The House met at 12:30 a.m. and was called to order by the Speaker pro tempore (Mr. PENCE).

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC, October 15, 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 has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 3389. An act to reauthorize the National Sea Grant College Program Act, and for other purposes.

MORNING HOUR DEBATES

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

RECESS

The SPEAKER pro tempore. Pursuant to clause 12, rule I, the Chair declares the House in recess until 2 p.m.

PLEDGE OF ALLEGIANCE

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

Mr. CULBERSON 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.

WHY NOT PEACE?

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, many of us had an opportunity to be in our districts over the last couple of days and to engage our constituents on what might have been the most momentous debate and decision that this Congress would make, at least in the early part of the 21st century, and that was debate we engaged in last week on the question of going to war with Iraq. All of us acknowledged that we came to this floor and expressed our viewpoints as we thought was best for the American people.

Over the weekend, of course, an enormous tragedy occurred in Indonesia. Americans are missing. Some lost their lives. But one of my constituents asked me the question that I think is so very important that we raise again today: What about peace and the ability to be able to have that as a clarion call? Why is that so shameful that we as Americans, the most privileged and the most powerful, cannot raise the question of what about peace? What about discussions of peace and reconciliation?

This symbol represents the time of day during the House proceedings, e.g., 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.
Helen Thomas, one of the press persons at the White House, pressed that question to Ari Fleischer. Of course, there was not an answer. Yes, there is terrorism of which we have the world supporting our efforts against terrorism. But why can this Nation not, as it has done in the past, in the tradition of Jimmy Carter who won the Nobel Peace Prize, likewise begin a discussion of world peace, speaking to our allies and enemies as well, as my constituent asked the question, why not peace? Why is there shame in bringing that to the forefront of the American public so that even as we fight the issue of terrorism, we can stand aside from this question of war, allowing the U.N. inspectors to go in?

Why not peace? Why not a discussion?

COMMUNICATION FROM THE CLERK OF THE HOUSE

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


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

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on October 11, 2002, at 10:42 a.m.: That the Senate agreed to conference report H.R. 5011:

That the Senate passed without amendment H.J. Res. 113;

That the Senate passed without amendment H.J. Res. 114;

That the Senate passed without amendment H.J. Res. 122;

That the Senate passed without amendment H. Con. Res. 411.

With best wishes, I am Sincerely,

JEFF TRANZER,
Clerk of the House.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 4 of rule I, the Speaker signed the following enrolled joint resolution on Friday, October 11, 2002:

House Joint Resolution 122, making further continuing appropriations for the fiscal year 2003, and for other purposes.

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.

Any record votes on postponed questions will be taken tomorrow.

PER-PUPIL EXPENDITURE REQUIREMENTS FOR HEAVILY IMPACTED LOCAL EDUCATIONAL AGENCIES

Mr. CULBERSON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5599) to apply guidelines for the determination of per-pupil expenditure requirements for heavily impacted local educational agencies, and for other purposes.

The Clerk reads as follows:

H.R. 5599

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

SECTION 1. PER-PUPIL EXPENDITURE REQUIREMENT FOR NEW HEAVILY IMPACTED LOCAL EDUCATIONAL AGENCIES.

(a) In general.—Section 8003(b)(2)(C)(i)(II)(bb) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(b)(2)(C)(i)(II)(bb)) is amended to read as follows:

"(bb) for a local educational agency that has a total student enrollment of less than 350, has a per-pupil expenditure that is less than the average per-pupil expenditure of generally comparable local educational agencies (determined according to the procedures described in section 222.74(b) of title 34, Code of Federal Regulations, as such section was in effect on January 1, 2000) in the State in which the local educational agency is located, and;"

(b) EFFECTIVE DATE.—The amendment made by this section shall be effective on September 30, 2001, and shall apply with respect to fiscal year 2002, and all subsequent fiscal years.

SEC. 2. ELIGIBILITY OF BONESTEEL-FAIRFAX SCHOOL DISTRICT IN BONESTEEL, SOUTH DAKOTA.

The Secretary of Education shall deem the local educational agency serving the Bonesteel-Fairfax school district, 26-5, in Bonesteel, South Dakota, to be eligible in fiscal year 2003 for a basic support payment for heavily impacted local educational agencies under section 8003(b)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(b)(2)).

SEC. 3. APPLICATION OF CENTRAL SCHOOL DISTRICT, SEQUOYAH COUNTY, OKLAHOMA.

Notwithstanding any other provision of law, the Secretary of Education shall treat any application filed by Central School District, Sequoyah County, Oklahoma, for payment for federally connected students for fiscal year 2003, pursuant to section 8003 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703), and shall process such application for payment, if the Secretary has received such application not later than 30 days after the date of enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. CULBERSON) and the gentlewoman from New York (Mrs. McCARTHY) each will control 20 minutes.

The Chair recognizes the gentleman from Texas (Mr. CULBERSON).

Mr. CULBERSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 5599.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?
Mr. CULBERSON. Mr. Speaker, I yield back the balance of my time.

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 S. 1339, the Senate bill currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin (Mr. SENSENBRENNER)?

There was no objection.

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

Mr. Speaker, in the 106th Congress, the Bring Them Home Alive Act was enacted as Public Law 106-481. This law was sponsored by Senator BEN NIGHTSHINE CAMPBELL and the gentleman from Colorado (Mr. HEFLY), offers refugee status to any national of Vietnam, Cambodia, Laos, China, or any of the independent states of the former Soviet Union, who personally detarted into the United States Government a living American prisoner of war from the Vietnam War. It grants similar status to any national

Mr. CULBERSON. 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 Colorado (Mr. HEFLY), to strike all after prescribed by Presidential proclamation or law.

The Clerk reads as follows:

"''SEC. 3A. AMERICAN PERSIAN GULF WAR POW/MIA ASYLUM PROGRAM.

(a) ASYLUM PROGRAM.—The Bringing Home Alive Act of 2000 (Public Law 106-114; 114 Stat. 2195; 8 U.S.C. 1157 note) is amended by inserting after section 3 the following new section:

''SEC. 3A. AMERICAN PERSIAN GULF WAR POW/MIA ASYLUM PROGRAM.

(a) ASYLUM FOR ELIGIBLE ALIEN.—Notwithstanding any other provision of law, the Attorney General shall give asylum to any alien described in subsection (b), upon the application of that alien.

(b) ELIGIBILITY.—

(1) IN GENERAL.—Except as provided in paragraph (2), an alien described in this subsection is—

(A) an alien who—

(i) is a national of Iraq or a nation of the Greater Middle East Region (as determined by the Attorney General in consultation with the Secretary of Defense); and

(ii) personally delivers into the custody of the United States Government a living American Persian Gulf War POW/MIA; and

(B) any parent, spouse, or child of an alien described in subparagraph (A).

(2) EXCEPTIONS.—An alien described in this subsection does not include a terrorist, a person who has been convicted of a serious criminal offense, or a person who presents a danger to the security of the United States, as set forth in clauses (i) through (v) of section 302(b)(2)(A) of the Immigration and Nationality Act (8 U.S.C. 1188(b)(2)(A)).

(3) DEFINITIONS.—In this section:

(1) AMERICAN PERSIAN GULF WAR POW/MIA.—

 ''(A) IN GENERAL.—Except as provided in subparagraph (B), the term ‘American Persian Gulf War POW/MIA’ means an individual—

(i) who is a member of a uniformed service (within the meaning of section 101(3) of title 37, United States Code) in a missing status (as defined in section 551(5) of such title) as a result of the Persian Gulf War, or any successor conflict, operation, or action; or

(ii) who is an employee (as defined in section 551(2) of title 5, United States Code) in a missing status (as defined in section 551(5) of such title) as a result of the Persian Gulf War, or any successor conflict, operation, or action.

(3) EXCLUSION.—Such term does not include an individual with respect to whom it is officially determined under section 552(c) of title 37, United States Code, that such individual is officially presumed from such individual’s post of duty without authority.

(2) MISCELLANEOUS.—The term ‘missing status’, with respect to the Persian Gulf War, any successor conflict, operation, or action, means the status of an individual as a result of the Persian Gulf War, or such conflict, operation, or action, if immediately before that status began the individual—

(A) was performing service in Kuwait, Iraq, or another nation of the Greater Middle East Region; or

(B) was performing service in the Greater Middle East Region in direct support of military operations in Kuwait or Iraq.

(3) PERSIAN GULF WAR.—The term ‘Persian Gulf War’ means the period beginning on August 2, 1990, and ending on the date thereafter prescribed by Presidential proclamation or law.

(b) BROADCASTING INFORMATION.—Section 4(a)(2) of that Act is amended—

(1) by striking ‘‘and’’ at the end of subparagraph (A); and

(2) by striking the period at the end of subparagraph (B) and inserting ‘‘; and’’; and

(3) by adding at the end the following new subparagraph:

‘‘(C) Iraq, Kuwait, or any other country of the Greater Middle East Region (as determined by the International Broadcasting Bureau, in consultation with the Attorney General and the Secretary of State).’’

The SPEAKER pro tempore. Mr. SPEAKE.

The Chair recognizes the distinguished 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 S. 1339, the Senate bill currently under consideration.

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

There was no objection.
of North Korea, China, or states of the former Soviet Union who delivers a living American prisoner of war from the Korean War. Information regarding the act is broadcast by the International Broadcasting Bureau over the Voice of America and other broadcasting services.

The Bring Them Home Alive Act signals our continuing dedication to all the Americans who served in the Vietnam and Korean wars. It shall be needed until all of our soldiers are accounted for and those who personally delivers into the custody of the United States Government a living American prisoner of war from the Persian Gulf War or any successor conflict. To receive refugee status, the alien cannot be an enemy combatant, a terrorist, or a danger to the security of the United States. I urge my colleagues to support this bill.

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield myself as much time as I might consume.

Mr. Speaker, in light of the climate that we now face, calling upon our men and women in the United States military once again to defend our freedom and in the backdrop of the motion to instruct last week that recognized the importance of allowing our veterans to receive both their retirement benefits and other benefits simultaneously, there is no doubt that this Congress believes strongly in the fighting men and women of this Nation, and so I rise with enthusiastic support for this bill which will encourage the safe return of Navy pilot Captain Scott Speicher, the only person classified as a POW/MIA from the Gulf War of the early 1990’s.

His status was changed from dead to MIA, and as well it was based upon last year’s intelligence information that he survived his plane crash and is imprisoned in Bagdad, Iraq. Recently, he was reclassified as Missing/Captured. The amendment could also be used to encourage the return of future POW/MIA’s if President Bush initiates a war against Iraq, as he currently plans to do.

This bill will provide refugee status in the United States to any national of Iraq or certain other Middle Eastern countries if they safely return an American POW/MIA from the Gulf War into the custody of the U.S. Government. The bill amends the Bring Them Home Alive Act of 2000, which provides the same benefits to citizens of Asian and former Soviet countries who safely return POW/MIA’s from the Vietnam and Korean wars. The Senate Judiciary Committee already made an important amendment to the original language offered by Senator BEN NIGHTHORSE CAMPBELL to exempt alien terrorists, persecutors, and people who have been convicted of a serious offense and people who present a danger to the security of the United States from these benefits.

I know many Korean War veterans, including the gentleman from Michigan (Mr. CONYERS), the ranking member of this particular committee; and I want to commend Senator CAMPBELL, a fellow veteran of the Korean War, the gentleman from Wisconsin (Mr. CONYERS), fellow veteran and ranking member, for his initiative to ensure that our POW/MIA’s come home.

Let me conclude by saying that we enthusiastically offer our support for this amendment, and I ask my colleagues to support this legislation.

Mr. Speaker, I support this bill which will encourage the safe return of Navy pilot, Captain Scott Speicher, the only person classified as a POW/MIA from the Gulf War in the early 1990’s. His status was changed from dead to MIA last year based on intelligence information that he survived his plane crash and is imprisoned in Bagdad, Iraq. Recently, he was reclassified as Missing/Captured. The amendment could also be used to encourage the return of future POW/MIA’s if President Bush initiates a war against Iraq, as he currently plans to do.

This bill will provide refugee status in the United States to any national of Iraq or certain other Middle Eastern countries if they safely return an American POW/MIA from the Gulf War into the custody of the U.S. Government. The bill amends the Bring Them Home Alive Act of 2000, which provided this same benefit to citizens of Asian and former Soviet countries who safely returned American POW/MIA’s from the Vietnam and Korean wars.

The Senate Judiciary Committee already made an important amendment to the original language offered by Senator BEN NIGHTHORSE CAMPBELL to exempt alien terrorists, persecutors, and people who have been convicted of a serious criminal offense, and people who present a danger to the security of the United States from these benefits.

As a Korean War veteran, I commend my fellow veteran Senator CAMPBELL for this initiative to ensure that our POW/MIA’s come home.

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

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, I ask unanimous consent to record my name as a cosponsor of H.R. 2155.

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

There was no objection.

SOBER BORDERS ACT

Mr. SENSBRENNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2155) to amend title 18, United States Code, to make it illegal to operate a motor vehicle with a drug or alcohol in the body of the driver at a land border port of entry.

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield myself as much time as I might consume.

Mr. Speaker, in light of the climate that we now face, calling upon our men and women in the United States military once again to defend our freedom and in the backdrop of the motion to instruct last week that recognized the importance of allowing our veterans to receive both their retirement benefits and other benefits simultaneously, there is no doubt that this Congress believes strongly in the fighting men and women of this Nation, and so I rise with enthusiastic support for this bill which will encourage the safe return of Navy pilot Captain Scott Speicher, the only person classified as a POW/MIA from the Gulf War of the early 1990’s.

His status was changed from dead to MIA, and as well it was based upon last year’s intelligence information that he survived his plane crash and is imprisoned in Bagdad, Iraq. Recently, he was reclassified as Missing/Captured. The amendment could also be used to encourage the return of future POW/MIA’s if President Bush initiates a war against Iraq, as he currently plans to do.

This bill will provide refugee status in the United States to any national of Iraq or certain other Middle Eastern countries if they safely return an American POW/MIA from the Gulf War into the custody of the U.S. Government. The bill amends the Bring Them Home Alive Act of 2000, which provided this same benefit to citizens of Asian and former Soviet countries who safely returned American POW/MIA’s from the Vietnam and Korean wars.

The Senate Judiciary Committee already made an important amendment to the original language offered by Senator BEN NIGHTHORSE CAMPBELL to exempt alien terrorists, persecutors, and people who have been convicted of a serious criminal offense and people who present a danger to the security of the United States from these benefits.

As a Korean War veteran, I commend my fellow veteran Senator CAMPBELL for this initiative to ensure that our POW/MIA’s come home.

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

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, I ask unanimous consent to record my name as a cosponsor of H.R. 2155.

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

There was no objection.

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

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2155

Ms. JACKSON-LEE of Texas. Mr. Speaker, I ask unanimous consent to remove my name as a cosponsor of H.R. 2155.

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

There was no objection.
(6) For purposes of this subsection, the term ‘land border port of entry’ means any land border port of entry (as defined in section 287(h)(3) of the Immigration and Nationality Act (8 U.S.C. 1357(h)(3))) that was not reserved or acquired as provided in section 7 of this title.”.

SEC. 2. AUTHORIZING OFFICERS AND EMPLOYEES OF THE IMMIGRATION AND NATURALIZATION SERVICE TO CONDUCT TESTS FOR A DRUG OR ALCOHOL.

Section 287 of the Immigration and Nationality Act (8 U.S.C. 1357(h)) is amended by adding at the end the following:

“(h)(1) If an officer or employee of the Service authorizes an officer or employee of the Attorney General to inspect a driver at a land border port of entry and has reasonable grounds to believe that, because of alcohol in the blood or other bodily substance of the driver, the officer or employee may require the driver to submit to a test to determine the presence or concentration of the alcohol.

“(2) If an officer or employee of the Service authorizes an officer or employee of the Attorney General to arrest a driver under this section for operation of a motor vehicle in violation of section 13(a)(3) of title 18, United States Code, because of alcohol in the blood or other bodily substance of the driver, the officer or employee may require the driver to submit to a chemical or other test to determine the presence or concentration of the drug or alcohol in the blood, breath, or urine of the driver.

“(3) For purposes of this subsection:

“(A) The term ‘driver’ means an individual who is operating a motor vehicle at a land border port of entry.

“(B) The term ‘land border port of entry’ means an inspection location prescribed by the Immigration and Naturalization Service at a land border between a State (as that term is used in section 13 of title 18, United States Code) and a foreign state.

SEC. 3. REQUIRING NOTICE AT LAND BORDER PORTS OF ENTRY REGARDING OPERATION OF A MOTOR VEHICLE AND DRUGS AND ALCOHOL.

(a) In General.—The Immigration and Nationality Act (8 U.S.C. 1357) is amended by inserting after section 284 (8 U.S.C. 1363) the following:

“‘NOTICE AT LAND BORDER PORTS OF ENTRY REGARDING OPERATION OF A MOTOR VEHICLE AND DRUGS AND ALCOHOL.’

“(a) At each point where motor vehicles regularly enter a land border port of entry (as defined in section 287(h)(3)), the Immigration and Naturalization Service shall post a notice that an officer or employee of the Service authorizes an officer of the Attorney General to inspect a driver at a land border port of entry and has reasonable grounds to believe that a driver is operating a motor vehicle while under the influence of an alcoholic beverage or drug.

(b) Clerical Amendment.—The first section of the Immigration and Nationality Act (8 U.S.C. 1357) is amended by inserting after the table of contents by inserting after the item relating to section 284 the following:

“Sec. 285. Notice at land border ports of entry regarding operation of a motor vehicle and drugs and alcohol.”.

SEC. 4. IMPOUNDMENT OF VEHICLE FOR REASONABLE GROUNDS TO BELIEVE THAT A DRIVER IS OPERATING A MOTOR VEHICLE WITH DRUGS OR ALCOHOL.

Not more than 180 days after the date of the enactment of this Act—

(a) The Attorney General shall issue regulations authorizing an officer or employee of the Immigration and Naturalization Service to impound a vehicle operated at a land border port of entry if—

(1) the individual who operates the vehicle refuses to submit to a chemical or other test under section 13(a)(3) of title 18, United States Code; and

(2) the impoundment is not inconsistent with the laws of the State in which the port of entry is located.

(b) EFFECTIVE DATE.

This Act shall take effect 180 days after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentlewoman from Texas (Ms. JACKSON-LEE) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER),

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 2155, the bill currently under consideration.

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

There was no objection.

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

Mr. Speaker, H.R. 2155 helps prevent drunk driving at and around our borders. The bill authorizes INS inspectors at the border to take drunk and drugged drivers into custody based on their impaired driving. Unfortunately, inspectors do not have the authority to do so other than as private citizens making arrests. Typically, inspectors now have to alert State or local law enforcement that an impaired driver is headed their way. The current strategy has not worked as well as it should. We urge the Congress to ensure travelers are fully aware of the penalties for consuming drugs or alcohol while driving.

This bill makes it a Federal crime for a person to operate a motor vehicle at a land border patrol entry in an impaired manner because of the presence or concentration of alcohol or drug in the driver’s body. The bill authorizes INS inspectors at land border ports of entry to perform chemical tests upon drivers who are found to have alcohol or other drug in their system. The bill also requires the INS to conduct training of the officers involved in performing such tests.

If the individual refuses to submit to such a test, the bill requires the Attorney General to notify the driver’s State or foreign state of the driver’s refusal to submit to the test. The Attorney General is also required to notify the driver’s government of a conviction of the driver for impaired driving.

Finally, the Attorney General is required to post notices that operation of a motor vehicle with drugs or alcohol in the driver’s body at a land border port of entry is a Federal offense. This bill will help prevent drunk driving and impaired driving tragedies in border areas, and I urge a “yea” vote on it.

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

Ms. JACKSON-LEE. Mr. Speaker, I yield myself such time as I might consume.

Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.

Ms. JACKSON-LEE. Mr. Speaker, I believe the intentions of this legislation certainly have merit, but I rise in opposition to the measure on the floor today, H.R. 2155, the Sober Borders Act.

This bill authorizes officers and employees of the INS to conduct tests for drug or alcohol consumption whenever they have reasonable grounds to believe the driver is operating a motor vehicle while under the influence. Second, to ensure travelers are fully aware of this policy, the bill further requires the INS to post notices at each land border port of entry, informing motorists that the consummation of drugs or alcohol while driving is an offense under Federal law.

The major problem with this proposal is a matter of policy and procedure. At the time when their workload is heavy and the lines and waits for border traffic are already huge, they are asking for additional burdens to border economies. This legislation will impose new duties unrelated to terrorism on immigration inspectors at the border. Essentially, H.R. 2155 is enlisting INS officers to enforce State law. Furthermore, 18 U.S.C., section 13, the Assimilative Crimes Act, currently incorporates State criminal law into Federal law for issues for which there is no applicable Federal criminal law in places in Federal jurisdiction such as military bases and, no doubt, ports of entry. So a criminal offense such as a DUI under State law is already also a Federal criminal offense in a Federal area, appealing in State courts.

This law would extend that by incorporating noncriminal sanctions, examples, suspension of license or failure to agree to a drug test, into Federal law. It also seems a questionable use of the admittedly broad authority the INS has at its disposal to expand this to blood, breath, or urine testing.

Finally, during the subcommittee markup and the full committee markup of this legislation, after being assured that the majority would work with the minority on concerns with the legislation, an amendment was offered that would require the General Accounting Office to conduct an annual study concerning the exercise of the new authorities by officers and employees of the INS. It is well taken by this Congress, Mr. Speaker, that the GAO is an independent body. Republicans and Democrats alike have been known to use the GAO for studies and to include such studies as language in legislation. This is not, if the Members will, a killer of the bill. The study would assemble and analyze the numbers of times the officers exercise this authority; the race, the national origin of the driver involved; and the results of the exercise of this new authority.
Mr. Speaker, the border is used not only by noncitizens, but it is used by American citizens and we have stood on this floor of the House just last week to talk about our freedoms and our values and the justice and equality that we render. Then why not, where is, making the地铁 our initiative that we pass has the ability to serve all Americans fairly, and those who may be unfairly stopped should be addressed as well while we also are committed to protecting the lives of our fine officers at the border.

The amendment further directed the General Accounting Office to submit a report to Congress no later than March 31 of each year. It was important to include this amendment because the legislation raises the potential for abuse of authority to stop and detain individuals at the border. The amendment would work with the minority on concerns with the legislation, an amendment was offered that would require the General Accounting Office to conduct an annual study concerning the exercise of this new authority and the results of the exercise of this new authority.

Mr. Speaker, I have been to the borders of our country; and I have seen the very fine workers who are there. They want to do the right thing. They want to do the job. It could have been an instructive tool.

Mr. Speaker, I have been to the borders of our country; and I have seen the very fine workers who are there. They want to do the right thing. They want to do the job. It could have been an instructive tool.

The major problem with this proposal is a matter of policy. At a time when their workload is heavy and the lines and waits for border traffic are already causing huge burdens to border economies, this legislation will impose new duties, unrelated to terrorism, on immigration inspectors at the border. Essentially, H.R. 2155 is enlisting INS officers to enforce state law.

Furthermore, 18 U.S.C. section 13 (the Assimilative Crimes Act) currently incorporates state criminal law into federal law for offenses for which there is no applicable federal criminal law, in places in federal jurisdiction such as military bases and, no doubt, ports of entry. So, a criminal offense such as DUI under state law is already also a federal criminal offense in a federal area (ares not in state jurisdiction). This law would extend that by incorporating non-criminal sanctions (e.g., suspension of licenses for failure to agree to a drug test) intro federal law. It also seems a questionable use of the admittedly broad authority the INS has at the border to conduct searches, to expand this to blood, breath or urine testing.

Racial profiling occurs when the police target someone for investigation on the basis of that person’s race, national origin, or ethnicity. Examples of profiling are the use of race to determine which drivers are stopped for minor traffic violations, often referred to as racial profiling. It could have been an instructive tool.

The major problem with this proposal is a matter of policy. At a time when their workload is heavy and the lines and waits for border traffic are already causing huge burdens to border economies, this legislation will impose new duties, unrelated to terrorism, on immigration inspectors at the border. Essentially, H.R. 2155 is enlisting INS officers to enforce state law.

Furthermore, 18 U.S.C. section 13 (the Assimilative Crimes Act) currently incorporates state criminal law into federal law for offenses for which there is no applicable federal criminal law, in places in federal jurisdiction such as military bases and, no doubt, ports of entry. So, a criminal offense such as DUI under state law is already also a federal criminal offense in a federal area (ares not in state jurisdiction). This law would extend that by incorporating non-criminal sanctions (e.g., suspension of licenses for failure to agree to a drug test) into federal law. It also seems a questionable use of the admittedly broad authority the INS has at the border to conduct searches, to expand this to blood, breath or urine testing.

Finally, during both the Subcommittee markup and the Full Committee markup of this legislation, after being assured that the majority would work with the minority on concerns with the legislation, an amendment was offered that would require the General Accounting Office to conduct an annual study concerning the exercise of the new authorities by officers and employees of the INS. The study would assemble and analyze the number of times the officers exercised this authority, the race, gender, and national origin of the driver involved, and the results of the exercise of this new authority. The Amendment further directed the General Accounting Office to submit a report to Congress no later than March 31 of each year.

It was important to include this amendment because the legislation raises the potential for abuse of authority to stop and detain individuals at the border. The amendment would have ensured that the new authorities granted the officers and employees of the INS to test for the use of alcohol and drugs by a driver at the border is carried out in an efficient, fair, and equitable manner without targeting any group of people—specifically to prevent racial profiling.

"Racial profiling" occurs when the police target someone for investigation on the basis of that person’s race, national origin, or ethnicity. Examples of profiling are the use of race to...
Racial profiling is still prevalent in America. In large cities across the country, African Americans and other people of color still move about with the fear that at any time, they can be stopped and detained simply because they fit a broad profile characterized by little more than the color of a person’s skin. Today skin color alone and a suspicion that you have a weapon, or that you are selling drugs, makes you more likely to be stopped, more likely to be searched, and more likely to be arrested and imprisoned.

In a recent General Accounting Office study of March, 2000 “found that persons of a particular race and gender were generally more likely than others to be subjected to more intrusive searches. For example, black women were 9 times more likely to be searched than white women. Even though the majority of the black women on the flight, were singled out for intrusive searches. For example, black women were 9 times more likely to be searched than white women. Even though the majority of the other black women on the flight, were singled out for searches and interrogation, where she experienced one of the most humiliating moments of her life. Ms. Bradley was searched throughout her body including her private parts. Mr. Speaker, I reserve the balance of my time.

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

Mr. Speaker, unfortunately, the Bradley case that the gentlewoman from Texas (Ms. JACKSON-LEE) cited is not relevant to this bill. She talked about a search of a woman who arrived at the Newark Airport. This bill only applies to land border crossings, not ports of entry that are not land border crossings. In short, that the gentlewoman from Texas (Ms. JACKSON-LEE) relies on is irrelevant to dealing with the issue of this bill.

Thegentlewoman from Texas complains about a search of a woman who arrived at the Newark Airport. This bill only applies to land border crossings, not ports of entry that are not land border crossings. In short, that the gentlewoman from Texas (Ms. JACKSON-LEE) relies on is irrelevant to dealing with the issue of this bill.

Thegentlewoman from Texas complains about a search of a woman who arrived at the Newark Airport. This bill only applies to land border crossings, not ports of entry that are not land border crossings. In short, that the gentlewoman from Texas (Ms. JACKSON-LEE) relies on is irrelevant to dealing with the issue of this bill.

Thegentlewoman from Texas complains about a search of a woman who arrived at the Newark Airport. This bill only applies to land border crossings, not ports of entry that are not land border crossings. In short, that the gentlewoman from Texas (Ms. JACKSON-LEE) relies on is irrelevant to dealing with the issue of this bill.

Everybody who crosses the border between the United States and Mexico and Canada has to be passed. Mr. Speaker, 100 percent of the people do, regardless of what their race is or their national origin. I do not understand what the gentlewoman’s complaints are because she should know that one must stop for inspection and the law requires it.

Now, finally, during the markup of the Committee on the Judiciary, as chairperson, I gave the gentlewoman from Texas my commitment to ask for a GAO study once this bill is signed into law. The gentlewoman from Texas should know that any Member of the House can ask for a GAO study. It does not have to be an amendment adopted by the committee; it does not have to be on the floor and for working it through the committee in such a deliberative fashion. We debated this at the subcommittee level, at the committee level; and we had a great debate on it. Many Members shared their support for the bill.

As mentioned, this is simply closing a glaring loophole in the law that allows someone in a border port of entry, at a land port of entry to drive totally across the border knowing full well that they will not be stopped. They saw the clueless law enforcement officer at the municipal or State level is able to stop them.

Well, that has not been good enough. In California, in the past 2 years, we have had two law enforcement officers killed, killed when drunk drivers drove up, under-age drivers who drove to Mexico with the express purpose of drinking because they can, because of our law enforcement, drink underage. They drive across the border knowing full well that they will not be stopped by the person who sees them right inside the window, who stops them, who cannot stop them when they are drunk, who will just let them go on through. They killed two California highway patrol officers. Several fatal car crashes in my home State of Arizona are blamed on drunk drivers going to Mexico to drink, coming back across the border, knowing that they cannot be stopped. This is wrong.

This is what this law is about. We have to change that. We have to close this glaring loophole. I do not know about my colleagues, but I do not want to wait and tell the widow of the widower of the next highway patrol officer or the next person who is killed on the border that we could have had this bill passed, we could have done it were it not for extraneous language that is purely secondary to the bill.

Well, that has not been good enough. In California, in the past 2 years, we have had two law enforcement officers killed, killed when drunk drivers drove up, under-age drivers who drove to Mexico with the express purpose of drinking because they can, because of our law enforcement, drink underage. They drive across the border knowing full well that they will not be stopped by the person who sees them right inside the window, who stops them, who cannot stop them when they are drunk, who will just let them go on through. They killed two California highway patrol officers. Several fatal car crashes in my home State of Arizona are blamed on drunk drivers going to Mexico to drink, coming back across the border, knowing that they cannot be stopped. This is wrong.

This is what this law is about. We have to change that. We have to close this glaring loophole. I do not know about my colleagues, but I do not want to wait and tell the widow of the widower of the next highway patrol officer or the next person who is killed on the border that we could have had this bill passed, we could have done it were it not for extraneous language that is purely secondary to the bill.

This is what this law is about. We have to change that. We have to close this glaring loophole. I do not know about my colleagues, but I do not want to wait and tell the widow of the widower of the next highway patrol officer or the next person who is killed on the border that we could have had this bill passed, we could have done it were it not for extraneous language that is purely secondary to the bill.

This is what this law is about. We have to change that. We have to close this glaring loophole. I do not know about my colleagues, but I do not want to wait and tell the widow of the widower of the next highway patrol officer or the next person who is killed on the border that we could have had this bill passed, we could have done it were it not for extraneous language that is purely secondary to the bill.

This is what this law is about. We have to change that. We have to close this glaring loophole. I do not know about my colleagues, but I do not want to wait and tell the widow of the widower of the next highway patrol officer or the next person who is killed on the border that we could have had this bill passed, we could have done it were it not for extraneous language that is purely secondary to the bill.

This is what this law is about. We have to change that. We have to close this glaring loophole. I do not know about my colleagues, but I do not want to wait and tell the widow of the widower of the next highway patrol officer or the next person who is killed on the border that we could have had this bill passed, we could have done it were it not for extraneous language that is purely secondary to the bill.

This is what this law is about. We have to change that. We have to close this glaring loophole. I do not know about my colleagues, but I do not want to wait and tell the widow of the widower of the next highway patrol officer or the next person who is killed on the border that we could have had this bill passed, we could have done it were it not for extraneous language that is purely secondary to the bill.

This is what this law is about. We have to change that. We have to close this glaring loophole. I do not know about my colleagues, but I do not want to wait and tell the widow of the widower of the next highway patrol officer or the next person who is killed on the border that we could have had this bill passed, we could have done it were it not for extraneous language that is purely secondary to the bill.

This is what this law is about. We have to change that. We have to close this glaring loophole. I do not know about my colleagues, but I do not want to wait and tell the widow of the widower of the next highway patrol officer or the next person who is killed on the border that we could have had this bill passed, we could have done it were it not for extraneous language that is purely secondary to the bill.

This is what this law is about. We have to change that. We have to close this glaring loophole. I do not know about my colleagues, but I do not want to wait and tell the widow of the widower of the next highway patrol officer or the next person who is killed on the border that we could have had this bill passed, we could have done it were it not for extraneous language that is purely secondary to the bill.
can do the same by a letter to the GAO. But let us get this bill passed. We need it. There is a glaring loophole now. Lives are being lost on the border in my State and others. I would ask for support of this bill.

Mr. JACKSON-LEE of Texas. Mr. Speaker, I give me great pleasure to yield such time as he may consume to the gentleman from Michigan (Mr. CONyers), the ranking member of the Committee on the Judiciary, who knows a lot about racial profiling inasmuch as he has authored legislation on that issue.

Mr. CONYERS. Mr. Speaker, I thank the gentlewoman from Texas for her leadership as ranking member of the subcommittee, and I want to thank the gentleman from Arizona (Mr. FLAKE) for his leadership as chairman of the subcommittee.

The question that the gentleman from Arizona has raised is a very disturbing one: two police officers from his State conducting a survey involving people driving under the influence. And that should be disturbing to everybody in Arizona as well as everybody in this Congress. Then why, I say to the gentleman from Arizona, would he jeopardize the passage of this bill over, and I will accept his description of it as an irrelevant addition to it, when the gentleman knows full well that one-third of the Members of the Congress can turn back a bill that is under suspension? This means that the gentleman is rolling the dice big time. I say to my friend, I do not want to take that chance. If the gentleman does, then we will have a vote shortly that will determine which one of us was more correct.

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

Mr. CONYERS. I yield to the gentleman from Arizona.

Mr. FLAKE. Mr. Speaker, I too fear that this bill will be imperiled, but I fear it if we attach such language. That is why we had a debate in the committee. The chairman is correct. That is why we had a debate in the committee on the floor, we would be going and failed. Were we to accept the unanimous adoption of this bill over, and I will accept his description of it as an irrelevant addition to it, when the gentleman knows full well that one-third of the Members of the Congress can turn back a bill that is under suspension? This means that the gentleman is rolling the dice big time. I say to my friend, I do not want to take that chance. If the gentleman does, then we will have a vote shortly that will determine which one of us was more correct.

Mr. CONYERS. Mr. Speaker, reclaiming my time, I thank the gentleman. I appreciate that procedural explanation. If the gentleman is going to risk police officers’ lives in the gentleman’s State based on a vote in the committee, then that, my friend, is a choice that the gentleman has who, as a Member, has as much right to cast that opinion as anybody else. I wish the gentleman good luck, frankly, because police officers’ lives are at stake.

Mr. Speaker, I have just approached the distinguished chairman of the Committee on the Judiciary, the gentleman from Wisconsin (Mr. SENSENBERNRENNER), my good friend, who has informed me that unfortunately we are not able to remove this bill from the suspension calendar to have this amendment repaired because this is the last suspension day for bills under suspension that we will have in this Congress. And if he is right, that puts us in a more difficult situation.

Mr. Speaker, the reason that we are in this position is that the subcommittee ranking chairperson had assumed that there had been an agreement worked out on this amendment, and it was not until we came to the full committee markup that we found that there was a serious difference still outstanding.

All I stand here in the well of the House today to do is to work in every way that I can with the chairman of my committee and the chairman of the subcommittee to see that we can repair this so that we can get a bill out to protect the lives of all of our law enforcement people at the border. This is a bill that we support, a bill we support, a bill that we want to get to the Senate and enacted into law as quickly as possible.

We think that it is a lifesaving measure. But because of this disagreement over the importance of a study on racial profiling, we are not able to do that.

The Members of this House, before they vote on this measure tomorrow, should fully consider the fact that the reason we put the GAO in the amendment was that the subcommittee chairman, the gentleman from Arizona (Mr. FLAKE), is the one that asked that it be included. The original provision of the gentlewoman from Texas (Ms. JACKSON-LEE) referred this to the Attorney General’s office, and they objected.

Mr. Speaker, I would ask the Members, what are we doing here? Where we are now, is a gentleman from Arizona (Mr. FLAKE), is that the American Civil Liberties Union, and this is not a funny matter. I say to the gentleman from Arizona, please listen to me.

The American Civil Liberties Union announced this morning that they are in opposition to the bill in its present form. That is not a laughing matter. The Leadership Council on Civil Rights has announced their opposition to the bill. This is not a laughing matter. The National Association for the Advancement of Colored People, with a half a million members, has announced that until this bill is repaired they are against the bill. It is not a laughing matter.

So if it does not matter to the Members, okay. If it is funny, okay. If they have the votes, okay. But I think they are doing a grave disservice to an excellent piece of legislation that they and the gentlewoman from Texas (Ms. JACKSON-LEE) have crafted.

If they choose to roll the dice on it in the way they apparently have, then I will have to live by that decision, because I am not in the House leadership, and I cannot assure the Members that if the bill is pulled off the floor, there will be another Suspension Calendar.

The reason I will not yield is because this bill, Mr. Speaker, controls all the time on the gentleman’s side.

Mr. SENSENBERNRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from Arizona (Mr. FLAKE), who is not a chairman.

Mr. FLAKE. Mr. Speaker, I thank the gentleman for yielding time to me. Mr. Speaker, regarding the gentleman from Michigan’s point about this not being a laughing matter, certainly I do not make a laughing matter out of it. The only humor I found is in being elevated to the status of chairman of the subcommittee, which I am not. The chairman just informed me if I am, it has been revoked. That is the only part that I find humorous. This is not a laughing matter at all.

When the ranking minority member mentions that in the subcommittee we had discussions about where the authority ought to rest for a study, we simply pointed out that the amendment, as drafted, mentioned the INS Commissioner working on our own language out of the committee, that position will no longer exist. So that would not be the proper place for the study.

What we suggested was that that responsibility would lie with the GAO.

As the chairman mentioned, we have offered again and again and again, at the gentleman’s suggestion, I say to the ranking minority member, that we craft a letter to the GAO and ask them to conduct such a study, to do that. I stand ready to do that, and I hope that we can.

This is an important issue. We simply need not have it in statute because that would imperil the bill. We cannot, for every law enforcement action taken in this House or in this body, attach racial profiling language. We simply cannot. That would imperil too much good legislation going forward.

It is not a laughing matter at all; this is serious. People are dying in the border towns every day, and a lot of it is linked to drunken drivers coming across the borders. This is a serious matter, we ought to take it that way, and move this bill forward without second-guessing the amendment.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. PENCE). Members are reminded that they should direct their comments to the Chair, and avoid dialogue in the second person.

Mr. JACKSON-LEE of Texas. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, this is a very serious matter. It really saddens me that we have come to this.

I notice that there was some discussion that no one seems to understand racial profiling. There is a bill that we wish had moved through this House with some 95 or more cosponsors that if
Mr. CONYERS. Mr. Speaker, will the gentlewoman yield?  

Ms. JACKSON-LEE of Texas. I yield to the gentleman from Michigan.  

Mr. CONYERS. Mr. Speaker, I thank the ranking member, the gentlewoman from Michigan (Ms. JACKSON-LEE), for yielding to me. I do not think it is important for those who do not live as many of us do to recognize that, as legislators, we try to work together.  

Mr. Speaker, I would like to pose a question to the ranking member, the gentleman from Arizona (Mr. FLAKE). He has been totally cooperative, as well. I know that the gentleman from Wisconsin (Chairman SENSENBERGER) and I have been working together in a very fine spirit to try to resolve this, and the quicker a drunk driver or a driver whose ability is impaired by drugs is stopped, the fewer people are placed at risk; so why not stop them on the border, and if they are drunk or impaired, do the appropriate chemical tests?  

Mr. Speaker, I think this is a good idea. It might save lives. I commend the gentleman from Arizona (Mr. FLAKE) for keeping this a clean bill.  

Mr. Speaker, I yield back the balance of my time.
Chair's prior announcement, further proceedings on this motion will be postponed.

BORDER COMMUTER STUDENT ACT OF 2002

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4967) to establish new nonimmigrant classes for border commuter students.

The Clerk reads as follows:

H.R. 4967

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 "Border Commuter Student Act of 2002".

SEC. 2. ESTABLISHMENT OF BORDER COMMUTER NONIMMIGRANT CLASS.

(a) CLASS FOR ACADEMIC OR LANGUAGE STUDIES.—Section 101(a)(15)(F) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(F)) is amended by striking "and (ii)" and all that follows through the end of subparagraph (F) and inserting the following: "(ii) the alien spouse and minor children of any alien described in clause (i) if accompanying or following to join such an alien, and (iii) an alien who is a national of Canada or Mexico, who maintains actual residence and place of abode in the country of nationality, who is described in clause (i) except that the alien must have a valid student visa, and actual course of study may be full or part-time, and who commutes to the United States institution or place of study from Canada or Mexico;

(b) CLASS FOR VOCATIONAL OR NONACADEMIC STUDIES.—Section 101(a)(15)(M) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(M)) is amended by striking "and (ii)" and all that follows through the end of subparagraph (M) and inserting the following: "(ii) the alien spouse and minor children of any alien described in clause (i) if accompanying or following to join such an alien, and (iii) an alien who is a national of Canada or Mexico, who maintains actual residence and place of abode in the country of nationality, who is described in clause (i) except that the alien's course of study may be full or part-time, and who commutes to the United States institution or place of study from Canada or Mexico;"

(c) LIMITATION.—Section 214(m) of the Immigration and Nationality Act (8 U.S.C. 1101(m)) is amended by adding after paragraph (3) the following new paragraph (4): "(4) Authorization for entry of aliens under this section is subject to such conditions as the Attorney General may determine to ensure that the entry of such aliens will be in the national interest, especially with respect to the border security of the United States;"

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentlewoman from Texas (Ms. JACKSON-LEE) 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 on H.R. 4967, the bill currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?
until August 15, 2002, while administrative and legislative remedies are considered. I consider that a balanced perspective on the part of the INS.

The legislation we are introducing today appropriately addresses the problem of part-time commuter students without hoping for a new avenue for illegal immigration. Of course, this bill is on the floor of the House today and would amend 18 U.S.C. 1101 to make certain part-time commuter students eligible for special student visas. The bill would allow nationals of Canada or Mexico who both maintain a residence and a place of abode in their country of nationality and who commute to school to enroll part-time in schools in the United States, and part-time commuter student visas are restricted to nationals of Canada or Mexico. The bill would not make political asylees, residents or others, who are nationals of third countries, who simply live in Canada or Mexico eligible for the visas; and I think that is an important point to make.

Again, I believe that we have an enormous responsibility to ensure the security of our communities, but I think this is a balanced and forthright legislative initiative to help all. Finally, Mr. Speaker, the Enhanced Border Security and Visa Entry Reform Act, passed by the Senate in April and signed into law by the President on May 14, 2002, leads the way for full implementation of participation in services mandatory by January 30, 2003. However, SEVIS only tracks nonimmigrant students and exchange visitors. Aliens admitted with visitor visas are not tracked through the system. This bill for the first time will ensure that part-time commuter students from Canada and Mexico are also tracked through the student tracking process, again in response to the new concerns we have after September 11.

I am honored to support this balanced initiative and support this legislation.

Mr. Speaker, I am pleased to join my colleagues in support of making part-time commuter students who are nationals of either Canada or Mexico and attend school in the United States eligible for special student visas. Canada or Mexico, and attend school in the United States eligible for special student visas. According to university officials at both institutions many more students would attend if they could cross the border easily. Unfortunately, current law does not establish an appropriate visa for these part-time commuter students.

Under the Immigration and Naturalization Act, aliens who reside in a foreign country and are pursuing a full course of study from a recognized vocational institution or an established college, university, or other academic institution in the United States, are eligible for student visas. For purposes of granting student visas, the INS defines "full course of study" as 12 credits or more. Part-time commuter students, those who might be only taking a class or two, are not currently eligible for student visas.

However, some INS district offices have permitted part-time commuter students to enter the United States as visitors to pursue their studies. I am encouraged by the INS recent reversal of a may 2002 decision to eliminate this practice and enforce the full time, 12 credit hour rule.

Fortunately, the agency recently postponed enforcement of the policy until August 15, 2002, while administrative and legislative remedies are considered. The legislation is introducing today appropriately addresses the problem facing part-time commuter students without opening new avenues for illegal immigration. This bill would amend 18 U.S.C. 1101 to make certain part-time commuter students eligible for student visas. The bill would allow nationals of Canada or Mexico who both maintain a residence and a place of abode in their country or nationality and who commute to school to enroll part-time in schools in the United States. Part-time commuter student visas are restricted to nationals of Canada or Mexico. The bill would not make political asylees, residents, or others who are nationals of third countries but simply live in Canada or Mexico eligible for the visas.

This legislation is also consistent with the current INS interim rule in that it ensures that part-time commuter students are tracked through the Student Exchange Visitor Information System. As we discussed in our Subcommittee hearing a few weeks ago on SEVIS, this system was set up to ensure that the Federal Government is aware of changes in a foreign student’s status that could affect their eligibility to remain in the United States. The Enhanced Border Security and Visa Entry Reform Act, passed by the Senate in April and signed into law by the President on May 14, 2002, leads the way for full implementation of SEVIS. Participation in SEVIS is mandatory by January 30, 2003. The system tracks nonimmigrant students and exchange visitors. Aliens admitted with visitor visas are not tracked through the system. This bill will, for the first time, ensure that part-time commuter students from Canada and Mexico are tracked through SEVIS.

While I acknowledge new security concerns in the aftermath of September 11, I feel that we can meet those concerns without prohibiting all part-time commuter students from attending classes at schools in the United States. This legislation represents a bipartisan compromise that will allow us to meet these needs in a reasonable, thoughtful manner. This legislation represents the best type of legislation that results when members on opposing sides can put aside partisan differences and work for viable solutions. I am pleased to support this measure and I will work to see its passage in the 107th Congress.

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

Mr. SENSENIBRENNER. Mr. Speaker, I yield such time as he may consume to the gentleman from Arizona (Mr. KOLBE), the principal author of this bill.

Mr. KOLBE. Mr. Speaker, I thank the gentleman for yielding me the time, and want to thank the ranking member, the distinguished gentlewoman from Texas, the ranking member of the Subcommittee on Immigration and Claims, for her courtesies shown to me and my staff in the preparation of this bill and the consideration of it in the committee.

Mr. Speaker, H.R. 4967 will end years of frustration for colleges and universities, frustration made worse by the terrorist attacks of September 11.

The Border Commuter Student Act is simple in its purpose. It is to allow U.S. border colleges to teach Mexican and Canadian citizens who live near the border. It creates a new nonimmigrant classification for Mexicans and Canadians who want to commute each day to U.S. college or school. The study can be full-time or part-time.

The people of Mexico and Canada who live and work in their home country but who want to attend a night class, such as business English for Mexicans, or night school for Canadians who want to commute each day to U.S. college or school, the study can be full-time or part-time.

For decades, it has been the policy of the INS that these border commuter students were required to attend class full-time; however, it was loosely enforced prior to September 11, 2001. The INS recently pushed this law to its limit by allowing border commuter students to enter the United States to study on a reduced course load as long as they are a "qualified full-time student."

I commend the INS for expanding the number of students that can enter the U.S. as full-time students to include these quasi-full-time students. Although the INS did what they could
under the law that limits students entering the country to full-time status, this simply is not enough.

We need to clarify the law so that there is no misunderstanding, no room for misinterpretation, and no room for further future administrations to this policy. We need to give these colleges and students the confidence that a future INS commissioner is not going to change policy midstream in someone’s studies.

The Border Commuter Student Act creates a new classification for Mexicans and Canadians to enter the United States. In other words, it provides additional options for the citizens of our neighboring countries to enter the U.S. It does not allow foreign children to attend public elementary or high schools; and it ensures national security by continuing the requirement that all foreign students be entered into the student tracking system; and that, Mr. Speaker, is important.

It is in the interest of the United States to allow our neighbors to take courses in English and history and mathematics and philosophy or business or any other kind of education or profession at our Nation’s colleges and schools along the border. In addition, it is in the interest of Mexico and Canada to allow their citizens access to an expanded area of educational opportunities. I am very proud today that the House of Representatives is doing its part to help these schools and these students. I believe our neighbors to the south and the north deserve special treatment and the Border Commuter Student Act adds another option to enter the United States for Canadians and Mexicans who live along the border.

The bipartisan bill was voted out of the Committee on the Judiciary unanimously. It is supported by the administration, by the Mexican Government, the Canadian Government, the U.S.-Mexico Counties Coalition, the Arizona-Mexico Commission, the American Association of State Colleges and Universities, the National Association of State Universities and Land-Grant Colleges, the Career College Association, the Hispanic Association of Colleges and Universities, the University of Phoenix system, University of Texas system, and Texas Tech.

Mr. Speaker, this is, as the gentlewoman said earlier, good legislation. It corrects a flaw in our immigration law for some time, and I urge my colleagues to support this bill.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield myself such time as I may consume.

Let me just conclude by simply saying what we want in this legislation is to help our commuter students from Canada and Mexico come in, be trained, to help our commuter students from ing what we want in this legislation is balanced legislation. It corrects a flaw we have had in our immigration is balanced legislation. It corrects a woman said earlier, good legislation. It is supported by the administration and the Border Commuter Student Act. I applaud my colleague, Mr. KOLBE, for his hard work at addressing an issue that is critical along the U.S.-Mexico and Canada borders.

As you know, the situation on the U.S.-Mexico and Canada borders is unique in regard to how we handle individuals who reside in their homelands and who cross at our Ports-of-Entries (POEs) to use American colleges and universities. Many of these students attend classes on a part-time basis. In the past, the interpretation of the meaning of part-time student varied from POE to POE resulting in inconsistent pol-...
(b) IMMIGRATION RECORDS.—The Commissioner of the Immigration and Naturalization Service shall cooperate in providing information regarding all relevant records of persons disqualified from acquiring a firearm under Federal law, including but not limited to, illegal aliens, visitors to the United States on student visas, and visitors to the United States on tourist visas. (General: The Federal Bureau of Investigation shall also cooperate in providing information regarding the conviction of such an offense for purposes of subparagraph (A) if the conviction has been expunged or set aside, or is an offense for which the person has been pardoned or has had civil rights restored.)

SEC. 102. REQUIREMENTS TO OBTAIN WAIVER.

(a) IN GENERAL.—Beginning 5 years after the date of the enactment of this Act, a State shall be eligible to receive a waiver of the 10 percent matching requirement for National Criminal History Improvement Program grants under the Uniform Crime Reporting Act of 1964 if the State provides at least 95 percent of the information described in subsection (b). The length of such a waiver shall not exceed 5 years.

(b) ELIGIBILITY OF STATE RECORDS FOR SUBMISSION TO THE NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM.—

(1) REQUIREMENTS FOR ELIGIBILITY.—The State shall make available the following information established either through its own database or provide information to the Attorney General:

(A) The name and other relevant identifying information relating to each person disqualified from acquiring a firearm under applicable State law.

(B) The term ‘adjudicated as a mental defective or committed to a mental institution’ includes—

(i) a finding of insanity by a court in a criminal case; and

(ii) a finding that a person is incompetent to stand trial or is not guilty by reason of lack of mental responsibility pursuant to articles 50a and 72b of the Uniform Code of Military Justice (10 U.S.C. 850a, 876b).

(C) Exceptions.—This paragraph does not apply to—

(i) a person—

(A) in a mental institution for observation; or

(B) voluntarily committed to a mental institution;

(ii) information protected by doctor-patient privilege.

(D) PRIVACY PROTECTIONS.—For any information provided pursuant to this subsection, the Attorney General shall implement policies and procedures to prevent unauthorized access and to ensure the privacy of such information.

(c) CONDITION.—A State that violates this section shall be ineligible to receive such a waiver.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $250,000,000 for each of fiscal years 2004, 2005, and 2006.

SEC. 201. CONTINUING EVALUATIONS.

(a) EVALUATION REQUIRED.—The Director of the Bureau of Justice Statistics shall study and evaluate the operations of the national instant criminal background check system. Such study and evaluation shall include, but not be limited to, compilations and analyses of the operational and record system activities of the agencies and organizations participating in such system.

(b) REPORT ON GRANTS.—Not later than January 31 of each year, the Director shall submit to Congress a report on the implementation of section 102(b).

(c) REPORT ON BEST PRACTICES.—Not later than January 31 of each year, the Director shall submit to Congress a report on best practices regarding the collection, maintenance, automation, and transmittal of identifying information relating to individuals described in subsection (g) of section 922 of title 18, United States Code, by any other agency, or any other records relevant to the national instant criminal background check system, that the Director considers to be best practices.

TITLE III—GRANTS TO STATE COURTS FOR THE IMPROVEMENT IN AUTOMATION AND TRANSMITTAL OF DISPOSITION RECORDS

SEC. 101. GRANTS AUTHORIZED.

(a) IN GENERAL.—From amounts made available to carry out this section, the Attorney General shall make grants to each State for the purpose of improving the following: (1) the automation of criminal history information and any other records relevant to the national instant criminal background check system, that the Director considers to be best practices.

(b) USE OF FUNDS.—Amounts granted under this section shall be used by the State in conjunction with units of local government and State and local courts, to establish or upgrade information and identification technologies for firearms eligibility determinations.

SEC. 102. IMPLEMENTATION GRANTS TO STATES.

(a) IN GENERAL.—From amounts made available to carry out this section, the Attorney General shall make grants to each State, in a manner and in accordance with such standards as the Attorney General may establish, to implement the national instant criminal history information and any other records relevant to the national instant criminal background check system, that the Director considers to be best practices.
The SPEAKER pro tempore (Mr. PENCE). Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentlewoman from Texas (Mrs. Jackson-Lee) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 4757, the bill currently under consideration.

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

There was no objection.

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

Mr. Speaker, I was the principal Republican author of the Brady Act, which was signed into law in 1994. While much of the debate on the Brady Act was on the 5-day waiting period that was contained in there, the lasting good of the Brady Act was the establishment of the National Instant Criminal Background Check System, wherein people who are statutorily ineligible from possessing any type of firearm, such as a convicted felon or an adjudicated mental incompetent, could be identified instantly and a proposed firearm sale could be denied to that individual.

This part of the Brady Act is intended to keep firearms out of the hands of individuals who are prohibited by Federal or State law from possessing them. The NICS system was established by the Attorney General to enforce the provisions of the Brady Act. The mission of NICS is to ensure the timely sale of firearms to individuals who can legally possess them and to deny their sale to individuals who are prohibited from possessing or receiving a firearm.

Background checks can only be as effective as the records that are available to be checked, and most crimes of violence are prosecuted under State and local law rather than Federal law. So the NICS system cannot keep guns out of the hands of criminals and other dangerous individuals without receiving the most current records from the States.

NICS has not been operating in the most efficient way possible because of the failure of certain State and local governments to provide NICS with the current information regarding individuals who may be disqualified from purchasing a firearm. Despite the fact that the Federal Government has contributed more than $350 million since 1995 through the National Criminal History Improvement Program, called NCHIP, to help the States update their records and to improve reporting, the States have not completely computerized their criminal records and do not maintain complete criminal history records.

Some States still do not have computerized medical health adjudications. And in some States domestic violence crimes and protective orders are not computerized or properly labeled as domestic violence related. Often, even States that do keep records fail to note the particularly troublesome arrest charges. This bill is designed to provide more money to the States to make these records as close to 100 percent perfect as possible, and I support it.

Although NICS will attempt to obtain information for any missing record, Federal law provides that if a delayed background check is still pending after 3 business days, the firearms dealer may proceed with the sale. So if the record cannot be found in 3 days, the sale goes through even though the buyer might be an adjudicated mental incompetent or a convicted felon.

The NCHIP program has helped increase the records available for search by NICS by as much as 60 percent. But some States and local governments have failed to automate their records or otherwise make them available to NICS. And in the particular troubled by States that have refused to join the Federal Government as partners to keep guns out of the hands of criminals and others who should not have them.

Mr. Speaker, I am deeply concerned about the State of Maryland’s refusal to assist the FBI with these NICS checks, and I will enter four letters into the RECORD to highlight this problem.

In a March 12, 2002, letter to the FBI, the Maryland State Archives informed the FBI, “We can no longer provide the research and assistance your program requires without reimbursement for the work.” The letter indicated that the annual cost of providing this research to support NICS would cost about $45,000 annually. It was not until August 27, 2002, that the Maryland Department of Public Safety reaffirmed its commitment to NICS. Then, on October 1, 2002, the Archives informed the FBI that it will provide NICS research assistance so long as NCHIP funding is available, thereby leaving the door open to once again discontinue cooperation.

Mr. Speaker, it is outrageous that the State of Maryland would let almost 7 months go by without assisting the FBI with these criminal NICS checks. And I do not know if this was the fault of the executive branch or the failure of the Maryland legislature to provide enough money to do the job, but 7 months went by and nothing was being done.

The Federal Government spends about $60 million annually on NICS, and as I have already said, about $350 million in the last 7 years on NCHIP. Maryland has received over $6,700,000 from NCHIP to improve its criminal history records. And I cannot believe that Maryland could not find another $45,000 to assist with NICS checks? Maryland’s shortsighted policy has made it the weak link in the NICS system.

Maryland’s policy has endangered lives and threatens public safety. Maryland’s failure affects every State because a Maryland felon might, for example, try to illegally buy a gun in Virginia. If the Maryland State Archives refuses to search its criminal history records, Maryland felons can purchase guns that are otherwise prohibited from purchasing.

It is my understanding that the State of Maryland was the only State in the country to refuse to assist the FBI with NICS checks. Practically every State in the Union has a financial problem, but they have continued working with the FBI because they felt it was too important. The only State I have heard say no. Maryland is now, apparently, providing that assistance, but only if Federal funding is available, and this is not tolerable because of the amount of NCHIP and other Federal criminal justice programs.

The Washington Post, in an October 12, 2002, story, reported that Maryland Lieutenant Governor Kathleen Kennedy Townsend “Is considering a plan to require ballistic fingerprints of high-powered rifles sold in Maryland.” I would suggest that the folks in Annapolis start by assisting the FBI with a program that we know will keep guns out of the hands of criminals.

Mr. Speaker, the Lieutenant Governor’s biography, which is posted on the official State of Maryland Web site, states that she takes credit for “Maryland’s aggressive approach on criminal justice,” and her biography lists a number of anticrime efforts for which she takes credit. As the point person for criminal justice matters, I would expect the Lieutenant Governor of Maryland to fully cooperate with the General Accounting Office investigation that I am requesting today for a complete audit of Maryland’s use of NCHIP funding.

Mr. Speaker, more money to upgrade State criminal history records is all well and good, but Federal money and assistance is not always the answer. Sometimes public officials need to exercise a modicum of common sense, and that common sense dictates that the States be required to keep their criminal history records. NICS can only do that if it is provided the records on those individuals. According to the States must be used to improve the records and the keeping a complete system to reduce delays for law-abiding gun purchasers and to prevent guns from falling into the wrong hands.

Mr. Speaker, I am deeply concerned about the State of Maryland’s refusal to search its criminal history records, Maryland felons can purchase guns that are otherwise prohibited from purchasing. It is my understanding that the State of Maryland was the only State in the country to refuse to assist the FBI with NICS checks. Practically every State in the Union has a financial problem, but they have continued working with the FBI because they felt it was too important. The only State I have heard say no. Maryland is now, apparently, providing that assistance, but only if Federal funding is available, and this is not tolerable because of the amount of NCHIP and other Federal criminal justice programs.

The Washington Post, in an October 12, 2002, story, reported that Maryland Lieutenant Governor Kathleen Kennedy Townsend “Is considering a plan to require ballistic fingerprints of high-powered rifles sold in Maryland.” I would suggest that the folks in Annapolis start by assisting the FBI with a program that we know will keep guns out of the hands of criminals.

Mr. Speaker, the Lieutenant Governor’s biography, which is posted on the official State of Maryland Web site, states that she takes credit for “Maryland’s aggressive approach on criminal justice,” and her biography lists a number of anticrime efforts for which she takes credit. As the point person for criminal justice matters, I would expect the Lieutenant Governor of Maryland to fully cooperate with the General Accounting Office investigation that I am requesting today for a complete audit of Maryland’s use of NCHIP funding.

Mr. Speaker, more money to upgrade State criminal history records is all well and good, but Federal money and assistance is not always the answer. Sometimes public officials need to exercise a modicum of common sense, and that common sense dictates that the States be required to keep their criminal history records. NICS can only do that if it is provided the records on those individuals. According to the States must be used to improve the records and the keeping a complete system to reduce delays for law-abiding gun purchasers and to prevent guns from falling into the wrong hands.
In 1998, the Brady Act required Federal Firearms Licenses (FFL) to initiate a background check on all persons who attempt to purchase a firearm. The Brady Act is intended to keep firearms out of the hands of individuals who are prohibited by Federal or state law from possessing firearms. The Attorney General of the United States has instructed the National Instant Criminal Background Check System (NICS) operation center to enforce the provisions of the Brady Act.

The NICS mission is to ensure the timely sale of firearms to law-abiding persons and to prevent the purchase of firearms by individuals who are prohibited by Federal or state law from possessing firearms. However, background checks can only be as effective as the records available to be checked. The NICS system cannot keep guns out of the hands of criminals and other dangerous individuals without receiving the most current records from the states.

The current NICS system has not been operating in the most efficient way possible because of the failure of certain states and local governments to provide NICS with current information regarding individuals who may be disqualified from purchasing a firearm. Despite the fact the Federal government has contributed more than $350 million since 1995 through the National Criminal History Improvement Program to provide states to update their records and improve reporting, some states still have not completely computerized their criminal records and do not maintain complete criminal-history records. Some states still do not keep computerized records on mentally ill or adjudicated mentally incompetent persons. Domestic violence crimes and protective orders are not computerized or properly labeled as domestic violence related. Often, even states that do keep records fail to note the final disposition of arrest charges.

Although NICS will attempt to obtain information for any missing record, Federal law provides that if a delayed background check is still pending after three business days, the firearms dealer may proceed with the sale. The Brady Act is intended to keep firearms out of the hands of criminals and other dangerous individuals without receiving the most current records from the states.

The Federal government spends about $60 million annually on NICS and as I have already indicated, over $350 million since 1995 on NCHIP. Maryland has received over $6.7 million from NCHIP to improve its criminal history records. Are we to believe Maryland could not find $45,000 to assist with NICS checks? Maryland’s short sighted policy made it weak link in the NICS system. Maryland’s policy endangered lives and threatened public safety. Maryland’s failure affects every state because a Maryland felon might, for example, try to illegally buy a gun in Virginia. If the Maryland State Archives refuses to search its criminal history records, Maryland felons can purchase guns that are otherwise prohibited from purchasing. It is my understanding that the state of Maryland was the only state to refuse to assist the FBI with its NICS checks. Maryland is apparently now providing that assistance but only if federal funding is available. This is not tolerable given the amount of NCHIP and other federal criminal justice funding that has gone to Maryland. And it is the importance of keeping guns out of the hands of convicted felons and adjudicated mental incompetents.

The Washington Post, in an October 12, 2002, story reported that Maryland Lt. Governor Kathleen Kennedy Townsend and is considering a plant to require ballistic fingerprints of high-powered rifles sold in Maryland. . . . “I would suggest that the politicians in Maryland start by assisting the FBI with a program that we know will keep guns out of the hands of criminals. Mr. Speaker, Maryland Lt. Governor Townsend’s biography has been posted on the official Maryland state website, claims that she is “Maryland’s point person or criminal justice . . .” and her biography lists a number of anti-crime efforts for which she takes credit. As the point person for criminal justice matters, I expect the Lt. Governor of Maryland to fully cooperate with the General Accounting Office investigation that I am requesting today in which the GAO will completely audit Maryland’s use of NCHIP funding.”

Mr. Speaker, more money to upgrade state criminal history records is all well and good, but federal money and assistance is not always the answer. Sometimes public officials need to exercise a modicum of common sense. Common sense dictates that we need to keep guns out of the hands of criminals and dangerous individuals. NICS can only do that if it is provided the records on these individuals. Accordingly, funds provided to the states must be used to improve their record keeping and automate systems to reduce delays for law-abiding gun purchasers and prevent guns from falling into the wrong hands.

Mr. Speaker, I urge support of this bill, and at this point would include for the RECORD the letters I referred to above:

MARYLAND STATE ARCHIVES,
March 12, 2002.

Ms. LINDA L MILLER,
Federal Bureau of Investigation,
National Instant Criminal Background Check System,
Clarksburg, WV.

DEAR MS. MILLER, We regret that we can no longer provide the research and assistance you requested without reimbursement for the work. Orders received before March 18 will be the last we are able to process, unless the enclosed memorandum of understanding is signed before then.

Since July 1, 2001, the Maryland State Archives has responded to 1,800 requests for dissemination of criminal justice information through the National Instant Criminal Background Check System. Our staff researched the case numbers through an on-line system, or from the case docket book indices, or by contacting the courts. We then located, reproduced, and faxed the docket sheets that reflect the charge and disposition. Archives staff averaged next day response for requests received on weekdays, and always responded within three working days (unless we were dependent on the courts for case numbers which are reported after the fact). The annual cost of providing this efficient service will approach $45,000.00 this year alone.

We have previously requested federal funding directly through NICS and through federal grants to this state, but no support has been forthcoming to date. Direct financial support for the staff and facilities to make this information accessible is required. Given the state imposed hiring freeze we are operating under and the loss of reference staff in the last four months, it is not possible for the Archives to provide this service to your agency unless funds are found to pay us a per unit cost of $25.00 for each request.

We estimate that the Archives has processed better than half of all the applications that your office receives from Maryland which require further information before the background check can be completed. If you are unable to secure funding to assist us in the research necessary to fulfill your request we foresee that you may be forced to assign an agent to research here on a full-time to continue to perform this work. We know from our own experience that each case requires approximately one hour of research. We can assist any agent in our public Search Room at the Hall of Records in Annapolis to locate the necessary documents on days that we are open. The Archives provides this level of service to anyone who visits our facility, although I should point out that budget cuts may force us to close the Search Room for one or more days during the week.

Sincerely,

CHRISTOPHER N. ALAN, Deputy State Archivist.
further problems or does not in any way satisfy the needs of NICS.

Sincerely,

JUDITH A. WOOD
Chief Information Officer.

MARYLAND STATE ARCHIVES,
OCTOBER 3, 2002

GARY WICK,
Asst. Operation Manager, U.S. Department of Justice, Clarksburg, WV.

DEAR MR. WICK: Thank you for your letter of September 19 regarding the Maryland State Archives and NICS research. Dr. Papenfuse asked me to respond on his behalf.

Your suggestions are welcome. We will immediately cease the fax after the fact transmissions. Some consider fax an unsatisfactory record, so we followed with copies. If you find the fax adequate, we will rely on that alone. Your staff may continue to contact us by telephone when the fax presents a legibility issue. We wish that the NICS staff had access to adequate email so that we might transmit the very fine image files we use to reproduce the documents.

You might occasionally receive contradictory reports when first research is conducted, but when further information provided by your agents or our own quality assurance steps locate a record at first not found. This happens rarely, but is not due to multiple staff member seeking the same record and passing by one another. I am pleased when we can follow up and report comprehensively, even if after the initial 72 business hours.

We are pleased to report that federal funds are available to pay for this service through the NCICP FY 2002 Program and the Maryland Department of Public Safety and Correctional Services. So long as funds are available, the Archives will endeavor to contribute to national and personal security in support of the NICS operation.

Sincerely,

R.J. ROCKEFELLER, PH.D.,
Director, Reference Services.

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield myself such time as I may consume.

Let me first thank the proponents of this legislation, particularly the distinguished gentlewoman from New York (Mrs. McCarthy) who has been waging a definitive and balanced and open effort to protect Americans all over this Nation as relates to gun safety.

The gentlewoman from New York is joined, of course, by the dean of the House, the gentleman from Michigan (Mr. Dingell), who has shown the kind of diplomacy and openness to sharing in this legislation to get to the final point of finality.

I rise with enthusiastic support and in appreciation of their leadership in support of the Our Lady of Peace Act, H.R. 4757.

Mr. Speaker, I might also commend the ranking member from Michigan (Mr. Conyers), who offers his enthusiastic support, and the ranking member of the Subcommittee on Crime, Terrorism and Homeland Security, the gentleman from Virginia (Mr. Scott), who offers his enthusiastic support for this proposal.

The chairman of the committee makes a very vital point, particularly as we look at the enormous tragedy that the people of this particular region, the Washington, DC, area, are facing right now. All of us offer our deepest sympathy as we face a challenge, where lives are being lost, by a perpetrator which no one has been able to determine the basis of the actions or to determine the identity of that perpetrator at this time.

This is an important legislative initiative, and I would expand the request of the distinguished chairman and ask for an investigation or a requirement of NICS to provide additional to Maryland, to be able to determine the assessment that is so important. So that that could be a part of this legislation, we should join in asking for reports from all the 50 States.
take more time. Those five percent are twenty times more likely to be a felon, fugitive or stalker. This also will help keep guns out of the hands of those who would harm others such as the mentally disabled. In fact, in a recent GAO study I requested looked into the problem in the area of domestic violence. I was extremely disturbed to learn that nearly 3,000 convicted batterers and child abusers were able to purchase firearms between 1998–2001, despite federal laws designed to prevent this. Nearly 10 percent of the annual homicides involving the killing of a spouse or partner are domestic violence. Unfortunately, 8 years after the passage of the Brady Act, the national background check system is still not instant or up to date, as on average, only 58 percent of the felony background check records have been computerized. This means felons, domestic abusers, and mentally ill have been able to walk into a gun store and buy a firearm because of incomplete government records. In fact, nationwide because of poor record keeping by the government, 10,000 convicted felons and other prohibited buyers have been able to purchase guns.

In my home State of Maryland, 283 illegal buyers were able to buy guns because of incomplete background check records. Of all the 283 convicted, 150 were prohibited from buying a gun. Over all, Maryland has the 15th worst record in the Nation of illegal buyers obtaining guns due to faulty records. Moreover, Maryland does not check the records of individuals with a history of severe mental illness when doing a background check. This is incredible; but it is unusual, as 33 States do not bother to do a mental illness background check. And it gets even worse. In 15 States, those convicted of domestic violence misdemeanor can slip through a background check, because those States do not supply any of those records to the FBI. This bill will fix those gaping holes.

In my district, there is a sniper on the loose. He is killing people indiscriminately and shows no regard for human life. Nine innocent victims have died, and two people are critically injured. We do not know how he got the gun, if it was stolen, purchased at a gun show or a gun dealer. We do not know if a background check system with fully automated records would have stopped him, but we do know that 10,000 illegal buyers got a gun because of faulty records. This utterly depraved perpetrator may be number 10,001.

Mr. Speaker, this bill closes a loophole of a bill already on the books, the Brady Act, and increases public safety at a time when it is desperately needed. I urge its passage by the House.

Mrs. McCARTHY of New York. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 4757, Our Lady of Peace Act, and the assistance it offers States for automating their criminal history records. I would like to thank the gentleman from Wisconsin (Mr. SENSENBERGER) for bringing this bill to the floor at this time. I am very appreciative.

Mr. SENSENBERGER. Mr. Speaker, I yield 5 minutes to the gentlewoman from Maryland (Mrs. MORELLA).

Mrs. MORELLA. Mr. Speaker, I rise today in strong support of H.R. 4757, a bill that would close a loophole in the national instant background check system for gun purchases. As an original cosponsor, I am pleased to join my good friends, the gentlewoman from New York (Mrs. McCARTHY) and the gentleman from Michigan (Mr. DINGELL), in supporting this important legislation. I want to take this opportunity also to thank the House leadership, the Speaker and the majority whip, and also the gentleman from Wisconsin (Mr. SENSENBERGER) for bringing this bill to the floor at this time. I am very appreciative.

Mr. SENSENBERGER. Mr. Speaker, I urge my colleagues, Congresswoman McCARTHY and the Dean of the House, JOHN DINGELL, for bringing this bill to the floor at this time. I am very appreciative.

October 15, 2002

CONGRESSIONAL RECORD—HOUSE

H7915
Mr. Speaker, I reserve the balance of my time.

Mr. SENSENBERN. Mr. Speaker, I yield 4 minutes to the gentleman from Indiana (Mr. PENCE).

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

Mr. PENCE. Mr. Speaker, I add my congratulations to the author of this bill for the gentlewoman’s efforts here and in the national media to make a case for keeping firearms out of the hands of criminals.

I would also add my congratulations to the gentleman from Wisconsin (Mr. SENSENBERN) for his excellent work on this bill and to the gentlewoman from Maryland (Mrs. MORELLA) for seeing to it that we, at such a time as this, deal with this critical legislation. And lastly, I add my congratulations to the gentleman from Michigan (Mr. DINGELL) for his efforts in advancing sensible legislation to do with gunownership while preserving the second amendment rights of every law-abiding American to keep and bear arms.

Mr. Speaker, I have said before on this floor, I believe the House of Representatives is the heart of the American government and in many ways should resonate with the hearts of the American people. The truth is we rise today not in a vacuum, as others have said. The truth is that the hearts of the American people today are troubled, shots fired as recently as last night here in the vicinity of our Nation’s Capitol, falling innocent women, men, and even children, in barbaric acts of terror. Whatever the motivation from wherever comes the source, these are acts of terror here in suburban Washington, D.C.

Mr. Speaker, my own family endured a brush with this violence when we learned last night of the attack on the Home Depot in Falls Church, Virginia. My wife informed me that it was there she had taken our 9-year-old daughter on Sunday night to purchase their fall mums and bring them home, happily reporting to me that she had parked safely in a covered garage at that Home Depot; and I can only stand with an unusual amount of identification and grieve with the family of she who was lost last night, and think there, but for the grace of God, goes my family.

The perpetrators seem to act with impunity. They defy civilized behavior and so far have defied the finest local, State, and Federal law enforcement in the world. They seem to say tauntingly, there is nothing you can do. How wrong they are. How wrong they are.

Today, because of the leadership of the gentlewoman from Maryland (Mrs. MORELLA) and the gentlewoman from New York (Mrs. McCARTHY), I rise in this institution to do something. We rise today to bring forth in Our Lady of the World. They seem to say tauntingly, there is nothing you can do. There are laws.

Mr. DINGELL. Mr. Speaker, I rise in strong support of H.R. 4757. I thank the distinguished gentlewoman from New York (Mr. DINGELL).

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

Mr. DINGELL. Mr. Speaker, I rise in strong support of H.R. 4757. I thank the distinguished gentlewoman from New York for yielding me this time, and I commend her for her leadership and effort in this matter. It has been a privilege and an honor to work with her as a cosponsor of this legislation. I want to note that this legislation is supported in a bipartisan fashion. On both sides, Members support this. The leadership on both sides of the aisle supports this legislation. And the leadership on both ends of the Capitol supports this legislation. It is supported by the NRA and by gun control groups. I want to commend my good friend, the chairman of the committee, the gentleman from Wisconsin (Mr. SENSENBERN) and also the ranking minority member, the gentleman from Michigan (Mr. CONVYERS) for their leadership and their support of this legislation.

I would note that the legislation is really very simple. It first of all provides the second amendment rights of the people of this country, and that was one of the criteria and tests that my good friends at the NRA, of which I am a very happy and proud member, provided our support for the undertaking. It is legislation, then, which protects the basic rights of the American people to own and use firearms for legitimate and responsible hunting, fishing, conservation and defense purposes.

I would note that it is legislation which requires the Federal Government and provides incentives to the States to make the record-keeping system which the Congress is entirely dependent, work and to see so that it does speedily.

The practical result of this legislation will be two things: one, to keep guns out of the hands of criminals; and, two, to see to it that law-abiding citizens are better able to purchase firearms in a legitimate and proper fashion without delays occasioned by the failure of the States and the Federal Government to keep proper records.

As mentioned by my distinguished friend, the chairman of the committee, there is a long and complete list of disabilities by Federal and State statutes which preclude ownership of persons of firearms. Those include mental disabilities, they include also criminal misbehavior, of family abuse and things of that sort, as well as being a fugitive from justice, a convicted felon or an illegal immigrant. Those are matters which our policy of the United States and the Congress says that people may not then own firearms. This is a way that we use to strain that firearms may not get through the net into the hands of illegal owners and persons who are precluded by law from owning them.

This will be a significant benefit to law enforcement. It also will be a protection to innocent citizens. It will, in like fashion, be a protection of the basic rights of the American people. More needs to be done, but it has to be done in a fashion which is consistent with protection of the basic second amendment rights of the American people.

I am proud that the distinguished gentlewoman from New York and I were able to work together to achieve something which could achieve the kind of broad support that H.R. 4757 has. It provides other protections, also, and I would note that it precludes the possibility of taxes being imposed upon law-abiding gun owners for the purposes of owning firearms and achieving that ownership through the instant check.

It is a good piece of legislation. I urge my colleagues to support it. I note that it has no opposition of which I am aware, and it is legislation which will enable Americans to feel better about their safety and about, at the same time, the protection of their firearms ownership rights.

Mr. SENSENBERN. Mr. Speaker, I yield 1 minute to the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. Mr. Speaker, I thank the gentleman for yielding me this time. I want to thank the chairman of the Committee on the Judiciary for bringing this forward and also the gentlewoman from Maryland for her hard
work on this subject; also the gentlewoman from New York and the gentleman from Michigan for their hard work on fashioning legislation here that protects the second amendment rights of all Americans, but also ensures that criminals cannot more easily get their hands on guns.

And as, the gentleman from Michigan mentioned, that law-abiding citizens are not denied or delayed their right simply because State officials have not the resources or the inclination to move ahead on this.

I am proud to support this legislation. I urge support of it.

Mrs. McCARTHY of New York. Mr. Speaker, I yield myself such time as I may consume.

As you can hear from the debate and a lot of people that might even be watching this debate, back and forth, even though we all support this legislation. It is strange to hear that the NRA and certainly all of our gun groups have lined up together. I think that is the important key that we are talking about. We worked very hard to make sure that the privacy of citizens would also be protected.

Again, people have to understand that we are not picking on one particular group. Anyone that is denied access to getting permission for a gun only comes up as denied, so we do not go pinpointing, especially on mental illness or other things. They are just plain denied. I think that is an important part because I think people out there are misunderstanding, and they actually thought we were targeting people with mental illness. We are not.

We just want to make sure that people that should not own guns do not get their guns and people that should be able to have guns have the right to own guns. We will continue to work together on this.

Mr. Speaker, I have no further request for the balance of my time.

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

Mr. Speaker. I too would like to add my thanks to the gentlewoman from New York and the gentlewoman from Maryland for putting together this bill. I have been in the Congress for 24 years. This is the first bill on the subject of firearms that I can remember that affects both the FBI and most of the major gun control groups.

That means we ought to seize this moment and pass this bill right away before this coalition unravels. I urge the Members to do that.

Mr. GEKAS. Mr. Speaker, I support the passage of H.R. 4757, considered today by the House of Representatives on the Suspension Calendar.

H.R. 4757, the Our Lady of Peace Act, would amend the Brady Handgun Violence Prevention Act to require the Attorney General to forward to a duly designated Federal or state law enforcement agency information on persons who are prohibited by federal or state law from having a firearm, such as a convicted felon criminal or mental incompetent. In effect, to make the record collection system work more efficiently than it currently does. The measure provides more money to the States to make their information available to the federal government, making the partnership of the two governmental systems a better working arrangement. I urge the support of the Administration and the Attorney General to make grants to each State: (1) to establish or upgrade information and identification technologies for firearms eligibility determinations; and (2) for use by the State's chief judicial officer to improve the handling of proceedings related to criminal history dispositions and temporary restraining orders as they relate to disqualification from firearms ownership under State and Federal laws. And the measure requires the Director of the Bureau of Justice Statistics to study and evaluate the operations of the System and to report on grants and on best practices of States.

As a member of the House Judiciary Committee in 1993 (and currently), I was the chief proponent of the National Instant Check System. And so I view passage of this measure as a positive step towards both preventing prohibited persons from acquiring firearms and protecting the rights of law-abiding gun owners.

