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Senate

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2003

(Continued)

AMENDMENT NO. 4060

Mr. WYDEN. Mr. President, I call up amendment No. 4060 that I offer on behalf of myself and Senator SMITH of Oregon.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oregon [Mr. WYDEN], for himself and Mr. SMITH of Oregon, proposes an amendment numbered 4060.

Mr. WYDEN. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To authorize with an offset, $4,800,000 for personnel and procurement for the Oregon Army National Guard for purposes of Search and Rescue (SAR) and Medical Evacuation (MEDEVAC) missions in adverse weather conditions)

At the end of subtitle A of title X, add the following:

SEC. 1010. AVAILABILITY OF AMOUNTS FOR OREGON ARMY NATIONAL GUARD FOR SEARCH AND RESCUE AND MEDICAL EVACUATION MISSIONS IN ADVERSE WEATHER CONDITIONS.

(a) INCREASE IN AUTHORIZATION OF APPROPRIATIONS FOR ARMY PROCUREMENT.—The amount authorized to be appropriated by section 101(1) for procurement for the Army for aircraft is hereby increased by $3,000,000.

(b) AVAILABILITY.—Of the amount authorized to be appropriated by section 101(1) for procurement for the Army for aircraft, as increased by subsection (a), $3,000,000 shall be available for the upgrade of three UH–60L Blackhawk helicopters of the Oregon Army National Guard to the capabilities of UH–60Q Search and Rescue model helicopters, including Star Safire FLIR, Breeze-Eastern External Rescue Hoist, and Air Methods COTS Medical Systems upgrades, in order to improve the utility of such UH–60L Blackhawk helicopters in search and rescue and medical evacuation missions in adverse weather conditions.

(c) INCREASE IN AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PERSONNEL.—The amount authorized to be appropriated by section 421 for military personnel is hereby increased by $1,800,000.

(d) AVAILABILITY.—Of the amount authorized to be appropriated by section 421 for military personnel, as increased by subsection (d), $1,800,000 shall be available for up to 26 additional personnel for the Oregon Army National Guard.

(e) OFFSET.—The amount authorized to be appropriated by section 301(a)(1) for operation and maintenance for the Army is hereby reduced by $4,800,000, with the amount of the reduction to be allocated to Base Operations Support (Servicewide Support).

Mr. WYDEN. Mr. President, the Pacific Northwest must have a search and rescue capability. The vast expanses of Federal land in our part of the country mean our citizens constantly face the risk of disasters and accidents, far from help. Local communities, many of them with tiny populations, do not have the resources to provide search and rescue services to the extraordinarily large surrounding wilderness areas.

The amendment I offer this afternoon on behalf of myself and Senator SMITH is a compromise. It would not have been our first choice. In an effort to work with our colleagues and appeal to our colleagues on a bipartisan basis, we offer this compromise to preserve a search and rescue capability in our region. Without this capability, the Pacific Northwest faces the certain loss of lives for disasters, fires, and accidents that are unique to our region.

This amendment authorizes a total of $4.8 million to the Oregon National Guard to upgrade three Blackhawk helicopters of the National Oregon Guard to the capabilities of the UH–60Q search and rescue helicopters similar to upgrades in the past. It would increase the authorization for military personnel by $1.8 million to ensure the Oregon Guard can respond to emergencies that require rapid medical attention.

Particularly during this season we are concerned about the host of possibilities that can strike our local communities, tragedies we have already seen won in recent difficulties in our region. We cannot afford to play Russian roulette with the safety, health, and security of our citizens.

I urge my colleagues to support the Wyden-Smith amendment that we have worked on with both the majority and the minority for many days.

I reserve my time to speak later in the debate.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. SMITH of Oregon. I thank my colleague for being a partner in this cause to preserve in the Pacific Northwest a search and rescue capability.

Mr. President, I rise today to introduce an amendment with Senator WYDEN to preserve a truly invaluable search and rescue capability in the Pacific Northwest.

On May 30, all eyes in Oregon and across the nation watched as brave Oregonians put themselves in harms way to rescue climbers on Mt. Hood.

The rescuers included members of the Oregon National Guard, the Portland Mountain Rescue, and the Air Force Reserve 939th Air Rescue Wing, whose members have been lauded for scores of rescues on Mt. Hood and the Oregon Coast, not to mention rescues in our neighboring state of Washington. In fact this rescue wing volunteers for these types of rescues.

Recently, nine climbers were swept into a 20-foot deep crevasse on Mt. Hood. Tragically, three of the climbers did not survive, but the skills of the rescuers ensured that others would survive.

This rescue highlighted the skills of the Rescue Wing and the importance Oregonians place on the Wing's capabilities in the region. While adverse wind conditions most likely sent one of the helicopters into an inevitable crash, the highly skilled pilot of the 939th ensured that the crew survived and that all on the ground were unharmed.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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Just one week prior, the 939th rescued a sick climber from Mt. Hood's Sandy Glacier. I believe this rescue highlights the Wing's capabilities: Late in the evening, the 304th Rescue Squadron used its night vision capabilities to spot the climber at an elevation of 8,750 feet.

The Pave Hawk, equipped with a hoist, lowered down Steve Rollins of Portland Mountain Rescue onto the Glacier to assess the climber. After being secured to the hoist, the climber and rescuer were raised into the helicopter and transported to safety.

Mr. President, Oregonians were devastated to hear of Air Force plans to take away the 939th Search and Rescue Wing out of the state.

Oregonians realize that the 939th's mission is to rescue our brave men in combat. In fact, we believe that the members of the 939th are among the very best trained in the nation. We know this because we know the Oregon terrain and we have witnessed firsthand their skill under most challenging conditions.

My original amendment with Senator WYDEN would have prohibited the use of funds to take this search and rescue unit away from the Pacific Northwest. Senator WYDEN and I understand the committee members have a problem with this amendment and we therefore introduced another amendment that would not interfere with the Air Force's force structure.

The managers have told Senator WYDEN and me that they would support this compromise: it authorizes a total of $4.8 million for the Oregon National Guard to be able to perform this mission.

I appreciate the assistance from Senators WARNER, LEVIN, LOTT and STEVENS, and look forward to working with them on this important issue.

Mr. President, let me close by illustrating why this is so important to me and all Oregonians.

The pioneer spirit of the Oregon Trail did not end with the settlement of the valleys of Oregon. That spirit and bravery is very much still alive in my state.

But Oregonians cannot go any further west. They can only go up—into the skies and into the mountains. It is there that the modern-day pioneers meet with both triumph and tragedy, and their lessons are learned.

The lessons of last week on Mt. Hood are harsh one that remind us of human frailty and the unbending forces of nature.

Not unlike the tragic events of the last year, what I saw in the recovery on Mt. Hood also illustrates the bravery and compassion inherent in us all, and I want that spirit to continue in Oregon.

Mr. President, this is the spirit that is the bedrock of America's Armed Forces. It is clear to met that removing the 939th from Oregon would truly be a tragedy without a lesson.

Again, on May 30, Oregonians became aware of a unit called the 939th. Prior to that, very few Oregonians would have any idea it was there, even though throughout the year, every year, the 939th has saved people trapped in natural disasters or engaged in recreational activities or sometimes just going about their business.

Truly, what they saw on May 30 was a tragedy that unfolded on national television when nine hikers climbing Mount Hood lost footing, fell into a crevice in which a number of them were killed. Many different units, from police, the Oregon National Guard, and the Air Force 939th search and rescue, came to their rescue.

They volunteered to do this. The 939th is always training to be prepared to help in military situations. They say these real-life situations are truly the best training they can have. In the course of training, they have saved countless human lives.

About a year ago, Senator WYDEN and I were informed that the Air Force was to move the 939th from Oregon. I am not one to interfere with basing decisions of the Air Force. When this happened, it was clear to every Oregonian that we needed them. So Senator WYDEN and I tried to make the case a few weeks ago that they ought to stay. Senator MCCAIN of Arizona pointed out we should not be telling the Air Force where to base their people. I think he has a good point.

Senator WYDEN and I are offering a compromise to say, fine, let us have the upgrades in the helicopters. Let us have the personnel for the Oregon National Guard. By the way, these upgrades have been made available in most of the 50 States, but not Oregon. All we are saying is we need some military component in the Pacific Northwest. The 939th is going to Arizona. I do not begrudge that to my colleagues from Arizona. I love Arizona and I love my colleagues. My Udall ancestry is all from there and I want Arizonans to have all the search and rescue capability they need. But, doggone it, why take it from Oregon and say you cannot have any comparable replacement? We are talking peanuts here when it comes to issues of life and death.

So I plead with my colleagues to allow this authorization because the whole country had the case made for them on national TV when they saw this rescue effort tragically end in a crash but with no additional loss of human life.

I wish the 939th well as they go to Arizona. This $4.8 million that it takes to upgrade these helicopters and to provide some personnel is precious little to ask in an authorization as gargantuan as this. So I appeal to the hearts and the feelings of all 50 States. Don't leave the Pacific Northwest without this capacity.

I have the privilege of sitting in Mark Hatfield's seat. Mark Hatfield, for reasons of personal conscience, was not a big advocate of military expenditure. The military money went in other places. He brought other kinds of expenditures to Oregon, I grant you. But what little we have probably puts Oregon the 50th of 50 States in receiving military appropriations. I say $4.8 million is not too much to ask.

I yield the floor and ask for the consideration and votes of colleagues on both sides of the aisle.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. I have spoken to the proponents of this bill and Senators MCCAIN and KYL. I do not know how much more time the Senators from Oregon want. They originally told me they wanted about 10 minutes. I think they used about that. The Senators from Arizona indicated they would take about 15 minutes, 20 at the most—10 for Senator KYL and Senator MCCAIN, in reverse order.

I am not asking unanimous consent at this time, but I hope that would be about all we need to talk on this amendment. We will have a vote on it. We were very close at one time to final passage. We will propound some unanimous consent requests in the near future, but I am indicating to Senators, maybe there will not be too much more talk on this?

Mr. WYDEN. Will the Senator yield?

Mr. REID. I am happy to yield.

Mr. WYDEN. It is not clear to me what the Senators from Arizona intend. Certainly I understand the desire of the distinguished Senator from Nevada to move expeditiously. I think both of us will try to do that.

Mr. MCCAIN. If the Senator will yield, I say to Senator REID we are going to have to, because of a previous unanimous consent agreement, get unanimous consent to allow a second-degree amendment to be considered. That would have to be the first order for us, to be able to get that.

Mr. REID. I understand.

Mr. MCCAIN. We were seeking that because we were under the impression, clearly a false one, that the Wyden-Smith amendment would be ruled, postcloture, nongermane. The Wyden-Smith amendment is germane so we had wanted to propose a second-degree amendment. If one of the Senators from Oregon objects, then obviously we hear the objection.

Could I be recognized, Mr. President?

The PRESIDING OFFICER (Mr. CARPER). The Senator from Arizona.

Mr. MCCAIN. I ask unanimous consent a second-degree amendment on behalf of myself and Senator KYL, to the Smith amendment, be taken up at this time.

Mr. WYDEN. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. MCCAIN. Mr. President, I regret Senator WYDEN chooses to take what I think is an unwise course because I have to tell Senator WYDEN now that I will fight in the conference—and I will be a conferee—to have it either amended as we want it done or to take it out completely.

I think I may have the support of my colleagues because it really is unreasonable of Senator WYDEN to object because it was clear, and everybody is clear, that we were under the impression that the amendment was nongermane. We would have filed a second-degree amendment if it had been germane.

I do not question the choice of the Senator from Oregon, but I can assure the Senator from Oregon that, No. 1, Senator KYL and I could care less whether it went to Arizona or Alaska or New Jersey. I have steadfastly opposed micromanaging any of the services.

By the way—Senator KYL is going to want to talk about this a little bit—it is up to $69,000 per person we are going to expend on this, which is quite a remarkable expense that they have.

Second, if the Oregon National Guard wants to spend money, let them take it out of their existing funds. They are perfectly capable, under their budgetary and decisionmaking process, to make a decision that they want to upgrade their aircraft with the existing funds that they have.

I do not think Senator KYL and I would demand a vote on this. I will leave it up to Senator KYL. But I assure Senator WYDEN I would not have treated him in the same fashion. But I yield the floor.

Mr. WYDEN. Will the Senator yield?

Mr. MCCAIN. I have already yielded the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, I want to make clear how extensive the efforts have been on the part of Senator SMITH and myself to work with the Senator from Arizona, to work with all of our colleagues on this issue. We have tried again and again. The distinguished Senator——

Mr. MCCAIN. Will the Senator yield on that point? Has the Senator ever said a word directly to me about his amendment?

The PRESIDING OFFICER. The Senator has the floor.

Mr. WYDEN. If I might finish? The fact is, we have come to the distinguished Senator from Arizona and discussed this several times. In fact, we discussed it at some length the night the Senator was unwilling to support another bipartisan effort to reach out to the distinguished Senator. I want to make it clear, I think he knows——

Mr. MCCAIN. Will the Senator yield on that point? Will the Senator yield on that point?

Mr. WYDEN. I will be glad to yield as soon as I finish.

Mr. MCCAIN. I didn't think he would.

Mr. WYDEN. I will be happy to yield to my colleague. As he knows from our work on the Senate Commerce Committee, I worked with the Senator from Arizona again and again because I appreciate his counsel and his wisdom. Yes, we have talked about this subject. We talked about it, in fact, the night that Senator SMITH and I tried another effort to come up with a bipartisan approach that would satisfy the Senator from Arizona. Today, we do feel that we have to go forward and protect our constituents.

People in Arizona are, in fact, going to be protected. As Senator SMITH said, the 939th is going to go to Arizona. That means the two Senators from Arizona, both of whom I value as good friends and worked with on many subjects, are going to have protection for their constituents.

What we have said is, now that Arizona is going to be protected, let us try another approach, an approach that is not injurious to the Senators from Arizona, so that our citizens, in an area where there are vast amounts of Federal land and great risks for our citizens, can also be protected. So it is in that context that I seek to have this move forward today in conjunction with Senator SMITH.

Finally, as I yield to my good friend from Arizona, I want to say to him that I will continue to work with him on this issue and virtually everything else that conceivably comes before the U.S. Senate because I value his input and his counsel.

We have worked together on a whole host of questions. Now, if the Senator from Arizona desires me to yield to him, I am glad to yield to the distinguished Senator.

Mr. MCCAIN. I thank my friend from Oregon. The fact is I have never had a direct conversation with the Senator from Oregon on this issue. He knows it and I know it.

Mr. WYDEN. I have to reclaim my time to say that is factually wrong. The night we tried to have the compromise, we in fact talked about it on several occasions.

Now I am happy to yield further to the Senator from Arizona.

Mr. MCCAIN. I yield the floor, Mr. President.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Let me say, first of all, it gives me no great pleasure to oppose an amendment offered by two of my best friends in the Senate, one Republican and one Democrat, good colleagues with whom we have worked on a lot of things.

This is not a matter of Arizona v. Oregon. It came to my attention on the night the senior Senator from Oregon was mentioning that there was an objection to the inclusion of an item in the managers' amendment to the supplemental appropriations bill which a number of Senators—Senator GRAMM of Texas, our colleague Senator MCCAIN, and I believe some others in this part of the Chamber were going through the managers' amendment to the supplemental appropriations bill. We objected to a whole variety of amendments which attempted to either spend money or micromanage money in ways inappropriate in our view at that time.

That is when this matter first came to my attention because a Member of the other side mentioned to me there was a managers' relating to the State of Arizona. Naturally, I was curious when I saw that the Air Force's 939th unit was going to be moved from Oregon to Arizona and that the amendment of the Senator from Oregon would have stopped that. I didn't know about it at the time. We objected to that and a variety of other things because we believed it was inappropriate to be on the supplemental appropriations bill.

Now our colleagues from Oregon have determined that they should not interfere with the movement of that unit to Arizona. But they want to make up for its loss through the amendment they are presenting here—I think that is a fair way to present it—as a result of which they want to take $3 million from the Army's active-duty operations and maintenance account for upgrades of helicopters; $3 million will be spent for procurement of helicopters and $1.8 million for the 26 Oregon National Guard personnel.

If I am incorrect, correct me. I believe those numbers are correct.

The fact that I don't view this as Arizona v. Oregon is illustrated by the fact that the unit will move to Arizona, and Arizona is no worse off.

I speak on this matter having nothing in terms of a parochial interest involved but, rather, because I have taken President Bush and Secretary Rumsfeld at their word. And Senator MCCAIN and I have worked for many months—in fact, a number of years, even before President Bush came into office—trying to preserve as much in the way of funding for our military as possible to be spent in an efficient way and not be wasted.

It is one reason we both support and are cosponsors of the base closing amendment, notwithstanding the fact that it jeopardizes at least one or maybe two Air Force bases. In at least one round, we had a major base closed. We are willing to take that risk for the State of Arizona because we believe we are United States Senators and we have an interest first to protect the United States of America and to protect our constituents to the extent we can. But when it comes to national security and national defense, we don't play around with it. I don't put parochial interests ahead of the interests of America in its defense.

When the President says, I don't have enough money for defense and I have to spend every nickel we get in the wisest possible way, and when the Secretary of Defense says, I am going to husband these resources and allocate them in the following way, then I don't think it is a good idea for Congress to say, because we want something for our home State, we are going to take money out of the Army's active-duty operations and maintenance account—almost $5

million—and put it into our State because we want a search and rescue mission for people who get into trouble in our beautiful mountains.

That is not right. I have no doubt that the local communities around Mount Hood and some of these other areas may not have the tax base to pay for this themselves. But the State of Oregon is on television—I have seen the ads, and they look great because they happen in the prettiest country in the world. You see the ads: ''Come to Oregon''—I believe it is. I won't give the exact quotation of the ad. But they are very effective ads.

There is a great deal to come to Oregon for. Their beautiful mountains are part of that. If the State of Oregon, I think, with its multimillion-dollar budget—over a billion-dollar State budget—has enough money to urge people to come to the State of Oregon to enjoy its beauties, then I think they also have the ability to provide for their safety when they are there if $4.8 million is the difference; in other words, to provide some mechanism for the State to be sure people needing rescue on the side of a mountain could be rescued.

I have no idea what this unit is going to be doing in Arizona. We don't have big, beautiful snowcaps. We have a couple of them, but not the same kind of tourist attractions as the mountains in Oregon. The training, I believe, could be for the number of illegal aliens who come across the border to be rescued. About 50 or 60 have died already this year. Maybe that is what they intend to do. But I don't know. That is really, in a way, beside the point.

Neither State, nor any other State, should be seeking to take active-duty account money from the Defense Department and using it for what is a parochial need. I don't say parochial in a negative sense, but a local need, a need that could be satisfied by the people of the State.

That is reason for our opposition. It is not an Arizona v. Oregon issue, as the Senator from Oregon was himself being very clear. We don't believe we should be micromanaging the military, let alone taking money from the active-duty accounts.

I regret we are not able to offer the second-degree amendment because that would have prevented this, in effect. But it would require people from Oregon to make some choices about the $9 million we just added last night in this bill for Oregon. They will be able to move that money around and make the choices themselves as to where they want to get the funding. But it wouldn't have to come from active-duty accounts.

I hope if this amendment is adopted—I urge my colleagues not to allow it to be adopted—that there will be some discussion along the lines the Senator from Oregon was alluding to earlier. I don't think at the end of the day, as it is going right now, this is going to result in a conclusion that will be desirable from the standpoint of our colleagues from Oregon.

I appreciate what they are trying to do. Again, it gives me no pleasure to oppose them. But I think, if we have any concern at all about our active-duty troops, if we have any concern about spending money wisely, and keeping U.S. Federal military missions focused on our military and not the parochial needs of individual States to rescue people who may get into trouble, we should keep our eye on that ball, vote against this amendment, and allow the Defense Department to spend the money the way it wants to and help the State of Oregon get its funding in some other way.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. SMITH of Oregon. Mr. President, I would like to tell the Senator exactly what the 939th will do in Arizona. They will train. They will look for opportunities to help in a civic way to be relevant to the people of Arizona and to rescue them because they want to be ready for combat situations. So they are going to look for opportunities to save the lives of Arizonians. God bless them in that effort.

What is the Defense budget? Probably $300 billion which we are going to vote for, and we are talking about $4.8 million.

I think what is really lost in my friends' comments is the role of the National Guard and the national defense. It is growing. It is not declining. National Guard people are looking all the time to do the same thing as the Air Force's 939th unit.

To suggest that somehow the Oregon National Guard is irrelevant to the national defense is just demonstrably false. As we speak, there are many Oregon National Guard units in Bosnia, Kosovo, and Afghanistan. They are deployed. I think the National Guard's role is growing. It is not diminishing.

To have these kinds of capacities, which many other States have, in Oregon is entirely reasonable, and it is entirely fair. I don't begrudge the Air Force moving the 939 to Arizona.

I am not sure I am very comfortable hearing that out of $300 billion, the Air Force can't allow $4.8 million for the State of Oregon when Oregonians are taxpayers too. We contribute to the national defense, and we get less in defense dollars than probably any State in America. Is that right? I say it is wrong. I say we ought to get some help here today on the floor of the Senate.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, I wish to pick up on a remark of the Senator from Arizona. Again, he knows how much I enjoy working with him. We have worked together on the forest fires and a whole host of issues that are important.

I wish to address my friend's comments with respect to the contribution Oregon makes to our national security and why Senator SMITH and I see this as being important to our military and why it is a very constructive expenditure as it relates to the military.

For example, my colleague from Arizona said our State does not have high mountains. Well, the State of Oregon does. The State of Oregon—and we are very proud of them—have many high mountains. Those high mountains are part of a very good training ground for our military.

The Department of Defense has consistently said—as both of the Senators from Arizona know because they are very knowledgeable in military policy—that we ought to, as a nation, be strengthening our search and rescue capability.

I think my good friend, Senator KYL, has pointed out one of the aspects that Arizona lacks and with which Oregon can assist, and that is training as it relates to dealing with rescues from high mountains. The fact is, the people in the Northwest have been trained to rescue men and women wounded in combat. The value to our Nation of having this national training ground and this capability is a central reason why we are in support of this effort.

I am very hopeful that our colleagues will approve our bipartisan amendment.

I want to wrap up by way of saying I certainly do not consider this an Oregon against Arizona kind of battle. I am going to continue to work with both of my colleagues on this issue, but it seems to me that when we have tried to be considerate of the State of Arizona throughout this process, we would just hope that our colleagues would be willing to address these concerns that our constituents have, especially when we are showing that the contribution that Oregonians make is a contribution that advances our national security, advances our military well-being, and particularly makes a contribution that Senator KYL has said cannot be made in terms of training people in Arizona.

Mr. President, I yield at this time and reserve the right to respond to comments that might be made further.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, the Pentagon says: The Pacific Northwest will continue to have a ''very robust rescue capability.'' There are 109 rescue-capable helicopters in the Pacific Northwest and units on alert in Salem and Astoria. Assets include CH–47s on alert for high-altitude rescue, recovered mishap HH–60. Long-range, over-water missions are covered by the California Air National Guard.

In summary:

> The Pacific Northwest will continue to have a very robust search and rescue force even after the assets from the 939th wing are moved to active duty units.

I have to tell the Senator from Oregon, the 939th is moving to active duty units in Arizona. It will not be practicing on civilians. There are two major bases in Arizona: Luke Air Force Base and Davis Monthan Air Force

Base. They will be there ready to conduct search and rescue missions in case those many training flights that take place from both those bases suffer a mishap. That is what they will be doing.

They will also be patrolling our border from time to time because, as Jon said, people have died crossing the desert. But their primary mission will be to support the flight operations out of two major Air Force bases.

Mr. SMITH of Oregon. Will my colleague yield?

Mr. MCCAIN. Sure.

Mr. SMITH of Oregon. I say to my friend—and I really mean that—you made my point. They will be focused on military missions. They will volunteer for these real-life rescue missions. They will save people in the desert.

Mr. MCCAIN. They won't volunteer.

Mr. SMITH of Oregon. They do volunteer. That is what they do in Oregon.

Mr. MCCAIN. They are an active duty unit now when they move.

Mr. SMITH of Oregon. All the helicopters you just named—all those helicopters—we are just asking them to get the upgrade. Other States have received them. We have not.

Mr. MCCAIN. I thank my colleague.

We have probably wasted way too much of the Senate's time on this issue.

One, the administration opposes it. And the Army opposes it. The Army says, you are taking the money out of the U.S. Army's operating funds, which they badly need. According to them, insufficient infrastructure funding decreases readiness. They do not have enough money. And now you are going to take the money out of operations and maintenance for our active duty men and women—active duty men and women—in the military, and you are going to move it to the Guard.

All we are saying is—if you and your colleague would have allowed us—take the money out of the Guard units; shift it around to your own priorities in the National Guard. That seems eminently fair to me.

The Guard is very well funded. You are talking about the overall funding. The Guard is very well funded as well. I am not going to take too much more time on this.

The administration opposes it. The Army opposes it. We oppose it. It is something, frankly, that is unnecessary. To have this kind of transfer of funds, when our active duty military is already very short of funds, I think is a mistake.

Again, I think we could have solved this very easily with a second-degree amendment, if it had been allowed, that the money would have been taken out of existing Guard funds. Then you could upgrade it or do whatever you wanted to with Guard funds instead of taking it away from the men and women in the military.

I will tell the Senator from Oregon, there are too many people living in barracks that were built during the Korean war. There are too many people who are on active duty who have insufficient housing, lifestyles, quarters, and other basic amenities of life. And we are an all-volunteer force.

You are taking the money from the active duty personnel in order to satisfy what your perceived needs are of the Guard in the State of Oregon. I do not think that is fair to the active duty men and women in the military.

I yield the floor. And I don't think we have any further debate.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, just to be very brief, with regard to the amount of time the Guard has spent overseas, they might as well be active duty people. These are people who have served our country with extraordinary valor all over the world. They could just as well be called active duty military.

I hope our colleagues support this bipartisan amendment.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 4060.

The amendment (No. 4060) was agreed to.

Mr. LEVIN. Mr. President, we have one amendment which has been cleared.

Mr. WARNER. Mr. President, do we have that amendment reconsidered and tabled?

Mr. REID. I move to reconsider the vote.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4077, AS MODIFIED

Mr. LEVIN. Mr. President, I call up amendment No. 4077, on behalf of Senators MILLER and CLELAND, and send a modification of the amendment to the desk.

The PRESIDING OFFICER. Is there objection to the amendment being modified?

Mr. WARNER. There is no objection.

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

The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. MILLER, for himself and Mr. CLELAND, proposes an amendment numbered 4077, as modified.

Mr. LEVIN. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

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

The amendment, as modified, is as follows:

(Purpose: To authorize $1,900,000 for procurement for the Marine Corps for upgrading live fire range target movers and to bring live fire range radio controls into compliance with Federal Communications Commission narrow band requirements)

In subtitle C of title I, strike ''(reserved)'' and insert the following:

SEC. 121. MARINE CORPS LIVE FIRE RANGE IMPROVEMENTS.

(a) INCREASE IN AUTHORIZATION OF APPROPRIATIONS.—The amount authorized to be appropriated by section 102(b) for procurement for the Marine Corps is hereby increased by $1,900,000, with the amount of the increase to be allocated to Training Devices.

(b) AVAILABILITY.—(1) Of the amount authorized to be appropriated by section 102(b) for procurement for the Marine Corps, as increased by subsection (a), $1,900,000 shall be available as follows:

(A) For upgrading live fire range target movers.

(B) To bring live fire range radio controls into compliance with Federal Communications Commission narrow band requirements.

(2) Amounts available under paragraph (1) for the purposes set forth in that paragraph are in addition to any other amounts available in this Act for such purposes.

(c) OFFSETTING REDUCTION.—The amount authorized to be appropriated by section 103(1) for the C–17 interim contractor support is reduced by $1,900,000.

Mr. LEVIN. Mr. President, this amendment, as modified, would add, with an offset, $1.9 million for buying upgrades for Marine Corps training devices to support live-fire training and live-fire range control systems.

I believe the amendment has been cleared.

Mr. WARNER. Mr. President, the chairman is correct.

The PRESIDING OFFICER. Without objection, the amendment, as modified, is agreed to.

The amendment (No. 4077), as modified, was agreed to.

Mr. LEVIN. I move to reconsider the vote.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. REID. Mr. President, I renew my previous unanimous consent request.

The PRESIDING OFFICER. Is there objection?

Mr. WARNER. Our Republican leader has reviewed this and approves it.

Mr. REID. It is two pages long. I did not want to read it again. It is spread on the RECORD. I send a copy of it to the desk in case there is any misunderstanding.

I ask approval of the unanimous consent request.

The PRESIDING OFFICER. Is there objection?

Hearing none, it is so ordered.

Mr. REID. Mr. President, we are going to have the vote on final passage at 3:15. As most know, Secretary Rumsfeld is going to be here at 2:45 for a short period of time. But that will give everyone time to visit with him. Then we would start a vote at 3:15.

NUNN-LUGAR EXPANSION ACT

Mr. LUGAR. Mr. President, I rise today to engage in a colloquy with the chairman of the Armed Services Committee, Senator LEVIN, and the chairman of the Foreign Relations Committee, Senator BIDEN, to discuss the legislative intent of the Nunn-Lugar Expansion Act.

I appreciate Chairman LEVIN's strong support for my bill. Under his leadership the Armed Services Committee adopted the bill and included it as section 1203 of the fiscal year 2003 Authorization bill. Furthermore, Chairman

BIDEN is a cosponsor of the bill and his support is critical to the successful implementation of the nonproliferation authorities provided to the Secretary of Defense.

Section 1203 seeks to capitalize on the unique nonproliferation asset the Nunn-Lugar Program has created at the Department of Defense. An impressive cadre of talented scientists, technicians, negotiators, and managers has been assembled by the Defense Department to implement non-proliferation programs and to respond to proliferation emergencies. Equally impressive credentials are held by other agencies such as the Department of Energy, State Department, and Nuclear Regulatory Commission. Section 1203 acknowledges the unique skills held by various agencies and seeks to broaden the President's menu of response options. Our legislation rejects a ''one size fits all'' response and provides another department with the authorization to respond to a proliferation threat.

As the United States and our allies have sought to address the threats posed by terrorism and weapons of mass destruction in the aftermath of September 11, we have come to the realization that, in many cases, we lack an appropriate assortment of tools to address these threats. Beyond Russia and other states of the former Soviet Union, Nunn-Lugar-style cooperative threat reduction programs aimed at weapons dismantlement and counter-proliferation do not exist. The ability to apply the Nunn-Lugar model to states outside the former Soviet Union would provide our President with another tool to confront the threats associated with weapons of mass destruction.

If the President determines that we must move more quickly than traditional consultation procedures allow, the legislation provides that authority to launch emergency operations. We must not allow a proliferation or WMD threat to ''go critical'' because we lacked the foresight to empower the President to respond with a variety of options.

In the former Soviet Union the value of being able to respond to proliferation emergencies has been clearly demonstrated. Under Nunn-Lugar the U.S. has undertaken time-sensitive missions like Project Sapphire in Kazabstan and Operation Auburn Endeavor in Georgia that have kept highly vulnerable weapons and materials of mass destruction from being proliferated. But these endeavors have also illustrated the inherent problems of the inter-agency process in addressing time sensitive threats. We have seen on more than one occasion that teams of lawyers haggling over agency prerogatives and turf have delayed responses to critical threats. We must not allow this to continue. We cannot permit the intersection of terrorism and weapons of mass destruction.

This type of scenario does not mean Congress will abandon its oversight responsibilities or the Administration should be continue and coordinate its actions to ensure the most seamless and effective response. Section 1203 requires extensive reporting requirements if action is taken under emergency circumstances. Furthermore, this legislation is not a blank check. We expect this legislation to be implemented with close consultation between relevant agencies. But at the same time, the legislative authority provided therein enables the President to avoid inter-agency logjams that would retard urgent American action.

Mr. BIDEN. I am delighted to join with my dear friend and colleague, Senator LUGAR, in supporting section 1203 of this bill. The Nunn-Lugar program and the several nonproliferation programs that have developed over the last decade were born in the need to secure excess weapons and dangerous materials and technology in the former Soviet Union. They have not yet fully achieved that objective, but they have accomplished far more than anybody other than Senators NUNN and LUGAR foresaw a decade ago, The record of former Soviet weapons and materials secured and destroyed, and of former weapons scientists given useful and honorable work, is a testament to the importance of positive incentives in foreign and strategic policy.

Proliferation is a worldwide threat, and there are sensitive materials and technology in many countries. Section 1203 is rightly designed to permit Nunn-Lugar activities the former Soviet Union, when there are opportunities to ensure that sensitive materials will never be acquired by rogue status of terrorists.

I am pleased that Senator LUGAR spoke of the need to give the President the authority to act in such cases. The current language of section 1203 could be construed to permit the Secretary of Defense to pursue such opportunities on his own, absent specific direction from the President. In my view, that might invite the Secretary of Defense to initiate sensitive foreign activities without the knowledge or support of the Secretary of State. I understand that this was not the intent of the managers, Senator LUGAR, or cosponsors of this bill. Because this was clearly not the intent, I understand the managers will work to clarify the language of section 1203 in conference so as to make clear that the authority to order these operations resides in the President, not in the Secretary of Defense. That will be a very useful contribution, and I commend them for it. I understand also that the conferees will make clear that the authority to draw funds from other programs will extend only to other Department of Defense programs, and I appreciate that clarification.

I would hope that the managers of the bill would also see fit to broaden the list of receipts of the reports required by section 1203. The Foreign Relations Committees of Congress have a legitimate interest in knowing when sensitive non-proliferation programs are to be instituted overseas. I understand that this concern will be kept in mind in conference, and I thank the managers for that courtesy.

Mr. LEVIN. I want to thank the sponsors of the legislation that was included as section 1203 in the fiscal year 2003 National Defense Authorization bill for bringing this matter to my attention. Of course the responsibility to initiate and expand the type of activities provided for in section 1203 of the bill rests ultimately with the President. As you are the original sponsors of this provision, I will honor your request and will urge the conferees to make the needed changes during the conference process.

THE PRICE-ANDERSON ACT

Mr. SMITH of New Hampshire. Mr. President, in March of this year, when we passed the energy bill, Senator VOINOVICH offered an amendment to reauthorize the Price-Anderson Act that passed overwhelmingly 78–21. The Price-Anderson Act expires on August 1, 2002. This act sets up a system of insurance and indemnification to protect the public against losses stemming from nuclear accidents. It has served the nation well since the 1950s and has been reauthorized three times. Price-Anderson has been amended over the years so that the utility industry that operates nuclear reactors is charged premiums for this insurance. The private Department of Energy (DOE) contractors that are involved in strategic weapons production, clean up of national security sites, nuclear research and technology, as well as other related national priorities are indemnified by the government. In keeping with the directions in the current law both the DOE and the Nuclear Regulatory Commission (NRC) have issued reports urging renewal. The provisions of the Voinovich amendment to the energy bill to reauthorize this legislation were crafted in consonance with these reports. In the Defense authorization bill we are now considering, there is a provision to only renew the authority for the private DOE contractors. There is strong justification for doing so, since a lapse in the authority will affect important cleanup and defense programs as I mentioned before. Private industry must be indemnified properly before undertaking these important national projects. Reauthorization is vital to national defense and must be considered on ''must do'' legislation such as the defense bill. However, the NRC provision of Price-Anderson, one that falls under the jurisdiction of the Environment & Public Works Committee, is not included in this bill. Historically, in the reauthorization of Price-Anderson, we have never separated the DOE contractor provision from the NRC licensee provision. The three previous renewals of Price-Anderson have extended both the DOE and NRC portions of the Act at

the same time for identical time periods. As the ranking member of the Environment & Public Works Committee and as a senior member of the Armed Services Committee, it was my hope that we could ensure that these two provisions of Price-Anderson be moved through the legislative process as one package, and not be separated. Due to the need of keeping non-military provisions off of the Defense Authorization bill while the bill is under consideration by the Senate, adding the NRC provision of Price-Anderson will not be possible at this time. However, it is certainly the hope of this Senator that the DOE and the NRC provisions of Price-Anderson remain on as close of a parallel legislative tracks as is possible, however that can be accomplished.

Mr. INHOFE. I am in complete agreement with my colleague. Should we let this authority lapse, it will jeopardize national security programs. Therefore, we must act in this bill with the provisions that cover the private DOE contracts. However, we must try to get the entire act renewed as recommended by the administration and the agencies that have help to develop, modify and oversee its activities over the past nearly half century that have served us so well. I strongly believe that it vital to pass full and comprehensive reauthorization of the Price-Anderson Act. The law has worked well and has been considered a model in other countries. It insures against terrorism against the plants and has been studied in an attempt to help fashion the terrorism insurance recently passed in this body. I would urge that we do what we can in this body to get Price-Anderson renewed in the most expeditious fashion. I want to thank my colleagues on both the Armed Services Committee and the Environment and Public Works Committee, of which I am the ranking member of the Nuclear Subcommittee, and I look forward to working with them so that we may pass comprehensive Price-Anderson reauthorization during the 107th Congress.

Mr. VOINOVICH. I Thank my colleagues for their commitment to this issue that is of the utmost national importance. I add my support to the idea that we should keep the pieces of this legislation together. I certainly agree that we should make certain that our private DOE contractors do not experience a protracted lapse in authority that will surely delay the implementation of important programs. But I want to point out that energy security and national security are very much related, and both are integral parts of our overall economic security. Nuclear power, science and technology are vital to this country. Nuclear generation provides 20 percent of our electricity and is the largest contributor to avoiding emissions. If we are to meet the future demands for electricity we will have to build more nuclear plants to augment the present fleet. All over the world, nations are considering building new nuclear facilities. The current administration wants to move forward with new plants that use new, more efficient nuclear technologies that reduce the volume of spent fuel and have even more safety features than the current plants which have unparalleled safety records. The original law was put together to support both aspects of nuclear operations. They have worked very well together. I would agree with my fellow Senators who have just spoken on this matter. I was proud to have introduced the original Price-Anderson reauthorization bill and was very pleased when the Senate voted overwhelming to include my Price-Anderson amendment on the energy bill. It is important that we reauthorize the entirety of this statute and I look forward to continuing to work with my fellow Senators to ensure that the Price-Anderson Act is reauthorized this Congress.

Mr. WARNER. I agree with my colleagues that reauthorization of Price-Anderson, both for DOE contractors and for NRC licensees is a priority for the Nation. I am hopeful that these two provisions to extend Price-Anderson will soon be enacted into law.

Mr. ALLARD. Mr. President, we just passed an amendment which will require the Missile Defense Agency to provide yet another report. While we accepted this amendment, I believe it is redundant and wasteful.

The criticism of MDA for classifying information on targets and countermeasures for future missile defense tests has been surprising, at best. The Missile Defense Agency (MDA) informed us some time ago that such information would be classified as testing becomes more sophisticated.

From the last three successful long-range intercept test successes, MDA has begun a progressive and more rigorous testing program to evaluate emerging and evolving technologies. These technologies include countermeasure to missile defenses that our adversaries might use and the means MDA devises to overcome those countermeasures. MDA has laid in a structure and process to identify likely or possible countermeasures and to assess their potential effectiveness; and to identify and assess possible counter-countermeasures.

I can't resist noting that the majority has cut about half the funding for this function in its missile defense proposals in this bill. I think if they were that concerned about countermeasures, perhaps they wouldn't have made this cut.

After MDA has identified these countermeasures, it designs and builds them. That's the only way MDA can test against them. Detailed knowledge of ballistic missile defense countermeasures techniques—techniques that we may be developing ourselves to test the strengths and weakness of our missile defense systems—could lead our adversaries to develop capabilities that can defeat our systems.

I don't believe anyone wants to reveal information that might compromise our security. We should not share information on targets and countermeasures with the likes of Iran, Iraq, and North Korea.

I fully concur with those who believe that Congress should have access to all relevant information related to missile dense tests. MDA has assured me that it will provide us with this information. All members, and staff with appropriate clearances, will have access to this information. Indeed, staff received classified information related to targets and countermeasures prior to the last long-range missile defense test.

To those who suggest that this move is designed to disguise or hide missile defense test failures, I would note that test successes or failures really can't be hidden.

Congress will have access to all the information, classified or otherwise. Not all information will be classified. it will be clear to the public whether the interceptor hit the target or not. Classification may actually make it harder for MDA to demonstrate success to the public because it can't make details of the test public. Details of almost all military tests are classified. Have we ever explained to our adversaries how to defeat stealth technologies? Why would we do so with missile defense technology?

The decision to classify this information meets the criteria of Executive order 12958 that guides all DOD agencies in decisions on these matters. This executive order notes that information can be classified if it relates to ''military plans, weapons systems, or operations'' and ''vulnerabilities or capabilities of systems. . . . relating to the national security''; or if release of the information could reasonably be expected to ''reveal information that would assist in the development or use of weapons of mass destruction.''

I believe MDA countermeasures and targets information qualifies in all three categories.

Is classification premature? I don't think so. We hope to have early missile defense capabilities in the field in the not too distant future. These capabilities will be based on test assets. Publicly revealing the weaknesses of our test systems to our adversaries simply doesn't make any sense.

At this time, I would also like to make a few more points regarding the original cuts made by the Majority to the missile defense programs.

While I am very happy that the $814 million cut was restored by the Warner/Allard amendment, I am concerned that there is confusion that the second degree amendment in some way reflects that this Senate believes that the President does not have the flexibility to spend the money as he fits between missile defense and counter-terrorism. As a matter of fact, according to the Office of Management and Budget, as well as the chairman, the second

degree amendment does not preclude the President from deciding where to spend the money—missile defense or counter-terrorism. And that is certainly my understanding, as well as the ranking member of the Armed Service Committee.

One of the major criticisms stated by the majority is the expenditure rates for Ballistic Missile Defense projects, particularly the rate of expenditure in the BMD System program element.

The Missile Defense Agency is attempting to develop a single integrated ballistic missile defense system capable of attacking missiles of varying ranges in all phases of flight and defeating missiles of all ranges.

Thus MDA has shifted from an element-centric approach with a focus on THAAD, PAC-3, NTW, NMD etc., to a system-centric approach that knits each of the elements into an integrated whole. The goal is to develop a seamless took-kit of sensors, shooters, platforms battle management, and command and control assets that function as a single integrated BMD system.

Critical to this refocusing are integration efforts to tie disparate BMD projects into a coordinated whole. The BMD System program element is key to success in the endeavor.

But the chairman seems to argue that some funding will be left over at the end of fiscal year 2002 and thus not all the funding requested for fiscal year 2003 will be needed.

I strongly disagree and several points need to be made.

The 2002 budget was approved late. The FY 2002 defense authorization act wasn't signed until January of this year, at the end of the first quarter of the fiscal year. MDA projects—and all other DOD projects—were late in getting FY 2002 funds.

The expenditures that the chairman cited are already out of date. The figures he used were the expenditure figures from March 31, less than three months after MDA started receiving 2002 funds. The figure updated for the end of April is already about $100 million.

The end of year expenditure projection for this program element is about half the funds appropriated. More than 90 percent will be obligated. These figures are well within expected ranges.

I have the Missile Defense Agency projections for all their major project activities. All appear to be within expected ranges.

It is also very important to remember that the funding request in the BMD System program element is all R&D money. R&D funding is available for obligation for two years and available for expenditure until disbursed or rescinded. Congress provides extended availability for R&D funding specifically to help assure funding stability and planning and contractual flexibility.

If we accept the argument that we can cut funding in this program element because MDA will have Fiscal Year 02 funds left over, we have to accept the argument that the whole rationale for providing extended availability for R&D funding is flawed. We may as well go ahead and cut all R&D programs that have any funding left over from the previous year.

I don't think any one believes we should do that.

Citing an outdated expenditure figure for this program element so early in the fiscal year is simply misleading and I believe misguided.

Another concern I had with the Majority's cuts was the $147 million reduction in program operations. This reduction may sound mundane but is critical to the success of the programs.

The majority has justified the cuts on grounds that the funding is redundant and excessive. The committee report notes that program operations are adequately funded in each Missile Defense Agency project and the program operations funds justified in separate lines in each program element simply aren't needed. So the Armed Services Committee bill cuts each and every one of these funding lines.

But this justification is simply wrong. It is simply mistaken to state that the funding for program operation is redundant to funding elsewhere in the MDA budget. Not only is it mistaken, this funding reduction is extraordinarily damaging to the Missile Defense Agency.

What are ''program operations?'' Program operations are people. They provide the basic support for any program. They provide information technology support—the computer support people. They provide communications support. They provide security. They provide contract support. They support basic infrastructure and facilities.

It is true that this work is done at the project level. The THAAD project funds program operations unique to the THAAD project. Each MDA projects fund program operations unique to that project.

But the simple fact is that the program operations funds in each project are not used for same purposes as the funds that have been cut in Armed Services Committee bill. The funds cut by the Committee bill are not for activities unique to any particular project. They are for common program support.

The funds identified in the MDA budget for program operations will be used to support government and contractors for common program support at Missile Defense Agency Headquarters and for the service executive agents for missile defense programs. The Missile Defense Agency is required by law—Section 251 (d) of the Fiscal Year 1996 National Defense Authorization Act to request these funds in separate program elements.

This bill cuts almost all of this funding—$147 million of $185 million requested, or nearly 80 percent.

What does this cut do?

This reduction cuts nearly 1,000 people who provide basic support for Missile Defense Agency projects and activities. Army Space and Missile Defense Command will lose almost 400 people. The Army Program Executive Office for Air and Missile Defense will lose another 60. Missile Defense Agency Headquarters will lose around 400. The Navy and Air Force will lose about 75.

Heres how MDA describes the impact:

> The majority of Army SMDC and Army PEO-AMD staffs would be eliminated.
>
> Air Force and Navy organizations responsible for centralized management and/or sharing of common program management costs would be eliminated.
>
> All contract support at MDA for program operations would be eliminated; computer center and thus computers shut down; no security (technical or physical), no staffing for supply/mail room, cleaning, and facility maintenance; no contractor support for common acquisition management functions performed by MDA, e.g. contracting, financial management, cost estimating, human resources.

That is an incredible hit on any organization.

Could MDA recover by redirecting funds to cover these functions? If these cuts survive the process, MDA would have to move money into activities in direct contravention of Congressional intent which is usually a pretty bad idea.

But even if MDA were to try use project funds to perform these program-wide activities, the agency would be in the position of trying to use new people to do many of these jobs. The Missile Defense Agency simply could not do this in anything approaching a timely manner. Consider contracting support. The whole thrust of the missile defense program has changed, moving toward a single integrated missile defense system and away from autonomous ''stove-piped'' systems. This will inevitably mean contract changes as the architecture evolves. Yet MDA's institutional memory would have been surgically excised by this reduction at precisely the time it is needed most. So MDA would take a double hit—a cut to project funds to pay for program operations, and inefficient and ineffective program operations because all the people who did that job will have been fired.

The 80 percent reduction to program operation is just one example of how damaging the missile defense reductions in this bill. It is inconsistent with good management, current law, and common sense. I cannot say if the majority simply erred in this reduction, or if the intent was to cripple the organization.

Another program that was it hard by the majority's missile defense cuts deals with countermeasures—which for me makes these cuts even more surprising.

Many critics on the majority side have argued that simply countermeasures can render missile defenses ineffective. They have criticized missile defense technology and testing as too simple, and not sensitive enough to the measures our enemies might take

to defeat our defenses. The former Director of Operational Test and Evaluation Phil Coyle used to make this argument in his official capacity and had many recommendations about how to improve what he saw as deficiencies. The chairman of the Senate Armed Services Committee just recently repeated the view that simply countermeasures may be able to defeat missile defenses.

The Missile Defense Agency agreed that countermeasures represent a significant challenge, and has structured a significant part of its program to meet this challenge. Here's what they have done:

MDA moved from an architecture that relied very heavily on intercepting enemy missiles and warheads in their terminal phase, the final phase of flight as these weapons approach their target, to an architecture that seeks to intercept missiles and warheads in all phases flight-boost phase right after launch, and midcourse as the missiles and warheads fly ballistically toward their target as well as terminal phase. Countermeasures to defenses in any one phase of flight are greatly complicated by attacking missiles in all phases of flight.

MDA initiated technology efforts in the midcourse defense segment to develop counter-countermeasures and advanced kill vehicles to defeat countermeasures that our adversaries may develop or deploy.

MDA initiated a ''Red, White, and Blue'' team and a process to objectively assess the types of countermeasures that might be developed and deployed and the countermeasures that could be developed to counter them. The Red team assesses the likelihood and technical feasibility and effectiveness of various countermeasures; the Blue team assesses ways to defeat the countermeasures and does basic technical work to produce the counter-countermeasures; and the White team is the referee to make sure that proposals and assessments from the Red and Blue teams are fair.

Given the concerns expressed by our majority about the ability of adversaries to produce countermeasures that defeat our defenses, you would thank that these efforts would among those receiving the strongest support in this bill. If you thought that, you would be wrong. This bill decimates each of these approaches.

The bill makes extraordinarily deep reductions in boost phase intercept projects. The Airborne Laser program—cut by about a quarter—there is almost no funding for anything beyond the first prototype aircraft. Funding for space-based kinetic boost phase interceptors is eliminated. Funding for sea-based boost phase interceptors is eliminated. Space-based laser? That was killed last year. And the bill makes a $52 million reduction to Navy mid-course missile defense, and concept development and risk reduction effort to produce Navy missile defenses against medium, intermediate, and long-range missiles.

The bill cuts all the funding—100 percent of the funding—for the next generation kill vehicle and midcourse counter-countermeasures. This leaves the midcourse segment with no follow-on technology to defeat any advanced countermeasures our adversaries might develop or obtain and then deploy.

The bill cuts almost half of the funding for the Red, White and Blue team. This reduction is part of the 2/3 reduction to Ballistic Missile Defense System program element. A key project in that program element is system engineering and analysis. That's where the Red, White and Blue team is funded. This bill decimates this key effort.

These reductions severely damage the effort to defeat BMD countermeasures—an effort that everyone-Republicans, Democrats, MDA, and missile defense critics—believes is critical. The rationale for these reductions, to be charitable, is unclear.

Let me end my statement by summarizing some of the majority's arguments which we have heard during the course of this debate.

First, funding is not adequately justified or unclear what product will be provided.

Not true.

The committee has received hundreds of pages of justification which describes in tremendous detail activities and products in each program element. I admit that not all of the detail was available at the beginning of the budget cycle because the National Team—which plans the activities—was just standing up. It is all available now.

Many of these important activities and products included in System Engineering & Integration are: concept development and system architecture; trade studies and analysis; functional allocation; BMD element (e.g. PAC–3, ABL, THAAD) specifications; verification of text objectives; engineering process controls; configuration management; interface specification; architecture definition; threat databases; modeling and simulation; test infrastructure and target requirement definition; schedule baseline; specialty engineering; and data management.

For Battle Management/Command and Control these activities include: definition of intelligence and sensor inputs; specifications; definition of interfaces; mission planning across BMD elements BM/C2 test planning, assessments BM/C2 system performance BM/C20T&E plans; BM/D2 transition plans; order of battle definition communications architecture message definition and formats network management information assurance wargaming support; and BM/C2 verification and test.

Here is an example of some of these activities:

System and element capability specification: $17.8 million.

Description: The system capability specifications provide design requirements for system integrators and element contractors to use in development and testing. It enables contractors to understand the context in which they are designing elements and to be more innovative in ensuring that their element meets its requirements and milestones in the BMD system. The system capability specification document describes the BMD system in terms of functions and performance based capabilities, shows the allocation of those capabilities the elements in the BMD system, and identifies methods to verify those capabilities at the system level. Element and component capability specifications documents describe the functions and capabilities of BMD system elements and components as they are allocated in the systems capabilities specifications. For new elements these documents may provide a very complete description of functions and capabilities and allocations to major subsystems. For existing elements, the documents may be higher level and might serve as the basis for engineering change proposals to bring the element into compliance with BMD system allocations and specifications. These documents are reviewed quarterly and updated annually.

The committee got over 100 pages of similar material describing these activities in a minute detail.

The second argument is that the funding is redundant.

