

and, where appropriate, the private sector. The strategy must look at preparing the public health sector to detect and respond to terrorist attacks, at integrating military capabilities into our homeland security planning, at building emergency preparedness throughout all levels of Government and the private sector, and securing our critical infrastructure, much of which is in private hands.

While the Department of Homeland Security is central to our effort to protect the homeland, many critical components of the homeland security effort nonetheless lie outside the Department. An effective strategy must address all key homeland security programs, and should involve the cooperation of the Homeland Security Council and the President's Special Assistant for Homeland Security to assist the Secretary in gathering appropriate input from throughout the Federal government.

The Department of Homeland Security has made important strides in improving our homeland defenses. But in the face of ongoing threats of terrorist attacks on our homeland, we cannot afford anything less than our best effort. Today, we still lack strong direction on critical aspects of our homeland security effort. A new and more forceful national strategy will energize and organize our resources—at all levels of Government and within the private sector—to better meet the threats ahead.

Ms. COLLINS. Mr. President, I thank my colleague for his comments on this important issue, and rise to add my own remarks on the critical importance of building a strong homeland security strategy. As members of the Governmental Affairs Committee labored over legislation to create the Department of Homeland Security, we became well acquainted with the daunting array of programs and policies that are part of our homeland security effort. In creating the Department, and through efforts we have undertaken since that time, the committee has worked to help supply the Department of Homeland Security with the tools it will need to be successful. Our oversight work has demonstrated the need to have a strong national strategy to guide our homeland efforts. I agree with my colleague that GAO and others have identified ways in which our homeland security strategy could be strengthened and updated. This legislation will facilitate improvements by requiring that the administration lay out its homeland security strategy anew, and coordinate this strategy with its annual budget requests. This should bring out strategic vision into sharper view, and ensure that adequate resources are sought and secured to carry out homeland priorities.

#### FINANCIAL ACCOUNTABILITY

Mr. BINGAMAN. Mr. President, I would like to express my support for passage of H.R. 4259, the Department of Homeland Security Financial Account-

ability Act. This Act will apply the Chief Financial Officers Act of 1990 to the Department of Homeland Security, and will codify the existence of an Office of Program Analysis and Evaluation within the Department. This latter provision, which was not part of the Senate-passed companion bill, S. 1567, is an important one, and I would like to engage in a colloquy with the chair and ranking member of the Committee on Governmental Affairs to clarify what is and is not intended by this provision.

The Department of Homeland Security is charged with carrying out a wide range of activities related to our domestic security. In my view, it is probably the executive department with the broadest range of activities that need to be coordinated and reconciled from a programmatic standpoint. It is crucial that the Department have a robust programmatic coordination function at the highest level, and that this function have, at its base, a strong analytical capability for purposes of setting priorities among the disparate parts of the Department for purposes of budget formulation and execution. For this reason, the statutory creation of an Office of Program Analysis and Evaluation, and the mandate that it report no lower in the organization than directly to the new chief financial officer, is very sound.

There is another related function in the Department of Homeland Security that has been given a different placement by statute. That is the function of test and evaluation for developing homeland security priorities and for assessing specific technologies. Under section 302 of the Homeland Security Act of 2002, the Under Secretary for Science and Technology within the Department of Homeland Security was given statutory missions for, among other things, "assessing and testing homeland security vulnerabilities and possible threats," "testing and evaluation activities that are relevant to any or all elements of the Department" and "coordinating and integrating all research, development, testing, and evaluation activities of the Department." It is crucial that these testing and evaluation functions remain under the management of the Under Secretary for Science and Technology, because they need strong scientific management and focus. We cannot afford to spend constrained Federal funds for homeland security on approaches or technologies that are not technically sound, or that are not cost-effective compared to other technologies.

I do not believe that there is an inherent conflict between the new statutory office created by this bill and the existing statutory assignments in the Homeland Security Act. Offices like the proposed Office of Program Analysis and Evaluation exist in several executive departments, and are generally more focused on assessing programmatic directions, outcomes, resources, and priorities. The test and

evaluation function, in contrast, focuses more specifically on technical issues and relative technical merits. In the Department of Defense, for example, both functions are in distinct organizations that work together where appropriate to complement the different strengths and missions that each brings to the table. It would be my assumption that this is the outcome that Congress wants to see in the case of the Department of Homeland Security.

