias, founder of the National Employment Lawyer's Association, has testified that ninety-five percent of those who seek help from the private bar with an employment matter do not obtain counsel. Howard's survey of plaintiffs found that expenses in Title VII cases are at least $10,000 and can reach as high as $25,000. Finally, some plaintiffs' attorneys now require a consultation fee, generally $200-$300, just to discuss their situation with a potential client.

The result of these formidable hurdles in that most people with claims against their employer are unable to obtain counsel, and thus never receive justice. Paul Tolias, founder of the National Employment Lawyer's Association, has testified that ninety-five percent of those who seek help from the private bar with an employment matter do not obtain counsel. Howard's survey of plaintiffs found that expenses in Title VII cases are at least $10,000 and can reach as high as $25,000. Finally, some plaintiffs' attorneys now require a consultation fee, generally $200-$300, just to discuss their situation with a potential client.
Without arbitration, the consumer or employee is faced with having to pay a lawyer’s hourly rate, which may amount to several thousand dollars to litigate a claim in court, for a broken television that cost $700 new. If this is what consumers and employees are forced to do, what is the point of the overwhelming majority of the people who could not afford a lawyer to litigate in court. This is where arbitration can give the consumer or employee a cost-effective forum to assert their claims. We make exceptions to the FAA for some of the most well to do corporations in our society. I think it is our duty to consider how we can improve the system for those less financially able.

Can we save the arbitration system? Yes, but we must take a balanced approach. In this approach we should protect the sanctity of legal contracts. In any contract, the parties agree to all the terms and clauses included in the contract document. This includes the arbitration clause. This is basic contract law, and the basic principle upon which the FAA has been supported for 75 years. But this is not always the case. In certain situations, consumers, employees, or businesses have not been treated fairly. That is what the Arbitration Fairness Act is designed to correct.

The bill will maintain the cost benefits of binding arbitration, but will grant several specific “due process” rights to all parties to an arbitration. The bill is based on the consumer and employee due process protocols of the American Arbitration Association that have broad support. The bill provides the following rights:

1. Notice. Under the bill an arbitration clause, to be enforceable, would have to have a heading in large, bold print, would have to state whether arbitration is binding or optional, identify a source that the parties may contact for more information, and state that a consumer could opt out to small claims court.

   This will ensure, for example, that consumers who receive credit card notices in the mail will not miss an arbitration clause because it is printed in fine print. Further, it will give parties means to obtain more information on how to resolve any disputes. Finally, the clause would explain that if a party’s claims could otherwise be brought in small claims court, he is free to do so. Small claims court, unlike regular trial court, provides another inexpensive and quick means of dispute resolution.

2. Independent selection of arbitrators. The bill will grant all parties the right to have potential arbitrators disclose relevant information concerning their business ties and employment. All parties to the arbitration will have an equal time to complete neutral arbitrator. This ensures that the large company who sold a consumer a product will not select the arbitrator itself, because the consumer with a grievance will have the right to nominate potential arbitrators too. As a result, the final arbitrator selected will have to have the explicit approval of both parties to the dispute. This means the arbitrator will be a neutral party with no allegiance to either party.

3. Choice of law. The bill grants the non-drafting party, usually the consumer or the employee, the right to have the arbitrator governed by the substantive law that would apply under conflicts of laws principles applicable in the forum in which the contract was entered into. This means that the substantive contract law that would apply in a court where the consumer, employee, or business resides at the time of making the contract will apply. Thus, the law applicable to the dispute arising from the purchase of a product by an Alabama consumer from an Illinois company, a court would have to determine whether Alabama or Illinois law applied by looking to the language of the contract and to the place the contract was entered into. The bill ensures that an arbitrator will use the same conflict of laws principles that a court would in determining whether Alabama or Illinois law will govern the arbitration proceedings.

4. Representation. The bill grants all parties the right to be represented by counsel at their own expense. Thus, if the claim involves complicated legal issues, the consumer, employee, or small business is free to have his lawyer represent him in the arbitration. Such representation should be substantially less expensive than a trial in court because of the more abbreviated and expedited process of arbitration.

5. Hearing. The bill grants all parties the right to a fair hearing in a forum that is reasonably convenient to the consumer or employee. This would prevent a large company from requiring a consumer, employee, or small business owner to travel across the country to arbitrate his claim and expend more in travel costs than his claim may be worth.

6. Evidence. The bill grants all parties the right to conduct discovery and to present evidence. This ensures that the arbitrator has all the facts before him prior to making a decision.

7. Cross examination. The bill grants all parties the right to cross-examine witnesses presented by the other party at the hearing. This allows a party to test the statements of the other party’s witnesses and be sure that the evidence before the arbitrator is correct.

8. Record. The bill grants all parties the right to have a stenographer tape record the hearing to produce a record. This right is key to proving later that the arbitration proceeding was fair.

9. Timely resolution. The bill grants all parties the right to have an arbitration proceeding to be completed promptly so that they do not have to wait for a year or more to have their claim resolved. Under the bill a defendant must file an answer within 30 days of the filing of the complaint. The arbitrator has 90 days after the answer to hold a hearing. The arbitrator must render a final decision within 30 days after the hearing. Extensions are available in extraordinary circumstances.

10. Written decision. The bill grants all parties the right to a written decision by the arbitrator explaining the resolution of the case and his reasons therefor. If the consumer or employee takes a claim to arbitration, he deserves to have an explanation of why he won or lost.

11. Expenses. The bill grants all parties the right to have an arbitrator provide for reimbursement of arbitration fees in the interests of justice and the reduction, deferral, or waiver of arbitration fees in cases of extreme hardship. The consumer or employee cannot even afford the arbitration fee. This provision ensures that the arbitrator can waive or reduce the fee or make the company reimburse the consumer or employee for a fee if the interests of justice so require.

12. Small claims opt out. The bill grants all parties the right to opt out of arbitration into small claims court if that court has jurisdiction over the claim and the claim does not exceed $50,000.

The bill also provides an effective mechanism for parties to enforce these rights. At any time, if a consumer or employee believes that the other party violated his rights, he may ask and the arbitrator may award a penalty up to the amount of the claim plus attorneys fees. For example, if the defendant party fails to provide discovery to a plaintiff party, the plaintiff can make a claim for fee award. If a fee award is limited, as is in court, to the amount of cost incurred by the employee in trying to obtain the information from the company. This principle is taken from Federal Rule of Civil Procedure 37. After the decision, if the losing party believes that the rights granted to him by the Act have been violated, he may file a petition with the Federal district court. If the court finds by clear and convincing evidence that his rights were violated, it may award the arbitrator the benefits of the rule. Thus, if a consumer, employee, or small business has an arbitrator that is unfair and this causes him to lose the case,
shall be entitled to a competent, neutral ar-
smaller than 1⁄2 inch in height;
which heading shall be printed in letters not
less than or equal to $50,000 in total dam-
agement on costs and fees and on all forms
employee can contact for additional infor-
or optional;
within the arbitration program is mandatory
letters entitled '' ARBITRATION CLAUSE '',
SEC. 2. ELECTION OF ARBITRATION.
SECTION 1. SHORT TITLE.
This Act may be cited as the “Arbitration
omically. I look forward to working
with my colleagues in the Senate to
sure that every arbitration carried out
under the Federal Arbitration Act is
completed fairly, promptly, and econ-
I ask unanimous consent that the
text of the bill be printed in the
Where there is no objection, the bill was
ordered to be printed in the
The being no objection, the bill was
ordered to be printed in the
There being no objection, the bill was
ordered to be printed in the
This bill is an important step to cre-
This Act may be cited as the “Arbitration

CONGRESSIONAL RECORD — SENATE
October 1, 2002
this section that was not harmless. If such a finding is made, the court shall order a re-hearing before a new arbitrator selected in the same manner as the original arbitrator as the exclusive judicial remedy provided by this section.

(d) EFFECTIVE DATE.—This section shall apply to any contract entered into after the date that is 6 months after the date of enactment of this Act.

SEC. 3. LIMITATION ON CLAIMS.

Except as otherwise expressly provided in this Act, nothing in this Act may be construed to be the basis for any claim in law or equity.

AMENDMENTS SUBMITTED & PROPOSED

SA 4847. Mr. LIEBERMAN submitted an amendment intended to be proposed to amendment SA 4738 proposed by Mr. GRAMM (for himself, Mr. MILLER, Mr. MCCONNELL, Mr. THOMPSON, Mr. STEVENS, Mr. HAGEL, Mr. HUTCHINSON, and Mr. BUNNING) to the bill S. 4738 to amend title 6, subtitle A, part 1, subpart 1, subtitle B, part 1, subpart 1, section 301, to amend title 18, section 1012, to amend title 26, section 4521, to amend title 42, subtitle A, part 2, subpart 2, section 10107, and to amend title 42, subtitle A, part 3, subpart 1, section 15515, as follows:

Mr. LIEBERMAN to the 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 bill H.R. 5005, supra; which was ordered to lie on the table.

SA 4848. Mr. HOLLINGS (for himself, Mr. McCAIN, Mr. RIEP, Mr. JEFFORDS, Mr. CARPER, and Mr. TORRICELLI) submitted an amendment intended to be proposed by him to the bill H.R. 5005, supra; which was ordered to lie on the table.

SA 4849. Mr. INOUYE submitted an amendment intended to be proposed to amendment SA 4738 proposed by Mr. GRAMM (for himself, Mr. MILLER, Mr. MCCONNELL, Mr. THOMPSON, Mr. STEVENS, Mr. HAGEL, Mr. HUTCHINSON, and Mr. BUNNING) to the amendment SA 4741 proposed by Mr. LIEBERMAN to the bill H.R. 5005, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 4847. Mr. LIEBERMAN submitted an amendment intended to be proposed to amendment SA 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 4741 proposed by Mr. LIEBERMAN to the bill H.R. 5005, supra; which was ordered to lie on the table.

In lieu of the matter proposed to be inserted, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ‘‘National Homeland Security and Combating Terrorism Act of 2002.’’

SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF CONTENTS.

(a) Divisions.—This Act is organized into 5 divisions as follows:

(1) Division A.—National Homeland Security and Combating Terror.


(3) Division C.—Federal Workforce Improvement.


(b) Table of Contents.—The table of contents for this Act is as follows:

Sec. 1. Short title.

Sec. 2. Organization of Act into divisions; table of contents.

DIVISION A—NATIONAL HOMELAND SECURITY AND COMBATING TERRORISM

Sec. 100. Definitions.

TITLE I—DEPARTMENT OF HOMELAND SECURITY

Subtitle A—Establishment of the Department of Homeland Security


Sec. 102. Secretary of Homeland Security.

Sec. 103. Deputy Secretary of Homeland Security.

Sec. 104. Under Secretary for Management.

Sec. 105. Assistant Secretaries.

Sec. 106. Inspector General.

Sec. 107. Chief Financial Officer.

Sec. 108. Chief Information Officer.

Sec. 109. General Counsel.

Sec. 110. Civil Rights Officer.

Sec. 111. Privacy Officer.

Sec. 112. Chief Human Capital Officer.

Sec. 113. Office of International Affairs.

Sec. 114. Schedule positions.

Subtitle B—Establishment of Directorates and Offices

Sec. 131. Directorate of Border and Transportation Protection.

Sec. 132. Directorate of Intelligence.

Sec. 133. Directorate of Critical Infrastructure Protection.


Sec. 135. Directorate of Science and Technology.

Sec. 136. Directorate of Immigration Affairs.

Sec. 137. Office for State and Local Government Coordination.

Sec. 138. United States Secret Service.

Sec. 139. Border Coordination Working Group.

Sec. 140. Office for National Capital Region Coordination.

Sec. 141. Executive Security positions.

Sec. 142. Preserving Coast Guard mission performance.

Subtitle C—National Emergency Preparedness Enhancement

Sec. 151. Short title.

Sec. 152. Preparedness information and education.

Sec. 153. Pilot program.


Subtitle D—Miscellaneous Provisions


Sec. 162. Review of food safety.

Sec. 163. Exchange of employees between agencies and State or local governments.

Sec. 164. Whistleblower protection for Federal employees who are airport security screeners.

Sec. 165. Whistleblower protection for certain port employees.

Sec. 166. Bioterrorism preparedness and response division.

Sec. 167. Coordination with the Department of Health and Human Services under the Public Health Service Act.

Sec. 168. Rail security enhancements.

Sec. 169. Grants for firefighting personal.

Sec. 170. Review of transportation security enhancements.

Sec. 171. Inspectors general of information systems.

Sec. 172. Extension of customs user fees.

Sec. 173. Conforming amendments regarding laws administered by the Secretary of Veterans Affairs.

Sec. 174. Prohibition on contracts with corporate expropriates.

Sec. 175. Transfer of certain agricultural inspection functions of the Department of Agriculture.

Sec. 176. Coordination of information and information technology.

Subtitle E—Transition Provisions

Sec. 181. Definitions.

Sec. 182. Transfer of agencies.

Sec. 183. Transitional authorities.

Sec. 184. Incidental transfers and transfer of related functions.

Sec. 185. Implementation progress reports and legislative recommendations.

Sec. 186. Transfer and allocation.

Sec. 187. Savings provisions.

Sec. 188. Transition plan.

Sec. 189. Use of appropriated funds.

Subtitle F—Administrative Provisions

Sec. 191. Reorganizations and delegations.

Sec. 192. Reporting requirements.

Sec. 193. Environmental protection, safety, and health requirements.

Sec. 194. Labor-management relations.

Sec. 195. Procurement of temporary and intermittent services.

Sec. 196. Preserving non-homeland security law enforcement and intelligence-related functions.

Sec. 197. Future Years Homeland Security Programs.

Sec. 198. Protection of voluntarily furnished confidential information.

Sec. 199. Establishment of human resources management system.

Sec. 199A. Labor-management relations.

Sec. 199B. Authorization of appropriations.

TITLE II—LAW ENFORCEMENT POWERS OF INSPECTOR GENERAL AGENTS

Sec. 201. Law enforcement powers of Inspector General agents.

TITLE III—FEDERAL EMERGENCY PROCUREMENT FLEXIBILITY

Subtitle A—Temporary Flexibility for Certain Procurements

Sec. 301. Definition.

Sec. 302. Procurements for defense against or recovery from terrorism or nuclear, biological, chemical, or radiological attack.

Sec. 303. Increased simplified acquisition threshold for procurements in support of humanitarian or peacekeeping operations or contingency operations.

Sec. 304. Increased micro-purchase threshold for certain procurements.

Sec. 305. Application of certain commercial items authorities to certain procurements.

Sec. 306. Use of streamlined procedures.

Sec. 307. Review and report by Comptroller General.

Subtitle B—Other Matters

Sec. 311. Identification of new entrants into the Federal marketplace.

TITLE IV—NATIONAL COMMISSION ON TERRORIST ATTACKS UPON THE UNITED STATES

Sec. 401. Establishment of Commission.

Sec. 402. Purposes.

Sec. 403. Composition of the Commission.

Sec. 404. Functions of the Commission.

Sec. 405. Powers of the Commission.

Sec. 406. Staff of the Commission.

Sec. 407. Compensation and travel expenses.

Sec. 408. Security clearances for Commission members and staff.

Sec. 409. Reports of the Commission; termination.

Sec. 410. Authorization of appropriations.

TITLE V—EFFECTIVE DATE

Sec. 501. Effective date.

DIVISION B—IMMIGRATION REFORM, ACCOUNTABILITY, AND SECURITY ENHANCEMENT ACT OF 2002

TITLE X—SHORT TITLE AND DEFINITIONS

Sec. 1001. Short title.

Sec. 1002. Definitions.

Sec. 1003. Authorization of appropriations.

Sec. 1004. Reports of the Commission; termi-
charged with responsibilities for carrying out a homeland security strategy.

(6) FUNCTIONS.—The term "functions" includes authorities, powers, rights, privileges, immunities, duties, obligations, projects, activities, and organizational structure.

(7) HOMELAND.—The term "homeland" means the United States, in a geographic sense.

(8) LOCAL GOVERNMENT.—The term "local government" means officers and employees of a local government.

(9) PERSONNEL.—The term "personnel" means officers and employees of the Department.

(10) RISK ANALYSIS AND RISK MANAGEMENT.—The term "risk analysis and risk management" means the assessment, analysis, management, mitigation, and communication of homeland security threats, vulnerabilities, criticalities, and risks.

(11) SECRETARY.—The term "Secretary" means the Secretary of Homeland Security.

(12) UNITED STATES.—The term "United States" means the United States, in a geographic sense.

Title I—Department of Homeland Security

Subtitle A—Establishment of the Department of Homeland Security

SEC. 101. ESTABLISHMENT OF THE DEPARTMENT OF HOMELAND SECURITY

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

"The Department of Homeland Security.".

(c) VISION OF DEPARTMENT.—The mission of the Department is to—

(1) promote homeland security, particularly with regard to terrorism;

(2) prevent terrorist attacks or other homeland threats within the United States;

(3) reduce the vulnerability of the United States against natural disasters, and other homeland threats; and

(d) MINIMIZE THE DAMAGE, AND ASSIST IN THE RECOVERY FROM TERRORIST ATTACKS OR OTHER NATURAL DISASTERS THAT OCCUR WITHIN THE UNITED STATES.

(1) HOMELAND SECURITY.—The mission of the Department is to—

(A) promote homeland security, particularly with regard to terrorism;

(B) prevent terrorist attacks or other homeland threats within the United States;

(C) reduce the vulnerability of the United States against natural disasters, and other homeland threats; and

(D) minimize the damage, and assist in the recovery from terrorist attacks or other natural disasters that occur within the United States.

(2) OTHER MISSIONS.—The Department shall be responsible for carrying out the other functions, and promoting the other missions, of entities transferred to the Department as provided by law.

(e) SEAL.—The Secretary shall provide a proper seal for the Department, and the Secretary of Homeland Security is authorized to prescribe suitable inscriptions and devices as the President shall approve.

(2) In general.—Notwithstanding section 101(a)(9) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(9)),

(A) the term "consular officer" has the meaning given that term under section 101(a)(9) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(9)).

(B) "in general.—Notwithstanding section 101(a)(9) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(9)),

(A) shall be vested exclusively with all authorities to issue regulations with respect to, and administer, and enforce the provisions of, this Act, and of all other immigration and nationality laws, relating to the functions of consular officers of the United States in connection with the granting or refusal of visas, with the consent of the head of the appropriate executive agency, by delegation or otherwise, to the Secretary of State, under regulations prescribed by the Secretary of State, except that the Secretary of State shall not have authority to alter or reverse the decision of a consular officer to refuse a visa to an alien; and

(B) may delegate in whole or part the authority under subparagraph (A) to the Secretary of State; and shall have authority to confer or impose upon any officer or employee of the United States, with the consent of the head of the appropriate executive agency under whose jurisdiction the officer or employee is serving, any of the functions specified in subparagraph (A).

(3) AUTHORITY OF THE SECRETARY OF STATE TO ISSUE A CONSERVATION OFFICER.—(A) IN GENERAL.—The Secretary of State may direct a consular officer to refuse a visa...
to an alien if the Secretary of State considers such refusal necessary or advisable in the foreign policy or security interests of the United States.

(3) ASSIGNMENT OF HOMELAND SECURITY EMPLOYEES.—Nothing in this subsection shall be construed as affecting the authorities of the Secretary of State under the following provisions of law:

(i) Section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1101(15)(A)).


(iii) Section 212(a)(3)(C) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(C)).

(iv) Section 212(a)(10)(C) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(10)(C)).

(v) Section 212(f) of the Immigration and Nationality Act (8 U.S.C. 1182(f)).

(vi) Section 213(a) of the Immigration and Nationality Act (8 U.S.C. 1183(a)).

“SEC. 109. GENERAL COUNSEL. —
(a) IN GENERAL.—There shall be in the Department a General Counsel, who shall be appointed or designated in the manner prescribed under section 501(a)(1) of title 31, United States Code.

(b) RESPONSIBILITIES.—The General Counsel shall—
(1) serve as the chief legal officer of the Department;
(2) provide legal assistance to the Secretary concerning the programs and policies of the Department.

SEC. 110. GENERAL COUNSEL. —
(a) IN GENERAL.—There shall be in the Department a General Counsel, who shall be appointed by the President, by and with the advice and consent of the Senate.

(b) RESPONSIBILITIES.—The General Counsel shall—
(1) serve as the chief legal officer of the Department;
(2) provide legal assistance to the Secretary concerning the programs and policies of the Department.

SEC. 111. PRIVACY OFFICER. —
(a) IN GENERAL.—There shall be in the Department a Privacy Officer, who shall be appointed by the Secretary.

(b) RESPONSIBILITIES.—The Privacy Officer shall—
(1) oversee compliance with section 552a of title 5, United States Code (commonly referred to as the Privacy Act of 1974) and all other applicable laws relating to the privacy of personal information;
(2) assist the Secretary, 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 privacy impact assessments when required by law or considered appropriate by the Secretary; and
(4) notify the Inspector General of any matter that, in the opinion of the Privacy Officer, warrants further investigation.

SEC. 112. CHIEF HUMAN CAPITAL OFFICER. —
(a) IN GENERAL.—The Secretary shall appoint or designate a Chief Human Capital Officer, who shall—
(1) advise and assist the Secretary and other officers of the Department in ensuring that the workforce of the Department has the necessary skills and training, and that the recruitment and retention policies of the Department allow the Department to attract and retain a highly qualified workforce, in accordance with all applicable laws and requirements, to enable the Department to achieve its missions;
(2) oversee the implementation of the laws, rules and regulations of the President and the Office of Personnel Management governing the civil service within the Department;
(3) advise and assist the Secretary in planning and reporting under the Government Performance and Results Act of 1993 (including the amendments made by that Act), with respect to the human capital resources and needs of the Department for achieving the plans and goals of the Department.

(b) RESPONSIBILITIES.—The responsibilities of the Chief Human Capital Officer shall include—
(1) setting the workforce development strategy of the Department;
(2) overseeing workforce characteristics and future needs based on the mission and strategic plan of the Department;
(3) aligning the human resources policies and programs of the Department with organization mission, strategic goals, and performance outcomes;
(4) developing and advocating a culture of continuous learning to attract and retain employees with superior abilities;
(5) identifying best practices and benchmarking studies;
(6) applying methods for measuring intellectual capital and identifying links of that capital to organizational performance and growth;
(7) providing employee training and professional development.

SEC. 113. OFFICE OF INTERNATIONAL AFFAIRS.

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

(b) RESPONSIBILITIES OF THE DIRECTOR.—The Director shall have the following responsibilities:

(1) To promote information and education exchange with foreign nations in order to promote sharing of best practices and technologies relating to homeland security. Such information exchange shall include—
(A) joint research and development on countermeasures;
(B) Exit training exercises of first responders; and
(C) exchange of expertise on terrorism prevention, response, and crisis management.

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

(3) To plan and undertake international conferences, exchange programs, and training activities.

(4) To manage activities under this section and other international activities within the Department in consultation with the Department of State and other relevant Federal officials.

(5) To initially concentrate on fostering cooperation with countries that are already highly focused on homeland security issues and that have demonstrated the capability to provide 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 5312 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:

"Assistant Secretary of Homeland Security (5)."

"Inspector General, Department of Homeland Security ."

"Chief Financial Officer, Department of Homeland Security ."

"Chief Information Officer, Department of Homeland Security ."

"General Counsel, Department of Homeland Security ."

Subtitle B—Establishment of Directorates and Offices

SEC. 131. DIRECTORATE OF BORDER AND TRANSPORTATION PROTECTION.

(a) ESTABLISHMENT.—

(1) DIRECTORATE.—There is established within the Department the Directorate of Border and Transportation Protection.

(2) UNDER SECRETARY.—There shall be an Under Secretary for Border and Transportation Protection, who shall be appointed by the President, by and with the advice and consent of the Senate.

(b) RESPONSIBILITIES.—The Directorate of Border and Transportation Protection shall be responsible for the following:

(1) Securing the borders, territorial waters, ports, terminals, waterways and air, land (including rail), and sea transportation systems of the United States, including coordinating governmental activities at ports of entry.

(2) Receiving and providing relevant intelligence on threats of terrorism and other homeland threats.

(3) Administering, carrying out, and promoting other established missions of the entities transferred to the Directorate.

(4) Using intelligence from the Directorate of Intelligence and other Federal intelligence organizations under section 122(a)(1)(B) to establish inspection priorities to identify potentially dangerous imported from suspect locations recognized by the intelligence community as having terrorist activities, unusual human health or agriculture disease outbreaks, or harboring terrorists.

(5) Providing agency-specific training for agents and analysts within the Department, other agencies, and State and local agencies and international entities that have established partnerships with the Federal Law Enforcement Training Center.

(6) Assisting and supporting the Secretary, in coordination with other Directorates and entities outside the Department, to conduct appropriate data analysis and seek management activities consistent with the mission and functions of the Directorate.

(7) Consistent with section 175, conducting agricultural import and entry inspection functions transferred under section 175.

(8) Performing such other duties as assigned by the Secretary.

(c) TRANSFER OF AUTHORITIES, FUNCTIONS, PERSONNEL, AND ASSETS TO THE DEPARTMENT.—Except as provided under subsection (d), the authorities, functions, personnel, and assets of the entities are transferred to the Department:

(1) The United States Customs Service, which shall be maintained as a distinct entity within the Department.

(2) The Transportation Security Administration of the Department of Transportation.

(3) The Federal Law Enforcement Training Center of the Department of the Treasury.

(d) EXERCISE OF CUSTOMS REVENUE AUTHORITY.—

(1) IN GENERAL.—

(A) AUTHORITIES NOT TRANSFERRED.—Notwithstanding subsection (c), authority that was vested in the Secretary of the Treasury to lawfully regulate customs revenue functions before the effective date of this section under the provisions of law set forth under paragraph (2) shall not be transferred to the Secretary by reason of this Act. The Secretary of the Treasury, with the concurrence of the Secretary, shall exercise this authority, The Commissioner of Customs is authorized to engage in activities to develop and support the issuance of the regulations described in this paragraph. The Secretary shall be responsible for the implementation and enforcement of regulations issued under this section.

(B) REPORT.—Not later than 60 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives of proposed conforming amendments to the statutes set forth under paragraph (2) in order to determine the appropriate allocation of legal authorities described under this subsection. The Secretary of the Treasury shall identify those authorities vested in the Secretary of the Treasury that are exercised by the Commissioner of Customs on or before the effective date of this section.

(C) LIABILITY.—Not the Secretary of the Treasury, nor the Department of the Treasury, shall be liable for or named in any legal action concerning the implementation and enforcement of regulations issued under this Act on or after the date on which the United States Customs Service is transferred under this division.

(2) APPLICABLE LAWS.—The provisions of law referred to under paragraph (1) are those sections of the following statutes that relate to customs revenue functions:

(A) The Tariff Act of 1930 (19 U.S.C. 1304 et seq.)

(B) Section 249 of the Revised Statutes of the United States (19 U.S.C. 3).


(E) Section 251 of the Revised Statutes of the United States (19 U.S.C. 4).


(G) The Trade Agreements Act of 1934 (19 U.S.C. 81a et seq.)


(L) The Uruguay Round Agreements Act (19 U.S.C. 3501 et seq.)


(P) Any other provision of law vesting customs revenue functions in the Secretary of the Treasury.

(D) DETERMINATION 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 customs Recordations for copyrights, patents, and trademarks;

(C) administering accurate import data for compilation of international trade statistics; and

(D) administering reciprocal trade agreements and trade preference legislation.

(e) CONTINUATION OF CERTAIN FUNCTIONS OF THE CUSTOMS SERVICE.

(1) IN GENERAL.—

(A) PRESERVATION OF CUSTOMS FUNDS.—Notwithstanding any other provision of this Act, no funds available to the United States Customs Service or collected under paragraphs (1) through (8) of section 412(a) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58e(a)(1) through
(b) may be transferred for use by any other agency or office in the Department.  

(B) CUSTOMS AUTOMATION.—Section 1303(c) of the Consolidated Omnibus Budget Reconciliation Act of 1986 (19 U.S.C. 58c(c)) is amended—  

(i) in paragraph (1), by striking subparagraph (B) and inserting the following:—  

(‘‘B’’); and  

(ii) in paragraph (4), by striking ‘‘(other than the Secretary of the Treasury)’’ and inserting the following:—  

(‘‘other than the Secretary of Homeland Security’’); and  

(iii) by striking paragraph (5) and inserting the following:—  

(‘‘in paragraph (5)’’); and  

(‘‘Secretary of Homeland Security’’ after ‘‘Secretary of the Treasury’’); and  

(‘‘Secretary of Homeland Security’’ after ‘‘Secretary of the Treasury’’).  

241. Discrimination Information on International Terrorism.—(i) Definitions.—In this subparagraph, the terms ‘‘deterrence’’, ‘‘protection’’ and ‘‘intelligence’’ shall have the meanings given those terms in section 3 of the National Security Act of 1947 (50 U.S.C. 401a).  

(ii) Provision of Information to Counterterrorist Center.—In order to ensure that the Secretary is provided with appropriate analytical products, assessments, and warnings relating to threats of terrorism against the United States and other threats to homeland security, the Director of Central Intelligence, the Attorney General, and the heads of other agencies of the Federal Government shall ensure that all intelligence and other information relating to international terrorism is provided to the Director of Central Intelligence’s Counterterrorist Center.  

(iii) Analysis of Information.—The Director of Central Intelligence shall ensure the analysis of the Counterterrorist Center of all intelligence and other information provided to the Counterterrorist Center.  

242. Under Secretary.—There shall be an Under Secretary for Intelligence and Counterterrorism.  

(C) in paragraph (3)(A), by inserting ‘‘and the Secretary of Homeland Security’’ after ‘‘Secretary of the Treasury’’; and  

(D) in paragraph (3)(B), by inserting ‘‘and the Under Secretary of Homeland Security for Border and Transportation’’ after ‘‘for Enforcement’’; and  

(E) in paragraph (3)(C), by striking ‘‘shall be performed by the Attorney General’’ and inserting ‘‘shall be performed by a Federal department or agency’’.  

3. CONFORMING AMENDMENT.—Section 311(b) of the Customs Border Security Act of 2002 (19 U.S.C. 2011(k)) is amended by striking paragraph (2).  

SEC. 132. DIRECTORATE OF INTELLIGENCE.  

(a) Establishment.—  

(i) DIRECTORATE.—  

(A) IN GENERAL.—There is established a Directorate of Intelligence which shall serve as a national-level focal point for information available to the United States Government relating to the plans, intentions, and capabilities of terrorists and terrorist organizations for the purpose of supporting the mission of the Department.  

(B) SUPPORT TO DIRECTORATE.—The Directorate of Intelligence shall communicate, coordinate, and cooperate with—  

(1) the components of Investigation;  

(2) the intelligence community, as defined under section 3 of the National Security Act of 1947 (50 U.S.C. 401a), including the Office of the Director of Central Intelligence, the National Intelligence Council, the Central Intelligence Agency, the National Security Agency, the National Imagery and Mapping Agency, the National Reconnaissance Office, and the Bureau of Intelligence and Research of the Department;  

(10) other agencies or entities, including those within the Department, as determined by the Secretary of Homeland Security.  

(B) as appropriate, similar authorities of the Attorney General, the Secretary of Defense, the Department of State, and other officials of the United States Government to establish overall collection priorities and strategies for information, including law enforcement information, relating to threats of terrorism, such as terrorism, to the homeland.  

(5) disseminating information to the Director of Critical Infrastructure Protection and other official agencies described under subsection (a)(1)(B), State and local governments, local law enforcement and intelligence agencies, and private sector entities.  

(B) that States and local governments, local law enforcement and intelligence agencies, and private sector entities shall have the ability to disseminate information to other States and local governments, local law enforcement and intelligence agencies, and private sector entities.  

(2) Developing, in conjunction with the Chief Information Officer of the Department and the appropriate officers of the agencies described under subsection (a)(1)(B), a secure communications and information technology infrastructure, and advanced analytical tools, to carry out the mission of the Directorate.  

(7) Developing, in conjunction with the Chief Information Officer of the Department and appropriate officers of the agencies described under subsection (a)(1)(B), a secure communications and information technology infrastructure, and advanced analytical tools, to carry out the mission of the Directorate.  

(6) Establishing and utilizing, in conjunction with the Chief Information Officer of the Department and the appropriate officers of the agencies described under subsection (a)(1)(B), a secure communications and information technology infrastructure, and advanced analytical tools, to carry out the mission of the Directorate.  

(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.  

(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.  

(9) Providing, through the Secretary, to the appropriate law enforcement or intelligence agency, information and analysis relating to threats.  

(10) Reviewing, analyzing, and making recommendations through the Secretary for improvements in the policies and procedures of other agencies described in subsection (a)(1)(B), the intelligence community, and other information relating to threats of terrorism against the United States.
States and other threats to homeland security within the United States Government and between the United States Government and State and local governments, local law enforcement agencies, and intelligence agencies, and private sector entities.

(12) Assisting and supporting the Secretary, in coordination with other Directorates within the Department, in conducting appropriate risk analysis and risk management activities consistent with the mission and functions of the Directorate.

(13) Promoting and fostering the sharing of all reports, assessments, analytical information, and information, including unclassified intelligence, relating to the plans, intentions, capabilities, and activities of terrorists and terrorist organizations, and to other areas of responsibility as described in this division, that may be collected, possess, or prepared, by any other United States Government agency.

(2) Personnel security standards. The employment of personnel in the Directorate shall be in accordance with such personnel security standards as access to classified information and intelligence as the Secretary, in conjunction with the Director of Central Intelligence, shall establish for this subsection.

(3) Performance evaluation. The Secretary shall evaluate the performance of all personnel detailed to the Directorate, or delegated such responsibility to the Secretary for Intelligence.

(c) Intelligence Community. Those portions of the Directorate of Intelligence under subsection (b)(1), and the intelligence-related responsibilities assigned by this division to the Department, including the United States Coast Guard, shall be—

(1) considered to be part of the United States Intelligence Community within the meaning of section 3 of the National Security Act of 1947 (50 U.S.C. 401a); and

(2) for budgetary purposes, within the National Foreign Intelligence Program.

SEC. 133. DIRECTORATE OF CRITICAL INFRASTRUCTURE PROTECTION.

(a) Establishment. There is established within the Department the Directorate of Critical Infrastructures Protection.

(b) Under Secretary. There shall be an Under Secretary for Critical Infrastructures Protection, who shall be appointed by the President, and with the advice and consent of the Senate.

(c) Responsibilities. The Directorate of Critical Infrastructures Protection shall be responsible for the following:

(1) Receiving relevant information from the Directorates of Intelligence, law enforcement, and intelligence analysis, and other information in order to comprehensively assess the vulnerabilities of the key resources and critical infrastructures in the United States.

(2) Integrating relevant information, intelligence analysis, and vulnerability assessments (whether such information and analyses, or assessments provided by the Department or others) to identify priorities and support protective measures by the Department, by other agencies, by State and local governments, and other 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 infrastructures in the United States.

(4) Performing other related and appropriate duties as assigned by the Secretary.

(d) Authorization to Share Law Enforcement Information. 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 a comprehensive national plan for securing the key resources and critical infrastructures in the United States.

(2) Supporting the Director of Intelligence, intelligence agencies, and other entities with the collection of information and analytical information, and information, including unclassified intelligence, relating to the plans, intentions, capabilities, and activities of terrorists and terrorist organizations, and to other areas of responsibility as described in this division, that may be collected, possessed, or prepared, by any other United States Government agency.

(3) Performance evaluation. The Secretary shall evaluate the performance of all personnel detailed to the Directorate, or delegated such responsibility to the Secretary for Intelligence.

(1) DIRECTION.—The Secretary shall have access to, and United States Government agencies shall provide, all reports, assessments, analytical information, and information, including unclassified intelligence, relating to the plans, intentions, capabilities, and activities of terrorists and terrorist organizations, and to other areas of responsibility as described in this division, that may be collected, possessed, or prepared, by any other United States Government agency.

(2) Personnel security standards. The employment of personnel in the Directorate shall be in accordance with such personnel security standards as access to classified information and intelligence as the Secretary, in conjunction with the Director of Central Intelligence, shall establish for this subsection.

(3) Performance evaluation. The Secretary shall evaluate the performance of all personnel detailed to the Directorate, or delegated such responsibility to the Secretary for Intelligence.

(b) Intelligence Community. Those portions of the Directorate of Intelligence under subsection (a)(1)(B), and the intelligence-related responsibilities assigned by this division to the Department, including the United States Coast Guard, shall be—

(1) considered to be part of the United States Intelligence Community within the meaning of section 3 of the National Security Act of 1947 (50 U.S.C. 401a); and

(2) for budgetary purposes, within the National Foreign Intelligence Program.

SEC. 133. DIRECTORATE OF CRITICAL INFRASTRUCTURE PROTECTION.

(a) Establishment. There is established within the Department the Directorate of Critical Infrastructures Protection.

(b) Under Secretary. There shall be an Under Secretary for Critical Infrastructures Protection, who shall be appointed by the President, and with the advice and consent of the Senate.

(c) Responsibilities. The Directorate of Critical Infrastructures Protection shall be responsible for the following:

(1) Receiving relevant intelligence from the Directorates of Intelligence, law enforcement, and intelligence analysis, and other information in order to comprehensively assess the vulnerabilities of the key resources and critical infrastructures in the United States.