Again, not true.

There is a semantic problem in considering ''system engineering.'' System engineering takes place at the system level and the at the element level. The system level effort integrates all the disparate elements into a seamless whole. At the element level—or perhaps we would better call this ''element engineering''—provides for integration between the parts of an element. For example, the THAAD program spends about 10 percent of its funding on ''system engineering'' to assure that the THAAD components-radar, missile, launcher, BMC2—work together seamlessly.

This is not the same work that is being done at the BMD system level. The system engineering and integration across elements of the BMD system is being done at a much more detailed level and more systemtically than in the past. This is new or expanded work. On reason this work hasn't been done so much is the past is because of the former ABM Treaty constraints.

A third argument is that the funding is premature.

Once again, not true.

Much of this work has not been done before. It is needed to implement the new concept of missile defense as a single integrated system. If this work isn't started and can't continue now—the effectiveness of all missile defense systems will be degraded; deployment of effective missile defense will be delayed; costs will increase, since each element will have to ''carry more of the load'' and element-centric work

will have to be redone later to make it compatible with a single integrated system. The start or expansion of this work coincides with establishment and stand-up of the National Team.

As I mentioned earlier but I believe is important to reiterate, it has also been argued that some funding will be left over at the end of fiscal year 2002 and thus not all the funding requested for fiscal year 2003 will be needed. Although the 2002 budget was approved late, the obligation and expenditure rate in System Engineerring and Integration is well within expected ranges.

The funding request is all R&D money. R&D funding is available for obligation for two years and available for expenditure until disbursed or rescinded. Congress provides extended availability for R&D funding to help asure funding stabililty and planning and contractual flexibility.

If we accept the argument that we can cut funding in this program element because MDA will FY 02 funds left over, we have to accept the argument that the whole rationale for providing extended availability for R&D funding is flawed. We may as well go ahead and cut all R&D programs that have any funding left over from the previous year.

Fourth, that the funding is excessive.

Once again, not true.

MDA's BMD system level engineering and integration funding request, at 2 percent of the MDA budget of the budget, is modest.

Standard text (Essentials of Project and Systems Engineering Management) estimates requested resources for systems engineering to be 4–8 percent of total project cost. Costs tend to be higher for complicated projects.

MDA's system and element level engineering and integration funding is low compared to other programs.

What other programs spend on system engineering:

V–22—7.2 percent.

B-1b—14.3 percent.

V–22 (Marine)—11.5 percent.

F–22—5.5 percent.

E–3A AWACS—13 percent.

Safeguard—16 percent.

Patriot—19 percent.

E–4 Airborne Command post—12 percent.

Pershing II—21 percent.

JTIDS—12 percent.

Here's what Ballistic Missile Defense spends on system engineering:

Ground-based Midcourse—6.9 percent.

THAAD (03)—10 percent.

BMDS SE&I—2 percent.

These figures are not at all out of line with other complex DOD programs. The BMDS systems engineering funding is low by comarison-particularly given that we haven't done this mission before. This mission is almost uniquely complex.

In conclusion—the BMDS funding reductions aim at the heart of what MDA is trying to do and how MDA is trying to do it. I believe the funding reductions are completely unjustified and I am glad we made some progress in getting these very important missile defense programs back on track.

Mr. JEFFORDS. Mr. President, I would like to thank the managers of the bill, Senators LEVIN and WARNER, for not including proposals that the Administration has put forward that would undermine many of our environmental laws, in either the legislation that was reported by the Armed Services Committee and the final legislation that we are voting on today. I would also like to make clear my continuing concern with these proposals and my opposition to any efforts to include them in conference on the DoD authorization bill.

Title XII of the administration's National Defense Authorization Act for Fiscal Year 2003 contains several provisions that not only fall within the jurisdiction of the Committee on Environment and Public Works, which I chair, but proposes changes to our environmental laws that are unnecessary, broad, and—judging from the volume of mail I already have received—very controversial. The administration contends that these changes are needed for military readiness and training. However, it has not been demonstrated that is the case.

One provision could permanently extend the timeline for DoD's conformity analysis, required under the Clean Air Act, by 3 years for all activities broadly referred to as military readiness activities, without regard to whether there is a national security emergency or other need for such an extension.

Another provision attempts to permanently exempt the DoD from broad aspects of Resource Conservation and Recovery Act, RCRA, regulation and cleanup. The proposal significantly changes the definition of ''solid waste,'' the crux of the RCRA statute. The proposal would exempt munitions that were deposited, incident to their normal and expected use on an operational range. The proposal also may exempt munitions wastes that remain after the range becomes ''non-operational'' a term not found in environmental law—prohibiting EPA and preempting the states from regulating the cleanup of the vast majority of unexploded ordnance, explosives and related materials that contaminate closed, transferring and transferred training ranges.

By exempting munitions-related materials from RCRA, the proposal could prohibit EPA and states from acting to address munitions-related environmental contamination that is not on a range at all, but has migrated from the range entirely off-site. The exemption also extends to any facility—not just training ranges—with munitions-type waste, which may include plants that manufacture explosives and other manufacturing facilities run by defense contractors. It is possible that the exemption also would extend to waste streams from the manufacture of explosives since the exemption covers ''constituents.''

The proposal also provides exemptions from the Comprehensive Environmental Response Compensation and Liability Act or Superfund. ''Explosives unexploded ordnance, munitions, munition fragments or constituents thereof'' would be permanently exempted from the definition of ''release'' under Superfund. In addition, because the definition of ''solid waste'' under RCRA triggers coverage as a ''hazardous waste'' under Superfund, the broad RCRA exemption would exempt munitions waste from regulation, ie., cleanup, under Superfund. This could similarly tie the hands of the states to compel cleanup.

By affecting the definition of ''hazardous substance,'' the proposal may preclude states and natural resources trustees from pursuing restoration of areas contaminated by munitions waste—this affects the ''natural resource damages'' section of the Superfund law. The proposal also may eliminate authority under section 104 of the Superfund law to clean up a release or respond to substantial threat of a release of hazardous substances on training ranges—and, as discussed above, possibly off-site and at manufacturing facilities as well.

The proposal would exempt the Department of Defense from the requirement of the Endangered Species Act of designating critical habitat on all ''lands, or other geographical areas, owned or controlled by the Department, or designated for its use'' if an Integrated Natural Resources Management Plan—INRMP—has been developed pursuant to the Sikes Act. The Sikes Act requires military installations to prepare plans that integrate the protection of natural resources on military lands with the use of military lands for military training. If the Fish and Wildlife Service determines that the plan ''addresses special management consideration or protection,'' they can decide not to designate critical habitat. Although the Service in the past has excluded some bases from critical habitat designation based on an INRMP, in numerous other decisions, the Service has expressly found that an INRMP would not provide adequate protection in lieu of critical habitat designation.

Under the Endangered Species Act, the Service is required to consider ''the impact on national security'' when designating critical habitat. This proposal would preclude the Service from designating critical habitat if an INRMP has been completed.

The proposal would authorize military readiness activities under the Migratory Bird Treaty Act—MBTA—without further action by the Secretary of the Interior. It would exempt the DOD from the requirement, applicable to everyone else and founded on treaties between the United States and Canada, Mexico, Russia, and Japan, that they obtain a permit from the Fish and Wildlife Service before killing migratory birds or destroying their

eggs. Such action could be carried out without any assessment of biological impact, effort to mitigate or seek alternatives, oversight or accountability.

In March of 2002, a court ruled that the MBTA applied to training activities at the Farallon de Medinilla range in the Western Pacific and enjoined the Navy from continuing the bombing activities there. The Navy has applied for a special purpose permit under the MBTA allowing for incidental take and are completing the biological justification. While the MBTA does not have an exemption for national security, it does provide for permits to be issued if the urgency of the training is determined by the Secretary of the Interior to be compelling justification and there can be compensation for the biological benefits of birds that may be taken.

It is my hope that during the conference with the House on this legislation, the provisions in the House bill amending the Endangered Species Act and the Migratory Bird Treaty Act be deleted. The Committee on Environment and Public Works is the appropriate committee to examine the need for any such environmental legislation and to act upon any such legislation.

Mr. BYRD. Mr. President, I have serious concerns about the amendments that have just been adopted to add $814 million to either missile defense funding or combating terrorism. We have heard a day and a half of debate on these amendments, which relate to one of the great issues of our national defense policy. I am stunned that these important amendments were accepted without a rollcall vote.

My concern with these amendments are numerous. The supposed offset for these additional funds is, at the moment, nothing more than a work of fiction. Supposedly, the Office of Management and Budget, in its mid-session review of the budget, will revise downward its estimate of the inflation rate. Not only is this report yet to be released, but also we are making budget decisions based upon projections that may or may not pan out.

In addition, the amendments backtrack on cuts in the missile defense program made by the Armed Services Committee. As a member of that committee, I think that we made the right choices on trimming a missile defense budget request that was far too large to support a program that remains in an elementary phrase. By pouring so much money so quickly into missile defense programs, we are only encouraging a rush to failure. I am especially alarmed that these amendments allow for more missile defense funding at a time when the programs are becoming increasingly shrouded in secrecy, as if the Pentagon wishes to stifle public debate about the utility and effectiveness of anti-missile systems.

The amendments leave the decision about whether to use $814 million for missile defense or for combating terrorism entirely to the President. There is an alarming trend in Congress to simply delegate the decisions on many important issues to the Chief Executive. The President is the Commander-in-Chief of the military, but the Constitution charges Congress with the authority to ''raise and support armies'' and to ''provide and maintain a navy.'' The Founding Fathers of this country clearly intended to have Congress determine how the funds intended for our national defense would be allocated.

The amendments adopted today delegate, from the Congress to the President, the decision of how to use $814 million. It is an advoidance of our constitutional responsibilities. The amendment offered by the chairman of the Armed Services Committee establishes the top priority for these funds to be used for combating terrorism at home and abroad, but I have no idea for what purposes these funds could be used. I do not know whether I would have supported this amendment, but it is profoundly disappointing that Senators did not have the opportunity to cast their vote on this proposal.

I had even greater concerns about the underlying amendment, offered by the ranking member of the Armed Services Committee. As I said before, I question the source of the $814 million, the potential for the funds to restore the well-justified cuts in missile defense programs, and its delegation to the President of an important decision on the funding of our military. But again, I did not have the opportunity to register my vote.

I hope that my colleagues would take a more careful look at what powers we invest in the President. We should also take a look at how we dispose of such important business as increasing the missile defense budget by $814 million. We must never allow ourselves to be absolved of our constitutional responsibilities to decide and vote on matters of such great importance.

Mr. FRIST. Mr. President, I thank the distinguished chairman and ranking member of the Senate Armed Services Committee for their assistance and support in authorizing funding for a military construction project of critical importance to the State of Tennessee and the United States. I also thank the skilled staff members on the Senate Armed Services Committee who assisted this action: George Lauffer and Michael McCord.

The amendment in question was advanced by FRED THOMPSON and I to authorize $8.4 million in funding for the construction of a Composite Aircraft Maintenance Complex at Berry Field Guard Base in Nashville, TN. This important project is vital to the combat readiness for the 118th Air Wing of the Tennessee Air National Guard. Currently, the 118th is housed in a variety of substandard buildings, some of which are more than 40 years old. This collection of buildings encroaches upon the aircraft clear zone making it difficult for personnel to work and drill, impeding combat readiness and jeopardizing aircraft safety. Aircraft cannot be moved into hangars properly or left on jacks due to wind conditions. All of these problems combine to create significant safety problems and increase the amount of time it takes to repair damaged aircraft. In addition, the 118th needs nine airfield waivers to operate and continue its mission. By constructing this new complex, several of those waivers will be eliminated and the base will be a safer and more efficient place to accomplish its vital mission.

I would like my colleagues to know that the 118th played a vital role in the immediate response to the 9–11 tragedy and continues to contribute importantly to the ongoing national security needs of the country. One item of human interest occurred within an hour after the World Trade Center was attacked by terrorists and all of the Nation's aircraft were grounded by the President. The 118th was called and given approval to fly a donated liver from Nashville to a little girl in Houston, TX. At that time, only three nonfighter aircraft were in the air over the United States—Air Force One, its supporting tanker, and a lone C–130 from the 118th. In the shadow of thousands of people killed in New York City that day, the 118th had the privilege of helping to save a life.

In the weeks after September 11, the 118th was given numerous alert missions requiring Tennessee Air Guardsmen to be on call 24 hours a day, 7 days a week. The aircraft and maintenance personnel were sleeping in an old converted aircraft hangar at night and prepared to fly anywhere at any time.

Early in the month of October 2001, the 118th was again called for an extremely vital mission of National Security and Homeland Security Support. The 118th was one of only five C–130 units deployed for Operation Noble Eagle-QRF (Quick Reaction Force). Their mission was to deploy as soon as possible to a forward base, and be ready for 24/7 operations with a 1-hour alert call out. The 118th proudly performed this mission faster and better than any other Air National Guard, Air Force Reserve, or Active Duty unit. Within 22 hours of notification, the 118th had aircraft in the air moving forward, and was the sole C–130 unit operationally ready at the 48-hour mark.

Over the next 4 months—between October 2001 and February 2002—the 118th became the standard to which other units trained in relation to the QRF. The 118th maintained operational readiness with one-third of the unit deployed, and still preserved exceptionally high training standards at home station.

To date, the 118th has activated more than 340 individuals to support the worldwide mission. The unit is currently supporting Air Mobility Command with 33 percent of its aircraft on a daily basis flying active duty missions. Back at home station, Command and Control has been operating 24/7

ever since September 11. The 118th Command Post and Crisis Action Team have played a critical role in the direction and guidance of the unit's response to every assignment and emergency that has arisen. The base medical department, normally two full-time people, has increased to 13 in order to support the increasing number of wing personnel now on active duty.

In conclusion, on behalf of the men and women of the 118th Airlift Wing, Senator THOMPSON and myself, I would like to thank the chairman, ranking member, and our Senate colleagues for authorizing this important funding.

Mr. BIDEN. Mr. President, the Senate returned yesterday to an issue which, in recent years, has polarized our debate on national security and foreign policy. An amendment proposed by Senator WARNER allowed the President to add $814 million to the research and development budget for missile defense, money that was not recommended by the Armed Services Committee.

It also provided the President the authority to allocate these funds to ''antiterrorism'' projects, but I have no reason to believe the President would choose this latter option.

Senator WARNER's amendment was passed with a second-degree amendment by Senator LEVIN that emphasized that combating terrorism should be the top priority for the use of these funds, although the President could still allocate the entire $814 million to missile defense activities.

It has been my hope that the formal U.S. withdrawal from the Anti-Ballistic Missile Treaty, an event which took place less than 2 weeks ago, would emerge as a real turning point in the debate over national missile defense. From this point forward, I fervently wish that officials of all stripes—executive and legislative, Democratic and Republican—will be freed to evaluate missile defense as we would any other major defense initiative.

The touchstone for evaluating any missile defense must be the test that the American people sent us here to propound: Will this program make the United States more secure, or less so? Will national missile defense be operationally effective under real-world conditions, or will it remain a system that no commander can rely on?

Yesterday's passage of the Warner amendment was not a final decision on the future of national missile defense, nor was it a referendum on the President's decision to withdraw from the ABM Treaty. Even if the amendment had fallen, the Senate would still have authorized $6.8 billion in fiscal year 2003 on missile defense activities, a significant sum of money of any measure.

The proponents of the Warner amendment contended that an $814 million reduction in an administration request totaling $7.6 billion would seriously hamper our Nation's efforts to move forward on missile defense. Let's take a closer look at a couple of these reductions proposed by the Armed Services Committee:

A cut of $200 million for a number of overhead activities, variously described as ''Program Operations'' or ''Systems Engineering and Integration,'' which are repeated multiple times in the administration's budget request. The administration cited this particular cut as an attempt by missile defense opponents to block the effective integration of missile defense components.

Despite repeated requests by the Armed Services Committee, however, the Missile Defense Agency never justified these duplicative requests or explained how they would fit together to enhance system integration.

A reduction of $30 million, requested by the administration for the purchase of a second Airborne Laser prototype aircraft. However, the Pentagon does not plan to test the first Airborne laser aircraft until fiscal year 2005. Doesn't it make sense to delay the purchase of a second model until you get some feedback from the testing of the initial model? After all, there are real questions regarding payload and beam stability in bad weither, which relate as much to the aircraft as to the laser.

Contrary to what missile defense advocates contended, the Armed Services Committee did not set out to destroy our national missile defense effort. If that has been their intention the committee would have cut far more than $814 million in a $7.6 billion budget.

This debate was also over priorities. How should the United States spend an extra national defense dollar: On missile defense or on other more pressing needs? In my view, when we consider underfunded antiterrorism missions, one stands out above the beyond the others.

Our first line of defense in today's world should be to ensure that rogue states and terrorists never obtain weapons of mass destruction or the materials needed to make them. We spend between $1 and $2 billion a year toward this goal. We are nowhere close to the levels recommended by numerous outside experts, including the bipartisan task force headed by Howard Baker and Lloyd Cutler a year ago, which advocated spending approximately $3 billion per year.

The committee's original reduction would still have provided funding for our missile defense efforts that was four to six times what we spend on threat reduction programs. Putting aside the overall merits of national missile defense, I ask one simple question: Why can't we show the same sense of urgency and offer the same level of resources in combating the more immediate risk to a more anonymous nuclear weapon delivered without a ballistic missile, but hidden in the hull of a ship or smuggled in the trunk of a compact car?

Were this any other weapons system but national missile defense, I doubt the Senate would have amended such a modest and sensible committee-recommended funding reduction. Major weapons programs often encounter problems. My friends on the Armed Services Committee are all too familiar with unpredictable testing schedules, skyrocketing budgets, and the need to maintain effective oversight with respect to all weapons programs. And so it is with national missile defense.

The Armed Services Committee recommended some judicious cuts in missile defense funding on account of a lack of clarity and a lack of justification by administration officials. I believe the Senate should have rejected the Warner amendment.

Neither could I support the Levin second-degree amendment. I understood the chairman's intentions—to send a clear message that this body views antiterrorism missions as the greatest priority for our Nation.

He was absolutely right—that is our No. 1 priority. But the second-degree amendment still enabled the President to dedicate some, or even all, of the additional $814 million towards missile defense.

The administration did not prove the case for additional funding for missile defense beyond the $6.8 billion recommended by the Armed Services Committee. Our Nation faces too many threats for which we are not adequately prepared, to justify spending this additional funding on missile defense.

Regardless of what each of us may think or believe on national missile defense, it does not deserve an exemption from the basic principles of rational budgeting and honest oversight which govern every other Pentagon acquisition program.

Mr. DURBIN. Mr. President, I rise today to express my concerns about the serious wilderness and public lands management problems created by title XIV of the House version of the Defense Authorization Act. This provision was added in the chairman's mark at the behest of Representative JIM HANSEN. Title XIV would profoundly impact land management of nearly 11 million acres of non-military public lands falling underneath the Utah Test and Training Range airspace in western Utah.

No hearings were held in either the House or Senate to consider the possible consequences of the sweeping and controversial provisions in title XIV. While the House Resource and Senate Energy Committees would be appropriate venues for such hearings, hearings were not held in these committees, and they were not held in the House or Senate Armed Services Committees. No General Accounting Office or Department of Defense report has ever demonstrated the need for the provisions contained in title XIV. The Department of Defense has never requested the kind of control over non-military public land mandated by the provisions in title XIV.

In truth, title XIV is an attack without justification on the traditional management of wilderness and other nonmilitary public lands.

I wish to add my voice to the voices of Representative IKE SKELTON and 19 other House Democrats serving on the Armed Services Committee who noted in the committee report that:

''The military use language of title XIV is unprecedented and not found in any other law. Ironically, these provisions set a standard for wilderness management that would provide less protection to the wilderness areas designated by title XIV than the protections available to non-designated public lands. Millions of acres of designated wilderness and millions more acres of public land underlie military airspace across the United States. None of these lands have or need the restrictive language that title XIV would apply to wilderness and public lands in Utah.

''Language in title XIV would strip the authority of the Secretary of the Interior to determine where and whether facilities and equipment are placed on public lands within wilderness areas. Another provision allows the Secretary of the Air Force to unilaterally close or restrict access to wilderness and WSAs outside the boundaries of the UTTR and the Dugway Proving Grounds. These provisions are unprecedented, and no clear rationale has been given to warrant this change from existing law. Moreover, title XIV creates a different standard for access and military use for land in Utah than is applicable to all other public land areas of the United States.

''Furthermore, title XIV requires the Secretary of the Interior to gain the prior concurrence of the Secretary of the Air Force and the commander-in-chief of the military forces of the State of Utah before developing, maintaining, or revising land use plans required by Federal law for millions of acres of public lands in Utah. Is it unwise policy, to say the least, for a Cabinet secretary's role to be subordinate to a service secretary and a state military commanders.''

Taken together, the provisions in title XIV go far beyond any language ever included in enacted wilderness legislation, they put in place unprecedented high levels of Department of Defense control for all nonmilitary public lands falling underneath the airspace of the Utah test and Training Range, and they designate as wilderness, albeit wilderness in name only, merely a small portion of lands included in America's Redrock Wilderness Act, S. 786, of which I am the lead sponsor.

I urge those Senators who will serve conferees on the Defense Authorization Act to work for the removal of title XIV in conference.

I also would like to speak for a moment on two additional provisions within the Department of Defense authorization bill that passed out of the House, HR 4546. These measures weaken protections for endangered species and migratory birds.

I would like to state for the record that there are existing provisions that allow for case-by-case exemptions to address national security interests. For example, section 7(j) of the Endangered Species Act, ESA, gives the Secretary of Defense the authority to secure an exemption from the ESA's provisions whenever the Secretary finds it necessary for reasons of national security. Moreover, title 10 U.S.C. 2014 specifically empowers the President to resolve any conflicts between the DOD and other executive agencies that affect training or readiness. These waivers should be invoked on a case-by-case basis, rather than giving the DOD a blanket exemption to ignore laws that protect the air and water in and around our military facilities, the health of the people who live on and nearby bases, and America's wildlife and public lands.

Again, I urge my colleagues who will serve on the conference for this bill to reject any permanent weakening of or permanent waivers enabling the circumvention of our Nation's environment and public health laws.

Mr. BUNNING. Mr. President, I was proud to support the recent passage of S. 2514, the National Defense Authorization Act for fiscal year 2003. This bill continues to strengthen our military and is vital to the war on terrorism.

This is the most important bill we have debated in the Senate all year. The threats against us are real and I am pleased the Senate acted swiftly in passing this strong defense package. This bill authorizes $393.4 billion for national defense. That is $43 billion above the 2002 level, and the largest defense spending increase in over 20 years.

We are in this war against terrorism for the long haul and our increased military funding is justified. We now have troops on the ground in Afghanistan, the Philippines, and many other places we could not have foreseen before September 11. Depending on what happens as we fight this war, we may have to deploy our troops elsewhere to contain and battle threats against our Nation and freedoms.

This bill focuses on five objectives for our national defense.

First, it improves the compensation and quality of life for our soldiers, retirees and their families. For the fourth year in a row this bill includes a 4.1 percent across the board pay raise for all military personnel, with a targeted pay raise between 5.5 and 6.5 percent for mid-career personnel. A new assignment incentive pay of up to $1,500 per month is authorized to encourage personnel to volunteer for hard-to-fill positions and assignments.

The bill rewards our retirees and disabled veterans. The bill authorizes concurrent receipt of retired military pay and veterans' disability compensation for all disabled military retirees eligible for non-disability retirement.

For our troops with families, this bill increases the housing allowance, with the goal of eliminating average out-of-pocket housing expenses by 2005. And on our installations, $640 million is being added above the budget request to improve and replace facilities. This will help improve the housing, dining and recreation facilities for our trainees and troops.

These quality of life issues boost the morale of our troops, and send a strong signal that we in congress and across the Nation appreciate their defense of America and her freedoms.

Secondly, this bill also contains those necessary readiness funds to allow the services to conduct the full range of their assigned missions. We have added $126 million for firing range enhancements so that we can properly and effectively train our troops to fight and win.

And to show that defense is a top priority for our Nation, this bill authorizes the administration's $10 billion request to cover the operating costs of the ongoing war on terrorism for next year. After speaking with various military leaders and hearing their testimony before the Senate Armed Services Committee, we heard how important the issue of readiness is for every branch of the military today. This bill addresses this important issue by funding the most pressing shortfalls.

Third, in this bill we also address the goal of improving efficiency and increasing savings with DOD programs and operations. These savings will allow us to redirect and focus on high-priority programs within the DOD.

Some of these provisions include $400 million in anticipated savings by deferring spending on financial systems that would not be consistent with those financial management systems available and used by non-government entities. Soon we will have a system to better keep track of valuable DOD and service funds. This brings not only savings, but accountability to the DOD and the services. Although the DOD's mission is more unique than any other Federal department, it is not immune to wasteful and duplicative spending which we often see in other Federal departments.

Furthermore, this bill holds a provision requiring the DOD to establish new internal controls to address repeat problems with the abuse of credit cards we have seen for the purchase of non-essential and questionable travel spending by military and civilian personnel. And with the $393.4 billion we are authorizing in this bill, it is imperative now more than ever that we have a real sense of accountability for oversight reasons and for the sake of making sure we are giving the taxpayers the biggest bang for the buck. After all, this bill spends more than $1 billion a day on national defense activities. For that price, the taxpayers should get their money's worth.

Fourth, this bill also helps our military meet more non-traditional

threats. We increased funding for fighting these threats to help secure our nuclear weapons and materials at Department of Energy facilities, and defend against chemical and biological weapons and other weapons of mass destruction.

Finally, our Senate Armed Services Committee wanted to be sure that our military always stay on the cutting edge of new technologies and strategies to meet the threats of the 21st century. Promoting and embracing transformation of our forces is not easy. But it is essential. This bill helps us to promote a new mind set for the future. I know it is tough to wean ourselves off of some of the legacy systems and structures in place in our armed forces. And I know that some in our armed forces are skeptical about change. But we have to begin to think differently. The world is changing, and not necessarily for the better. Our military has to keep up with that change.

While I did vote for this bill in the Senate Armed Services Committee, I did not agree with the fact that it originally slashed missile defense spending by just over $800 million. This drastically altered President Bush's national security strategy and made our Nation and allies more vulnerable to a possible missile attack.

But thankfully we found a way on the Senate floor during the bill's consideration to move just over $800 million back to President Bush's missile defense priorities to protect America. I was proud to cosponsor an amendment which fulfilled this obligation by using expected DOD inflationary savings and adjustments. This offset was responsible because it did not cut any other valuable DOD programs needed to strengthen our military. And I was pleased that this was a bipartisan effort by the Senate with the amendment's unanimous acceptance.

But, thankfully this amendment was accepted. Without it, this vital bill was jeopardized. After all, Secretary Rumsfeld, in a letter to the Senate Armed Services Committee wrote, ''if the missile defense provisions in the Senate Armed Services Committee's version of the bill were to be adopted by Congress, I would recommend to the President that he veto the Fiscal Year 2003 National Defense Authorization Act.'' So, its inclusion helped pave the way to an optimistic path to President Bush's desk.

Finally, we have had a very intense debate about the Crusader Artillery System. I would like to note that while I supported the compromise Levin amendment last week over the Crusader program, I remain concerned about our ability to effectively support our troops with adequate fire support. Right now we are vastly under-gunned in artillery by some nations. Our own artillery systems could not even meet our needs during the Gulf war more than a decade ago. And those systems have not significantly changed since then.

The possibility of shifting funds from Crusader to other indirect fire weapons concerns me in that we are again delaying when we will actually deploy sufficient fire support to protect our armed forces. The DOD hopes to speed up the deployment of these new technologies so they would be available around the same time Crusader will be. I am concerned about our ability to meet this time line.

Throwing money at a program does not necessarily mean you can magically speed up its development. Some things just take time, and Crusader is a lot farther along in the development process than many of these other technologies. I will be watching this process closely to ensure that effective indirect fire support capability reaches our troops quickly.

Overall, this is a solid bill. The sooner we get this bill to President Bush, then the better chance we have at providing our military with the essential training and strength resources to fight terrorism or anything else that seeks to destroy America, our people and our freedoms.

Mr. ROBERTS, Mr. President, I wish to clarify my comments concerning my amendment to authorize, with an offset, $1,000,000 for research, development, test, and evaluation, defense-wide, for analysis and assessment of efforts to counter possible agroterrorist attacks. The amendment was adopted June 26 by voice vote. I stated then that the $1,000,000 was destined for the In-House Laboratory Independent Research (PE 0601103D8Z) account. In fact, the funds will be applied to the Chemical and Biological Defense Program (PE 0601384BP) account. The intent of the amendment, however, remains the same. It is still my hope that universities with established expertise in the agricultural sciences can conduct studies and exercises that lead to better coordination between Federal, State, and local authorities as they attempt to detect, deter, and respond to large scale coordinated attacks on U.S. agriculture. I envision universities assisting the Department of Defense in determining what role—if any—our military or defense agencies play in countering agroterrorism. I thank my colleagues for supporting amendment No. 4138.

Mrs. FEINSTEIN. Mr. President, I rise today to thank the leadership on both sides of the aisle for clearing an amendment I introduced with my colleague from Alaska, Senator STEVENS, to prohibit the use of nuclear armed interceptors as part of a Ballistic Missile Defense System (BMDS).

Senators LEVIN and WARNER have shown tremendous leadership by working hard to address this important issue, and I want to personally thank them for their efforts.

I want to comment briefly on the details of the amendment because I feel so strongly, as do my colleagues in the Senate, that both Chambers of Congress move to prohibit nuclear armed interceptors.

A nuclear armed interceptor is a defensive missile that uses a nuclear, rather than conventional, explosive tip to destroy its target. It is based on the premise that a large blast will overwhelm all of the components of an enemy missile.

The Washington Post reported in April of this year that the Pentagon was pursuing plans to resume research and testing of nuclear armed interceptors as part of a Ballistic Missile Defense System (BMDS).

I think this would be a great mistake and would endanger the health and safety of all Americans.

The Post reported on April 11 that the Defense Science Board, a research body within the Department of Defense, received encouragement from Secretary Rumsfeld to consider using nuclear tipped warheads for a missile defense system.

On April 17, Senator STEVENS and I, at an Appropriations Defense Subcommittee hearing, asked General Kadish of the Missile Defense Agency to refute the Washington Post story. He responded that his agency would not conduct research into nuclear warheads.

To further clarify the point, we also asked Secretary Rumsfeld to address the allegation in writing. He also assured us the Pentagon would no longer encourage such testing.

Inexplicably, in this year's House Armed Services Committee report on the House passed Defense authorization bill, there is language sanctioning nuclear interceptor research. The report states:

> The Department may investigate other options for ballistic missile defense nuclear armed interceptors, blast fragment warheads . . . as alternatives to current approaches . . .

This troubling development led Senator STEVENS and me to introduce today's amendment, which prohibits any funds from being used for nuclear armed interceptors.

Our amendment simply states:

> None of the funds authorized to be appropriated by this or any other Act may be used for research, development, test, evaluation, procurement or deployment of nuclear armed interceptors of a missile defense system.

The use of nuclear armed interceptors represents a deeply troubling departure from the missile defense testing that has occurred up to this point.

For the past year, the Pentagon has been pursuing a technically problematic approach to missile defense.

They have attempted to ''hit a bullet with a bullet.''

This means that the missile defense system has to individually hit each incoming warhead in order to eliminate the total threat.

But under this system, the Missile Defense Agency still fails to address the decoy warheads and other countermeasures that force our systems to rapidly determine which is the actual warhead to be targeted and which is simply a decoy.

This core dilemma led the Pentagon to explore the concept of using a nuclear armed interceptor to destroy all of the incoming warheads, real and decoy alike.

Instead of targeting a particular missile, a nuclear tipped interceptor would be exploded in the vicinity of the missile, ensuring the destruction of the missile and any others objects around it.

This approach raises serious questions about the confidence the Missile Defense Agency appears to have in its current ''Hit a Bullet with a Bullet'' plan.

But perhaps more importantly, this approach overlooks a laundry list of catastrophic side-effects that would accompany a nuclear blast in the atmosphere.

Even a low-yield nuclear blast in the atmosphere would have grave consequences on public health and on the global economy.

Atmospheric winds could potentially spread fall-out over American or allied sovereign territory, the very territory we are trying to protect from nuclear attack.

Add the possibility of intercepting a chemical or biological warhead, and we exponentially increase the risk of spreading spores or chemical agents over a wide area.

The Electromagnetic Pulse (EMP) from an overhead nuclear blast would severely disrupt and most likely permanently damage U.S. and foreign satellites.

These are the very satellite systems we rely on to provide us with early warning and key intelligence for national security operations.

I think we all can see the serious ramifications of pursuing such an ill-advised policy, and I believe that this amendment is needed to prevent us from going down this path.

As Senators from two States that could feel the brunt of radiological, chemical or biological fall-out in the event of a missile defense activation, we are compelled to act.

But make no mistake about it, every State in the Union faces the specter of contamination.

Given the language included in the House bill promoting nuclear intercept research, it is critical the Senate take a leadership role by preventing such research and testing.

I urge my colleagues to support this amendment and inject some common sense into the debate over the future of missile defense.

Ms. SNOWE. Mr. President, I rise to speak on the Senate version of the FY2003 National Defense authorization bill.

As a former member of the Senate Armed Services Committee and former chair of the Seapower Subcommittee, I fully appreciate the hard work and long hours my colleagues in the Senate and their counterparts in the House have dedicated to the completion of the bill.

There are many important provisions in this bill. However, there are also some critical defense requirements which were overlooked. And I would like to take a moment to address those concerns.

First and foremost, with the enormous increase in the defense budget overall, I am deeply troubled that we would fail to sustain the size of our naval fleet, which has played such a critical role in the war on terror.

Admiral Robert J. Natter, Commander in Chief of the U.S. Atlantic Fleet, captured it best when he said ''We fight them here, or we can fight them there—it's America's choice.'' And he continued ''I'd prefer to fight them there, because I know we can beat them.''

Well, we can't fight them there without a Navy. In the opening days of Operation Enduring Freedom, our Navy fired over 90 Tomahawk cruise missiles aimed at crippling Taliban air defenses. The Navy executed the majority of the air strikes in the land war. Aircraft-carrier based fighter and strike aircraft launched 60 to 80 missions a day dropping thousands of bombs on terrorists and Taliban targets. More than 50 Navy ships participated in the action. I am proud of our Navy, but the fact of the matter is, if we do not increase the ship procurement rate, the size and strength of our fleet is going to be diminished.

If we allow this to happen, we are doing future generations a great disservice. Because the reality is that, when the United States us unable, for whatever reason, to launch military strikes from ground bases in a region where U.S. interests are at stake, there are times when our Navy may be the only option.

Yet, the fleet was stretched too thin even before Operation Enduring Freedom. When I was chair of the Senate Seapower Subcommittee, I heard this time and again from senior Navy officials. As the war on terror continues, I believe it is more important than ever that we maintain a fleet large enough and strong enough to project the power we need in order to safeguard U.S. interests.

These are the facts, The Administration proposed in its budget to procure five new Navy ships in Fiscal Year 2003 and a total of 34 new Navy ships through Fiscal Year 2007. This is an average of 6.8 new ships per year. But we need 8.9 ships per year just to maintain a 310-ship fleet.

The size of the fleet could fall to 263 ships by 2015 to 2025 if we do not reverse this trend. Last year, Secretary Rumsfield painted an even more dire picture, estimating that the Navy could end up with a 230 ship Navy in the 2025 time frame without substantial increases in the build rate. Contrast this with the size of our fleet in 1987 when we had 568 ships.

I know that the administration recognizes the problem, and I credit them with understanding the need to build more ships in the future. The DOD and the Navy have acknowledged the need to build more ships. Last year, a study conducted by the Office of the Secretary of Defense concluded that the Navy should have 340 ships. Navy officials put the number at 370–380. And they should know. They are the men and women who are responsible for our forward deployed forces. But we need to help them by taking action. Whatever the ultimate number, we need to reverse the current trend and begin to build a bigger fleet. But we need to begin to produce more ships now, because there is not doubt that the size of our naval fleet is a vital matter of national security. We can't afford to wait any longer.

We can't afford to risk this essential component of our world-wide defense force. After all, 80 percent of the planet's population lives along the coastal plains of the world, and it is the Navy that has the capability that is imperative if we are to maintain military superiority and defend America's national interests in the 21st century. For even with today's rapidly changing and diverse security threats, there is no foreseeable future that would have our security interests best served by a diminished naval fleet.

Despite the fact that Secretary England has endorsed funding for a third destroyer, for example, this bill fails to fund an additional ship. To maintain readiness and to sustain the industrial base, we desperately need a third destroyer authorized and funded in fiscal year 2003.

Even to maintain a 116-ship surface combatant force, given the projected service life of 35 years for DDG–51 Class ships, requires a sustained replacement rate of over three ships per year. If you assume a 30-year service life, which is more realistic historically, sustaining even the 116-ship surface combatant force would require annual procurement of almost four DDGs each year.

And at a rate of only two destroyers a year, it may be difficult to sustain the yards that have historically built these critical platforms. That is why I was pleased to team with Senator COLLINS to extend the multi-year procurement rate for DDG destroyers through fiscal year 2007. As chair of the Seapower Subcommittee, I secured procurement authorization for three DDGs annually through fiscal year 2005, and this bill extends that authorization for an additional two years. It is still imperative to add a third destroyer to the fiscal year 2003 budget, but this multi-year procurement is a step in the right direction.

While I am very concerned about the failure to fully fund the shipbuilding accounts, I do believe credit is due in some other important areas. For example, the bill does make some invaluable personnel contributions. The measure includes a 4.1 percent across-the-board pay raise for all military personnel, with an additional targeted pay raise for the mid-career force. It includes a

provision authorizing the concurrent receipt of military retirement pay and veterans disability compensation for military retirees with disabilities, an effort which I have long supported.

The bill also reaffirms Congress's commitment to the war on terror by funding requirements needed to support our Soldiers, Marines, Sailors, and Airmen who are on the front lines with the planes, vehicles, ships and armaments they need to carry out their critical missions.

The bill would set aside $10 billion, as requested by the administration, to fund ongoing operations in the war against international terrorism during fiscal year 2003. And it includes substantial funding to meet asymmetrical terrorist threats including chemical, biological, and nuclear weapons and develop the agility, mobility, and survivability necessary to meet the challenges of the future.

It would increase by $199.7 million funding to enhance the security of nuclear materials and nuclear weapons at Department of Energy facilities. It would increase funding for U.S. Special Operations Command by $42.7 million. Defenses against chemical and biological weapons and other efforts to combat weapons of mass destruction would see an increase of $30.5 million. And the bill would find the request of over $2 billion for force protection improvements to DOD installations around the world.

Finally, the bill would also make possible continued improvements in the Navy's human resources services with the authorization of $1.5 million for operation of a pilot human resources call center in Machias, Maine under an amendment I worked to include in the bill.

This call center went on-line in January of this year. I worked hard with the Navy to locate this facility in Washington County, ME to help compensate for the loss of military personnel at the Cutler Naval Computer and Telecommunications station in Cutler, a communication center used to provide contact with U.S. submarines in the North Atlantic, Mediterranean and Arctic seas. At its peak there were 220 people working at the base—110 civilians and 110 Navy personnel.

The call center establishes a single national employee benefits center for the Department of the Navy to standardize the ''call in capability'' of services currently performed in eight separate Human Resources Service Centers. This center integrates developed computer and internet technologies to provide updated information immediately to Navy civilians and beneficiaries who make inquiries.

In closing, let me say that I hope during the House-Senate conference on the defense authorization that we will be able to build on the foundation that has been set in this bill and make it an even stronger bill.

Mr. FEINGOLD. Mr. President, I will vote against the National Defense Authorization Act for fiscal year 2003. I regret that the Senate has missed another opportunity to reorient the thinking—and spending—of the Pentagon.

I strongly support our men and women in uniform in the ongoing fight against global terrorism and in their other missions, both at home and abroad. I commend the members of the National Guard and Reserves and their families for the sacrifices they have made to protect our security and freedom. More than 85,000 National Guard and Reserve forces have been called to active duty since September 11, including personnel from a number of units in Wisconsin. All members of our military and their families—active duty, National Guard, and Reserves—deserve our sincere thanks for their commitment to protect this country and to undertake the fight against terrorism in the wake of the horrific attacks of September 11.

Each year that I have been a Member of this body, I have expressed my concern about the priorities of the Pentagon and about the process by which we consider the Department of Defense authorization and appropriations bills. I am troubled that the Department of Defense does not receive the same scrutiny as other parts of our Federal budget. This time of unprecedented national crisis underscores the need for the Congress and the administration to take a hard look at the Pentagon's budget to ensure that scarce taxpayer dollars are targeted to those programs that are necessary to defend our country in the post-cold war world and to ensure that our Armed Forces have the resources they need for the battles ahead.

There can be no doubt that Congress should provide the resources necessary to fight and win the battle against terrorism. There should also be no doubt that this ongoing campaign should not be used as an excuse to continue to drastically increase an already bloated defense budget.

When adjusted for inflation, the spending authorized by this bill, as it was reported to the Senate by the Armed Services Committee, represents the largest increase in defense spending since 1966. Just how big is this increase? The whopping $393.4 billion authorized by this bill is $152.2 billion more than combined defense budgets of the United Kingdom, Japan, Russia, France, Germany, Saudi Arabia, India, China, South Korea, Taiwan, Iran, Pakistan, Syria, Iraq, North Korea, Yugoslavia, Libya, Sudan, and Cuba.

The $46 billion increase over fiscal year 2002 alone is more than the Defense budgets of any one of these 19 countries. The country with the second-largest defense budget, the United Kingdom, spent just $34.8 billion in 2001. This bill authorizes a defense budget that is more than 11 times greater than that of our closest ally.

A strong national defense is crucial to the peace and stability of our Nation. But a strong economy is also essential to national security. We must not focus on one to the detriment of the other. Many of the expensive weapons systems that are authorized in this bill have little or nothing to do with the fight against terrorism, which is often cited as the reason for the $46 billion increase in defense spending contained in this bill. I am concerned that if we continue down this path, defense spending will spiral further out of control, perhaps putting other areas of our economy at risk.

I am pleased that the Senate adopted an amendment to cut funding for the Army's Crusader mobile artillery program. I support the Secretary of Defense's decision to cancel this outdated program. Last month, I introduced legislation that would terminate the Crusader program, saving taxpayers an estimated $10 billion over the life of the program. I commend the Secretary of Defense for his efforts to transform our military to meet the challenges of the 21st Century and beyond, and agree that cold war-era dinosaurs such as the Crusader should be terminated.

I regret that so little progress has been made to transform the military for these new challenges. The hard-fought battle to terminate the Crusader program—a program that was canceled by the Secretary of Defense—stands as an example of how difficult it is to change the mind-set of the Pentagon and the Congress. The beleaguered Crusader is the poster child for an obsolete, cold war-era program, yet there are those in the Congress and at the Pentagon who are digging in their heels and trying desperately to save it. The termination of a weapon system such as the Crusader is an example of the hard decisions that this body will have to make as we face the realities of the federal budget and as we seek to provide our Armed Forces with the equipment they will need to fight the battles of the future.

I am pleased that this bill authorizes an increase in full-time manning for the Army National Guard. As we continue to call upon the Guard and Reserves for active-duty missions that are longer in duration, the role of the full-time Army National Guard personnel who support these missions becomes increasingly important. The Army National Guard relies heavily on Active Guard/Reserves and Military Technicians to perform a wide variety of essential day-to-day operations, ranging from equipment maintenance to leadership and staff roles.

According to Lieutenant General Roger C. Schultz, Director of the Army National Guard, ''Increased full time support is an absolute necessity for Army National Guard units as the Army places greater reliance on the Army National Guard to provide trained and ready soldiers in support of Homeland Security efforts, as well as forces for theater Commander in Chiefs in support of the National Military Strategy. These full time personnel are the vital link for the traditional part

time Army National Guard commanders working to achieve expected readiness goals. Units that are understrength in full time support personnel have difficulty maintaining pace with current elevated Operational Tempo. Consequently, many units fail to attain and maintain readiness levels.''

This bill authorizes 724 additional Active Guard/Reserve positions and 487 additional military technicians, which, according to the National Guard Bureau, are the minimum essential requirements for full-time manning for the Army National Guard. These increases match those contained in an amendment that I offered to the fiscal year 2003 budget resolution that was adopted unanimously during the Budget Committee's mark-up earlier this year.

I am troubled that the Senate added to the bill the $814.3 million that the Armed Services Committee cut from the President's request for national missile defense by the unfortunate adoption of an amendment offered by the ranking member of the committee, Mr. WARNER. The amendment would allow the President to spend this money on missile defense or on defense activities to combat terrorism at home and abroad. This bill, as reported to the Senate, includes $6.8 billion for the still unproven missile defense system. While I did not originally oppose legislation authorizing development of a missile defense system, I remain skeptical about the need for such a system. Congress should maintain tight cost controls over this system, as the Armed Services Committee attempted to do by cutting $814.3 million for a number of questionable aspects of the Administration's request. I am still concerned that the $6.8 billion in the bill is far too much for this program, but these cuts were a step in the right direction.

I am also concerned that the proposed offset for the additional funding in the Warner amendment comes from ''amounts that the Secretary determines unnecessary by reason of a revision of assumptions regarding inflation that are applied as a result of the midsession review of the budget conducted by the Office of Management and Budget during the spring and early summer of 2002.'' This flimsy accounting gimmick should not be cited as an offset. In reality, there is no offset for this spending increase.

I am pleased that the Senate adopted a language offered by the chairman of the committee, Mr. LEVIN, that directs that priority for allocating any funds made available to the Department by a lower rate of inflation be given to ''activities for protecting the American people at home and abroad by combating terrorism at home and abroad.'' Clearly, the proposed missile defense system does not fit this definition. But I am troubled by the underlying Warner amendment because I oppose giving the President the option to spend additional funding on missile defense.

I am pleased that the committee included in the bill language that will help to improve congressional oversight of the missile defense program by, one, requiring that the Director of Operational Test and Evaluation conduct an annual operational assessment of the program and that the Joint Requirements Oversight Council review the cost schedule and performance criteria for the program, and, two, requiring that the Secretary conduct a review of the major elements of the missile defense program and report to Congress cost and schedule information similar to that required for other major defense programs.

Turning to another issue, I continue to be concerned about the Marine Corps' troubled V–22 Osprey program. I met recently with Colonel Dan Schultz, the Marines' V–22 Program Manager, and others to discuss the status of this program and to express my concerns about the Osprey. I appreciate Colonel Schultz' commitment to ensuring that the Osprey is a safe and effective aircraft and his thoughtful approach to the new flight testing program, which began on May 29.

The safety of our men and women in uniform should continue to be top priority as we consider the Osprey's future.

I am troubled that the Osprey nearly made it to a Milestone III production decision in late 2000 with extensive problems in its hydraulics system and flight control software. While I appreciate the hard work that the Marines and the contractors have done to correct these problems, I remain concerned that there is no clear answer for why these deadly problems, which combined to cause the December 2000 crash that killed four Marines, weren't discovered much earlier.

I am also troubled by the lack of concrete information about how to avoid the dangerous vortex ring state, which occurs when the Osprey descends too rapidly. I remain concerned about the effect that the vortex ring state could have on the ability of the Osprey to perform in combat, especially if a pilot has to make a fast exit from a hostile situation. I will monitor closely planned extensive testing that the Marine Corps has planned to study this phenomenon and ways to help pilots avoid it.

The ongoing flight tests should provide a definitive assessment of the aircraft's capabilities. If the Osprey is not up to the job, then the Defense Department should be prepared to consider other alternatives that will meet the needs of the Marine Corps in a safe and cost-effective manner. I will work to ensure that Congress maintains strict oversight of the testing program.

In addition, I will oppose any attempt to increase procurement of the Osprey beyond the minimum sustaining rate until the Marine Corps has demonstrated that the Osprey is safe and effective and meets or exceeds all of its performance criteria. I am still not convinced that the Osprey will work, and whether it can be made to work in a cost-effective manner.

In sum, as I have said time and time again, there are millions upon millions of dollars in this bill that are being spent on outdated or questionable or unwanted programs. This money would be better spent on programs that truly improve our readiness and modernize our Armed Forces. This money also would be better spent on efforts to improve the morale of our forces, such as ensuring that all of our men and women in uniform have a decent standard of living or providing better housing for our Armed Forces and their families. For those reasons, I will oppose this bill.

Mr. JEFFORDS. Mr. President, I want to thank the chairman, the ranking member, and the staff of the Senate Armed Services Committee for their efforts to address my concerns with the current funding situation for the National Guard Competitive Sports Program. I hope this issue can be resolved in conference.

Mr. President, our world as we know it changed dramatically after the events of September 11, 2001. I believe we must support the President of the United States in a time of war and I think the Fiscal Year 2003 National Defense Authorization Act does exactly that. However, I think we must not lose sight of the fact that we still rely on an all-volunteer force to man the ranks of our military. This means we must, even in a time of war, continue to have a robust retention and recruiting program, especially if the war on terrorism becomes a lengthy one. The best recruiting and retention programs are those that enable the services to get out and interact with the public, which brings me to an issue I would like to see rectified in conference.

We need a minor change in current law, which would allow National Guard units to use a small amount of appropriated funds to sponsor sports competitions and send Guard members to those competitions. As the law reads now, only non-appropriated funds may be used to cover expenses such as health, pay, and personal expenses for participating National Guard members. Unlike our active forces, the National Guard does not have access to non-appropriated funds as they do not own or operate non-appropriated fund generating functions, such as military exchanges, commissaries, and the like.

Unlike Active Duty military personnel who have all health, pay, and personal expenses covered while participating in competitive sports, National Guard members are not on duty while competing in sporting events, and thus are not covered. For example, if a National Guard member suffers an injury while competing at the marksmanship competition, the service member must pay for the incurred health costs although the individual was competing with his or her Guard unit. And, unfortunately, placing National Guard

members on orders, as occur when military reservists participate in these competitions, is not a solution to the coverage issue.

The senior Senator from Vermont and I had hoped to offer an amendment to allow the National Guard to spend a limited amount of appropriated funds, capped at $2.5 million per year, on its sports program. It should be emphasized that we only seek to allow the National Guard to participate in the same manner as Active Duty military. The House overwhelmingly passed a National Guard Sports amendment offered by Representative BEREUTER to their Fiscal Year 2003 National Defense Act, which is identical to the change I seek. I urge the chairman and ranking member to adopt the Bereuter provision in the House bill when the Fiscal Year 2003 National Defense Authorization Act goes to conference.

On 17 June 2002, Colonel Willie Davenport, Chief of the National Guard Bureau's Office of Sports Management passed away while on travel between duty stations. I did not know Colonel Davenport, but my staff informs me that he was by all appearances a gentle, modest, and gracious man. My staff worked extensively with Colonel Davenport in preparing an amendment concerning National Guard Sports. I read the Guard's recent press release concerning Colonel Davenport, and I was quite impressed by his accomplishments as a teacher, mentor, coach, and soldier. What many may not know is that Colonel Davenport while serving as a soldier was also a five-time Olympian. He won Gold in the 110-meter high hurdles while representing the United States in the 1968 summer Olympics in Mexico City, and that was only the beginning. Colonel Davenport went on from there to represent the Army and the United States in a variety of capacities in the competitive sports world. He coached the All-Army Track and Field Team from 1993–1996, which was undefeated all 4 years. Colonel Davenport in his capacity as a teacher, mentor, coach, soldier and Olympian made a very positive, and lasting impression on a good number of young men and women who came to know, work, and enjoy his company. A man of his character and accomplishment will be missed. We know that he has prepared a good number of others to continue to light the path ahead. Colonel Davenport had a dream. His dream was to develop a program that would train and sponsor premier Army and Air National Guard athletes for international competition.

Colonel Davenport's National Guard Competitive Events Sports Program provides National Guard members with an opportunity to hone their training-related skills, such as running, swimming, and marksmanship, in a competitive atmosphere. As the National Guard actively recruits new members, this can be another feature in recruitment and retention programs for certain members of the National Guard. Through these competitions, National Guard members can qualify for higher-level national and international competitions, including the Pan American Games and the Olympics.