A key provision added to this legislation is the prohibition of the federal government imposing a "surcharge," by charging fees for gun purchases through NICS. This is an important provision the National Rifle Association worked to secure. The NRA has been working for nearly a decade to improve NICS so that it works the way Congress intended it—instantly, without any delay or waiting period for gun purchases by law-abiding buyers.

The Second Amendment of the U.S. Constitution reads, "the right of the people to keep and bear arms, shall not be infringed." I firmly believe that the plain language of the Amendment guarantees the right of citizens to keep and bear arms and pledges to protect this right from being infringed upon. Instead of more gun control laws we must forcefully execute the laws that are already in place, while more law-abiding citizens are alone.

As the chief proponent of the National Instant Check System as a substitute for "waiting periods," I know that the mandate of the NICS was to provide an instant screening of criminal history records in concert with the purchase of a firearm form federally licensed dealers. In this day of instant communications and nearly instant everything, it may not seem like such a feat. But ten years ago, even with the massive use of instant credit card transactions, the concept of using an instant check system for a firearm purchase was novel and somewhat groundbreaking. But the decade has shown that the NICS, the system has needed many improvements. I have gladly welcomed each improvement, such as this measure, as another step toward the instant check system that will both protect and defend citizens and legal gun owners alike.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise in strong support of H.R. 4757, bipartisan legislation which promises to greatly improve the instant check by encouraging states to automate and share disqualifying records with the FBI's National Instant Criminal Background System.

H.R. 4757 is a model of sensible, commonsense public safety legislation. It represents what we can achieve when we leave the rhetoric behind and concentrate on how to best keep guns out of the hands of criminals.

Mr. Speaker, H.R. 4757 mandates both pre-sale gun owner and pre-sale law enforcement—stopping criminals in their tracks while permitting law-abiding citizens to be approved for purchases in minutes, not days or weeks. And it is done by focusing on enforcement of existing laws, on strengthening them.

Mr. Speaker, instant background checks serve little purpose if they are based on incomplete or inaccurate criminal history records. Today, we strive for accuracy, for the first time in history, the FBI has a long way to go toward making the NICS system work the way we intended it to work, and I urge my colleagues to join me in supporting it.

Mr. SENSENBRENNER. Mr. Speaker, I yield back the balance of my time. The SPEAKER pro tempore (Mr. PENCE). 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. 4757, 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.

ARMED FORCES DOMESTIC SECURITY ACT

Mr. HAYES. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5590) to amend title 10, United States Code, to provide for the enforce- ment and effectiveness of civilian or- ders of protection on military installa- tions.

The Clerk read as follows:

H. R. 5590

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Armed Forces Domestic Security Act”.

SEC. 2. FORCE AND EFFECT OF PROTECTIVE OR- DERS ON MILITARY INSTALLATIONS.

(a) General.—Chapter 80 of title 10, United States Code, is amended by inserting after the title:

“1561a. Civilian orders of protection: force and effect on military installations

“(a) FORCE AND EFFECT.—A civilian order of protection shall have the same force and effect on a military installation as such order has within the jurisdiction of the court that issued such order.

“(b) CIVILIAN ORDER OF PROTECTION DEFINED.—In this section, the term ‘civilian order of protection’ has the meaning given the term ‘protection order’ in section 2265(5) of title 18.

“(c) REGULATIONS.—The Secretary of De- fense shall prescribe regulations to carry out this section. The regulations shall be designed to further good order and discipline by members of the armed forces and civilians present on military installations.”.

Mr. SENSENBRENNER. Mr. Speaker, I move to add my name to the amendment offered by the gentleman from Florida (Mr. PENCE) on the floor.
The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina (Mr. HAYES) and the gentlewoman from California (Mrs. TAUSCHER) each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina (Mr. HAYES).

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

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

There was no objection.

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

First let me thank the gentlewoman from California (Mrs. TAUSCHER) for her presence, her leadership, her good humor and tremendous contribution to a very, very serious issue that a group of us was traveled to Fayetteville to try and help provide some solutions.

Mr. Speaker, domestic violence is currently one of the greatest ills in our society. In both the civilian and military sphere, spousal abuse remains one of the most underreported and difficult crimes to detect and prosecute. Often victims are at a loss as to where to seek help, refuge and comfort.

Unfortunately, this past summer at Fort Bragg in my district in North Carolina, there were several homicides that resulted from domestic violence. Four military wives tragically lost their lives, Mr. Speaker. One case of domestic violence is one too many.

In order to address this grave problem and help stop domestic violence in all sectors of our society, four members of the House Committee on Armed Services and I recently spent the day at Fort Bragg and Fayetteville, North Carolina, in order to hear from many different individuals regarding this tragic problem. We met with military leaders, chaplains, civilian law enforcement, health care providers, advocacy organizations and women’s groups, to name a few. We also met with victims.

One of the most salient things we heard during this session with survivors of domestic abuse is that safety is hard to come by. Finding resources to help one out of a desperate situation is an arduous challenge, and often victims feel trapped. For those who are able to come forward and take action, enforcement mechanisms within our legal system often remain inadequate.

We heard from local officials, notably Judge Beth Keever of Fayetteville, North Carolina, that presently there is a legal loophole that does not require protective orders issued by civilian courts to be enforced on military facilities. This means the victim could be without necessary, extra physical protection.

Mr. Speaker, today we help make sure that we provide safety and resources to victims of domestic violence. This legislation takes a step forward, moving our society in the direction to help stop domestic violence. Making protective orders enforceable on military installations will protect both civilian and military individuals on Federal property. They will know that no matter where they are, Fort Bragg, Fayetteville, the supermarket or the PX, the individual from whom the victim is protected will not be allowed to come near.

The recent murders at Fort Bragg are truly a tragedy. Domestic violence is wrong, and we must do everything we can to prevent it. This important legislation represents a small, initial step to address this problem. It is important that we close this loophole. This act was inspired by the courageous stories of former domestic violence victims, insight from those who have experience in the area, and others. Passage of this bill will appropriately honor the courage of these individuals and the dedicated work of their advocates.

Mr. Speaker, I urge my colleagues to vote in favor of H.R. 5590, the Armed Forces Domestic Security Act, and take a step forward in protecting the lives of individuals, both on and off military property.

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

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

Mr. Speaker, this summer in the aftermath of news reports of murders in Fort Bragg, I wrote to the chairman of the Committee on Armed Services, the gentleman from Arizona (Mr. SRUMPF), requesting the opportunity for us to start to understand exactly what impact domestic violence and other issues were having on our military families. The gentleman from New York (Mr. McHENRY), chairman of the Task Force on Military Personnel, who is a great leader, and others traveled with me to Fort Bragg this past few weeks on a fact-finding mission which I hope will begin what I think will be very important work of our subcommittee of the Committee on Armed Services.

In this time of asymmetrical warfare, this time of great uncertainty for military families and, frankly, for reservists around the country, where we have a war on terrorism where we have extreme PERSTEMPO and extreme OPSTEMPO, where families are double deployed around the world, it is important for us to understand what the trauma of this deployment means to military families, and I think it is very important for us to understand that the American people are not only supporting our military with the best training and the best leadership and the best materiel that we can possibly have, but we are also supporting the emotional well-being of our military families, the families themselves, by making sure that we have the kinds of programs that are found in the private sector. They are called employee-assisted programs.

And they do everything from helping families find child care, to helping to find elder care, to find hospices when they have a sick family member, but also in the area that is very troubling, of domestic violence, to find a way to make sure that families are protected and supported and treated with respect, to make sure that spouses of families do not have to worry about the chain of command when they are considering what they do about family violence in their own family.

So I thought it was very, very important that we took this trip to Fort Bragg. Fort Bragg was just a part of the problem. It is not about Fort Bragg or the Army. It is about the military. There are very proud of the leadership that the gentleman from New York (Mr. McHENRY) has shown, and I am very proud of my friendship with the gentleman from North Carolina (Mr. HAYES), the gentleman from North Carolina (Mr. MCINTYRE), and the gentleman from Florida (Mr. JEFF MILLER) who took this trip, because I think that it is important that we focus on what we can do for these military families. And that is why I rise in strong support of the Armed Forces Domestic Security Act H.R. 5590.

While the 1994 Violence Against Women Act requires certain protection orders to be enforced across State and tribal lines, it does not allow such protection orders to be enforced on Federal property or military installations. As a result, there is a gaping hole in our protection system. Military installations have become a place where there are no protections, no protecting a protection order issued by a State or tribal court. The Armed Forces Domestic Security Act is intended to address this obvious oversight.

When a civilian order of protection is issued against, or for, a service member, there needs to be a system in place to enforce that order when the service member resides on a military installation. That system must be effective whether the order is issued by the State, tribe, or territory where the service member resides. It also must work in instances where the military installation lies in overlapping civilian jurisdictions.

Mr. Speaker, domestic violence is a complex and tragic issue, and this bill is not intended to be a cure-all or any kind of instant-fix measure for domestic violence; however, while there is no single solution to this problem, closing this loophole that has essentially made military installations a free zone for batterers is a necessary and commonsense step. A judge in North Carolina recently wrote that closing this loophole would certainly be beneficial nationwide but would be particularly important in military judicial districts that are closely associated with a Federal facility like Cumberland County in North Carolina is with Fort Bragg.
Mr. Speaker, it would be irresponsible to allow a loophole like this to continue. I urge my colleagues to support the Armed Forces Domestic Security Act.

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

Mr. HAYES. Mr. Speaker, let me thank the gentlewoman from California (Mrs. TAUSCHER) for her leadership and her wisdom and her input.

Mr. Speaker, I yield such time as he might consume to the gentleman from New York (Mr. McHugh), the distinguished chairman of the Subcommittee on Military Personnel. He made the trip possible, and his input and leadership were instrumental in getting us to this point; and he will take us further with the passage of time.

Mr. McHugh. Mr. Speaker, I thank the gentleman for yielding me this time. I particularly thank him for his leadership and deep sense of concern on this issue.

Mr. Speaker, it seems to me that the key question we should ask ourselves as Members of this House anytime we rise to ponder the proposal of legislation is simply, Is this bill needed? By now, I think we have heard in this Congress, far too many of us unfortunately have become personally acquainted with the tragic events surrounding the acts of domestic violence that occurred at Fort Bragg over this past summer, a matter of days four military wives lost their lives and a matter of days eight children lost a parent. Four of those children actually lost both parents. It is truly a tragic, tragic loss, one that certainly touched not only the Fort Bragg and Fayetteville communities but Army and military communities wherever they may be found.

In response, again as we have heard, Mr. Speaker, on September 30 the Subcommittee on Military Personnel of the Committee on Armed Services traveled with five of its members to try to learn a bit more firsthand about this tragic series of events. I want to pay particular respect and thanks and appreciation to the gentleman from North Carolina (Mr. HAYES) who, along with the gentleman from North Carolina (Mr. McIntyre) who also joined us that day, represent the Cumberland County, Fort Bragg, and Fayetteville community; the gentlewoman from California (Mrs. Tauscher), who, along with the gentleman from Florida (Mr. Jeff Miller), who traveled with us that day, giving up their personal time for this extracurricular event that all of them collectively felt was so demanding and so deserving of our attention.

Simply put, today’s military is a much different structure than it was even a few years ago. Particularly as a result of the volunteer force, we now have generally a much younger military, in this case of course a much younger Army, many more families than perhaps we have seen in the past. And when coupled with the fact that across military installations of all the services, some 70 percent of those families are very young, we have found ourselves with a very, very difficult situation, that of addressing the concerns and demands of acts of domestic violence across the border of that specific military installation and the adjoining community.

The Members have heard about the loophole. I happen to have been here in 1994 when I think the Congress took a very necessary, very bold, and a very appropriate step in passage of the Violence Against Women Act; but it did, as the speaker heard, create I think an unintentional, certainly a very unnecessary and unworthy loophole, that of enforcement of civilian protection orders as issued outside the bases and their applicability on those military installations. We have discussed with the participants, particularly with the victims, particularly of military violence, a very emotional, nearly 3-hour meeting that we held with previous victims in the Fort Bragg community, one of the primary concerns was that lack of continuity, that lack of guidance and clear legal authority to enforce domestic protection orders that were secured within the civilian community on the military base. And this legislation is intended to be, I think, a first step, a first step towards erasing those boundaries and those barriers that exist.

The gentlewoman from California (Mrs. Tauscher), I think, very appropriately noted that this is not just a Fort Bragg problem, it is not just an Army problem. She noted it is a military problem. I would respectfully suggest, as she knows, and I am not correcting her by any means, that this is not just a military problem: when we have a circumstance as we do here where the societal approaches, the civilian approaches, to domestic violence are not coordinated adequately enough with the military community, people suffer; and as happened at Fort Bragg this past summer, people lose their lives.

So we are intending to continue forward with this effort to initiate a series of legislative remedies to ensure that these kinds of circumstances are not repeated in the future, but for now I think this is a very, very appropriate step, a very, very important initial step towards protecting those who are least in a position to protect themselves.

So a final word of thanks to the gentlewoman from California (Mrs. Tauscher) for her leadership; to the gentleman from North Carolina (Mr. Hayes) and his deep, deep concern and for his initiative on bringing this measure to the floor at this moment; and to the gentlewoman from Florida (Mr. Jeff Miller); and the gentleman from North Carolina (Mr. McIntyre) for joining us that day and to I hope all of the Members of this House for their vote in support of this very, very worthy piece of legislation.

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

Mr. Speaker, I truly appreciate the comments of my colleagues on the other side of the aisle. I want to thank again the gentleman from North Carolina (Mr. HAYES) for his leadership and for opening our community to us. I specifically want to take a moment of personal privilege to thank the gentleman from New York (Mr. McHugh) for setting up this first meeting and encouraging us to work together on future meetings.

When we were in Fayetteville, we had a jam-packed day, a day that was meant to be a day at home with our constituents. We had all traveled in late Sunday night, and we were going to be literally hitting the ground running since a lot of what impressed with was found ourselves with the opportunity to talk to victims of domestic violence, and there were meant to be five or six women that were to come, eight showed up, and each one of them I thought deserved the respect to have themselves heard.

I really appreciate my colleagues, the gentleman from New York (Mr. McHugh) and the gentleman from North Carolina (Mr. HAYES), facilitating that. It took 3 hours for us to sit there. Very painful stories, very emotional stories, very, very private stories; and I was I think honored not only to be those stories, but to understand what we could do as legislators on the Federal level to help support these spouses and their families, but I was very proud to sit with the gentleman from New York (Mr. McHugh) especially since a lot of what I felt, I think, that they did not want to tell that story to strangers or to perhaps a man that they did not know.

But I think it really speaks a lot for his leadership on this issue and what we can do in the future because I think that they were very thrilled to talk to him and to me to make sure these stories are out so that this does not happen again. I think we all agree this is a societal problem. But the military in this country has led the country in many different ways, specifically in an area of civil rights. It was the military that led the ability for blacks and whites to work together in the military, and I am hoping on this issue of domestic violence, where we have so many families at risk in this country day to day, that our military families can lead, that we can find good programming for them across the military, so we can find the best practices, that we can work together to make sure that it is not only authorized but appropriated and that we can do the best for them because we know that they are trying to do the best for us.

And with that I urge my colleagues to support the Armed Forces Domestic Security Act.
Madam Speaker, I yield back the balance of my time.

Mr. HAYES. Madam Speaker, I yield such time as he may consume to the gentleman from New York (Mr. McHugh) who also, if I might add, celebrated his birthday in Fayetteville last Sunday night. So we appreciate his sacrifice in that regard too.

Mr. McHUGH. Madam Speaker, I thank the gentleman for yielding and pointing out to the Nation that I am older. I appreciate that.

I just wanted to very briefly say, first of all, I deeply from the bottom of my heart thank the gentlewoman from California (Mrs. Tauscher) for her gracious comments and to state for the record two things: first of all, this Nation should know that she intended to go to Fort Bragg on her own if that was necessary. Fortunately for us who gained from her participation, we were able to, through the help of a subcommittee visit; but her concern is unequalled, certainly unsurpassed with respect to the cherished feeling she has towards the military and, in this instance, towards those who are the victims of violence.

I should also note, as she did, that we had more spouses show up that day than had been scheduled. It was a very tight schedule. It began at 6:30 in the morning with the first event that some of us were to do and went through until we left that early evening. She was very consistent and very appropriately so that we stay and to share with us their stories that were so emotional. I have rarely, in my much older life including that recent birthday, spent a more moving, more emotional 3 hours. And thanks to her, we were able to have all of those spouses who again as she had noted had made the very painful decision to come forward and bring us into a much clearer understanding of this problem.

Again, thanks to the gentleman from New York (Mr. McHugh) and all of those involved, and I would strongly encourage unanimous support of this legislation.

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 North Carolina (Mr. Haynes) that the House suspend the rules and pass the bill, H.R. 5598.

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.

HOUR OF MEETING ON TOMORROW

Mr. HAYES. Madam Speaker, I ask unanimous consent that the House adjourn today, it adjourn to meet at noon tomorrow.

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

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will alert Members to the possible resumption of legislative business later today, but any record votes, if ordered, would be taken tomorrow. The entertaining of Special Order speeches would be without prejudice to the possibility of further legislative business.

SPECIAL ORDERS

The SPEAKER pro tempore (Mrs. Biggert). 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 the District of Columbia (Ms. Norton) is recognized for 5 minutes.

(Ms. Norton addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 4 o’clock and 20 minutes p.m.), the House stood in recess subject to the call of the Chair.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.J. RES. 123, MAKING FURTHER CONTINUING APPROPRIATIONS FOR THE FISCAL YEAR 2003

Mr. Hastings of Washington, from the Committee on Rules, submitted a privileged report (Rept. No. 107-755) on the resolution (H. Res. 585) providing for consideration of the joint resolution (H.J. Res. 123) making further continuing appropriations for the fiscal year 2003, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION WAIVING A REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO SAME DAY CONSIDERATION OF CERTAIN RESOLUTIONS REPORTED BY THE COMMITTEE ON RULES

Mr. Hastings of Washington, from the Committee on Rules, submitted a privileged report (Rept. No. 107-756) on the resolution (H. Res. 596) waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules, which was referred to the House Calendar and ordered to be printed.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 6 o’clock and 59 minutes p.m.), the House stood in recess subject to the call of the Chair.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized for speaker-authorized official travel during the third quarter of 2002, pursuant to Public Law 95-384 are as follows:
<table>
<thead>
<tr>
<th>Name of Member or employee</th>
<th>Arrival</th>
<th>Departure</th>
<th>Country</th>
<th>Per diem ¹</th>
<th>Transportation</th>
<th>Other purposes</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hon. Michael Oxley</td>
<td>3/23</td>
<td>3/26</td>
<td>England</td>
<td>7,129.28</td>
<td></td>
<td></td>
<td>4,769.38</td>
</tr>
<tr>
<td>Committee total</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>4,769.38</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1 Per diem constitutes lodging and meals.</td>
<td>² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO GERMANY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 6 AND JULY 10, 2002**

<table>
<thead>
<tr>
<th>Name of Member or employee</th>
<th>Arrival</th>
<th>Departure</th>
<th>Country</th>
<th>Per diem ¹</th>
<th>Transportation</th>
<th>Other purposes</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kevin Long</td>
<td>6/16</td>
<td>6/19</td>
<td>England</td>
<td>7,129.28</td>
<td>7,129.28</td>
<td></td>
<td>7,129.28</td>
</tr>
<tr>
<td>Adam Putnam</td>
<td>6/16</td>
<td>6/19</td>
<td>England</td>
<td>7,129.28</td>
<td>7,129.28</td>
<td></td>
<td>7,129.28</td>
</tr>
<tr>
<td>Bernard Sanders</td>
<td>6/16</td>
<td>6/19</td>
<td>England</td>
<td>7,129.28</td>
<td>7,129.28</td>
<td></td>
<td>7,129.28</td>
</tr>
<tr>
<td>Krystle McKenney</td>
<td>6/16</td>
<td>6/19</td>
<td>England</td>
<td>7,129.28</td>
<td>7,129.28</td>
<td></td>
<td>7,129.28</td>
</tr>
<tr>
<td>Larry Halloran</td>
<td>6/16</td>
<td>6/19</td>
<td>England</td>
<td>7,129.28</td>
<td>7,129.28</td>
<td></td>
<td>7,129.28</td>
</tr>
<tr>
<td>Sharon Pinkston</td>
<td>6/16</td>
<td>6/19</td>
<td>England</td>
<td>7,129.28</td>
<td>7,129.28</td>
<td></td>
<td>7,129.28</td>
</tr>
<tr>
<td>Mark Sutler</td>
<td>5/27</td>
<td>5/30</td>
<td>Canada</td>
<td>7,129.28</td>
<td>7,129.28</td>
<td></td>
<td>7,129.28</td>
</tr>
<tr>
<td>Stephen Horn</td>
<td>5/25</td>
<td>5/27</td>
<td>Russia</td>
<td>7,129.28</td>
<td>7,129.28</td>
<td></td>
<td>7,129.28</td>
</tr>
<tr>
<td>Tom Davis</td>
<td>5/26</td>
<td>5/27</td>
<td>Lebanon</td>
<td>7,129.28</td>
<td>7,129.28</td>
<td></td>
<td>7,129.28</td>
</tr>
<tr>
<td>Committee total</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

1 Per diem constitutes lodging and meals.
2 If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
3 Military air transportation.
4 Military and commercial airfare.
### REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, HON. DONNA M. CHRISTENSEN, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 4 AND JULY 9, 2002

<table>
<thead>
<tr>
<th>Name of Member or employee</th>
<th>Arrival</th>
<th>Departure</th>
<th>Country</th>
<th>Per diem</th>
<th>Transportation</th>
<th>Other purposes</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Donna M. Christensen</td>
<td>7/5</td>
<td>7/9</td>
<td>Spain</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Committee total</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1,767.70</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>273.00</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1,767.00</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>273.00</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

1 Per diem constitutes lodging and meals.
2 If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

### REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MS. PEGGY DEMON, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN AUG. 5 AND AUG. 14, 2002

<table>
<thead>
<tr>
<th>Name of Member or employee</th>
<th>Arrival</th>
<th>Departure</th>
<th>Country</th>
<th>Per diem</th>
<th>Transportation</th>
<th>Other purposes</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Peggy Demon</td>
<td>8/5</td>
<td>8/9</td>
<td>Turkey</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>8/6</td>
<td>8/12</td>
<td>United Arab Emirates</td>
<td>804.00</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>8/7</td>
<td>8/14</td>
<td>Morocco</td>
<td>248.00</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Committee total</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>2,164.00</td>
</tr>
</tbody>
</table>

1 Per diem constitutes lodging and meals.
2 If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

### REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MR. DEREK MILLER, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN AUG. 5 AND AUG. 12, 2002

<table>
<thead>
<tr>
<th>Name of Member or employee</th>
<th>Arrival</th>
<th>Departure</th>
<th>Country</th>
<th>Per diem</th>
<th>Transportation</th>
<th>Other purposes</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Derek J. Miller</td>
<td>8/6</td>
<td>8/9</td>
<td>South Africa</td>
<td>134.00</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>8/9</td>
<td>8/10</td>
<td>Zambia</td>
<td>151.00</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>8/8</td>
<td>8/9</td>
<td>Tanzania</td>
<td>187.00</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>8/10</td>
<td>8/11</td>
<td>Liberia</td>
<td>219.00</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Committee total</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>843.00</td>
</tr>
</tbody>
</table>

1 Per diem constitutes lodging and meals.
2 If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

### REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MS. PAULA SCHEIL, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN AUG. 6 AND AUG. 17, 2002

<table>
<thead>
<tr>
<th>Name of Member or employee</th>
<th>Arrival</th>
<th>Departure</th>
<th>Country</th>
<th>Per diem</th>
<th>Transportation</th>
<th>Other purposes</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Paula Scheil</td>
<td>8/6</td>
<td>8/11</td>
<td>Lithuania</td>
<td>620.00</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>8/11</td>
<td>8/13</td>
<td>Latvia</td>
<td>514.00</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>8/13</td>
<td>8/15</td>
<td>Estonia</td>
<td>239.00</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>8/15</td>
<td>8/17</td>
<td>Lithuania</td>
<td>677.00</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>8/17</td>
<td>8/19</td>
<td>Russia</td>
<td>6,578.47</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Committee total</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>8,949.47</td>
</tr>
</tbody>
</table>

1 Per diem constitutes lodging and meals.
2 If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

### REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, REV. DANIEL P. COUGHLIN, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN AUG. 13 AND AUG. 23, 2002

<table>
<thead>
<tr>
<th>Name of Member or employee</th>
<th>Arrival</th>
<th>Departure</th>
<th>Country</th>
<th>Per diem</th>
<th>Transportation</th>
<th>Other purposes</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Father Daniel Coughlin</td>
<td>8/13</td>
<td>8/15</td>
<td>Portugal</td>
<td>404.00</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>8/15</td>
<td>8/16</td>
<td>France</td>
<td>236.00</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>8/16</td>
<td>8/18</td>
<td>Austria</td>
<td>494.00</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>8/18</td>
<td>8/20</td>
<td>Estonia</td>
<td>496.00</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>8/20</td>
<td>8/22</td>
<td>Russia</td>
<td>688.00</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>8/22</td>
<td>8/23</td>
<td>Scotland</td>
<td>356.00</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Committee total</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>2,674.00</td>
</tr>
</tbody>
</table>

1 Per diem constitutes lodging and meals.
2 If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
3 Military air transportation.

### REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MR. ERICH PFUEHLER, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN AUG. 22 AND SEPT. 2, 2002

<table>
<thead>
<tr>
<th>Name of Member or employee</th>
<th>Arrival</th>
<th>Departure</th>
<th>Country</th>
<th>Per diem</th>
<th>Transportation</th>
<th>Other purposes</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Erich Pfuehler</td>
<td>8/23</td>
<td>9/1</td>
<td>South Africa</td>
<td>588.00</td>
<td></td>
<td>4,016.17</td>
<td>4,604.17</td>
</tr>
</tbody>
</table>

1 Per diem constitutes lodging and meals.
2 If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
### REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO IRELAND AND NORTHERN IRELAND, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JUNE 28 AND JULY 3, 2002

<table>
<thead>
<tr>
<th>Name of Member or employee</th>
<th>Arrival</th>
<th>Departure</th>
<th>Country</th>
<th>Per diem</th>
<th>Transportation</th>
<th>Other purposes</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hon. James Walsh</td>
<td>6/28</td>
<td>7/1</td>
<td>Ireland</td>
<td>658.00</td>
<td></td>
<td>658.00</td>
<td>658.00</td>
</tr>
<tr>
<td>Hon. John J. Duncan</td>
<td>6/30</td>
<td>7/1</td>
<td>Northern Ireland</td>
<td>796.00</td>
<td></td>
<td>796.00</td>
<td>796.00</td>
</tr>
<tr>
<td>Hon. Jerry F. Costello</td>
<td>6/30</td>
<td>7/1</td>
<td>Ireland</td>
<td>658.00</td>
<td></td>
<td>658.00</td>
<td>658.00</td>
</tr>
<tr>
<td>Hon. Michael R. McNulty</td>
<td>6/30</td>
<td>7/1</td>
<td>Ireland</td>
<td>658.00</td>
<td></td>
<td>658.00</td>
<td>658.00</td>
</tr>
<tr>
<td>Hon. Paul E. Kanjorski</td>
<td>6/30</td>
<td>7/1</td>
<td>Ireland</td>
<td>658.00</td>
<td></td>
<td>658.00</td>
<td>658.00</td>
</tr>
<tr>
<td>Hon. Alan B. Milchman</td>
<td>6/30</td>
<td>7/1</td>
<td>Northern Ireland</td>
<td>658.00</td>
<td></td>
<td>658.00</td>
<td>658.00</td>
</tr>
<tr>
<td>Hon. Joseph Crowley</td>
<td>6/30</td>
<td>7/1</td>
<td>Ireland</td>
<td>658.00</td>
<td></td>
<td>658.00</td>
<td>658.00</td>
</tr>
<tr>
<td>Charles Johnson</td>
<td>6/30</td>
<td>7/1</td>
<td>Ireland</td>
<td>658.00</td>
<td></td>
<td>658.00</td>
<td>658.00</td>
</tr>
<tr>
<td>Siobhan Abell</td>
<td>6/30</td>
<td>7/1</td>
<td>Northern Ireland</td>
<td>658.00</td>
<td></td>
<td>658.00</td>
<td>658.00</td>
</tr>
<tr>
<td>John Feehery</td>
<td>6/30</td>
<td>7/1</td>
<td>Ireland</td>
<td>658.00</td>
<td></td>
<td>658.00</td>
<td>658.00</td>
</tr>
<tr>
<td>Daniel Gage</td>
<td>6/30</td>
<td>7/1</td>
<td>Northern Ireland</td>
<td>658.00</td>
<td></td>
<td>658.00</td>
<td>658.00</td>
</tr>
<tr>
<td>Bryan Gubins</td>
<td>6/30</td>
<td>7/1</td>
<td>Ireland</td>
<td>658.00</td>
<td></td>
<td>658.00</td>
<td>658.00</td>
</tr>
<tr>
<td>John Mackey</td>
<td>6/30</td>
<td>7/1</td>
<td>Ireland</td>
<td>658.00</td>
<td></td>
<td>658.00</td>
<td>658.00</td>
</tr>
<tr>
<td>Shanti Ochs</td>
<td>6/30</td>
<td>7/1</td>
<td>Northern Ireland</td>
<td>658.00</td>
<td></td>
<td>658.00</td>
<td>658.00</td>
</tr>
<tr>
<td>Scott Palmer</td>
<td>6/30</td>
<td>7/1</td>
<td>Ireland</td>
<td>658.00</td>
<td></td>
<td>658.00</td>
<td>658.00</td>
</tr>
<tr>
<td>William Traphouse</td>
<td>6/30</td>
<td>7/1</td>
<td>Northern Ireland</td>
<td>658.00</td>
<td></td>
<td>658.00</td>
<td>658.00</td>
</tr>
<tr>
<td>Hon. Jerry F. Costello</td>
<td>6/30</td>
<td>7/1</td>
<td>Ireland</td>
<td>658.00</td>
<td></td>
<td>658.00</td>
<td>658.00</td>
</tr>
<tr>
<td>Hon. Paul E. Kanjorski</td>
<td>6/30</td>
<td>7/1</td>
<td>Ireland</td>
<td>658.00</td>
<td></td>
<td>658.00</td>
<td>658.00</td>
</tr>
<tr>
<td>Hon. Alan B. Milchman</td>
<td>6/30</td>
<td>7/1</td>
<td>Northern Ireland</td>
<td>658.00</td>
<td></td>
<td>658.00</td>
<td>658.00</td>
</tr>
<tr>
<td>Hon. Joseph Crowley</td>
<td>6/30</td>
<td>7/1</td>
<td>Ireland</td>
<td>658.00</td>
<td></td>
<td>658.00</td>
<td>658.00</td>
</tr>
<tr>
<td>Charles Johnson</td>
<td>6/30</td>
<td>7/1</td>
<td>Ireland</td>
<td>658.00</td>
<td></td>
<td>658.00</td>
<td>658.00</td>
</tr>
<tr>
<td>Siobhan Abell</td>
<td>6/30</td>
<td>7/1</td>
<td>Northern Ireland</td>
<td>658.00</td>
<td></td>
<td>658.00</td>
<td>658.00</td>
</tr>
<tr>
<td>John Feehery</td>
<td>6/30</td>
<td>7/1</td>
<td>Ireland</td>
<td>658.00</td>
<td></td>
<td>658.00</td>
<td>658.00</td>
</tr>
<tr>
<td>Daniel Gage</td>
<td>6/30</td>
<td>7/1</td>
<td>Northern Ireland</td>
<td>658.00</td>
<td></td>
<td>658.00</td>
<td>658.00</td>
</tr>
<tr>
<td>Bryan Gubins</td>
<td>6/30</td>
<td>7/1</td>
<td>Ireland</td>
<td>658.00</td>
<td></td>
<td>658.00</td>
<td>658.00</td>
</tr>
<tr>
<td>John Mackey</td>
<td>6/30</td>
<td>7/1</td>
<td>Ireland</td>
<td>658.00</td>
<td></td>
<td>658.00</td>
<td>658.00</td>
</tr>
<tr>
<td>Shanti Ochs</td>
<td>6/30</td>
<td>7/1</td>
<td>Northern Ireland</td>
<td>658.00</td>
<td></td>
<td>658.00</td>
<td>658.00</td>
</tr>
<tr>
<td>Scott Palmer</td>
<td>6/30</td>
<td>7/1</td>
<td>Ireland</td>
<td>658.00</td>
<td></td>
<td>658.00</td>
<td>658.00</td>
</tr>
<tr>
<td>William Traphouse</td>
<td>6/30</td>
<td>7/1</td>
<td>Northern Ireland</td>
<td>658.00</td>
<td></td>
<td>658.00</td>
<td>658.00</td>
</tr>
</tbody>
</table>

#### Footnotes
1. Per diem constitutes lodging and meals.
2. If foreign currency is used, enter U.S. dollar equivalent, if U.S. currency is used, enter amount expended.

---

### REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO UZBEKISTAN, OMAN, AND ITALY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JUNE 29 AND JULY 3, 2002

<table>
<thead>
<tr>
<th>Name of Member or employee</th>
<th>Arrival</th>
<th>Departure</th>
<th>Country</th>
<th>Per diem</th>
<th>Transportation</th>
<th>Other purposes</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Travel to Uzbekistan, Oman, and Italy, June 29–July 3, 2002</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hon. Duncan Hunter</td>
<td>6/29</td>
<td>7/1</td>
<td>Uzbekistan</td>
<td>666.00</td>
<td></td>
<td>666.00</td>
<td>666.00</td>
</tr>
<tr>
<td>Hon. Bob Etheridge</td>
<td>6/29</td>
<td>7/1</td>
<td>Oman</td>
<td>255.00</td>
<td></td>
<td>255.00</td>
<td>255.00</td>
</tr>
<tr>
<td>Hon. Silvestre Reyes</td>
<td>6/29</td>
<td>7/1</td>
<td>Uzbekistan</td>
<td>666.00</td>
<td></td>
<td>666.00</td>
<td>666.00</td>
</tr>
<tr>
<td>Hon. Bob Schaffer</td>
<td>6/29</td>
<td>7/1</td>
<td>Uzbekistan</td>
<td>666.00</td>
<td></td>
<td>666.00</td>
<td>666.00</td>
</tr>
<tr>
<td>Hon. Shelly Moore Capito</td>
<td>6/29</td>
<td>7/1</td>
<td>Uzbekistan</td>
<td>666.00</td>
<td></td>
<td>666.00</td>
<td>666.00</td>
</tr>
<tr>
<td>Hon. Jo Ann Davis</td>
<td>6/29</td>
<td>7/1</td>
<td>Uzbekistan</td>
<td>666.00</td>
<td></td>
<td>666.00</td>
<td>666.00</td>
</tr>
<tr>
<td>Hon. Susan Davis</td>
<td>6/29</td>
<td>7/1</td>
<td>Oman</td>
<td>255.00</td>
<td></td>
<td>255.00</td>
<td>255.00</td>
</tr>
</tbody>
</table>

#### Footnotes
1. Per diem constitutes lodging and meals.
2. If foreign currency is used, enter U.S. dollar equivalent, if U.S. currency is used, enter amount expended.
### Report of Expenditures for Official Foreign Travel, Delegation to Uzbekistan, Oman, and Italy, House of Representatives, Expended Between June 29 and July 3, 2002—Continued

<table>
<thead>
<tr>
<th>Name of Member or Employee</th>
<th>Arrival</th>
<th>Departure</th>
<th>Country</th>
<th>Per diem 1</th>
<th>Transportation</th>
<th>Other purposes</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hon. Darrell E. Issa</td>
<td>7/2</td>
<td>7/3</td>
<td>Italy</td>
<td>243.00</td>
<td></td>
<td></td>
<td>243.00</td>
</tr>
<tr>
<td>Peter M. Stetler</td>
<td>6/29</td>
<td>7/1</td>
<td>Oman</td>
<td>255.00</td>
<td></td>
<td></td>
<td>255.00</td>
</tr>
<tr>
<td>Dudley T. Tademy</td>
<td>6/29</td>
<td>7/1</td>
<td>Italy</td>
<td>243.00</td>
<td></td>
<td></td>
<td>243.00</td>
</tr>
<tr>
<td>Mark T. Esper</td>
<td>6/29</td>
<td>7/1</td>
<td>Oman</td>
<td>255.00</td>
<td></td>
<td></td>
<td>255.00</td>
</tr>
<tr>
<td>Hon. JoAnn Emerson</td>
<td>7/1</td>
<td>7/3</td>
<td>Belgium</td>
<td>498.00</td>
<td></td>
<td></td>
<td>498.00</td>
</tr>
<tr>
<td>Hon. Baron Hill</td>
<td>7/2</td>
<td>7/3</td>
<td>Italy</td>
<td>243.00</td>
<td></td>
<td></td>
<td>243.00</td>
</tr>
<tr>
<td>John F. Eusdlin</td>
<td>7/1</td>
<td>7/3</td>
<td>United Kingdom</td>
<td>668.00</td>
<td></td>
<td></td>
<td>668.00</td>
</tr>
<tr>
<td>Michael Messner</td>
<td>7/1</td>
<td>7/3</td>
<td>Russia</td>
<td>688.00</td>
<td></td>
<td></td>
<td>688.00</td>
</tr>
<tr>
<td></td>
<td>6/29</td>
<td>7/1</td>
<td>United Kingdom</td>
<td>668.00</td>
<td></td>
<td></td>
<td>668.00</td>
</tr>
<tr>
<td></td>
<td>7/1</td>
<td>7/3</td>
<td>Russia</td>
<td>688.00</td>
<td></td>
<td></td>
<td>688.00</td>
</tr>
<tr>
<td></td>
<td>7/1</td>
<td>7/3</td>
<td>Italy</td>
<td>243.00</td>
<td></td>
<td></td>
<td>243.00</td>
</tr>
<tr>
<td>Committee total</td>
<td></td>
<td></td>
<td></td>
<td>12,804.00</td>
<td></td>
<td></td>
<td>12,804.00</td>
</tr>
</tbody>
</table>

1 Per diem constitutes lodging and meals.
2 If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DUNCAN L. HUNTER, Chairman, July 9, 2002.

### Report of Expenditures for Official Foreign Travel, Delegation to Belgium, Germany, Russia, and the United Kingdom, House of Representatives, Expended Between July 1 and July 9, 2002

<table>
<thead>
<tr>
<th>Name of Member or Employee</th>
<th>Arrival</th>
<th>Departure</th>
<th>Country</th>
<th>Per diem 1</th>
<th>Transportation</th>
<th>Other purposes</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hon. Richard A. Gephardt</td>
<td>7/1</td>
<td>7/3</td>
<td>Belgium</td>
<td>498.00</td>
<td></td>
<td></td>
<td>498.00</td>
</tr>
<tr>
<td>Hon. Charles Rangel</td>
<td>7/1</td>
<td>7/3</td>
<td>Germany</td>
<td>514.00</td>
<td></td>
<td></td>
<td>514.00</td>
</tr>
<tr>
<td>Hon. Edward J. Markey</td>
<td>7/1</td>
<td>7/3</td>
<td>Belgium</td>
<td>498.00</td>
<td></td>
<td></td>
<td>498.00</td>
</tr>
<tr>
<td>Hon. Howard Berman</td>
<td>7/1</td>
<td>7/3</td>
<td>Germany</td>
<td>514.00</td>
<td></td>
<td></td>
<td>514.00</td>
</tr>
<tr>
<td>Hon. Jane Harman</td>
<td>7/1</td>
<td>7/3</td>
<td>Belgium</td>
<td>498.00</td>
<td></td>
<td></td>
<td>498.00</td>
</tr>
<tr>
<td>Hon. Baron Hill</td>
<td>7/1</td>
<td>7/3</td>
<td>Belgium</td>
<td>498.00</td>
<td></td>
<td></td>
<td>498.00</td>
</tr>
<tr>
<td>Hon. Hilda Solis</td>
<td>7/1</td>
<td>7/3</td>
<td>Belgium</td>
<td>498.00</td>
<td></td>
<td></td>
<td>498.00</td>
</tr>
<tr>
<td>Hon. Jared Emerson</td>
<td>7/1</td>
<td>7/3</td>
<td>Belgium</td>
<td>498.00</td>
<td></td>
<td></td>
<td>498.00</td>
</tr>
<tr>
<td>Hon. Barbara Lee</td>
<td>7/1</td>
<td>7/3</td>
<td>Belgium</td>
<td>498.00</td>
<td></td>
<td></td>
<td>498.00</td>
</tr>
<tr>
<td>Steve Ellendorf</td>
<td>7/1</td>
<td>7/3</td>
<td>Belgium</td>
<td>498.00</td>
<td></td>
<td></td>
<td>498.00</td>
</tr>
<tr>
<td>Lloyd Smith</td>
<td>7/1</td>
<td>7/3</td>
<td>Belgium</td>
<td>498.00</td>
<td></td>
<td></td>
<td>498.00</td>
</tr>
<tr>
<td>Moses Mercado</td>
<td>7/1</td>
<td>7/3</td>
<td>Belgium</td>
<td>498.00</td>
<td></td>
<td></td>
<td>498.00</td>
</tr>
<tr>
<td>Breth O’Brien</td>
<td>7/1</td>
<td>7/3</td>
<td>Belgium</td>
<td>498.00</td>
<td></td>
<td></td>
<td>498.00</td>
</tr>
<tr>
<td>Erik Smith</td>
<td>7/1</td>
<td>7/3</td>
<td>Belgium</td>
<td>498.00</td>
<td></td>
<td></td>
<td>498.00</td>
</tr>
<tr>
<td>Michael Messner</td>
<td>7/1</td>
<td>7/3</td>
<td>Belgium</td>
<td>498.00</td>
<td></td>
<td></td>
<td>498.00</td>
</tr>
<tr>
<td>John F. Eusdlin</td>
<td>7/1</td>
<td>7/3</td>
<td>Belgium</td>
<td>498.00</td>
<td></td>
<td></td>
<td>498.00</td>
</tr>
</tbody>
</table>

1 Per diem constitutes lodging and meals.
2 If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO GERMANY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 6 AND JULY 10, 2002

<table>
<thead>
<tr>
<th>Name of Member or employee</th>
<th>Arrival</th>
<th>Departure</th>
<th>Country</th>
<th>Per diem 1</th>
<th>Transportation</th>
<th>Other purposes</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hon. Christopher Smith</td>
<td>7/5</td>
<td>7/8</td>
<td>Germany</td>
<td>924.00</td>
<td>( )</td>
<td>( )</td>
<td>924.00</td>
</tr>
<tr>
<td>Hon. Steve Buyer</td>
<td>7/5</td>
<td>7/8</td>
<td>Germany</td>
<td>924.00</td>
<td>( )</td>
<td>( )</td>
<td>924.00</td>
</tr>
<tr>
<td>Hon. Benjamin Cardin</td>
<td>7/5</td>
<td>7/8</td>
<td>Germany</td>
<td>924.00</td>
<td>( )</td>
<td>( )</td>
<td>924.00</td>
</tr>
<tr>
<td>Hon. Jackie Speier</td>
<td>7/5</td>
<td>7/8</td>
<td>Germany</td>
<td>924.00</td>
<td>( )</td>
<td>( )</td>
<td>924.00</td>
</tr>
<tr>
<td>Hon. Robert B. Aderhold</td>
<td>7/5</td>
<td>7/8</td>
<td>Germany</td>
<td>924.00</td>
<td>( )</td>
<td>( )</td>
<td>924.00</td>
</tr>
<tr>
<td>Hon. Joseph Pitts</td>
<td>7/5</td>
<td>7/8</td>
<td>Germany</td>
<td>924.00</td>
<td>( )</td>
<td>( )</td>
<td>924.00</td>
</tr>
<tr>
<td>Hon. Joseph Hoefelt</td>
<td>7/5</td>
<td>7/8</td>
<td>Germany</td>
<td>924.00</td>
<td>( )</td>
<td>( )</td>
<td>924.00</td>
</tr>
<tr>
<td>Hon. Jan Schakowsky</td>
<td>7/5</td>
<td>7/8</td>
<td>Germany</td>
<td>924.00</td>
<td>( )</td>
<td>( )</td>
<td>924.00</td>
</tr>
<tr>
<td>Hon. Therese Treado</td>
<td>7/5</td>
<td>7/8</td>
<td>Germany</td>
<td>924.00</td>
<td>( )</td>
<td>( )</td>
<td>924.00</td>
</tr>
<tr>
<td>Hon. Jo Ann Davis</td>
<td>7/5</td>
<td>7/8</td>
<td>Germany</td>
<td>1,525.00</td>
<td>( )</td>
<td>( )</td>
<td>1,525.00</td>
</tr>
<tr>
<td>Ronald Mckamara</td>
<td>7/5</td>
<td>7/8</td>
<td>Germany</td>
<td>889.00</td>
<td>( )</td>
<td>( )</td>
<td>889.00</td>
</tr>
<tr>
<td>Dorothy Taub</td>
<td>7/5</td>
<td>7/8</td>
<td>Germany</td>
<td>795.00</td>
<td>( )</td>
<td>( )</td>
<td>795.00</td>
</tr>
<tr>
<td>Donald Kursh</td>
<td>7/5</td>
<td>7/8</td>
<td>Germany</td>
<td>829.00</td>
<td>( )</td>
<td>( )</td>
<td>829.00</td>
</tr>
<tr>
<td>Charles Heise</td>
<td>7/5</td>
<td>7/8</td>
<td>Germany</td>
<td>829.00</td>
<td>( )</td>
<td>( )</td>
<td>829.00</td>
</tr>
<tr>
<td>Ben Anderson</td>
<td>7/5</td>
<td>7/8</td>
<td>Germany</td>
<td>829.00</td>
<td>( )</td>
<td>( )</td>
<td>829.00</td>
</tr>
<tr>
<td>Marlene Kaufman</td>
<td>7/5</td>
<td>7/8</td>
<td>Germany</td>
<td>924.00</td>
<td>( )</td>
<td>( )</td>
<td>924.00</td>
</tr>
<tr>
<td>Michael Ochs</td>
<td>7/5</td>
<td>7/8</td>
<td>Germany</td>
<td>924.00</td>
<td>( )</td>
<td>( )</td>
<td>924.00</td>
</tr>
<tr>
<td>Janice Holder</td>
<td>7/5</td>
<td>7/8</td>
<td>Germany</td>
<td>924.00</td>
<td>( )</td>
<td>( )</td>
<td>924.00</td>
</tr>
<tr>
<td>Marilyn Davis</td>
<td>7/5</td>
<td>7/8</td>
<td>Germany</td>
<td>924.00</td>
<td>( )</td>
<td>( )</td>
<td>924.00</td>
</tr>
<tr>
<td>David Kilian</td>
<td>7/5</td>
<td>7/8</td>
<td>Germany</td>
<td>924.00</td>
<td>( )</td>
<td>( )</td>
<td>924.00</td>
</tr>
<tr>
<td>Patrick Price</td>
<td>7/5</td>
<td>7/8</td>
<td>Germany</td>
<td>924.00</td>
<td>( )</td>
<td>( )</td>
<td>924.00</td>
</tr>
<tr>
<td>Kathleen May</td>
<td>7/5</td>
<td>7/8</td>
<td>Germany</td>
<td>924.00</td>
<td>( )</td>
<td>( )</td>
<td>924.00</td>
</tr>
</tbody>
</table>

Delegation Expenses   1,520.00 ( ) 702.82 ( ) 2,223.32

Committee total   22,293.50 5,394.90 26,800.00 54,488.40

1 Per diem constitutes lodging and meals.
2 If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
3 Military air transportation.
4 Military and commercial airfare.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO CANADA, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN SEPT. 8 AND SEPT. 10, 2002

<table>
<thead>
<tr>
<th>Name of Member or employee</th>
<th>Arrival</th>
<th>Departure</th>
<th>Country</th>
<th>Per diem 1</th>
<th>Transportation</th>
<th>Other purposes</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hon. J. Dennis Hastert</td>
<td>9/8</td>
<td>9/10</td>
<td>Canada</td>
<td>350.00</td>
<td>( )</td>
<td>( )</td>
<td>350.00</td>
</tr>
<tr>
<td>Hon. Charlie Johnson</td>
<td>9/8</td>
<td>9/10</td>
<td>Canada</td>
<td>350.00</td>
<td>( )</td>
<td>( )</td>
<td>350.00</td>
</tr>
<tr>
<td>Scott Palmer</td>
<td>9/8</td>
<td>9/10</td>
<td>Canada</td>
<td>350.00</td>
<td>( )</td>
<td>( )</td>
<td>350.00</td>
</tr>
<tr>
<td>Hon. Bill Good</td>
<td>9/8</td>
<td>9/10</td>
<td>Canada</td>
<td>350.00</td>
<td>( )</td>
<td>( )</td>
<td>350.00</td>
</tr>
<tr>
<td>John Feehery</td>
<td>9/8</td>
<td>9/10</td>
<td>Canada</td>
<td>350.00</td>
<td>( )</td>
<td>( )</td>
<td>350.00</td>
</tr>
<tr>
<td>Chris Walker</td>
<td>9/8</td>
<td>9/10</td>
<td>Canada</td>
<td>350.00</td>
<td>( )</td>
<td>( )</td>
<td>350.00</td>
</tr>
</tbody>
</table>

Committee total   2,100.00

1 Per diem constitutes lodging and meals.
2 If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
3 Military air transportation.

EXECUTIVE COMMUNICATIONS, ETC.

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

9639. A letter from the Administrator, Rural Business-Cooperative Service, Department of Agriculture, transmitting the Department’s final rule — Rural Business Enterprise Grants and Television Demonstration Grants (RIN: 0570-AA52) received October 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9640. A letter from the Administrator, Rural Business-Cooperative Service, Department of Agriculture, transmitting the Department’s final rule — Rural Business Opportunity Grants; Definition of “rural and rural area” (RIN: 0570-AA97) received October 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9641. A letter from the Deputy Assistant Administrator, Office of Diversion Control, Department of Justice, transmitting the Department’s final rule — Registration and Registration Application Fees (DEA-140F) (RIN: 1117-AA94) received October 15, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9642. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department’s Final Rule — Affirmative Employment Program for Minority and Women Annual Affirmative Employment Program Accomplishments and Report for the period of October 1, 2000 to October 1, 2001, pursuant to 22 U.S.C. 3905(d)(2); to the Committee on Government Reform.

9643. A letter from the Chief, Regulations Unit, International Revenue Service, transmitting the Service’s final rule — Air Transportation Excise Tax; Amount Paid for the Right to Award Miles (Notice 2002-83) received October 8, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9644. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service’s final rule — Settlement Initiative for Section 302/138 Basis-Shifting Transactions (Announcement 2002-97) received October 8, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9645. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service’s final rule — Interest Rates and Appropriate Foreign Loss Payment Patterns For Determining the Qualified Insurance Income of Certain Controlled Corporations under section 9641 (Notice 2002-80) received October 8, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.


NOTICE

Incomplete record of House proceedings.
Today's House proceedings will be continued in the next issue of the Record.
The Senate met at 10 a.m. and was called to order by the Honorable HARRY REID, a Senator from the State of Nevada.

PRAYER
The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, Lord and Sovereign of the United States, we come to you in prayer with two things gripping our minds. We have a new realization of the force of evil in our world. We are stunned by the continued evil acts of the cowardly, but cunning sniper who has taken the lives of nine people in our area. Dear God, intervene and bring this person or persons to justice. Comfort and sustain the victims' families. Reading the news and watching on television the aftermath of the massive attack of terrorism in Bali, further convinces us of our battle against an evil, world-wide terrorist movement. Lord, help us to deal with this insidious treachery. At the same time, Pakistan boils with anti-American sentiment. And we seem to have made little progress in negotiation with Iraq. All this brings us to a deeper reliance on You. Quiet our turbulent hearts; renew our dependence on You. Thank You for the great women and men of this Senate. Strengthen them, give them courage, inspire their discernment, guide their decisions. With them we fall on the knees of our hearts and commit our lives to You. Reign supreme in this chamber and in the mind and soul of every Senator. You are our Lord and Saviour and are greater than evil. Amen.

PLEDGE OF ALLEGIANCE
The Honorable HARRY REID led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE
The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
WASHINGTON, DC, October 15, 2002.

To the Senate:

Under the provisions of rule 1, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable HARRY REID, a Senator from the State of Nevada, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. REID thereupon assumed the chair as Acting President pro tempore.

MORNING BUSINESS
The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now begin a period of morning business not to extend beyond the hour of 11 a.m., with Senators allowed to speak therein for up to 10 minutes each.

The order for the quorum call is rescinded. In my capacity as a Senator from Nevada, I suggest the absence of a quorum.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

There being no objection, the Senate, at 10:34 a.m., recessed until 1:35 p.m. and reassembled when called to order by the Presiding Officer (Mr. BENNETT). The PRESIDING OFFICER. In my capacity as a Senator from Utah, I suggest the absence of a quorum. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Ms. STABENOW). Without objection, it is so ordered.

ORDER OF PROCEDURE
Mr. REID. Madam President, it is my understanding that there is an order for the Senate to stand in recess between 2 o'clock and 3 o'clock today. Is that correct?

The PRESIDING OFFICER. That is correct.

Mr. REID. Madam President, I ask unanimous consent that the order be vitiated.

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

ORDER OF PROCEDURE
Mr. REID. Madam President, I ask unanimous consent that the Senate be in a period of morning business until 3 o'clock, with Senators permitted to speak therein for up to 10 minutes each.

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

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.
The assistant legislative clerk proceeded to call the roll.

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

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

ESTABLISHING PRIORITIES

Mr. THOMAS. Madam President, I come to the floor today to talk a little bit about where we are and, hopefully, about where we are going, and, more particularly, some comments about energy, which I think is one of the real important points that we must talk about.

First, let me say that certainly we find ourselves in a difficult position as we close this session. I think we have brought ourselves into that position by not moving more quickly on some of the issues that have been out there and that now we want to have passed. It is very difficult to resolve some of these issues in the ending moments of a session. Certainly, we are not going to be here much longer. Clearly, we are going to go into a recess before the election. Particularly those who are running are very anxious to do that. And, indeed, to be fair to voters, people who are running should be out in the country talking about their positions.

It seems to me what we have before us is the chore of putting some priorities on the issues that are out there and making the determination as to which of those are going to be the issues that we emphasize and indeed move to finish. And there are lots of them out there.

We can talk about the issue of bankruptcy, which, of course, is something that has been ongoing for a long time. We have not been able to come together on the fairness of that. We can talk about reinsurance for construction, particularly for large buildings. That issue is very important to the economy. It is one we have not been able to resolve, mostly because of a liability issue.

Certainly, an unemployment extension is something that needs to be dealt with, as it expires in the fairly near future. On the other hand, the points of view are quite different in terms of the most effective and efficient way to do that.

We have Medicare givebacks, as it is called, which is in relation to taking up the slack in hospital costs in provider payments over a period of time, which, if not corrected, very likely will cause some providers not to deal with Medicare patients. It is very important. I happen to be from a rural State. There are activities related to that which specifically have to do with rural health care. And we would like to do that.

And there are other issues. But there are a great many items, of course, which, when you come to the end of the session, everybody wants to take a look at. These are all items that have not been done during the year, and when putting them together it can become a very haphazard kind of approach. Frankly, I think the leadership responsibility, and the responsibility for all of us, is to cut through that and to establish some priorities and talk about those need to be done. It sounds increasingly as if we will be back in a lame duck session after the election is over to finish some of the items. Most apparent among them are appropriations bills.

We do not have a budget. It is the first time in many years we have not had a budget. A budget is very important, not simply because there would be a budget but because it is a process for holding down spending. And if the appropriations bills exceed the budget that has been agreed to, then you can ask for a point of order, and then have to have more votes to pass it than you do without it. So it is not just the idea of a budget for the sake of a budget; it is the mechanism that helps hold down spending.

I think we have passed just 1 out of 13 of those appropriations bills. Hopefully, in the next 2 days, we will pass another. We must pass the Defense appropriations bill, because the need for defense dollars certainly has increased over last year. And the continuing resolution we will pass will simply extend the authority of the other appropriations bills we passed last year.

So we have some items that have to be done. I think we are going to be dealing, of course, with election reform. It is very important. It is hardly our biggest priority, in my view, because it does not apply to this election. But it will apply in the next election. We have some time in that regard. Nevertheless, it is on the agenda.

As I said, we are going to be dealing with the Defense appropriations bill. It is, I think, a big deal in my opinion. Certainly, then, in order to continue to have the Government operate, we have to pass a CR. I suppose maybe there are other items with which we need to deal. In my view, those seem to be the items that are necessary and that we need to do.

One of the issues out there that has been difficult—but I think we have worked at it for a very long time—is an energy policy. We have not had an energy policy for a very long time. We need an energy policy. We need it particularly now in terms of the turmoil in the Middle East. A good deal of our energy is imported from the Middle East. We need an energy policy now because of our economic condition. Energy is certainly a big part of our economy and our security. Those are issues that are most important to all of us. And to do that well, we need an energy policy.

The President has asked for an energy policy nearly 2 years ago—a year and a half ago. He outlined an energy policy that he sent to us. We have been all this time trying to come up with our own energy policy. Certainly, we have a broad energy policy. We have talked about lots of things that go into it. We talked about production. We talked about the availability of energy sources.

We have gotten ourselves into the position of importing nearly 60 percent of our energy. And that situation is very irksome to me, and, I think, the condition we are now facing. So we do have to do some things.

We talk about production in the energy bill. We talk about production in terms of encouraging the production of oil, production of coal, the production of gas. Some of the proposals have to do with access to public lands where, such as in my State, for example, 50 percent of the State belongs to the Federal Government. And in many of the Western States more than that belongs to the Federal Government.

So we have to devise a plan where we can take advantage of those resources and make the same point about the need to take care of the environment. We can do that. And we have shown we can do that.

We are particularly interested in coal as being a source of energy that we can produce right here in our community. People are in favor of that. We have to do more about clean air. We have to do some research on coal. We have to do what is necessary to provide clean-coal energy. More than 5 percent of electricity is now produced from coal. And if 75 percent of our fossil fuel is coal. So coal is very important to our energy use.

In the bill there are a number of items that have to do with encouraging the clean use of coal, whether it be in research or whether it be incentives to build new plants or upgrade existing plants to make them more clean, including existing plant credits.

Oil and gas: Of course oil provides about 40 percent of our Nation’s energy, more than it did in the past. But, nonetheless, we need to continue to work on that.

Oil has been a controversial issue, of course. The idea that you open up less, we need to continue to work on that. We have to devise a plan where we can take advantage of those resources and make the same point about the need to take care of the environment. We can do that. And we have shown we can do that.

Another opportunity would be, perhaps, to go from private land to cross some of the ANWR with a right-of-way. I don’t know whether that will be acceptable.

Nevertheless, I think we have to move forward. And we have to have more geophysical research. We are working on that. We can do something about rental payments. All of these areas of concern encourage production.

Along with this, we have to continue to look at conservation: conservation in homes, conservation in the kinds of equipment that we have in our homes. We have to also take a look at auto- matic things to do something with CAPE standards to reduce energy use. But there are many things we can do in terms of conservation, and indeed we should.
energy, whether it be other kinds of renewables, is out there. The question is, do you mandate renewables that cause the consumers to have to pay more at this time or do you give incentives so that we can go forward in that way? And of course, Wyoming is an energy-oriented state. We had a meeting there. I believe the speaker was from Europe, but he made the point—and I think it is an excellent point—that through time we have never run out of a fuel; we have moved from one fuel to another as we find new, more efficient fuel. We used to have wood. Now we don’t use wood. Then we had coal. Then we had gas. And we will continue to do that as science looks for new ways to provide energy. We need to do that.

Ethanol has been one of the issues as well: How much requirement is included in the ethanol and what percentage of it is in gas and so on. Those are the kinds of issues we have talked about before, as we find the pipeline from Alaska for natural gas so we can have that kind of resource available to us.

Many of these things are being considered in the bill where there will be incentives for the kinds of production we need for the kinds of research we have to do to go forward. So we are down to, frankly, a stressful point in terms of timing. We have worked on this energy policy now for the better part of 2 years. We have worked on it here in the committee for a long time. Finally, unfortunately, it was pulled from the committee and put on the floor without a committee bill. I think we were 4 weeks here on the floor talking about energy. So we spent a good deal of time on it. Obviously, different parts of the country have different points of view as to how we ought to be structured and how they impact different parts of the country. Some States are more production oriented; others are more user oriented. And there are some differences there.

There is always a conflict about how much authority goes to FERC, the Federal Energy Regulatory Commission, as opposed to the States. That, of course, is one of the reasons that many of us are in favor of getting the regulations done and that FERC is doing so, so that the decisions that have to be made interstate in these areas can be made largely by the States and they come to an agreement as to how you do that.

Also, there are always some difficulties, of course, between the municipals and co-ops as opposed to investor-owned utilities. It is not an easy project, but it is one that is very important to our comfort, very important to our economy, very important to our security, and one that has had a great deal of work on it this year. I guess we will probably know tomorrow whether that committee that has been dealing with trying to bring together the House and the Senate will be able to put forth a bill. We are hopeful that indeed they will. Of course, it may lap over into a lame duck session, but that is fine. I suppose in the worst instance—at least I think it is the worst instance—that if we don’t have anything, then we can take this work and put it back into next year’s efforts. But we do need to be more aware of doing the things in this body that need to be done. And, of course, we don’t all agree, but we do need to find ways to move forward.

We have found ourselves in the last several months without much forward movement, without much activity—still haven’t done homeland security over relatively small differences of view.

I am hopeful that as we enter into these literally last few hours here before we have some kind of recess, we can set some priorities collectively, do things that must be done and not try to do everything haphazardly, which will obviously result, if we do too many things to move forward—do what we have to do, go do our elections, come back, and then we will have to take up what is yet undone.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

ECONOMIC NEWS

Mr. BENNETT. Madam President, last Friday the majority leader, Senator DASCHLE, along with the minority leader in the House, Congressman DICK GEHRARDT, presided over an economic summit and discussed the state of the economy. Since that summit was called, the Dow Jones average has gone up close to 800 points. I would like to congratulate them for their wisdom in calling such a summit and producing that result. I hope they will have another one and we will have the Dow go up another 800 points.

I was not planning to talk about this, but when I was on my way to lunch, I checked and discovered that at that time, at least, the Dow was at 2300, whereas it was down in the low 7000s just a week ago.

I know this will come as something of a disappointment to those who are hoping in the election that the economy will be seen as improved and that the dollar will be seen as improved and that we will be able to put forth a bill. We have found ourselves in the last several months without much forward movement, without much activity—still haven’t done homeland security over relatively small differences of view.

I am encouraged by the wisdom of the American people. According to the latest polls, the majority of the American people, who have a view on the economy and where it is, understand that we are not in a recession anymore. We are, in fact, in a recovery; all of the rhetoric is the contrary here on the floor of the Senate.
by President Bush’s election or any other political event. As I have said here on the floor before, the business cycle has not been repealed. We would like to think we could repeal the business cycle. Indeed, if we knew how, both parties would do it because neither party likes it. It is the situation where the economy appears soft. So both parties—if they understand how to repeal the business cycle—would quickly take the steps to do that.

As a matter of fact, however, as we look at it throughout our history, Congress’s record—indeed the administration’s record—has not been all that good in terms of dealing with the business cycle. Usually, when we get into the business of trying to outguess it, we make things worse rather than better. I remember reading a book by Paul Johnson where he was talking about the Great Depression and the great efforts being expended by the New Deal. He said the efforts expended by the New Deal administration in the 1930s made the Great Depression last longer and go deeper than would have been the case if they had done absolutely nothing.

I commented on that to some Ph.D. economists and said that I understand that is heresy, and they said: No, quite the contrary, Senator. That is basically what has been understood and is being taught in the schools of economics and policy—that the intervention in an attempt to override the marketplace and the laws of economics, however well-meaning on the part of the Government, actually makes things worse rather than better.

As we look at our last recession, we know now pretty clearly what caused it. It was the bubble of speculation that surrounded the high-tech industry, and people got carried away with that. It was an election going on, there were too many capacity. —

Indeed, if we knew how, we would try, and people got carried away with that. It was the bubble of speculation that surrounded the high-tech industry. It was the bubble of speculation that people did a good job. Those of us in Congress and those in the White House contributed to it basically to the extent that we got out of the way and let it happen. Now, we need to have some of that same understanding.

I would like to pass the terrorism insurance bill. I think that would go a long way toward bringing the commercial real estate sector of the economy back. That sector is hurting, and one of the reasons is that people will not engage in major commercial enterprises if they cannot get terrorism insurance. We have been sitting on that bill in this body for close to a year. We passed it. It has gone to conference. The conference leaders have not been allowed to produce a product yet. I hope the majority leader will work with the conference in allowing them to bring a conference report to the floor. I think that is one thing we can do that would make the recovery more robust than it is.

Basically, Madam President, I think we need, as I say, a little humility as politicians, and we need to understand the economy is very sound, very strong, and it is coming back—but a little more steady as she goes rather than a sense of panic is what is called for.

I yield the floor and 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. JEFFORDS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

JOBS FOR AMERICAN FAMILIES

Mr. JEFFORDS. Mr. President, I rise today to discuss the state of our economy. I was heartened to read in this morning’s Washington Post that the administration is finally acknowledging our economy is in trouble. Of course, it came as the Republican National Committee was writing a memo to send to its campaign, reporting that internal polling shows the economy is the most important issue to voters. Surprise. It seems the Bush administration is more interested in responding to recent poll numbers than responding to the economic indicators that have been staring them in the face for more than a year.

The economic statistics are most troubling. Business investment is down. The annual growth of business investment is 7.6 percent, the weakest business investment trend under any administration in the past 50 years. Consumer confidence confidence dropped between January of 2001 and August of 2002, consumer confidence dropped by nearly one-fifth. The stock market is down, as everyone knows. Between January 2001 and September 2002, stocks listed on the New York stock exchange and the Nasdaq markets lost $5.2 trillion in market value, a loss of more than $35 percent, or more than $30 billion per day.

The 23 percent average annual decline in the S&P average index under the current administration is the sharpest decline since the Hoover administration. Last month was the worst September performance for the Dow Jones industrial average since 1937.

The Congressional Budget Office said last Friday the Federal Government 2002 deficit will hit $137 billion. This onslaught of red ink is truly remarkable. It is being driven by the largest percentage drop in individual tax revenues since 1947. That is over 50 years ago.

Let me give the folks a little Yankee economic wisdom. People pay less in taxes when their earnings go down. We are now spending Social Security revenues to balance our budgets for the first time since 1997. Ninety-four percent of the surpluses projected when President Bush took office have already disappeared. That is a $5.3 trillion drop in just 2 years. If the past is any guide, we can expect higher interest rates in the future as the Government competes with the private sector for capital.

All of this, I was stunned to receive a letter from the Congressional Budget Office late Friday which indicates even more layoffs of American
workers may be around the corner. These layoffs can be attributed to the lack of commitment from the administration to fully fund our Federal highway program. The CBO letter made clear that the continuing resolution, which expired at midnight last night, will have the effect of cutting future spending on highway construction jobs by over $4.1 billion and cutting current spending by $1.1 billion. I quote the letter from October 11, 2002, from the Director of CBO regarding the amendment being proposed by the other body:

With the amendment, CBO would reduce its estimate of 2003 obligations and outlays under the highway trust fund by $31 billion and cut its estimate of 2004 obligations and outlays by $4.1 billion and $1.1 billion, respectively.

I am convinced that we need more leadership from the White House on the issue of jobs for American families. Our attention is constantly being diverted by the White House talk of war. Unemployment in September stood at 8.1 million Americans. This does not count those who have given up hunting for work. That is 1 million more unemployed one year ago. Many families whose unemployment benefits have long since run out are focused on how they will pay their rent or make their mortgage payments or, even worse, where they will get their very next meal. Construction jobs are good jobs. Each $1 billion spent on highway projects creates 47,500 full-time jobs. These jobs help the entire economy, not just the transportation sector. The cut in funding as proposed by the CBO letter means nearly 200,000 Americans will not find gainful employment, which they could find if it was better handled. According to the Department of Transportation, our network of highways contributes, on an average, one-quarter of the yearly productive growth rate in the United States.

To quote the Department of Transportation: This chart highlights the highway network's importance to maintaining economic growth.

The White House needs to listen to its own transportation department. The U.S. Department of Transportation says for each $1 billion invested in highways, almost 8,000 direct on-site highway construction jobs are created. For each $1 billion invested, around 20,000 supply industry jobs are created. For each $1 billion invested, around 15,000 jobs are supported within the general economy as highway construction employees spend their wages.

I say to the White House, devote at least some attention away from Iraq and to getting Americans back to work. I urge the White House to support and fund the continuing resolution which allows us spending at the rate of $31.8 billion, equal to last year's level.

As chairman of the Environment and Public Works Committee, I will work with the congressional leadership to assure maximum funding possible for the reauthorization of the transportation bill. I feel sad today when I look at the economy and think what it could be or should be; yet we are spending all our time on an important issue, no question, about the status of Iraq. But I hope this body will turn its attention now to economics and the problems we are having. The future will lie ahead if we do not take action now.

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.

THE ECONOMY

Mr. DASCHLE. Mr. President, last week we completed our debate on Iraq. It was a difficult debate, but at the end we were able to come together to speak with a large degree of consensus on an issue of national security. To Democrats, security means more than national security. It also means economic security, retirement security, the security of knowing that if you lose your job, you can find a new one, and if you get sick, you can get health care. And it means the security of knowing that those goals are not being undermined by poor economic leadership and ideologically driven economic leaders.

The news, when it comes to America's economic security today, has not been good. This chart shows one of the many ways with which to determine the state of the economy. Last week, the Wall Street Journal reported that we are experiencing the worst market since the 1930s. This is not just a bear market, it is a grizzly bear market. The broad Standard & Poor's 500 Stock Index has now lost nearly half of its value. Since President Bush took office, Americans have seen the markets lose $5.7 trillion in value. That is $9.5 billion a day that has come out of the market. This red piece of the pie chart is an approximation of what has been lost. About one-third of the entire market capitalization has been lost in less than 2 years—$5.7 trillion.

Here is what that means to a person with $100,000 in the Standard & Poor's 500 Index when President Bush took office. The value of their investment has now decreased by $35,000. Many who were invested more aggressively have lost much more. If you had $100,000 in January of 2001, you now have $65,000 in September of 2002.

A lot of Americans who are lucky enough to have a little bit of money saved and invested are seeing their children's college investments and their own nest egg disappear. We have recently seen an increase in the number of 60- to 70-year-olds in the workforce. These people are not wondering when they will be able to retire. Now they are wondering if they will be able to retire.

This chart shows what has happened in the job market in the last 2 years. The people wondering if they will be able to retire are the lucky ones. To think about retiring, you have to have a job. Since President Bush took office, unemployment has jumped by 1.5 percent. More than 2 million people have lost their jobs. These are private sector jobs. We started in January of 2001 with 211 million jobs actually being held. We have now dropped from 111 million to 109 million in about 18 months. Many of those who lost their jobs are having trouble finding new work. Nearly 1.5 million people have been unemployed now for over 6 months. These people have not just lost their jobs, they are starting to lose hope.

This chart shows what we had at the beginning of the year 2001. About 600,000 people were unemployed for more than 26 weeks. That number has now jumped from 648,000 to 1,585,000 people. Now they are also losing their unemployment insurance. Unemployment insurance is supposed to provide temporary help to people who lose their jobs to tide them over until they find new ones. But now many who lost their jobs in the months after September 11 are losing their benefits. Now they are trying to find a job in an economy even worse than the one that has caused them to lose their job in the first place.

This chart shows what has happened. In 1992, 1.4 million workers had exhausted their unemployment benefits. Now, in the year 2002, we expect that number to be exceeded by 800—the number of people who will experience the expiration of their unemployment benefits.

The market is in steep decline. People are losing jobs. People are unable to find jobs. They are hearing the drumband of negative economic news. There is no question—any one of these charts points out very clearly—Americans are hurting.

But this administration does not understand their pain because it does not see a problem. On September 5, President Bush said confidently:

I am optimistic about our economy. I am optimistic about job growth.

The next day—the very next day—the Bureau of Labor Statistics reported that in the previous month manufacturing lost 68,000 jobs and retail businesses lost another 55,000.

On September 14, we learned that because homeowners were having such a hard time paying bills, home foreclosure rates reached their highest rate in 30 years.

A couple of days later, Lawrence Lindsey, Director of the National Economic Council, said:

There's a lot of good news out there. We have challenges as well. But given those challenges, I think the economy is doing very, very well.
On September 24, we learned that the poverty rate increased for the first time in 8 years with 1.3 million more Americans falling into poverty. We also learned that median household income fell for the first time in a decade.

The latest indicators are good.

On September 29, the census reported that the number of Americans without health insurance rose yet again—this time by 1.4 million people to 41.2 million. Not only are low- and middle-income families losing income because of the skyrocketing price of health care premiums and prescription drug costs, they are now losing their health insurance.

Two days later, the President said: I think the economy is strong. There are some rough spots, but we will deal with it.

Last Thursday, Secretary O'Neill and Secretary Evans had a joint press conference. Secretary O'Neill said: We are on a bumpy road to recovery, but the direction is still up.

Secretary Evans added: I am one that is pleased with the recovery that is now underway.

The next day—the very next day—this is what we saw: Consumer confidence and consumer spending depicted in this chart both falling, retail sales taking their worst drop since November of last year, and consumer sentiment dropping to levels last seen in the fall of 1993.

This chart shows the consumer expectations and what has happened over the course of the last 6 months. In May, consumer expectations were relatively high at 92.7. Many thought the economy was going fairly well and thought it was going to continue to do better. That index dropped to 87. It went down to 81 in July, and then down to 80. Now it is all the way down to 72. We have lost almost 25 percent of consumer confidence in just 5 months.

"The direction is up." That is what the Bush administration said. Optimistic about job growth, the latest indicators look good, the economy is doing very well. Some rough spots? I don't know where these guys are living, but it must be somewhere within the neighborhood of oblivious. When it comes to America's economic problems, this administration is woefully out of touch.

A couple of weeks ago, the President said:

I spend a lot of my time worried about the job security of our fellow citizens.

Last week, it became even more clear that this administration's focus is not the economy. The White House announced that the President will be hitting the campaign trail for 14 straight days before the November 5 election. In fact, I am told he will be coming to South Dakota—my State—at least 2 of those 14 days.

I would ask President Bush to do one thing: Cancel the political trips and spend less time trying to save jobs for Republican politicians and more time trying to save the jobs of average Americans.

Unfortunately, not only are the President and his advisers out of touch with our economic problem, but they have no solutions to solutions. They have seemingly pursued ideological goals at the expense of sound economics, and the American people will pay the price.

Last year, it became clear that our economy was slow. Every single objective economist told us tax cuts could help solve the problem. But they had to be the right kind of tax cuts. They had to boost consumption be getting money into the hands of people who would spend it—people with moderate incomes. It had to be done now, affecting the economy now, and affecting people's incomes now. At the same time, we were told that whatever we did, we should make sure it didn't do any long-term fiscal damage.

Here is what the Bush economists said: let us pass a bill to provide immediate tax relief for all families. Let us do that now—just as the economists proposed we do it. It included a tax cut check. Unlike the plan that passed, it made benefits available to everyone including those who pay only payroll taxes, would get one. It would have also reduced the 15-percent tax rate—the rate paid by all income-tax payers—to 10 percent, and it would have done it permanently. It would have been fiscally responsible and stimulative.

Instead of passing that reasonable plan, the President and his advisers insisted on a plan that had far less immediate tax relief but had a cost that explodes to $250 billion in the year 2011 alone. Smart tax relief for everyone was held hostage by the President and his advisers to a massive tax cut for the very few at the very top.

Moderate earners got the $300 immediate rebate check, but not until millionaires got a tax cut equal to that $300 rebate check every other day. Now, after going from record surpluses to real deficits, we are seeing just how bad a decision that was.

After September 11 dealt another blow to our already staggering economy, we all agreed that the American economy needed a stimulus. So Democrats and Republicans of the Senate asked the experts, including Federal Reserve Chairman Alan Greenspan and former Treasury Secretary Robert Rubin, what are the most effective steps we can take to shore up our economy? Here is what they told us: Put money into the hands of low- and middle-income workers. They are the ones who will spend it quickly. Make sure that workers who have lost their jobs receive unemployment benefits, and cut taxes for businesses, but limit the tax cuts to those who actually help create jobs.

Finally, they said our plan must be affordable and temporary. After all, the baby boomers start retiring in less than a decade, and we shouldn't be talking on major long-term spending or revenue obligations that will make it even more difficult to meet our responsibilities to Social Security and Medicare.

That was the advice we received. What did this administration propose? They proposed permanently eliminating the corporate alternative minimum tax. House Republicans went a step further and proposed making the alternative minimum tax retroactive. Incredibly, that one provision would have given $250 million in one check from the U.S. taxpayers to the Enron Corporation. That is right—$250 million from every taxpayer in America to none other than the Enron Corporation.

That had nothing to do with stimulus. To this day, I am not sure what it had to do with. Instead of a temporary business investment incentive, they informed that 3-year bonus depreciation, which was passed. That essentially said to businesses: You don't need to invest now. Wait a couple of years and see how it goes.

The Administration and congressional Republicans have refused to provide any aid to hard-hit States which, as a result, are now being forced to cut health care and education programs. They had to be dragged kicking and screaming to an extension of unemployment insurance despite the fact that former Treasury Secretary Rubin called it "a near perfect stimulus."

When the markets were shaken by a wave of corporate scandals, it was clear needed real reforms in order to boost investor confidence. The administration again said and did the wrong thing. On January 14, 1 month after Enron declared bankruptcy, 4 days after the Justice Department confirmed that a criminal investigation of Enron had begun, Secretary O'Neill said:

Companies come and go. It's part of the genius of capitalism.

After dragging their feet on corporate accountability, the Administration reluctantly came to the conclusion it had to support it. But now it is standing idly by as its appointees try to undermine the tough reforms that we passed last summer.

Last week, it was reported that Harvey Pitt, the former accounting industry lawyer chosen by President Bush to head the SEC, has given the accounting industry a veto over who will head the new Accounting Standards Board, the centerpiece of the corporate accountability law we passed.

According to news reports, Chairman Pitt blocked the appointment of John Biggs, a highly respected reformer, to the new board that the insistent—at the insistence—of the accounting industry. If this is true, it means Harvey Pitt intends to let the same accounting industry insiders, who ran Enron and other corporations into the ground, run the new board that is supposed to prevent future Enrons.

Now, as our markets plummet and people are losing their savings, their
jobs, and their confidence, this administration is again proposing the wrong remedies. Even now, they are calling to make the tax cut permanent. Regardless of how you feel about that as a policy proposal, everyone should be able to agree that new tax cuts in the year 2011 is the wrong immediate fix for our economy. In fact, by piling on another $4 trillion in debt during the next decade, it could hurt our economy in the short term by pushing up long-term interest rates.

Last week, House Republicans pushed through the Ways and Means Committee a completely ill-timed increase in the capital loss limit. Coming at this moment of intense market volatility, it is likely to cause wealthier investors to sell their stock, thereby forcing the market down and forcing down the value of 401(k) and other investment accounting even more.

When it comes to dealing with our economy, the President, his advisors, and the House Republicans have put forward two kinds of ideas: old ideas and bad ideas. They have been wrong at every turn. And this dramatic failure of economic leadership is doing real harm to America’s businesses and to the economic security of average working families.

America deserves better leadership, better ideas, and a real debate about economic future in this country. Democrats believe there are five areas in which we can take quick action to revitalize our economy in the short term. These are areas where there should be absolutely no disagreement.

First, we should extend unemployment insurance. During the first Bush administration, Democrats and Republicans agreed to extend unemployment insurance three times. We were able to agree that extending unemployment benefits was the right approach to a Bush recession then. We should be able to agree on the right approach to a Bush recession now.