(2) Integrating relevant information, intelligence analysis, and vulnerability assessments (whether such information and analyses, or assessments provided by the Department or others) to identify priorities and support protective measures by the Department, by other agencies, by State and local governments, and other 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 infrastructures in the United States.

(4) Performing other related and appropriate duties as assigned by the Secretary.

(d) Authorization to Share Law Enforcement Information. 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 a comprehensive national plan for securing the key resources and critical infrastructures in the United States.

(2) Supporting the Director of Intelligence, intelligence agencies, and other entities with the collection of information and analytical information, and information, including unclassified intelligence, relating to the plans, intentions, capabilities, and activities of terrorists and terrorist organizations, and to other areas of responsibility as described in this division, that may be collected, possessed, or prepared, by any other United States Government agency.

(3) Performance evaluation. The Secretary shall evaluate the performance of all personnel detailed to the Directorate, or delegated such responsibility to the Secretary for Intelligence.

(b) Intelligence Community. Those portions of the Directorate of Intelligence under subsection (a)(1)(B), and the intelligence-related responsibilities assigned by this division to the Department, including the United States Coast Guard, shall be—

(1) considered to be part of the United States Intelligence Community within the meaning of section 3 of the National Security Act of 1947 (50 U.S.C. 401a); and

(2) for budgetary purposes, within the National Foreign Intelligence Program.

SEC. 133. DIRECTORATE OF CRITICAL INFRASTRUCTURE PROTECTION.

(a) Establishment. There is established within the Department the Directorate of Critical Infrastructures Protection.

(b) Under Secretary. There shall be an Under Secretary for Critical Infrastructures Protection, who shall be appointed by the President, and with the advice and consent of the Senate.

(c) Responsibilities. The Directorate of Critical Infrastructures Protection shall be responsible for the following:

(1) Receiving relevant intelligence from the Directorates of Intelligence, law enforcement, and intelligence analysis, and other information in order to comprehensively assess the vulnerabilities of the key resources and critical infrastructures in the United States.

(2) Integrating relevant information, intelligence analysis, and vulnerability assessments (whether such information and analyses, or assessments provided by the Department or others) to identify priorities and support protective measures by the Department, by other agencies, by State and local governments, and other 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 infrastructures in the United States.

(4) Performing other related and appropriate duties as assigned by the Secretary.

(d) Authorization to Share Law Enforcement Information. 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 a comprehensive national plan for securing the key resources and critical infrastructures in the United States.

(2) Supporting the Director of Intelligence, intelligence agencies, and other entities with the collection of information and analytical information, and information, including unclassified intelligence, relating to the plans, intentions, capabilities, and activities of terrorists and terrorist organizations, and to other areas of responsibility as described in this division, that may be collected, possessed, or prepared, by any other United States Government agency.

(3) Performance evaluation. The Secretary shall evaluate the performance of all personnel detailed to the Directorate, or delegated such responsibility to the Secretary for Intelligence.

(b) Intelligence Community. Those portions of the Directorate of Intelligence under subsection (a)(1)(B), and the intelligence-related responsibilities assigned by this division to the Department, including the United States Coast Guard, shall be—

(1) considered to be part of the United States Intelligence Community within the meaning of section 3 of the National Security Act of 1947 (50 U.S.C. 401a); and

(2) for budgetary purposes, within the National Foreign Intelligence Program.

SEC. 133. DIRECTORATE OF CRITICAL INFRASTRUCTURE PROTECTION.

(a) Establishment. There is established within the Department the Directorate of Critical Infrastructures Protection.

(b) Under Secretary. There shall be an Under Secretary for Critical Infrastructures Protection, who shall be appointed by the President, and with the advice and consent of the Senate.

(c) Responsibilities. The Directorate of Critical Infrastructures Protection shall be responsible for the following:

(1) Receiving relevant intelligence from the Directorates of Intelligence, law enforcement, and intelligence analysis, and other information in order to comprehensively assess the vulnerabilities of the key resources and critical infrastructures in the United States.

(2) Integrating relevant information, intelligence analysis, and vulnerability assessments (whether such information and analyses, or assessments provided by the Department or others) to identify priorities and support protective measures by the Department, by other agencies, by State and local governments, and other 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 infrastructures in the United States.

(4) Performing other related and appropriate duties as assigned by the Secretary.


SEC. 134. DIRECTORATE OF EMERGENCY PREPAREDNESS AND RESPONSE.

(a) ESTABLISHMENT.—

(1) DIRECTORATE.—There is established within the Department the Directorate of Emergency Preparedness and Response.

(2) UNDER SECRETARY.—There shall be an Under Secretary for Emergency Preparedness and Response who shall be appointed by the President, by and with the advice and consent of the Senate.

(b) RESPONSIBILITIES.—The Directorate of Emergency Preparedness and Response shall be responsible for the following:

(1) Carrying out all emergency preparedness and response activities performed by the Federal Emergency Management Agency before the effective date of this division.

(2) Assuring the responsibilities carried out by the National Domestic Preparedness Office before the effective date of this division.

(3) Organizing and training local entities to respond to emergencies and providing State and local authorities with equipment for detection, protection, and decontamination in an emergency involving weapons of mass destruction.

(4) Overseeing Federal, State, and local emergency preparedness training and exercise programs in keeping with intelligence estimates and planning Federal assistance for any emergency, including emergencies caused by natural disasters, man-made accidents, human or agricultural health emergencies, and terrorist attacks.

(5) Creating a National Crisis Action Center to act as the focal point for—

(A) notifying affected agencies; and

(B) coordinating Federal support for State and local governments and the private sector in crises.

(6) Managing and updating the Federal response plan to ensure the appropriate integration of operational activities of the Department of Defense, the National Guard, and other agencies, to respond to acts of terrorism and other disasters.

(7) Coordinating activities among private sector entities, including entities within the medical community, and animal health and plant disease communities, with respect to recovery management, and planning for continuity of services.

(8) Developing and managing a single response system for national incidents in coordination with all appropriate agencies.

(9) Coordinating with other agencies necessary to carry out the functions of the Office of Emergency Preparedness.

(10) Coordinating with, and transferring funds to, the Centers for Disease Control and Prevention or other agencies for administration of the Strategic National Stockpile and the conservation or transfer of pursuit in establishing and updating the list of potential threat agents or toxins relating to the functions described in subsection (a)(10).

(11) Collaborating with the Secretary of Science and Technology, Secretary of Agriculture, and the Director of the Centers for Disease Control and Prevention in establishing and updating the list of potential threat agents or toxins relating to the functions described in subsection (a)(10).

(12) Developing a plan to address the interface of medical informatics and the medical response to terrorism that addresses—

(A) epidemiological surveillance of disease outbreaks in human health and agriculture;

(B) real-time data collection;

(C) ease of use for health care providers; and

(D) promulgating regulations pursuant to the functions described in subparagraph (A), the Secretary shall act in collaboration with the Secretary of Health and Human Services and the Secretary of the Treasury.

(e) APPOINTMENT AS UNDER SECRETARY AND DIRECTOR.—

(1) IN GENERAL.—An individual may serve as both the Under Secretary for Emergency Preparedness and Response and the Director of the Federal Emergency Management Agency if appointed by the President, by and with the advice and consent of the Senate, to each office.

(2) PAY.—Nothing in paragraph (1) shall be construed to authorize an individual appointed to both positions to receive pay at a rate of pay in excess of the rate of pay payable for the position to which the higher rate of pay applies.

(f) REPORT.—Not later than 1 year after the date of enactment of this Act, the Under Secretary for Emergency Preparedness and Response shall submit a report to Congress on the status of a national medical informatics system and an agricultural disease surveillance system of such systems to meet the goals under subsection (b)(12) in responding to a terrorist attack.

SEC. 135. DIRECTORATE OF SCIENCE AND TECHNOLOGY.

(a) PURPOSE.—The purpose of this section is to establish a Directorate of Science and Technology that will support the mission of the Department and the directorates of the Department by—

(1) establishing, funding, managing, and supporting research, development, demonstration, testing, and evaluation activities to meet national homeland security needs and objectives;

(2) setting national research and development goals and priorities pursuant to the mission of the Department, and developing strategies and policies in furtherance of such goals and priorities;

(3) coordinating and collaborating with other Federal departments and agencies, and State, local, academic, and private sector entities, to advance the research and development agenda of the Department;

(4) advising the Secretary on all scientific and technical matters relevant to homeland security; and

(5) facilitating the transfer and deployment of technologies that will serve to enhance homeland security.

(b) DEFINITIONS.—In this section:

(1) COUNCIL.—The term ‘‘Council’’ means the Homeland Security Science and Technology Council established under this section.

(2) FUND.—The term ‘‘Fund’’ means the Acceleration Fund for Research and Development of Homeland Security Technologies established under this section.

(3) HOMELAND SECURITY RESEARCH AND DEVELOPMENT.—The term ‘‘homeland security research and development’’ means research and development applicable to the detection of, prevention of, protection against, response to, and recovery from homeland security threats, particularly acts of terrorism.

(4) OSTP.—The term ‘‘OSTP’’ means the Office of Science and Technology Policy.


(6) TECHNOLOGY ROADMAP.—The term ‘‘technology roadmap’’ means a plan or framework in which goals, priorities, and technical 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) The term ‘Under Secretary’ means the Under Secretary for Science and Technology.

(c) DIRECTORATE OF SCIENCE AND TECHNOLOGY.—

(1) ESTABLISHMENT.—There is established a Directorate of Science and Technology within the Department.

(2) UNDER SECRETARY.—There shall be an Under Secretary for Science and Technology, who shall be appointed by the President, by and with the advice and consent of the Senate. The principal responsibility of the Under Secretary shall be to effectively and efficiently carry out the purposes of the Directorate of Science and Technology, to identify and evaluate activities of the Directorate of Science and Technology:

(A) With respect to research and development expenditures under this section, the authority (subject to the same limitations and conditions) as the Secretary of Defense may exercise under section 2371 of title 10, United States Code (except for subsections (b) and (f), for a period of 5 years beginning on the date of enactment of this Act. Competitive, merit-based selection procedures shall be used for the selection of projects and participants for transactions entered into under the authority of this paragraph. The annual report required under subsection (b) of such section, as applied to the Secretary by this subparagraph, shall—

(i) be submitted to the President of the Senate, the Speaker of the House of Representatives, the Committee on Governmental Affairs of the Senate, the Committee on Government Reform of the House of Representatives, on Appropriations of the Senate, and the Committee on Appropriations of the House of Representatives; and

(ii) report on other transactions entered into under subparagraph (B).

(B) Authority to carry out prototype projects in accordance with the requirements and conditions provided for carrying out prototype projects under section 845 of the National Defense Authorization Act for Fiscal Year 2002, for a period of 5 years beginning on the date of enactment of this Act. In applying the authorities of such section 845, subsection (c) of that section shall apply with respect to prototype projects under this paragraph, and the Secretary shall perform the functions of the Secretary of Defense under subsection (d) of that section. Competitive, merit-based selection procedures shall be used for the selection of projects and participants for transactions entered into under the authority of this paragraph.

(C) In hiring personnel to assist in research, development, testing, and evaluation activities of the Directorate of Science and Technology, the authority to exercise the personnel hiring and management authorities described in section 1101 of the Homeland Security Act of 2002 (section 2371 of title 10, United States Code (except for subsections (b) and (f), for a period of 5 years beginning on the date of enactment of this Act). The Secretary shall exercise such authorities beginning on the date of enactment of this Act, that a maximum of 100 persons may be hired under such authority, and that the term of appointment under section (c)(1) of that section may not exceed 5 years before the granting of any extensions under subsection (c)(2) of that section.

(D) With respect to such research, development, testing, and evaluation responsibilities under this section (except as provided in subparagraph (E)) as the Secretary may carry out through the National Institute of Health and Human Services who shall consult the Secretary to ensure that the agreements conform with homeland security priorities, which shall be embodied in the joint strategic prioritization agreements between the Secretary and the Secretary of Health and Human Services. The Secretary shall have the authority to establish general research priorities, which shall be embodied in the joint strategic prioritization agreements with the Secretary of Health and Human Services. The specific scientific research agenda to implement agreements under this section shall be published by the Secretary of Health and Human Services, who shall consult the Secretary to ensure that the agreements conform with homeland security priorities. Accordingly, those agreements established under those agreements shall be managed and awarded by the Director of the National Institutes of Health consistent with those agreements. The Secretary may transfer funds to the Department of Health and Human Services in connection with those agreements.

(d) ACCELERATION FUND.—

(1) ESTABLISHMENT.—There is established an Acceleration Fund to support research and development of technologies relevant to homeland security.

(2) FUNCTION.—The Fund shall be used to fund and support research and development projects selected by the Secretary and acting on behalf of the Secretary of Health and Human Services. The Fund may be used for the following:

(A) public sector entities, including Federal, State, local, and private sector entities; and

(B) private sector entities, including corporations, partnerships, or individuals; and

(C) public sector institutions, including universities, other Federal, State, local, or private sector entities; and

(D) private sector institutions, including corporations, partnerships, or individuals; and

(E) non-governmental organizations, including universities.

(3) RECIPIENTS.—Fund monies may be made available through grants, contracts, cooperative agreements, and other transactions under subsection (c)(3)(A) and (B) to—

(A) public sector entities, including Federal, State, local, or private sector entities; and

(B) private sector entities, including corporations, partnerships, or individuals; and

(C) non-governmental organizations, including universities.

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $200,000,000 for the Fund for fiscal year 2003, and such sums as are necessary in subsequent fiscal years.

(e) SCIENCE AND TECHNOLOGY COUNCIL.—

(1) ESTABLISHMENT.—There is established the Homeland Security Science and Technology Council within the Directorate of Science and Technology. The Under Secretary shall chair the Council and have the authority to convene meetings. At the discretion of the Under Secretary and the Director of OSTP, the Council may be constituted as a subcommittee of the National Science and Technology Council.

(2) COMPOSITION.—The Council shall be composed of the following:

(A) Senior research and development officials representing agencies engaged in research and development relevant to homeland security and with capability to address homeland security needs. Each representative shall be appointed by the head of the representative’s
respective agency with the advice and consent of the Under Secretary.

(b) The Director of SARPA and other appropriate officials within the Department.

(c) The Director of the OSIP; and other senior officials of the Executive Office of the President as designated by the President.

(3) Responsibilities.—The Council shall—

(A) undertake and stimulate basic and applied research and development, leverage existing research and development, and accelerate the development of technologies that will serve to enhance homeland security; and

(B) identify and evaluate promising new tools and technologies; and

(C) recommend specific technology areas for which the Fund and other research and development resources shall be used, among other things, to rapidly transition homeland security research and development into deployed technology and reduce identified homeland security vulnerabilities;

(D) assist and advise the Under Secretary in developing the technology roadmap referred to subsection (c)(2)(B); and

(E) perform other appropriate activities as directed by the Under Secretary.

(4) Working Groups.—At the discretion of the Under Secretary, the Council may establish working groups in specific homeland security areas consisting of individuals with relevant expertise in each articulated area. Working groups established for bioterrorism and pandemic research shall be fully coordinated with the Working Group established under section 106 of the Public Health Security and Bioterrorism Preparedness and Response Act of 2002 (Public Law 107–188).

(f) Security Advanced Research Projects Agency

(1) Establishment.—There is established the Security Advanced Research Projects Agency within the Directorate of Science and Technology.

(2) Responsibilities.—SARPA shall—

(A) undertake and stimulate basic and applied research and development, leverage existing research and development, and accelerate the development of technologies that will serve to enhance homeland defense;

(B) identify, fund, develop, and transition high-risk, high-payoff homeland security research and development opportunities that—

(i) may lie outside the purview or capabilities of existing Federal agencies; and

(ii) employ revolutionary rather than evolutionary or incremental advances;

(C) provide selected projects with single or multiyear funding, and require such projects to provide interim progress reports, no less often than annually;

(D) administer the Acceleration Fund to carry out the purposes of this paragraph;

(E) advise the Secretary and Under Secretary on funding priorities under subsection (c)(3); and

(F) perform other appropriate activities as directed by the Under Secretary.

(g) Office of Risk Analysis and Assessment

(1) Establishment.—There is established an Office of Risk Analysis and Assessment within the Directorate of Science and Technology.

(2) Responsibilities.—The Office of Risk Analysis and Assessment shall assist the Secretary, the Under Secretary, and other Directors with respect to their risk analysis and risk management activities by providing scientific or technical support for such activities. Such support shall include, as appropriate—

(A) identification and characterization of homeland security threats;

(B) evaluation and delineation of the risk of these threats, vulnerabilities, and criticalities;

(C) pinpointing of vulnerabilities or linked vulnerabilities to these threats;

(D) determination of criticality of possible threats;

(E) analysis of possible technologies, research, and protocols to mitigate or eliminate such threats, vulnerabilities, and criticalities;

(F) evaluation of the effectiveness of various forms of risk communication; and

(G) other appropriate activities as directed by the Secretary.

(3) Methods.—In performing the activities described under paragraph (2), the Office of Risk Analysis and Assessment may support or conduct, or commission from federally funded research and development centers or other entities, work involving modeling, statistical analysis, and exercise and training activities (including red teaming), testbed development, development of standards and metrics.

(h) Office of Technology Evaluation and Transition

(1) Establishment.—There is established an Office of Technology Evaluation and Transition within the Directorate of Science and Technology.

(2) Function.—The Office for Technology Evaluation and Transition shall, with respect to technologies relevant to homeland security needs—

(A) serve as the principal, national point-of-contact and clearinghouse for receiving and processing proposals or inquiries regarding such technologies;

(B) identify and evaluate promising new technologies;

(C) undertake testing and evaluation of, and assist in transitioning, such technologies into deployable, fielded systems;

(D) consult and advise agencies regarding the development, acquisition, and deployment of such technologies;

(E) coordinate with SARPA to accelerate the transition of technologies developed by SARPA and other transition paths for such technologies; and

(F) perform other appropriate activities as directed by this Secretary.

(3) Technical Support Working Group.—The functions described under this subsection may be carried out through, or in coordination with, or through an entity established by the Secretary and modeled after, the Technical Support Working Group (organized under the April, 1992, National Security Directive Numbered 30) that provides an interagency forum to coordinate research and development of technologies for combating terrorism.

(i) Office of Laboratory Research

(1) Establishment.—There is established an Office of Laboratory Research within the Directorate of Science and Technology.

(2) Research and Development Functions Transferred.—There shall be transferred to the Department, to be administered by the Under Secretary, the functions, personnel, assets, and liabilities of the following programs and activities:

(A) Within the Department of Energy (but not including programs and activities relating to the United States' nuclear strategic nuclear defense posture (the United States) the following):

(i) The chemical and biological national security and supporting programs and activities, including the nuclear proliferation detection program, the nuclear nonproliferation and verification research and development program, except that the programs and activities described in this clause may be designated by the President either for transfer to the Department or for joint operation by the Secretary and the Secretary of Energy.

(ii) The nuclear assessment program and activities of the assessment, detection, and verification program of the international materials protection and cooperation program.

(iv) The Environmental Measurements Laboratory.

(b) Within the Department of Defense, the National Bio-Warfare Defense Analysis Center established under section 161.

(3) Responsibilities.—The Office of Laboratory Research shall—

(A) supervise the activities of the entities transferred under this subsection;

(B) administer the disbursement and utilization of the research and development funds transferred from the Department to other agencies outside of the Department, including funds transferred to the Department of Health and Human Services and the Department of Homeland Security; and

(C) establish and direct new research and development facilities as the Secretary determines appropriate.

(D) include a science advisor to the Under Secretary on research priorities related to biological and chemical weapons, with supporting scientific staff, who shall advise on and support research priorities with respect to—

(i) research on countermeasures for biological weapons, including research on the development of drugs, devices, and biologies; and

(ii) research on biological and chemical threat agents; and

(E) perform other appropriate activities as directed by the Under Secretary.

(j) Office for National Laboratories

(1) Establishment.—There is established within the Directorate of Science and Technology an Office for National Laboratories, which shall be responsible for the coordination and utilization of the Department of Energy national laboratories and sites in a manner to create a networked laboratory system for the purposes of supporting the missions of the Department.

(2) Joint Sponsorship Arrangements

(A) National Laboratories.—The Department may be a joint sponsor, under a multiple agency sponsorship arrangement with the Department of Energy, of 1 or more Department of Energy national laboratories in the performance of work on behalf of the Department.

(B) Department of Energy Site.—The Department may be a joint sponsor of Department of Energy sites in the performance of work as if such sites were federally funded research and development centers and the work were performed under a multiple agency sponsorship arrangement with the Department.

(C) Primary Sponsor.—The Department of Energy shall be the primary sponsor under a multiple agency sponsorship arrangement entered into under subparagraph (A) or (B).

(D) Conditions.—A joint sponsorship arrangement under this subsection shall—

(i) provide for the direct funding and management by the Department of the work being carried out on behalf of the Department; and
(ii) include procedures for addressing the coordination of resources and tasks to minimize conflicts between work undertaken on behalf of either Department.

(E) LEAD AGENT AND FEDERAL ACQUISITION REGULATION.—

(1) LEAD AGENT.—The Secretary of Energy shall act as the lead agent in coordinating the performance of any contract sponsorship agreement between the Department and a Department of Energy national laboratory or site for work on homeland security.

(ii) if the decision under clause (i) is one of classification, control the research results and technical support to assist local efforts for the development of homeland security, and submit periodic reports to the Congress on the status of non-Federal entity countermeasure research, development, and production, and submit additional recommendations for legislation as needed.

(b) private, for-profit enterprises and entrepreneurs with appropriate expertise and technology regarding countermeasures; and

(C) investors that fund such enterprises;

(D) nonprofit research universities and institutions;

(E) public health and other interested private sector and government entities; and

(F) governments allied with the United States in the war on terrorism.

(4) PURPOSE.—The strategy and plan under this subsection shall evaluate proposals to assure that—

(A) research on countermeasures by non-Federal entities leads to the expeditious development of countermeasures that may be procured and deployed in the homeland security interests of the United States;

(B) capital is available to fund the expenses associated with such research, development, and production, including Government grants and contracts and appropriate capital formation tax incentives that apply to non-Federal entities with and without tax liability;

(C) the terms for procurement of such countermeasures are defined in advance so that such entities may accurately and reliably assess the potential countermeasures market and the potential rate of return;

(D) appropriate property, risk protection, and Government approval standards are applicable to such countermeasures;

(E) Government-funded research is conducted and protected such that such research complements, and does not unnecessarily duplicate, research by non-Federal entities and that such Government-funded research is made available, transferred, and licensed on commercially reasonable terms to such entities for development; and

(F) universities and research institutions play a vital role as partners in research and development and technology transfer, with appropriate progress benchmarks for such activities, with for-profit entities.

(3) OTHER ARRANGEMENTS.—The Office for National Laboratories may enter into other arrangements with Department of Energy national laboratories or sites to carry out work to support the missions of the Department under applicable law, except that the Department of Energy may not charge or apply administrative fees for work on behalf of the Department.

(4) TECHNOLOGY TRANSFER.—The Office for National Laboratories may exercise the authorities in section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a) to permit the Director of a Department of Energy national laboratory to enter into cooperative research and development agreements, or to negotiate licensing agreements, pertaining to work supported by the Department at the Department of Energy national laboratory.

(3) HOMELAND SECURITY LIAISON OFFICERS.—

The Directorate of Immigration Affairs shall—

(A) provide State and local government officials with regular information, research, and technical support to assist local efforts at securing the homeland; and

(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; and

(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 between the Federal Government and State and local entities; and

(F) assist State and local entities in providing meaningful input from State and local government to the development of homeland security activities; and

(G) prepare an annual report, that contains—

(a) a description of the State and local priorities in each of the 50 States based on discovered needs of State and local government to identify homeland security functions in need of State and local government to 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 between the Federal Government and State and local entities; and

(b) 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

(3) COORDINATION.—In developing the strategy and plan under this subsection, the Secretary shall consult with—

(A) any public and private organizations with expertise in research, development, and production of countermeasures;

(B) private, for-profit enterprises and entrepreneurs with appropriate expertise and technology regarding countermeasures;
enforcement agencies, fire and rescue agencies, medical providers, emergency service providers, and relief agencies;

(G) assist the Department to identify and implement state and local homeland security objectives in an efficient and productive manner;

(H) serve as a liaison to the Department in representing state and local priorities and concerns regarding homeland security;

(I) consult with State and local government officials, including emergency managers, to coordinate efforts and avoid duplication; and

(J) coordinate with Homeland Security Liaison Officers in neighboring States to—

(i) identify vulnerabilities; and

(ii) identify opportunities to achieve efficiencies through interstate activities.

(f) DODERAL 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 Government with—

(i) State, local, and regional governments;

(ii) State, local, and community-based law enforcement;

(iii) fire and rescue operations; and

(iv) medical and emergency relief services.

(B) identify community-based law enforcement, fire and rescue, and medical and emergency relief services needs;

(C) recommend new or expanded grant programs to improve community-based law enforcement, fire and rescue, and medical and emergency relief services; and

(E) assist in priority setting based on discovered needs.

(2) MEMBERSHIP.—The Interagency Committee shall be composed of—

(A) a representative of the Office for State and Local Coordination;

(B) a representative of the Health Resources and Services Administration of the Department of Health and Human Services;

(C) a representative of the Federal Bureau of Investigation of the Department of Justice; and

(K) representatives of any other Federal agency or State, local, or regional authority that the President determines to have a significant role in the purposes of the Interagency Committee.

(3) ADMINISTRATION.—The Department shall provide administrative support to the Interagency Committee and the Advisory Council, which shall include—

(A) scheduling meetings;

(B) providing technical assistance;

(C) maintaining minutes and records; and

(D) producing reports; and

(E) reimbursing Advisory Council members.

(4) LEADERSHIP.—The members of the Interagency Committee shall select annually a chairperson.

(5) MEETINGS.—The Interagency Committee shall meet—

(A) at the call of the Secretary; or

(B) not less frequently than once every 3 months.

(e) ADVISORY COUNCIL FOR THE INTERAGENCY COMMITTEE.

(1) ESTABLISHMENT.—There is established an Advisory Council for the Interagency Committee (in this section referred to as the “Advisory Council”).

(2) MEMBERSHIP.—(A) IN GENERAL.—The Advisory Council shall be composed of not more than 13 members, selected by the Interagency Committee.

(B) DUTIES.—The Advisory Council shall—

(i) develop a plan to disseminate information on first response best practices;

(ii) identify and educate the Secretary on the latest technological advances in the field of first response;

(iii) identify probable emerging threats to first responders;

(iv) identify needed improvements to first response techniques and training;

(v) identify efficient means of communication among agencies involved between first responders and Federal, State, and local officials;

(vi) identify areas in which the Department can assist first responders; and

(vii) evaluate the adequacy and timeliness of resources being made available to local first responders.

(C) REPRESENTATION.—The Interagency Committee shall require that the membership of the Advisory Council represents—

(i) the law enforcement community;

(ii) fire and rescue organizations;

(iii) medical and emergency relief services; and

(iv) both urban and rural communities.

(3) CHAIRPERSON.—The Advisory Council shall select annually a chairperson from among its members.

(4) COMPENSATION OF MEMBERS.—The members of the Advisory Council shall serve without compensation, but shall be eligible for reimbursement of necessary expenses connected with their service to the Advisory Council.

(b) DUTIES.—The Advisory Council shall meet with the Interagency Committee not less frequently than once every 3 months.

SEC. 138. UNITED STATES SECRET SERVICE.

There are transferred to the Department the authorities, functions, personnel, and assets of the United States Secret Service, which shall be maintained as a distinct entity within the Department.

SEC. 139. BORDER COORDINATION WORKING GROUP.

(a) DEFINITIONS.—In this section:

(BORDER SECURITY FUNCTIONS.—The term “border security functions” means the securing of the borders, territorial waters, ports, terminals, waterways, and air, land, and sea transportation systems of the United States.

(2) RELEVANT AGENCIES.—The term “relevant agencies” means any department or agency of the United States that the President determines to be relevant to performing border security functions.

(b) ESTABLISHMENT.—The Secretary shall establish a border security working group in this section referred to as the “Working Group”), composed of the Secretary or the designee of the Secretary, the Under Secretary for Counterterrorism and Counterintelligence, the Under Secretary for Law Enforcement, 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 coordination strategies, identify the projects, allocations of appropriations, staffing requirements, communication, use of equipment, transportation, facilities, and other infrastructure;

(2) coordinate joint and cross-training programs for personnel performing border security functions;

(3) monitor, evaluate and make improvements in the coverage and geographic distribution of border security programs and personnel;

(4) develop and implement policies and technologies to ensure the speedy, orderly, and efficient flow of lawful traffic, travel and commerce, and enhanced scrutiny for high-risk traffic, travel, and commerce; and

(5) identify systemic problems in coordination encountered by border security agencies and programs and propose administrative, regulatory, or statutory changes to mitigate such problems.

(d) RELEVANT AGENCIES.—The Secretary shall consult representatives of relevant agencies with respect to deliberations under subsection (c), and may include representatives of such agencies in the Working Group deliberations, as appropriate.

SEC. 140. OFFICE FOR NATIONAL CAPITAL REGION COORDINATION.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is established within the Office of the Secretary the Office of National Capital Region Coordination, to oversee and coordinate Federal programs for and relationships with State, local, and regional authorities in the National Capital Region, as defined under section 2674(f)(2) of title 10, United States Code.

(C) DUTIES.—The Office shall—

(1) coordinate the activities of the Department relating to the National Capital Region Coordination, including cooperation with Homeland Security Liaison Officers for Maryland, Virginia, and the District of Columbia within the Office for State and Local Government Coordination;

(2) assess, and advocate for, the resources needed by State, local, and regional authorities in the National Capital Region to implement efforts to secure the homeland;

(3) provide State, local, and regional authorities in the National Capital Region with regular information, research, and technical support to assist the efforts of State, local, and regional authorities in the National Capital Region in securing the homeland;

(4) develop a process for receiving meaningful input from State, local, and regional authorities and the private sector in the National Capital Region to assist in the development of the homeland security plans and allocations of the Federal Government in the National Capital Region, and the National Capital Region Coordination;

(5) coordinate with Federal agencies in the National Capital Region on terrorism preparedness, to ensure adequate planning, in-
(6) coordinate with Federal, State, local, and regional agencies, and the private sector in the National Capital Region on terrorism preparedness to ensure adequate planning, training, and execution of domestic preparedness activities among these agencies and entities; and

(7) serve as a liaison between the Federal Government, State, local, and regional authorities, and private sector entities in the National Capital Region to facilitate access to Federal grants and other programs.

(c) The Office established under subsection (a) shall submit an annual report to Congress that includes—

(1) an assessment 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) Nothing in this section shall be construed as limiting the power of the Governor of a State.

SEC. 141. EXECUTIVE SCHEDULE POSITIONS.

(a) Authorization—The President may appoint to the position of Deputy Director and the position of Director of the National Center for Preparedness an individual who is not an officer or employee of the Government of the United States.

(b) Position and Functions—The Deputy Director shall assist the Director in the management of the National Center for Preparedness, but shall not perform any function that is by law a function of the Director.

(c) Position and Functions—The Director shall have the duties and responsibilities prescribed by the President, but shall not perform any function that is by law a function of the Director.

(d) certain Transfers prohibited.—

(1) in General.—None of the missions, functions, personnel, and assets (including ships, aircraft, helicopters, and vehicles) of the Coast Guard shall be devoted to the operational control of, or diverted to the principal and continuing use of, any other organization, unit, or entity of the Department.

(2) applicability.—The restrictions in paragraph (1) shall not apply—

(A) to any joint operation of less than 90 days between the Coast Guard and other entities, and organizations of the Department;

(B) to any detail or assignment of any individual member of the Coast Guard to any other entity or organization of the Department for the purposes of ensuring effective liaison, coordination, and operations of the Coast Guard and that entity or organization, except that the total number of individuals detailed or assigned in this capacity may not exceed 50 individuals during any fiscal year.

(c) Changes to Non-Homeland Security Missions.—

(1) Prohibition.—The Secretary may not make an assignment, transfer, or significant change to any of the non-homeland security missions of the Coast Guard, or to the capabilities of the Coast Guard, to carry out any of the non-homeland security missions without prior approval of Congress as expressed in a subsequent Act. With respect to any change to the capabilities of the Coast Guard to carry out any of the non-homeland security missions, the restrictions in this paragraph shall not apply when such change result in an increase in those capabilities.

(2) Waiver.—The President may waive the restrictions under paragraph (1) for a period not to exceed 90 days after a declaration and certification by the President to Congress that a clear, compelling, and immediate state of national emergency exists that justifies such a waiver.

(d) Duties.—

(1) Dissemination of Information.—The Clearinghouse shall disseminate accurate emergency preparedness information.

(2) Center.—The Clearinghouse shall establish a single-stop center for emergency preparedness information. The Clearinghouse shall operate as a distinct website, with links to other relevant Federal websites, a telephone number, and staff, through which information shall be made available on—

(A) ways in which States, political subdivisions, and private entities can access Federal grants;

(B) emergency preparedness education and awareness tools that businesses, schools, and the general public can use; and

(C) other information as appropriate.

(3) Public Awareness Campaign.—The Clearinghouse shall conduct 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 organizations and the general public to coordinate public announcements and other information-sharing tools utilizing a wide range of media.

(4) Best Practices Information.—The Clearinghouse shall disseminate information on best practices for emergency preparedness identified by the Secretary and the heads of other agencies.

SEC. 152. PREPAREDNESS INFORMATION AND EDUCATION.

(a) Establishment of Clearinghouse.—There is established in the Department a National Emergency Preparedness Clearinghouse (referred to in this section as the "Clearinghouse"). The Clearinghouse shall be headed by the Department.

(b) Consultation.—The Clearinghouse shall consult with such heads of agencies, such task forces appointed by Federal officers or employees, and such representatives of the private sector, as appropriate, to collect information on emergency preparedness, including information relevant to a homeland security strategy.

(c) Duties.—

(1) Dissemination of Information.—The Clearinghouse shall ensure efficient dissemination of accurate emergency preparedness information.

(2) Center.—The Clearinghouse shall establish a one-stop center for emergency preparedness information. The Clearinghouse shall include a website, with links to other relevant Federal websites, a telephone number, and staff, through which information shall be made available on—

(A) ways in which States, political subdivisions, and private entities can access Federal grants;

(B) emergency preparedness education and awareness tools that businesses, schools, and the general public can use; and

(C) other information as appropriate.

(3) Public Awareness Campaign.—The Clearinghouse shall conduct 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 organizations to coordinate public announcements and other information-sharing tools utilizing a wide range of media.

(4) Best Practices Information.—The Clearinghouse shall 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 conduct a pilot program to test the implementation of emergency preparedness measures, with an emphasis on innovative technologies and practices.

(b) Use of Funds.—An agency that receives a grant under this section 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 and practices.

(c) Federal Share.—The Federal share of the costs described in paragraph (a) shall be 50 percent, up to a maximum of $250,000 per grant recipient.

SEC. 151. SHORT TITLE.

This subtitle may be cited as the "National Emergency Preparedness Enhancement Act of 2002."
SEC. 154. DESIGNATION OF NATIONAL EMERGENCY PREPAREDNESS WEEK.

(a) National Week.—

(1) Designation.—Each week that includes September 11 (F) the President shall designate "National Emergency Preparedness Week".

(2) Proclamation.—The President is requested every year to issue a proclamation calling upon the people of the United States (including State and local governments and the private sector) to observe the week with appropriate activities and programs.

(b) Federal Agency Activities.—In conjunction with National Emergency Preparedness Week, the head of each agency, as appropriate, shall coordinate with the Department of Homeland Security and the general public about emergency preparedness activities, resources, and tools, giving a high priority to emergency preparedness efforts designed to address terrorist attacks.

Title D—Miscellaneous Provisions

SEC. 161. NATIONAL BIO-WEAPONS DEFENSE ANALYSIS CENTER.

(a) Establishment.—There is established within the Department of Defense a National Bio-Weapons Defense Analysis Center (in this section referred to as the "Center").

(b) Mission.—The mission of the Center is to develop countermeasures to potential attacks by terrorists using biological or chemical weapons that are weapons of mass destruction (as defined under section 1403 of the Defense Against Weapons of Mass Destruction Act of 1996 (50 U.S.C. 2302(1))) and conduct research and analysis concerning such weapons.

SEC. 162. REVIEW OF FOOD SAFETY.

(a) Review of Food Safety Laws and Food Safety Organizational Structure.—The Secretary shall review and provide funding to the National Academy of Sciences to conduct a detailed, comprehensive study which shall—

(1) review all Federal statutes and regulations affecting the safety and security of the food supply to determine the effectiveness of the statutes and regulations at protecting the food supply from deliberate contamination and (2) review the organizational structure of Federal agencies with respect to the effective and efficient performance of their missions at protecting the food supply from deliberate contamination;

(b) Report.—(1) In General.—Not later than 1 year after the date of enactment of this Act, the National Academy of Sciences shall prepare and submit to the President, the Secretary, and Congress a comprehensive report containing—

(A) the findings and conclusions derived from reviews conducted under subsection (a); and

(B) specific recommendations for improving—

(i) the effectiveness and efficiency of Federal food safety and security statutes and regulations; and

(ii) the organizational structure of Federal food safety oversight;

(2) Contents.—In conjunction with the recommendations under paragraph (1), the report under paragraph (1) shall address—

(A) the effectiveness with which Federal food safety statutes and regulations protect public health and ensure the food supply remains free from contamination;

(B) the shortfalls, redundancies, and inconsistencies in financial food safety statutes and regulations;

(C) the application of resources among Federal food safety oversight agencies; and

(D) the effectiveness and efficiency of the organizational structure of Federal food safety oversight.