National Guard members who compete in athletic and small arms competitions could then do so with members of the Active Duty military. Bringing Active, Reserve, and National Guard components together at these competitive sports events will help build greater service component cohesiveness.

While recruiting, retention, esprit de corps, and community support have always been important to maintaining a strong National Guard structure, they have become even more critical as we wage the war on terrorism during which our men and women in the National Guard are more frequently called into duty overseas and to provide security on the homeland.

The National Guard needs a change in the law if Colonel Davenport's National Guard Competitive Events Sports Program is going to survive. The National Guard must be able to sponsor competitions and send its members to those competitions, as they are an important tool and incentive to recruit and retain some of America's best and brightest.

This issue is important to the Vermont Guard and the National Guard as a whole. I hope we can provide the National Guard with the authority they need to have a robust sports program.

Ms. SNOWE. Mr. President, I rise today to speak in favor of the amendment offered by my friend and colleague, Senator HUTCHISON, regarding base closures.

Last year, with the passage of the fiscal year 2002 National Defense Authorization Act, Congress authorized a round of base closures in fiscal year 2005. So we are now on a path to a base closure round in 3 years.

Even before the horrific attacks of September 11, 2001, there were serious questions about both the integrity of the base closing process itself as well as the actual benefits. Now, with the U.S. in the midst of a war on terror, with no end in sight, I do not believe base closure is a wise path. Instead, Congress was pressed to authorize a base closure round in the dark.

Proponents of base closure claim that efforts to reduce infrastructure have not kept pace with our post cold war military force reductions, and that bases must be downsized proportionate to the reduction in total force strength. However, there is no straight line corollary between the size of our forces and the infrastructure required to support them.

Since the end of the cold war, through fiscal year 01, we reduced the military force structure by about 36 percent and reduced the defense budget by about 40 percent. But while the size of the armed services has decreased, the number of contingencies that our service members have been called upon to respond to in the last decade has dramatically increased. And, keep in mind, once property is relinquished and remediated, it is permanently lost as a military asset for all practical purposes.

In addition, advocates of base closure allege that billions of dollars will be saved. And yet, the Department of Defense has admitted that savings will not be immediate—that approximately $10 billion would be needed for up-front environmental and other costs; and that savings would not materialize for years.

This is why I was pleased to team with Senator HUTCHISON in her effort to establish some basic criteria designed to guide the process, and I deeply regret that the Senate will not have the opportunity to adopt these provisions.

Senator HUTCHISON's provision, of which I am an original cosponsor, would set criteria for the base closure process—to make the process less political, less subjective, and more objective.

The Hutchison amendment would have made sure that the process accounts for force structure and mission requirements, force protection, homeland security requirements, proximity to mobilization points, costs of relocating infrastructure including military construction costs, compliance with environmental laws, contract termination costs, unique characteristics of existing facilities, and State and local support for a continued presence by the military.

I want to protect the military's critical readiness and operational assets. I want to protect the home port berthing for our ships and submarines, the airspace that our aircraft fly in and the training areas and ranges that our armed forces require to support and defend our nation and its interests. I want to protect the economic viability of communities in every State. And I want to make absolutely sure that this Nation maintains the military infrastructure it will need in the years to come to support the war on terror.

In short, we must not degrade the readiness of our armed forces by closing more bases. I thank Senator HUTCHISON for her leadership on this important issue, and I remain hopeful that if we press ahead with this ill-conceived base closure round in just 3 years time we will have an opportunity to at least establish sound, basic ground rules.

Mr. WELLSTONE. Mr. President, I rise to address the subject of our Nation's security needs in the context of the Defense authorization bill presently before the Senate.

I believe we must provide the best possible training, equipment, and preparation for our military forces, so they can effectively carry out whatever peacekeeping, humanitarian, warfighting, or other missions they are given. They deserve the targeted pay

raises of 4–6 percent, the incentive pay for difficult-to-fill assignments, and the upgrades to currently substandard housing contained in this bill. Under an amendment adopted by the Senate, the women who serve our country overseas in the Armed Forces will be able to obtain safe, privately funded abortions in overseas military hospitals. For many years running, those in our armed forces have been suffering from a declining quality of life, despite rising military Pentagon budgets. The pressing needs of our dedicated men and women in uniform, and those of their families, must be addressed as they continue to be mobilized in the war against terrorism in response to the attacks of September 11. This bill goes far in addressing those needs, and I will vote for it today.

This bill also addresses a fundamental unfairness in the treatment of America's veterans by allowing concurrent receipt of military retiree benefits and VA disability benefits. Under current law, if you are career military and you earned a military pension, and you also have service-connected disability as a veteran, your military pension will be reduced by the amount you receive in VA disability payments. As a result, hundreds of thousands of American veterans, men and women who have served their country, are being cheated out of retirement benefits by this bizarre rule and it is time to make a change. Our disabled veterans have earned their retirement and deserve to receive fair treatment.

Last year we passed this same legislation in the Senate, but it was gutted in the House. The Defense Department says it will recommend a veto of this bill if we restore these benefits. But I do not believe that the President will veto legislation to restore the benefits earned by disabled veterans, while career military men and women are overseas fighting for their country, at great risk to their lives. Instead of making threats, let's sit down and get this done for America's vets.

I also believe the bill addresses some of the serious flaws in the process by which the Defense Department summarily terminated the Crusader Artillery system. I strongly believe in fair, transparent, and informed government-decision making processes, which did not occur in the case of the Crusader. Three Defense secretaries, three Army secretaries, and three Army chiefs of staff, as well as numerous administration officials, testified in support of the Crusader. Yet within a few weeks of this testimony, the Secretary of Defense abruptly terminated the Crusader. The decision was made without consultation with the Joint Chiefs of Staff, without consultation with the Army, and without consultation with members of Congress. The Senate adopted an amendment which would require the Army Chief of Staff and Secretary of Defense to conduct a serious study of the best way to provide for the Army's need for indirect fire support. At the same time, it provides the Secretary of Defense, following the study, a full range of options. These include termination to continued funding of Crusader, to funding alternative systems to meet battlefield requirements.

Another issue I consider to be extremely important in relation to this bill has to do with our own military presence in the Republic of Colombia. As you know, under Plan Colombia, restrictions were placed on the number of U.S. troops and contract personnel in Colombia at any given time. Initially, a 500 troop, 300 contractor limitation was in place. Over time, however, the Senate has acted to address the needs of the Departments of Defense and State by shifting the ration of troop and contractors to 1:1. As a result of recent Foreign Operations Appropriations legislation, the troop cap dropped from 500 to 400, while the contractor cap was lifted from 300 to 400 personnel.

Frankly, I am concerned that attempts may be made to raise the troop and contractor caps in Colombia. I have long argued that the United States should be careful and targeted in how it approaches the conflict in Colombia. I'm sure that most Senators would agree that it is important to retain the present limitations on U.S. troops and contractors in Colombia at 800 thru 400 troops, 400 contractors. Moreover, it is my understanding that the Department of Defense has not asked for the troop cap to be raised in Colombia, nor has the administration sought to have the troop cap waived. For this reason, I would like to be on record in support of present troop and contractor limitations in Colombia.

Although I expect future debate on the contentious issues surrounding U.S. policy in the Andes, I think it is important for the Senate to be clear on this component of our aid to Colombia. I am concerned that we are getting deeper and deeper into a devastating civil conflict with myriad violent actors of ill repute. That said, I continue to hold out hope that the Congress can work with the administration to craft a policy for Colombia that reflects the best of American values, and acknowledges the economic and social needs of Colombia's beleaguered population. The administration should retain the troop and contractor caps in Colombia, and Congress should be adequately consulted should they decide to seek any such change.

I also have concerns about the bill, especially about its missile defense provisions. The initial committee language would have cut total funding for missile defense from $7.6 billion to $6.8 billion. The Senate adopted an amendment to restore the entire $814.3 million that the Senate Armed Services Committee cut from missile defense, with the President being given the option of spending the funds on either missile defense programs or on combating terrorism. It was not my preference that the cut be restored, but I agree with the Senate's unanimous sentiment that these funds be used for the urgent priority of combating terrorism, and my strong hope is that the President will not disregard the will of the Senate and use these funds for missile defense instead.

I have long been a critic of Ballistic Missile Defense, BMD, and I still have strong reservations about the feasibility, cost, and rationale for such a system. The last time I addressed missile defense on the Senate floor was on September 25, exactly two weeks after terrorists destroyed the World Trade Center. I argued then that pressing ahead on BMD would make the U.S. less rather than more secure. Instead, I suggested the Senate give homeland defense the high priority it deserves by transferring funds to it from missile defense programs.

Given the justifiable concerns of Americans about possible terrorist attacks on U.S. nuclear facilities, it makes more sense to use the funds to protect our citizens against a priority threat rather than to counter a low priority threat with a very costly system that a number of informed scientists believe may never work.

Under Chairman LEVIN's leadership, the committee eased the effects of the administration's April decision to provide emergency funding for only 7 percent of Energy Secretary Abraham's request for $398 million to improve security of nuclear weapons and waste. In a letter sent by Secretary Abraham to OMB Director Mitchell Daniels obtained by the New York Times, the Secretary stressed that the $398 million he was requesting was ''a critical down payment to the safety and security of our nation and its people.'' I couldn't agree more. But the administration obviously didn't agree and approved only $26 million.

The April 23rd New York Times article on the matter made clear that the programs covered by the DOE request are vital to the protection of the United States from terrorist attack. Unbelievably, funding was turned down for several programs designed to safeguard nuclear weapons and weapons material in storage, including: $41 million to reduce the number of places where weapons-grade plutonium and uranium were stored; $12 million to detect explosives in packages and vehicles at DOE sites; $13 million to improve perimeter barriers and fences; $30 million to improve DOE computers, including the ability to communicate critical cyber-threat and incident information; and $34 million for increasing security at DOE laboratories.

Who can argue that BMD funding for programs that can't be justified by DOD or are duplicative should take priority over programs designed to deter terrorist actions against U.S. nuclear weapons, weapons materials, and weapons laboratories? Just a few days ago, reports of possible terrorist use of a dirty bomb against the United States caused widespread public alarm. I am sure the American people would be

even more alarmed by a threatened terrorist attack against DOE nuclear facilities.

An attack by ballistic missiles is one of the least likely threats we face. Much more probable threats which a missile defense won't address are nuclear, biological or chemical attacks using planes, boats, trucks or suitcases. And as we are all aware even an impenetrable missile defense would have been useless against the assault on the World Trade Center. In short, I remain convinced that a national missile defense would be ineffective in preventing attacks by rogue states or terrorists.

While the intelligence community continues to devote considerable resources to estimating both the threat of an ICBM and unconventional attack on the United States, it still finds that unconventional attacks are the more likely of the two. For example, recent testimony by the National Intelligence Officer, NIO, for Strategic and Nuclear Programs, before a subcommittee of the Senate Governmental Affairs Committee repeated previous intelligence community judgments that U.S. territory is more likely to be struck by non-missile means of delivering weapons of mass destruction, WMD, than by ICBM's. His remarks were based on an unclassified version of a National Intelligence Estimate, NIE, that was released in January entitled: ''Foreign Missile Developments and the Ballistic Missile Threat Through 2015.'' NIE's represent the collective judgment of the U.S. intelligence community.

In testifying on why using non-missile means of delivering WMD's are the more likely option, the NIO adduced reasons similar to those cited before by other intelligence sources. Compared to ICBM'S, he said, non-missile means are ''less costly, easier to acquire, and more reliable and adequate . . . and also can be used with attribution.''

The NIO meant by this that non-missile means have the advantage of being used without imperiling those responsible, while ICBM's have ''signatures'' enabling the U.S. to quickly identify the attackers. Consequently, countries like North Korea, Iran, and Iraq which he said could be capable of launching missiles at the U.S. by 2015, would be risking a devastating counterattack by the United States. The key question of why these countries would risk destruction by firing an ICBM at us, when non-missiles can be used without a return address has yet to be revealed by intelligence or defense sources. North Korean, Iraqi, and Iranian leaders are evil, but they aren't suicidal.

The NIO noted some states armed with missiles have shown ''a willingness to use chemical weapons with other delivery means,'' adding that U.S. territory is more likely to be attacked with non-missile WMD by terrorists. He concluded the intelligence community believes that the U.S. will face a growing missile threat because missiles have become important regional weapons for numerous countries and provide a level of prestige, coercive diplomacy and deterrence unmatched by non-missile means.

But this thesis has been ably refuted by Joseph Cirincione, head of the Carnegie Endowment's Nuclear Proliferation Program. In a February speech before the American Association for the Advancement of Science he argued that the U.S. is facing a declining ballistic missile threat rather than the increasing threat the intelligence community sees.

Cirincione focuses on the 1998 Rumsfeld Commission study which assessed the ballistic missile threat to the United States and took a much more alarmist view than intelligence assessments that had examined the same issue. The Rumsfeld Commission found that North Korea and Iran were devoting ''extraordinary resources'' to developing ballistic missiles capabilities that pose ''a substantial and immediate danger to the U.S., its vital interests and its allies.''

The Rumsfeld Commission report was an outgrowth of harsh attacks by several leading members of Congress on 1993 and 1995 NIE's. The 1993 NIE concluded that only China and several states of the former Soviet Union had the capability to attack the continental U.S. with land-based ballistic missiles, adding that ''. . . the probability is low that any other country will acquire this capability during the next 15 years.'' In a similar vein, the 1995 NIE, said: ''The Intelligence Community judges that in the next 15 years no country other than the major declared nuclear powers [i.e. Russia and China] will develop a ballistic missile that could threaten the contiguous 48 states or Canada.''

In the aftermath of harsh congressional criticism of the estimates, a congressionally mandated panel in December 1996 led by former Bush Administration CIA Director Robert Gates reviewed the 1995 NIE. The panel concurred with the NIE, finding that it was unlikely the continental U.S. would face an ICBM threat from a third world country before 2010 ''even taking into account the acquisition of foreign hardware and technical assistance, and that case is even stronger than was presented in the estimate.''

Apparently displeased by the Gates panel report as much as they were by the 1995 NIE, Congress mandated the Rumsfeld Commission panel which finally provided a different answer. The 1998 Commission report concluded that a new nation could plausibly field an ICBM ''with little or no warning.'' In the aftermath, the intelligence community adopted the ''could standard'' which became apparent in the 1999 NIE. That consensus report contained the following dissent from one of the intelligence agencies involved in producing the NIE: Some analysts believe that the prominence given to missiles countries ''could'' develop gives more credence than is warranted to developments that may prove implausible.

The ''could'' standard was one of three major changes made to assessment methodology. The other shifts were to substantially reduce the range of missiles considered serious threats by shifting from threats to 48 continental States to threats to any of the land mass of the 50 States and changing the time line from when a country would first deploy a long-range missile to when a country could first test a long-range missile. The geographic criterion change had the effect of shortening missile range by some 3,000 miles, the distance from Seattle to the western-most tip of Alaska's Aleutian Islands. In effect, this means the North Korea's medium-range ballistic missile the Taepodong-1 could be considered the same threat as an ICBM. The time line shift represents a decrease of five years, which previous estimates said was the difference between first test and likely deployment. Moreover, the new NIE's don't require a successful test.

The net effect of these three changes was to shift the goal posts in the direction indicated by the Rumsfeld Commission. These shifts account for almost all of the differences between the 1999 and 2001 NIE's and earlier estimates. Rather than representing some new, dramatic increase in the ballistic missile threat, they represent lowered standards for judging the threat.

Despite administration optimism about developing BMD and the prospects for quick deployment, prominent scientists and missile experts remain skeptical. Here are a few examples. Richard Garwin of the Council on Foreign Relations, a member of the Rumsfeld Commission, and a leading expert in military applications of science, is dubious about the administration's approach to BMD and its rationale for pursuing it.

A report in the Dallas Morning News quotes Garwin as questioning the emphasis on destroying missiles in mid-course, warning ''it's not a sensible thing to do.'' He says the major flaw is that an enemy can defeat the system by such means as concealing the payload bomb in a balloon the size of a house so that hitting the balloon would have little chance of disabling the weapon. Deploying numerous, sophisticated decoys would also be an effective counter-measure.

Garwin suspects DOD money is going to the mid-course approach because its proponents aren't really hoping to use BMD against rogue states as they claim, but are aiming at ''China first, then Russia.'' He reasons that while ships or land-based launch sites would be suitable for shooting down Iraqi or North Korean missiles in boost-phase, they would be useless against Russia and China. A mid-course strategy, however, could counter a limited missile attack from those nations. The implications are chilling. I hope and pray that Garwin is wrong about BMD's true mission, because if Russia and China reach the same conclusion, we may be in for a renewed nuclear arms race.

Dr. Garwin now questions the rationale for BMD, despite his participation in the Rumsfeld Commission which assessed the ballistic missile threat to the United States. He was quoted in a June 12 news wire report as stating: ''Fifteen million . . . cargo containers enter the United States every year with a minute chance of being inspected. Why should a nation with a few ICBM's risk their being destroyed pre-emptively when other means are available for delivery?''

Steven Weinberg, a Nobel Laureate in physics, is one of the most prominent and trenchant scientific critics of BMD. He strongly believes that it would be smarter to put the billions pouring into missile defense into other homeland security efforts. Weinberg points out that if the U.S. deploys BMD, intelligence analysts estimate China will sharply expand its arsenal from about 20 ICBM's to 200 or so. Should this occur both India and Pakistan would probably also expand their nuclear arsenals. As we all know, the last thing the world needs is a spiraling nuclear arms race in South Asia.

Weinberg believes a BMD system would be fatally flawed. He contends that missile defenses are easy to defeat. The attacker surrounding his warheads with decoys, he says always has the last move. He makes a persuasive case that a ballistic missile attack on the United States is an unlikely threat. The real danger we face, he says, is the spread of nuclear material that can be set off without missiles. He concludes that President Bush is pursuing ''a missile defense undertaken for its own sake, rather than any application it may have in defending our own country.'' While I doubt this is an accurate characterization of the President's motives, I agree with Weinberg's conclusion that the spread of nuclear materials is now a much more serious threat to our country than a ballistic missile attack.

Both distinguished missile experts and the media have opposed the Administration's new secrecy policy which will classify previously unclassified materials regarding targets and countermeasures to be used in flight intercept test of the Ground-Based Mid-course Defense system.

Such secrecy is both undesirable and unnecessary. BMD development has benefitted much from public scrutiny by physicists and other scientists, weapons experts, watchdog groups, and the press. Cutting off access would be clearly counterproductive. Philip Coyle, who served as Assistant Secretary of Defense and DOD's Director of Operational Test and Evaluation from 1994–2001 is one of the nation's foremost experts on missile defense. He argues that it will take some 20 developmental tests costing $100 million a piece and may take years before testing with realistic decoys can start. Coyle believes secrecy is premature since there's ''no danger'' the test program will be in a position to ''give away any secrets'' for years to come.

Coyle also is dismayed that MDA is withholding information from the Pentagon's own independent review offices, such as the Director of Operational Test and Evaluation. Current laws give the Director rights to unfettered access to all major DOD acquisition programs. Who can argue with Coyle when he says that if independent review of testing is stifled DOD itself won't be able ''to make reasonable judgements about the program's viability.''

The final issue I want to raise is the matter of the adequacy of current testing. Two years ago I joined Senator DURBIN in introducing an amendment to require more realistic testing of the national missile defense system. At the time I stated on the floor that missile defense testing used at that time proved little or nothing: ''Current testing determines whether or not the system works against cooperative targets on a test range. This methodology is insufficient to determine the technological feasibility of the system against likely threats. At present, even if the tests had been hailed as total successes, they would have proved nothing more than the system is unproven against real threats. . . . Current testing does not take countermeasures into account.''

Unfortunately, what I said was true 2 years ago is still true today. Philip Coyle has recently said that the missile defense program ''is not at the point where the types of decoys being used have even begun to be representative of the likely enemy countermeasures against missile defense.'' He noted that so far the decoys used have been ''round balloons which don't look at all like a target re-entry vehicle.'' Coyle who may know more about BMD testing than anyone, concluded ''it may be the end of this decade before . . . testing with 'real world decoys' can begin.''

The administration plans to rush a rudimentary missile defense system into the field beginning in 2004. Few scientists believe that it will be an effective system. Dr. David Wright, Senior Scientist, Union of Concerned Scientists and an MIT research physicist recently charged that ''rather than waiting until the technical issues are addressed, it is rushing [to deploy] immature defense systems. . . . These systems will not provide 'emergency capability' against real-world threats, only the illusion of capability.'' I couldn't agree more with Dr. Wright.

I still agree with the U.S. intelligence community, noted scientists and missile experts that ballistic missiles are one of the least likely threats we face. Much more probably threats are WMD attacks using planes, boats, trucks, or suitcases. Eminent scientists are skeptical of Administration optimism about prospects for developing and quickly deploying BMD. I fully share their skepticism.

The new DOD secrecy policy which will classify previously unclassified material regarding targets and countermeasure used in BMD is undesirable and indefensible. I strongly oppose MDA withholding information from the Pentagon's own independent review offices and applaud the Committee bill for requiring these offices to provide Congress and DOD with annual assessments of the military utility and potential operational effectiveness of major missile defense programs.

In conclusion, I believe in maintaining a strong national defense. We face a number of credible threats in the world today, including terrorism and the proliferation of weapons of mass destruction. We must make sure we carefully identify the threats we face and tailor our defense spending to meet them. We could do a better job of that than this bill does, and I hope that as we move to conference, the committee will make every effort to transfer funds from relatively low-priority programs to those designed to meet the urgent and immediate anti-terrorism and defense of our forces.

Mrs. CARNAHAN. Mr. President, I am very pleased that the Senate has agreed to accept an amendment to the Defense Department authorization bill which will protect small businesses that contract with our armed forces. I thank Senator KERRY for his leadership on this issue. I am proud to have worked with him on this amendment, on behalf of the men and women who are living the American dream by starting and growing their own businesses.

The amendment that I cosponsored with Senator KERRY is very simple. It seeks to preserve opportunities for small businesses across the country to contract with the United States Army to provide goods and services for our soldiers. The Secretary of the Army recently developed a plan to consolidate procurement contracts. Our amendment requires the Secretary to report to Congress on the effect that this consolidation plan has on the participation of small businesses in Army procurement.

I share the Secretary's goal of getting the most for taxpayers' money. And I want to ensure that our procurement policies are efficient. But I believe that the best procurement policies enable all businesses, large and small, to compete for contracts. After all, any economist will tell you that competition will drive prices down and quality up. When the Government consolidates many contracts into one enormous, unwieldy contract, it is nearly impossible for small or local businesses to compete.

I have met with many small business owners from Missouri who have told me that they are anxious to provide quality goods and services to our military; but too often their businesses have been unable to compete because we have bundled together so many diverse procurement needs into one contract that only very large corporations have the capacity to fill the entire contract. Such a system does not benefit our military or our taxpayers.

I am a cosponsor of the Small Business Federal Contractor Safeguard Act, S. 2466. This legislation addresses the problem of consolidated or bundled contracts. Of course, the Government should do all it can to take advantage of economies of scale in production or other benefits that can result from a large contract with a single supplier. Nothing in our legislation would prevent large contracts that serve a genuine economic purpose. However, I am concerned that too often contracts are bundled together simply for the sake of bureaucratic efficiency. This is a disservice to us all, and I am hopeful that the Senate will soon act on S. 2466.

I am concerned that the Army's decision to proactively consolidate contracts is a step in the wrong direction. The Army has assured me that they have considered the interests of small businesses. Our amendment simply asks the Army to report back to Congress on their progress as they reform their procurement policies. I hope that the report will be filled with good news. I hope that we will learn of the Army exceeding small business participation goals. I look forward to reading such a report. But I believe that it is imperative that we follow this issue closely. We must ensure that our military is prepared to take full advantage of the tremendous opportunities available from contracting with small businesses across the country.

I thank my colleagues for joining me in asking that the Secretary of the Army provide us with this important report.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I have spoken to the two managers, staffs on both sides. It appears it would be better to vote now on final passage of this most important bill. I should alert all Members that later this afternoon, when Secretary Rumsfeld's briefing is completed, we will have another vote on a resolution dealing with the Pledge of Allegiance.

The PRESIDING OFFICER. The Senator from Arizona?

Mr. KYL. Would the Senator yield for a question?

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. KYL. Would it be possible to lock in the vote at 3:15? I am sorry.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I would like to express my profound appreciation to the distinguished Senator from Michigan for his able assistance. We have worked together, this is our 24th year on bills of this matter.

Again, I think we have achieved a bill which is in the best interest of the country. I thank you, sir. I thank all members of the Armed Services Committee. I thank all staff persons on the Armed Services Committee, particularly my able assistant, the chief of staff on the Republican side, Ms. Ansley, and her counterpart—maybe the word ''counterpart'' is a little soft—her partner, David Lyles.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, let me thank my ranking member. I can't imagine having someone to work with who is better than Senator WARNER. This has been a long relationship and a trusting relationship. It makes all the difference in getting legislation addressed, much less passed in this body.

I thank my staff, David Lyles, and crew, Judy Ansley and her staff, who, again, worked in a bipartisan way to make this bill happen, to make it possible for us to pass it. I think this is almost record time. This is only the second time in the last 10 years, I believe, where we have been able to pass the Defense authorization bill prior to July 1.

We have resolved our differences in a way which has contributed to the security of the Nation. We have had our disagreements. We are here to have disagreements, to try to resolve them, and where we can't resolve them by compromise, to have votes. That is what we have done. We again succeeded.

I also thank our majority leader, Senator DASCHLE. I thank Senator LOTT, Senator NICKLES, and particularly, I single out, to his embarrassment, again, Senator REID of Nevada. He makes the wheels run on this floor. He provides the oil and the grease which makes it possible for the wheels of this little buggy of ours to keep going. Without him, I can't imagine how we would be able to function as efficiently as we do with all of the inefficiencies to which we all know the Senate is subjected.

Mr. WARNER. I join my colleague in thanking our distinguished majority leader and Republican leader, who worked hand in hand with us, and, indeed, the majority whip. I would only revise one thing about the majority whip: He does use, as he drives the buggy, the whip. But he uses it judiciously and fairly. I received a little crack this morning myself, as did one other colleague from the other side. It was equal.

At any rate, he succeeded, and I thank my dear friend. I have the utmost admiration for him.

The PRESIDING OFFICER. The deputy majority leader.

Mr. REID. Mr. President, working with these two experienced veterans, competent legislators has been a pleasure.

UNANIMOUS CONSENT AGREEMENT—S. 2690

Mr. REID. Mr. President, I also ask unanimous consent that immediately, following the vote on passage of the DOD bill, the Senate proceed to consideration of S. 2690, introduced earlier today by Senator HUTCHINSON and others, which reaffirms the reference to one nation under God in the Pledge of Allegiance; further, I ask the bill then be immediately read the third time, and the Senate proceed to a vote on passage of the bill with no intervening action or debate at 3:20 p.m. today.

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

Mr. REID. I ask for the yeas and nays on passage of S. 2690.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. REID. Mr. President, I ask unanimous consent that rule XII, paragraph 4, be waived in relation to the Defense authorization bill.

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

Mr. REID. I ask for the yeas and nays on final passage of S. 2514.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

Mr. REID. Mr. President, I ask that S. 2514 be read the third time, and the Senate then vote on passage of S. 2514 without any intervening action or debate.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for the third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill, as amended, pass?

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS) is necessarily absent.

I further announce that if present and voting the Senator from North Carolina (Mr. HELMS) would vote ''yea.''

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 97, nays 2, as follows:

[Rollcall Vote No. 165 Leg.]

YEAS—97

Akaka	Dodd	Levin
Allard	Domenici	Lieberman
Allen	Dorgan	Lincoln
Baucus	Durbin	Lott
Bayh	Edwards	Lugar
Bennett	Ensign	McCain
Biden	Enzi	McConnell
Bingaman	Feinstein	Mikulski
Bond	Fitzgerald	Miller
Boxer	Frist	Murkowski
Breaux	Graham	Murray
Brownback	Gramm	Nelson (FL)
Bunning	Grassley	Nelson (NE)
Burns	Gregg	Nickles
Campbell	Hagel	Reed
Cantwell	Harkin	Reid
Carnahan	Hatch	Roberts
Carper	Hollings	Rockefeller
Chafee	Hutchinson	Santorum
Cleland	Hutchison	Sarbanes
Clinton	Inhofe	Schumer
Cochran	Inouye	Sessions
Collins	Jeffords	Shelby
Conrad	Johnson	Smith (NH)
Corzine	Kennedy	Smith (OR)
Craig	Kerry	Snowe
Crapo	Kohl	Specter
Daschle	Kyl	Stabenow
Dayton	Landrieu	Stevens
DeWine	Leahy	Thomas

Thompson	Voinovich	Wyden
Thurmond	Warner	
Torricelli	Wellstone	

NAYS—2

Byrd Feingold

NOT VOTING—1

Helms

The bill (S. 2514), as amended, was passed.

The PRESIDING OFFICER. The provisions of the order will be executed.

DEPARTMENT OF DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2003

The bill (S. 2515) to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed.

(The bill will be printed in a future edition of the RECORD.)

MILITARY CONSTRUCTION AUTHORIZATION ACT FOR FISCAL YEAR 2003

The bill (S. 2516) to authorize appropriations for fiscal year 2003 for military construction, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed.

(The bill will be printed in a future edition of the RECORD.)

DEPARTMENT OF ENERGY NATIONAL SECURITY ACT FOR FISCAL YEAR 2003

The bill (S. 2517) to authorize appropriations for fiscal year 2003 for defense activities of the Department of Energy, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed.

(The bill will be printed in a future edition of the RECORD.)

Mr. REID. Mr. President, I now ask unanimous consent that the Senate proceed to the consideration of Calendar No. 379, H.R. 4546, the House companion measure; that all after the enacting clause be stricken and the text of S. 2514, as passed by the Senate, be inserted in lieu thereof; that the bill be read a third time, passed and the motion to reconsider be laid upon the table; that the Senate insist on its amendment, request a conference with the House on the disagreeing votes of the two Houses, and that the Chair be authorized to appoint conferees on the part of the Senate, with the above occurring without further intervening action or debate.

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

The bill (H.R. 4546), as amended, was read the third time and passed.

(The bill will be printed in a future edition of the RECORD.)

The PRESIDING OFFICER (Mr. CARPER) appointed Mr. LEVIN, Mr. KENNEDY, Mr. BYRD, Mr. LIEBERMAN, Mr. CLELAND, Ms. LANDRIEU, Mr. REED, Mr. AKAKA, Mr. NELSON of Florida, Mr. NELSON of Nebraska, Mrs. CARNAHAN, Mr. DAYTON, Mr. BINGAMAN, Mr. WARNER, Mr. THURMOND, Mr. MCCAIN, Mr. SMITH of New Hampshire, Mr. INHOFE, Mr. SANTORUM, Mr. ROBERTS, Mr. ALLARD, Mr. HUTCHINSON, Mr. SESSIONS, Ms. COLLINS, and Mr. BUNNING conferees on the part of the Senate.

PROVIDING FOR CONDITIONAL ADJOURNMENT OR RECESS OF BOTH HOUSES OF CONGRESS

Mr. DASCHLE. I ask unanimous consent that the Senate proceed to the immediate consideration of the adjournment resolution, that the concurrent resolution be agreed to, and the motion to reconsider be laid upon the table without intervening action or debate.

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

The concurrent resolution (S. Con. Res. 125) was agreed to, as follows:

S. CON. RES. 125

Resolved by the Senate (the House of Representatives concurring), That when the Senate recesses or adjourns at the close of business on Thursday, June 27, 2002, or Friday, June 28, 2002, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until 12:00 noon on Monday, July 8, 2002, or until such other time on that day as may be specified in the motion to recess or adjourn, or until Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the House adjourns on the legislative day of Thursday, June 27, 2002, Friday, June 28, 2002, or Saturday, June 29, 2002, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2:00 p.m. on Monday, July 8, 2002, or until Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Majority Leader of the Senate and the Speaker of the House, acting jointly after consultation with the Minority Leader of the Senate and the Minority Leader of the House, shall notify the Members of the Senate and House, respectively, to reassemble at such place and time as they may designate whenever, in their opinion, the public interest shall warrant it.

MORNING BUSINESS

Mr. DASCHLE. Mr. President, I ask unanimous consent that the Senate now proceed to a period for morning business until the hour of 3:20 p.m., when I understand the next vote will occur.

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

The PRESIDING OFFICER (Mrs. CARNAHAN). The Senator from Arkansas.

TO REAFFIRM THE REFERENCE TO ONE NATION UNDER GOD IN THE PLEDGE OF ALLEGIANCE

The PRESIDING OFFICER. Under a previous order, the Senate will proceed to the consideration of S. 2690.

The clerk will report the bill by title.

The assistant legislative clerk read as follows:

The bill (S. 2690) to reaffirm the reference to ''One Nation Under God'' in the Pledge of Allegiance bill.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. HUTCHINSON. At 3:20 this afternoon we will vote on a piece of legislation I introduced to reaffirm Congress' commitment to the Pledge of Allegiance and our national motto ''In God we trust.'' I hope my colleagues will join me in this reaffirmation. Many already have.

I ask unanimous consent the list of 32 Senators as original cosponsors be printed in the RECORD.

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

ORIGINAL COSPONSORS OF S. 2690

Mr. Sessions, Mr. Lott, Mr. Nichols, Mr. Burns, Ms. Collins, Mrs. Hutchison, Mr. Helms, Mr. Inhoff.

Mr. Campbell, Mr. Roberts, Mr. DeWine, Mr. McConnell, Mr. Shelby, Mr. Bennett, Mr. Stevens, Mr. Voinovich.

Mr. Phil Gramm, Mr. George Allen, Mr. Ensign, Mr. Bob Smith, Mr. Bunning, Mr. Enzi, Mr. Hagel, Mr. Lugar.

Mr. Bond, Mr. Murkowski, Mr. Craig, Mr. Thomas, Mr. Crapo, Mr. Brownback, Mr. Domenici, Mr. Kyl, Mr. Zell Miller.

Mr. HUTCHINSON. Yesterday's decision by the Ninth Circuit Court of Appeals in Newdow v. U.S. Congress was, in a word, outrageous. It is inexplicable that this man so seriously objected to his daughter having to listen and watch others recite the pledge at their school. Keep in mind, in this country no one can be forced to recite the Pledge of Allegiance. It is simply a matter of respect.

It is appalling that this court took the time and judicial resources to resuscitate this case which the district court had already dismissed for failing to state a claim. This complaint was a mess. The plaintiff, Dr. Newdow, who represented himself, asked a Federal court to order the President to change a law. The court took great pains to find a claim in Mr. Newdow's complaint and then to rule in his favor.

He did this at a time when Federal judicial resources are very strained. The Nation is trying to function in the speedy manner required by the sixth amendment, with 89 judicial vacancies, a staggering number, representing 10 percent of the Federal judiciary.

According to the Judicial Conference, in the past three decades, a U.S. Courts of Appeals judges' average caseload increased by nearly 200 percent. In light of these strained resources, it is appalling to me that the court took time to resuscitate this very flawed case.

The Pledge of Allegiance plays a very important part in the citizenship experience of every American. It is part of the patriotic thread that weaves us all together in times of crisis and times of celebration.

If the ninth circuit's interpretation of the establishment clause stands, many national ceremonies and celebrations will be negatively impacted. Singing of songs with references to God on government property will be prohibited. For example, songs such as ''Star Spangled Banner,'' ''God Bless America,'' and ''America the Beautiful,'' which Americans sing every Fourth of July on the steps of this building. But such references are not just important in ties of celebration. On September 11 we stood on the steps of the Capitol and sang ''God Bless America.'' Countless Americans uttered the phrase ''God Bless America'' and prayed together in public spaces. This ruling could prohibit that.

Judge Ferdinand Fernandez wisely dissented from this decision. His words have been quoted before. He said it beautifully. Such phrases as ''In God we trust'' or ''under God'' have no tendency to establish a religion in this country or to suppress anyone's exercise or nonexercise of religion. He went on, in eloquent terms, and defends his dissent.

I believe this ruling will be soundly rejected. I was so pleased that yesterday the majority leader and the minority leader moved the Senate very quickly in expressing its disapproval immediately following the ruling yesterday. The Ninth Circuit is not unfamiliar with going out on a limb, and the Supreme Court is not unfamiliar with striking it down. This circuit is the most overturned circuit in the country.

There is certainly nothing wrong with pushing the envelope and using an original interpretation on novel issues of law, but this court repeatedly makes rulings which countervail standing precedent. Instead of administering justice, it seems some judges in the ninth circuit are far more interested in making social policy statements. It is not what the Constitution asks them to do and it is not what the American people pay them for.

The first amendment prohibits Congress from passing any law establishing a religion. Coming as they did from a land with an established religion where those of other faiths were not well tolerated, they set the highest value on freedom of religion. But they were not advocating freedom from religion.

By passing this legislation today the Senate will make clear that we understand the Founders' intention. We will reiterate our support for the Pledge of Allegiance as codified and our national motto, ''In God we trust.''

Finally, I commend the Judiciary Committee today in voting out the nomination of Lavenski Smith to the Eighth Circuit Court of Appeals. Lavenski Smith, who is from the State of Arkansas will make an outstanding jurist on the Federal bench. He is supremely well qualified as a former member of the Arkansas Supreme Court. He understands the proper role of the judiciary.

I applaud the committee's unanimous vote today. I believe if we did not have the vacancies on the Federal bench to the extent that we now have them, the decision from the Ninth Circuit would not have occurred. In Judge Smith's confirmation hearings last month, he expressed his unshakable respect for an adherence to precedent. He said even when it goes against his personal beliefs, he would follow precedence. Clearly, we need people like Lavenski Smith on the bench.

I am pleased that the Judiciary Committee has taken this step. I am also pleased that the Senate will, today, make clear to the Federal judiciary, our reaffirmation of our Pledge of Allegiance and our national motto ''In God we trust.''

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

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

Mr. HUTCHINSON. Madam President, I ask unanimous consent that Senator ZELL MILLER be added as an original cosponsor on the bill on which we are about to vote.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. SESSIONS. Madam President, I ask unanimous consent the order for the quorum call be dispensed with.

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

Mr. SESSIONS. Madam President, I would like to speak in support of the legislation proposed by Senator HUTCHINSON from Arkansas. I am a cosponsor and helped draft this legislation. I would say this: This is not an ittybitty issue. This is a big issue. The Congress and States and cities have been expressing a desire to have, and be allowed to have, an expression of faith in the public life of America. The courts have been on a trend for decades now to constrict that.

The opinion out of the Ninth Circuit is not as aberrational as some would think. The Supreme Court, in my view, has been inconsistent and unclear. It has cracked down on some very small instances of public expression of faith. Our courts have made decisions such as constraining a valedictorian's address at a high school. Certainly our prayer in schools has been rigorously constricted or eliminated in any kind of normal classroom setting, as has the prayer at football games.

I will just say we hope the courts will reconsider some of their interpretations of the establishment clause and the free exercise clause of the first amendment and help heal the hurt in this country.

The PRESIDING OFFICER. The hour of 3:20 has arrived.

Mr. DASCHLE. Madam President, I wish to announce this will be a final rollcall vote of the day and the week. Our next rollcall vote will occur Tuesday morning following the July Fourth recess. Senators should be on notice that we will have a vote that morning and votes throughout the day and the week.

I yield the floor.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

The yeas and nays have been ordered.

The clerk will call the roll.

The senior assistant bill clerk called the roll.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS) is necessarily absent.

I further announce that if present and voting the Senator from North Carolina (Mr. HELMS) would vote ''yea.''

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 166 Leg.]

YEAS—99

Akaka	Dorgan	Lugar
Allard	Durbin	McCain
Allen	Edwards	McConnell
Baucus	Ensign	Mikulski
Bayh	Enzi	Miller
Bennett	Feingold	Murkowski
Biden	Feinstein	Murray
Bingaman	Fitzgerald	Nelson (FL)
Bond	Frist	Nelson (NE)
Boxer	Graham	Nickles
Breaux	Gramm	Reed
Brownback	Grassley	Reid
Bunning	Gregg	Roberts
Burns	Hagel	Rockefeller
Byrd	Harkin	Santorum
Campbell	Hatch	Sarbanes
Cantwell	Hollings	Schumer
Carnahan	Hutchinson	Sessions
Carper	Hutchison	Shelby
Chafee	Inhofe	Smith (NH)
Cleland	Inouye	Smith (OR)
Clinton	Jeffords	Snowe
Cochran	Johnson	Specter
Collins	Kennedy	Stabenow
Conrad	Kerry	Stevens
Corzine	Kohl	Thomas
Craig	Kyl	Thompson
Crapo	Landrieu	Thurmond
Daschle	Leahy	Torricelli
Dayton	Levin	Voinovich
DeWine	Lieberman	Warner
Dodd	Lincoln	Wellstone
Domenici	Lott	Wyden

NOT VOTING—1

Helms

The bill (S. 2690) was passed, as follows:

S. 2690

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

SECTION 1. FINDINGS.

Congress finds the following:

(1) On November 11, 1620, prior to embarking for the shores of America, the Pilgrims signed the Mayflower Compact that declared: ''Having undertaken, for the Glory of God and the advancement of the Christian Faith and honor of our King and country, a voyage to plant the first colony in the northern parts of Virginia,''.

(2) On July 4, 1776, America's Founding Fathers, after appealing to the ''Laws of Nature, and of Nature's God'' to justify their separation from Great Britain, then declared: ''We hold these Truths to be self-evident, that all Men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the Pursuit of Happiness''.

(3) In 1781, Thomas Jefferson, the author of the Declaration of Independence and later the Nation's third President, in his work titled ''Notes on the State of Virginia'' wrote: ''God who gave us life gave us liberty. And can the liberties of a nation be thought secure when we have removed their only firm basis, a conviction in the minds of the people that these liberties are of the Gift of God. That they are not to be violated but with His wrath? Indeed, I tremble for my country when I reflect that God is just; that his justice cannot sleep forever.''.

(4) On May 14, 1787, George Washington, as President of the Constitutional Convention, rose to admonish and exhort the delegates and declared: ''If to please the people we offer what we ourselves disapprove, how can we afterward defend our work? Let us raise a standard to which the wise and the honest can repair; the event is in the hand of God!''.

(5) On July 21, 1789, on the same day that it approved the Establishment Clause concerning religion, the First Congress of the United States also passed the Northwest Ordinance, providing for a territorial government for lands northwest of the Ohio River, which declared: ''Religion, morality, and knowledge, being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged.''.

(6) On September 25, 1789, the First Congress unanimously approved a resolution calling on President George Washington to proclaim a National Day of Thanksgiving for the people of the United States by declaring, ''a day of public thanksgiving and prayer, to be observed by acknowledging, with grateful hearts, the many signal favors of Almighty God, especially by affording them an opportunity peaceably to establish a constitution of government for their safety and happiness.''.

(7) On November 19, 1863, President Abraham Lincoln delivered his Gettysburg Address on the site of the battle and declared: ''It is rather for us to be here dedicated to the great task remaining before us—that from these honored dead we take increased devotion to that cause for which they gave the last full measure of devotion—that we here highly resolve that these dead shall not have died in vain—that this Nation, under God, shall have a new birth of freedom—and that Government of the people, by the people, for the people, shall not perish from the earth.''.

(8) On April 28, 1952, in the decision of the Supreme Court of the United States in *Zorach v. Clauson*, 343 U.S. 306 (1952), in which school children were allowed to be excused from public schools for religious observances and education, Justice William O. Douglas, in writing for the Court stated: ''The First Amendment, however, does not say that in every and all respects there shall be a separation of Church and State. Rather, it studiously defines the manner, the specific ways, in which there shall be no concern or union or dependency one on the other. That is the common sense of the matter. Otherwise the State and religion would be aliens to each other—hostile, suspicious, and even unfriendly. Churches could not be required to pay even property taxes. Municipalities would not be permitted to render police or fire protection to religious groups. Policemen who helped parishioners into their places of worship would violate the Constitution. Prayers in our legislative halls; the appeals to the Almighty in the messages of the Chief Executive; the proclamations making Thanksgiving Day a holiday; 'so help me God' in our courtroom oaths—these and all other references to the Almighty that run through our laws, our public rituals, our ceremonies would be flouting the First Amendment. A fastidious atheist or agnostic could even object to the supplication with which the Court opens each session: 'God save the United States and this Honorable Court.' ''.

(9) On June 15, 1954, Congress passed and President Eisenhower signed into law a statute amending the Pledge of Allegiance to read: ''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.''.

(10) On July 20, 1956, Congress proclaimed that the national motto of the United States is ''In God We Trust'', and that motto is inscribed above the main door of the Senate, behind the Chair of the Speaker of the House of Representatives, and on the currency of the United States.

(11) On June 17, 1963, in the decision of the Supreme Court of the United States in *Abington School District v. Schempp*, 374 U.S. 203 (1963), in which compulsory school prayer was held unconstitutional, Justices Goldberg and Harlan, concurring in the decision, stated: ''But untutored devotion to the concept of neutrality can lead to invocation or approval of results which partake not simply of that noninterference and noninvolvement with the religious which the Constitution commands, but of a brooding and pervasive devotion to the secular and a passive, or even active, hostility to the religious. Such results are not only not compelled by the Constitution, but, it seems to me, are prohibited by it. Neither government nor this Court can or should ignore the significance of the fact that a vast portion of our people believe in and worship God and that many of our legal, political, and personal values derive historically from religious teachings. Government must inevitably take cognizance of the existence of religion and, indeed, under certain circumstances the First Amendment may require that it do so.''.

(12) On March 5, 1984, in the decision of the Supreme Court of the United States in *Lynch v. Donelly*, 465 U.S. 668 (1984), in which a city government's display of a nativity scene was held to be constitutional, Chief Justice Burger, writing for the Court, stated: ''There is an unbroken history of official acknowledgment by all three branches of government of the role of religion in American life from at least 1789. . . [E]xamples of reference to our religious heritage are found in the statutorily prescribed national motto 'In God We Trust' (36 U.S.C. 186), which Congress and the President mandated for our currency, see (31 U.S.C. 5112(d)(1) (1982 ed.)), and in the language 'One Nation under God', as part of the Pledge of Allegiance to the American flag. That pledge is recited by many thousands of public school children—and adults—every year... Art galleries supported by public revenues display religious paintings of the 15th and 16th centuries, predominantly inspired by one religious faith. The National Gallery in Washington, maintained with Government support, for example, has long exhibited masterpieces with religious messages, notably the Last Supper, and paintings depicting the Birth of Christ, the Crucifixion, and the Resurrection, among many others with explicit Christian themes and messages. The very chamber in which oral arguments on this case were heard is decorated with a notable and permanent—not seasonal—symbol of religion: Moses with the Ten Commandments. Congress has long provided chapels in the Capitol for religious worship and meditation.''.

(13) On June 4, 1985, in the decision of the Supreme Court of the United States in *Wallace v. Jaffree*, 472 U.S. 38 (1985), in which a mandatory moment of silence to be used for meditation or voluntary prayer was held unconstitutional, Justice O'Connor, concurring in the judgment and addressing the contention that the Court's holding would render the Pledge of Allegiance unconstitutional because Congress amended it in 1954 to add the words ''under God,'' stated ''In my view, the words 'under God' in the Pledge, as codified at (36 U.S.C. 172), serve as an acknowledgment of religion with 'the legitimate secular purposes of solemnizing public occasions, [and] expressing confidence in the future.' ''.

(14) On November 20, 1992, the United States Court of Appeals for the 7th Circuit, in *Sherman v. Community Consolidated School District 21*, 980 F.2d 437 (7th Cir. 1992), held that a school district's policy for voluntary recitation of the Pledge of Allegiance including the words ''under God'' was constitutional.

(15) The 9th Circuit Court of Appeals erroneously held, in *Newdow v. U.S. Congress*, (9th Cir. June 26, 2002) that the Pledge of Allegiance's use of the express religious reference ''under God'' violates the First Amendment to the Constitution, and that, therefore, a school district's policy and practice of teacher-led voluntary recitations of the Pledge of Allegiance is unconstitutional.

(16) The erroneous rationale of the 9th Circuit Court of Appeals in *Newdow* would lead to the absurd result that the Constitution's use of the express religious reference ''Year of our Lord'' in Article VII violates the First Amendment to the Constitution, and that, therefore, a school district's policy and practice of teacher-led voluntary recitations of the Constitution itself would be unconstitutional.

SEC. 2. ONE NATION UNDER GOD.

(a) REAFFIRMATION.—Section 4 of title 4, United States Code, is amended to read as follows:

''§ 4. Pledge of allegiance to the flag; manner of delivery

''The Pledge of Allegiance to the Flag: '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.', should be rendered by standing at attention facing the flag with the right hand over the heart. When not in uniform men should remove their headdress with their right hand and hold it at the left shoulder, the hand being over the heart. Persons in uniform should remain silent, face the flag, and render the military salute.''.

(b) CODIFICATION.—In codifying this subsection, the Office of the Law Revision Council shall make no change in section 4, title 4, United States Code, but shall show in the

historical and statutory notes that the 107th Congress reaffirmed the exact language that has appeared in the Pledge for decades.

SEC. 3. REAFFIRMING THAT GOD REMAINS IN OUR MOTTO.

(a) REAFFIRMATION.—Section 302 of title 36, United States Code, is amended to read as follows:

"§ 302. National motto

" 'In God we trust' is the national motto.".

(b) CODIFICATION.—In codifying this subsection, the Office of the Law Revision Council shall make no change in section 302, title 36, United States Code, but shall show in the historical and statutory notes that the 107th Congress reaffirmed the exact language that has appeared in the Motto for decades.

Mr. DASCHLE. I move to reconsider the vote.

Mr. LOTT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

UNANIMOUS CONSENT REQUEST—H.R. 3009

Mr. DASCHLE. Madam President, I ask the Chair to lay before the Senate a message from the House with respect to H.R. 3009.

The PRESIDING OFFICER. The clerk will state the message.

Mr. LOTT. Reserving the right to object, Madam President.

Mr. DASCHLE. I withdraw the request, Madam President.

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

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

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

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

Mr. CAMPBELL. Madam President, I ask unanimous consent to speak for 6 minutes as in morning business.

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

FOREST MANAGEMENT

Mr. CAMPBELL. Madam President, I rise today to talk about forest management, although I am certainly sad it has taken the current catastrophic wildfires out West to get some attention on this issue.

On May 18, before most of the fires had started and were underway, I held a field hearing for the Energy Committee in Golden, CO, to review coordination of firefighting efforts. The four intergovernmental witnesses all expressed serious concern that Colorado's unnaturally dense forests pose serious risk of unnaturally hot burning and unmanageable fires, increasing the danger to both people and property. Unfortunately, that worry became a very real, unimaginable reality for much of the West.

In our State alone just this year, we have had over 350,000 acres burn. As of yesterday, the Hayman fire east of I–25 between Denver and Colorado Springs had burned in excess of 137,000 acres, much of it in the all-important South Platte watershed of the City of Denver.

While the fire is now 70 percent contained, over 1,200 residents are at risk and many lost their homes. In fact, 618 homes and structures burned, and it has cost over $26 million so far in fighting this fire. The Forest Service tells us much of this fire is in an area of diseased and stressed timber, some of which they have been attempting to clean up, but opponents are delaying this needed management through courtroom appeals and litigation.

It is important to note that large parts of the area that has burned are in the areas that were designated as roadless during the Clinton administration, under the Clinton management plan.

We have the Million Fire near the little town of South Fork, CO, near Wolf Creek Pass. That fire is not big by the standards of this summer, but it has already consumed over 8,500 acres, and it is right on the outskirts of the town of South Fork. We have lost 13 homes and buildings in that fire. The resource managers tell us it is burning in an area of spruce and ponderosa pine already killed by insects.