With this as background, I would like to ascertain from my colleagues, the chair and ranking member of the Committee on Governmental Affairs, if they agree with my understanding that the statutory creation of the new Office of Program Analysis and Evaluation is not meant to supersede or alter the testing and evaluation function that Congress has previously assigned to the Under Secretary of Homeland Security for Science and Technology.

Ms. COLLINS. The Senator is correct.

Mr. LIEBERMAN. The Senator is correct.

Mr. BINGAMAN. I thank my colleagues.

Mr. SESSIONS. I ask unanimous consent the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

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

The bill (H.R. 4259) was read the third time and passed.

#### CONGRATULATING AND COMMENDING THE VETERANS OF FOREIGN WARS OF THE UNITED STATES AND ITS NATIONAL COMMANDER-IN-CHIEF, JOHN FURGESS OF TENNESSEE

Mr. SESSIONS. I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 444, which was submitted earlier today by Senator FRIST.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 444) congratulating and commending the Veterans of Foreign Wars of the United States and its National Commander-in-Chief, John Furgess of Tennessee.

There being no objection, the Senate proceeded to consider the resolution.

Mr. SESSIONS. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to this matter be printed in the RECORD.

Mr. REID. I ask the Senator from Nevada, Mr. REID, be added as a cosponsor.

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

The resolution (S. Res. 444) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 444

Whereas the organization now known as the Veterans of Foreign Wars of the United States ("VFW") was founded in Columbus, Ohio, on September 29, 1899;

Whereas the VFW represents approximately 2,000,000 veterans of the Armed Forces who served overseas in World War I, World War II, Korea, Vietnam, the Persian Gulf War, Bosnia, Iraq, and Afghanistan; and

Whereas the VFW has, for the past 105 years, provided voluntary and unselfish service to the Armed Forces and to veterans, communities, States, and the United States, and has worked toward the betterment of veterans in general and society as a whole: Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes the historic significance of the 105th anniversary of the founding of the Veterans of Foreign Wars of the United States ("VFW");

(2) congratulates the VFW on achieving that milestone;

(3) commends the approximately 2,000,000 veterans who belong to the VFW and thanks them for their service to their fellow veterans and the United States; and

(4) recognizes the VFW's national Commander-in-Chief, John Furgess, for his service and dedication to the veterans of the United States.

#### BINDING ARBITRATION FOR SALT RIVER PIMA-MARICOPA INDIAN RESERVATION CONTRACTS

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of Calendar No. 652, H.R. 4115.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4115) to amend the Act of November 2, 1966 (80 Stat. 1112), to allow binding arbitration clauses be included in all contracts affecting the land within the Salt River Pima-Maricopa Indian Reservation.

There being no objection, the Senate proceeded to consider the bill.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

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

The bill (H.R. 4115) was read the third time and passed.

#### INDIAN CHILD PROTECTION AND FAMILY VIOLENCE PREVENTION ACT OF 2003

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 438, S. 1601.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1601) to amend the Indian Child Protection and Family Violence Prevention Act to provide for the reporting and reduction of child abuse and family violence incidences on Indian reservations, and for other purposes.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Indian Affairs, with an amendment to strike all after the enacting clause and insert in lieu thereof the following: (Strike the part shown in black brackets and insert the part shown in italic.)

S. 1601

*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 "Indian Child Protection and Family Violence Prevention Reauthorization Act of 2003".

#### SEC. 2. FINDINGS AND PURPOSE.

[Section 402 of the Indian Child Protection and Family Violence Prevention Act (25 U.S.C. 3201) is amended—

[(1) in subsection (a)—

[(A) by striking paragraph (1) and inserting the following:

["(1) finds that—

["(A) Indian children are the most precious resource of Indian tribes and need special protection by the United States;

["(B) the number of reported incidences of child abuse on Indian reservations continues to rise at an alarming rate, but the reduction of such incidences is hindered by the lack of—

["(i) community awareness in identification and reporting methods;

["(ii) interagency coordination for reporting, investigating, and prosecuting; and

["(iii) tribal infrastructure for managing, preventing, and treating child abuse cases;

["(C) improvements are needed to combat the continuing child abuse on Indian reservations, including—

["(i) education to identify symptoms consistent with child abuse;