(c) Response of the Secretary.—Not later than 90 days after the date on which the report under this section is submitted to the Secretary, the Secretary shall provide to the President and Congress the response of the Department to the recommendations of the report and recommendations of the Department to further protect the food supply from contamination.

SEC. 163. EXCHANGE OF EMPLOYEES BETWEEN AGENCIES AND STATE OR LOCAL GOVERNMENTS.

(a) Findings.—Congress finds that—

(1) information sharing between Federal, State, and local agencies is vital to securing the homeland against terrorist attacks;

(2) Federal, State, and local employees working cooperatively can learn from one another and resolve complex issues;

(3) Federal, State, and local employees have special expertise that should be consistently shared between and among agencies at all levels of government; and

(4) providing training and other support, such as staff augmentation of Federal, State, and local agencies can enhance the ability of an agency to analyze and assess threats against the homeland, develop appropriate responses, and inform the United States public.

(b) Exchange of Employees.—(1) In general, every Federal agency may provide for the exchange of employees of the Department and State and local agencies in accordance with subchapter VI of chapter 33 of title 5, United States Code.

(2) Conditions.—With respect to exchanges described under this subsection, the Secretary shall ensure that—

(A) any assigned employee shall have appropriate training or experience to perform the work required by the assignment; and

(B) any assignment occurs under conditions that appropriately safeguard classified and other sensitive information.

SEC. 164. WHISTLEBLOWER PROTECTION FOR FEDERAL EMPLOYEES WHO ARE AIRPORT SECURITY SCREENERS.

Section 111(d) of the Aviation and Transportation Security Act (Public Law 107-71; 115 Stat. 620; 49 U.S.C. 44933 note) is amended—

(A) by striking "(d) SCREENER PERSONNEL.—Notwithstanding any other provision of law, and inserting the following:

"(d) SCREENER PERSONNEL.—"(1) In general.—Notwithstanding any other provision of law, and inserting the following:

(C) COvered Position.—The President may not exclude the position of security screener as a covered position under section 2302(a)(2)(B)(i) of title 5, United States Code, to the extent necessary to implement clause (i).

"(C) COVERED POSITION.—The President may not exclude the position of security screener as a covered position under section 2302(a)(2)(B)(i) of title 5, United States Code, to the extent necessary to implement subparagraph (B) of this paragraph.''

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.—"(1) In general.—No air carrier, contractor, subcontractor, or employer described under paragraph (2); and

(2) by redesigning paragraphs (1) through (4) as subparagraphs (A) through (D), respectively; and

(3) by adding at the end the following:

"(2) APPLICABLE EMPLOYEES.—Paragraph (1) shall apply to—

(A) an air carrier or contractor or subcontractor of an air carrier;

(B) an employer of airport security screening personnel, other than the Federal Government, including a State or municipal government, or an airport authority, or a contractor of such government or airport authority; or

(C) an employer of private screening personnel described in section 44919 or 44920 of title 49.

(b) Technical and Conforming Amendments.—Section 4212(b)(2)(B) of title 49, United States Code, is amended—

(1) in clause (i), by striking "paragraphs (1) through (4) of subsection (a)" and inserting "subparagraphs (A) through (D) of subsection (a)(1)"; and

(2) in clause (ii), by striking "paragraphs (1) through (4) of subsection (a)" and inserting subparagraphs (A) through (D) of subsection (a)(1).

SEC. 166. BIOTERRORISM PREPAREDNESS AND RESPONSE DIVISION.

Section 319D of the Public Health Service Act (42 U.S.C. 279f-4) is amended—

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

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

"(c) BIOTERRORISM PREPAREDNESS AND RESPONSE DIVISION.—"(1) Establishment.—There is established within the Office of the Director of the Centers for Disease Control and Prevention a Bioterrorism Preparedness and Response Division (in this subsection referred to as the 'Division').

"(2) Mission.—The Division shall have the following primary missions:

(A) To lead and coordinate the activities and responsibilities of the Centers for Disease Control and Prevention with respect to countering bioterrorism.

(B) To coordinate and facilitate the interaction of Centers for Disease Control and Prevention personnel with personnel from the Department of Homeland Security and, in so doing, serve as a major contact point for 2-way communications between the jurisdictions of homeland security and public health.

(C) To train and employ a cadre of public health personnel who are dedicated full-time to the countering of bioterrorism.

(D) RESPONSIBILITIES.—In carrying out the mission under paragraph (2), the Division shall assume the responsibilities of and budget authority for the Centers for Disease Control and Prevention with respect to the following programs:

(A) The Bioterrorism Preparedness and Response Program.
"(B) The Strategic National Stockpile.

"(C) Such other programs and responsibilities as may be assigned to the Division by the Director of the Centers for Disease Control and Prevention.

"(D) DIRECTOR.—There shall be in the Division a Director, who shall be appointed by the Director of the Centers for Disease Control and Prevention in consultation with the Secretary of Health and Human Services and the Secretary of Homeland Security.

"(E) STAFFING.—Under agreements reached between the Director of the Centers for Disease Control and Prevention and the relevant agencies, including the Department of Homeland Security, the Department of Justice, and the Federal Bureau of Investigation, the Secretary of Homeland Security may assign some personnel from the Division to the Department of Homeland Security.

SEC. 167. COORDINATION WITH THE DEPARTMENT OF HEALTH AND HUMAN SERVICES UNDER THE PUBLIC HEALTH SERVICE ACT.

(a) IN GENERAL.—The annual Federal response plan developed by the Secretary under sections 125(b)(1) and 134(b)(7) shall be consistent with section 319 of the Public Health Service Act (42 U.S.C. 247d).

(b) DISCLOSURES AMONG RELEVANT AGENCIES.—

(1) IN GENERAL.—Full disclosure among relevant agencies shall be made in accordance with this subsection.

(2) PUBLIC HEALTH EMERGENCY.—During the period in which the Secretary of Health and Human Services has declared the existence of a public health emergency under section 319(a) of the Public Health Service Act (42 U.S.C. 247d(a)), the Secretary of Health and Human Services shall keep relevant agencies, including the Department of Homeland Security, the Department of Justice, and the Federal Bureau of Investigation, fully and currently informed.

(3) POTENTIAL PUBLIC HEALTH EMERGENCY.—In cases involving, or potentially involving, a public health emergency, but in which no determination of an emergency by the Secretary of Health and Human Services under section 319(a) of the Public Health Service Act (42 U.S.C. 247d(a)), has been made, all relevant agencies, including the Department of Homeland Security, the Department of Justice, and the Federal Bureau of Investigation, shall keep the Secretary of Health and Human Services and the Director of the Centers for Disease Control and Prevention fully and currently informed.

SEC. 168. RAIL SECURITY ENHANCEMENTS.

(a) IN GENERAL.—There are authorized to be appropriated to the Department, for the benefit of Amtrak, for the 2-year period beginning on the date of enactment of this Act—

(1) $375,000,000 for grants for fire protection, and not more than $35,000,000 for the repair, and returning to service, of Amtrak passenger cars and locomotives.

(b) AVAILABLE FOR FUNDS.—Amounts appropriated under subsection (a) shall remain available until expended.

(c) COORDINATION WITH EXISTING LAW.—

Amounts made available to Amtrak under this section shall be considered Federal assistance for purposes of part C of subtitle V of title 49, United States Code.

SEC. 169. GRANTS FOR FIREFIGHTING PERSONNEL.


(1) by redesignating subsections (c), (d), and (e) as subsections (d), (e), and (f), respectively;

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

"(c) Personnel Grants.—

"(1) IN GENERAL.—In addition to the amounts authorized under subsection (b)(1), the Director may grant awards to fire departments of a State for the training of hiring employees engaged in fire protection that term is defined in section 3 of the Fair Labor Standards Act (29 U.S.C. 207).

"(2) DURATION.—Grants awarded under this subsection shall be for a 3-year period.

"(3) MAXIMUM AMOUNT.—The total amount of grants awarded under this subsection shall not exceed $100,000 per firefighter, indexed for inflation, over the 3-year grant period.

"(d) FEDERAL SHARE.—

"(A) IN GENERAL.—The Federal share of a grant under this subsection shall not exceed 75 percent of the total salary and benefits cost for additional firefighters hired.

"(B) WAIVER.—The Director may waive the 75 percent Federal share under subparagraph (A) for a jurisdiction of 50,000 or fewer residents or in cases of extreme hardship.

"(e) APPLICATION.—An application for a grant under this subsection shall—

"(1) meet the requirements under subsection (b)(5);

"(2) include an explanation for the applicant's need for the grant; and

"(3) contain specific plans for obtaining necessary support to retain the position following the conclusion of Federal support.

"(f) MAINTENANCE OF EFFORT.—Grants awarded under this subsection shall only be used to pay the salaries and benefits of additional firefighting personnel, and shall not be used to supplant funding allocated for personnel from State and local sources.

(b) DURATION.—Grants awarded under this subsection shall be for a 3-year period.

"(c) Personnel Grants.—

"(1) IN GENERAL.—In addition to the grants authorized under subsection (b)(1), the Director may grant awards to fire departments of a State for the training of hiring employees engaged in fire protection that term is defined in section 3 of the Fair Labor Standards Act (29 U.S.C. 207).

"(2) DURATION.—Grants awarded under this subsection shall be for a 3-year period.

"(3) MAXIMUM AMOUNT.—The total amount of grants awarded under this subsection shall not exceed $100,000 per firefighter, indexed for inflation, over the 3-year grant period.

"(d) FEDERAL SHARE.—

"(A) IN GENERAL.—The Federal share of a grant under this subsection shall not exceed 75 percent of the total salary and benefits cost for additional firefighters hired.

"(B) WAIVER.—The Director may waive the 75 percent Federal share under subparagraph (A) for a jurisdiction of 50,000 or fewer residents or in cases of extreme hardship.

"(C) APPLICATION.—An application for a grant under this subsection shall—

"(1) meet the requirements under subsection (b)(5);

"(2) include an explanation for the applicant's need for the grant; and

"(3) contain specific plans for obtaining necessary support to retain the position following the conclusion of Federal support.

"(D) MAINTENANCE OF EFFORT.—Grants awarded under this subsection shall only be used to pay the salaries and benefits of additional firefighting personnel, and shall not be used to supplant funding allocated for personnel from State and local sources.

"(E) Submission of report; and

"(F) maintenance of effort.

SEC. 170. RESPONSE TO TRANSPORTATION SECURITY ENHANCEMENTS.

(a) REVIEW OF TRANSPORTATION VULNERABILITIES AND FEDERAL TRANSFORMATION RENEGOTIATION AGREEMENT.—The Comptroller General of the United States shall conduct a detailed, comprehensive study which shall—

(1) review all available intelligence on terrorist threats against aviation, seaport, rail, motor carrier, motor coach, pipeline, highway, and transit facilities and equipment;

(2) review all available information on vulnerabilities of the aviation, seaport, rail, motor carrier, motor coach, pipeline, highway, and transit modes of transportation to terrorist attack;

(3) review the steps taken by public and private entities since September 11, 2001, to improve aviation, seaport, rail, motor carrier, motor coach, pipeline, highway, and transit security to determine their effectiveness at protecting passengers, freight (including hazardous materials), and transportation infrastructure from terrorist attack.

(b) REPORT.—

(1) CONTENT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit to the Congress, the Secretary, and the Secretary of Transportation a comprehensive report without compromising national security, containing—

(A) the findings and conclusions from the reviews conducted under subsection (a); and

(B) proposed steps to improve any deficiencies found in aviation, seaport, rail, motor carrier, motor coach, pipeline, highway, and transit security, including, to the extent possible, the cost of implementing the steps.

(2) FORMAT.—The Comptroller General may submit the report in both classified and redacted formats if the Director determines that such action is necessary or appropriate.

(3) CONSEQUENCE OF THE SECRETARY.—

(1) IN GENERAL.—Not later than 90 days after the date on which the report under this section is submitted to the Secretary, the Secretary shall provide to the President and Congress—

(A) the response of the Department to the recommendations of the report; and

(B) recommendations of the Department to further protect passengers and transportation infrastructure from terrorist attack.

(4) FORMATS.—The Secretary may submit the report in both classified and redacted formats if the Secretary determines that such action is necessary or appropriate.

(d) REPORTS PROVIDED TO COMMITTEES.—In furnishing the report required by subsection (b), and the Secretary's response and recommendations under subsection (c), to the Congress, the Comptroller General and the Secretary, respectively, such action is necessary or appropriate.

(b) TIMETABLES.—The Director of the Office of Management and Budget and the Comptroller General of the United States shall—

(1) review all available intelligence on terrorist threats against aviation, seaport, rail, motor carrier, motor coach, pipeline, highway, and transit facilities and equipment;

(2) review all available information on vulnerabilities of the aviation, seaport, rail, motor carrier, motor coach, pipeline, highway, and transit modes of transportation to terrorist attack;

(3) review the steps taken by public and private entities since September 11, 2001, to improve aviation, seaport, rail, motor carrier, motor coach, pipeline, highway, and transit security to determine their effectiveness at protecting passengers, freight (including hazardous materials), and transportation infrastructure from terrorist attack;

(4) review the steps taken by public and private entities since September 11, 2001, to improve aviation, seaport, rail, motor carrier, motor coach, pipeline, highway, and transit security to determine their effectiveness at protecting passengers, freight (including hazardous materials), and transportation infrastructure from terrorist attack;

(5) STAFFING.—Under agreements reached between the Assistant Secretary for Management and Budget in the development of a comprehensive enterprise architecture for information systems and in the management and acquisition of information technology by agencies with responsibility for homeland security to ensure interoperability consistent with the enterprise architecture developed under subsection (a)(1).

(c) IMPLEMENTATION.—The Director of the Office of Management and Budget shall—

(1) concur in consultation with the Secretary and acting under the responsibilities of the Director under law (including the Clinger-Cohen Act of 1996), shall ensure the implementation of the enterprise architecture developed under subsection (a)(1), and shall coordinate, oversee, and evaluate the management and acquisition of information technology by agencies with responsibility for homeland security to ensure interoperability consistent with the enterprise architecture developed under subsection (a)(1).

(d) AGENCY COOPERATION.—The head of each agency with responsibility for homeland security shall fully cooperate with the Director of the Office of Management and Budget in the development of a comprehensive enterprise architecture for information systems and in the management and acquisition of information technology by agencies with responsibility for homeland security to ensure interoperability consistent with the enterprise architecture developed under subsection (a)(1).
(1) Section 105 (50 U.S.C. App. 515), both places it appears.
(2) Section 300(c) (50 U.S.C. App. 530).
(c) OTHER LAWS AND DOCUMENTS.—(1) Any reference in this subsection to the Transportation Security Administration 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.

SEC. 174. PROHIBITION ON CONTRACTS WITH CORPORATE EXPATRIATES.
(a) IN GENERAL.—The Secretary may not enter into any contract with a foreign incorporated entity which is treated as an inverted domestic corporation under subsection (b), or any subsidiary of such entity.

(b) INVERTED DOMESTIC CORPORATION.—For purposes of this section, a foreign incorporated entity shall be treated as an inverted domestic corporation if, pursuant to a plan or a series of related transactions—

(1) the entity, directly or indirectly, acquires substantially all of the properties of a domestic corporation or substantial part of such properties held directly or indirectly by a domestic corporation or substantially all of the properties of a domestic partnership, or

(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;

(B) in the case of an acquisition with respect to a domestic partnership, by former partners of the domestic partnership by reason of holding stock in the domestic partnership;

or

(c) OTHER LAWS AND DOCUMENTS.—(1) Any reference in this subsection to the Transportation Security Administration 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.

SEC. 175. TRANSFER OF CERTAIN AGRICULTURAL INSPECTION FUNCTIONS OF THE DEPARTMENT OF AGRICULTURE.
(a) DEFINITION OF COVERED LAW.—In this section, the term “covered law” means—

(1) the first section of the Act of August 31, 1922 (commonly known as the “Honeybee Act”) (7 U.S.C. 281);
(2) title III of the Federal Seed Act (7 U.S.C. 1531 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.); and

(7) the eighth paragraph under the heading “BUREAU OF ANIMAL INDUSTRY” in the Act of March 4, 1913 (commonly known as the “Virus-Serum-Toxin Act”) (21 U.S.C. 151 et seq.).

(b) TRANSFER.—

(1) IN GENERAL.—Subject to paragraph (2), there is transferred to the Secretary of Homeland Security the functions of the Secretary of Agriculture relating to agricultural import and entry inspection activities under each covered law.

(2) QUARANTINE ACTIVITIES.—The functions transferred under paragraph (1) shall not include any quarantine activity carried out under a covered law.
Agriculture regarding the administration of each covered law.

(2) RULEMAKING COORDINATION.—The Secretary of Agriculture shall coordinate with the Secretary of Homeland Security in any case in which the Secretary of Agriculture prescribes regulations, policies, or procedures for administering the functions transferred under subsection (b) under a covered law.

(3) EFFECTIVE ADMINISTRATION.—The Secretary of Homeland Security, in consultation with the Secretary of Agriculture, may issue such directives and guidelines as are necessary to ensure the effective use of personnel and resources of the Department of Homeland Security to carry out the functions transferred under subsection (b).

(d) TRANSFER AGREEMENT.—
(i) GENERAL.—Before the completion of the transition period (as defined in section 181), the Secretary of Agriculture and the Secretary of Homeland Security shall enter into an agreement to carry out this section.

(ii) REQUIRED TERMS.—The agreement required by this subsection shall provide for—
(A) the supervision by the Secretary of Agriculture, and employees of the Secretary of Homeland Security to carry out the functions transferred under subsection (b); and
(B) the transfer of funds to the Secretary of Homeland Security under subsection (e);

(iii) AUTHORITY OF THE SECRETARY.—Authority under which the Secretary of Homeland Security may perform functions that—
(A) are delegated to the Animal and Plant Health Inspection Service of the Department of Agriculture regarding the protection of domestic livestock and plants; but
(B) are not transferred to the Secretary of Homeland Security under subsection (b); and
(D) the Secretary of Agriculture may use employees of the Department of Homeland Security to carry out authorities delegated to the Animal and Plant Health Inspection Service regarding the protection of domestic livestock and plants.

(4) REVISED AGREEMENT.—After the date of execution of the agreement described in paragraph (1), the Secretary of Agriculture and the Secretary of Homeland Security—
(i) shall periodically review the agreement; and
(ii) may jointly revise the agreement, as necessary.

(e) PERIODIC TRANSFER OF FUNDS TO DEPARTMENT OF HOMELAND SECURITY.—
(i) 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 this Act, funds to perform the functions under section 182.

(ii) LIMITATION.—The proportion of fees collected under sections 2508 and 2509 of the Food, Agriculture, Conservation, and Trade Act of 1990 (21 U.S.C. 136, 136a) that are transferred to the Secretary of Homeland Security under paragraph (1) may not exceed the proportion that—
(A) the costs incurred by the Secretary of Homeland Security to carry out activities funded by those fees; bears to
(B) the costs incurred by the Federal Government to carry out activities funded by those fees.

(f) TRANSFER OF DEPARTMENT OF AGRICULTURE EMPLOYEES.—Not later than the completion of the transition period, referred to in section 181, the Secretary of Agriculture shall transfer to the Department of Homeland Security not more than 3,200 full-time equivalent positions of the Department of Agriculture.

S9740

SEC. 181. DEFINITION OF SECRETARY CONCERNED. In this title, the term 'Secretary concerned' means—

(i) the Secretary of Agriculture, with respect to an animal used for purposes of official inspections by the Department of Agriculture; and

(ii) the Secretary of Homeland Security, with respect to an animal used for purposes of official inspections by the Department of Homeland Security.

SEC. 182. TRANSFER OF AGENCIES. The transfer of an agency to the Department, as authorized by this title, shall occur whenever the President so directs 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 immediately before the effective date of this division shall provide to the Secretary such assistance, including the use of personnel and assets, as the Secretary may reasonably request in preparing for the transfer and integration of the agency into the Department.

(b) SERVICES AND PERSONNEL.—During the transition period, upon the request of the Secretary, the head of any agency (as defined under section 2) may, on a reimbursable basis, provide services and detail personnel to assist with the transition.

(c) ACTING OFFICIALS.—(1) DESIGNATION.—During the transition period, pending the nomination, appointment, and consent of the Senate to the appointment of an officer required by this division to be appointed by and with such advice and consent, the President may designate any officer whose appointment was required to be made by and with such advice and consent, and who continues in such an office, to act in such office until such office is filled as provided in this division.

(2) COMPENSATION.—While serving as an acting officer under paragraph (1), the officer shall receive compensation at the higher of—
(A) the grade of the office in which that officer acts; or
(B) the grade of the office held at the time of designation.

(3) PERIOD OF SERVICE.—The person serving as an acting officer under paragraph (1) may serve in the office for the periods described under section 3346 of title 5, United States Code, as if the office became vacant on the effective date of this title.

(4) EXCEPTIOATION TO CONSENT REQUIREMENT.—Nothing in this Act shall be construed to require the advice and consent of the Senate to the appointment by the President to a position in the Department of any officer—
(A) whose agency is transferred to the Department under this Act;

(2) whose appointment was by and with the advice and consent of the Senate; or

(3) who is proposed to serve in a directorate or office of the Department that is similar to the transferred agency in which the officer served; and

(4) whose authority and responsibilities following such transfer shall be equivalent to those performed prior to such transfer.

SEC. 184. INCIDENTAL TRANSFERS AND TRANSFER OF RELATED FUNCTIONS. (a) INCIDENTAL TRANSFERS.—The Director of the Office of Management and Budget, in consultation with the Secretary of Agriculture, shall make such additional incidental dispositions of personnel, assets, and liabilities held, used, arising from, available, or to be made available, in connection with the functions transferred by this title, as the Director determines necessary to accomplish the purposes of this title.
(b) ADJUDICATORY OR REVIEW FUNCTIONS.—
(1) IN GENERAL.—At the time an agency is transferred to the Department, the President may also transfer to the Department any adjudicatory or review functions carried out by such agency.
(2) EXCEPTION.—The President may not transfer to the Department any adjudicatory or review functions if—
(III) is not consistent with the structure, functions, and missions of the Department.
appeals taken, and judgments rendered in the same manner and with the same effect as if this title had not been enacted.

(d) NONABATEMENT OF ACTIONS.—No suit, action, or other proceeding commenced by or against an agency, or by or against any individual in the official capacity of such individual as an officer of an agency, shall abate by reason of the enactment of this title.

(e) ADMINISTRATIVE ACTIONS RELATING TO PROMULGATION OF REGULATIONS.—Any administrative action relating to the preparation or promulgation of a regulation by an agency relating to a function transferred under this title may be continued by the Department with the same effect as if this title had not been enacted.

(f) EMPLOYMENT AND PERSONNEL.—(1) TERMS AND CONDITIONS OF EMPLOYMENT.—The transfer of an employee to the Department under this Act shall not alter the terms and conditions of employment, including compensation, of any employee so transferred.

(2) CONDITIONS AND CRITERIA FOR APPOINTMENT.—Any qualifications, conditions, or criteria required by law for appointments to a position in an agency, or subdivision thereof, or, transferred to the Department by this title, including a requirement that an appointment be made by the President, by and with the advice and consent of the Senate, shall continue to apply with respect to any appointment to the position made after such transfer to the Department has occurred.

(g) GIFTS.—Gifts or donations of services or property of or for the Department may not be accepted, used, or disposed of unless specifically authorized by appropriations Acts and only under the conditions and for the purposes specified in such appropriations Acts.

(h) REQUEST.—Under section 1105 of title 31, United States Code, the President shall submit to Congress a detailed budget request for the new Department by September 1, 2002, 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;

(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;

(C) the alteration of the assignment or delegation of functions assigned by this Act to any officer or organizational entity of the Department.

(b) DELEGATION AUTHORITY.—

(1) SECRETARY.—The Secretary may—

(A) delegate any of the functions of the Secretary; and

(B) authorize successive redelegations of functions of the Secretary to other officers and employees of the Department.

(2) OFFICERS.—An officer of the Department may—

(A) delegate any function assigned to the officer by law; and

(B) authorize successive redelegations of functions assigned to the officer by law to other officers and employees of the Department.

(3) LIMITATIONS.—

(A) INTERNEE 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.

(2) ANNUAL EVALUATION.—The Comptroller General of the United States shall monitor and evaluate the implementation of this title and title XI. Not later than 15 years after the date of enactment of this title, the Comptroller General shall submit a report to Congress containing an evaluation of the implementation progress reports submitted to Congress and
the Comptroller General by the Secretary under section 185.;
(2) the findings and conclusions of the Comptroller General of the United States result- ing from the monitoring and evaluation conducted under this subsection, including evaluations of how successfully the Depart- ment 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) ANNUAL REPORT.—Every 2 years the Secretary shall submit to Congress—
(1) a report assessing the resources and re- quirements of executive agencies relating to border security and emergency preparedness issues; and
(2) a report certifying the preparedness of the United States to prevent, protect against, and respond to terrorism and other mass destruction, cyber attacks, and incidents involving weapons of mass destruction.
(c) POINT OF ENTRY MANAGEMENT RE- PORT.—(1) Prior to the effective date of this program, the Secretary shall submit to Congress a report outlining pro- posed steps to consolidate management au- thority for Federal operations at key points of entry into the United States.
(d) COMBATTING TERRORISM AND HOME- land Security Functions, the respective missions, and annual fiscal resources to enable the Secretary to—
(1) procure the temporary or intermittent services of experts or consultants (or organiza- tions thereof) in accordance with the Department. The Center for Strategic and International Studies shall, upon receipt of the report referred to in section 3109(b) of title 5, United States Code; and
(2) whenever necessary due to an urgent homeland security need, procure temporary (but not exceeding 1 year) or intermittent per- sonnel services, including the services of ex- perts or consultants (or organizations there- of), without regard to the pay limitations of such section 3109.
SEC. 195. PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.
SEC. 196. PRESERVING NON-HOMELAND SEC- URITY MISSION PERFORMANCE.
(c) PERFORMANCE REPORT.—The performance report shall—
(1) to the greatest extent possible, provide an inventory of the non-homeland security functions of the entity and identify the capa- bilities of the entity with respect to those functions, including—
(A) the goals to be achieved during the fiscal year in which the report is submitted; and
(B) the budget for those functions; and
(2) contain information relating to the roles, responsibilities, missions, organiza- tions, and activities of the Department, as confidential and not customarily available under section 552 of title 5, United States Code, for the record—
(a) beyond the public sector agency; and
(b) beyond the records prepared and maintained by the Department.
(b) CONTENTS.—The report referred to in subsection (a) shall—
(1) to the greatest extent possible, provide an inventory of the non-homeland security functions of the entity and identify the capa- bilities of the entity with respect to those functions, including—
(A) the means used to verify and validate measured values.
(c) SCOPE.—The performance plan shall describe the planned results for the non-homeland security related activities of the Department and the homeland security related activities of the Department.
(d) FAIR SHARE OF RESOURCES.—(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—
(1) ensure that the Department complies with all applicable environmental, safety, and health standards; and
(2) develop procedures for meeting such re- quirements.
SEC. 194. LABOR STANDARDS.
(a) IN GENERAL.—All laborers and mechan- ics employed by a contractor or subcontractors in the performance of construction work financed in whole or in part with assistance authorized under this Act shall be paid wages at rates not less than those prevailing on similar construction in the locality as deter- mined by the Secretary of Labor in ac- cordance with subchapter IV of chapter 31 of title 49, United States Code (commonly known as the “Davis-Bacon Act”).
(b) SECRETARY OF LABOR.—The Secretary of Labor shall—
(1) in consultation with the head of each department or agency affected by titles I, II, III, and XI, develop definitions of the terms “combating terrorism” and “homeland security” for purposes of those titles and shall consider such definitions in determining the mission of the Department; and
(2) submit a report to Congress on such definitions.
(c) RESULTS-BASED MANAGEMENT.—(1) STRATEGIC PLAN.—
(A) IN GENERAL.—Not later than September 30, 2006, the Secretary, in consultation with Congress, shall prepare and submit to the Director of the Office of Management and Budget and to Congress a strategic plan for the program activities of the Department.
(B) PERIOD; REVISIONS.—The strategic plan shall—
(1) not less than 3 years after the date of enactment of this Act, the Secretary shall—
(i) in consultation with the head of each department or agency affected by titles I, II, III, and XI, develop definitions of the terms “combating terrorism” and “homeland security” for purposes of those titles and shall consider such definitions in determining the mission of the Department; and
(ii) submit the report referred to in section 3109(b) of title 5, United States Code; and
(2) whenever necessary due to an urgent homeland security need, procure temporary (but not exceeding 1 year) or intermittent per- sonnel services, including the services of ex- perts or consultants (or organizations there- of), without regard to the pay limitations of such section 3109.
(b) CONTENTS.—The report referred to in subsection (a) shall—
(1) the goals to be achieved during the fiscal year in which the report is submitted; and
(ii) the means used to verify and validate measured values.
(c) SCOPE.—The performance plan shall describe the planned results for the non-homeland security related activities of the Department and the homeland security related activities of the Department.
(d) FAIR SHARE OF RESOURCES.—(A) IN GENERAL.—In accordance with section 1116 of title 31, United States Code, the
Section 9701. Establishment of human resources management system.

(a) In general.—Notwithstanding any other provision of law, the Secretary of Homeland Security may, in regulations prescribed jointly with the Director of the Office of Personnel Management, establish, and from time to time adjust, a human resources management system for some or all of the organizational units of the Department of Homeland Security.

(b) System requirements.—Any system established under subsection (a) shall—

(1) be flexible;

(2) be contemporaneous;

(3) not waive, modify, or otherwise affect—

(A) the paramount principles of merit and fitness set forth in section 2301, including the principles of hiring based on merit, fair treatment without regard to political affiliation or other nonmerit considerations, payment for equal work, and protection of employees against reprisal for whistleblowing;

(B) any provision of section 2302, relating to prohibited personnel practices; or

(C) any rule or regulation prescribed under any provision of law referred to in section 2302(b)(1); or

(ii) any provision of law implementing any provision of law referred to in section 2302(b)(1) by—

(I) providing for equal employment opportunity to make recommendations with respect to the proposal, in addition to the proposal, together with the information upon which the decision to implement the proposal, together with any other recommendations received from any such representatives under clause (II) full and fair consideration in deciding whether or how to proceed with the proposal.

(B) Preimplementation requirements.—If the Secretary and the Director decide to implement a proposal described in subparagraph (A), they shall before implementation—

(1) give each representative details of the decision to implement the proposal, together with the information upon which the decision is based;

(2) give each representative an opportunity to make recommendations with respect to the proposal; and

(3) 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—

(1) develop a method for each employee representative to participate in any further planning or development which might become necessary; and

(2) provide each employee representative adequate access to information to make that participation productive.

(2) Procedures.—Any procedures necessary to carry out subsection (a) shall be established by the Secretary and the Director jointly. Such procedures shall include measures to ensure—

(A) in the case of employees within a unit with respect to which a labor organization is accorded exclusive recognition, representation by individuals designated or from individuals nominated by such organization;

(B) in the case of any employees who are not within such a unit, representation by any appropriate organization which represents a substantial percentage of those employees or, if none, in such other manner as may be appropriate, consistent with the purpose of the subsection; and

(C) the selection of representatives in a manner consistent with the relative number of employees represented by the organization or other representatives of the unit.

(3) Written agreement.—Notwithstanding any other provision of this part, employees within a unit to which a labor organization is accorded exclusive recognition under chapter 71 shall not be subject to any system provided under this section unless amount of cash compensation allowable under section 5307 of this title in a year; or

(4) to exempt any employee from the application of such section 5307.

(G) Provision to promote collaboration with employee representatives.—

(1) In general.—In order to ensure that the security of this country is protected 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—

(2) notice of proposal.—The Secretary and the Director shall, with respect to any proposed system or adjustment—

(i) provide to each employee representative any employee who might be affected, a written description of the proposed system or adjustment (including the reasons) and the date provided for the following:

(3) Question hearing.—Before a hearing is held, the Secretary shall—

(4) show cause.—The Secretary shall give each employee representative adequate access to information to make that participation productive.

(5) Written agreement.—Notwithstanding any other provision of this part, employees within a unit to which a labor organization is accorded exclusive recognition under chapter 71 shall not be subject to any system provided under this section unless

(2) Disclosures of independently furnished records.—Notwithstanding paragraph (1), nothing in this section shall prohibit an agency from making available under section 301 of title 5, United States Code, any record that the agency receives independently of the Department, regardless of whether or not the Department has a similar or identical record.

(d) Withdrawal of confidential designation.—The provider of a record that is furnished voluntarily to the Department under subsection (b) may at any time withdraw, in a manner specified by the Department, the confidential designation.

(e) Procedures.—The Secretary shall prescribe procedures—

(1) the acknowledgement of receipt of records furnished voluntarily;

(2) the designation, certification, and marking of records furnished voluntarily as confidential and not customarily made available to the public;

(3) the care and storage of records furnished voluntarily;

(4) the protection and maintenance of the confidentiality of records furnished voluntarily; and

(5) the withdrawal of the confidential designation of records under subsection (d).

(3) Effect on State and local law.—Nothing in this section shall be construed as preempts or otherwise modifies any local or State law concerning the disclosure of any information that a State or local government receives independently of the Department.

(f) Report.—

(1) Requirement.—Not later than 18 months after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committees of Congress specified in paragraph (2) a report on the implementation and use of this section, including—

(A) the number of persons in the private sector, and the number of State and local agencies, that furnished voluntarily records to the Department under this section;

(B) the number of requests for access to records granted or denied under this section; and

(C) such recommendations as the Comptroller General considers appropriate regarding improvements in the collection and analysis of sensitive information held by persons in the private sector, or by State and local agencies, which may give rise to national security threats or critical infrastructure, including the response to such vulnerabilities and threats.

(2) Committees of Congress.—The committees of Congress specified in this paragraph are—

(A) the Committees on the Judiciary and Governmental Affairs of the Senate; and

(B) the Committees on the Judiciary and Government Reform and Oversight of the House of Representatives.

(3) Provisions applicable to the Secretary and the Director as the Department of Homeland Security may establish, and from time to time adjust, a human resources management system for some or all of organizational units of the Department of Homeland Security.
the exclusive representative and the Secretary have entered into a written agreement, which specifically provides for the inclusion of such employees within such system. A written agreement may be approved by the Federal Service Impasses Panel under section 7119, after negotiations consistent with section 7117.

(1) PROVISIONS RELATING TO APPELLATE PROCEDURES.—
   (1) SENSE OF CONGRESS.—It is the sense of Congress that—
   "(A) employees of the Department are entitled to fair treatment in any appeals that they bring in decisions relating to their employment; and
   "(B) in prescribing regulations for any such appeals procedures, the Secretary and the Director of the Office of Personnel Management—
   "(i) should ensure that employees of the Department are afforded the protections of due process; and
   "(ii) should, at that end, be required to consult with the Merit Systems Protection Board before issuing any such regulations.

   (2) REQUIREMENTS.—Any regulations under this subsection which relate to any matters within the purview of chapter 77—
   "(A) shall be issued only after consultation with the Merit Systems Protection Board;
   "(B) shall ensure the availability of procedures which shall—
   "(i) be consistent with requirements of due process; and
   "(ii) provide, to the maximum extent practicable, for the expeditious handling of any matters involving the Department; and
   "(C) shall modify procedures under chapter 77 only insofar as such modifications are designed to further the fair, efficient, and expeditious resolution of matters involving the employment 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) CEREMONIAL PRESENCE.—The table of chapters set forth in chapter 5 of United States Code, is amended by adding at the end of the following:

SEC. 199A. LABOR-MANAGEMENT RELATIONS.

(a) LIMITATION ON EXCLUSIONARY AUTHORITY.—
   (1) IN GENERAL.—No agency or subdivision of an agency which is transferred to the Department pursuant to this Act shall be excluded from the coverage of chapter 71 of title 5, United States Code, as a result of any order issued under section 7103(b)(1) of such title 5 after June 18, 2002, unless—
   (A) the necessary responsibilities of the agency (or subdivision) materially change; and
   (B) a majority of the employees within such agency (or subdivision) have as their primary job duty intelligence, counterintelligence, or investigative work directly related to terrorism investigation.

   (2) EXCLUSIONS ALLOWABLE.—Nothing in paragraph (1) shall affect the effectiveness of any order to the extent that such order excludes any portion of an agency or subdivision of an agency which—
   (A) recognition as an appropriate unit has never been conferred for purposes of chapter 71 of title 5, United States Code, as of the day before the effective date of this Act (and any subdivision of any such unit) shall, if such unit (or subdivision) is transferred to the Department pursuant to this Act, continue to be so recognized for such purposes, unless—
   (A) the mission and responsibilities of such unit (or subdivision) materially change; and
   (B) any such recognition has been revoked or otherwise terminated as a result of a determination under subsection (b)(1).