History shows many of proposed salvage sales on the Rio Grande National Forest have also been opposed by opponents of cleaning the forests, and they have had difficulty getting proactive thinning and sanitation harvesting through the NEPA process. The agency tells us that nearly 100 additional homes and commercial buildings are currently threatened and that the town's watershed is also in the line of fire.

Finally, just near where I live in Durango, CO, what is called the Missionary Ridge fire, which I am sure you have seen on CNN and a number of other networks, is 15 miles from the town of Durango, CO—in fact, I can see it from my front porch—and it is burning that way. Ten subdivisions are endangered, over 1,150 residences are being evacuated, and we have lost 71 homes and outbuildings. The municipal watersheds of the towns of Durango and Bayfield are threatened, as well as numerous businesses, radio towers, and homes.

The interesting part of that fire is it is burning mostly in RARE II roadless areas. Last week, when I was home, the fire was only about 2 miles from the city limits of the town of Durango with zero containment and certainly has had a devastating impact on the morale of the community, on the structures, and on tourism, which is the backbone and mainstay of our economy.

All of those fires I have mentioned have really been eclipsed and overshadowed by the huge fire in Arizona in the Coconino National Forest, not far from the White River National Forest.

I am reminded of 1996, when there was an effort by the Forest Service to do some fuels reduction in the Coconino Forest. They were prevented from doing so by an environmental lawsuit under the Endangered Species Act which contended that the fuels reduction would disturb the goshawk, a small hawk. Later that same year, there was a fire that did start in that forest, and it destroyed everything in its path, including the goshawk nests. Now we have almost the same catastrophic fire in the White River National Forest.

Time and again, we hear from Colorado firefighters who are frustrated they can't seem to get ahead of the fires. I submit we cannot seem to get ahead of some of the lawsuits that block our responsible management of the forests, and we won't be able to get any place under control until we do. This year so far, we have had over 300 fires nationwide, and the fire season is just starting.

The science is certain: Thinning forests at natural levels significantly reduces the threat of wildfires. Yet the constant threat of environmental lawsuits has resulted in what has been described by the Forest Service as ''analysis paralysis.'' The Forest Service is now forced to study and assess proposed actions, not for the right reasons, but because of any potential action in the courts, in anticipation of a flurry of lawsuits and appeals by some extreme groups. Dale Bosworth, Chief of the Forest Service, testified before our committee that they are now using over 40 percent of their agency work and a good deal of their resources, about $250 million a year, that could have gone to save lives and property. Instead, they are using it to prepare for court actions against opponents of cleaning the forest.

Environmental groups are proud of that obstruction-through-litigation strategy because every dollar we spend in litigating is one less dollar we spend on managing the forest. They do acknowledge, however, that forests are unnaturally dense.

In Colorado, normally we have 50 trees per acre. But now we see stands of 200, 500, and 800 trees per acre, representing unmanageable fuel loads. Many of these trees are dying from insect infestation, which increases the fire risk. Yet environmentalists still oppose any thinning or removal of dead timber except if it is near homes or around homes. They argue that thinning other parts of the forest grants unnecessary footholds for the ''big, bad'' timber industry that will ravage the landscape. It is interesting that what they completely ignore is that industry thinning on national forests is done under very close scrutiny of the National Environmental Policy Act.

What about lawsuits in the name of animals? On the one hand, environmentalists sue land managers to keep them from thinning because the action might disturb all manner of species. On the other hand, they ignore the complete devastation that catastrophic

fires such as the ones we are experiencing do to the same species.

I spoke to one firefighter last week. He told me that the 150-foot flames in the Mission Ridge fire were traveling so fast and were so intense that birds in flight were actually being burned out of the air. Certainly, most small animals that are land animals have no chance at all. That includes the spotted owl, the red squirrel, Preble's meadow jumping mouse, and hundreds of animals on the endangered species list.

In arguing against thinning, environmentalists also ignore the very real long-term damage that large and intense fires have on soil and watersheds. Over 70 percent of our Nation's water comes from waterbodies in our forests. Yet, these environmental groups would prohibit thinning around watersheds, such as the South Platte project. I would have thought that they would support such efforts, especially after the Buffalo Creek fire of 1996, which cost the city of Denver millions of dollars to restore water quality.

Environmentalists oppose improving the safety of our watersheds because they fear losing the Clinton-era ''roadless rule,'' which provides that no new roads can be built where none exist. Their prized ''roadless rule'' effectively acts as a wilderness designation requiring an act of Congress.

It is ironic that the ''roadless rule'' that environmentalists hold so dear was recently ruled illegal by a Federal judge in Idaho because the public comment period was grossly inadequate, stating, ''Justice hurried on a proposal of this magnitude is Justice denied.''

I am a big supporter of grass roots initiatives—local communities should be involved in land management decisions. Opportunities for public comment and participation are important aspects of environmental law. However, these opportunities are being poisoned by radical groups too interested in legitimizing their own worth to contributors than in collaboratively working for the betterment of our Nation's resources.

Some of these organizations have effectively paralyzed responsible forest management practices, thus contributing to poor forest health. In fact, 73 million acres of national forest are at risk from severe wildland fires. In the West, more than half of the rangeland riparian area on the National Forest System do not meet standards for healthy watersheds, and one in six acres in the Rocky Mountain and Plains states is making no progress toward improvement. All this in the name of environmentalism.

Forest Service Chief Dale Bosworth recently acknowledged that the Hayman Fire near Denver would not have been nearly as severe had forest thinning projects gone forward.

I am unwilling to allow our forest's health and environmental quality to continue deteriorating simply because a minority of environmental organizations have thrown science and good sense out of the window in the name of their own political agenda while completely avoiding the tradgey of the 14 deaths of firefighters from the Storm King Fire of 1994 or the recent loss of five firefighters in a bus wreck while on their way to fight fire in Colorado.

I have seen the negative effect that some environmental organizations have had in the West for a long time. But enough is enough—something has to change. It is unfortunate that it has taken tragic fires like the ones raging out West to get the Nation and the media to acknowledge the same.

I hope, as we move from this Congress to the next, we will look for more positive ways to achieve responsible forest management.

With that, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. REID. Mr. President, I ask unanimous consent that the Senator from Delaware, Mr. CARPER, be recognized for 3 minutes as in morning business.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Delaware is recognized for 3 minutes.

AMTRAK

Mr. CARPER. Mr. President, the attention of a lot of people in the Northwest and in the Midwest and in California has been drawn to the potential shutdown not just of the Amtrak passenger rail service, but commuter rail service in Boston, New York, Philadelphia, Wilmington, Delaware, Chicago, Los Angeles, and a lot of places in between.

Amtrak has sought to negotiate a loan from a consortium of private lenders. Literally in the middle of the negotiation, the administration put on the table its restructuring plan for Amtrak. That plan was, in my view, a ''dismantling'' plan for Amtrak. That was the end of the negotiations with the private lenders, for the most part.

Now Amtrak faces a difficult decision as to when to begin curtailing and shutting down its operations. When they do that, it will have a cascading effect on the operations of many commuter railroads in America as well.

The Secretary of the Department of Transportation, Norman Mineta, was before one of our committees today testifying. Knowing him as an old colleague and somebody who I respect, I think he is in a tough spot. I have not been inside his heart to see what he would want to do in his heart. Given that independence, I think he would favor going ahead with the loan guarantee, or support the Congress in going through and including a $200 million emergency supplemental for Amtrak. The administration, which created this crisis before us, is now still in a very good position to end the crisis, the threat. They can do that by saying, yes, we will provide the full loan guarantee, or we will support the appropriation from the Congress.

Our thanks to the chairman of the Appropriations Committee, Senator BYRD, and Senator STEVENS, the ranking Republican, for their willingness to support $200 million in the emergency supplemental to help us get through this difficult time, and later this fall we will resolve more fully the passenger rail service in this country.

I have said for a long time—and I will say it again today—the problem with passenger rail service in this country is we have never provided adequate capital support for passenger rail service. We need to do that, to find an earmark source of revenue. I hope in the months to come we will debate that and come to a consensus on that point.

I thank the Chair.

UNANIMOUS CONSENT REQUEST—H.R. 3009

Mr. REID. Mr. President, I ask unanimous consent that the Chair lay before the Senate a message from the House with respect to H.R. 3009; that the Senate disagree to the House amendment, agree to the request for a conference with the House on the disagreeing votes of the two Houses; and that the Chair be authorized to appoint conferees on behalf of the Senate: three on behalf of the majority and two on behalf of the minority.

The PRESIDING OFFICER. Is there objection?

Mr. LOTT. Reserving the right to object.

The PRESIDING OFFICER. The Republican leader.

Mr. LOTT. Mr. President, we have had a number of discussions with respect to how many conferees the Senate would want to have involved in this very important conference that will deal with trade issues on which we spent a great deal of time in the Senate, including the Andean trade authority, as well as the overall large trade assistance bill and the Trade Promotion Act—three very important pieces included in this one bill.

As we look at this, I think this is going to be one of the most important conferences we are going to deal with this year.

The House has a small number of conferees to the underlying bill, but they have a number of conferees to different sections to the bill. I suspect there is a total number of House conferees involved that would probably run in the 18 range.

We have members of the Finance Committee who worked very hard on this important legislation, and I had

hoped that we could get an 8-to-7 or 7-to-6 ratio, or at minimum 6 to 5 to accommodate members of the Finance Committee who are on the subcommittee of jurisdiction and who have put a lot of work into this. I have even tried to say: OK, maybe we can make it work at 5 to 4, but we have not been able to get that worked out.

I think for the Senate to be limited to only five conferees on a bill of this magnitude and as complicated as this is, and as many people who worked so hard on it, that it would not be an acceptable arrangement at this time. So I have to object.

The PRESIDING OFFICER. Objection has been heard.

Mr. REID. Mr. President, I am disappointed, but I certainly understand.

UNANIMOUS CONSENT REQUEST—H.R. 7

Mr. REID. Mr. President, I ask unanimous consent that at a time to be determined by the majority leader, after consultation with the Republican leader, and prior to the August recess, the Senate proceed to the consideration of H.R. 7, the charitable deductions bill, as reported by the Finance Committee, and that it be considered under the following limitation: That there be 4 hours for debate on the bill equally divided between the chairman and ranking member of the Finance Committee; that there be one substitute amendment in order to be offered by the majority leader or his designee; that the debate time shall come from the time on the bill; that upon the disposition of the substitute amendment and the use or yielding back of time, the bill be read a third time and the Senate vote on final passage of the bill, without any intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. LOTT. Reserving the right to object, Mr. President.

The PRESIDING OFFICER. The Republican leader.

Mr. LOTT. Mr. President, this bill has not been filed and the amendment mentioned is a brandnew amendment which was received at 3:10 p.m. today. I really do not have any idea what is contained in this complete substitute, but I do know we would be unable to clear it for consent at this time. We are working right now to get in touch with Senator GRASSLEY and others to make sure they are familiar with this and have had a chance to look over the substitute amendment to make sure there is no problem with it.

I had hoped we had been able to clear this earlier today, and I hope that if we are not going out of session right away, we might even have a chance to come back, if I can get this cleared, later this afternoon. But until I can do a hotline on it and check with the senior member on the Finance Committee about the substitute amendment, I have to object at this time. I emphasize, I think maybe we can clear it before the afternoon is done. I hope we can come back to it.

The PRESIDING OFFICER. Objection has been heard.

Mr. REID. Mr. President, I say to my friend, the distinguished Republican leader, Senator DASCHLE will be here tomorrow and maybe even tomorrow something can be worked out. My understanding is the President wants this badly, and I hope we can work it out.

UNANIMOUS CONSENT REQUEST—S. 1140

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 210, S. 1140; that the bill be read a third time and passed; that the motion to reconsider be laid upon the table, with no intervening action or debate; and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. LOTT. Reserving the right to object.

The PRESIDING OFFICER. The Republican leader.

Mr. LOTT. Mr. President, I have to say, I have no objection to this legislation. In fact, I am a cosponsor of this legislation. It has been discussed and considered for quite some time now, and with the overwhelming support it has, it should move forward.

However, on behalf of a Senator on my side of the aisle who is now in the Judiciary Committee in a meeting and could not be here at this particular time, I am going to have to object on his behalf, but I do want to say this: I do not agree. I believe this is legislation we should pass, and this is the last time I am going to have anybody on this side of the aisle object on this issue. Any Senator who has further objection is going to have to do it himself. As a courtesy to a Senator who is currently tied up, I do object.

The PRESIDING OFFICER. Objection has been heard.

Mr. REID. Mr. President, I am truly disappointed. People from Nevada and all over the country need this legislation. As the majority leader said, we should work out some way to move this forward. It is too bad one Senator is holding this up.

UNANIMOUS CONSENT REQUEST—S. 1991

Mr. REID. Mr. President, I ask unanimous consent that the majority leader, following consultation with the Republican leader, may proceed to the consideration of Calendar No. 404, S. 1991, the Amtrak authorization bill, at a time to be determined.

The PRESIDING OFFICER. Is there objection?

Mr. LOTT. Mr. President, again reserving the right to object.

The PRESIDING OFFICER. The Republican leader.

Mr. LOTT. This is legislation we need to consider. It needs to be considered in the full light of day with amendments in order. We did have a full consideration of the bill in the Commerce Committee with amendments offered. Some were adopted and some were rejected. I voted for the legislation.

We need to move forward on the reform of Amtrak. We are in the process of putting additional money in Amtrak right now, and I support both the loan the administration is working out and perhaps additional money in the supplemental.

Having said that, I do note also that we have to make tough choices. Do we want a national rail passenger system or not? If we do, we have to figure out what kind of reforms we can put in place that will save money or provide additional money; what lines are we going to keep open and keep running or not; if and how much we are going to have to pay for it.

If the American people, through their Representatives and Senators, do not want to vote for additional funds, then that is one choice. I spoke passionately on the floor in 1997 when we passed Amtrak reform legislation. I made a commitment on this floor and to the American people that I supported this because I thought it could become self-supporting. I was wrong. I have to admit that. Now the question is, Do we want to continue to have Amtrak or not? I think we should. I still think it is an important mode of transportation we should not sacrifice. But the Congress is going to have to come to terms with reform.

There are some Senators who object to moving to it at this time. I believe specifically Senator MCCAIN has indicated he has an objection to it. So while I do not agree with the objection, I do agree that the timing is such that we would not be able to give it full and appropriate consideration, in view of other issues to which we have already agreed to go. Therefore, I object.

The PRESIDING OFFICER. Objection has been heard.

UNANIMOUS CONSENT REQUEST—EXECUTIVE CALENDAR

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now proceed to executive session for consideration of the following nominations on the calendar: Nos. 810, 825 through 828, 840, 862 through 867, 887 through 889; I further ask that the nominations be confirmed, en bloc; that the motions to reconsider be laid upon the table; that the President be immediately notified of the Senate's action; and that the Senate then resume legislative session.

Before the Chair rules, I wish to indicate this request is with respect to 15 judicial nominations, some of which have been on the calendar since May 2. These are nominations that are pending in the Senate, not in the Judiciary Committee. They are ready for consideration by the entire Senate with only one exception; I know of no objections.

I will be giving a statement with regard to this matter later, but in consideration of Senator REID's and others' time, I thought I would make this unanimous consent request first and make my statement on this matter later.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, as we speak, there are negotiations going on at the White House dealing with a wide range of appointments and nominations. I hope this can be worked out. I was confident a day or two ago that the majority leader and the Republican leader, together with the White House, had worked something out on nominations on which we could move forward, but that did not come to be. We also know there is someone on the other side of the aisle who has asked that we on his behalf object, and I am doing that now. I object.

The PRESIDING OFFICER. The objection has been heard.

The Republican leader.

Mr. LOTT. Mr. President, I understand there may be another unanimous consent request in a moment, but it could lead to some discussion back and forth, so at this time I yield myself leader time so I can address the issue that was just objected to.

The PRESIDING OFFICER. The Senator has that right.

Mr. LOTT. Mr. President, the Senate, the American people, and the House of Representatives have all expressed their outrage at the decision by the Ninth Circuit Court of Appeals yesterday which ruled that the Pledge of Allegiance is unconstitutional because it contains the phrase ''under God.'' People are understandably stunned and find it not only unbelievable, but indefensible.

Senators and the American people are shocked that two Federal circuit judges were capable of making such an absurd decision. The fact that they did points up, once again, how vitally important these Federal judicial appointments are in guiding not only the country's present, but its future as well. Judges are important at every level, but particularly at the appellate court, the circuit court level.

This preposterous decision about the Pledge of Allegiance, which Senators have been outraged about, was handed down by three circuit court judges who voted 2–1 that reciting the Pledge violated the Constitution's Establishment Clause protections.

I should note that the vigorous dissent in the case was filed by Judge Ferdinand Fernandez, who was appointed by the first President Bush, and who went into great detail since echoed by many members of this chamber—as to why the other two judges views and reading of the law are both unfounded and inappropriate.

An interesting fact about these three judges is that two of the three are actually on senior status which means they are not considered active judges and are semi-retired. The fact that semi-retired judges were deciding is an indication in and of itself that there are problems in this circuit court and there are clearly major problems in the Ninth Circuit Court of Appeals.

Mr. President, we have been arguing for years about how the Ninth Circuit should be changed. It is a huge circuit which includes not only Hawaii and California, but Nevada, Arizona, Idaho, Oregon, Washington, and Montana as well. It is not surprising that the states in the circuit also have very different cultural views of the world. Therefore, geographically and ideologically, many Senators encompassed by the Ninth Circuit want it split into at least two, if not three, circuits.

The Ninth Circuit is also by far the court that has been reversed the most by the United States Supreme Court. Indeed, the 9th Circuit decisions that have been reviewed by the Supreme Court have been reversed over 80% of the time over the last 6 years. And these have not been close cases in the Supreme Court either. On average, the Ninth Circuit's decisions have received just two votes from the Supreme Court's nine justices.

Mr. President, I should also point that one of the judges who did decide to hold that the Pledge of Allegiance to the flag is unconstitutional was Stephen Reinhardt. This active judge, who was appointed in the last year of Jimmy Carter's Presidency, holds the record for the most unanimous reversals by the Supreme Court in a single court term—five. He has been reversed a total of 11 times since the court's 1996–1997 term. He has been involved in such infamous, ridiculous decisions as striking down California's ''three strikes and you're out'' criminal law this spring. He has a long record of other extremely unpopular and, in my opinion, inaccurate and unfounded interpretations of the law and/or the Constitution. So, this judge has engaged in a pattern of using his position on the court to become an activist for social change instead of interpreting the law as passed and voted on by Congress or as written by the Nation's Framers.

Twenty-eight active judges are authorized for the Ninth Circuit and five of those seats are vacant. Due to the heavy caseload in the Circuit, all five of those vacancies have been declared judicial emergencies by the Administrative Office of the Courts. President Bush has nominated individuals to fill three of those five vacancies, one from Hawaii who is supported by both of the Democrat Senators from his state has pending on the Executive Calendar since May 16, another from California has been held up in the Committee since June 22nd of last year without even a hearing, and the third from Nevada has been in the Committee for two months.

As we can see from this case that has everyone up in arms, these circuit judges do make a difference, and that is why President Bush's Circuit Court nominees are being held up. He and I agree that we should not be putting judges on the appellate courts who will render decisions such as this. The judgment of such judges really has to be questioned by the vast majority of Americans.

Despite the vacancies and the judicial emergencies on the Ninth Circuit and all the federal circuits, the Senate continues to have a problem confirming judges without undue and unjustifiable delay. There are some 45 judicial nominees pending before the Senate at one level or another. Yet, we have not confirmed one judge since before the Memorial Day Recess.

As I have already noted, as of this morning, there were 15 judges on the Executive Calendar who are ready to go if a few Senators would only let them. Three of the 15 are Circuit Court judges. And there are several circuits around the country that are having real problems handling their caseloads because they do not have enough judges to fill all of their seats—indeed one circuit, the Sixth, has half of its 16 judgeships vacant.

Around the country there are 89 judicial vacancies. Thirty-one are Circuit Court vacancies, 17 of which have been declared judicial emergencies by the Administrative Office of the Courts and the Judiciary Committee is holding 11 nominees President Bush has named to fill those 17 emergencies. There are currently 57 vacancies at the District Court level, 18 of which have been declared judicial emergencies.

I expect we are going to hear arguments back and forth about the numbers, well, it is because you guys did not confirm enough judges during the President Clinton's last 2 years. But whatever the history may have been, we have a problem now with our circuits that must and can be fixed.

Mr. President, another example of how important these judicial appointments can be and what the effect on the nation can be is the decision handed down by the Supreme Court today by a 5–4 vote upholding Cleveland's school voucher program. Frankly, I was amazed it was that close. Again, it points up the importance of even a single judge on the Supreme Court or on a circuit court.

I think that says a lot about the real reasons behind what is going on in the Committee with the President's judicial nominees. There are a number of people in the Senate who say that if the President tries to put a conservative, strict constructionist judge on the Supreme Court who will follow the law and not write it from the bench as the judges did in the Pledge of Allegiance case they are going to oppose him no matter how temperamentally, professionally, intellectually, or ethically qualified he or she is.

However, as I have said before, many of us on this side of the aisle, voted for

Justice Ginsburg when she went through the Senate when President Clinton was in office. We knew we would not agree with most if not all of her future decisions but we felt we had to admit that she was competent, ethical, and qualified for the job despite our philosophically differences with her.

There are several other Clinton judges, particularly one or two out in the California circuit, that I voted whose future decisions I will probably live to regret for as long as I live. But there is something worse than bad judges, I guess, and that is no judges, which then expands the power of the bad judges like Judge Goodwin and Judge Reinhardt that are on the Circuit Courts of Appeal now.

I will take a moment to note that the Supreme Courts 5-to-4 decision on school vouchers will prove immensely important to thousands of low-income parents whose children are trapped in failing schools. Low-income children need an education even more than other children since it is often their only means of escaping poverty for the rest of their lives. So, when public schools are not succeeding, they and their parents shouldn't be sentenced to failure year after year. They deserve a system and a process that offers them a hand up, and if need be a hand out of a failing school, to find another avenue to succeed. The Supreme Court upheld a process where the money that is being expended on their child in a failing school, or in a school that is drug infested or riddled with crime, can be used instead to lift the child out of the failure and into a setting where they can get an real academically sound education. Is that such an awful result for the thousands of low-income children trapped in dysfunctional and failing schools?

In Philadelphia, PA, I understand the State has taken over the running of the public schools. What a tragedy.

When Cleveland's system was failing, the city seized the initiative to try and improve things, and so have other areas. In this Cleveland's case, they put in place a voucher program that is working. It is helping children get an education that will last the rest of their lives.

Mr. President, getting back to the absurd decision in San Francisco, it is easy for us all to say the Pledge of Allegiance with gusto and mean it, but we need to look behind this decision—how in the world it happened. It is that America's voters understand that these Federal judgeships, and who fills them, do make a difference in the kind of society that not only will we live in, but our children's children will live in. That is why I have tried to find a way to get an agreement to move the President's eminently qualified nominees.

Senator DASCHLE and I have been talking about it for about 3 weeks. I thought we had it all worked out. I think, frankly, we did have it worked out, but now our friend Senator MCCAIN says he is going to object to any and all nominations until he gets some sort of guarantee with regard to a nominee for the Federal Election Commission (FEC). Her nomination was not agreed to for 5 months, and now that the President has started the routine vetting process in order to formally send her nomination to the Senate, Senator MCCAIN is saying that if the nomination is not moved on immediately, he is going to hold up every single nomination pending in the Senate.

The investigation and FBI clearance process, for all nominees—and this is a Democrat nominee—usually takes about 2 months now and she will have to go through that process the same as everyone else. So, the President could not appoint her right now if he wanted to. She has not had the clearance check. So, evidently every nominee is going to be held up today, this week, and all of July over a single nominee to the FEC. That means that lifetime appointments of Federal judges on the circuit and district courts, both Democrat and Republican, some who have been waiting for a year or more, will have to wait for months on this single nominee who could not be confirmed today even if everyone was in agreement about her.

I do not get it, Mr. President. I think this is a real sad commentary and not becoming, quite frankly, of the Senate, if she should allow this unjustifiable obstruction of all nominees to occur.

I have made an effort, as has Senator DASCHLE. I thought we had made real progress and were ready to go forward with an agreement that would move nonjudicial nominations, judicial nominees, marshals, U.S. attorneys, and a lot of folks who have been waiting a long time. Then we hit a stone wall yet again.

I had hoped that one way to do overcome this obstacle would be to move these nominees en bloc. As everyone knows, I do not usually move to Executive Calendar nominations on my own because that is normally the majority leader's prerogative, but if all else fails, you have to take advantage of whatever avenue is available to you.

I hope the American people, and the Senate, will take another look at these judicial nominations—and how we can move them and get them confirmed. If it is a continuation of tit for tat when will it ever end? Maybe it will fall to my lot—no pun intended—to some day say that we are going to end this, and we are going to move these nominations unless there is a big ethical problem or they are obviously not qualified.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Before the Republican leader leaves, I am not going to give a long statement regarding judicial appointments because I have done that on a number of occasions. Suffice it to say, the majority leader went through this. As has been said by the majority leader, and I have said it on a number of occasions, this is not tit for tat, this is not payback time.

I served and practiced law for many years and argued cases before the Ninth Circuit. I have two sons in the Ninth Circuit—Leif Reid is the administrative assistant for the circuit judge; the other was a law clerk to the chief judge—and I am familiar with the circuit. There are very fine men and women serving in that court. I am not here today to defend in any way President Nixon's appointment to the court or President Carter's appointment to the court the two people who wrote that decision. We would all acknowledge it is wrong. I am confident that the Ninth Circuit, when they meet en banc, will stay that decision made by the two judges.

UNANIMOUS CONSENT REQUEST

Mr. REID. I ask unanimous consent that upon completion of the county reform bill, the Senate proceed to immediate consideration of Calendar No. 414, S. 2039, the National Aviation Capacity Expansion Act for 2002.

The PRESIDING OFFICER. Is there objection?

Mr. FITZGERALD. I object.

The PRESIDING OFFICER. The objection is heard.

Mr. REID. It is unfortunate we cannot get consent to move forward with this bill. It is a bill that enjoys strong bipartisan support.

In April, the Commerce Committee voted 19 to 4 in favor of this very important legislation. More than 60 Senators indicated their support by sending a letter to the two leaders asking for this bill to come before the Senate immediately. I simply believe this is a national priority. I have flown into O'Hare many times and understand how busy and important that airport is for the country, not just for the people of Illinois. I believe we have the votes to pass this bill and to do so very quickly.

I say to my friend, the junior Senator from Illinois, to object to this point only delays the inevitable and stands in the way of addressing a national aviation capacity problem in the Chicago region which affects the whole country. It jeopardizes jobs and stalls economic development. I am very disappointed.

Mr. DURBIN. Will the Senator yield?

Mr. REID. I am happy to yield to my friend.

Mr. DURBIN. I thank the majority whip for the unanimous consent request and would like to ask him a question as to whether he has any plans or discussion with the majority leader in reference to proceeding on this matter.

Mr. REID. I have spoken to the majority leader on several occasions. This legislation enjoys strong support and is a priority for the majority leader. It is fair to say the majority leader will use all appropriate avenues to bring this legislation to final passage.

When an impressive coalition and supermajority of the Senate, labor,

business, aircraft controllers, pilots, airlines, general aviation, and five former Secretaries of Transportation write, call, or in some way visit with the majority leader in support of this legislation, it is hard for the majority leader to ignore this, I respond to my friend.

Mr. DURBIN. If the majority whip will continue to yield, the purpose of this unanimous consent request was to make it clear on the record what I personally believed would occur when my colleague from the State of Illinois objected. There were some who said that would not happen, that once this bill had been reported from the committee, had gone through the regular order, with two hearings before the Senate Commerce Committee, on which my colleague from Illinois serves, a hearing both in Chicago as well as in Washington, when ample opportunity had been given both sides to present their point of view, when amendments were considered and offered by my colleague from Illinois, when the final vote on the committee was a substantial bipartisan vote of 19 to 4, it was the belief—and I am sorry to say the mistaken belief—of some of my colleagues in the Senate that my colleague from Illinois would accept a debate on this issue and would accept the consequences, up or down.

Apparently that is not to be the case. It leads us in a position, today, where those colleagues on the floor who have any doubt in their mind should have it dispelled. The objection by the Senator from Illinois makes it clear that he is prepared to delay this as long as possible.

The Senator from Nevada has put his finger on the issue. What is at stake is the safety of O'Hare, the world's busiest airport. What is at stake is the efficiency of that airport. What is at stake are hundreds of thousands of jobs in Illinois and literally the future of our economy. That may sound like hyperbole from a Senator, but what I have said is supported by the Chamber of Commerce on a national and State basis, the national AFL–CIO and the State AFL–CIO, all of the major business organizations, economic development organizations which support this bill and oppose the position taken by the junior Senator from Illinois.

This is not a bill just being offered by me but, rather, with the cooperation and the active participation of my colleague, Senator GRASSLEY of Iowa, Senator HARKIN as well, and a bipartisan coalition. As the majority whip has noted, 61 Senators have signed on in support of this bill and sent a letter to the majority leader and Republican leader to indicate that support. My junior colleague from the State of Illinois certainly does not have that kind of support. He has said he is going to try to delay this and try to avoid it for as long as possible.

In making this unanimous consent and making this statement, I hope it is clear on the record that at this point in time we will use any appropriate means to bring this issue forward. We will not be enslaved by the threat of filibuster. I say to my colleague from the State of Illinois, if he will accept a debate on this issue for a reasonable period of time, offer the amendments, and bring it up for a vote, I will accept the consequences. Let the Senate make its decision, yes or no. If the merits of his argument are compelling, he will succeed. If they are not compelling, he will lose. The same is true for my position. That is the nature of the legislative body. It is the nature of fair play. I hope my colleague from the State of Illinois will reconsider his dedication to these delays.

NINTH CIRCUIT OPINION

Mr. REID. Mr. President, while I still have the floor, I will respond more specifically to my friend, but I want to go off subject a little bit with some good news.

As I just stated, I had a couple of sons who worked the Ninth Circuit. My son Leif Reid is administrative assistant to the Ninth Circuit. He just called the cloakroom and indicated the Ninth Circuit stayed the order that was issued yesterday. The pledge is intact. He is faxing me the opinion of the court.

I am, frankly, amazed they did it as quickly as they did, but I am happy they did this.

Back to O'Hare, again I am speaking—and I rarely do this, but on this occasion I am speaking for the majority leader of the Senate, TOM DASCHLE. Senator DASCHLE has authorized me to say to Senator DURBIN that he will use all his options, all the options of the Senate, to pass this legislation this year.

On behalf of the many people who support this legislation, I say to my friend, Senator DURBIN, he has done great work on this issue. I appreciate the support of Senator GRASSLEY and Senator HARKIN but especially the Senator from Illinois for his hard work on behalf of frustrated fliers everywhere. We have frustrated fliers at McCarran in Las Vegas, the sixth busiest airport in America. This is unfortunate to frustrated fliers. When fliers at O'Hare are less frustrated, we have more people coming to Las Vegas. It affects not only the Chicago area, the State of Illinois, but the entire country. That is a massive airport and is a feeder to the rest of the world.

I salute Senator DURBIN for such patience. The Senate is going to act on this legislation in some way. There are ways to do this. We are going to do it in some way, shape, or form, and we will do it as quickly as we can. The Senator has the full support of the majority leader.

Mr. DURBIN. I ask unanimous consent to be recognized for 10 minutes in morning business.

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

Mr. DURBIN. Mr. President, I again thank my colleague from the State of Nevada. Let me explain for a moment what the issue is before us so those who are not familiar with it can come to understand it. O'Hare is pretty well known across America. It is our busiest airport. In the year 2001, despite September 11, it turned out to have more flights and passengers than virtually any airport in America.

But O'Hare is an airport that was designed and built in 1959, 43 years ago, with an anticipated annual volume of 20 million passengers. It now has some 67 million passengers annually. The runways that were designed in 1959 were designed to standards and expectations of that era—standards and expectations that have changed dramatically.

What we have seen in 43 years is larger planes, more frequent flights, changes in air traffic control. All of these have challenged O'Hare and every airport in the country to modernize. But O'Hare has been stuck with the same runway configuration now for over 40 years.

Part of it has to do with politics because in my State of Illinois the Governor has the final word when it comes to the construction of airports. Politically, it meant that a Democratic mayor of Chicago and a Republican mayor from some other part of our State would rarely find common ground or agreement on the future of O'Hare. But last year, there was finally a breakthrough. Gov. George Ryan, a Republican, and Mayor Richard Daley of Chicago, a Democrat, came to an agreement about how to change O'Hare, modernize it, improve it, and make it safer. Many people thought it could not occur, but it did happen, and because of that decision and because of that agreement we now have a chance to make that airport modern and safe by 21st century standards.

Some say that seems to be obvious. Who would object to it? It turns out that a handful of communities around O'Hare naturally are concerned about the prospects of changing flight patterns or expanding service to that airport. They would object, as one might expect.

The elected officials in that area created a coalition to oppose these changes at O'Hare. My colleague in the Senate, the junior Senator from Illinois, has announced his opposition to any plans to change O'Hare. I understand that. But there comes a moment in time when you have to say: What is in the best interests of our entire State? What is in the best interests of the region? What is in the best interests of the Nation?

I think what the people of Illinois have said in overwhelming numbers is they believe this historic agreement is in our best interests. We have the support, as I mentioned earlier, of the National Chamber of Commerce, the Illinois State Chamber of Commerce, the National AFL–CIO, the Illinois State AFL–CIO, the Airline Pilots Association, the air traffic controllers, general

aviation, virtually all major airlines. They have all signed onto this.

So as some might suggest, this is a unanimous opinion of the experts in aviation that this plan moving forward makes sense.

Of course, every item in the planned agreement between the Governor and the mayor would be subject to the same types of scrutiny and restriction as any other airport design. What I have here is the report of the Committee on Commerce, Science, and Transportation, which presents this bill, S. 2039, to the Senate. They make it clear here in precise language:

> Nothing in the bill guarantees any funding for the O'Hare or Peotone project, or mandates that a specific set of runway configurations be approved, as the FAA retains all its existing discretion to analyze, review, and, if all relevant tests are met, approve the O'Hare project.

They go on to to say:

> The FAA has discretion to modify the plan, if necessary, for efficiency, safety, or other concerns.

It says of the bill that it:

> Requires any redesign plan to conform with the Clean Air Act and to conform with all other environmental mandates to the maximum extent possible, while requiring the State use its customarily practices to analyze any Clean Air Act requirements.

And it goes on to say this bill:

> Provides no Federal priority for federal funding of any O'Hare projects, including the runway design plan.

My colleague will stand up here and tell you what I said is a lie; it is not true. But what I put before you is the report of his committee, which says in black and white that the FAA has the last word. The FAA can reject it. The FAA can say this runway plan will not work. He can stand here, as he has repeatedly, and say those words are not true. I stand behind the committee, his committee, and the report they have given to the Senate.

I think what they have said is true because I wrote the bill and I know what is in it. When the Senator from Illinois offered an amendment in committee and said: I want to make sure the FAA has the last word, we said we will take the amendment. We accept it. Still, it is not enough.

It has really come down to the point where it will never be enough when it comes down to what my colleague is asking for in this bill.

We have a situation where we have 61 Senators here who have signed onto a letter to the leadership, saying they are prepared to move forward on this bill. I can tell you an additional two Senators this week have told me they are prepared to support this as well. Another 10 Senators on the Republican side of the aisle have said they will support it when it comes to a vote. So the vote will be substantial.

The question before us, though, is when and where this will take place. The Senator from Illinois, my colleague, has made it clear by his objection that he is prepared to filibuster this bill. He has said as much—in Illinois and here in Washington. It is no great surprise.

But some of my colleagues in the Senate have said: Oh, no, he won't do that; when it is all over, he is going to bring it up and offer his amendments and take a vote and then it will all be over.

I said: No, I don't think so. Let's go ahead and make this unanimous consent request so it is clear on the record his intention and design to lead this to a filibuster, and I think we have done that today. In the course of doing that, I think what we have established is that we have to find whatever appropriate means are available, working to bring this issue for a vote in the Senate.

I am prepared to accept the decision of the Senate on this issue. I think that is why we are elected to this body, to bring our best ideas forward and say to the assembled Senators: We hope you will support us. If you do not, then it is understood we have lost our day, our opportunity. But I think now, in the best interests of safety at O'Hare, hundreds of thousands of jobs in our State, and the best interests of business in the region, that we should pass this bill as quickly as possible.

The PRESIDING OFFICER. The majority leader.

Mr. DASCHLE. Mr. President, I come to the floor just to compliment the distinguished Senator from Illinois for his determination and the effort that he continues to make to ensure success. I will guarantee that before the end of this session, one way or the other, we are going to resolve this successfully. We will do whatever it takes to ensure that the people of Illinois, the business community at and around O'Hare and the tremendous service it provides are protected and that the priority it deserves is given on the Senate floor.

The Senator from Illinois has been relentless in his determination and in his advocacy. He has spoken in the caucus on countless occasions, in leadership, and on the Senate floor. I just wanted to assure him publicly, as I have privately, that we will continue to work on this until we get it done. It will happen.

I am convinced that 95, maybe 98 Senators support what the Senator from Illinois is attempting to do. I have every confidence that once we get to the vote, it is going to be overwhelming. So I will assure the Senator that we will continue to work with him and find a way to do it and make sure that it gets done in a time that will send the right message to the people of Illinois, the people of Chicago, the people who are concerned about safety, concerned about jobs, concerned about economic development—that the Senate understands that and, thanks to the leadership of the Senator from Illinois, we are going to deliver.

I simply wanted to add my voice to the many who support the Senator's efforts. I appreciate very much his coming to the floor this afternoon, again, to reiterate the extraordinary importance that this issue and this project has for the people of his State. I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I express my appreciation for this expression of personal support from the majority leader. I thank him. He has been cooperative from the start. He understands, as we all do, this is not a Chicago issue. This is a national issue. It is an issue that Senators across the Nation understand as we sit, hour after weary hour, in airports, wondering: What is wrong at O'Hare now?

What is wrong is a 40-year-old runway design that needs to be modernized; it needs to be safer; it needs to be improved. We cannot allow this issue to die. For the good of that airport, for national aviation, for jobs in Illinois, stopping this bill is a job killer in a State that needs jobs desperately. Stopping this bill is a business killer in a State that desperately needs businesses to expand. Stopping this bill is putting a dagger in the heart of the single most important public works project in the history of our State. I am not going to let that happen without a fight. I am happy to have the majority leader in my corner.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

The Senator is recognized.

Mr. FITZGERALD. I thank the Chair.

Mr. President, I would like to respond to what my colleague from Illinois just said. I think there are a number of points that were glossed over.

I do oppose Senator DURBIN's bill with respect to O'Hare. Mr. DURBIN said it is necessary to pass this bill in order to expand O'Hare Airport. But I would point out that never in the history of our country, that I am aware of, has any airport in this country had a special bill mandating that the FAA approve its particular expansion plans.

The fact is, if Mayor Daley of Chicago wants to expand O'Hare Airport, he can simply file an application with the FAA to expand O'Hare Airport. The trouble is, if that were the case—if Mayor Daley were simply to file an application similar to all the other airports in the country—his application would have to be judged on the mere merits.

So Senator DURBIN and Mayor Daley came up with the idea of drafting a statute. They put that into bill form and are now asking Congress to pass it.

The purpose of that bill is twofold:

No. 1, the bill would straightjacket the FAA so that they would have no choice but to approve Mayor Daley's specific runway design at O'Hare Airport.

I could go on for a very long time. But maybe I will save that for a later date to tell you why it is in fact a bad runway design that Mayor Daley is trying to mandate in Federal law.

The bill of Senator DURBIN—I don't care what the committee report says—says that the FAA shall implement a Federal policy in favor of approving six parallel runways running in the east-west direction at O'Hare Airport. It says east-west. It is very specific.

I take issue with my colleague's comments or suggestions that the FAA could change it. In fact, it would be illegal for the FAA to reposition those runways in a northwest-southeast direction. Mayor Daley's and Senator DURBIN's exact runway design will be locked into Federal statutory law if my colleague's bill passes.

That is one of the objectives my colleague has. He wants to straightjacket the FAA, put a gun to the FAA's head, and force them to approve a bad runway design that has never been reviewed by any Federal aviation expert. It has never been tested in any modeling. In fact, it appears to be the back-of-a-napkin design.

Mayor Daley was before the Senate Commerce Committee, and he admitted that the city of Chicago had never itself done any studies to back up that design.

There is another goal my colleague is trying to accomplish with S. 2039. Right now, the city of Chicago has the power to condemn lands around O'Hare Airport and communities around O'Hare Airport, provided Mayor Daley gets a permit from the State of Illinois to do that. Senator DURBIN's bill would remove the requirement that Mayor Daley get a permit from the State before he condemns the communities around O'Hare. They cannot pass legislation in the State senate that would get rid of the permit requirement. So they have decided to come to Congress in Washington and to strip away the State's law and permit requirement at the Federal level.

If my colleague's bill passes, that will mean Mayor Daley could condemn all the communities around O'Hare without getting a permit from anybody. He would have an unfettered ability to condemn properties in communities that are outside the city of Chicago.

Imagine if the mayor of Minneapolis could go willy-nilly and condemn communities all around Minneapolis. Imagine what the communities around Minneapolis would think.

I think the State legislature was wise in imposing a requirement that the mayor of Chicago, before he goes out and condemns communities around his city, get a permit from the State of Illinois. I think the Federal Government would unbalance that wise State law if we were to remove that permit requirement.

If one person had the ability to willy-nilly condemn all parts of the Chicago area around O'Hare Airport, that would literally give the mayor of Chicago unfettered license to run over anybody he wanted at any time he wanted. I don't think this body should be part of conferring that kind of unfettered ability to run over people on the mayor of Chicago.

There are delays at O'Hare Airport right now. That is no doubt true. I stood right here 2 years ago and warned Congress not to lift the delay controls at O'Hare Airport. From 1969 to 1999—for 30 years—the FAA had delay controls at O'Hare Airport so that the airlines didn't schedule more flights than the airport had the capacity to handle.

In 1999, Congress took off the delay controls, allowing the airlines to schedule more flights than O'Hare had the capacity to handle. I warned that we would have horrible delays if we lifted those delay controls. That happened. There were interim studies by the FAA which showed that if the delay controls at O'Hare were lifted, delays would go up exponentially, and they have.

In my judgment, that was a deliberate attempt by United Airlines and American Airlines to cause delays at O'Hare and to build pressure to further expand O'Hare in an attempt to block a third airport which has been needed in Chicago for nearly 30 years. That is what we now see.

I also note that while Senator DURBIN's legislation would require the FAA, or force, or command the FAA to approve a runway expansion plan at O'Hare that would increase the capacity of the runways by 78 percent, at the same time the plan is to build new terminals which would only add 12 new gates.

This is a very bizarre plan that Congress is entering into. We are going to expand runway capacity by 78 percent, but we are only going to add 12 new gates. That really means that once runway capacity is expanded at O'Hare, it will be possible under this plan to land a plane but you will have nowhere to park it. It doesn't make any sense. It is not appropriate for Congress to be wresting control of airport design from the FAA and curtailing the FAA's discretion. We should leave the FAA's discretion intact.

If Senator DURBIN believes his runway design for O'Hare Airport has merit, then he should file an application with the FAA and see if the FAA approves it. He should not seek an end-run around the rules that all the other airports in the country abide by, nor should this body be part of stripping away the State of Illinois' requirement that the mayor of the city of Chicago get a permit before he condemns properties and communities that are outside the city of Chicago.

It is not right to give the mayor of Chicago unfettered ability to run over anyone he wants at any time he wants.

S. 2039 is an unfortunate piece of legislation. I will do everything I can to prevent its passage.

I note one good development. The House of Representatives took this bill up in just the last couple of days—I believe on Wednesday—a House companion bill to S. 2039. The House committee stripped out the language that had the effect of putting a straightjacket around the FAA and commanding the FAA to approve a specific runway design at O'Hare Airport. Even the House committee recognizes the impropriety of Congress putting a gun to the head of the FAA and forcing them to approve a specific runway design.

The House legislation simply allows Chicago to file a plan with the FAA and to be considered the same way any other airport expansion program or proposal is considered anywhere else in the country. Unfortunately, however, the House legislation does have the language giving the mayor of the city of Chicago unfettered condemnation authority, which I think is, as I pointed out earlier, a big mistake.

So with that, I do look forward to the debate. I am sure the debate will be coming. And if I cannot defeat this legislation, I ultimately want to change or modify it to make it less egregious than it now is. In its current form, it is such an egregious piece of legislation that I think it would be inappropriate for our Senate to devote time to it when we have Medicare prescription drug issues, homeland security, and 13 appropriations bills we still have not addressed.

With that, Mr. President, I thank this body for affording me this time to speak. I yield the floor and wish all my colleagues a good Fourth of July recess.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. NELSON of Florida). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. 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 remarks of Mr. REID pertaining to the introduction of S. 2697 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that we proceed to a period of morning business, with Senators permitted to speak therein for up to 5 minutes each.

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

PATENT AND TRADEMARK AUTHORIZATION ACT OF 2002

Mr. LEAHY. Mr. President, I am pleased that the Senate passed a bill which I introduced, the Patent and Trademark Authorization Act of 2002, which was reported out of the Judiciary Committee last week without objection. I appreciate that Senators HATCH, CANTWELL, REID, BENNETT and

CARPER joined with me in co-sponsoring this bill

This bill, the Patent and Trademark Authorization Act of 2002, will send a strong message to America's innovators and inventors that the Congress intends to protect and enhance our patent system. The PTO serves a critical role in the promotion and development of commercial activity in the United States by granting patents and trademark registrations to our Nation's innovators and businesses.

The costs of running the PTO are entirely paid for by fees collected by the PTO from users, individuals and companies that seek to benefit from patent and trademark protections. However, since 1992 Congress has diverted over $800 million of those fees for other government programs unrelated to the PTO.

This bill sends a strong message that Congress should appropriate to the PTO a funding level equal to these fees. The reason for this is simple: the creation of intellectual property by Americans, individuals and businesses, is a massive positive driving force for our economy and is a huge plus for our trade balance with the rest of the world. In recent years, the number of patent applications has risen dramatically, and that trend is expected to continue. Our patent examiners are very overworked, and emerging areas such as biotechnology and business method patents may overwhelm the system.

If fully implemented as intended, this bill can greatly assist the PTO in issuing quality patents more quickly, which means more investment, more jobs and greater productivity for American businesses.

The House of Representatives has passed a bill, H.R. 2047, which contains some similar provisions but just for fiscal year 2002 regarding the authorization of appropriations. That bill, H.R. 2047, was also passed by the Senate but amended to include the text of S. 1754, as reported out of the Judiciary Committee. This will provide the Congress the greatest opportunity to get this reform on the President's desk for signature.

Note that the Judiciary Committee reported out a substitute bill, with the assistance of Senator HATCH, which simply moved back some dates in S. 1754, as originally introduced. I am including a short explanation of S. 1754, as reported. This explanation also applies to the version of H.R. 2047 as passed by the Senate.

Section 1 of the bill sets forth the title, ''The Patent and Trademark Office Authorization Act of 2002.''

Section 2 authorizes Congress to appropriate to the PTO, in each of fiscal years 2003 through 2008, an amount equal to the fees estimated by the Secretary of Commerce to be collected in each of the next 5 fiscal years. The Secretary shall make this report to the Congress by February 15 of each such fiscal year.

This bill thus sets forth the goal, strongly supported by users of the patent system, that the PTO should have a budget equal to the fees collected for each year. In recent years, the appropriations' committees have not provided annual appropriations equal to the fees collected. This bill sets forth the wishes of the committee, and now the Senate as a whole, that the PTO be funded at levels determined by the anticipated fee collections.

Section 3 of the bill directs the PTO to develop, in the next three years, an electronic system for the filing and processing of all patent and trademark applications that is user friendly and that will allow the Office to process and maintain electronically the contents and history of all applications. Of the amount appropriated under section 2, section 3 authorizes Congress to appropriate not more than $50 million in fiscal years 2003 and 2004 for the electronic filing system. The PTO is working on this electronic system.

In section 4, the bill requires the Secretary of Commerce to annually report to the Judiciary Committees of the House of Representatives and the Senate on the progress made in implementing its strategic plan. The PTO issued a short version of its ''21st Century Strategic Plan'' on June 3, 2002, which is available on their website.

The bill also contains two sections which will clarify two provisions of current law and thus provide certainty and guidance to the PTO as well as inventors and businesses.

Section 5 of S. 1754 expands the scope of matters that may be raised during the reexamination process to a level which had been the case for many years. In background, Congress established the patent reexamination system in 1980 for three purposes: to attempt to settle patent validity questions quickly and less expensively than litigation; to allow courts to rely on PTO expertise; and, third, to reinforce investor confidence in the certainty of patent rights by affording an opportunity to review patents of doubtful validity.

This system of encouraging third parties to pursue reexamination as an efficient method of settling patent disputes is still a good idea. However, by clarifying current law this bill increases the discretion of the PTO and enhances the effectiveness of the reexamination process. It does this by permitting the use of relevant evidence that was considered by the PTO, but not necessarily cited. Thus, adding this new language to current law will help prevent the misuse of defective patents, especially those concerning business method patents.

It permits a reexamination based on prior art cited by an applicant that the examiner failed to adequately consider. Thus, this change allows the PTO to correct some examiner errors that it would not otherwise be able to correct. In a sense it deals with In re Portola Packaging, 110 F.3rd 786, Fed. Cir. 1997, in a manner which should reduce the number of cases which will be handled in Federal court in a manner that fully protects the rights of interested parties, and the public interest. Thus, section 5 does not change the basic approach of current law but rather eliminates a presumption which could be wrong, allowing for mistakes to be fixed without expensive litigation.

Section 6 of the bill modestly improves the usefulness of inter partes reexamination procedures by enhancing the ability of third-party requesters to participate in that process by allowing such a third party to appeal an adverse reexamine decision in Federal court or to participate in the appeal brought by the patentee. This may make inter partes reexamination a somewhat more attractive option for challenging a patent in that a third party should feel more comfortable that the courts can be accessed to rectify a mistaken reexamination decision. This section should increase the use of the reexamine system and thus decrease the number of patent matters adjudicated in Federal court.

I look forward to working with the other body to assure that this bill becomes law as soon as possible. I appreciate the work of Herb Wamsley of the Intellectual Property Owners Association on this bill, and of Marla Grossman who worked with us in this effort. Also, I want to thank Mike Kirk of the American Intellectual Property Law Association for his help on these patent fee matters over the years.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Mr. President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of last year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred in August 2001 in Monmouth County, NJ. Seven people assaulted a 23-year-old learning disabled man with hearing and speech impediments. The victim was lured to a party, bound, and physically and verbally assaulted for three hours. Later, he was taken to a wooded area where the torture continued until he was able to escape. The perpetrators were sentenced on multiple counts in connection with the incident, including aggravated assault and harassment by bias intimidation.

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

GETTING ANSWERS

Mr. DORGAN. Mr. President, during England's darkest hour in 1940, Winston Churchill spoke of an unwavering sense of purpose. ''You ask, what is our aim? I can answer in one word: it is victory, victory at all costs, victory in spite of all terror,'' he told members of Parliament.

Sixty years later, we here in the United States are fighting a different kind of terror, terrorists who hide in caves and plan the murder of thousands of innocent Americans, but our resolve to defeat it matches that of Churchill. Some have expressed concerns that the investigations of how our intelligence and law enforcement authorities handled information prior to 9–11 will weaken our efforts to defeat terrorists.

Frankly, I think the questions that are being raised will strengthen our efforts to defeat terrorism. We have a lot of good men and women working in the CIA, the FBI and other agencies. But evidence, we have learned in recent months, suggests that there is a layer of bureaucracy and resistance in the management of some of these critical agencies that stifles the efforts of good law enforcement and good intelligence when tracking terrorists.

We have to fix that. Our job is to prevent the next act of terror and if the bureaucracy is clogging the arteries of our intelligence and law enforcement agencies, then we have to get rid of it.