["(ii) extensive background investigations of Federal and tribal employees, volunteers, and contractors who care for, teach, or otherwise have regular contact with Indian children;

["(iii) strategies to ensure the safety of child protection workers; and

["(iv) support systems for the victims of child abuse and their families; and

["(D) funds spent by the United States on Indian reservations for the benefit of Indian victims of child abuse or family violence are inadequate to combat child abuse and to meet the growing needs for mental health treatment and counseling for those victims and their families.";

[(B) in paragraph (2)—

[(i) by striking "two" and inserting "the";

[(ii) in subparagraph (B)—

[(I) by inserting after "provide funds for" the following: "developing a comprehensive tribal child abuse and family violence program including training and technical assistance for identifying, addressing, and decreasing such incidents and for"; and

[(II) by striking the period at the end and inserting a semicolon; and

[(iii) by adding at the end the following:

["(C) implement strategies to increase the safety of child protection workers;

["(D) assist tribes in developing the necessary infrastructure to combat and reduce child abuse on Indian reservations; and

["(E) identify and remove impediments to the prevention and reduction of child abuse on Indian reservations, including elimination of existing barriers, such as difficulties in sharing information among agencies and differences between the values and treatment protocols of the different agencies.";

[(2) in subsection (b)—

[(A) in paragraph (1), by striking "prevent further abuse" and inserting "prevent and prosecute child abuse";

[(B) in paragraph (2), by striking "authorize a study to determine the need for a central registry for reported incidents of abuse" and inserting "build tribal infrastructure needed to maintain and coordinate databases";

[(C) by striking paragraph (3);

[(D) by redesignating paragraphs (4), (5), (6), and (7) as paragraphs (3), (4), (5), and (6), respectively;

[(E) in paragraph (3) (as redesignated by subparagraph (D)), by striking "sexual";

[(F) in paragraph (5) (as redesignated by subparagraph (D)), by striking "Area" and inserting "Regional";

[(G) in paragraph (6) (as redesignated by subparagraph (D))—

[(i) by inserting "child abuse and" after "incidents of"; and

[(ii) by inserting "through tribally-operated programs" after "family violence";

[(H) by inserting after paragraph (6) (as redesignated by subparagraph (D)) the following:

["(7) conduct a study to identify the impediments to effective prevention, investigation, prosecution, and treatment of child abuse;"; and

[(I) by striking paragraph (8) and inserting the following:

["(8) develop strategies to protect the safety of the child protection workers while performing responsibilities under this title; and".

#### SEC. 3. DEFINITIONS.

[Section 403(3) of the Indian Child Protection and Family Violence Prevention Act (25 U.S.C. 3202(3)) is amended—

[(1) in subparagraph (A), by striking "and" at the end;

[(2) in subparagraph (B), by adding "and" at the end; and

[(3) by adding at the end the following:

["(C) any case in which a child is subjected to family violence;".

#### SEC. 4. REPORTING PROCEDURES.

[Section 404(b) of the Indian Child Protection and Family Violence Prevention Act (25 U.S.C. 3203(b)) is amended by adding at the end the following:

["(3) COOPERATIVE REPORTING.—If—

["(A) a report of abuse or family violence involves an alleged abuser who is a non-Indian; and

["(B) a preliminary inquiry indicates a criminal violation has occurred;

the local law enforcement agency (if other than the State law enforcement agency) shall immediately report the occurrence to the State law enforcement agency.".

#### SEC. 5. CENTRAL REGISTRY.

[The Indian Child Protection and Family Violence Prevention Act is amended by striking section 405 (25 U.S.C. 3204) and inserting the following:

#### ["SEC. 405. BARRIERS TO IMPLEMENTATION.

["(a) IN GENERAL.—The Secretary, in consultation with the Secretary of Health and Human Services and the Attorney General, shall conduct a study to identify impediments to the reduction of child abuse on Indian reservations.

["(b) MATTERS TO BE EVALUATED.—In conducting the study under subsection (a), the Secretary shall, at a minimum, evaluate the interagency and intergovernmental cooperation and jurisdictional impediments in investigations and prosecutions.

["(c) REPORT.—

["(1) IN GENERAL.—Not later than 180 days after the date of enactment of this paragraph, the Secretary shall submit to Congress a report that describes the results of the study under subsection (a).