(b) PROVISIONS RELATING TO BARGAINING UNITS.—
   (1) LIMITATION RELATING TO APPROPRIATE UNITS.—Each unit which is recognized as an appropriate unit for purposes of chapter 71 of title 5, United States Code, as of the day before the effective date of this Act (and any subdivision of any such unit) shall, if such unit (or subdivision) is transferred to the Department pursuant to this Act, continue to be so recognized for such purposes, unless—
   (A) the mission and responsibilities of such unit (or subdivision) materially change; and
   (B) any such recognition has been revoked or otherwise terminated as a result of a determination under subsection (b)(1).

   (2) LIMITATION RELATING TO POSITIONS OR EMPLOYEES.—No position or employee within a unit (or subdivision of a unit) as to which such recognition has been revoked or otherwise terminated as a result of a determination under subsection (b)(1), shall be included from such unit (or subdivision), for purposes of chapter 71 of title 5, United States Code, unless the primary job duty of such position or employee—
   (A) materially changes; and
   (B) consists of intelligence, counterintelligence, or investigative work directly related to terrorism investigation.

   In the case of any positions within a unit (or subdivision of a unit) as to which such determination is made after the effective date of this Act and any employee first appointed on or after such date, the preceding sentence shall be applied disregarding such a position.

   (c) COORDINATION RULE.—No other provision of this Act or of any amendment made by this Act may be construed or applied in a manner so as to limit, supersede, or otherwise affect this section, except to the extent that it does so by specific reference to this section.

SEC. 199B. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to—

   (1) enable the Secretary to administer and manage the Department; and
   (2) carry out the provisions of the Department other than those transferred to the Department under this Act.

SEC. 201. LAW ENFORCEMENT POWERS OF INSPECTOR GENERAL AGENTS.

(a) IN GENERAL.—Section 6 of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by adding at the end of the following:

   (c) limitations on the authority otherwise provided for in this Act, each Inspector General—

   (1) shall be appointed by the Attorney General; and
   (2) shall carry out the functions of the Department.
(a) **DEFINITION.**—The term 'memoranda of understanding' means the following:

1. in the case of a contract to be awarded and performed, or purchase to be made, inside the United States, $250,000; or

2. in the case of a contract to be awarded and performed, or purchase to be made, outside the United States, $500,000.

(b) **SIMPLIFIED ACQUISITION THRESHOLD DEFINITIONS.**—In this section, the term 'simplified acquisition threshold definitions' means the following:


2. Section 309(d) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 259(d)).


(c) **SMALL BUSINESS RESERVE.**—For a procurements carried out pursuant to subsection (a), section 15(b) of the Small Business Act (15 U.S.C. 64(j)) shall be applied as if the maximum anticipated value identified thereon is equal to the amounts referred to in subsection (a).

3. **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 32, without regard to whether the property or services are commercial items.

2. **COMMERCIAL ITEM LAW.**—The provisions of law referred to in paragraph (1) are as follows:


B. Section 2304 of title 10, United States Code.

C. Section 303(g) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(g)).

D. Inapplicability of Limitation on Use of Simplified Acquisition Procedures. In subsection (a)(2) of the Office of Federal Procurement Policy Act (41 U.S.C. 427(a)(2)).

SEC. 309. 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 32, without regard to whether the property or services are commercial items.

2. **COMMERCIAL ITEM LAW.**—The provisions of law referred to in paragraph (1) are as follows:


B. Section 2304 of title 10, United States Code.

C. Section 303(g) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(g)).

D. Inapplicability of Limitation on Use of Simplified Acquisition Procedures. In subsection (a)(2) of the Office of Federal Procurement Policy Act (41 U.S.C. 427(a)(2)).

SEC. 307. REVIEW AND REPORT BY COMPROLLER GENERAL. (a) **REQUESTS.**—Not later than March 31, 2004, the Comptroller General shall—

1. complete a review of the extent to which procurements of property and services have been made in accordance with this section; and

2. submit a report on the results of the review to the Committee on Governmental Affairs of the Senate and the Committee on Governmental Reform of the House of Representatives.

(b) **CONTENT OF REPORT.**—The report under subsection (a)(2) shall include the following matters:

1. **ASSESSMENT.**—The Comptroller General's assessment of—
(A) the extent to which property and services procured in accordance with this title have contributed to the capacity of the workforce of Federal Government employees within the executive agency to carry out the mission of the executive agency; and
(B) the extent to which Federal Government employees have been trained on the use of technology integration, employee training, and human capital management, as well as the data requirements of the study, shall be included as part of the consultation.

Subtitle B—Other Matters

SEC. 311. IDENTIFICATION OF NEW ENTRANTS INTO THE FEDERAL MARKETPLACE.

The head of each executive agency shall conduct a review on an ongoing basis to identify effectively the capabilities, including the capabilities of small businesses and new entrants into Federal contracting, that are available in the marketplace for meeting the requirements of the executive agency in furtherance of defense against or recovery from terrorism or nuclear, biological, chemical, or radiological attack. The head of the executive agency shall, to the maximum extent practicable, take advantage of commercially available market research methods, including the use of commercial databases, to carry out the research.

TITLE IV—NATIONAL COMMISSION ON TERRORIST ATTACKS UPON THE UNITED STATES

SEC. 401. ESTABLISHMENT OF COMMISSION.

There is established the National Commission on Terrorist Attacks Upon the United States (in this title referred to as the “Commission”).

SEC. 402. PURPOSES.

The purposes of the Commission are to—

(1) examine and report upon the facts and circumstances surrounding the attacks;
(2) ascertain, evaluate, and report on the causes relating to the terrorist attacks of September 11, 2001, including any relevant legislation, Executive order, regulation, statute, or order of any court of the United States (in this title referred to as the “Commission”);
(3) investigate and report to the President and Congress such reports as are required by this title containing such findings, conclusions, and recommendations as the Commission shall determine, including proposing organization, coordination, planning, management arrangements, procedures, rules, and regulations.

SEC. 403. COMPOSITION OF THE COMMISSION.

(a) MEMBERS.—The Commission shall be composed of 10 members, of whom—

(1) 3 members shall be appointed by the majority leader of the Senate;
(2) 2 members shall be appointed by the Speaker of the House of Representatives;
(3) 2 members shall be appointed by the Chairperson of the Commission;
(4) 2 members shall be appointed by the minority leader of the House of Representatives;
(5) 1 member shall be appointed by the majority leader of the Senate;
(6) 1 member shall be appointed by the minority leader of the Senate.

(b) COMPENSATION.—The Commission shall be authorized to fix the compensation of the members of the Commission, including the allowances for travel and living expenses of such members, at such rates as the Commission shall determine, but such rates may not exceed the rates of pay fixed for equivalent positions under the provisions of the United States General Schedule.

SEC. 404. FUNCTIONS OF THE COMMISSION.

The functions of the Commission are to—

(1) conduct an investigation that—

(A) investigates relevant facts and circumstances relating to the terrorist attacks of September 11, 2001, including any relevant legislation, Executive order, regulation, statute, or order of any court of the United States; and

(B) makes a full and complete accounting of the circumstances surrounding the attacks, and the extent of the United States’ preparedness for, and response to, the attacks; and

(2) submit to the President and Congress such reports as are required by this title containing such findings, conclusions, and recommendations as the Commission shall determine, including proposing organization, coordination, planning, management arrangements, procedures, rules, and regulations.

SEC. 405. POWERS OF THE COMMISSION.

(a) IN GENERAL.—

(1) HEARINGS AND EVIDENCE.—The Commission or, on the authority of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out this title—

(A) hold such hearings, sit and act at such times and places, take such testimony, receive such evidence, administer such oaths; and

(B) require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, and documents, as the Commission or such designated member may determine advisable.

(2) SUBPOENAS.—

(A) ISSUANCE.—Subpoenas issued under paragraph (1)(B) may be issued only upon the signature of the chairperson of the Commission, the vice chairperson of the Commission, the chairperson of any subcommittee created by the Commission, or the member designated by a majority of the Commission, and may be served by any person designated by the chairperson, subcommittee chairperson, or member.

(B) ENFORCEMENT.—In the case of any failure of any witness to comply with any subpoena or to testify when summoned under authority of this section, the Commission may, by majority vote, certify a statement of fact constituting such failure to the appropriate United States attorney, who may bring the matter before the grand jury for its action, under the same statutory authority and procedures as if the United States attorney had received a certification under sections 102 through 104 of the Revised Statutes of the United States (2 U.S.C. 192 through 194).

(3) OTHER POWERS.—The Commission shall have, in addition to the powers conferred by this title, all powers provided by law to committees of the Congress to conduct investigations of matters that could endanger national security. If the President makes such determinations, the requirements relating to a determination under section 10(d) of that Act shall apply.

(4) CONTRACTING.—The Commission may, to such extent and in such amounts as are provided in appropriation Acts, enter into contracts to enable the Commission to discharge its duties under this title.
(d) INFORMATION FROM FEDERAL AGENCIES.—The Commission is authorized to secure directly from any executive department, bureau, agency, board, commission, office, or instrumentality of the Government information, suggestions, estimates, and statistics for the purposes of this title. Each department, bureau, agency, board, commission, office, or instrumentality shall, to the extent authorized by law, furnish such information, suggestions, estimates, and statistics directly to the Commission, upon request made by the chairperson, the chairperson of any subcommittee created by a majority of the Commission, or any member designated by a majority of the Commission.

(e) ASSISTANCE FROM FEDERAL AGENCIES.—

(1) GENERAL SERVICES ADMINISTRATION.—The Administrator of General Services shall provide to the Commission on a reimbursable basis administrative support and other services for the performance of the Commission’s functions.

(2) OTHER DEPARTMENTS AND AGENCIES.—In addition to the assistance prescribed in paragraph (1), departments and agencies of the United States are authorized to provide to the Commission such services, funds, facilities, staff, and other support services as they may determine advisable and as may be authorized by law.

(f) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

(2) PERSONNEL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as departments and agencies of the United States.

SEC. 406. STAFF OF THE COMMISSION.

(a) IN GENERAL.—

(1) APPOINTMENT AND COMPENSATION.—The chairperson, in accordance with rules agreed to by a majority of Commission members, may appoint and fix the compensation of a staff director and such other personnel as may be necessary to enable the Commission to carry out its functions, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 31 and subchapter V of chapter 55 of title 5, United States Code, or any analogous provisions relating to classification and General Schedule pay rates, except that no rate of pay fixed under this subsection may exceed the rate payable for a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

(2) PERSONNEL AS FEDERAL EMPLOYEES.—

(A) The executive director and any personnel of the Commission who are employees shall be employees under section 3109 of title 5, United States Code, and such detailee shall retain the employee may be detailed to the Commission to carry out this title and such detailee shall retain the employee may be detailed to the Commission to perform work for the Commission on a reimbursable basis administrative support and other services for the performance of the Commission’s functions.

(b) T RAVEL EXPENSES.—While away from the place of business of the Commission 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 the persons employed intermittently in the Government service are allowed expenses under section 5703(b) of title 5, United States Code.

SEC. 408. SERVICES FOR COMMISSION MEMBERS AND STAFF.

(a) GENERAL.—The executive departments and agencies shall cooperate with the Commission in expeditiously providing to the Commission members and staff appropriate security clearances in a manner consistent with existing procedures and requirements, except that no person shall be provided with access to classified information under this section who would not otherwise qualify for such security clearance.

(b) ADDITIONAL REPORTS.—Not later than 1 year after the submission of the initial report required by paragraph (1), the Commission shall submit to the President and Congress a second report containing such findings, conclusions, and recommendations for corrective measures as have been agreed to by a majority of Commission members.

(c) TERMINATION.—

(1) IN GENERAL.—The Commission, and all the authorities of this title, shall terminate 60 days after the date on which the second report is submitted under subsection (b).

(2) ADMINISTRATIVE ACTIVITIES BEFORE TERMINATION.—The Commission may use the 60-day period referred to in paragraph (1) for the purpose of concluding its activities, including providing testimony to committees of Congress, disseminating 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 $5,000,000, 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 the calendar year 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 1103 of the Immigration and Nationality Act, as added by section 1106 of this Act.

(2) FUNCTION.—The term “function” includes any duty, obligation, power, authority, responsibility, right, privilege, activity, or program.

(3) IMMIGRATION ENFORCEMENT FUNCTIONS.—The term “immigration enforcement functions” has the meaning given the term in section 114(b)(2) of the Immigration and Nationality Act, as added by section 1106 of this Act.

(4) IMMIGRATION LAWS OF THE UNITED STATES.—The term “immigration laws of the United States” has the meaning given the term in section 112(b)(3) of the Immigration and Nationality Act, as added by section 1106 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 1106 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 1106 of this Act.

(7) IMMIGRATION SERVICES.—The term “immigration services” means the Secretary of Homeland Security.

(8) INS.—The term “INS” means the Immigration and Naturalization Service established in section 113 of the Immigration and Nationality Act, as added by section 1106 of this Act.

(9) UNDER SECRETARY.—The term “Under Secretary” means the Under Secretary of Homeland Security for Immigration Affairs appointed under section 112 of the Immigration and Nationality Act, as added by section 1106 of this Act.

TITLE XI—DIRECTORATE OF IMMIGRATION AFFAIRS

Subtitle A—Organization

SEC. 1101. ABOLITION OF INS.

(a) IN GENERAL.—The Immigration and Naturalization Service is abolished.

(b) REPEAL.—Section 4 of the Act of February 14, 1903, as amended (32 Stat. 826; relating to the establishment of the Immigration and Naturalization Service), is repealed.

SEC. 1102. ESTABLISHMENT OF DIRECTORATE OF IMMIGRATION AFFAIRS.

(a) ESTABLISHMENT.—Title I of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended—

(1) by inserting “CHAPTER 1—DEFINITIONS AND GENERAL AUTHORITY” after “TITLE I—GENERAL”;

(2) by adding at the end the following:

“CHAPTER 2—DIRECTORATE OF IMMIGRATION AFFAIRS

“SEC. 111. ESTABLISHMENT OF DIRECTORATE OF IMMIGRATION AFFAIRS

“(a) ESTABLISHMENT.—There is established within the Department of Homeland Security the Directorate of Immigration Affairs.

“(b) PRINCIPAL OFFICERS.—The principal officers of the Directorate are the following:

“(1) The Under Secretary of Homeland Security for Immigration Affairs appointed under section 111.

“(2) The Assistant Secretary of Homeland Security for Immigration Services appointed under section 113.

“(c) FUNCTIONS.—Under the authority of the Secretary of Homeland Security, the Director 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 119(b).

"(3) Immigration enforcement functions, as defined in section 114(b).

"(d) EFFECTIVE DATE OF APPROPRIATIONS.—

"(1) IN GENERAL.—There are authorized to be appropriated to the Department of Homeland Security such sums as may be necessary to carry out the functions of the Directorate.

"(2) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to paragraph (1) are authorized to remain available until expended.

"(e) IMMIGRATION LAWS OF THE UNITED STATES.—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 otherwise relate to the status of aliens.


"(2) Section 6 of the Act entitled ‘An Act to provide for the establishment of the Department of Justice’ (66 Stat. 215) is amended—

"(A) by striking section 101(a)(34) (8 U.S.C. 1101(a)(34)) and inserting the following:

"‘(a) IMMIGRATION POLICY.—The Under Secretary shall—

‘(1) be responsible for developing and implementing immigration policy, including the direction, supervision, and coordination of the Bureau of Immigration and the Bureau of Enforcement of Immigration and Naturalization Service, and the Enforcement Bureau.

‘(2) INSPECTIONS.—The Under Secretary shall be responsible for the administration and enforcement of the immigration laws of the United States.

‘(3) DEFINITION.—In this chapter, the term ‘Secretary’ means the Secretary of Homeland Security.

‘(4) INFORMATION RESOURCES MANAGEMENT.—The Under Secretary shall be responsible for directing, supervising, and coordinating information resources management activities of the Department.

‘(5) Cooperate with the Under Secretary, the Chief of Congressional, Intergovernmental, and Public Affairs in carrying out functions of the Under Secretary with respect to legal matters affecting the Directorate, and any of its components.

‘(c) GENERAL COUNSEL.—

‘(1) In general.—There shall be within the Directorate a General Counsel, who shall be appointed by the Secretary of Homeland Security, in consultation with the Under Secretary.

‘(2) FUNCTION.—The General Counsel shall

‘(A) serve as the chief legal officer for the Directorate; and

‘(B) be responsible for providing specialized legal advice, opinions, determinations, regulations, and other assistance to the Under Secretary with respect to legal matters affecting the Directorate, and any of its components.

‘(b) COMPENSATION OF THE DIRECTOR.—(1) The Chief Financial Officer shall be appointed by the Under Secretary with respect to legal matters affecting the Directorate, and any of its components.

‘(c) COMPENSATION OF GENERAL COUNSEL.—The General Counsel shall be appointed by the Under Secretary with respect to legal matters affecting the Directorate, and any of its components.

‘(d) FINANCIAL OFFICERS FOR THE DIRECTORATE.—

‘(1) CHIEF FINANCIAL OFFICER.—

‘(A) IN GENERAL.—There shall be within the Directorate a Chief Financial Officer.

‘(B) DEPUTY CHIEF FINANCIAL OFFICER.—The Directorate shall be deemed to be an agency for purposes of section 5314 of title 5, United States Code.

‘(c) CHIEF OF POLICY.—

‘(1) IN GENERAL.—There shall be within the Directorate a Chief of Policy.

‘(2) WITHIN THE SENIOR EXECUTIVE SERVICE.—The position of Chief of Policy shall be a Senior Executive Service position under section 5382 of title 5, United States Code.

‘(d) CHIEF OF CONGRESSIONAL, INTERGOVERNMENTAL, AND PUBLIC AFFAIRS.—

‘(1) IN GENERAL.—There shall be within the Directorate a Chief of Congressional, Intergovernmental, and Public Affairs, who shall be appointed by the Under Secretary with respect to legal matters affecting the Directorate, and any of its components.

‘(2) WITHIN THE SENIOR EXECUTIVE SERVICE.—The Chief of Congressional, Intergovernmental, and Public Affairs shall be a Senior Executive Service position under section 5382 of title 5, United States Code.''

"SEC. 1103. UNDER SECRETARY OF HOMELAND SECURITY FOR IMMIGRATION AFFAIRS.

(a) IN GENERAL.—Chapter 2 of title 1 of the Immigration and Nationality Act, as added by section 1102 of this Act, is amended by adding at the end the following:

"(c) GENERAL COUNSEL.—

‘(1) In general.—There shall be within the Directorate a General Counsel, who shall be appointed by the Secretary of Homeland Security, in consultation with the Under Secretary.
SEC. 1105. BUREAU OF ENFORCEMENT AND BORDER AFFAIRS.

(a) General.—Chapter 2 of title I of the Immigration and Nationality Act, as added by section 1102 and amended by sections 1103 and 1104, is further amended by adding at the end the following:

“SEC. 114. BUREAU OF ENFORCEMENT AND BORDER AFFAIRS.

“(a) Establishment of Bureau.—

“(1) IN GENERAL.—There is established within the Department of Homeland Security a bureau to be known as the Bureau of Immigration and Enforcement (in this chapter referred to as the ‘Bureau’).

“(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:

“(A) exercise general supervision over the immigration service functions of the Bureau;

“(B) ensure that the Bureau’s policies and practices result in sound records management and efficient and accurate service;

“(C) establish standards of professional responsibility for the Bureau;

“(D) ensure that the Bureau is accountable for the cost of immigration services to the public;

“(E) establish the policies and procedures for the proper handling of immigration applications;

“(F) establish the policies and procedures for the proper handling of immigration appeals;

“(G) establish the policies and procedures for the proper handling of immigration appeals;

“(H) establish the policies and procedures for the proper handling of immigration appeals;

“(I) establish the policies and procedures for the proper handling of immigration appeals;

“(J) establish the policies and procedures for the proper handling of immigration appeals;

“(K) establish the policies and procedures for the proper handling of immigration appeals;

“(L) establish the policies and procedures for the proper handling of immigration appeals;

“(M) establish the policies and procedures for the proper handling of immigration appeals;

“(N) establish the policies and procedures for the proper handling of immigration appeals;

“(O) establish the policies and procedures for the proper handling of immigration appeals;

“(P) establish the policies and procedures for the proper handling of immigration appeals;

“(Q) establish the policies and procedures for the proper handling of immigration appeals;

“(R) establish the policies and procedures for the proper handling of immigration appeals;

“(S) establish the policies and procedures for the proper handling of immigration appeals;

“(T) establish the policies and procedures for the proper handling of immigration appeals;

“(U) establish the policies and procedures for the proper handling of immigration appeals;

“(V) establish the policies and procedures for the proper handling of immigration appeals;

“(W) establish the policies and procedures for the proper handling of immigration appeals;

“(X) establish the policies and procedures for the proper handling of immigration appeals;

“(Y) establish the policies and procedures for the proper handling of immigration appeals;

“(Z) establish the policies and procedures for the proper handling of immigration appeals;

“(AA) establish the policies and procedures for the proper handling of immigration appeals;

“(BB) establish the policies and procedures for the proper handling of immigration appeals;

“(CC) establish the policies and procedures for the proper handling of immigration appeals;

“(DD) establish the policies and procedures for the proper handling of immigration appeals;

“(EE) establish the policies and procedures for the proper handling of immigration appeals;

“(FF) establish the policies and procedures for the proper handling of immigration appeals;

“(GG) establish the policies and procedures for the proper handling of immigration appeals;

“(HH) establish the policies and procedures for the proper handling of immigration appeals;

“(II) establish the policies and procedures for the proper handling of immigration appeals;

“(JJ) establish the policies and procedures for the proper handling of immigration appeals;

“(KK) establish the policies and procedures for the proper handling of immigration appeals;

“(LL) establish the policies and procedures for the proper handling of immigration appeals;

“(MM) establish the policies and procedures for the proper handling of immigration appeals;

“(NN) establish the policies and procedures for the proper handling of immigration appeals;

“(OO) establish the policies and procedures for the proper handling of immigration appeals;

“(PP) establish the policies and procedures for the proper handling of immigration appeals;

“(QQ) establish the policies and procedures for the proper handling of immigration appeals;

“(RR) establish the policies and procedures for the proper handling of immigration appeals;

“(SS) establish the policies and procedures for the proper handling of immigration appeals;

“(TT) establish the policies and procedures for the proper handling of immigration appeals;

“(UU) establish the policies and procedures for the proper handling of immigration appeals;

“(VV) establish the policies and procedures for the proper handling of immigration appeals;

“(WW) establish the policies and procedures for the proper handling of immigration appeals;

“(XX) establish the policies and procedures for the proper handling of immigration appeals;

“(YY) establish the policies and procedures for the proper handling of immigration appeals;

“(ZZ) establish the policies and procedures for the proper handling of immigration appeals;

“(AAA) establish the policies and procedures for the proper handling of immigration appeals;

“(BBB) establish the policies and procedures for the proper handling of immigration appeals;

“(CCC) establish the policies and procedures for the proper handling of immigration appeals;

“(DDD) establish the policies and procedures for the proper handling of immigration appeals;

“(EEE) establish the policies and procedures for the proper handling of immigration appeals;

“(FFF) establish the policies and procedures for the proper handling of immigration appeals;

“(GGG) establish the policies and procedures for the proper handling of immigration appeals;

“(HHH) establish the policies and procedures for the proper handling of immigration appeals;

“(II) establish the policies and procedures for the proper handling of immigration appeals;

“(JJ) establish the policies and procedures for the proper handling of immigration appeals;

“(KK) establish the policies and procedures for the proper handling of immigration appeals;

“(LL) establish the policies and procedures for the proper handling of immigration appeals;

“(MM) establish the policies and procedures for the proper handling of immigration appeals;

“(NN) establish the policies and procedures for the proper handling of immigration appeals;

“(OO) establish the policies and procedures for the proper handling of immigration appeals;

“(PP) establish the policies and procedures for the proper handling of immigration appeals;

“(QQ) establish the policies and procedures for the proper handling of immigration appeals;

“(RR) establish the policies and procedures for the proper handling of immigration appeals;

“(SS) establish the policies and procedures for the proper handling of immigration appeals;

“(TT) establish the policies and procedures for the proper handling of immigration appeals;

“(UU) establish the policies and procedures for the proper handling of immigration appeals;

“(VV) establish the policies and procedures for the proper handling of immigration appeals;

“(WW) establish the policies and procedures for the proper handling of immigration appeals;

“(XX) establish the policies and procedures for the proper handling of immigration appeals;

“(YY) establish the policies and procedures for the proper handling of immigration appeals;

“(ZZ) establish the policies and procedures for the proper handling of immigration appeals;

“(AAA) establish the policies and procedures for the proper handling of immigration appeals;

“(BBB) establish the policies and procedures for the proper handling of immigration appeals;

“(CCC) establish the policies and procedures for the proper handling of immigration appeals;

“(DDD) establish the policies and procedures for the proper handling of immigration appeals;

“(EEE) establish the policies and procedures for the proper handling of immigration appeals;

“(FFF) establish the policies and procedures for the proper handling of immigration appeals;

“(GGG) establish the policies and procedures for the proper handling of immigration appeals;

“(HHH) establish the policies and procedures for the proper handling of immigration appeals;

“(II) establish the policies and procedures for the proper handling of immigration appeals;

“(JJ) establish the policies and procedures for the proper handling of immigration appeals;

“(KK) establish the policies and procedures for the proper handling of immigration appeals;

“(LL) establish the policies and procedures for the proper handling of immigration appeals;
"(d) OFFICE OF PROFESSIONAL RESPONSIBILITY.—There shall be within the Enforcement Bureau an Office of Professional Responsibility that shall have the responsibility for professional accountability within the Enforcement Bureau and receiving charges of misconduct or ill treatment made by the public and investigating the charges.

(e) OMBUDSMAN.—The Under Secretary shall have within the Enforcement Bureau an Office of Quality Assurance that shall develop procedures and conduct audits to—

(1) ensure that the Director and the Enforcement Bureau's policies with respect to immigration enforcement functions are properly implemented; and

(2) ensure that Enforcement Bureau policies or actions result in the proper management and efficient and accurate record-keeping.

(f) TRAINING OF PERSONNEL.—The Assistant Secretary for Immigration Enforcement, in consultation with the Under Secretary, shall have responsibility for determining the training for all personnel of the Enforcement Bureau.

(b) COMPENSATION OF ASSISTANT SECRETARY OR ENFORCEMENT BUREAU.—Section 5315 of title 5, United States Code, is amended by adding at the end the following:

"(c) FUNCTIONS OF OFFICE.—The functions of the Office of the Ombudsman for Immigration Affairs shall include—

(1) to assist individuals in resolving problems with the Directorate or any component thereof;

(2) to identify systemic problems encountered by the public in dealings with the Directorate or any component thereof;

(3) to propose 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 Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate on the Ombudsman's activities during the fiscal year ending in that calendar year. Each report shall contain a full and substantial analysis, in addition to statistical information, and shall contain—

(1) a description of the initiatives that the Office of the Ombudsman has taken on improving the responsiveness of the Directorate;

(2) a summary of serious or systemic problems encountered by the public, including a description of the nature of such problems;

(3) an accounting of the items described in paragraphs (1) and (2) for which action has been taken, and the result of such action;

(4) an accounting of the items described in paragraphs (1) and (2) for which action remains to be completed;

(5) an accounting of the items described in paragraphs (1) and (2) for which no action has been taken, the reasons for the inaction, and identify any Agency official who is responsible for such inaction;

(6) recommendations as may be appropriate to resolve problems encountered by the public;

(7) recommendations as may be appropriate to resolve problems encountered by the public, including problems created by backlogs in the adjudication and processing of petitions and applications for

(8) recommendations to resolve problems caused by inadequate funding or staffing; and

(9) such other information as the Ombudsman may deem advisable.

(f) AUTHORIZATION OF APPROPRIATIONS.—

(1) In general.—There are authorized to be appropriated to the Office of the Ombudsman such sums as may be necessary to carry out its functions.

(2) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to paragraph (1) are available until expended.

SEC. 1107. OFFICE OF IMMIGRATION STATISTICS WITHIN THE DIRECTORATE.

(a) In general.—Chapter 1 of title 5 of the Immigration and Nationality Act, as added by section 1103, 1104, and 1105, is further amended by adding at the end the following:

"SEC. 116. OFFICE OF IMMIGRATION STATISTICS.

(a) Establishment.—There is established within the Directorate an Office of Immigration Statistics in the Bureau of Immigration Services, the Bureau of Enforcement, and the Executive Office for Immigration Review (or its successor entity).

(b) Responsibilities of Director.—The Director of the Office shall be responsible for the following:

(1) Statistical information.—Maintenance of all immigration statistical information.

(2) Standards of reliability and validity.—Establishment of standards of reliability and validity for immigration statistics collected by the Bureau of Immigration Services, the Bureau of Enforcement, and the Executive Office for Immigration Review (or its successor entity).

(c) Relation to the Directorate of Migration Affairs and the Executive Office for Immigration Review.

(d) Other authorities.—The Director of the Office shall be responsible for the purpose of meeting the responsibilities of the Director of the Office.

(1) Database.—The Director of the Office shall ensure the interoperability of the databases of the Bureau of Immigration Services, the Bureau of Enforcement, and the Executive Office for Immigration Review (or its successor entity) to permit the Director of the Office to perform the duties of such office.

(2) Transfer of Functions.—There are transferred to the Immigration Statistics Branch of the Office the functions performed by the Director of the Office, as defined by subsection (a), the functions performed by the Statistics Branch of the Office of Policy, and the functions performed by the Executive Office for Immigration Review (or its successor entity) to the extent necessary to carry out the functions transferred.
SEC. 1111. TRANSFER OF FUNCTIONS.

(a) AUTHORITY TO TERMINATE AFFAIRS OF INS.—If, during the period of transition, the Under Secretary determines that the performance of any function transferred to the Under Secretary, has not been effective or efficient, the Under Secretary may terminate the performance of such function by transferring such function to the Attorney General of the United States or to the Department of Justice, as the Under Secretary may determine. Such function shall be transferred, without regard to section 112(b)(1) of the Immigration and Nationality Act, to the Attorney General of the United States or to the Department of Justice, as the Under Secretary may determine.

(b) E XERCISE OF AUTHORITY.—The transfer of functions under subsection (a) shall not affect the authority of the Attorney General to exercise any authority under any other law of the United States vested in, or exercised by, the Attorney General.

(c) EFFECT OF TERMINATION.—When a function is transferred to the Attorney General under subsection (a), the Under Secretary shall—

(1) establish such offices or positions within the Immigration and Naturalization Service or the Immigration and Naturalization Service, their delegates, or any other person or entity as the Under Secretary may determine to be necessary to carry out the functions of the Director of Immigration Affairs;

(2) assign to any such officers or employees of the Immigration and Naturalization Service, their delegates, or any other person or entity as the Under Secretary may determine to be necessary to carry out the functions of the Director of Immigration Affairs, authority of the Under Secretary, acting directly or by delegation under the Secretary, to establish such offices or positions within the Directorate of Immigration Affairs, in addition to the administrative functions of such division, as the Under Secretary may determine to be necessary to carry out the functions of the Director of Immigration Affairs; and

(d) STATUTORY CONSTRUCTION.—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.

SEC. 1112. TRANSFER OF PERSONNEL AND OTHER RESOURCES.

Subject to section 1531 of title 31, United States Code, and the effective date of this title, there are transferred to the Under Secretary for appropriate allocation in accordance with section 1115—

(1) the personnel of the Department of Justice employed in connection with the functions transferred under this title; and

(2) the assets, liabilities, contracts, property, records, and unexpended 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 or the Immigration and Naturalization Service, the Immigration and Naturalization Service, their delegates, or any other person or entity as the Under Secretary may determine, in connection with the functions transferred pursuant to this title.

SEC. 1113. DETERMINATIONS WITH RESPECT TO TRANSFERRED PERSONNEL AND OTHER RESOURCES.

Under the direction of the Secretary, the Under Secretary shall determine, in accordance with the corresponding criteria set forth in section 1112(b)(1), 1113(b), and 1114(b) of the Immigration and Nationality Act (as added by this title)—

(1) which of the functions transferred by this title shall be carried out by the Under Secretary;

(A) immigration policy, administration, and inspection functions;

(B) immigration service functions; and

(C) immigration enforcement functions; and

(2) which of the personnel, assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds transferred under section 1112 were held or used, arose from, were available to, or were made available, in connection with the performance of the respective functions specified in paragraph (1) immediately prior to the effective date of this title.

SEC. 1114. DELEGATION AND RESERVATION OF FUNCTIONS.

(a) IN GENERAL.—

(1) DELEGATION TO THE BUREAUS.—Under the direction of the Secretary, and subject to section 1112(b) of the Immigration and Nationality Act (as added by section 1103), the Under Secretary shall delegate—

(A) immigration service functions to the Assistant Secretary for Immigration Services; and

(B) immigration enforcement functions to the Assistant Secretary for Immigration Enforcement.

(2) RESERVATION OF FUNCTIONS.—Subject to section 1112(b)(1) of the Immigration and Nationality Act (as added by section 1103), immigration policy, administration, and inspection functions shall be reserved for exercise by the Under Secretary.

(b) NONEXCLUSIVE DELEGATIONS AUTHORIZED.—Delegations made under subsection (a) may be made on an exclusive or nonexclusive basis as the Under Secretary may determine.

(c) EFFECT OF DELEGATIONS.—Except as otherwise expressly prohibited by law or otherwise provided in this title, the Under Secretary may—

(1) delegate any function under this title to the holder of the office of the Under Secretary; or

(2) delegate any function under this title to the holder of the office of the Under Secretary, the Immigration Bureau, or any other person or entity as the Under Secretary may determine.

(3) EFFECTIVE DATE.—Effective for periods that began before the effective date of this title, or changes in the effective date of any provision that are made effective by the President, any other authorizing official, or any court of competent jurisdiction.

SEC. 1115. ALLOCATION OF PERSONNEL AND OTHER RESOURCES.

(a) AUTHORITY OF THE UNDER SECRETARY.—

(1) IN GENERAL.—Subject to paragraph (2) and section 1114(b), the Under Secretary shall make allocations of personnel, assets, liabilities, grants, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available to, or to be made available to the Immigration and Naturalization Service or the Immigration and Naturalization Service, their delegates, or any other person or entity as the Under Secretary may determine, to the same extent and with the same effect as the Under Secretary may determine.

(b) AUTHORITY TO TERMINATE AFFAIRS OF INS.—The Attorney General in consultation with the Secretary, shall provide for the termination of the affairs of the Immigration and Naturalization Service and such further measures and dispositions as may be necessary to effectuate the purposes of this division.

(c) TREATMENT OF SHARED RESOURCES.—The Under Secretary is authorized to provide for an appropriate allocation, or coordination, or both, of resources involved in supporting shared support functions for the office of the Under Secretary, the Service Bureau, and the Enforcement Bureau. The Under Secretary shall maintain oversight and control over the shared computer databases and systems and records management.

SEC. 1116. SAVINGS PROVISIONS.

(a) LEGAL DOCUMENTS.—All orders, determinations, rules, regulations, permits, licenses, 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 before the President, the Attorney General, the Commissioner of Immigration and Naturalization Service, their delegates, or any other person or entity as the Under Secretary may determine;

(2) that are in effect on the effective date of such transfer; or

(3) shall continue in effect according to their terms in effect on such date unless modified, set aside, or revoked in accordance with law.

(b) PENDING.—Sections 111 through 116 of the Immigration and Nationality Act, as added by subtitle A of this title, shall not affect proceedings pending before any immigration officer, employee, or component thereof, in, or exercised by, the Commissioner of Immigration and Naturalization or the Immigration and Naturalization Service, in any capacity provided by law by the President, any other authorizing official, or by any individual in the official capacity of such individual as an officer or employee in connection with a function transferred to the Department of Justice by or under this title, but such proceedings and applications shall be continued.

(2) ORDERS.—Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this Act had not been enacted, and orders issued in any such proceeding by any person other than the Under Secretary of Homeland Security, the Immigration and Naturalization Service, or the Immigration and Naturalization Service, their delegates, or any other person or entity as the Under Secretary may determine, to the same extent and with the same effect as the Under Secretary may determine.

(c) TREATMENT OF SHARED RESOURCES.—The Under Secretary is authorized to provide for an appropriate allocation, or coordination, or both, of resources involved in supporting shared support functions for the office of the Under Secretary, the Service Bureau, and the Enforcement Bureau. The Under Secretary shall maintain oversight and control over the shared computer databases and systems and records management.

SEC. 1117. TRANSFER OF OFFICE OF THE OMBUDSMAN FOR IMMIGRATION AFFAIRS.

The Under Secretary shall have the same responsibilities and powers of the Office of the Ombudsman for Immigration Affairs under the Immigration and Naturalization Service as if such office had been transferred to the Under Secretary under this title.

SEC. 1118. EFFECTIVE DATE OF TRANSFER.

Subject to section 1532 of title 31, United States Code, upon the effective date of this Act, all functions under the immigration laws of the United States vested by statute in, or exercised by, the Attorney General, immediately prior to the effective date of this title, are transferred to the Secretary in accordance with section 112(b) of the Immigration and Naturalization Service, authorizations, allocations, and unexpended balances of appropriations, and inspection functions; and

SEC. 1119. EFFECTIVE DATE OF TRANSFER OF OFFICE OF THE OMBUDSMAN FOR IMMIGRATION AFFAIRS.