Consider this: six months after Mohammed Atta and MarwanAl-Shehhi flew huge jets into the World Trade Center, the U.S. Immigration and Naturalization Service inexplicably sent notice their visa status had been changed from travel to student. In recent weeks, reports indicate a Phoenix FBI agent alerted headquarters of his suspicions about Middle Eastern men taking flight lessons. Minneapolis agent Coleen Rowley has complained bitterly that her office's efforts to obtain a search warrant about a suspected highjacker were ignored. Now the CIA says that it was tracking two of those who committed terrorist's acts on 9–11, but there is controversy over whether the FBI was actually notified. As a result the terrorists moved in and out of our country with ease. These and other reports, in recent months, raise real concerns about how these federal intelligence and law enforcement agencies are working to prevent future acts of terrorism.

When people begin to raise questions about these issues, some claim that the intent is to criticize President Bush.

President Bush, indeed any President, would have moved heaven and earth to prevent the catastrophe of 9–11 if he had received any advance warning. These inquiries are not about the President or the White House. They are about the effectiveness of our Federal agencies in the war against terrorism here at home.

The information disclosed in recent months about some of the failures of these agencies has come from people working inside the agencies. These are employees of the FBI and other agencies who are blowing the whistle on agency managers who fail to see the gravity of this situation and refuse to take appropriate actions.

For example, Minneapolis FBI agents were admonished by their superiors for sharing information with the CIA in the case of suspected terrorist, Zacarias Moussaoui, who had links to Osama bin Laden. That is unacceptable. These agencies need to work together. Preventing the next terrorist act is a tough job, and we will succeed only if we have all of the resources working full time and cooperating fully.

In recent months and weeks, the head of Homeland Security has warned our country the terrorist attacks against the Untied States could happen at any time. That's why these agencies and their officials have to be fighting the battle against terrorists, not turf battles between their agencies.

Big, bureaucratic and slow doesn't get it anymore. We deserve better from these agencies. What if there is critical information right now in the possession of one agency that is not sharing it with another? Are those who dropped the ball last year in these agencies. The same ones we now rely on to prevent another terrorist nightmare?

The answer to these questions is why this is such an urgent matter. We, the President, the Congress and the American people, deserve the unvarnished facts so that we can move ahead and protect our country, so I say let's do these investigations. Let's make sure that they don't turn into a circus. As Sergeant Joe Friday used to say, ''Just the facts, ma'am.'' Let's use those facts to make the changes these agencies so that the men and women of the FBI, the CIA and other agencies who are very capable and serve America well, are able to do their jobs successfully.

Only then, as Winston Churchill did, can we finally win the war against terrorism.

PLEDGE OF ALLEGIANCE

Mr. ALLARD. Mr. President, I would like to speak on the ridiculous ruling of the Ninth U.S. Circuit Court of Appeals. Literally ridiculous; it deserves to be ridiculed. It was a 2–1 decision, so there is, at least, one judge on the Court who can rule based on the same legal and civic theory that the rest of the country has been operating under for the last 226 years.

I cannot accept removing ''under God'' from the Pledge of Allegiance. This ruling is appalling. I never thought I would see the day when saying the Pledge of Allegiance would be declared unconstitutional by a court. I certainly did not think I would see it on the day I placed my hand on a Holy Bible and made an Oath at my swearing in.

The Magna Carta of 1215, considered the initial codification of Western democratic theory, clearly shows that power is granted from ''above.'' Not ''above'' from a judge's bench, but higher—from an Almighty Power. Every major assertion of our fundamental political thought references God, and not in passing, but as a cornerstone of human life.

Sometimes it is again literally a cornerstone. The Jefferson Memorial has quotes from that great man, which contain references to God carved into the stone. The Lincoln Memorial also has a testament to that President's commitment to God cut into the very marble. Anyone reading his Second Inaugural must know his view of a daily presence of God in the affairs of man and in the political life of this nation. The Holocaust Memorial facade quotes scriptures. So does our Library of Congress, Union Station, Constitution Hall, and many others.

Even William Shakespeare's Puck is quoted referring to God over outside the Folger Shakespeare Theater—in a quote that I think rings especially true regarding certain court rulings—''Lord, What fools these mortals be.'' Lord, what foolish rulings these judges make. There has already been discussions on this floor regarding our coins, our money, and this very Chamber. I don't bring these up just to worry aloud as to whether they are soon to be ruled against as well, but to show that our nation was incorporated under God, and an attempt to excise God from this Republic is wrong and lacking in historical and legal insight.

Our citizens are free from an official state religion—not forced to be free from religious thought.

When President Eisenhower signed the law adding ''under God'' to the pledge, he was not doing so in attempt to lead this Nation down a Godly path. It was not using the bully pulpit to attempt to steer a course. He was affirming that this nation has already consistently and thoroughly incorporated belief in and submission to God.

We separated ourselves from the United Kingdom under the laws of Nature's God, claiming the unalienable rights we were endowed with by our Creator and appealing to the Supreme Judge of the world for recititude of our intentions. We have continued this way ever since—no matter what the Ninth might say.

Finally, I want to make it clear that I am not merely upset about the fact that the Pledge of Allegiance was ruled against. I want to also speak against the ongoing assault on our basic religious beliefs. As my friend Senator SESSIONS voiced earlier, this is just another result of a dangerous and radical viewpoint that is held by an irresponsible few. Few as they are compared to our citizens as a whole, there are far too many in this body and elsewhere who express beliefs and support for radical judges that cannot help but lead us to these types of decisions. We do not jump from a nation that believes itself endowed by its Creator with

unalienable rights to a nation where the Pledge of Allegiance can be ruled unconstitutional without many intervening steps along the way. Those of us who oppose the many small steps taken down this path welcome those who finally stand aghast at where we end up. I hope this body and the Nation will move to correct the error.

REPORT ON TRIP TO BULGARIA, MACEDONIA, KOSOVO, SLOVAKIA, SLOVENIA AND BRUSSELS

Mr. VOINOVICH. Mr. President, over the Memorial Day recess, I joined seven members of the House of Representatives to participate in the spring meeting of the NATO Parliamentary Assembly. Twice a year, legislators from NATO member countries and seventeen countries that have been given ''associate'' status—including NATO aspirants and members of the Partnership for Peace program—gather to discuss significant issues facing the Alliance.

At the forefront of the agenda this year were issues related to the war on terrorism, and questions that will be raised when NATO heads of state meet in Prague this November, including: the future direction of the Alliance; the growing gap in military capabilities between the United States and our European allies; and the selection of new members.

This was the third year that I have participated in the NATO Parliamentary Assembly's spring gathering. The meeting took on a new urgency as the Alliance continues to confront a changed international security environment in the aftermath of the terrorist attacks on September 11th. As parliamentarians discussed the military campaign in Afghanistan and the role of NATO in the war on terror, I reminded my European counterparts of the need to invest in the defense budgets of their respective countries. Without fundamental military capabilities such as strategic airlift and command and control systems, the European contribution to the global war on terrorism will continue to be limited.

It was clear throughout the meeting that the events of 9–11 have impacted discussions in many areas, including expansion of the Alliance. During consideration of a Declaration on NATO Enlargement, I introduced an amendment calling attention to the significant threats that terrorism and the proliferation of weapons of mass destruction pose to NATO countries, and recognizing that as NATO considers enlargement, the Alliance remains open to tolerant, democratic societies, which embrace values that terrorism seeks to destroy.

As the meeting progressed, I also expressed my strong support for a robust round of enlargement during the Summit of the Alliance in Prague later this year. I share the President's vision of enlargement, articulated in Warsaw, Poland last June, when he said that as we approach Prague: ''We should not calculate how little we can get away with, but how much we can do to advance the cause of freedom.''

Yet while the Alliance should extend invitations to a number of countries in Prague, I believe it is premature to single out countries for membership at this point. Instead, we should continue to encourage aspirants to make progress on their membership action plans and move forward with democratic, economic and judicial reforms.

As such, during consideration of the Declaration on NATO Enlargement, I joined Congressman DOUG BEREUTER, the chairman of the U.S. delegation, and other members of the United States Congress at the meeting in abstaining from a vote on an amendment that identified seven countries as ready for membership in the Alliance. Despite U.S. concerns, the amendment was adopted.

While I do not disagree that the countries listed in the amendment—Bulgaria, Romania, Slovakia, Slovenia, Estonia, Latvia and Lithuania—have made some strides in their preparations to join NATO, there are serious discussions that must take place between now and November regarding the selection of new members.

This spring's NATO Parliamentary meeting was especially important to its host country, Bulgaria, which hopes to receive an invitation to join the Alliance in Prague. I remain very interested in discussion about NATO enlargement, and while in Sofia, I was glad to have opportunity to visit with Prime Minister Simeon Saxe-Coburg-Gothe and President Georgi Parvanov to discuss Bulgaria's work to join the Alliance. I also met with Defense Minister Nikolay Svinarov and Foreign Minister Solomon Passy, who I have met with previously in my office in Washington, DC.

My first official visit outside of the NATO session was with Bulgaria's Defense Minister, Nikolay Svinarov. Just minutes before our meeting, Mr. Svinarov spoke to the NATO PA's Committee on Defense and Security, outlining Bulgaria's plans to move forward with defense reforms. His presentation was clear, and I congratulated him on his effort to describe Bulgaria's progress on the defense portion of the membership action plan (MAP). While noting the progress that has been made, I encouraged him to follow through on the vision that he articulated to the NATO parliamentarians. I was impressed with Bulgaria's plan; however, it is evident that there is still a lot of work to be done to implement their ambitious agenda for military reform.

My impressions were reaffirmed several days later when I visited Graf Ignatievo air base, near the city of Plovdiv. The enthusiasm of the officers and pilots at the base was evident. Since 2001, the Bulgarian government has invested in modernization of base infrastructure, upgrading the runway and the flight line and renovating buildings and training facilities. While this is certainly a positive development, I was concerned with the equipment at the base, including Soviet-era MiG–29 and MiG–21 aircraft. While the MiG–21s will be retired, the Bulgarians hope to upgrade their MiG–29s by 2004, with the goal of full NATO interoperability. There are serious questions not only about whether or not this can actually be done, but also whether this is money wisely spent. As NATO considers questions about military capabilities, it will be important to consider how NATO members and aspirant countries can best invest limited defense dollars to contribute to the overall mission of the Alliance. As Bulgaria continues with defense reforms, this will be one factor to consider.

Bulgaria must also confront challenges in other areas, including the need to move forward with judicial reforms. The government must take action to combat corruption and organized crime. I discussed this issue with Prime Minister Saxe-Coburg-Gothe and President Purvanov, as well as Foreign Minister Passy.

Perhaps one of the most eye-opening conversation I had during my trip to Bulgaria was with FBI Special Agent Victor Moore, who is working with the Bulgarian government and local NGOs to combat human trafficking. As a member of the Helsinki Commission and an active participant in the annual meetings of the OSCE Parliamentary Assembly, I have worked on this issue with Congressman CHRIS SMITH—who has a long record of work to combat the trafficking of men, women and children. I also follow the efforts of the Southeast European Cooperative Initiative (SECI), which aims to combat trans-border crime in the region.

SECI has spearheaded an initiative to combat human trafficking in southeast Europe, and Vic Moore's efforts are tied directly to their objectives. Of his eleven years in the FBI, he spent nine of them working on drug enforcement in New York City. In Bulgaria, he is working to give law enforcement personnel the skills they need to investigate and prosecute human trafficking cases. The Bulgarian government has formed a multi-agency task force, which has liberated more than 160 women, issued 60 arrest warrants and captured approximately 60 traffickers. This important work should continue. I believe it is important that the government take continued steps to strengthen the rule of law and reform the judicial systems. This will be important as NATO evaluates the progress of aspirant countries later this year.

In all of my conversations in Sofia, one thing was clear: the people of Bulgaria, and the members of government who represent them, want to join NATO. Over a breakfast meeting with members of the U.S. delegation at the home of our Ambassador to Bulgaria Jim Pardew, President Parvanov said that there is complete public and political consensus on NATO in Bulgaria.

I am hopeful Bulgaria's enthusiasm for NATO membership remains high, and the government stays committed to critical reform efforts.

After participating in the NATO Parliamentary Assembly meeting in Sofia, I traveled to Macedonia, Kosovo, Slovakia, Slovenia and Brussels to evaluate the situation in southeast Europe, and to examine progress in Macedonia, Slovakia and Slovenia as they work to join NATO.

Following my arrival in Skopje on Tuesday, May 28, 2002, I had the opportunity to visit with our Ambassador to Macedonia, Larry Butler, and his team at the U.S. Embassy. This was my third trip to Macedonia as a member of the U.S. Senate. I first traveled to Macedonia during the war and visited Stankovic refugee camp; my second trip was in February 2000, and I met with President Trajkovski, Prime Minister Goergievski, and ethnic Albanian leader Arben Xhaferi. At that time, our focus was on Kosovo. Since the spring of 2001, all eyes have been in Macedonia.

In August 2001, following the outbreak of violence in the spring by ethnic Albanian rebels from Macedonia and Kosovo, the government's political parties came together to sign a peace agreement. The plan—called the Ohrid Framework Agreement—called for the passage of laws and constitutional reforms to address concerns of Macedonia's ethnic Albanian minority, which makes up approximately one-third of the country's population.

At the time of my visit last month, the government was expected to pass a final package of laws to implement the Ohrid Framework Agreement. This was a primary topic of discussion in my conversations with our Ambassador and staff at the U.S. embassy, as well as President Trajkovski and Mr. Xhaferi. While the parliament did not act in the days immediately following my visit, as hoped, I was pleased to learn that fifteen of the seventeen outstanding laws were passed last Thursday, June 20, 2002. I am hopeful that action on the remaining issues will be taken soon.

During my meeting with Arben Xhaferi, he stressed the importance of the international community's involvement in Macedonia. He said the United States should continue to play a role in Macedonia—both with its military presence and financial assistance. While I agree with Mr. Xhaferi that U.S. involvement in the region is important, I stressed to him that the people of Macedonia—regardless of ethnicity—must take action to improve the situation in their country. While the international community can play a helpful role, ultimately, things are in the hands of the people and their elected leaders. As such, I encouraged Mr. Xhaferi to move forward with efforts to implement democratic and economic reforms, and to promote respect for the rule of law. I also shared with him my strong concern with organized crime, corruption and human trafficking in the region, and urged him to take action in this area.

During my meetings, it was also clear that demarcation of the border between Macedonia and Kosovo has become a significant political issue in both Macedonia and Kosovo. Some in Macedonia would like to move forward with the demarcation of border, recognized by the U.N. Security Council, which was formally agreed upon by Macedonia and the Federal Republic of Yugoslavia in March 2001.

Judging from my conversations in Kosovo, however, it was evident that there is not yet a consensus regarding the right time to put down markers along the border. This issue must be approached with caution.

I am also hopeful that free and fair parliamentary elections will take place in Macedonia on September 15, 2002, as planned. The United States and members of the international community, including the European Union, should do everything in their power to stress to leaders in Macedonia the importance of permitting people to go to the polls without incidence this fall.

On Wednesday, May 29, 2002, I spent the day in Kosovo. It was my third trip to Kosovo since February 2000, and the fourth full day that I have spent there. During my time in the Senate, I have been very active on issues affecting southeast Europe, and I have been particularly concerned with the situation of ethnic minorities and respect for minority rights throughout the region—in Bosnia-Herzegovina, Croatia, and the Federal Republic of Yugoslavia, as well as Kosovo. As such, I was glad to have the opportunity to examine this issue in Kosovo last month.

I spent time with the Head of UNMIK Michael Steiner, as well as Commander of KFOR General Valentin. I also met with President Rugova and Prime Minister Rexhepi, and Serb leaders Rada Trajkovic and Ljubomir Stanojkovic. I met with Ambassador John Menzies and his team at the U.S. Office in Pristina, and I was glad to visit with General Lute at KFOR Main and some of our troops at Camp Bondsteel, as well as Ambassador Pascal Fieschi, who heads the OSCE Mission in Kosovo.

Around the time of my visit, the Organization for Security and Cooperation and Europe (OSCE) and the U.N. High Commission on Refugees (UNHCR) released the Ninth Assessment of the Situation of Ethnic Minorities in Kosovo, which describes the quality of life experienced by Kosovo's minority groups.

My impressions after spending time in Kosovo last month reaffirm many of the conclusions reached in the OSCE–UNHCR report: while there has been some improvement for ethnic minorities, there is still a long way to go.

My first reaction was that things seem somewhat better now than they were when I visited nearly 3 years ago. I attribute this to several factors, including work done by the international community, including UNMIK, KFOR, the OSCE and others, as well as the interest that the people of Kosovo have shown in creating their own government following parliamentary elections last November and the election of new leadership in March. I believe the participation of the Serbian minority in the parliamentary elections last November was very important, as was the cooperation of the FRY government, which encourage Kosovar Serbs to vote.

Additionally, I was impressed with the ''benchmark'' goals that have been outlined by UNMIK, which call for progress in key areas, including respect for the rule of law, strengthening democratic institutions, and building a civil society.

The benchmarks paper also emphasizes respect for minority rights and refugee returns, which deserve attention both from the international community and from the newly elected leadership in Kosovo.

This document is very important, as it lays out a plan for Kosovo. It will be critical for the international community to refer to this document from time to time to assess progress and, as necessary, to redouble efforts in certain areas. In the past, I have been concerned that the international community has not been focused in its vision of Kosovo, and this document offers a positive step in the right direction.

To make real progress, however, we must encourage Michael Steiner and UNMIK to develop a strategic plan and a critical path for the implementation of the benchmark goals. When I attend the OSCE Parliamentary Assembly meeting in Berlin this July, I will encourage the Head of the OSCE Mission in Kosovo, Pascal Fieschi, to do so. This will allow UNMIK to monitor progress on the benchmark goals.

While in Kosovo, I also met with the Commander of KFOR, General Valentin, and discussed with him the security situation in the region. He is optimistic, and believes that there is progress every day. He said things are much better than they were three years ago. Ambassador Fieschi was also encouraged that things have gotten better for Kosovo's minorities, though he indicated that change has been slow.

While I agree that things are somewhat better, the findings in the OSCE–UNHCR report are less upbeat. With regard to security and freedom of movement, the report reads: ''Despite the decrease in serious incidents of violence, harassment, intimidation and humiliation of members of minority communities in Kosovo continued to prevail as a feature of daily life.'' This affects all of Kosovo's minorities, including Serbs, Roma, Egyptians, Bosniaks, Croats, Albanians, Turks and others.

Serb leaders Rada Trajkovic and Ljubomir Stanojkovic discussed the situation for the Serbian minority with

me over lunch in Gracanica, which was my third visit to the city. Though there are still many concerns which must be addressed, I got the general impression that things are somewhat better for the Serbs than they were two years ago. I am encouraged that Dr. Trajkovic and Mr. Stanojkovic are active and participating with the new government, and I believe it is important that they continue to call on others to do the same. I believe it is essential that Serbs participate in the municipal elections this October and take advantage of the opportunity to participate and have a voice at the table of government.

During my visit, I met with Ibrahim Rugova, who was elected President in March. This was my second meeting with Mr. Rugova—we visited when I was in Kosovo in February 2000. At that time, I also met with ethnic Albanian leaders Hashim Thaci and Rexhep Oosja. Two years ago, as Mr. Rugova and others continued to call for independence, I expressed my belief that there could be little serious discussion on independence until the rights of all people in Kosovo—including minorities—were protected. During our meeting in May, I again stressed this point.

In addition to President Rugova, I also met with the new Prime Minister of Kosovo, Bajram Rexhepi, and discussed with him the situation in Kosovo. I was impressed with him during our meeting. He seems to clearly understand work that needs to be done, focusing on the need for refugee returns and respect for minority rights, as well as the need to stimulate economic development. He reminded me that U.S. leadership in Kosovo, and the region at large, is still very important.

While I was pleased that everyone I spoke with during my meetings in Kosovo last month, including President Rugova, Prime Minister Rexhepi, and Michael Steiner, was committed to refugee returns, I am concerned because there are still more minorities leaving Kosovo than returning. With regard to returns, the OSCE–UNHCR report notes that if more people are to actually return, it will ''require much more meaningful and broad progress on the main issues,'' such as security, freedom of movement, essential services and employment.

I also believe it is critical that Mr. Steiner and UNMIK articulate a clear action plan for returns. Additionally, following my visit to Kosovo, I remain very concerned with the situation in Mitrovica, which remains divided between north and south. I believe the only way to achieve any progress will be if the international community works with the elected leadership in Kosovo to find a solution. While there are different schools of though as to what should happen in Mitrovica, it is imperative that discussion continues and the parties act to normalize life for all the city's residents. This should happen quickly, and any plan on decentralization to give local communities more a stronger voice should be finalized before the municipal elections in the fall.

I also believe we must watch the situation along the border with Macedonia carefully. This issue has become controversial in both Kosovo and Macedonia. While some in Macedonia would like to move forward with the demarcation of the border, this is a sensitive issue which must be approached calmly and rationally. The people of Kosovo do not support this border agreement, and at the end of May, the Kosovo Assembly passed a resolution denouncing the border agreement—which Michael Steiner immediately annulled. I believe there should be discussion on this matter, with all involved parties together at one table.

Following my time in Kosovo, I traveled to the Slovak Republic to discuss the country's aspirations to join the NATO Alliance, and to assess their progress as they continue to participate in the membership action plan process. Though my time was limited, I was pleased to finally have the chance to travel to Slovakia—which was the only country aspiring to join the NATO Alliance that I had yet to visit.

While in Bratislava, I spent time with our Ambassador to Slovakia, Ron Weiser, who is working hard to promote the merits of democracy, the rule of law and a free market economy as the country looks toward membership in NATO. I believe his work is important in the months leading to parliamentary elections this September, which could be a determining factor in Slovakia's candidacy for NATO membership.

During my visit, I had the opportunity to meet with Prime Minister Mikulas Dzurinda, who has pushed forward with critical economic and democratic reforms in Slovakia since becoming prime minister in 1998. His government has placed a top priority on joining NATO and the European Union. Prime Minister Dzurinda and I discussed ongoing efforts to liberalize the economy, strengthen democratic institutions and modernize the country's armed forces. We also talked about the importance of respecting minority rights including the rights of the country's ethnic Hungarian community. Additional, I expressed my strong concern with the problems of organized crime, corruption and human trafficking in central and eastern Europe, and encouraged the Prime Minister and his government to move forward with efforts to address these problems.

I also met with Robert Fico, leader of the Smer (Direction) political party, who hopes to be the country's next prime minister. Young and charismatic, Fico's animate campaign signs were all around town as we drove from one meeting to the next. Fico and his colleague also expressed their strong support for Slovakia's membership in NATO and the European Union. As the polls are close, it is possible that he could play a role in the formation of the next government.

Following my arrival at the Bratislava airport. I met with Defense State Secretary Ratislav Kacer. We discussed ongoing defense reforms, and the country's efforts to increase defense spending. During my time in public service, I have often said it is important to ''work harder and smarter,'' and do more with lees.'' Mr. Kacer knew of my philosophy, and said this could be helpful to Slovakia as the country works to modernize with limited resources. He reiterated the country's strong support of NATO, and said the government has aligned its own national defense priorities with issues important to the Alliance.

Additionally, I have the oportunity to visit with ethnic. Hungarian Leader Mr. Laszlo Dobos, who was a member of Slovakia's parliament during the 1990s. Dr. Dobos is founder and chairman of Madach Posonium, as a Hungarian non-governmental organization that operates Hungarian bookstores in Slovakia and publishes Hungarian periodicals. We discussed a numb4er of tissues of concern to Slovakias Hungarian community, including higher education and greater autonomy for local governments.

During at all meetings in Slovakia, I noted that the upcoming elections will be very important to the future of the country. Voters will decide the direction of he Slovakis Republic—and whether it moves toward membership in NATO and the DU, or whether it is left behind as others joint he broader European Community of democracies. Values are the hallmark of the NATO allcance, and I believe it is critical that Slovakia embraces the ideals of democracy, the rule of low and respect for human rights, consistnt with the current government, and break with the leadership of Vladimir Mecior that has been of strong concern to the United States, the Europe Union and other members international community in the past.

I was also glad to have the opportunity to visit Slovakia to talk about the country's work to join the NATO Alliance. I have long followed developments in Slovenia, and I believe the country is in a very good position as we approach the NATO summit in Prague.

Slovenia has made considerable progress on democratic, economic and defense reforms, and there is continued discussion on the merits of NATO membership in the public. At the same time, it is important that the government act to bolster public support for NATO, which has continued to hover around 50 percent. It is also imperative that the country work to increase its defense budget to the 2 percent mark. Currently, Solvenia allocates approximately 1.5 percent of GDP for its armed forces.

During my time in Slovenia I had the opportunity to visit with President Milan Kucan, who I have known for

many years. We discussed the country's work to join NATO, as well as its progress in efforts to prepare for membership in the European Union. With regard to public opinion, President Kucan indicated that public support for NATO is not a problem. He said people want to discuss the implications of membership in the Alliance and debate the merits of joining NATO. We also discussed Solvenia's progress on military reforms, as well as the country's interest in working to promote security and stability in southeast Europe.

I again discussed these issues and found the same enthusiasm for Slovenia's membership in NATO and the European Union with members of the Slovenian parliament, including the President of Parliament Borut Pahor, President of the Foreign Affairs Committee Jelko Kacin and President of the Defense Committee Doran Marsic. Even the opposition expressed a solid commitment to moving forward with efforts to join the NATO Alliance. During consideration of a resolution on whether or not to have a national referendum on Slovenia's membership in NATO before the Prague summit, there was a very strong consensus that this should not happen until after the November meeting—with 63 agreeing that this should not happen immediately, with 9 opposing.

I also discussed these issues with Prime Minister Janez Drnovšek, who has recently announced his intention to run for President of Slovenia, as well as Minister of Defense Anton Grizold. Additionally, I visited with our ambassador, John Young, and discussed the country's strong candidacy for membership in both NATO and the European Union. I am hopeful that public support for NATO membership will continue to grow, and I am glad that this will be an enlightened decision in Slovenia given the high level of discussion on the issue.

Following meetings in Slovenia on Friday, May 31, 2002, I traveled to Brussels to visit with our Ambassador to NATO, Nick Burns, and the director of Javier Solana's Balkans Task Force, Mr. Stefan Lehne.

During my meeting with Stefan Lehne, I discussed my long interest in southeast Europe and impressions from my recent visits to Macedonia and Kosovo. I spoke with him about my strong concern with political situation in Macedonia, and urged the European Union to remain involved in efforts to bring all parties to the table to discuss disagreements over the order between Macedonia and Kosovo. I also told him I believe it is essential that the international community do everything in its power to encourage the Macedonian government to remain committed to free and fair parliamentary elections scheduled for this September.

We also discussed my interest in the Stability Pact—in particular, the Stability Pact's Quick Start Infrastructure Projects. I believe it is critical that the Pact make its intentions clear on the Quick Start projects.

Finally, we discussed my concern with organized crime, corruption and trafficking in human beings, drugs and weapons that plague many countries in central and eastern Europe. I encouraged Mr. Lehne to make these problems a top priority, as they undermine efforts on behalf of the international community to promote democratic reforms and respect for the rule of law in many of Europe's new democracies.

With Ambassador Nick Burns, I discussed my interest in NATO enlargement and observations from my visits to Bulgaria, Macedonia, Slovakida and Slovenia. While I share the vision of President Bush for a large round of enlargement in Prague, I expressed to Ambassador Burns my strong concern with the need for continued action in candidate countries.

As we approach Prague, we must decide whether each candidate country has gone for enough to take the necessary steps to join the Alliance. And as we answer that question, we will also ask whether or not action is still needed, and whether reforms are best encouraged if that country is extended an invitation at Prague, or if that country is instead asked to continue reforms while looking toward the next round of enlargement. These will be difficult questions, and we must be prepared to answer them.

I look forward to continued discussion with the administration and my colleagues in the Senate on NATO enlargement in the months ahead, and I encourage NATO aspirant countries to take as many steps as they can between now and November to address issues outlined in their respective Membership Action Plans.

Additionally, I will continue to be active and involved in the Senate on issues affecting southeast Europe. We had a very productive Helsinki Commission hearing to examine the situation for ethnic minorities in Kosovo earlier this month, and I will continue to discuss this issue when I participate in the annual meeting of the OSCE Parliamentary Assembly next week.

ADDITIONAL STATEMENTS

CHILDREN'S AID SOCIETY OF SOUTHEASTERN MICHIGAN CELEBRATES 140TH ANNIVERSARY

• Mr. LEVIN. Mr. President, I would like to congratulate the Children's Aid Society of Southeastern Michigan (CAS) on its 140th anniversary. In that time CAS has been an organization dedicated in service to children, youth, and families. For nearly a century and a half, CAS has been a dynamic and compassionate presence in the Michigan community.

CAS, the oldest child welfare agency in Michigan, is a non-profit, non-sectarian private organization dedicated to the preservation and quality of family life in Southeastern Michigan based in Detroit. Begun in 1862 by members of the Presbyterian Church to help Civil War orphans, CAS has expanded in the years since to help hundreds of thousands of troubled children and families. CAS aims to build strength within the family unit by providing a variety of comprehensive child and family-focused services, seeking to create the foundation for a better and healthier society.

The services that CAS provides are innovative and humanistic, viewing each individual and problem as unique. For example, the Work Works program gives high-risk youth between the ages of 13 and 17 training in employment skills and helps them in finding a job. Alumni of the program help other staff teach the skills of positive self-esteem, work ethics, and job readiness. Another program, Moving Families in the Right Direction, aims to prevent delinquency and school dropout by strengthening family functioning and relationships. Staff go into homes, schools, and the community to conduct counseling sessions and group work with youth between the ages of 10 and 17 who have been referred to them by the Police Department or Juvenile Court. By giving at-risk children and families early attention, CAS tries to help prevent the family break-up and juvenile delinquency that plagues so much of our country today. CAS also provides day care and has programs for early childhood education, mental health, child abuse, teen families, and parents.

Southeastern Michigan and the larger Detroit metropolitan area are deeply indebted to the work CAS has done for families and children over the last 140 years. Year in and year out CAS has fought to hold families together and ensure the welfare of children. The vital support services that CAS provides help children and parents deal with the difficult personal and societal issues they face in the 21st century. Having performed these important social services for over 140 years is indeed a tremendous accomplishment and deserves hearty commendation.

I know my Senate colleagues will join me in congratulating the Children's Aid Society of Southeastern Michigan for 140 years of success and in wishing it a fruitful future that only adds to its rich legacy of compassion.•

EDS' 40TH ANNIVERSARY

• Mrs. HUTCHISON. Mr. President. I extend my congratulations to EDS and to its employees on the company's 40th anniversary. On June 27, 1962, Electronic Data Systems was incorporated in Texas, and EDS is still headquartered in Plano, TX. The company's initial goal was simply to help companies use their computers more effectively. Since then, EDS has been a leader in the information-technology services industry.

EDS has flourished by adapting to its clients' needs and by providing information-technology and business-consulting services to every sector of the

global economy. Evolving from a staff of fewer than 30 to a team of more than 140,000 employees in 50 States and more than 60 countries, EDS helps companies to excel in the digital economy.

In the 1960s, when the business world's use of computers was still novel, EDS recognized an opportunity to help companies use their computers effectively. In the 1970s, EDS expanded into new international markets, which today include some of its fastest-growing opportunities. Over the last two decades, personal computers and Web-based business models have changed the way people and businesses interact and access information. EDS has worked to ensure the strategic technological alignment of its clients in light of these developments.

EDS prides itself on consistently demonstrating resourcefulness and innovation, such as in aiding disaster recovery and providing information security in business continuity efforts. Responding quickly to unmet needs is a hallmark of successful businesses, such as EDS.

I commend EDS for its vitality and innovation, and send the people of EDS best wishes for the future.●

THE VANNEVAR BUSH AWARD FOR SCIENCE AND TECHNOLOGY TO ERICH BLOCH

● Mr. LIEBERMAN. Mr. President, I rise to bring to my colleagues' attention the fact that the National Science Board, NSB, has honored Erich Bloch as the 24th recipient of the Vannevar Bush Award for Science and Technology, its highest award for scientific achievement and statesmanship. Mr. Bloch's record of innovation and leadership in the advanced technology sector and the immense impact that his career has had on the field make him especially deserving of lofty praise. He received the award on May 7 in Washington, DC.

Mr. Bloch is a member of the President's Council of Advisors on Science and Technology, a distinguished fellow at the Council on Competitiveness, a former director of the National Science Foundation, and an outspoken supporter of fundamental research in leading innovation. He occupies a senior statesman status in science and engineering and has been a longtime supporter of science and mathematics education programs funded by the Federal government.

Erich Bloch is a visionary innovator of enormous stature—in both high technology for the private sector—and in the organization and objectives of science and engineering research,'' Eamon Kelly, National Science Board chair, stated in announcing the honor. ''He has been an exceptionally effective communicator of the benefits of public funding for science and technology, and a leader in establishing widely emulated mechanisms for productive partnerships in research and education across public, academic, and private sectors.

Before moving to Washington to become the National Science Foundation's only director from industry, Mr. Bloch was a famed electrical engineer at IBM and was one of the key figures responsible for IBM's STRETCH Computer Systems Engineering Project and in the groundbreaking developments of the IBM Systems 360. Until the 1960s, every computer model was generally designed independently, and at times individual machines were custom modified for a particular customer. The advent of the IBM–360 family of computers changed this forever. All these machines had the same user instruction set, taking advantage of IBM's engineering leadership in powerful disk drive systems. On the smaller machines, many of the more complex instructions were done in microcode rather than in hardware. Mr. Bloch headed IBM's development of the solid logic technology program, which provided IBM with the microelectronics technology for the System/360. Mr. Bloch's leadership ability was one of the key reasons for the success of the System/360. His strategy was to work around organizational structures and, as technical problems were identified, to assign groups or individuals who offered the best proposals. Mr. Bloch was the first to develop an IBM product with a ferrite core memory—a significant achievement in the search for memory technology. Mr. Bloch's accomplishments on the system, and the developments that occurred as part of his management style, helped revolutionize the computer industry and led to his receiving the 1985 National Medal of Technology with his IBM colleagues, Frederick P. Brooks, Jr. and Bob O. Evans.

In his 6-year term as NSF director, Erich Bloch built national support for advances in high-performance computing and networking. Mr. Bloch's important leadership in transitioning NSFNET to a commercialized Internet helped create an immense economic and societal impact from the 1990s to today. Mr. Bloch supported NSF's take over of the Defense Department's ARPANET, creating the government-owned and managed NSFNET connected to five university-based supercomputer centers via a 56–Kbps backbone. NSFNET replaced ARPANET in 1990 and expanded to include a variety of regional networks that linked universities into the backbone network. The only other wide-area networks in existence, all government owned, supported only limited numbers of specialized contractors and researchers. Mr. Bloch supported key colleagues at NSF, like Steve Wolff, and they had the vision to see the power of networking in the academic and research communities, and in the process created a powerful user base, the first real customer base, that would not let the networking revolution stop. Just 10 years later, the Internet was ''owned'' by no one and managed by a wide variety of commercial and nonprofit organizations on a decentralized basis. NSFNET's backbone operated at 45 Mbps, which was raised to 155 Mbps after NSFNET was decommissioned. NSFNET was decommissioned in 1995 when there was enough commercial Internet service providers, web browsers, and search engines to sustain the networks, operations, and management—nearly 60,000 networks were connected to the backbone. Now, 61.4 percent of the U.S. population has online access according to the latest Nielsen Net Ratings.

According to a report published by the policy division of non-profit corporation SRI International entitled ''The Role of NSF's Support of engineering in Enabling Technological Innovation,'' Erich Bloch played an important leadership role in three key decisions that spurred today's Internet. First, he influenced the NSF decision to make NSFNET an ''open'' network rather than one that served supercomputer researchers exclusively. NSF decided to make NSFNET a three-tiered, distributed network consisting of backbone, regional or mid-level networks, and local, initially campus-based, networks. Finally, NSF decided to make the Internet self-supporting, and a series of decisions Mr. Bloch backed concerning the implementation of the self-supporting Internet led to its burgeoning. DARPA in the '70's developed the prototype for the Internet, ARPANET. Assisted by Erich Bloch's leadership, NSF played a crucial role in transitioning NSFNET in the 1980s into the remarkable Internet system so important to us today.

Internet innovation was not Mr. Bloch's only role at NSF. Before his arrival at NSF, the agency largely saw computing as a research tool for existing science disciplines. As detailed in the book, ''Funding the Revolution'' by the National Research Council, Mr. Bloch treated computing as a new scientific field in its own right, both a new science and an interdisciplinary science connector. Mr. Bloch created a new science directorate at NSF entirely for computing, consolidating all of NSF's computing initiatives in one place, and recruited another famed computer pioneer, Gordon Bell of DEC, to head it up. Computer science was now on a par with the established physical and biological sciences and budgeting at NSF grew from $23 million in 1984 to $100 million in 1986 and has continued to rise since then. While NSF had followed distantly behind DARPA's leadership in computing, under Erich Bloch it came into its own and began sponsoring important scientific computing advances.

Erich Bloch has always realized government's significant role in technology development, in coordination with the academic and commercial sectors. In receiving this award, he acknowledged that, ''we have learned that in these days of rapid development and keen competition much is to be gained from cooperative activities.'' He continued that, ''the global market is a reality'' due to the development of

computers, communication networks and IT. ''This paradigm change has pushed science and technology to the forefront of policy issues and policy considerations, here and across the globe.''

Along with Erich Bloch's key contributions to computing and the Internet and his foresightedness in matters of public policy, he deserves acclaim for the role that he has played in education. His creation of the NSF engineering research centers and science and technology centers reflect his belief in knowledge transfer. He brought together university scientists and industry researchers to provide educational benefits and help transform engineering education as well as to extend fundamental research benefits to industry. In education, Mr. Bloch also oversaw NSF's support of system wide reform for K–12 math and science education, including emphasis on participation by women and minorities in science and engineering. During his tenure, the budget for education and human resources more than tripled and NSF's overall budget increased to $2 billion.

As a distinguished fellow with the Council on Competitiveness, a private, non-profit organization dedicated to furthering U.S. economic leadership, Mr. Bloch continues to advocate policies that promote the effective use of innovation in the development of the U.S. economy. He is also a member of the President's Council of Advisors on Science and Technology, has been a distinguished visiting professor at George Mason University, has been awarded 13 honorary degrees from major universities and ten major awards and medals, and serves as a member of numerous boards in both the public and private sectors.

For his remarkable vision, innovation, and continued contributions to the advanced technology sector and to the national interest in the economy and education, Erich Bloch is most deserving of the venerable Vannevar Bush Award. Very few can boast of having made similar contributions to society. I am delighted to bring this honor to the attention of my colleagues, awarded to a computer and Internet pioneer, a visionary research administrator and science educator, to the attention of my colleagues and to express my sincere congratulations to Mr. Bloch.●

ANTI-SEMITISM IN EUROPE

● Mr. SMITH of Oregon. Mr. President, I rise today to call attention to an editorial in today's Washington Post. Anti-Defamation League Director Abe Forman has written an excellent piece on the recent wave of anti-Semitism in Europe. The Anti-Defamation League today released a telling survey on anti-Semitic attitudes in America and abroad and the results are nothing less than chilling. I would call on all my colleagues to take a look at this important survey and recommit ourselves to stopping all prejudice—particularly anti-Semitism both here and in Europe.

I ask to have today's editorial by Abe Foxman printed in the RECORD.

The editorial follows:

EUROPE'S ANTI-ISRAEL EXCUSE

(By Abraham H. Foxman—Thursday, June 27, 2002)

Throughout history a constant barometer for judging the level of hate and exclusion vs. the level of freedom and democracy in any society has been anti-Semitism—how a country treats its Jewish citizens. Jews have been persecuted and delegitimized throughout history because of their perceived differences. Any society that can understand and accept Jews is typically more democratic, more open and accepting of ''the other.'' The predictor has held true throughout the ages.

During the Holocaust, Jews and other minorities of Europe were dispatched to the camps and, ultimately, their deaths in an environment rife with anti-Semitism. Nearly 60 years later in a modern, democratic Europe that presumably had shed itself of the legacy of that era, Jews have again come under attack. During the past year and a half a troubling epidemic of anti-Jewish hatred, not isolated to any one country or community, has produced a climate of intimidation and fear in the Jewish communities of Europe. Never, as a Holocaust survivor, did I believe we would witness another eruption of anti-Semitism of such magnitude, in Europe of all places. But the resiliency of anti-Semitism is unparalleled. It rears its ugly head in far-flung places, like Malaysia and Japan, where there are no Jews.

The Anti-Defamation League has been taking the pulse of anti-Semitism in America for more than 40 years. Never did I expect that we would have to do the same in Europe, given the history and our expectation that European anti-Semitism, while not eradicated, would be so marginal and so rejected that it would not be a major concern.

What we found in the countries we surveyed—Britain, France, Germany, Belgium, and Denmark—was shocking and disturbing. Classical anti-Semitism, coupled with a new form fueled by anti-Israel sentiment, has become a potent and dangerous mix in countries with enormous Muslim and Arab populations.

More than 1 million Jews live in these five nations, and their communities are under siege. Who would have believed that we would see the burning of synagogues and attacks on Jewish students, rabbis, Jewish institutions and Jewish-owned property?

While European leaders have attempted to explain away these attacks as a fleeting response to events in the Middle East and not the harbinger of a more insidious and deeply ingrained hatred, the attitudes of average Europeans paint a far different picture. Among the 2,500 people polled in late May and early June as part of our survey, 45 percent admitted to their perception that Jews are more loyal to Israel than their own country, while 30 percent agreed with the statement that Jews have too much power in the business world. Perhaps most telling, 62 percent said they believe the outbreak of anti-Semitic violence in Europe is the result of anti-Israel sentiment, not anti-Jewish feeling. The contrariness of their own attitudes suggest that Europeans are loath to admit that hatred of Jews is making a comeback.

This view may make Europeans more comfortable in the face of what is happening in their countries, by suggesting that this time around, Jews are not the innocent victims but are themselves the victimizers in the Middle East. But the incredibly biased reaction against Israel seen in the poll—despite the fact that Israel under former prime minister Ehud Barak offered the Palestinians an independent state, and despite the fact that Palestinians have carried out a sustained campaign of terrorism against Israeli civilians—speaks to a repressed hostility to Jews that may not be socially acceptable in post-Holocaust Europe. Still, even with such constraints, some 30 percent of Europeans are not averse to expressing their anti-Semitic beliefs openly and directly.

Meanwhile, the Europeans have been tepid in their support for the U.S. war on terrorism and especially the Bush administration's efforts to broker an end to Israeli-Palestinian bloodshed. The Europeans seek to appease Saddam Hussein and other threats to the Western world while blaming Israel, not the Palestinian Authority, for the crisis. All while they minimize the extent of anti-Semitism in Europe and fail to immediately condemn horrific acts of harassment and vandalism. The message to Europe's burgeoning immigrant population is that there is a certain level of acceptance for intolerance.

It is time for Europe to assume responsibility for a situation of its own making. The combination of significant, openly expressed anti-Jewish bias together with irrational anti-Israel opinions creates a climate of great concern for the Jews of Europe. It is not surprising that in such an atmosphere Muslim residents feel free to attack Jewish students and religious institutions not because they are Israelis but because they are Jews. And it is not surprising that some European officials have begun telling Jewish leaders to advise their numbers to avoid public displays of Jewishness, instead of promising to protect their Jewish communities.

European leaders and officials must see what is going on for what it is—outright anti-Semitism—and condemn the revival of this ancient hatred that had its greatest manifestations on the same continent.

They must acknowledge that the anti-Israel vilification across Western Europe is unacceptable. The recent comparisons of Israelis to Nazis, to Jews as the executors of ''massacres'' and even as the killers of Christ—these do not fall into the category of legitimate criticism of a sovereign state. They create the very climate that questions the future of Jewish life in Europe.●

PASSING OF JUSTIN W. DART, JR.

● Mr. KENNEDY. Mr. President, I rise today to give tribute to the memory of Justin W. Dart, Jr., the greatest warrior in the fight for the rights of disabled persons. After nearly half a century of tireless advocacy for the civil rights of oppressed people in America and around the world, my friend Justin Dart passed away on Saturday with his wife and partner Yoshiko Dart at his side.

He was often called the Martin Luther King of the disability rights movement even though he called himself ''just a foot soldier for the cause of freedom.'' Justin received five Presidential appointments, and was awarded the Presidential Medal of Freedom, our Nation's highest civilian honor. And without Justin, the Americans with Disabilities Act would never have become the law of the land. Justin's dedication to his vision of a ''revolution of

empowerment'' brought together a fragmented community to march for freedom for Americans with disabilities. He taught us that disabled does not mean unable.

When President Bush signed the Americans with Disabilities Act into law and gave the first pen to Justin, he protested the fact that only three disability activists were on the podium, because he believed that the ADA would never have been accomplished without the power of hundreds of people with disabilities who made the difference. When he finally received the Presidential Medal of Freedom, Justin sent out replicas of this award to hundreds of disability rights activists across the country, writing that ''this award belongs to you.''

Even in his final words to us he talks of the power and importance of equal rights for all people. Disabled people across the country and around the world owe a great debt to Justin Dart for his love and his commitment to Justice. He is a hero not just to those with disabilities, but to all of us who learned from him and served with him in the great causes he inspired.

As President Kennedy once said, ''As the dust of centuries has passed over our cities, we too will be remembered, not for our victories or defeats in battle or in politics, but for our contribution to the human spirit.'' Justin Dart brought the human spirit of the disability movement to life, and his spirit will live on through the lives of those he touched.●

HEROES OF OPERATION ENDURING FREEDOM

● Mr. MURKOWSKI. Mr. President, I am pleased to insert in the RECORD the heroic accounts of the 354th Wing and 18th Fighter Squadron at Eielson Air Force Base in Anchorage, AK, for the vital role they played in Operation Enduring Freedom.

The accounts that follow describe the daring mission of three pilots who were involved in a difficult rescue operation. Both Alaska, and the Nation, appreciate and honor their heroism that helped to save lives. I, along with my fellow colleagues, am extremely proud of our men and women who are at this very moment, much like the 354th Wing and 18th Fighter Squadron were doing, defending freedom and democracy around the world.

Today we are a nation at war. A war against the evil of terrorism. Make no mistake, there are evil people in this world. There are people whose sole purpose on this earth is to harm and kill innocent people. Let us not forget what happened in our country just a short time ago. America's freedom, our freedom, the freedom of this Chamber and of millions of people all over the world, are protected by the men and women who serve in the armed forces.

It is with utmost respect and appreciation that I share the heroic events that took place during Operation Enduring Freedom. But before I do, let me personally comment on why lives were saved based upon the acts of three fine soldiers. It all comes down to training. Our military has an extraordinary ability to prepare our soldiers for battle. Our soldiers are the best in the world. I commend the armed forces for preparing our soldiers for battle and for bringing them home safely. It is no coincidence that our soldiers, who face grave and dire situations, prevail.

Thirty nine lives were saved because of the actions of Lieutenant Colonel Burt A. Bartley, Captain James R. Sears, Jr. and Captain Andrew J. Lipina. The tale of this mission surely seems unreal. A MH–47 helicopter was shot out of the sky. The enemy was fast closing on the downed helicopter where 10 injured soldiers were in need of immediate medical attention. Time was of the essence. Instantly, a rescue operation was put into motion. And this was no simple rescue.

When the enemy is armed and looking to kill, it is imperative that all available resources are put to their maximum utilization. After all available artillery were depleted, a 500 pound bomb was dropped within 100 meters of the crash site, creating a barrier between the wounded soldiers and the advancing enemy. 100 meters, the length of a football field. This allowed the rescue operation to be successfully carried out. As you will read, this was America at its best. I applaud the heroism and bravery of all those involved in this daring rescue.

I ask that the summary of the heroic actions of the 354th Wing and 18th Fighter Squadron at Eielson Air Force Base, be printed in the RECORD.

The material follows:

CITATION TO ACCOMPANY THE AWARD OF THE SILVER STAR TO BURT A. BARTLEY

Lieutenant Colonel Burt A. Bartley distinguished himself by heroism and courageous action as F–16CG flight lead, 18 Fighter Squadron, in support of Operation ENDURING FREEDOM. Upon learning of a downed MH–47 helicopter, Lieutenant Colonel Bartley departed assigned airspace to immediately support the recovery of thirty-nine personnel on board. Enroute to the site, Lieutenant Colonel Bartley established deconfliction with two Unnammed Aerial Vehicles (UAV) and two F–15Es near the crash site to provide maximum support to the rescue effort. With the F–15Es out of ammunition, Lieutenant Colonel Bartley immediately employed 20mm cannon fire to neutralize the enemy troops that were directly firing upon the survivors. He made two strafing runs with little regard for his own safety into rapidly rising mountaineous terrain, and directly in the face of the same small arms fire that downed the helicopter. He then provided a rapid talk-on to his wingman, who was experiencing radio problems, to suppress the advancing enemy troops. His skill and determination forced the enemy troops to stop the attack on the downed helicopter crew and friendly forces and concentrate on digging in for cover approximately 50 meters from the crashed MH–47. After expending all 500 rounds of 20mm ammunition he stayed with the Ground Forward Air Controller (GFAC) on the radio while his wingman passed all critical information to command and control assets and located the tanker. His actions resulted in the flight's ability to maintain continuous contact with the GFAC and continue to threaten the advancing enemy forces for over two and a half hours. Upon returning to the crash site, the GFAC reported that the previously pinned down enemy had begun to close in on their position again. After his wingman had verified from command and control that no other airborne assets had 20mm or light ordnance, Lieutenant Colonel Bartley informed the GFAC of the impending danger and at the GFAC's request dropped 500 pound bombs within 100 meters of the crash site in order to keep the enemy forces at bay. Meanwhile, a second GFAC reported two more critically wounded soldiers requiring immediate evacuation. Lieutenant Colonel Bartley pinned down the enemy, and directed his wingman to coordinate for the air evacuation. He offered to escort the helicopters through the area with numerous small arms threats and Rocket Propelled Grenards. His quick thinking and superior coordination allowed friendly forces to maintain a secure location in extremely close proxmity to the impact points and undoubtedly saved the lives of 21 uninjured survivors and 10 wounded in the crash site, and enabled the safe recovery of all 39 Americans. The undaunted leadership, extreme heroism and courageous actions of Lieutenant Colonel Bartley are consistent with the highest traditions of the United States Air Force.

ANDREW J. LIPINA: DISTINGUISHED FLYING CROSS NARRATIVE

Captain Andrew J. Lipina distinguished himself by extraordinary heroism and gallantry in action as F–16CG fighter pilot, 18th Expeditionary Fighter Squadron, in support of Operation ENDURING FREEDOM. During the third day of Operation ANACONDA, Captain Lipina learned of a downed MH–47 helicopter with the survivors actively taking fire, and departed assigned airspace to immediately support the recovery effort. Thirty-nine personnel were on board when a Rocket Propelled Grenade (RPG) attack disabled their aircraft. Enroute to the site Captain Lipina quickly took control of external communication and coordinated with command and control assets to relocate air refueling tanker assets to support the rescue effort. He further deconflicted with two Unmanned Aerial Vehicles (UAV) and two F–15Es near the crash site. His formation quickly coordinated with the Ground Forward Air Controller (GFAC) to establish situational awareness. With the F–15E out of ammunition, Captain Lipina immediately employed 20mm cannon fire to neutralize the enemy troops that were directly firing upon the survivors from within 100 meters. He made two strafing runs, each closer to the crash site than the previous, with little regard for his own safety in order to help protect them from being overrun. These strafing passes were not only into rapidly rising mountainous terrain, but also directly in the face of the same small arms that downed the helicopter. His skill and determination forced the enemy troops to stop the attack on the downed helicopter crew and friendly forces and concentrate on digging in under the cover of a tree located approximately 50 meters from the crashed MH–47. After expending all 500 rounds of 20mm ammunition he coordinated with command and control assets to inform them of the disposition of friendly casualties and the location of their tanker. With their assigned tanker experiencing a air-refueling malfunction, Captain Lipina rapidly pointed the formation to the next closest tanker and masterfully coordinated to move it toward the crash site. Upon returning to the crash site from air refueling, the GFAC reported that the previously

pinned down enemy had begun to close in on their position again. His actions resulted in the flight's ability to maintain continuous contact with the GFAC and continue to threaten the advancing enemy forces for over two and a half hours. After he had verified from command and control that no other airborne assets had 20mm or light ordnance, Captain Lipina's flight lead dropped 500 pound bombs within 100 meters of the crash site in order to keep the enemy forces at bay. Captain Lipina expertly sanitized the area for MANPADS and anti-aircraft artillery in the hostile and hazardous region of the downed helicopter. This was extremely important since a previous flight has been engaged by MANPADS. Meanwhile a second GFAC reported two critically wounded soldiers requiring immediate air evacuation. While his lead continued to work on pinning down the enemy, Captain Lipina began to coordinate for the air evacuation and offered his remaining bombs to escort the rescue helicopters through an area with numerous small arms and RPG threats. Additionally, he coordinated for other assets to move into position to support the survivors on the ground. The undaunted courage and heroism of Captain Lipina undoubtely saved the lives of 21 uninjured survivors and 10 wounded in the crash site and enabled the safe recovery of all 39 Americans.