Second, we should provide immediate fiscal relief for States. Right now, States are facing severe budget shortfalls, and many are finding themselves forced to cut crucial services, such as education, health care, and transportation.

As Paul Krugman wrote in the New York Times, aid to the States will “do double duty, preventing harsh cuts in public services, with medical care for the poor the most likely target, at the same time that it boosts demand.”

Third, we need to increase the minimum wage. The minimum wage has lost significant purchasing power since it was last increased in 1996. Raising the minimum wage not only has the immediate benefit of our strongly held belief that people who work full time should not live in poverty, but by putting money in the pockets of people who are most likely to spend it, it is a strong stimulus to our economy.

Fourth, we need a strong bill to protect pensions. Democrats have a plan that allows workers to hold employers accountable and helps workers get their money back if the people responsible for protecting their investment abuse that trust. It makes it easier for workers to sell their company’s stock and diversify their holdings, and it gives workers access to independent, unbiased advice.

We should be able to reach quick agreement and pass a bill that includes these elements.

Fifth, we need to make sure that the strong corporate accountability bill we designed, defended, and passed is strongly enforced. The centerpiece of this legislation is an effective, reform-oriented accounting oversight board. It is time for the administration to demand that a strong leader is chosen in order to make this a strong board.

In addition, we should consider some fresh new ideas about how to get our economy moving again.

Last Friday, Senator Dorgan and others hosted a bipartisan economic forum. Unlike the 2001 economic summit this summer, we heard from people across the political and ideological spectrum. It was a shame the White House decided not only to decline our invitation to participate in the forum with out-of-touch Bush economic stunt because there were a number of interesting ideas discussed.

For example, one participant raised the possibility of a second rebate, one that would go to everyone who pays payroll income taxes, and time-disbursed spending around the holiday season. It was also suggested that we look to improve the investment incentives we enacted earlier this year.

The problem with allowing business 3 years to take advantage of a tax break on new equipment purchases is that many have chosen to do what we said they would do, they have chosen to wait. Because we want businesses to invest now, one of the panelists suggested making the investment incentive more immediate and more generous.

Earlier today, Minority Leader hl said laid out a series of other ideas, including a rebate aimed at lower and middle-income Americans, investments in school construction, antiterrorism, and help for States as they struggle with the health care crisis.

These are all ideas that deserve a fair hearing. We should have a real discussion on ideas, to help our economy in the short term. But we also need to focus on the long term.

As a result of what the President has signed into law, or is currently proposing, our projected surplus of $5.6 trillion becomes a $400 billion deficit. The baby boomers are getting ready to retire.

This administration did not invite Democrats to their economic summit, and they did not want to attend our economic forum. That is what this country needs to realize we are all in this together, and the only way we will spark our economy in the short term and strengthen it in the long term is by doing it together. Whether that conversation is part of a real economic summit or part of some other forum, it is a conversation that needs to happen.

For the last month and more, the country has been completely consumed with the debate over Iraq. Because that debate was about issues of war and peace, and America’s national security interests, it was altogether appropriate that we should have a completely focused dialogue. The President asked for that dialogue, and he demanded we have it before the election. We have met his demand. But the American people have their demands as well.

People are anxious, not just about their security against an international threat, but about the security of their jobs, the security of their retirement, the security of their health, and the strength of our national economy.

By virtually every measure, the President’s economic plan has put America on the wrong track. He cannot escape responsibility by blaming the previous administration. He has had almost 2 years to generate a recovery. His economic team cannot divert attention with out-of-touch happy talk or appeals to one or two positive economic indicators. People see their income falling, their jobs disappearing, their retirement funds declining, and the cost of health care rising.

We have given the American people the debate the President says they need with regard to Iraq. Now the President should give the American people the other debate they are saying they want: a serious debate about their economic future.

I yield the floor.

Ms. STABENOW. Will the majority leader yield for a question?

Mr. DASCHLE. I am happy to yield to the Senator from Michigan.

Ms. STABENOW. Mr. President, I thank the leader for refocusing on the critical issues of economic security at this time. When I am home in Michigan, there is no question that while people are concerned about national security, the issues in front of them every day—economic security—are at the top of their list.

I also appreciated his focus earlier this year on the issue of lowering one of the biggest costs for our seniors and families—prescription drugs. Everyone in the economy, which is the cost of prescription drugs.

I am wondering, as you were talking about the President—now going on a 14-day trip in terms of campaigning—if you might agree that even just picking up the phone and asking the House of Representatives to take up the bill that we passed, S. 812, which would create more lower-cost drugs through generics and open the border to Canada and do a variety of things that would allow us to get this done, something we could call upon the President to do? And wouldn’t it be true if we were simply to have the House pass
that bill we passed this year: the bill that would create more competition and lower prices, we could help our families and businesses tremendously by lowering the prices of prescription drugs, which are one of the main explosions of cost to our families?

Wouldn’t you agree that would be an important focus between now and when we leave?

Mr. DASCHLE. Mr. President, I thank the Senator from Michigan for calling attention to yet another economic issue that could have profound consequences on the ability the average working family has today to pay their bills and to keep their standard of living. As she and I have traveled the country, and certainly traveled our States, the issue of the cost of prescription drugs comes up over and over again.

The Senate passed a prescription drug bill that would reduce the cost to every single person purchasing drugs today for themselves or in a plan, passing in the House of Representatives. I hope the President will do as the Senator suggests. I hope he will pick up the phone from Air Force One, since he is traveling all over the country, and tell the Speaker: Pass the bill, give us some real opportunity for relief this year. That, to me, would be one of the many things he could do to bring about longer term economic security.

The House also had real damage earlier this year. No one has looked at the bill, but I hope some day somebody will write the real story about the atrocious legislation passed by the House in the name of prescription drugs benefits. Basically, as the Senator from Michigan knows so well, because she has become such a leader on this issue, the House of Representatives has turned over prescription drug coverage for seniors to HMOs. Given the horrific examples of abuse in our health system today, in the use of coverage because of abuse and the HMOs, what do you believe someone would say, well, that is enough. We are now going to turn over drug coverage for seniors to HMOs, to the private sector, to people who simply are unable to live up to the expectations of all seniors, of the American people?

Again, the Senator makes a very important point. We have not been able to address prescription drugs this year, in part because of their determination to turn over responsibility for drug coverage under Medicare to HMOs and their unwillingness to deal with the generic legislation passed in the Senate by an overwhelming margin last summer.

I thank the Senator for asking the question.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. NICKLES. Mr. President, I wish to make a couple of comments. Parliamentary Inquiry: Are we going to be in morning business until 3?

The PRESIDING OFFICER. The Senator is correct.

BALANCING THE RECORD

Mr. NICKLES. Mr. President, I have heard a couple of speeches by our Democratic colleagues that are basically saying the entire fault of the economy is that of President Bush. I just have a little different view and wish to share the view somewhat to balance the record.

It is kind of interesting; we are an equal branch of Government, the legislative branch. We are an equal branch to that of the executive. For one branch of Government to say, wait a minute, you missed it. It is all the President’s fault, I find kind of interesting. We have equal powers under the Constitution. Our powers are a little different. Maybe sometimes the President gets all the credit when things are good and all the fault when things are bad, but that is not quite accurate. Congress shares its portion of responsibility, whether it be good or bad.

We have done a couple things that are good and some things that are bad. Maybe I will point out some of those differences.

I find it interesting where one branch of Government is faulting the other and assuming that is really the solution. That is not the case.

When the recession started, I remember the stock market crashing or falling dramatically in March of 2000. I believe President Clinton was President at that time, and the market continued to fall. It fell in August of 2000, and then it fell a lot more and has been falling since. If you look at the precipitous rise in the stock market, it probably had risen too much too fast, and so it had some falling out to do. It has fallen; I hope it has not fallen too much. Maybe now it has bottomed out and started to increase.

Actually, the last few days have been very promising. If somebody just got into the market last Monday or Tuesday, they have made a remarkable rate of return in the last few days alone. I hope maybe the market has bottomed out. To say that is all President Bush’s fault is incorrect.

The Washington Post on October 25 said:

To blame the weak American economy on Mr. Bush is nonsense.

That is a direct quote from the Washington Post, which is not exactly President Bush’s biggest cheerleader. But they happen to be right.

Let me say, instead of just trying to throw rocks at the Bush administration, we should be looking at Congress. What can we do. I don’t know that we can just pass a few bills and make everything rosy in the economy. Nor does everything we do have a negative impact. But I do believe we can make a difference.

Some of the things we pass can help, and some of the things we don’t pass can either help or hurt. I will mention those.

I remember a person all of us respect, Chairman Greenspan. His recommendation, his advice to Congress was to do two things: Show some fiscal discipline and also do things that would stimulate trade. And we did pass a bill, trade promotion authority, this year. Due to President Bush’s leadership, we did get it through the House and the Senate. It wasn’t easy. It wasn’t even pretty in some respects. But it passed both Houses. It passed the House by one vote; it passed the Senate by more than that after extraneous measures were put on that were put in committee. That was not a good way to legislate. There were three bills combined into one. But we eventually did pass trade promotion authority. That was good. That will help the economy.

On the second recommendation, Chairman Greenspan said show fiscal discipline. I give the White House high marks in many regards. I give Congress a very low grade. If I was going to grade Congress on fiscal discipline, the grade would be an F. I am critical. I am on the Budget Committee. I used to be on the Appropriations Committee. But for the first time since 1974, we didn’t pass a budget. And we have shown no discipline whatsoever. As a matter of fact, for the last two or three Congresses, we have shown very little discipline, whether or not we had a budget. Even when we had a budget in the last 2 or 3 years of the Clinton administration, we continually waived it.

If you are going to waive it by declaring things an emergency, or waive it and say it doesn’t count, we basically throw out the budget. We have the Federal spending climbing and climbing dramatically. Total outlays increased, in the year we just completed, 2002, the fiscal year, by $148 billion. That is the largest percentage growth in spending programs in 20 years.

Defense grew by 13 percent. I agree with that. We underfunded defense for many years. Unemployment comp grew by a staggering 72 percent. Medicaid grew by 13.2 percent, the fastest since 1974. Total outlays were 38 percent of GNP in fiscal year 2002. But if you exclude the decrease for net interest, spending grew by 11 percent last year, about 3 times the rate of inflation. And then I look at some of the other things Congress did that affect spending. Now, we can control that. We control how much money we spend. We had a farm bill that was billions of dollars over what was budgeted. The trade adjustment assistance bill had $11 billion of new entitlement spending. We had an emergency supplemental bill that was $4 billion over the President’s request. I could go on and on.

There was $6 billion in drought assistance—what we passed the first time. But the proponents said we won’t need to do drought assistance every year. Then we came back and, sure enough, Congress passes billions of dollars more. So my complaint is against Congress because we don’t pass a budget. Then because we didn’t pass a budget, we didn’t pass appropriations bills.
This is embarrassing. Here we are in the new fiscal year and we have not sent the President any appropriations bills. By the end of this week, I think we will have sent the President two appropriations bills—2 out of 13, all of which are supposed to be done by the end of October. And at the end of the middle of October, Congress, on appropriations bills, deserves an “F” this year because we have not done a budget, and Congress deserves an “F” because we have not done one of our constitutional duties, which is to pass appropriations bills on time.

So I look at the Members of Congress who keep throwing rocks at the President, saying the economy is in bad shape. Yet what are we doing? Have we done our job? No. What else could Congress have done? What could the Senate have done? The House passed an energy bill and we spent 7 or 8 weeks on it and it is still stuck in conference. If we would have passed an energy bill that would have allowed exploration in ANWR—the Alaska National Wildlife Refuge—as the House did, we could create hundreds of thousands of jobs. That is still stuck, so the Congress has not passed an energy bill.

We have not passed a reinsurance bill. It passed the House and the Senate, but we have not worked out the differences in conference, mainly because the Trial Lawyers Association wants to have the extended ability to sue and to go after reinsurance. So there are billions of dollars in construction projects being held hostage because Congress hasn’t been able to pass antiterrorism insurance.

The House passed pension reform months ago. The Senate Finance Committee—of which I am a member—I believe, passed pension reform unanimously in committee. We have not passed it on the floor of the Senate. I urge the majority leader to call that bill. I want to talk about 401(k)s, and we want to protect them, and pension plans, and so on, let’s pass the bipartisan bill that passed out of the Finance Committee to lend some protection there.

We have not moved to make permanent the tax cuts passed last year. I keep hearing people being critical of the tax bill that passed. They want to say that tax bill caused all the deficits. That is totally false. The real cause, or culprit, wasn’t the tax cut. It is the fact that we are calling economy. The economy is staggering. Income receipts are down, and it is not so much because of the tax cuts but because of the economy. So we need to turn the economy around and allow people to keep more of their own money. Let’s make the tax cuts permanent.

Some people say, no, let’s increase taxes. Let’s change the law. I don’t think that is the remedy being advocated by many, but I don’t think that is a very good remedy. Let’s manufacture a drug bill. That is not our fault. The majority leader and the chairman of the Finance Committee never even had a markup on prescription drugs in the Finance Committee, which has jurisdiction over that issue. They pulled the bill up on the floor and we debated it for weeks, but we didn’t pass a comprehensive bill to allow people to benefit from Medicare because we didn’t let the Senate work its will. We didn’t have it marked up in committee. We didn’t allow Members to proceed as we should.

I mention those few things. We are getting close to election time, so they want to start throwing rocks at the President and criticizing him for the economy, without saying, what have we done? What has the Senate done? I might say we should be thankful for some things that we didn’t do and what some of our friends on the Democratic side of the aisle wanted to do, or have tried to do, which, if they were successful, would have made the economy a lot worse.

I will mention one: ergonomics standards. There was a regulation promulgated by the Clinton administration in the last day or two of his term in office called ergonomics standards, which would have cost the economy billions and billions of dollars. I saw one estimate that was up to $100 billion. It was going to have the Federal government set up a Federal workers compensation system—I started to say “scheme”—that would have cost billions of dollars to regulate movement in the workplace. It had such ridiculous rules, such as you could not move over 50 pounds 20 times a day and all kinds of little rules on how OSHA is going to regulate business. Congress wisely stopped that regulation. That was good. Some people still want to pass that. It would have cost billions and billions.

Some people say let’s pass the Patients’ Bill of Rights, which would increase everybody’s health care costs. Actually, the law passed a year ago, in June. It is interesting to note that the House already passed it a year ago, but we have not even gone to conference on that bill—maybe for a good reason. That bill would greatly expand not only the right to sue the HMOs but also employers for providing health care insurance for their employees. The employers could be sued, and the net result would be that a lot of employers would drop their health care. That won’t hurt the economy. It will not help it.

Some people say let’s increase the minimum wage. That is one of the proposals many Democrats are pushing now—increase that by $1.50 over the next 14 months. That is almost a 30% increase. Oh, that is great. What if the business could not pay $6.65? What if this is somebody trying to help at a convenience store, and all they can afford to pay is $5, maybe $6 an hour? We are just going to say that too? We would rather have you unemployed than to have a job like that. If you cannot pay $6.65, you are out of work.

CAFE standards: On the energy bill, many Democrat colleagues say let’s increase the CAFE standards for automobiles. That is great. We are going to make everybody drive a Volkswagen-type automobile. That is not very safe; that is not what consumers want. It certainly would certainly be detrimental, and it would cost thousands of jobs.

I mention these to say that there are two sides to the story. We are a little less than 3 weeks from the election and a lot of colleagues are saying: We want to throw rocks at the President, blame the President for the deficit. So we want to stop making permanent the tax cuts the President already passed; and, incidentally, we want to spend a whole lot more money. So they are against the deficits when it comes to taxes, but in favor of them when it comes to spending money. Whether you are talking about Medicare adjustments, drought assistance, unemployment compensation—which, in a moment, we will probably be debating—we are going to have a major expansion of unemployment compensation, more than double the Federal program that we have today. Some will possibly propose that. It only cost $17 billion. What difference does it make? We don’t have a budget anyway. In other words, they don’t care about the deficit when it comes to spending—only when it comes to the tax side.

I say these things because I think it is important to move together and improve the economy. I think we can do it if Congress works together. We can take a lot of the measures the House passed and we can help the economy. If we would pass an energy bill, a reinsurance bill, pension reform, and if we were responsible and pass a budget, pass appropriations bills that meet the budget guidelines, I think we could help the economy. I don’t think we could help the economy by making a bunch of political speeches and blaming everything on President Bush.

The PRESIDING OFFICER. Mr. President, the Senator from Nevada is recognized.

MEASURES PLACED ON CALENDAR—H.R. 4968, S. 3099, AND S. 3100

Mr. REID. Mr. President, I understand that H.R. 4968, S. 3099, and S. 3100 are at the desk.

The PRESIDING OFFICER. Mr. President, the Senator is correct.

Mr. REID. Mr. President, I ask unanimous consent that these bills receive a reading, and that the Senate go on to the consideration of this legislation.

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

The clerk will report the bills by title.

A bill (H.R. 4968) to provide for the exchange of certain lands in Utah.

A bill (S. 3099) to provide emergency disaster assistance to agricultural producers.
A bill (S. 3100) to amend title 18, United States Code, to limit the misuse of social security numbers, to establish criminal penalties for such misuse, and for other purposes.

The PRESIDING OFFICER (Mr. CARPER). The bills will be placed on the calendar.

EXTENSION OF MORNING BUSINESS

Mr. REID. Mr. President, the hour of 3 o'clock will be here in a minute or so. I ask unanimous consent that morning business be extended for an additional 30 minutes, with Senators permitted to speak therein, with the exception of Senator KENNEDY. I ask that he be granted 15 minutes.

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

The Senator from Massachusetts is recognized.

UNANIMOUS CONSENT REQUEST

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 619, S. 3009, a bill to provide for a 26-week extension of unemployment compensation; that the bill be read the third time, passed, and 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.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, may I ask the sponsor of the bill, doesn’t this, in effect, provide for a 26-week extension of Federal unemployment compensation instead of 13 weeks?

Mr. KENNEDY. The Senator is correct, for certain States that qualify. This is similar to what we did in the early 1990s. The Senator is quite correct.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. KENNEDY. Mr. President, I think I have the floor. I propounded a unanimous-consent request for the immediate consideration of the measure. Mr. NICKLES. I object.

The PRESIDING OFFICER. There is objection.

Mr. KENNEDY. Mr. President, I regret, for the reasons I will outline just shortly, that we continue to have opposition of the Republican leadership to extending the unemployment compensation program that can make all the difference in the world for families who are running through their current unemployment compensation and have to meet their mortgage payments, have to pay for the food on their tables, have to support their children in schools. People are hurting. I can give a more detailed description of what is happening in the country, but I regret we continuously have an objection by our colleagues on the other side.

We know going back to the early 1990s, former President Bush objected to the extension of unemployment compensation and then, finally, saw the wisdom of it and indicated he would support the extension of unemployment compensation. We had a series of votes with more than 90 Members voting in favor of the extension of unemployment compensation for the very sound reason that these workers have paid in to the fund. The fund is in surplus, it now has some $27 billion. The Senator is quite correct that it would cost approximately $17 billion should this program go into effect now to assist those who have paid into the program.

The point of unemployment compensation is, unless you have paid in, you do not receive. So these are funds that have already been paid by workers with the purpose in mind that if the economic conditions are such as at present, that if there is a temporary period wherein you find jobs, this would help those families during those valleys. That was always the thought behind unemployment compensation. The fund is in surplus, and still there is an objection to the extension. It will make an enormous difference for families throughout this country by the end of the year and 3 million by the early part of February. There was one comment my friend from Oklahoma stressed, and that is: Where are the appropriations bills? Congress has not done its work; we have only considered 2 out of the 13 appropriations bills. The last time I read the Constitution, the appropriations bills originated in the House of Representatives, and that happens to be under Republican leadership. Do you understand? That is under Republican leadership. So when the good Senator said Congress is at fault, we know where the fault lies in terms of the appropriations bills which he mentioned.

THE UNFINISHED BUSINESS OF AMERICA’S WORKING FAMILIES

Mr. KENNEDY. Mr. President, I congratulate our leader and thank him for an excellent address this afternoon. I also thank my friend and colleague, the Senator from Michigan, Ms. STABENOW, who has been such a leader on the issue of prescription drugs. The leader was much too self-assuming when he failed to take credit for the fact that this was the first time the Senate has ever debated a prescription drug program, and it was done so because we had a Democratic leader, Tom DASCHLE, who insisted we call up this legislation. The appropriations bills originated, for certain States that qualify.

Mr. KENNEDY. Mr. President, in the time I have remaining, I wish to highlight three very important areas, and these are areas which our leader, the Senator from South Dakota, Mr. DASCHLE, has mentioned, but I want to review them one more time.

More than 8 million Americans are competing for just over 3 million jobs. Maybe the Senator from Oklahoma does not believe we have an economic crisis, but he can travel with me through many of our rural States, including my State of Massachusetts, where we have the highest unemployment of any of the New England States. Talk to families there who, if they have not lost a job, they know of someone who has, or they know of a neighbor who has, and they have friends down the street who are seeing foreclosures on homes. This is the highest rate of foreclosures since the Depression, and we sit around in the Senate and say, We do not have an economic crisis?

We have double-digit inflation in health care, and we still say: It is not
robbing the pockets of working families. We see the tuition of our great universities increasing by more than three times the rate of inflation. No, no, that is not really our fault. Why is it all those factors are coming in together under a Republican administration? Why? It still has not been answered. We are not just saying why, as the leader, Tom Daschle, has pointed out, we are making recommendations and suggestions trying to do something about it.

I have pointed out that the reason why the Republicans are against minimum wage is because they have opposed it. They have opposed it since I have been in the Senate, and they opposed it before I came to the Senate. This is basically an issue of dignity of men and women who work hard cleaning the buildings of this country, working as teachers' aides, working in nursing homes—men and women of dignity. They are the tough jobs. Perhaps they can be easily dismissed by Members in the Senate, but we take them seriously.

It is an issue involving women because the majority of the minimum wage workers are women. It is a women's issue. It is the children because most of the women have children. How are those children going to grow up? Talk about family values. What do we have when there is a family who needs a minimum wage increase and is working two jobs? How much time do they have to spend with their children? We hear a great deal about family values. The minimum wage is a family value issue, and it is a fairness issue.

We have raised our salaries four times in the Senate in the last six years. The last pay increase was by $4,900. We have raised our salaries four times since we voted for an increase in the minimum wage. That is not acceptable. Maybe it is acceptable to some. Maybe there are people who can find excuses and say: What about the mom-and-pop store that is not going to be able to pay it?

We have dealt with those issues and those challenges. There are exclusions for the smaller mom-and-pop stores from the coverage, and there are exclusions for a variety of other entities where we get the same stories.

At the start of the year, the Democrats are prepared to vote for an increase for the hard-working, nastiest people in this society. As a result of the economic slowdown, there is an increase in the working poor. We want to do something about it. We are not giving excuses. We are fighting for those people. We are fighting to make sure they are going to be eligible for the unemployment insurance.

There are 3.2 million jobs and 8 million Americans unemployed. There are more Americans unemployed who are looking for fewer jobs. That is a phenomenon entirely different from our recent economic history.

Going back to the last serious recession we had in this country, look at the number of Americans, 1.4 million, who are out of benefits, and now in 2002 there are 2.2 million out of benefits, which is a continuation of the earlier point. We have asked for and we have tried to get the extension of unemployment compensation that can make some difference, and we are going to continue to fight to do it. If we can get an increase in the minimum wage, we are prepared for the American people on election day to restore a strong economy for this country.

In the President's own program, he asks for additional kinds of tax cuts in his budget this year, even after September 11. Some of us are not sold on that. We believe in a sound economic program. It is not a matter of chance that the last two periods of time when we had longest periods of economic growth and price stability in this country were under Democratic Presidents.

In terms of our economy, there are important differences that we believe in and that the Republicans believe in. They are fighting for those people. We are asking for the American people on election day to restore a strong economy for this country.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President. I love to hear my friend and colleague from Massachusetts. Sometimes we have a slight difference of opinion on a few of these issues, and I will try to clarify a couple of them. One which he has asked is the question of the Federal unemployment compensation extension. Even in the consent request it says for a 13-week extension of unemployment compensation, but the fact is the bill is for 26 weeks. Right now, it is a Federal program.

Let me back up. States have a 26-week program. The President, as a former Governor from Delaware, understands the States have a 26-week program. There is a 13-week temporary Federal unemployment compensation extension we use in times of high unemployment, paid, basically, totally by the Federal Government. The Senator from Massachusetts is saying let's make that 13 weeks 26 weeks, not for a few States but all States, and then for some States an additional 7 weeks. So, basically, all States would get 52 weeks and some States would get 59 weeks.

I want to make sure people understand the facts. I do not mind debating facts. The one thing I think we ought to be factual. The fact is he is trying to double the Federal program, and that is very expensive. A simple extension costs about $6 billion or $7 billion. The bill that people have tried to pass now for the third or fourth time by unanimous consent would cost $17 billion. If my colleagues want to be responsible, I will work with them, but we are not going to pass something like this. This is more of a political statement so they can say, we are trying to pass unemployment compensation, and they can have Senator Nickles coming out objecting—those Republicans will not allow this to pass.

I was critical of the fact that the Senate has not passed appropriations bills. And critical of the fact that the House has not. The House has not passed enough and neither has the Senate. My colleague from Massachusetts says all of the appropriations bills have to originate from the House. That is not what the Constitution says. The Constitution says all "revenue raising bills."

I have article 1, section 7:
All Bills for raising Revenue shall originate in the House of Representatives; but the Senate may propose or concur with Amendments as on other Bills.

It is important we be factual. The House has its tax bills. The Senate can pass appropriations bills. I have always asserted our right. Because of tradition, the House wants to pass them first, and that is fine; that can be the tradition. But nothing should keep the Senate from passing appropriations bills first if we so desire. There is no point of order against them whatsoever.

A point that was made on the Finance Committee—and I was critical of the Senate for bringing up a prescription drug proposal without it going through the Finance Committee. I did a little homework. Since the creation of Medicare in 1965, 22 of the 23 Medicare expansions passed the Finance Committee—bipartisan, overwhelming. We had a bipartisan bill that had a chance to garner bipartisan support on which many of us were requesting a markup in the Finance Committee, before we got to the floor, so we would have a bipartisan approach when it came to a vote. It is very important, complex, and expensive extension of prescription drugs to Medicare. We were denied that markup. We are going to have the most expensive expansion of Medicare since its inception, and it will be done on the floor of the Senate without input from our committee, incurring, without the CBO, without expert input.

That is a pretty crummy way to legislate. It makes one think the legislation was done more for political purposes than for substantive and legislative intent to make something happen.

My good friend from Massachusetts discussed minimum wage. Senator Nickles is opposed. Not all Republicans are. This Republican is opposed to increasing the minimum wage from $5.15 to $5.50. If they have to pay an extra $5.15 or $5.50. If they have to pay an extra $1.50 in the next year, many will say, I cannot do that, thank you very much. A small business in Delaware or Oklahoma—maybe it is a McDonald’s—cannot always afford to pass the $1.50 on and some employees will lose a job. Maybe it is pumping gas, sacking groceries, or sweeping floors.

My sense of this is to help increase people’s self-esteem and integrity, people who are sweeping the floors. I used to sweep floors. I used to have a janitor service. I used to work for minimum wage, and so did my wife. It was only about 34 years ago we did that, and the minimum wage at that time, if I remember, was a lot less than it is today. It did not hurt my self-esteem. I wanted to make more money, so I started my own business. It was rather humbling.

My point is, I don’t think we improve people’s self-esteem alone by saying we will have the Federal Government setting higher standards, and if you cannot make it, we would rather you be unemployed. I would rather have someone working for $5.50 and climb the economic ladder than put that ladder up so high that they cannot get on and they stay unemployed and continue to draw welfare.

I hear we want to freeze this Bush tax cut for the ultrawealthy, the tax cuts for the millionaires. When President Clinton was elected, the maximum personal income tax rate was 31 percent. He increased that rate to 39.6 percent. President Bush, when President Clinton did that retroactively in 1993, President Bush, over several years, eventually gets that 39.6-percent rate in an incremental phasing down to 35 percent. In other words, it is still several percent more than it was under President Clinton. It is 4 percentage points, but percentage-wise it is about a 13-percent rate higher than when President Clinton was elected.

President Reagan lowered the rate to 28 percent. President Bush, the 41st President, increased it, due to a lot of pressure, from 28 percent to 31 percent. President Clinton took it from 31 percent to 39.6 percent. President Bush, the 43rd President, reduces that rate gradually from 39.6 percent to 35 percent over several years. My colleagues are objecting to that as tax cuts for the wealthy. But that is not nearly as much as the tax increase proposed by the previous administration.

It is very important we be factual. The pension bill has been on the calendar since May. Senator Daschle could have brought it up at any point. We have bipartisan support for the Finance Committee bill that was passed in July. The minimum wage has been on the calendar since May. If Senator Daschle wants to bring it up, he can. He is the majority leader. He has that right to bring up the issues. Two or three weeks before the election looks as if it is calculated more for political purposes than for trying to change the law of the land.

I yield the floor and suggest the attendance of the Senate with only two Members before returning tomorrow with some additional votes as we begin to wind up this 107th Congress. It is somewhat ironic. I understand we are going to get this done. It is a quiet afternoon after Columbus Day. Members are still back in their States having spent the weekend with their families before returning tomorrow when we will have some additional votes as we begin to wind up this 107th Congress. It is somewhat ironic in a sense that we are in this sort of quiet stillness of the Chamber with only two or three to talk when you consider what gave rise to this legislation—the fact that there was one of the most tumultuous elections in the history of

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

HELP AMERICA VOTE ACT OF 2002—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of the conference report accompanying H.R. 3295, which the clerk will report.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 3295) to require States and localities to meet uniform and nondiscriminatory election technology and administration requirements applicable to Federal elections, to establish grant programs to provide assistance to States and localities to meet those requirements, and to improve election technology and the administration of Federal elections, to establish the Election Administration Commission, and for other purposes, have agreed that the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, signed by a majority of the conferences 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 October 8, 2002.)

Mr. DODD. Mr. President, I am very pleased this afternoon to bring to the attention of the Senate the conference report agreement on legislation to reform our Nation’s election laws. I anticipate we will not need the full time allocated. I would like to thank Members are so interested they would like to come over and share their thoughts with us on this subject. But knowing there are no votes today, that is not likely to occur so we will probably use a lot less time than the 2 hours required.

I note the presence of my friend and colleague, Senator McCONNELL, the ranking member of the Rules Committee.

Before getting to the substance of my remarks, let me begin by thanking him and his staff, and the staff of Senator BOND as well, one of our conference, and that of my own two conferees on the Democratic side, Senators DURBIN and SCHUMER, and their staffs, not to mention my own staff, Kennie Gill and others, for the tremendous job done on the Senate side of this effort.

It is somewhat ironic. I understand we are going to get this done. It is a quiet afternoon after Columbus Day. Members are still back in their States having spent the weekend with their families before returning tomorrow when we will have some additional votes as we begin to wind up this 107th Congress. It is somewhat ironic in a sense that we are in this sort of quiet stillness of the Chamber with only two or three to talk when you consider what gave rise to this legislation—the fact that there was one of the most tumultuous elections in the history of

CONCLUSION OF MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that morning business be terminated.

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

Mr. REID. The two managers are here for the conference report. They originally had 2 hours to come to the conference report, and I ask unanimous consent that if they need 2 hours, the time be from now until 5:30.
It is a bipartisan and bicameral agreement. It is one that, I believe, merits the support of our colleagues in the Senate.

It is one that has already been approved by the other body by a vote of 357 to 48. And it is one that the Administration has said the President is prepared to sign.

Twenty-three months ago, our Nation was thrown into turmoil because we learned a painful reality: that our democracy as well as we thought it, or as it should. More than 100 million citizens went to the polls on election day 2000—November 7. Four to six million of them—for a variety of reasons—never had their votes counted. Some were thwarted by faulty machinery. Some were victims of wrongful and illegal purges from voter lists. Others fell victim to poorly designed ballots. But all of them—all—were denied the right to effectively exercise their most fundamental right as American citizens: the right to vote.

Regardless of which candidate one supported, there is no disagreement that election day 2000 was not a proud day for our democracy.

It was a day of deep embarrassment for a nation and a world viewed by the rest of the world as a beacon light of self-government. But that day was also, in a very real sense, a gift. Had there never been a contested election like the election of 2000, the problems plaguing our nation would likely never have been addressed. So it was in a sense a gift. If you were to find a silver lining in what occurred that day, what we are producing and asking our colleagues to support may be it.

The legislation we present to the Senate today goes a long way toward fixing those problems and righting those wrongs. It does justice to the American voter. It breaks new ground. It is, I believe, a milestone legislation of the 21st century. It is not a perfect bill. But it will make our democracy work better and be stronger.

Two hundred and thirteen years ago at the Constitutional Convention in Philadelphia, the Framers decreed that the administration of federal elections is not the job of just the States, or just the Federal Government, but the job of both.

Until now, that vision of cooperation and partnership has largely been honored in the breach. The Federal Government has for the most part been an observer, not a partner, in the conduct of elections for Federal office.

Starting now, with this legislation, that pattern comes to an end. For the first time—if you exclude the Voting Rights Act of 1965 in which the Federal Government told States what not to do—they must not levy poll taxes, must not set literacy tests—"the Nation's Government steps up to more fully meet its constitutional duty to uphold the soundness and sanctity of the ballot. This is the first time the Federal Government is saying what we must do together to make our elections stronger. With this bill, we move closer to the day when every vote cast will be a vote counted.

Our bill achieves this progress in three ways: with new rights, new responsibilities, and new resources.

First, new rights. The conference agreement establishes new voting rights for our citizens. These include:

The right—starting in 2004—to cast a provisional ballot. With this right, no qualified voter can ever again be turned away from the polling place without being able to cast at least a provisional ballot. There are some States that are doing this already and have been for years. Many do not.

The right to check and correct one’s ballot if the voter made a mistake. I know this is a radical idea. In this way, voters need never again leave a polling place haunted by the thought that they have something in the wrong candidate or nullified their own vote by over-voting.

The right of all voters to cast a private and independent ballot. Today, millions of disabled Americans face the barriers of election day. The barriers they face today started in 1860. The right to the franchise has led to the right to a ballot.

With this legislation, henceforth—beginning in the year 2006—those days will come to an end. Starting with this bill, a disabled voter will have the same right to cast a private and independent ballot as any other voter.

That provision dealing with providing for accessibility improvements in voting systems may not be required to go into effect until 2006. Obviously, some States may do that before. There is something in this bill that says you cannot do that. But at the very least, by the year 2006.

The bill also creates the right to have, at each polling place, printed, posted information about sample ballot and a listing of voter rights and responsibilities. In this way, our bill will sharply reduce the risk of confusion and error on election day.

In addition, our bill requires states to develop “uniform and nondiscriminatory” standards for counting ballots—because whether or not your ballot will count should never depend on the county or precinct where you happen to live and the economic circumstances there.

Second, our bill establishes new responsibilities—for voters, for States, and for the Federal Government.

To address concerns about fraud, voters seeking to vote for the first time in the modern age are producing some form of identification. Senator Bond was particularly instrumental in crafting these provisions. We thank him.

States will be responsible for producing statewide computerized lists of registered voters. Once these lists are up and running, it is our hope and expectation that the risk that individuals
may be voting multiple times in multiple jurisdictions will be minimized if not eliminated altogether.

Let me add, by the way, that when it comes to the computerized statewide lists, a voter may not have to register again. If you live in a State that provides for state-wide registration, and you want to provide for state-wide registration, this requirement will facilitate that so that if you move around in that State from one county to another, or from one precinct to the other, with the statewide list, you register once. If you stay in that State, you may be registered forever in that State regardless of where you may live or move to under state-wide registration.

That is not an insignificant burden we are lifting for many people in this country who move. If they are renters who come in and one time, and want to participate in the process, every time they move from one precinct to the next, they have to register to vote. That will be over with, under state law providing for state-wide registration once they are on the statewide list. That is an enormous thing. If you live in a State that provides for state-wide registration requirements of this bill become effective.

To ensure that the requirements of the bill are met, States will also be required to establish meaningful enforcement remedies for voter grievances. And at the federal level, the Department of Justice will be responsible for enforcing the provisions of the act.

Third, this legislation would commit unprecedented new resources to improving and upgrading all aspects of our elections. It authorizes some $3.9 billion over the next three years to help States replace and renovate voting equipment, train poll workers, educate voters, upgrade voter lists, and make polling places more accessible for the disabled.

I thought it worthwhile to note that since the elections of 2000, only three States—maybe a couple more—have made any effort at all to reform and update their election laws and requirements that voters use in the various States. It is always costly to do this. Frankly, as the Presiding Officer, a former Governor, can attest, when there are problems and a lot of demands are being made, there has not been a great constituency out there advocating spending money to buy new voting equipment, or new voting machinery, or to train poll workers. There are many other demands on a State budget that have much larger constituencies than those who might say we ought to improve the voting systems of the country. The fact of matter is, despite a public outcry about all of this, there has been very little action over the years—even in the wake of the 2000 elections.

So it seems clear to us that if we are truly going to command States, in a number of provisions, to do things differently, to suggest that they do so without providing the resources would be yet once again an unfunded mandate. We know how States feel about Federal requirements when there are not resources to support meeting those requirements.

This legislation provides $3.9 billion—some that will flow immediately, and others subject to development of state plans and submission of applications. I will not go into all the details this afternoon. But the idea is that the Federal Government is going to become a real partner financially in the conduct of these elections. It does not mean the conduct of elections is going to be fully supported by the Federal Government. Obviously, States, communities, and municipalities have to allocate resources for every election.

But with these changes we are talking about, the costs, by and large, are going to be borne by the Federal Government. We will become such an active participant in improving the election systems of our country.

Lastly, this legislation establishes a new commission—the Election Assistance Commission. This is the first time we will have a real partner with us voters. I want to acknowledge Senator McConnell’s pivotal role in conceiving of this commission. In coming years, it will serve as an important source of new ideas and support for States as they take steps to improve the caliber of their elections.

It allows us to have an ongoing relationship with election officials at the State and local level day in and day out rather than waiting for some crisis to occur or for some disastrous election result where we then go out and form some ad hoc commission to go back and look at what happened.

For the first time, we are going to have a permanent commission that does not disappear, except to the extent provided under section 9(a) of “Motor-Voter,” but sets voluntary standards and guidelines—a source of information for people to access, as we will, I am sure, in the years to come with technology being what it is, and a demand for efficiencies by the American public to update and to simplify the process to make voting as user friendly as it can possibly be while simultaneously protecting against the abuses in which some may wish to engage.

We will now have a permanent venue where those ideas can be heard and recommendations can be made so that we will be involved on a continuing basis in a seamless way with the conduct of something as fundamental and as important as the elections in this country.

New rights, new responsibilities, new resources. And with them, a new day for our Nation’s democracy.

Almost 2 years from the 2000 elections, this legislation will help America move beyond the days of hanging chads, butterfly ballots, and illegal purges of voters and accusations of voter fraud. It will make the central premise of our democracy—that the people are sovereign—ring even more truly in the years to come.

This legislation has the support of many individuals and organizations that have been critical to its success. They include former Presidents Ford and Carter. We thank them for their work on the National Commission on Federal Election Reform. They met every day—every day—for years in Iowa. Seventy-two percent of the people of Iowa are registered to vote. It is one of the highest in the country. They have 300,000 new registered voters in the last 3½ or 4 years in Iowa. Seventy-two percent of the people of the State voted in the last election. It is really a respectable result, and a lot of it, again, is the result of the creative work of the secretary of state of Iowa.

The Congressional Black Caucus—for whom this legislative effort was the number one priority—I thank Bernice Johnson particularly as the Chair of the Black Caucus; John Conyers, my coauthor of this bill from the very outset; and every other member of the Black Caucus who has been tremendously helpful in working with us on this legislation and lending support to this final product.

The National Association of Secretaries of State has been tremendously helpful. It is a bipartisan group that meets every day with the election laws in their States. They have come to grapple with them. It is critically important. Everything we talked about on which they had some input to let us know whether or not these things will work—obviously, many of them have not been tested yet, and time will only tell. But because they were involved here, we think the likelihood of things not working as well as one might normally expect will be minimized.

I particularly thank the Secretary of State, Susan Bysewicz of Connecticut, who has done a remarkable job in our State, has been tremendously creative, and was a source of a lot of good solid information.

Secretary of State Kathy Cox of Georgia—I want to commend Georgia, by the way, one of the three States that made significant changes on their own in the election laws of their own States. They did a tremendous job. And Secretary Cox deserves a lot of credit for stepping up and doing things early on. I thank Secretary of State Chet Culver of Iowa, the youngest secretary of state in the country and the son of a former colleague of ours who is doing a fantastic job, for his input. Ninety-two percent of the people of Iowa are registered to vote. It is one of the highest in the country. They have 300,000 new registered voters in the last 3½ or 4 years in Iowa. Seventy-two percent of the people of the State voted in the last election. It is really a respectable result, and a lot of it, again, is the result of the creative work of the secretary of state of Iowa.
The NAACP has been tremendously helpful; the AFL-CIO; the United Auto Workers; the National Federation of the Blind; the United Cerebral Palsy Association; the American Foundation of the Blind; and the National Association of Protection and Advocacy Systems represent people with disabilities. I thank them for all of their tremendous help.

I ask unanimous consent that letters from these organizations and individuals in support of this legislation be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

The NAACP has been tremendously helpful; the AFL-CIO; the United Auto Workers; the National Federation of the Blind; the United Cerebral Palsy Association; the American Foundation of the Blind; and the National Association of Protection and Advocacy Systems represent people with disabilities. I thank them for all of their tremendous help.

I ask unanimous consent that letters from these organizations and individuals in support of this legislation be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

The NATIONAL COMMISSION ON FEDERAL ELECTION REFORM, October 4, 2002.

Former Presidents Ford and Carter Welcome the Agreement Reached on Election Reform Legislation.

Today, former Presidents Gerald R. Ford and Jimmy Carter, along with Lloyd Cutler and Bob Michel, co-chairs of the National Commission on Federal Election Reform, welcomed the bipartisan agreement struck by the House and Senate Conference Committee on a bill to reform federal elections.

"The bill represents a delicate balance of shared responsibility between levels of government." Ford and Carter said. "This comprehensive bill can ensure that America's electoral system will again be a source of national pride and a model to all the world..." Indeed, all of the four co-chairs share the belief of Congressman John Lewis (D-GA) and others, that by both Houses and signed by President Bush, this legislation can provide the most meaningful improvements in voting safeguards since the civil rights laws of the 1960s.

WASHINGTON BUREAU, NAACP, Re Conference Report to H.R. 3295, the Help America Vote Act (election reform) Members, U.S. Senate, Washington, DC.

DEAR SENATOR: The National Association for the Advancement of Colored People (NAACP), our nation's oldest, largest and most-respected grassroots civil rights organization supports the conference report on H.R. 3295, the Help America Vote Act and we urge you to work quickly towards its enactment.

Since its inception over 90 years ago the NAACP has fought, and many of our members have died, to ensure that every American is allowed to cast a free and unfettered vote and to have that vote counted. Thus, election reform has been one of our top legislative priorities for the 107th Congress and we have worked very closely with members from both houses to ensure that the final product is as comprehensive and as nondiscriminatory as possible.

Thus we are pleased that the final product contains many of the elements that we saw as essential to addressing several of the flaws in our nation's electoral system. Specifically, the NAACP strongly supports the provisions requiring provisional ballots and statewide voter registration lists, as well as those ensuring that each polling place have at least one voting machine that is accessible to the disabled and ensuring that the voting machines allow voters to verify and correct their votes before casting them.

The NAACP recognizes that the actual effectiveness of the final version of H.R. 3295 will depend upon how the states and the federal government implement the provisions contained in the new law. Thus, the NAACP intends to remain vigilant and review the progress of the states and the federal government and make sure that no provision, especially the voter identification requirements, are being abused to disenfranchise eligible voters.

Again, on behalf of the NAACP and our more than 500,000 members nationwide, I urge you to support the swift enactment of the conference report on H.R. 3295, the Help America Vote Act. Thank you in advance for your attention to this matter; if you have any questions or comments I hope that you will feel free to contact me at (202) 638-2289.

Sincerely,
HILARY O. SHELTON, Director, AMERICAN FEDERATION OF LABOR AND ABLE-BODIED WORKERS OF INDUSTRIAL ORGANIZATIONS Washington, DC, October 8, 2002.

DEAR SENATOR: The AFL-CIO supports the conference report to H.R. 3295, the Help America Vote Act.

This conference report will help improve our nation's voting system in several important ways. It will allow registered individuals to cast provisional ballots even if their names are mistakenly excluded from voter registration lists at polling places. It will require states to develop centralized, statewide voter registration lists to ensure the accuracy of their voter registration records. It will also require states to provide at least one voting machine per polling place that is accessible to the disabled and ensure that their voting machines allow voters to verify and correct their votes before casting them.

Since the actual number of individuals franchised or disenfranchised by the conference report on H.R. 3295 will depend on how the states and the federal government implement its provisions, the AFL-CIO will closely monitor the progress or this new law—especially its voter identification requirements. We will also increase our voter education efforts to ensure that individuals know and understand their new rights and responsibilities.

Sincerely,
WILLIAM J. SAMUEL, Director, Department of Legislation.

PARALYZED VETERANS OF AMERICA, National Federation of the Blind (PVA) Chairman

Christopher J. Dodd, Ranking Member Mitch McConnell, Senate Rules and Administration Committee, Russell Senate Office Building, Washington, DC.

DEAR SENATORS: On behalf of the members of the Paralyzed Veterans of America (PVA), I want to congratulate you and your staff on the hard work that was done to bring forth an Election Reform Conference report. The House of Representatives passed the report overwhelmingly, recognizing the fact that our federal government, since the presidential election of 2000, needed to take steps to ensure the public that their votes do indeed count. This bill, the Help America Vote Act of 2002, does that.

The bill provides for states and local jurisdictions to recruit and train poll workers. It will allow for replacement of antiquated mechanical voting systems and lever voting machines, with machines that will allow voters to verify their vote before the ballot is cast, including voters with disabilities.

This legislation will charge the Architectural Transportation Barriers Compliance Board known as the Access Board to develop minimum standards of access at polling places and to consult with other organizations for research and improvements to voting technology.

This legislation will allow the Secretary of the Health and Human Services to make payments to eligible states and local jurisdictions for the purposes of making polling places accessible; including costs of travel, entrances, exits, and voting areas of each polling facility. It will ensure sites are accessible to individuals with disabilities including those who are blind or visually impaired, in a manner that provides the same opportunity for access and participation including privacy and independence.

In addition the Secretary of Health and Human Services shall provide the Protection and Advocacy Systems of each State grant monies to ensure full participation in the electoral process for individuals with disabilities, including registering to vote, education in casting a vote and accessing polling places.

Again, PVA congratulates you on this legislation which, when implemented and fully funded, will provide protections for PVA members and all people with disabilities in exercising their constitutional right to vote. PVA stands ready to work with you and your staff on implementing this legislation which ensures confidence in our citizens and our democracy that indeed every one vote cast will indeed count.

Sincerely,
DOUGLAS K. VOLLMER, Associate Executive Director for Government Relations.

NATIONAL FEDERATION OF THE BLIND, Baltimore, MD, October 9, 2002.

Hon. Robert Ney, Chairman, Hon. Steve H. Hoyer, Ranking Minority Member, Committee on House Administration, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN AND CONGRESSMAN HOYLE: I am writing to express the strong support of the National Federation of the Blind (NFB) for the Help America Vote Act of 2002. Thanks to your efforts and strong bipartisan support, this legislation includes provisions designed to guarantee that all blind persons will have equal access to voting technologies and technology. We particularly endorse the standard set for blind people to be able to vote privately and independently at each polling place throughout the United States.

While the 2000 election demonstrated significant problems with our electoral system, consensus regarding the solution proved to be much more difficult to find. Part of that solution will now include installation of up-to-date technology for voting throughout the United States. This means that voting technology will change, and devices purchased now will set the pattern decades to come.

With more than 50,000 members representing every state, the District of Columbia, and Puerto Rico, the NFB is the largest organization of blind people in the United States. As such we are filled with confidence from our own experience. The right to vote and cast a truly secret ballot is one of our highest priorities, and modern technology can now support this goal. For that reason, we strongly support the Help America Vote Act of 2002, and appreciate your efforts to enact this legislation.

Sincerely,
JAMES GASHER, Director of Government Affairs.
United Cerebral Palsy
Associations,
Washington, DC, October 9, 2002.

Dear Senator Dodd: United Cerebral Palsy, Association affiliates, and state and local entities as they work toward compliance with the Americans with Disabilities Act (ADA) of 1990 (U.S. Civil Rights Act of 1964, and the Rehabilitation Act of 1973). The APD recognizes that significant compromise was required by all parties to produce an agreement that would advance the process of effective and fair election reform. The Senate-House conference report contains a mix of provisions that both strengthen and hinder voter rights reform for the benefit of all.

This legislation, while not perfect, will go a long way towards the ability of people with disabilities to exercise their constitutional right and responsibility to vote. The funding allocated for the multiple provisions of H.R. 3296 is critical, and we pledge to work with Congress to ensure that this funding is made available.

UCP stands ready to assist states and local governments as they work toward compliance with this very important legislation. The changes outlined in the bill must be adopted swiftly, correctly and fairly, and it will be incumbent upon us all to help in this process.

Finally, UCP applauds you and your colleagues on your dogged determination to pass legislation that will make distinguishable improvements at the polls and in the lives of voters with disabilities.

Sincerely,
Patricia Sandusky
Interim Executive Director.

American Foundation for the Blind, Governmental Relations Group,
Washington, DC, October 9, 2002.

The Hon. Christopher Dodd,
U.S. Senate, Russell Senate Office Building, Washington, DC.

Dear Senator Dodd: The American Foundation for the Blind supports the conference report for S. 565 and H.R. 3296. We are pleased that the conference report contains the disability provisions of the Senate bill.

Already this year, in some jurisdictions, blind and visually impaired voters have, for the first time, been able to cast a secret and independent ballot. We look forward to the day when all voters with visual impairment will have full and independent access to the electoral process.

The mission of the American Foundation for the Blind (AFB) is to enable people who are blind or visually impaired to achieve equality of access and opportunity that will ensure freedom of choice for their lives. AFB led the field of blind people in advocating the enactment of the Americans with Disabilities Act of 1990 (ADA). Today, AFB continues its work to protect the rights of blind and visually impaired people to equal access to employment, information, and the programs and services of state and local government.

Sincerely,
Paul W. Schroeder
Vice President, Governmental Relations.

AARP, National Headquarters,
Washington, DC, October 10, 2002.

The Hon. Christopher J. Dodd,
Chairman, Senate Rules and Administration Committee,
Senate Russell Office Building, Washington, DC.

The Hon. Mitch McConnell,
Ranking Member, Senate Rules and Administration Committee,
Senate Russell Office Building, Washington, DC.

Dear Senators: We are writing to express our support for the bipartisan election reform conference agreement on the H.R. 3296, the Help America Vote Act. We also take this opportunity to commend you for the work you did to ensure that all people with disabilities have equal access under this act.

This legislation, while not perfect, will go a long way towards the ability of people with disabilities to exercise their constitutional right and responsibility to vote. The funding allocated for the multiple provisions of H.R. 3296 is critical, and we pledge to work with Congress to ensure that this funding is made available.

AARP is pleased that the compromise:

- Requires states to develop and maintain centralized voter roll lists;
- Requires polling sites in each jurisdiction to meet accessibility standards and provide user-friendly voting equipment for persons with disabilities;
- Makes provisional ballots available to voters whose names may be erroneously absent from registration lists;
- Permits voters to verify and correct their voting preferences before casting them;
- Provides Federal funds to encourage state & local reforms;
- Provides for training of elections administration staff and polling site workers.

Unfortunately, the H.R. 3296 compromise report took some existing voting rights out of the bill and contains provisions that AARP believes will increase the chances of a recurrence of the problems that plagued the 2000 Presidential Election. The Senate-House Report:

- Denies legal recourse for improper election actions by local elections officials to thousands of people with disabilities;
- Makes provisional ballots available to voters whose names may be erroneously absent from registration lists;
- Permits the denial of registration if the registrant possesses either a driver's license or social security number but fails to write it on the registration form; and
- Denies leeway to improve election administration, while lacking adequate enforcement provisions to ensure that the ballots of all legal voters are counted.

These provisions undermine existing voting protections, and provide technical loopholes that can discourage or intimidate potential legal voters—especially those who are low income, minority and foreign-born.

Ultimately, the success of this legislation in affording all eligible citizens the opportunity to vote accurately and have their vote counted depends on implementation by the states. AARP, through the advocacy and voter education efforts of our national and state affiliates, and state election officials and other civil rights organizations to ensure that election reform implementation is fair and does not discourage citizens from voting is crucial. These unprecedented reforms will require state legislators to change laws, election officials to adopt new practices, polling places to alter their procedures, and polling place workers to be more accurate.

This bill, while not perfect, will make those systems better. Registration lists will be more accurate. Voting machines will be modernized. Provisional ballots will be given to voters who encounter problems at the polling place. Students will be trained as poll workers.

As "Common Cause knows from a seven-year fight to pass campaign finance reform, compromise often comes slowly. We thank the bill's sponsors, Senators Dodd, Mitch McConnell (R-KY), Christopher Bond (R-MO), and Representatives Robert Ney (R-OH) and Steny Hoyer (D-MD) for their work. Their persistence—even when negotiations bogged down—brought this bill through.

"After the President signs the bill, states will need to act. Implementing this bill will require state legislators to change laws, election officials to adopt new practices, polling places to alter their procedures, and polling place workers to be more accurate.

"These far-reaching changes will not come easily. The bill's enforcement provisions are legal representation to tens of thousands of people in all the states and territories. The National Association for the Protection and Advocacy Systems (NAPAS) is the membership organization for the P&A network which ensures the representation of people with disabilities. NAPAS is very pleased that the P&A network will play an active role in helping implement the disability provisions in this bill.

NAPAS is well aware that there are still some concerns with certain provisions of the bill. We hope that these concerns can be worked out, if not immediately, then as the bill is implemented. It will be extremely unfortunate if people face barriers to casting their ballot after this bill is signed into law.

We want to thank the bill's sponsors, Senators Dodd (D-CT) and McConnell (R-KY) and Representatives Ney (R-OH) and Hoyer (D-MD) for their hard work and perseverance. We look forward to working with them to ensure swift and effective implementation of this important legislation.

Sincerely,
Bernadette Franks-Ongoy,
President.

[From News Common Cause, Oct. 8, 2002]

Common Cause President Praises Election Reform Agreement

Statement by Scott Harshbarger, president and chief executive officer of Common Cause, on the conference agreement on the election reform bill:

"The Help America Vote Act of 2002 is, as Senator Christopher Dodd (D-CT) has said, the first major piece of civil rights legislation in the 21st century. Nearly two years after we all learned that our system of voting had serious flaws, Congress will pass this unprecedented reform.

"For the first time, the federal government has set high standards for state election officials to follow, while authorizing grants to help them comply. Billions of dollars will be spent across the country to improve election systems.

"This bill, while not perfect, will make those systems better. Registration lists will be more accurate. Voting machines will be modernized. Provisional ballots will be given to voters who encounter problems at the polling place. Students will be trained as poll workers.

"As Common Cause knows from a seven-year fight to pass campaign finance reform, compromise often comes slowly. We thank the bill's sponsors, Senators Dodd, Mitch McConnell (R-KY), Christopher Bond (R-MO), and Representatives Robert Ney (R-OH) and Steny Hoyer (D-MD) for their work. Their persistence—even when negotiations bogged down—brought this bill through.

"After the President signs the bill, states will need to act. Implementing this bill will require state legislators to change laws, election officials to adopt new practices, polling places to alter their procedures, and polling place workers to be more accurate.

"These far-reaching changes will not come easily. The bill's enforcement provisions are
not as strong as the 1993 Motor Voter law or the 1965 Voter Rights Act. Some states may not as strong as the 1993 Motor Voter law or the 1965 Voter Rights Act. Some states may experience problems like in Florida this year; others may have problems implementing the new identification provisions.

The_national_Association_of_Secretaries_of_State (NASS) congratulates you on the completion of H.R. 3295, the “Help America Vote Act.” The bill is a landmark piece of bipartisan legislation, and we want to express our sincere thanks for your leadership during the conference negotiations. We also commend your Senate colleagues: Senators Chris Dodd (D-Conn.), Patrick J. Leahy (D-Vermont) and John Cornyn (R-Texas). The nation’s secretaries of state, particularly those who serve as chief state election officials, consider this bill an opportunity to reinvigorate the election reform process. The “Help America Vote Act” serves as a federal response that crosses party lines and provides an investment in federal money to help purchase new voting equipment and improve the legal, administrative and educational aspects of elections. In fact, our association endorsed the original draft of H.R. 3295 in November 2001.

Specifically, the National Association of Secretaries of State (NASS) is confident that passage of the final version of H.R. 3295 will authorize significant funding to help states achieve the following reforms:

- Upgrades to, or replacement of, voting equipment and technology
- Creation of statewide voter registration databases to manage and update voter registration information
- Improvement of poll worker training programs and new resources to recruit more poll workers throughout the states
- Increases in the quality and scope of voter education programs in the states and localities
- Improvement of ballot procedures, whereby voters would be allowed to review ballots and correct errors before casting their votes
- Improved access for voters with physical disabilities, who will be allowed to vote privately and independently for the first time in many states and localities
- Creation of provisional ballots for voters who are not listed on registration rolls, but claim to be registered and qualified to vote
- We want to make sure the states will get the funds they’ve been promised, and that Congress will provide adequate time to enact the most substantial reforms. Please be assured that the nation’s secretaries of state are prepared to move forward once Congress passes H.R. 3295 and the President signs it.

If we can be of further assistance to you, your staff members, or your colleagues in the U.S. House of Representatives, please contact our office.

Best regards,

DAN GWADSKY, NASS President, Maine Secretary of State.
did not publicly express my gratitude to my fellow conferees. I already mentioned Senator McConnell, Senator Bond, Senator Duren, and Senator Schumer. I thank their staffs as well.

I want to take a moment as well to thank an individual I had not really met before, but I did not certainly know him—and that is the chairman of the House Administration Committee, Bob Ney, from the State of Ohio, who serves in a tough job as chairman of that committee. As it appeared we were not sure we were going to be able to get a bill, I commend them for that. We are of different parties and, obviously, different States, not serving together in the House of Representatives.

But Bob Ney and his staff were tenacious, hard working, and determined to get a bill. I commend them for that. We were not sure we were going to be able to get a bill to the end, as it appeared at several points this may not work. And because Bob Ney felt strongly that we had an obligation to try, we are here today with this product on which they had a successful vote in the other body. Senator Duren and Bob Ney for his tremendous efforts and that of his staff.

Steny Hoyer is the ranking Democrat on the House Administration Committee. I have known Steny for years. Unlike Bob Ney and I have been good friends for a long time. Steny Hoyer has been as committed to election reform issues as anyone, as well as his commitment to the disabled.

He was one of the prime architects of legislation affecting the disabled. So while we talked about that a lot in this body during the consideration of our bill, we certainly need to extend credit to Steny Hoyer for his commitment to those issues as well.

So the team of Bob Ney and Steny Hoyer, putting together the product they did, deserves a great deal of credit and recognition for what we hope will be the adoption of this conference report tomorrow and the signing by the President of this, we think, historic piece of legislation.

On more occasions than I can recall, the three of us—Steny Hoyer, Bob Ney, and myself—along with staffs, spent a lot of late nights. I am looking around at faces now. I have been with me in those rooms in the wee hours of the morning, and long weekends, going back and forth. And I appreciate all of their efforts. We had some tough moments, but in any good piece of legislation there will be tension. And if people are committed to try to work things out, you can produce results such as we have in this legislation. So without their persistence and the patience of all involved, we would not be here. And I thank them.

Last but far from least, I thank John Conyers, the dean of the Congressional Black Caucus, for his stalwart support.

The day we introduced a bill, that is not unlike what we are asking our colleagues to support here, I stood in a room with two people, in front of a bank of cameras, as we laid out this particular idea. And the two individuals with me in that room were John Conyers, Senator Schumer, and others who were involved in this—what we have achieved certainly ranks in the top echelons of accomplishments, I would say the best thing we have done in this Congress. We have not achieved a lot in this Congress, but I think this is one of the most significant things.

I think this is the kind of legislation you can talk to your grandchildren about or they will read about and say that even if nothing else in this Congress, this is a significant accomplishment for the American people.

Thomas Paine, as I have quoted him over and over again over the last year and a half or so of this discussion, said 207 years ago:

The right to vote . . . is the primary right by which other rights are protected. To take away this right is to reduce a man to slavery, for slavery consists in being subject to oppression by which other rights are protected. To take away this right is to reduce a man to slavery, for slavery consists in being subject to the will of another, and he that has not a vote . . . is in this case.

So, Mr. President, I thank again my colleagues; for the bedrock principle in our Republic is simply this: the concept of the sovereign people, the rule of the people, the power and the authority to a nation where the people rule, and they rule not with a bullet but with a ballot. That sacred, central premise of our Republic is given new power by this conference agreement. It can make America a more free and democratic Nation. This is how our system works. How often does our system work in challenging circumstances—a close and controversial election for the Presidency of the United States. By seizing that opportunity and passing this conference agreement, we in this body can transform a national moment of adversity into the promise of a better future. America will have new resonance for every citizen of America. I urge adoption of this conference report.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. Dayton). The Senator from Kentucky, McConnell, first, let me say to my good friend from Connecticut, this is, indeed, something to celebrate on a bipartisan basis in a Congress that could use a celebration. This may have been the most unproductive and unsuccessful session of the Senate in my 18 years here: no energy bill; no terrorism insurance bill and—until tomorrow, at least—no appropriations bills; no budget; no homeland security bill; only 44 percent of President Bush’s U.S. circuit court nominees confirmed.

A couple of items we did pass were—at least in this Senator’s judgment—not very good: a flawed campaign finance reform bill and a bloated farm bill.

We could use a celebration. And the Senator from Connecticut and I would like to encourage all of our Senators to feel good about the piece of legislation that will be adopted tomorrow.

This is, indeed, a significant accomplishment, an important piece of legislation. Even if we had a very productive Congress, and a Senate that was passing landmark legislation on a virtual weekly basis—even if that had been the case this year—this legislation would have stood out as something important for the Nation and something well worth doing.

So, Mr. President, I rise today with a tremendous amount of pride and enthusiasm about this landmark legislation. Although the Senate, as I just suggested, has been mired in partisanship and virtually unable to pass various pieces of legislation, and the confirmation of judges, the House-Senate conference committee on election reform has achieved an historic bipartisan, bicameral consensus.

Nearly 2 years ago, this Nation had a painful lesson on the complexities and complications State and local election officials face in conducting elections. In response, legislators on both sides of the Hill introduced legislation to address the problems exposed in the 2000 election. Though various pieces of legislation ran the gamut in approach and emphasis, but all were unified in their goal of improving our Nation’s election systems.

In December of 2000, Senator Torricelli and I introduced the first of what became four bipartisan compromise bills that I have sponsored or cosponsored. From the beginning, I have been committed to providing not
only financial assistance but also informational assistance to States and localities.

The best way to achieve both of these goals is by establishing an independent, bipartisan election commission. This commission will be a local official repository for the best, unbiased, and objective election administration information for States and communities across America.

And that is really important because what happens—I used to be a local official early in my political career—is that you are confronted with vendors selling various kinds of election equipment, and there is really no way to make an objective analysis of what your needs are. On the other hand, this new commission will be a repository for expertise and unbiased advice to States and localities across America about what kind of equipment might best suit their situation.

This conference report will help make all elections more accurate, more accessible, and more honest, while respecting the primacy of States and localities in the administration of elections. For the first time ever, the Federal Government will invest significant resources to improve the process, roughly $3.9 billion. Every State will receive funds under this legislation, and the smaller States are guaranteed a share of the pot. The funds will be used by the States in a manner they determine best suits their needs, rather than the Federal Government prescribing a one-size-fits-all system. Whether it is by replacing a punchcard or a lever voting system or educating and training poll workers, States are provided the flexibility to address their specific needs.

The mantra of this legislation, coined by the distinguished senior Senator from Missouri, Kit Bond, has been to “make it easier to vote and harder to cheat.” We have achieved that balance. This conference agreement by setting standards for States to meet, standards which the Federal Government will pay 95 percent of the cost to implement. Voting systems will allow voters to verify their ballots and allow voters a second chance, if they make a mistake, while maintaining the sanctity of a private ballot.

Voting will become more accessible to people with disabilities, an issue admirably and vigorously championed by Senator Dodd. Provisional ballots will be provided to all Americans who show up at polling sites only to learn their names are not on the poll books. Such a voter’s eligibility will be verified, however, prior to the counting of the ballot to ensure that those who are legally entitled to vote are able to do so and do so only once; again, making it easier to vote and harder to cheat.

To protect the integrity of every election, this bill makes significant advancements in rooting out vote fraud. Congress has acted properly to curtail fraudulent voting and reduce duplicate registrations, both interstate—found to be more than 720,000 in South Dakota. The provisions of this bill are carefully drafted to address this impediment to fair and honest elections, and we provided the States with the means and the resources to address this problem.

First, States will establish secure, computerized Statewide voter registration databases that contain the name and information of each registered voter. The accuracy of the voter registration list is paramount to a fair and accurate election. The motor voter bill of 1993 has done grievous harm to the integrity of the system by junking up the voter rolls and making it extremely difficult to systematically ensure that only eligible voters are registered.

Second, every new registrant will be required to provide their driver’s license number, if they have been issued one, or the last four digits of their Social Security number. If they have neither, the State will assign them a unique identifier. This information will be matched with the department of motor vehicles which will in turn match their data with the Social Security Administration. States which use the full nine-digit Social Security number for voter registration are given the option to avail themselves of this important new provision. Contrary to the assertions of some, the only thing that provision will do is to prevent vote fraud.

Third, first-time voters who register by mail will have to confirm their identity at some point in the process by photo identification or other permissible identification. This provision was championed by Kit Bond, and its importance was once again highlighted just this past week in South Dakota where there is an ongoing joint Federal and State investigation of fraudulent voter registrations.

According to press reports in South Dakota, people are registering weeks after they have died, and one elder voter even completed 150 voter registration cards. Is that an enthusiastic voter or what?

The South Dakota Attorney General succinctly summed up the problem: “It’s pretty easy to register under a false name, have the registration confirmation sent back to your home, then send in by mail an absentee ballot request, get it and then under the false name, send it back and get it counted.”

Under this legislation, that is not going to be possible any longer. That is a step in the right direction for our democracy.

These three provisions will ensure that dogs such as Ritzy Mekler, Holly Briscoe, and other stars of “Animal Planet” will no longer be able to register and vote. These provisions will ensure that our dearly departed will finally achieve everlasting peace and will not be troubled with exercising their franchise over 2 years. And importantly, the provisions will ensure that voter rolls will be cleansed and protected against fraudulent and duplicate registrations.

This conference report also provides remedial safeguards for every American franchise. The Department of Justice will continue its traditional role of enforcing Federal law. In addition, each State will design and establish a grievance procedure available to any voter who believes a violation of law has occurred. States are best equipped to promptly address the concerns of its voters, and I compliment Senator Dodd for his foresight on this issue.

This legislation also makes significant improvements to protect the votes of those who have committed themselves to protecting all Americans, and that is our men and women in uniform.

I thank, again, Senator Dodd for his steadfast leadership. He committed 110 percent of himself to this issue and worked tirelessly to bring us to this day. I also thank Senator Bond for all of his work to protect the integrity of the election process. I also congratulate my colleagues on the other side of the Hill for their significant achievement: Congressman Bon Ney of Ohio, chairman of the conference, did a superb job and our good friend Steny Hoyer, ranking member, who was outstanding as well.

And to the staff people involved in this, my own staff on the Rules Committee, Tam Somerville, I particularly commend Brian Lewis, who was there from beginning to end in this process—as far as I am concerned, this will be known as the Brian Lewis bill around my office—and his able right hand, Leon Sequeira, and Chris Moore and Hugh Farrish, all of the Rules Committee staff.

For Senator Bond, Julie Dammann and Jack Bartling of Senator Bond’s staff were superb. And for Senator Dodd, Kennie Gill, Shawn Maher, Ronnie Gillespie, we enjoyed working with them, and they, too, should feel good about this. From Congressman Ney’s staff, Paul Vinovich, Chet Kalis, Roman Buhler, Pat Leahy—they have a staffer named Pat Leahy, how about that—and Matt Petersen. And from Congressman Hoyer’s staff, Bob Cabie, Keith Abouchar and Len Shamon.

This is indeed a happy day, not just for Senator Bond and myself, but for...
all Members of the Congress. This is a remarkable achievement we can all feel good about. We look forward to seeing it pass tomorrow by an overwhelming margin. I am sure the President at some point will want to sign this appropriate flourish down at the White House.

Again, I thank my colleague from Connecticut and yield the floor.

**WEEKEND VOTING**

Mr. KOHL. I thank the distinguished chairman of the Rules Committee for clarifying a provision in the bill. As the Senator knows, I am the sponsor of legislation moving Federal elections from the first Tuesday in November to the first weekend in November. It is my hope that moving Federal elections to the weekend will increase voter turnout by giving all voters ample opportunity to get to the polls without creating a national holiday. My proposal would also have the polls open the same hours across the continental United States and reflect the challenge of keeping results on one side of the country, or even a state, from influencing voting in places where polls are still open.

The Senate version of the election reform legislation before us included a provision sponsored by Senator HOLLINGS and myself which directed the Election Administration Commission to study the viability of changing the day of the Presidential election from November to a holiday or the weekend, with the possibility of looking at the first weekend in November. Unfortunately, during the conference on this bill, the studies section was refined to direct the Election Administration Commission to study the “feasibility and advisability of conducting elections for Federal office on different days, at different places, and during different hours, including the advisability of establishing a uniform closing time” with a legal public holiday mentioned as one option but no mention of weekend voting. Is it correct that there was no specific intent to leave out weekend voting as an option?

Mr. DODD. The Senator from Wisconsin is correct. The conference intended that the new Election Administration Commission consider all options for election day, including the Senate’s proposal to move elections to the weekend. There was also no intent to limit the Election Administration Commission to considering just one day as an election day. It is my hope that the commission will examine all options, including the possibility of holding elections over two days as suggested in Senator Kohl’s proposal.

Mr. KOHL. I thank the Senator from Connecticut for this clarification. I hope that the Election Administration Commission would seriously consider moving federal elections to the weekend. I will continue to advocate for weekend voting as a means of increasing voter turnout and addressing the need for uniform poll closing times in federal elections.

Mr. DODD. Mr. President, I yield 15 minutes to my colleague from Oregon, Senator WYDEN.

Mr. WYDEN. Mr. President, let me join in the extraordinarily important comments that have been made by Senator DODD and Senator MCCONNELL. This has been a difficult task that had to be bipartisan. The fact is, you can’t get anything done that really is important without it being bipartisan.

I take a moment to thank Senator DODD. He has been extraordinarily patient with me and with all of the Members of this body who come from States that have pioneered innovative approaches.

It is fair to say right now with millions of Americans essentially being early voters, there have been estimates that something along the lines of 15 percent of the American people are going to vote early.

The legislation that Senator DODD and I introduced to us today protects the wave of the future—this early voting—whether it be absentee ballot or the pioneering vote-by-mail system.

What this legislation does is protect the early voters—the person we are seeing more and more of in the American political process—by, in effect, taking steps to discourage fraud at the front end when people register, and then making sure that people don’t face unnecessary barriers and hassles when they actually participate in the fall of even-numbered years. So I commend Senators DODD and MCCONNELL for their work in this area.

Suffice it to say, at various stages in the discussion, I wasn’t sure that we were going to get the agreement that led to the current debate began when this bill first came to the floor of the Senate. It seemed to me and others that millions of Americans would have been turned away from the polls because they didn’t have with them a valid photo identification, or a copy of a utility bill. It would have disenfranchised millions of Americans. I and others made that point to Chairman DODD and Senator MCCONNELL, and we began a very lengthy set of negotiations that involved Senators DODD, MCCONNELL, BOND, CANTWELL, SCHUMER, and I. Together we were able to work out an agreement with respect to the photo identification provision. It protects fully the vote-by-mail system. In fact, it protects all Americans who want to vote early, as I have mentioned. It is outlined in section 303 of the conference report.

I thought I would take a minute to describe how this provision would work. Beginning in January 2004, anyone who wants to vote for the first time, let’s say in Oregon, has the choice of registering by providing a driver’s license number, the last four digits of their Social Security number, a copy of a current utility bill, bank statement, government document, or a valid photo identification. When they cast their ballot by mail, Oregon’s State elections officials will verify the voter eligibility with State law by signature verification. Under our Oregon election law, an election official determines voter eligibility by matching the signature on the registration with the signature on the mail-in ballot. Oregon’s signature match system would not change.

My primary concern throughout this discussion has, of course, been to support our pioneering vote-by-mail system, which I think is the wave of the future. But as we have seen in recent days it is not just Oregon but a variety of other States are going to see millions of people saying they want to take the time, essentially through the fall, to consider the candidates, to look at the statements on this subject in ballot, and the positions in a way that is convenient for them.

We said at the beginning of this discussion that we wanted to discourage fraud and encourage voters. I think that is what the Dodd-McConnell legislation does. I am particularly pleased that it does so in a way that protects Oregon’s pioneering system and all of those around this country who are going to be voting by mail.

Mr. MCCONNELL had the patience to work with some of us who I am sure, were fairly prickly and difficult along the way. I don’t know how many hours we had in negotiations just looking at the arcane details of some of the vote-by-mail States. But Senator DODD said we are just not going to give up. We understand that you are doing something very exciting in the Pacific Northwest, and we encourage it.

In effect, what Senator DODD has done is not just protect the Oregon system but allowed this country to build on something that I think is the wave of the future; that is, people voting essentially throughout the fall. We have seen—as reported recently in various States as they innovate with different kinds of systems—a plethora of approaches raising true. My sense is that it won’t be very long before people start voting online in this country.
So what Senator Dodd has done is made it clear that he is going to stand with all of us in the Senate who want to discourage fraud, and we are going to do it at the right time and in the right way, which is essentially at the front end when people come to sign up for the electoral process. But then, after we can ascertain they are who they say they are, they are not going to face innumerable hassles and barriers when they actually show up to vote.

So my thanks to Senator Dodd and his staff, Carole Grunberg, who is here. She has championed for us the Oregon vote-by-mail system. But with Senator Dodd in the Chamber, I want him to know how much I appreciate what he is doing. It means a tremendous amount to my constituents and also to this country and to the future of American voting.

I yield the floor.

Mr. DODD. Mr. President, before my colleagues leaves the floor, I thank him and his staff as well for their tremendous contribution. One of the things we did in this bill—I say to my friend from Oregon that he is in large part responsible for this, I probably should give credit—was Federal standards and rights that never have existed before in all Federal elections across the country, and we have enumerated the rights in this bill.

One of the things I fought very hard to preserve is that what constitutes a valid registration of a voter and what constitutes a valid vote is left up to the States. We don’t federalize registration and we don’t federalize how votes get counted. We have left that to the States. It would be overreaching to go that far.

I must say some of the most creative ideas on how to make this basic franchise accessible to the maximum number of people, the most creative ideas are of our States across this vast country. There are differences in places, and States ought to have the flexibility of deciding what system works best for them.

I will tell my colleague, I have learned of some fascinating historical stories. Going back, people have said: Where in the Constitution does it say you have to be a citizen to vote? Well, it is the 14th and 15th amendments. The 14th amendment describes what a citizen is, and the 15th amendment says all citizens have the right to vote.

There was a time—and the Presiding Officer may find this interesting—when we discovered as part of our research that in the latter part of the 19th century, in certain areas of the upper Midwest, in efforts to attract immigrant populations to settle in some of the vast farmlands there, they actually said: We will allow you to vote in Federal elections—which they did. I cannot find the lawsuit that stopped it. I think it was stopped by agreement, but it provided that the person who signed up made a promise that they would someday become a citizen. That was the condition that you had to fill out.

There are actually some jurisdictions in this country, by the way, not in Federal elections but local elections, where noncitizens, by municipal law, are allowed to participate. The State of Oregon is, I think, on the cutting edge. I agree with my colleague on this. Maybe because I have a head of gray hair, but I like the idea of a community gathering at a polling place. There is a sense of community spirit about showing up.

In my town of East Haddam, CT—it is a small place with only a few thousand people and where I have lived for the last two decades—we all gather in the old townhall, literally around the potbelly stove. The folks I have known for the last two decades run the polling operations there. We like it that way. I am not suggesting there is a younger generation coming along who do not like the way they do it in Oregon. It is right, and I suspect there will be States allowing people, in the not-too-distant future, to vote by Internet.

I thank him for bringing forward the Oregon and, we should add, the Washington bill. They are analogous. There are similar experiences, to this debate. The fact we managed to accommodate the unique voting circumstances in their States gave rise to the idea there actually may be other States that may want to move in this direction. In fact, the provisions authored by my colleague and included in the conference report can be used by every state, and not just by Oregon and Washington. We thank Senator Wyden for his contribution and for making this a stronger and a better bill, and one that does maintain its sensitivity to the unique requirements and needs of people across this vast country of ours. I thank the distinguished Senator from Oregon for his contribution.

I note as well—it is somewhat an irony—I recall vividly the day Senator McConnell and I had announced we had reached an agreement, at least on the Senate version of this bill, our colleague who is now presiding over the Senate was presiding over the Senate that very day. He would not have known on that day a year and a half ago he would be presiding today as well. I thank him.

Mr. President, I wish to note because there are so many wonderful staff people who do not get the credit they deserve—we get to stand here and give the speeches and our names go on the bills. There are literally dozens of people who work incredible hours to produce the kind of legislation we are endorsing today.

I mentioned already the Members on the House side, my colleagues, Bob Ney and STENY HOYER, the principal House advocates. There was a long list of comments and contributions. In the House, a number of committees of jurisdiction touched on matters in this bill, from the Ways and Means Committee to the Armed Services Committee—I will forget some—a lot of committees. So there were a lot more conferees from the other body on the conference committee. I thank them.

I extend my special appreciation for the tremendous expertise and contributions in negotiating this bill to final passage to Paul Vinovich, one of the principal staff people for Bob Ney, and Chet Kalis, who is a wonderful individual. Both of these men are remarkable people and did a fantastic job, not just for Bob Ney and the Republican side, but they always had the sense they wanted to get a bill done, and that is a big difference when you are in a conference. If you are looking across the table at people and if the negotiating is to stop something or to make something happen, what a difference it is when you talk to people who give you the sense they want something to happen. I thank them.

I thank Roman Buhler, a tough negotiator; Matthew Petersen; and Pat Leahy.

From the office of STENY HOYER: Bill Cable—I have known Bill for all my years in Congress. When I served in the other body, Bill Cable was a terrific staff person for them. He has a wonderful institutional memory about the Congress of the United States. STENY HOYER is truly fortunate to have Bill Cable with him. I thank him for the long hours he put in on this legislation. He was a good source of information and guidance during some very delicate moments on how we ought to proceed.

I further thank JOHN CONyers. I mentioned already my coauthor of this legislation initially, but I want to also thank his staff. I thank Perry Apelbaum, Ted Kalo, and Michone Apelbaum, who were just wonderful and tireless in their efforts. I thank them for their tremendous work. Along with John, they were a great source of information and guidance during some very delicate moments on how we ought to proceed.

Tom Daschle, our leader in the Senate, has been tremendously helpful through all of this. He asked me how long the original bill would take on the floor of the Senate when it came up. I had gotten through this, worked out the agreement, and there were a lot of demands for time on the floor. He looked at me and said: How long do you think it will take to debate the election reform bill?

Mr. President, I think we can do it in 2 days.