Subject to section 1531 of title 31, United States Code, and the effective date of this title, the Office of the Ombudsman for Immigration Affairs is transferred to the Under Secretary, in accordance with section 112(b) of the Immigration and Nationality Act, as added by section 1103 of this Act.

SEC. 1120. EFFECTIVE DATE OF TRANSFER OF FUNCTIONS.

Subject to section 1532 of title 31, United States Code, and the effective date of this title, all functions transferred under this title are transferred to the Secretary, in accordance with section 112(b) of the Immigration and Nationality Act, as added by this title; and

SEC. 1121. EFFECTIVE DATE OF TRANSFER OF RESOURCES.

Subject to section 1532 of title 31, United States Code, and the effective date of this title, all resources transferred under this title are transferred to the Secretary, in accordance with section 112(b) of the Immigration and Nationality Act, as added by this title; and
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 1109.

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—

(1) the Secretary of State under the State Department Basic Authorities Act of 1956, or under the immigration laws of the United States, immediately prior to the effective date of this title, with respect to the issuance and use of passports and visas;

(2) the Secretary of Labor or any official of the Department of Labor immediately prior to the effective date of this title, with respect to labor certifications or any other authority under the immigration laws of the United States; or

(3) except as otherwise specifically provided in this division, any other official of the Federal Government under the immigration laws of the United States immediately prior to the effective date of this title.

SEC. 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—

(a) the abolition of the Immigration and Nationality Act (8 U.S.C. 3101 et seq.) and the Bureau of Immigration and Naturalization on the day before the effective date of this title;

(b) the abolition of the Immigration and Nationality Act (8 U.S.C. 3101 et seq.) and the Bureau of Immigration and Naturalization Service to the Directorate of Immigration Affairs of the Department of Justice (or its successor entity), or any officer, employee, or component thereof immediately prior to the effective date of this title.

SEC. 1120. TRANSITION FUNDING.

(a) Authorization of Appropriations for Transition.—

(1) IN GENERAL.—There are authorized to be appropriated to the Department of Homeland Security such sums as may be necessary—

(A) to effect—

(i) the abolition of the Immigration and Naturalization Service;

(ii) the establishment of the Directorate of Immigration Affairs and its components, the Bureau of Immigration Services, and the Bureau of Enforcement and Border Affairs; and

(iii) the transfer of functions required to be made under this division; and

(B) to carry out any other duty that is made necessary by this division, or any amendment made by this division.

(2) Activities Supported.—Activities supported under paragraph (1) include—

(A) planning for the transfer of functions from the Immigration and Naturalization Service to the Directorate of Immigration Affairs, including the preparation of any reports and implementation plans necessary for such transfer;

(B) the division, acquisition, and disposition of—

(i) buildings and facilities; and

(ii) support and infrastructure resources; and

(iii) computer hardware, software, and related equipment;

(C) other capital expenditures necessary to effect the transfer of functions described in this paragraph;

(D) replacement of forms, stationery, logos, and signage;

(E) expenses incurred in connection with the transfer and training of existing personnel and retraining personnel as necessary to effect the transfer, as determined by the Secretary; and

(F) such other expenses necessary to effect the transfer, as determined by the Secretary.

(b) Availability of Funds.—Amounts appropriated pursuant to subsection (a) are authorized to remain available until expended.

(c) Transition Account.—

(1) Establishment.—There is established in the general fund of the Treasury of the United States a separate account, which shall be known as the “Directorate of Immigration Affairs Transition Account” (in this section referred to as the “Account”).

(2) Use of Account.—There shall be deposited into the Account all amounts appropriated under section 286 of the Immigration and Nationality Act (8 U.S.C. 1356) and amounts reprogrammed for the purposes described in subsection (a).

(d) Report to Congress on Transition.—

Beginning not later than 90 days after the effective date of division A of this Act, and at the end of each fiscal year in which appropriations are made pursuant to subsection (c), the Secretary of Homeland Security shall submit a report to Congress concerning the availability of funds to cover transition costs, including—

(1) any unobligated balances available for such purposes; and

(2) a calculation of the amount of appropriated funds that has been fully used for the activities described in subsection (a).

(e) Effective Date.—This section shall take effect 1 year after the effective date of division A of this Act.

Subtitle C—Miscellaneous Provisions

SEC. 1121. FUNDING ADJUDICATION AND NATURALIZATION SERVICES.

(a) Level of Fees.—The Immigration and Nationality Act (8 U.S.C. 1356(m)) of the Immigration and Nationality Act (8 U.S.C. 1356(m)) is amended by striking “including services, including the costs of similar services provided without charge to asylum applicants or other immigrants” and inserting “services”.

(b) Use of Fees.—

(1) IN GENERAL.—Each fee collected for the provision of adjudication or naturalization-related services shall be used only to fund adjudication or naturalization-related services.

(2) Prohibition on Fees.—No fee may be used to fund adjudication or naturalization-related services.

(c) Refund of Fees.—

(1) IN GENERAL.—The Under Secretary, in consultation with the Leadership Advisory Committee, shall establish an Internet-based system that will permit an immigrant, non-immigrant, employer, or other person who has filed an application to electronically request for any benefit under the immigration laws of the United States access to on-line information about the processing status of the application, petition, or other request.

(2) PRIVACY CONSIDERATIONS.—The Under Secretary shall consider all applicable privacy issues in the establishment of the Internet-based system described in paragraph (1). No personally identifying information shall be accessible to unauthorized persons.

(3) MEANS OF ACCESS.—The on-line information system established under paragraph (1) shall be accessible to the persons described in paragraph (1) through a personal identification number (PIN) or other personalized password.

(4) PROHIBITION ON FEES.—The Under Secretary shall not charge any immigrant, non-immigrant, employer, or other person described in paragraph (1) a fee for access to the information in the database that pertains to that person.

(b) Frasability Study on On-Line Filing and Reduced Processing.

(1) On-line Filing.—

(A) IN GENERAL.—The Secretary, in consultation with the Leadership Advisory Committee, shall conduct a study to determine the feasibility of on-line filing of the documents described in subsection (a).

(B) Study Elements.—The study shall—

(i) include a review of the precedent in this Act; and

(ii) include an estimate of the time-frame and costs of implementing on-line filing of such documents; and

(3) other factors in implementing such a filing system, including the feasibility of the payment of fees on-line.

(2) FEES.—Fees imposed for a particular service application, or for复

(3) FEES NOT TRANSFERABLE.—No fee may be transferred between the Bureau of Immigration Services and the Bureau of Enforcement and Nationality Act, as amended by subsection (a).

(b) Availability of Funds.—Amounts appropriated under paragraph (1) are authorized to remain available until expended.

(c) Infrastructure Improvement Account.—Funds appropriated pursuant to paragraph (1) shall be deposited into the Immigration Services and Infrastructure Improvements Account established by section 1109(b) of Public Law 106–313.

SEC. 1122. APPLICATION OF INTERNET-BASED TECHNOLOGIES.

(a) Establishment of On-Line Database.—

(1) In General.—Not later than 2 years after the effective date of division A, the Secretary, in consultation with the Under Secretary and the Technology Advisory Committee, shall establish an Internet-based system that will permit an immigrant, non-immigrant, employer, or other person who has filed an application to electronically request for any benefit under the immigration laws of the United States access to on-line information about the processing status of the application, petition, or other request.

(2) Privacy Considerations.—The Under Secretary shall consider all applicable privacy issues in the establishment of the Internet-based system described in paragraph (1). No personally identifying information shall be accessible to unauthorized persons.

(3) Means of Access.—The on-line information system established under paragraph (1) shall be accessible to the persons described in paragraph (1) through a personal identification number (PIN) or other personalized password.

(4) Prohibition on Fees.—The Under Secretary shall not charge any immigrant, non-immigrant, employer, or other person described in paragraph (1) a fee for access to the information in the database that pertains to that person.

(b) Frasability Study on on-Line Filing and Reduced Processing.

(1) On-line Filing.—

(A) In General.—The Under Secretary, in consultation with the Leadership Advisory Committee, shall conduct a study to determine the feasibility of on-line filing of the documents described in subsection (a).

(B) Study Elements.—The study shall—

(i) include a review of the precedent in this Act; and

(ii) include an estimate of the time-frame and costs of implementing on-line filing of such documents; and

(3) other factors in implementing such a filing system, including the feasibility of the payment of fees on-line.
(2) REPORT.—Not later than 2 years after the effective date of division A, the Under Secretary shall submit to the Committees on the Judiciary of the Senate and the House of Representatives a report on the findings of the study conducted under this subsection.

(c) TECHNOLOGY ADVISORY COMMITTEE.—

(1) ESTABLISHMENT.—Not later than 1 year after the effective date of division A, the Under Secretary shall establish, after consultation with the Committees on the Judiciary of the Senate and the House of Representatives, an advisory committee (in this section referred to as the “Technology Advisory Committee”) to assist the Under Secretary in:

(A) establishing the tracking system under subsection (a); and

(B) conducting the study under subsection (b).

(2) COMPOSITION.—The Technology Advisory Committee shall be composed of—

(A) experts from the public and private sector capable of establishing and implementing the system in an expeditious manner; and

(B) representatives of persons or entities who may use the tracking system described in subsection (a) and the on-line filing system described in subsection (b).

See section 1203 to 1208, inclusive.

SEC. 1123. ALTERNATIVES TO DETENTION OF ASYLUM SEEKERS.

(a) ASSIGNMENTS OF ASYLUM OFFICERS.—The Under Secretary shall assign asylum officers to major ports of entry in the United States to assist in the inspection of asylum seekers who enter ports of entry, and the Under Secretary shall take steps to ensure that asylum officers participate in the inspection process.

(b) AMENDMENT OF THE IMMIGRATION AND NATIONALITY ACT.—Chapter 4 of title II of the Immigration and Nationality Act (8 U.S.C. 1221 et seq.) is amended by inserting after section 236A the following new section:

"SEC. 236B. ALTERNATIVES TO DETENTION OF ASYLUM SEEKERS.

"(a) DEVELOPMENT OF ALTERNATIVES TO DETENTION.—The Under Secretary shall—

"(1) authorize and promote the utilization of alternatives to the detention of asylum seekers who do not have nonpolitical criminal records; and

"(2) establish conditions for the detention of asylum seekers that ensure a safe and humane environment.

"(b) SPECIFIC ALTERNATIVES FOR CONSIDERATION.—The Under Secretary shall consider the following specific alternatives to the detention of asylum seekers described in subsection (a):

"(1) Parole from detention.

"(2) For individuals not otherwise qualified for parole under paragraph (1), parole with appearance assistance provided by private nonprofit voluntary agencies with expertise in the legal and social needs of asylum seekers.

"(3) For individuals not otherwise qualified for parole under paragraph (1) or (2), non-secure shelter care or group homes operated by private nonprofit voluntary agencies with expertise in the legal and social needs of asylum seekers.

"(4) Noninstitutional settings for minors such as foster care or group homes operated by private nonprofit voluntary agencies with expertise in the legal and social needs of asylum seekers.

See section 2004 to 2008, inclusive.

(c) 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."

Title XII—UNACCOMPANIED ALIEN CHILD PROTECTION

SEC. 1201. SHORT TITLE.

This title may be cited as the “Unaccompanied Alien Child Protection Act of 2002”.

SEC. 1202. DEFINITIONS.

(a) IN GENERAL.—In this title:

(1) DIRECTOR.—The term “Director” means the Director of the Office.

(2) OFFICE.—The term “Office” means the Office of Refugee Resettlement as established by section 411 of the Immigration and Nationality Act.

(3) SERVICE.—The term “Service” means the Immigration and Naturalization Service (or, upon the effective date of title XI, the Directorate of Immigration Affairs).

(4) UNACCOMPANIED ALIEN CHILD.—The term “unaccompanied alien child” means a child who—

(A) has no lawful immigration status in the United States;

(B) has not attained the age of 18; and

(C) with respect to whom—

(i) there is no parent or legal guardian in the United States; or

(ii) no parent or legal guardian in the United States is able to provide care and physical custody.

(D) VOLUNTARY AGENCY.—The term “voluntary agency” means a private, nonprofit voluntary agency with expertise in the cultural, developmental, or psychological needs of unaccompanied alien children as licensed by the appropriate State and certified by the Director of the Office of Refugee Resettlement.

(E) IDENTIFICATION.—The term “unaccompanied alien child” means a child—

(i) there is no parent or legal guardian in the United States; or

(ii) no parent or legal guardian in the United States is able to provide care and physical custody.

(F) REGULATIONS.—The term “regulations” means the regulations for the Office described in sections 1222 and 1223 to ensure their compliance with such provisions.

(G) Maintaining statistical information and other data on unaccompanied alien children in the custody of the Office.

(H) maintaining statistical information and other data on unaccompanied alien children in the custody of the Office.

(I) in any case in which the child is placed in detention, an explanation relating to the detention; and

(J) the disposition of any actions in which the child is the subject.

See section 1207 to 1209, inclusive.

SEC. 1203. RESPONSIBILITIES OF THE OFFICE OF REFUGEE RESettlement with respect to unaccompanied alien children.

(a) IN GENERAL.—The Office shall be responsible for—

(1) coordinating and implementing the care and placement for unaccompanied alien children who are in Federal custody by reason of their immigration status; and

(2) preparing plans for the voluntary agencies (or, upon the effective date of title XI, the appropriate administrative or successor entity) to conduct investigations and inspections of facilities and other entities in which unaccompanied alien children reside.

See section 1204 to 1206, inclusive.

(b) POWERS.—In carrying out the duties described in paragraph (3), the Director shall have the power to—

(1) contract with service providers to perform the services described in sections 1222, 1223, and 1229 to 1232, inclusive.

(2) Compel compliance with the terms and conditions set forth in section 1222, including the power to terminate the contracts of providers that are not in compliance with such conditions and reassign any unaccompanied alien child to a similar facility that is in compliance with such section.

See section 1226 to 1228, inclusive.

(c) NO EFFECT ON 2001 RATES.—In this title, nothing in section 411A(f) of the Department of State Appropriations Act, 2001 (Public Law 106-113) shall apply to the Office of Refugee Resettlement.
SEC. 1212. ESTABLISHMENT OF INTERAGENCY TASK FORCE ON UNACCOMPANIED ALIEN CHILDREN.

(a) Establishment. There is established an Interagency Task Force on Unaccompanied Alien Children.

(b) Composition. The Task Force shall consist of the following members:

(1) The Assistant Secretary, Administration for Children and Families, Department of Health and Human Services.

(2) The Under Secretary of Homeland Security for Immigration Affairs.

(3) The Assistant Secretary of State for Population, Refugees, and Migration.

(4) The Director.

(5) Such other officials in the executive branch of Government as may be designated by the President.

(c) Chairman. The Task Force shall be chaired by the Assistant Secretary, Administration for Children and Families, Department of Health and Human Services.

(d) Activities of the Task Force. In consultation with nongovernmental organizations, the Task Force shall:

(1) measure and evaluate the progress of the United States in treating unaccompanied alien children in United States custody; and

(2) expand interagency procedures to collect and share information, including significant research and resource information on the needs and treatment of unaccompanied alien children in the custody of the United States Government.

SEC. 1213. TRANSITION PROVISIONS.

(a) Transfer of Functions. All functions with respect to the care and custody of unaccompanied alien children under the immigration laws of the United States vested by statute in, or exercised by, the Commissioner of Immigration and Naturalization (or any other officer or component thereof), immediately prior to the effective date of this subtitle, are transferred to the Office.

(b) Transfer and Allocations of Appropriations and Personnel. The personnel employed in connection with, and the assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, used, held, arising from, available to, or to be made available in connection with the functions transferred by this section, and section 1501 of title 42, United States Code, shall be transferred to the Office. Unexpended funds transferred pursuant to this section shall be used only for the purposes for which the funds were originally authorized and appropriated.

(c) Legal Documents. All orders, determinations and regulations, permits, grants, loans, contracts, recognition of labor organizations, agreements, including collective bargaining agreements, certificates, licenses, and privileges:

(1) that have been issued, made, granted, or allowed to become effective by the President, the Attorney General, the Commissioner of Immigration and Naturalization Service, or any other Government official, or by a court of competent jurisdiction, in the performance of any function transferred pursuant to this section; and

(2) that are in effect on the effective date of such transfer (or become effective after such date in the case of terms as in effect on such effective date);

shall continue in effect according to their terms until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law.

(d) Proceedings.—

(1) Pending. The transfer of functions under subsection (a) shall not affect any proceeding or any application for any benefit, service, or assistance pending for financial assistance pending on the effective date of this subtitle before an office whose functions are transferred pursuant to this section, but such proceedings and applications shall be continued.

(2) Orders. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and judgments rendered thereon as if this Act had not been enacted, and orders issued in any such proceeding shall continue in effect until modified, terminated, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law.

(3) Discontinuance or Modification. Notwithstanding any provision of this Act to the contrary, nothing in this Act shall be considered to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this section had not been enacted.

(e) Suits. This section shall not affect suits commenced before the effective date of this subtitle, and in all such suits, proceeding shall be had, appeals taken, and judgments rendered thereon as if this Act had not been enacted.

(f) Continuance of Suit with Substitution of Parties.—If any Government official in the official capacity of such officer is party to a suit with respect to a function transferred pursuant to this section, such suit shall be continued in the same manner and with the same effect as if this Act had not been enacted.

(g) Continuance of Suit with Substitution of Parties.—If any Government official in the official capacity of such officer is party to a suit with respect to a function transferred pursuant to this section, such suit shall be continued in the same manner and with the same effect as if this Act had not been enacted.

(h) Administration Procedure and Judicial Review.—Except as otherwise provided by this title, any statutory requirements relating to notice, hearings, action upon the record, or adjudicative review that apply to any function transferred pursuant to any provision of this section shall apply to the exercise of such function by the head of the office, and other officers of the office, to which such function is transferred pursuant to such provision.

SEC. 1214. EFFECTIVE DATE.

This subtitle shall take effect one year after the effective date of division A of this Act.

Subtitle B—Custody, Release, Family Reunifications, and National Security

SEC. 1211. 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 inadmissible under the Immigration and Nationality Act, the officer shall—

(A) hold the child in custody for a period of up to 72 hours.

(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 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) such 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 to repatriate, as well as consult with the Office, telephonically, and such child shall be informed of that right.

(C) Rule for Apprentitions at the Border.—The custody of unaccompanied alien children not described in paragraph (2) who are apprehended at the border of the United States or at a United States port of entry shall be treated in accordance with the provisions of subsection (b).

(b) Custody of Unaccompanied Alien Children Found in the Interior of the United States.

(1) Establishment of Jurisdiction.

(A) In General.—Except as otherwise provided under subsection (a) and subparagraphs (B) and (C), the custody of all unaccompanied alien children, including responsibility for their detention, where appropriate, shall be under the jurisdiction of the Office.

(B) Exception for Children Who Have Commitments. If the child is under the jurisdiction of the Office, the Service shall retain or assume the custody and care of any unaccompanied alien child who—

(i) has been charged with any felony, excluding offenses proscribed by the Immigration and Nationality Act, while such charges are pending; or

(ii) has been convicted of any such felony.

(C) Exception for Children Who Threaten National Security.—Notwithstanding subparagraph (A), the Service shall retain or assume the custody and care of any unaccompanied alien child if the Secretary of Homeland Security has substantial evidence that such child endangers the national security of the United States.

(2) Notification.—Upon apprehension of an unaccompanied alien child, the Secretary shall promptly notify the Office.

(3) Transfer of Unaccompanied Alien Children.

(A) Transfer to the Office.—The care and custody of an unaccompanied alien child shall be transferred to the Office if—

(i) in the case of a child not described in paragraph (1) (B) or (C), not later than 72 hours after the apprehension of such child; or

(ii) in the case of a child whose custody has been retained or assumed by the Service pursuant to paragraph (1) (B) or (C), immediately following a determination that the child no longer meets the description set forth in such paragraph.
(B) TRANSFER TO THE SERVICE.—Upon determining that a child in the custody of the Office is described in paragraph (1) (B) or (C), the Director shall promptly make arrangements to transfer the care and custody of such child to the Service.

(c) AGE DETERMINATIONS.—In any case in which it is determined that the resolution of questions about such alien’s age would affect the alien’s eligibility for treatment under the provisions of this title, the 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. APPROPRIATE CONDITIONS FOR DETENTION OF UNACCOMPANIED ALIEN CHILDREN.

(a) STANDARDS FOR PLACEMENT.—

(1) PROHIBITION OF DETENTION IN CERTAIN FACILITIES.—Except as provided in paragraph (2), an unaccompanied alien child shall not be placed in an adult detention facility or a facility housing delinquent children.

(2) DETENTION IN APPROPRIATE FACILITIES.—An unaccompanied alien child who exhibits a violent or criminal behavior that endangers others may be detained in conditions appropriate to the behavior in a facility appropriate for unaccompanied alien children.

(b) CONDITIONS OF DETENTION.—

(1) CONDITIONS OF DETENTION.—

(A) IN GENERAL.—The Director shall promulgate regulations incorporating standards for conditions of detention in such places that provide for—

(i) educational services appropriate to the child;

(ii) medical care;

(iii) mental health care, including treatment of trauma;

(iv) access to telephones;

(v) access to legal services;

(vi) access to televisions;

(vii) supervision by professionals trained in the care of children, taking into account the special cultural, linguistic, and experiential needs of children in immigration proceedings;

(viii) recreational programs and activities;

(ix) spiritual and religious needs; and

(x) dietary needs.

(B) FACTORS FOR ASSESSMENT.—In assessing country conditions, the Office shall, to the extent practicable, the United States for any expenses they incur in providing assistance to unaccompanied alien children who are served pursuant to this title.

(c) 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.

(d) CONDITIONS OF DETENTION.—

(A) IN GENERAL.—The Director shall promulgate regulations incorporating standards for conditions of detention in such places that provide for—

(i) educational services appropriate to the child;

(ii) medical care;

(iii) mental health care, including treatment of trauma;
or matters.

Service who are not described in section shall not be an employee of the Service.

child during any hearing or interview involving such child.

that are not deemed privileged or classified;

immigration and Nationality Act;

cumstances arising in the country of the

child, including access while such child is

immigration and Nationality Act (8 U.S.C. 1362) or

paragraph has not been made solely to provide

Secretary of Homeland Security for Immigration Affairs that the classification of an

Secretary has certified to the Under

and agency of a State, or an individual

ability of appropriations, the Director shall

child attains the age of 18, or

the Government, beginning on the date that

necessary mechanisms to identify entities available to provide such legal assistance and representation and to recruit such entities.

A) shall have reasonable access to the

b) shall be permitted to review all records and information relating to such proceedings that are privileged or confidential;

C) may seek independent evaluations of the child;

D) shall be notified in advance of all hearings involving such children and 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.

b) Training.—The Director shall provide professional training for all persons serving as guardians ad litem under this section in the circumstances and conditions that unaccompanied alien children face as well as the various immigration benefits for which such children might be eligible.

SEC. 1232. RIGHT OF UNACCOMPANY ALIEN CHILDREN TO COUNSEL

(a) ACCESS TO COUNSEL.—

(1) IN GENERAL.—The Director shall ensure that all unaccompanied alien children in the custody of the Office or in the custody of the Service who are not described in section 1221(a)(2) shall have competent counsel to represent them in immigration proceedings or matters.

(2) PRO BONO REPRESENTATION.—To the maximum extent practicable, the Director shall utilize the services of pro bono attorneys without limiting their representation to such children without charge.

(3) GOVERNMENT FUNDED REPRESENTATION.—

(A) APPOINTMENT OF COMPETENT COUNSEL.—Notwithstanding section 299 of the Immigration and Nationality Act (8 U.S.C. 1362) or any other provision of law, when no competent counsel is available to represent an unaccompanied alien child without charge, the Director shall appoint competent counsel for such child at the expense of the Government.

(B) LIMITATION ON ATTORNEY FEES.—Counsel appointed under subparagraph (A) may not be compensated at a rate in excess of the rate provided under section 3006A of title 18, United States Code.

(C) ASSUMPTION OF THE COST OF GOVERNMENT-PAID COUNSEL.—In the case of a child for whom paragraph (1) or (3) of subparagraph (A) who is subsequently placed in the physical custody of a parent or legal guardian, such parent or legal guardian may elect to retain the same counsel to continue representation of the child, at no expense to the Government, beginning on the date that the parent or legal guardian assumes physical custody of the child.

(D) DEVELOPMENT OF NECESSARY INFRASTRUCTURES AND SYSTEMS.—In ensuring that legal representation is provided to such children, the Director shall develop the necessary mechanisms to identify entities available to provide such legal assistance and representation and to recruit such entities.

(E) CONTRACTING AND GRANT MAKING AUTHORITY.—

(1) IN GENERAL.—Subject to the availability of appropriations, the Director shall enter into contracts with or make grants to national nonprofit agencies with relevant expertise in the delivery of immigration-related legal services to children in order to carry out this subtitle.

(F) LIMITATION ON ATTORNEY FEES.—Counsel appointed under subparagraph (A) who is subsequently placed in the physical custody of a parent or legal guardian, such parent or legal guardian may elect to retain the same counsel to continue representation of the child, at no expense to the Government, beginning on the date that the parent or legal guardian assumes physical custody of the child.

(G) DEVELOPMENT OF NECESSARY INFRASTRUCTURES AND SYSTEMS.—In ensuring that legal representation is provided to such children, the Director shall develop the necessary mechanisms to identify entities available to provide such legal assistance and representation and to recruit such entities.

(a) IN GENERAL.—The Director shall ensure that unaccompanied alien children have legal representation in immigration matters affecting or involving them.

(b) REQUIREMENT OF LEGAL REPRESENTATION.—In making grants and entering into contracts with such agencies, the Director shall ensure that they—

(i) are of the same kind and quality as those used by the Immigration and Nationality Act to provide representation for children;

(ii) possess special training on the nature and purpose of the Convention Against Torture, the Convention and Implementation Agreement for the Convention Against Torture, and the Immigration and Nationality Act;

(b) REQUIREMENT OF LEGAL REPRESENTATION.—In making grants and entering into contracts with such agencies, the Director shall ensure that they—

(i) are of the same kind and quality as those used by the Immigration and Nationality Act to provide representation for children;

(ii) possess special training on the nature and purpose of the Convention Against Torture, the Convention and Implementation Agreement for the Convention Against Torture, and the Immigration and Nationality Act;

(iii) are able to provide legal assistance and representation to children without charge or at a reasonable rate provided under section 3006A of title 18, United States Code.

(c) GOVERNMENT FUNDED REPRESENTATION.—

(1) IN GENERAL.—The Director shall ensure that no such agency is—

(A) the child attains the age of 18, or

(B) the child departs the United States,

(C) the child is granted permanent resident status or other actions involving the child;

(D) the child is granted protection under the Convention Against Torture, the Convention and Implementation Agreement for the Convention Against Torture, and the Immigration and Nationality Act;

(E) shall be permitted to consult with the}

(2) OPPORTUNITY TO CONSULT WITH COUNSEL.—An unaccompanied alien child in the custody of the Office may not be permitted to consult to any immigration action, including consenting to voluntary departure, unless first afforded an opportunity to consult with counsel.

(g) ACCESS TO RECOMMENDATIONS OF GUARDIAN AD LITEM.—Counsel shall be afforded an opportunity to review the recommendation by the guardian ad litem affecting or involving a client who is an unaccompanied alien child.
case of an offense which arose as a consequence of the child being unaccompanied.

(c) ELIGIBILITY FOR ASSISTANCE.—A child who has been granted relief under section 101(a)(27)(J) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)(J)), as amended by subsection (a), who is in the custody of a State shall be eligible for all funds made available under section 412(d) of such Act.

SEC. 1242. TRAINING FOR OFFICIALS AND CERTAIN PRIVATE PARTIES.—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 forms of relief potentially available. The Director shall be responsible for establishing a core curriculum that can be incorporated into training sessions or education, or orientation modules or formats that are currently used by these professionals.

(b) TRAINING OF SERVICE PERSONNEL.—The Secretary, acting jointly with the Secretary of Health and Human Services, shall provide specialized training to all personnel of the Service who come into contact with unaccompanied alien children. In the case of Border Patrol agents and immigration inspectors, such training shall include specific training on identifying children at the United States border or at United States ports of entry who have been victimized by smugglers or traffickers, and children for whom immediate immigrant relief may be appropriate, including children described in section 1221(a)(2).

SEC. 1243. EFFECTIVE DATE.

The amendment made by section 1241 shall apply to all eligible children who were in the United States before, on, or after the date of enactment of this Act.

Subtitle E—Children Refugee and Asylum Seekers

SEC. 1251. GUIDELINES FOR CHILDREN’S ASYLUM CLAIMS.

(a) SENSE OF CONGRESS.—Congress commends the Service for its issuance of its “Guidelines for Children’s Asylum Claims,” dated April 2001, and encourages the Service to continue to develop and provide training for the implementation of such guidelines in order to facilitate the handling of children’s asylum claims. Congress calls upon the Executive Office for Immigration Review of the Department of Justice (or successor entity) to adopt the “Guidelines for Children’s Asylum Claims” in its handling of children’s asylum claims before immigration judges and the Board of Immigration Appeals.

(b) TRAINING.—The Secretary of Homeland Security shall, in periodic comprehensive training under the “Guidelines for Children’s Asylum Claims” to asylum officers, immigration judges, members of the Board of Immigration Appeals, and immigration officers who have contact with children in order to familiarize and sensitize such officers to the needs of children asylum seekers. Voluntary agencies shall be allowed to assist in such training.

SEC. 1252. UNACCOMPANIED REFUGEE CHILDREN.

(a) IDENTIFYING UNACCOMPANIED REFUGEE CHILDREN.—Section 207(e) (8 U.S.C. 1157(e)) is amended—

(1) by redesignating paragraphs (3), (4), (5), (6), and (7) as paragraphs (4), (5), (6), (7), and (8), respectively; and

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

“(3) An analysis of the worldwide situation faced by unaccompanied refugee children, by region. Such analysis shall include an assessment of—

(A) the number of unaccompanied refugee children, by region;

(B) the capacity of the Department of State to identify such refugees;

(C) the capacity of the international community to care for and protect such refugees; and

(D) the capacity of voluntary agency communities to resettle such refugees in the United States;

(E) the degree to which the United States plans to resettle refugees in the United States in the coming fiscal year; and

(F) the fate that will befall such unaccompanied refugee children for whom resettlement in the United States is not possible.”.

(b) TRAINING ON THE NEEDS OF UNACCOMPANIED REFUGEE CHILDREN.—Section 207(f)(2) (8 U.S.C. 1157(f)(2)) is amended by—

(1) striking “and” after “countries,”; and

(2) inserting before the period at the end the following: “, and instruction on the needs of unaccompanied children.”

Subtitle F—Authorization of Appropriations

SEC. 1261. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this title.

(b) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to subsection (a) are authorized to remain available until expended.

Title XIII—Agency for Immigration Hearings and Appeals

Subtitle A—Structure and Function

SEC. 1301. ESTABLISHMENT.

(a) IN GENERAL.—There is established within the Department of Justice the Agency for Immigration Hearings and Appeals (in this title referred to as the “Agency”).

(b) ABOLITION OF EOIR.—The Executive Office for Immigration Review of the Department of Justice is hereby abolished.

SEC. 1302. DIRECTOR OF THE AGENCY.

(a) APPOINTMENT.—There shall be at the head of the Agency an Assistant Director who shall be appointed by the President, by and with the advice and consent of the Senate.

(b) OFFICES.—The Director shall establish and maintain such 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; and

(3) appoint the Chief Immigration Judge;

and

(d) appoint and fix the compensation of attorneys, clerical and other staff, and other personnel as may be necessary.

SEC. 1303. BOARD OF IMMIGRATION APPEALS.

(a) IN GENERAL.—The Board of Immigration Appeals (in this title referred to as the “Board”) shall perform the appellate functions of the Agency. The Board shall consist of a Chair and not less than 14 other immigration 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 or the Federal judiciary who has had at least 7 years of professional legal expertise in immigration and nationality law.
States (as defined in section 111(e) of the Immigration and Nationality Act, as added by section 1101(a)(2) of this Act) vested by statute in, or exercised by, the Executive Office of Immigration Review of the Department of Justice (or any officer, employee, or component thereof), immediately prior to the effective date of this title, are transferred to the Agency.

(b) Transfer and Allocations of Appropriations and Personnel.—The personnel employed by the Immigration and Naturalization Service, and the liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed in connection with, or to, or to be made available in connection with the functions transferred by this section, subject to section 1531 of title 31, United States Code, shall be transferred to, or to be made available in connection with, the Agency. Unexpended funds transferred pursuant to this section shall be used only for the purposes for which the funds were originally authorized and appropriated.

(c) Legal Documents.—All orders, determinations, rules, regulations, permits, grants, loans, contracts, recognition of labor organizations, agreements, including collective bargaining agreements, certificates, licenses, and privileges—

(1) that have been issued, made, granted, or allowed to become effective by the Attorney General or the Executive Office of Immigration Review of the Department of Justice, their delegates, or any other Government official, shall continue in effect until modified, terminated, superseded, set aside, or revoked in accordance with law by the Agency, any other authorized official, 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 this transfer (or become effective after such date pursuant to their terms as in effect on such effective date); shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the Agency, any other authorized official, a court of competent jurisdiction, or operation of law, except that any collective bargaining agreement shall remain in effect until the date of termination specified in the agreement.

(d) Proceedings.—

(1) Pending.—The transfer of functions under subsection (a) shall not affect any proceedings begun for any lawful purpose, service, license, permit, certificate, or financial assistance pending on the effective date of this title before an office whose functions are transferred pursuant to this section, but such proceedings and applications shall be continued.

(2) Orders.—Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this Act had not been enacted, and orders issued in any such proceeding may continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law.

(e) Date of Effect.—Nothing in this section shall be considered to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions as if the same were transferred to the same extent that such proceeding could have been discontinued or modified if this section had not been enacted.

(f) Suits.—This section shall not affect suits commenced before the effective date of this title, and in all such suits, proceeding shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this section had not been enacted.

(g) Enforcement of Actions.—No suit, action, or other proceeding commenced by or against the Department of Justice or the Executive Office of Immigration Review, or by or against any individual in the official capacity of such individual as an officer or employee in connection with a function transferred under this section, shall abate by reason of the enactment of this Act.

(h) Continuance of Suit With Substitution of Parties.—If any Government officer or person other than the person to whom any suit is transferred under this section 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 person, then such suit shall be continued with the other officer or the head of such other office, as applicable, substituted or added as a party.

(i) Administrative Procedure and Judicial Review.—Except as otherwise provided by this title, any statutory requirements relating to notice, hearings, action upon the record, or administrative or judicial review that apply to any function transferred pursuant to any provision of this section shall apply to the exercise of such function by the head of the office, and other officers of the office, to which such function is transferred pursuant to such provision.

Title C—Effective Date

Sec. 1321. Effective date.

This title shall take effect one year after the effective date of division A of this Act.

Division C—Federal Workforce Improvement

Title XXI—Chief Human Capital Officers

Sec. 2101. Short title.

This title may be cited as the "Chief Human Capital Officers Act of 2002."

Sec. 2102. Agency chief human capital officers.

(a) In general.—Part II of title 5, United States Code, is amended by inserting after chapter 13 the following:

"Chapter 14—Agency Chief Human Capital Officers"

"Sec. 1401. Establishment of agency chief human capital officers.

"1402. Authority and functions of agency chief human capital officers."

Title 14—Chief Human Capital Officers

Sec. 1401. Establishment of agency chief human capital officers.

The head of each agency referred to under paragraph (1) of section 901(b) of title 5, United States Code, is authorized to appoint a Chief Human Capital Officer.

Sec. 1402. Authority and functions of agency chief human capital officers.

(a) The functions of each Chief Human Capital Officer shall include—

(1) setting the workforce development strategy of the agency; and

(2) assessing workforce characteristics and future needs based on the agency’s mission and strategic plan.

(b) The Agency shall set agency human resources policies and programs with organization mission, strategic goals, and performance outcomes.

(c) Developing and advocating a culture of continuous learning to attract and retain employees with superior abilities.

(d) Identifying best practices and benchmarking studies; and

(e) Applying methods for measuring intellectual capital and identifying links of that capital to organizational performance and growth.

(b) In addition to the authority otherwise provided by this section, each agency Chief Human Capital Officer—

(1) shall have access to all records, reports, audits, reviews, documents, papers, records, and other data and may carry out the duties and responsibilities provided by this chapter by any Federal, State, or local governmental entity.

(2) may request such information or assistance as may be necessary for carrying out the duties and responsibilities provided by this chapter.

(c) The Chief Human Capital Officer of each Executive department and any other members who are designated by the Director of the Office of Personnel Management shall act as chairperson of the Council.

(d) The Deputy Director for Management of the Office of Management and Budget shall act as vice chairperson of the Council.