JAMES R. SEARS JR.: DISTINGUISHED FLYING CROSS NARRATIVE

Captain James R. Sears Jr. distinguished himself by heroism and extraordinary achievement while participating in aerial flight as F–16CG flight lead, 18th Expeditionary Fighter Squadron on 20 January 2002. Captain Sears distinguished himself as On Scene Commander for a downed CH–53 in a heavily defended area of Taliban control in Northern Afghanistan during Operation ENDURING FREEDOM. During the Combat Search and Rescue he organized, directed, and controlled a total of 13 aircraft including three Unmanned Aerial Vehicles, five helicopters, one C–130, two F–16s, and two F–18s. He rapidly developed a deconfliction plan that ensured the safety of all assets and allowed them to operate within a five nautical mile radius of the downed helicopter.

After receiving the initial coordinates of the crash site he realized they were over one nautical mile off the actual location in heavily mountainous terrain. After a diligent, methodical search of the area, Captain Sears was able to get his eyes on the site, provide a perfect talk-on for his wingman, and direct the other support assets to the crash site. Using on-board sensors, Captain Sears was quickly able to pass updated coordinates to the thousandth of a degree to command and control agencies without compromising the safety of the entire rescue operation. He expertly sanitized the 60 nautical mile ingress and egress route through enemy territory.

Captain Sears then executed the demanding task of rescue escort for two helicopters. This involved maintaining visual contact and constant coverage while flying over 300 knots faster and being 15,000 feet higher than the helicopters. Captain Sears, in conjunction with command and control assets, coordinated a plan to move three separate tankers close enough to the crash site to ensure constant command for the entire time on scene. Captain Sears' flawless flight leadership allowed him to intercept and visually identify a Red Cross aircraft flying in the vicinity of the downed helicopter, not identifiable by electronic means or talking to command and control assets, ensuring the safety of the entire rescue effort. Captain Sears passed off On Scene Commander duties to two United States Navy F–18s after 4.5 hours on scene. Captain Sears' tireless efforts and tremendous focus was unprecedented considering in his single-seat F-16 he flew more than 3500 miles, logged 11.1 hours, and ten air refuelings requiring more than 120,000 pounds of fuel to be onloaded through hostile territory. Captain Sears' courage, superior airmanship, and unwavering devotion to duty in the face of personal danger were instrumental in accomplishing this hazardous mission and were in keeping with the highest traditions of the U.S. Air Force.●

TO JAN OMUNDSON AND PAM ELJ

● Mr. DAYTON. Mr. President, on many occasions in the past year and a half, I have come to the floor on behalf of steelworkers and their families who live on Minnesota's Iron Range in northeastern Minnesota. Like other steel-producing regions, the Iron Range has been hard hit by unfair foreign imports, devastating the United States steel and iron ore industries. And last year, Minnesota's Iron Range economy was rocked by the bankruptcy and closure of the LTV Steel Mining Company in Hoyt Lakes.

When the LTV Steel Mining Company closed, 1,400 employees were thrown out of work. Many of these men and women had dedicated their entire working lives to LTV. They are hardworking people with families and bills to pay. In addition to the layoffs, 1,700 retirees lost portions of their pensions and all of their health insurance and life insurance.

But if you know anything about Minnesota, you understand that in hard times we pull together and we persevere. This is especially true about the hardworking people of the Iron Range.

Today, I'd like to recognize two very unselfish Minnesotans, Jan Omundson and Pam Elj, who have gone above and beyond the call of normal duty to help the people hurt by the LTV closing.

For the past 3 months, Jan and Pam traveled more than 160 round-trip miles each day, from the Cities of Duluth and Virginia respectively, to help hundreds of displaced LTV employees and retirees understand their health care options. When an economic tragedy like this strikes a community, it's often a very painful, stressful, and confusing time for the families affected. Thanks to Jan and Pam, people affected now have a much better understanding of their benefits and their rights.

In her role as coordinator of the Arrowhead Area Agency on Aging's State Health Insurance Assistance Program, Jan Omundson led this team effort by organizing dozens of informational meetings to educate displaced LTV workers and retirees regarding their options. She was assisted by Pam Elj, who is a counselor with the Arrowhead Economic Opportunity Agency's Senior Insurance Advocacy Program. Together, they met with hundreds of retirees, displaced workers, and their families and outlined detailed and valuable information about options for health care coverage.

Jan and Pam were key to the success of this effort and it would not have been possible without the support and resources of the Arrowhead Regional Development Commission, the Arrowhead Economic Opportunity Agency, the Hoyt Lakes Community Credit Union, the City of Biwabik, and Blue Cross/Blue Shield of Minnesota.

I thank them all for their dedication and assistance during this very difficult time.●

COMMUNITY HERO

● Mr. SMITH of Oregon. Mr. President, today I salute a community leader in my home State of Oregon. I want to recognize the efforts of Susan Abravanel, Education Coordinator at SOLV, a nonprofit organization in Oregon, in advocating for service-learning, one of the most exciting educational initiatives taking hold in our Nation today.

Service-learning gives students the opportunity to learn through community service, but it is important to note that it is much more than just community service. It is a method of classroom instruction that engages a student's intellect through hands-on work outside the classroom that benefits the community at large. Research shows that students participating in service-learning make gains on achievement tests, complete their homework more often, and increase their grade point averages.

In addition to producing academic gains, service-learning is also associated with both increased attendance and reduced dropout rates. It is clear to educators across the country that service-learning helps students feel more connected to their own education while strengthening their connection to their community as well. It is for all of these reasons that Susan Abravanel is working so hard to advocate for service-learning in classrooms in Oregon and across the nation.

Ms. Abravanel is working closely with my office and with education leaders in Oregon to ensure that my home state remains a national leader in service-learning. Just 2 months ago, I introduced a bill with my colleague, Senator EDWARDS, to strengthen our Nation's commitment to service-learning. I feel confident that this bill will soon become law and that with Ms. Abravanel's continued efforts both here in Washington, DC and at home in Oregon, students will continue to benefit from an education tied to civic engagement.

Ms. Abravanel exemplifies the type of engaged citizen our schools must endeavor to produce, and her persistence will ensure that future generations of Americans will give back to their communities just as she has. I would also like to note that Susan isn't just concerned about education, her interests and efforts in Portland's Jewish community are well known and highly appreciated, she is the new President of

the Oregon chapter of the American Jewish Committee. I look forward to working with Susan in her new role at the AJC and thank her for her continuing devotion to service-learning.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 12:29 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. 3180. An act to consent to certain amendments to the New Hampshire-Vermont Interstate School Compact.

H.R. 3764. An act to authorize appropriations for the Securities and Exchange Commission.

H.R. 4070. An act to amend the Social Security Act and the Internal Revenue Code of 1986 to provide additional safeguards for Social Security and Supplemental Security Income beneficiaries with representative payees, to enhance program protections, and for other purposes.

H.R. 4477. An act to amend title 18, United States Code, with respect to crimes involving the transportation of persons and sex tourism.

H.R. 4598. An act to provide for the sharing of homeland security information by Federal intelligence and law enforcement agencies with State and local entities.

H.R. 5018. An act to direct the Capitol Police Board to take steps to promote the retention of current officers and members of the Capitol Police and the recruitment of new officers and members of the Capitol Police, and for other purposes.

The message also announced that the House insists upon its amendment to the amendment of the Senate to the bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes, and asks a conference with the Senate on the disagreeing votes of the two Houses thereon; and appoints the following Members to be the mangers of the conference on the part of the House:

From the Committee on Ways and Means, for consideration of the House amendment and the Senate amendment, and modifications committed to conference: Mr. THOMAS, Mr. CRANE, and Mr. RANGEL.

From the Committee on Education and the Workforce, for consideration of section 603 of the Senate amendment, and modifications committed to conference: Mr. BOEHNER, Mr. SAM JOHNSON of Texas, and Mr. GEORGE MILLER of California.

From the Committee on Energy and Commerce, for consideration of section 603 of the Senate amendment, and modifications committed to conference: Mr. TAUZIN, Mr. BILIRAKIS, and Mr. DINGELL.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 3180. An act to consent to certain amendments to the New Hampshire-Vermont Interstate School Compact; to the Committee on the Judiciary.

H.R. 3764. An act to authorize appropriations for the Securities and Exchange Commission; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 4070. An act to amend the Social Security Act and the Internal Revenue Code of 1986 to provide additional safeguards for Social Security and Supplemental Security Income beneficiaries with representative payees, to enhance program protections, and for other purposes; to the Committee on Finance.

H.R. 4477. An act to amend title 18, United States Code, with respect to crimes involving the transportation of persons and sex tourism; to the Committee on the Judiciary.

H.R. 4598. An act to provide for the sharing of homeland security information by Federal intelligence and law enforcement agencies with State and local entities; to the Committee on the Judiciary.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

H.R. 3937. An act to revoke a Public Land Order with respect to certain lands erroneously included in the Cibola National Wildlife Refuge, California.

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 3389. An act to reauthorize the National Sea Grant College Program Act, 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–7621. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Hydrogen Peroxide; An Amendment to an Exemption from the Requirement of a Tolerance; Technical Correction'' (FRL6835–3) received on June 18, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7622. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Pesticide Tolerance Nomenclature Changes: Technical Amendment'' (FRL6835–2) received on June 18, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7623. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Pesticide Tolerance Nomenclature Changes; Technical Amendment'' (FRL7180–1) received on June 18, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7624. A communication from the Congressional Review Coordinator, Policy and Program Development, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Rambutan, Longan, and Litchi from Hawaii'' (Doc. No. 98–127–2) received on June 24, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7625. A communication from the Congressional Review Coordinator, Policy and Program Development, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Citrus Canker; Packing in the Quarantined Area'' (Doc. No. 99–080–2) received on June 24, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7626. A communication from the Congressional Review Coordinator, Policy and Program Development, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Pine Shoot Beetle; Addition to Quarantined Areas'' (Doc. No. 02–017–1) received on June 24, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7627. A communication from the Congressional Review Coordinator, Policy and Program Development, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Gypsy Moth Generally Infested Areas'' (Doc. No. 02–053–1) received on June 24, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7628. A communication from the Chairman of the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, a report on the profitability of the credit card operations of depository institutions for the year 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC–7629. A communication from the Senior Paralegal, Regulations, Office of Thrift Supervision, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Capital: Qualifying Mortgage Loan, Interest Rate Risk Component, and Miscellaneous Changes'' (RIN1550–AB45) received on June 20, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC–7630. A communication from the Senior Paralegal, Regulations, Office of Thrift Supervision, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Risk-Based Capital Standards: Claims on Securities Firms'' (RIN1550–AB11) received on June 20, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC–7631. A communication from the Legislative and Regulatory Activities Division, Comptroller of the Currency, Administrator of National Banks, transmitting, pursuant to law, the report of a rule entitled ''International Banking Activities: Capital Equivalency Deposits'' (12 CFR Part 28) received on June 24, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC–7632. A communication from the Assistant to the Board of Governors of the Federal

Reserve System, transmitting, pursuant to law, the report of a rule entitled ''Regulation C (Home Mortgage Disclosure)'' (Doc. No. R–1120) received on June 24, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC–7633. A communication from the Deputy Secretary, Division of Market Regulation, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled ''Commission Guidance on the Application of Certain Provisions of the Securities Act of 1933, the Securities Exchange Act of 1934, and Rules thereunder to Trading in Security Futures Products'' received on June 24, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC–7634. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of State Plans for Designated Facilities and Pollutants; Commonwealth of Puerto Rico; Control of Emissions from Existing Hospital, Medical, and Infectious Waste Incinerators'' (FRL7232–4) received on June 18, 2002; to the Committee on Environment and Public Works.

EC–7635. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; Louisiana; Control of Emissions of Volatile Organic Compounds from Industrial Wastewater Facilities'' (FRL7234–3) received on June 18, 2002; to the Committee on Environment and Public Works.

EC–7636. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Civil Monetary Penalty Inflation Adjustment Rule'' (FRL7231–7) received on June 18, 2002; to the Committee on Environment and Public Works.

EC–7637. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Determination of Nonattainment as of November 15, 1999, and Reclassification of the Baton Rouge Ozone Nonattainment Area'' (FRL7235–9) received on June 18, 2002; to the Committee on Environment and Public Works.

EC–7638. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Interim Final Determination that State has Corrected the Rule Deficiencies and Deferral of Sanctions, Ventura County Air Pollution Control District, State of California'' (FRL7235–7) received on June 18, 2002; to the Committee on Environment and Public Works.

EC–7639. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Wisconsin: Final Authorization of State Hazardous Waste Management Program Revision'' (FRL7237–2) received on June 24, 2002; to the Committee on Environment and Public Works.

EC–7640. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Revision to the California State Implementation Plan, South Coast Air Quality Management District'' (FRL7227–2) received on June 24, 2002; to the Committee on Environment and Public Works.

EC–7641. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Revision to the California State Implementation Plan, San Joaquin Valley Unified Air Pollution Control District'' (FRL7227–6) received on June 24, 2002; to the Committee on Environment and Public Works.

EC–7642. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Revision to the California State Implementation Plan, San Joaquin Valley Unified Air Pollution Control District'' (FRL7220–4) received on June 24, 2002; to the Committee on Environment and Public Works.

EC–7643. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes: Arizona'' (FRL7233–6) received on June 24, 2002; to the Committee on Environment and Public Works.

EC–7644. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; and Designation of Areas for Air Quality Planning Purposes: Arizona'' (FRL7233–5) received on June 24, 2002; to the Committee on Environment and Public Works.

EC–7645. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Sandpoint, Idaho, Air Quality Implementation Plan'' (FRL7232–1) received on June 24, 2002; to the Committee on Environment and Public Works.

EC–7646. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Maryland Visible Emissions and Open Fire Amendments; Corrections'' (FRL7236–8) received on June 24, 2002; to the Committee on Environment and Public Works.

EC–7647. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Wisconsin; Excess Volatile Organic Compound Emissions Fee Rule'' (FRL7226–8) received on June 24, 2002; to the Committee on Environment and Public Works.

EC–7648. A communication from the Associate Administrator for Procurement, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled ''NASA Grant and Cooperative Agreement Handbook—Miscellaneous Changes'' (14 CFR Part 1260) received on June 20, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7649. A communication from the Attorney-Advisor, Bureau of Transportation Statistics, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Air Carrier Traffic and Capacity Data by Nonstop Segment On-Flight Market'' (RIN2139–AA08) received on June 20, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7650. A communication from the Attorney-Advisor, Transportation Security Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Private Charter Security Rules'' (RIN2110–AA05) received on June 20, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7651. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety/Security Zone Regulations: Ohio River Miles 252.0 to 253.0, Middleport, Ohio'' ((RIN2115–AA97)(2002–0088)) received on June 20, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7652. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety/Security Zone Regulations; Port of Tampa, FL'' ((RIN2115–AA97)(2002–0090)) received on June 20, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7653. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety/Security Zone Regulations; St. Croix, U.S. Virgin Islands'' ((RIN2115–AA97)(2002–0091)) received on June 20, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7654. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety/Security Zone Regulations; San Juan, Puerto Rico'' ((RIN2115–AA97)(2002–0092)) received on June 20, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7655. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety/Security Zone Regulations; Buffalo River, Buffalo, NY'' ((RIN2115–AA97)(2002–0093)) received on June 20, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7656. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety/Security Zone Regulations; Navy Pier, Lake Michigan, Chicago Harbor, IL'' ((RIN2115–AA97)(2002–0095)) received on June 20, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7657. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Regulations; Atlantic Avenue Bridge (SR 806), Atlantic Intracoastal Waterway, mile 1039.6, Delray Beach, FL'' ((RIN2115–AE47)(2002–0056)) received on June 20, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7658. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety/Security Zone Regulations; Ohio River Miles 269.0 to 270.0, Gallipolis, Ohio'' ((RIN2115–AA97)(2002–0087)) received on June 20, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7659. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety/Security Zone Regulations; Silver Dollar Casino Cup Hydroplane Races, Lake Washington, WA'' ((RIN2115–AA97)(2002–0089)) received on June 20, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7660. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety/Security Zone Regulations; Long Island Sound Marine Inspection and Captain of the Port Zone'' ((RIN2115–AA97)(2002–0102)) received on June 20, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7661. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Regatta Regulations; SLR; Naticoke River, Sharptown, MD'' ((RIN2115–AE46)(2002–0015)) received on June 20, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7662. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety/Security Zone Regulations: Kill Van Kull Channel, Newark Bay Channel, South Elizabeth Channel, Elizabeth Channel, Port Newark Channel and New Jersey Pierhead Channel, New York and New Jersey'' ((RIN2115–AA97) (2002–0096)) received on June 20, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7663. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety/Security Zone Regulations; Tampa Bay and Cyrstal River, FL'' ((RIN2115–AA97) (2002–0097)) received on June 20, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7664. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Regatta Regulations; SLR; Back River, Hampton, Virginia'' ((RIN2115–AE46) (2002–0016)) received on June 20, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7665. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety/Security Zone Regulations; Fort Vancouver Fireworks Display, Columbia River, Vancouver, Washington'' ((RIN2115–AA97) (2002–0098)) received on June 20, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7666. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety/Security Zone Regulations; Liquefied Hazardous Gas Tank Vessels, San Pedro Bay, California'' ((RIN2115–AA97) (2002–0099)) received on June 20, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7667. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety/Security Zone Regulations; Ports of Jacksonville and Canaveral, FL'' ((RIN2115–AA97) (2002–0100)) received on June 20, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7668. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Regulations; Hatchett Creek (US 41), Gulf Intracoastal Waterway, Venice, Sarasota County, FL'' ((RIN2115–AE47) (2002–0057)) received on June 20, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7669. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Regulations; Atlantic Intracoastal Waterway, mile 1069.4 at Dania Beach, Broward County, FL'' ((RIN2115–AE47) (2002–0058)) received on June 20, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7670. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Regulated Navigation Areas; Chesapeake Bay Entrance and Hampton Roads, VA and Adjacent Waters'' ((RIN2115–AE84) (2002–0009)) received on June 20, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7671. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety/Security Zone Regulations; Ohio River mile 34.6 to 35.1, Shippingport, Pennsylvania'' ((RIN2115–AA97) (2002–0101)) received on June 20, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7672. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Regatta Regulations; Norfolk Harbor, Elizabeth River, Norfolk and Portsmouth, Virginia'' ((RIN2115–AE46) (2002–0017)) received on June 20, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7673. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Regatta Regulations; Northeast River, North East, Maryland'' ((RIN2115–AE46) (2002–0018)) received on June 20, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7674. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Regatta Regulations; SLR; SAIL MOBILE 2002, Port of Mobile, Mobile, Alabama'' ((RIN2115–AE46) (2002–0019)) received on June 20, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7675. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety/Security Zone Regulations; Racine Harbor, Lake Michigan, Racine, Wisconsin'' ((RIN2115–AA97) (2002–0094)) received on June 20, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7676. A communication from the Attorney, Research and Special Programs Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Hazardous Materials: Requirements for Maintenance, Requalification, Repair and Use of DOT Specification Cylinders'' (RIN2137–AD58) received on June 24, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7677. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Boeing Model 767–200, 300, and 300F Series Airplanes'' ((RIN2120–AA64) (2002–0287)) received on June 24, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7678. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Boeing Model 777–200 and 300 Series Airplanes'' ((RIN2120–AA64) (2002–0288)) received on June 24, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7679. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Air Tractor Inc. Models AT 502, 502A, 502B, and 503A'' ((RIN2120–AA64) (2002–0289)) received on June 24, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7680. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Security Considerations for the Flightdeck on Foreign Operated Transport Category Airplanes; Request for Comments'' (RIN2120–AH70) received on June 24, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7681. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Eurocopter Deutschland Model EC135 Helicopters'' ((RIN2120–AA64) (2002–0285)) received on June 24, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7682. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Bell Helicopter Textron, Inc. Model 205A, 205A1, 205B, 212, 412, 412EP, and 412CF Helicopters'' ((RIN2120–AA64) (2002–0286)) received on June 24, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7683. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Gulfstream Aerospace LP Model Galaxy and Gulfstream 200 Airplanes'' ((RIN2120–AA64) (2002–0291)) received on June 24, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7684. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Raytheon Aircraft Company Model 390 Airplanes'' ((RIN2120–AA64) (2002–0290)) received on June 24, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7685. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments (30); Amdt. No. 3009'' ((RIN2120–AA65) (2002–0038)) received on June 24, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7686. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments (46); Amdt. No. 3007'' ((RIN2120–AA65) (2002–0040)) received on June 24, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7687. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of

a rule entitled ''Establishment of Class E Airspace; Calipatria, CA'' ((RIN2120–AA66) (2002–0095)) received on June 24, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7688. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Thens, OH'' ((RIN2120–AA66) (2002–0094)) received on June 24 , 2002; to the Committee on Commerce, Science, and Transportation.

EC–7689. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments (76); Amdt. 3008'' ((RIN2120–AA65) (2002–0039)) received on June 24, 2002; to the Committee on Commerce, Science, and Transportation.

EC–7690. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments (42); Amdt. No. 3010'' ((RIN2120–AA65) (2002–0037)) received on June 24, 2002; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 1175: A bill to modify the boundary of Vicksburg National Military Park to include the property known as Pemberton's Headquarters, and for other purposes. (Rept. No. 107–183).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, without amendment:

H.R. 1384: To amend the National Trails System Act to designate the route in Arizona and New Mexico which the Navajo and Mescalero Apache Indian tribes were forced to walk in 1863 and 1864, for study for potential addition to the National Trails System. (Rept. No. 107–184).

H.R. 2234: A bill to revise the boundary of the Tumacacori National Historical Park in the State of Arizona. (Rept. No. 107–185).

By Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation, with an amendment:

S. 2037: A bill to mobilize technology and science experts to respond quickly to the threats posed by terrorist attacks and other emergencies, by providing for the establishment of a national emergency technology guard, a technology reliability advisory board, and a center for evaluating antiterrorism and disaster response technology within the National Institute of Standards and Technology. (Rept. No. 107–186).

By Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation, without amendment:

S. 2428: A bill to amend the National Sea Grant College Program Act. (Rept. No. 107–187).

By Mr. JEFFORDS, from the Committee on Environment and Public Works, without amendment:

H.R. 3322: A bill to authorize the Secretary of the Interior to construct an education and administrative center at the Bear River Migratory Bird Refuge in Box Elder County, Utah.

H.R. 3958: A bill to provide a mechanism for the settlement of claims of the State of Utah regarding portions of the Bear River Migratory Bird Refuge located on the shore of the Great Salt Lake, Utah.

By Mr. LEAHY, from the Committee on the Judiciary, without amendment and with a preamble:

S. Res. 281: A resolution designating the week beginning August 25, 2002, as ''National Fraud Against Senior Citizens Awareness Week''.

S. Res. 284: A resolution expressing support for ''National Night Out'' and requesting that the President make neighborhood crime prevention, community policing, and reduction of school crime important priorities of the Administration.

By Mr. LEAHY, from the Committee on the Judiciary, with an amendment:

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

S. 2134: A bill to allow American victims of state sponsored terrorism to receive compensation from blocked assets of those states.

By Mr. LEAHY, from the Committee on the Judiciary, without amendment:

S. 2633: A bill to prohibit an individual from knowingly opening, maintaining, managing, controlling, renting, leasing, making available for use, or profiting from any place for the purpose of manufacturing, distributing, or using any controlled substance, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. LEVIN for the Committee on Armed Services.

Air Force nomination of Gen. Ralph E. Eberhart.

Army nomination of Brig. Gen. John M. Urias.

Army nominations beginning Brig. Gen. George W.S. Read and ending Col. Larry Knightner, which nominations were received by the Senate and appeared in the Congressional Record on June 4, 2002.

Army nominations beginning Brig. Gen. Edwin E. Spain III and ending Col. Dennis E. Lutz, which nominations were received by the Senate and appeared in the Congressional Record on June 4, 2002.

Army nomination of Brig. Gen. Joseph G. Webb, Jr.

Army nominations beginning Brig. Gen. Wayne M. Erck and ending Col. John P. McLaren, Jr., which nominations were received by the Senate and appeared in the Congressional Record on June 11, 2002.

Navy nomination of Rear Adm. Phillip M. Balisle.

Navy nomination of Rear Adm. Robert F. Willard.

Air Force nominations beginning Brigadier General Robert Damon Bishop, Jr. and ending Brigadier General Stephen G. Wood, which nominations were received by the Senate and appeared in the Congressional Record on February 15, 2002.

Mr. LEVIN. Mr. President, for the Committee on Armed Services I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

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

Army nominations beginning Timothy C * Beaulieu and ending William E Wheeler, which nominations were received by the Senate and appeared in the Congressional Record on June 4, 2002.

Army nominations beginning Duane A Belote and ending Neal E * Woollen, which nominations were received by the Senate and appeared in the Congressional Record on June 4, 2002.

Army nominations beginning John C Aupke and ending Steven R Young, which nominations were received by the Senate and appeared in the Congressional Record on June 4, 2002.

Army nominations beginning Ann M Altman and ending Angelia L * Wherry, which nominations were received by the Senate and appeared in the Congressional Record on June 4, 2002.

Army nominations beginning Ryo S Chun and ending John K Zaugg, which nominations were received by the Senate and appeared in the Congressional Record on June 4, 2002.

Marine Corps nominations beginning Derek M Abbey and ending Mark D Zimmer, which nominations were received by the Senate and appeared in the Congressional Record on June 4, 2002.

Army nomination of Michael J. Meese.

Army nominations beginning Steven A. Beyer and ending James F. Roth, which nominations were received by the Senate and appeared in the Congressional Record on June 5, 2002.

Army nomination of Jay A. Jupiter.

Army nomination of Andrew D. Magnet.

Army nominations beginning Bernard Coleman and ending Michael A. Stone, which nominations were received by the Senate and appeared in the Congressional Record on June 5, 2002.

Air Force nomination of Sharon G. Harris.

Air Force nominations beginning Nicola A. * Choate and ending Nicholas G. * Viyouh, which nominations were received by the Senate and appeared in the Congressional Record on June 7, 2002.

Air Force nominations beginning Kathleen N. Echiverri and ending Jeffrey E. Haymond, which nominations were received by the Senate and appeared in the Congressional Record on June 7, 2002.

Army nomination of Robert A. Mason.

Army nominations beginning Richard E. Humston and ending Dwight D. Riggs, which nominations were received by the Senate and appeared in the Congressional Record on June 7, 2002.

Army nomination of Nanette S. Patton.

By Mr. LEAHY for the Committee on the Judiciary.

Lavenski R. Smith, of Arkansas, to be United States Circuit Judge for the Eighth Circuit.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

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. ENSIGN:

S. 2688. A bill to amend title XVIII of the Social Security Act to waive the part B late enrollment penalty for military retirees who enroll by December 31, 2003, and to provide a special part B enrollment period for such retirees; to the Committee on Finance.

By Mr. LEVIN (for himself and Ms. STABENOW):

S. 2689. A bill to establish a United States-Canada customs inspection pilot project; to the Committee on Finance.

By Mr. HUTCHINSON (for himself, Mr. SESSIONS, Mr. LOTT, Ms. COLLINS, Mr. BURNS, Mrs. HUTCHISON, Mr. HELMS, Mr. INHOFE, Mr. CAMPBELL, Mr. ROBERTS, Mr. DEWINE, Mr. SHELBY, Mr. ALLEN, Mr. ENSIGN, Mr. SMITH of New Hampshire, Mr. BENNETT, Mr. STEVENS, Mr. VOINOVICH, Mr. GRAMM, Mr. MCCONNELL, Mr. BROWNBACK, Mr. NICKLES, Mr. BUNNING, Mr. ENZI, Mr. HAGEL, Mr. LUGAR, Mr. BOND, Mr. MURKOWSKI, Mr. CRAIG, Mr. THOMAS, Mr. CRAPO, Mr. DOMENICI, Mr. KYL, Mr. MILLER, Mr. ALLARD, and Mr. WARNER):

S. 2690. A bill to reaffirm the reference to one Nation under God in the Pledge of Allegiance; considered and passed.

By Mr. FEINGOLD:

S. 2691. A bill to amend the Communications Act of 1934 to facilitate an increase in programming and content on radio that is locally and independently produced, to facilitate competition in radio programming, radio advertising, and concerts, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. CORZINE (for himself, Mr. TORRICELLI, Mr. DURBIN, and Mr. NELSON of Florida):

S. 2692. A bill to provide additional funding for the second round of empowerment zones and enterprise communities; to the Committee on Finance.

By Mr. DORGAN (for himself and Mr. CORZINE):

S. 2693. A bill to amend the Internal Revenue Code of 1986 to encourage retirement savings for individuals by providing a refundable credit for individuals to deposit in a Social Security Plus account, and for other purposes; to the Committee on Finance.

By Mr. ALLEN (for himself and Mr. WARNER):

S. 2694. A bill to extend Federal recognition to the Chickahominy Tribe, the Chickahominy Indian Tribe—Eastern Division, the Upper Mattaponi Tribe, the Rappahannock Tribe, Inc., the Monacan Tribe, and the Nansemond Tribe; to the Committee on Indian Affairs.

By Mr. FRIST (for himself, Mr. FEINGOLD, and Mr. LUGAR):

S. 2695. A bill to amend the Foreign Assistance Act of 1961 to extend the authority for debt reduction, debt-for-nature swaps, and debt buybacks to nonconcessional loans and credits made to developing countries with tropical forests; to the Committee on Foreign Relations.

By Mr. BINGAMAN:

S. 2696. A bill to clear title to certain real property in New Mexico associated with the Middle Rio Grande Project, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. REID (for himself, Mrs. BOXER, Mrs. CLINTON, Mr. LIEBERMAN, and Mr. SARBANES):

S. 2697. A bill to require the Secretary of the Interior to implement the final rule to phase out snowmobile use in Yellowstone National Park, John D. Rockefeller Jr. Memorial Parkway, and Grand Teton National Park, and snowplane use in Grand Teton National Park; to the Committee on Energy and Natural Resources.

By Mr. ROCKEFELLER:

S. 2698. A bill to establish a grant program for school renovation, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ROCKEFELLER:

S. 2699. A bill to amend the Internal Revenue Code of 1986 to expand the incentives for the construction and renovation of public schools; 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. BIDEN (for himself, Mr. THURMOND, Mr. CONRAD, Mr. CLELAND, Mrs. CLINTON, Mr. ROCKEFELLER, Mr. MILLER, Mr. DEWINE, Mr. COCHRAN, Mr. DURBIN, Mr. LUGAR, Ms. COLLINS, Mr. SESSIONS, Mr. KERRY, Mr. BREAUX, Mr. DODD, Mr. DORGAN, Mr. HELMS, Mr. BAUCUS, Mrs. BOXER, Mr. JOHNSON, Ms. LANDRIEU, Mr. GRASSLEY, Mr. ROBERTS, Mr. LEVIN, Mr. REID, Mr. LEAHY, Mr. MCCAIN, Mr. HOLLINGS, Mr. SARBANES, Mr. VOINOVICH, Mr. INHOFE, Mrs. MURRAY, Mr. GREGG, Ms. MIKULSKI, Mr. DOMENICI, Mr. HUTCHINSON, Mrs. LINCOLN, Mr. SANTORUM, Mr. CRAPO, Mr. BUNNING, Mr. CRAIG, Mr. STEVENS, Mr. AKAKA, Mr. NELSON of Florida, Mr. CARPER, Mr. INOUYE, Mr. HAGEL, Mr. FEINGOLD, Mr. WARNER, Mr. BINGAMAN, and Mr. DAYTON):

S. Res. 293. A resolution designating the week of November 10 through November 16, 2002, as ''National Veterans Awareness Week'' to emphasize the need to develop educational programs regarding the contributions of veterans to the country; to the Committee on the Judiciary.

By Mrs. FEINSTEIN (for herself, Mr. SPECTER, Mr. DASCHLE, Mr. DODD, Mr. TORRICELLI, Mr. FEINGOLD, Mr. DAYTON, Ms. STABENOW, Mr. DURBIN, Mr. JEFFORDS, Mr. KENNEDY, Mr. INOUYE, Ms. CANTWELL, Mr. LEAHY, Mr. WYDEN, Mrs. BOXER, Mr. REED, Mr. AKAKA, Mr. HARKIN, Mrs. CLINTON, Mr. REID, Mrs. MURRAY, Mr. CORZINE, Mr. BINGAMAN, Ms. MIKULSKI, Mr. BAYH, Mr. LEVIN, Mr. WELLSTONE, Mr. KERRY, Ms. COLLINS, Mr. LIEBERMAN, Ms. LANDRIEU, Mr. EDWARDS, Mr. SMITH of Oregon, Mr. BIDEN, Mr. SCHUMER, Mr. CHAFEE, Mr. SARBANES, Mr. KOHL, Mrs. CARNAHAN, Mr. CARPER, Mr. NELSON of Florida, and Mr. CLELAND):

S. Res. 294. A resolution to amend rule XLII of the Standing Rules of the Senate to prohibit employment discrimination in the Senate based on sexual orientation; to the Committee on Rules and Administration.

By Mr. CAMPBELL (for himself, Mr. AKAKA, Mr. DOMENICI, Mr. COCHRAN, and Ms. STABENOW):

S. Res. 295. A resolution commemorating the 32nd Anniversary of the Policy of Indian Self-Determination; to the Committee on the Judiciary.

By Mr. DASCHLE:

S. Con. Res. 125. A concurrent resolution providing for a conditional adjournment or recess of the Senate and a conditional adjournment of the House of Representatives; considered and agreed to.

By Mr. REID (for himself, Mr. CRAIG, Mrs. FEINSTEIN, and Ms. STABENOW):

S. Con. Res. 126. A concurrent resolution expressing the sense of Congress regarding Scleroderma; to the Committee on Health, Education, Labor, and Pensions.

ADDITIONAL COSPONSORS

S. 326

At the request of Ms. COLLINS, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 326, a bill to amend title XVIII of the Social Security Act to eliminate the 15 percent reduction in payment rates under the prospective payment system for home health services and to permanently increase payments for such services that are furnished in rural areas.

S. 346

At the request of Mr. MURKOWSKI, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 346, a bill to amend chapter 3 of title 28, United States Code, to divide the Ninth Judicial Circuit of the United States into two circuits, and for other purposes.

S. 454

At the request of Mr. BINGAMAN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 454, a bill to provide permanent funding for the Bureau of Land Management Payment in Lieu of Taxes program and for other purposes.

S. 572

At the request of Mr. CHAFEE, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 572, a bill to amend title XIX of the Social Security Act to extend modifications to DSH allotments provided under the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000.

S. 677

At the request of Mr. FRIST, his name was added as a cosponsor of S. 677, a bill to amend the Internal Revenue Code of 1986 to repeal the required use of certain principal repayments on mortgage subsidy bond financing to redeem bonds, to modify the purchase price limitation under mortgage subsidy bond rules based on median family income, and for other purposes.

S. 999

At the request of Mr. BINGAMAN, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 999, a bill to amend title 10, United States Code, to provide for a Korea Defense Service Medal to be issued to members of the Armed Forces who participated in operations in Korea after the end of the Korean War.

S. 1156

At the request of Mr. SMITH of Oregon, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 1156, a bill to amend the Consumer Product Safety Act to provide that low-speed electric bicycles are consumer products subject to such Act.

S. 1220

At the request of Mr. BREAUX, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 1220, a bill to authorize the Secretary of Transportation to establish a grant program for the rehabilitation, preservation, or improvement of railroad track.

S. 1339

At the request of Mr. LEAHY, the name of the Senator from Utah (Mr.

HATCH) was added as a cosponsor of S. 1339, a bill to amend the Bring Them Home Alive Act of 2000 to provide an asylum program with regard to American Persian Gulf War POW/MIAs, and for other purposes.

S. 1379

At the request of Mr. KENNEDY, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 1379, a bill to amend the Public Health Service Act to establish an Office of Rare Diseases at the National Institutes of Health, and for other purposes.

S. 1394

At the request of Mr. ENSIGN, the names of the Senator from Massachusetts (Mr. KENNEDY), the Senator from Massachusetts (Mr. KERRY), and the Senator from New Jersey (Mr. TORRICELLI) were added as cosponsors of S. 1394, a bill to amend title XVIII of the Social Security Act to repeal the medicare outpatient rehabilitation therapy caps.

S. 1476

At the request of Mr. CLELAND, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 1476, a bill to authorize the President to award a gold medal on behalf of the Congress to Reverend Doctor Martin Luther King, Jr. (posthumously) and his widow Coretta Scott King in recognition of their contributions to the Nation on behalf of the civil rights movement.

S. 1777

At the request of Mrs. CLINTON, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 1777, a bill to authorize assistance for individuals with disabilities in foreign countries, including victims of landmines and other victims of civil strife and warfare, and for other purposes.

S. 2013

At the request of Mr. WELLSTONE, his name was added as a cosponsor of S. 2013, a bill to clarify the authority of the Secretary of Agriculture to prescribe performance standards for the reduction of pathogens in meat, meat products, poultry, and poultry products processed by establishments receiving inspection services.

S. 2055

At the request of Ms. CANTWELL, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 2055, a bill to make grants to train sexual assault nurse examiners, law enforcement personnel, and first responders in the handling of sexual assault cases, to establish minimum standards for forensic evidence collection kits, to carry out DNA analyses of samples from crime scenes, and for other purposes.

S. 2428

At the request of Mr. KERRY, the name of the Senator from Florida (Mr. GRAHAM) was added as a cosponsor of S. 2428, a bill to amend the National Sea Grant College Program Act.

S. 2438

At the request of Mr. SARBANES, the name of the Senator from Missouri (Mrs. CARNAHAN) was added as a cosponsor of S. 2438, a bill to amend the Truth in Lending Act to protect consumers against predatory practices in connection with high cost mortgage transactions, to strengthen the civil remedies available to consumers under existing law, and for other purposes.

S. 2455

At the request of Mr. ENSIGN, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 2455, a bill to amend the Small Business Act to direct the Administrator of the Small Business Administration to establish a pilot program to provide regulatory compliance assistance to small business concerns, and for other purposes.

S. 2480

At the request of Mr. LEAHY, the names of the Senator from Iowa (Mr. GRASSLEY) and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors 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. 2490

At the request of Mr. TORRICELLI, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 2490, a bill to amend title XVIII of the Social Security Act to ensure the quality of, and access to, skilled nursing facility services under the medicare program.

S. 2513

At the request of Mr. BIDEN, the names of the Senator from Utah (Mr. HATCH), the Senator from Illinois (Mr. DURBIN), the Senator from California (Mrs. FEINSTEIN), and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of S. 2513, a bill to asses the extent of the backlog in DNA analysis of rape kit samples, and to improve investigation and prosecution of sexual assault cases with DNA evidence.

S. 2528

At the request of Mr. DOMENICI, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 2528, a bill to establish a National Drought Council within the Federal Emergency Management Agency, to improve national drought preparedness, mitigation, and response efforts, and for other purposes.

S. 2536

At the request of Ms. STABENOW, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 2536, a bill to amend title XIX of the Social Security Act to clarify that section 1927 of that Act does not prohibit a State from entering into drug rebate agreements in order to make outpatient prescription drugs accessible and affordable for residents of the State who are not otherwise eligible for medical assistance under the medicaid program.

S. 2570

At the request of Ms. COLLINS, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 2570, a bill to temporarily increase the Federal medical assistance percentage for the medicaid program, and for other purposes.

S. 2613

At the request of Mr. LIEBERMAN, the name of the Senator from New Jersey (Mr. TORRICELLI) was added as a cosponsor of S. 2613, a bill to amend section 507 of the Omnibus Parks and Public Lands Management Act of 1996 to authorize additional appropriations for historically black colleges and universities, to decrease the cost-sharing requirement relating to the additional appropriations, and for other purposes.

S. 2622

At the request of Mr. HOLLINGS, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 2622, a bill to authorize the President to posthumously award a gold medal on behalf of Congress to Joseph A. De Laine in recognition of his contributions to the Nation.

S. 2633

At the request of Mr. BIDEN, the names of the Senator from Utah (Mr. HATCH), the Senator from Vermont (Mr. LEAHY), and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 2633, a bill to prohibit an individual from knowingly opening, maintaining, managing, controlling, renting, leasing, making available for use, or profiting from any place for the purpose of manufacturing, distributing, or using any controlled substance, and for other purpose.

S. 2637

At the request of Mr. CONRAD, the name of the Senator from Texas (Mr. GRAMM) was added as a cosponsor of S. 2637, a bill to amend the Internal Revenue Code of 1986 and the Surface Mining Control and Reclamation Act of 1977 to protect the health benefits of retired miners and to restore stability and equity to the financing of the United Mine Workers of America Combined Benefit Fund and 1992 Benefit Plan by providing additional sources of revenue to the Fund and Plan, and for other purposes.

S. 2647

At the request of Ms. SNOWE, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 2647, a bill to require that activities carried out by the United States in Afghanistan relating to governance, reconstruction and development, and refugee relief and assistance will support the basic human rights of women and women's participation and leadership in these areas.

S. RES. 266

At the request of Mr. ROBERTS, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. Res. 266, a resolution designating October 10, 2002, as ''Put the Brakes on Fatalities Day.''

S. RES. 284

At the request of Mr. BIDEN, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. Res. 284, a resolution expressing support for ''National Night Out'' and requesting that the President make neighborhood crime prevention, community policing, and reduction of school crime important priorities of the Administration.

S. CON. RES. 119

At the request of Mr. BURNS, the names of the Senator from Georgia (Mr. CLELAND), the Senator from Louisiana (Ms. LANDRIEU), the Senator from Georgia (Mr. MILLER), and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. Con. Res. 119, a concurrent resolution honoring the United States Marines killed in action during World War II while participating in the 1942 raid on Makin Atoll in the Gilbert Islands and expressing the sense of Congress that a site in Arlington National Cemetery, near the Space Shuttle Challenger Memorial at the corner of Memorial and Farragut Drives, should be provided for a suitable monument to the Marine Raiders.

S. CON. RES. 121

At the request of Mr. HUTCHINSON, the names of the Senator from Colorado (Mr. CAMPBELL) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. Con. Res. 121, a concurrent resolution expressing the sense of Congress that there should be established a National Health Center Week for the week beginning on August 18, 2002, to raise awareness of health services provided by community, migrant, public housing, and homeless health centers.

S. CON. RES. 122

At the request of Ms. SNOWE, the names of the Senator from Maryland (Ms. MIKULSKI) and the Senator from New Jersey (Mr. TORRICELLI) were added as cosponsors of S. Con. Res. 122, a concurrent resolution expressing the sense of Congress that security, reconciliation, and prosperity for all Cypriots can be best achieved within the context of membership in the European Union which will provide significant rights and obligations for all Cypriots, and for other purposes.

AMENDMENT NO. 3922

At the request of Mr. HUTCHINSON, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of amendment No. 3922 proposed to S. 2514, an original bill 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, and for other purposes.

AMENDMENT NO. 3983

At the request of Mr. STEVENS, his name was added as a cosponsor of amendment No. 3983 intended to be proposed to S. 2514, an original bill 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, and for other purposes.

AMENDMENT NO. 4094

At the request of Ms. COLLINS, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of amendment No. 4094 proposed to S. 2514, an original bill 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, and for other purposes.

AMENDMENT NO. 4134

At the request of Ms. COLLINS, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of amendment No. 4134 proposed to S. 2514, an original bill 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, and for other purposes.

AMENDMENT NO. 4143

At the request of Ms. LANDRIEU, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of amendment No. 4143 proposed to S. 2514, an original bill 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, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. FEINGOLD:

S. 2691. A bill to amend the Communications Act of 1934 to facilitate an increase in programming and content on radio that is locally and independently produced, to facilitate competition in radio programming, radio advertising, and concerts, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. FEINGOLD. Mr. President, I rise today to introduce legislation that will promote competition in the radio and concert industries.

This legislation will begin to address many of the concerns that I have heard from my constituents regarding the concentration of ownership in the radio and concert industry and its effect on consumers, artists, local businesses, and ticket prices.

A few weeks ago, I began discussing with my colleagues a number of concerns that I have been hearing from Wisconsinites. Anti-competitive practices are hurting local radio station owners, local businesses, consumers, and artists.

During the debate of the 1996 Telecommunications Act, I joined a number of my colleagues in opposing the deregulation of radio ownership rules because of concerns about its effect on consumers, artists, and local radio stations.

Passage of this act was an unfortunate example of the influence of soft money in the political process. As my colleagues will recall, I have consistently said that this act was bought and paid for by soft money. Everyone was at the table, except for the consumers.

We have enacted legislation to rid the system of this loophole in campaign finance law, but we must also repair the damage that it allowed.

In just five years since its passage, the effects of the Telecommunications Act have been far worse than we imagined. While I opposed this act because of its anti-consumer bias, I did not predict that the elimination of the national radio ownership caps and relaxation of local ownership caps would have triggered such a tremendous wave of consolidation and harmed such as diverse range of interests.

This legislation did not simply raise the national ownership limits on radio stations, it eliminated them all together. It also dramatically altered the local radio station ownership limits through the implementation of a tiered ownership system that allowed a company to own more radio stations in the larger markets.

When the 1996 Telecommunications Act became law there were approximately 5,100 owners of radio stations. Today, there are only about 3,800 owners, a decrease of about 25 percent.

Concentration at the local levels are unprecedented.

At the same time that ownership of radio stations has become increasingly concentrated, some large radio station ownership groups have also bought promotion services and advertising.

I have been hearing from people at home in Wisconsin, from Radio station owners, artists, broadcasters, and concert promoters who are being pushed out by anti-competitive practices, practices that result from an increasingly concentrated market.

I am very concerned that these levels of concentration are pushing independent radio station owners and concert promoters out of business. And I am concerned that a few companies are leveraging their cross-ownership of radio, concert promotion, and venues in an anti-competitive manner.

My legislation addresses these concerns by prohibiting any entity that owns radio stations, concert promotion services, or venues from leveraging their cross-ownership in anti-competitive manner. Under this proposal, the FCC would revoke the license of any radio station that uses its cross owner

ship of promotion services or venues to prevent access to the airwaves, venues, or in other anti-competitive ways.

For example, if an owner of a radio station and promotion service hindered access to the airwaves of a rival promoter, then the owner would be subject to penalties.

My legislation will also ensure that any future consolidation does not result in these anti-competitive practices. It will strengthen the FCC merger review process by requiring the FCC to scrutinize the mergers of large radio station ownership groups to consider the effect of national and local concentration on independent radio stations, concert promoters and consumers.

At the same time, it will also curb future local consolidation by preventing any upward revision of the limitation of multiple ownership of radio stations in local markets.

It will also close a loophole that currently allows large radio ownership companies to exceed the cap by ''warehousing stations'' through a third party. In these arrangements, large radio owners control a station through a third party, but the stations are not accounted for in their local ownership cap.

Finally, my legislation will also address many of the problems created by the consolidation in the radio industry, such as the new forms of payola. This legislation will require the FCC to modernize the Federal payola prohibition to prevent these large radio station ownership groups from leveraging their power to extract money or other consideration from artists, such as forcing them to play concerts for free.

Radio is a public medium and we must ensure that it serves the public good. The concentration of ownership, in the radio and concert industry, has caused great harm to people and businesses that have been involved in and concerned about the industry for generations.

It also harms the flow of creativity and ideas that artists seek to contribute to our society. This concentration does a disservice to our society at every level of the industry, and it must be addressed.

I urge my colleagues to join me to cosponsor this legislation to help to restore competition to the radio and concert industry by putting independent radio stations and concert promoters on a level playing field in the marketplace. This will help promote competition, local input, and diversity, and promote consumer choices.

By Mr. CORZINE (for himself, Mr TORRICELLI, Mr. DURBIN, and Mr. NELSON of Florida):

S. 2692. A bill to provide additional funding for the second round of empowerment zones and enterprise communities; to the Committee on Finance.

Mr. CORZINE. Mr. President, today I am introducing legislation, ''The Round II Empowerment Zone/Enterprise Community, EZ/EC, Flexibility Act of 2002,'' to provide funding for the Round II Enterprise Zone/Enterprise Community program. I want to thank and acknowledge Senators TORRICELLI, DURBIN and NELSON of Florida for their cosponsorship of this bill.

This legislation would encourage economic development throughout the EZ/EC program, particularly to the 15 Round II urban and 5 rural empowerment zones that were designated in 1999. Each of those communities has put together strong strategic initiatives to promote economic growth.

The legislation would help ensure that these Round II communities will be provided with the funding they have been promised. The bill also would authorize the use of EZ/EC grants as a match for other relevant Federal programs. This would provide the EZ/EC program with maximum flexibility to implement initiatives at the local level.

The Enterprise Zone/Enterprise Community program was created to provide Federal assistance over ten years in designated urban and rural communities that would fuel economic revitalization and job growth. The program does so primarily by providing federal grants to communities and tax and regulatory relief to help communities attract and retain businesses.

Unfortunately, an inequity now exists between the way Round I and Round II EZs and ECs have been funded. Those communities that won EZ designations in the initial round, in 1994, received full funding from the Congress, which made all grant awards available for use within the first two years of designation. However, EZs and ECs designated in Round II did not receive this same funding authority.

Federal benefits promised to the Round IIs included funding grants of $100 million for each urban zone, $40 million for each rural zone and about $3 million for each Enterprise Community over a ten-year period beginning in 1999. In reliance on those ''promised'' funds, Round II zones prepared strategic plans for economic revitalization based on the availability of that funding. However, unlike Round I designees, who received a full funding up front, Round II zones have received a mere fraction of the funding promise.

The lack of a certain, predictable funding stream will ultimately undermine the ability of Round II EZs/ECs to effectively implement their economic growth strategies in their designated communities. And that's a shame, because the EZ/EC initiative has produced real results.

In fact, I'm proud to say that one of the best Round II EZs is located in Cumberland County, NJ. The Cumberland County Empowerment Zone, a collaborative effort of the communities of Bridgeton, Millville, Vineland and Port Norris, has been a model EZ, and committed all the funds made available to it by HUD.

Since the creation of the EZ, Cumberland County has witnessed more than 100 housing units rehabbed, renovated or newly built. A $4 million loan pool has been created to fund community and small business reinvestment. The EZ also has led to the funding for over 60 economic development initiatives, utilizing more than $11 million in funding to leverage $120 million in private, public and tax exempt bond financing.

These, are real results. And if the Federal commitment to the EZ continues, over 1,100 new jobs will be created in the County over the next year and a half alone.

Cumberland County is just one example of how the EZ/EC initiative has brought hope and promise to communities throughout America. We need to do more to support and build on these initiatives. Now is the time for Congress to fulfill the promise made to Round II EZs and ECs.

I urge my colleagues to cosponsor this legislation, and hope the Senate will expedite its consideration.