Mr. President, if you look around, you can see the smiles on the faces of some of the floor staff. I think we were on the floor 9 days, had 46 amendments, and there were a hundred more, at least, proposed. I took some very healthy ribbing from the majority leader and others on the staff when they would look at me day after day
and say: How long did you say this bill would take? It took a lot longer than we anticipated.

I thank Andrea LaRue, Michelle Ballantyne, Mark Childress, and Mark Patterson from the majority leader’s staff for their patience and assistance.

With regard to Senator McConnell’s staff, we spent a lot of time with Senator McConnell’s staff. We spent more time with Senator McConnell’s staff than with Senator McCandless, and he would be the first to say that. Tam Somerville, Brian Lewis, and Leon Sequeira are also very fine and hard-working staff members. Brian Lewis—poor Brian got saddled with more responsibilities. With all of this coming together, committee staff had to deal with campaign finance reform and election reform all at once. There were demands on their time, pulling them in two and having them do work that was not related to the bill. They got involved with more responsibilities. With all of this coming together, committee staff had to deal with campaign finance reform and election reform all at once. There were demands on their time, pulling them in two and having them do work that was not related to the bill. They got involved with more responsibilities.

I mentioned Senator Wyden. I thank Carol Grunberg for her work as well. The floor staff, again, were tremendously patient with this Member. I tied up the cloakroom for hours one Friday trying to get holds lifted on this bill. The floor staff was tremendously helpful. Marty Paone, Lula Davis, Gary Myrick, members of the cloakroom staff, were tremendously supportive.

I appreciated the help of other contributors. I just submit them for the Record. I can honestly say if I sat them in a room and asked them for their views on how this ought to be written, I would never know from which party they had been chosen to do the job. They are that objective and that professional in how they do it.

I wish to thank my own staff. Obviously, in my own heart and mind they come first, as one might expect, but my mother raised me to be polite so I mentioned other people first. I am particularly grateful to Senator Tottenberg, Christine Parker, Cindy Bauerly, and Sharon Levin who were very helpful. I thank them.

Senator Bond: Julie Dammann and Jack Bartling. We had some real good-sounding names with Senator Bond’s staff on some of the provisions in this bill. I thank them for a lot of effort. Jack Bartling spent a lot of time during the Senate consideration, going back months and months ago, sitting up late nights in my conference room and going through what we wanted to do and how it might work. I occasionally tried to get this bill completed in the Senate so we could get to conference because we knew we had a long conference ahead of us. I express my gratitude to Senator Bond. He is knowledgeable, works hard, and made a significant contribution. I appreciate it very much.

Senator Schumer’s staff: Polly Tottenberg, Christine Parker, Cindy Bauerly, and Sharon Levin were very helpful. I thank them.

Senator Bond: Julie Dammann and Jack Bartling. We had some real good-sounding names with Senator Bond’s staff on some of the provisions in this bill. I thank them for a lot of effort. Jack Bartling spent a lot of time during the Senate consideration, going back months and months ago, sitting up late nights in my conference room and going through what we wanted to do and how it might work. I occasionally tried to get this bill completed in the Senate so we could get to conference because we knew we had a long conference ahead of us. I express my gratitude to Senator Bond. He is knowledgeable, works hard, and made a significant contribution. I appreciate it very much.

I thank Jennifer Leach and Sara Wills on Senator Torricelli’s staff. Senator Bob Torricelli offered some of the earliest versions of election reform. Early on he thought we ought to do something about election reform and worked with Senator McConnell and I on a draft legislation. He agreed to work with us on our bill when we developed it. I thank Senator Torricelli for working very hard on campaign election reform.

Senator McCain’s staff: Ken LaSala. I offer special appreciation for his invaluable expertise and contributions in negotiating and bringing this bill to final passage.

Senator Durbin’s staff: Bill Weber was tremendously helpful to us. I thank him.

I thank Beth Stein and Caroline Fredrickson from Senator Cantwell’s staff. I mentioned Oregon, Senator Wyden and his State, and the Senator from the State of Washington, Ms. Cantwell, had similar circumstances and were concerned about how the provisions of this bill would work in a State where a significant number of the people vote by mail. They wanted to be sure we were not doing anything here that was going to prohibit them from conducting their elections in the way they have done successfully for some time.

I mentioned Senator Wyden. I thank Carol Grunberg for her work as well.

The floor staff, again, were tremendously patient with this Member. I tied up the cloakroom for hours one Friday trying to get holds lifted on this bill.

This may sound mundane or boring to those who are watching it, but I am someone who believes very strongly we ought to give more recognition to the people whose names never appear much around this place and yet who make incredible contributions to a product like this.

I want to thank the Office of Legislative Counsel. Let me explain what legislative counsel does. These are the people who actually write these bills. We tell them what we are thinking, these grand ideas of ours. A Senator has a grand idea. The staff tries to put language around the grand idea and then they go to legislative counsel, who then has to write it in a legalistic way so it can actually mean something because words have meaning. So the legislative counsel’s office was instrumental—we asked them to work around the clock on a few instances. Literally, they were up all night producing language because we were running up against the clock to get this bill done. So to Jim Scott and Jim Fransen of the Office of Senate Legislative Counsel, and Noah Wofsy, from the House legislative counsel, I want to express my deep sense of gratitude to them for the excellent job they did very objectively. Noah Wofsy is on the House side under the Republican leadership in the House. Jim Scott and Jim Fransen are in the Senate under the Democratic leadership of the Senate, but there is a universality in any way. I can honestly say if I sat them in a room and asked them for their views on how this ought to be written, I would never know from which party they had been chosen to do the job. They are that objective and that professional in how they do it.

Sometimes I wish America could watch this when they talk about laws. They could then see people such as these who are so dedicated and see to it that we can get it right. They did not bring political baggage to that discussion and debate.

I mentioned some history earlier about the upper Midwest and these other places. The Congressional Research Service, CRS, was the organization that provided me with some historical framework and background in the conduct of elections and also provided the side-by-side version of bills along the way. And we thank them: Kevin Coleman, who is an analyst in the American National Government; Eric Fischer, senior specialist in Science and Technology; L. Paige Whitaker, legislative attorney at the Congressional Research Service; David Huckabee, who is a specialist in American National Government; and JudithFraizer, who is an information research specialist. They did a great job, and we are very grateful to them.

I wish to thank my own staff. Obviously, in my own heart and mind they come first, as one might expect, but my mother raised me to be polite so I mentioned other people first. I am particularly grateful to Senator Tottenberg, Christine Parker, Cindy Bauerly, and Sharon Levin who were very helpful. I thank them.

Ronnie Gillettes, who is a terrific individual as well, is our counsel on the Rules Committee. She did a terrific job and I am very grateful to her, as well as my own staff, Sheryl Cohen, Marvin Fast, Alex Swartsel and Tom Lenard. Sheryl Cohen is my staff director, chief of staff of my office, and has to manage all of these things. They do wonderful work. She does a wonderful job, and I am very grateful to her. From the Rules Committee, Carole Blessington, Beth Meagher, Hasan Mansori, and Sue Wright also deserve some very special recognition. Chris Shaw, Jennifer Cusick, and Sam Young are non-designated staff on the Rules Committee staff, who kept the vouchers going during this time and they do wonderful work. There are some former members who were part of this effort who had to leave various reasons before the completion of this bill, but the fact they are not here does not mean they should not be recognized. Stacy Beck,
Candace Chin, and Laura Roubieck are three people I want to thank. That is 60 individuals I have mentioned. There may be others I have missed. If I have missed them, I apologize, but I want them to know that all of us, regardless of party or ideology, thank them, and millions of Americans ought to as well because we never would have achieved this conference report, been able to write this bill, had it not been for these 60 individuals and many more like them.

I have not mentioned the individuals on the outside that worked on this, the NAACP, the National Association of Secretaries of State, the AFL-CIO, the various disability groups. There are literally hundreds of people who are involved in this journey over the last year and a half to produce this conference report. I know normally we do not take as much time to talk about all of this, but I think Senator McCa  

years to come because of what we have done in the wake of a tragedy in the year 2000, on November 7. We have responded to it with this legislation. Not in every sense, but on some of the core questions, this Congress has stepped up to the plate and responded to those issues. The leadership and Members of the other body, as well as the leadership here, can rightfully claim a proud moment when this bill passes the Senate tomorrow and President Bush signs this legislation as the permanent law of our land.

BUSINESS OF THE CONGRESS

Mr. DODD. Mr. President, my friend from Kentucky, in the opening of his remarks, talked about this Congress not being terribly successful. I would take some issue with that. This Senate has been successful, as I look down the list I have of more than three pages of legislation that this Senate has passed in the use of its conference report. It is a force resolution after September 11, responses to terrorist attacks, the Patriot Act, the airport security, Defense authorizations, homeland defense, antiterrorism bills, terrorism insurance—we are still working on the conference reports. They talk about pharmaceuticals, prescription drugs, re-importation, patients’ bill of rights. Again, conference reports have not been reached, but this Senate has had extensive debates where all sides have been heard and to a great degree, I believe, the House.

I mentioned in the election reform bill more than 40 amendments were considered on the floor. With all due respect to the other body these days, it is not uncommon for legislation to be considered where only one or two amendments may be offered. It is regrettable we have not been able to reach agreement between the other body and this body on some of these matters, but the Senate over this last Congress has responded to incredible and unprecedented difficulties in this generation. In the wake of September 11, the anthrax attack, and the tremendous pressures that put on this institution, I am as disappointed as anyone that we have not been able to get agreement on some of the other matters that the American people are asking about. It is regrettable we will spend the last remaining days with people flying around the country attending funerals, people struggling to make ends meet, to provide for families and provide for their future.

I think it is regrettable we will spend the last remaining days with people flying around the country attending funerals, people struggling to make ends meet, to provide for families and provide for their future. If we wonder why people do not participate as often as we would like in the election process, some has to do with people being too lazy. An awful lot has to do with people wondering whether the things they worry most about are even being considered by the people who elect to hold the public office. People do not think of themselves as Democrats or Republicans every day. They think of themselves as being citizens of the country: Parents, children, neighbors, coworkers. That is how they define themselves. They want to know their elected representatives, regardless of party, are keeping their interests in mind.

This is a republic. They do not get the chance to vote. If 230 million Americans could be participants, the agenda would change. It would be about health care, it would be about prescription drugs, about a minimum wage, and improving the quality of elementary and secondary education. If they could stand here collectively, that is what they would ask us to do—to be leaders on those questions, to become forces in visions for improving the quality of life for people in the country.

That is what is Senator Daschle has tried to do over the past 2 years in the wake and midst of all the other problems we face. I commend him for it. HARRY REID, BYRON DORFAN, and other
Members of the leadership here, I understand as well it is not easy for Trent Lott and Don Nickles, the leadership on the other side.

My hope is when we come back here in January we get about the business of grappling with the underlying questions. We spent a lot of time on Iraq and the other questions. The American people want to know why we cannot spend a few days talking about the issues they worry most about. When they go to bed at night, they worry and they sit around talking about how they will lick these issues. They would like to know we would spend at least as much time on those questions as some of the other issues.

Mr. BURNS. Mr. President, I rise today to support the hard work of the conference on the election reform conference report. I did not hesitate to vote against S. 2255 because it unfairly disadvantages rural States and does not fix the most grievous flaws with the current system. I am pleased to report that significant improvements have been made from the original bill, and I support this attempt to give greater integrity to the process.

We can now ensure that the ballots from our servicemen and women overseas are properly handled. Their ballots cannot be refused based on early submission, and each will bear a postmark in order to avoid recent election debacles from occurring again.

All States will receive a minimum grant award, with the potential to apply for additional funds, an improvement over the Senate-passed version, which would have disadvantaged rural States with a solely competitive grant program. Most importantly, this report identifies remedies for election fraud. States may purge any individuals who do not vote in two consecutive Federal elections and are unresponsive to follow-up by State officials. We must clean up our voter rolls, and this provision gives States the vehicle to do so, should we choose to use it. This is why no means a perfect report, but I am sufficiently convinced that we have taken great strides to better our voting process.

ORDER OF PROCEDURE

Mr. DODD. I ask unanimous consent tomorrow’s cloture vote be vitiated and that the Senate proceed to the consideration of S. 301, immediately upon the disposition of H. R. 5010, the Defense appropriations bill. I further ask unanimous consent that tomorrow’s order with respect to the election reform conference report, H. R. 3295, commence at 2:15 p.m., and tomorrow’s order with respect to the Defense appropriations conference report commence at 2:15 p.m., with all other provisions of the above-mentioned orders remaining in effect.

I am told this is cleared by the minority as well. The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. I yield back all the remaining time on the conference report. The PRESIDING OFFICER. Without objection, the time is yielded back.

Mr. DODD. Mr. President, I suggest the absence of a quorum. The PRESIDING OFFICER. The clerk will call the roll. The assistant legislative clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the quorum call be rescinded. The PRESIDING OFFICER. The quorum call is rescinded. The clerk will call the roll.

Mrs.burns. Mr. President, I rise today to support the hard work of the conference on the election reform conference report. I did not hesitate to vote against S. 2255 because it unfairly disadvantages rural States and does not fix the most grievous flaws with the current system. I am pleased to report that significant improvements have been made from the original bill, and I support this attempt to give greater integrity to the process.

We can now ensure that the ballots from our servicemen and women overseas are properly handled. Their ballots cannot be refused based on early submission, and each will bear a postmark in order to avoid recent election debacles from occurring again.

All States will receive a minimum grant award, with the potential to apply for additional funds, an improvement over the Senate-passed version, which would have disadvantaged rural States with a solely competitive grant program. Most importantly, this report identifies remedies for election fraud. States may purge any individuals who do not vote in two consecutive Federal elections and are unresponsive to follow-up by State officials. We must clean up our voter rolls, and this provision gives States the vehicle to do so, should we choose to use it. This is why no means a perfect report, but I am sufficiently convinced that we have taken great strides to better our voting process.

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

ONE-YEAR ANNIVERSARY OF SENATE ANTHRAX ATTACK

Mr. DASCHLE. Mr. President, one year ago today, a letter containing about two grams of anthrax was opened in my office. My staff, Senator Feingold’s staff, and the law enforcement and medical personnel who responded to the incident were suddenly thrown into a world of frightening uncertainty.

Twenty-eight people tested positive for exposure to multiple lethal doses of anthrax, and about 45 others were presumed to be significantly exposed.

They endured 100 to 120 days of antibiotics and the fear and anxiety that accompany the largest bioterrorist attack on U.S. soil. All the while, they continued to come to work and do their jobs—jobs that included trying to protect the rest of America from a similar fate.

Of course, the effects of this attack were felt well beyond my office. Hundreds of others from the immediate area were placed on preventive antibiotics. House and Senate office buildings were closed for several days, and the Hart building was closed for 3 months.

Every member and employee of the Senate was affected, and I must say it was an inspiration to see how well our community pulled together to ensure that the Senate continued to address the business of the country.

In retrospect, we were very lucky. We knew exactly when and where people became exposed, which gave us an advantage that others did not have—the opportunity to provide those who were exposed with immediate preventive care. And while there were some terrifying times, no one in the Senate community died as a result of their exposure to anthrax.

Sadly, others were not so lucky. Robert Stevens and Ernesto Blanco had no idea they had been exposed to anthrax when they fell ill. October 5 is the anniversary that Ernesto Blanco remembers; October 5 is the day his co-worker, Robert Stevens, died.

Next week America’s postal workers will mark two more tragic anniversaries: October 21 is the day Thomas L. Morris, Jr. died of inhalation anthrax, and his colleague Joseph P. Curseen, Jr. succumbed the following day.

Because it was not yet understood that the deadly bacteria could escape through envelopes, Mary Morris, Celeste Curseen, and their families and friends have endured a terribly painful year.

Thomas Morris, Joseph Curseen, and all of America’s postal workers continue to work every day to ensure they could risk for exposure to anthrax or other biological or chemical agents. Postal workers accept those and other risks every day, and for their courage and dedication, they deserve a nation’s gratitude.

Those who knew and loved Kathy Nguyen and Othillie Lundgren have their own anniversaries approaching: October 31 and November 17. Exactly how these women were exposed remains a sad mystery.

Still others, including Ernesto Blanco, Leroy Richmond, and Naomi Wallace, survived the disease. But many of them are suffering from debilitating and often painful long-term health effects. They have no anniversary to mark the end of their ordeal, for it is ongoing.

All of these people, like the first responders and Senate employees exposed to anthrax, were innocent victims.

My staff and I feel a special kinship with the families of those who died and with those who continue to struggle with their health. On their behalf, and on behalf of the entire Senate, I extend our deepest sympathy to those to who lost friends and loved ones and our very best wishes for a full recovery to those who survived their own anniversaries.

What else shall we offer these families? They need more than our sympathy. They—and all Americans—need our absolute resolve to ensure that our country does everything it reasonably can to prevent and address the bioterrorist threat, so that others do not suffer what they have suffered. As tragic as the anthrax attacks of last fall were, they could have been much worse, and we must prepare ourselves for and defend against the possibility of far greater threats.

We must be vigilant in our effort to identify and neutralize terrorist cells. We must develop better ways to detect chemical and biological agents in the air, water, and food supplies. We must develop better vaccines. We must develop better treatments for those who are exposed to deadly viruses, bacteria, and agents. And we must develop better coordination between the various branches of our government entities responsible for addressing the bioterrorist threat.

The victims and their families also need and deserve to know that the perpetrator or perpetrators of these terrible crimes will be brought to justice. We are all frustrated by the fact that the person or persons responsible are still out there, capable of striking again. This is a complex case, and I know the FBI has focused many resources on it. I am hopeful they will soon be in a position to bring the case to a successful close.

One year ago today, an anthrax-laden letter was opened in my office.
Let us mark this anniversary—and all the sad anniversaries since September 11—with a renewed sense of community, a renewed determination to protect each other, and a renewed resolve to preserve America’s strength and security.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KYL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

AMENDING THE FISA LAW

Mr. KYL. Mr. President, I would like to speak in morning business for as long as I might consume to discuss my legislation Senator SCHUMER and I have introduced and to discuss my intention to seek to have that legislation added to the conference of the intelligence authorization bill which, hopefully, we would like to complete this body for our deliberation and acceptance by the end of this week—again, hopefully.

This legislation not only will reauthorize the intelligence community activities that are funded by the Congress, but also, perhaps, will include an agreement included in a title III that will later be established to look into the events prior to September 11.

So there are some important elements to this bill. One of the items I would like to add to it also deals with the subject of terrorism, the Schumer-Kyl bill—that I will describe in just a moment—which is a very small provision in the so-called FISA law that would be appropriately added in this conference as an additional way we can help win the war on terror.

Let me begin by discussing just a little bit what this legislation is and why it is necessary, and then I will discuss a little bit further how we would like to have it considered.

The bill number is S. 2568, called the Schumer-Kyl bill. It would add three words to the FISA legislation under which we are now able to gather information that is useful in conducting our war on terror.

The Foreign Intelligence Surveillance Act, or FISA, is a law which provides a special way of gathering this evidence against terrorists, and its origins are back in the 1970s. But it deals with a different situation today in terrorism than it did back then.

Let me just go back in time. The idea was if you were working for a foreign government, we ought to have a little better ability to investigate you than through the probable cause requirements of the 4th amendment that would apply in a title III court situation. So the FISA law was established to say if you have evidence someone is working for a foreign government or an international terrorist organization, then you can involve the FISA Court, the special court, to ask that court for a warrant to do a wiretap or to search a home or to search a computer, or whatever the case might be.

Back in the 1970s, when this was first started, it was a fairly straightforward proposition. If you thought, for example, you might be dealing with a foreign spy, somebody working for the then-Soviet Union, you could go to the FISA Court and get a warrant for the information you were seeking, and it was a little easier to obtain than through a regular court.

Secondly, the information was all classified, secret; it did not have to be shared with anyone else, and these judges were cleared to receive that information. So we were able to keep these kinds of investigations classified, and obviously that was a key element to being able to prosecute these counterterrorism type of cases. But back then the classical FISA target would be either a Soviet agent or perhaps one of the sort of hierarchical terrorism organizations such as the Bader-Meinhoft gang in West Germany or the Red Army Faction or a group of that sort. Today, as you know, the situation is very different.

We have in the world today amorphous terrorist groups that have spread throughout the entire world that are very loosely affiliated, sometimes not affiliated at all. It is not even clear frequently whether individual people are directly connected to the terrorist group or actually members of the terrorist group. And when we speak of “members of,” I am not even sure anybody can define a member of a terrorist organization. You do not pay dues and have a card that identifies you as a member of al-Qaida or Hamas or Hezbollah or the Islamic Jihad or any of these other organizations.

Now, it is true within the group there, you would have to be accepted as someone they could trust, but I do not necessarily think they look at the people with whom they work as members of the organization.

So we wrote a statute back in the 1970s for a different type of enemy than the enemy we face today. What we are finding is sometimes it is very difficult to connect up a particular terrorist either with a particular country or with a particular terrorist organization. We know there are state sponsors of terrorism, and I suppose if we had evidence somebody here in the United States was planning to commit an act of terror, and they were employed by the Government of, let’s say, Iran, we could probably get a FISA warrant because we could connect them pretty easily to a foreign country that has been known to conduct state terrorism. But it is a lot more difficult when you have Zacarias Moussaoui, for example, the alleged 20th hijacker. His is an actual case in point used by many to demonstrate the fact that our law enforcement agencies did not act quickly enough in order to obtain a FISA warrant against him. The reason they did not is precisely because of the difficulty of connecting him to a foreign country or a particular international terrorist organization, which is what the FISA statute requires.

Now, bear in mind one of the rationales for being able to accelerate and shorten circuit the procedures here with a FISA warrant, as opposed to a regular title III type warrant, is you are dealing with a foreign country. You are not dealing with an American citizen. You are dealing with a threat from without, as opposed to from within, or an international terrorist organization. So that is the theory.

But in the case of someone such as Zacarias Moussaoui, even though he was a foreign person—not a United States citizen—we could not connect him in any way of the other countries of the world. We thought his activities looked very suspicious and that they could be terrorist-type planning, but not connected to a particular country. Nor was it possible to connect him. We did not have information connecting him to al-Qaida. We had some information that in an around-about way connected him to terrorists in a particular place but not an international terrorist organization.

So here you had a situation where he was talking to some terrorists, he looked to be interested in engaging in activity that could result in terrorism here in the United States in two requirements to get a warrant—either that he was involved in state-sponsored terror with a particular country or a particular international terror organization—could not be proved. And as a result, either legitimately or not legitimately, the FBI did not authorize a warrant to search his computer, notwithstanding the fact there were some in our law enforcement community who wished to do that. And, of course, his computer was not searched until after September 11.

What the Schumer-Kyl bill does is to correct this one little deficiency in the statute to bring it up to date, literally from the time it was created back in the cold war days, to today’s environment in which you have amorphous terrorist groups floating around with individuals freely associating amongst them, or perhaps even not at all with them but engaged in terrorist activity.

What it does is to correct this problem with the statute by adding just three words—“or foreign person” to the targets of the warrant. So an individual would be the subject of a warrant. You could have a probable cause to believe the individual was engaged in or planning to engage in an act of terrorism and either was doing so on behalf of another country, an international terrorist organization, or the person himself is a foreign person.

So you have the connection of two things. You have a potential act of terror and a foreign person. And that is...
basically the same rationale that exists with respect to the rationale for the original FISA law and warrants authorized thereunder.

By adding to the definition of "foreign power," a "foreign person," a "foreign person" link, we must do away with the kind of case Moussaoui presented to us where we knew we wanted to look into his affairs. We could not do so under FISA because we couldn't connect him to a foreign power or terrorist organization, and yet as the facts definitely indicated, somebody we should have been able to, whose computer we should have been able to search prior to September 11.

Let me be a little more specific about this case because there are those who will wonder whether or not maybe we are opening the FISA statute up to potential abuse of American citizens—the answer to that is no—by our definition, or that guests of the United States, foreign persons who were here on, let's say, a visitor visa, such as Moussaoui—that their rights would be violated. I want to make it clear that that would not be the case.

We are familiar with the FBI special agent from Minneapolis, Coleen Rowley, the famous memo relating to Zacarias Moussaoui. She testified before the Intelligence and Judiciary Committees that she believed this kind of additional authority not only was warranted but was necessary, that her office work there was very important. Yet under the current statute on. Yet under the current statute it is the strength of the FBI to secure a FISA warrant to pursue someone for a crime that has been committed. The entire effort of the Congress, the intelligence community, and the administration after September 11 was to add a mission as a supplement to the current after-the-fact-prosecution-of-crime mission of the FBI, and that new mission was to try to prevent or preempt crimes from occurring in the first instance. So the FBI has been reorganized to go out and seek information on potential terrorists and be able to prevent the terrorist attack before it occurs.

If it occurs, they can still do the second function, which is to prosecute a terrorist as part of a particular group. But instead, the outdated and unnecessary requirement in the statute to link him to a specific international group prevented the FBI agents from pursuing what turned out to be the very best lead we had prior to the September 11 attacks.

We have looked into this. We have had several people testify before our committee on behalf of the administration in support of this three-word change to the FISA statute. Yet it has been very difficult for us to get action. It is true that the legislation has not been marked up in the Judiciary Committee, but, frankly, the chairman has not afforded us that opportunity. Notwithstanding the fact that we have had testimony in several different hearings of two different committees, we have not been able to get the bill as a free-standing bill to the floor for consideration by the Senate. There is an opportunity for us to attach it as an amendment. As I said, the best opportunity is the authorization bill of the intelligence community. This is the perfect opportunity for us to do so.

There will be those who will say the bill has not gone through the regular order of the committees and, therefore, it should not be included on the authorization bill of the intelligence community. In response to that is twofold: First, of all, at this stage in the session, in these last few days, we will see hundreds of bills come through here, hot-lined—the phrase we use—bills that will be put at the desk. Members will be asked whether they have any objection to these bills. If there are no objections, they will pass by unanimous consent bills that never saw a markup in committee. Some legislation will be brought over from the House of Representatives that was not even considered by a House committee. That is the way at the end of the session a lot of legislation is dealt with. There would be no reason for
something such as this not to be dealt with in the same way.

The second reason I submit is, we are in a war. Certainly we should not put form above substance in these circumstances. If we all agree that it makes sense what the FBI and the Justice Department and the intelligence community are asking for—to add three words to the FISA statute so that we don’t have another case like the Moussaoui case, so that we are able to look at the effects of someone who we believe is involved in terrorism against Americans or is planning to be engaged in it, even though we can’t connect them yet to a specific terrorist organization—if we believe that that is a good thing, then we should find the very first legislative vehicle we can to attach this amendment in order to effect that change.

Time is very short. We will have to get it over to the House of Representatives, which will have to act in the same session in order to send the bill to the President. We can do that if it is part of the intelligence authorization conference report because both bodies can approve the legislation at the same time and have it sent over to the President. This is the best opportunity for us to do that—unless we are going to put form over substance.

Let me make this sober point. A lot of our colleagues have pointed fingers at different people in the intelligence community. They have criticized procedures and policies of the intelligence community, and by that I mean our law enforcement community has been criticized, even by name.

It has been said there was a massive intelligence failure prior to September 11. I am part of a joint investigative committee looking into the events from an Senate Intelligence Committee standpoint—events prior to September 11—and a report from the Senate Intelligence Committee.

Almost every one of us has spoken at one time or another about what we believe were defects in the way our law enforcement and intelligence community approached events prior to September 11. There has been enough information uncovered by now to know that things could have been done better. A lot of different people could have done better than they did.

CoveredSeptember 11? Nobody has gone that far. We could have come a lot closer. The Zacarias Moussaoui case is a good example of it.

Today, we are in a situation where the Moussaoui kind of case could easily be replicated tomorrow. It will be the situation that is underway right now. It could be that someone such as this plans an attack and, God forbid, even carries out an attack, and later people are going to ask the question: What could we have done about that?

If we don’t do anything to make this change now, in the last very few days of this legislative session, we are going to be passing up an opportunity to save American lives. We would not be able to look at ourselves in the mirror if something similar to this happened again and we had failed to make this change. It is certainly not a preposterous thought that it could happen. It has already happened.

Our law enforcement community and intelligence community have told us this is a problem in today’s environment. It is no longer the cold war, where you were just dealing with the Soviet Union or the Red Brigade. You have to have people who have very loose affiliations—if any at all—but they are still terrorists. Our law didn’t contemplate that when it was written. So now we have to fix the law.

There is no reason not to make this change. Violate American civil rights? No. By its definition, it only applies to foreign persons. It cannot possibly violate the constitutional rights of any American—by its definition, it cannot.

Are we concerned about the constitutional rights of Americans?

Now, non-Americans do have certain rights in this country, but they do not have the right of the fourth amendment search and seizure prohibitions in the context of a statute such as the FISA statute and details which has been upheld as constitutional.

So as long as there is the foreign nexus there, and you are not talking about a U.S. citizen, again, it is impossible to be violating somebody’s rights.

The court has to be made to a judge. The judge still has to sign off on it. You still have to have the evidence backing up your belief that the individual is planning to or is in the act of engaging in an act of terrorism.

Now, it’s just some two-bit street criminal you are talking about. It has to be somebody on whom you can meet with that individual and try to get to a judge, and somehow have the right under the FISA statute to look further.

That is all this statute does. It enables you to go to a judge and say: Judge, will you please issue a warrant so that we can open up this guy’s computer and see whether he really is engaged in an act of terrorism against American citizens?

That is what we are talking about, and it is all we are talking about. I just asked a body who disagrees with me to please come down here, if not tonight, then tomorrow or the next day or approach me in the hallway or call my office and tell me why they would not support us.

What I don’t want to happen is that there is some lame attempt—a so-called hold—put on the bill, so that I have to try to track down who it is who anonymously objects to what we are trying to do. This is too important for the sake of America’s security.

By the way, I have no idea that any one of my colleagues necessarily objects to what I am trying to accomplish. But what I am saying is that we don’t have time now to fool around with this and go through the delays that sometimes accompany the consideration of legislation toward the end of a session. I need to know who, if any-one, really does have an objection so I can meet with that individual and try to accommodate them so that there is no problem with this piece of legislation.

It has been vetted by the administration. The administration supports it. It has the support of those who have testified before our committees. The Office of Legal Counsel has confirmed that the amendment is well within the Constitution. I will quote that in a moment.

So if there is any objection, we need to know what it is. We intend to include it in the Intelligence Committee authorization bill, and, obviously, that is a bill that must pass the Senate and the House. We don’t want it to be held up because of somebody’s concern about our particular amendment.

With regard to this question of constitutionality, I direct your attention to a July 31, 2002, letter presenting the views of the U.S. Department of Justice on S. 2586. It announces the Department’s support for the bill and provides an analysis of the relevant fourth amendment case law in support of the Department’s conclusion that the bill would satisfy constitutional requirements.”

So there is no reason for anyone to object to the bill on constitutional grounds, and, obviously, I can see no other grounds on which anyone would raise any questions. The Department of Justice, in particular, emphasized that “anybody monitored pursuant to the bill would be someone who, at the very least, is involved in terrorist acts that transcend national boundaries in terms of the means by which they are accomplished, the persons they appear intended to coerce or intimidate, or the locale in which the perpetrators operate or seek asylum”—50 U.S.C., section 1801(c)(3).

As a result, the Department says:

A FISA warrant would still be limited to collecting forward intelligence for the international responsibilities of the United States and the duties of the Federal Government to the States in matters involving foreign terrorists.

That is the test supplied by U.S. v. Duggan, a Second Circuit case, 1984, which represents the relevant test. Therefore:

The same interests and considerations that support the constitutionality of FISA as it now stands would provide the constitutional justification for S. 2668.

Mr. President, I think there is no question of constitutionality, there is no question of need, and there is no question about the timing requirement that we act now. Therefore, I urge my colleagues to support the Schumer-Kyl legislation to enable us to include this authorization for our Intelligence Committee. If there is any question about whether or not their support would be there, bring that to
my attention at the earliest moment so that we won’t have an issue.

I have assured Senator Graham of Florida, chairman of the Select Committee on Intelligence, of my commitment to ensure that the authorization bill is sent to the President in a way that would be acceptable to allow him to interfere with that. At the same time, it seems to me our proposal here is so required, so commonsense, so timely, that it is appropriate to include it in the legislation and that the burden is on someone who objects to demonstrate to us why they object, if in fact they do.

Mr. President, I ask unanimous consent to print in the Record at the conclusion of my remarks two documents: One is a Dear Colleague letter dated September 26, 2002, that was sent by Senator Schumer and I to our colleagues that describes in some detail S. 2586; and the other document is a statement for the Record of Marion E. “Spike” Bowman, Deputy General Counsel, the Federal Bureau of Investigation, in testimony before the Senate Select Committee on Intelligence, July 31, 2002.

The PRESIDING OFFICER. Without objection it is ordered.

(See exhibit 1.)

Mr. KYL. Mr. President, let me note a little bit what the second document is, and then I will conclude. What the Deputy General Counsel of the FBI testified before our committee was how terrorism has changed from the time the FISA statute was first enacted to what we see today. Let me quote a little bit from his statement:

When FISA was enacted, terrorism was very different from what we see today. In the 1970s, terrorism more often targeted individuals, often carefully selected. This was the usual pattern of the Japanese Red Army, the Red Brigades and similar organizations listed by name in the legislative history of FISA. Today we see terrorism far more lethal and far more indiscriminate than could have been imagined in 1978. It takes only the events of September 11, 2001, to fully comprehend the difference of a couple of decades. But there is another difference as well. Whereas before the terrorism formed solely around organized groups, today we often see individuals willing to commit indiscriminate acts of terror. It may be that these individuals are affiliated with groups we do not see, but it may be that they are simply radicals who desire to bring about destruction.

Mr. President, he goes on then to relate that to the legislation that Senator Schumer and I introduced. Let me quote a little more. What he says is:

...we are increasingly seeing terrorist suspects who appear to operate at a distance from these organizations. In perhaps an oversimplified, and illustrative, but nonetheless what we see today are (1) agents of foreign powers in the traditional sense who are associated with some organization or discernible group to whom appear to have connections with multiple terrorist organizations but who do not appear to owe allegiance to any one of them, but rather owe allegiance to the International Jihad movement.

Parenthetically, Mr. President, which is not a terrorist organization—(and 3) individuals who appear to be personally oriented toward terrorism but with whom there is no known connection to a foreign power.

Let me skip in the interest of time. Agent Bowman goes on to say:

During the decade-long Soviet-Afghan conflict, anywhere from 10,000 to 25,000 Muslim fighters representing some forty-three countries put aside substantial cultural differences to fight alongside each other in Afghanistan. The force drawing them together was the Islamic concept of “umma” or Muslim community. In this concept, nationalism is secondary to this community as a whole. As a result, Muslims from disparate cultures trained together, formed relationships, sometimes assembled in groups that otherwise would have been at odds with one another and acquired common ideologies.

The following the withdrawal of the Soviet forces in Afghanistan, many of these fighters returned to their homelands, but they returned with new skills and dangerous ideas. They now had newly-acquired terrorist organizations or is a terrorist for an international terrorist organization or is a terrorist for another country... and is a terrorist for his personal self—"or foreign person" are the words we use—in other words, he is a terrorist and a foreign person—any one of those three circumstances enable you to go to the judge and say: Here is our evidence that this individual is planning to engage in terrorism against people in the United States. Will you give us a warrant to search his computer, to search his personal effects, his home, or to put a wiretap on his telephone, whatever the case might be? The judge will then make a decision under the law, whether it is authorized or not.

If the court authorizes the issuance of the warrant, we can then look further to determine what this individual is seeking to do. We may find out it is an innocent situation or we may find out that the individual is just acting on his own but is a radical terrorist meaning to do harm to Americans or we may find, as in the case of Zacarias Moussaoui, that it turns out he is engaged as part of an international conspiracy with a specific organization, in this case al-Qaeda, but we do not know that and cannot prove it going in. That is why the change we seek is so critical.

I ask my colleagues to support the inclusion of this amendment as part of the authorization bill to our intelligence community, and if there is any problem that anybody sees, to bring it to our attention so we can deal with that prior to that bill coming to the floor because we do not want to slow that bill down or stop it from being considered favorably on the Senate floor.

Mr. President, I urge my colleagues to support our amendment. It is for the good of all our country, for the good of our national security, and I say this in conclusion: If we fail to do this and it was our fault that someone utilized our legal system to plan an act of terror against Americans, and Americans are killed or injured as a result of our failure, then we would have nobody but ourselves to blame.

I am going to try as hard as I can to get this done, but anyone who stands in the way will be held accountable if, God forbid, something should happen and we are unable to get this accomplished before we adjourn for the year.

EXHIBIT 1

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, DC, September 26, 2002.
DEAR COLLEAGUES: We have introduced S. 2586, the Schumer-Kyl exception bill—as an amendment to the Homeland Security bill. S. 2586 would amend the

November 15, 2002 — Senate — 87

CONGRESSIONAL RECORD — SENATE

October 15, 2002

To wrap this up, there are three words we would add to the FISA statute: “or foreign person,” so that if you can prove the terrorist is either a terrorist for an international terrorist organization or is a terrorist for another country... and is a terrorist for his personal self—"or foreign person" are the words we use—in other words, he is a terrorist and a foreign person—any one of those three circumstances enable you to go to the judge and say: Here is our evidence that this individual is planning to engage in terrorism against people in the United States. Will you give us a warrant to search his computer, to search his personal effects, his home, or to put a wiretap on his telephone, whatever the case might be? The judge will then make a decision under the law, whether it is authorized or not.

If the court authorizes the issuance of the warrant, we can then look further to determine what this individual is seeking to do. We may find out it is an innocent situation or we may find out that the individual is just acting on his own but is a radical terrorist meaning to do harm to Americans or we may find, as in the case of Zacarias Moussaoui, that it turns out he is engaged as part of an international conspiracy with a specific organization, in this case al-Qaeda, but we do not know that and cannot prove it going in. That is why the change we seek is so critical.

I ask my colleagues to support the inclusion of this amendment as part of the authorization bill to our intelligence community, and if there is any problem that anybody sees, to bring it to our attention so we can deal with that prior to that bill coming to the floor because we do not want to slow that bill down or stop it from being considered favorably on the Senate floor.

Mr. President, I urge my colleagues to support our amendment. It is for the good of all our country, for the good of our national security, and I say this in conclusion: If we fail to do this and it was our fault that someone utilized our legal system to plan an act of terror against Americans, and Americans are killed or injured as a result of our failure, then we would have nobody but ourselves to blame.

I am going to try as hard as I can to get this done, but anyone who stands in the way will be held accountable if, God forbid, something should happen and we are unable to get this accomplished before we adjourn for the year.

EXHIBIT 1

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, DC, September 26, 2002.
DEAR COLLEAGUES: We have introduced S. 2586, the Schumer-Kyl exception bill—as an amendment to the Homeland Security bill. S. 2586 would amend the

Foreign Intelligence Surveillance Act (FISA) to reach any foreign visitor to the United States who is believed to be involved in international terrorism, regardless of whether or not he is likely to be an agent of, or is himself, a foreign government or terrorist group. The bill is designed to make it easier for the FBI to monitor and apprehend international terrorists such as alleged 20th hijacker Zaccarias Moussaoui.

The Senate Select Committee on Intelligence reported S. 2386 on July 31, 2002. The Department of Justice has endorsed the bill in a Statement of Administration Policy, which we have attached for your review. In addition to passing the bill and an examination of those facts that we believe show that this change is necessary, we will also be in supporting this important legislation.

The Foreign Intelligence Surveillance Act requires that in order for a warrant to issue under that law, a court must find probable cause to believe that the target of the warrant is either an agent of, or is himself, a "foreign power." A term that is currently defined to mean any foreign power, or international terrorist organizations. Requiring a link to governments or established organizations may have made sense when FISA was enacted in 1978; in that year, the prototypical FISA target was a Soviet spy or a member of one of the hierarchical, military-armed forces, that are the West Germany’s Baader-Meinhof gang or the Red Army Faction. Today, however, the United States faces a much different threat. We are principally confronted not by a specific group or government, but by a movement. This movement—of Islamist extremists—does not maintain a fixed structure or membership, or even a leadership. The adherents do not always advertise their affiliation with this cause.

S. 2386 will help the United States to meet this threat by expanding FISA’s definition of “foreign power.” In addition to governments and organized groups, that term, under the bill, would also include "any person, other than a United States person, or group that is engaged in international terrorism or activities in preparation therefor."

With this change, U.S. intelligence agents would be able to secure a FISA warrant to monitor a foreign visitor to the United States who is involved in international terrorism—even if his links to a government or known terrorist groups remain obscure.

The role of the foreign-power requirement in obtaining prior September 11 investigations of Zaccarias Moussaoui was confirmed in dramatic testimony before the House and Senate Intelligence Committees on Tuesday of this week. An agent from the Minneapolis FBI office described to the Committees how that office opened an investigation of Moussaoui on August 15, 2001. Minneapolis agents arrested Moussaoui on immigration charges and applied for a FISA warrant to search his belongings. But as the FBI’s Deputy General Counsel stated on Tuesday before the Judiciary Committees, that application was denied because of statements from the Chechen terrorists, the evidence was inadequate to show that he served as an agent of that group—or that he had any links to Al Qaeda. (Thus, as the FBI’s Deputy General Counsel has confirmed, it was the strength of Moussaoui’s connection to the Chechens, not a lack of evidence “of what these Chechens constitute a ‘recognized’ foreign power for FISA purposes, as yesterday’s Washington Post suggested—was what ultimately prevented the issuance of a warrant.)

As a result, for three weeks prior to the September 11 attacks, the FBI was unable to search Moussaoui’s computer or his papers.

After the Trade Center and Pentagon attacks—and largely because of them—the FBI received a criminal warrant to search Moussaoui. Among other things, the information in his effects linked Moussaoui to two of the actual hijackers, and to a high-level terrorist who was recently arrested in Pakistan.

No one can say whether this information would have allowed the FBI to stop the September 11 conspiracy. But all must agree that the FBI should have access to this information. Once U.S. agents had evidence that this international terrorist, the full tools of FISA should have been available to them—regardless of whether Moussaoui could be linked to a particular terrorist group. In short, outdated and unnecessary requirement blocked U.S. intelligence agents from pursuing their best lead on the eve of the September 11 attacks.

Indeed, according to FBI Director Mueller, the current standard probably would have prevented the FBI from using FISA against any of the September 11 hijackers. As the Director noted in his testimony before the Judiciary Committee earlier this year, "prior to September 11, [of] the 19 or 20 hijackers, * * * we had very little information as to anything of the kind that the FISA would permit..." (emphasis added), and an "agent of a foreign power" includes any person who “knowingly engages in sabotage or international terrorism or activities that are in preparation therefor, for or on behalf of a foreign power,” id. § 1801(a)(3)(B), (C) (emphasis added), and an “agent of a foreign power” includes any person who “is either an agent of, or is himself, a foreign power.”

To expand the Foreign Intelligence Surveillance Act of 1978 (‘FISA’) to reach individuals other than United States persons who engage in international terrorism without affiliation with an international terrorist group, we believe that it would...

FISA allows a specially designated court to issue an order approving an electronic surveillance or physical search, where a significant purpose of the surveillance is “to obtain foreign intelligence information.” Id §§1804(a)(7)(B), 1805(a). Given this provision, this new definition of probable cause that differs in some respects from the determination ordinarily underlying a search warrant. The court need not find that there is probable cause to believe that the surveillance or search, in fact, will lead to foreign intelligence information, let alone evidence of a crime, and in many instances need not find probable cause to believe that the target has committed a criminal act. The court instead determines, in the case of electronic surveillance, whether a "foreign power" "is potentially misleading. The current title to international terrorism.

The terms "foreign power" and "agent of a foreign power" are defined at some length, id. § 1824(a)(3), (b), and specifications of the definitions are especially applicable to surveillances or searches aimed at collecting intelligence about terrorism. As currently defined, "foreign power" includes anyone engaged in international terrorism or activities in preparation thereof, id. § 1801(a)(3)(B) (emphasis added), and an “agent of a foreign power” includes any person who “knowingly engages in sabotage or international terrorism or activities that are in preparation therefor, for or on behalf of a foreign power,” id. § 1801(a)(3)(C) (emphasis added). "International terrorism" is defined to mean activities that

(1) involve violent acts or acts dangerous to human life that are a violation of the criminal laws of the United States or of any State, or that would be a criminal violation if committed within the jurisdiction of the United States or any State; and

(2) occur totally outside the United States, or transcend national boundaries in terms of the means by which they are accomplished, the persons or organizations or facilities that are engaged in international terrorism, or the effects of the acts of international terrorism. To achieve this expansion, the bill would add the following italicized words to the current definition of "international terrorism": "or on behalf of any United States person who is, or a group that is, engaged in international terrorism or activities in preparation thereof.

We have repeatedly upheld the constitutionality, under the Fourth Amendment, of the FISA provisions that permit...
issue an order based on probable cause to believe that the target of a surveillance or search is a foreign power or agent of a foreign power. The question posed by S. 2586 would be whether the reasoning that in some cases precludes expansion of the term “foreign power” to include individual international terrorists who are unconnected to a terrorist group.

The Second Circuit’s decision in United States v. Duggan, 743 F.2d 72 (2d Cir. 1984), sets out the fullest explanation of the procedures in FISA. To identify these concerns, the court first quoted from the Senate’s decision to pass the Foreign Intelligence Surveillance Act v. United States District Court, 407 U.S. 297, 308 (1972) (“Keith”), which addressed “domestic national security surveillance rather than intelligence gathering by governments and their agents, but which specified the particular difficulties in gathering “security intelligence” that might justify departures from the usual standards for warrants:

“[Such intelligence gathering] is often long range and involves the interrelation of various sources and types of information. The exact targets sought to be surveilled may be more difficult to identify than in surveillance operations against many types of crime. The information sought may be obtained through electronic surveillance in ordinary criminal cases. Often, too, the emphasis of domestic intelligence gathering is on the prevention of underhandedness of the government’s preparedness for some possible future crisis or emergency. Thus the focus of domestic surveillance may be less precise than that directed against more conventional types of crime.” Duggan, 743 F.2d at 72 (quoting Keith, 407 U.S. at 322). The Second Circuit then quoted a portion of the Senate Report on FISA. The reasonableness of [FISA] procedures depends, in part, upon an assessment of the difficulties of investigating activities planned, directed, and supported from abroad by foreign intelligence services and foreign-based terrorist groups. Other factors include the international responsibilities of the United States, the duties of the Federal Government to the States in matters involving foreign terrorism, and the need to maintain the secrecy of lawful counterintelligence sources and methods.

Id. at 73 (quoting Senate Report at 14). The Senate Report at 14. To overcome those difficulties, a foreign intelligence investigation “often [will be] broad and involved[] the interrelation of various sources and types of information.” Id. at 72 (quoting Keith, 407 U.S. at 322). This information frequently will require special handling, as under the procedures of the FISA court, because of “the need to maintain the secrecy of lawful counterintelligence sources and methods.” Id. at 72 (quoting Senate Report at 14). Furthermore, because in foreign intelligence investigations under the expanded definition “[o]ften . . . the emphasis is on the enhancement of the government’s preparedness for some possible future crisis or emergency,” the “focus of surveillance may be less precise than that directed against more conventional types of crime.” Id. at 73 (quoting Keith, 407 U.S. at 322).

Therefore, the same interests and considerations that had led to the enactment of FISA as it now stands would provide the Congress with the power it needs to protect our Nation. The Office of Management and Budget has advised us that from the perspective of the Administration’s program, there is no objection to submission of this letter.

Sincerely,

DANIEL J. BRYANT,
Assistant Attorney General.
During the decade-long Soviet/Afghan conflict, Usama bin Laden and his fellow fighters representing some forty-three countries put aside substantial cultural differences to fight alongside each other in Afghanistan, drawing them together was the Islamic concept of “umma” or Muslim community. In this concept, nationalism is secondary to the Muslim community as a whole. The compelling force of these cultural traits was training and common goals. They were also influenced by radical spiritual and temporal leaders, one of whom has gained prominence on a global scale—Usama bin Laden.

Following the withdrawal of the Soviet forces from Afghanistan, many of these fighters returned to their homelands, but they returned with new skills and dangerous ideas. They now had newly-acquired terrorist training as guerrilla warfare was the only way they could hope to overthrow or even harm the Soviet forces. They also returned with new concepts of community that had little to do with nationalism. Those concepts of community fed naturally into opposition to the adoption, and toleration, of western culture. As a result, many of the Arab-Afghan returnees united, or reunited, with indigenous radical movements, many of which had been imagined in 1978. It takes only the events of September 11, 2001 to fully comprehend the difference of a couple of decades. But there is another difference as well. Where once we saw terrorism formed solely around organized groups, today we often see individuals willing to commit indiscriminate acts of terror. It may be that these individuals are affiliated with groups we do not see, but it may be that they are simply radicals who desire to bring about destruction. That brings us to the legislation being considered today.

The FBI uses investigative tools to try to prevent terrorism wherever and whenever it can, but particularly to prevent terrorism directed at Americans or American interests. Most of our investigations occur within the United States, the most populous focus on individuals. Historically, terrorism subjects of FBI investigation have been associated with terrorist organizations. As a result, FBI has usually been able to associate an individual with a terrorist organization, for FISA purposes, as a foreign power. To a substantial extent, that remains true today. But we are increasingly seeing terrorist suspects who appear to operate at a distance from these organizations. In perhaps an oversimplification, but illustrative nevertheless, what we see today are (1) agents of foreign powers in the traditional sense who are associated with some organization or discernible group, (2) individuals who appear to have connections with multiple terrorist organizations but who do not appear to owe allegiance to any one of them, but rather owe allegiance to the international network; (3) and (4) violent individuals who appear to be personally oriented toward terrorism but with whom there is no known connection to a foreign power.

This phenomenon which we have seen to be growing for the past two or three years, appears to stem from a social movement that began at some imprecise time, but certainly more than a decade ago. It is a global phenomenon which the FBI refers to as the International Jihad Movement. By way of background we believe we can see the contemporal development of this movement, and its focus on terrorism, rooted in the Soviet invasion of Afghanistan.

**BACKGROUND**

During the decade-long Soviet/Afghan conflict, bin Laden was a wealthy Saudi who fought alongside the mujahedeen. The Taliban ruled for his long experience in this. In a May, 1996 interview with Time Magazine, UBL stated: “in our religion there is a heresy for those who participate in jihadi. One day in Afghanistan was like 1,000 days in an ordinary mosque.”

Although bin Laden was merely one leader among many during the Soviet-Afghan conflict, he was a wealthy Saudi who fought alongside the mujahedeen. In consequence, his stature with the fighters was huge during the war and he continued to rise in prominence such that, by 1998, he was able to announce a “fatwa” (religious ruling) that would be respected. In short, he stated that it is the duty of all Muslims to kill Americans: “in accordance with God’s word, we issue the following fatwa to all Muslims: the ruling to kill the Americans and their allies, including civilians and military, is the individual duty for every Muslim who can do it in any country in which it is possible to do it.”

Bin Laden was not alone in issuing this fatwa. It was signed as well by a coalition of leading Islamic militants to include Ayman al-Zawahiri (soon to become the leader of the Egyptian Islamic Jihad), Abu Yaar Rifa’i Ahmad Taha (Islamic Group leader) and Sheikh Fuzil Umar Rahman (Harakat ul Ansar) who composed the fatwa’s name. The then leader of the International Islamic Front for Jihad on the Jews and Christians. This fawa was significant as it was the first public call for attacks on Americans, both civilian and military, and because it reflected a unified position among recognized leaders in the radical Sunni Islamic community. In essence, the fatwa reflected the globalization of radical Islam.

There is a terrorist network of extremists that has been evolving in the murky terrain of Southwest Asia that uses its extremist views of Islam to justify terrorism. His organization, al Qaeda is but one example of this network.

**AL QAEDA**

Although Al Qaeda functions independent of other terrorist organizations, it also functions in concert with a number of other organizations that operate under its umbrella or with its support, including: the Al-Jihad, the Al-Gamma Al-Islamiyya (Islamic Group—led by Sheik Omar Abdel Rahman and later by Ahmed Refa’al Taha, a.k.a. “Abu Yasser al Marsi”), Egyptian Islamic Jihad, and a number of jihadi groups in other countries, including the Sudan, Egypt, Saudi Arabia, Yemen, Somalia, Eritrea, Djibouti, Afghanistan, Pakistan, Bosnia, Croatia, Albania, Algeria, Tunisia, Lebanon, the Philippines, Turkey, the United States, the United Kingdom, Canada, and the United States. By banding together, Al Qaeda proposed to work together against the perceived common enemies in order to particularly the United States which Al Qaeda regards as an “infidel” state which provides essential support for other “infidel” governments. Al-Qaeda responded to the United States armed forces in the Gulf and the arrest, conviction and imprisonment in the United States of persons belonging to Al-Qaeda while issuing fatsas indicating that attacks against U.S. interests, domestic and foreign, civilian and military, were both proper and necessary. Those fatsas resulted in attacks against U.S. nationals in locations around the world including Somalia, Kenya, Tanzania, Yemen, and now in the United States. Since 1993, thousands of people have died in those attacks.

**THE TRAINING CAMPS**

With the globalization of radical Islam now well begun, the next task was gain adherents and promote international jihad. A major step was the selection from among a number of terrorist training camps that had long been established in Afghanistan. It is important to note, that while terrorist adherents to what we have come to know as al Qaeda trained in the camps, many others did as well. For example, according to the convicted terrorist Ahmed Ressam, three representatives of the Algerian Armed Islamic Group (GIA) and its offshoot the Salafi Groups for Call and Combat (GSPC), HAMAS, Hizbollah, and others advised and helped a number of various other terrorists trained at the camps.

Ressam also reports that cells were formed, dependent, in part, on the timing of the arrival of the trainees, rather than on any cohesive or pre-existing organizational structure. As part of the training, cleric and other authority figures advised the cells of the targets that are deemed valid and proper. The training they received included placing bombs in airports, attacks against U.S. military installations, U.S. warships, embassies and embassies in the United States and Israel. Specifically included were hotels holding conferences of VIPs, military barracks, petroleum targets and information technology centers. As part of their training, scenarios were developed that included all of these targets.
Ressam, who as a not a member of al Qaeda, has stated that the cells were independent, but were given lists of the types of targets that were approved and were initiated into the cell. One of the International Jihad spokespersons explicitly noted that his own terrorist attack did not have bin Laden’s blessing or his money, but he believed it would have been welcomed. He asked for a message from bin Laden to state that bin Laden urged more operations within the United States.

THE INTERNATIONAL JIHAD

We believe the suicide hijackers of September 11, like many other groups, were inspired by an al Qaeda fatwa which, in turn describes what we believe is the international jihad. During 1997 UBL described the “international jihad” as follows:

“...the influence of the Afghan jihadi on the Islamic world was so great and it necessitates that people should rise above many of their differences and unite their efforts against their enemy. Today, the nation is interacting well by uniting their efforts through jihad against the U.S. which has in collaboration with the Israeli government led the ferocious campaign against the Islamic world in occupying the holy sites of the Muslims. . . . [A]ny act of aggression against the holy sites of Islam is a span of a Jihad that makes us a duty for Muslims to send a sufficient number of their sons to fight off that aggression.’’

In May of 1998 UBL gave an interview in which he stated “God willing, you will see our work on the news...’’ The following August the East African embassy bombings occurred. That was bin Laden speaking, but it should be remembered that the call to harm America is not limited to al Qaeda. Shortly after September 11 Mullah Omar said “God willing, America is going ahead and God willing it is being implemented...’’ Sheikh Ikrama Sabri, a Palestinian Mufti, said in a radio sermon in 1997, “Oh Allah, destroy America, her agents, and her allies! Cast them into their own traps, and cover the White House with black!’’ Ali Khamenei, in 1996, said ‘The American regime is the enemy of [Iran’s] Islamic government and our revolution.’’ There are many other examples, but the lesson to be drawn is that al Qaeda is but one faction of a larger and very amorphous radical anti-western network that uses al Qaeda members as well as others sympathetic to al Qaeda’s ideas or that share common hatreds.

Information from a variety of sources repeatedly carries the theme from Islamic radicals that expresses the opinion that we just do not understand the Islamic world’s perception and understanding of the ‘Islamic jihad’ and wonder why the western world is focused on groups rather than on the concepts that make them a community. One place to look at the phenomenon of the ‘international jihad’ is the web. Like many other groups, Muslim extremists have found the Internet to be a convenient tool for spreading propaganda and helpful hints for their followers around the world. Web sites calling for jihad, or holy war, against the nonbelievers are plentiful. Among them, some may consider extremist Islam to be in its formative stage at the moment, its roots run deep and widespread. Such groups take many forms, one of which is the focus of this hearing.

The final analysis, the International Jihad movement is comprised of dedicated individuals committed to establishing the umma through terrorist means. Many of these persons who are closely linked to the domestic terrorists, are related. In an operational, personal, and spiritual way they are linked by ideas and goals, not means. Whether a different formulation is needed to address the contemporary terrorist problem, this committee is faced with the challenge of determining whether a different formulation is needed to address the contemporary terrorist problem. While I cannot discuss specific cases in detail, I can say that the FBI has uncovered individual and small cells that are acting as terrorists, but have not been sufficiently linked to a terrorist organization or group as required by FISA. The FBI greatly appreciates the Committee’s work on the FISA bill and looks forward to working with the Committee to find the best approach for appropriate investigation of such individuals.

MORNING BUSINESS

Mr. DASCHLE, Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KYL. Mr. President, I suggest the absence of Mrs. Joy.

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

TRIBUTE TO SHELLIA C. JOY

Mr. THURMOND. Mr. President, I rise today to pay tribute to my good friend Shellia C. Joy for her devoted service to the United States Department of Justice.

Sheila C. Joy was born in Springfield, MA, and graduated from the University of Massachusetts. After two years of civilian service in the United States Air Force, Mrs. Joy began her career with the United States Department of Justice. Beginning as a Staff Assistant, she successfully worked through the ranks and is presently a program manager responsible for reviewing judicial appointments in the Office of Policy Development. She has made great strides to ensure United States judges are fairly appointed to the bench, and I am honored to have had the opportunity to work so closely with her. Mrs. Joy has been a strong leader of her organization because of Mrs. Joy’s hard work, and she can take great pride in all she has accomplished during her tenure. She is to be commended for her integrity, dedication, and fairness in reviewing judicial appointments.

Massachusetts Memorial Service

Mr. KENNEDY. Mr. President, I am honored to join all of you, the families of loved ones from across our Commonwealth who lost their lives last September 11.

We come to this birthplace of liberty to remember, to give honor, and to express our resolve.

All around us in this historic place are the images of famous leaders who built a nation and its ideals that were attacked a year ago, on a day whose dawn had seemed almost uniquely American in its sunny optimism.

Etched in the wall around this stage are the names of heroes who gave their lives for our country on September 11, 2001. The list is heartbreaking, and it goes on and on. These heroes were famous in a different way, famous to their neighbors and friends for their fabled jumpshot in the hoop, their firms for a brilliance tempered by laughter, or celebrated by their young children as super-heroes, able to launch them into the air with an easy toss, and always there to catch them. They expected to pass the ball again, to make another trade, or tell another joke, to come home that night and read a bedtime story.

Then they were gone, in the darkness of the night, and the sun was later to rise above the sunken dawn. We mourn them for theDAQGENDOY RECORD—SENATE October 15, 2002

sunny dawn. We mourn them for the morning’s promise which was unfulfilled. We praise them for the way they lived, and so many cases for the bravery in the way they
died. And we as a country, as a community, as friends and neighbors and family, hold them in our hearts.

I spoke with a member of almost every family in Massachusetts who lost a loved one on the planes, or at Ground Zero in New York, or at the Pentagon. To those left behind, I say on this sad day: I know something of what you feel. To lose someone you love, and to lose them so suddenly, so unexpectedly, so terribly, to see them torn out of the fabric of life, is almost more than anyone can bear.

And then, although we know the passage of a year cannot heal that memory, we move on, because we have to, because they would want us to, and because there is still light left in the world, including the love they left us.

In a different time of grief, my brother Robert Kennedy quoted the ancient poet Aeschylus: “In our sleep, pain, which cannot forget, falls drop by drop upon the heart until, in our despair,esa, comes wisdom through the awful grace of God.”

May God, this year and every year and every day, grant that grace to you the families.

And for all of us, there is something else that comes from last September 11. From the pain that day have come both wisdom and will.

We have learned anew the wisdom that as Americans, we are many, but we are also one.

On Flight 93, there was a unity of purpose and a fierce pride. Passengers who had never met before became a band of brothers and sisters, sacrificing their lives so that others might live. Many other individual acts of courage saved more lives than we can know or count at Ground Zero and the Pentagon.

People all across the country and of all ages asked what they could do, from giving their blood, to clearing rubble at the World Trade Center, to giving their blood, to lending a shoulder to their neighbor to cry on. In countless ways, we came together, and founded a new American spirit of service to others.

The terrorists taught us a lesson different from the one they expected. They acted with hate, but we reached out to comfort and support one another with love. No one asked whether the rescuer leading them down the packed stairwell of the World Trade Center was white paper, Anglo or African-American or Hispanic, gay or straight. We gained a new determination as Americans to reject discrimination in all its hateful forms.

Out of the pain that day, Americans understood more powerfully than perhaps ever before the pledge of “liberty and justice for all.”

To help those in need;
To give hope;
To share what we have;
To serve without trying to heal—

That is our lesson from this tragedy, and it is wisdom that must guide us over time. The new American spirit of service can and must become a new era of commitment to the ideals of compassion, equality, opportunity, and concern for one another. We as a society seek to save a life when a terrorist strikes, and we as a society must do as much when the terror or a dread disease strikes, or the terror of poverty steals dreams.

May that legacy of 9/11, that legacy of love and compassion and caring, become our enduring tribute to all those who were lost.

Out of that day also came a new sense of national resolve and will. We are at war today, with a terrorism that has plagued too many places for too many years, and that has finally struck at the heart of America.

This is a conflict we did not seek, but must win, not alone for ourselves, but for the cause of freedom, tolerance and human rights around the world.

The ideas and ideals created long ago in this great hall have shaped the dreams of countless millions yearning to be free.

Now, as the greatest power on earth, we have a responsibility. Our gifts of strength and wealth and values can decide that the future will belong to the forces of hope and onto of hate. This is a struggle on victory against terrorism. It demands that we then continue in a long, tireless endeavor to make the world not only safer for us, but better for all. In our determination to defeat those who have attacked our people and our principles, we truly are “one nation under God, indivisible.”

How true that was, how deeply we felt it, a year ago today. Together that day, we hurt and feared and hoped and prayed. And together now, we will prevail.

God bless all who were lost and all who lost them. God give us strength, and the wisdom to use it well. God bless America.

TRIBUTE TO SENATOR FRED THOMPSON

Mr. SHELBY. Mr. President, I rise today to pay tribute to Tennessee Senator Fred Thompson, a stalwart conservative with a long and colorful career in both the private and public sectors. Senator Thompson has always been a vocal and active proponent of reducing the role of the federal government in the tax burden of Americans and allowing individuals the freedom to make their own choices. His remarkable rise to a position of influence among his fellow lawmakers is a testament to the passion of his beliefs. Senator Thompson has been a valuable member of the Senate, and his presence will be missed when he retires at the end of the 107th Congress. I would like to take this opportunity to commend my fellow Southern colleague for his dedication to work on behalf of the people of Tennessee. He has won the best of luck as he leaves the Senate.

Born in my home state of Alabama, Senator Thompson grew up in Lawrenceburg, TN. He worked his way through undergraduate school at Memphis State University and then law school at Vanderbilt. Two years later, he was named an Assistant United States Attorney in Nashville, where his outstanding record brought him to the attention of Governor Lamar Alexander to investigate outgoing Governor Ray Blanton. Senator Thompson added to his growing reputation by uncovering a cash for clemency scheme that ultimately sent Governor Blanton to jail. Over the next several years, Senator Thompson continued to practice law in Nashville and in Washington. He also continued his work with Congress, working as Special Counsel to the Senate Committee on Intelligence and the Senate Committee on Foreign Relations.

With an open election looming to fill the last two years of former Sen. Al Gore’s term in 1994, Senator Thompson decided to enter the race. He championed his Tennessee roots, conservative values and desire to reform the Federal Government. His message resonated with the voters, who overwhelmingly supported him in the general election in 1994. In 1996, Senator Thompson was elected to a full term in the Senate, receiving more votes than any previous candidate for any office in Tennessee history.

Since joining the Senate, Senator Thompson has tirelessly worked to promote his conservative values. A fierce critic of federal bureaucracy, he has introduced legislation and held hearings aimed at producing a smaller, more efficient, and more accountable government. Through his work on the Finance Committee, he has focused his energy on reducing taxes, reforming the tax code and restoring Social Security and Medicare programs to long-term solvency. Admirably, he has always remained thoroughly independent and committed to his beliefs.

I have truly enjoyed working with Senator Thompson here in the Senate. He is a tremendous asset to the people of Tennessee and valuable member of the Republican party. I thank him for his many years of service and wish him the best in all future endeavors.

SOMALIA

Mr. FEINGOLD. Mr. President, today I wish to express my support for the efforts underway to establish clear systems for effective regulation and monitoring of Somali remittance companies. Right now, the United Nations Development Program is working to build the capacity of the Somali financial sector and to bring Somali together with key stakeholders in the international banking community so that clear expectations, shared high
Mr. SMITH of Oregon. Mr. President, I rise today in support of legislation introduced by Senator CLELAND, S. 1739, which seeks to improve security on motorcoaches and over-the-road buses nationwide. I became a cosponsor of S. 1739 in the wake of a September 30 attack in which two people were killed and more than a dozen others injured after a Greyhound bus skidded off a California highway. The bus driver had been stabbed in the throat by a passenger.

While it quickly became known that the incident was no terrorist attack, it served as a stark reminder that a significant part of America’s transportation network remains vulnerable to attack. Every year, motorcoaches and over-the-road buses carried an estimated 800 million passengers to 4,000 communities in 50 states, transporting one in five of the passenger load carried by the airlines or Amtrak.

I believe that it is vitally important that we address bus security concerns highlighted by the recent attack. A critical component in our fight against terrorism is protecting the security of our transportation system, including buses. We have to assume that any facet of our transportation system remains a target for violence. Terrorists in Israel have been successful with both deadly effectiveness. So we have to take steps, like S. 1739, which will move us toward a more secure system across every mode of transportation and across our transportation infrastructure.

S. 1739 provides funding to the motorcoach industry to enhance security at a time when improved security is increasingly necessary but when the industry is least able to make new investments. Other forms of commercial passenger transportation including Amtrak, the airline and transit agencies have all received sizeable funding commitments from Congress for security upgrades, and the motorcoach industry should not be ignored when it comes to safety.

Specifically, this bipartisan legislation provides $400 million in grants to be made by the Secretary of the Treasury for over-the-road bus transportation security. The grants must be used for specified system-wide security upgrades, including the reimbursement of security-related costs incurred since September 11, 2001. The grants will allow bus operators to protect drivers, implement passenger screening programs, and construct or modify facilities. Grants could also be used to train employees in terrorist threat assessments, hire and train security officers, and install video surveillance and emergency communication equipment.

Many of these upgrades have already been undertaken by the industry since September 11. This bill will supplement and reimburse the industry for these efforts.

Since 9/11, Members of Congress have shown broad bipartisan support for addressing the issue of bus security. In April, S. 1739 was unanimously approved by the Senate Committee on Commerce, Science and Transportation, of which Senator CLELAND and I are members. In May, a companion measure passed the House Transportation and Infrastructure Committee, also unanimously, and is pending on the House floor. Also, this summer Congress provided for that purpose in the Fiscal Year 2002 Supplemental Appropriation bill.

Given the fact that the intercity bus system is a crucial link in America’s transportation system, I believe that Congress must act to secure that system against further attacks, and I strongly urge my colleagues to join me in a show of support for this legislation.

CIVIL LIBERTIES IN HONG KONG

Mr. FEINGOLD. Mr. President, I’d like to take a few minutes this morning to call attention to recent disturbing trends with regard to democracy and civil liberties in Hong Kong.

As you know, Hong Kong recently marked 5 years under the sovereignty of the People’s Republic of China. When the territory reverted from British to Chinese control in 1997, China’s communists rulers in Beijing promised to respect its autonomy for a period of 50 years under the so-called “One Country, Two Systems” formula. They also agreed Hong Kong would move toward direct elections by 2007.

At the same time, however, Article 23 of the so-called Basic Law that became Hong Kong’s new constitution required that the territory adopt legislation prohibiting “treason, secession, sedition or subversion” against the Chinese Government, as well as “theft of state secrets.”

The Hong Kong Bar Association, among others, did not believe new legislation was necessary, since existing Hong Kong laws were sufficient to deal with legitimate national security concerns. But Beijing felt otherwise.

When Chinese President Jiang Zemin and Vice Premier Qian Qichen traveled to Hong Kong in July to commemorate the fifth anniversary of the handover, they reportedly made clear to Tung Chee-Hwa, their hand-picked chief executive, that they wanted an anti-subversion statute adopted without further delay.

Mr. Padilla was treated for severe eye and head injuries resulting from the attack.

I believe that Government’s first duty is to defend its citizens, to defend them against the harms that come our way. 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.
Three weeks ago, Tung’s administration obliged, unveiling a plan for new legislation to implement Article 23. Tung called the plan “both liberal and reasonable.” But it contains a number of provisions that could potentially seriously undermine civil liberties in Hong Kong.

For example, Tung’s plan makes it an offense to organize or support the activities of organizations deemed by Beijing to threaten national security. It allows the police to enter and search private residences without a warrant to investigate suspected treason, sedition and subversion. It creates a new offense of “secession,” presumably for advocating independence for Tibet or Taiwan. Citizens would be legally obliged to report on alleged “seditious” activities of friends, neighbors and colleagues. Meanwhile, journalists could face criminal penalties simply for reporting information about relations between Hong Kong and Beijing. Perhaps disturbingly, the most important part of this legislative proposal is that it represents a further intrusion of Beijing’s anti-democratic legal concepts and practices into Hong Kong. Definitions of offenses are vague, giving the government discretion to determine which organizations it wants to prosecute, or silence through the threat of prosecution. Although Tung says he will uphold human rights and civil liberties as the “pillars of Hong Kong’s success,” his Secretary of Security, Regina Ip, admits that, under the proposed legislation, she would essentially defer to Beijing to determine which organizations to prohibit. Falun Gong leaps to mind. The Dalai Lama’s followers might also take heed.

Journalists and scholars have good reason to be concerned if the new legislation similarly incorporates Beijing’s extremely broad definition of what constitutes a “state secret.” Rabiya Kadir, a Pakistani businesswoman once feted by Beijing as a “model minority,” is currently serving an eight-year sentence under Beijing’s state secrets law for mailing newspaper clippings to her husband in the United States. More recently, a prominent AIDS activist, Wan Yanhai, was detained for a month by the Beijing Bureau of State Security for leaking “state secrets.” His alleged offense was revealing that hundreds of thousands of Chinese people might have been infected with HIV through unsafe blood transfusions, information the authorities didn’t think people needed to have.

Regina Ip, who has been acting as Tung’s point person for the new anti-subversion law, has attempted to reassure the plan’s critics by saying Hong Kong’s highly regarded independent courts will be responsible for interpreting and applying the new law. However, it was her government that undermined the integrity of those courts three years ago. She pointed to a high-court decision on immigration that it didn’t like to the National People’s Congress Standing Committee in Beijing, as is its prerogative under the Basic Law. Beijing overturned Hong Kong’s Final Court of Appeal in that case, setting a dangerous precedent in the eyes of Hong Kong’s pro-democracy community.

Ultimately then, as a columnist recently pointed out in the Financial Times, the bulwark against erosion of civil liberties in Hong Kong may not be the territory’s excellent judiciary but its executive, and that is not a comforting thought given the track record of Hong Kong’s executive over the past five years. Tung Chee-Hwa has tightened controls on public demonstrations. His government turned away more than 100 people who sought to travel to Hong Kong to demonstrate at July’s fifth anniversary ceremonies, so as not to embarrass his VIP guests from Beijing. After winning a second five-year term in March in a process in which exactly 800 people participated, he introduced a new system allowing him to hand-pick political appointees without the advice or consent of Hong Kong’s legislature. There is no indication yet of any plans to make the process more democratic in 2007.

More recently, when democracy advocates suggested that the Government make a detailed version of its proposed anti-subversion legislation available for public comment before the bill is formally introduced in the Legislative Council, Regina Ip replied as follows:

Will taxi drivers, Chinese restaurant waiters, service staff at McDonald’s hold a copy of the bill to debate with me by article by article?

Ms. Ip’s remarks reveal contempt for the right of the general public to be consulted about matters that concern it. Unfortunately, this attitude is not uncommon among the economic elite that runs Hong Kong. The Chamber of Commerce represents the sector, and its chairman, a member of the Liaison Office, that popularly elected representatives would spend money irresponsibly if given power. Another well-known tycoon is fond of saying “no representation without taxation,” turning the motto of the founders of our American democracy on its head. In other words, Hong Kong’s is a government of the wealthy, by the wealthy and for the wealthy.

Of course, Hong Kong did not enjoy democracy under British rule, either. The business of Hong Kong has always been business. The difference now is that the territory’s capitalist elite has decided that currying favor with the communist dictators in Beijing is good for business. If some civil liberties need to be sacrificed in the process, they appear willing to accept the bargain.

Many observers perceive this attitude being reflected in a growing tendency toward self-censorship within Hong Kong’s major media. For example, two years ago the South China Morning Post, which aspires to enter the Mainland Chinese market, replaced its veteran, hard-hitting China editor, Willy Lam, with the former editor of the Beijing-controlled China Daily. Then, in April of this year, the paper’s veteran Beijing bureau chief, Jasper Becker, was fired for insubordination after complaining that the paper’s China coverage was being “watered down.” Should that to its credit, the Post has been strongly critical of the government’s recent legislative proposal.

Hong Kong today remains a vibrant and cosmopolitan city. Its citizens enjoy a degree of civil and economic liberties far surpassing that of most other countries. But whereas the trend in much of the world is toward greater democracy, in Hong Kong things appear to be headed in the other direction.

China’s President Jiang Zemin will visit the United States later this month. President Bush may want to raise the issue of autonomy and civil liberties in Hong Kong with him. That would be entirely appropriate. But I think that we as a society can send a far more powerful message to the people who rule Hong Kong in a language they will understand. Those individuals fully appreciate that their future de- pends on their ability to perpetuate Hong Kong’s status as a global financial center. Geography is no longer sufficient to maintain that status. Rather, what makes Hong Kong Hong Kong, what makes thousands of talented people from throughout the world eager to live and work there, is its spirit, its vitality, its spontaneity, its brashness, its “anything goes” attitude and its creativity. In the eyes of many, those qualities make Hong Kong one of the most exciting places on Earth.

Hong Kong’s current rulers are set on a path that risks killing the goose that laid that golden egg. That’s a message they need to hear not only from foreign politicians but from the international business community. Tung’s government and his colleagues, the investors and the economic and cultural globe-trotters, voting with their feet and their pocketbooks. I encourage all such people who care about Hong Kong and about freedom to tell the Hong Kong authorities that, if Hong Kong sacrifices those things that make it unique and worth living in, we may as well set up shop in Shanghai.

NOTICE OF STUDY ON LOCAL ALL-DAY KINDERGARTEN PROGRAM

Mr. KENNEDY. Mr. President, I would like to alert my colleagues to a recently released study that shows great promise for all kindergartners, based on achievement gains in Montgomery County, MD. On October 1st, the Washington Post published key findings from a 2-year study of Montgomery County’s intensive all-day kindergarten program. For the past 2 years, Montgomery County has lengthened the school day, decreased class sizes, and implemented a revised curriculum in its 17 highest-poverty schools.
The article highlights the rise in reading achievement for all students involved in the program, with low-income students making the most progress. In these 17 schools, 51 percent of the most disadvantaged children met reading benchmarks at the end of first grade, nearly tripling the percentage of poor children in the rest of the county did. Students made gains of over 50 percentage points in all ethnic groups, also narrowing the achievement gap by as much as 11 percent on some measures. Superintendant Weast attributed most of the program's success to additional training for teachers and principals.

We must address the needs of our youngest students before our lack of attention compounds the disadvantages that many of them already bring to school. If children do not read fluently by the end of third grade, we know that many of them never will. We should do all we can to support further success. The results in Montgomery County show us that we can make a difference to children's lives.

I ask unanimous consent that an article entitled “All-Day Kindergarten Posts Big Gains in Montgomery” be printed in the RECORD.

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

[From the Washington Post, Oct. 1, 2002]

ALL-DAY KINDERGARTEN POSTS BIG GAINS IN MONTGOMERY

(By a Washington Post Staff Writer)

An intensive and expensive all-day kindergarten program in Montgomery County has produced significant gains for poor children and helped them begin to catch up with higher-performing peers, a new study to be released today shows.

In tracking the reading progress made by 16,000 youngsters over two years in kindergarten and first grade, the report found that not only did achievement rise for all students in the program in high-poverty schools, but low-income students showed bigger gains.

Further, the report found that both poor and middle-class students in high-poverty schools — contrary to expectation — either matched or outperformed their peers in schools elsewhere in the county, many of whom were in half-day kindergarten programs.

The most significant exception was for children who do not speak English, a finding that has prompted Superintendent Jerry D. Weast to pledge intensive phonics instruction to schools with the most children living in poverty. “We are getting some emerging success in this situation. Weast said.

“The nice thing about the changes we made is, you don’t have to leave those children behind. We are able to unlock words so they can pronounce them and then read them.”

The kindergarten initiative began in 17 of the poorest schools in the fall of 2000. Seventeen more schools with large numbers of poor students were added in the fall of 2001. The report found impressive gains in both groups. This year, 22 schools have been added.

Research has found that if a kindergartner meets foundational benchmarks — such as recognizing letters and sounds they represent and identifying simple words — they will be on track to read text by the end of first grade and able to read fluently by the end of third. Scientists have found that if children do not read fluently by then, many never will.

“We believe that is the key to academic rigor as they go up the grades,” Weast said. “Reading.”

Beyond tutoring results for poor children, a national dilemma that provided much of the impetus behind the federal No Child Left Behind law that took effect July 1 — Weast said his report addresses middle-class parents’ worries that their children will suffer academically at higher-poverty schools. The report found that such children scored on par with middle- and upper-middle-class students throughout the county.

“The nice thing about the changes we made is, you don’t have to leave those schools now,” Weast said, referring to middle- and upper-middle-class schools in the county’s more diverse eastern side. “This ought to give comfort to those parents to stay with us.”

Schools in some of the progress made over the two years may have a lot to do with the “practice effect,” the fact that teachers and principals are becoming used to the new curriculum and training. Still, the results over time are key, and officials plan to follow these 16,000 students for several years.

Studies have found that gains made by children in Head Start, the federal program designed to help impoverished 4-year-olds, can evaporate by the time they are in third or fourth grade. They perform similarly to children who never had the benefit of such a program.

School officials in Montgomery say they want to change that with the kindergarten initiative and have followed up with smaller class sizes and a new, more focused curriculum this year for grades 1 and 2.

The report has already garnered interest from the national education community.

Michael Cohen, a former assistant secretary of education in the Clinton administration who has worked with large school districts throughout the country, said he was impressed not only that the studies were detailed and sophisticated, but that Weast was willing to make changes because of them.

“That has not been a common practice in education around the country,” he said. “So it’s important to note, and note when it’s being done well.”

MONTGOMERY—Michael Ben-Avie, a researcher with the Yale Child Development Center, evaluated early drafts of the report and praised Montgomery leaders for their “willingness to undergo major change and for their willingness to really address the needs of the most vulnerable students.” He found that the fact that the kindergarten initiative was a systematic overhaul and not a series of ad hoc policies was what made it a powerful reform.

“They have been willing to take a sober-eyed view of the data and not try to cover it up, which happens a great deal,” he said.