(e) 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 1105 of title 5, United States Code, is amended by adding at the end the following:

"(c)(1) The Office of Personnel Management shall design and implement systems to include appropriately designed metrics, including measuring 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 mission, goals, and organizational objectives of those agencies; and

(b) Integrating those strategies into the budget and strategic plans of those agencies; and

(c) Ensuring the success of key and mission critical positions; and

(d) Security of the succession planning and talent management; and

(e) Continuity of effective leadership through implementation of recruitment, development, and succession plans;
“(D) sustaining a culture that cultivates and develops a high performing workforce; and
“(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 XXIII—REFORMS RELATING TO FEDERAL HUMAN CAPITAL MANAGEMENT

SEC. 2201. INCLUSION OF AGENCY HUMAN CAPITAL MANAGEMENT PLANNING IN PERFORMANCE PLANS AND PROGRAM PERFORMANCE REPORTS.
(a) PERFORMANCE PLANS.—Section 1115 of title 5, United States Code, is amended—
(1) in subsection (a), by striking paragraph (3) and inserting the following:
“(3) provide a description of how the performance goals and objectives are to be achieved, including the operational processes, training, skills and technology, and the human capital information, and other resources and strategies required to meet those performance goals and objectives.”;
(2) by redesignating subsection (f) as subsection (g); and
(3) by inserting after subsection (e) the following:
“(f) Notwithstanding paragraph (1), the appointing official may select any applicant in the highest quality category or, if fewer than 3 candidates have been assigned to the highest quality category, in the merged category consisting of the highest and the second highest quality categories.
“(g) With respect to each agency with a human capital information system, a report to the Office of Personnel Management应当 be submitted, a report to Congress on that system including information on—
“(1) the number of employees hired under that system;
“(2) the impact that system has had on the hiring of veterans and minorities, including those who are American Indian or Alaska Native, Black or African American, and native Hawaiian or other Pacific Islander; and
“(3) the way in which managers were trained in the administration of that system.
“(h) The Office of Personnel Management may prescribe such regulations as it considers necessary to carry out the provisions of this section.”.
(b) TECHNICAL AND CONFORMING AMENDMENTS.—The table of sections for chapter 33 of title 5, United States Code, is amended—
(1) in paragraph (4), by striking “and” after the semicolon;
(2) by redesignating paragraph (5) as paragraph (6); and
(3) by inserting after paragraph (4) the following:
“(5) include a review of the performance goals and evaluation of the performance plan relative to the agency’s strategic human capital management; and”.

SEC. 2202. REFORM OF THE COMPETITIVE SERVICE HIRING PROCESS.
(a) IN GENERAL.—Chapter 33 of title 5, United States Code, is amended—
(1) in section 3304(a)—
(A) AMENDMENT TO TITLE 5, UNITED STATES CODE.—Chapter 33 of title 5, United States Code, is amended—
(1) in paragraph (4), by striking “and” after the semicolon;
(B) by redesignating paragraph (5) as paragraph (6); and
(C) by adding at the end the following:
“(3) authority for agencies to appoint, without regard to the provisions of sections 3309 through 3318, candidates directly to positions for which—
“(A) public service has been given; and
“(B) the Office of Personnel Management has determined that there exists a severe shortage of candidates or there is a critical hiring need.

The Office shall prescribe, by regulation, criteria for identifying such positions and may delegate authority to make determinations under this section.

(2) by inserting after section 3318 the following:
“(3) shall be equal to the lesser of—
“(i) a reemployed annuitant under section 8331; or
“(ii) an employee having a disability on the basis of which such employee is or would be eligible for disability retirement under subchapter III of chapter 83 or 84 and another retirement system for employees of the Gov- ernment;
“(ii) an employee having a disability on the basis of which such employee is or would be eligible for disability retirement under subchapter III of chapter 83 or 84 and another retirement system for employees of the Gov- ernment;
“(iii) an employee who is in receipt of a de- cision notice of involuntary separation for misconduct or unacceptable performance;
“(iv) an employee who has previously re- ceived any voluntary separation incentive payment from the Federal Government under this subchapter or any other authority;
“(v) an employee covered by statutory re- employment rights who is on transfer em- ployment with another organization; or
“(vi) any employee who—
“(1) during the 36-month period preceding the date of separation of that employee, per- formed service for which a student loan re- payment benefit was or is to be paid under section 3579;
“(2) during the 12-month period preceding the date of separation of that employee, per- formed service for which a retention bonus was or is to be paid under section 5753; or
“(3) during the 12-month period preceding the date of separation of that employee, per- formed service for which a retention bonus was or is to be paid under section 5753;
“(4) after obligating any resources for voluntary separation incentive payments, the head of each agency shall submit to the Director of Personnel Management a description of the use of such incentive payments and a proposed organizational chart for the agency once such incentive payments have been completed;
“(5) the plan of an agency under sub- section (a) shall include—
“(i) the specific positions and functions to be reduced or eliminated; and
“(ii) the number and amounts of voluntary separation incentive payments to be offered; and
“(6) a description of how the agency will operate without the eliminated positions and functions.
“(7) The Director of the Office of Personnel Management shall review each agency’s plan and may make any appropriate modifica- tions 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 Di- rector of the Office of Personnel Manage- ment.

SEC. 2203. PERMANENT EXTENSION, REVISION, AND EXPANSION OF AUTHORITIES FOR USE OF VOLUNTARY SEPARATION INCENTIVE PAYMENTS AND VOLUNTARY RETIREMENT.
(a) VOLUNTARY SEPARATION INCENTIVE PAYMENTS.—
(1) IN GENERAL.—
(A) AMENDMENT TO TITLE 5, UNITED STATES CODE.—Chapter 33 of title 5, United States Code, is amended by inserting after sub- chapter I the following:
“SUBCHAPTER II—VOLUNTARY SEPARATION INCENTIVE PAYMENTS
§3521. Definitions
“(a) A voluntary separation incentive payment under this subchapter may be paid to an employee only as provided in the plan of an agency established under section 3522.
“(b) A voluntary incentive payment—
“(1) shall be offered to agency employees on the basis of—
“(A) 1 or more organizational units;
“(B) 1 or more occupational series or levels;
“(C) 1 or more geographical locations;
“(D) skills, knowledge, or other factors related to a position;
“(E) specific periods of time during which eligible employees may elect a voluntary in- centive payment; or
“(F) any appropriate combination of such factors; and
“(2) shall be paid in a lump sum after the employee’s separation;
“(3) shall be equal to the lesser of—
CHAPTER 35—RETENTION PREFERENCE, VOLUNTARY SEPARATION INCENTIVE PAYMENTS, RESTORATION, AND REEMPLOYMENT; and

(ii) in the table of sections by inserting after the item relating to section 3501 the following:

"SUBCHAPTER II—VOLUNTARY SEPARATION INCENTIVE PAYMENTS"

"3522. Definitions.

"3523. Agency plans; approval.

"3524. Effect of offer of employment with the Government.

"3525. Regulations."

(2) AN OFFICE OF THE UNITED STATES COURTS.—The Director of the Administrative Office of the United States Courts may, by regulation, establish a program substantially similar to the program established under a personal services contract (or other contract) with an entity in the legislative branch; and

(b) An individual who has received a voluntary separation incentive payment under this subchapter and accepts any employment referred to in subparagraph (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 within which the employee is serving) is undergoing substantial delayering, substantial reorganization, substantial reductions in force, substantial transfer of function, or other substantial workforce restructuring (or shaping); and

(ii) 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 occupational units; or

(II) 1 or more geographical locations; or

(III) specific periods.

(3) Voluntary separation incentive payments.

"(c)(1) If the employment under this section shall not be construed to affect the authority under section 1 of Public Law 106–383 (5 U.S.C. 8336 note; 114 Stat. 1068).

"(2) The Office of Personnel Management may, by regulation, establish a program substantially similar to the program established under a personal services contract (or other contract) with an entity in the legislative branch; and

"(b) An individual who has received a voluntary separation incentive payment under this subchapter and accepts any employment referred to in subparagraph (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 within which the employee is serving) is undergoing substantial delayering, substantial reorganization, substantial reductions in force, substantial transfer of function, or other substantial workforce restructuring (or shaping); and

(ii) 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 occupational units; or

(II) 1 or more geographical locations; or

(III) specific periods.

(3) Voluntary separation incentive payments.

"(c)(1) If the employment under this section shall not be construed to affect the authority under section 1 of Public Law 106–383 (5 U.S.C. 8336 note; 114 Stat. 1068).

"(2) The Office of Personnel Management may, by regulation, establish a program substantially similar to the program established under a personal services contract (or other contract) with an entity in the legislative branch; and

"(b) An individual who has received a voluntary separation incentive payment under this subchapter and accepts any employment referred to in subparagraph (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 within which the employee is serving) is undergoing substantial delayering, substantial reorganization, substantial reductions in force, substantial transfer of function, or other substantial workforce restructuring (or shaping); and

(ii) 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 occupational units; or

(II) 1 or more geographical locations; or

(III) specific periods.

(3) Voluntary separation incentive payments.

"(c)(1) If the employment under this section shall not be construed to affect the authority under section 1 of Public Law 106–383 (5 U.S.C. 8336 note; 114 Stat. 1068).

"(2) The Office of Personnel Management may, by regulation, establish a program substantially similar to the program established under a personal services contract (or other contract) with an entity in the legislative branch; and

"(b) An individual who has received a voluntary separation incentive payment under this subchapter and accepts any employment referred to in subparagraph (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 within which the employee is serving) is undergoing substantial delayering, substantial reorganization, substantial reductions in force, substantial transfer of function, or other substantial workforce restructuring (or shaping); and

(ii) 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 occupational units; or

(II) 1 or more geographical locations; or

(III) specific periods.
SEC. 2401. ACADEMIC TRAINING.

(a) Subject to subsection (b), an agency may select and assign an employee to academic degree training and may pay or reimburse the employee for travel as follows:

(1) contributes significantly to—

(A) meeting an identified agency training need;

(B) resolving an identified agency staffing problem; or

(C) accomplishing goals in the strategic plan of the agency;

(2) is part of a planned, systematic, and coordinated agency employee development program and is part of the strategy for achieving the strategic goals of the agency; and

(3) is accredited and is provided by a college or university that is accredited by a nationally recognized body.

(b) In exercising authority under subsection (a), an agency shall—

(1) maintain a balanced workforce in which women, members of racial and ethnic minority groups, and persons with disabilities are appropriately represented in Government service; or

(2) provide employees effective education and training to improve organizational and individual performance.

(c) The term ‘‘academic degree training’’ means academic degree training and may pay or reimburse the following:

(1) an academic degree;

(2) travel associated with academic degree training; and

(3) travel associated with travel and travel training.

(d) The term ‘‘employee’’ means an employee of an agency.

(e) The term ‘‘accredited body’’ means a body approved by the Secretary of Education.

(f) The term ‘‘education and training’’ means education and training beyond the secondary school level.

SEC. 2402. MODIFICATIONS TO NATIONAL SECURITY EDUCATION PROGRAM.

(a) In section 8107(a)(1)(B), by striking ‘‘§ 8107. Academic degree training’’ and inserting the following:

‘‘§ 4107. Academic degree training

‘‘(a) Subject to subsection (b), an agency may select and assign an employee to academic degree training and may pay or reimburse the employee for travel as follows:

(1) contributes significantly to—

(A) meeting an identified agency training need;

(B) resolving an identified agency staffing problem; or

(C) accomplishing goals in the strategic plan of the agency;

(2) is part of a planned, systematic, and coordinated agency employee development program and is part of the strategy for achieving the strategic goals of the agency; and

(3) is accredited and is provided by a college or university that is accredited by a nationally recognized body.

(b) In exercising authority under subsection (a), an agency shall—

(1) consistent with the merit system principles set forth in paragraphs (2) and (7) of section 2301(b), take into consideration the need to—

(A) maintain a balanced workforce in which women, members of racial and ethnic minority groups, and persons with disabilities are appropriately represented in Government service; or

(B) provide employees effective education and training to improve organizational and individual performance;

(2) assure that the training is not for the sole purpose of providing an employee an opportunity to obtain an academic degree or to qualify for appointment to a particular position for which the academic degree is a basic requirement;

(3) assure that no authority under this subsection is exercised on behalf of any employee occupying or seeking to qualify for—

(A) a noncareer appointment in the Senior Executive Service; or

(B) appointment to any position that is excepted from the competitive service because of its confidential policy-determining, policymaking, or policy-advocating character; and

(4) to the greatest extent practicable, facilitate the use of online degree training.’’.

(b) By striking subsections (c) and (d) and inserting the following:

‘‘(c) The term ‘‘academic degree training’’ means academic degree training and may pay or reimburse the following:

(1) an academic degree;

(2) travel associated with academic degree training; and

(3) travel associated with travel and travel training.

(d) The term ‘‘employee’’ means an employee of an agency.

(e) The term ‘‘accredited body’’ means a body approved by the Secretary of Education.

(f) The term ‘‘education and training’’ means education and training beyond the secondary school level.

SEC. 2403. 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 that—

(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 agencies and to achieve more efficient performance, increase access to Government information, and increase citizen participation in Government.

(3) Most Internet-based services of the Federal Government are developed and presented separately, according to the jurisdictional boundaries of an individual department or agency, rather than being integrated cooperatively according to function or topic.
The page contains a section of a document discussing various aspects of electronic government, including its purposes, challenges, and technologies. Key points include:

- **Purposes**: The purposes of electronic government include providing effective leadership, transforming agency operations, making the Federal Government more accessible, increasing opportunities for citizen participation, and promoting use of the Internet and other emerging technologies.

- **Challenges**: Challenges include strong leadership, better technology, and financial constraints.

- **Technologies**: The document discusses the importance of integrating related services, using different operating and software systems, acquiring, using, and managing information.

- **Goals**: The goals include enhancing access to and delivery of government services, transforming operations, reducing costs and burdens, and improving service delivery.

- **Roles**: The roles of the Administrator include establishing an architecture, oversight, and management.

- **Legal Frameworks**: The section references various laws and regulations, including the E-Government Act of 2002, the Clinger-Cohen Act, and the Computer Security Act.

The text is structured to provide a comprehensive overview of the issues and strategies involved in electronic government, emphasizing the need for coordination, collaboration, and adherence to legal frameworks.
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) is intended to improve the performance of governments in collaborating on the use of technology to improve the delivery of Government information and services; and

"(B) may be developed through focused discussions or using separately sponsored research;

"(ii) identification of opportunities for public-private collaboration in using Internet-based technology to increase the efficiency of Government-to-business transactions;

"(iii) identification of mechanisms for providing incentives to program managers and other Government employees to develop and implement innovative uses of information technologies; and

"(iv) identification of opportunities for public, private, and intergovernmental collaboration in addressing the disparities in access to the Internet and information technology.

"(10) Sponsor activities to engage the general public in the development and implementation of policies and programs, particularly activities aimed at fulfilling the goal of using the most effective citizen-centered strategies and those activities which engage multiple agencies providing similar or related information and services.

"(11) Oversee the work of the General Services Administration and other agencies in developing the integrated Internet-based system under section 3301 of the E-Government Act of 2002.

"(12) Consult with the Administrator of the Office of Federal Procurement Policy to ensure effective implementation of electronic procurement initiatives.

"(13) Assist Federal agencies, including the General Services Administration, the Department of Justice, and the United States Access Board in—

"(A) implementing accessibility standards under section 508 of the Rehabilitation Act of 1973 (29 U.S.C. 794d); and

"(B) ensuring compliance with those standards through the budget review process and other means.

"(14) Oversee the development of enterprise architectures within and across agencies.

"(15) Assist the Director and the Deputy Director for Management in overseeing agency efforts to ensure that electronic Government activities incorporate adequate, risk-based, and cost-effective security compatible with business processes.

"(16) Administer the Office of Electronic Government established under section 3602.

"(17) Assist the Director in preparing the E-Government report established under section 3504.

"(g) The Director shall ensure that the Office of Management and Budget, including the Office of Electronic Government, the Office of Information and Regulatory Affairs, and other relevant offices, have adequate staff and resources to properly fulfill all functions under the E-Government Act of 2002.

"3603. Chief Information Officers Council

(a) There is established in the executive branch a Chief Information Officers Council.

(b) The members of the Council shall be as follows:

"(1) The Deputy Director for Management of the Office of Management and Budget, who shall act as chairperson of the Council.

"(2) The Administrator of the Office of Electronic Government.

"(3) The Administrator of the Office of Information and Regulatory Affairs.

"(4) The chief information officer of each agency described under section 901(b) of title 31.

"(5) The chief information officer of the Central Intelligence Agency.

"(6) The chief information officer of the Department of the Army, the Department of the Air Force, if chief information officers have been designated for such departments under section 5006(a)(2)(B).

"(7) Any other officer or employee of the United States designated by the chairperson.

"(c)(1) The Administrator of the Office of Electronic Government shall lead the activities of the Council on behalf of the Deputy Director for Management.

"(2)(A) The Vice Chairman of the Council shall be selected by the Council from among its members.

"(B) The Vice Chairman shall serve a 1-year term, and may serve multiple terms.

"(3) The Administrator of General Services shall provide administrative and other support for the Council.

"(d) The Council is designated the principal interagency forum for improving agency practices related to the design, acquisition, development, modernization, use, operation, sharing, and performance of Federal Government information resources.

"(e) In performing its duties, the Council shall consult regularly with representatives of State, local, and tribal governments.

"(f) The Director shall perform functions that include the following:

"(1) Develop recommendations for the Director on Government information resources management policies and requirements.

"(2) Share experiences, ideas, best practices, and innovative approaches related to information resources management.

"(3) Assist the Administrator in the identification, development, and coordination of multiagency projects and other innovative initiatives to improve Government performance through the use of information technology.

"(4) Promote the development and use of common performance measures for agency information management programs 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 5313 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1411), as follows:

"(A) A list of contracts and guidelines for interconnectivity and interoperability as described under section 5304.

"(B) Consistent with the process under section 3207 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 assure and address the hiring, classification, and career development needs of the Government related to information resources management.

"(7) Work with the Archivist of the United States to assess how the Federal Records Act can be addressed effectively by Federal information resources management activities.

"3604. E-Government Fund

(a)(1) There is established in the Treasury of the United States the E-Government Fund.

"(2) The Fund shall be administered by the Administrator of the General Services Administration to support projects approved by the Director, assisted by the Administrator of the Office of Electronic Government, that enable the Federal Government to expand its ability, through the development and implementation of innovative uses of the Internet or other electronic methods, to conduct activities electronically.

"(b) Projects under this subsection may include efforts to—

"(A) make Federal Government information and services more readily available to the public, such as through the use of the public, private, and intergovernmental collaboration, in submitting 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;

"(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 the Interagency Management Council, 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 investment or funding for initial funding for 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, including the classification, and professional opportunities for 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.
Title XXXII—Federal Management and Promotion of Electronic Government Services

SEC. 3201. DEFINITIONS.

(a) In determining which proposals to recommend for funding, the Administrator—

(1) shall consider criteria that include whether a proposal—

(A) demonstrates the group to be served, including citizens, businesses, the Federal Government, or other governments;

(B) indicates what service or information the project will provide that meets the needs of groups identified under subparagraph (A);

(C) ensures proper security and protects privacy;

(D) is interagency in scope, including projects implemented by a primary or single agency that—

(i) could confer benefits on multiple agencies; and

(ii) have the support of other agencies; and

(E) has performance objectives that tie to agency missions and strategic goals, and interim results that relate to the objectives; and

(2) may also rank proposals based on criteria that include whether a proposal—

(A) has Governmentwide application or implications;

(B) has demonstrated support by the public to be served;

(C) integrates Federal with State, local, or tribal approaches to service delivery;

(D) identifies resource commitments from non-Federal and private sectors;

(E) identifies resource commitments from the agencies involved;

(F) uses web-based technologies to achieve objectives;

(G) identifies records management and records access strategies;

(H) supports more effective citizen participation and interaction with agency activities that further progress toward a more citizen-centered Government;

(I) directly delivers Government information and services to the public or provides the infrastructure for delivery;

(J) supports integrated service delivery;

(K) describes how business processes across agencies will reflect appropriate transformation simultaneous to technology implementation; and

(L) is new or innovative and does not supplant existing funding streams within agencies.

(b) The Fund may be used to fund the integrated and interrelated system under section 3204 of the E-Government Act of 2002.

(c) None of the funds provided from the Fund may be transferred to any agency until 15 days after the Administrator of the General Services Administration has submitted to the Committees on Appropriations of the Senate and the House of Representatives, the Committee on Governmental Affairs of the Senate, the Committee on Government Reform of the House of Representatives, and the appropriate committees of the Senate and the House of Representatives, a notification and description of how the funds are to be allocated and how the expenditures will further the purposes of this chapter.

(d) The Director shall report annually to Congress on the operation of the Fund, through the report established under section 3605.

(e) 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 from the funded projects.

(f) (1) There are authorized to be appropriated to the Fund—

(A) $15,000,000 for fiscal year 2003; and

(B) $50,000,000 for fiscal year 2004.

(g) (1) There are authorized to be appropriated to the Fund—

(A) $100,000,000 for fiscal year 2005; and

(B) $150,000,000 for fiscal year 2006; and

(E) such sums as are necessary for fiscal year 2007.

(2) Funds appropriated under this subchapter shall remain available until expended.

SEC. 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


(c) TECHNICAL AND CONFORMING AMENDMENT.—The table of chapters for title 44, United States Code, is amended by inserting after the item relating to chapter 35 the following:

"36, Management and Promotion of Electronic Government Services . . . 3601."

SEC. 3102. CONFORMING AMENDMENTS.

(a) ELECTRONIC GOVERNMENT AND INFORMATION TECHNOLOGIES.—Section 3601 of title 44, United States Code, is amended by inserting after the item relating to section 3601 the following:

"36, Management and Promotion of Electronic Government Services . . . 3601."

(b) MODIFICATION OF DEPUTY DIRECTOR FOR ELECTRONIC FORMATION TECHNOLOGIES.—The Administrator shall consult with the Administrator of the Office of Electronic Government on programs undertaken by the General Services Administration to promote electronic Government to engage the public in the development of information and services to the extent practicable.

"The Administrator shall consult with the Administrator of the Office of Electronic Government on programs undertaken by the General Services Administration to promote electronic Government to engage the public in the development of information and services to the extent practicable.

(c) AVOIDING DIMINISHED ACCESS.—When promulgating policies and implementing programs regarding the Government information and services over the Internet, agency heads shall consider the impact on persons without access to the Internet shall, to the extent practicable, ensure that the availability of Government information and services has not been diminished for individuals who lack access to the Internet; and

(2) ensuring that the information resource mandates.

(d) SUPPORT RECOGNIZES.—When promulgating policies and implementing programs regarding the Government information and services over the Internet, agency heads shall consider the impact on persons without access to the Internet shall, to the extent practicable, ensure that the availability of Government information and services has not been diminished for individuals who lack access to the Internet; and

(2) ensuring that the information resource mandates.

(e) CHIEF INFORMATION OFFICERS.—The Chief Information Officer of each of the agencies designated under chapter 36 of title 44, United States Code (as added by this Act) shall be responsible for—

(1) participating in the functions of the Chief Information Officers Council, and

(2) ensuring that the information resource mandates.

(f) CHIEF INFORMATION OFFICERS.—The Chief Information Officer of each of the agencies designated under chapter 36 of title 44, United States Code (as added by this Act) shall be responsible for—

(1) participating in the functions of the Chief Information Officers Council, and

(2) ensuring that the information resource mandates.

(g) CHIEF INFORMATION OFFICERS.—The Chief Information Officer of each of the agencies designated under chapter 36 of title 44, United States Code (as added by this Act) shall be responsible for—

(1) participating in the functions of the Chief Information Officers Council, and

(2) ensuring that the information resource mandates.

(h) CHIEF INFORMATION OFFICERS.—The Chief Information Officer of each of the agencies designated under chapter 36 of title 44, United States Code (as added by this Act) shall be responsible for—

(1) participating in the functions of the Chief Information Officers Council, and

(2) ensuring that the information resource mandates.
SEC. 3203. COMPATIBILITY OF EXECUTIVE AGENCY METHODS FOR USE AND ACCEPTANCE OF ELECTRONIC SIGNATURES.

(a) PURPOSE.—The purpose of this section is to achieve interoperable implementation of electronic signatures for appropriately secure electronic transactions with Government.

(b) ELECTRONIC SIGNATURES.—In order to fulfill the objectives of the Government Paperwork Elimination Act (Public Law 108–277; 122 Stat. 1265–1275; 5 U.S.C. app. 1101–1137), each Executive agency (as defined under section 105 of title 5, United States Code) shall ensure that its use and acceptance of electronic signatures are compatible with the relevant policies and procedures issued by the Director.

(c) AUTHORITY FOR ELECTRONIC SIGNATURES.—The Administrator of General Services shall support the Director by establishing a framework to allow efficient interoperability among Executive agencies when using electronic signatures, including processing of digital signatures.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the General Services Administration, to ensure the development and operation of a Federal bridge certification authority for digital signatures, or for other activities consistent with this section, $8,000,000 in fiscal year 2003, and such sums as are necessary for each fiscal year thereafter.

SEC. 3204. FEDERAL INTERNET PORTAL.

(a) IN GENERAL.—Except as provided under paragraph (2), each agency shall make any document that is filed electronically publicly available online. A court may convert any document that is filed in paper form to electronic form. To the extent such conversions are made, all such electronic versions of the document shall be made available online.

(b) 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.

(c) PRIVACY AND SECURITY CONCERNS.—The Judicial Conference of the United States may promulgate rules under this subsection to protect important privacy and security concerns.

(d) DOCKETS WITH LINKS TO DOCUMENTS.—The Judicial Conference of the United States shall ensure that the docket system of the Supreme Court shall be designed and operated according to the following criteria:

1. The provision of Internet-based Government information and services directed to key groups, including citizens, business, and other governments, and integrated accountability and transparency; and

2. The public shall be able to access the docket of any case that is filed in electronic form at any time.

3. The docket system shall be designed and operated consistent with law.

4. The docket system shall be designed and operated in a manner that is consistent with law.

5. The docket system shall be designed and operated in a manner that is consistent with law.

6. The docket system shall be designed and operated in a manner that is consistent with law.

7. The docket system shall be designed and operated in a manner that is consistent with law.

8. The docket system shall be designed and operated in a manner that is consistent with law.

SEC. 3205. FEDERAL COURTS.

(a) INDIVIDUAL COURT WEBSITES.—The Chief Justice of the United States shall ensure that the Court of Appeals for the Federal Circuit, the Supreme Court of the United States, and the District of Columbia Court of Appeals, the Court of Appeals for the Federal Circuit, the District of Columbia Court of Appeals, and the Court of Appeals for the District of Columbia, the United States, a Chief Judge, or Chief Bankruptcy Judge of each district shall establish a website that includes all information about that agency required to be made available in electronic form.

(b) MAINTENANCE OF DATA ONLINE.—Each court and each bankruptcy court of a district shall maintain a website that includes all information about that agency required to be made available in electronic form.

(c) SUBMISSIONS BY ELECTRONIC MEANS.—To the extent practicable, agencies shall accept submissions under section 552(c) of title 5, United States Code, by electronic means.

(d) COST OF PROVIDING ELECTRONIC DOCKET INFORMATION.—The Judicial Conference of the United States may promulgate rules under this subsection to protect important privacy and security concerns.
(d) ELECTRONIC DOCKETING.—
(1) IN GENERAL.—To the extent practicable, as determined by the agency in consultation with the Director, agencies shall ensure that a publicly accessible Federal Government website contains electronic dockets for rulemakings under section 553 of title 5, United States Code.

(2) ACCESS AVAILABLE.—Agency electronic dockets shall make publicly available online to the extent practicable, as determined by the agency in consultation with the Director—
(A) all submissions under section 553(c) of title 5, United States Code; and
(B) all things that by agency rule or practice are included in the rulemaking docket under section 553(c) of title 5, United States Code, whether or not submitted electronically.

(e) TIME LIMITATION.—Agencies shall implement the requirements of this section consistent with a timetable established by the Director and reported to Congress in the first annual report under section 3605 of title 44 (as added by this Act).

SEC. 3207. AGENDABILITY, USBILITY, AND PRESERVATION OF GOVERNMENT INFORMATION.

(a) PURPOSE.—The purpose of this section is to improve the methods by which Government information, including information on the Internet, is organized, preserved, and made accessible to the public.

(b) DEFINITIONS.—In this section, the term—
(1) ‘Committee’ means the Interagency Committee on Government Information established under subsection (c); and
(2) ‘directory’ means a taxonomy of subjects linked to websites that—
(A) organizes Government information on the Internet according to subject matter; and
(B) may be created with the participation of human editors.

(c) INTERAGENCY COMMITTEE.—
(1) ESTABLISHMENT.—Not later than 90 days after the date of enactment of this title, the Director shall establish the Interagency Committee on Government Information.

(2) MEMBERSHIP.—The Committee shall be chaired by the Director or the designee of the Director and—
(A) shall include representatives from—
(i) the National Archives and Records Administration;
(ii) the offices of the Chief Information Officers from Federal agencies; and
(iii) other recent officers from the executive branch;

(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) establish best practices for access to, dissemination of, and retention of Federal information.

(4) TERMINATION.—The Committee may be terminated on a date determined by the Director, except the Committee may not terminate before the Committee submits all recommendations required under this section.

(d) CATEGORIZATION OF INFORMATION.—
(1) COMMITTEE FUNCTIONS.—Not later than 1 year after the date of enactment of this Act, the Committee shall submit recommendations to the Director on—
(A) the adoption of standards, which are open to the maximum extent feasible, to enable the organization and categorization of Government information—

(i) in a way that is searchable electronically, including by searchable identifiers; and

(ii) in ways that are interoperable across agencies;

(B) the definition of categories of Government information which should be classified under the standards; and

(C) developing schedules for the initial implementation of the standards by agencies.

(2) FUNCTIONS OF THE DIRECTOR.—Not later than 180 days after the submission of recommendations under paragraph (1), the Director shall issue policies—
(A) requiring that agencies use standards, which are open to the maximum extent feasible, to enable the organization and categorization of Government information—

(i) in a way that is searchable electronically, including by searchable identifiers; and

(ii) in ways that are interoperable across agencies; and

(iii) that are, as appropriate, consistent with the standards promulgated by the Secretary of Commerce under section 3602(f)(8) of title 44, United States Code;

(B) defining categories of Government information which are required to be classified under the standards; and

(C) determining priorities and developing schedules for the initial implementation of the standards by agencies.

(3) MODIFICATION OF POLICIES.—After the submission of agency reports under paragraph (4), the Director shall modify the policies, as needed, in consultation with the Committee and interested parties.

(4) AGENCY FUNCTIONS.—Each agency shall—
(A) develop and implement a policy for the management of their information, to facilitate—
(i) the adoption of standards, which are open to the maximum extent feasible, to enable the organization and categorization of Government information;

(ii) the adoption of categories of Government information which should be classified under the standards; and

(iii) the implementation of policies and procedures to ensure that chapters 21, 25, 27, 29, 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) develop priorities and schedules for the implementation of the policies and procedures by agencies.

(5) AGENCY REPORTS.—Each agency shall report annually to the Director, in the report required under section 3206(b)(2)(A), on compliance of that agency with the policies issued under paragraph (2)(A).

(f) PUBLIC ACCESS TO ELECTRONIC INFORMATION.—
(1) COMMITTEE FUNCTIONS.—Not later than 1 year after the date of enactment of this Act, the Committee shall submit recommendations to the Director and the Archivist of the United States on—
(A) the adoption by agencies of policies and procedures to ensure that chapters 21, 25, 27, 29, 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 date of enactment of this Act, 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, 31 of title 44, United States Code, are applied effectively and comprehensively to Government information on the Internet and to other electronic records; and

(B) imposing timetables for the implementation of the policies, procedures, and technologies by agencies.

(3) MODIFICATION OF POLICIES.—After the submission of agency reports under paragraph (4), the Archivist of the United States shall modify the policies, as needed, in consultation with the Committee and interested parties.

(4) AGENCY FUNCTIONS.—Each agency shall report annually to the Director, in the report required under section 3206(b)(2)(A), on compliance of that agency with the policies issued under paragraph (1).

(i) DETERMINATION OF GOVERNMENT INFORMATION WHICH SHOULD BE CLASSIFIED.—

(aa) institutions not a part of the Federal Government, including State, local, and foreign governments; industrial firms; educational institutions; not-for-profit organizations; federally funded research and development center; and private individuals; and

(bb) entities of the Federal Government, including research and development laboratories, centers, and offices; and

(ii) the entity or institution performing the task or award and its contact information;

(dd) the total amount of Federal funds expected to be provided to the task or award over its lifetime and the amount of funds expected to be provided in each fiscal year in which the work of the task or award is ongoing;

(ee) any restrictions attached to the task or award that would prevent the sharing with the general public of any or all of the information required by this subsection, and the reasons for such restrictions; and

(ff) such other information as may be determined to be appropriate; and

(ii) 1 or more websites upon which all or part of the repository of Federal research and development shall be made available to and searchable by Federal agencies and non-Federal entities, including the general public, to facilitate—

(I) collaboration among those conducting Federal research and development; and

(II) the coordination of Federal research and development activities;
(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, in coordination with the Federal Chief Information Officer, issue any guidance determined necessary to ensure that agencies provide all information requested under this subsection.

(2) DEVELOPMENT OF GUIDELINES.—Any agency that funds Federal research and development under this Act shall provide the information required to populate the repository in the manner prescribed by the Director of the Office of Management and Budget.

(3) COMMITTEE FUNCTIONS.—Not later than 18 months after the date of enactment of this Act, working with the Director of the Office of Science and Technology Policy, and after consultation with interested parties, the Committee shall submit recommendations to the Director on—

(A) policies to improve agency reporting of information for the repository established under this subsection; and

(B) policies to improve dissemination of the results of research performed by Federal agencies and federally funded research and development centers.

(4) FUNCTIONS OF THE DIRECTOR.—After submission of recommendations by the Committee under paragraph (3), the Director shall—

(A) develop and establish a public domain government wide repository website; and

(B) post the directory on the Internet with a link to Federal Internet-based systems established under section 3204.

(2) DEVELOPMENT.—With the assistance of each agency, the Director shall—

(A) develop and establish a public domain government wide repository website; and

(B) post the directory on the Internet with a link to Federal Internet-based systems established under section 3204.

(3) UPDATE.—With the assistance of each agency, the Director of the Office of Management and Budget shall—

(A) update the directory as necessary, but not less than every 6 months; and

(B) solicit interested persons for improvements to the directory.

(1) STANDARDS FOR AGENCY WEBSITES.—Not later than 18 months after the effective date of this title, the Director shall issue guidance determining necessary to ensure that agencies provide all information requested under this subsection.

(A) descriptions of the mission and statutory authority of the agency;

(B) descriptions of the leading rooms of the agency relating to the disclosure of information under section 522 of title 5, United States Code (commonly referred to as the Freedom of Information Act);

(C) information about the organizational structure of the agency; and

(D) the strategic plan of the agency developed under section 306 of title 5, United States Code; and

(E) minimum agency goals to assist public users to navigate agency websites, including—

(i) speed of retrieval of search results;

(ii) the relevance of the results;

(iii) techniques to aggregate and disaggregate data; and

(iv) security protocols to protect information.

SEC. 3206. PRIVACY PROVISIONS.

(a) PURPOSE.—The purpose of this section is to ensure sufficient protections for the privacy of personal information as agencies implement citizen-centered electronic Government.

(b) PRIVACY IMPACT ASSESSMENTS.—

(1) RESPONSIBILITIES OF AGENCIES.—

(A) IN GENERAL.—An agency shall take actions described under subparagraph (B) before—

(i) developing or procuring information technology that collects, maintains, or disseminates information that includes any identifying information that permits the physical or online contacting of a specific individual; or

(ii) initiating a new collection of information that—

(I) will be collected, maintained, or disseminated using information technology; and

(II) includes any identifying information that permits the physical or online contacting of a specific individual, or

(iii) developing or procuring information technology that collects, maintains, or disseminates information that includes any identifier permitting the physical or online contacting of a specific individual; or

(iv) initiating a new collection of information that—

(I) will be collected, maintained, or disseminated using information technology; and

(II) includes any identifier permitting the physical or online contacting of a specific individual; or

(v) what notice or opportunities for consent were provided to individuals regarding what information is collected and how that information is shared;

(vi) how the information will be secured; and

(vii) what notice or opportunities for consent were provided to individuals regarding what notice or opportunities for consent were provided to individuals regarding what notice or opportunities for consent were provided to individuals regarding what information is collected and how that information is shared; and

(vi) how the information will be secured; and

(vii) the rights of the individual under section 552a of title 5, United States Code (commonly referred to as the Privacy Act), and other laws relevant to the protection of the privacy of an individual.

(2) PRIVACY POLICIES ON WEBSITES.—The Director shall issue guidance requiring agencies to translate privacy policies into a standardized machine-readable format.

SEC. 3208. FEDERAL INFORMATION TECHNOLOGY WORKFORCE DEVELOPMENT.

(a) PURPOSE.—The purpose of this section is to improve the skills of the Federal workforce concerning information technology to deliver Government information and services.

(b) IN GENERAL.—In consultation with the Director of the Office of Management and Budget, the Chief Information Officer, and the Administrator of General Services, the Director of the Office of Personnel Management shall—

(i) analyze, on an ongoing basis, the personnel needs of the Federal Government relating to information technology and information resource management;

(ii) determine the requirements of the Federal Government for information technology training.