By Mr. DORGAN (for himself and Mr. CORZINE):

S. 2693: A bill to amend the Internal Revenue Code of 1986 to encourage retirement savings for individuals by providing a refundable credit for individuals to deposit in a Social Security Plus account, and for other purposes; to the Committee on Finance.

Mr. DORGAN. Mr. President, the Board of Trustees for the Social Security Trust Fund issued its annual report in March describing the financial health of the Trust Fund and its outlook for the future. The report shows that the financial condition of the Trust Fund over the next few decades has improved somewhat since last year, that is, the Social Security program is now expected to remain solvent for three additional years through 2041. This is welcome news for the tens of millions of baby boomers who will depend on this program in the coming decades.

However, this latest Trustees' report also makes clear that the Social Security program still faces significant long-term financial challenges. This finding was not unexpected. In fact, there is already bipartisan agreement in Congress that we will need to make some careful changes to the Social Security system in order to guarantee the solvency of the Social Security Trust Fund beyond 2041. Today, Senator CORZINE of New Jersey and I are introducing legislation that we think should be part of those reform discussions.

Our legislation, called the Social Security Plus Account Act, builds upon two fundamental principles: One, the underlying guaranteed defined benefit approach of the current Social Security program should not be scrapped or weakened. Social Security has become the foundation of the Nation's retirement system, something that people

can always count on. At a time when private employers are shifting more retirement saving risks onto the shoulders of their employees through the use of defined contribution plans like 401(k) plans rather than traditional defined benefit pension plans, the need to retain Social Security's basic guaranteed payment is paramount.

Second, this legislation recognizes that Congress must do more to encourage families and individuals, especially those of modest means, to increase their savings and to build a retirement nest egg. Specifically, our legislation provides for the creation of new tax-favored retirement savings accounts that individuals and families could access to supplement, but not replace, their expected future Social Security benefits.

Unlike many reform proposals, this legislation leaves the Social Security program intact. Many privatization plans force you to choose between individual accounts and the loss of Social Security's guaranteed benefit at current levels. Our proposal calls for personal accounts as an ''add-on'' to Social Security. This is an important distinction from the ''carve-out'' accounts featured in privatization plans. Privatization plans will inevitably reduce traditional guaranteed benefits. Our approach would not.

Under this legislation, eligible individuals can set up and make tax-favored contributions of up to $2,000 to a new Social Security Plus Account, SSPA. To provide an extra savings boost for low- and moderate-income families, our legislation would require the Federal Government to provide matching contributions between 25 and 100 percent for married couples with adjusted gross income below $100,000, $50,000 for singles. The $2,000 limit applies to the total of the individual's own contribution and the Federal match. This will make it much more affordable for low and moderate earners to fully fund their accounts.

Like traditional individual retirement accounts, SSPAs can grow tax-free. For example, if an individual aged 30 who files a joint return and has annual earnings of about $25,000 contributes $500 to a SSPA, the Federal Government would match that contribution with a $500 contribution to the account. If that individual contributes $500 in cash each year to the account for 32 years, earning 5-percent interest per year, until retirement at age 62, he or she would have some $80,000 available for distribution from the account. This amount grows to $160,000 if the individual is able to contribute the maximum in each year.

Let's take another example. Assume that an individual who is forty years old, files a joint return and has annual adjusted gross income of $80,000. If he or she could make the maximum permissible contribution each year until reaching age 62, along with an annual government match of $400, he or she might expect to have at least $160,128 available at retirement.

Under our legislation, the accrued amounts that are paid out or distributed when the holder of a SSPA retires, dies or becomes disabled are treated like Social Security benefits and a portion of the distributions would be taxed only above certain threshold amounts.

Now I fully understand that we may not be able to enact this legislation this year or next. Regrettably, last year's highly-touted projected budget surpluses have vanished for at least the next several years and resources are now scarce. The massive tax cuts put in place in the summer of 2001, and scheduled to take full effect over a period of years, will make finding adequate funds for many of the Nation's critical spending priorities even more difficult.

However, many of the privatization proposals would require massive infusions from the Treasury general revenue fund to offset the transition and other costs for even partial privatization initiatives. If such resources are available, it seems to me that we would better serve our citizens by using these scarce resources to enact Social Security Plus Accounts that will help them save for retirement but not put the underlying Social Security program at risk.

The current Social Security system has served us well for many years and will continue to do so if we make some adjustments. Still we all know that Social Security reform is needed. I remain committed to working on a bipartisan basis to address the long-term solvency issues facing Social Security and to improve retirement savings. And we do need to implement appropriate Social Security reforms as soon as our resources will allow us. Needlessly delaying efforts to shore up Social Security for the long term would likely require more severe action.

We certainly can't afford to make matters worse in the interim. A number of us in the Senate are concerned by the proposals offered by President Bush and some in Congress to eliminate the guaranteed basis of Social Security and replace it, in part with private accounts. The suggestion to ''privatize'' Social Security, or to invest a portion or all of the trust funds in the stock market, has been supported by the large investment banking houses and many others who believe that doing so would produce higher returns and improve the solvency of the system.

Several of the President's Commission on Social Security privatization plans would divert some of the payroll taxes that are currently being collected. Some of the proposals would use well over $1 trillion from the Social Security Trust Fund. This would immediately and adversely impact the financial well-being of the Social Security Trust Fund, putting in jeopardy both current and future Social Security benefits

I do not believe that investing the proceeds of the Social Security system in the stock market through individual accounts provides the kind of stability and certainty we need for the management of the Social Security program. Social Security is intended to provide what its name suggests, security. Stock market investments do not provide this secure foundation. They increase, on average, over certain time periods. But people don't retire at average times. They retire at particular times.

This point is mostly glossed over by the President's Commission to Strengthen Social Security. The Commission issued its final report last December that included several reform options that would allow workers to invest in personal retirement accounts, but reduce their traditional guaranteed Social Security benefit. In my judgment, no one, including the President's Commission, has provided a satisfactory answer to the question of what happens to people who retire when the market is down if we change Social Security, even partly, from a social insurance program to a stock market investment program. This is not mere polemics. The Enron debacle, the boom and bust of the dot com companies of the late 1990s, and the declining stock prices of recent weeks all serve as stark reminders to all of us about the perils of investing in the stock market.

Again, I will be working for appropriate reforms to extend the life of the Social Security Trust Fund so future generations can rely on Social Security. Social Security Plus Accounts can provide a much-needed supplement to the basic program, but would do so without undermining it. They do not reform the program by themselves, but are designed to be part of a responsible reform package.

For many of our nation's seniors, Social Security is the difference between poverty and a dignified retirement. When President Franklin D. Roosevelt signed the Social Security program into law in 1935 he said ''We can never insure one-hundred percent of the population against one-hundred percent of the hazards and vicissitudes of life. But we have tried to frame a law which will give some measure of protection to the average citizen and his family against poverty ridden old age.'' The importance of his words and his new social insurance plan are reflected in Social Security's overwhelming success today. Let's make sure that the promise and security of Social Security is kept for many generations to come.

I urge my colleagues to consider supporting this proposal in the context of comprehensive Social Security reforms considered by the Senate. Below I've provided a detailed summary of the Social Security Plus Account Act to more fully explain how the new savings accounts would work.

I ask unanimous consent that a summary of the bill be printed in the RECORD.

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

SOCIAL SECURITY PLUS ACCOUNT ACT OF 2002

In general

This legislation creates new tax-favored Social Security Plus Accounts (SSPA). Generally, an eligible individual with at least $5,000 of annual earnings and who is not a dependent of another taxpayer or a full-time college student may contribute up to $2,000 to a SSPA for each year until he or she reaches the age of 70 & ½. An individual whose modified adjusted gross income exceeds $150,000 ($300,000 for a married individual) is ineligible to make a contribution to a SSPA.

A 20-percent refundable tax credit is allowed for eligible contributions to a SSPA. In addition, the federal government will match a percentage of a SSPA contribution for taxpayers with modified adjusted gross income (AGI) below a certain level (See below).

Amounts in SSPAs that are distributed for permissible purposes are subject to favorable income tax treatment and are not subject to penalty.

An eligible individual shall file a designation of the SSPA to which the match is made, along with his or her tax return for the year (or if no return is filed, on a form prescribed by the Secretary of the Treasury) not later than the due date for filing such return (including extensions) or the 15th day of April, whichever is later.

Matching contributions

In the case of an eligible individual, the federal government makes a matching contribution to the SSPA. This is accomplished as refundable tax credit for the tax year in an amount equal to the matching contribution. The allowable credit is treated as an overpayment of tax which may only be transferred to a SSPA.

The Secretary of the Treasury will make matching contributions to the SSPAs of taxpayers with modified AGI below a certain level. The applicable percentage shall be according to the following:

In the case of an individual filing a joint return:

	The applicable percentage is:
If modified adjusted gross income is:	
$30,000 or less	100
Over $30,000 but not over $60,000	50
Over $60,000 but not over $100,000	25
Over $100,000	zero
In the case of a head of household:	
$22,500 or less	100
Over $22,500 but not over $45,000	50
Over $45,000 but not over $75,000	25
Over $75,000	zero
In the case of any other individual:	
$15,000 or less	100
Over $15,000 but not over $30,000	50
Over $30,000 but not over $50,000	25
Over $50,000	zero

Maximum contributions

The maximum annual contribution to a SSPA each year in $2,000—including both the individual and matching contributions. As such, the maximum annual contribution would be $1,000 for those in the lowest bracket (with a $1,000 maximum match), $1,333.33 for the middle bracket (with a $667 maximum match) and $1,600 for the next bracket (with a $400 maximum match). Those in the highest bracket with earnings over $100,000 could contribute $2,000 (with no match).

Minimum contributions

The minimum annual contribution must be sufficient to ensure that the total deposit is $200 (i.e. the lowest bracket would have to contribute at least $100, the middle bracket would have to contribute at least $133, the next bracket at least $160, and the highest bracket at least $200).

Tax treatment of SSPAs

Similar to traditional individual retirement accounts (IRAs), amounts contributed to a SSPA would be tax-favored and accounts would grow tax-free. However, amounts paid or distributed out of a SSPA would be taxable like Social Security benefits. That is, up to 50% of SSPA benefits are taxable for taxpayers whose income plus 50% of their benefits exceed $25,000 for individuals and $32,000 for couples. Up to 85% of SSPA benefits are taxable for taxpayers whose income plus benefits exceeds $34,000 for individuals and $44,000 for couples.

10-percent penalty for disqualified distributions

Distributions that are not made from a SSPA after retirement, death, disability or not used for catastrophic medical expenses exceeding 7.5% of AGI are includible in gross income and are subject to regular tax rates and a 10-percent penalty. Matching contributions from the federal government may be distributed from an SSPA only after retirement, at death or in the event of disability.

Mr. CORZINE. Mr. President, I am pleased to join today with Senator DORGAN in introducing legislation, the Social Security Plus Account Act of 2002, that would create new tax-favored Social Security Plus Accounts to supplement the existing Social Security program.

Although the Social Security Trust Fund is now projected to remain solvent for almost 40 years, I share the interest of a broad range of leaders in exploring ways to extend solvency further into the future. At this point, it remains unclear when Social Security reform will be debated. However, Senator DORGAN and I are introducing this legislation in the hope that it will be considered when that debate moves forward.

As most of my colleagues know, last year President Bush appointed a commission to recommend ways to move toward privatization of Social Security. Last December, that commission issued a report that included proposals to establish privatized accounts into which a portion of Social Security contributions would be diverted. The Bush Commission's proposals included deep cuts in guaranteed benefits, cut that for some current workers would exceed 25 percent, and for future retirees would exceed 45 percent.

I strongly oppose these cuts. In my view, they would take the security out of Social Security. That would undermine the central goal of the program.

At the same time, I recognize that, by itself, Social Security will not provide sufficient funds for many retirees in the future. That is why it is important that Americans save on their own to prepare for retirement. I therefore support other government initiatives to promote private savings, such as individual retirement accounts and 401(k) plans.

The proposal for Social Security Plus Accounts in this legislation takes the concept of an IRA or 401(k) account, and builds on it. These new accounts would provide an additional and more powerful savings incentive for many Americans, especially middle class workers and those with more modest incomes. Under our legislation, the government would match contributions by taxpayers with incomes below certain levels. In addition, all contributions would provide immediate tax relief: a tax cut equal to 20 percent of the contribution. Moreover, when a person takes money out of an account at retirement, the proceeds would be treated in the same manner as Social Security benefits, meaning that some or all proceeds could be withdrawn tax free.

A Social Security Plus Account would provide a useful supplement to our Social Security system, without weakening that system in any way. Unlike the proposals of the Bush Social Security Commission, these new accounts would not force a reduction in traditional Social Security benefits. This difference is critical.

Senator DORGAN and I recognize that the establishment of Social Security Plus Accounts would require resources that are not presently available. We therefore appreciate that action on our legislation will have to wait until later, when we have more financing. However, we believe it important to put our proposal on the table today, to help ensure that when the appropriate time comes, our colleagues understand that there is more than one way to establish personal accounts. The right way, as proposed in this legislation, is to establish accounts that supplement Social Security, without draining the Social Security Trust Fund, without cutting benefits, and without undermining Social Security's promise to Americans who have paid into the system in good faith.

I want to thank Senator DORGAN for his leadership in this effort. I look forward to working with him to ensure that we find new and better ways to promote savings, without undermining the basic guarantees provided through Social Security.

By Mr. ALLEN (for himself and Mr. WARNER):

S. 2694. A bill to extend Federal recognition to the Chickahominy Tribe, the Chickahominy Indian Tribe—Eastern Division, the Upper Mattaponi Tribe, the Rappahannock Tribe, Inc., the Monacan Tribe, and the Nansemond Tribe; to the Committee on Indian Affairs.

Mr. ALLEN. Mr. President, I rise in support of Virginia's Indian Tribes and to introduce a bill to extend Federal recognition to six of Virginia's Indian Tribes.

These Tribes have a rich tradition and history, not only for Virginia, but also for the Nation as a whole. My bill will recognize the Chickahominy Tribe; the Chickahominy Tribe Eastern Division; the Upper Mattaponi Tribe; the Rappahannock Tribe; the Monacan Tribe; and the Nansemond Tribe.

The title of the bill is the ''Thomasina E. Jordan Indian Tribes of Virginia Federal Recognition Act''. For me, this legislation also has a very personal aspect to it. Thomasina Jordan

was a dear friend of mine. As Governor of Virginia, I appointed Thomasina as Chair of the Virginia Council on Indians, and she served as an advisor to me in many ways over the years. Thomasina was a great leader and civil rights activist in Virginia, paving the way for this legislation. Regrettably, she passed away in 1999 after a long and courageous battle with cancer. I offer this legislation in her memory as her last battle on earth was for Federal recognition of Virginia's tribes. Thomasina's efforts to ensure equal rights and recognition to all American Indians continue today in spirit because she was able to have an effect on the lives of so many individuals and encourage many to join her quest for fairness, honor and justice.

The American Indians in Virginia contribute to the diverse, exciting nature and heritage of the Commonwealth of Virginia. Virginians are united in their desire to honor these first residents and I am pleased that Senator WARNER and I are able to join Virginia's House Delegation in offering this legislation.

There are more than 550 federally recognized Tribes in the United States. While no Tribes have been federally recognized in Virginia, the Commonwealth of Virginia has recognized the eight main tribes. According to the U.S. Census Bureau, there are over 21,000 American Indians living in Virginia.

''Federally recognized'' means these tribes and groups can enjoy a special legal relationship with the U.S. government where no decisions about their lands and people are made without Indian consent. It is important that we give Federal recognition to these proud Virginia tribes so that they cannot only be honored in the manner they deserve but also for the many benefits that federal recognition would provide.

Members of federally recognized tribes, most importantly, can qualify for grants for higher education opportunities.

There is absolutely no reason why American Indian Tribes in Virginia should not share in the same benefits that so many Indian tribes around the country enjoy.

The Indian Tribes in Virginia have one of the longest histories of any Indian tribe in America, which is a remarkable point considering none of the tribes in Virginia are federally recognized. As Virginia approaches the 400th anniversary of the 1607 founding of Jamestown, the first permanent English settlement in North America, it is crucial that the role of Indian tribes in Virginia in the development of our Commonwealth and our country are properly recognized and appreciated.

There are three routes that an Indian Tribe can pursue in order to receive Federal recognition. One, the tribe can apply for administrative recognition through the Bureau of Indian Affairs, which all these Virginia Tribes have done. Two, a tribe can gain Federal recognition through an act of Congress. And three, the tribe can obtain Federal recognition through legal proceedings in the court system.

There has been a sharp increase in recent years of the number of tribes seeking Federal recognition via an application to the Bureau of Indian Affairs. However, the General Accounting Office recently reported that, while the workload at the Bureau of Indian Affairs has increased dramatically, the resources to handle the large volume of applications has actually decreased. Since 1978, the Bureau of Indian Affairs has processed only 32 of the 150 applications it received, deciding favorably on only 12 of them. In fact, BIA averages only 1.3 completed applications a year. The route of Federal recognition through the Bureau of Indian Affairs and Bureau of Acknowledgement and Recognition is a cumbersome and lengthy process, which has taken sometimes over 20 years for an application to be decided upon.

In 1999, the Virginia General Assembly passed a resolution calling on the U.S. Congress to grant Federal recognition to the tribes in Virginia. Identical legislation to what I introduce today has already been introduced in the House. I join my House colleagues, Mr. MORAN of Virginia, Mrs. JO ANN DAVIS of Virginia, Mr. TOM DAVIS of Virginia, Mr. SCOTT, Mr. SCHROCK, Mr. BOUCHER, and Mr. FORBES in this important endeavor.

The precedent has already been set for the second route for attainment of Federal recognition, through an act of Congress. Since the 93rd Congress (1973–1974), Congress has restored Federal recognition to eighteen tribes and has granted seven new Federal recognitions to tribes. In 2000, Congress passed a law to grant new Federal recognition to the Shawnee Indians as a separate tribe from the Cherokee Nation of Oklahoma and another law to restore Federal recognition to the tribe of Graton Rancheria of California. It is time that Virginia's tribes receive the same recognition.

The main goal of this legislation is to establish a more equitable relationship between the tribes and the State and Federal Government.

While I understand that some may have a concern that Federal recognition of Indian tribes may lead to the establishment of gaming operations within a State, this is not the case. As a result of the 1988 Indian Gaming Regulatory Act, federally recognized Indian Tribes can conduct only the gaming operations that are authorized by State law. Tribes are unable to operate casinos, slot machines or card games unless approved by a specific State/Tribe Compact. My bill includes language restating this point to make it clear that nothing in the Act provides an exception to the Indian Gaming Regulatory Act. Ultimately, it gives proper coverage under Virginia law so as not to provide special gaming privileges.

This legislation not only lays out the path for granting Federal recognition to six American Indian Tribes in Virginia, but it also honors and details the proud history of each of the six Tribes.

The Virginia tribes have fought hard to retain their heritage and cultural identity, and it is my hope that this legislation be seen as a way to recognize this identity.

As Americans, we need to appreciate the many contributions American Indians have made to our Nation in order to make it the great country it is today. Thomasina Jordan once wrote: ''We belong to this land. For 10,000 years we have been here. We were never a conquered people. The dominant society needed us to survive in 1607, and it needs American Indians and our spiritual values to survive in the next millennium.'' The Commonwealth of Virginia has realized that it needs its proud Indian tribes. This bill is another step toward recognizing and appreciating this special relationship.

By Mr. FRIST (for himself, Mr. FEINGOLD, and Mr. LUGAR):

S. 2695. A bill to amend the Foreign Assistance Act of 1961 to extend the authority for debt reduction, debt-for-nature swaps, and debt buybacks to nonconsessional loans and credits made to developing countries with tropical forests; to the Committee on Foreign Relations.

Mr. FRIST. Mr. President, today I rise to introduce, with Senator FEINGOLD and Senator LUGAR, a bill that could have a far-reaching impact in preserving some of the most pristine tropical forest in the world.

We seek to amend the Tropical Forest Conservation Act, TFCA, a law passed in 1998. The TFCA has led to the preservation of thousands of acres of tropical forest, particularly in the Americas, by allowing low and middle income countries to engage in debt-for-nature ''swaps.'' The TFCA allows eligible governments to divert resources currently needed for debt service toward the conservation and management of disappearing rain forests.

Our amendment to TFCA would expand the use of this successful program. Our change would allow more tropical forests to be preserved. Under TFCA, countries are limited to using concessional debt for making swaps. Concessional debt is special low-interest loans reserved for the poorest countries to exchange non-concessional debt, e.g. Export-Import bank loans, etc. for preserved forest land. This change will not only increase the potential for swaps in countries with concessional debt, but also make some countries newly eligible for the program.

One example of a country that is not currently eligible for TFCA, but that has great potential for using the expanded program, is the African nation of Gabon. Gabon has some extraordinary, pristine forest land that deserves to be preserved.

In the fall of 2000, the National Geographic Society sponsored a 2000-mile, 15-month expedition through Central Africa by Dr. Mike Fay, a well known conservationist. Dr. Fay traveled through some of the last unexplored regions on earth, including the Langoue forest in Gabon. His expedition encountered a remarkable variety of species and habitat that are in danger of disappearing unless we help Gabon's government preserve it. Dr. Fay's observations of the Langoue Forest are compelling. Here are some excerpts from his report:

''[T]here's a river in almost the dead center of Gabon called the Ivindo which has an amazing set of waterfalls. It's a big river, probably a hundred or so meters wide, of slow, black water, and it drains almost all of northeastern Gabon. These chutes, these waterfalls—two in particular called Mingouli and Kongou—make this place an attraction.

An Italian named Giuseppe Vassallo, who died about a year and a half ago . . . promoted this place as a national park because he said it was the best forest in Gabon. He talked about it and lobbied for it and cajoled people, but it just never quite happened. We walked across this block that he'd always talked about, and I actually flew over it with him in '98 . . .

And we discovered the highest concentration of giant elephants that we'd seen on the entire walk. It's probably the only place left in the central African forest with elephants that are abundant and with a large percentage of very large males, tusks that no one has seen in a very long time, one hundred pounds on a side. Giant elephants, it's something you just don't see because they've been pouched out of the population. [And] naive gorillas, something that we hadn't seen on the entire trip. You can tell they're naive because when they see you they don't run away, they don't look alarmed, they don't act alarmed, they don't vocalize. The males don't charge at all and they get very curious. They come to see you and they approach well within the danger zone. They sit there for hours and they just stare as if it's something they've never seen before, and it's pretty obvious that they haven't.

You travel a little bit farther along and there's this mountain that we'd been navigating toward for a few weeks, and it's again full of elephants, and it's got all kinds of beautiful topography and rocky cliffs. It's a real sort hidden forest, and it really gives you a feeling of great isolation being up on this mountain plateau. So we started walking south of the mountain and pretty soon we came upon an elephant trail that lead us a little bit astray. It lead us to the east of where we wanted to go but we kept on following it and it just got bigger and bigger and bigger. I looked a the map and it was obvious that it was navigating us right toward a clearing. Long before you get to an elephant clearing you can tell where you're going, because the elephant trail opens up to like two meters wide, it's covered with dung, and there's a huge amount that are on these ''highways.'' It's a lot like how major highway arteries in the States get bigger as they go into the city, that's basically what it is for elephants, it's an ''elephant city.'' So, we get there, and there it is, this clearing that no one has ever seen before, no conservationist even could have imagined existed in Gabon. This place is just abounding with wildlife and you think ''This place really is what old Giuseppe said it was.'' Even though he had never walked in it, it was as if he just knew this place was the best. The place is called Langoue and it still exists.

There are about 1.2 million acres in the Langoue Forest that are completely untouched. Experts familiar with the region estimate that more than 700,000 acres at the heart of the forest could be preserved for about $3.5 million. This part of the forest includes the naive gorillas, the giant elephants, and the waterfalls.

At the very modest cost, our amendment will give nations like Gabon a new tool for preserving their remaining tropical forest, for the benefit of the people of Gabon, and for the benefit of mankind.

I ask unanimous consent that the full text of the interview with Dr. Fay and the text of a letter from Conservation International appear at this point in the RECORD.

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

[From National Geographic News, Aug. 9, 2001]

INTERVIEW: MIKE FAY IS ON A TREK TO PRESERVE FOREST IN GABON

(By Andrew Jones)

Last year, conservationist J. Michael Fay completed a 2,000-mile (3,218-kilometer), fifteen-month walk through central Africa in some of the world's most pristine forests. Now, the expedition leader for the National Geographic Society and an ecologist for the Wildlife Conservation Society has undertaken another challenge: a personal campaign to preserve nearly 250,000 hectares (618,000 acres) of forest in Gabon as a national park.

National Geographic News: You were in the African bush for fifteen months. How has that changed your perspective on conservation?

Dr. J. Michael Fay: As a conservationist, I would say it's a double-edged sword. Because when you're out there, you realize how much is left. There's such abundance—it's so huge, it goes on forever. You can walk for fifteen months and basically be in the woods the whole time and not have to traverse areas that are inhabited by humans. And you think, ''Wow, that's cool. This place is at the ends of the Earth; it will never be touched.'' Then you look at the map and the logging activity and you look at the human expansion and you think, ''This place is all going to disappear in the next seven to ten years.''

It makes you wake up to the fact that human beings, even in the 21st century, still don't regard natural resources as something precious. Because if they did, there would be a worldwide effort to preserve these places rather than extract wood out of them as quickly as possible with zero regard for ecosystems, while wasting most of that wood before you get it to the market. So from my perspective, it was pretty depressing.

NG News: do you think there's anyone in particular to blame? Or is there no one person or group we can point to as the source of the problem?

Fay: I think the human species is what it is. It evolved to extract as many resources as it possibly could from the environment to survive better and better. That's kind of what humans are programmed to do. And to do the opposite of that, to conserve, I think is a very difficult thing for people to even comprehend, let alone enact. It's kind of counter-evolutionary, and I think it takes a lot of education and a lot of foresight. If humans want to survive on this planet without having some kind of catastrophic event take out large percentages of the population someday in the future, then they're going to have to make that shift. A lot of people talk about it, a lot of people understand it, but it's really hard to make that last jump and actually say, ''Okay, I'm going to make a switch.''

NG News: You're now trying to have nearly 250,000 hectares of forest land in Gabon designated as a national park. Why did you choose that particular area?

Fay: Well, there's a river in almost the dead center of Gabon called the Ivindo which has an amazing set of waterfalls. It's a big river, probably a hundred or so meters wide, of slow, black water, and it drains almost all of northeastern Gabon. These chutes, these waterfalls—two in particular called Mingouli and Kongou—make this place an attraction.

An Italian named Giuseppe Vassallo, who died about a year and a half ago . . . promoted this place as a national park because he said it was the best forest in Gabon. He talked about it and lobbied for it and cajoled people,but it just never quite happened. We walked across this block that he'd always talked about, and I actually flew over it with him in '98. We looked at the logging companies coming in from the west at a very rapid rate, and so we tried to design a walk in this place that didn't go through any logging. And we discovered the highest concentration of giant elephants that we'd seen on the entire walk. It's probably the only place left in the central African forest with elephants that are abundant and with a large percentage of every large males—tusks that no one has seen in a very long time, one hundred pounds on a side. Giant elephants—it's something you just don't see because they've been poached out of the population. [And] naive gorillas—something that we hadn't seen on the entire trip. You can tell they're naive because when they see you they don't run away, they don't look alarmed, they don't act alarmed, they don't vocalize. The males don't charge at all and they get very curious. They come to see you and they approach well within the danger zone. They sit there for hours and they just stare as if it's something they've never seen before, and it's pretty obvious that they haven't.

You travel a little bit farther along and there's this mountain that we'd been navigating toward for a few weeks, and it's again full of elephants, and it's got all kinds of beautiful topography and rocky cliffs. It's a real sort of hidden forest, and it really gives you a feeling of great isolation being up on this mountain plateau.

So we started walking south of the mountain and pretty soon we came upon an elephant trail that lead us a little bit astray. It lead us to the east of where we wanted to go but we kept on following it and it just got bigger and bigger and bigger. I looked at the map and it was obvious that it was navigating us right toward a clearing. Long before you get to an elephant clearing you can tell where you're going, because the elephant trail opens up to like two meters wide, it's covered with dung, and there's a huge amount of track that are on these ''highways.'' It's a lot like how major highway arteries in the States get bigger as they go into the city—that's basically what it is for elephants—it's an ''elephant city.'' So, we get there, and there it is—this clearing that no one has ever seen before, no conservationist even could have imagined existed in Gabon. This place is just abounding with wildlife and you think ''This place really is what old Giuseppe said it was.'' Even though he had never walked in it, it was as if he just knew this place was the best. The place is called Langoue and it still exists.

If you look at the map from a land-use perspective though, you realize that the entire block has been given away to many different

logging companies, and they're working their way into Langoue as fast as we can talk. They're going to log that entire area, and there's still about 500,000 hectares [1,235,500 acres] that are completely virgin, untouched forest. But because of the sheer number of logging companies in there, the potential to log that block completely very quickly is very high. So we're launching a campaign with the government and the logging companies and the conservation community and with the general public to try and create a national park in this place. That means pushing back time. That means going back in time essentially four or five years [ago], when there were no logging concessions in this place. And that's difficult to do. And it's expensive.

NG News: How much money are you looking to raise?

Fay: Well, if we had three and a half million dollars today, right now, we can go into Gabon tomorrow and negotiate the logging rights for those concessions and maybe preserve 300,000 hectares [741,000 acres] of that forest, which includes those native gorillas, the giant elephants, the clearing on the mountain and the waterfalls. We could start that process quite easily tomorrow. But surprisingly, finding three and a half million dollars for conservation, in this world that has too much money, is very difficult.

NG News: Where have you been looking for funding?

Fay: Everywhere. You know, we don't have a major coordinated fund-raising effort that we're investing lots of money into. We're trying to do it on the cheap, I guess you could say. We're trying to use the media coverage that we've received and use the connections that we have from a number of sources. We have raised well over a million dollars already, but we . . . need three and a half million dollars, and without it we're not gonna get that national park. . . . When you look at the exploitation of the resources in those countries it's not done for the consumption of Gabonese or Congolese, it's done primarily for the consumption of Americans, Asians, and Europeans. And people need to be responsible for that. They can't just blithely keep going farther afield and exploiting the wilderness without having to pay some attention to that fact, without having to pay up. . . . We get all upset when the U.S. government wants to go drilling in [the Arctic National Wildlife Refuge]. But when an oil company wants to drill in the most pristine place in Gabon, we don't say ''boo.'' And that has to change. People need to be responsible globally if they're going to exploit globally. It has to be a two-way street.

NG News. How do you propose to monitor the park and protect it from such threats as poaching, logging, and bushmeat hunting?

Fay: It's that double-edged sword again. The place is very isolated right now. So we're looking at a four-pronged approach. The first prong was to basically get a team on the ground . . . to protect that clearing and get a presence in there that says to people, ''There's somebody looking after this place.'' People have taken an interest in it, people have recognized that it's something that needs to be protected. . . . We have money from the U.S. Fish and Wildlife Service to establish a camp and a team on the ground. So that's prong number one.

Prong number two is the buy-back. We need to negotiate with logging companies and with the Gabonese government to find out how much it is going to cost and which blocks we can get. We're dealing with ten different blocks, each about 25,000 hectares (62,000 acres) . . . and each one takes a separate negotiation essentially. We have the green light from the Gabonese forestry minister to start this process.

The third prong of the effort is to establish a trust fund so that management will take place there in the long term. Trust funds not only create a situation where you can get funding for a place like that, but you also have a much broader management base . . . because if there's an international trust fund then there's an international board. And if there's an international board, people are going to be interested in keeping this place in a state that this fund was set up to preserve. Over the years national governments in Africa have shown great interest and have collaborated in international conservation efforts in their countries. This is seen as positive and we have had great success in the past with these associations.

And then the fourth thing is to actually establish a long-term presence on the ground, which again requires some sort of international collaboration between the conservation organization and the national government. It relies on funding from the outside rather than inside the country. We have a grant to pay for the ground action for the next three years and the effort to negotiate the national park. So we're making pretty good progress on our four prongs. But we've only completed about 10 to 30 percent of the 100 percent that we need to go on all four of those demands. So, there's still a lot of work to be done.

There are some positive elements to build on. Along the megatransect route there are already some protected areas. The idea is to preserve and fully protect about one tenth of the entire forest. We need to be pragmatic by setting reasonable targets that we can accomplish.

CONSERVATION INTERNATIONAL,
Washington, DC, June 26, 2002.

Hon. BILL FRIST,
U.S. Senate, 416 Russell Senate Office Building, Washington, DC

DEAR SENATOR FRIST: Conservation International applauds your leadership in sponsoring legislation to strengthen the Tropical Forest Conservation Act (TFCA). Through making nonconcessional debt eligible for TFCA treatment, this legislation paves the way for substantial conservation gains by allowing additional countries to participate in debt-for-nature swaps.

Gabon is a good example. The country contains some of the world's most pristine and biologically important tropical forests—forests that shelter an incredible diversity of wildlife including populations of gorillas and chimpanzees so wild as to never before have encountered human beings. Protecting Gabon's forests is an urgent priority of the conservation community. It is also important to Gabon's future. These forests are essential to maintaining hydrological patterns, protecting water quality and quantity, and offering development opportunities in the form of a potentially significant exotourism market. As you well know, their exploitation poses an additional risk of exposing human beings to deadly disease. In fact, the most recent Ebola outbreak occurred in Gabon.

Gabon should be a strong candidate for debt relief under the Tropical Forest Conservation Act: it has abundant, critical, and threatened tropical forests; it has a stable political regime; it seeks resources for conservation; and it owes debts to the United States. Unfortunately, the TFCA's narrow construction prohibits Gabon from seeking debt treatment under the Act. Your legislation would change this.

Conservation International has a long history of participating in debt-for-nature swaps and has significant private resources to bring to the table in support of public/private partnerships under the TFCA. In fact, we recently worked with The Nature Coservancy and World Wildlife Fund to contribute a total of $1.1 million to a TFCA deal in Peru, which leveraged $5.5 million in U.S. Government funds and generated $10.6 million in local currency payments for conservation of Peru's forests. With passage of your legislation. CI anticipates additional opportunities to work with the U.S. and key tropical forest countries to simultaneously achieve conservation and debt relief.

Thank you once again for your leadership.

Sincerely,

NICHOLAS LAPHAM,
Senior Director for Policy.

By Mr. BINGAMAN:

S. 2696. A bill to clear title to certain real property in New Mexico associated with the Middle Rio Grande Project, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. BINGAMAN. Mr. President, today I am pleased to introduce the Albuquerque Biological Park Title Clarification Act. This bill would assist the City of Albuquerque, NM by clearing its title to two parcels of land located along the Rio Grande. More specifically, it would allow the city to move forward with its plans to improve the properties as part of a Biological Park Project, a city funded initiative to create a premier environmental educational center for its citizens and the entire State of New Mexico.

The Biological Park Project has been in the works since 1987 when the city began to develop an aquarium and botanic garden along the banks of the Rio Grande. The facilities constitutes just a portion of the overall project. In pursuit of the balance of the project, the city, in 1997, purchased two properties from the Middle Rio Grande Conservancy District, MRGCD, for $3,875,000. The first property, Tingley Beach, had been leased by the city from MRGCD since 1931 and used for public park purposes. The second property, San Gabriel Park, had been leased by the city sine 1963, and also used for public park purposes.

In the year 2000, the city's plan were interrupted when the U.S. Bureau of Reclamation claimed that in 1953 it had acquired ownership of all of MRGCD's property that is associated with the Middle Rio Grande Project. The United States' assertion called into question the validity of the 1997 transaction between the city and MRGCD. Both MRGCD and the city dispute the United States' claim of ownership.

This dispute is delaying the city's progress in developing the Biological Park Project. If the matter is simply left to litigation, the delay will be both indefinite and unnecessary. Reclamation has already determined that the two properties are surplus to the needs of the Middle Rio Grande Project. Moreover, this history of this issue indicates that Reclamation had once considered releasing its interest in the properties for $1.00 each. Obviously, the Federal interest in these properties is low while the local interest is very high. Moreover, this bill would address

only the status of the two properties at issue. The general dispute concerning title to project works is left for the courts to decide.

I hope my colleagues will work with me to help resolve this issue which is important to the citizens of my state. While much of what we do here in the Congress is complex and time-consuming work, we should also have the ability to move quickly when necessary and appropriate to solve local problems caused by federal actions. I therefore urge my colleagues to support this legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2696

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Albuquerque Biological Park Title Clarification Act''.

SEC 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds that:

(1) In 1997, the City of Albuquerque, New Mexico paid $3,875,000 to the Middle Rio Grande Conservancy District to acquire two parcels of land known as Tingley Beach and San Gabriel Park.

(2) The City intends to develop and improve Tingley Beach and San Gabriel Park as part of its Albuquerque Biological Park Project.

(3) In 2000, the City's title to Tingley Beach and San Gabriel Park was clouded by the Bureau of Reclamation's assertion that MRGCD had earlier transferred its assets, including Tingley Beach and San Gabriel Park, to the United States as part of a 1953 grant of easement associated with the Middle Rio Grande Project.

(4) The City's ability to continue developing the Albuquerque Biological Park Project has been hindered by the cloud on its title.

(5) The United States' claim of ownership is disputed by the City and MRGCD in *Rio Grande Silvery Minnow* v. *John W. Keys, III,* No. CV 99–1320 JP/RLP–ACE (D. N.M. filed Nov. 15 1999).

(6) Tingley Beach and San Gabriel Park are surplus to the needs of the Middle Rio Grande Project.

(b) PURPOSE.—The purpose of this Act is to disclaim on behalf of the United States, any right, title, and interest it may have in and to Tingley Beach and San Gabriel Park, thereby removing the cloud on the City's title to these lands.

SEC. 3. DEFINITIONS.

In this Act:

(a) CITY.—The term ''City'' means the City of Albuquerque, New Mexico.

(b) MIDDLE RIO GRANDE CONSERVANCY DISTRICT.—The terms ''Middle Rio Grande Conservancy District'' and ''MRGCD'' mean a political subdivision of the State of New Mexico, created in 1925 to provide and maintain flood protection and drainage, and maintenance of ditches, canals, and distribution system for irrigation in the Middle Rio Grande Valley.

(c) MIDDLE RIO GRANDE PROJECT.—The term ''Middle Rio Grande Project'' means the federal reclamation project on the Middle Rio Grande authorized by the Flood Control Act of 1948 (Public Law 80–858; 62 Stat. 1179) and the Flood Control Act of 1950 (Public Law 81–516).

(d) SAN GABRIEL PARK.—The term ''San Gabriel Park'' means the tract of land containing 40.2236 acres, more or less, situated within Section 12, and Section 13, T10N, R2E, N.M.P.M., City of Albuquerque, Bernalillo County, New Mexico, and described by New Mexico State Plane Grid Bearings (Central Zone) and ground distances in a Special Warranty Deed conveying the property from MRGCD to the City, dated November 25, 1997.

(e) TINGLEY BEACH.—The term ''Tingley Beach'' means the tract of land containing 25.2005 acres, more or less, situated within Section 13 and Section 24, T10N, R2E, N.M.P.M., City of Albuquerque, Bernalillo County, New Mexico, and described by New Mexico State Plane Grid Bearings (Central Zone) and ground distances in a Special Warranty Deed conveying the property from MRGCD to the City, dated November 25, 1997.

SEC. 4. DISCLAIMER OF PROPERTY INTEREST.

(a) IN GENERAL.—As of the date of enactment of this Act, the United States—

(1) disclaims any right, title, and interest it may have in and to Tingley Beach and San Grabiel Park; and

(2) recognizes as valid the special warranty deeds dated November 25, 1997, conveying Tingley Beach and San Gabriel Park from MRGDC to the City.

(b) OTHER FEDERAL ACTION.—The Secretary of the Interior shall take any and all actions to ensure that future maps, property descriptions, or other documents generated in association with the Middle Rio Grande Project, are consistent with this Act.

SEC. 5. OTHER RIGHTS, TITLE, AND INTERESTS UNAFFECTED.

(a) IN GENERAL.—Except as expressly provided in section 4, nothing in this Act shall be construed to affect any right, or interest in and to any land associated with the Middle Rio Grande Project.

(b) ONGOING LITIGATION.—Nothing contained in this Act shall be construed to affect or otherwise interfere with any position set forth by any party in the lawsuit pending before the United States District Court for the District of New Mexico, No. CV 99–1320 JP/RLP–ACE, entitled *Rio Grande Silvery Minnow* v. *John W. Keys, III,* concerning the right, title, or interest in and to any property associated with the Middle Rio Grande Project.

By Mr. REID (for himself, Mrs. BOXER, Mrs. CLINTON, Mr. LIEBERMAN, and Mr. SARBANES):

S. 2697. A bill to require the Secretary of the Interior to implement the final rule to phase out snowmobile use in Yellowstone National Park, John D. Rockefeller, Jr. Memorial Parkway, and Grant Teton National Park, and snowplane use in Grand Teton National Park; to the Committee on Energy and Natural Resources.

Mr. REID. Mr. President, in Yellowstone National Park last winter, park rangers wore respirators. This isn't some kind of a joke, this is the truth. In Yellowstone National Park, the park rangers wore respirators because the air was so clouded and fogged with the pollution from snowmobiles that they had to do that to preserve their health.

Ealier this week, the Bush administration decided to open Yellowstone and Grand Teton National Parks to snowmobile traffic. In doing so, they chose to ignore an avalanche of public comments that strongly supported the banning of snowmobiles in these two magnificent national parks. They chose pollution over protection.

Mr. President, this isn't the first failing grade of this administration's environmental report card. I am sorry to say it probably won't be the last. It is, however, particularly disappointing in light of the Yellowstone National Park's importance to the American people.

Today, I join with Senators BOXER, CLINTON, and LIEBERMAN to introduce the Yellowstone Protection Act to shield America's first national park from a relapse of damaging snowmobile traffic.

Congressmen RUSH HOLT and CHRISTOPHER SHAYS are introducing a similar bill in the House of Representatives today. I salute them for their bipartisan leadership on this most important issue.

When Congress established the National Park Service, we directed it to ''conserve the scenery and the natural and historic objects and the wildlife'' of our parks ''unimpaired for the enjoyment of future generations.''

Mr. President, I have given speeches talking about Government and the things we should be proud of. Near the top of the list every time is our national park system. We are the envy of the world with these magnificent parks, as well we should be. To think that people who work in the parks must wear respirators because of the smog caused by snowmobiles, that is hard to imagine.

In January of 2001, the National Park Service did the right thing. Wisely, it adopted a rule to phase out snowmobile use in the park. After carefully studying the science, examining the law, and reviewing the comments of the American people, it determined—the Park Service did—that the use of snowmobiles was inconsistent with the mission of Yellowstone National Park.

Yet despite that historic decision and the overwhelming evidence that led to it, despite the science the EPA said was among the best it had ever seen, despite the support of over 80 percent of the people commenting on this issue, the National Park Service, under pressure from the administration and special interests, decided on Tuesday to roll back this commonsense rule.

The Bush administration chose to ignore science, environmental laws, and public opinion.

The Yellowstone Protection Act simply codifies the original National Park Service rule that would have banned snowmobiles in the park.

Yellowstone Park is the birthplace of our park system. Congress created the National Park Service to protect Yellowstone and other parks.

Yellowstone Park should serve as a guiding light for our protection of natural resources, not as a canary in a coal mine.

Today, we must act to protect Yellowstone just as our forefathers did in 1872, when they established this magnificent national park. They made a

farsighted decision to guarantee that each new generation would inherit a healthy and vibrant Yellowstone.

This Congress must step forward to uphold what Congress began 130 years ago.

This legislation requires the management of Yellowstone and Grand Teton National Parks to be guided by law and informed by science, not dictated and directed by special interests.

We have suffered through the work that has been done by the Bush administration with the environment—whether it is arsenic in the water, whether it is stopping children from having their blood tested for lead, whether it is making it easier for power generators to dump millions of tons of pollutants in the air, whether it is easing up on Superfund legislation, refusing to fund Superfund legislation—all these things you would think would be enough. But, no, it is not enough. Now they have to say that Smokey the Bear must wear a respirator. I think that is too much.

I ask unanimous consent that the text of this bill be printed in the RECORD.

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

S. 2697

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 ''Yellowstone Protection Act''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) The January 22, 2001, rule phasing out snowmobile use in Yellowstone National Park, Grand Teton National Park, and the John D. Rockefeller, Jr. Memorial Parkway was made by professionals in the National Park Service who based their decision on law, 10 years of scientific study, and extensive public process.

(2) An environmental impact statement that formed the basis for the rule concluded that snowmobile use is impairing or adversely impacting air quality, natural soundscapes, wildlife, public and employee health and safety, and visitor enjoyment. According to the Environmental Protection Agency, the environmental impact statement had ''among the most thorough and substantial science base that we have seen supporting a NEPA document''.

(3) The National Park Service concluded that snowmobile use is violating the mission given to the agency by Congress--to manage the parks ''in such manner and by such means as will leave them unimpaired for the enjoyment of future generations''. The National Park Service also found that snowmobile use is ''inconsistent with the requirements of the Clean Air Act, Executive Orders 11644 and 11989 [by Presidents Nixon and Carter, relating to off-road vehicle use on public lands], the NPS's general snowmobile regulations and NPS management objectives for the parks''.

(4) In order to maintain winter visitor access, the Park Service outlined a plan to use the already existing mode of winter transportation know as snowcoaches, which are mass transit, oversnow vehicles similar to vans. The final rule states that a snowcoach transit system ''would reduce adverse impacts on park resources and values, better provide for public safety, and provide for public enjoyment of the park in winter''.

(5) The National Park Service Air Resources Division determined that despite being outnumbered by automobiles 16 to 1 during the course of a year, snowmobiles produce up to 68 percent of Yellowstone's carbon monoxide pollution and up to 90 percent of the park's annual hydrocarbon emissions.

(6) Noise from snowmobiles routinely disrupts natural sounds and natural quiet at popular Yellowstone attractions. A February 2000 ''percent time audible'' study found snowmobile noise present more than 90 percent of the time at 8 of 13 sites.

(7) In Yellowstone's severe winter climate, snowmobile traffic regularly disturbs and harasses wildlife. In October 2001, 18 eminent scientists warned the Secretary of the Interior that ''ignoring this information would not be consistent with the original vision intended to keep our national parks unimpaired for future generations''. National Park Service regulations allow snowmobile use only when that use ''will not disturb wildlife . . .'' (36 CFR 2.18(c)).

(8) At Yellowstone's west entrance, park rangers and fee collectors suffer from symptoms of carbon monoxide poisoning due to snowmobile exhaust. According to National Park Service records, in December 2000, a dozen park employees filed medical complaints citing sore throats, headaches, lethargy, eye irritation, and tightness in the lungs. Their supervisor requested more staff at the west entrance, not because of a need for additional personnel to cover the work there, but so the supervisor could begin rotating employees more frequently out of the ''fume cloud'' for the sake of their health. In 2002, for the first time in National Park history, rangers were issued respirators to wear while performing their duties.

(9) The public opportunity to engage in the environmental impact study process was extensive and comprehensive. During the 3-year environmental impact study process and rulemaking, there were 4 opportunities for public consideration and comment. The Park Service held 22 public hearings in regional communities such as West Yellowstone, Cody, Jackson, and Idaho Falls, and across the Nation. The agency received over 70,000 individual comments. At each stage of the input process, support for phasing out snowmobiles grew, culminating in a 4-to-1 majority in favor of the rule in early 2001. More recently, 82 percent of those commenting wrote in favor of the National Park Service decision to phase out snowmobile use in the parks.

SEC. 3. FINAL RULE CODIFIED.

Beginning on the date of the enactment of this Act, the Secretary of the Interior shall implement the final rule to phase out snowmobile use in Yellowstone National Park, the John D. Rockefeller Jr. Memorial Parkway, and Grand Teton National Park, and snowplane use in Grand Teton National Park, as published in the Federal Register on January 22, 2001 (66 Fed. Reg. 7260–7268). The Secretary shall not have the authority to modify or supersede any provision of that final rule.

By Mr. ROCKEFELLER:

S. 2698. A bill to establish a grant program for school renovation, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ROCKEFELLER:

S. 2699. A bill to amend the Internal Revenue Code of 1986 to expand the incentives for the construction and renovation of public schools; to the Committee on Finance.

Mr. ROCKEFELLER. Mr. President, today I am introducing two bills aimed at addressing our national school infrastructure crisis. Schools across America have been allowed to fall into ill repair, and in some school districts, there is a serious need for new school construction.

The Department of Education has found that the average age of a public school building in this country is 42 years old, an age when buildings tend to deteriorate. In 1995, the GAO found that the unmet need for school construction and renovation in the United States was a staggering $112 billion.

When our schools are in poor condition, our children suffer and our Nation suffers. Studies have shown that children in well-kept schools perform better than children in deteriorating buildings. Certainly our children deserve the advantages that come with studying in a safe, clean, modern environment. The state of our schools is unacceptable, and it is our responsibility to do all we can to remedy this situation.

These bills are the first pieces of my education agenda for 2002. In addition to investing in school construction, we must also invest in school leadership. Within the next few weeks, I intend to promote initiatives for school principals and incentives to recruit and retain teachers. School leadership will be essential in meeting the higher standards set by our new Leave No Child Behind Act, and principals play a pivotal role. I will be pushing legislation to ensure that we invest in leadership programs to help principals be bold leaders of reform. Also, I intend to introduce tax incentives to reward highly qualified teachers as a way to recruit and retain the best and the brightest for our classrooms. Building leadership among principals and teachers is as essential to quality education as modern schools.

These efforts build on my ongoing education efforts on math and science and technology. In 1996, I was proud to sponsor the E-Rate program with Senator SNOWE to connect our classroom to the Internet because our students must be connected to modern technology to gain the skills needed for the 21st century. This year, I am working hard to enact the National Math and Science Partnership Act to authorize almost a $1 billion a year for five years for the National Science Foundation to invest in promoting quality math and science education. The combination of these legislative initiatives should help provide the essential resources and leadership necessary to achieve our education goals.

I can see the effects of deteriorating school buildings in my State of West Virginia. There alone, the need for school construction, renovation, and repair is rapidly approaching a staggering $2 billion over the next 10 years, a sum West Virginia cannot meet without assistance.

West Virginia has, in the past, benefitted greatly from Federal programs designed to improve the quality of school buildings, and the money we've received has been put to excellent use. Funding made available by the Qualified Zone Academy Bond program, a program in which the Federal Government authorizes the states to sell school construction bonds and then pays the interest to the bond holders, has provided my state with over $4 million in bond funding since 1998. This money has been used to renovate science labs, install wireless computer equipment, remove asbestos, and provide modular classrooms, among many other valuable projects. Another program, a direct funding initiative included in the FY 2001 final budget agreement, has also been a great success in West Virginia and across the nation.

Many schools in my State are unable to take advantage of school bondings because some local communities are so needy that they cannot afford even the low- or no-interest loans that program makes available. And when areas which are already disadvantaged are hit with natural disasters, such as the heartbreaking catastrophic flooding West Virginia has now suffered two years in a row, school districts cannot be expected to keep up with their infrastructure needs.

The direct funding initiative in the 2001 budget made $1.2 billion in grants available for emergency school renovation and repair and technology improvements across America. West Virginia was fortunate to receive nearly $8 million in funding from the program, enabling our schools to replace roofs, fix faulty wiring and sewage systems, remove asbestos, and make themselves better prepared for fire emergencies.

The success stories from these programs prove that we can make a real impact in the quality of schools in our nation. I am proud to introduce two bills today designed to build upon these past successes: the America's Better Classroom Act and the Building Our Children's Future Act.

The America's Better Classroom Act is designed to expand and build upon the success of the Qualified Zone Academy Bond, or the QZAB program. It expands this program by $2.8 billion so even more school districts will be able to take advantage of the low-or no-interest school construction loans that it provides. QZAB's are aimed at schools in disadvantaged areas. To qualify, a school must be located in an empowerment zone, enterprise community, or 35 per cent of its students must be eligible for free or reduced lunch.