GAO REPORT: FEMA’S HAZARD MITIGATION PROGRAMS

Mr. AKAKA. Mr. President, I rise to discuss the Federal Government’s commitment to disaster mitigation and helping communities minimize the impact of natural and man-made hazards. Currently, the Senate is debating a debate on how to help State and local officials prevent, prepare for, and respond to acts of terrorism. Homeland security will benefit from the Federal Emergency Management Agency’s, FEMA, years of experience because disaster mitigation and terrorism preparedness have the same goal, helping people prepare for the worst.

FEMA’s two multi-hazard mitigation programs, the post-disaster Hazard Education and Grant Program, and the pre-disaster Project Impact program, are aimed at helping States and communities identify and address natural hazard risks they deem most significant.

In March 2001 the administration proposed the elimination of all pre-disaster mitigation funding because Project Impact was “ineffective.” After learning that there had been no formal review of the effectiveness of this or any multi-hazard mitigation program, I requested that GAO review FEMA’s disaster mitigation efforts. I am happy to announce the release of this comprehensive and timely report.
The parameters of this study have changed in the past year. In the aftermath of the September 11 terrorist attacks, and the subsequent and prudent focus on homeland security, the Nation began noticing the relationship of pre-disaster mitigation programs to post-disaster emergency efforts for homeland security. I asked GAO to expand its study to include an assessment of how the increased emphasis on preventing and preparing for terrorism events is affecting natural hazard mitigation.

In March 2002 the administration proposed to change fundamentally FEMA’s disaster mitigation strategy again by eliminating the HMGP. Currently, HMGP funding is issued to States after a presidentially declared disaster as a percentage of total Federal assistance, a process deemed ineffective and not cost-efficient by the administration. The administration instead is seeking to fund all mitigation through a Project Impact-like program on a nationally competitive grant basis. The administration believes that such a program will ensure that mitigation funding remains stable from year to year and that the most cost-beneficial projects receive funding. At that time, I asked GAO to include this latest proposal.

GAO interviewed hazard mitigation officials from 24 States to get their perspectives on current FEMA programs and the administration’s proposals. The States range from large population States, such as Florida and Illinois, to smaller States, such as Nebraska and Utah. GAO purposely selected both small and large States, containing urban and rural communities, that have received both small and large amounts of mitigation funding. Despite geographic differences, emergency management officials view FEMA’s mitigation programs as successful and effective.

Emergency management officials described how, in addition to traditional “brick and mortar” programs, such as retrofitting buildings and relocating properties, mitigation effects can be intangible. Mitigation includes outreach activities, such as increasing public awareness and support for mitigation, building public-private partnerships to pool mitigation resources, and ever-important planning and risk assessment.

We must listen to these officials, the end-users of mitigation programs, when determining program success or failure. These dedicated men and women have many concerns over the administration’s proposal. They worry that FEMA will lose the window of opportunity that exists after a disaster strikes if HMGP funds are not included in Federal assistance. This is when public and community interest in mitigating against future disasters is highest.

This concern that a competitive grant system might exclude some States entirely from mitigation fund-

GAO also interviewed FEMA officials. FEMA headquarters and regional office personnel identified several challenges in implementing a national competitive grant program. Chief among them is establishing a process for comparing the costs and benefits of mitigation projects around the country share FEMA’s concerns that the outreach and planning activities they feel are so important will be curtailed because of the difficulty associated with assigning cost-benefit to such programs will have ramifications in homeland security when the new Department of Homeland Security is told to determine the cost-benefit of terrorism preparedness efforts.

I was heartened to learn that FEMA is working to ensure and strengthen natural hazard mitigation, response, and recovery efforts while attending to homeland security needs. FEMA officials are identifying and correcting issues in reporting, planning, training, and other activities across mitigation and preparedness programs. FEMA mitigation experts are working to identify terrorism mitigation activities that are also “all hazard” and address natural hazard mitigation priorities.

The Disaster Mitigation Act of 2000, passed by Congress 2 years ago, emphasized involvement by all States, funding for planning activities, and increased post-disaster mitigation funding for States willing to undertake enhanced mitigation efforts. FEMA has taken our directive to heart and is implementing multi-hazard mitigation programs in coordination and cooperation with State and local officials. While a focus on obtaining the most cost-effective program is well intended, I share the concerns of the emergency management community and FEMA personnel that assigning a dollar amount to the benefit of doing mitigation or not doing it, is a difficult and ill-defined task. I share their doubts that consolidating the HMGP and Project Impact programs will make disaster mitigation more effective or successful.

After reviewing the GAO report, FEMA Director Joseph Allbaugh wrote to GAO, “I appreciate your support of my strongly held belief that funding and support of both pre- and post-disaster mitigation programs are critical to FEMA’s success in leading the nation to reduce disaster losses.” I agree with Director Allbaugh. We must continue to support pre-disaster mitigation as an investment for the future. I commend GAO on their insightful report, and I thank JayEtta Hecker and her team at GAO for their work.

HISPANIC HERITAGE MONTH

Mr. LEVIN. Mr. President, each year between September 15 and October 15, we celebrate Hispanic Heritage Month. This tradition began in 1988 when Congress set aside a week to celebrate Hispanic culture, achievements, and contributions to American culture and society. In 1988, Congress expanded the week to a month-long commemoration.

Gil Coronado, founder and chairman of Hispanics and Heritage: Saluting a Leg-

ency of Hispanic Patriotism and Pride, was one of the driving forces behind the creation of Hispanic Heritage Month. Mr. Coronado enlisted with the Air Force when he was just 16. He served for 30 years in Vietnam, Panama, Germany, and Spain before he retired as a colonel. During his stellar career, he received over 35 awards, including the Legion of Merit and the Bronze Star. Like Colonel Coronado, countless numbers of Hispanic Americans have answered the call, defending our liberty and freedoms as members of our Armed Forces and in other capacities. Twelve Hispanic Americans were among the firefighters killed on Sep-tember 11. When the new Department of Homeland Security was created, I asked Secretary Hopkins to include this latest proposal.

Hispanic contributions to America date back nearly 500 years to Easter Sunday, 1513 when de Leon sighted land, which he claimed for Spain and named “La Florida,” meaning “Land of Flowers.” De Leon and his fellow explorers such as Alvarez de Pinela and Cabeza de Vaca traversed most of what we now call America’s sunbelt. Hernando de Soto was the first European to discover the Mississippi River, an event depicted in one of the great historical canvases which hang in the Rotunda of the Capitol Building. St. Augustine, the oldest permanent European settlement in the new colony at Jamestown, VA, was founded in 1565, 42 years before the English colony at Jamestown, VA, and 55 years before the Pilgrims landed on Plymouth Rock in Massachusetts. St. Augustine is the oldest permanent European settlement in the American continent. In 1787, St. Augustine had the first free, integrated public school.

America’s diverse and vibrant Hispanic Population has made enormous contributions to our Nation, its culture, and its economy. Former Senator Dennis Chavez, union organizers Antonio Pantoja and Caesar Chavez, entertainers Gloria Estefan and Jennifer Lopez, actor Martin Sheen, and baseball players Alex Rodriguez and Sammy Sosa are just a few of the Hispanics Americans who have done so much to enrich all Americans’ lives.

My hometown, Detroit, has benefited greatly from Hispanic immigrants pursing the American Dream. Southwest Detroit, known affectionately as Mexicantown by its residents, is the fastest growing part of the city. Hispanics from Mexico, El Salvador, Guatemala, Honduras, Cuba, and other Spanish-speaking nations have opened businesses, bought homes, and turned a once neglected urban neighborhood into a thriving community and one of the city’s cen-

tries. Maria Elena Rodriguez, president of the Mexicantown Community Development Corporation, has been one of the primary catalysts of the turn-around.

October 15, 2002
Hispanic contributions to Michigan’s businesses abroad. The Kellogg Company, founded and headquartered in Battle Creek, is the world’s leading cereal producer. It has millions of customers in over 160 countries. At present, executive chairman is Carlos Gutierrez, who started at Kellogg’s as a sales representative in Mexico City over 25 years ago.

Other prominent Hispanics with ties to Michigan include Antonia Novello, who had a medical career at the University of Michigan. In 1990, she became the first woman U.S. Surgeon General, and the first Hispanic American to hold the post.


Rebecca Arenas received the “Caesar Chavez Youth Achievement Award” in 2000 for her work to improve the lives of Hispanics generally, and migrant workers in particular. Rebecca’s parents brought her to Michigan from Crystal City, TX, when she was 5. They chose Michigan because they believed Rebecca would get a better education. Rebecca has passed this commitment to education on to her children, all seven of whom have received a postsecondary education. Rebecca has worked tirelessly to increase Hispanics’ access to education and health care and to boost their voter registration.

Hispanic Americans constitute the fastest growing segment of our population. Right now, one in eight Americans is Hispanic—about 32 million Americans. By 2050, one in four Americans will be Hispanic. Hispanic Americans are the fastest growing small businesses nationwide. Hispanic Americans will purchase $580 billion in goods and services this year. By 2007, that purchasing power will increase by 315 percent to $926 billion.

Cities such as Los Angeles, San Antonio, New York, and Miami traditionally have been centers of Hispanic influence. Increasingly, however, Hispanics and Hispanic Americans are moving to other parts of the country, such as Arkansas, Georgia, and North Carolina. This shift in migration will spread Hispanic culture and influence throughout the country.

As we celebrate and commemorate Hispanic Heritage Month, we must also acknowledge challenges facing the community—and the country—that lie ahead. Too many Hispanic American youth are incarcerated. Hispanic Americans have a lower rate of educational achievement than the national average. A higher than average number of Hispanic Americans live in poverty.

Congress can and must help Hispanic Americans by pursuing fair and meaningful immigration reforms; supporting Hispanic education programs; increasing access to higher education, helping the economy to create good jobs at decent wages, and restoring benefits to legal immigrants under the Medicaid and State Children’s Health Insurance Program—SCHIP.

So, Hispanic Heritage Month is a time to celebrate what has been accomplished and recognize what still needs to be done. I congratulate Hispanic Americans for their wonderful contributions to our country. And I pledge my efforts to ensuring that more Hispanic Americans have access to the great opportunities our country has to offer.

FEMA FIRE ACT GRANT PROGRAM

Mr. FEINGOLD. Mr. President, I wish to offer a few remarks in support of the Assistance to Firefighters Grant Program, commonly known as FIRE Act grants. The FIRE Act grant program was established in fiscal year 2001, due in large part to the efforts of my district colleagues from Connecticut, Senator Dodd.

Since its inception, the program has assisted firefighters across the Nation.

As I travel through Wisconsin and the surrounding five states, I have been hearing from my colleagues in the NIBIN system about multiple crime guns and casings when a gun is fired. Through NIBIN, investigators can rapidly compare these markings with images in the database of Federal, State, and local law enforcement laboratories. Law enforcement officials can then link evidence from multiple crime scenes, identify patterns of criminal activity, and possibly lead investigators to the arrest of suspects.

As an investigative instrument, ballistics imaging complements crime gun tracking. Crime gun tracking consists of tracking the history of a gun used to commit a crime. By tracing crime guns, the Bureau of Alcohol, Tobacco, and Firearms helps State and local law enforcement agencies solve firearms-related crime by identifying suppliers of multiple-crime guns, and gun trafficking patterns. According to an ATF report, since March 2000, the NIBIN in coordination with crime gun tracing efforts has produced more than 8,800 ballistics matches, linking over 17,600 cases where forensic examiners would not have been made without the use of a computer-assisted ballistics imaging system.
I believe that the NIBIN should be expanded, and that is why I have co-sponsored the Ballistics, Law Assistance, and Safety Technology Act or BLAST which would require licensed firearms manufacturers to test fire firearms, prepare ballistics images of fired bullets and casings of those firearms, and expand NIBIN to include these ballistics images would increase ATF's crime gun tracing capabilities. ATF agents could quickly identify firearms even when criminals had obliterated the serial number by using the ballistics images of cartridge cases and bullets recovered at crime scenes. In fact, they could identify the firearm used in the crime without actually recovering that firearm. This bill contains strict provisions stating that ballistics information of individual guns may not be used for prosecutorial purposes unless law enforcement officials have a reasonable belief that a crime has been committed and that ballistics information would assist in the investigation of the crime.

I believe this is sensible legislation that will strengthen law enforcement's ability to effectively track down criminals and I urge my colleagues to support it.

ADDITIONAL STATEMENT

TRIBUTE TO STEVE JORDAN

Mr. SARBANES. Mr. President, I rise today to pay tribute to an outstanding public servant and marine scientist, Steve Jordan. Steve is retiring after a distinguished 26-year career with the Maryland Department of Natural Resources, in higher educational institutions in Maryland and with the U.S. Army Corps of Engineers. I want to extend my personal congratulations and thank him for years of service and contributions to improving our research and management capabilities in the Chesapeake Bay and one of the Bay's premier research laboratories, the Oxford Cooperative Lab.

Steve has dedicated nearly three decades of his life to solving some of the key living marine resource problems of the Chesapeake Bay, the diseases that have devastated the Bay's oyster populations, the loss of critical habitat, and the impacts of pollutants and low dissolved oxygen on the Bay's finfish and shellfish populations. A graduate of The American University, Steve worked his way through a master's degree in Biology at Morehead State College in Kentucky and a Ph.D. in marine, estuarine and environmental science from the University of Maryland. He was selected as a Sea Grant Fellow with the University of Maryland and Horn Point Environmental Laboratory and served as a faculty research associate with the University of Maryland and Horn Point Environmental Laboratory before being named to head up the Maryland Department of Natural Resources' Habitat Impacts Program which managed several aspects of Maryland's participation in the Chesapeake Bay Program.

I came to know Steve 10 years ago when he was appointed director of the Oxford Cooperative Laboratory in Oxford, MD. For those who are not familiar with the Oxford Lab, it is a unique interdisciplinary laboratory of the Maryland Department of Natural Resources, the National Oceanic and Atmospheric Administration and the Maryland Department of Natural Resources. Located on a tidal tributary of the Chesapeake Bay, the lab has long been considered one of the premier laboratories for its work in diagnosing all aspects of diseases, infectious and non-infectious, which affect living marine resources. At the time that Steve joined the faculty, the laboratory was 33 years old and in great need of capital improvements. The poor physical condition of the facility was contributing significantly to low employee morale and a high staff attrition rate. Thanks to Steve's creative leadership, a major renovation of the laboratory was completed, leveraging a $750,000 Federal appropriation into a $2 million project through the use of DNR construction crews. The project not only served as a model for interagency cooperation, but provided substantial savings to the taxpayers as well. Steve also added new research programs, modern equipment, and helped bring about a renewed workplace atmosphere.

In addition to his management responsibilities and achievements, Steve has continued to conduct research that is vital to improving our understanding of the Bay's living marine resources. He has published or contributed to numerous studies and symposia on oyster diseases, lesions in fish, and other critical problems. He has chaired or participated in many work groups examining key living resource research needs and management strategies and is a member or leader of half a dozen professional associations including the American Fisheries Society, National Shellfisheries Association, Atlantic Estuarine Research Society, and National Association of Marine Laboratories. In recognition of his outstanding service, Steve has received numerous awards and commendations, including certificates of appreciation from both the Chesapeake Bay Program and the Maryland Department of Natural Resources and an excellence award from Maryland Governor Schaefer for the Chesapeake Executive Council.

The efforts of Steve Jordan throughout the past 28 years have earned him the respect and admiration of everyone with whom he has worked. The Chesapeake Bay restoration effort has been enhanced due to his labors and the Cooperative Oxford Laboratory has been renewed. I want to extend my personal congratulations for his many years of hard work and dedication and wish him the best in his future endeavors.

FIFTIETH ANNIVERSARY OF THE PADUCAH GASEOUS DIFFUSION PLANT

Mr. MCCONNELL. Mr. President, I rise today to pay tribute to the Paducah Gaseous Diffusion Plant and all its workers, past and present, on the occasion of the facility's upcoming 50th anniversary, which will be celebrated by the Paducah community on October 24th.

The Paducah Gaseous Diffusion Plant is currently the only operating uranium enrichment facility in the United States. Production of enriched uranium began in Paducah in 1952, and the plant has operated continuously since that time. Until 1964, the plant's output was almost entirely for the purposes of national defense as it produced fissionable material for our country's nuclear arsenal. The Paducah workers during that period played a vital role in securing our freedom and helped America prevail in the cold war. Unfortunately, the Federal Government didn't always do right by the workers, who were often exposed to hazardous conditions and materials which would later sicken and even kill some. Even today, we are still working to correct this shameful injustice.

After 1964, Paducah production began shifting to enriched uranium for commercial nuclear reactors; helping to provide the benefits of cleanly generated electric power for millions of people. After 1973, Paducah no longer enriched uranium for military purposes. However, the plant continues to help create a more secure world as the U.S. recipient for nuclear materials from the former Soviet arsenal. Under the Megatons to Megawatts program, nuclear weapons are dismantled in Russia and the nuclear material is shipped to Paducah where it is repackaged and shipped worldwide for civilian electric power production.

Over the last half-century, a number of companies have operated the Paducah Gaseous Diffusion Plant. Carbine and Carbon Chemicals Company, (later Union Carbide) was the original operator of the plant. Successor operators included Martin Marietta Energy Systems, Lockheed Martin Energy Systems, and finally United States Enrichment Corporation, which took over direct operation of the plant in 1999, and continues as the operator today. Today 1,700 workers are employed at the Paducah Gaseous Diffusion Plant. What is remarkable is that despite the past sins of the Federal Government, these employees remain dedicated to their jobs and the important work they perform every day. It is a testament to those individuals in particular and this region in general.

In addition to the Paducah Gaseous Diffusion Plant itself, an entire complex of supporting plants were built to support enrichment activities at Paducah. Two electric generating plants were constructed to supply the large power demands of the Paducah Gaseous Diffusion Plant. These were the TVA...
Shawnee Steam Plant in western McCracken County, Kentucky, and the EED in Joppa, Illinois. Additionally, a uranium hexafluoride plant was constructed in Metropolis, IL. Together, these four facilities comprise the economic and industrial heart of the region.

In recent years, we have learned that there were often risks associated with work at Paducah, particularly during the earlier years of its operation. Some workers were exposed to cancer-causing chemicals and radiological hazards. Many of these workers have now benefited from the Energy Employees Occupational Illness Compensation Program, which I am proud to have helped bring into existence. Working alongside the union representing the workers, I have also fought to make sure that medical screening is available to all workers so that they may be tested and treated for any problems they incur as a result of working at the plant.

Paducah workers were exposed to cancer-causing uranium hexafluoride which have been stored on the site for decades. The Department of Energy’s recently announced UF6 conversion plant will be a huge step in this direction, as it will clean up thousands of cylinders of depleted uranium hexafluoride which have been stored on the site for decades. The conversion plant additionally will add new jobs to the Paducah Gaseous Diffusion Plant complex.

What significant challenges lie ahead for the domestic uranium enrichment industry, it is appropriate to pause on this occasion to commemorate the Golden Anniversary of the Paducah Gaseous Diffusion Plant, and the dedicated service of all the employees over the last half century. The workers at Paducah today continue the fine tradition of service, commitment, and productivity. I am sure they are up to any future challenge to be met in keeping a viable domestic uranium enrichment capability.

MESSAGES FROM THE HOUSE

Under the authority of the order of the Senate of January 3, 2001, the Secretary of the Senate, on October 5, 2001, during the recess of the Senate, received a message from the House of Representatives announcing that the House has passed the following bill, without amendment:

S. 2558. An act to amend the Public Health Service Act to provide for the collection of data on benign brain-related tumors through the national program of cancer registries.

At 1:05 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H. R. 699. An act to designate the facility of the United States Postal Service located at 127 Social Street in Woonsocket, Rhode Island, as the “Alphonse F. Auclair Post Office Building.”

H. R. 5205. An act to amend the District of Columbia Retirement Protection Act of 1997 to allow the Secretary to use estimated amounts in determining the service longevity component of the Federal benefit payment required to be paid under the Act to certain retirees of the Metropolitan Police Department of the District of Columbia.

H. R. 5316. An act to establish a user fee system that provides for an equitable return to the Federal Government for the occupancy and use of National Forest System lands and facilities by organizational camps that serve the youth of the United States and federal adults of America, and for other purposes.

H. R. 5319. An act to facilitate the use of a portion of the former O’Reilly General Hospital in Springfield, Missouri, by the local Boys and Girls Club through the release of the reversionary interest and other interests retained by the United States in 1955 when the land was conveyed to the State of Missouri.

H. R. 5381. An act to designate the facility of the United States Postal Service located at 830 South Lake Drive in Lexington, South Carolina, as the “Floyd Spence Post Office Building.”

H. R. 5400. An act to authorize the President of the United States to agree to certain amendments to the Agreement between the Government of the United States and the Government of the Mexican States concerning the establishment of a Border Environment Cooperation Commission and a North American Development Bank, and for other purposes.

H. R. 5439. An act to designate the facility of the United States Postal Service located at 111 West Washington Street in Bowling Green, Kentucky, as the “Delbert L. Latta Post Office Building.”

H. R. 5574. An act to designate the facility of the United States Postal Service located at 286 South Main Street in Gaveline, Georgia, as the “Michael Lee Woodcock Post Office.”

H. R. 5598. An act to provide for improvement of Federal education research, statistics, evaluation, information, and dissemination, and for other purposes.

H. R. 5601. An act to amend the Child Abuse Prevention and Treatment Act to make improvements to and reauthorize programs under that Act, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolutions, which requests the concurrence of the Senate:

H. Con. Res. 406. Concurrent resolution honoring and commending the Lao Veterans of America, Laotian and Hmong veterans of the Vietnam War, and their families, for their historic contributions to the United States.

H. Con. Res. 467. Concurrent resolution expressing the sense of Congress that Lionel Hampton should be honored for his contributions to American music.

H. Con. Res. 485. Concurrent resolution supporting the goals and ideals of Pancreatic Cancer Awareness Month.

H. Con. Res. 487. Concurrent resolution authorizing the printing as a House document of a volume consisting of the transcripts of the ceremonial meeting of the House of Representatives and Senate in New York City on September 6, 2002, and Senate statements by Members of the House of Representatives and Senate from the Congressional Record on the terrorist attacks of September 11, 2001.

H. Con. Res. 504. Concurrent resolution congratulating the PONY League baseball
team of Norwalk, California, for winning the 2002 PONY League World Championship.

MEASURES PLACED ON THE CALENDAR

The following bills were read the second time, and placed on the calendar:

H. R. 4968. An act to provide for the exchange of certain lands in Utah.

S. 310. A bill to amend title 18, United States Code, to limit the misuse of social security numbers for such misuse, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–9360. A communication from the Acting Assistant Secretary of State for Legislative Affairs, transmitting, pursuant to the Arms Export Control Act of 1976, the report of a transaction of a proposed issuance of export licenses to Canada, Denmark, Italy, Norway, the Netherlands, Turkey and the United Kingdom; to the Committee on Foreign Relations.

EC–9361. A communication from Assistant Attorney General Office of Legislative Affairs, Department of Justice, transmitting a draft of proposed legislation entitled “Child Abduction and Sexual Abuse Prevention Act of 2002”; to the Committee on the Judiciary.

EC–9362. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, a report entitled “Guidance for Submitting Requests for Threshold of Regulation (TOR) Decisions to the Office of Pesticide Programs”; to the Committee on Agriculture, Nutrition, and Forestry.

EC–9363. A communication from the Secretary of Agriculture, transmitting, a draft of proposed legislation “Omnibus Marketing Enhancement Act”; to the Committee on Agriculture, Nutrition, and Forestry.

EC–9364. A communication from the Chief of the Regulation Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Substantially Equal Periodic Payments” (Rev. Rul. 2002–62) received on October 7, 2002; to the Committee on Finance.

EC–9365. A communication from the Senior Regulations Analyst, Department of Transportation, transmitting, pursuant to law, the report entitled “Procedures for Compensation of Air Carriers” (RIN2105–AD96)(2002–0004) received on October 4, 2002; to the Committee on Commerce, Science, and Transportation.

EC–9366. A communication from Regulations Officer, Federal Motor Carrier Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Revision to Periodic Tire Check Requirement for Carriers Transporting Hazardous Materials” (RIN 2127–AA74) received on October 10, 2002; to the Committee on Commerce, Science, and Transportation.

EC–9367. A communication from the Chairman of Surface Transportation Board, transmitting, pursuant to law, the report of a rule entitled “Removal of Joint Rate Cancellation Regulation” (Part No. 200) received on October 2, 2002; to the Committee on Commerce, Science, and Transportation.

EC–9368. A communication from the Chairman of the Surface Transportation Board, transmitting, pursuant to law, the report of a rule entitled “Revision of Delegation of Authority Regulations” (RIN 2127–AA80) received on October 2, 2002; to the Committee on Commerce, Science, and Transportation.

EC–9369. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Safety/Security Zone Regulations; Passenger Vessels, Portland Maine, Captain of the Port Zone” (RIN2115–AA97)(2002–0196) received on October 4, 2002; to the Committee on Commerce, Science, and Transportation.

EC–9370. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Drawbridge Regulations; Gasparilla Island Causeway Swingbridge, Gulf Intracoastal Waterway Boca Grande Charlotte County, FL” (RIN2115–AE75)(2002–0064) received on October 4, 2002; to the Committee on Commerce, Science, and Transportation.

EC–9371. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Safety/Security Zone Regulations; Calvert Cliffs Nuclear Power Plant, Calvert County, Maryland” (RIN2115–AA97)(2002–0191) received on October 4, 2002; to the Committee on Commerce, Science, and Transportation.

EC–9372. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Handling of Class 1 (Explosive) materials or Other Dangerous Materials from the A Refinery to the T Refinery via the River, Southwest Pass Sea Buoy to Mile 3, Louisiana” (RIN2115–AE80) received on October 4, 2002; to the Committee on Commerce, Science, and Transportation.

EC–9373. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Safety/Security Zone Regulations; Port of San Francisco, Tiptonville, Trenton, and South Fulton, Tennessee” (Doc. No. 93–196) received on October 3, 2002; to the Committee on Commerce, Science, and Transportation.

EC–9374. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Revision of Delegation of Authority Regulations (Including 2 Regulations) Parte No. 588) received on October 4, 2002; to the Committee on Commerce, Science, and Transportation.

EC–9375. A communication from the Senior Legal Advisor, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled “Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations Rocksprings, Texas” (Doc. No. 01–279) received on October 3, 2002; to the Committee on Commerce, Science, and Transportation.

EC–9380. A communication from the Senior Legal Advisor, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled “Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations Portland Maine, Captain of the Port Zone” (Doc. No. 01–279) received on October 3, 2002; to the Committee on Commerce, Science, and Transportation.

EC–9381. A communication from the Senior Legal Advisor, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled “Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations Campbell Wood, Texas” (Doc. No. 01–307) received on October 3, 2002; to the Committee on Commerce, Science, and Transportation.

EC–9382. A communication from the Senior Legal Advisor, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled “Amendment of Section 73.202(b), Digital Television Table of Allotments, Ontario, CA” (Doc. No. 01–25) received on October 3, 2002; to the Committee on Commerce, Science, and Transportation.

EC–9384. A communication from the Senior Legal Advisor, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled “Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Beverly Hills and Spring Hill, Florida)” (Doc. No. 02–23) received on October 3, 2002; to the Committee on Commerce, Science, and Transportation.

EC–9385. A communication from the Senior Legal Advisor, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled “Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Alva, Moorland, Thalhomingo,Tuttle and Woodward, Florida)” (Doc. No. 02–25) received on October 3, 2002; to the Committee on Commerce, Science, and Transportation.
EC-9386. A communication from the Senior Legal Advisor, Media Bureau, Federal Communication Commission, transmitting, pursuant to law, the report of a rule entitled “Amendment of Section 73.622(b), Table of Allotments, DTV Broadcast Stations Dawson, Savannah, Pelham, Waycross, and Wrens, GA” (Doc. No. 02-104) received on October 3, 2002; to the Committee on Commerce, Science, and Transportation.

EC-9387. A communication from the Senior Legal Advisor, Media Bureau, Federal Communication Commission, transmitting, pursuant to law, the report of a rule entitled “Amendment of Section 73.622(b), Table of Allotments, DTV Broadcast Stations, Victoria, CA” (Doc. No. 01-161) received on October 3, 2002; to the Committee on Commerce, Science, and Transportation.

EC-9388. A communication from the Senior Legal Advisor, Media Bureau, Federal Communication Commission, transmitting, pursuant to law, the report of a rule entitled “Amendment of Section 73.622(b), Table of Allotments, DTV Broadcast Stations, Sacramento, CA” (Doc. No. 02-93) received on October 3, 2002; to the Committee on Commerce, Science, and Transportation.

EC-9389. A communication from the Senior Legal Advisor, Media Bureau, Federal Communication Commission, transmitting, pursuant to law, the report of a rule entitled “Amendment of Section 73.622(b), Table of Allotments, DTV Broadcast Stations, Amariillo, TX” (Doc. No. 01-161) received on October 3, 2002; to the Committee on Commerce, Science, and Transportation.

EC-9390. A communication from the Senior Legal Advisor, Media Bureau, Federal Communication Commission, transmitting, pursuant to law, the report of a rule entitled “Amendment of Section 73.622(b), Table of Allotments, DTV Broadcast Stations, Fallon, NV” (Doc. No. 01-161) received on October 3, 2002; to the Committee on Commerce, Science, and Transportation.

EC-9391. A communication from the Assistant Secretary for Fish and Wildlife and Parks, The Department of the Interior, transmitting, a draft of a joint resolution to approve the location of the Dwight D. Eisenhower Memorial in the Nation’s Capital; to the Committee on Environment and Public Works.

EC-9392. A communication from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting, a draft joint resolution to approve the location of the Dwight D. Eisenhower Memorial in the Nation’s Capital; to the Committee on Environment and Public Works.

EC-9393. A communication from Comptroller General, transmitting, pursuant to law, a report relative to the withdrawal of two deferrals of budget authority; to the Committee on Appropriations; the Budget; and Foreign Relations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JEFFORDS, from the Committee on Environment and Public Works, with an amendment in the nature of a substitute and an amendment to the title:

H.R. 1070: A bill to amend the Federal Water Pollution Control Act to authorize the Administrator of the Environmental Protection Agency to carry out projects and conduct research for remediation of sediment contamination in areas of concern in the Great Lakes, and for other purposes. (Rept. No. 107-131).

By Mr. INOUYE, from the Committee on Indian Affairs, without amendment:

S. 3059: A bill to provide for the distribution of judgment funds to the Assiniboine and Sioux Tribes of the Fort Peck Reservation. (Rept. No. 107-131).

By Mr. LIEBERMAN, from the Committee on Energy and Natural Resources:

Report to accompany S. 2556, a bill to authorize the Secretary of the Interior to convey certain facilities to the Fremont-Madison Irrigation District in the State of Idaho. (Rept. No. 107-131).

By Mr. LIEBERMAN, from the Committee on Governmental Affairs, without amendment:

H.R. 3834: A bill to redesignate the facility of the United States Postal Service located at 89 River Street in Hoboken, New Jersey, as the “Frank Sinatra Post Office Building”.

H.R. 3738: A bill to designate the facility of the United States Postal Service located at 1299 North 7th Street in Philadelphia, Pennsylvania, as the “Herbert Arlene Post Office Building”.

H.R. 3739: A bill to designate the facility of the United States Postal Service located at 6150 North Broad Street in Philadelphia, Pennsylvania, as the “William A. Ciotti Post Office Building”.

H.R. 4102: A bill to designate the facility of the United States Postal Service located at 120 North Main Street in Fallon, Nevada, as the “Rollan D. Melton Post Office Building”.

H.R. 4717: A bill to designate the facility of the United States Postal Service located at 1199 Pasadena Boulevard in Pasadena, Texas, as the “Jim Fonteno Post Office Building”.

H.R. 4755: A bill to designate the facility of the United States Postal Service located at 204 South Broad Street, Lancaster, Ohio, as the “Clarence Miller Post Office Building”.

H.R. 4794: A bill to designate the facility of the United States Postal Service located at 1895 Avenida Del Oro in Oceanside, California, as the “Ronald C. Packard Post Office Building”.

H.R. 4797: A bill to redesignate the facility of the United States Postal Service located at 265 South Western Avenue, Los Angeles, California, as the “Nat King Cole Post Office”.

S. 3056: A bill to designate the facility of the United States Postal Service located at 265 South Western Avenue, Los Angeles, California, as the “Nat King Cole Post Office”.

H.R. 4878: To provide for estimates and reversion of Federal annuity computations are adjusted by 1 percent relating to periods of receiving disability payments, and for other purposes.

By Mr. LIEBERMAN, from the Committee on Governmental Affairs, without amendment:

S. 3065: A bill to authorize the Court Services and Offender Supervision Agency of the District of Columbia to provide for the interstate supervision of offenders on parole, probation, and supervised release.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BINGAMAN:

S. 311. A bill to compensate agricultural producers in the State of New Mexico that suffered crop losses as a result of use of a herbicide by the Bureau of Land Management; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. MCCAIN:

S. 312. A bill to amend the Internal Revenue Code of 1986 to provide for a deferral of tax on gain from the sale of telecommunication businesses in specific circumstances or a tax credit and other incentives to promote diversity of ownership in telecommunication businesses; to the Committee on Finance.

By Mr. ENSIGN:

S. 313. A bill to amend the Internal Revenue Code of 1986 to provide additional choice regarding unused health benefits in cafeteria plans and flexible spending arrangements; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:
By Mr. SANTORUM (for himself and Mr. BROWNBACK):  
S. Res. 340. A resolution affirming the importance of a national day of prayer and fasting, and designating November 27, 2002, as a national day of prayer and fasting; to the Committee on the Judiciary.

By Mr. HATCH (for himself, Mr. REID, Ms. LANDRIEU, Mr. INOUYE, Mr. KENNEDY, Ms. LANDRIEU, Mr. NELSON of Nebraska, Mr. SMITH of Oregon, Mr. WYDEN, Mr. WARNER, Mr. NICKLES, Ms. STABENOW, and Mrs. LINCOLN):  
S. Res. 341. A resolution designating Thursday, November 21, 2002, as ‘‘Feed America Thursday’’; considered and agreed to.

By Ms. COLLINS (for herself and Mr. FRINKOLD):  
S. Con. Res. 153. A concurrent resolution expressing the sense of the Congress that there should be established an annual National Visiting Nurse Associations Week; to the Committee on Health, Education, Labor, and Pensions.

ADDITIONAL COSPONSORS

S. 627

At the request of Mr. GRASSLEY, the name of the Senator from Vermont (Mr. JEFFFORDS) was added as a cosponsor of S. 627, a bill to amend the Internal Revenue Code of 1986 to allow individuals a deduction for qualified long-term care insurance premiums, use of such insurance under cafeteria plans and flexible spending arrangements, and a credit for individuals with long-term care needs.

S. 1020

At the request of Mr. HARKIN, the names of the Senator from Colorado (Mr. CAMPBELL), the Senator from Hawaii (Mr. INOUYE), the Senator from Maine (Ms. COLLINS) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 1020, a bill to amend title XVIII of the Social Security Act to improve the provision of items and services provided to Medicare beneficiaries residing in rural areas.

S. 2386

At the request of Mrs. LINCOLN, the names of the Senator from Nevada (Mr. ENSIGN) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 2386, a bill to amend title XVIII of the Social Security Act to authorize physical therapists to diagnose and treat medical beneficiaries without a requirement for a physician referral, and for other purposes.

S. 2480

At the request of Mr. LEAHY, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 2480, a bill to amend title 18, United States Code, to exempt qualified current and former law enforcement officers from state laws prohibiting the carrying of concealed handguns.

S. 2077

At the request of Mr. FITZGERALD, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2077, a bill to repeal the sunset of the Economic Growth and Tax Relief Reconciliation Act of 2001 with respect to the exclusion from Federal income tax for restitution received by victims of the Nazi Regime.

S. 2562

At the request of Mr. LIEBERMAN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 2562, a bill to require a report to Congress on a national strategy for the deployment of high speed broadband Internet telecommunications services, and for other purposes.

S. 2712

At the request of Mr. ROCKEFELLER, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 2712, a bill to authorize economic and development assistance for Afghanistan and to authorize military assistance for Afghanistan and certain other foreign countries.

S. 2790

At the request of Ms. CANTWELL, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 2790, a bill to provide lasting protection for inventoried roadless areas within the National Forest System.

S. 2869

At the request of Mr. KERRY, the names of the Senator from Iowa (Mr. HARKIN) and the Senator from Colorado (Mr. ALLARD) were added as cosponsors of S. 2869, a bill to facilitate the ability of certain spectrum auction winners to pursue alternative measures required in the public interest to meet the needs of wireless telecommunications consumers.

S. 2884

At the request of Mr. BAUCUS, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 2884, a bill to improve transit service to rural areas, including for elderly and disabled.

S. 2935

At the request of Mr. GREGG, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 2935, a bill to amend the Public Health Service Act to provide grants for the operation of mosquito control programs to prevent and control mosquito-borne diseases.

S. 2905

At the request of Ms. LANDRIEU, the names of the Senator from Indiana (Mr. BAYH), the Senator from Arkansas (Mrs. LINCOLN) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 2905, supra.

S. 3054

At the request of Mr. LIEBERMAN, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 3054, a bill to provide for full voting representation in Congress for the citizens of the District of Columbia, and for other purposes.

S. J. Res. 49

At the request of Mr. AKAKA, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. J. Res. 49, a joint resolution recognizing the contributions of Patsy Takemoto Mink.

S. Res. 307

At the request of Mr. TORRICELLI, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. Res. 307, a resolution reaffirming support of the Convention on the Prevention and Punishment of the Crime of Genocide and anticipating the commemoration of the 15th anniversary of the enactment of the Genocide Convention Implementation Act of 1997 (the Proxmire Act) on November 4, 2003.

S. Res. 322

At the request of Mrs. LINCOLN, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. Res. 322, a resolution commemorating November 2002, as ‘‘National Epilepsy Awareness Month’’.

S. CON. RES. 94

At the request of Mr. WYDEN, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. Con. Res. 94, a concurrent resolution expressing the sense of Congress that public awareness and education about the importance of health care coverage is of the utmost priority and that a National Importance of Health Care Coverage Month should be established to promote that awareness and education.

S. Con. Res. 138

At the request of Mr. REID, the name of the Senator from Vermont (Mr. JEFFFORDS) was added as a cosponsor of S. Con. Res. 138, a concurrent resolution expressing the sense of the Senate 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 name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. Con. Res. 142, a concurrent resolution expressing support for the goals and ideas of a day of tribute to all firefighters who have died in the line of duty and recognizing the important mission of the Fallen Firefighters Foundation in assisting family members to overcome the loss of their fallen heroes.

S. Con. Res. 148

At the request of Mr. BROWNBACK, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from North
Carolina (Mr. Helms) were added as co-sponsors of S. Con. Res. 148, a concurrent resolution recognizing the significance of bread in American history, culture, and daily diet.

STATMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BINGAMAN:

S. 311. A bill to compensate agricultural producers in the State of New Mexico that suffered crop losses as a result of use of a herbicide by the Bureau of Land Management; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. BINGAMAN. Mr. President, I rise today to introduce a bill that I do believe should not be necessary, and I hope ultimately will not be needed. Unfortunately, the failure of the Federal Government to own up to its responsibility has left a small group of farmers in Southern New Mexico with no other option.

As I understand it, last July the Bureau of Land Management and the Natural Resources Conservation Service applied herbicide, Tebuthiuron, on a ranch in Southern Eddy County to help control weeds. The brush control project was part of an EQIP project under NRCS.

I have no reason to doubt the application was consistent with label requirements and normal practice. Unfortunately, as frequently happens in New Mexico in July, a heavy rainstorm struck the area and the pellets of herbicide were apparently washed into the Black River. The river is the source of irrigation water for a number of farmers in the vicinity of the town of Malaga.

Unaware of the contamination in the water, farmers irrigated their fields in the normal way. Almost immediately, damage to cotton, hay and other crops was observed. The Eddy County Extension Office of the Cooperative Extension Service at New Mexico State University was asked to investigate the damage to the crops.

Mr. Woods E. Houghton of the Eddy County Office conducted a thorough review of the evidence and in a report dated August 20, 2002, concluded that Tebuthiuron was the likely cause of the crop damage. The report noted levels of Tebuthiuron of over 2 parts per million in samples. Later tests by the State Chemistry Laboratory found levels over 5 ppm. I ask unanimous consent that a letter supporting this legislation from Frank DuBois, New Mexico's Secretary of Agriculture, be printed in the Record.

There being no objection, the bill and additional material was ordered to be printed in the Record, as follows:

S. 311

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

SECTION 1. COMPENSATION OF NEW MEXICO PRODUCERS FOR CROP DAMAGE FROM BLM USE OF HERBICIDE.

(a) IN GENERAL.—The Secretary of Agriculture, in consultation with the Secretary of the Interior, may use such funds of the Commodity Credit Corporation as are necessary to compensate agricultural producers in the State of New Mexico that suffered crop losses as a result of the use of the herbicide Tebuthiuron by the Bureau of Land Management during the 2002 calendar year.

(b) LIABILITY.—Nothing in this section constitutes an admission of liability by the United States arising from the use of the herbicide Tebuthiuron by the Bureau of Land Management.

(c) REGULATIONS.—

(1) IN GENERAL.—The Secretary of Agriculture may promulgate such regulations as are necessary to implement this section.

(2) PROCEDURE.—The promulgation of the regulations and administration of this section shall be made without regard to the paper work reduction act.

(3) CONGRESSIONAL REVIEW OF AGENCY RULEMAKING.—In carrying out this subsection, the Secretary shall use the authority provided under section 808 of title 5, United States Code.

COOPERATIVE EXTENSION SERVICE,
NEW MEXICO STATE UNIVERSITY.
Las Cruces, NM, August 20, 2002.

Saturation report of cotton damage in the Malaga NM area approximately, 350 acres. Background: Oscar Vasquez farm, and his landlords. 2001 crop year, cotton except 10 acres (Durauc); 25 acres on home place, which was in alfalfa.

Pre 15 January 2002 field were moldboard, disked to comply with pink bollworm regulations. They were also treated with 1 pint Caporal per acre. This was incorporated with a spring tooth harrow and disked one time. Watered on 15–30 January 2002 and first part of February 2002, with black river water.

15 March 2002 stale bed worked up.
has resulted in cotton crop losses. That flash flooding may have contributed to off-target movement of products containing Tebuthiuron. 

WOODS E. HOUGHTON, 
Edddy County Agricultural Agent/Acting Program Director, 
September 17, 2002, 
Senator Jeff Bingaman, 
Albuquerque, NM.

DEAR Senator Bingaman: I am writing this letter to ask for your help with a serious problem that has occurred on my own Farm, and my rented Farms.

My name is Oscar Vasquez. I farm approximately 270 acres in Eddy County for 27 years. I own 145 acres, and share crop 175 acres from my neighbors, Mr. Damon Bond, Mrs. Catalina Carrasco, and Mr. Pedro Duarte.

On July 20, 2002, I began watering my cotton with Black River water as I would normally, and continued for 8 days. On July 27, 2002, I began to see wilting effects on the cotton fields that I rent from first I contacted Mr. Woods Houghton, our Edddy County Extension Agent. He came and saw the damage on my cotton, it took us till August 7, 2002, to conclude that the cotton had received the damage thru the contaminated irrigation water. We also concluded that the BLM had applied herbicide called Tebuthiuron (Spike) to approximately 2400 acres on Three Mile Draw, on which acres are on the Gene & Kathy Hood Ranch, above the Black River Irrigation Diversion Dam.

The BLM and the NRCS (National Resource Conservation Service) applied this with a federal cost share program through the Natural Resource Conservation Service, an agency of the U.S. Department of Agriculture. The rancher and the federal agency share the cost of applying the chemical on private ranch land.

"This crop is our income. It's our living. We are losing money, and the bill is coming in,", Oscar Vasquez said. "I can survive this year, but there are other farmers who won't. They will be wiped out financially. I have put all the water on it. Now I don't know how much of it will be coming in,"

Oscar Vasquez, 53, said he has always tried to meet his commitments and financial obligations, and is proud that he and his wife, Gloria, have put five children and a daughter-in-law through college.

"My wife and I put them through college, and our youngest is ready to graduate. They all went into engineering and graduated from New Mexico State University. We worked hard on the farm to make the income to put them through college. It's expensive to put kids through college, but we managed. I feel it is a privilege to send my kids to school. The next few months are going to be tight in meeting our son's college expenses. This couldn't have come at a worse time. He's close to finishing.

"We will make it through this year financially, but I don't know what is going to happen next year," he said. "We don't know how long the soil will stay contaminated. I have a payment coming due on a mechanical baler, and there are costs associated with cotton that we can't sell. We are at risk of losing our income from the crops. I usually grow hay and cotton. But because water was scarce this year, I chose to grow cotton and put all the water on it. Now I don't have any..."

In another farmhouse about a mile down the road, Dick Calderon worries how he is going to take care of his 4-year-old daughters, a 6-year-old son and his elderly parents living next door, as well as meeting all his financial obligations.

"The water looks fine to me, but I don't know how much of it will be coming in,"

Oscar Vasquez, 53, said he has always tried to meet his commitments and financial obligations, and is proud that he and his wife, Gloria, have put five children and a daughter-in-law through college.

"My wife and I put them through college, and our youngest is ready to graduate. They all went into engineering and graduated from New Mexico State University. We worked hard on the farm to make the income to put them through college. It's expensive to put kids through college, but we managed. I feel it is a privilege to send my kids to school. The next few months are going to be tight in meeting our son's college expenses. This couldn't have come at a worse time. He's close to finishing.

"We will make it through this year financially, but I don't know what is going to happen next year," he said. "We don't know how long the soil will stay contaminated. I have a payment coming due on a mechanical baler, and there are costs associated with cotton that we can't sell. We are at risk of losing our income from the crops. I usually grow hay and cotton. But because water was scarce this year, I chose to grow cotton and put all the water on it. Now I don't have any...

P.S. Please see attached evidence gathered by Woods Houghton NM Eddy County Extension Agent, and the test results on soil and foliage samples by N.M.A.D. Laboratories. On July 20, 2002, I began watering my cotton with Black River water as I would normally, and continued for 8 days. On July 27, 2002, I began to see wilting effects on the cotton fields that I rent from first I contacted Mr. Woods Houghton, our Edddy County Extension Agent. He came and saw the damage on my cotton, it took us till August 7, 2002, to conclude that the cotton had received the damage thru the contaminated irrigation water. We also concluded that the BLM had applied herbicide called Tebuthiuron (Spike) to approximately 2400 acres on Three Mile Draw, on which acres are on the Gene & Kathy Hood Ranch, above the Black River Irrigation Diversion Dam.

The BLM and the NRCS (National Resource Conservation Service) applied this with a federal cost share program through the Natural Resource Conservation Service, an agency of the U.S. Department of Agriculture. The rancher and the federal agency share the cost of applying the chemical on private ranch land.

"This crop is our income. It's our living. We are losing money, and the bill is coming in,", Oscar Vasquez said. "I can survive this year, but there are other farmers who won't. They will be wiped out financially. I have put all the water on it. Now I don't know how much of it will be coming in,"

Oscar Vasquez, 53, said he has always tried to meet his commitments and financial obligations, and is proud that he and his wife, Gloria, have put five children and a daughter-in-law through college.

"My wife and I put them through college, and our youngest is ready to graduate. They all went into engineering and graduated from New Mexico State University. We worked hard on the farm to make the income to put them through college. It's expensive to put kids through college, but we managed. I feel it is a privilege to send my kids to school. The next few months are going to be tight in meeting our son's college expenses. This couldn't have come at a worse time. He's close to finishing.

"We will make it through this year financially, but I don't know what is going to happen next year," he said. "We don't know how long the soil will stay contaminated. I have a payment coming due on a mechanical baler, and there are costs associated with cotton that we can't sell. We are at risk of losing our income from the crops. I usually grow hay and cotton. But because water was scarce this year, I chose to grow cotton and put all the water on it. Now I don't have any..."
sharecrop for them. This year they will have to live on less. Their cotton crop is also damaged.

The Vasquez, Calderon and the Bondees are among those that have fallen victim to the agriculture disaster.

They say they are frustrated they feel the state Department of Agriculture—the lead agency for investigation of the crop kill—has not given them answers or direction on what they should do with their contaminated crops. Even worse, they said, no one has stepped up to the plate to take responsibility.

“I began watering my cotton with Black River water. Normally I would have watered for eight days,” Vasquez said. “On July 27, I began to see wilting effects on the cotton fields that I started watering first.”

Alarmed, Vasquez contacted the county extension agent to identify the cause.

“I contacted Woods Houghton, and he worked with me to determine what caused the damage,” Vasquez said. “He’s been the only one who has tried to help us and do right by us.”

Houghton’s detective work, poring over books and data for many hours, revealed the cotton crop showed classic signs of chemical damage. More sleuthing on his part showed tebuthiuron was the cause.

After further investigation, farmers learned the chemical had been applied in the early part of July. On July 18 and 19, more than 2 inches of rain fell on the Black River area in a 45-minute period, and the chemical washed into the river.

Within days of Vasquez’s report of crop losses, other farmers who irrigated shortly after the rain began reporting crop losses that ranged from cotton through to alfalfa and pecan and cottonwood trees.

Calderon said the fear is ever present that the family farm could be lost.

“We are going into the third month, and we have not got any answers yet,” Calderon said. “The financial stress for me is pretty high right now. I planted 45 acres of cotton, and I’ve lost over half. I also lost my hay too. I had to stop watering because the water was contaminated. It’s dried up, and farming has come to a dead stop for a lot of us. We need some answers. We don’t know what to do with it on the ground.”

Vasquez said no one wants to buy the contaminated cotton. Harvesting it would be financially suicide, he said.

“The cotton market is down, which is bad enough, and then this,” he said. “We get about $80 per bale, but when you add up the cost to harvest one bale, it adds up to $135. No one wants to buy damaged cotton, so why would we go to the cost of harvesting it at $135 per bale.”

He said the state Department of Agriculture has as good as one thing: Seed from the contaminated cotton cannot be fed to livestock.

“We put the seed to the dairyman in Roswell,” Vasquez said. “They use it to feed the cows. So there is another damper loss for us.”

Vasquez’s cousin, Mike Vasquez, said he has lost 25 acres of cotton, and the loss of income will be devastating.

“I have disaster insurance, but I’ve been told it does not cover manmade disasters,” he said. “I didn’t cause this disaster. The federal government did. I may be poor, but I’m not stupid. Why would I damage my crop that is my livelihood? I’m not that dumb to put down a herbicide in our monsoon season.”

The BLM, which is the federal government, did that and look what it has brought us (farmers and consumers),” he said. “We don’t know what this stuff has done to the soil and we don’t know for how long the soil will be contaminated. It could be several years. But no one is stepping up to take blame for what has happened. The cotton is still in the ground, and we don’t know what to do with it.”

Mike Vasquez, who retired after 30 years with the city of Carlsbad’s water department, said farming supplements his modest retirement income from the city, and he has had many recent sleepless nights worrying how he is going to pay his farm loans.

“The worry is making me physically sick,” he said. “We have three kids, and nobody is giving them to us. We also need some financial relief. There has to be someone out there that can give us the answers we need.”

Marie Vasquez said she and her husband, Gloria Vasquez, said the loss of income this year is a blow, but she and her husband will just have to tighten their belts and make do with less.

“Anything that happens to Oscar happens to us,” she said. “My husband and I have weathered some rough times in our lives and, although the income from the farm is important, we will make it. It’s a lot harder on Oscar because he has the expenses that have to be paid and there is no money coming in right now,” she said.

“This is something that should not have happened. It could have been avoided. It’s just terrible.”

DEPARTMENT OF AGRICULTURE
STATE OF NEW MEXICO
Las Cruces, NM, October 3, 2002
Hon. Jeff Bingaman,
U.S. Senate, Hart Senate Office Building.
Washington, DC

DEAR SENATOR BINGAMAN: We have received complaints from 22 farmers in the Carlsbad region indicating they have crop damage which appears to be from alleged movement of a herbicide from an area treated by the Bureau of Land Management (BLM) and the Natural Resource Conservation Service (NRCS).

We are currently investigating the complaints to determine if there were violations of state or federal law. I seek your assistance in providing financial support for the individuals whose crops were damaged.

On August 7, 2002, the New Mexico Department of Agriculture received its first complaint regarding crop damage due to alleged movement of a herbicide from an area treated with Tebuthiuron (Spike) in the Three-Mile Draw area. Preliminary investigation indicates the BLM and the NRCS treated approximately 2,400 acres of rangeland.

Further evidence of significant precipitation which occurred after herbicide application in the approximate treated area:

NMDA has taken samples from the complainants’ fields as part of the investigation. Some of the samples analyzed thus far have tested positive for Tebuthiuron. We will continue to analyze the remaining samples and will provide you with the results when they are completed.

It is my understanding that some of the complainants have crop insurance; however, chemical related damages are not covered. The affected individuals will suffer severe financial hardship if assistance is not provided. It is also clear these individuals have suffered losses through no fault of their own. Many are small farmers and may not survive without direct financial assistance.

In 2001 Congress authorized the expenditure of not more than $5 million from the Commodity Credit Corporation to pay claims for crop damage that resulted from the BLM’s use of herbicides during the 2001 calendar year in the state of Idaho Enclosed is a copy of Section 757 of Public Law 107-176, which provides the funding. Similar consideration should be given to the affected New Mexico farmers. Our investigation is not complete at this time, but I believe it is very important to bring this matter to your attention since the relevant appropriation bills have not been passed by Congress.

If you have any questions, please contact me.

Sincerely,

FRANK A. DUBOIS.

By Mr. MCCAIR:
S. 3112. A bill to amend the Internal Revenue Code of 1986 to provide for a deferral of tax on gain from the sale of telecommunications businesses in specified circumstances or for the provision of other incentives to promote diversity of ownership in telecommunications businesses; to the Committee on Finance.

Mr. MCCAIN. Mr. President, today I am introducing the Telecommunications Ownership Diversity Act of 2002. This legislation is designed to ensure that new entrants and small businesses will have the chance to participate in today’s telecommunications marketplace.

At a time when the telecommunications industry is economically depressed, this bill promotes the entry of new competitors and small businesses into the field by providing carefully limited changes to the tax law. Too often today, new entrants and small businesses lose out on opportunities to purchase telecom assets because they don’t offer sellers the same tax treatment as their larger competitors. Specifically, a small purchaser’s cash offer triggers tax liability, while a larger purchaser’s cash offer triggers tax liability, while a larger purchaser’s stock offer may be accepted effectively tax-free. When an entity chooses to sell a telecom business, our tax laws should not make one bidder more attractive than another.

This legislation would give sellers of telecommunications businesses a tax deferral when their assets are bought for cash by small business telecom companies. It would also encourage the entry of new players and the growth of existing small businesses by enabling the seller of a telecom business to claim a tax deferral on capital gains if it invests the proceeds of any sale of its business in purchasing an interest in an eligible small telecom business.

While large companies continue to merge into even larger companies, small businesses have faced substantial barriers in trying to become long-term players in the telecommunications market. These barriers can be even more formidable for members of minority groups and for women, on whom it has historically been more difficult to obtain necessary capital. Since new entry and the ability to grow existing businesses are key components of competition, and since competition is usually the most successful way to achieve the goals of better service, lower prices, restricting small business’ ownership opportunities does not serve consumers’ interests.
It’s easy to forget that telecommunications industry transactions are routinely valued in the billions. Even radio, which has traditionally been a comparatively easier telecom segment to enter, has been priced out of range of most would-be entrants. In addition to those barriers, the tax code makes cash sales less attractive to sellers than stock-swaps. So new entrants and smaller incumbents, which typically must finance telecom acquisitions with cash rather than stock, are less-preferred purchasers than large incumbents. As a result, telecom business sellers have little incentive to sell their businesses to new entrants and small incumbents.

But what should Congress do? Clamp down on merger activity? Insist that telecom ownership restrictions set by the Federal Communications Commission be retained? Rush to concoct new telecom ownership “opportunities” from government programs or regulations that, in the real world, present small business with only one real opportunity, the opportunity to fail? None of these proposals would succeed because all of them, like the Telecommunications Act of 1996, ignore marketplace realities instead of working with them.

One answer is to level the playing field and give established telecom industry players the same economic incentives to deal with new entrants and small companies that they have with respect to larger companies. And that’s what this legislation would do.

Specifically, the bill would amend the Internal Revenue Code by adding a new section entitled “Nonrecognition of gain on certain sales of telecommunications business.” This new section of the tax code would allow a telecom business seller to elect to have capital gains deferred under the existing rules for any “qualified telecommunications sale.” The aggregate amount of any gain deferred under the qualified sale would be limited to $250 million per transaction, and less than $84 million per taxable year.

A qualified telecommunications sale would be defined in two ways. The first type of qualified sale would be sales to an “eligible purchaser” of either the assets of a telecom business or the stock of a company that takes up a controlling interest in a corporation with substantially all of its assets in one or more telecom businesses. Eligible purchasers would include economically and socially disadvantaged businesses that qualify under a carefully drawn part of the tax code. The second type of qualified sale would be the sale of any telecom business to any purchaser, as long as the seller reinvests the proceeds in equity interests in eligible small telecom businesses.

To account for the variety of telecommunications services available today, the legislation would broadly define telecommunications businesses eligible for capital gains tax deferral to include not only radio, broadcast TV, DBS, and cable TV, but also wireline and wireless telephone service providers and resellers.

Some may be concerned that this legislation could potentially have “anti-competitive” effects on the system” to set up eligible purchasers to take advantage of the bill’s provisions. In order to eliminate the potential for abuse, the bill would require the eligible purchaser to hold any property acquired under the new law for at least three years, which time it could only so sold to an unrelated eligible purchaser. Moreover, the bill would require the General Accounting Office to thoroughly audit and report on the administration and effect of the law every two years.

By sharing with smaller companies a portion of the investment benefits our tax laws give to the major telecom companies we have a chance to make sure that, at the end of the day, we won’t have been foolish for small business. By enabling individuals and small businesses to use industry restructuring as opportunities for expansion, we will keep faith with those who have been, and remain, enduringly valuable contributors to our free-market system.

Over the next several months, I look forward to working with interested organizations to further improve this legislation. In particular, I welcome comments on how to further refine the concepts of “qualified telecommunications business” and “eligible purchaser” to ensure that this legislation can meet its goals in the most fair and effective manner.

Revolutionary developments in the telecommunications industry have been made by gifted individuals with small companies and unlimited vision. In this sense, the telecommunications industry is a true microcosm of the American free-market system. New entrants and small businesses should have a fair chance to participate across the broad spectrum of industries that will make up the telecommunications industry in the Information Age. This legislation will help them do that.

I ask unanimous consent that I share 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. 3122
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 “Telecommunications Ownership Diversification Act of 2002”.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress makes the following findings:

(1) Current trends in the telecommunications industry show that there is increasing convergence among various media, including broadcasting, cable television, and Internet-based businesses, that provide news, information, and entertainment.

(approved by the Senate and House of Representatives of the United States of America in Congress assembled.)

(2) This convergence will continue, and therefore, diversifying the ownership of telecommunications facilities remains a preeminent public interest concern that should be reflected in both telecommunications and tax policy.

(3) A market-based, voluntary system of increasing ownership diversification may be lawful, and economically sound means of facilitating entry and diversification of ownership in the telecommunications industry.

(4) Opportunities for small participants and grow in the telecommunications industry have substantially decreased since the end of the Federal Communications Commission’s tax credit policies. The Telecommunications Act of 1996, particularly in light of the increase in tax-free like-kind exchanges, despite the most rapid period of transfers of radio and television stations in history. During this time, businesses owned or controlled by socially disadvantaged individuals, including, but not limited to, members of minority groups and women, have continued to be underrepresented as owners of telecommunications facilities.

(5) Businesses owned or controlled by socially disadvantaged individuals are historically and have been economically disadvantaged in the telecommunications industry. For these businesses, the majority of capital are and have been substantial obstacles to new entry and growth. Consequently, diversification of ownership in the telecommunications industry cannot be unexamined.

(6) Telecommunications facilities owned by new entrants may not be attractive to investors because their start-up costs are often high, their revenue streams are uncertain, and their profit margins are unknown.

(7) It is consistent with the public interest and the pro-competition policies of the Telecommunications Act of 1996 to provide incentives that will facilitate investments in, and acquisition of telecommunications facilities by, socially and economically disadvantaged businesses, thereby diversifying the ownership of telecommunications facilities.

(8) Increased participation by socially and economically disadvantaged businesses in the ownership of telecommunications facilities will enhance competition in the telecommunications industry. Permitting sellers of telecommunications facilities to defer taxation of gains from transactions involving ownership and economically disadvantaged businesses, and resulting from investments in designated capital funds that provide capital for such entities, will further the development of a competitive United States telecommunications industry without governmental intrusion in private investment decisions.

(9) The public interest would not be served by attempts to diversify the ownership of telecommunications businesses through any approach that would involve the use of mandated set-asides or quotas.

(10) Today, the telecommunications industry is struggling to survive one of its most troubling times. The government’s voluntary, pro-competitive transactions that will promote ownership of telecommunications facilities by economically and socially disadvantaged businesses, and aid in providing the investment and capital that is crucial to this sector.

(11) The purpose of this Act is to facilitate voluntary, pro-competitive transactions that will promote ownership of telecommunications facilities by economically and socially disadvantaged businesses.
is amended by inserting after part IV the following new part:

"PART V—CERTAIN SALES OF TELECOMMUNICATIONS BUSINESSES"

Sec. 1071. Nonrecognition of gain on certain sales of telecommunication businesses.

"SEC. 1071. NONRECOGNITION OF GAIN ON CERTAIN SALES OF TELECOMMUNICATIONS BUSINESSES.

(a) IN GENERAL.—In case of any qualified telecommunications sale, at the election of the subject person, the gain realized on the sale shall be treated as an involuntary conversion of property within the meaning of section 1033.

(b) LIMITATION ON AMOUNT OF GAIN.—The amount of gain on any qualified telecommunications sales which is not recognized by reason of subsection (a) of this section shall not exceed $250,000,000 per taxable year and shall not exceed $83,333,333 per taxable year. Excess amounts can be carried forward in future years subject to the annual limit.

(c) QUALIFIED TELECOMMUNICATIONS SALE.—For purposes of this section, the term ‘qualified telecommunications sale’ means—

(1) any sale to an eligible purchaser of—

(A) the assets of a telecommunications business, or

(B) stock in a corporation if, immediately after such sale—

(i) the eligible purchaser controls (within the meaning of Section 368(c)) such corporation, and

(ii) substantially all of the assets of such corporation are assets of 1 or more telecommunication businesses; and

(2) any sale of a telecommunications business, if the taxpayer purchases, within the replacement period specified in section 1033(a)(2)(b), 1 or more equity interests in an entity that is an eligible purchaser as defined in subsection (c)(1)(B) (i) of such corporation.

(d) DEFINITIONS.—In this section—

(1) ELIGIBLE PURCHASER.—The term ‘eligible purchaser’ means—

(A) the Telecommunications Development Fund established under section 714 of the Communications Act of 1934 (47 U.S.C. 614), or any wholly-owned affiliate of that Fund;

(B) an economically and socially disadvantaged business, as defined in paragraph (2) of this subsection;

(C) an entity qualified under section 851, if more than 50 percent of its gross income is derived in the taxable year from an economically and socially disadvantaged business or businesses, as defined in paragraph (2) of this subsection, as determined by the Secretary.

(2) ECONOMICALLY AND SOCIALLY DISADVANTAGED BUSINESS.—The term ‘economically and socially disadvantaged business’ means a business which, as its primary purpose, engages in electronic communications and is regulated by the Federal Communications Commission pursuant to the Communications Act, including—

(A) a telecommunications business which, as its primary purpose, engages in electronic communications and is regulated by the Federal Communications Commission pursuant to the Communications Act, including—

(i) attributable ownership interests in television broadcast stations having an aggregate national audience reach of more than 5 percent as defined by the Federal Communications Commission under section 335(e)(2)(i) of title 47 of the Code of Federal Regulations as in effect on January 1, 2001;

(ii) attributable ownership interest in (a) radio stations owned by more than 50 percent of the total combined voting power of all classes of stock entitled to vote of the corporation; and

(iii) attributable ownership interests in any other telecommunications business having more than 5 percent of its gross income derived from such business;

(3) RELEVANT MARKET.—The term ‘relevant market’ means the market served by the radio station or stations being purchased.

Sec. 1072. Tax benefits of qualified telecommunications business resold within 3 years, etc.

(a) IN GENERAL.—If, within 3 years after the qualified telecommunications sale, there is a recapture event with respect to the property involved in such sale, then the purchaser’s tax imposed by this chapter which occurs shall be increased by 20 percent of the lesser of the consideration furnished by the purchaser in such sale or the dollar amount specified in subsection (b).

(b) EXCEPTION FOR REINVESTED AMOUNTS.—Paragraph (1) shall not apply to any recapture event which is a recap. event sale, and a recap. event sale is a sale if—

(A) the sale is a qualified telecommunications sale, or

(B) during the 60-day period beginning on the date of such sale, the taxpayer is the purchaser in another qualified telecommunications sale in which the consideration furnished by the taxpayer is not less than the amount realized on the recap event sale.

(c) RECAPTURE EVENT.—For purposes of this subsection, the term ‘recapture event’ means with respect to any qualified telecommunications sale—

(1) any sale or other disposition of the assets of a telecommunications business by the corporation referred to in such subsection which were acquired by the taxpayer in such sale, and

(2) in the case of a qualified telecommunications sale described in subsection (c)(1)(B)—

(i) any sale or other disposition of a telecommunications business by the corporation person that is designated by the Secretary as the eligible purchaser business not having the meaning of Section 368 (c)) such corporation.

(d) SPECIAL RULES.—

(1) IN GENERAL.—If a qualified telecommunications sale is a qualified telecommunications sale for purposes of section 1033(b) of the Communications Act of 1934 (47 U.S.C. 533(b)(5)), a provider of fixed satellite service; a reseller of telecommunications service or commercial mobile service; or a provider of multi-channel multipoint distribution service.

(2) PURCHASE.—The taxpayer shall be considered to have purchased a property if, for purpose of subsection (d)(2), the unadjusted basis of the property would be its cost within the meaning of section 1012.

(6) CONTROL.—

(A) INDIVIDUALS.—For purposes of paragraph (3), an individual meets the requirements of paragraph (7) if the requirements of subparagraph (C), (D), or (E) are satisfied.

(B) ENTITIES.—For purposes of paragraph (7) of this section, an entity meets the requirements of this paragraph if the requirements of subparagraph (C), (D), or (E) are satisfied.

(C) 30-PERCENT TEST.—The requirements of this subparagraph are satisfied if, with respect to any entity which is a corporation, individuals who meet the requirements of paragraph (7) own 30 percent or more of the capital interest and profits interests of such entity, and more than 50 percent of the total combined voting power of all classes of stock entitled to vote of the corporation.

(D) 15-PERCENT TEST.—The requirements of this subparagraph are satisfied if—

(i) with respect to any entity which is a partnership, individuals who meet the requirements of paragraph (7) own 15 percent or more of the capital interest and profits interests of such entity, and more than 50 percent of the total combined voting power of all classes of partnership interests entitled to vote.

(ii) with respect to any entity which is a corporation—

(A) individuals who meet the requirements of paragraph (7) own 15 percent or more of the capital interest and profits interests of such entity, and more than 50 percent of the total combined voting power of all classes of stock entitled to vote of the corporation; and

(B) at least 25 percent in value of the outstanding stock of the corporation; and

(iii) with respect to any entity which is a partnership—

(A) individuals who meet the requirements of paragraph (7) own 15 percent or more of the capital interest and profits interests of such entity, and more than 50 percent of the total combined voting power of all classes of partnership interests entitled to vote; and

(B) from the proceeds of the sale, the partnership shall—

(i) distribute to its partners at least 25 percent in value of the proceeds of the sale, the partnership shall—

(ii) distribute the capital interest and profits interests of such entity, and at least 25 percent in value of the proceeds of the sale, the partnership shall—

(iii) distribute any other interest in the business having a value equal to at least 25 percent in value of the profits interest of the entity in such business.

(4) TELECOMMUNICATIONS BUSINESS.—The term ‘telecommunications business’ means a business which, as its primary purpose, engages in electronic communications and is regulated by the Federal Communications Commission pursuant to the Communications Act, including—

(A) a telecommunications business which, as its primary purpose, engages in electronic communications and is regulated by the Federal Communications Commission pursuant to the Communications Act, including—

(i) attributable ownership interests in television broadcast stations having an aggregate national audience reach of more than 5 percent as defined by the Federal Communications Commission under section 335(e)(2)(i) of title 47 of the Code of Federal Regulations as in effect on January 1, 2001;

(ii) attributable ownership interest in (a) radio stations owned by more than 50 percent of the total combined voting power of all classes of stock entitled to vote of the corporation; and

(iii) attributable ownership interests in any other telecommunications business having more than 5 percent of its gross income derived from such business;

(3) RELEVANT MARKET.—The term ‘relevant market’ means the market served by the radio station or stations being purchased.

(4) TELECOMMUNICATIONS BUSINESS.—The term ‘telecommunications business’ means a business which, as its primary purpose, engages in electronic communications and is regulated by the Federal Communications Commission pursuant to the Communications Act, including—

(A) a telecommunications business which, as its primary purpose, engages in electronic communications and is regulated by the Federal Communications Commission pursuant to the Communications Act, including—

(i) attributable ownership interests in television broadcast stations having an aggregate national audience reach of more than 5 percent as defined by the Federal Communications Commission under section 335(e)(2)(i) of title 47 of the Code of Federal Regulations as in effect on January 1, 2001;

(ii) attributable ownership interest in (a) radio stations owned by more than 50 percent of the total combined voting power of all classes of stock entitled to vote of the corporation; and

(iii) attributable ownership interests in any other telecommunications business having more than 5 percent of its gross income derived from such business;
Telecommunications business.

resented in the ownership of the relevant Secretary of Treasury to be underrepresented in this paragraph if that individual is computing investment credit) is amended by

"(F) CONSTRUCTIVE OWNERSHIP.—In applying subparagraphs (C), (D), and (E), the following rules apply:

(1) Stock or partnership interests owned, directly or indirectly, by or for a corporation, partnership, estate, or trust shall be considered as being owned proportionately by or for its shareholders, partners, or beneficiaries.

(ii) An individual shall be considered as owning stock or partnership interests owned, directly or indirectly, by or for his family.

(iii) An individual owning (otherwise than by the application of clause (ii)) any stock in corporation shall be considered as owning the stock or partnership interests owned, directly or indirectly, by or for the whole or half blood, spouse, ancestors, and lineal descendants.

(iv) An individual owning (otherwise than by the application of clause (ii)) any partnership interest in a partnership shall be considered as owning the stock or partnership interests owned, directly or indirectly, by or for his partner.

(v) The family of an individual shall include the brothers and sisters (whether by the whole or half blood), spouse, ancestors, and lineal descendants.

(vi) Stock or partnership interests constructively owned by a person by reason of the application of clause (i) shall, for the purposes of applying clause (i), (ii), (iii), or (iv), be treated as if owned directly by or for the whole or half blood, spouse, ancestors, and lineal descendants.

(vii) An individual is described in this paragraph if that individual is—

(A) a United States citizen, and

(B) socially or economically disadvantaged class determined by the Secretary of Treasury to be underrepresented in the ownership of the relevant telecommunications business.

SEC. 4. TELECOMMUNICATIONS BUSINESS CREDIT.

(a) IN GENERAL.—Subpart E of part IV of chapter 1 of the Internal Revenue Code of 1986 (relating to computing investment credit) is amended by inserting after section 48 the following:

SEC. 48A. TELECOMMUNICATIONS BUSINESS CREDIT.

"For purposes of section 46, there is allowed as a credit against the tax imposed by this chapter for any taxable year an amount equal to 10 percent of the taxable income of any taxpayer that at all times during that taxable year—

(1) is a local exchange carrier (as defined in section 3(44) of the Communications Act of 1934 (47 U.S.C. 154(44)));

(2) is a Bell operating company (as defined in section 3(4) of that Act (47 U.S.C. 153(4))); and

(3) is headquartered in an area designed as an empowerment zone by the Secretary of Housing and Urban Development.

(b) CONFORMING AMENDMENTS.—

(1) SECTION 46.—Section 46 of such Code (relating to amount of credit) is amended by—

(A) striking "and" in paragraph (2); (B) striking "credit." in paragraph (3) and inserting "credit; and"; and (C) adding at the end the following: "(4) the telecommunications business credit.

(2) CLERICAL AMENDMENTS.—

(A) The analysis for part III of subchapter 0 of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end thereof the following: "1071. Sale of telecommunications business.

(B) The table of sections for Subpart E of part IV of subchapter A of chapter 1 of such Code is amended by the item relating to section 48A the following:

48A. Telecommunications business credit."

SEC. 5. EXCLUSION OF 50 PERCENT OF GAIN.

Section 1223 of the Internal Revenue Code of 1986 (relating to 50 percent exclusion for gain from sale of certain small business stock) is amended—

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

"(3) CERTAIN TELECOMMUNICATIONS INVESTMENTS BY CORPORATIONS AND INVESTMENT COMPANIES.—Income does not include 50 percent of any gain from the sale or exchange of stock in an eligible purchaser (as defined in section 1071(r)(1)) engaged in a telecommunications business (as defined in section 1071(r)(3)) held for more than 5 years;"

(2) by striking subparagraphs (A) and (B) of subsection (b)(2) and inserting the following:

"(A) in the case of gain from the sale or exchange of qualified small business stock held for more than 5 years—

(i) $10,000,000 reduced by the aggregate amount of eligible gain taken into account by the taxpayer under subsection (a) for prior taxable years attributable to dispossession of stock issued by such corporation; or

(ii) 10 times the aggregate adjusted bases of qualified small business stock issued by such corporations and disposed of by the taxpayer during the taxable year; and

(B) in the case of gain from the sale or exchange of stock in an eligible purchaser engaged in a telecommunications business for more than 5 years—

(i) $20,000,000 reduced by the aggregate amount of eligible gain taken into account by the taxpayer under subsection (a) for prior taxable years attributable to dispositions of stock issued by the eligible purchaser engaged in a telecommunications business; or

(ii) 10 times the aggregate adjusted bases of stock of an eligible purchaser engaged in a telecommunications business issued by such eligible purchaser and disposed of by the taxpayer during the taxable year;"

(3) by striking "years" in subsection (b)(2) and inserting "years or any gain from the sale or exchange of stock in an eligible purchaser engaged in a telecommunications business held for more than 5 years;" and

(4) by striking "$10,000,000," in subsection (b)(3) and inserting " $10,000,000," and paragraph (1)(B) shall be applied by substituting $10,000,000 for $20,000,000.

SEC. 6. EFFECTIVE DATE.—TECHNICAL AND CONFORMING CHANGES.

(a) TAXABLE YEARS.—The amendments made by section 4 shall apply to taxable years ending after the date of enactment of this Act.

(b) SALES.—The amendments made by section 3 shall apply with respect to a sale described in section 3(a) of the Internal Revenue Code of 1986 (as added by this section) of a telecommunications business or any equity interest on or after the date of enactment of this Act.

(c) TECHNICAL AND CONFORMING CHANGES.—The Secretary of the Treasury shall, within 150 days after the date of enactment of this Act, submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate, a draft of any technical and conforming changes in the Internal Revenue Code of 1986 as necessitated by the operation of section 4 of this Act. Where necessary throughout the Code the changes in the substantive provisions of the Code made by section 3(a).

SEC. 7. REGULATIONS.

The Secretary of the Treasury, in consultation with the Federal Communications Commission, shall promulgate regulations to implement this Act no later than 90 days after the effective date of this Act. The regulations shall provide for determination by the Secretary as to whether an applicant is an "eligible purchaser" as defined in new section 1071(r)(7) of the IRC of 1986 (as added by section 3 of this Act). The regulations shall further provide that such determinations of eligibility shall be made not later than 45 calendar days after an application is filed with the Secretary. The regulations implementing section 1071(r)(7) of such Code (as added by section 3 of this Act) shall be updated on an ongoing basis no less frequently than every 5 years.

SEC. 8. BIENNIAL PROGRAM AUDITS BY GAO.

No later than January 1, 2004, and no less frequently than every 2 years thereafter, the Comptroller General shall include in the report, notwithstanding any provision of section 6103 of the Internal Revenue Code of 1986 to the contrary, a description of eligible purchasers (as defined in section 1071(r)(7) of such Code) and any other taxpayer receiving a benefit from the operation of section 48A or 1223 of such Code that section was added or amended by this Act; and

(2) an assessment of the effect the amendments made by this Act have on increasing new entry and growth in the telecommunications industry by socially and economically disadvantaged businesses, and the effect of this Act on encouraging competitiveness of the telecommunications industry.

STATEMENTS ON SUBMITTED RESOLUTIONS

S. RES. 340—AFFIRMING THE IMPORTANCE OF A NATIONAL DAY OF PRAYER AND FASTING, AND DESIGNATING NOVEMBER 27, 2002, AS A NATIONAL DAY OF PRAYER AND FASTING

Mr. SANTORUM (for himself and Mr. BROWNBACK) submitted the following resolution; which was referred to the Committee on the Judiciary.

S. RES. 340

Whereas the President has sought the support of the international community in response to the threat posed by violent extremist organizations, and states that permit or host organizations that are opposed to democratic ideals;

Whereas a united stand against terrorism and terrorist regimes will likely lead to an increased threat to the armed forces and law enforcement personnel of those states that opposed those regimes of terrorism that take an active role in rooting out these enemy forces;
Whereas Congress has aided and supported a united response to acts of terrorism and violence inflicted upon the United States, our allies, and peaceful individuals all over the world; 

Whereas President Abraham Lincoln, at the outbreak of the Civil War, proclaimed that the last Thursday in September 1861 should be designated as a day of humility, prayer, and fasting for all people of the Nation; 

Whereas it is appropriate and fitting to seek guidance, direction, and focus from God in times of conflict and in periods of turmoil; 

Whereas it is through prayer, self-reflection, and fasting that we can better examine those aspects of our lives that can benefit from God’s wisdom and love; 

Whereas prayer to God and the admission of human limitations and frailties begins the process of becoming both stronger and closer to God; 

Whereas becoming closer to God helps provide direction, purpose, and conviction in those daily actions and decisions we must take; 

Whereas our Nation, tested by civil war, military conflicts, and world wars, has always reflected the grace and benevolence bestowed by God; and 

Whereas dangers and threats to our Nation persist and in this time of peril, it is appropriate to reaffirm and honor those fundamental principles in our society; 

Whereas almost 3,000,000 of those children continue to live in households that do not have an adequate supply of food; and 

Whereas almost 3,000,000 of those children experience hunger; and 

Whereas selfless sacrifice breeds a genuine spirit of Thanksgiving, both affirming and restoring fundamental principles in our society; 

NOW, THEREFORE, I RESOLVE, THAT the Senate—

(1) designates November 21, 2002, as ‘‘Feed America Thursday’’; and

(2) requests that the President issue a proclamation calling upon the people of the United States to sacrifice 2 meals on Thursday, November 21, 2002, and to donate the money that they would have spent on food to a religious or charitable organization of their choice for the purpose of feeding the hungry.

SENATE CONCURRENT RESOLUTION 153—EXPRESSING THE SENSE OF THE CONGRESS THAT THE UNITED STATES GOVERNMENT ESTABLISHED AN ANNUAL NATIONAL VISITING NURSE ASSOCIATIONS WEEK

Ms. COLLINS (for herself and Mr. FEINGOLD) submitted the following concurrent resolution; which was referred to the Committee on Education, Labor, and Pensions:

S. CON. RES. 153

Whereas visiting nurse associations are nonprofit home health agencies that, for over 120 years, have been united in their mission to provide cost-effective and compassionate home and community-based health care to individuals, regardless of the individuals’ condition or ability to pay for services; 

Whereas visiting nurse associations operate 4,000 local agencies helping over 12 million patients annually; and 

Whereas the Visiting Nurse Associations, VNAs, of today are founded on the principles that the sick, the disabled, and the elderly benefit most from health care when it is offered in their own homes. Home care is an increasingly important part of our health care system today. The kinds of highly skilled, and often technically complex, services that the VNAs provide have enabled millions of our most frail and vulnerable patients to avoid hospitals and nursing homes and stay just where they want to be, in the comfort and security of their own homes.