(2) CONTENTS OF A PRIVACY IMPACT ASSESSMENT.—

(A) IN GENERAL.—The Director shall issue guidance to agencies specifying the required contents of a privacy impact assessment.

(B) GUIDANCE.—The guidance shall—

(i) ensure that a privacy impact assessment is commensurate with the size of the information system being assessed, the sensitivity of personally identifiable information in that system, and the risk of harm from unauthorized release of that information; and

(ii) require that a privacy impact assessment address—

(I) what information is to be collected;

(II) why the information is being collected;

(III) the intended use of the agency information;

(IV) with whom the information will be shared;

(V) what notice or opportunities for consent were provided to individuals regarding what information is collected and how that information is shared;
implementation of this section, $7,000,000 in fiscal year 2003, and such sums as are necessary for each fiscal year thereafter.

SEC. 3210. COMMON PROTOCOLS FOR GEOGRAPHIC INFORMATION SYSTEMS.

(a) PURPOSES.—The purposes of this section are—

(1) reduce redundant data collection and information management and public private partnerships into efforts under this subsection.

(b) DEFINITION.—In this section, the term "geographic information" means information systems that involve locational data, such as maps or other geospatial information resources.

(1) maximize the degree to which unclassified geographic information from various sources can be made electronically compatible and accessible; and

(2) promote collaboration and use of standards for government geographic information.

(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.

(3) 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 standard groups, and other interested parties, shall facilitate the development of common protocols for the development, acquisition, maintenance, distribution, and application of geographic information. If practicable, the Secretary of the Interior, in consultation with the Forest Service, shall facilitate the development of common protocols and standards for government geographic information partnerships into efforts under this subsection.

(4) DIREKTOR.—The Director shall oversee—

(1) the interagency initiative to develop common protocols;

(2) the coordination with State, local, and tribal governments, public private partnerships, and other interested persons on effective and efficient ways to align geographic information and develop common protocols; and

(3) the adoption of common standards relating to the protocols.

(e) COMMON PROTOCOLS.—The common protocols shall be designed to—

(1) enhance the interoperability of Federal information systems;

(2) the heads of two executive agencies to carry out" and inserting "authorizes to carry out";

(b) D EFINITIONS.—In this section, the terms—

(C) by striking the period at the end of paragraph (1) and inserting "and"; and

(C) by striking the period at the end of paragraph (1) and inserting "and"; and

(D) by adding at the end the following:

"(2) ‐(B) a description of the ability of agencies to determine the baseline costs of a project against which savings would be measured; and

(3) other information consistent with section 552(b)(3) of title 5, United States Code, and other relevant law; and

(2) CONTENTS.—The report under paragraph (1) shall—

(a) PURPOSES.—The purposes of this section are to—

(1) IN GENERAL.—In order to provide input to the study under subsection (c), the Director shall designate, in consultation with agencies, a series of no more than 5 pilot projects that integrate data elements. The Director shall consult with agencies, the regulated community, public interest organizations, and the public on the implementation of the pilot projects.

(b) GOALS OF PILOT PROJECTS.—

(1) IN GENERAL.—Each goal described under subparagraph (B) shall be addressed by at least 1 pilot project.

(b) GOALS.—The goals under this paragraph are to—

(1) IN GENERAL.—Not later than 3 years after the effective date of this subsection, the Director shall submit a report on the results of the projects to the Committee on Governmental Affairs of the Senate and the Committee on Government Reform of the House of Representatives.

(2) REPORT.—The report submitted under subsection (c) shall—

(1) IN GENERAL.—After 5 pilot projects have been completed, but no later than 3 years after the effective date of this subsection, the Director shall submit a report on the projects to the Com- mission, political subdivision of a State, municipality, commercial and inter-

(2) C ONTENTS.—The report under paragraph (1) shall—

(1) the heads of two executive agencies to carry out" and inserting "heads of two executive agencies to carry out";

(2) IN GENERAL.—Not later than 3 years after the effective date of this subsection, the Director shall submit a report on the results of the projects to the Committee on Governmental Affairs of the Senate and the Committee on Government Reform of the House of Representatives.

(3) INTEGRATED REPORTING STUDY AND PILOT PROJECTS.

(a) PURPOSES.—The purposes of this section are to—

(b) D EFINITIONS.—In this section, the terms—

(C) by striking the period at the end of paragraph (1) and inserting "and"; and

(D) by adding at the end the following:

"(2) ‐(B) a description of the ability of agencies to determine the baseline costs of a project against which savings would be measured; 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 person; and

(b) D EFINITIONS.—In this section, the term—

(2) C ONTENTS.—The report under this section at the discretion of the Director; and

(E) make recommendations that Congress and the executive branch can implement, through the use of integrating and information systems, to reduce the burden on reporting and strengthen public access to databases within and across agencies.

(d) PILOT PROJECTS TO ENCOURAGE INTEGRATED COLLECTION AND MANAGEMENT OF DATA AND INTEROPERABILITY OF FEDERAL INFORMATION SYSTEMS.

(1) IN GENERAL.—In order to provide input to the study under subsection (c), the Director shall designate, in consultation with agencies, a series of no more than 5 pilot projects that integrate data elements. The Director shall consult with agencies, the regulated community, public interest organizations, and the public on the implementation of the pilot projects.

(b) GOALS OF PILOT PROJECTS.—

(1) GOAL.—Each goal described under subparagraph (B) shall be addressed by at least 1 pilot project.

(2) CONTENTS.—The report under this section at the discretion of the Director; and

(E) PRIVACY PROTECTIONS.—The activities authorized under this section shall afford personal privacy as follows:

(1) confidential business information consistent with section 552(b)(4) of title 5, United States Code, and other relevant law;

(2) personal privacy information under section 552(b)(6) and (7)(C) and 552a of title 5, United States Code, and other relevant law; and

(3) other information consistent with section 552(b)(3) of title 5, United States Code, and other relevant law.

(1) IN GENERAL.—At least 1 pilot project shall seek input from users on the utility of the pilot project and areas for improvement. To the extent practicable, the Director shall consult with relevant agencies and State, tribal, and local governments in carrying out the report and pilot projects under this subsection.

(e) PRIVACY PROTECTIONS.—The activities authorized under this section shall afford personal privacy as follows:

(1) confidential business information consistent with section 552(b)(4) of title 5, United States Code, and other relevant law;

(2) personal privacy information under section 552(b)(6) and (7)(C) and 552a of title 5, United States Code, and other relevant law; and

(3) other information consistent with section 552(b)(3) of title 5, United States Code, and other relevant law.
SEC. 3213. COMMUNITY TECHNOLOGY CENTERS.

(a) PURPOSES.—The purposes of this section are to—

(1) study and enhance the effectiveness of community technology centers, public libraries, and other institutions that provide computer and Internet access to the public;

(2) promote awareness of the availability of on-line government information and services, to users of community technology centers, public libraries, and other public facilities that provide access to computer technology and Internet access to the public.

(b) STUDY AND REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary of Education, in consultation with the Secretary of Housing and Urban Development, the Secretary of Commerce, the Director of the National Science Foundation, and the Director of the Institute of Museum and Library Services, shall—

(1) conduct a study to evaluate the best practices of community technology centers that have received Federal funds; and

(2) submit a report on the study to—

(A) the Committee on Governmental Affairs of the Senate;

(B) the Committee on Health, Education, Labor, and Pensions of the Senate;

(C) the Committee on Government Reform of the House of Representatives;

(D) the Committee on Education and the Workforce of the House of Representatives.

(c) CONTENTS.—The report under subsection (b) may consider—

(1) an evaluation of the best practices being used by successful community technology centers;

(2) a strategy for—

(A) continuing the evaluation of best practices used by community technology centers; and

(B) establishing a network to share information and resources as community technology centers evolve;

(3) the identification of methods to expand the use of best practices to assist community technology centers, public libraries, and other institutions that provide computer and Internet access to the public;

(4) a database of all community technology centers that have received Federal funds, including—

(A) each center’s name, location, services provided, director, other points of contact, number of individuals served; and

(B) other relevant information;

(5) the development of a strategy to assist community technology centers that have been deployed effectively in urban and rural areas throughout the Nation; and

(6) recommendations of how to—

(A) enhance the development of community technology centers; and

(B) establish a network to share information and resources as community technology centers evolve;

(d) COOPERATION.—All agencies that fund community technology centers shall provide to the Department of Education any information necessary for the completion of the study and the report under this section.

(e) ASSISTANCE.—(1) The Secretary of the Department of Education shall work with other relevant Federal agencies, and other interested persons in the private and nonprofit sectors to—

(A) assist in the implementation of recommendations; and

(B) identify other ways to assist community technology centers, public libraries, and other institutions that provide computer and Internet access to the public.

(2) Assistance.—Assistance under this subsection may include—

(A) contribution of funds;

(B) donations of equipment, and training in the use and maintenance of the equipment; and

(C) the provision of basic instruction or training material in computer skills and Internet usage.

(f) ONLINE TUTORIAL.—

(1) In general.—The Secretary of Education, in consultation with the Director of the Institute of Museum and Library Services, the Director of the National Science Foundation, and the Director of the Federal Emergency Management Agency, shall develop an online tutorial that—

(A) explains how to access Government information and services on the Internet; and

(B) provides a guide to available online resources.

(2) DISTRIBUTION.—The Secretary of Education shall distribute information on the tutorial to community technology centers, public libraries, and other institutions that afford Internet access to the public.

(g) PROMOTION OF COMMUNITY TECHNOLOGY CENTERS.—In consultation with other agencies and organizations, the Department of Education shall promote the availability of community technology centers to raise awareness within each community where such a center is located.

(h) AUTHORIZATION OF APPROPRIATIONS.—

(1) STUDY AND REPORT.—Not later than 90 days after the date of enactment of this Act, the Director of the National Science Foundation shall conduct a study to evaluate the best practices of community technology centers, for the development and dissemination of best practices at community technology centers.

(2) REPORT.—Not later than 2 years after the date of enactment of this Act, the Director shall submit a report to the Committee on Science, the Committee on Government Reform, and the Committee on Labor, and Pensions of the Senate; and

(i) Federal Emergency Management Agency in carrying out this section.

AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Federal Emergency Management Agency for research under this subsection, such sums as are necessary for fiscal year 2003.

SEC. 3215. DISPARITIES IN ACCESS TO THE INTERNET.

(a) STUDY AND REPORT.—

(1) STUDY.—Not later than 90 days after the date of enactment of this Act, the Director of the National Science Foundation shall conduct a study to evaluate disparities in Internet access and how technology development or any other reason, the Director of the National Science Foundation shall not have the unintended result of increasing any deficiency in public access to Government services.

(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; and

(B) the affordability of Internet service;

(C) the reliability and performance of Internet access; and

(D) the extent to which online Government initiatives will not have the unintended result of increasing any deficiency in public access to Government services;

(2) recommendations to the Federal Emergency Management Agency to ensure that online Government initiatives shall not have the unintended result of increasing any deficiency in public access to Government services.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the National Science Foundation $950,000 in fiscal year 2002 to carry out this section.

SEC. 3216. NOTIFICATION OF OBSOLETE OR COUNTERPRODUCTIVE PROVISIONS.

If the Director of the Office of Management and Budget makes a determination that any provision of this division (including any amendment made by this division) is obsolete or counterproductive, the Director shall notify the Committee on Federal Emergency Management and Budget makes a determination that any provision of this division (including any amendment made by this division) is obsolete or counterproductive, the notification of the provisions of this Act, as a result of changes in technology or any other reason, the Director
shall submit notification of that determination to—
(1) the Committee on Governmental Affairs of the Senate; and
(2) the Committee on Government Reform of the House of Representatives.

TITLE XXXIII—GOVERNMENT INFORMATION SECURITY

SEC. 3301. INFORMATION SECURITY.
(a) Under the Act—(1) Section 101 of the 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. 1456) is amended by inserting after the heading for the subtitle the following new section:

"SEC. 1060. SHORT TITLE. "This Act may be cited as the 'Government Information Security Reform Act'.''.
(b) Continuation of Authority.—
(1) In General.—Section 3356 of title 44, United States Code, is repealed.
(2) Technical and Conforming Amendments.—The table of sections for chapter 35 of title 44, United States Code, is amended by striking the item relating to section 3356.

TITLE XXXIV—AUTHORIZATION OF APPROPRIATIONS AND EFFECTIVE DATES

SEC. 3401. AUTHORIZATION OF APPROPRIATIONS.
Except for those purposes for which an authorization of appropriations is specifically provided in title XXXI or XXXII, including the amendments made by such titles, there are authorized to be appropriated such sums as are necessary to carry out titles XXXI and XXXII for each of fiscal years 2003 through 2007.

SEC. 3402. EFFECTIVE DATES.
(a) Titles XXXI and XXXII.—
(1) In General.—Except as provided under paragraph (2), titles XXXI and XXXII and the amendments made by such titles shall take effect on the 90 days after the date of enactment of this Act.
(2) Immediate Enactment.—Sections 3297, 3214, 3215, and 3216 shall take effect on the date of enactment of this Act.
(b) Titles XXXIII and XXXIV.—Title XXXIII and this title shall take effect on the date of enactment of this Act.

DIVISION E—FLIGHT AND CABIN SECURITY ON PASSENGER AIRCRAFT

TITLE XI—FLIGHT AND CABIN SECURITY ON PASSENGER AIRCRAFT

SECTION 4101. SHORT TITLE.
This title may be cited as the "Arming Pilots Against Terrorism and Cabin Defense Act of 2002".

SEC. 4102. FINDINGS.
Congress makes the following findings:
(1) Terrorist hijackers represent a profound threat to the American people.
(2) According to the Federal Aviation Administration, between 33,000 and 35,000 commercial flights occur every day in the United States.
(3) The Aviation and Transportation Security Act (public law 107–71) mandated that air marshals be on all high risk flights such as those targeted on September 11, 2001.
(4) Without air marshals, pilots and flight attendants are passengers’ first line of defense against terrorists.
(5) A comprehensive and strong terrorism prevention program is needed to defend the Nation’s skies against acts of criminal violence and air piracy. Such a program should include—
(A) armed Federal air marshals;
(B) other Federal agents;
(C) reinforced cockpit doors;
(D) properly-trained armed pilots;
(E) flight attendants trained in self-defense and terrorism prevention; and
(F) electronic communications devices, such as real-time video monitoring and hands-free wireless communications devices to permit pilots to monitor activities in the cabin.

SEC. 4103. FEDERAL FLIGHT DECK OFFICER PROGRAM.
(a) In General.—Subchapter I of chapter 449 of title 49, United States Code, is amended by adding at the end the following:

"§ 44921. Federal flight deck officer program.—
"(a) Establishment.—Not later than 90 days after the date of enactment of the Arming Pilots Against Terrorism and Cabin Defense Act of 2002, the Under Secretary of Transportation for Security shall establish a program to deputize qualified pilots of commercial cargo or passenger aircraft who volunteer for the program as Federal law enforcement officers to defend the flight decks of commercial aircraft of air carriers engaged in air transportation or intrastate air transportation against acts of criminal violence or air piracy. Such officers shall be known as 'Federal flight deck officers'. The program shall be administered in connection with the Federal air marshal program.

"(b) Qualified Pilot.—Under this program described in subsection (a), a qualified pilot is a pilot of an aircraft engaged in air transportation or intrastate air transportation who—
"(1) is employed by an air carrier;
"(2) has demonstrated fitness to be a Federal flight deck officer in accordance with regulations promulgated pursuant to this title; and
"(3) has been the subject of an employment investigation (including a criminal history record check) under section 44936(a)(1).

"(c) Training, Supervision, and Equipment.—The Under Secretary of Transportation for Security shall provide or make arrangements for training, supervision, and equipment necessary for a qualified pilot to be a Federal flight deck officer under this section at no expense to the pilot or the air carrier employing the pilot. Such training, qualifications, curriculum, and equipment shall be consistent with and equivalent to those required of Federal law enforcement officers and shall include periodic re-qualification as determined by the Under Secretary. The Under Secretary may approve private training programs which meet the Under Secretary’s specifications and guidelines. Air carriers shall make accommodations to facilitate the training of their pilots as Federal flight deck officers and shall facilitate Federal flight deck officers in the conduct of their duties under this program.

"(d) Deputization.—
"(1) In General.—The Under Secretary of Transportation for Security shall train and deputize, as a Federal flight deck officer under this section, any qualified pilot who submits to the Under Secretary a request to be such an officer.

"(2) Initial Deputization.—Not later than 120 days after the date of enactment of this section, the Under Secretary shall deputize not fewer than 500 qualified pilots who are former military or law enforcement personnel as Federal flight deck officers under this section.

"(3) Full Implementation.—Not later than 24 months after the date of enactment of this section, the Under Secretary shall deputize any qualified pilot who submits to the Under Secretary a request to be a Federal flight deck officer under this section.

"(e) Compensation.—Pilots participating in the program under this section shall not be eligible for provisions from the Federal Government for services provided as a Federal flight deck officer.

"(f) Authority To Carry Firearms.—The Under Secretary of Transportation for Security shall authorize a Federal flight deck officer under this section to carry a firearm in accordance with the provisions of the Arming Pilots Against Terrorism and Cabin Defense Act of 2002.

"(g) Authority To Use Force.—Notwithstanding section 4903(d), a Federal flight deck officer may use force (including lethal force) against an individual engaged in the defense of a commercial aircraft in air transportation or intrastate air transportation if the officer reasonably believes that the security of the aircraft is at risk.

"(h) Limitation on Liability.—
"(1) Liability of Air Carriers.—An air carrier shall not be liable for any act or omission of the pilot in defending an aircraft against acts of criminal violence or air piracy.

"(2) Liability of Federal Flight Deck Officers.—A Federal flight deck officer shall not be liable for damages in any action brought in a Federal or State court arising out of the acts or omissions of the pilot in defending an aircraft against acts of criminal violence or air piracy.

"(3) Employee Status of Federal Flight Deck Officers.—A Federal flight deck officer shall be considered an 'employee of the Government while acting within the scope of his office or employment' with respect to any act or omission of the officer in defending an aircraft against acts of criminal violence or air piracy for purposes of sections 1346(b), 2301(b), and 2671 through 2680 of title 28 United States Code.

"(4) 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.

"(5) 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 crew.

"(6) Technical Amendments.—
"(1) Chapter Analysis.—The analysis for such chapter 449 is amended by inserting after the item relating to section 44920 the following new item:

"§ 44921. Federal flight deck officer program.''.

"(2) Employment Investigations.—Section 4906(a)(5) is amended—
(A) by aligning clause (iii) with clause (ii);
(B) by striking ‘‘and’’ at the end of clause (iii);
(C) by striking the period at the end of clause (ii);
(D) by adding at the end the following:

"(v) qualified pilots who are deputized as Federal flight deck officers under section 44921.

"(3) Flight Deck Security.—Section 128 of the Aviation and Transportation Security Act (49 U.S.C. 44903 note) is repealed.

SEC. 4104. CABIN SECURITY.
(a) Technical Amendments.—Section 44903, of title 49, United States Code, is amended—
(1) by redesignating subsection (h) (relating to authority to arm flight deck crew with less-than-lethal weapons, as added by section 126(b) of public law 107–71) as subsection (j); and
(2) by redesigning subsection (h) (relating to limitation on liability for acts to
thwart criminal violence or aircraft piracy, as added by section 144 of public law 107–71) as subsection (k).

(2) AVIATION CREWMEMBER SELF-DEFENSE DIVISION.—Not later than 60 days after the date of enactment of the Arming Pilots Against Terrorism and Cabin Defense Act of 2002, the Under Secretary of Transportation for Security, shall prescribe detailed requirements for an air carrier cabin crew training program, and for the instructors of that program as described in subsection (b) to prepare crew members for potential threat conditions. In developing the requirements, the Under Secretary shall consult with appropriate law enforcement personnel who have expertise in self-defense training, security experts, and terrorism experts, and representatives of air carriers and labor organizations representing individuals employed in commercial aviation.

(3) AVIATION CREWMEMBER SELF-DEFENSE DIVISION.—Not later than 60 days after the date of enactment of the Arming Pilots Against Terrorism and Cabin Defense Act of 2002, the Under Secretary of Transportation for Security shall establish an Aviation Crew Self-Defense Division within the Transportation Security Administration. The Division shall develop and administer the implementation of the requirements described in this section. The Under Secretary shall appoint a Director of the Aviation Crew Self-Defense Division who shall be the head of the Division. The Director shall report to the Under Secretary. In the selection of the Director, the Under Secretary shall solicit recommendations from law enforcement, air carriers, and organizations representing individuals employed in commercial aviation. The Director shall have a background in self-defense training, including military or law enforcement training with an emphasis in teaching self-defense and the appropriate use force. Regional training supervisors shall be under the control of the Director and shall have appropriate training and experience in teaching self-defense and the appropriate use of force.