Whereas Thanksgiving Day celebrates the spirit of selfless giving and an appreciation for family and friends.

Whereas the spirit of Thanksgiving Day is a virtue upon which our Nation was founded; 

Whereas 33,000,000 Americans, including 15,000,000 children, continue to live in households that do not have an adequate supply of food; 

Whereas 3,000,000 of those children experience hunger; and 

Whereas selfless sacrifice breeds a genuine spirit of Thanksgiving, both affirming and restoring fundamental principles in our society; 

NOW, THEREFORE, I RESOLVE, THAT the Senate—

(1) designates Thursday, November 21, 2002, as ‘‘Feed America Thursday’’; and

(2) requests that the President issue a proclamation calling upon the people of the United States to sacrifice 2 meals on Thursday, November 21, 2002, and to donate the money that they would have spent on food to a religious or charitable organization of their choice for the purpose of feeding the hungry.

Resolved, That the Senate—

(A) observes this day as a day of prayer and fasting;

(B) seeks guidance from God to achieve the highest percentage of terminally ill and bedridden patients;

(C) requests that the President issue a proclamation

Resolved by the Senate (the House of Representatives concurring). That it is the sense of Congress that there should be established an annual National Visiting Nurse Associations Week.

Mr. COLLINS. Mr. President, I am pleased to join my colleague from Wis-
vital services that visiting nurses pro-
vide to their patients and their fami-
lies. I urge my colleagues to join Sen-
aitor FEINGOLD and me in cospon-
soring this resolution establishing an an-
nual National Visiting Nurse Associations’ Week.

AMENDMENTS SUBMITTED AND
PROPOSED

SA 4879. Mr. SPECTER submitted an amend-
ment intended to be proposed to amendmen
SA 4738 proposed by Mr. GRAMM (for him-
self, Mr. MILLER, Mr. MCCONNELL, Mr.
THOMPSON, Mr. STEVENS, Mr. HAGEL, Mr.
HUTCHINSON, and Mr. BUNNING) to the amend-
ment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, to establish the Depart-
ment of Homeland Security, and for other pur-
poses; which was ordered to lie on the table.

SA 4880. Mr. SPECTER submitted an amend-
ment intended to be proposed to amendmen
SA 4738 proposed by Mr. GRAMM (for him-
self, Mr. MILLER, Mr. MCCONNELL, Mr.
THOMPSON, Mr. STEVENS, Mr. HAGEL, Mr.
HUTCHINSON, and Mr. BUNNING) to the amend-
ment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, to establish the Depart-
ment of Homeland Security, and for other pur-
poses; which was ordered to lie on the table.

SA 4881. Mr. SPECTER submitted an amend-
ment intended to be proposed to amendmen
SA 4738 proposed by Mr. GRAMM (for him-
self, Mr. MILLER, Mr. MCCONNELL, Mr.
THOMPSON, Mr. STEVENS, Mr. HAGEL, Mr.
HUTCHINSON, and Mr. BUNNING) to the amend-
ment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, supra; which was ordered to lie on the table.

SA 4882. Mr. SPECTER submitted an amend-
ment intended to be proposed to amendmen
SA 4738 proposed by Mr. GRAMM (for him-
self, Mr. MILLER, Mr. MCCONNELL, Mr.
THOMPSON, Mr. STEVENS, Mr. HAGEL, Mr.
HUTCHINSON, and Mr. BUNNING) to the amend-
ment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, supra; which was ordered to lie on the table.

SA 4883. Mr. DASCHLE (for Mr. ROCKE-
FELLER) proposed an amendment to the bill H.R. 5005, supra, to provide for the establish-
ment in the Department of Veterans Affairs of im-
proved emergency medical preparedness, re-
search, and education programs to combat ter-
rorsim, and for other purposes.

SA 4884. Mr. DASCHLE (for Mr. ROCKE-
FELLER) proposed an amendment to the bill H.R. 5005, supra, to provide for the establish-
ment in the Department of Veterans Affairs of im-
proved emergency medical preparedness, re-
search, and education programs to combat ter-
rorsim, and for other purposes.

SA 4885. Mr. DASCHLE (for Mr. Rocke-
Feller) proposed an amendment to the bill H.R. 5005, supra, to provide for the establish-
ment in the Department of Veterans Affairs of im-
proved emergency medical preparedness, re-
search, and education programs to combat ter-
rorsim, and for other purposes.

TEXT OF AMENDMENTS

SA 4879. Mr. SPECTER submitted an amend-
ment intended to be proposed to amendmen
SA 4738 proposed by Mr. GRAMM (for him-
self, Mr. MILLER, Mr. MCCONNELL, Mr.
THOMPSON, Mr. STEVENS, Mr. HAGEL, Mr.
HUTCHINSON, and Mr. BUNNING) to the amend-
ment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, to establish the Depart-
ment of Homeland Security, and for other pur-
poses; which was ordered to lie on the table; as follows:

On page 24, strike line 4 and insert the fol-
lowing:

(19) On behalf of the Secretary, subject to dis-
approval by the President, to direct the a-
gencies described under subsection (f)(1) to pro-
vide intelligence information, analyses of
intelligence information, and such other in-
telligence-related information as the Assist-
ant Secretary for Information Analysis de-
termines necessary. The agencies described are: other elements of the Department; the Federal Bureau of Investigation; other ele-
ments of the intelligence community, as that term is defined in section 3(4) of the Na-
tional Security Act of 1947 (50 U.S.C. 401a(4)).

(20) To perform such other duties relating to

SA 4880. Mr. SPECTER submitted an amend-
ment intended to be proposed to amendmen
SA 4738 proposed by Mr. GRAMM (for him-
self, Mr. MILLER, Mr. MCCONNELL, Mr.
THOMPSON, Mr. STEVENS, Mr. HAGEL, Mr.
HUTCHINSON, and Mr. BUNNING) to the amend-
ment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, to establish the Depart-
ment of Homeland Security, and for other pur-
poses; which was ordered to lie on the table; as follows:

Beginning on page 24, strike line 6 and all that follows to line 14 on page 27 and insert the following:

SECT. 202. HOMELAND SECURITY ASSESSMENT CENTER.
(a) ESTABLISHMENT.—There is established in the Department the Homeland Security Assessment Center.
(b) HEAD.—(1) The Assistant Secretary of Homeland Security for Information Analysis shall be the head of the Center.
(c) RESPONSIBILITIES.—The responsibilities of the Center shall be as follows:
(1) To establish the National Infrastructure Protection Center.

SA 4881. Mr. SPECTER submitted an amend-
ment intended to be proposed to amendmen
SA 4738 proposed by Mr. GRAMM (for him-
self, Mr. MILLER, Mr. MCCONNELL, Mr.
THOMPSON, Mr. STEVENS, Mr. HAGEL, Mr.
HUTCHINSON, and Mr. BUNNING) to the amend-
ment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, to establish the Depart-
ment of Homeland Security, and for other pur-
poses; which was ordered to lie on the table; as follows:

(20) To perform such other duties relating to

SA 4882. Mr. SPECTER submitted an amend-
ment intended to be proposed to amendmen
SA 4738 proposed by Mr. GRAMM (for him-
self, Mr. MILLER, Mr. MCCONNELL, Mr.
THOMPSON, Mr. STEVENS, Mr. HAGEL, Mr.
HUTCHINSON, and Mr. BUNNING) to the amend-
ment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, to establish the Depart-
ment of Homeland Security, and for other pur-
poses; which was ordered to lie on the table; as follows:

(20) To perform such other duties relating to
SA 4881. Mr. SPECTER submitted an amendment intended to be proposed to amendment SA 4711 proposed by Mr. LIEBERMAN to the bill H.R. 5005, to establish the National Security and, for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 59, between lines 20 and 21 insert the following:

(C) homeland Security Assessment Center—

(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 Director of Intelligence in discharging the responsibilities under subsection (b) of this section.

(B) To provide intelligence and information analysis and support to other elements of the Department.

(C) To perform such other duties as the Secretary shall provide.

(D) Staff.—The Center shall be staffed by Department employees.

(E) Coordination of Personnel.—The Secretary may enter into one or more memorandum of understanding with other departments or agencies for the purpose of providing personnel and resources as necessary to carry out the responsibilities of the Center.

SA 4882. Mr. SPECTER submitted an amendment intended to be proposed to amendment SA 4711 proposed by Mr. LIEBERMAN to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

On page 59, line 21, strike “(c)” and insert “(d)”.

On page 61, line 1, strike “(d)” and insert “(e)”.

On page 61, line 12, strike “(e)” and insert “(f)”.

On page 63, line 4, strike “(g)” and insert “(h)”.

SA 4883. Mr. DASCHLE (for Mr. ROCKEFELLER) proposed an amendment to the bill H.R. 3253, to amend title 38, United States Code, to provide for the establishment within the Department of Veterans Affairs of improved emergency medical preparedness, research, and education programs to combat terrorism, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Department of Veterans Affairs Emergency Preparedness Act of 2002”.

SEC. 2. ESTABLISHMENT OF MEDICAL EMERGENCY PREPAREDNESS CENTERS AT DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTERS.

(a) In general.—(1) Subchapter II of chapter 73 of title 38, United States Code, is amended by adding at the end the following new section:

§ 7325. Medical emergency preparedness centers

(1) establishment of centers.—(1) The Secretary shall establish four medical emergency preparedness centers in accordance with this section. Each such center shall be established at a Department medical center and shall be staffed by Department employees.

(2) The Under Secretary for Health shall be responsible for raising the operation of the centers established under this section. The Under Secretary shall provide for ongoing evaluation of the centers and their compliance with the requirements of this section.

(3) The Under Secretary shall carry out the Under Secretary’s functions under paragraph (2) in consultation with the Assistant Secretary of Veterans Affairs with responsibilities for health care, including those persons with training in the detection, diagnosis, prevention, and treatment of injuries, diseases, and illnesses induced by exposures to chemical and biological substances, radionuclear contamination, and other explosive weapons or devices poisoning threats to the public health and safety.

(b) Mission.—The mission of the centers shall be as follows:

(1) To carry out research on, and to develop methods of detection, diagnosis, prevention, and treatment of injuries, diseases, and illnesses arising from the use of chemical, biological, radiological, nuclear, or other explosive weapons or devices which students receive education and training in epidemiology through the participating Department medical facilities so as to provide those persons with training in the detection, diagnosis, prevention, and treatment of injuries, diseases, and illnesses induced by exposures to chemical and biological substances, radionuclear contamination, and other explosive weapons or devices.

(b) Mission.—The mission of the centers shall be as follows:

(1) To carry out research on, and to develop methods of detection, diagnosis, prevention, and treatment of injuries, diseases, and illnesses arising from the use of chemical, biological, radiological, nuclear, or other explosive weapons or devices.

(2) To provide educational and advice to health care professionals, including health care professionals outside the Veterans Health Administration, through the National Disaster Medical System established pursuant to section 2811(b) of the Public Health Service Act (42 U.S.C. 300hh–11(b)) as or through interagency agreements entered into by the Secretary, upon the recommendation of the Under Secretary for Health and the Assistant Secretary for Health.

(c) Selection of Centers.—(1) The Secretary shall select the sites for the centers on the basis of a competitive selection process. The Secretary may not designate a site as a location for a center under this section unless the Secretary makes a finding under paragraph (2) that the designation is necessary.

(2) The Secretary shall ensure the geographic dispersal of the sites throughout the United States. Any such center may be a consortium of efforts of more than one medical center.

(3) In the event of a disaster or emergency referred to in section 1785(b) of this title, to provide such laboratory, epidemiological, medical, or other assistance as the Secretary considers appropriate to Federal, State, and local health care agencies and personnel involved in or responding to the disaster or emergency.

(3) In the event of a disaster or emergency referred to in section 1785(b) of this title, to provide such laboratory, epidemiological, medical, or other assistance as the Secretary considers appropriate to Federal, State, and local health care agencies and personnel involved in or responding to the disaster or emergency.

(d) Support.—Any other agency of the Federal Government shall provide personnel, facilities, and other support as the Secretary considers appropriate.

(e) Financial.—The Federal Government shall provide personnel, facilities, and other support as the Secretary considers appropriate.

(f) Financial.—The Federal Government shall provide personnel, facilities, and other support as the Secretary considers appropriate.

(g) Financial.—The Federal Government shall provide personnel, facilities, and other support as the Secretary considers appropriate.

(h) Financial.—The Federal Government shall provide personnel, facilities, and other support as the Secretary considers appropriate.

(i) Financial.—The Federal Government shall provide personnel, facilities, and other support as the Secretary considers appropriate.

(j) Financial.—The Federal Government shall provide personnel, facilities, and other support as the Secretary considers appropriate.
“(a) A qualified medical school is an accredited medical school that provides education and training in toxicology and environmental health hazards and with which one or more of the participating Department of Health and Human Services medical centers is affiliated.

(3) For purposes of paragraph (2)(A)—

(1) Amounts appropriated for the activities of the centers under this section shall be appropriated separately from amounts appropriated for the Department for such fiscal year.

(2) In addition to funds appropriated for a fiscal year specifically for the activities of the centers pursuant to paragraph (1), the Under Secretary for Health shall allocate to such centers from other funds appropriated for that fiscal year generally for the Department medical care account and the Department medical and prosthetics research account such amounts as the Under Secretary determines appropriate to carry out the purposes of this section. Any determination made by the Under Secretary under the preceding sentence shall be made in consultation with the Assistant Secretary with responsibility for operations, preparedness, security, and law enforcement functions.

(3) There are authorized to be appropriated for this fiscal year a sum not to exceed $20,000,000 for each of fiscal years 2003 through 2007.

(2) The table of sections at the beginning of this chapter is amended by inserting after the item relating to section 7324 the following new item:

“7326. Medical emergency preparedness centers.”

(6) The peer review panel shall include experts in the fields of toxicological research, infectious diseases, radiology, clinical care, and psychological effects, resulting from exposure to those agents, weapons, or devices.

(7) An appropriate course of follow-up treatment, supportive care, and referral shall be established in consultation with the Assistant Secretary of Veterans Affairs for Health in selecting sites for centers under section 7326 of title 38, United States Code, as added by subsection (a), and the Under Secretary shall establish a peer review panel to evaluate scientific and clinical merit of proposals that are submitted to the Secretary for the designation of such centers. Members of the panel shall serve as consultants to the Department of Veterans Affairs.

(3) The panel shall review each proposal submitted to the panel by the officials referred to in paragraph (1) and shall submit to the Under Secretary for Health its views on the relative scientific and clinical merit of each such proposal. The panel shall specifically determine with respect to each such proposal whether that proposal is among those proposals which have met the highest competitive standards of scientific and clinical merit.

(4) The panel shall not be subject to the Federal Advisory Committee Act (5 U.S.C. App.).

(5) The Secretary shall conduct research on improved medical preparedness to protect the Nation from terrorist activities, and shall conduct research on improved medical emergency preparedness established under section 7325 of title 38, United States Code, as added by subsection (a), and the Under Secretary shall allocate to such centers from other funds appropriated for that fiscal year generally for the Department medical care account and the Department medical and prosthetics research account such amounts as the Under Secretary determines appropriate to carry out the purposes of this section. Any determination made by the Under Secretary under the preceding sentence shall be made in consultation with the Assistant Secretary with responsibility for operations, preparedness, security, and law enforcement functions.

(6) There are authorized to be appropriated for this fiscal year a sum not to exceed $20,000,000 for each of fiscal years 2003 through 2007.

(7) The table of sections at the beginning of this chapter is amended by inserting after the item relating to section 7324 the following new item:

“7326. Medical emergency preparedness centers.”

SEC. 3. EDUCATION AND TRAINING PROGRAMS ON MEDICAL RESPONSES TO CONSEQUENCES OF TERRORIST ACTIVITIES.

(a) IN GENERAL.—(1) Subchapter II of chapter 73 of title 38, United States Code, is amended by adding at the end the following new section:

“§ 7326. Education and training programs on medical response to consequences of terrorist activities.

(1) The Secretary shall carry out a program to develop and disseminate a series of model education and training programs on the medical responses to the consequences of terrorist activities.

(b) IMPLEMENTING OFFICIAL.—The program shall be carried out through the Under Secretary for Health in consultation with the Assistant Secretary of Veterans Affairs with responsibility for operations, preparedness, security, and law enforcement functions.

(c) CONTENT OF PROGRAMS.—The education and training programs developed under the program shall be modeled after programs established at the F. Edward Hebert School of Medicine of the Uniformed Services University of the Health Sciences and shall include, at a minimum, training for health care professionals in the following:

(1) Recognition of chemical, biological, radiological, incendiary, or other explosive agents, weapons, or devices that may be used in terrorist activities.

(2) Identification of the potential symptoms of exposure to those agents.

(3) Understanding of the potential long-term health consequences, including psycho-somatic effects, resulting from exposure to those agents, weapons, or devices.

(4) Emergency treatment for exposure to those agents, weapons, or devices.

(5) Actions that can be taken while providing care for exposure to those agents, weapons, or devices.

(6) Information on how to seek consultative support and to report suspected or actual use of those agents.

(d) POTENTIAL TRAINEES.—In designing the education and training programs described in subsection (c), the Secretary shall ensure that different programs are designed for health-care professionals in Department medical centers.

(e) CONSULTATION.—In establishing education and training programs under this section, the Secretary shall consult with appropriate representatives of accrediting, certifying, and coordinating organizations in the field of health professions education.

(f) EFFECTIVE DATE.—The Secretary of Veterans Affairs shall implement section 7326 of title 38, United States Code, as added by subsection (a), not later than the end of the 90-day period beginning on the date of the enactment of this Act.

SEC. 4. AUTHORITY TO FURNISH HEALTH CARE DURING MASS DISASTERS AND MEDICAL EMERGENCIES.

(a) IN GENERAL.—(1) Subchapter VIII of chapter 17 of title 38, United States Code, is amended by adding at the end the following new section:

“§ 1785. Care and services during certain disasters and emergencies.

(a) AUTHORITY TO PROVIDE HOSPITAL CARE AND MEDICAL SERVICES.—During and immediately following a disaster or emergency referred to in subsection (b), the Secretary of Veterans Affairs may furnish hospital care and medical services to individuals who are residents of the area in which the disaster or emergency occurs, or otherwise affected by that disaster or emergency.
‘‘(b) COVERED DISASTERS AND EMERGENCIES.—A disaster or emergency referred to in this subsection is any disaster or emergency as follows:

(1) A major disaster or emergency declared by the President under the Robert B. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

(2) A disaster or emergency in which the National Disaster Medical System established pursuant to section 281(b) of the Public Health Service Act (42 U.S.C. 300h-11(b)) is activated by the Secretary of Health and Human Services under paragraph (3)(A) of this section or as otherwise authorized by law.’’.

SEC. 5. INCREASE IN NUMBER OF ASSISTANT SECRETARIES OF VETERANS AFFAIRS.

(a) INCREASE.—Subsection (a) of section 308 of title 38, United States Code, is amended by striking ‘‘six’’ in the first sentence and inserting ‘‘nine’’.

(b) FUNCTIONS.—Subsection (b) of such section is amended by adding at the end the following new paragraph:

‘‘(11) Operations, preparedness, security, and law enforcement functions.’’.

(c) NUMBER OF DEPUTY ASSISTANT SECRETARIES.—Subsection (d)(1) of such section is amended by striking ‘‘18’’ and inserting ‘‘19’’.

(d) CONFORMING AMENDMENT.—Section 5315 of title 5, United States Code, is amended by striking ‘‘Asistant Secretaries’’ and inserting ‘‘Assistant Secretaries, Department of Veterans Affairs’’.

SEC. 6. CODIFICATION OF DUTIES OF SECRETARY OF VETERANS AFFAIRS AND DEPARTMENT MINISTERS RELATING TO EMERGENCY PREPAREDNESS.

(a) IN GENERAL.—(1) Subchapter I of chapter 81 of title 38, United States Code, is amended by adding at the end the following new section:

‘‘§ 8117. Emergency preparedness

‘‘(a) READINESS OF DEPARTMENT MEDICAL CENTERS.—(1) The Secretary shall take appropriate actions to provide for the readiness of Department medical centers to protect the patients and staff of such centers from chemical or biological attack or otherwise to respond to such an attack so as to enable such centers to function as part of the Federal response to public health emergencies.

(2) Actions under paragraph (1) shall include—

(A) the provision of decontamination equipment and personal protection equipment at Department medical centers; and

(B) the provision of training in the use of such equipment to staff of such centers.

(b) SECURITY AT DEPARTMENT MEDICAL AND RESEARCH FACILITIES.—The Secretary shall take appropriate actions to provide for the security of Department medical centers and research facilities, including staff and patients at such facilities.

(2) In taking actions under paragraph (1), the Secretary shall take into account the results of the evaluation of the security needs at Department medical centers and research facilities required by section 154(b)(1) of the Public Health Security and Bioterrorism Preparedness and Response Act of 2002 (Public Law 107-188; 38 U.S.C. note 8117).

(c) CONFORMING AMENDMENTS.—Subsection (e)(2) of such section is amended by inserting at the end the following new paragraph:

‘‘(2) The strategies under paragraph (1) shall include the following:

(A) Training and certification of providers of mental health counseling and assistance.

(B) Mechanisms for coordinating the provision of mental health counseling and assistance to emergency response providers referred to in paragraph (1).

(c) The Secretary shall develop and maintain the strategies under paragraph (1) in consultation with the Secretary of Health and Human Services, the American Red Cross, and the working group referred to in subsection (e)(2).

(d) MEMBERS OF THE ARMED FORCES ON ACTIVE DUTY.—Section 8111A(a) of such title is amended—

(1) by redesigning paragraph (2) as paragraph (1); and

(2) by designating the second sentence of paragraph (1) as paragraph (3); and

(b) MEMBERS OF THE ARMED FORCES ON ACTIVE DUTY.—Subsection 8111A(a) of such title is amended—

(1) by redesigning paragraph (2) as paragraph (1); and

(2) by designating the second sentence of paragraph (1) as paragraph (3); and

(c) T RACKING OF PHARMACEUTICALS AND MEDICAL SUPPLIES AND EQUIPMENT.—The Secretary shall develop and maintain a centralized system for tracking the current location and availability of pharmaceuticals, medical supplies, and medical equipment throughout the health care system in order to permit the ready identification and utilization of such pharmaceuticals, medical supplies, and equipment for a variety of purposes, including response to a chemical or biological attack or other terrorist attack.

(d) TRAINING.—The Secretary shall ensure that the Department medical centers, in consultation with the accredited medical school affiliates of such medical centers, develop and implement curricula to train resident physicians and other residents on medical matters relating to biological, chemical, or radiological attacks or attacks on an incendiary or other explosive weapon.

(e) PARTICIPATION IN NATIONAL DISASTER MEDICAL SYSTEM.—(1) The Secretary shall establish and maintain a training program to involve the participating staff of Department medical centers, and of the community partners of such centers, in the National Disaster Medical System established pursuant to section 281(b) of the Public Health Service Act (42 U.S.C. 300h-11(b)).

(2) The Secretary shall establish and maintain the training program under paragraph (1) in accordance with the recommendations of the working group on the prevention, preparedness, and response to bioterrorism and other public health emergencies established under section 281(a) of the Public Health Service Act (42 U.S.C. 247d-6a).

(3) The Secretary shall establish and maintain the training program under paragraph (1) in consultation with the following:

(A) The Secretary of Defense.

(B) The Secretary of Health and Human Services.

(B) The Director of the Federal Emergency Management Agency.

(D) MENTAL HEALTH COUNSELING.—(1) With respect to activities conducted by personnel serving at Department medical centers, the Secretary shall develop and maintain strategies for providing mental health counseling and assistance, including counseling and assistance for post-traumatic stress disorder, following a bioterrorist attack or other public health emergency to the following persons:

(A) Veterans.

(B) Local and community emergency response providers.

(C) Active duty military personnel.

(D) Individuals seeking care at Department medical centers.

(2) The strategies under paragraph (1) shall include the following:

(A) Training and certification of providers of mental health counseling and assistance.

(B) The Secretary of Health and Human Services, the American Red Cross, and the working group referred to in subsection (e)(2).

(c) CONFORMING AMENDMENTS.—Subsection (g) of such section is amended—

(1) in paragraph (1), by inserting ‘‘of section 8117 of title 38, United States Code’’ after ‘‘subsection (a)’’; and

(2) by striking ‘‘(b)(2) through (f)’’ and inserting ‘‘section 8117(b) of this section’’.
(b) through (f) of section 8117 of title 38, United States Code’.’

SA 4884. Mr. DASCHLE (for Mr. ROCKEFELLER) proposed an amendment to the bill H.R. 4015, to amend title 38, United States Code, to revise and improve employment, training, and placement services furnished to veterans, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; REFERENCES TO TITLE 38, UNITED STATES CODE.

(a) SHORT TITLE.—This Act may be cited as the “Jobs for Veterans Act”.

(b) REFERENCES TO TITLE 38, UNITED STATES CODE.—Except as provided in paragraph (2), every reference in the Code to a section of title 38 shall mean, in any instance to which this Act applies, the section so referenced as amended by this Act.

SEC. 2. PRIORITY OF SERVICE FOR VETERANS IN DEPARTMENT OF LABOR JOB TRAINING PROGRAMS.

(a) VETERANS’ JOB TRAINING ASSISTANCE.—(1) Chapter 42 is amended by adding at the end the following new section:

‘‘§ 4215. Priority of service for veterans in Department of Labor job training programs

‘‘(a) This section applies to all employment, training, and placement services provided under that program, notwithstanding any other provision of law.

‘‘(b) ENTITLEMENT TO PRIORITY OF SERVICE.—(1) A covered person is entitled to priority of service under any qualified job training program if the person otherwise meets the eligibility requirements for participation in such program.

‘‘(2) The Secretary of Labor may establish priority categories and reasons for purposes of this section to take into account the needs of disabled veterans and special disabled veterans, and such other factors as the Secretary determines appropriate.

‘‘(c) ADMINISTRATION OF PROGRAMS AT STATE AND LOCAL LEVELS.—An entity of a State or a political subdivision of the State that administers employment, training, and placement services under a qualified job training program shall—

‘‘(1) provide information and priority of service to covered persons regarding benefits and services that may be obtained through other entities or service providers; and

‘‘(2) ensure that each covered person who applies to or who is assisted by such a program is informed of the employment-related rights and benefits to which the person is entitled under this section.

‘‘(d) ADDITION TO ANNUAL REPORT.—In the annual report required under section 4107(c) of this title for the program year beginning in 2003 and each subsequent program year, the Secretary shall evaluate whether covered persons are receiving priority of service and are being fully served by qualified job training programs, and whether the representation of veterans in such programs is in proportion to the incidence of representation of veterans in the labor market, including within groups that the Secretary may designate for priority under such programs, if any.

‘‘(2) The table of sections at the beginning of chapter 42 is amended by inserting after the last entry relating to section 4214 the following new item:

‘‘4215. Priority of service for veterans in Department of Labor job training programs.

‘‘(b) EMPLOYMENT OF VETERANS WITH RESPECT TO FEDERAL CONTRACTS.—(1) Section 4212(a) is amended to read as follows:

‘‘(a)(1) Any contract in the amount of $100,000 or more entered into by any department or agency of the United States for the procurement of personal property and non-personal service (including construction) for the United States, shall contain a provision requiring that the party contracting with the Government shall take affirmative action to employ and to afford equal opportunities for employment and qualified covered veterans.

‘‘(2) In addition to requiring affirmative action to employ such qualified covered veterans, contracts and subcontracts and in order to promote the implementation of such requirement, the Secretary of Labor shall prescribe regulations requiring that—

‘‘(A) each contractor, for each such contract shall immediately list all of its employment openings with the appropriate employment service delivery system as defined in section 4107(7) of this title, and may also list such openings with one-stop career centers under the Workforce Investment Act of 1998, other appropriate service delivery systems, veterans’ service organizations, and such other organizations as designated by the Department of Labor, except that the contractor may exclude contractors and subcontractors and senior management positions and positions which are to be filled by individuals who served on active duty in the Armed Forces during a war or in a campaign of a war, and (ii) by striking “major” and inserting “filter”.

‘‘(c) EMPLOYMENT WITHIN THE FEDERAL GOVERNMENT.—(1) Section 4216(a)(1) is amended—

(A) in the first sentence, by striking “life” and (ii) by striking “major” and inserting “filter”.

‘‘(2) Section 4216(b) is amended by striking “of this subsection” after “paragraph (1)” and inserting “three-year period”.

(3) The amendments made by this subsection shall apply with respect to contracts entered into on or after the first day of the first month that begins 12 months after the date of the enactment of this Act.

(4) Employment within the Federal Government.—(1) Section 4214(a)(1) is amended—

(A) in the first sentence, by striking “life” and (ii) by inserting “filter”.

‘‘(b) EMPLOYMENT OF VETERANS WITH RESPECT TO FEDERAL CONTRACTS.—(1) Section 4212(a) is amended to read as follows:

‘‘(a)(1) Any contract in the amount of $100,000 or more entered into by any department or agency of the United States for the procurement of personal property and non-personal service (including construction) for the United States, shall contain a provision requiring that the party contracting with the Government shall take affirmative action to employ such qualified covered veterans, contracts and subcontracts and in order to promote the implementation of such requirement, the Secretary of Labor shall prescribe regulations requiring that—

‘‘(A) each contractor, for each such contract shall immediately list all of its employment openings with the appropriate employment service delivery system as defined in section 4107(7) of this title, and may also list such openings with one-stop career centers under the Workforce Investment Act of 1998, other appropriate service delivery systems, veterans’ service organizations, and such other organizations as designated by the Department of Labor, except that the contractor may exclude contractors and subcontractors and senior management positions and positions which are to be filled by individuals who served on active duty in the Armed Forces during a war or in a campaign of a war, and (ii) by striking “major” and inserting “filter”.

‘‘(c) EMPLOYMENT WITHIN THE FEDERAL GOVERNMENT.—(1) Section 4216(a)(1) is amended—

(A) in the first sentence, by striking “life” and (ii) by inserting “filter”.}
“(B) The term ‘qualified covered veteran’ means a veteran described in section 4212(a)(3) of this title.”.

(2) Clause (i) of section 4214(e)(2)(B) is amended—

(A) by striking “qualified” the first place it occurs and inserting “qualified covered veterans”; and

(B) by striking “under section 1712A of this title and all that follows and inserting “under section 1712A of this title.”.

(4) The amendments made by this subsection shall apply to qualified covered veterans without regard to any limitation relating to the veteran’s discharge or release from active duty that may have otherwise applied under section 4102A(b)(3) as in effect on the date before the date of the enactment of this Act.

SEC. 3. FINANCIAL AND NON-FINANCIAL PERFORMANCE INCENTIVE AWARDS FOR QUALITY EMPLOYMENT, TRAINING, AND PLACEMENT SERVICES.

(a) PERFORMANCE INCENTIVE AWARDS FOR QUALITY EMPLOYMENT, TRAINING, AND PLACEMENT SERVICES.—Chapter 41 is amended by adding at the end the following new section:

“§ 4112. Performance incentive awards for quality employment, training, and placement services

“(a) CRITERIA FOR PERFORMANCE INCENTIVE AWARDS.—(1) For purposes of carrying out a program of performance incentive awards under section 4102A(c)(2)(A) of this title, the Deputy Assistant Secretary of Labor for Veterans’ Employment and Training, shall establish criteria for performance incentive awards programs to be administered by States to—

“(B) encourage the improvement and modernization of employment, training, and placement services provided under this chapter; and

“(C) recognize eligible employees for excellence in the provision of such services or for having made demonstrable improvements in the provision of such services.

“(2) The Secretary shall establish such criteria in consultation with representatives of State and local public employment service agencies, private employers, and other providers of employment, training, and placement services under the Workforce Investment Act of 1998 consistent with the performance incentive award established under section 4102A(b)(7) of this title.

“(b) FORM OF AWARDS.—Under the criteria established by the Secretary for performance incentive awards to be administered by States, an award under such criteria may be a cash award or such other nonfinancial awards as the Secretary may specify.

“(c) RELATIONSHIP OF AWARD TO GRANT PROGRAM AND EMPLOYEE COMPENSATION.—Performance incentive cash awards under this section—

“(1) shall be made from amounts allocated from the grant or contract amount for a State for a program year under section 4102A(c)(7) of this title; and

“(2) is in addition to the regular pay of the recipient.

“(d) ELIGIBLE EMPLOYEE DEFINED.—In this section, the term ‘eligible employee’ means any of the following:

“(1) A disabled veterans’ outreach program specialist.

“(2) A local veterans’ employment representative.

“(3) An individual providing employment, training, and placement services to veterans under the Workforce Investment Act of 1998 or comparable activities or other programs administered by States (as defined in section 4101(7) of this title)."

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 41 is amended by adding at the end the following new item:

“§ 4112. Performance incentive awards for quality employment, training, and placement services.”

SEC. 4. REFINEMENT OF JOB TRAINING AND PLACEMENT FUNCTIONS OF THE DEPARTMENT.

(a) REVISION OF DEPARTMENT LEVEL SENIOR OFFICIALS AND FUNCTIONS.—(1) Sections 4102A and 4103 are amended to read as follows:

“§ 4102A. Assistant Secretary of Labor for Veterans’ Employment and Training: program functions; Regional Administrators

“(a) ESTABLISHMENT OF ASSISTANT SECRETARY OF LABOR FOR VETERANS’ EMPLOYMENT AND TRAINING.—(1) There is established within the Department of Labor an Assistant Secretary of Labor for Veterans’ Employment and Training, appointed by the President by and with the advice and consent of the Senate, who shall, acting through the Assistant Secretary of Labor for Veterans’ Employment and Training prescribes.

“(2) The employees of the Department of Labor administering chapter 43 of this title shall be administratively responsible to the Assistant Secretary of Labor for Veterans’ Employment and Training.

“(b) No individual may be appointed as a Deputy Assistant Secretary of Labor for Veterans’ Employment and Training unless the individual has at least five years of service in a management position as an employee of the Federal civil service or comparable service in a management position in the Armed Forces. For purposes of determining such service of an individual, there shall be excluded any service described in subparagraphs (A), (B), and (C) of section 339(d)(2) of this title.

“(b) PROGRAM FUNCTIONS.—The Secretary shall carry out the following functions:

“(1) Except as expressly provided otherwise, carry out all provisions of this chapter and chapter 43 of this title through the Assistant Secretary of Labor for Veterans’ Employment and Training and administer through such Assistant Secretary all provisions of this title with respect to the programs designated by the Secretary for the provision of employment and training services designed to meet the needs of all veterans and persons eligible for services furnished in chapter 43.

“(2) In order to make maximum use of available resources in meeting such needs, encourage all such programs, and all grantee and contractor requirements under such programs and enter into cooperative arrangements with private industry and business concerns (including small business concerns owned by veterans) educational institutions, trade associations, and labor unions.

“(3) Ensure that maximum effectiveness and efficiency of providing services and assistance to eligible veterans under all such programs by coordinating and consulting with the Secretary of Veterans Affairs and with other agencies and under other provisions of this title, with particular emphasis on coordination of such programs with readjustment counseling activities carried out under section 1712A of this title, apprenticeship or on-the-job training programs carried out under section 1712A of this title, and training and placement activities carried out under chapter 31 of this title and (B) determinations covering veteran population in a State.

“(4) Ensure that all training, and placement activities are carried out in coordination and cooperation with appropriate State public employment service offices.

“(5) Subject to subsection (c), make available for use in each State by grant or contract such funds as may be necessary to support such activities.

“(A) disabled veterans’ outreach program specialists appointed under section 4103(a)(1) of this title,

“(B) local veterans’ employment representatives assigned under section 4104(b) of this title, and

“(C) the reasonable expenses of such specialists and representatives described in subparagraphs (A) and (B), respectively, for training, travel, supplies, and other business expenses, including travel expenses and per diem for attendance at the Department of Veterans Affairs Employment and Training Services Institute established under section 4109 of this title.

“(D) Monitor and supervise on a continuing basis the distribution and use of funds provided for use in the States under paragraph (5).

“(E) Establish, and update as appropriate, a comprehensive performance accountability system (as described in subsection (f) and carry out annual performance reviews of veterans’ employment, training, and placement services provided through employment service delivery systems, including through disabled veterans’ outreach program specialists and local veterans’ employment representatives in States receiving grants, contracts, or awards under this chapter.

“(F) CONDITIONS FOR RECEIPT OF FUNDS.—(1) The distribution and use of funds under section (b)(5) in order to carry out sections 4103(a) and 4104(a) of this title shall be subject to the continuing supervision and monitoring of the Secretary and shall not be governed by the provisions of any other law, or any regulations prescribed thereunder, that are inconsistent with this section or section 4103(a) or 4104 of this title.

“(2)(A) A State shall submit to the Secretary an application for a grant or contract under subsection (b)(5). The application shall contain the following information:

“(i) A plan that describes the manner in which the State shall furnish employment, training, and placement services required under this chapter for the program year, including a description of duties assigned by the State to disabled veterans’ outreach program specialists and local veterans’ employment representatives consistent with the requirements of subsections 4103(a) and 4104(a).

“(ii) the manner in which such specialists and representatives are integrated in the employment service delivery systems in the State;

“(C) Such additional information as the Secretary may require to make a determination with respect to awarding a grant or contract to the State.

“(D) Subject to the succeeding provisos of this subparagraph, of the amount of funds that are to be allocated to the State for the fiscal year, the Secretary shall make available to each State with an application approved by
the Secretary an amount of funding in proportion to the number of veterans seeking employment using such criteria as the Secretary may establish in regulation, including civil rights and unemployment data, for the State on an annual basis. The proportion of funding shall reflect the ratio of—

(1) the total number of veterans residing in the State that are seeking employment; to

(2) the total number of veterans seeking employment in all States.

The Secretary shall phase in over the three fiscal-year period that begins on October 1, 2002, the manner in which amounts are made available to States under subsection (b)(5) before the amendment, as amended by the Jobs for Veterans Act.

(iii) In carrying out this paragraph, the Secretary shall establish minimum levels and hold-harmless criteria for States.

(3)(A)(i) As a condition of a grant or contract under this section for a program year, in the case of a State that the Secretary determines has an entered-employment rate for veterans that is deficient for the preceding program year, the State shall develop a corrective action plan to improve that rate for veterans in the State.

(ii) The State shall submit the corrective action plan to the Secretary for approval, and if approved, shall expeditiously implement the plan.

(iii) If the Secretary does not approve a corrective action plan submitted by the State under paragraph (A) before the Secretary determines that the State shall take such steps as may be necessary to implement corrective actions in the State to improve the entered-employment rate for veterans in that State.

(b) To carry out subparagraph (A), the Secretary shall establish in regulations a uniform national plan for determining the entered-employment rate for veterans for a program year by which determinations of deficiency may be made under subparagraph (A).

(C) In making a determination with respect to a deficiency under subparagraph (A), the Secretary shall take into account the applicable annual unemployment data for the State and consider other factors, such as prevailing economic conditions, that affect the performance of individuals providing employment, training, and placement services in the State.

(d) In determining the terms and conditions of a grant or contract under which funds are made available to a State in order to carry out section 4103A or 4104 of this title, the Secretary shall take into account—

(A) the results of reviews, carried out pursuant to subsection (b)(7), of the performance of the employment, training, and placement service delivery system in the State, and

(B) the monitoring carried out under this section.

(5) Each grant or contract by which funds are made available to a State shall contain a provision requiring the recipient of the funds to—

(A) comply with the provisions of this chapter; and

(B) on an annual basis, to notify the Secretary of, and provide supporting rationale for, each nonveteran who is employed as a disabled veteran’s outreach program specialist and local veterans’ employment representatives for a period in excess of 6 months.

(6) Each State shall coordinate employment, training, and placement services furnished to eligible persons under this chapter with such services furnished with respect to such veterans and persons under the Workforce Investment Act of 1998 and the Workforce Development Act.

(7) With respect to program years beginning during or after fiscal year 2004, one percent of the amount of a grant or contract under which funds are made available to a State in order to carry out section 4103A or 4104 of this title for the program year shall be for purposes of making awards under the program of performance incentive awards described in section 4112 of this title in the State.

(d) Participation in Other Federally Funded Job Training Programs.—The Assistant Secretary of Labor for Veterans’ Employment and Training shall promote and foster full-participation of all qualified veterans’ outreach program specialists and local veterans’ employment representatives in employment and training opportunities under title I of the Workforce Investment Act of 1998 and other federally funded employment and training programs.

(6) Regional Administrators.—(1) The Secretary shall assign to each region for which the Secretary operates a regional office a representative of the Veterans Employment and Training Service to serve as the Regional Administrator for Veterans’ Employment and Training in such region.

(2) Each such Regional Administrator shall carry out such duties as the Secretary may require to promote veterans employment and reemployment within the region that the Administrator serves.

(1) Establishment of Performance Standards and Outcome Measures.—By not later than 6 months after the date of the enactment of this section, the Assistant Secretary of Labor for Veterans’ Employment and Training Service shall implement a comprehensive performance accountability system to measure the performance of employment service delivery systems, including disabled veterans’ outreach programs, with respect to veterans’ employment representatives providing employment, training, and placement services under this chapter in a State to provide accountability of that State to the Secretary for purposes of subsection (c).

(2) Such standards and measures shall—

(A) be consistent with State performance measures applicable under section 136(b) of the Workforce Investment Act of 1998; and

(B) be appropriately weighted to provide special consideration for placement of disabled veterans requiring intensive services (as defined in section 4101(9) of this title), special disabled veterans and disabled veterans, and veterans in need of readjustment counseling under section 1712A of this title.

(3) Authority to Provide Technical Assistance to States.—The Secretary may provide such technical assistance as the Secretary determines appropriate to any State that the Secretary determines has, or may have, an entered-employment rate in the State that is deficient, as determined under subsection (c)(3) with respect to a program year, including assistance in the development of a corrective action plan under that subsection.

§ 4103. Directors and Assistant Directors for Veterans’ Employment and Training; Additional Federal Personnel

(a) Directors and Assistant Directors for Veterans’ Employment and Training: Additional Federal Personnel.—(1) Director of Employment and Training; Assistant Directors for Employment and Training: Additional Federal Personnel.—(A) The Secretary shall assign to each State a representative of the Veterans’ Employment and Training Service to serve as the Director of Employment and Training, and shall assign full-time Federal clerical or other support personnel to each such Director.

(B) The Director of Veterans’ Employment and Training for a State shall, at the time of appointment, have been a bona fide resident of the State for at least two years.

(2) Assistant Directors for Veterans’ Employment and Training: Additional Federal Personnel.—The Secretary may assign to each State a representative of the Veterans’ Employment and Training Service as the Assistant Director for Employment and Training.

(b) Additional Federal Personnel.—The Secretary may also assign as supervisory personnel such representatives of the Veterans’ Employment and Training Service as the Secretary determines appropriate to carry out the employment, training, and placement services required under this chapter, including Assistant Directors of the Veterans’ Employment and Training.

(2) The items relating to sections 4102A and 4103, respectively, in the table of sections at the beginning of chapter 41 of title 38, United States Code, beginning on or about the date of the enactment of this Act, and apply for program and fiscal years under chapter 41 of title 38, United States Code, beginning on or about such date.

(b) Revision of Statutorily Defined Duties of Disabled Veterans’ Outreach Program Specialists and Local Veterans’ Employment Representatives.—(1) Section 4103A is amended by striking all after the heading and inserting the following:

(a) Requirement for Employment by States of a Sufficient Number of Specialists.—(1) Subject to approval by the Secretary, a State shall employ such full- or part-time disabled veterans’ outreach program specialists as the State determines appropriate and efficient to carry out intensive services under this chapter to meet the employment needs of eligible veterans with the following priority in the provision of services:

(A) Special disabled veterans.

(B) Other disabled veterans.

(C) Other eligible veterans in accordance with priorities determined by the Secretary taking into account applicable rates of unemployment and the employment and the employment emphasis set forth in chapter 42 of this title.

(2) In the provision of services in accordance with this subsection, maximum emphasis on meeting the employment needs of veterans shall be placed on assisting economically or educationally disadvantaged veterans.

(b) Requirement for Qualified Veterans.—A State shall, to the maximum extent practicable, employ qualified veterans to carry out the services referred to in subsection (a). Preference shall be given in the appointment of such specialists to qualified disabled veterans.

(2) Section 4104 is amended by striking all after the heading and inserting the following:

(a) Requirement for Employment by States of a Sufficient Number of Representatives.—The Secretary, a State shall employ such full- and part-time local veterans’ employment
representatives as the State determines appropriate and efficient to carry out employment, training, and placement services under this chapter.

SEC. 4107. PRINCIPAL DUTIES. —As principal duties, local veterans’ employment representatives shall—

(1) conduct outreach to employers in the area to assist veterans in gaining employment, including conducting seminars for employers and, in conjunction with employers, conducting job search workshops and establishing job search groups; and

(2) facilitate employment, training, and placement services furnished to veterans in a State and eligible persons who carry out the services referred to in subsection (a). Preference shall be accorded in the following order:

(1) to qualified service-connected disabled veterans;

(2) to disabled veterans;

(3) if no veteran described in paragraph (1) or (2) is available, to any other veterans.

SEC. 4108. DUTIES OF THE DEPARTMENT OF LABOR. —The Secretary of Labor shall, to the maximum extent practicable, employ qualified veterans or eligible persons to carry out the services referred to in subsection (a). Preference shall be accorded in the following order:

(1) to qualified service-connected disabled veterans;

(2) to veterans.

SEC. 4109. PROVISIONS OF LAW APPLICABLE TO STATE EMPLOYMENT AND TRAINING SERVICES. —Sections 4103A and 4104 of title 41, United States Code, beginning on or after enactment of this Act, and applying for programs under chapter 41 of title 41, United States Code, shall apply to reports for program years beginning on or after July 1, 2003.

SEC. 4110. MODERNIZATION OF EMPLOYMENT SERVICE DELIVERY SYSTEMS. —The term ‘employment service delivery system’ means a service delivery system at which or through which labor exchange services, including employment, training, and placement services, are offered in accordance with the Wagner-Peyser Act.

SEC. 4111. MODERNIZATION OF EMPLOYMENT SERVICE DELIVERY POINTS TO INCLUDE TECHNOLOGICAL INNOVATIONS. —The amendments made by paragraph (1) shall be applied to the applicable appropriation.

SEC. 6. COMMITTEE TO RAISE EMPLOYER AWARENESS OF SKILLS OF VETERANS AND BENEFITS OF HIRING VETERANS. —(a) ESTABLISHMENT OF COMMITTEE. —There is established within the Department of Labor a committee to be known as the President’s National Hire Veterans Committee (hereinafter in this section referred to as the “Committee”).

The Committee shall establish and carry out a national program to do the following:

(1) To furnish information to employers with respect to the training and skills of veterans and disabled veterans, and the advantages afforded employers by hiring veterans with such training and skills.

(2) To facilitate employment of veterans and disabled veterans through participation in America’s Career Race national labor exchange.

(b) MEMBERSHIP. —(1) The Secretary of Labor shall appoint 15 individuals to serve as members of the Committee, of whom one shall be appointed from among representatives nominated by each organization described in subparagraph (A) and of whom eight shall be appointed from among representatives nominated by each organization described in subparagraph (B).

(Congressional Record — October 15, 2002)
(vi) State departments of veterans affairs.
(vii) Military service organizations.

(B) Organizations described in this subparagraph are such businesses, small businesses, and cooperatives in the private sector that furnish placement services, civic groups, workforce investment boards, and labor unions as the Secretary of Labor determines appropriate.

(2) The following shall be ex officio, nonvoting members of the Committee:
(A) The Secretary of Veterans Affairs.
(B) The Secretary of Defense.
(C) The Assistant Secretary of Labor for Veterans’ Employment and Training.
(D) The Administrator of the Small Business Administration.
(E) The Postmaster General.
(F) The Director of the Office of Personnel Management.

(3) A vacancy in the Committee shall be filled in the manner in which the original appointment was made.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Labor from the employment security administration account (established in section 6 of this Act of the Secretary of Labor of the provisions of this Act during the program years that begin during fiscal years 2003 and 2004. The study shall include an assessment of the modifications under sections 2 through 5 of this Act of the provisions of title 38, United States Code, and an evaluation of the impact of those modifications, and of the actions of the President’s National Hire Veterans Committee under section 6 of this Act, to the provision of employment, training, and placement services provided to veterans under that title.

(b) STUDY.—The Comptroller General of the United States shall conduct a study on the implementation by the Secretary of Labor of the provisions of this Act during the program years that begin during fiscal years 2003 and 2004. The study shall include an assessment of the modifications under sections 2 through 5 of this Act of the provisions of title 38, United States Code, and an evaluation of the impact of those modifications, and of the actions of the President’s National Hire Veterans Committee under section 6 of this Act, to the provision of employment, training, and placement services provided to veterans under that title.

(b) REPORT.—Not later than 6 months after the conclusion of the program year that begins during fiscal year 2004, the Comptroller General shall submit to Congress a report on the study conducted under subsection (a). The report shall include such recommendations as the Comptroller General determines appropriate, including recommendations for legislation or administrative action.

SA 4885

Mr. DASCHLE (for Mr. KENNEDY (for himself, Mr. GREGG, Mr. EDWARDS, Mr. BINGAMAN, Mrs. MURRAY, Mr. REED, and Mr. ENZI) proposed an amendment to the bill H.R. 3801, to provide for improvement of Federal education research, statistics, evaluation, information, and dissemination, and for other purposes; as follows:

SA 4885

Mr. DASCHLE (for Mr. KENNEDY (for himself, Mr. GREGG, Mr. EDWARDS, Mr. BINGAMAN, Mrs. MURRAY, Mr. REED, and Mr. ENZI) proposed an amendment to the bill H.R. 3801, to provide for improvement of Federal education research, statistics, evaluation, information, and dissemination, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Table of contents.

TITLE I—EDUCATION SCIENCES REFORM

Sec. 101. Short title.
Sec. 102. Definitions.

PART A—THE INSTITUTE OF EDUCATION SCIENCES

Sec. 111. Establishment.
Sec. 112. Functions.
Sec. 113. Delegation.
Sec. 114. Office of the Director.
Sec. 115. Priorities.
Sec. 117. Commissioners of the National Education Centers.
Sec. 118. Agreements.
Sec. 119. Biennial report.
Sec. 120. Competitive awards.

PART B—NATIONAL CENTER FOR EDUCATION RESEARCH

Sec. 131. Establishment.
Sec. 132. Commissioner for Education Research.
Sec. 133. Duties.
Sec. 134. Standards for conduct and evaluation of research.

PART C—NATIONAL CENTER FOR EDUCATION STATISTICS

Sec. 151. Establishment.
Sec. 152. Commissioner for Education Statistics.
Sec. 153. Duties.
Sec. 154. Performance of duties.
Sec. 155. Reports.
Sec. 156. Dissemination.
Sec. 157. Cooperative education statistics system.
Sec. 158. State defined.

PART D—NATIONAL CENTER FOR EDUCATION EVALUATION AND REGIONAL ASSISTANCE

Sec. 171. Establishment.
Sec. 172. Commissioner for Education Evaluation and Regional Assistance.

Sec. 173. Evaluations.
Sec. 174. Regional educational laboratories for research, development, dissemination, and technical assistance.

PART E—GENERAL PROVISIONS

Sec. 181. Interagency data sources and formats.
Sec. 182. Prohibitions.
Sec. 183. Confidentiality.
Sec. 184. Availability of data.
Sec. 185. Performance management.
Sec. 186. Authority to publish.
Sec. 187. Vacancies.
Sec. 188. Scientific or technical employees.
Sec. 189. Fellowships.
Sec. 190. Voluntary service.
Sec. 191. Rulemaking.
Sec. 192. Copyright.
Sec. 193. Removal.
Sec. 194. Authorization of appropriations.

TITLE II—EDUCATIONAL TECHNICAL ASSISTANCE

Sec. 201. Short title.
Sec. 203. Comprehensive centers.
Sec. 204. Evaluations.
Sec. 205. Existing technical assistance providers.
Sec. 206. Regional advisory committees.
Sec. 207. Priorities.
Sec. 208. Grant program for statewide, longitudinal data systems.
Sec. 209. Authorization of appropriations.

TITLE III—NATIONAL ASSESSMENT OF EDUCATIONAL PROGRESS

Sec. 301. Short title.
Sec. 302. Definitions.
Sec. 303. Authorization of appropriations.

TITLE IV—AMENDATORY PROVISIONS

Sec. 401. Redesignations.
Sec. 402. Amendments to Department of Education Organization Act.
Sec. 403. Repeals.
Sec. 404. Conforming and technical amendments.
Sec. 405. Orderly transition.

TITLE I—EDUCATION SCIENCES REFORM

SEC. 101. SHORT TITLE.

This title may be cited as the “Education Sciences Reform Act of 2002”.

SEC. 102. DEFINITIONS.

In this title:
(1) IN GENERAL.—The terms “elementary school”, “secondary school”, “local educational agency”, and “State educational agency” have the meanings given those terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7001) and the terms “freely associated states” and “outlying area” have the meanings given those terms in section 1121(c) of such Act (20 U.S.C. 6311(c)).

(2) APPLIED RESEARCH.—The term “applied research” means research—
(A) to gain knowledge or understanding necessary for determining the means by which a recognized and specific need may be met; and
(B) that is specifically directed to the advancement of practice in the field of education.

(3) BASIC RESEARCH.—The term “basic research” means research—
(A) to gain fundamental knowledge or understanding of phenomena and observable facts, without specific application toward processes or products; and

(B) to develop an appreciation of knowledge in the field of education.

(4) Board.—The term “Board” means the National Board for Education Sciences established under section 116.

(5) Bureau.—The term “Bureau” means the Bureau of Indian Affairs.

(6) Comprehensive Center.—The term “comprehensive center” means an entity established under section 203 of the Educational Technical Assistance Act of 2002.

(7) Department.—The term “Department” means the Department of Education.

(8) Development.—The term “development” means the systematic use of knowledge gained from field-initiated research and the shaping of that knowledge or understanding into products or processes that can be applied and evaluated and may prove useful in areas such as the preparation of materials and new methods of instruction and practices in teaching, that lead to the improvement of the skills of students, and that are replicable in different educational settings.

(9) Director.—The term “Director” means the Director of the Institute of Education Sciences.

(10) Dissemination.—The term “dissemination” means the communication and transfer of the scientifically valid values, facts, statistics, and evaluations, in forms that are understandable, easily accessible, and usable, or adaptable for use in, the improvement of educational practice by teachers, administrators, librarians, other practitioners, researchers, parents, policymakers, and the public, through technical assistance, publications, electronic transfer, and other means.

(11) Early Childhood Educator.—The term “early childhood educator” means a person providing, or employed by a provider of, nonresidential child care services (including center-based, family-based, and in-home child care services) that is legally operating under State law, and that complies with applicable State and local requirements for the provision of child care services to children at any age from birth through the age at which a child may start kindergarten in that State.

(12) Field-initiated Research.—The term “field-initiated research” means basic, applied, or search or applied research in which specific questions and methods of study are generated by investigators (including teachers and other practitioners) and that conforms to standards of scientifically valid research.

(13) Historically Black College or University.—The term “historically Black college or university” means a part B institution as defined in section 322 of the Higher Education Act of 1965 (20 U.S.C. 1061).

(14) Institute.—The term “Institute” means the Institute of Education Sciences established under section 111.

(15) Institution of Higher Education.—The term “institution of higher education” has the meaning given that term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001). (a)

(16) National Research and Development Center.—The term “national research and development center” means a research and development center supported under section 133(c).

(17) Provider of Early Childhood Services.—The term “provider of early childhood services” means a public or private entity that serves young children, including—

(A) school districts;

(B) Head Start agencies operating Head Start programs, and entities carrying out Early Head Start programs, under the Head Start Act (42 U.S.C. 9831 et seq.); (C) preschools;

(D) kindergartens; and

(E) libraries.

(18) Scientifically Based Research Standards.—(A) The term “scientifically based research standards” means research standards that—

(i) apply rigorous, systematic, and objective methodology to obtain reliable and valid knowledge relevant to education activities (including pre-K programs);

(ii) present findings and make claims that are appropriate to and supported by the methods that have been employed;

(B) The term includes, appropriate to the research being conducted—

(i) employing systematic, empirical methods that draw on observation or experiment; (ii) involving data analyses that are adequate to support the general findings;

(iii) relying on measurements or observational methods that provide reliable data;

(iv) making claims of causal relationships only in random assignment experiments or other designs (to the extent such designs substantially eliminate plausible competing explanations for the obtained results);

(v) ensuring that research methods are presented in sufficient detail and clarity to allow for replication or, at a minimum, to offer the opportunity to question systematically on the findings of the research;

(vi) obtaining acceptance by a peer-reviewed journal or approval by a panel of independent experts from a comparably rigorous, objective, and scientific review; and

(vii) using research designs and methods appropriate to the research question posed.

(19) Scientifically Valid Education Evaluation.—The term “scientifically valid education evaluation” means an evaluation that—

(A) adheres to the highest possible standards of quality with respect to research design and statistical analysis;

(B) provides an adequate description of the programs evaluated and, to the extent possible, examines the relationship between program implementation and program impacts; (C) provides an analysis of the achieved by the program with respect to its projected effects;

(D) employs experimental designs using randomized assignment, and other research methodologies that allow for the strongest possible causal inferences when random assignment is not feasible; and

(E) uses study of program implementation through a combination of scientifically valid and reliable methods.

(20) Scientifically Valid Research.—The term “scientifically valid research” includes applied research, basic research, and field-initiated research in which the rationale, design, and interpretation are soundly developed in accordance with scientifically based research standards.

(21) Secretary.—The term “Secretary” means the Secretary of Education.

(22) State.—The term “State” includes (except as provided in section 158) each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the freely associated States, and the territories.

(23) Technical Assistance.—The term “technical assistance” means—

(A) assistance in identifying, selecting, or designing research, including professional development and high-quality training to implement solutions leading to—

(i) improved educational and other practices and classroom instruction based on scientifically valid research; and

(ii) improved planning, design, and administration of programs; (B) assistance in interpreting, analyzing, and utilizing statistics and evaluations; and (C) other assistance that encourages the improvement of teaching and learning through the applications of techniques supported by scientifically valid research.

PART A—THE INSTITUTE OF EDUCATION SCIENCES

SEC. 111. ESTABLISHMENT.

(a) Establishment.—There shall be in the Department the Institute of Education Sciences to be administered by a Director (as described in section 114) and, to the extent set forth in section 116, a board of directors.

(b) Mission.—(1) In General.—The mission of the Institute is to provide national leadership in expanding fundamental knowledge and understanding of education from early childhood through postsecondary study, in order to provide parents, educators, students, researchers, policymakers, and the general public with reliable information about—

(A) the condition and progress of education in the United States, including early childhood education;

(B) educational practices that support learning and improve academic achievement and access to educational opportunities for all students; and

(C) the effectiveness of Federal and other education programs.

(2) Carrying Out Mission.—In carrying out the mission described in paragraph (1), the Institute shall compile statistics, develop products, and conduct research, evaluations, and wide dissemination activities in areas of demonstrated national need (including in technology areas) that are supported by Federal funds appropriated to the Institute and ensure that such activities—

(A) conform to high standards of quality, integrity, and accuracy; and

(B) are objective, secular, neutral, and nonideological and are free of partisan political influence and racial, cultural, gender, or regional bias.

(c) Organization.—The Institute shall consist of the following:

(1) Office of the Director (as described in section 114).

(2) The National Board for Education Sciences (as described in section 116).

(3) The National Education Centers, which include—

(A) the National Center for Education Research (as described in part B); (B) the National Center for Education Statistics (as described in part C); and (C) the National Center for Education Evaluation and Regional Assistance (as described in part D).

SEC. 112. FUNCTIONS

From funds appropriated under section 194, the Institute, directly or through grants, contracts, or cooperative agreements, shall—

(1) conduct and support scientifically valid research activities, including basic research and applied research, statistics activities, scientifically valid education evaluation, development, and wide dissemination;

(2) widely disseminate the findings and results of scientifically valid research in education;

(3) promote the use, development, and application of knowledge gained from scientifically valid research activities;

(4) strengthen the national capacity to conduct, develop, and widely disseminate scientifically valid research in education;

(5) promote the coordination, development, and dissemination of scientifically valid research in education within the Department and the Federal Government; and
(6) promote the use and application of research and development to improve practice in the classroom.

SEC. 113. DELEGATION.

(a) DELEGATION OF AUTHORITY.—Notwithstanding section 412 of the Department of Education Organization Act (20 U.S.C. 3472), the Secretary shall delegate to the Director all functions for carrying out this title (other than administrative and support functions), except that—

(1) nothing in this title or in the National Assessment of Educational Progress Authorization Act (except section 302(e)(1)(J) of such Act) shall be construed to alter or diminish the role, responsibilities, or authority of the National Assessment Governing Board with respect to the National Assessment of Educational Progress (including with respect to the methodologies of the National Assessment of Educational Progress described in section 302(e)(1)(E)) from those authorized by the National Education Statistics Act of 1994 (20 U.S.C. 9001 et seq.) on the day before the date of enactment of this Act;

(b) members of the National Assessment Governing Board shall continue to be appointed by the Secretary;

(c) the Secretary shall make recommendations to the President for a term of 6 years, beginning on the date of appointment of the Director.

SEC. 114. OFFICE OF THE DIRECTOR.

(a) APPOINTMENT.—Except as provided in subsection (b)(2), the President, by and with the advice and consent of the Senate, shall appoint the Director of the Institute.

(b) TERM.—

(1) GENERAL.—The Director shall serve for a term of 6 years, beginning on the date of appointment of the Director.

(2) FIRST DIRECTOR.—The President, without the advice and consent of the Senate, may appoint the Assistant Secretary for the Office of Educational Research and Improvement (as such office existed on the date before the date of enactment of this Act) to serve as the first Director of the Institute.

(c) PAY.—The Director shall receive the rate of basic pay for level II of the Executive Schedule.

(d) QUALIFICATIONS.—The Director shall be selected from individuals who are highly qualified authorities in the fields of scientifically valid research, statistics, or evaluation in education, as well as management within such areas, and have a demonstrated capacity for sustained productivity and leadership in these areas.

(e) ADMINISTRATION.—The Director shall—

(1) administer, oversee, and coordinate the activities of the National Evaluation Centers; and

(2) coordinate and approve budgets and operating plans for each of the National Education Centers for submission to the Secretary.

(f) DUTIES.—The duties of the Director shall include the following:

(1) To propose to the Board priorities for the Institute, in accordance with section 116(a)(3).

(2) To ensure the methodology applied in conducting research, development, evaluation, and statistical analysis is consistent with the standards for such activities under this title.

(3) To coordinate education research and related activities carried out by the Institute with such research and activities carried out by other agencies within the Department and the Federal Government.

(4) To advise the Secretary on research, evaluation, and statistics activities relevant to the activities of the Department.

(5) To establish necessary procedures for technical and scientific peer review of the activities of the Institute, consistent with section 116(b)(3).

(6) To ensure that all participants in research education by the Institute are afforded their privacy rights and other relevant protections as research subjects, in accordance with section 183 of this title, section 701 of the United States Code, and sections 44 and 445 of the General Education Provisions Act (20 U.S.C. 1223g, 1223h).

(7) To ensure that activities conducted or supported by the Institute are objective, secular, neutral, and nonideological and are free of partisan political influence and racial, cultural, gender, or religious bias.

(8) To undertake initiatives and programs to increase the participation of researchers and institutions that have been historically underutilised in education-related research activities of the Institute, including historically Black colleges or universities or other institutions of higher education with large numbers of minority student.

(9) To coordinate with the Secretary to promote and provide for the coordination of research and development activities and technical assistance activities between the Institute and comprehensive centers.

(10) To solicit and consider the recommendations of education stakeholders, in order to ensure that this Institute is a broad and representative public and professional input from the educational field in the planning and carrying out of the Institute’s activities.

(11) To develop and disseminate information on scientifically valid research.

(12) To carry out and support other activities consistent with the priorities and mission of the Institute.

(g) EXPERT GUIDANCE AND ASSISTANCE.—The Director may establish technical and scientific peer-review groups and scientific program advisory committees for research and evaluations that the Director determines are necessary to carry out the requirements of this title. The Director shall appoint such personnel, except that officers and employees of the United States shall not be eligible to serve as members of any such group or committee and shall not receive additional compensation for their service as members of such a group or committee. The Director shall ensure that reviewers are highly qualified and capable to appraise education research and development activities established by the Advisory Committee (5 U.S.C. App.) shall not apply to a peer-review group or an advisory committee established under this subsection.

(h) REVIEWS.—The Director shall, when requested by other officers of the Department, and shall, when directed by the Secretary, review the products and publications of other offices of the Department to certify that evidence-based claims about those products and publications are scientifically valid.

SEC. 115. PRIORITIES.

(a) PROPOSAL.—The Director shall propose to the Board priorities for the Institute (taking into consideration long-term research and development conducted through the National Research and Development centers). The Director shall identify topics that may require long-term research and topics that are focused on understanding and solving particular education problems and issues, including those associated with healthy development in strong families, as described in the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) and the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), such as—

(1) closing the achievement gap between high-performing and low-performing children, especially achievement gaps between minority and nonminority children and between disadvantaged children and such children’s more advantaged peers; and

(2) improving—

(A) that all children have the ability to obtain a high-quality education (from early childhood through postsecondary education) and at a reasonable, neutral, and nonideological and are free of partisan political influence and racial, cultural, gender, or religious perspectives.

(b) ACCESS TO—and opportunities for, post-secondary education; and

(c) the efficacy, impact on academic achievement, and cost-effectiveness of technology use within the Nation’s schools.

(b) APPROVAL.—The Board shall approve or disapprove the priorities for the Institute proposed by the Director, including any necessary revision of those priorities. The Board shall transmit any priorities so approved to the appropriate congressional committees.

(c) CONSISTENCY.—The Board shall ensure that priorities of the Institute and the National Education Centers are consistent with the mission of the Institute.

(d) PUBLIC AVAILABILITY AND COMMENT.—

(1) PRIORITIES.—Before submitting to the Board the proposed priorities for the Institute, the Director shall make such priorities available to the public for comment for not less than 60 days (including by means of the Internet and by other relevant protections as research sub-

(2) PLAN.—If, upon approval of such priorities, the Director shall make the Institute’s plan for addressing such priorities available for public comment in the same manner as under paragraph (1).

SEC. 116. NATIONAL BOARD FOR EDUCATION SCIENCES.

(a) ESTABLISHMENT.—The Institute shall have a board of directors, which shall be known as the National Board for Education Sciences.

(b) POWERS.—The duties of the board shall be the following:

(1) To advise and consult with the Director on the policies of the Institute.

(2) To consider and approve priorities proposed by the Director under section 115 to guide the work of the Institute.

(c) EXPERT REVIEW AND TECHNICAL PEER REVIEW.—If the Director determines that an Institute’s activities need to be reviewed by experts, the Director shall submit such request to the Board.
(A) the strengthening of education research; and
(B) the funding of the Institute.

(6) To advise the Director on the funding of applications for grants, contracts, and cooperative agreements for research, after the completion of peer review.

(7) To review and regularly evaluate the work of the Institute, to ensure that scientifically valid research, development, evaluation, and statistical analysis are consistent with the standards for such activities under this Act.

(8) To advise the Director on ensuring that activities conducted or supported by the Institute are nonideological and are free of partisan political influence and racial, cultural, or regional bias.

(9) To solicit advice and information from those in the educational field, particularly practitioners and researchers, to recommend to the Director topics that require long-term, sustained, systematic, programmatic, and integrated research efforts, including knowledge utilization and wide dissemination of research, consistent with the priorities of the Institute.

(10) To advise the Director on opportunities for the participation in, and the advancement of, women, minorities, and persons with disabilities in education, research, statistics, and evaluation activities of the Institute.

(11) To recommend to the Director ways to enhance strategic partnerships and collaborative efforts among other Federal and State research agencies.

(12) To recommend to the Director individuals to serve as Commissioners of the National Education Centers.

(c) Composition.

(1) VOTING MEMBERS.—The Board shall have 15 voting members appointed by the President, by and with the advice and consent of the Senate.

(2) ADVICE.—The President shall solicit advice regarding individuals to serve on the Board from the National Academy of Sciences, the National Science Board, and the National Science Advisor.

(3) NONVOTING EX OFFICIO MEMBERS.—The Board shall have the following nonvoting ex officio members:

(A) The Director of the Institute of Education Sciences.

(B) Each of the Commissioners of the National Education Centers.

(C) The Director of the National Institute of Child Health and Human Development.

(D) The Director of the Census.


(F) The Director of the National Science Foundation.

(4) APPOINTED MEMBERS.—Members appointed under paragraph (1) shall be highly qualified to appraise education research, statistics, evaluations, or development, and shall include:

(i) Not fewer than 8 researchers in the field of statistics, evaluation, social sciences, or physical and biological sciences, which may include those researchers recommended by the National Academy of Sciences.

(ii) Individuals who are knowledgeable about the educational needs of the United States, who may include school-based professional educators, parents (including parents with experience in promoting parental involvement in education), Chief State School Officers, representatives of postsecondary education executives, presidents of institutions of higher education, local educational agency superintendents, early childhood experts, principals, State or local boards of education or Bureau-funded school boards, and individuals from business and industry with experience in promoting private sector involvement in education.

(B) TERMS.—Each member appointed under paragraph (1) shall serve for a term of 4 years, except as provided in subsection (b), each of the National Education Centers.

(i) the terms of the initial members appointed under such paragraph shall (as determined by a random selection process at the time of appointment) be for staggered terms of—

(I) 4 years for each of 5 members;

(II) 3 years for each of 5 members; and

(III) 2 years for each of 5 members; and

(ii) no member appointed under such paragraph shall serve for more than 2 consecutive terms.

(c) UNEXPENDED TERMS.—Any member appointed to fill a vacancy occurring before the expiration of the term for which the member’s predecessor was appointed shall be appointed only for the remainder of that term.

(D) CONFLICT OF INTEREST.—A voting member of the Board shall be considered a special Government employee for the purposes of the Ethics in Government Act of 1978.

(5) CHAIR.—The Board shall elect a chair from among the members of the Board.

(6) COMPENSATION.—Members of the Board shall serve without pay such service. Members of the Board who are officers or employees of the United States may not receive additional pay, allowances, or benefits by reason of their service on the Board.

(7) TRAVEL EXPENSES.—The members of the Board shall receive travel expenses, including per diem in lieu of subsistence, in accordance with chapter 1 of part 57 of title 5, United States Code.

(8) POWERS OF THE BOARD.—

(A) EXECUTIVE DIRECTOR.—The Board shall have an Executive Director who shall be appointed by the Board.

(B) ADDITIONAL STAFF.—The Board shall utilize such additional staff as may be appointed by the Executive Director, in consultation with the Chair and the Executive Director.

(C) DETAIL OF PERSONNEL.—The Board may use the services and facilities of any department or agency of the Federal Government.

Upon the request of the Board, the head of any Federal department or agency may detail, on a temporary basis and without payment, any of the employees of such department or agency to the Board to assist in carrying out this Act.

(D) CONTRACTS.—The Board may enter into contracts or make other arrangements as may be necessary to carry out its functions.

(E) INFORMATION.—The Board may, to the extent otherwise permitted by law, obtain all necessary information from Federal department or agency of the Federal Government such information as the Board determines necessary to carry out its functions.

(9) MEETINGS.—The Board shall meet not less than 3 times each year. The Board shall hold additional meetings at the call of the Chair or upon the written request of not less than 6 voting members of the Board. Meetings of the Board shall be open to the public.

(10) QUORUM.—A majority of the voting members of the Board at the time of the meeting shall constitute a quorum.

(d) STANDING COMMITTEES.—

(1) ESTABLISHMENT.—The Board may establish standing committees—

(A) that will each serve 1 of the National Education Centers; and

(B) to advise, consult with, and make recommendations to the Director and the Commissioner of the appropriate National Education Center.

(2) MEMBERSHIP.—A majority of the members of each standing committee shall be members of the Board, but at least 2 members of the Board shall not be members of the Board, but who may have been recommended by the Commissioner of the appropriate National Education Center and approved by the Board.

(3) DUTIES.—Each standing committee shall:

(A) review and comment, at the discretion of the Board or the standing committee, on any grant, contract, or cooperative agreement entered into or proposed to be entered into by the applicable National Education Center;

(B) prepare for, and submit to, the Board an annual evaluation of the operations of the applicable National Education Center for each fiscal year;

(C) review and comment on the relevant plan for activities to be undertaken by the applicable National Education Center for each fiscal year;

(D) report periodically to the Board regarding the activities of the committee and the applicable National Education Center;

(E) ANNUAL REPORT.—The Board shall submit to the Director, the Secretary, and the appropriate congressional committees, not later than July 1 of each year, a report that assesses the effectiveness of the Institute in carrying out its priorities and mission, especially as such priorities and mission relate to promoting research, research, and research, and to conducting unbiased evaluations, collecting and reporting accurate education statistics, and translating research into practice.

(f) RECOMMENDATIONS.—The Board shall submit to the Director, the Secretary, and the appropriate congressional committees a report that assesses any actions that may be taken to enhance the ability of the Institute to carry out its priorities and mission. The Board shall submit an interim report not later than 3 years after the date of enactment of this Act and a final report not later than 5 years after such date of enactment.

SEC. 117. COMMISSIONERS OF THE NATIONAL EDUCATION CENTERS.

(a) APPOINTMENT OF COMMISSIONERS.

(1) APPOINTMENT.—Except as provided in subsection (b), each of the National Education Centers shall be headed by a Commissioner appointed by the Director.

(b) APPOINTMENT.—In no case shall the rate of basic pay for level IV of the Executive Schedule be applied.

(2) PAY AND QUALIFICATIONS.—Except as provided in subsection (b), each Commissioner shall—

(A) be highly qualified in the field of education research or evaluation.

(C) Appointed by the Director and shall report to the Director. A Commissioner shall serve
for a period of not more than 6 years, except that a Commissioner—
(A) may be reappointed by the Director; and
(B) may serve after the expiration of that Commissioner’s term, until a successor has been appointed, for a period not to exceed 1 additional year.

SEC. 131. ESTABLISHMENT.—(a) Establishment.—There is established in the Institute a National Center for Education Research (in this part referred to as the “Research Center”).

(b) Mission.—The mission of the Research Center is—
(1) to sponsor sustained research that will lead to the accumulation of knowledge and understanding of education, to—
(A) ensure that all children have access to a high-quality education; (B) improve student academic achievement, including through the use of educational technology;
(C) close the achievement gap between high-performing and low-performing students through the improvement of teaching and learning of reading, writing, mathematics, science, and other academic subjects; and
(D) improve access to, and opportunity for, postsecondary education;
(2) to support the synthesis and, as appropriate, the integration of education research;
(3) to promote quality and integrity through the use of accepted practices of scientific inquiry to obtain knowledge and understanding of the validity of education theories, practices, or conditions; and
(4) to promote scientifically valid research findings that can provide the basis for improving academic instruction and lifelong learning.

SEC. 132. COMMISSIONER FOR EDUCATION RESEARCH.—The Research Center shall be headed by a Commissioner for Education Research (in this part referred to as the “Research Commissioner”), who shall serve for a term of 6 years, with the term to expire every sixth June 21, beginning in 2003.

(c) Supervision and Approval.—Each Commissioner, except the Commissioner for Education Statistics, shall carry out such duties under this title under the supervision and subject to the approval of the Director.

SEC. 133. DUTIES.—
(a) General Duties.—The Research Center shall—
(1) maintain published peer-review standards and standards for the conduct and evaluation of all research and development carried out under the auspices of the Research Center in accordance with this part;
(2) propose to the Director a research plan that—
(A) is consistent with the priorities and mission of the Institute and the mission of the Research Center and includes the activities described in paragraph (3); and
(B) shall be carried out pursuant to paragraph (4) and, as appropriate, be updated and modified;
(3) carry out specific, long-term research activities that are consistent with the priorities and mission of the Research Center, and are approved by the Director;
(4) implement the plan proposed under paragraph (2) to carry out scientifically valid research that—
(A) uses objective and measurable indicators, including timelines, that are used to assess the progress and results of such research;
(B) meets the procedures for peer review established by the Director under section 114(f)(5) and the standards of research described in section 118; (C) includes both basic research and applied research, which shall include research conducted through field-initiated research and ongoing research initiatives;
(5) promote the use of scientifically valid research within the Federal Government, including active participation in interagency research projects described in section 118;
(6) ensure that research conducted under the direction of the Research Center is relevant to education practice and policy;
(7) synthesize the research conducted through the National Center for Education Evaluation and Regional Assistance, the findings and results of education research conducted or supported by the Research Center or the Institute and the mission of the Research Center.
(8) assist the Director in the preparation of a biennial report, as described in section 119;
(9) carry out research on successful State and local education reform activities, including those that result in increased academic achievement and in closing the achievement gap as approved by the Director; and
(10) carry out research initiatives regarding the impact of technology, including—
(A) research into how technology affects student achievement;
(B) long-term research into cognition and learning issues as they relate to the use of technology;
(C) rigorous, peer-reviewed, large-scale, long-term, and broadly applicable empirical research that is designed to determine which approaches to the use of technology are most effective and cost-efficient in practice and under what conditions; and
(D) field-based research on how teachers implement technology and Internet-based resources in the classroom, including an understanding of how these resources are being accessed, put to use, and the effectiveness of such resources; and
(11) carry out research that is rigorous, peer-reviewed, and large scale to determine which methods of mathematics and science teaching are most effective, cost efficient, and able to be applied, duplicated, and scaled up for use in elementary and secondary classrooms, including in low-performing schools, to improve the teaching of, and student understanding of mathematics and science as required under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.).

(b) Eligibility.—Research carried out under subsection (a) through contracts, grants, or cooperative agreements shall be carried out only by recipients with the ability and capacity to conduct scientifically valid research.

(c) National Research and Development Centers.—
(1) Support.—In carrying out activities under subsection (a)(3), the Research Commissioner shall support not less than 8 national research and development centers. The Research Commissioner shall assign each of the 8 national research and development centers not less than 1 of the topics described in paragraph (2). In addition, the Research Commissioner shall designate the 8 national research and development centers additional topics of research consistent with the mission and priorities of the Institute and the mission of the Research Center.

(2) Topics of Research.—The Research Commissioner shall support the following topics of research, through national research and development centers or through other means:
(A) Adult literacy.
(B) Assessment, standards, and accountability research.
(C) Early childhood development and education.
(D) English language learners research.
(E) Improving low achieving schools.
(F) Innovation in education reform.
(G) State and local policy.
(H) Postsecondary education and training.
(I) Rural education.
(J) Teacher quality.
(K) Reading and literacy.

(3) Duties of Centers.—The national research and development centers shall address areas of national need, including in educational technology areas. The Research Commissioner may support additional national research and development centers to address topics of research not described in paragraph (2) if such topics are consistent with the priorities and mission of the Institute and the mission of the Research Center. The research carried out by the centers shall incorporate the potential or existing role of...
educational technology, where appropriate, in achieving the goals of each center.

(4) **Scope.**—Support for a national research and development center shall be for a period of no more than 5 years, shall be of sufficient size and scope to be effective, and, notwithstanding section 134(b), may be renewed without competition for not more than 5 additional years if the Director, in consultation with the Research Commissioner and the Board, determines that the research of the national research and development center:

(A) continues to address priorities of the Institute; and

(B) merits renewal (applying the procedures and standards established in section 134).

(5) **Limit.**—No national research and development center supported under this subsection for a period of more than 10 years without submitting to a competitive process for the award of the support.

(6) **Continuation of Awards.**—The Director shall continue awards made to the national research and development centers that are in effect on the day before the date of enactment of this Act and in accordance with the terms of those awards and may renew them in accordance with paragraphs (4) and (5).

(7) **Disaggregation.**—To the extent feasible, data collected under this subsection shall be disaggregated by age, race, gender, and socioeconomic background.

**SEC. 134. **Standards for Conduct and Evaluation of Research

(a) **In General.**—In carrying out this part, the Research Commissioner shall:

(1) ensure that all research conducted under the direction of the Research Center follows scientifically based research standards;

(2) develop such other standards as may be necessary to govern the conduct and evaluation of all research, development, and wide dissemination activities carried out by the Research Center to assure that such activities meet the highest standards of professional excellence;

(3) review the procedures utilized by the National Institutes of Health, the National Science Foundation, and other Federal departments or agencies engaged in research and development, and actively solicit recommendations for improving the efficiency, mobility, disability, urban, rural, suburban districts, and other population characteristics, when such disaggregated information will facilitate educational and policy decision making;

(4) ensure that all research complies with Federal guidelines relating to research misconduct.

(b) **Peer Review.**

(1) **In General.**—The Director shall establish a peer review system, involving highly qualified individuals with an in-depth knowledge of the subject to be investigated, for reviewing and evaluating all applications for grants and cooperative agreements that exceed $100,000, and for evaluating and assessing the products of research by all recipients of grants and cooperative agreements under this Act.

(2) **Evaluation.**—The Research Commissioner shall:

(A) develop the procedures to be used in evaluating applications for research grants, cooperative agreements, and contracts, and specify the criteria and factors to be considered, including the use of longitudinal data linking test scores, enrollment, and graduation rates over time which shall be considered in making such evaluations; and

(B) evaluate the performance of each recipient of an award of a research grant, contract, or cooperative agreement at the conclusion of the grant, contract, or cooperative agreement and thereafter, as and when necessary.

(c) **Long-term Research.**—The Research Commissioner shall ensure that not less than 50 percent of the funds made available for research for each fiscal year shall be used to fund long-term research programs of not less than 5 years which support the priorities and mission of the Institute and the mission of the Research Center.

**PART C—National Center for Education Statistics**

**SEC. 151. **Establishment

(a) **Establishment.**—There is established in the Institute a National Center for Education Statistics (in this part referred to as the “Statistics Center”) which shall be highly qualified and nonideological and is free of partisan political influence and racial, cultural, gender, or regional bias;

(b) **Mission.**—The mission of the Statistics Center shall be—

(1) to collect and analyze education information and disseminate information that meets the highest methodological standards;

(2) to report education information and statistics in a timely manner; and

(3) to collect, analyze, and report education information and statistics in a manner that—

(A) is objective, secular, neutral, and nonideological; and

(B) is reliable and useful to practitioners, researchers, policymakers, and the public.

**SEC. 152. **Commissioner for Education Statistics

The Statistics Center shall be headed by a Commissioner for Education Statistics (in this part referred to as the “Statistics Commissioner”) who shall be highly qualified and shall have substantial knowledge of statistical methodologies and activities undertaken by the Statistics Center.

**SEC. 153. **Duties

(a) **General Duties.**—The Statistics Center shall collect, report, analyze, and disseminate statistical data related to education in the United States and in other nations, including—

(1) collecting, acquiring, compiling (where appropriate, on a State-by-State basis), and disseminating full and complete statistics (disaggregated by the population characteristics described in paragraph (3)) on the condition and progress of education, at the pre-school, elementary, secondary, postsecondary, and adult levels in the United States, including data on—

(A) State and local education reform activities; and

(B) State and local early childhood school readiness activities;

(2) students completing in, at a minimum, the core academic areas of reading, mathematics, and science at all levels of education;

(3) secondary school completions, dropouts, and adult literacy and reading skills;

(4) access to, and opportunity for, postsecondary education, including data on financial aid to postsecondary students;

(5) teaching, including—

(i) data on in-service professional development, including a comparison of courses taken in the classroom in training in reading, mathematics, and science with courses in noncore academic areas, including technology courses; and

(ii) the percentage of teachers who are highly qualified (as such term is defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7901)) in each State and, where feasible, in each local educational agency and school;

(6) instruction, the conditions of the education workplace, and the supply of, and demand for, teachers;

(7) the incidence, frequency, seriousness, and nature of violence affecting students, school personnel, and other individuals participating in school activities, as well as other indices of school safety, including information regarding—

(i) the relationship between victims and perpetrators;

(ii) demographic characteristics of the victims and perpetrators; and

(iii) the existence and type of weapons used in incidents, as classified in the Uniform Crime Reports of the Federal Bureau of Investigation;

(8) the financing and management of educational institutions, including data on revenues and expenditures;

(9) the social and economic status of children, including their academic achievement; and

(10) the existence and opportunity for, early childhood education;

(11) the availability of, and access to, before-school and after-school programs (including such programs during school recesses);

(12) student participation in and completion of secondary and postsecondary vocational and technical education programs by specific program area; and

(13) the existence and use of school libraries;

(b) **Training Program.**—The Statistics Commissioner may establish a program to train employees of public and private educational agencies and organizations, and institutions in improving and automating statistical and data collection activities, which may include assistance to State educational agencies and local educational agencies with the disaggregation of data and with the development of longitudinal student data systems; determining voluntary standards and guidelines to assist State educational agencies in developing statewide longitudinal data systems that link individual student data consistent with the requirements of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7601 et seq.), promote linkages across States, and protect student privacy with section 133(b), to improve student academic achievement and close achievement gaps;

(12) acquiring and disseminating data on educational activities and academic achievement (such as the Third International Math and Science Study) in the United States compared with foreign nations;

(13) conducting longitudinal and special data collections necessary to report on the condition and progress of education;

(14) assisting the Director in the preparation of a biennial report, as described in section 119; and

(15) determining, in consultation with the National Research Council of the National Academies, methodology by which States may accurately measure graduation rates (defined as the percentage of students who graduate from secondary school with a regular diploma in the standard number of years), school completion rates, and dropout rates.

(b) **Training Program.**—The Statistics Commissioner may establish a program to train employees of public and private educational agencies on data collection activities supported under this Act, as classified in the Uniform Crime Reports of the Federal Bureau of Investigation; and

(1) the financing and management of educational institutions, including data on revenues and expenditures; and

(2) the social and economic status of children, including their academic achievement; and

(3) the existence and opportunity for, early childhood education; and

(4) the availability of, and access to, before-school and after-school programs (including such programs during school recesses);

(5) student participation in and completion of secondary and postsecondary vocational and technical education programs by specific program area; and

(6) the existence and use of school libraries; and

(7) determining, in consultation with the National Research Council of the National Academies, methodology by which States may accurately measure graduation rates (defined as the percentage of students who graduate from secondary school with a regular diploma in the standard number of years), school completion rates, and dropout rates.

(b) **Training Program.**—The Statistics Commissioner may establish a program to train employees of public and private educational agencies on data collection activities supported under this Act;
as temporary fellows at the Statistics Center, in order to assist the Statistics Center in carrying out its duties.

SEC. 154. PERFORMANCE OF DUTIES—GRANTS, CONTRACTS, AND COOPERATIVE AGREEMENTS.  
(a) General.  The Statistics Commissioner may award contracts, cooperative agreements, and, as necessary, special statistical method known as sampling (including random sampling) to carry out this part.

(b) Gathering Information.  
(1) Sampling.  The Statistics Commissioner may, as necessary, use information collected—
(A) from States, local educational agencies, public and private schools, preschools, institutions of higher education, vocational and adult education programs, libraries, administrators, teachers, students, the general public, and other individuals, organizations, agencies, and institutions (including information collected by States and local educational agencies for their own use); and
(B) by other offices within the Institute and by other Federal departments, agencies, and instrumentalities.

(2) Collection.  The Statistics Commissioner may—
(A) enter into interagency agreements for the collection of statistics;
(B) arrange with any agency, organization, or institution for the collection of statistics; and
(C) assign employees of the Statistics Center to any such agency, organization, or institution to assist in such collection.

(3) Assistance and Coordination.  In order to maximize the effectiveness of Department efforts to serve the educational needs of children and youth, the Statistics Center shall—
(A) provide technical assistance to the Department offices that gather data for statistical purposes; and
(B) coordinate with other Department offices in the collection of data.

(c) Duration.  Notwithstanding any other provision of law, the grants, contracts, and cooperative agreements under this section may be awarded, on a competitive basis, for a period of not more than 5 years, and may be renewed at the discretion of the Commissioner for an additional period of not more than 5 years.

SEC. 155. REPORTS.  
(a) Procedures for Issuance of Reports.  The Commissioner shall establish procedures, in accordance with section 186, to ensure that the reports issued under this section are relevant, of high quality, useful to customers, subject to rigorous peer review, produced in a timely fashion, and free from any partisan political influence.

(b) Report on Condition and Progress of Education.  Not later than June 1, 2003, and each June 1 thereafter, the Statistics Commissioner shall submit to the President and the appropriate congressional committees a statistical report on the condition and progress of education in the United States.

(c) Statistical Reports.  The Statistics Commissioner shall issue regular and, as necessary, special statistical reports on education topics, particularly in the core academic areas of reading, mathematics, and science, in accordance with the priorities and the mission of the Statistics Center.

SEC. 156. Dissemination.  
(a) General Requests.  
(1) General.  The Statistics Center may furnish transcripts or copies of tables and other statistical records and make special statistical compilations and surveys for State and local officials, public and private organizations, and individuals.

(2) Compilations.  The Statistics Center shall provide to States, local educational agencies, and institutions of higher education with opportunities to suggest the establishment of particular compilations or analyses that will assist those educational agencies.

(b) Congressional Requests.  The Statistics Center shall furnish such special statistical compilations and surveys as the relevant congressional committees may request.

(c) Joint Statistical Projects.  The Statistics Center may engage in joint statistical projects related to the mission of the Center, or other statistical purposes authorized by law, with nonprofit organizations or agencies, and the cost of such projects shall be shared equally as determined by the Secretary.

(d) Fees.  
(1) General.  Statistical compilations and surveys under this section, other than those carried out pursuant to subsections (b) and (c), may be made subject to the payment of the actual or estimated cost of such work.

(2) Funds Received.  All funds received in payment for work or services described in this subsection may be used to pay directly the costs of such work or services, to repay appropriations that initially bore all or part of such costs, or to refund excess sums when necessary.

(e) Access.  
(1) General.  The Statistics Center shall, consistent with section 183, cooperate with other Federal agencies having a need for educational data in providing access to educational data received by the Statistics Center.

(2) Interested Parties.  The Statistics Center shall, in accordance with such terms and conditions as it may prescribe, provide all interested parties, including public and private agencies, parents, and other individuals, direct access, in the most appropriate form (including, where possible, electronically), to data collected by the Statistics Center for the purposes of research and acquiring statistical information.

(a) General.  There shall be established 1 or more national cooperative education statistics systems to support the provision of technical assistance and coordination of education evaluations (in this part referred to as the “Evaluation and Regional Assistance Commission”).

(b) Additional Duties.  In carrying out subsection (a), the Evaluation and Regional Assistance Commissioner shall—
(1) to conduct evaluations pursuant to section 173;
(2) widely disseminate information on scientifically valid research, statistics, and evaluation on education, particularly to State educational agencies and local educational agencies, to encourage the use of higher education, to the public, the media, voluntary organizations, professional associations, and other constituencies, especially with respect to information relating to, at a minimum—
(A) the core academic areas of reading, mathematics, and science;
(B) closing the achievement gap between high-performing students and low-performing students;
(C) educational practices that improve academic achievement and promote learning;
(D) education technology, including software; and
(E) those topics covered by the Educational Resources Information Center Clearinghouses (established under section 91(f) of the Educational Research, Development, Dissemination, and Improvement Act of 1994 (20 U.S.C. 6401(f)) (as such provision was in effect on the day before the date of enactment of this Act);
(3) make such information accessible in a useful, timely, timely manner (including through use of a searchable Internet-based online database that shall include all topics covered in paragraph (2)(E)) to schools, institutions, postsecondary education, postsecondary education, and libraries, that are useful for policymaking at the Federal, State, and local levels.

(b) Government.  In this part, the term “State” means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

PART D—NATIONAL CENTER FOR EDUCATION EVALUATION AND REGIONAL ASSISTANCE

SEC. 171. Establishment.  
(a) Establishment.  There is established in the Institute a National Center for Education Evaluation and Regional Assistance.

(b) Mission.  The mission of the National Center for Education Evaluation and Regional Assistance shall be—
(1) to provide technical assistance;
(2) to conduct evaluations of Federal education programs entered into by the Secretary (and as time and resources allow, other education programs) to determine the impact of such programs (especially on students with disabilities, the core academic areas of reading, mathematics, and science);
(1) ensure that information disseminated under this section is provided in a cost-effective, nonduplicative manner that includes the most current research findings, which may include the continuation of individual clearinghouses authorized under the Educational Research, Development, Dissemination, and Improvement Act of 1994 (title IX of the Goals 2000: Educate America Act; 20 U.S.C. 6001 et seq.) (as such Act existed on the day before the date of enactment of this Act);

(2) prioritize prominently the type of scientific evidence that is used to support the findings that are disseminated;

(3) explain clearly the scientifically appropriate uses of the evidence;

(A) the findings that are disseminated; and

(B) the types of evidence used to support those findings; and

(4) respond, as appropriate, to inquiries from schools, educators, parents, administrators, policymakers, researchers, public and private entities, and entities responsible for carrying out technical assistance.

(c) CONTINUATION.—The Director shall continue awards for the support of the Educational Resources Information Center Clearinghouses for regional educational laboratories (established under subsections (f) and (h) of section 941 of the Educational Research, Development, Dissemination, and Improvement Act of 1994 (20 U.S.C. 6041(f)) (as such provision existed on the day before the date of enactment of this Act)) for the duration of those awards, in accordance with the terms and agreements of such awards.

(d) NATIONAL LIBRARY OF EDUCATION.—

(1) ESTABLISHMENT.—There is established within the National Center for Education Evaluation and Regional Assistance a National Library of Education that shall—

(A) be headed by an individual who is highly qualified in library science;

(B) collect and archive information; and

(C) provide a central location within the Federal Government for information about education;

(D) provide comprehensive reference services on matters related to education to employees of the Department of Education and its contracts and grants, other Federal employees, and members of the public; and

(E) promote greater cooperation and resource-sharing among providers and repositories of education information in the United States.

(2) INFORMATION.—The information collected and archived by the National Library of Education shall—

(A) products and publications developed through, or supported by, the Institute; and

(B) other relevant and useful education-related research, statistics, and evaluation materials and other information, projects, and publications that are—

(i) consistent with

(ii) scientifically valid research; or

(II) the priorities and mission of the Institute; and

(ii) developed by the Department, other Federal agencies, or entities (including entities supported under the Educational Technical Assistance Act of 2002 and the Education Information Center Clearinghouses (established under section 941(f) of the Educational Research, Development, Dissemination, and Improvement Act of 1994 (20 U.S.C. 6001 et seq.) (as such provision was in effect on the day before the date of enactment of this Act)));

SEC. 173. EVALUATIONS.

(a) IN GENERAL.—In carrying out its missions, the National Center for Education Evaluation and Regional Assistance may—

(A) conduct or support evaluations consistent with the Center’s mission as described in section 171(b); (B) evaluate programs under title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.);

(C) to the extent practicable, examine evaluations conducted or supported by other agencies in the Federal Government and relevant evidence of the effectiveness generated by those evaluations, with the approval of the Director;

(D) coordinate activities of the National Center for Education Evaluation and Regional Assistance and other education evaluation activities in the Department;

(E) review, as appropriate, supplemental Federal education program evaluations, particularly those by the Department, to determine whether the evidence and relevance of the evidence generated by those evaluations;

(F) establish evaluation methodology; and

(G) assist the Director in the preparation of the biennial report, as described in section 119.

(b) ADDITIONAL REQUIREMENTS.—Each evaluation conducted by the National Center for Education Evaluation and Regional Assistance under this section shall—

(A) adhere to the highest possible standards of quality for conducting scientifically valid education evaluation; and

(B) be subject to peer review.

(b) ADMINISTRATION OF EVALUATIONS UNDER TITLE I OF THE ELEMENTARY AND SECONDARY EDUCATION ACT.

(1) ADMINISTRATION OF EVALUATIONS—

(A) the Director shall—

(i) enter into contracts for a 5-year period;

(ii) ensure that the educational needs of the regions are served as effectively and efficiently as possible;

(iii) employ qualified staff.

(i) enter into contracts for a 5-year period;

(ii) ensure that the educational needs of the regions are served as effectively and efficiently as possible;

(iii) employ qualified staff.

(ii) enter into contracts for a 5-year period;

(iii) ensure that the educational needs of the regions are served as effectively and efficiently as possible;

(iv) employ qualified staff.

(iii) enter into contracts for a 5-year period;

(iv) ensure that the educational needs of the regions are served as effectively and efficiently as possible;

(v) employ qualified staff.

(b) ADMINISTRATION OF EVALUATIONS UNDER TITLE I OF THE ELEMENTARY AND SECONDARY EDUCATION ACT.

(1) ADMINISTRATION OF EVALUATIONS—

(A) the Director shall—

(i) enter into contracts for a 5-year period;

(ii) ensure that the educational needs of the regions are served as effectively and efficiently as possible;

(iii) employ qualified staff.

(2) ADMINISTRATION OF EVALUATIONS UNDER TITLE I OF THE ELEMENTARY AND SECONDARY EDUCATION ACT.

(1) ADMINISTRATION OF EVALUATIONS—

(A) the Director shall—

(i) enter into contracts for a 5-year period;

(ii) ensure that the educational needs of the regions are served as effectively and efficiently as possible;

(iii) employ qualified staff.
to ensure that applied research activities, research-based reports, and products of the regional educational laboratories are consistent with the research standards described in section 172(g)(3)(A). such standards are adhered to pursuant to section 173(a)(2)(A).

(f) CENTRAL MISSION AND PRIMARY FUNCTION.—Each regional educational laboratory awarded a contract under this section shall support each of the development, dissemination, and technical assistance activities by—

(1) providing training (which may include supporting workshops and fellowships and providing stipends) and technical assistance to State educational agencies, local educational agencies, school boards, schools funded through State and local educational spending, and State boards of education regarding, at a minimum—

(A) the administration and implementation of programs under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6331 et seq.); (B) scientifically valid research in education on teaching methods, assessment tools, and high quality, challenging curriculum frameworks for use by teachers and administrators in, at a minimum—

(i) content areas of math, science, and reading;  (ii) English language acquisition;  (iii) special education; and (iv) the replication and adoption of exemplary and promising practices and new educational methods, including professional development strategies and the use of educational technology to improve teaching and learning; and

(C) the facilitation of communication between educational experts, school officials, and teachers, parents, and librarians, to enable such individuals to assist schools to develop a plan to meet the State education goals; and

(2) developing and widely disseminating, including through Internet-based means, scientifically valid research, information, reports, and publications that are usable for improving academic achievement, closing achievement gaps, and encouraging and sustaining school improvement, to—

(A) institutions of higher education, educators (including early childhood educators and librarians), parents, policymakers, and other constituencies, as appropriate, to the extent discussed in the regional educational laboratory in which the regional educational laboratory is located; and

(B) the National Center for Education Evaluation and Regional Assistance; (C) the planning for identifying and serving the needs of the region by conducting a continuing survey of the educational needs, strengths, and weaknesses within the region, including a process of open hearings to solicit the views of schools, teachers, administrators, parents, local educational agencies, librarians, and State educational laboratories in the region; and

(4) in the event such quality applied research does not exist as determined by the regional educational laboratory or the Department, developing and applying research projects that are designed to serve the particular educational needs (in prekindergarten through grade 16) of the region in which the regional educational laboratory is located; and

(e) DEVELOPMENT OF STRATEGIES AND TOOLS.—Each regional educational laboratory awarded a contract under this section shall develop and implement school improvement plans and strategies, especially in low-performing or high poverty schools; and

(f) DEVELOPING INNOVATIVE APPROACHES.—Each regional educational laboratory awarded a contract under this section shall develop and implement school improvement plans and strategies, especially in low-performing or high poverty schools; and

(10) developing innovative approaches to the application of technology in education that are unlikely to originate from within the private sector, but which could result in the development of new forms of education software, education content, and technology-enabled pedagogy.

(g) ACTIVITIES.—Each regional educational laboratory awarded a contract under this section shall carry out the following activities:

(1) Collaborate with the National Education Centers in order to—

(A) maximize the use of research conducted through the National Education Centers in the work of such laboratory; (B) keep the National Education Centers apprised of the work of the regional educational laboratory in the field; and

(C) inform the National Education Centers about additional research needs identified in the field.

(2) Consult with the State educational agencies and local educational agencies in the region in developing the plan for serving the region.

(3) Develop strategies to utilize schools as critical components in reforming education and revitalizing rural communities in the United States.

(4) Report and disseminate information on overcoming the obstacles faced by educators and schools in high poverty, urban, and rural areas.

(5) Identify successful educational programs that have either been developed by such laboratory in carrying out such laboratory’s functions or that have been developed or used by others within the region served by the laboratory and make such information available to the Secretary and the network of regional educational laboratories so that such information and such regional assistance is included in the national education dissemination system.

(h) GOVERNING BOARD AND ALLOCATION.—(1) REPRESENTATION.—Each regional educational laboratory is awarded a contract under this section, in keeping with the terms and conditions of such laboratory’s contract, shall—

(A) establish a governing board that—

(i) reflects a balanced representation of—

(I) the States in the region; (II) the public and concerns of regional constituencies; and (III) technical expertise; and

(ii) includes the chief State school officer for such State, or such officer of each State represented in such board’s region; and

(iii) determines—

(2) DUTIES OF GOVERNING BOARD.—In order to improve the efficiency and effectiveness of the regional educational laboratories, the governing boards of all regional educational laboratories shall establish and maintain a network to—

(I) share information about the activities each laboratory is carrying out; (2) plan joint activities that would meet the needs of multiple regions; (3) create a strategic plan for the development of activities undertaken by the laboratories to reduce redundancy and increase collaboration and resource-sharing in such activities; and

(4) otherwise devise means by which the work of the individual laboratories could serve national, as well as regional, needs.

(i) EVALUATION.—The Regional Assistance Commissioner shall provide for independent evaluations of each of the laboratories.
the regional educational laboratories in carrying out the duties described in this section in the third year that such laboratory receives assistance under this section in accordance with the standards developed by the Evaluation and Regional Assistance Commissioner and approved by the Board and shall transmit the results of such evaluation to the Congress, the Board, and the appropriate regional educational laboratory governing board.

(c) Rule of Construction.—No regional educational laboratory receiving assistance under this section shall, by reason of the receipt of that assistance, be ineligible to receive assistance from the Department of Education as authorized by law or be prohibited from engaging in activities involving the national projects or endeavors.

(1) Advance Payment System.—Each regional educational laboratory awarded a contract under this section shall participate in the advance payment system at the Department of Education.

(m) Additional Projects.—In addition to activities authorized under this section, the Director shall enter into contracts or agreements with a regional educational laboratory for the purpose of carrying out additional projects to enable such regional educational laboratory to assist in efforts to achieve State education goals and for other purposes.

(n) Annual Report and Plan.—Not later than the end of each fiscal year, each regional educational laboratory awarded a contract under this section shall submit to the Evaluation and Regional Assistance Commissioner:

(1) a plan covering the succeeding fiscal year, in which such laboratory’s mission, activities, and scope of work are described, including a description of the plan such laboratory expects to submit in the remaining years of such laboratory’s contract; and

(2) a report of how well such laboratory is meeting the needs of the region, including a summary of activities conducted during the preceding year, a list of entities served, a list of products, and any other information that the regional educational laboratory may consider relevant or the Evaluation and Regional Assistance Commissioner may require.

(o) Nothing in this section shall be construed to require any modifications in a regional educational laboratory contract in effect on the day before the date of enactment of this section.

PART E—GENERAL PROVISIONS

SEC. 181. INTERAGENCY DATA SOURCES AND FORMATS.

The Secretary, in consultation with the Director, shall ensure that the Department and the Institute use common sources of data in standardized formats.

SEC. 182. PROHIBITIONS.

(a) Nature of Prohibition.—Nothing in this title may be construed to authorize the establishment of a nationwide database of individually identifiable information on individuals involved in studies or other collections of data under this title.

(b) Federal Government and Use of Federal Funds.—Nothing in this title may be construed to authorize an officer or employee of the Federal Government to mandate, direct, or control the curriculum, program of instruction, or allocation of State or local education monies to a State, local educational agency, or school, or to mandate a State, or any subdivision thereof, to spend any funds or incur any costs not provided for under this title.

(c) Endorsement of Curriculum.—Notwithstanding any other provision of Federal law, no funds provided under this title to the Institute, including any office, board, committee, or center of the Institute, may be used by the Institute to endorse, approve, or sponsor any such standard, practice, or activity.

(d) Federally Sponsored Testing.—

(1) In general.—Subject to paragraph (2), no funds provided under this title to the Secretary or to the recipient of any award may be used to develop, pilot test, field test, implement, administer, or distribute any federally sponsored national test in reading, mathematics, or any other subject, unless specifically and explicitly authorized by law.

(2) Exclusions.—Subsection (a) shall not apply in the case of national assessments developed under the authority of section 153(a)(6) of this title or section 904(a)(6) of the National Education Statistics Act of 1992 (20 U.S.C. 902(a)(6)) (as such section was in effect on the day before the date of enactment of this Act) and administered to only a representative sample of pupils in the United States and in foreign nations.

SEC. 183. CONFIDENTIALITY.

(a) In General.—All collection, maintenance, use, and dissemination of data conducted or supported by the Institute, office, board, committee, and center of the Institute, shall conform with the requirements of section 552a of title 5, United States Code, the confidentiality standards of subsection (c) of section 188, the General Education Provisions Act (20 U.S.C. 1232g, 1232h).

(b) Source Information.—The Director shall ensure that all individually identifiable information about students, their academic achievements, their families, and information with respect to individual schools, shall remain confidential in accordance with the requirements of section 552a of title 5, United States Code, the confidentiality standards of subsection (c) of section 188, the General Education Provisions Act (20 U.S.C. 1232g, 1232h).

(c) Availability of Data.

Subject to section 183, data collected by the Institute, including any office, board, committee, or center of the Institute, in carrying out the priorities and mission of the Institute, may be used to develop, pilot test, field test, implement, administer, or distribute any scientifically developed data collection tool, research reports, and evaluation reports conducted by, or supported through, the Institute to the Secretary and other relevant offices with an advance copy of any information being published under this section before publication.

(d) Peer Review.—Any research, statistics, and evaluation reports conducted by, or supported through, the Institute shall be subjected to rigorous peer review before being published or otherwise made available to the public.

(e) Items Not Covered.—Nothing in subsections (a), (b), or (c) shall be construed to apply to—

(1) information on current or proposed budgets, appropriations, or legislation;

(2) information prohibited from disclosure by law or the Constitution, classified national security information, or information described in section 552(b) of title 5, United States Code; and

(3) review by officers of the United States in order to prevent the unauthorized disclosure of information described in paragraph (1) or (2).

SEC. 187. VACANCIES.

Any member appointed to fill a vacancy occurring during the term for which the member’s predecessor was appointed shall be appointed only for the remainder of that term. A vacancy in an office, board, committee, or center of the Institute shall be filled in the manner in which the original appointment was made. This section does not apply to employees appointed under section 188.

SEC. 188. SCIENTIFIC OR TECHNICAL EMPLOYEES.

(a) In General.—The Director may appoint scientific or technical employees of the Department of Education as authorized by law or the Constitution, classified national security information, or information described in section 552(b) of title 5, United States Code; and

(b) Practices.—The Director shall be responsible for the compensation of employees appointed under section 188.

(c) Duties.—The Director may appoint scientific or technical employees for positions not exceeding 40 individuals or 1 number of full-time, regular scientific or professional employees of the Institute, whichever is greater.

(d) Employment of Employees.—All employees described in subsection (a) shall perform activities authorized by the Institute or the office, board,
committee, or center, and shall not be reasigned to other duties outside the Institute or the office, board, committee, or center during their term.

SEC. 199. FEELowshipS.
In order to strengthen the national capacity to carry out high-quality research, evaluation, and statistics related to education, the President shall establish and maintain, through the National Center for Education Statistics, as authorized under part C; and fiscal year 2002 shall be provided to the National Center for Education Statistics, as authorized under part C; and

SEC. 198. CREATION.
(a) PRESIDENTIAL.—The Director, each member of the Board, and the Commissioner for Education of the Institute may be removed by the President prior to the expiration of the term of each such appointee.

(b) DIRECTOR.—Each Commissioner appointed to serve in a term of each such appointee.

SEC. 197. AUTHORIZATION OF APPROPRIATIONS.
(a) IN GENERAL.—There are authorized to be appropriated to administer and carry out this title (except section 174) $400,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 5 succeeding fiscal years of which—

(1) not less than the amounts provided in the National Center for Education Statistics (as such Center was in existence on the day before the date of enactment of this Act) for fiscal year 2002 shall be provided to the National Center for Education Statistics, as authorized under part C; and

(c) AVAILABILITY.—Amounts made available under this section shall remain available until expended.

TITLe II—EDUCATIONAL TECHNICAL ASSISTANCE

SEC. 201. SHORT TITLE.
This title may be cited as the “Educational Technical Assistance Act of 2002”.

SEC. 202. DEFINITIONS.
In this title:

(1) IN GENERAL.—The terms “local educational agency” and “State educational agency” have the meanings given those terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(2) SECRETARY.—The term “Secretary” means the Secretary of Education.

SEC. 203. ANNUAL CENTERS.

(a) AUTHORIZATION.—

(1) IN GENERAL.—Subject to paragraph (2), beginning in fiscal year 2004, the Secretary is authorized to award not less than 20 grants to local educational agencies that have demonstrated an effective role in activities to ensure that women and minorities are actively recruited for participation. Each comprehensive center established under this section shall allocate such center’s resources to and within each of the regional educational laboratories to provide technical assistance relating to the competition. Each comprehensive center established under this section shall allocate such center’s resources to and within each of the regional educational laboratories to provide technical assistance relating to the competition.

(b) OBJECTIVES AND INDICATORS.—

Before awarding grants under paragraph (1), the Secretary shall consider, in awarding such center's resources to and within each of the regional educational laboratories to provide technical assistance relating to the competition, the priorities established under section 207 in a manner that addresses the need for assistance, taking into account such factors as the proportion of economically disadvantaged students, the increased cost burdens of service delivery in areas of sparse populations, and any special initiatives being undertaken by State, intermediate, local educational agencies, or Bureau-funded schools, as appropriate, which may require special assistance from the center.

(e) SCOPE OF WORK.—Each comprehensive center established under this section shall work with State educational agencies, local educational agencies, local educational agencies, and schools in the region where such center is located, on school improvement activities that take into account factors such as the proportion of economically disadvantaged students in the region, and give priority to—

(1) schools in the region with high percent-age members of students from low-income families, as determined under section 1113(a)(5) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6313(a)(5)), including such school districts in rural and urban areas, and schools receiving assistance under title I of that Act (20 U.S.C. 6301 et seq.);

(2) local educational agencies in the region in which high percentages of school-age children are from low-income families, as determined under section 124(c)(1)(A) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6333(c)(1)(A)), including such local educational agencies in rural and urban areas; and

(3) schools in the region that have been identified for school improvement under section 1116(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316(b)).

(f) ACTIVITIES.—

(1) IN GENERAL.—A comprehensive center established under this section shall support dissemination and technical assistance activities by—

(A) providing training, professional development, and technical assistance regarding, at a minimum—

(i) the administration and implementation of programs under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.);

(ii) the use of scientifically valid teaching methods and assessment tools for use by teachers and administrators in, at a minimum—

(I) the core academic subjects of mathematics, science, and reading or language arts;

(II) English language acquisition; and

(iii) the facilitation of regional communication between education experts, school officials, teachers, parents, and librarians, as appropriate; and

(B) disseminating and providing information, reports, and publications that are usable for improving academic achievement, closing achievement gaps, and encouraging the facilitation of regional communication between education experts, school officials, teachers, parents, and librarians, as appropriate; and
Congressional Record — Senate

S10470

October 15, 2002

U.S.C. 6116(b)), to schools, educators, parents, and policymakers within the region in which the center is located; and
(C) developing teacher and school leader insert: training models that illustrate best practices in the use of technology in different content areas.

(2) COORDINATION AND COLLABORATION.—Each comprehensive center established under this section shall coordinate its activities, collaborate, and regularly exchange information with the regional educational laboratory in the region in which the center is located, the National Center for Education Evaluation and Regional Assistance, the Office of the Secretary, the State service agency, and other technical assistance providers in the region.

(g) COMPREHENSIVE CENTER ADVISORY BOARD.—

(1) ESTABLISHMENT.—Each comprehensive center established under this section shall have an advisory board that shall support the priorities of such center.

(2) DUTIES.—Each advisory board established under paragraph (1) shall advise the comprehensive center—
(A) concerning the activities described in subsection (c);
(B) on strategies for monitoring and addressing the educational needs of the region, on an ongoing basis;
(C) on selecting a high standard of quality in the performance of the center’s activities; and
(D) on carrying out the center’s duties in a manner that promotes progress toward improving student academic achievement.

(3) COMPOSITION.—

(A) IN GENERAL.—Each advisory board shall be composed of—
(i) the chief State school officers, or such officers’ designees or other State officials, in each State served by the comprehensive center who have primary responsibility under State law for elementary and secondary education in the State; and
(ii) not more than 15 other members who are representative of the educational interests in the region served by the comprehensive center and are selected jointly by the officials specified in clause (i) and the chief executive officer of each State served by the comprehensive center, including the following:
(I) Representatives of local educational agencies, including representatives of local educational agencies serving urban and rural areas;
(II) Representatives of institutions of higher education;
(III) Parents;
(IV) Practicing educators, including classroom teachers, principals, and administrators;
(V) Representatives of business;
(VI) Policymakers, expert practitioners, and other knowledgeable or experi-

ence using, the results of research, evaluation, and statistics.

(B) SPECIAL RULE.—In the case of a State in which the chief executive officer has the primary responsibility under State law for elementary and secondary education in the State, the chief executive officer shall consult, to the extent permitted by State law, with the State educational agency in selecting additional members of the board under subparagraph (A)(i).

(h) REPORT TO SECRETARY.—Each comprehensive center established under this section shall submit to the Secretary an annual report, at such time, in such manner, and containing such information as the Secretary may require, which shall include the following:

(1) A summary of the comprehensive center’s activities during the preceding year
(2) A listing of the States, local educational agencies, and schools the comprehensive center assisted during the preceding year.

SEC. 204. EVALUATIONS.

The Secretary shall provide for ongoing evaluations of the comprehensive center for Education Evaluation and Regional Assistance of the comprehensive centers receiving assistance under this title, the results of which shall be transmitted to the appropriate congressional committees and the Director of the Institute of Education Sciences. Such evaluations shall include an analysis of the services provided under this title, the extent to which each of the comprehensive centers meets the objectives of its respective plan, and whether such services meet the educational needs of State educational agencies, local educational agencies, and schools in the region.

SEC. 205. EXISTING TECHNICAL ASSISTANCE PROVIDERS.

The Secretary shall continue awards for the support of the Eisenhower Regional Mathematics and Science Education Centers established under part M of the Educational Research, Development, Dissemination, and Improvement Act of 1994 (as such part existed on the date of enactment of this Act), the Regional Laboratory for Socially and Educationally Disadvantaged Children and Youth Established under part F of the Elementary and Secondary Education Act of 1965 (as such part existed on the date of enactment of such Act), and the Comprehensive Regional Centers established under part K of the Educational Sciences Act of 1966 (as such part existed on the date of enactment of such Act).

SEC. 206. REGIONAL ADVISORY COMMITTEES.

(a) ESTABLISHMENT.—Beginning in 2004, the Secretary shall establish a regional advisory committee for each region described in section 174(b) of the Education Sciences Reform Act of 2002.

(b) MEMBERSHIP.—

(1) COMPOSITION.—The membership of each regional advisory committee shall—
(A) not exceed 25 members;
(B) contain a balanced representation of representatives of local educational agencies, including representatives of local educational agencies serving urban and rural areas;
(C) include not more than one representative of each educational agency geographically located in the region.

(2) ELIGIBILITY.—The membership of each regional advisory committee may include the following:

(A) Representatives of local educational agencies, including urban and rural local educational agencies;
(B) Representatives of institutions of higher education, including individuals representing university-based education research and university-based research on subjects other than education;
(C) Parents;
(D) Practicing educators, including classroom teachers, principals, administrators, school board members, and other local school officials;
(E) Representatives of business;
(F) Researchers;
(G) Recognized organizations.—In choosing individuals for membership on a regional advisory committee, the Secretary shall consult with, and solicit recommendations from, the representatives of States, chief State school officers, school officials, and education stakeholders within the applicable region.

(3) SPECIAL RULE.—

(A) TOTAL NUMBER.—The total number of members on each committee who are selected under subparagraphs (A), (C), and (D) of paragraph (2), collectively, shall exceed the total number of members who are selected under paragraph (1)(C) and subparagraphs (B), (E), and (F) of paragraph (2), collectively.

(B) DISSOLUTION.—Each regional advisory committee shall be dissolved by the Secretary after submission of such committee’s report (under paragraph (2), collectively) shall exceed the total number of members who are selected under paragraph (1)(C) and subparagraphs (B), (E), and (F) of paragraph (2), collectively.

(C) RECOMMENDATIONS.—Each regional advisory committee shall advise the Secretary on the following:

(1) An educational needs assessment of its region (using the results of the assessment conducted under subsection (d)), in order to assist in making decisions regarding the regional educational priorities.

(2) Not later than 6 months after the committee is first convened, a report based on the assessment conducted under subsection (d).

(d) REGIONAL ASSESSMENTS.—Each regional advisory committee shall—

(1) assess the educational needs within the region to be served;

(2) in conducting the assessment under paragraph (1), seek input from chief executive officers of States, chief State school officials, educators, and others through a process of open hearings to solicit the views and needs of schools (including public charter schools), teachers, administrators, members of the local laboratory governing board, parents, local educational agencies, librarians, businesses, State educational agencies, and other custodians (such as adult education programs) within the region regarding the need for the activities described in section 174 of the Education Sciences Reform Act of 2002 and section 203 of this title and how those needs would be most effectively addressed; and

(3) submit the assessment to the Secretary and to the Director of the Academy of Education Sciences, at such time, in such manner, and containing such information as the Secretary may require.

SEC. 207. PRIORITIES.

The Secretary shall establish priorities for the regional educational laboratories (established under section 174 of the Education Sciences Reform Act of 2002) and comprehensive centers (established under section 203 of this title) to address, taking into account the regional assessments conducted under section 206 and other relevant regional surveys of educational needs, to the extent the Secretary deems appropriate.

SEC. 208. GRANT PROGRAM FOR STATEWIDE, LONGITUDINAL DATA SYSTEMS.

(a) GRANTS AUTHORIZED.—The Secretary is authorized to award grants, on a competitive basis, to State educational agencies to establish and implement statewide, longitudinal data systems to efficiently and accurately manage, analyze, disaggregate, and use individual student data, consistent with the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.).

(b) APPLICATIONS.—Each State educational agency desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

(c) AWARDING OF GRANTS.—In awarding grants under this section, the Secretary shall give preferential review consideration to applications that—

(1) ensures technical quality (including validity and reliability), promotes links
across States, and protects student privacy consistent with section 183;
(2) promotes the generation and accurate and timely use of data that is needed—
(A) States and local educational agencies to comply with the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) and other reporting requirements and data systems; and
(B) to facilitate research to improve student academic achievement and close achievement gaps; and
(3) to facilitate applications that meet the voluntary standards and guidelines described in section 153(a)(5).

(d) Supplement Not Supplant.—Funds made available under this section shall be used to supplement, and not supplant, other State or local funds used for developing State data systems.

(e) Report.—Not later than 1 year after the date of enactment of the Educational Technical Assistance Act of 2002, and again 3 years after such date of enactment, the Secretary, in consultation with the National Academies Committee on National Statistics, shall make publicly available a report on the implementation and effectiveness of the Federal, State, and local efforts related to the goals of this section, including—
(1) identifying and analyzing State practices that support the development and use of statewide, longitudinal data systems;
(2) evaluating the ability of such systems to manage individual student data consistent with section 183;
(3) identifying best practices and areas for improvement.

SEC. 301. SHORT TITLE.
This title may be referred to as the “National Assessment of Educational Progress Act of 2002”.

SEC. 302. DEFINITIONS.
In this title:
(1) the term “Director” means the Director of the Institute of Education Sciences;
(2) the term “State” means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

SEC. 303. AUTHORIZATION OF APPROPRIATIONS.
There are authorized to be appropriated to carry out this title $80,000,000 for fiscal year 2003 and such sums as may be necessary for each of the 5 succeeding fiscal years:

TITLE III—NATIONAL ASSESSMENT OF EDUCATIONAL PROGRESS

SEC. 301. SHORT TITLE.
This title may be referred to as the “National Assessment of Educational Progress Authorization Act”.

SEC. 302. DEFINITIONS.
In this title:
(1) the term “Director” means the Director of the Institute of Education Sciences;
(2) the term “State” means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

SEC. 303. AUTHORIZATION OF APPROPRIATIONS.
(a) In general.—There are authorized to be appropriated—
(1) for fiscal year 2003—
(A) $4,600,000 to carry out section 302, as amended by section 401 of this Act (relating to the National Assessment Governing Board); and
(B) $107,500,000 to carry out section 303, as amended by section 401 of this Act (relating to the National Assessment of Educational Progress);

(b) Availability.—Amounts made available under this section shall remain available until expended.

TITLE IV—MODERATORY PROVISIONS

SEC. 401. REDISTRATIONS.
(a) Confidentiality.—Section 408 of the National Education Statistics Act of 1994 (20 U.S.C. 9007) is amended—
(1) by striking “Center”, “Center”, and “Commissioner” each place any such term appears and inserting “Director”;
(2) in subsection (a)(2)(A), by striking “statistical purpose” and inserting “research, statistics, or evaluation purpose under this title”;
(3) by striking subsection (b)(1) and inserting the following—
(1) IN GENERAL.—
(A) DISCLOSURE.—No Federal department, bureau, office, employee, or recipient of a Federal grant, contract, or cooperative agreement may, for any reason, require the Director, any Commissioner of a National Education Center, any other employee of the Institute to disclose individually identifiable information that has been collected or retained under this title.
(B) In case where individually identifiable information collected or retained under this title shall be immune from legal process and shall not, without the consent of the individual concerned, be admitted as evidence or used for any purpose in any action, suit, or other judicial or administrative proceeding.
(C) APPLICATION.—This paragraph does not apply to requests for individually identifiable information submitted by or on behalf of the individual identified in the information.

(2) in paragraphs (2) and (6) of subsection (b), by striking “subsection (a)(2)” each place such term appears and inserting “subsection (c)(2)”;
(3) in paragraphs (3) and (7) of subsection (b), by striking “Center’s” each place such term appears and inserting “Director’s”;
(4) by striking the section heading and redesignating such subsections as subsections (c) through (e), respectively, at the end of section 183 of this Act;
(b) CONFORMING AMENDMENT.—Sections 302 and 303 of this Act are redesignated as sections 302 and 305, respectively.

(c) National Assessment Governing Board.—Section 412 of the National Education Statistics Act of 1994 (20 U.S.C. 9011) is amended—
(1) in subsection (a)—
(A) by striking “referred to as the ‘Board’” and inserting “referred to as the ‘Assessment Board’”;

(2) by striking “carried out under section 303” after “for the National Assessment”;
(3) by striking “Board” each place such term appears and inserting “Commissioner”;
(4) by striking “Commissioner” each place such term appears and inserting “Commissioner for Education Statistics”;
(5) in subsection (b)(2)—
(A) by striking “ASSISTANT SECRETARY FOR EDUCATIONAL RESEARCH” in the heading and inserting “DIRECTOR OF THE INSTITUTE OF EDUCATION SCIENCES”;

SEC. 402. AMENDMENTS TO DEPARTMENT OF EDUCATION ORGANIZATION ACT.
The Department of Education Organization Act (20 U.S.C. 3401 et seq.) is amended—
(1) by striking section 207 and inserting the following—
(4) There shall be in the Department a Director of the Institute of Education Sciences who shall be appointed in accordance with section 11(a) of the Education Sciences Reorganization Act of 2002 and perform the duties described in that Act; and
(2) by striking section 208 and inserting the following—
(6) The Institute of Education Sciences.
in accordance with the Education Sciences Reform Act of 2002 by the Director appointed under section 114(a) of that Act; and
(3) by striking the item relating to section 208 in the provisions of that Act.
SEC. 402. REPEALS.
The following provisions of law are repealed:
(2) Section 403(b)(2) of the National Education Statistics Act of 1994 (20 U.S.C. 6001 et seq.).
(3) Section 208 in the table of contents in section 1 and inserting the following:
"Sec. 208. Institute of Education Sciences.
"SEC. 403. CONFORMING AND TECHNICAL AMENDMENTS.
(a) GOALS 2000: EDUCATE AMERICA ACT.—The table of contents in section 1(b) of the Goals 2000: Educate America Act (20 U.S.C. 5001 note) is amended by striking the items relating to parts A through E of title IX (including the items relating to sections within those parts).
(b) TITLE 5, UNITED STATES CODE.—Section 5315 of title 5, United States Code, is amended by striking the following:
"Commissioner, National Center for Education Statistics.
(d) ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965.—The Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) is amended as follows:
(1) Section 1111(c)(2) is amended by striking "section 411(b)(2) of the National Education Statistics Act of 1994" and inserting "section 303(b)(2) of the National Assessment of Educational Progress Authorization Act".
(2) Section 112(b)(1)(F) is amended by striking "section 411(b)(2) of the National Education Statistics Act of 1994" and inserting "section 303(b)(2) of the National Assessment of Educational Progress Authorization Act".
(3) Section 1117(a)(3) is amended—
(A) by inserting "as such section existed on the day before the date of enactment of the Education Sciences Reform Act of 2002" after "Act of 1994"; and
(B) by inserting "regional educational laboratories established under part E of the Education Sciences Reform Act of 2002 and comprehensive centers established under the Educational Technical Assistance Act of 2002" and after "assistant from".
(4) Section 1501(a)(3) is amended by striking "section 303 of the National Education Statistics Act of 1994" and inserting "section 303 of the National Assessment of Educational Progress Authorization Act".
(5) The following provisions are each amended by striking "Office of Educational Research and Improvement" and inserting "Institute of Education Sciences".
(a) Section 150(b)(3) (20 U.S.C. 8102(b)).
(b) Section 3030(b) (20 U.S.C. 7031(b)).
(c) Section 509(e)(1)(A) (20 U.S.C. 7235(c)(1)).
(d) Paragraphs (1) and (2) of section 501(d) (20 U.S.C. 7234(d)).
(e) Paragraphs (1) and (2) of section 7131(c) (20 U.S.C. 7451(c)).
(f) Paragraphs (1) and (2) of section 504(e) (20 U.S.C. 7236(d)).
(g) Section 1501(a)(3) (20 U.S.C. 8102(b)).
(7) Section 5613 (20 U.S.C. 7236b) is amended—
(A) in subsection (a)(5), by striking "Assistant Secretary of the Office of Educational Research and Improvement" and inserting "Director of the Institute of Education Sciences"; and
(B) in subsection (b)(2)(B), by striking "research institutes of the Office of Educational Research and Improvement" and inserting "National Education Centers of the Institute of Education Sciences".
(8) Section 404(a)(1) and 7131(c)(1) (20 U.S.C. 72383(b)(1), 7451(c)(1)) are each amended by striking "by the Office" and inserting "by the Institute".
(9) Section 8003(b)(2) is amended by striking "section 404(a)(6) of the National Education Statistics Act of 1994" and inserting "section 153(a)(5) of the Education Sciences Reform Act of 2002".
(e) SCHOOL-TO-WORK OPPORTUNITIES ACT OF 1994.—Section 404 of the School-to-Work Opportunities Act of 1994 (20 U.S.C. 6194) is amended by inserting "(as such Act existed on the day before the date of enactment of the Education Sciences Reform Act of 2002)" after "Act of 1994".
SEC. 405. ORDERLY TRANSITION.
The Secretary of Education shall take such steps as are necessary to provide for the orderly transition to, and implementation of, the offices, regional centers, and centers (and their various functions and responsibilities) established or authorized by this Act, and by the amendments made by this Act, from those established or authorized by the Educational Research, Development, Dissemination, and Improvement Act of 1994 (20 U.S.C. 6001 et seq.) and the National Education Statistics Act of 1994 (20 U.S.C. 6001 et seq.).
SEC. 406. IMPACT AID.
(a) PAYMENTS FOR FEDERALLY CONNECTED CHILDREN.—Section 8003(b)(2)(C)(I)(II)(bb) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(B)(2)(c)(I)(II)(bb)) is amended to read as follows:
"(bb) for a local educational agency that has a per-pupil expenditure that is less than the average per-pupil expenditure of a comparable local education agency in which the local educational agency is located; and"
(b) EFFECTIVE DATE.—The amendment made by Section 496(a) shall be effective on September 30, 2000, and shall apply with respect to fiscal year 2001, and all subsequent fiscal years.
(c) BONSTEEL-FAIRFAX SCHOOL DISTRICT.—The Secretary of Education shall deem the local educational agency serving the Bonsteel-Fairfax school district, 26-5, in Bonsteel, South Dakota, as eligible in fiscal year 2003 for a basic support payment for heavily impacted local educational agencies under section 8003(b)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(b)(2)).
(d) CENTRAL SCHOOL DISTRICT.—Notwithstanding any other provision of law, the Secretary shall treat an application filed by Central School District, Sequoyah County, Oklahoma, for payment for federally connected students for fiscal year 2003, pursuant to section 3003 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703), and shall process such application for payment, if the Secretary determines such application not later than 30 days after the date of enactment of this Act.
UNANIMOUS CONSENT AGREEMENT—H.R. 3295
Mr. DASCHLE. Mr. President, I ask unanimous consent that with respect to H.R. 3295, the Senate recede from its remaining amendment.
THE PRESIDENT PROFFER.
Mr. President, I ask unanimous consent that with respect to H.R. 3295, the Senate recede from its remaining amendment.
THE PRESIDENT PROFFER.
Mr. DASCHLE. Without objection, it is so ordered.

FEED AMERICA THURSDAY
Mr. DASCHLE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 341, which was submitted earlier today by Senators HATCH, REID, and others.
THE PRESIDENT PROFFER.
Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 341, which was submitted earlier today by Senators HATCH, REID, and others.
THE PRESIDENT PROFFER.
The Presiding Officer will report the title of the resolution.

THE PRESIDENT PROFFER.
Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 341, which was submitted earlier today by Senators HATCH, REID, and others.
THE PRESIDENT PROFFER.
Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 341, which was submitted earlier today by Senators HATCH, REID, and others.

THE PRESIDENT PROFFER.
Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 341, which was submitted earlier today by Senators HATCH, REID, and others.
THE PRESIDENT PROFFER.
Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 341, which was submitted earlier today by Senators HATCH, REID, and others.
THE PRESIDENT PROFFER.
Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 341, which was submitted earlier today by Senators HATCH, REID, and others.
THE PRESIDENT PROFFER.
SECTION 1. SHORT TITLE.
This Act may be cited as the “Department of Veterans Affairs Emergency Preparedness Act of 2002”.

SEC. 2. ESTABLISHMENT OF MEDICAL EMERGENCY PREPAREDNESS CENTERS AT DEPARTMENT OF VETERANS AFFAIRS.

(a) IN GENERAL.—(1) Subchapter II of chapter 73 of title 38, United States Code, is amended by adding at the end the following new section:

“§7325. Medical emergency preparedness centers

(1) Establishment of centers.—(A) The Secretary shall establish four medical emergency preparedness centers in accordance with this section. Each such center shall be established at a Department of Veterans Affairs medical center and shall be staffed by Department employees.

(2) The Under Secretary for Health shall be responsible for supervising the operation of the centers established under this section. The Under Secretary shall provide for ongoing evaluation of the centers and their compliance with the requirements of this section.

(3) The Under Secretary shall carry out the Under Secretary’s functions under paragraph (2) in consultation with the Assistant Secretary for Veterans Affairs with responsibility for operations, preparedness, security, and law enforcement functions.

(B) Mission.—The mission of the centers shall be as follows:

(1) To carry out research on, and to develop methods of detection, diagnosis, prevention, and treatment of injuries, diseases, and illnesses arising from the use of chemical, biological, radiological, incendiary or other explosive weapons or devices posing threats to the public health and safety.

(2) To provide education, training, and advice to health care professionals outside the Veterans Health Administration, through the National Disaster Medical System established pursuant to section 7311(b) of the Public Health Service Act (42 U.S.C. 300h–11(b)) or through interagency agreements entered into by the Secretary for that purpose.

(3) In the event of a disaster or emergency referred to in section 178(b) of this title, to provide such laboratory, epidemiological, medical, or other assistance as the Secretary considers necessary.

(C) Operations.—(1) The Secretary shall select the sites for the centers on the basis of a competitive selection process. The Secretary may designate a site as a location for a center under this section unless the Secretary makes a finding under paragraph (2) with respect to the proposal for the designation of such site. To the maximum extent practicable, the Secretary shall ensure the geographic dispersal of the sites throughout the United States. Any such center may be a consortium of efforts of more than one medical center.

(2) A finding under paragraph (1) with respect to a proposal for designation of a site as a location of a center under this section is a finding by the Secretary, upon the recommendation of the Assistant Secretary for Health and the Assistant Secretary with responsibility for operations, preparedness, security, and law enforcement functions, that the facility in which the Secretary has developed (or may reasonably be anticipated to develop) each of the following:

(A) An arrangement with a qualifying medical school to conduct research on, and to develop methods of detection, diagnosis, prevention, and treatment of injuries, diseases, and illnesses arising from the use of chemical, biological, radiological, incendiary or other explosive weapons or devices posing threats to the public health and safety.

(B) An arrangement with a qualifying medical school that provides education and training in toxicology and environmental health hazards and with which one or more of the participating Department medical centers is affiliated.

(C) A qualifying school of public health that provides education and training in environmental health hazards and with which one or more of the participating Department medical centers is affiliated.

(D) Research activities.—Each center shall conduct research on improved medical preparedness to protect the Nation from threats in the area of the center’s expertise or may seek research funds from public and private sources for such purpose.

(E) Dissemination of research products.—(1) The Secretary shall ensure the geographic dispersal of the sites throughout the United States.

2. Coordinating functions of the centers.—(1) The Secretary shall take appropriate actions to ensure that the work of the centers is conducted in close coordination with other Federal departments and agencies that conduct research and other emergency preparedness functions of the centers shall be coordinated and shared with other Federal departments and agencies.

(2) After taking into consideration applicable recommendations of the working group on the prevention, preparedness, and response to bioterrorism and other emerging threats established under section 319F(a) of the Public Health Service Act (42 U.S.C. 247d–6(a)) or any other joint interagency advisory group or commission established by the President’s designated to coordinate Federal research on weapons of mass destruction.
"(g) ASSISTANCE TO OTHER AGENCIES.—The Secretary may provide assistance requested by appropriate Federal, State, and local civil and criminal authorities in investigations, inquiries, and decontamination efforts necessary to protect public safety and prevent or obviate biological, chemical, or radiological threats.

(b) DETAIL OF EMPLOYEES FROM OTHER AGENCIES.—By the Secretary. The Director of a center may request the temporary assignment or detail to the center, on a non-reimbursable basis, of employees from other departments and agencies of the United States who have expertise that would further the mission of the center. Any such employee may be so assigned or detailed on a non-reimbursable basis pursuant to a request.

(1) FUNDING.—(1) Amounts appropriated for the activities of the centers under this section shall be appropriated separately from amounts appropriated for the Department for medical care.

(2) In addition to funds appropriated for a fiscal year specifically for the activities of the centers under subparagraph (a), funds appropriated for the Secretary for Health shall allocate to centers from other funds appropriated for that fiscal year generally for the Department medical care programs and the Department medical and prosthetics research account such amounts as the Secretary determines appropriate to carry out the purposes of this section. Any determination made by the Secretary with respect to the preceding sentence shall be made in consultation with the Assistant Secretary with responsibility for operations, preparedness, security, and law enforcement functions.

(3) There are authorized to be appropriated for the centers under this section $20,000,000 for each of fiscal years 2003 through 2007.

(2) The tables at the beginning of such chapter are amended by inserting after the item relating to section 7324 the following new item:

"7325. Medical emergency preparedness centers.

(b) PEER REVIEW FOR DESIGNATION OF CENTERS.—(1) In order to assist the Secretary of Veterans Affairs and the Under Secretary of Veterans Affairs for Health in selecting sites for centers under section 7325 of title 38, United States Code, as added by subsection (a), the Under Secretary shall establish a peer review panel of medical and public health professionals to select sites for the Secretary's Centers for Health Affairs and the Under Secretary of Veterans Affairs or the Secretary determines appropriate to carry out the purposes of this section. Any determination made by the Secretary with respect to the preceding sentence shall be made in consultation with the Assistant Secretary with responsibility for operations, preparedness, security, and law enforcement functions.

(2) The peer review panel shall include experts in the fields of epidemiological research, infectious diseases, radiological, clinical care of patients exposed to such hazards, and other persons as determined appropriate by the Secretary. Members of the panel shall serve as consultants to the Department of Veterans Affairs.

(3) The panel shall review each proposal submitted to the Secretary or the officials referred to in paragraph (1) and shall submit to the Under Secretary for Health its views on the relative scientific and clinical merit of each such proposal. The panel shall specifically determine with respect to each such proposal whether that proposal is among those proposals which have met the highest competitive standards of scientific and clinical merit.

(4) The panel shall not be subject to the Federal Advisory Committee Act (5 U.S.C. App.).

SEC. 3. EDUCATION AND TRAINING PROGRAMS ON MEDICAL RESPONSE TO CONSEQUENCES OF TERRORIST ACTIVITIES.

(a) IN GENERAL.—(1) Subchapter II of chapter 73 of title 38, United States Code, is amended by adding after section 7325, as added by section 2(a)(1), the following new section:

"§7326. Education and training programs on medical response to consequences of terrorist activities.

(a) EDUCATION PROGRAM.—The Secretary shall carry out a program to develop and disseminate a curriculum for the education and training programs on the medical responses to the consequences of terrorist activities.

(b) IMPLEMENTING OFFICIAL.—The program shall be carried out under the direction of the Under Secretary for Health, in consultation with the Assistant Secretary of Veterans Affairs with responsibility for operations, preparedness, security, and law enforcement functions.

(c) CONTENT OF PROGRAMS.—The education and training programs developed under the program shall be modelled after programs established by the Program for Medical Education and Research at the Uniformed Services University of the Health Sciences and shall include, at a minimum, training for health care professionals in the following:

(1) Recognition of chemical, biological, radiological, incendiary, or other explosive agents, weapons, or devices that may be used for terrorist activities.

(2) Identification of the potential symptoms of exposure to those agents.

(3) Understanding of the potential long-term health consequences and radiological effects, resulting from exposure to those agents, weapons, or devices.

(4) Emergency treatment for exposure to those agents, weapons, or devices.

(5) An appropriate course of followup treatment, supportive care, and referral.

(6) Actions that can be taken while providing care for exposure to those agents, weapons, or devices to protect against contamination, injury, or other hazards from such exposure.

(7) Information on how to seek consultative support and report suspected or actual use of those agents.

(d) POTENTIAL TRAINERS.—In designing the education and training programs under this section, the Secretary shall ensure that different programs are designed for health-care professionals in Department medical centers. The programs shall be designed to be disseminated to health professions students, graduate health and medical education trainers, and health practitioners in a variety of fields.

(e) CONSULTATION.—In establishing education and training programs under this section, the Secretary shall consult with appropriate representatives of accrediting, certifying, and licensing agencies and coordinating organizations in the field of health professions education.

(2) The table of sections at the beginning of this chapter is amended by inserting after the item relating to section 7325, as added by section 2(a)(2), the following new item:

"7326. Education and training programs on medical response to consequences of terrorist activities.

(b) COVERED DISASTERS AND EMERGENCIES.—A disaster or emergency referred to in this subsection is any disaster or emergency as follows:

(1) A major disaster or emergency declared by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

(2) A disaster or emergency in which the National Disaster Medical System is established pursuant to section 281(b) of the Public Health Service Act (42 U.S.C. 300hh–11(b)) is activated by the Secretary of Health and Human Services under paragraph (3)(A) of that section or as otherwise authorized by law.

(c) APPLICABILITY TO ELIGIBLE INDIVIDUALS WHO ARE VETERANS.—The Secretary may furnish medical care and services to an individual described in subsection (a) who is a veteran without regard to whether that individual is enrolled in the system of patient enrollment under section 1701 of title 38.

(d) REIMBURSEMENT FROM OTHER FEDERAL DEPARTMENTS AND AGENCIES.—(1) The cost of any care or services furnished under this section to an officer or employee of a department or agency of the United States other than the Department or to a member of the Armed Forces shall be reimbursed at such rates as may be approved upon by the Secretary and the head of such department or agency concerned, in the case of a member of the Armed Forces, based on the cost of the care or service furnished.

(2) Amounts received by the Department under this subsection shall be credited to the Medical Care Collections Fund under section 1729A of this title.

(e) REPORT TO CONGRESS.—Within 60 days of the commencement of a disaster or emergency referred to in subsection (b) in which the Secretary furnishes care and services under this subsection, the Secretary shall report to the Committees on Veterans' Affairs of the Senate and the House of Representatives a report on the Secretary's utilization of facilities and personnel in order to furnish such care and services.

(f) REGULATIONS.—The Secretary shall prescribe regulations governing the exercise of the authority of the Secretary under this section.

(2) The table of sections at the beginning of this chapter is amended by adding at the end of the table of sections at the beginning of this chapter the following new section:

"7365. Care and services during certain disasters and emergencies.

(a) MEMBERS OF THE ARMED FORCES ON ACTIVE DUTY.—Section 8111(a) of title 10, United States Code, as added by the Temporary Emergency Power Act (42 U.S.C. 5121 et seq.), is amended by—

(1) redesigning paragraph (2) as paragraph (4); and

(2) by designating the second sentence of paragraph (1) as paragraph (5), and

(3) by inserting between paragraph (1) and paragraph (3), as designated by paragraph (2) of this subsection, the following new paragraph:

"(2)(A) During and immediately following a disaster or emergency referred to in subparagraph (B), the Secretary may furnish hospital care and medical services to members of the Armed Forces on active duty responding to or involved in that disaster or emergency.

(B) A disaster or emergency referred to in this subparagraph is any disaster or emergency as follows:

(1) A major disaster or emergency declared by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

(2) A disaster or emergency in which the National Disaster Medical System is established pursuant to section 281(b) of the Public Health Service Act (42 U.S.C. 300hh–11(b)) is activated by the Secretary of Health and Human Services under paragraph (3)(A) of that section or as otherwise authorized by law.

SEC. 4. AUTHORITY TO FURNISH HEALTH CARE DURING MAJOR DISASTERS AND EMERGENCIES.

(a) IN GENERAL.—(1) Subchapter VIII of chapter 17 of title 38, United States Code, is amended by adding at the end the following new section:

"§1785. Care and services during certain disasters and emergencies.

(1) AUTHORITY TO PROVIDE HOSPITAL CARE AND MEDICAL SERVICES.—During and immediately following a disaster or emergency referred to in subsection (b), the Secretary may furnish hospital care and medical services to individuals responding to, involved in, or otherwise affected by that disaster or emergency.

(2) EFFECTIVE DATE.—Except as otherwise provided in this subsection, the amendments made by this section apply to—

(1) Subchapter III of chapter 17 of title 38, United States Code, as added by subsection (a), in the case of a disaster or emergency specified in subsection (a)(1), on and after the date of the enactment of this Act.
The pending measure represents a compromise agreement on an omnibus bill that would ensure that VA can capably fulfill its obligations to veterans, the military, and the entire Nation during disasters. H.R. 3253 would not only preserve veterans services during national emergencies but would also take advantage of VA’s expertise in the medical consequences of weapons of mass destruction to protect all Americans.

This legislation would establish four medical emergency preparedness research centers within the VA health care system. Although my colleagues may not be surprised to learn about VA’s research expertise in the long-term health consequences of biological, chemical, and radiological exposures, fewer may be aware of VA’s unparalleled clinical management research program. The centers authorized by H.R. 3253 would allow VA’s experts to develop practices for managing or preventing mass casualties resulting from the use of terrorist weapons, and to do so within our evolving National strategy for homeland security research.

H.R. 3253, as amended, would also authorize a new Assistant Secretary, responsible by the administration to coordinate VA’s internal and interagency operations, security, preparedness, and law enforcement activities. This measure would also clarify the Secretary’s preparedness duties, which would include, for example, ensuring that 165,000 healthcare professionals—and the additional 81,000 providers trained in VA facilities each year—receive the education and training that they need to protect themselves and their patients during disasters.

Finally, this measure would recognize the role that VA—the largest integrated healthcare system in the Nation already plays during disasters. In 1982, Public Law 97–174 assigned a new duty to VA, serving as the Federal Medical System to the Department of Defense during conflicts and emergencies, which Congress assumed would mean caring for wounded troops as they returned home from war. In 1982, no one anticipated that VA might be called upon to care for active duty military casualties during a domestic disaster.

H.R. 3253 as amended acknowledges that we no longer have the luxury of ignoring that possibility, and authorizes VA to extend its duty to manage military casualties injured while fulfilling their duties during a conflict or disaster on American soil as well as abroad.

The legislation would also acknowledge VA’s role in protecting public health during emergencies. As part of the Federal Response Plan for disasters and a cornerstone of the National Disaster Medical System, VA caregivers have aided overwhelmed communities during every major domestic disaster of the last two decades, from the Oklahoma City attack, after Hurricanes Andrew and Floyd, during Houston’s disastrous floods, and in New York City
JOBS FOR VETERANS ACT

Mr. DASCHLE. I ask unanimous consent to print the text of the Veterans' Affairs Committee's amendment, which is on the desk, that modifies H.R. 4015, that the Senate proceed to its immediate consideration.

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

The clerk will report the bill by title.

The legislative clerk reads as follows:

A bill (H.R. 4015) to amend title 38, of the United States Code, to revise and improve unemployment, training and placement services furnished to veterans, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. ROCKEFELLER. Mr. President, as Chairman of the Committee on Veterans' Affairs, I am pleased the Senate supports H.R. 4015, the proposed “Jobs for Veterans Act,” as modified by a Manager’s Amendment which reflects a final compromise developed by the Senate Veterans Affairs Appropriations and Appropriations Committees. This legislation would improve the employment, training, and placement services furnished to the men and women who have served our Nation.

At the conclusion of World War II, Congress made job placement for veterans a national priority. Legislation passed then created special employment services for returning troops, establishing priorities for veterans in federal employment and giving them early notice of jobs in the private sector.

Later, Congress provided grants to states to hire experts with experience in placing veterans into civilian jobs. These experts, called Local Veterans Employment Representatives and Disabled Veterans Outreach Program Specialists, serve veterans through state employment service offices and one-stop centers. Currently, the funding to hire these specialists is provided by a rigid formula that affords states little flexibility in allocating personnel for veterans’ employment services.

The Jobs for Veterans Act would change this formula, and would remove restrictions on how states can employ these experts in veterans’ employment. I expect that these changes will enable the Department of Labor to rise above the criticism the veterans employment programs have recently drawn. These necessary changes would allow states to tailor their employment services to better serve our Nation’s veterans.

Mr. President, the “Jobs for Veterans Act” would additionally restore priority of service to veterans, and spouses of certain veterans, in federal employment, training, and placement and extend it to any job training program administered by the Department of Labor. Additionally, the Secretary of Labor would be authorized to set priorities among eligible veterans and spouses by taking into account their special needs.

H.R. 4015 would also modify the threshold that determines when Federal contractors and subcontractors must take affirmative action to employ—and to advance in employment—disabled veterans, including immediately listing employment openings for such contracts. This modified threshold keeps pace with inflation, and would require the Office of Contract Compliance with a manageable amount of contracts to oversee and assure that contractors are meeting their obligations.

This legislation would also provide special financial and nonfinancial incentives to state employees to encourage them to develop improved and modern employment services for veterans. The awards would be administered through the states, based on criteria established by the Secretary of Labor in consultation with the states.

In some states, certain economic obstacles may create serious challenges to finding appropriate job placements for veterans. The “Jobs for Veterans Act” would allow the Department of Labor to give technical assistance to states that might need help in finding solutions, and would mandate that the state develop and implement a corrective plan to be approved by the Secretary.

As we ask the young men and women of this Nation to prepare themselves to take up arms in its defense, we must ensure that we will be able to help them find productive careers upon their return as we did for the previous generations that defended our freedoms. I am pleased colleagues have joined in supporting this bill on behalf of those who have served, and those who will serve in the future.

Mr. President, I ask unanimous consent that the accompanying joint explanatory statement be printed in the Record following this statement.

There being no objection, the material was ordered to be printed in the Record as follows:

SUMMARY OF H.R. 4015, AS AMENDED BY A MANAGER’S AMENDMENT

JOBS FOR VETERANS ACT

Revises and improves employment, training, and placement services furnished to veterans.

Provides priority of service (over non-veterans) to veterans and spouses of certain veterans in job training programs funded by the Department of Labor.

Revises the current formula for funding veterans employment service providers in State employment offices, and removes restrictions on how they are used by the State.

This is to give States greater flexibility in how they provide employment, training, and placement services to eligible veterans.

Modifies the threshold for when Federal contractors and subcontractors must take affirmative action to employ and advance in employment qualified veterans, including immediately listing employment openings for such contracts.

Promotes employment and job advancement opportunities with Federal government for disabled veterans, veterans who served in a military operation for which a service medal was awarded, and recently separated veterans by removing disability restriction that allowed only Vietnam veterans to participate in these opportunities.
Establishes financial and non-financial incentive awards for state employees who furnish quality employment, training and placement services to veterans.

Requires the Department of Labor to set performance standards for states and when those standards are not met for a corrective action plan, submitted to the Secretary for approval. Authorizes the Secretary to have on-going authority to furnish technical assistance to any State that the Secretary determines to have a deficient entered-employment rate, including assessment in developing a corrective action plan.

Establishes the President's National Hire Veterans Committee that would furnish information to employers regarding the advantages afforded employers by hiring veterans.

JOINT EXPLANATORY STATEMENT ON SENATE AMENDMENTS TO HOUSE AMENDMENTS TO H.R. 4015

H.R. 4015, as amended, the Jobs for Veterans Act, reflects a Compromise Agreement the House and Senate Committees on Veterans' Affairs have reached on H.R. 4015, as amended, ("House Bill.") H.R. 4015, as amended, passed the House of Representatives on May 21, 2002. There is no comparable Senate Bill.

The House and Senate Committees on Veterans' Affairs have prepared the following explanation of H.R. 4015, as amended, ("Compromise Agreement.")

1. Amendments

Clerical corrections, conforming changes, and minor drafting, technical, and clarifying changes are not noted in this document.

PRIORITY OF SERVICE FOR VETERANS IN DEPARTMENT OF LABOR JOB TRAINING PROGRAMS

Current law

Section 4212 of title 38, United States Code, requires the Federal contracts with subcontractors of $25,000 or more, contractors and subcontractors take affirmative action to employ and advance in employment "special disabled veterans" (veterans with serious employment handicaps or disability ratings of 30 percent or higher), Vietnam-era veterans, recently-separated veterans, and other veterans who are "preference eligible." Preference eligible veterans generally are veterans who have served during wartime or in a campaign or expedition for which a campaign badge has been authorized; veterans who, while serving on active duty in the Armed Forces, participated in a United States military operation for which an Armed Forces Expeditionary medal was awarded; veterans who served and separated from active service before the Vietnam-era service, who served in the Armed Forces for a period of at least 180 days ending within a period of 180 days before the date on which the veteran's last discharge was obtained, and who were honorably discharged; veterans who have for a period of at least 90 days been missing in action, captured by hostile forces, or forcibly detained or interned in line of duty by a foreign government; and the spouses of veterans who are totally disabled due to a service-connected disability, including the surviving spouse of a veteran who died as a result of a service-connected disability, including the surviving spouse of a veteran who died during military, naval or air service, and the surviving spouse of a veteran who was totally disabled at the time of death. The provision must be broad in order to give States maximum flexibility in the manner chosen to recognize employees for excellence in service delivery to veterans or improve veterans' compensation. The Committees intend that States use Salary and Expense (S&E) funds to pay for such items as employee recognition plaques and other modest forms of recognition, as part of the non-financial performance incentive awards program.

Refinement of Job Training and Placement Functions of the Department

Current law

Chapter 41 of title 38, United States Code, establishes policies governing the administration of veterans' employment and training services by the States, as funded by Department of Labor funds.

Section 4101 of title 38, United States Code, defines terms used in the chapter, such as disabled veteran, "eligible person," and "local employment service agency." In section 4102, Congress declares as its intent and purpose that there shall be an effective: (1) job and training counseling service program; (2) employment placement service program; and (3) job training placement service program for eligible veterans and eligible persons.

Section 4102A specifies the job duties of the Assistant Secretary of Labor for Veterans'
Section 4 of H.R. 4015 would amend current law section 4102A, of title 38, United States Code. The ASVET would be required to be a veteran. It also would impose new qualification requirements on ASVETs and, if done so, it would make this position a career federal civil service position. The individual appointed to this position would be required to have relevant experience in non-federal government Fed- eral service in the executive branch immediately preceding appointment as Deputy As- sistant Secretary, and to be a veteran.

This section requires that in appointing LVERs to local employment service offices based on the number of veterans and eligible persons appointed to the position. This section also requires that the Secretary to assign to each State one ADVET for every 250,000 veterans and eligi- ble persons in the State veteran’s popu- lation.

The Secretary to appoint one DVOP for every 7,400 veterans who are between the ages of 20 and 64 residing in each State. It also requires that each DVOP be a veteran and specifies that preference be given to qualified disabled vet- erans in filling these positions. It describes where a DVOP is to be stationed in furnishing services and the specific functions that DVOPs perform.

Section 404 requires that in any fiscal year funding be available to the States to employ 1,600 full-time LVERs. This section requires that funding furnished to the States be assigned to each State on January 1, 1987, plus one additional LVER per State. This section also specifies in detail the manner in which the 1,600 LVERs are to be assigned to the States and the manner in which the States shall assign LVERs to local employment service offices based on the number of veterans and eligible persons assigned to the position.

This section also requires that in appointing LVERs, preference shall be given to qualified eligible veterans or eligible persons. Preference is accorded to eligible veterans and then to qualified eligible persons. Last- ly, this section prescribes the specific func- tions that the LVER shall perform.

Section 404A requires that each State Employment agency develop and apply DVOP and LVER programs. It requires the Sec- retary to furnish prototype standards to the States. This section also requires DVETs and ADVETs to furnish appropriate assistance to States in developing and implementing such standards.

Section 406 requires the Secretary to esti- mate the funds necessary for the proper and efficient administration of chapters 41, 42, and 43 of title 38, United States Code. This section authorizes such sums as may be nec- essary for administration of chapter 41 services, including the National Veterans’ Em- ployment and Training Service Institute (“NVETSI”).

In general, section 407 of title 38, United States Code, requires the Secretary of Labor to establish and carry out various adminis- trative controls to ensure veterans and eligi- ble persons receive job placement, job train- ing, or some other form of assistance such as individual counseling or employment counseling services. This section also re- quires the Secretary to submit to the Com- mittees on Veterans’ Affairs of the House and Senate not later than February 1 of each year, a report on the success during the previous program year of the Department of Labor (“DOL”) and State employment service agencies integrated into the employment service delivery systems in the States, the veteran population to be served, and additional information the Secretary might require.

The Secretary to make available to each State based on an application approved by the Secretary, an amount of funding in proportion to the number of veterans seeking employment using such criteria as the Sec- retary might establish in regulation, includ- ing civilian labor force and unemployment data;

3. The Secretary to phase-in such annual funding over the three fiscal year-periods that begin with the fiscal year 2002; and

4. The Secretary to establish minimum funding levels and hold-harmless criteria in administering funding to the States;

5. The Secretary to furnish appropriate assistance to States to develop and implement a corrective action plan to be submitted to the Secretary when a State has an entered-employment rate that the Secretary determines is insufficient for the preceding year;

6. The Secretary to establish by regulation a uniform national threshold entered-em- ployment rate for a program year, by which determination of disapproval might be made. The Secretary would be required to take into account applicable annual unemployment data for the State and consider other factors, such as prevailing economic conditions, that affect performance of individuals providing employment, training, and placement services in the State; and

7. The State to notify the Secretary on an annual basis of, and provide a supporting ra- tionale for, each non-veteran who is em- ployed as a DVOP or LVER for a period in excess of six months;

8. The Secretary to assign to each region a representative of the Veterans’ Employment and Training Service ("VETS") to serve as a VTSA in a State;

9. The ASVET to establish and implement a comprehensive accountability system to measure the performance of delivery systems in a State. The accountability system would be required by November 1, 2002, and performance measures applicable under sec- tion 156(b) of the Workforce Investment Act of 1998, and (2) to develop the standards by which the Secretary will measure the performance of delivery systems in a State. The Secretary to submit to each State, a report on the success during the pre- vious program year of the Department of Labor’s ("DOL") and State employment service agencies in developing and implementing such standards.

Supervisory Personnel. Section 4 would amend current law section 4103 of title 38, United States Code, to require, subject to approval by the Sec- retary, that agencies employ a sufficient num- ber of full or part-time DVOPs to carry out intensive services to meet the employment needs of special disabled veterans, and other reserved veterans. It would require to the maximum extent practi- cable, that such employees be qualified veterans. Preference would be given to qualified disabled veterans.

Local Veterans Employment Specialists. Section 4 would amend current law section 4104A of title 38, United States Code, to require, subject to approval by the Sec- retary, that agencies employ such full and part-time LVERs to carry out special services for disabled veterans and other reserved veterans. It would require to the maximum extent practi- cable, that such employees be qualified veterans.

This section would require that each LVER be administratively responsible to the man- ager of the employment service delivery sys- tem. Under this section, the LVER would provide reports, not less frequently than quarterly, to the manager of such office and to the DVET for the State regarding compli- ance with Federal law and regulations with respect to special services and priorities for eligible veterans and other eligible persons.

Regional Veterans’ Employment and Training Services Institute. Additionally, section 4 would amend current law section 4109 of title 38, United States Code, to amend the authority of the NVETSI to enter into con- tracts or agreements with departments or agencies of the States or of a State, or with other organizations, to carry out training in providing veterans’ employment, training, and placement services.

This section would require that each LVER be administratively responsible to the man- ager of the employment service delivery sys- tem. Under this section, the LVER would provide reports, not less frequently than quarterly, to the manager of such office and to the DVET for the State regarding compli- ance with Federal law and regulations with respect to special services and priorities for eligible veterans and other eligible persons.

Compromise agreement

Section 4 of the Compromise Agreement follows the House language with amend- ments.

Under this section, the individual ap- pointed as DASVET would be required to have at least five years of service in a man- agement position in a Federal Government employee or comparable service in a man- agement position in the Armed Forces pre- ceeding appointment as DASVET.

This section requires that a State fund plan submitted by the States would have an addi- tional requirement to describe the manner in which
which the respective States would administer the performance incentives established in section 3. The Committees note that other aspects of the State plan and grant application requirements contained in the House-passed bill, such as describing DVOP and LVER duties, are retained.

The Compromise Agreement clarifies that States must have written plans to be submitted to the Secretary for approval and, if approved, would be expeditiously implemented. If the Secretary disapproves a corrective action plan, the Secretary would be required to take such steps as would be necessary for the State to implement corrective actions.

The Secretary would also be required to identify and assign one percent of the funding granted to each State to establish financial performance incentive awards. Further, the Secretary would have on-going authority to furnish technical assistance to any State that the Secretary determines has, or may have, a deficient entered-employment rate, including assistance in developing a corrective action plan.