(a) by striking subsection (b), and inserting the following new subsection:

```
(2) PROGRAM ELEMENTS.—

(1) IN GENERAL.—The requirements prescribed under subsection (a) shall include, at a minimum, 28 hours of self-defense training that incorporates classroom and situational training that contains the following elements:

(A) Determination of the seriousness of any occurrence;

(B) Crew communication and coordination;

(C) Appropriate responses to one self, including a minimum of 16 hours of hands-on training, with reasonable and effective requirements on time allotment over a 4 week period, in the following levels of self-defense:

(i) Awareness, deterrence, and avoidance;

(ii) Verbalization and self-defense;

(iii) Empty hand control;

(iv) Intermediate weapons and self-defense techniques; and

(v) Weapon training.

(D) Use of protective devices assigned to crewmembers (to the extent such devices are approved by the Administrator or Under Secretary);

(E) Psychology of terrorists to cope with hijacker behavior and passenger responses.

(E) Live situational simulation joint training exercises regarding various threat conditions, including all of the elements required by this section.

(F) Flight procedures or aircraft maneuvers to defend the aircraft.

(G) Program elements for instructors.

(H) A certification program for the instructors of the program elements for instructors that include, at a minimum, the following:

(A) A certification program for the instructors of the program described in paragraph (1).

(B) A requirement that no training session shall have fewer than 1 instructor for every 12 students.

(C) A requirement that air carriers provide certain instructor information, including names and qualifications, to the Aviation Crew Member Self-Defense Division within 30 days after receiving the requirements described in subsection (a).

(D) Training course lesson plans and performance objectives to be used by instructors.

(E) Written training bulletins to reinforce course lesson plans and provide necessary progressive updates to instructors.

(F) A requirement that no training session shall include a provision mandating that air carriers provide the initial training under the program within 6 months after the completion of the initial training.

(G) A certification program for the instructors of the program.

(H) The requirement that—

(i) maximizing the security of the flight deck;

(ii) enhancing the safety of the flight deck crew;

(iii) protecting the safety of the passengers and crew;

(iv) preventing acts of criminal violence or air piracy;

(v) the cost of the program;

(vi) privacy concerns; and

(vii) the feasibility of installing such a device in the flight deck.

(J) By adding at the end the following new subsections:

(1) RULEMAKING AUTHORITY.—Notwithstanding subsection (i) (relating to authority to arm flight deck crew with less-than-lethal weapons) of section 44903, of this title, within 180 days after the date of enactment of the Arming Pilots Against Terrorism and Cabin Defense Act of 2002, the Under Secretary of Transportation for Security, in consultation with persons described in subsection (a)(1), shall prescribe regulations requiring air carriers to—

(A) provide adequate training in the proper combat lessons and provide adequate duty time to perform such a search; and

(B) conduct a preflight security briefing with flight deck and cabin crew and, when available, Federal air marshals or other authorized law enforcement officers.

(2) LIMITATION ON LIABILITY.—An air carrier shall not be liable for damages in any action brought in a Federal or State court arising out of an act or omission of a training instructor or a member of the cabin crew regarding the defense of an aircraft against acts of criminal violence or air piracy unless the crew member is guilty of gross negligence or willful misconduct.

(c) NONLETHAL WEAPONS FOR FLIGHT ATTENDANTS.—The requirements prescribed under subsection (a) shall contain program elements for instructors that include, at a minimum, the following:

(D) Use of protective devices assigned to crewmembers (to the extent such devices are approved by the Administrator or Under Secretary);

(E) Psychology of terrorists to cope with hijacker behavior and passenger responses.

Mr. HOLLINGS (for himself, Mr. CARPER, and Mr. TORRICELLI) submitted an amendment intended to be proposed by him to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

SA 4848. Mr. HOLLINGS (for himself, Mr. MCCAIN, Mr. REID, Mr. JEFFORDS, Mr. CARPER, and Mr. TORRICELLI) submitted an amendment intended to be proposed by him to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:
On page 17, line 14, insert "tribal," after "State.".
On page 7, after line 25, insert the following:
(8) INDIAN TRIBE.—The term "Indian tribe" means any Indian tribe, band, nation, or other organized group or community located in the continental United States (excluding the State of Alaska) that is recognized as being eligible for the special programs and services provided by the United States to Indians because of their status as Indians.
On page 8, line 1, strike "(8)" and insert "(9)".
On page 8, strike lines 5 through 8 and insert the following:
(10) LOCAL GOVERNMENT.—The term "local government" means—
(A) a county, city, village, town, district, or other political subdivision of any State;
(B) an Alaska Native village or organization;
and
(C) a rural community or unincorporated town or village.
On page 8, line 9, strike "(10)" and insert "(11)".
On page 8, line 13, strike "(11)" and insert "(12)".
On page 8, line 15, strike "(12)" and insert "(13)".
On page 8, strike line 17 and insert the following:
(14) TRIBAL GOVERNMENT.—The term "tribal government" means the governing body of an Indian tribe that is recognized by the Secretary of the Interior.
(15) UNITED STATES.—The term "United
On page 10, line 22, insert "tribal," after "State.".
On page 17, line 24, insert "tribal," after "State.".
On page 19, line 1, insert "tribal," after "State.".
On page 19, line 9, insert "tribal," after "State.".
On page 19, line 20, insert "tribal," after "State.".
On page 20, line 7, insert "tribal," after "State.".
On page 20, line 16, insert "tribal," after "State.".
On page 20, line 22, insert "tribal," after "State.".
On page 21, line 13, insert "tribal," after "State.".
On page 22, line 10, insert "tribal," after "State.".
On page 23, line 13, insert "tribal," after "State.".
On page 23, line 21, insert "tribal," after "State.".
On page 31, line 1, insert "tribal," after "State.".
On page 34, line 12, insert "tribal," after "State.".
On page 34, line 13, insert "tribal," after "State.".
On page 34, line 23, insert "tribal," after "State.".
On page 35, line 8, insert "tribal," after "State.".
On page 38, line 1, strike "state," and insert "Indian tribe," after "State.".
On page 42, line 5, insert "tribal," after "State.".
On page 42, line 23, insert "tribal," after "State.".
On page 43, line 7, insert "tribal," after "State.".
On page 43, line 17, insert "tribal," after "State.".
On page 43, line 21, insert "tribal," after "State.".
On page 87, line 12, insert "tribal," after "State.".
On page 87, line 15, insert "tribal," after "State.".
On page 88, line 2, insert "tribal," after "State.".
On page 88, line 6, insert "tribal," after "State.".

(15) UNITED STATES.—The term "United
On page 10, line 22, insert "tribal," after "State.".
On page 17, line 24, insert "tribal," after "State.".
On page 19, line 1, insert "tribal," after "State.".
On page 19, line 9, insert "tribal," after "State.".
On page 19, line 20, insert "tribal," after "State.".
On page 20, line 7, insert "tribal," after "State.".
On page 20, line 16, insert "tribal," after "State.".
On page 20, line 22, insert "tribal," after "State.".
On page 21, line 13, insert "tribal," after "State.".
On page 22, line 10, insert "tribal," after "State.".
On page 23, line 13, insert "tribal," after "State.".
On page 23, line 21, insert "tribal," after "State.".
On page 31, line 1, insert "tribal," after "State.".
On page 34, line 12, insert "tribal," after "State.".
On page 34, line 13, insert "tribal," after "State.".
On page 34, line 23, insert "tribal," after "State.".
On page 35, line 8, insert "tribal," after "State.".
On page 38, line 1, strike "state," and insert "Indian tribe," after "State.".
On page 42, line 5, insert "tribal," after "State.".
On page 42, line 23, insert "tribal," after "State.".
On page 43, line 7, insert "tribal," after "State.".
On page 87, line 12, insert "tribal," after "State.".
On page 88, line 2, insert "tribal," after "State.".
On page 88, line 6, insert "tribal," after "State.".
On page 136, line 14, insert "tribal," after "State.".
On page 136, line 20, insert "tribal government," after "State.".
On page 137, line 1, insert "tribal government," after "State.".
On page 137, line 11, insert "tribal," after "State.".
On page 137, line 19, insert "tribal," after "State.".
On page 137, line 23, insert "indian tribes," after "State.".
On page 138, line 12, insert "tribal," after "State.".
On page 138, line 16, insert "tribal government," after "State.".
On page 138, line 23, insert "indian tribes," after "State.".
On page 139, line 4, insert "indian tribes," after "State.".
On page 139, line 11, insert "or indian tribes," after "State.".
On page 139, line 21, insert "tribal," after "State.".
On page 140, line 6, insert "indian tribes," after "State.".
On page 140, line 11, insert "indian tribes," after "State.".
On page 140, line 14, insert "or indian tribes," after "State.".
On page 141, line 2, insert "or tribal" after "State.".
On page 141, line 6 and 7, strike "State and localities within the State" and insert "State or Indian tribe".
On page 141, line 9, insert "tribal," after "State.".
On page 141, line 11, insert "tribal," after "State.".
On page 143, between lines 7 and 8, insert the following:
(4) INDIAN TRIBE.—The term "Indian tribe" means any Indian tribe, band, nation, or other organized group or community located in the continental United States (excluding the State of Alaska) that is recognized as being eligible for the special programs and services provided by the United States to Indians because of their status as Indians.
On page 143, line 8, strike "(4)" and insert "(5)".
On page 143, line 13, strike "(5)" and insert "(6)".
On page 143, line 16 through 18, strike "an Indian tribe which performs law enforcement functions as determined by the Secretary of the Interior".
On page 225, line 19, insert "tribal," after "State,".

NOTICES OF HEARINGS/MEETINGS
COMMITTEE ON INDIAN AFFAIRS
Mr. INOUYE. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Tuesday, October 1, 2002, at 2:30 p.m. in Room 405 of the Russell Senate Office Building to conduct a business meeting to consider the following: S. 2743, a bill to approve the settlement of the water rights claims of the Zuni Indian Tribe in Apache County, Arizona, and for other purposes; S. 2799, a bill to provide for the use and distribution of certain funds awarded to the Gila River, Pima-Maricopa Indian Community, and for other purposes; S. 2989, a bill to protect certain lands held in fee by the

SA 4649. Mr. INOUYE submitted an amendment intended to be proposed to amendment SA 4738 proposed by Mr. GRAMM (for himself, Mr. MILLER, Mr. McCONNELL, Mr. THOMPSON, Mr. STEVENS, Mr. HAGEL, Mr. HUTCHINSON, and Mr. BUNNING) to the amendment SA 4771 proposed by Mr. LIEBERMAN to the bill H.R. 5001 to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

(2) FORM.—The Comptroller General may submit the report in both classified and redacted
tation infrastructure from terrorist attack.
(3) review the steps taken by public and private entities since September 11, 2001, to improve aviation, seaport, rail, motor carri
er, motor coach, pipeline, highway, and transit security and equipment;
(2) review all available information on vulnerabilities of the aviation, seaport, rail, motor carrier, motor coach, pipeline, highway, and transit modes of transportation to terrorist attack;
and
(3) review the steps taken by public and private entities since September 11, 2001, to improve aviation, seaport, rail, motor carri
er, motor coach, pipeline, highway, and transit security and equipment;
(2) review all available information on vulnerabilities of the aviation, seaport, rail, motor carrier, motor coach, pipeline, highway, and transit modes of transportation to terrorist attack;
and
(3) review the steps taken by public and private entities since September 11, 2001, to improve aviation, seaport, rail, motor carri
er, motor coach, pipeline, highway, and transit security and equipment;
Pechanga Band of Luiseno Mission Indians from condemnation until a final decision is made by the Secretary of the Interior regarding a pending fee to trust application for that land; S. Res. 321, A resolution commemorating the 30th Anniversary of the Founding of the American Indian Higher Education Consortium (AIHEC); Nomination of Phil Hogen to serve as Chairman of the National Indian Gaming Commission; and Nomination of Quannah Crossland Stamps to serve as Commissioner of the Administration for Native Americans.

Those wishing additional information may contact the Indian Affairs Committee at 224–2251.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. HARKIN. Mr. President, I would like to announce that the Committee on Agriculture, Nutrition, and Forestry will conduct a hearing on October 3, 2002 in SR–328A at 11:00 a.m. The purpose of this hearing will be to discuss a pending nomination for the Farm Credit Administration.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE AND TRANSPORTATION

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Tuesday, October 1, 2002, at 9:30 a.m on Government Role in Promoting the Future of Telecommunications Industry and Broadband Deployment.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet on Tuesday, October 1, 2002, at 10:00 a.m. to conduct a hearing to assess green school initiatives. Specifically, the Committee will evaluate environmental standards for schools such as school sitting in relation to toxic waste sites and green building codes. The Committee is interested in evaluating activities being undertaken by the Environmental Protection Agency’s Office of Children’s Environmental Health and the Office of Indoor Air Quality, as well as the Department of Energy, that address environmental and energy concerns relevant to school properties.

The hearing will be held in SD–406.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, October 1, 2002 at 2:30 p.m. to hold a nomination hearing.

AGENDA

Nominees: Mr. Gene B. Christy, of Texas, to be Ambassador to Brunei Darussalam. Mr. David L. Lyon, of California, to be Ambassador to the Republic of Fiji, and to serve concurrently and without additional compensation as Ambassador to the Republic of Tonga, Ambassador to the Kingdom of Tonga, and Ambassador to Tuvalu. Mr. Charles A. Ray, of Texas, to be Ambassador to the Kingdom of Cambodia. Mr. Grover J. Rese, of Louisiana, to be Ambassador to the Democratic Republic of East Timor.

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

COMMITTEE ON INDIAN AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Tuesday, October 1, 2002, at 2:30 p.m. in Room 485 of the Russell Senate Office Building to conduct a Business Meeting to consider the following: S. 2743, a bill to approve the settlement of the water rights claims of the Zuni Indian Tribe in Apache County, Arizona, and for other purposes; S. 2799, a bill to provide for the use and distribution of certain funds awarded to the Gila River, Pima-Maricopa Indian Community, and for other purposes; S. 2989, A bill to protect certain lands held in fee by the Pechanga Band of Luiseno Mission Indians from condemnation until a final decision is made by the Secretary of the Interior regarding a pending fee to trust application for that land; S. Res. 321, A resolution commemorating the 30th Anniversary of the Founding of the American Indian Higher Education Consortium (AIHEC); Nomination of Phil Hogen to serve as Chairman of the National Indian Gaming Commission; and Nomination of Quannah Crossland Stamps to serve as Commissioner of the Administration for Native Americans.

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

COMMITTEE ON THE JUDICIARY

Mr. REID. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on “Navigating the Supreme Court Sides with the States” on Tuesday, October 1, 2002 in Dirksen Room 226 at 11:00 a.m.

WITNESS LIST

The Honorable John T. Noonan, Jr., Judge, Ninth Circuit Court of Appeals San Francisco, CA; Professor Marcia Hamilton, Benjamin N. Cardozo School of Law, New York, New York.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. REID. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Tuesday, October 1, 2002 at 10:00 a.m. to hold a joint hearing with the House Permanent Select Committee on Intelligence concerning the Joint Inquiry into the events of September 11, 2001.

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

SUBCOMMITTEE ON IMMIGRATION

Mr. REID. Mr. President, I ask unanimous consent that the Committee on the Judiciary Subcommittee on Immigration be authorized to meet to conduct a hearing on “Detention and Treatment of Haitian Asylum Seekers,” on Tuesday, October 1, 2002 at 2:15 p.m. in SD226.

FINAL WITNESS LIST

Panel I: Bishop Thomas G. Wenski, Auxiliary Bishop of Miami, Florida and Chairman of the U.S. Conference of Catholic Bishops Committee on Migration, Miami, FL; Marie Ocean, Haitian Asylee and Former Detainee, Miami, Florida; Cheryl Little, Executive Director, Florida Immigrant Advocacy Center (FIAC), Miami, Florida; Stephen Johnson, Policy Analyst for Latin America, Heritage Foundation, Washington, D.C.; Dina Paul Parks, Executive Director, National Coalition for Haitian Rights (NCHR), New York, New York.

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

AUTHORIZATION OF THE USE OF UNITED STATES ARMED FORCES AGAINST IRAQ—MOTION TO PROCEED

Mr. REID. Mr. President, I move to proceed to Calendar No. 618. S.J. Res. 45, and I send a clout motion to the desk.

CLOUT MOTION

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the motion to proceed to S.J. Res. 45, a joint resolution to authorize the use of U.S. forces against Iraq.


Mr. REID. Mr. President, I withdraw that motion.

The PRESIDING OFFICER. The Senator has that right.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations: Calendar Nos. 1055
The following named officers for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

Brigadier General Joseph P. Stein, 0000

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 12203:

Brigadier General Bennie E. Williams, 0000

The following Army National Guard of the United States Reserve of the Air Force to the grade indicated under title 10 U.S.C., section 12203:

Brigadier General Stephen M. Speakes, 0000

The following named officer for appointment in the United States Marine Corps to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

Brigadier General Harry B. Burchstead, Jr., 0000

The following named officer for appointment in the United States Navy, and appointment to the grade indicated while assigned to the position of importance and responsibility under title 10, U.S.C., sections 601 and 541:

To be vice admiral

Rear Adm. Gerald L. Howing, 0000

PN2164 Army nomination of Maurice L. McDougal, which was received by the Senate and appeared in the Congressional Record of September 17, 2002

PN2165 Army nominations (4) beginning JOHN R. HINSON, and ending JOSEPH M. SCATURO, which nominations were received by the Senate and appeared in the Congressional Record of September 17, 2002

PN2166 Army nominations (4) beginning CATHA K. KIGER, and ending TIMOTHY R. WARRICK, which nominations were received by the Senate and appeared in the Congressional Record of September 17, 2002

PN2167 Army nominations (9) beginning JAY F. DALEY, and ending DONNA S. WOODY, which nominations were received by the Senate and appeared in the Congressional Record of September 17, 2002

PN2168 Army nominations (3) beginning PAUL M. AMALFITANO, and ending JAMES S. HOOGARD, which nominations were received by the Senate and appeared in the Congressional Record of September 17, 2002

PN2169 Army nomination of Stephen M. Bloomer, which was received by the Senate and appeared in the Congressional Record of September 17, 2002

PN2170 Army nomination of Theodore A. Mickevicus, which was received by the Senate and appeared in the Congressional Record of September 17, 2002

PN2171 Army nomination of Hugo E. Salazar, which was received by the Senate and appeared in the Congressional Record of September 17, 2002

PN2172 Marine Corps nomination of David A. Suggs, which was received by the Senate and appeared in the Congressional Record of September 17, 2002

PN2173 Marine Corps nomination of Chandler P. Seagraves, which was received by the Senate and appeared in the Congressional Record of September 17, 2002

PN2174 Navy nomination of Arthur R. Siffert, IV, which was received by the Senate and appeared in the Congressional Record of September 17, 2002

PN2175 Navy nomination of Jeffrey Ball, which was received by the Senate and appeared in the Congressional Record of September 17, 2002
The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 9:30 A.M.
TOMORROW

Mr. REID. If there is no further business to come before the Senate, I ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:32 p.m., adjourned until Wednesday, October 2, 2002, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate October 1, 2002:

The following nominated for appointment to the grade indicated in the United States Air Force and for regular appointment identified by an asterisk (*) under title 10, U.S.C., sections 624 and 531:

To be major general
BRIG. GEN. DAVID C. HARRIS, 0000

IN THE AIR FORCE
THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel
JAMES M. KNAUF, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be captain
GARY F. ENSERSBY, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel
JOHN P. REGAN, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel
LARRY B. LARGENT, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel
FRANK W. PALMISSANO, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

The following nominated for appointment to the grade indicated in the United States Army and for regular appointment identified by an asterisk (*) under title 10, U.S.C., sections 3064 and 3066:

To be major
THOMAS A. AUGUSTINE III, 0000

IN THE ARMY
THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be major
SCOTT T. WILLIAMS, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3066:

To be major
RALPH M. GAMBONE, 0000

CONFIRMATIONS

Executive nominations confirmed by the Senate October 1, 2002:

IN THE AIR FORCE
THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general
LT. GEN. CHARLES P. WALD

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general
LT. GEN. THOMAS B. GOLIN, JR.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be major general
BRIG. GEN. GEORGE W. KEEFE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant general
BRIAG. GEN. PETER S. GRADY

IN THE ARMY
THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general
LT. GEN. KEVIN P. BYRNE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general
LT. GEN. JOHN B. SYLVENSTER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general
LT. GEN. EDWARD G. ANDERSON III

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general
BRIG. GEN. JOSEPH P. STRIN

IN THE ARMY
THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general
LT. GEN. DANIEL D. HANSON

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general
LT. GEN. JOHN B. SYLVENSTER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be major general
BRIG. GEN. GEORGE W. KEEFE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant general
BRIAG. GEN. PETER S. GRADY

IN THE ARMY
THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be major general
BRIAG. GEN. JOSEPH P. STRIN

IN THE ARMY
THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:
CONGRESSIONAL RECORD — SENATE

October 1, 2002

To be major general

BRIG. GEN. PAUL E. MOCK

To be brigadier general

COL. BRUCE A. CASELLA

To be major general

ADM. GERALD L. HOWING

ARMY NOMINATION OF MAURICE L. MCCOUGAID.

NAVY NOMINATION OF CHRISTOPHER H. BALL.

ARMY NOMINATION OF HUGH E. SALAZAR.

MARINE CORPS NOMINATION OF DAVID A. SUGGS.

ARMY NOMINATION OF STEPHEN M. BLOOMER.

ARMY NOMINATION OF JAY E. DALEY.

ARMY NOMINATION OF THEODORE A. MICKEVICIUS.

ARMY NOMINATION OF KATHLEEN A. KEELEY.

ARMY NOMINATION OF CATHI A. KIGER.

ARMY NOMINATION OF JOHN R. HINSON.

ARMY NOMINATION OF JOHN E. SAYERS, JR.

ARMY NOMINATION OF ROBERT W. MIXON, JR.

ARMY NOMINATION OF THOMAS G. MILLER.

ARMY NOMINATION OF DAVID J. MELCHER.

ARMY NOMINATION OF ANTHONY M. TAGUBA.

ARMY NOMINATION OF BRUCE E. BECK.

ARMY NOMINATION OF JOHN C. LEATHERMAN.

ARMY NOMINATION OF HERBERT L. NEWTON.

ARMY NOMINATION OF JOHN E. LEATHERMAN.

ARMY NOMINATION OF STEPHEN A. REEVE.

ARMY NOMINATION OF DARREN G. OWENS.

ARMY NOMINATION OF PATRICK M. O’HARA.

ARMY NOMINATION OF JOHN E. SAYERS, JR.

ARMY NOMINATION OF JOHN E. LEATHERMAN.

NAVY NOMINATION OF JAMES S. HOGGARD.

NAVY NOMINATION OF JOSEPH M. SCATURO.

MARINE CORPS NOMINATION OF JAMES S. HOGGARD.

MARINE CORPS NOMINATION OF TIMOTHY R. WARRICK.

MARINE CORPS NOMINATION OF JOSEPH M. SCATURO.

MARINE CORPS NOMINATION OF MICHAEL A. KIEFER.

MARINE CORPS NOMINATION OF JOHN F. KIMMONS.

MARINE CORPS NOMINATION OF DONNA S. WOODBY.

MARINE CORPS NOMINATION OF TIMOTHY R. WARRICK.

MARINE CORPS NOMINATION OF JAMES S. HOGGARD.

MARINE CORPS NOMINATION OF JOSEPH M. SCATURO.

MARINE CORPS NOMINATION OF MICHAEL A. KIEFER.

MARINE CORPS NOMINATION OF JOHN F. KIMMONS.

MARINE CORPS NOMINATION OF DONNA S. WOODBY.

MARINE CORPS NOMINATION OF TIMOTHY R. WARRICK.

MARINE CORPS NOMINATION OF JAMES S. HOGGARD.

MARINE CORPS NOMINATION OF JOSEPH M. SCATURO.

MARINE CORPS NOMINATION OF MICHAEL A. KIEFER.

MARINE CORPS NOMINATION OF JOHN F. KIMMONS.

MARINE CORPS NOMINATION OF DONNA S. WOODBY.
Senate

Chamber Action

Routine Proceedings, pages S9653–S9777

Measures Introduced: Nine bills were introduced, as follows: S. 3018–3026.

Measures Reported:


S. 2664, to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to establish a program to provide assistance to enhance the ability of first responders to respond to incidents of terrorism, including incidents involving weapons of mass destruction, with an amendment in the nature of a substitute. (S. Rept. No. 107–295)

S. 2980, to revise and extend the Birth Defects Prevention Act of 1998, with an amendment in the nature of a substitute.

Homeland Security Act: Senate continued consideration of H.R. 5005, to establish the Department of Homeland Security, taking action on the following amendments proposed thereto:

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.

During consideration of this measure today, Senate also took the following action:

By 45 yeas to 52 nays (Vote No. 228), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate failed to approve the motion to close further debate on Gramm/Miller Amendment No. 4738 (to Amendment No. 4471), listed above.

21st Century Department of Justice Appropriations Authorization Act Conference Report: Senate agreed to the motion to proceed to the conference report on H.R. 2215, to authorize appropriations for the Department of Justice for fiscal year 2002, and then began consideration of the conference report.

A motion was entered to close further debate on the conference report and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a cloture vote will occur on Thursday, October 3, 2002.

A unanimous-consent agreement was reached providing for further consideration of the conference report at 11:30 a.m., on Wednesday, October 2, 2002.

Further Resolution on Iraq: Senate began consideration of the motion to proceed to consideration of S.J. Res. 45, to authorize the use of United States Armed Forces against Iraq.
A motion was entered to close further debate on the motion to proceed to consideration of the resolution and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a cloture vote will occur on Thursday, October 3, 2002.

Subsequently, the motion to proceed was withdrawn.

Nominations Confirmed: Senate confirmed the following nominations:

- 4 Air Force nominations in the rank of general.
- 61 Army nominations in the rank of general.
- 3 Marine Corps nominations in the rank of general.
- 2 Navy nominations in the rank of admiral.

Routine lists in the Army, Marine Corps, Navy.

Nominations Received: Senate received the following nominations:

- 1 Army nomination in the rank of general.

Routine lists in the Air Force, Army, Navy.

Measures Read First Time:

Executive Communications:

Executive Reports of Committees:

Additional Cosponsors:

Statements on Introduced Bills/Resolutions:

Additional Statements:

Amendments Submitted:

Notices of Hearings/Meetings:

Authority for Committees to Meet:

Privilege of the Floor:

Record Votes: One record vote was taken today. (Total–228)

Adjournment: Senate met at 9:30 a.m., adjourned at 6:52 p.m., until 9:30 a.m., on Wednesday, October 2, 2002. (For Senate’s program, see the remarks of the Acting Majority Leader in today’s Record on page S9776).

Committee Meetings

(Committees not listed did not meet)

TELECOMMUNICATIONS INDUSTRY

Committee on Commerce, Science, and Transportation: Committee concluded hearings to examine the government’s role in promoting the future of the telecommunications industry and broadband deployment, after receiving testimony from Reed E. Hundt, former Chairman, Federal Communications Commission, and Peter W. Huber, Manhattan Institute for Policy Research, and Kellogg, Huber, Hansen, Todd, and Evans, both of Washington, D.C.; Michael J. Price, Evercore Partners, New York, New York; Lawrence Lessig, Stanford University Law School, Stanford, California; and Craig J. Mundie, Microsoft Corporation, Redmond, Washington.

SCHOOL ENVIRONMENTAL STANDARDS

Committee on Environment and Public Works: Committee concluded hearings to examine environmental standards for schools including school siting in relation to toxic waste sites and green building codes, focusing on environmental and energy concerns relevant to school properties, and environmental hazards in schools, after receiving testimony from E. Ramona Trovato, Deputy Assistant Administrator, Office of Environmental Information, Environmental Protection Agency; Claire L. Barnett, Healthy Schools Network, Inc., Albany, New York, on behalf of the Coalition for Healthier Schools; Alex Wilson, BuildingGreen, Inc., Brattleboro, Vermont, on behalf of the U.S. Green Building Council and the Sustainable Buildings Industry Council; and Lois M. Gibbs, Center for Health Environment and Justice, Falls Church, Virginia.

NOMINATIONS

Committee on Foreign Relations: Committee concluded hearings on the nominations of Gene B. Christy, of Texas, to be Ambassador to Brunei Darussalam, David L. Lyon, of California, to be Ambassador to the Republic of Fiji, and to serve concurrently and without additional compensation as Ambassador to the Republic of Nauru, the Kingdom of Tonga, and Tuvalu, Charles Aaron Ray, of Texas, to be Ambassador to the Kingdom of Cambodia, and Grover Joseph Rees, of Louisiana, to be Ambassador to the Democratic Republic of East Timor, after the nominees testified and answered questions in their own behalf. Mr. Ray was introduced by Senator Hutchison and Representative Lantos, and Mr. Rees was introduced by Representatives Hyde and Lantos.

BUSINESS MEETING

Committee on Indian Affairs: Committee ordered favorably reported the following business items:

- S. 2743, to approve the settlement of the water rights claims of the Zuni Indian Tribe in Apache County, Arizona, with an amendment in the nature of a substitute;
- S. 2799, to provide for the use of and distribution of certain funds awarded to the Gila River Pima-Maricopa Indian Community, with amendments;
- S. 2989, to protect certain lands held in fee by the Pechanga Band of Luiseno Mission Indians from condemnation until a final decision is made by the
October 1, 2002

Secretary of the Interior regarding a pending fee to trust application for that land;
S. Res. 321, commemorating the 30th Anniversary of the Founding of the American Indian Higher Education Consortium (AIHEC); and
The nominations of Philip N. Hogen, of South Dakota, to be Chairman of the National Indian Gaming Commission, and Quanah Crossland Stamps, of Virginia, to be Commissioner of the Administration for Native Americans, Department of Health and Human Services.

FEDERALISM JURISPRUDENCE
Committee on the Judiciary: Committee concluded hearings to examine recent Supreme Court jurisprudence on federalism issues, after receiving testimony from John T. Noonan, Jr. Judge, Ninth Circuit Court of Appeals, San Francisco, California; and Marci A. Hamilton, Yeshiva University Benjamin N. Cardozo School of Law, New York, New York.

HAITIAN ASYLUM SEEKERS
Committee on the Judiciary: Subcommittee on Immigration concluded hearings to examine the policy of the Department of Justice regarding detention and treatment of Haitian asylum seekers, after receiving testimony from Bishop Thomas G. Wenski, on behalf of the United States Conference of Catholic Bishops’ Committee on Migration, Cheryl Little, Florida Immigrant Advocacy Center, and Marie J. Ocean, all of Miami, Florida; Stephen C. Johnson, Heritage Foundation, Washington, D.C.; and Dina Paul Parks, National Coalition for Haitian Rights, New York, New York.

House of Representatives

Chamber Action

Reports Filed: Reports were filed today as follows:
H.R. 4014, to amend the Federal Food, Drug, and Cosmetic Act with respect to the development of products for rare diseases (H. Rept. 107–702);
H.R. 5083, to designate the United States courthouse at South Federal Place in Santa Fe, New Mexico, as the ‘‘Santiago E. Campos United States Courthouse’’ (H. Rept. 107–703);
H.R. 5335, to designate the Federal building and United States courthouse located at 200 West 2nd Street in Dayton, Ohio, as the ‘‘Tony Hall Federal Building and United States Courthouse’’ (H. Rept. 107–704);
H.R. 4141, to authorize the acquisition by exchange of lands for inclusion in the Red Rock Canyon National Conservation Area, Clark County, Nevada, amended (H. Rept. 107–705);
S. 434, to provide equitable compensation to the Ute and the Santee Sioux Tribe of Nebraska for the loss of value of certain lands (H. Rept. 107–706);
H.R. 5097, to adjust the boundaries of the Salt River Bay National Historical Park and Ecological Preserve located in St. Croix, Virgin Islands, amended (H. Rept. 107–707);
H.R. 3476, to protect certain lands held in fee by the Pechanga Band of Luiseño Mission Indians from condemnation until a final decision is made by the Secretary of the Interior regarding a pending fee to trust application for that land (H. Rept. 107–708);
H.R. 4968, to provide for the exchange of certain lands in Utah, amended (H. Rept. 107–709);
H.R. 5125, to amend the American Battlefield Protection Act of 1996 to authorize the Secretary of the Interior to establish a battlefield acquisition grant program, amended (H. Rept. 107–710);
H.R. 4830, to direct the Secretary of the Interior to conduct a study of the suitability and feasibility of establishing the Southern Campaign of the Revolutionary War Heritage Area in South Carolina (H. Rept. 107–711);
H.R. 4692, to amend the Act entitled ‘‘An Act to authorize the Establishment of the Andersonville National Historic Site in the State of Georgia, and for other purposes’’, to provide for the addition of certain donated lands to the Andersonville National Historic Site (H. Rept. 107–712);
H.R. 4944, to designate the Cedar Creek Battlefield and Belle Grove Plantation National Historical Park as a unit of the National Park System, amended (H. Rept. 107–713); and
Speaker Pro Tempore: Read a letter from the Speaker wherein he appointed Representative Pence to act as Speaker pro Tempore for today.
Recess: The House recessed at 10:58 a.m. and reconvened at 12 noon.  

Private Calendar: On the call of the Private Calendar, the House passed over without prejudice, H.R. 392, for the relief of Nancy B. Wilson.  

In Memory of the Late Honorable Patsy T. Mink of Hawaii: The House agreed to H. Res. 566, expressing the condolences of the House of Representatives on the death of the Honorable Patsy T. Mink, a Representative from Hawaii.  

Suspensions: The House agreed to suspend the rules and pass the following measures: 

Mosquito Abatement for Safety and Health: H.R. 4793, amended, to authorize grants through the Centers for Disease Control and Prevention for mosquito control programs to prevent mosquito-borne diseases;  

Health Care Safety Net Improvement: H.R. 3450, to amend the Public Health Service Act to reauthorize and strengthen the health centers program and the National Health Service Corps;  

Commending National Fragile X Research Day: H. Res. 398, recognizing the devastating impact of fragile X, urging increased funding for research on fragile X, and commending the goals of National Fragile X Research Day;  

Public Awareness and Support for Patients with Endometriosis: H. Con. Res. 291, expressing the sense of the Congress with respect to the disease endometriosis;  

Rare Disease Act: H.R. 4013, to amend the Public Health Service Act to establish an Office of Rare Diseases at the National Institutes of Health;  

Rare Diseases Orphan Product Development: H.R. 4014, to amend the Federal Food, Drug, and Cosmetic Act with respect to the development of products for rare diseases;  

Canceling Loans to Allow School Systems to Attract Classroom Teachers: H.R. 5091, amended, to increase the amount of student loan forgiveness available to qualified teachers, with an emphasis on special education teachers. Agreed to amend the title so as to read: “A bill to increase the amount of student loan forgiveness available to qualified teachers, and for other purposes.”;  

Commending Hispanic-Serving Institutions: H. Res. 561, recognizing the contributions of Hispanic-serving institutions;  

Gratitude to the Braceros: H. Res. 522, expressing gratitude for the foreign guest laborers, known as Braceros, who worked in the United States during the period from 1942 to 1964;  

Honoring Cael Sanderson for his Perfect Collegiate Wrestling Record: H. Res. 399, amended, honoring Cael Sanderson for his perfect collegiate wrestling record;  

Efforts to Protect and Safeguard Children: H. Con. Res. 484, expressing the sense of the Congress regarding personal safety for children;  

Importance of Teaching American History and Civics: H. Con. Res. 451, amended, recognizing the importance of teaching United States history in elementary and secondary schools. Agreed to amend the title so as to read: “Concurrent resolution recognizing the importance of teaching United States history and civics in elementary and secondary schools, and for other purposes.”;  

Unlawful Internet Gambling Funding Prohibition: H.R. 556, amended, to prevent the use of certain bank instruments for unlawful Internet gambling;  

Protection of Family Farmers and Extension of Bankruptcy Relief: H.R. 5472, to extend for 6 months the period for which chapter 12 of title 11 of the United States Code is reenacted;  

Federal Courts Improvement Act: H.R. 4125, amended, to make improvements in the operation and administration of the Federal courts (agreed to by a 2/3 yea and nay vote of 370 yeas to 21 nays, Roll No. 425);  

Honoring the Career and Work of Justice C. Clifton Young: H. Res. 417, recognizing and honoring the career and work of Justice C. Clifton Young;  

Robert Wayne Jenkins Post Office Station, Tulsa, Oklahoma: H.R. 4851, to redesignate the facility of the United States Postal Service located at 6910 South Yorktown Avenue in Tulsa, Oklahoma, as the “Robert Wayne Jenkins Station;”  

Congratulating the Oakland “A’s” for the Longest Winning Streak in the American League: H. Res. 530, congratulating the players, management, staff, and fans of the Oakland Athletics organization for setting the Major League Baseball record for the longest winning streak by an American League baseball team;  

Honoring Johnny Unitas and Extending Condolences to his Family: H. Res. 538, honoring Johnny Unitas and extending condolences to his family on
his passing (agreed to by a 2/3 yea and nay vote of 389 yea with none voting “nay”, Roll No. 426);  
Pages H6859–62, H6885

Federal-Utah State Trust Lands Consolidation Act: H.R. 4968, amended, to provide for the exchange of certain lands in Utah;  
Pages H6862–64

Coal Accountability and Retired Employee Act for the 21st Century: H.R. 3813, amended, to modify requirements relating to allocation of interest that accrues to the Abandoned Mine Reclamation Fund;  
Page H6864

Compensation to the Unction Sioux Tribe of South Dakota and the Santee Sioux Tribe of Nebraska: S. 434, amended, to provide equitable compensation to the Unction Sioux Tribe of South Dakota and the Santee Sioux Tribe of Nebraska for the loss of value of certain lands (agreed to by a 2/3 yea and nay vote of 357 yea to 37 nays, Roll No. 424). Agreed to amend the title so as to read: “An Act to provide equitable compensation to the Unction Sioux Tribe of South Dakota and the Santee Sioux Tribe of Nebraska for the loss of value of certain lands, and for other purposes.”;  
Pages H6864–67, H6883–84

Reclamation Recreation Management Act: H.R. 5460, amended, to reauthorize and amend the Federal Water Project Recreation Act;  
Pages H6867–69

Cedar Creek Battlefield and Belle Grove National Historical Park: H.R. 4944, amended, to designate the Cedar Creek Battlefield and Belle Grove Plantation National Historical Park as a unit of the National Park System. Agreed to amend the title so as to read: “A bill to designate the Cedar Creek and Belle Grove National Historical Park as a unit of the National Park System.”;  
Pages H6869–72

Education Land Grant Conveyance Review Cost Act: H.R. 3802, to amend the Education Land Grant Act to require the Secretary of Agriculture to pay the costs of environmental reviews with respect to conveyances under that Act;  
Page H6872

Pages H6872–74

Civil War Battlefield Preservation Act: H.R. 5125, amended, to amend the American Battlefield Protection Act of 1996 to authorize the Secretary of the Interior to establish a battlefield acquisition grant program;  
Pages H6874–75

Central Utah Project Completion Act Amendments: H.R. 4129, amended, to amend the Central Utah Project Completion Act to clarify the responsibilities of the Secretary of the Interior with respect to the Central Utah Project, to redirect unexpended budget authority for the Central Utah Project for wastewater treatment and reuse and other purposes, to provide for prepayment of repayment contracts for municipal and industrial water delivery facilities, and to eliminate a deadline for such prepayment;  
Pages H6875–76

Spirit Lake and Twin Lakes Land Adjustment Act: H.R. 4874, to direct the Secretary of the Interior to disclaim any Federal interest in lands adjacent to Spirit Lake and Twin Lakes in the State of Idaho resulting from possible omission of lands from an 1880 survey;  
Pages H6876–77

Calling for Full Appropriation of State and Tribal Shares of the Abandoned Mine Reclamation Fund: H. Con. Res. 425, calling for the full appropriation of the State and tribal shares of the Abandoned Mine Reclamation Fund;  
Pages H6877–78

Southern Campaign of the American Revolution Heritage Area Study Act: H.R. 4830, to direct the Secretary of the Interior to conduct a study of the suitability and feasibility of establishing the Southern Campaign of the Revolution Heritage Area in South Carolina;  
Pages H6878–79

Andersonville National Historic Site Boundary Adjustment Act: H.R. 4692, to amend the Act entitled “An Act to authorize the Establishment of the Andersonville National Historic Site in the State of Georgia, and for other purposes”, and to provide for the addition of certain donated lands to the Andersonville National Historic Site;  
Page H6879

Cherokee, Choctaw, and Chickasaw Nations Claims Settlement Act: H.R. 3534, amended, to provide for the settlement of certain land claims of Cherokee, Choctaw, and Chickasaw Nations to the Arkansas Riverbed in Oklahoma;  
Pages H6879–83

Remote Sensing Applications Act: H.R. 2426, amended, to encourage the development and integrated use by the public and private sectors of remote sensing and other geospatial information;  
Pages H6904–07

Charles “Pete” Conrad Astronomy Awards Act: H.R. 5303, amended, to authorize the Administrator of the National Aeronautics and Space Administration to establish an awards program in honor of Charles “Pete” Conrad, astronaut and space scientist, for recognizing the discoveries made by amateur astronomers of asteroids with near-Earth orbit trajectories;  
Pages H6907–09
Suspension—Proceedings Postponed: The House completed debate on the following motions to suspend the rules relating to the following measures. Further proceedings were postponed until Wednesday, Oct. 2:

Support for a Day of Tribute to all Firefighters: H. Con. Res. 476, expressing support for the goals and ideas of a day of tribute to all firefighters who have died in the line of duty and recognizing the important mission of the National Fallen Firefighters Foundation in assisting family members to overcome the loss of their fallen heroes; and

Houses of Worship Political Speech Protection Act: H.R. 2357, to amend the Internal Revenue Code of 1986 to permit churches and other houses of worship to engage in political campaigns.

Questions of Privilege: Representative Holden announced his intention to offer a privileged resolution expressing a sense of the House dealing with a bill to permanently extend bankruptcy protection to family farmers. Representative Brown of Ohio announced his intention to offer a privileged resolution expressing a sense of the House dealing with legislation to restore mandated limitations on medical inventions on behalf of American consumers, including seniors, American businesses, and tax-funded Federal and state health insurance programs.

Motion to Instruct Conferees—Help America Vote Act: Representative Meek of Florida announced her intention to offer a motion to instruct conferees on H.R. 3295, Help America Vote Act, to take actions as may be appropriate to convene a public meeting of the managers on the part of the House and Senate and to ensure that a conference report is filed prior to October 4, 2002.

Reconsideration: H.R. 5498, was re-referred to the Committee on Resources.

Quorum Calls—Votes: Three yea and nay votes developed during the proceedings of the House today and appear on pages H6883–84, H6884–85, H6885. There were no quorum calls.

Adjournment: The House met at 10:30 a.m. and at 11:43 p.m., the House stands adjourned in memory of the late Honorable Patsy T. Mink of Hawaii.

Committee Meetings

TRANSPORTATION APPROPRIATIONS
Committee on Appropriations: Ordered reported the Transportation appropriations for fiscal year 2003.

POSTSECONDARY EDUCATION
Committee on Education and the Workforce: Subcommittee on 21st Century Competitiveness held a hearing on “Assuring Quality and Accountability in Postsecondary Education: Assessing the Role of Accreditation.” Testimony was heard from public witnesses.

CAPACITY SWAPS BY GLOBAL CROSSING AND QWEST
Committee on Energy and Commerce: Subcommittee on Oversight and Investigations continued hearings entitled “Capacity Swaps by Global Crossing and Qwest: Sham Transactions Designed to Boost Revenues?” Testimony was heard from C. Lee Peeler, Deputy Director, Bureau of Consumer Protection, FTC; and public witnesses.

RECORDING INDUSTRY MARKETING PRACTICES
Committee on Energy and Commerce: Subcommittee on Telecommunications and the Internet held a hearing entitled “Recording Industry Marketing Practices: A Check-up.” Testimony was heard from C. Lee Peeler, Deputy Director, Bureau of Consumer Protection, FTC; and public witnesses.

CHEMICAL AND BIOLOGICAL EQUIPMENT
Committee on Government Reform: Subcommittee on National Security, Veterans Affairs and International Relations held a hearing on Chemical and Biological Equipment: Preparing for a Toxic Battlefield. Testimony was heard from the following officials of the Department of Defense: Joseph E. Schmitz, Inspector General; Anna Johnson-Winegar, Assistant to the Secretary for CBD; Gen. Stephen Goldfein, USA, Deputy Director, Joint Warfighting Capability Analysis JCS; Maj. Gen. William L. Bond, USA, Office of the Assistant Secretary (ALT); Michael A. Parker, Deputy to the Commander, U.S. Army Soldier and Biological Chemical Command (SBCCOM); and George Allen, Deputy Director, Defense Supply Center-Philadelphia, Defense Logistics Agency; and Raymond J. Decker, Director, Defense Capabilities and Management, GAO.

The Subcommittee also met in executive session to continue this hearing. Testimony was heard from departmental witnesses.

E-GOVERNMENT ACT; OMB’S FREEZE ON IT

The Subcommittee also held a hearing on “Ensuring Coordination, Reducing Redundancy: A Review
of OMB’s Freeze on IT Spending at Homeland Security Agencies.” Testimony was heard from Joel Willemsen, Managing Director, Information Technology Issues, GAO; Mark Forman, E-Government and Information Technology Administrator, OMB; Pat Schambach, Chief Information Officer, Transportation Security Administration, Department of Transportation; S. W. Hall, Jr., Chief Information Officer, U.S. Custom Services, Department of the Treasury; Sandra Bates, Commissioner, Federal Technology Service, GSA; and a public witness.

CHILD ABDUCTION PREVENTION ACT

Prior to this action, the Subcommittee held a hearing on H.R. 5422. Testimony was heard from Daniel P. Collins, Associate Deputy Attorney General, Department of Justice; and a public witness.

BRIEFING—SPECIAL PROGRAMS
Permanent Select Committee on Intelligence: Met in executive session to receive a briefing on Special Programs. The Committee was briefed by departmental witnesses.

Joint Meetings

9/11 INTELLIGENCE INVESTIGATION
Joint Hearing: Senate Select Committee on Intelligence continued joint hearings with the House Permanent Select Committee on Intelligence to examine activities of the U.S. Intelligence Community in connection with the September 11, 2001 terrorist attacks on the United States, receiving testimony from Eleanor Hill, Staff Director, Joint Inquiry Staff; James S. Gilmore III, Chairman, Advisory Panel to Assess Domestic Response Capabilities for Terrorism Involving Weapons of Mass Destruction; Francis X. Taylor, Coordinator for Counterterrorism, Department of State; Claudio Manno, Acting Associate Under Secretary of Transportation for Intelligence, Transportation Security Administration; Joseph R. Greene, Assistant Commissioner for Investigations, Immigration and Naturalization Service, Department of Justice; Louis Andre, Special Assistant for Intelligence, J–2, Defense Intelligence Agency; and Edward Norris, Baltimore Police Department, Baltimore, Maryland.

Hearings continue on Thursday, October 3.
Committee on International Relations, to mark up Authorization for the Use of Military Force Against Iraq, 2:30 p.m., 2172 Rayburn.

Committee on the Judiciary, to mark up the following: H.R. 5422, Child Abduction Prevention Act; H.R. 2037, Protection of Lawful Commerce in Arms Acts; and a private relief bill, 10 a.m., 2141 Rayburn.

Committee on Rules, to consider S. 2690, to reaffirm the reference to one Nation under God in the Pledge of Allegiance, 3 p.m., H–313 Capitol.

Committee on Science, hearing on Meeting the Needs of the Fire Services: H.R. 3992, to establish the SAFER Firefighter Grant Program and H.R. 4548, to amend the Federal Fire Prevention and Control Act of 1974 with respect to firefighter assistance, 10 a.m., 2318 Rayburn.

Committee on Transportation and Infrastructure, Subcommittee on Aviation, to mark up a measure to provide financial relief for the airline industry, reform FAA and make technical corrections, 10:30 a.m., 2167 Rayburn.

Committee on Veterans' Affairs, Subcommittee on Health, hearing on VA’s current programs for women veterans, 9:30 a.m., 334 Cannon.

Permanent Select Committee on Intelligence, executive, briefing on Global Hot Spots, 1:30 p.m., H–405 Capitol.

Subcommittee on Human Intelligence, Analysis and Counterintelligence, executive, hearing on CIA Compensation Reform, 10 a.m., H–405 Capitol.

Subcommittee on Intelligence Policy and National Security, executive, hearing on European Allies’ Cooperation in the Counterrorism Efforts, 3 p.m., H–405 Capitol.

Joint Meetings

Conference: meeting of conferees on H.R. 4, to enhance energy conservation, research and development and to provide for security and diversity in the energy supply for the American people, 10 a.m., 2123 Rayburn Building.
Résumé of Congressional Activity

SECOND SESSION OF THE ONE HUNDRED SEVENTH CONGRESS

The first table gives a comprehensive résumé of all legislative business transacted by the Senate and House. The second table accounts for all nominations submitted to the Senate by the President for Senate confirmation.

<table>
<thead>
<tr>
<th>DATA ON LEGISLATIVE ACTIVITY</th>
<th>DISPOSITION OF EXECUTIVE NOMINATIONS</th>
</tr>
</thead>
<tbody>
<tr>
<td>January 23 through September 30, 2002</td>
<td>January 23 through September 30, 2002</td>
</tr>
<tr>
<td>Senate</td>
<td>House</td>
</tr>
<tr>
<td>Days in session</td>
<td>123</td>
</tr>
<tr>
<td>Time in session</td>
<td>872 hrs., 23'</td>
</tr>
<tr>
<td>Congressional Record:</td>
<td></td>
</tr>
<tr>
<td>Pages of proceedings</td>
<td>9,651</td>
</tr>
<tr>
<td>Extensions of Remarks</td>
<td></td>
</tr>
<tr>
<td>Public bills enacted into law</td>
<td>17</td>
</tr>
<tr>
<td>Private bills enacted into law</td>
<td></td>
</tr>
<tr>
<td>Bills in conference</td>
<td>13</td>
</tr>
<tr>
<td>Measures passed, total</td>
<td>298</td>
</tr>
<tr>
<td>Senate bills</td>
<td>66</td>
</tr>
<tr>
<td>House bills</td>
<td>91</td>
</tr>
<tr>
<td>Senate joint resolutions</td>
<td>1</td>
</tr>
<tr>
<td>House joint resolutions</td>
<td>3</td>
</tr>
<tr>
<td>Senate concurrent resolutions</td>
<td>22</td>
</tr>
<tr>
<td>House concurrent resolutions</td>
<td>23</td>
</tr>
<tr>
<td>Simple resolutions</td>
<td>92</td>
</tr>
<tr>
<td>Measures reported, total</td>
<td>158</td>
</tr>
<tr>
<td>Senate bills</td>
<td>158</td>
</tr>
<tr>
<td>House bills</td>
<td>70</td>
</tr>
<tr>
<td>Senate joint resolutions</td>
<td>2</td>
</tr>
<tr>
<td>House joint resolutions</td>
<td>3</td>
</tr>
<tr>
<td>Senate concurrent resolutions</td>
<td>8</td>
</tr>
<tr>
<td>House concurrent resolutions</td>
<td>3</td>
</tr>
<tr>
<td>Simple resolutions</td>
<td>26</td>
</tr>
<tr>
<td>Special reports</td>
<td>5</td>
</tr>
<tr>
<td>Conference reports</td>
<td>1</td>
</tr>
<tr>
<td>Measures pending on calendar</td>
<td>273</td>
</tr>
<tr>
<td>Measures introduced, total</td>
<td>1,335</td>
</tr>
<tr>
<td>Bills</td>
<td>1,132</td>
</tr>
<tr>
<td>Joint resolutions</td>
<td>15</td>
</tr>
<tr>
<td>Concurrent resolutions</td>
<td>55</td>
</tr>
<tr>
<td>Simple resolutions</td>
<td>133</td>
</tr>
<tr>
<td>Quorum calls</td>
<td>2</td>
</tr>
<tr>
<td>Yea-and-nay votes</td>
<td>227</td>
</tr>
<tr>
<td>Recorded votes</td>
<td></td>
</tr>
<tr>
<td>Bills vetoed</td>
<td></td>
</tr>
<tr>
<td>Vetoes overridden</td>
<td></td>
</tr>
</tbody>
</table>

* These figures include all measures reported, even if there was no accompanying report. A total of 160 reports have been filed in the Senate, a total of 348 reports have been filed in the House.

Summary

- Total Nominations carried over from the First Session: 791
- Total Nominations Received this Session: 20,860
- Total Confirmed: 19,226
- Total Unconfirmed: 2,417
- Total Withdrawn: 8
- Total Returned to the White House: 0
Next Meeting of the Senate
9:30 a.m., Wednesday, October 2

Senate Chamber

Program for Wednesday: After the transaction of any morning business (not to extend beyond 11:30 a.m.), Senate will continue consideration of the conference report on H.R. 2215, 21st Century Department of Justice Appropriations Authorization Act.

(Tributes to Senator Helms will occur during morning business.)

Next Meeting of the House of Representatives
10 a.m., Wednesday, October 2

House Chamber

Program for Wednesday: Consideration of H. Res. 543, expressing the sense of the House that Congress should complete action on H.R. 4019, making marriage tax relief permanent (closed rule, one hour of debate);

Consideration of H. Res. 559, Expedited Special Elections (unanimous consent, one hour of debate); and

Motion to go to conference on H.R. 4628, Intelligence Authorization Act.