The Committees intend that the Secretary should offer technical assistance in an anticipatory capacity, so as to avoid deficient performance.

The Compromise Agreement would require that the DVET be a bona fide resident of the State for two years to qualify for such a position.

Lastly, the Compromise Agreement does not require that the ASVET, DVASVE, VETS, RVET, DYET, DVET, or ADVET be veterans. The Committees encourage the appointment of veterans to these positions but do not believe a statutory requirement is necessary.

The report submitted to the Committees on Veterans’ Affairs of the House and Senate. First, the report must include information on the operation during the preceding program year of the program of performance incentive awards for quality employment services under section 412 of this title, including an analysis of the amount of incentives distributed to each State and the rationale for such distribution. Second, a report would be required on the “performance of States and organizations carrying out employment, training, and placement services under this chapter, as measured by revised performance criteria. In the case of a State that the Secretary has not met the minimum standard of performance established by the Secretary, the Secretary would be required to include an analysis of the extent and reasons for the State’s failure to meet that minimum standard, together with the State’s plans for corrective action during the succeeding year.”

Compromise agreement

Section 5 of the Compromise Agreement follows the House language with an amendment. The Secretary’s annual report to the Committees on Veterans’ Affairs of the House and Senate is required to include information on the operation during the preceding program year of performance incentive awards for quality employment services under this chapter. The report would not require an analysis of the amount of incentives distributed to each State and the rationale for such distribution because each State’s DVOP/LVER grant would identify and assign one percent of the grant for use by State for the financial incentive awards.

Mr. DASCHLE. I ask unanimous consent to furnish technical assistance to veterans who are job-ready by making personal computers available to them through access to electronic job placement services and programs.

Compromise agreement

The Compromise Agreement does not include this section.

REPORT ON IMPLEMENTATION OF EMPLOYMENT REFORMS

Committee report on H.R. 4015

Section 7 of the Compromise Agreement would direct the Committees on Veterans’ Affairs of the Senate and House to conduct a study on the implementation of the provisions of this title during the program years that begin during fiscal years 2003 and 2004. The study would include an analysis of the effect of this title on employment, training, and placement services furnished to veterans. Not later than six months after the conclusion of the program year that begins during fiscal year 2004, the Committees would submit a report on the conducted study. Under this section, the report would include recommendations for legislation or administrative action.
Mr. DASCHLE. Mr. President, I ask unanimous consent that the HELP committee be discharged from further consideration of H.R. 3801, the Education Sciences Reform Act of 2002, and that the Senate proceed to its immediate consideration.

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

The clerk will report the bill by title.

The legislative clerk reads as follows:

A bill providing for improvement of Federal education research, statistics, evaluation, information, and dissemination, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. KENNEDY. Mr. President, I welcome this bipartisan agreement on the reauthorization of the Office of Education Research. The new Institute of Education Sciences created by this legislation will improve the capacity of the Federal Government to conduct high-quality research to improve educational opportunities for all students.

We know that research can make a difference in teaching and learning by providing high quality technical assistance, cost-effective development, reliable data, and wide dissemination of research and best practices.

We all agree that education research has to be of high quality. It also needs to be directly related to the needs of the professional field. Schools, teachers, principals and child care providers all must have access to the best practices in education if our schools are to be the best they can be.

States, schools and teachers have to face the challenge of preparing students for assessments and dealing with schools that fail to make adequate progress. Regional technical assistance providers can help them meet that challenge. Our bill reauthorizes the regional educational laboratories, and provides a smooth transition from the current system of technical assistance providers to a new, streamlined system of comprehensive centers. We know that our teachers need this support and we intend to provide it.

The Federal Government has a distinguished history of investment in education research. What began many years ago as data collection has evolved into a current approach that collects, analyzes and disseminates important information. It enables researchers to bring their analyses to the people who need this information and can use it best. Our bill also maintains the autonomy of the National Center on Statistics and makes sure that the National Assessment of Education Progress stays out of the political arena.

Our goals are to raise the quality of research conducted at the new Institute, to link its research with other research, and to make it available to the teachers who use it.

We want to be able to look to this Institute when we have education questions in the same way that we look to the NIH when we have medical questions. This bill provides a sound foundation to do so.

I commend the Committee staff who worked long and hard and effectively on this bill: Alexis Cohen, Senator Donna, Doug Moseley, Bob Swets and Sally Lovejoy of the House Committee; Lloyd Horwich with Senator Dodd, Elyse Wasch and Kathleen Fitzgerald with Senator Reed, Bethany Little with Senator Murray, Carmel Martin with Senator Mikulski and myself with Senator Mikulski, Eric Fatemi with Senator Harkin, David Sewell with Senator Edwards, Jill Morningstar with Senator Wellstone, Katherine Brown with Senator Clinton and Sherry Kaiman with Senator Jeffords, Tracy Locklin with Senator Gregg, Amanda Farriss with Senator Enzi, Kristin Bannerman with Senator DeWine, Jennifer Swenson with Senator Roberts, Andrea Becker with Senator Fein and Jane Oates and Emma Vadehra of my own staff. I thank Amy Gaylor of Legislative Counsel and the floor staff for working with us to complete the process.

Mr. GREGG. Mr. President, first let me say that I support this Substitute Amendment to H.R. 3801. The Education Sciences Reform Act of 2002, represents a significant step toward achieving our common goal of improving the quality of education research. I thank Assistant Secretary Whitehurst and his staff for the assistance they provided in crafting this legislation. I am especially gratified to see this bill come together in the same spirit of bipartisanship in which we crafted the No Child Left Behind Act.

Though significant Federal involvement in education research dates back to the 1950’s, we are still without a strong body of high quality education research to guide education policymaking. Yet the need for sound, rigorous research that is free of political bias and useful to educators has never been more important. With passage of the bipartisan No Child Left Behind Act, we have made it our mission as a Nation to make sure every student is well-educated. By renewing our efforts to master the science of how children learn best, this bill will help tremendously in achieving that mission.

Specifically, the bill:

No. 1, reconstitutes the Office of Education Research and Improvement as the “Institute of Education Sciences” to provide a more rational, streamlined infrastructure for the Department of Education’s research, development, statistics, evaluation, and dissemination functions;

No. 2, establishes more rigorous research standards, which all Institute-funded education research will have to meet. Education fads that masquerade as science will no longer be acceptable;

No. 3, establishes Research and Development Centers to cover such important topics as standards, assessment and accountability, improving low achieving schools, innovation in education reform, rural education, teacher quality, and postsecondary education;

No. 4, contributes to the creation of a “culture of science” within the new Institute by giving the Director the hiring flexibility necessary to attract and retain the best researchers, evaluators, and statisticians to the Institute;

No. 5, makes technical assistance to schools and school districts and states more efficient and user-friendly, particularly the assistance needed in order to effectively implement the No Child Left Behind Act. The current patchwork of regional technical assistance entities will be replaced by a single set of technical assistance providers;

No. 6, increases the independence of the research and evaluation functions of the Department, while preserving the independence and quality of the current National Center for Education Statistics;

No. 7, further insulates the National Assessment of Educational Progress from political interference by giving the independent National Assessment Governing Board the authority to review NPS scores and calculations.

No. 8, requires that grants and contracts with regional education laboratories, national research and development centers, and technical assistance providers are awarded on the basis of open competition.

It is my hope that the significant reforms made by this legislation will mark the beginning of a new era in the field of education research—an era in which policymaking will be based on sound science, to the benefit of our Nation’s students.

Mr. REED. Mr. President, I support the Education Sciences Reform Act of 2002.

This legislation reauthorizes and renews the current Office of Educational Research and Improvement at the Department of Education, now to be called the Institute of Education Sciences. The bill will increase the quality of educational research and statistics, improve dissemination, technical assistance, educational product development, evaluation, and other research efforts, and minimize the effect of politics on education research.

As States begin to implement the No Child Left Behind Act, the need for a responsive, relevant, high quality, and rigorous education knowledge enterprise is greater than ever.

Mr. President, I am particularly pleased about the bill’s provisions to retain and strengthen the regional educational laboratories. The regional educational laboratories, like the Northeast and Islands Regional Educational Laboratory at Brown University, conduct applied research, develop educational products and materials, promote technical assistance, and disseminate information in order to improve teaching, increase student achievement, and promote effective
school reform. The Education Sciences Reform Act enhances the regional educational laboratories work to put research into practice and focuses their efforts on helping states and districts meet their specific educational needs.

I thank Chairman Kennedy, Senator Gregg, Senator Enzi, and members of the House Education and the Workforce Committee for working closely with me on many aspects of this legislation. This is important legislation, and I am pleased to support it.

Mr. Daschle. I understand Senators Kennedy, Gregg, and others have a substitute amendment at the desk, and I ask the amendment be considered and agreed to, and the motion to reconsider be laid upon the table; that the bill, as amended, be read three times, passed, and the motion to reconsider be laid upon the table, and that any statements related thereto be printed in the RECORD, without intervening action or debate.

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

The amendment (No. 4885) was agreed to.

The amendment is printed in today's RECORD under "Text of Amendments."

The bill (H.R. 3801), as amended, was read the third time and passed.

ORDERS FOR WEDNESDAY, OCTOBER 16, 2002

Mr. Daschle. I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10:40 a.m., Wednesday, October 16; that following the prayer and the pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and there be a period of morning business until 11:40 a.m., with the Senators permitted to speak for up to 10 minutes each, with the first half under the control of the Republican leader or his designee, and the second half of the time under the control of the Democratic leader or his designee; that at 11:40 a.m. the Senate resume consideration of the conference report to accompany H.R. 3295, the Election Reform Act, under the previous order; further, that the Senate recess from 12:30 to 2:15 p.m. for the weekly party conferences.

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

PROGRAM

Mr. Daschle. The next rollcall vote will occur on Wednesday, October 16, at 12 noon, on adoption of the election reform conference report.

ADJOURNMENT UNTIL 10:40 A.M. TOMORROW

Mr. Daschle. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 5:57 p.m., adjourned until Wednesday, October 16, 2002, at 10:40 a.m.
COUNCIL OF KHALISTAN MARKS 15 YEARS OF SERVICE

HON. DAN BURTON
OF INDIANA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, October 15, 2002

Mr. BURTON of Indiana. Mr. Speaker, this week the Council of Khalistan, which leads the fight to free the Sikhs from the repression of India, marked its fifteenth anniversary. It was founded on October 7, 1987, when the Sikh Nation declared its independence and named their new country Khalistan.

The repression that has been inflicted on the Sikhs and other minorities in India before and after that declaration is well documented. The Indian regime has murdered over 250,000 Sikhs since 1984, according to the book “The Politics of Genocide” by Inderjit Singh Jajee. A report from the Movement Against State Repression notes that over 52,000 remain in Indian jails as political prisoners without charge or trial. Some of them have been held since 1984. Another 50,000 have simply been made to “disappear.”

Sikhs are not the only ones. Christians, Muslims, Bodos, Assamese, Manipuris, and others have felt the brunt of Indian oppression, with tens of thousands of them losing their lives. That is why there are seventeen freedom movements in India. The Council of Khalistan, while it focuses on the Sikh struggle, has spoken out for freedom and an end to the repression for all these peoples and nations.

Mr. Speaker, I would just like to take the occasion to congratulate the Council of Khalistan on its 15 years of service.

AUTHORIZATION FOR USE OF MILITARY FORCE AGAINST IRAQ RESOLUTION OF 2002

SPEECH OF
HON. JOHN CULBERSON
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Thursday, October 10, 2002

Mr. CULBERSON. Mr. Speaker, I rise today in strong support of our President and this resolution that will authorize him to use the United States Armed Forces to confront the threat posed by Iraqi dictator Saddam Hussein through diplomatic or military means. I will support any diplomatic efforts taken by the Administration, but I am convinced that military action will be necessary in the end. In the past, Saddam Hussein and his regime have only responded to military force, and this resolution will guarantee that option to the United States.

Mr. Speaker, we must not wait until Saddam Hussein or terrorists that he has supported have the capability to attack the United States with weapons of mass destruction. Today, with this vote, Congress will give the President the discretion and the freedom to act whenever he thinks it is necessary to protect all Americans.

At this critical point in history, inaction is not an option. We must destroy the capability of this evil dictator to hold his own people and the people of the world hostage. He must be stopped, and he must be stopped now. I would encourage all of my colleagues to join me in voting for this resolution. The safety of the United States hands in the balance.

MOTION TO INSTRUCT CONFEREES ON H.R. 4546, BOB STUMP NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2003

SPEECH OF
HON. ROSA L. DeLAURO
OF CONNECTICUT
IN THE HOUSE OF REPRESENTATIVES
Thursday, October 10, 2002

Ms. DeLAURO. Mr. Speaker, I rise in strong support of this motion to instruct, and I thank my friend from Mississippi for offering it tonight. This motion would call on the House conferees to support a Senate provision in the defense authorization bill to allow disabled military retirees to receive concurrent payment of retired pay and disability compensation.

This is truly an issue of basic fairness. We owe our veterans a debt that we can never repay. They did not hesitate to answer their country’s call, and stand up to defend our freedom. But current law ignores that sacrifice, and requires disabled military retirees to actually fund their own disability compensation by waiving a portion of their retiree benefits. 400,000 veterans sacrifice their retirement pay every month.

Earlier today, this House voted to allow the President to use military force in Iraq. Now is our chance to tell the men and women who may very well serve in Iraq that we appreciate their service, that we will never forget their sacrifice. Now is our chance to show through actions, not just words, that we honor the work they do for our country.

We owe our veterans a debt of gratitude, but more than that we owe them our unwavering support. I urge my colleagues to support this motion to instruct so that veterans can collect their full retirement pay and their disability compensation. They have certainly earned it.

HONORING HOLLIS BIDDLE OF WACO, TX

SPEECH OF
HON. CHET EDWARDS
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Tuesday, October 15, 2002

Mr. EDWARDS. Mr. Speaker, we live in a time when Americans change jobs as frequently as every five years. The kind of loyalty that used to be commonplace between employers and employees, when people more often than not spent their entire career with one organization, is rare today. That fact makes today’s observance of Mr. Hollis Biddle’s fifty years with the Waco Tribune-Herald indeed remarkable.

The Waco Tribune-Herald is my hometown daily newspaper in Waco, Texas, a member of Cox newspapers and the largest publication in the 11th Congressional District.

Following a high school class in journalism, Mr. Biddle, a native of Waco, began his career in 1952 as a copy boy with the morning newspaper, the News-Tribune, and the afternoon Times-Herald. He worked hard and won a Fentress Foundation Scholarship to Baylor University, where he majored in Journalism. Biddle worked as a reporter and went to school, earning a Bachelor’s Degree in Journalism in 1956.

Hollis Biddle worked his way into the Sports Department, eventually becoming Assistant Sports Editor. Traveling to small towns across Central Texas, he wrote about the teams, the bands, the cheerleaders. In Small Town Texas then and now, youth sports are a major source of pride for any community, and Hollis Biddle became very well known through his coverage. He wrote about high school and college football, baseball, basketball and any other athletic competition.

He became best known, however, as an advocate and promoter for Little League Baseball. As the organization was just beginning to grow, his stories excited interest across Central Texas, from youngsters who wanted to play, from the parents and from community leaders who learned from Biddle’s stories about the benefits of such healthy competition.

Biddle worked to establish the state’s Little League headquarters in Waco, and the Tribune-Herald was the official “paper of record” for Little League results for two decades. Growth men stop him on the street today to tell him, “You took pictures of me playing Little League baseball years ago and I still have that newspaper.” Hollis finally gave up sports reporting, and is now an integral part of the Trib’s Marketing Department. He is in charge of special newspaper sections and promotions, including weekly publication of the Baylor Insider in cooperation with the Baylor Foundation.
For half a century today, Hollis Biddle has been involved in making the Waco Tribune-Herald a valuable daily record of area accomplishments. And, for half a century today, Hollis Biddle has been working to make Waco a better community.

Mr. Speaker, I ask my colleagues in the House of Representatives to join me in honoring and celebrating Hollis Biddle's fifty years of service to his employer and to the people of Central Texas.

**INABILITY OF CONGRESS TO CONDUCT ITS REGULAR BUSINESS**

*HON. MAX SANDLIN*  
*OF TEXAS*

**IN THE HOUSE OF REPRESENTATIVES**  
**Tuesday, October 15, 2002**

Mr. SANDLIN. Mr. Speaker, yesterday, the House of Representatives passed yet another continuing resolution to keep the federal government running through October 18, 2002. Once again, Congress was forced to pass a continuing resolution funding the federal government because this body has failed to do its most basic work.

Instead, the majority party has decided to abrogate our constitutional responsibilities and go home and leave the people's business unfinished. I voted against this resolution because we need to be here working and solving the vast economic problems facing this country. I supported a continuing resolution that would fund the federal government for one additional day. This would have forced us to remain here and address the critical issues facing our nation. Our domestic problems are not insurmountable. I will not accept the fact that this Republican-controlled Congress cannot simultaneously address national security needs while also addressing pressing domestic problems. When united in action, we can solve the problems facing everyday citizens.

In the course of the last two weeks, the stock market has plummeted to a five-year low, another 417,000 Americans filed unemployment claims at the end of last month, and consumer confidence fell to a nine-year low. In addition to the hundreds of thousands on new unemployment claims, hundreds of thousands of out-of-work Americans have or will soon exhaust their unemployment compensation. The Republican majority has not brought any legislation to the floor to extend unemployment insurance for those who desperately need these benefits. Because the majority has failed to do its job, countless individuals will not be able to feed their families, seek new employment, or pay their upcoming medical bills.

In addition to not addressing legislation to assist unemployed workers, the House has failed to fund important initiatives in education, healthcare, and veterans—leaving society's most vulnerable members at risk. The lack of action means schools cannot plan for next year, hospitals wonder if they will have funds to remain open, seniors will go without a comprehensive prescription drug plan, and veterans will continue to see unacceptably long waits for access to care.

By ignoring the situation, the majority pretends that this Administration's failed economic policies have not had devastating consequences for average Americans. This Congress just has addressed the most compelling national security issue facing the nation. It is time that we face the economic crisis facing America—rising unemployment, increasing job insecurity, growing budget deficits, and the lack of affordable health care.

By postponing action on passing the remaining eleven appropriations bills, the majority undermines the ability of the government to carry out its basic missions. By adopting continuing resolution after continuing resolution, we undermine our law enforcement agencies to combat terrorism, prevent the Immigration and Naturalization Service from increasing inspections and patrols, threaten efforts to improve homeland security, prevent new grants to first responders, weaken our ability to respond to bio-terrorism, provide basic services to our veterans, increase enforcement of our securities law to catch corporate misdeeds, and force state and local governments from making critical public infrastructure investment.

Because the majority has failed to its job, average Americans pay the price of our inaction. Republican economic policies have been bad for this country—ignoring those policies will not make them better. Congress' inaction touches every part of our daily lives. Yet, Congress will take another week off—leaving millions of Americans without hope that we will address the problems they face every day. It is for this reason that I in good conscience could not support another weeklong continuing resolution.

**A PROCLAMATION HONORING FRANKIE LEE CARNES**

*HON. ROBERT W. NEY*  
*OF OHIO*

**IN THE HOUSE OF REPRESENTATIVES**  
**Tuesday, October 15, 2002**

Mr. NEY. Mr. Speaker, whereas, Frankie Lee Carnes is celebrating her 60th Birthday today October 8, 2002; and whereas, Frankie Lee Carnes is a member of First Christian Church; and whereas, Frankie Lee Carnes has six children and nine grandchildren; whereas, Frankie Lee Carnes must be commended for her service to the community serving as Chair of the Belmont County Election Board and acting in the Miracle of Life Group, and the Girl Scouts; and therefore, I join with the residents of St. Clairsville and the entire 18th Congressional District in congratulating Frankie Lee Carnes as she celebrates her 60th Birthday.

**HONORING KAREN OSTDIEK**

*HON. GEORGE RADANOVICH*  
*OF CALIFORNIA*

**IN THE HOUSE OF REPRESENTATIVES**  
**Tuesday, October 15, 2002**

Mr. RADANOVICH. Mr. Speaker, I rise today to honor an outstanding teacher who has exemplified the ideal of assuring that "No Child is Left Behind." Karen Ostdiek, a second grade teacher at St. Anthony's school in Fresno, California, went above and beyond the call of duty for Hunter Jameson, a student in her class, when he was diagnosed with cancer in early September 2001.

Hunter's parents, Mike and Catherine Jameson, and St. Anthony's principal, Shawn Carey, credit Ms. Ostdiek with keeping Hunter up to date with his work even though he was out of the classroom for the majority of the school year. Thanks to Karen's extra effort and commitment to her students, Hunter will be able to go on to third grade in the fall. Karen made sure Hunter was included in all classroom activities, posted his work in the classroom alongside the other students' and delivering him personal pizzas when the class earned a party. Hunter was able to return to school on May 6 and was warmly greeted by his fellow second-graders in Ms. Ostdiek's class. Karen was awarded an Angel on Earth award, for her work with Hunter, at a teacher appreciation luncheon. The praise is well deserved, although she does not see that she has done anything special, just her job. Her humility only serves to underline why Karen is so deserving of the appreciation and honor she has received.

Mr. Speaker, I rise today to recognize Karen Ostdiek for her dedication to the education of our young people and her commitment to excellence. I invite my colleagues to join me in thanking Karen for her outstanding service and compassionate response to Hunter Jameson and his family.

H.R. 5400  
**SPEECH OF**  
**HON. EDWARD R. ROYCE**  
*OF CALIFORNIA*

**IN THE HOUSE OF REPRESENTATIVES**  
**Thursday, October 10, 2002**

Mr. ROYCE. Mr. Speaker, I rise today in support of the unanimous consent request to pass H.R. 5400, a bill authored by my friend and colleague from Nebraska, the chairman of the Subcommittee on International Monetary Policy, Congressman Doug Bereuter. This legislation is a well-crafted, thoughtful and bipartisan bill that is certainly worthy of passage by unanimous consent.

This legislation will help the North American Development (NAD) Bank to accomplish its goal of improving the potable water supply, wastewater treatment and municipal solid waste management services within America's Mexico border region more efficiently. Addressing the problem of an inadequate water supply along our nation's southern border is a laudable goal, and one that is certainly worthy of the support of every member of Congress.

I would also like to acknowledge my gratitude to Chairman Bereuter for allowing me to include in this legislation an amendment that recognizes the particular difficulty that southern California has in meeting its potable water needs, and directs the NAD Bank to support:

   (1) The development of qualified water conservation projects in southern California and other eligible areas in the Four United States Border States, including the conjunctive use and storage of surface and ground water, delivery system conservation, the re-regulation of reservoirs, improved irrigation practices, wastewater reclamation, regional water management modeling, operational and optimization studies to improve water conservation, and cross-border water exchanges consistent with treaties; and,

   (2) New water supply research and projects along the Mexico border in southern California.
Mr. Speaker, I strongly support the North American Development Bank’s mission of providing clean and safe water to all of America’s southern border areas, especially southern California. By passing this legislation by unanimous consent, Congress has acknowledged southern California’s dire need for ensuring an adequate water supply and the important role that the North American Development Bank can play in accomplishing this objective.

PAYING TRIBUTE TO JACK VALLEY

HON. SCOTT McINNIS
OF COLORADO

IN THE HOUSE OF REPRESENTATIVES
Tuesday, October 15, 2002

Mr. McINNIS. Mr. Speaker, I rise today to pay tribute to Jack Valley of Newton, Massachusetts—a man who lives his life with a selflessness and unmatched dedication that have made him an inspiration to countless others. As Jack celebrates his eighty-third birthday later this month, I would like to join with his friends, family and former players in congratulating him on this milestone and in wishing him all the best in the many years to come.

Jack was born on Halloween Day back in 1919 in Waltham, Massachusetts—one year after his beloved Red Sox last won the World Series! The oldest of seven children, Jack learned how to be a young age, making sacrifices to help his mother Mary take care of his brothers and sisters after the tragic death of their father from an illness brought on by his tendency to drink. He was an avid participant in many sports back then, a passion that he would eventually turn into his life’s work.

In 1948, Jack took a job as the head baseball coach at Curry College in Milton, Massachusetts, a position he would hold for the next fifty-one years. Over that time, Valley would build an impressive record of accomplishments, with over 700 wins and nearly a .730 winning percentage. However, with Coach Valley it was never about the game’s statistics; the only statistic that mattered to him was that in all of his 51 years at Curry College virtually all of Coach Valley’s players have graduated. As Jack likes to say, “the people are what I remember.” The yardstick isn’t numbers; it’s how much the kids have improved, how much have you helped them physically and mentally. How much good have you done?” It is for this attitude, and his impressive record of accomplishments, that Collegiate Baseball recognized Valley as the NCAA Division III “Coach of the Century” in 1998. And it is for this approach to sports, and life, that I wish to bring Jack Valley to the attention of my colleagues here today.

In February of 1999, on the eve of his record-fifty-second season at the helm of the Curry College Colonels, Jack was struck with a major stroke that paralyzed his right side and hindered his speech. The hard work and dedication that Valley exhibited throughout his coaching career—never missing a game or practice in over 51 years—has carried over into his stirring recovery effort. The progress he has made in regaining the functionality lost due to the stroke has been significant. The determination with which Jack has tackled this challenge so late in life has been inspirational.

Mr. Speaker, I am proud to bring the powerful example of Jack Valley to the attention of this body of Congress and our nation. Jack Valley’s grandson, Jason Reese, serves as one of my legislative assistants, and it is through their devoted relationship that I have learned of the obvious character, compassion and love with which Jack has led his life. I am proud to join with family, friends and generations of former players in wishing Coach Valley a very happy 83rd birthday.

TRIBUTE TO ZENaida MELGOZA
ON BEING AWARDED THE 2002 ST. MADELEINE SOPHIE BARAT AWARD

HON. ANNA G. ESHOO
OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES
Tuesday, October 15, 2002

Ms. ESHOO. Mr. Speaker, I rise today to honor Mrs. Zenaida Melgoza, a distinguished citizen and a resident of San Mateo County, who is being honored on October 16, 2002, by the Sacred Heart Schools of Atherton, California, with the 2002 St. Madeleine Sophie Barat Award.

Zenaida came to the United States from Aguillilla Michoacán, Mexico, when she was just thirteen years old, moving with her family to Redwood City, California. In 1978 when she first began working at what was then known as Convent of the Sacred Heart, Menlo, she was already a young wife and the mother of two. Zenaida worked with and for the Religious, helping in the boarding school, the cafeteria, and with general housekeeping for the growing community of Sisters and students. She loved the children at the school and developed warm relationships with everyone she met. When graduates stop by to visit the campus today, Zenaida recognizes and remembers them, often surprising them when she calls them by name after 15, 20, or almost 25 years. She still visits regularly with the Religious she has known so well who are now in the retirement home on the campus.

The Sacred Heart of Jesus is Zenaida’s second home and she embraces everyone at the Schools as her family, as they do her. She has brought many of her relatives to the campus to work, finding someone to help the Sisters with whatever was needed. Her uncle and four of her cousins have worked at Sacred Heart over the years and some still do. Zenaida and her husband Rafael still live in Redwood City where they have raised their family of four children. Their youngest daughter Cristina just graduated from the grade school last year. Their oldest grandchild Rafael is in the first grade, and his sister Jocelyn is in the preschool. Zenaida’s relationship with Sacred Heart is a story of love and dedication that is rare indeed.

Mr. Speaker, it is a great privilege to honor Mrs. Zenaida Melgoza as she receives the 2002 St. Madeleine Sophie Barat Award. I ask my colleagues to join me in saluting her for her extraordinary service to the Sacred Heart community and for strengthening our country through her countless contributions.

HONORING THE HEROISM OF MR. KENNETH W. MERRERO OF HERSEY, PENNSYLVANIA

HON. GEORGE W. GEKAS
OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES
Tuesday, October 15, 2002

Mr. GEKAS. Mr. Speaker, it is my pleasure today to recognize Mr. Kenneth W. Merrero, a constituent of mine from Hershey, Pennsylvania, for his bravery and heroism. Mr. Merrero saved the life of his co-worker, Mr. Michael F. Tomlin, on July 30, 2001.

Mr. Tomlin was seated in a pickup truck parked on the shoulder of a highway when another vehicle struck it from behind. The impact forced Mr. Tomlin’s truck into a drill rig parked in front. Fires broke out at the front and rear ends of Mr. Tomlin’s truck. The collision lunged Mr. Tomlin to his side. He sat in the truck dazed and surrounded by fire.

Fearlessly, Mr. Merrero approached the pickup truck to look for Mr. Tomlin, but because of the dense smoke, he could not see Mr. Tomlin. Mr. Merrero opened the passenger door of the truck, climbed inside, and attempted to pull Mr. Tomlin across the seat. However, Mr. Tomlin was caught in the wreckage and Mr. Merrero had to re-enter the truck to free him. Finally, Mr. Tomlin was pulled to safety as the fire engulfed the truck.

Mr. Tomlin was hospitalized but soon recovered.

For his astonishing heroism, Mr. Merrero was recognized recently by the Carnegie Hero Fund Commission. The Commission awards the Carnegie Medal to those individuals who have risked their lives to an extraordinary degree while saving or attempting to save the lives of others.

Mr. Speaker, I wish to recognize Mr. Merrero for his great courage and on behalf of the U.S. House of Representatives, congratulate him for being awarded the Carnegie Medal. Just as Mr. Tomlin is a blessed man for having Mr. Merrero so close that day, so too is the entire Central Pennsylvania community for having their own noble and exemplary hero.
THE NATIONAL SOLEMN ASSEMBLY

HON. ROBIN HAYES
OF NORTH CAROLINA
IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 15, 2002

Mr. HAYES. Mr. Speaker, I would like to bring to your attention an important event that took place earlier this week here in our Nation’s Capital. On October 8 & 9th, the Center for Spiritual Renewal hosted the National Solemn Assembly at Constitution Hall. During these two days, church, governmental, military and business leaders from around the nation, including many from the D.C. area, came together for a time of prayer and fasting in support of our nation’s leaders. Special sessions of prayer were conducted for the President, White House staff, Members of the U.S. House of Representatives and Senate, the U.S. Supreme Court and our Governors and state and local leaders. The Assembly, based on the scriptural admonition of Joel 2 and 2 Chronicles 7:14, is to return the Nation’s spiritual focus on repentance, reconciliation and revival. Most notably, this meeting and its purpose were scheduled and established before the events of September 11, 2001, and well before any House debate of the Iraqi war resolution was scheduled for these same two days.

The Center for Spiritual Renewal, under the leadership of Dr. Robert E. Fisher, has been established to bring before the Church on a continuing basis the primary need for revival of our nation. Throughout Pueblo, everyone seemed to know Mr. Cabibi and he could seldom enter a store or restaurant without being recognized by someone in the neighborhood. No one could resist the genuine interest and affection that he bestowed upon everyone throughout the community.

Mr. Speaker, it is with great admiration that I recognize the life and passing of Philip Cabibi and all his contributions to the community of Pueblo, Colorado. I extend my sincere condolences to his wife Margaret, his daughter Marilyn, sister Virginia, and his grandchildren, John and Michelle. Mr. Cabibi lived his life with honor and his love for his fellow citizens won him the respect of all who knew him. Philip Cabibi’s loss will be deeply felt throughout the Pueblo community and all of Colorado.

TRIBUTE TO MARILYN LUOTTO ON BEING AWARDED THE 2002 ST. MADELEINE SOPHIE BARAT AWARD

HON. ANNA G. ESHOO
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 15, 2002

Ms. ESHOO. Mr. Speaker, I rise today to honor Mrs. Marilyn Luotto, a distinguished citizen and a resident of Santa Clara County, who is being honored on October 16, 2002, by the Sacred Heart Schools of Atherton, California, with the 2002 St. Madeleine Sophie Barat Award.

Marilyn is a native of Chicago, Illinois, where she received her bachelor’s degree in Psychology from Mundelein College and her master’s degree in Clinical Psychology from Loyola University. In 1967, she came to California with her husband and their five children, and soon after, Marilyn began working at Sacred Heart Preparatory. She taught English, Psychology, and a course in Marriage and the Family through the Religion Department at the school. She also acted as a school counselor, at the high school and the elementary school. After five years of dividing her time between her family and the schools, Marilyn began spending more of her work time as a counselor at St. Joseph’s School, continuing to teach at least one psychology course at the high school because she enjoyed her involvement with students of all ages. During this time, Marilyn also began pursuing her second master’s degree in Marriage and Family Counseling at the University of Santa Clara. With that degree she received her M.F.T. license as a Marriage and Family Therapist in the State of California.

Throughout her tenure at Sacred Heart Schools, Marilyn shared her time and her talents with the entire community of faculty, staff, and students. Last year she retired after 25 years of extraordinary service to the Sacred Heart Schools. With her characteristic spirit of generosity, she thanked everyone for their support and all that they had contributed to her personal and professional growth. She promised to find a way to share the love that she had received with others as she embarked on a new phase of her life.

Mr. Speaker, it is a great privilege to honor Mrs. Marilyn Luotto as she receives the 2002 St. Madeleine Sophie Barat Award. I ask my colleagues to join me in saluting her and thanking her for her extraordinary service to our community which has made us a better country.

HONORING BENJAMIN BLUSTEIN AND HEBREW UNIVERSITY

HON. GEORGE W. GEKAS
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 15, 2002

Mr. GEKAS. Mr. Speaker, on July 31, 2002, a Palestinian terrorist left a 22-pound hate bomb hidden in a bag on a table at Hebrew University’s Frank Sinatra International Student Center cafeteria. The bomber and those who assisted him had two objectives.

By placing the bomb in an area popular with young people, students from around the world and renowned scholars in many disciplines of academic study, the terrorist hoped to kill and injure as many people as possible, without regard to their nationalities, religion or political persuasion. In this, those responsible for this heinous attack were successful. Ultimately, the blast killed nine people, including five Americans, and injured approximately 80 others.

But the attackers had more far reaching motives. They wished to send a message that they had no interest in legitimate efforts to resolve Israel’s conflicts with Palestinians. In addition, by selecting this particular university as their target, the terrorists also wanted to send the message that they believed that academic discourse, scientific research, and medical care provided to people of all ethnic and religious backgrounds are not legitimate endeavors in Israel.

Let there be no mistake about this. On this second point, the terrorists are wrong. President George W. Bush immediately condemned this attack, and expressed his “fury” at the attack on this particular university that had killed five American students. He stated, “I’m just as angry as Israel is right now. . . . I’m furious about innocent life lost. However, through my fury, even though I am mad, I still believe peace is possible.”

I believe the President’s words were exactly correct to condemn this act of terrorism, just as he had condemned the over 70 homicide bombings aimed at Israel since September 2000. But, despite expressing anger and vows to find and punish those responsible, the President also restated his quest for an eventual lasting peace between Israelis and Palestinians.

While I am equally angry and upset at all such attacks, this one touched me personally in a way that none had before. One of the five American victims, Benjamin Blustein, was my constituent.

Benjamin Blustein was only 25 years old when this bomb took his life. He came from
Harrisburg, Pennsylvania, the heart of my Congressional district. At the time of his death, he was in a two-year study program designed so that he could earn a Master’s degree from Hebrew University’s Rothberg International School’s Division of Graduate Studies and was also enrolled in the Educator’s Program at the Pardes Institute for Jewish Studies.

He had previously earned his B.A. in Religion and Judaic Studies from Dickinson College in Carlisle, Pennsylvania. I mention this with pride, as Dickinson is also my alma mater.

Benjamin was more than a good student. He enriched all those around him, both those who knew him well and those with whom he had only limited contacts. He had assisted the entire Jewish Community throughout Central Pennsylvania through his work with the United Jewish Communities. In Israel, he enlivened the lives of many as a disc jockey at local dances.

It is impossible to adequately verbalize the tragedy that occurred when Benjamin Blustein was randomly killed. I still find it hard to accept the loss of this vibrant, dedicated, passionate young man with such a wonderful sense of humor and caring for others.

Immediately following this hateful attack I sent a letter to President Bush, supporting his sense of humor and caring for others. I still find it hard to accept the loss of this vibrant, dedicated, passionate young man with such a wonderful sense of humor and caring for others.

As a result of Benjamin’s death, I was motivated to learn more about the Hebrew University, the institution that drew Benjamin and so many others to study there.

It is important for all Members of Congress, as well as all Americans, to know that Hebrew University is the oldest comprehensive institution of higher learning in Israel and is considered to be among the world’s truly great universities. The Hebrew University of Jerusalem has stood for understanding, tolerance, open discourse and academic excellence since it opened its doors in 1925.

Albert Einstein was one of its earliest supporters. From the very beginning, the university has carried on the dream of its founders, namely academic excellence, culture, science, learning and, most important, inclusion rather than exclusion from many religions, nations and ethnic backgrounds. Its students come from diverse cultural, religious, and geographic backgrounds with 10 percent of the student body of Arab descent. This diversity is what contributes to the university’s strength and purpose.

It is said and ironic, to note that the unconscionable acts of inhumanity that took place at Hebrew University marked the second time that this remarkable academic institution has been devastated by a violent attack. In 1948, Arabs massacred a group of doctors and nurses in a bus going to the Hebrew University Medical School Hospital campus, perhaps a half-mile away from where this most recent bombing occurred.

Yet, despite the violence in 1948 and despite the fact that its original campus was cut off from the rest of Jerusalem until the city was united in 1967, the University continued to grow, to prosper and to gain international recognition for the high quality of its researches, teachers and physicians.

One of the most remarkable aspects of this institution is its efforts to reach out to Israel’s neighbors, including the Palestinians. It is important to stress Hebrew University’s regional cooperative programs with Palestinians and Arab countries in health, agriculture, water, environment, marine sciences, and the search for peace.

Rather than discuss its many programs, it would be symbolic to mention just one as the paradigm of the university’s vision for peace.

I thought it worthwhile to detail the Sanford Kuvin Center for the Study of Infectious and Tropical Diseases at the Hebrew University’s Medical School, because of my direct linkage to medical research through the many medical facilities located in Central Pennsylvania, especially the Penn State University Hershey Medical Center, and the Congressional Biomedical Research Caucus, which I helped found and now co-chair.

The Kuvin Center currently has more health programs with surrounding Arab countries than any other university in Israel. It addresses diseases that affect public health and its physicians and scientists are currently working with Arab scientists from Al-Quds, the Palestinian University in the eastern part of Jerusalem; Ain Shams University, in Cairo, as well as with scientists from universities in Jordan, Tunisia and Morocco.

The Congress fully recognizes and supports these types of cooperative Israeli-Palestinian health initiatives. The Foreign Operations bill for fiscal year 2003, which has passed through the Appropriations Committee includes, language on the Kuvin Center/Al Quds cooperation. I am pleased that the Committee included the following paragraph in the report accompanying this bill:

On November 21, 1995, an explosion occurred in a building near the Hebrew University. Benjamin Blustein, a young scholar in my congressional district was taken from us. Benjamin Blustein, of Susquehanna Township, Pennsylvania, a young scholar studying abroad in Israel, was killed in the latest homicide bombing in Israel. Benjamin was in the midst of a two year course in Jewish studies at Hebrew University. Benjamin died along with other Americans and several other people when Hamas brutally targeted another group of innocent victims in Israel.

Benjamin was a man passionate young man with a sense of humor that all who knew him will greatly miss. He was active at school, my old alma mater, Dickinson College, and at his synagogue. With great commitment he assisted the United Jewish Communities to advance their good work throughout Central Pennsylvania. Benjamin enriched many lives during his life. All those who were touched by him will count themselves fortunate for sharing in his life.

I commend you for your strong condemnation of this latest homicide bombing. I support your decision to list Hamas and Hezbollah as terrorist organizations, and your firm support of Israel. Since September 2000, there have been 70 homicide bombings aimed at Israelis, taking the lives of countless innocent people. These attacks are unprovoked and clearly aimed at visiting and free peoples living in a democracy, have not been cowed by the last two years of extremist acts of terror. Peace can only come to the Holy Land through dialogue and mutual understanding. I join with you in your quest for a lasting peace between Israelis and Palestinians.

Very truly yours,

GEORGE W. GIKAS
Member of Congress.
Mr. MCINNIS. Mr. Speaker, it is with great enthusiasm that I recognize Paul Linn, Earl Cantor Jr. and James Daughey before this body of Congress and this nation. Paul, Earl, and James are all brothers who, due to unfortunate circumstances early on in their lives, have not seen one another in over sixty years.

As the three brothers celebrate their reunion, I would like pay tribute to their dedication and resilience in reuniting to once again become a family.

The three brothers were born into a family along with nine other siblings in Boulder, Colorado during the 1930s. After their mother Georgia was abandoned by her husband, her children were separated and placed in foster care because she no longer had the means to support them. Paul was adopted by Arthur and Dorothy Linn, ranchers from Colbran, Colorado. James was placed with another family who owned a ranch just outside of Craig, Colorado. As the elder of the three, Earl remained in Boulder, determined to reunite with his brothers as quickly as possible.

Unfortunately, due to the confidentiality with which adoption records are held, Earl soon lost track of his brothers and did not have the resources to relocate them. Paul was able to locate Earl after finding his name in a Boulder phone book in 1955. But it took the work of Bobbi McKevitt, a professional who tracks down this type of information, for James to locate his two older brothers. Today, the three brothers are determined to find the rest of their siblings and rejoice in yet another family reunion.

Mr. Speaker, I am delighted to recognize Paul Linn, Earl Cantor Jr., and James Daughey before the body of Congress and this nation for their profound determination and resilience in their mission to reunite their family. Their story is one of great satisfaction and inspiration, and I wish them all the best in their mission to reunite the rest of their family.
familial, and spiritual/emotional plans. Families are also given access to an interactive Website with caregiver information, and compact disks with caregiving information and additional resource material.

Mr. Speaker, we do not have all the results yet, but Dr. Parker’s project has tested these workshops on memory care providers and spouses at midlife. This research includes the use of a control group and a post-assessment of the test and control groups. Many of these tools have the potential for assisting millions of American families prepare for unforeseen events.

It is impossible to fully prepare for the consequences of an act of terrorism like 9/11. However, military families have already taken steps through our family care plans to reduce the long term consequences of any trauma, whether it is a result of military service, auto accidents, or other health crises. The civilian population could adopt this approach. Planning for such contingencies with the addition of the intergenerational component could become one of our individual contributions to homeland security and our family’s security.

Mr. Speaker, helping civilian families take the same precautions as military personnel who enter harm’s way has great potential for millions of American families. I believe that this good work taking place in the great state of Alabama will lead to better preparation for those unforeseen events in our lives and to protecting the future of our aging parents. I am proud to bring this important development in the field of aging and the distinguished work of my colleagues to join me in saluting her and my colleagues in the House.

TRIBUTE TO KEVIN WAGNER

HON. SCOTT McINNIS
OF COLORADO
IN THE HOUSE OF REPRESENTATIVES
Tuesday, October 15, 2002

Mr. McINNIS. Mr. Speaker, it is with great admiration that I recognize Kevin Wagner of Grand Junction, Colorado for his courage, optimism and generosity in the face of some of life’s most disheartening circumstances. Kevin has been battling cancer for several years but remains determined to overcome his illness and refuses to let it interfere with his daily life. While Kevin continues his fight toward recovery, I would like to pay tribute to this dynamic individual and to the irreversible contributions he has made to the community of Grand Junction.

Kevin moved to Grand Junction in 1967, where he attended St. Joseph’s Elementary School and Fruita Monument High School. He graduated from Mesa State College in 1983 and got his masters degree from Colorado State University in 1985. Throughout his childhood, Kevin always remained active in sports and, like a true Broncador, is one of the Denver Broncos’ biggest fans.

Besides being a devoted Broncos fan, Kevin also remains loyal to his fellow citizens and community through active civic participation. Kevin joined the Grand Junction Lions Club in 1997, which is a volunteer organization that raises money to support community programs. In his first year in the organization, he was named the top fundraiser among all of the club’s new members. Since then, Kevin has been the leading fundraiser for the entire organization for the last five years, and has served on the club’s board of directors and on many committees.

Mr. Speaker, it is with deep respect that I recognize Kevin Wagner before this body of Congress and this nation for the unrelenting commitment he has directed toward the betterment of his fellow citizens and community. Even amid the most challenging of personal circumstances, Kevin has never been deterred from putting others before himself, and has never demanded or expected any personal recognition or acknowledgment. And so, it is Kevin’s hallmark—he lives his life with unusual determination. I wish Kevin the very best of luck in his treatment and recovery.

Mr. Speaker, it is a great privilege to honor Sister Joan McKenna as she receives the 2002 St. Madeleine Sophie Barat Award.

HON. ANNA G. ESHOO
OF VIRGINIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, October 15, 2002

Ms. ESHOO. Mr. Speaker, I rise today to honor Sister Joan McKenna, a member of the Religious of the Sacred Heart and a distinguished educator and citizen. Sister McKenna is being honored on October 16, 2002, by the Sacred Heart Schools of Atherton, California, with the prestigious 2002 St. Madeleine Sophie Barat Award.

Sister McKenna is a truly remarkable woman who has given much to education in ways almost too numerous to recount. She was born and raised in San Francisco and educated in a parish school. As a high school student she was given a full scholarship to Sacred Heart Schools of Atherton, California. She later received her M.A. in History from the San Francisco College for Women. She later received her M.A. in Theology and her J.D. from the University of San Francisco. From each of these institutions she received training that developed her inborn talents, and to each of them she returned what she received tenfold, or more.

After joining the Religious of the Sacred Heart, Sister McKenna taught history and religious studies at Sacred Heart Schools of El Cajon, San Francisco and Atherton. In addition to her teaching, she was Dean of Students and Assistant to the President at the San Francisco College for Women. After receiving her law degree she spent three years working as a legal assistant for the San Francisco City Attorney’s Office in the Juvenile Court. She served as Principal at Sacred Heart Broadway and Director of Schools at Sacred Heart Atherton. Over the years she has served tirelessly on the Boards at each of these institutions, as well as the Oakwood retirement home for the Religious and for Catholic Charities of San Francisco. She is currently a lecturer in theology and religious studies at Santa Clara University. She is a true scholar and has contributed enormously to the field of theology.

Mr. Speaker, it is with great admiration that I recognize the life and passing of Angeline Louise Samuelson. Mrs. Samuelson recently passed away in October and, as her family mourns their loss, I would like to pay tribute to her life and the exceptional way in which she lived it.

Angeline Samuelson was born in Osage City, Kansas, where she spent her childhood days living on her family’s cattle ranch. She attended Osage City High School where she was a cheerleader and a member of the drama club. In 1940, Mrs. Samuelson graduated from nursing school and began working at Children’s Hospital Kansas City and at the University of Kansas Clinic. In 1944, she enlisted into the Naval Nursing Corps, and served in Coronado Island in San Diego, California through the duration of World War II. In 1947, Mrs. Samuelson, along with her husband John Samuelson, began publishing the Glenwood Post newspaper. Mr. and Mrs. Samuelson were co-owners of the paper until they sold it in 1970, but Angeline stayed on with the paper until her retirement in 1982. Outside of work, Angeline Samuelson stayed busy participating in a variety of volunteer activities. She was a member of the American Legion Auxiliary, the Valley View Hospital Auxiliary, and was a volunteer at the Frontier Historical Museum. She also liked to spend her free time in the company of friends and family, skiing, playing golf, and traveling. With a personality befitting a nurse, Mrs. Samuelson was constantly helping people and freely gave her time and energy to those in need.

Mr. Speaker, it is with great admiration that I recognize the life and passing of Angeline Louise Samuelson before this body of Congress and this nation for the outstanding contributions she made to the Glenwood Springs community. In honor of luck in his treatment and recovery.

Mr. Speaker, it is a great privilege to honor Sister Joan McKenna as she receives the 2002 St. Madeleine Sophie Barat Award. I ask my colleagues to join me in saluting her and thanking her for her extraordinary service to our community which has made us a stronger and better nation.

TRIBUTE TO ANGELINE LOUISE SAMUELSON

HON. SCOTT McINNIS
OF COLORADO
IN THE HOUSE OF REPRESENTATIVES
Tuesday, October 15, 2002

Mr. McINNIS. Mr. Speaker, it is with great sadness that I recognize the life and passing of Angeline Louise Samuelson of Glenwood Springs, Colorado. Mrs. Samuelson recently passed away in October and, as her family mourns their loss, I would like to pay tribute to her life and the exceptional way in which she lived it.

Angeline Samuelson was born in Osage City, Kansas, where she spent her childhood days living on her family’s cattle ranch. She attended Osage City High School where she was a cheerleader and a member of the drama club. In 1940, Mrs. Samuelson graduated from nursing school and began working at Children’s Hospital Kansas City and at the University of Kansas Clinic. In 1944, she enlisted into the Naval Nursing Corps, and served in Coronado Island in San Diego, California through the duration of World War II. In 1947, Mrs. Samuelson, along with her husband John Samuelson, began publishing the Glenwood Post newspaper. Mr. and Mrs. Samuelson were co-owners of the paper until they sold it in 1970, but Angeline stayed on with the paper until her retirement in 1982. Outside of work, Angeline Samuelson stayed busy participating in a variety of volunteer activities. She was a member of the American Legion Auxiliary, the Valley View Hospital Auxiliary, and was a volunteer at the Frontier Historical Museum. She also liked to spend her free time in the company of friends and family, skiing, playing golf, and traveling. With a personality befitting a nurse, Mrs. Samuelson was constantly helping people and freely gave her time and energy to those in need.

Mr. Speaker, it is with great admiration that I recognize the life and passing of Angeline Louise Samuelson before this body of Congress and this nation for the outstanding contributions she made to the Glenwood Springs community. In honor of luck in his treatment and recovery.

Mr. Speaker, it is a great privilege to honor Sister Joan McKenna as she receives the 2002 St. Madeleine Sophie Barat Award. I ask my colleagues to join me in saluting her and thanking her for her extraordinary service to our community which has made us a stronger and better nation.

TRIBUTE TO ANGELINE LOUISE SAMUELSON

HON. SCOTT McINNIS
OF COLORADO
IN THE HOUSE OF REPRESENTATIVES
Tuesday, October 15, 2002

Mr. McINNIS. Mr. Speaker, it is with great admiration that I recognize the life and passing of Angeline Louise Samuelson of Glenwood Springs, Colorado. Mrs. Samuelson recently passed away in October and, as her family mourns their loss, I would like to pay tribute to her life and the exceptional way in which she lived it.

Angeline Samuelson was born in Osage City, Kansas, where she spent her childhood days living on her family’s cattle ranch. She attended Osage City High School where she was a cheerleader and a member of the drama club. In 1940, Mrs. Samuelson graduated from nursing school and began working at Children’s Hospital Kansas City and at the University of Kansas Clinic. In 1944, she enlisted into the Naval Nursing Corps, and served in Coronado Island in San Diego, California through the duration of World War II. In 1947, Mrs. Samuelson, along with her husband John Samuelson, began publishing the Glenwood Post newspaper. Mr. and Mrs. Samuelson were co-owners of the paper until they sold it in 1970, but Angeline stayed on with the paper until her retirement in 1982. Outside of work, Angeline Samuelson stayed busy participating in a variety of volunteer activities. She was a member of the American Legion Auxiliary, the Valley View Hospital Auxiliary, and was a volunteer at the Frontier Historical Museum. She also liked to spend her free time in the company of friends and family, skiing, playing golf, and traveling. With a personality befitting a nurse, Mrs. Samuelson was constantly helping people and freely gave her time and energy to those in need.

Mr. Speaker, it is with great admiration that I recognize the life and passing of Angeline Louise Samuelson before this body of Congress and this nation for the outstanding contributions she made to the Glenwood Springs community. In honor of luck in his treatment and recovery.
me in recognizing Coach Bob Bennett on his retirement as the head coach of the Fresno State baseball team.

Coach Bennett has served as the head coach of the Fresno State Bulldogs since 1970, and he recently joined an exclusive club by becoming only the seventh coach in NCAA Division I history to win more than 1,300 games in his career. Prior to his appointment as head coach in 1970, Coach Bennett spent 11 years coaching high school baseball and was a standout catcher for Fresno State from 1952-1955.

During his coaching career, Bob Bennett enjoyed consistent success. This past season marked his 26th straight winning season as head coach. His teams have won or shared 17 divisional titles, advanced to the NCAA regionals 21 times and have gone to the College World Series twice, in 1988 and 1991. In 1988, the Fresno State Bulldogs were the top ranked team in the nation after a 32-game winning streak. Bennett has earned conference Coach of the Year honors 14 times and was named NCAA Coach of the Year by the Sporting News in 1988.

Beyond coaching success, Coach Bennett has helped build Pete Beiden Field into a well-respected venue for college sports. Under Coach Bennett’s leadership Fresno State has become a consistent national leader in attendance and fan support.

Coach Bennett’s service to Fresno State and the greater community has been outstanding. He is a role model that all coaches should look up to.

Mr. Speaker, I ask my colleagues to join me in recognizing Coach Bob Bennett of the Fresno State Bulldogs, and congratulate him on his 45 years of service as a head coach in my community.

**TRIBUTE TO JOHN H. TRIMBLE**

**HON. SCOTT McINNIS**

**OF COLORADO**

**IN THE HOUSE OF REPRESENTATIVES**

**Tuesday, October 15, 2002**

Mr. McINNIS. Mr. Speaker, it is with deep respect that I recognize the life and passing of John H. Trimble of Fruita, Colorado. Mr. Trimble recently passed away in September, and, as his family mourns their loss, I would like to pay tribute to the many contributions he has made to his community and to his country.

Mr. Trimble was born and raised in Pine Ridge, South Dakota where he lived on his family’s farm. At age 17, John enlisted into the United States Army and eventually served in both the European and Pacific theaters. He remained on active duty as part of the Occupational Forces in Germany until November 1946. The patriotism and valor of veterans like John have given our country’s military a reputation for honor, distinction, and courage.

After the war, John returned to South Dakota and worked in farming and construction. In 1954, John began working for the National Park Service at Badlands National Park and then, in 1968, moved to Colorado where he would spend the next 21 years assigned to the Colorado Monument. Outside of his job, John spent his free time working on cars, traveling and spending time with his wife and ten children. He was a lifetime member of the Veterans of Foreign Wars, the Fruita Town Council from 1986 until 1989, and the Public Works Commission from 1986 to 1996.

Mr. Speaker, it is with great admiration that I recognize the life and passing of Mr. John H. Trimble before this body of Congress for the service he has given to his country. My sincere condolences go out to the Trimble family, his wife Eva, their children Jerry, Larry, David, Karen, Steve, Tim, Mitch, Judy, John, and Betty, and all of their grandchildren and great grandchildren. Mr. Trimble served his country in a time of great need and uncertainty, and, as a testament to the dedication he showed, he has made an outstanding steward of our National Parks; his loss will be deeply felt and our grateful nation will be forever in his debt.

**HONORING CENTERPOINT ENERGY**

**HON. KEN BENTSEN**

**OF TEXAS**

**IN THE HOUSE OF REPRESENTATIVES**

**Tuesday, October 15, 2002**

Mr. BENTSEN. Mr. Speaker, the La Porte-Bayshore Chamber of Commerce will present CenterPoint Energy with the 2002 Industry of the Year Award at their Annual Salute to Industry. CenterPoint Energy has been faithfully serving the La Porte community for nearly 77 years, providing residents, businesses and industries with safe and reliable energy services.

The Industry of the Year Award, the highest honor presented by the La Porte-Bayshore Chamber of Commerce, is awarded each year to an area business whose mission emphasizes a strong commitment to the community.

CenterPoint Energy was first organized in 1882 as Houston Electric Lighting & Power. It was reorganized and renamed Houston Lighting and Power Company in 1905. In 1999, Reliant Energy HL&P/Entex, a division of Reliant Energy, was formed, and is the electricity and natural gas provider for the Houston metropolitan area. In 2001, Reliant Energy HL&P/Entex was named CenterPoint Energy in recognition of the vital role the company plays in the center of the energy chain between producers and the consumers. CenterPoint Energy is one of the largest electric utilities in the U.S. in terms of kilowatt-hour sales. It serves more than 1.6 million electricity customers over a 5,000 square mile area and in and around Houston and more than 730,000 natural gas customers in the Houston area.

A true connection exists between CenterPoint and the La Porte-Bayshore community. Demonstrating their generosity and connection to community, the company’s employees have logged more than 5,000 volunteer hours on projects in the La Porte-Bayshore area, including the Trash Bash at the San Jacinto Monument, Boy Scout’s Osprey Project, and the Bayport Container Port Expansion Project. CenterPoint Energy has been a major sponsor of the Bay Day Festival held at Sylvan Beach in La Porte. Every year employees assemble Reliant Energy Village, a wetland project, in an effort to provide participants with hands on learning about the importance of habitat restoration, and habitat education.

CenterPoint employees’ active involvement in the La Porte community can be traced through its participation in a wide variety of civic organizations, including the Citizen Advisory Group, La Porte Chamber of Commerce, and several community-based nonprofit organizations.

Mr. Speaker, I congratulate the employees of CenterPoint Energy on being named the La Porte-Bayshore Chamber of Commerce 2002 Industry of the Year. This honor is well-deserved for their work in expanding business and job opportunities, establishing safer conditions for workers, and initiatives to protect the environment. This award indicates that CenterPoint has demonstrated a commitment to strengthening community relations by supporting employees volunteer activities and making contributions to deserving sectors of the community.

**TRIBUTE TO JENNIE MARQUEZ**

**HON. SCOTT McINNIS**

**OF COLORADO**

**IN THE HOUSE OF REPRESENTATIVES**

**Tuesday, October 15, 2002**

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to honor an outstanding woman who has dedicated her life to caring for the elderly. Jennie Marquez of Alamosa, Colorado has given countless hours of devoted service to the people of her community as a Certified Nurse Aide, and it is my privilege to pay tribute to her before this body of Congress and this nation.

Jennie has worked as a restorative nurse aide in Alamosa for three years and been selected recently as the Certified Nurse Aide of the Year for the Pike’s Peak Region of Colorado. Her endless smiles encourage residents of the Evergreen Nursing Home to listen to Jennie as she carefully explains their therapy program and its purpose. Her personal attention to each resident has helped Jennie cultivate a reputation as a sincere and capable nurse aide. The positive demeanor Jennie possesses is visible whether she helps to buy much needed gowns for one resident or simply pauses to give an encouraging word to another.

Jennie, along with her husband of 16 years, Rafael, enjoys spending time with their son Jose and daughter Yesenia. Together they enjoy many Colorado outdoor activities, like fishing, hiking, and camping. Jennie’s positive attitude is a credit to her personality as much as it is a testament to the dedication she displays to those around her.

Mr. Speaker, I stand today to honor Jennie Marquez for her outstanding service and excellent performance as a certified nurse aide. Jennie’s efforts stand out as she brings comfort to her residents, gives them needed support, and helps them through their therapy. I am always glad to recognize Coloradans who continue to make this country great, and I am happy to count Jennie Marquez among them.

**HONORING THE COUNCIL OF WOMEN FARMERS OF UKRAINE ON WORLD RURAL WOMEN’S DAY**

**HON. BOB SCHAFFER**

**OF COLORADO**

**IN THE HOUSE OF REPRESENTATIVES**

**Tuesday, October 15, 2002**

Mr. SCHAFFER. Mr. Speaker, today, October 15th, is World Rural Women’s Day. I rise
before the House on this occasion to honor the Council of Women Farmers of Ukraine and its contribution to Ukraine’s agricultural and democratic development. During one of my visits to Ukraine, I was fortunate to visit leaders of this extraordinary organization to learn firsthand their remarkable unity and drive for success within Ukraine’s expanding free market.

This organization began as a small group of women farmers in Ukraine who were willing to take on a male-dominated culture and industry. The challenges of an unstable economy, and an agricultural sector in complete disarray only inspired and energized these enterprising farmers. Although this council developed with international aid, its origin represents a spontaneous indigenous grassroots quest for democracy.

As the council provided every level of assistance necessary for women farmers to succeed, it grew into a nationwide assistance network improving the status of rural Ukrainian women, raising their quality of life, and cultivating their managerial and entrepreneurial skills. Responding to the rapid growth of women in the industry, the council has opened several branch offices throughout the country, serving as information centers in 14 of the 24 oblasts throughout Ukraine and the autonomous Republic of Crimea in Ukraine.

The Council of Women Farmers of Ukraine provides assistance on a variety of issues, including legislation, financial management of farms, accounting, marketing, human resources management, business planning and business ethics, as well as scientific and specialized training. The council has also built an information and telecommunications network between its branch office information centers, training its members in the use of computers, email and the Internet. This assistance and training has enabled Ukraine’s women farmers to build private enterprises, thereby empowering rural women to effectively influence the governmental processes.

In recognition of the Council’s tremendous success thus far, I urge my colleagues to support similar programs with the intention of empowering rural women throughout the world, and in doing so, promote education, democratic development and financial and social stability.

Mr. Speaker, I congratulate the Council of Women Farmers of Ukraine on its success, I commend it for its courage and perseverance on this important commemorative day. Furthermore, I urge our friends in the Ukrainian Verkhovna Rada to recognize October 15th as Women Farmers of Ukraine on World Rural Women’s Day.

TRIBUTE TO REY MOTORS

HON. SCOTT McINNIS
OF COLORADO
IN THE HOUSE OF REPRESENTATIVES
Tuesday, October 15, 2002

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to pay tribute to a family business that has become an integral part of the West Glenwood, Colorado community. Through their commitment to friendly service and exceptional quality, Rey Motors, owned by Jeanne Rey and her son Allyn Rey, has evolved with the community into a successful and proud business. It is my privilege to honor them today before this body of Congress and this nation for the hard work that has gone into building a successful dealership.

Originally established under other owners in the 1950s, Rey Motors now celebrates 25 years within the Rey family. Jeanne’s late husband, Ernie, was a part of the business almost from the very start, working his way up under the different owners until finally buying the company in 1977. When Vail was still only a pasture, Ernie was taking cars out for farmers and ranchers to test drive at their homes.

The same commitment to Colorado values that Ernie incorporated into the Rey Motors lives on in the second generation of the Rey family. The tradition of molding the business to fit the community lives on as Jeanne and Allyn offer daily specials, as well as a casual sales floor atmosphere. Allyn has been a local volunteer fireman as well as a ski patrol volunteer at nearby Sunlight Mountain Resort. He and his wife of 20 years, Barbara, are raising a third generation of Reys through their children, Chris and Rachel.

Mr. Speaker, I stand today to pay tribute to Rey Motors and all the men and women who have made it a success. The Rey family, with the help of their knowledgeable employees and traditional friendly service, illustrate the values that keep our communities strong. I wish the entire crew at Rey Motors many more years of success.
Chamber Action

Routine Proceedings, pages S10401–S10481

Measures Introduced: Three bills and three resolutions were introduced, as follows: S. 3111–3113, S. Res. 340–341, and S. Con. Res. 153. Pages S10442–43

Measures Reported:

H.R. 1070, to amend the Federal Water Pollution Control Act to authorize the Administrator of the Environmental Protection Agency to carry out projects and conduct research for remediation of sediment contamination in areas of concern in the Great Lakes, with an amendment in the nature of a substitute. (S. Rept. No. 107–312)

S. 3059, to provide for the distribution of judgment funds to the Assiniboine and Sioux Tribes of the Fort Peck Reservation. (S. Rept. No. 107–313)

Report to accompany S. 2556, to authorize the Secretary of the Interior to convey certain facilities to the Fremont-Madison Irrigation District in the State of Idaho. (S. Rept. No. 107–314)

H.R. 3034, to redesignate the facility of the United States Postal Service located at 89 River Street in Hoboken, New Jersey, as the “Frank Sinatra Post Office Building”.

H.R. 3738, to designate the facility of the United States Postal Service located at 1299 North 7th Street in Philadelphia, Pennsylvania, as the “Herbert Arlene Post Office Building”.

H.R. 3739, to designate the facility of the United States Postal Service located at 6150 North Broad Street in Philadelphia, Pennsylvania, as the “Rev. Leon Sullivan Post Office Building”.

H.R. 3740, To designate the facility of the United States Postal Service located at 925 Dickinson Street in Philadelphia, Pennsylvania, as the “William A. Cibotti Post Office Building”.

H.R. 4102, to designate the facility of the United States Postal Service located at 120 North Maine Street in Fallon, Nevada, as the “Rollan D. Melton Post Office Building”.

H.R. 4717, to designate the facility of the United States Postal Service located at 1199 Pasadena Boulevard in Pasadena, Texas, as the “Jim Fonteno Post Office Building”.

H.R. 4755, to designate the facility of the United States Postal Service located at 204 South Broad Street in Lancaster, Ohio, as the “Clarence Miller Post Office Building”.

H.R. 4794, to designate the facility of the United States Postal Service located at 1895 Avenida Del Oro in Oceanside, California, as the “Ronald C. Packard Post Office Building”.

H.R. 4797, to redesignate the facility of the United States Postal Service located at 265 South Western Avenue, Los Angeles, California, as the “Nat King Cole Post Office”.

H.R. 4878, to provide for estimates and reports of improper payments by Federal agencies.

H.R. 5308, to designate the facility of the United States Postal Service located at 301 South Howes Street in Fort Collins, Colorado, as the “Barney Apodaca Post Office”.

H.R. 5333, to designate the facility of the United States Postal Service located at 4 East Central Street in Worcester, Massachusetts, as the “Joseph D. Early Post Office Building”.

H.R. 5336, to designate the facility of the United States Postal Service located at 380 Main Street in Farmingdale, New York, as the “Peter J. Ganci, Jr. Post Office Building”.

S. 1651, to establish the United States Consensus Council to provide for a consensus building process in addressing national public policy issues, with an amendment in the nature of a substitute.

S. 2239, to amend the National Housing Act to simplify the downpayment requirements for FHA mortgage insurance for single family homebuyers, with amendments.

S. 2527, to provide for health benefits coverage under chapter 89 of title 5, United States Code, for individuals enrolled in a plan administered by the Overseas Private Investment Corporation.

S. 2828, 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”.

S. 2840, to designate the facility of the United States Postal Service located at 120 North Main Street in Fallon, Nevada, as the “Rollan D. Melton Post Office Building”.

D1085
S. 2918, to designate the facility of the United States Postal Service located at 380 Main Street in Farmingdale, New York, as the “Peter J. Ganci, Jr. Post Office Building”.

S. 2929, to designate the facility of the United States Postal Service located at 265 South Western Avenue, Los Angeles, California, as the “Nat King Cole Post Office”.

S. 2931, to designate the facility of the United States Postal Service located at 5805 White Oak Avenue in Encino, California, as the “Francis Dayle ‘Chick’ Hearn Post Office”.

S. 2936, to amend chapter 84 of title 5, United States Code, to provide that certain Federal annuity computations are adjusted by 1 percent relating to periods of receiving disability payments, with an amendment in the nature of a substitute.

S. 3044, to authorize the Court Services and Offender Supervision Agency of the District of Columbia to provide for the interstate supervision of offenders on parole, probation, and supervised release.

Measures Passed:

**Feed America Thursday:** Senate agreed to S. Res. 341, designating Thursday, November 21, 2002, as “Feed America Thursday”.  

**Robert T. Stafford Disaster Relief Extension:** Senate passed S. 1632, to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to extend the deadline for submission of State recommendations of local governments to receive assistance for predisaster hazard mitigation and to authorize the President to provide additional repair assistance to individuals and households.

**Jobs for Veterans Act:** Committee on Veterans’ Affairs was discharged from further consideration of H.R. 4015, to amend title 38, United States Code, to revise and improve employment, training, and placement services furnished to veterans, and the bill was then passed, after agreeing to the following amendment proposed thereto:

Daschle (for Rockefeller) Amendment No. 4884, in the nature of a substitute.

**National Assessment of Educational Progress Authorization:** Committee on Health, Education, Labor, and Pensions was discharged from further consideration of H.R. 3801, to provide for improvement of Federal education research, statistics, evaluation, information, and dissemination, and the bill was then passed, after agreeing to the following amendment proposed thereto:

Daschle (for Kennedy) Amendment No. 4885, in the nature of a substitute.

**Election Reform Conference Report:** Senate began consideration of the conference report on H.R. 3295, to require States and localities to meet uniform and nondiscriminatory election technology and administration requirements applicable to Federal elections, to establish grant programs to provide assistance to States and localities to meet those requirements and to improve election technology and the administration of Federal elections, to establish the Election Administration Commission.

A unanimous-consent agreement was reached amending the order of October 11, 2002, with respect to the conference report; that the Senate will continue consideration of the conference report at 11:40 a.m., on Wednesday, October 16, 2002.

By unanimous consent, Senate receded from its amendment to the title.

A unanimous-consent agreement was reached providing that at 12 noon, on Wednesday, October 16, 2002, Senate will vote on the adoption of the conference report.

**Reporting of Appropriation Bills—Agreement:** By unanimous consent, Senate vitiated the pending cloture vote on the motion to proceed to consideration of S. Res. 304, encouraging the Senate Committee on Appropriations to report therein, fiscally responsible, bipartisan appropriations bills to the Senate not later than July 31, 2002, which was scheduled to occur at 12 noon, on Wednesday, October 16, 2002; that the Senate proceed to the consideration of the resolution upon the disposition of the conference report to accompany H.R. 5010, Department of Defense Appropriations Act.

**Defense Appropriations Conference Report—Agreement:** A unanimous-consent agreement was reached amending the order of October 11, 2002, with respect to the consideration of H.R. 5010, making appropriations for the Department of Defense for the fiscal year ending September 30, 2003; that the Senate will begin consideration of the conference report at 2:15 p.m., on Wednesday, October 16, 2002.

**Department of Veterans Affairs Emergency Preparedness Act:** Senate concurred in the amendment of the House to the amendment of the Senate to H.R. 3253, to amend title 38, United States Code, to provide for the establishment within the Department of Veterans Affairs of improved emergency medical preparedness, research, and education programs to combat terrorism, with a further amendment as follows:

Daschle (for Rockefeller) Amendment No. 4883, in the nature of a substitute.

**Messages From the House:**
Measures Placed on Calendar: Page S10441
Executive Communications: Pages S10441–42
Additional Cosponsors: Pages S10443–44
Statements on Introduced Bills/Resolutions: Pages S10444–51
Additional Statements: Pages S10439–40
Amendments Submitted: Pages S10451–72

Adjournment: Senate met at 10 a.m., and adjourned at 5:57 p.m., until 10:40 a.m., on Wednesday, October 16, 2002. (For Senate’s program, see the remarks of the Majority Leader in today’s Record on page S10481).

Committee Meetings

(Committees not listed did not meet)

NOMINATION

Committee on Armed Services: On Friday, October 12, Committee met in closed session to consider certain pending nominations, but did not take final action thereon, and recessed subject to call.

House of Representatives

Chamber Action:

Measures Introduced: Measures introduced will be found in the next issue.

Reports Filed: Reports were filed today as follows:

Filed on Friday, Oct. 11, H.R. 464, to establish the Kate Mullany National Historic Site in the State of New York (H. Rept. 107–743);

Filed on Friday, Oct. 11, H.R. 3148, to amend the Alaska Native Claims Settlement Act to provide equitable treatment of Alaska Native Vietnam Veterans, amended (H. Rept. 107–744);

Filed on Friday, Oct. 11, H.R. 4734, to expand Alaska Native contracting of Federal land management functions and activities and to promote hiring of Alaska Natives by the Federal Government within the State of Alaska, amended (H. Rept. 107–745);

Filed on Friday, Oct. 11, H.R. 4749, to reauthorize the Magnuson-Stevens Fishery Conservation and Management Act, amended (H. Rept. 107–746);

Filed on Friday, Oct. 11, H.R. 4844, to enhance ecosystem protection and the range of outdoor opportunities protected by statute in the Skykomish River valley of the State of Washington by designating certain lower-elevation Federal lands as wilderness, amended (H. Rept. 107–747);

H.R. 4757, to improve the national instant criminal background check system, and for other purposes, amended (H. Rept. 107–748);

S. 1339, to amend the Bring Them Home Alive Act of 2000 to provide an asylum program with regard to American Persian Gulf War POW/MIAs (H. Rept. 107–749, Pt. 1);

H.R. 5200, to establish wilderness areas, promote conservation, improve public land, and provide for high quality development in Clark County, Nevada, amended (H. Rept. 107–750);

H.R. 4840, to amend the Endangered Species Act of 1973 to ensure the use of sound science in the implementation of that Act, amended (H. Rept. 107–751);

H.R. 2386, to establish terms and conditions for use of certain Federal lands by outfitters and to facilitate public opportunities for the recreational use and enjoyment of such lands (H. Rept. 107–752, Pt. 1);

H.R. 4967, to establish new nonimmigrant classes for border commuter students (H. Rept. 107–753);

H.R. 2155, to amend title 18, United States Code, to make it illegal to operate a motor vehicle with a drug or alcohol in the body of the driver at a land border port of entry, amended (H. Rept. 107–754);

H. Res. 585, providing for consideration of H.J. Res. 123, making further continuing appropriations for the fiscal year 2003 (H. Rept. 107–755); and

H. Res. 586, waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules (H. Rept. 107–756); (See next issue.)

Speaker Pro Tempore: Read a letter from the Speaker wherein he appointed Representative Pence to act as Speaker pro tempore for today. Page H7899

Private Calendar: Agreed to dispense with the call of the Private Calendar. Page H7899

Recess: The House recessed at 12:33 p.m. and reconvened at 2 p.m. Page H7899

Suspensions: The House agreed to suspend the rules and pass the following measures:

Per-Pupil Expenditure Requirements: H.R. 5599, to apply guidelines for the determination of
per-pupil expenditure requirements for heavily impacted local educational agencies;

Persian Gulf War POW/MIA Accountability Act: S. 1339, to amend the Bring Them Home Alive Act of 2000 to provide an asylum program with regard to American Persian Gulf War POW/MIAs—clearing the measure for the President;

Border Commuter Student Act: H.R. 4967, to establish new nonimmigrant classes for border commuter students;

Our Lady of Peace Act: H.R. 4757, amended, to improve the national instant criminal background check system; and

Armed Forces Domestic Security Act: H.R. 5590, to amend title 10, United States Code, to provide for the enforcement and effectiveness of civilian orders of protection on military installations.

Suspension—Proceedings Postponed on Sober Borders Act: The House completed debate on the motion to suspend the rules and pass H.R. 2155, amended, to make it illegal to operate a motor vehicle with a drug or alcohol in the body of the driver at a land border port of entry. Further proceedings were postponed until Oct. 16.

Recess: The House recessed at 4:20 p.m. and reconvened at 6:57 p.m.

Meeting Hour—Wednesday, Oct. 16: Agreed that when the House adjourns today, it adjourn to meet at noon on Wednesday, Oct. 16.

Senate Messages: Message received from the Senate today appears on page H7899.

Quorum Calls—Votes: No quorum calls or recorded votes developed during the proceedings of the House today.

Adjournment: The House met at 12:30 p.m. and at 6:59 p.m. stands in recess subject to the call of the Chair.

Committee Meetings

FURTHER CONTINUING APPROPRIATIONS FISCAL YEAR 2003

Committee on Rules: Committee granted, by voice vote, a closed rule providing 1 hour of debate in the House on H.J. Res. 123, making further continuing appropriations for fiscal year 2003, equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. The rule waives all points of order against consideration of the joint resolution. The rule provides one motion to recommit. Finally, the rule provides that House Resolutions 550, 551, and 577 are laid on the table. Testimony was heard from Representative Obey.

SAME DAY CONSIDERATION OF RESOLUTION REPORTED BY COMMITTEE ON RULES

Committee on Rules: Committee granted, by voice vote, a resolution waiving clause 6(a) of rule XIII (requiring a two-thirds vote to consider a rule on the same day it is reported from the Rules Committee) against certain resolutions reported from the Rules Committee. The resolution applies the waiver to any special rule reported on the legislative day of Wednesday, October 16, 2002, providing for the consideration or disposition of a joint resolution making further continuing appropriations for the fiscal year 2003.

NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST, October 10, 2002, p. D1078)

S. 238, to authorize the Secretary of the Interior to conduct feasibility studies on water optimization in the Burnt River basin, Malheur River basin, Owyhee River basin, and Powder River Basin, Oregon. Signed on October 11, 2002. (Public Law 107–237)

S. 1175, to modify the boundary of Vicksburg National Military Park to include the property known as Pemberton’s Headquarters. Signed on October 11, 2002. (Public Law 107–238)

S. 1325, to ratify an agreement between the Aleut Corporation and the United States of America to exchange land rights received under the Alaska Native Claims Settlement Act for certain land interests on Adak Island. Signed on October 11, 2002. (Public Law 107–239)

H.J. Res. 122, making further continuing appropriations for the fiscal year 2003. (Public Law 107–240)

COMMITTEE MEETINGS FOR WEDNESDAY, OCTOBER 16, 2002

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Appropriations: Subcommittee on Treasury and General Government, to hold hearings to examine the appropriateness of U.S. companies moving their headquarters to offshore tax havens, 10 a.m., SD–192.

Committee on Armed Services: to hold closed hearings to examine the nomination of Maj. Gen. Robert T. Clark, USA, for appointment to the grade of lieutenant general
and to be Commanding General, Fifth United States Army, 2 p.m., SR–222.

Committee on Banking, Housing, and Urban Affairs: Subcommittee on International Trade and Finance, to hold hearings to examine U.S. policy and the role of the international community concerning instability in Latin America, 10 a.m., SD–538.

Committee on Foreign Relations: to hold hearings to examine the current situation in Angola, 10 a.m., SD–419.

Full Committee, to hold hearings to examine the nominations of Collister Johnson, Jr., of Virginia, and John L. Morrison, of Minnesota, each to be a Member of the Board of Directors of the Overseas Private Investment Corporation, 2:30 p.m., SD–419.

Select Committee on Intelligence: closed business meeting to consider the nomination of Scott W. Muller, of Maryland, to be General Counsel of the Central Intelligence Agency, 12 noon, S–216, Capitol.

House

Committee on the Judiciary, Subcommittee on Immigration, Border Security, and Claims, oversight hearing on “The United States and Canada Safe Third Country Agreement,” 2 p.m., 2237 Rayburn.

Committee on Veterans’ Affairs, hearing to review the Department of Veterans Affairs report on the National Cemetery system, 1 p.m., 334 Cannon.

Joint Meetings

Conference: meeting of conferees on H.R. 4546, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, 5 p.m., S–207, Capitol.
Next Meeting of the SENATE
10:40 a.m., Wednesday, October 16

Program for Wednesday: After the transaction of any morning business (not to extend beyond 11:40 a.m.), Senate will continue consideration of the conference report on H.R. 3295, Election Reform, with a vote on the adoption of the conference report to occur at 12 noon.

At 2:15 p.m., Senate will consider the conference report on H.R. 5010, Department of Defense Appropriations Act, with a vote to occur on the adoption of the conference report.

(Senate will recess from 12:30 p.m. until 2:15 p.m., for their respective party conferences.)

Next Meeting of the HOUSE OF REPRESENTATIVES
12 noon, Wednesday, October 16

Program for Wednesday: Consideration of H.J. Res. 123, making further continuing appropriations (closed rule, one hour of debate).

Extensions of Remarks, as inserted in this issue

HOUSE
Bentsen, Ken, Tex., E1874
Burton, Dan, Ind., E1867
Culberson, John, Tex., E1867
DeLauro, Rosa L., Conn., E1867
Dooley, Calvin M., Calif., E1873
Edwards, Chet., Tex., E1867
Eshoo, Anna G., Calif., E1869, E1870, E1873
Gekas, George W., Pa., E1869, E1870
Hayes, Robin, N.C., E1870, E1872
Hilliard, Earl F., Ala., E1872
McInnis, Scott, Colo., E1869, E1870, E1872, E1873,
E1873, E1874, E1874, E1875
Ney, Robert W., Ohio, E1868
Radanovich, George, Calif., E1868, E1873
Royce, Edward R., Calif., E1868
Sandlin, Max., Tex., E1868
Schaffer, Bob, Colo., E1874

(House proceedings for today will be continued in the next issue of the Record.)