In addition to expanding the QZAB program, the America's Better Classroom Act creates a new $22 billion bonding program designed to help all school districts meet their renovation needs. Funding to states will be allocated based on the Title I funding formula. In this way, many more school districts will have the opportunity to reap the benefits of no- or low-interest loans for school renovation and repair. This legislation is similar to a House bill sponsored by Congresswoman NANCY JOHNSON and Congressman CHARLIE RANGEL. I look forward to working with the House colleagues on this crucial program.

The second bill I introduce today is the Building Our Children's Future Act, a $5 billion initiative designed to help schools that, due to poverty, high growth, or unforseen disaster, are unable to meet their repair and renovation needs. Many districts that are facing these difficult challenges find themselves so strapped that they cannot even afford to pay back the principle on an interest-free loan. These areas need direct help, and this grant program provides it.

The Building Our Children's Future Act gives each State funding based on Title I, with a priority to target funding to schools that have been damaged or destroyed by a natural disaster or are located in a high poverty or high growth areas, defined by the state. This makes certain that states have the flexibility to put the money where it is needed the most.

The bill also recognizes that not all renovation needs are the same. In the 21st century, providing students and teachers with access to technology will be a critical part of keeping schools up-to-date. Likewise, we have made a commitment to assist states in covering the costs of special education, a commitment that will undoubtedly require renovation and construction to accommodate special needs. For this reason, the Building Our Children's Future Act sets aside a portion of its funds for states to make technology improvements and carry out programs under the Individuals with Disabilities Education Act.

Finally, the Building Our Children's Future Act also makes money available to schools with high Native American populations and schools located in outlying areas, so that no group will be left behind as we seek to remedy our school infrastructure crisis.

I believe that America's Better Classroom Act and the Building Our Children's Future Act are important steps toward giving our children the learning environments they deserve. When our schools are in disrepair, we cannot expect our educational system to be any different. I hope you will join me in supporting these two bills and, in doing so, join me in supporting the futures of our children and our Nation.

STATEMENTS ON SUBMITTED RESOLUTIONS

SENATE RESOLUTION 293—DESIGNATING THE WEEK OF NOVEMBER 10 THROUGH NOVEMBER 16, 2002, AS ''NATIONAL VETERANS AWARENESS WEEK'' TO EMPHASIZE THE NEED TO DEVELOP EDUCATIONAL PROGRAMS REGARDING THE CONTRIBUTIONS OF VETERANS TO THE COUNTRY

Mr. BIDEN (for himself, Mr. THURMOND, Mr. CONRAD, Mr. CLELAND, Mrs. CLINTON, Mr. ROCKEFELLER, Mr. MILLER, Mr. DEWINE, Mr. COCHRAN, Mr. DURBIN, Mr. LUGAR, Ms. COLLINS, Mr. SESSIONS, Mr. KERRY, Mr. BREAUX, Mr. DODD, Mr. DORGAN, Mr. HELMS, Mr. BAUCUS, Mrs. BOXER, Mr. JOHNSON, Ms. LANDRIEU, Mr. GRASSLEY, Mr. ROBERTS, Mr. LEVIN, Mr. REID, Mr. LEAHY, Mr. MCCAIN, Mr. HOLLINGS, Mr. SARBANES, Mr. VOINOVICH, Mr. INHOFE, Mrs. MURRAY, Mr. GREGG, Ms. MIKULSKI, Mr. DOMENICI, Mr. HUTCHINSON, Mrs. LINCOLN, Mr. SANTORUM, Mr. CRAPO, Mr. BUNNING, Mr. CRAIG, Mr. STEVENS, Mr. AKAKA, Mr. NELSON of Florida, Mr. CARPER, Mr. INOUYE, Mr. HAGEL, Mr. FEINGOLD, Mr. WARNER, Mr. BINGAMAN, and Mr. DAYTON) submitted the following resolution; which was referred to the Committee on the Judiciary

S. RES. 293

Whereas tens of millions of Americans have served in the Armed Forces of the United States during the past century;

Whereas hundreds of thousands of Americans have given their lives while serving in the Armed Forces during the past century;

Whereas the contributions and sacrifices of the men and women who served in the Armed Forces have been vital in maintaining our freedoms and way of life;

Whereas the advent of the all-volunteer Armed Forces has resulted in a sharp decline in the number of individuals and families who have had any personal connection with the Armed Forces;

Whereas this reduction in familiarity with the Armed Forces has resulted in a marked decrease in the awareness by young people of the nature and importance of the accomplishments of those who have served in our Armed Forces, despite the current educational efforts of the Department of Veterans Affairs and the veterans service organizations;

Whereas our system of civilian control of the Armed Forces makes it essential that the future leaders of the Nation understand the history of military action and the contributions and sacrifices of those who conduct such actions; and

Whereas on October 30, 2001, President George W. Bush issued a proclamation urging all Americans to observe November 11 through November 17, 2001, as National Veterans Awareness Week: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week of November 10 through November 16, 2002, as ''National Veterans Awareness Week'' for the purpose of emphasizing educational efforts directed at elementary and secondary school students concerning the contributions and sacrifices of veterans; and

(2) requests that the President issue a proclamation calling on the people of the United States to observe National Veterans

Awareness Week with appropriate educational activities.

Mr. BIDEN. Mr. President, today I have the honor of joining with 50 of my colleagues in submitting a resolution expressing the sense of the Senate that the week that includes Veterans' Day this year be designated as ''National Veterans Awareness Week.'' This marks the third year in a row that I have introduced such a resolution, which has been adopted unanimously by the Senate on both previous occasions.

The purpose of National Veterans Awareness Week is to serve as a focus for educational programs designed to make students in elementary and secondary schools aware of the contributions of veterans and their importance in preserving American peace and prosperity. This goal takes on particular importance and immediacy this year as we find ourselves at war in the wake of the attack against us on our own territory.

Why do we need such an educational effort? In a sense, this action has become necessary because we are victims of our own success with regard to the superior performance of our armed forces. The plain fact is that there are just fewer people around now who have had any connection with military service. For example, as a result of tremendous advances in military technology and the resultant productivity increases, our current armed forces now operate effectively with a personnel roster that is one-third less in size than just 10 years ago. In addition, the success of the all-volunteer career-oriented force has led to much lower turnover of personnel in today's military than in previous eras when conscription was in place. Finally, the number of veterans who served during previous conflicts, such as World War II, when our military was many times larger than today, is inevitably declining.

The net result of these changes is that the percentage of the entire population that has served in the Armed Forces is dropping rapidly, a change that can be seen in all segments of society. Whereas during World War II it was extremely uncommon to find a family in America that did not have one of its members on active duty, now there are numerous families that include no military veterans at all. As a consequence of this lack of opportunity for contacts with veterans, many of our young people have little or no connection with or knowledge about the important historical and ongoing role of men and women who have served in the military. This omission seems to have persisted despite ongoing educational efforts by the Department of Veterans Affairs and the veterans service organizations.

This lack of understanding about military veterans' important role in our society can have potentially serious repercussions. In our country, civilian control of the armed forces is the key tenet of military governance. A citizenry that is oblivious to the capabilities and limitations of the armed forces, and to its critical role throughout our history can make decisions that have unexpected and unwanted consequences. Even more important, general recognition of the importance of those individual character traits that are essential for military success, such as patriotism, selflessness, sacrifice and heroism, is vital to maintaining these key aspects of citizenship in the armed forces and even throughout the population at large.

Among today's young people, a generation that has grown up largely during times of peace and extraordinary prosperity and has embraced a ''me first'' attitude, it is perhaps even more important to make sure that there is solid understanding of what it has taken to attain this level of comfort and freedom. Even in the midst of our ongoing war against terrorism, with Americans in uniform finding themselves in harm's way around the world, many young people seem to be totally divorced from the implications of the conflict that is raging.

The failure of our children to understand why a military is important, why our society continues to depend on it for ultimate survival, and why a successful military requires integrity and sacrifice, will have predictable consequences as these youngsters become of voting age. Even though military service is a responsibility that is no longer shared by a large segment of the population, as it has been in the past, knowledge of the contributions of those who have served in the Armed Forces is as important as it has ever been. To the extent that many of us will not have the opportunity to serve our country in uniform, we must still remain cognizant of our responsibility as citizens to fulfill the obligations, we owe, both tangible and intangible, to those who do serve and who do sacrifice on our behalf.

The importance of this issue was brought home to me two years ago by Samuel I. Cashdollar, who was then a 13-year-old seventh grader at Lewes Middle School in Lewes, DE. Samuel won the Delaware VFW's Youth Essay Contest that year with a powerful presentation titled ''How Should We Honor America's Veterans?'' Samuel's essay pointed out that we have Nurses' Week, Secretaries' Week, and Teachers' Week, to rightly emphasize the importance of these occupations, but the contributions of those in uniform tend to be overlooked. We don't want our children growing up to think that Veterans Day has simply become a synonym for department store sale, and we don't want to become a Nation where more high school seniors recognize the name Britney Spears than the name Dwight Eisenhower.

National Veterans Awareness Week complements Veterans Day by focusing on education as well as commemoration, on the contributions of the many in addition to the heroism and service of the individual. National Veterans Awareness Week also presents an opportunity to remind ourselves of the contributions and sacrifices of those who have served in peacetime as well as in conflict; both groups work unending hours and spend long periods away from their families under conditions of great discomfort so that we all can live in a land of freedom and plenty.

Last year, my resolution designating National Veterans Awareness Week had 58 cosponsors and was approved in the Senate by unanimous consent. Responding to that resolution, President Bush issued a proclamation urging our citizenry to observe National Veterans Awareness Week. I ask my colleagues to continue this trend of support for our veterans by endorsing this resolution again this year. Our children and our children's children will need to be well informed about what veterans have accomplished in order to make appropriate decisions as they confront the numerous worldwide challenges that they are sure to face in the future.

SENATE RESOLUTION 294—TO AMEND RULE XLII OF THE STANDING RULES OF THE SENATE TO PROHIBIT EMPLOYMENT DISCRIMINATION IN THE SENATE BASED ON SEXUAL ORIENTATION

Mrs. FEINSTEIN (for herself, Mr. SPECTER, Mr. DASCHLE, Mr. DODD, Mr. TORRICELLI, Mr. FEINGOLD, Mr. DAYTON, Ms. STABENOW, Mr. DURBIN, Mr. JEFFORDS, Mr. KENNEDY, Mr. INOUYE, Ms. CANTWELL, Mr. LEAHY, Mr. WYDEN, Mrs. BOXER, Mr. REED, Mr. AKAKA, Mr. HARKIN, Mrs. CLINTON, Mr. REID, Mrs. MURRAY, Mr. CORZINE, Mr. BINGAMAN, Ms. MIKULSKI, Mr. BAYH, Mr. LEVIN, Mr. WELLSTONE, Mr. KERRY, Ms. COLLINS, Mr. LIEBERMAN, Ms. LANDRIEU, Mr. EDWARDS, Mr. SMITH of Oregon, Mr. BIDEN, Mr. SCHUMER, Mr. CHAFEE, Mr. SARBANES, Mr. KOHL, Mrs. CARNAHAN, Mr. CARPER, Mr. NELSON of Florida, and Mr. CLELAND) submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 294

Resolved,

SECTION 1. AMENDMENT TO THE STANDING RULES OF THE SENATE.

Paragraph 1 of rule XLII of the Standing Rules of the Senate is amended by striking ''or state of physical handicap'' and inserting ''state of physical handicap, or sexual orientation''.

Mrs. FEINSTEIN. Mr. President, I rise today to submit a resolution to prohibit employment discrimination in the United States Senate based on sexual orientation.

The resolution would amend the Standing Rules of the Senate by adding ''sexual orientation'' to ''race, color, religion, sex, national origin, age, or state of physical handicap'' in the anti-discrimination provision of rule 42, which governs the Senate's employment practices.

I am very pleased that 41 of my colleagues, Senators SPECTER, DASCHLE, DODD, TORRICELLI, FEINGOLD, DAYTON, STABENOW, DURBIN, JEFFORDS, KENNEDY, INOUYE, CANTWELL, LEAHY, WYDEN, BOXER, REED, AKAKA, HARKIN, CLINTON, REID, MURRAY, CORZINE, BINGAMAN, MIKULSKI, BAYH, LEVIN, WELLSTONE, KERRY, COLLINS, LIEBERMAN, LANDRIEU, EDWARDS, SMITH of Oregon, BIDEN, SCHUMER, CHAFEE, SARBANES, KOHL, CARNAHAN, CARPER, and NELSON of Florida, have joined me in submitting this resolution today.

By amending the current rule, it would forbid any Senate member, officer or employee from terminating, refusing to hire, or otherwise discriminating against an individual with respect to promotion, compensation, or any other privilege of employment, on the basis of that individual's sexual orientation.

Senate employees currently have no recourse available to them should they become a victim of this type of employment discrimination.

If the rules are amended, any Senate employee that encountered discrimination based on their sexual orientation would have the option of reporting it to the Senate Ethics Committee. The Ethics Committee could then investigate the claim and recommend discipline for any Senate member, officer or employee found to have violated the rule.

Unfortuantely, the Senate is already well behind other establishments of the U.S. Government in this area of anti-discrimination.

By 1996, at least 13 cabinet level agencies, including the Departments of Justice, Agriculture, Transportation, Health and Human Services, Interior, Housing and Urban Development, Labor, and Energy, in addition to the General Accounting Office, General Services Administration, Internal Revenue Service, the Federal Reserve System, Office of Personnel Management, and the White House had already issued policy statements forbidding sexual orientation discrimination.

In 1998, Executive Order 13087 was issued to prohibit sexual orientation discrimination in the Federal executive branch, including civilian employees of the military departments and sundry other governmental entities.

That Executive order now covers approximately 2 million Federal civilian workers, yet, four years later, there are still employees of the United States Senate that are unprotected.

In taking this step toward addressing discrimination, the Senate would join not only the Executive Branch, but also 294 Fortune 500 companies, 23 State governments and 252 local governments that have already prohibited workplace discrimination based on sexual orientation.

Currently, at least 68 Senators have already adopted written policies for their congressional offices indicating that sexual orientation is not a factor in their employment decisions.

Now, I urge my colleagues to join me by making this policy universal for the Senate, rather than relying on a patchwork of protection that only covers some of the Senate's employees.

SENATE RESOLUTION 295—COMMEMORATING THE 32ND ANNIVERSARY OF THE POLICY OF INDIAN SELF-DETERMINATION

Mr. CAMPBELL (for himself, Mr. AKAKA, Mr. DOMENICI, Mr. COCHRAN, and Ms. STABENOW) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 295

Whereas the United States of America and the Sovereign Indian Tribes contained within its boundaries have had a long and mutually beneficial relationship since the beginning of the Republic.

Whereas the United States has recognized this special legal and political relationship and its trust responsibility to the Indian Tribes as reflected in the Federal Constitution, treaties, numerous court decisions, Federal statutes, executive orders, and course of dealing;

Whereas Federal policy toward the Indian Tribes has vacillated through history and often failed to uphold the government-to-government relationship that has endured for more than 200 years;

Whereas these Federal policies included the wholesale removal of Indian tribes and their members from their aboriginal homelands, attempts to assimilate Indian people into the general culture, as well as the termination of the legal and political relationship between the United States and the Indian tribes;

Whereas President Richard M. Nixon, in his 'Special Message to Congress on Indian Affairs' on July 8, 1970, recognized that the Indian Tribes constitute a distinct and valuable segment of the American federalist system, whose members have made significant contributions to the United States and to American culture;

Whereas President Nixon determined that Indian Tribes, as local governments, are best able to discern the needs of their people and are best situated to determine the direction of their political and economic futures;

Whereas in his 'Special Message' President Nixon recognized that the policies of legal and political termination on the one hand, and paternalism and excessive dependence on the other, devastated the political, economic, and social aspects of life in Indian America, and had to be radically altered;

Whereas in his 'Special message' President Nixon set forth the foundation for a new, more enlightened Federal Indian policy grounded in economic self-reliance and political self-determination; and

Whereas this Indian self-determination policy has endured as the most successful policy of the United States in dealing with the Indian Tribes because it rejects the failed policies of termination and paternalism and recognized 'the integrity and right to continued existence of all Indian Tribal and Alaska native governments, recognizing that cultural pluralism is a source of national strength';

Now, therefore, be it

Resolved, That the Senate of the United States recognizes the unique role of the Indian Tribes and their members in the United States, and commemorates the vision and leadership of President Nixon, and every succeeding President, in fostering the policy of Indian Self-Determination

Mr. CAMPBELL. Mr. President, I am pleased to submit today a resolution to commemorate the anniversary of a little-noticed but critical event that took place 32 years ago this summer.

In July 1970, President Richard M. Nixon delivered his now-famous ''Special Message to the Congress on Indian Affairs'' that revolutionized how our Nation deals with Native governments and Native people from Florida to Alaska, from Maine to Hawaii.

With centuries of ill-conceived and misdirected Federal policies and practices behind us, I am happy to say that the Nixon Indian policy continues as the bedrock of America's promise to Native Americans.

In his Message to Congress, the President made the case for a more enlightened Federal Indian policy. Citing historical injustices as well as the practical failure of all previous Federal policies regarding Indian Nations, President Nixon called for the rejection of both the ''termination'' policy of the 1950s and the ''excessive dependence'' on the Federal Government by Indian tribes and people fostered by Federal paternalism.

Nixon observed that ''[t]he first Americans—the Indians—are the most deprived and most isolated group in our Nation. On virtually every scale of measurement—employment, income, education, health—the condition of the Indian people rank at the bottom.''

Thirty-two years later, Indians continue to suffer high rates of unemployment, are mired in poverty, and still rank at or near the bottom of nearly every social and economic indicator in the Nation. Nonetheless, there is cause for hope that the conditions of Native Americans are improving, however slowly.

The twin pillars of the policy change initiated in 1970 are political self determination and economic self reliance. Without doubt, the most enduring legacy of the 1970 Message is the Indian self determination policy best embodied in the Indian Self Determination and Education Assistance Act of 1975, amended several times since then.

This Act, which has consistently been supported, promoted, and expanded with bipartisan support, authorizes Indian tribes to assume responsibility for and administer programs and services formerly provided by the Federal Government.

As of 2001, nearly one-half of all Bureau of Indian Affairs, BIA, and Indian Health Service, IHS, programs and services have been assumed by tribes under the Indian Self Determination Act.

With this transfer of resources and decision making authority, tribal governments have succeeded in improving the quality of services to their citizens, developed more sophisticated tribal governing structures and practices, improved their ability to govern, and strengthened their economies.

Self determination contracting and compacting has improved the efficiency of Federal programs and services and at the same time have devolved control over these resources from Washington, DC to the local, tribal governments which are much more in tune with the needs of their own people.

As steps are taken to provide tribes the tools they need to develop vigorous economies and generate tribal revenues, our policy in Congress and across the Federal Government should be to encourage and assist tribes to expand self determination and self governance into other agencies and programs, and in the process help Native people to achieve real and measurable success in improving their standard of living.

The challenge of the Nixon Message was not only to the Federal Government but to the tribes themselves: that by building strong tribal governments and more robust economies, real independence and true self determination can be achieved.

Our experience has shown that any cooperative efforts between the United States and the tribes must include a solemn assurance that the special relationship will endure and will not be terminated because of the fits and starts of periodic economic success enjoyed by some Indian tribes.

President Nixon wisely realized that the mere threat of termination results in a tendency toward an unhealthy dependence on the Federal Government which has plagued Native people for decades. As President Nixon himself knew, Native people are not hapless bystanders in this process. His Message recognized that the story of the Indian in America is one of ''endurance, survival, of adaptation and creativity in the face of overwhelming obstacles.''

The persistence and tenacity of Native people has been the foundation in forging a more enlightened Indian policy and with the assistance of the United States will, I am confident, result in true self determination for Native people in the United States.

I urge my colleagues to join me in recognizing the Nixon Message and our collective efforts over time in making Indian self determination a reality.

SENATE CONCURRENT RESOLUTION 125—PROVIDING FOR A CONDITIONAL ADJOURNMENT OR RECESS OF THE SENATE AND A CONDITIONAL ADJOURNMENT OF THE HOUSE OF REPRESENTATIVES

Mr. DASCHLE submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 125

Resolved by the Senate (the House of Representatives concurring), That when the Senate recesses or adjourns at the close of business on Thursday, June 27, 2002, or Friday, June 28, 2002, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until 12:00 noon on Monday, July 8, 2002, or until such other time on that day as may be specified in the motion to recess or adjourn, or until Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the House adjourns on the legislative day of Thursday, June 27, 2002, Friday, June 28, 2002, or Saturday, June 29, 2002, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2:00 p.m. on Monday, July 8, 2002, or until Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Majority Leader of the Senate and the Speaker of the House, acting jointly after consultation with the Minority Leader of the Senate and the Minority Leader of the House, shall notify the Members of the Senate and House, respectively, to reassemble at such place and time as they may designate whenever, in their opinion, the public interest shall warrant it.

SENATE CONCURRENT RESOLUTION 126—EXPRESSING THE SENSE OF CONGRESS REGARDING SCLERODERMA

Mr. REID (for himself, Mr. CRAIG, Mrs. FEINSTEIN, and Ms. STABENOW) submitted the following concurrent resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. CON. RES. 126

Whereas Scleroderma is a debilitating and potentially fatal autoimmune disease with a broad range of symptoms that may be either localized or systemic;

Whereas Scleroderma may attack vital internal organs, including the heart, esophagus, lungs, and kidneys, and may do so without causing any external symptoms;

Whereas more than 300,000 people in the United States suffer from Scleroderma;

Whereas the symptoms of Scleroderma include hardening and thickening of the skin, swelling, disfigurement of the hands, spasms of blood vessels causing severe discomfort in the fingers and toes, weight loss, joint pain, difficulty swallowing, extreme fatigue, and ulcerations on the fingertips which are slow to heal;

Whereas people with advanced Scleroderma may be unable to perform even the simplest tasks;

Whereas 80 percent of the people suffering from Scleroderma are women between the ages of 25 and 55;

Whereas Scleroderma is the fifth leading cause of death among all autoimmune diseases for women who are 65 years old or younger;

Whereas the wide range of symptoms and localized and systemic variations of Scleroderma make it difficult to diagnose;

Whereas the average diagnosis of Scleroderma is made 5 years after the onset of symptoms;

Whereas the cause of Scleroderma is still unknown and there is no known cure;

Whereas Federal funding for Scleroderma research is less than for other diseases of similar prevalence; and

Whereas the estimated annual direct and indirect costs of Scleroderma in the United States are $1,500,000,000: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that—

(1) private organizations and health care providers should be recognized for their efforts to promote awareness and research of Scleroderma;

(2) the people of the United States should make themselves aware of the symptoms of Scleroderma and contribute to the fight against Scleroderma;

(3) the Federal Government should promote awareness regarding Scleroderma, adequately fund research projects regarding Scleroderma within the fiscal budget, and continue to consider ways to improve the quality of health care services provided for Scleroderma patients, including making prescription medication more affordable;

(4) the National Institutes of Health should continue to play a leadership role in the fight against Scleroderma by—

(A) working more closely with private organizations and researchers to find a cure for Scleroderma;

(B) funding research projects regarding Scleroderma conducted by private organizations and researchers;

(C) holding a Scleroderma symposium which would bring together distinguished scientists and clinicians from across the United States to determine the most important priorities in Scleroderma research;

(D) supporting the formation of small workgroups composed of experts from diverse but related scientific fields to study Scleroderma;

(E) conducting more genetic, environmental, and clinical research regarding Scleroderma;

(F) training more basic and clinical scientists to carry out such research; and

(G) providing for better dissemination of the information learned from such research; and

(5) the Centers for Disease Control and Prevention should give priority to the establishment of a national epidemiological study to better track the incidence of Scleroderma and to gather information about the disease that could lead to a cure.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4166. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 2514, 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, and for other purposes; which was ordered to lie on the table.

SA 4167. Mr. HOLLINGS submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 4168. Mr. HOLLINGS submitted an amendment intended to be proposed by him to the bill S. 2514, supra; which was ordered to lie on the table.

SA 4169. Mr. WARNER proposed an amendment to the bill S. 2514, supra.

SA 4170. Mr. WARNER proposed an amendment to the bill S. 2514, supra.

SA 4171. Mr. McCAIN (for himself and Mr. KYL) submitted an amendment intended to be proposed to amendment SA 4060 proposed by Mr. WYDEN (for himself and Mr. SMITH of Oregon) to the bill (S. 2514) supra; which was ordered to lie on the table.

SA 4172. Mr. REID (for Mr. LIEBERMAN (for himself and Mr. THOMPSON)) proposed an amendment to the bill S. 803, to enhance the management and promotion of electronic Government services and processes by establishing an Office of Electronic Government within the Office of Management and Budget, and by establishing a broad framework of measures that require using Internet-based

information technology to enhance citizen access to Government information and services, and for other purposes.

TEXT OF AMENDMENTS

SA 4166. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 2514, 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, and for other purposes; which was ordered to lie on the table, as follows:

Strike the matter proposed to be inserted and insert the following:

(a) FISCAL YEAR 2003.—The Armed Forces are authorized strengths for active duty personnel as of September 30, 2003, as follows:

(1) The Army, 480,000.

(2) The Navy, 375,700.

(3) The Marine Corps, 175,000.

(4) The Air Force, 359,000.

(b) AUTHORITY TO EXCEED.—Upon a determination of the Secretary of Defense that it is necessary in the national security interests of the United States, the active duty personnel strengths of the Armed Forces may exceed the authorized strengths provided under paragraphs (1), (2), and (4) of subsection (a) as follows:

(1) For the Army, by not more than 5,000.

(2) For the Navy, by not more than 3,500.

(3) For the Air Force, by not more than 3,500.

SA 4167. Mr. HOLLINGS submitted an amendment intended to be proposed by him to the bill S. 2514, 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, and for other purposes; which was ordered to lie on the table, as follows:

At the end of subtitle D of title X, add the following:

SEC. 1046. SENSE OF CONGRESS ON ENHANCEMENT OF NATIONAL SECURITY COUNCIL.

(a) FINDINGS.—Congress makes the following findings:

(1) The President received no specific information or warning of the terrorist attacks on September 11, 2001.

(2) Every effort should be taken immediately to prevent a similar failure of intelligence in the future.

(3) In light of the terrorist attacks on September 11, 2001, it is clear that the United States should have a domestic intelligence service as well as a foreign intelligence service.

(4) The Federal Bureau of Investigation moved immediately after September 11, 2001, to organize a domestic intelligence service and coordinate and communicate with the Central Intelligence Agency.

(5) The National Security Council is responsible for providing both domestic and foreign intelligence for the President.

(6) The National Security Council is comprised of the Vice President, the Secretary of State, and the Secretary of Defense, and the National Security Council focuses on international threats and foreign policy.

(7) The National Security Council either failed to receive, or failed to analyze in a timely manner, intelligence that could have facilitated the interdiction of the terrorist attacks on September 11, 2001.

(8) The National Security Council must give equal treatment to homeland security, requiring a flow of timely reports not only from the Central Intelligence Agency and the Defense Intelligence Agency, but also from the Federal Bureau of Investigation, the Customs Services, the Coast Guard, the Border Patrol, the Immigration and Naturalization Service, and other departments and agencies of the Federal Government, as well as domestic law enforcement agencies.

(9) The reorganization and strengthening of the National Security Council should occur immediately and cannot and should not await the establishment of a Department of Homeland Security.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the President should issue immediately an Executive Order enhancing the National Security Council in order to provide for the more timely delivery of intelligence to, and analysis of intelligence for, the President.

SA 4168. Mr. HOLLINGS submitted an amendment intended to be proposed by him to the Bill S. 2514, 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, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE —HOMELAND SECURITY INFORMATION SHARING

SEC. 1. SHORT TITLE.

This Act may be cited as the ''Homeland Security Information Sharing Act''.

SEC. 2. FINDINGS AND SENSE OF CONGRESS.

(a) FINDINGS.—The Congress finds the following:

(1) The President received no specific information or warning of the terrorist attacks on September 11, 2001.

(2) Every effort should be taken immediately to prevent a similar failure of intelligence in the future.

(3) In light of the terrorist attacks on September 11, 2001, it is clear that the United States should have a domestic intelligence service as well as a foreign intelligence service.

(4) The Federal Bureau of Investigation moved immediately after September 11, 2001, to organize a domestic intelligence service an coordinate and communicate with the Central Intelligence Agency.

(5) The National Security Council is responsible for providing both domestic and foreign intelligence for the President.

(6) The National Security Council is comprised of the Vice President, the Secretary of State, and the Secretary of Defense, and the National Security Council focuses on international threats and foreign policy.

(7) The National Security Council either failed to receive, or failed to analyze in a timely manner, intelligence that could have facilitated the interdiction of the terrorist attacks on September 11, 2001.

(8) The National Security Council must give equal treatment to homeland security, requiring a flow of timely reports not only from the Central Intelligence Agency and the Defense Intelligence Agency, but also from the Federal Bureau of Investigation, the Customs Services, the Coast Guard, the Border Patrol, the Immigration and Naturalization Service, and other departments and agencies of the Federal Government, as well as domestic law enforcement agencies.

(9) The reorganization and strengthening of the National Security Council should occur immediately and cannot and should not await the establishment of a Department of Homeland Security.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the President should issue immediately an Executive Order enhancing the National Security Council in order to provide for the more timely delivery of intelligence to, and analysis of intelligence for, the President.

SA 4169. Mr. WARNER proposed an amendment to the bill S. 2514, 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 yer for the Armed Forces, and for other purposes; as follows:

On page 130, between lines 6 and 7, insert the following:

SEC. 604. TEMPORARY AUTHORITY FOR HIGHER RATES OF PARTIAL BASIC ALLOWANCE FOR HOUSING FOR CERTAIN MEMBERS ASSIGNED TO HOUSING UNDER ALTERNATIVE AUTHORITY FOR ACQUISITION AND IMPROVEMENT OF MILITARY HOUSING.

(a) AUTHORITY.—The Secretary of Defense may prescribe and, under section 403(n) of title 37, United States Code, pay for members of the Armed Forces (without dependents) in privatized housing higher rates of partial basic allowance for housing than those that are authorized under paragraph (2) of such section 403(n).

(b) MEMBERS IN PRIVATIZED HOUSING.—For the purposes of this section, a member of the Armed Forces (without dependents) is a member of the Armed Forces (without dependents) in privatized housing while the member is assigned to housing that is acquired or constructed under the authority of subchapter IV of chapter 169 of title 10, United States Code.

(c) TREATMENT OF HOUSING AS GOVERNMENT QUARTERS.—For purposes of section 403 of title 37, United States Code, a member of the Armed Forces (without dependents) in privatized housing shall be treated as residing in quarters of the United States or a housing facility under the jurisdiction of the Secretary of a military department while a higher rate of partial allowance for housing is paid for the member under this section.

(d) PAYMENT TO PRIVATE SOURCE.—The partial basic allowance for housing paid for a member at a higher rate under this section may be paid directly to the private sector source of the housing to whom the member is obligated to pay rent or other charge for residing in such housing if the private sector source credits the amount so paid against the amount owed by the member for the rent or other charge.

(e) TERMINATION OF AUTHORITY.—Rates prescribed under subsection (a) may not be paid under the authority of this section in connection with contracts that are entered into after December 31, 2007, for the construction or acquisition of housing under the authority of subchapter IV of chapter 169 of title 10, United States Code.

SA 4170. Mr. WARNER proposed an amendment to the bill S. 2514, 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, and for other purposes; as follows:

At the end of subtitle A of title III, add the following:

SEC. 305. DISPOSAL OF OBSOLETE VESSELS OF THE NATIONAL DEFENSE RESERVE FLEET.

Of the amount authorized to be appropriated by section 301(a)(2) for operation and maintenance for the Navy, $20,000,000 may be available, without fiscal year limitation if so provided in appropriations Acts, for expenses

related to the disposal of obsolete vessels in the Maritime Administration National Defense Reserve Fleet.

SA 4171. Mr. MCCAIN (for himself and Mr. KYL) submitted an amendment intended to be proposed to amendment SA 4060 proposed by Mr. WYDEN (for himself and Mr. SMITH of Oregon) to the bill (S. 2514) 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, and for other purposes; which was ordered to lie on the table; as follows:

On page 3, strike lines 1 through 5, and insert the following:

(e) OFFSET.—The amount authorized to be appropriated by section 2601(1)(A), and, within that amount, the amount that is available for a military construction project for a Reserve Center in Lane County, Oregon, are hereby reduced by $4,800,000.

SA 4172. Mr. REID (for Mr. LIEBERMAN (for himself and Mr. THOMPSON)) proposed an amendment to the bill S. 803, to enhance the management and promotion of electronic Government services and processes by establishing an Office of Electronic Government within the Office of Management and Budget, and by establishing a broad framework of measures that require using internet-based information technology to enhance citizen access to Government information and services, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''E-Government Act of 2002''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Findings and purposes.
TITLE I—OFFICE OF MANAGEMENT AND BUDGET ELECTRONIC GOVERNMENT SERVICES
Sec. 101. Management and promotion of electronic Government services.
Sec. 102. Conforming amendments.
TITLE II—FEDERAL MANAGEMENT AND PROMOTION OF ELECTRONIC GOVERNMENT SERVICES
Sec. 201. Definitions.
Sec. 202. Federal agency responsibilities.
Sec. 203. Compatibility of Executive agency methods for use and acceptance of electronic signatures.
Sec. 204. Federal Internet portal.
Sec. 205. Federal courts.
Sec. 206. Regulatory agencies.
Sec. 207. Accessibility, usability, and preservation of Government information.
Sec. 208. Privacy provisions.
Sec. 209. Federal Information Technology workforce development.
Sec. 210. Common protocols for geographic information systems.
Sec. 211. Share-in-savings program improvements.
Sec. 212. Integrated reporting study and pilot projects.
Sec. 213. Community technology centers.
Sec. 214. Enhancing crisis management through advanced information technology.
Sec. 215. Disparities in access to the Internet.
Sec. 216. Notification of obsolete or counterproductive provisions.
TITLE III—GOVERNMENT INFORMATION SECURITY
Sec. 301. Information security.
TITLE IV—AUTHORIZATION OF APPROPRIATIONS AND EFFECTIVE DATES
Sec. 401. Authorization of appropriations.
Sec. 402. Effective dates.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds the following:

(1) The use of computers and the Internet is rapidly transforming societal interactions and the relationships among citizens, private businesses, and the Government.

(2) The Federal Government has had uneven success in applying advances in information technology to enhance governmental functions and services, achieve more efficient performance, increase access to Government information, and increase citizen participation in Government.

(3) Most Internet-based services of the Federal Government are developed and presented separately, according to the jurisdictional boundaries of an individual department or agency, rather than being integrated cooperatively according to function or topic.

(4) Internet-based Government services involving interagency cooperation are especially difficult to develop and promote, in part because of a lack of sufficient funding mechanisms to support such interagency cooperation.

(5) Electronic Government has its impact through improved Government performance and outcomes within and across agencies.

(6) Electronic Government is a critical element in the management of Government, to be implemented as part of a management framework that also addresses finance, procurement, human capital, and other challenges to improve the performance of Government.

(7) To take full advantage of the improved Government performance that can be achieved through the use of Internet-based technology requires strong leadership, better organization, improved interagency collaboration, and more focused oversight of agency compliance with statutes related to information resource management.

(b) PURPOSES.—The purposes of this Act are the following:

(1) To provide effective leadership of Federal Government efforts to develop and promote electronic Government services and processes by establishing an Administrator of a new Office of Electronic Government within the Office of Management and Budget.

(2) To promote use of the Internet and other information technologies to provide increased opportunities for citizen participation in Government.

(3) To promote interagency collaboration in providing electronic Government services, where this collaboration would improve the service to citizens by integrating related functions, and in the use of internal electronic Government processes, where this collaboration would improve the efficiency and effectiveness of the processes.

(4) To improve the ability of the Government to achieve agency missions and program performance goals.

(5) To promote the use of the Internet and emerging technologies within and across Government agencies to provide citizen-centric Government information and services.

(6) To reduce costs and burdens for businesses and other Government entities.

(7) To promote better informed decision-making by policy makers.

(8) To promote access to high quality Government information and services across multiple channels.

(9) To make the Federal Government more transparent and accountable.

(10) To transform agency operations by utilizing, where appropriate, best practices from public and private sector organizations.

(11) To provide enhanced access to Government information and services in a manner consistent with laws regarding protection of personal privacy, national security, records retention, access for persons with disabilities, and other relevant laws.

TITLE I—OFFICE OF MANAGEMENT AND BUDGET ELECTRONIC GOVERNMENT SERVICES

SEC. 101. MANAGEMENT AND PROMOTION OF ELECTRONIC GOVERNMENT SERVICES.

(a) IN GENERAL.—Title 44, United States Code, is amended by inserting after chapter 35 the following:

''CHAPTER 36—MANAGEMENT AND PROMOTION OF ELECTRONIC GOVERNMENT SERVICES

''Sec.
''3601. Definitions.
''3602. Office of Electronic Government.
''3603. Chief Information Officers Council.
''3604. E-Government Fund.
''3605. E-Government report.

''§ 3601. Definitions

''In this chapter, the definitions under section 3502 shall apply, and the term—

''(1) 'Administrator' means the Administrator of the Office of Electronic Government established under section 3602;

''(2) 'Council' means the Chief Information Officers Council established under section 3603;

''(3) 'electronic Government' means the use by the Government of web-based Internet applications and other information technologies, combined with processes that implement these technologies, to—

''(A) enhance the access to and delivery of Government information and services to the public, other agencies, and other Government entities; or

''(B) bring about improvements in Government operations that may include effectiveness, efficiency, service quality, or transformation;

''(4) 'enterprise architecture'—

''(A) means—

''(i) a strategic information asset base, which defines the mission;

''(ii) the information necessary to perform the mission;

''(iii) the technologies necessary to perform the mission; and

''(iv) the transitional processes for implementing new technologies in response to changing mission needs; and

''(B) includes—

''(i) a baseline architecture;

''(ii) a target architecture; and

''(iii) a sequencing plan;

''(5) 'Fund' means the E-Government Fund established under section 3604;

''(6) 'interoperability' means the ability of different operating and software systems, applications, and services to communicate and exchange data in an accurate, effective, and consistent manner;

''(7) 'integrated service delivery' means the provision of Internet-based Federal Government information or services integrated according to function or topic rather than separated according to the boundaries of agency jurisdiction; and

''(8) 'tribal government' means the governing body of any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

''§ 3602. Office of Electronic Government

''(a) There is established in the Office of Management and Budget an Office of Electronic Government.

''(b) There shall be at the head of the Office an Administrator who shall be appointed by the President, by and with the advice and consent of the Senate.

''(c) The Administrator shall assist the Director in carrying out—

''(1) all functions under this chapter;

''(2) all of the functions assigned to the Director under title II of the E-Government Act of 2002; and

''(3) other electronic government initiatives, consistent with other statutes.

''(d) The Administrator shall assist the Director and the Deputy Director for Management and work with the Administrator of the Office of Information and Regulatory Affairs in setting strategic direction for implementing electronic Government, under relevant statutes, including—

''(1) chapter 35;

''(2) division E of the Clinger-Cohen Act of 1996 (division E of Public Law 104–106; 40 U.S.C. 1401 et seq.);

''(3) section 552a of title 5 (commonly referred to as the Privacy Act);

''(4) the Government Paperwork Elimination Act (44 U.S.C. 3504 note);

''(5) the Government Information Security Reform Act; and

''(6) the Computer Security Act of 1987 (40 U.S.C. 759 note).

''(e) The Administrator shall work with the Administrator of the Office of Information and Regulatory Affairs and with other offices within the Office of Management and Budget to oversee implementation of electronic Government under this chapter, chapter 35, the E-Government Act of 2002, and other relevant statutes, in a manner consistent with law, relating to—

''(1) capital planning and investment control for information technology;

''(2) the development of enterprise architectures;

''(3) information security;

''(4) privacy;

''(5) access to, dissemination of, and preservation of Government information;

''(6) accessibility of information technology for persons with disabilities; and

''(7) other areas of electronic Government.

''(f) Subject to requirements of this chapter, the Administrator shall assist the Director by performing electronic Government functions as follows:

''(1) Advise the Director on the resources required to develop and effectively operate and maintain Federal Government information systems.

''(2) Recommend to the Director changes relating to Governmentwide strategies and priorities for electronic Government.

''(3) Provide overall leadership and direction to the executive branch on electronic Government by working with authorized officials to establish information resources management policies and requirements, and by reviewing performance of each agency in acquiring, using, and managing information resources.

''(4) Promote innovative uses of information technology by agencies, particularly initiatives involving multiagency collaboration, through support of pilot projects, research, experimentation, and the use of innovative technologies.

''(5) Oversee the distribution of funds from, and ensure appropriate administration and coordination of, the E-Government Fund established under section 3604.

''(6) Coordinate with the Administrator of General Services regarding programs undertaken by the General Services Administration to promote electronic government and the efficient use of information technologies by agencies.

''(7) Lead the activities of the Chief Information Officers Council established under section 3603 on behalf of the Deputy Director for Management, who shall chair the council.

''(8) Assist the Director in establishing policies which shall set the framework for information technology standards for the Federal Government under section 5131 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1441), to be developed by the National Institute of Standards and Technology and promulgated by the Secretary of Commerce, taking into account, if appropriate, recommendations of the Chief Information Officers Council, experts, and interested parties from the private and nonprofit sectors and State, local, and tribal governments, and maximizing the use of commercial standards as appropriate, as follows:

''(A) Standards and guidelines for interconnectivity and interoperability as described under section 3504.

''(B) Consistent with the process under section 207(d) of the E-Government Act of 2002, standards and guidelines for categorizing Federal Government electronic information to enable efficient use of technologies, such as through the use of extensible markup language.

''(C) Standards and guidelines for Federal Government computer system efficiency and security.

''(9) Sponsor ongoing dialogue that—

''(A) shall be conducted among Federal, State, local, and tribal government leaders on electronic Government in the executive, legislative, and judicial branches, as well as leaders in the private and nonprofit sectors, to encourage collaboration and enhance understanding of best practices and innovative approaches in acquiring, using, and managing information resources;

''(B) is intended to improve the performance of governments in collaborating on the use of information technology to improve the delivery of Government information and services; and

''(C) may include—

''(i) development of innovative models—

''(I) for electronic Government management and Government information technology contracts; and

''(II) that may be developed through focused discussions or using separately sponsored research;

''(ii) identification of opportunities for public-private collaboration in using Internet-based technology to increase the efficiency of Government-to-business transactions;

''(iii) identification of mechanisms for providing incentives to program managers and other Government employees to develop and implement innovative uses of information technologies; and

''(iv) identification of opportunities for public, private, and intergovernmental collaboration in addressing the disparities in access to the Internet and information technology.

''(10) Sponsor activities to engage the general public in the development and implementation of policies and programs, particularly activities aimed at fulfilling the goal of using the most effective citizen-centered strategies and those activities which engage multiple agencies providing similar or related information and services.

''(11) Oversee the work of the General Services Administration and other agencies in developing the integrated Internet-based system under section 204 of the E-Government Act of 2002.

''(12) Coordinate with the Administrator of the Office of Federal Procurement Policy to ensure effective implementation of electronic procurement initiatives.

''(13) Assist Federal agencies, including the General Services Administration, the Department of Justice, and the United States Access Board in—

''(A) implementing accessibility standards under section 508 of the Rehabilitation Act of 1973 (29 U.S.C. 794d); and

''(B) ensuring compliance with those standards through the budget review process and other means.

''(14) Oversee the development of enterprise architectures within and across agencies.

''(15) Assist the Director and the Deputy Director for Management in overseeing agency efforts to ensure that electronic Government activities incorporate adequate, risk-based, and cost-effective security compatible with business processes.

''(16) Administer the Office of Electronic Government established under section 3602.

''(17) Assist the Director in preparing the E-Government report established under section 3605.

''(g) The Director shall ensure that the Office of Management and Budget, including the Office of Electronic Government, the Office of Information and Regulatory Affairs, and other relevant offices, have adequate staff and resources to properly fulfill all functions under the E-Government Act of 2002.

''§ 3603. Chief Information Officers Council

''(a) There is established in the executive branch a Chief Information Officers Council.

''(b) The members of the Council shall be as follows:

''(1) The Deputy Director for Management of the Office of Management and Budget, who shall act as chairperson of the Council.

''(2) The Administrator of the Office of Electronic Government.

''(3) The Administrator of the Office of Information and Regulatory Affairs.

''(4) The chief information officer of each agency described under section 901(b) of title 31.

''(5) The chief information officer of the Central Intelligence Agency.

''(6) The chief information officer of the Department of the Army, the Department of the Navy, and the Department of the Air Force, if chief information officers have been designated for such departments under section 3506(a)(2)(B).

''(7) Any other officer or employee of the United States designated by the chairperson.

''(c)(1) The Administrator of the Office of Electronic Government shall lead the activities of the Council on behalf of the Deputy Director for Management.

''(2)(A) The Vice Chairman of the Council shall be selected by the Council from among its members.

''(B) The Vice Chairman shall serve a 1-year term, and may serve multiple terms.

''(3) The Administrator of General Services shall provide administrative and other support for the Council.

''(d) The Council is designated the principal interagency forum for improving agency practices related to the design, acquisition, development, modernization, use, operation, sharing, and performance of Federal Government information resources.

''(e) In performing its duties, the Council shall consult regularly with representatives of State, local, and tribal governments.

''(f) The Council shall perform functions that include the following:

''(1) Develop recommendations for the Director on Government information resources management policies and requirements.

''(2) Share experiences, ideas, best practices, and innovative approaches related to information resources management.

''(3) Assist the Administrator in the identification, development, and coordination of multiagency projects and other innovative initiatives to improve Government performance through the use of information technology.

''(4) Promote the development and use of common performance measures for agency information resources management under this chapter and title II of the E-Government Act of 2002.

''(5) Work as appropriate with the National Institute of Standards and Technology and the Administrator to develop recommendations on information technology standards developed under section 20 of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3) and promulgated under section 5131 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1441), as follows:

''(A) Standards and guidelines for interconnectivity and interoperability as described under section 3504.

''(B) Consistent with the process under section 207(d) of the E-Government Act of 2002, standards and guidelines for categorizing Federal Government electronic information to enable efficient use of technologies, such as through the use of extensible markup language.

''(C) Standards and guidelines for Federal Government computer system efficiency and security.

''(6) Work with the Office of Personnel Management to assess and address the hiring, training, classification, and professional development needs of the Government related to information resources management.

''(7) Work with the Archivist of the United States to assess how the Federal Records Act can be addressed effectively by Federal information resources management activities.

''§ 3604. E-Government Fund

''(a)(1) There is established in the Treasury of the United States the E-Government Fund.

''(2) The Fund shall be administered by the Administrator of the General Services Administration to support projects approved by the Director, assisted by the Administrator of the Office of Electronic Government, that enable the Federal Government to expand its ability, through the development and implementation of innovative uses of the Internet or other electronic methods, to conduct activities electronically.

''(3) Projects under this subsection may include efforts to—

''(A) make Federal Government information and services more readily available to members of the public (including individuals, businesses, grantees, and State and local governments);

''(B) make it easier for the public to apply for benefits, receive services, pursue business opportunities, submit information, and otherwise conduct transactions with the Federal Government; and

''(C) enable Federal agencies to take advantage of information technology in sharing information and conducting transactions with each other and with State and local governments.

''(b)(1) The Administrator shall—

''(A) establish procedures for accepting and reviewing proposals for funding;

''(B) consult with interagency councils, including the Chief Information Officers Council, the Chief Financial Officers Council, and other interagency management councils, in establishing procedures and reviewing proposals; and

''(C) assist the Director in coordinating resources that agencies receive from the Fund with other resources available to agencies for similar purposes.

''(2) When reviewing proposals and managing the Fund, the Administrator shall observe and incorporate the following procedures:

''(A) A project requiring substantial involvement or funding from an agency shall be approved by a senior official with agency-wide authority on behalf of the head of the agency, who shall report directly to the head of the agency.

''(B) Projects shall adhere to fundamental capital planning and investment control processes.

''(C) Agencies shall identify in their proposals resource commitments from the agencies involved and how these resources would be coordinated with support from the Fund, and include plans for potential continuation of projects after all funds made available from the Fund are expended.

''(D) After considering the recommendations of the interagency councils, the Director, assisted by the Administrator, shall have final authority to determine which of the candidate projects shall be funded from the Fund.

''(E) Agencies shall assess the results of funded projects.

''(c) In determining which proposals to recommend for funding, the Administrator—

''(1) shall consider criteria that include whether a proposal—

''(A) identifies the group to be served, including citizens, businesses, the Federal Government, or other governments;

''(B) indicates what service or information the project will provide that meets needs of groups identified under subparagraph (A);

''(C) ensures proper security and protects privacy;

''(D) is interagency in scope, including projects implemented by a primary or single agency that—

''(i) could confer benefits on multiple agencies; and

''(ii) have the support of other agencies; and

''(E) has performance objectives that tie to agency missions and strategic goals, and interim results that relate to the objectives; and

''(2) may also rank proposals based on criteria that include whether a proposal—

''(A) has Governmentwide application or implications;

''(B) has demonstrated support by the public to be served;

''(C) integrates Federal with State, local, or tribal approaches to service delivery;

''(D) identifies resource commitments from nongovernmental sectors;

''(E) identifies resource commitments from the agencies involved;

''(F) uses web-based technologies to achieve objectives;

''(G) identifies records management and records access strategies;

''(H) supports more effective citizen participation in and interaction with agency activities that further progress toward a more citizen-centered Government;

''(I) directly delivers Government information and services to the public or provides the infrastructure for delivery;

''(J) supports integrated service delivery;

''(K) describes how business processes across agencies will reflect appropriate transformation simultaneous to technology implementation; and

''(L) is new or innovative and does not supplant existing funding streams within agencies.

''(d) The Fund may be used to fund the integrated Internet-based system under section 204 of the E-Government Act of 2002.

''(e) None of the funds provided from the Fund may be transferred to any agency until 15 days after the Administrator of the General Services Administration has submitted to the Committees on Appropriations of the Senate and the House of Representatives, the Committee on Governmental Affairs of the Senate, the Committee on Government Reform of the House of Representatives, and the appropriate authorizing committees of the Senate and the House of Representatives, a notification and description of how the funds are to be allocated and how the expenditure will further the purposes of this chapter.

''(f)(1) The Director shall report annually to Congress on the operation of the Fund, through the report established under section 3605.

''(2) The report under paragraph (1) shall describe—

''(A) all projects which the Director has approved for funding from the Fund; and

''(B) the results that have been achieved to date for these funded projects.

''(g)(1) There are authorized to be appropriated to the Fund—

''(A) $45,000,000 for fiscal year 2003;

''(B) $50,000,000 for fiscal year 2004;

''(C) $100,000,000 for fiscal year 2005;

''(D) $150,000,000 for fiscal year 2006; and

''(E) such sums as are necessary for fiscal year 2007.

''(2) Funds appropriated under this subsection shall remain available until expended.

''§ 3605. E-Government report

''(a) Not later than March 1 of each year, the Director shall submit an E-Government status report to the Committee on Governmental Affairs of the Senate and the Committee on Government Reform of the House of Representatives.

''(b) The report under subsection (a) shall contain—

''(1) a summary of the information reported by agencies under section 202(f) of the E-Government Act of 2002;

''(2) the information required to be reported by section 3604(f); and

''(3) a description of compliance by the Federal Government with other goals and provisions of the E-Government Act of 2002.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of chapters for title 44, United States Code, is amended by inserting after the item relating to chapter 35 the following:

''36. Management and Promotion of Electronic Government Services .. 3601''.

SEC. 102. CONFORMING AMENDMENTS.

(a) ELECTRONIC GOVERNMENT AND INFORMATION TECHNOLOGIES.—

(1) IN GENERAL.—The Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.) is amended by inserting after section 112 the following:

''SEC. 113. ELECTRONIC GOVERNMENT AND INFORMATION TECHNOLOGIES.

''The Administrator of General Services shall consult with the Administrator of the Office of Electronic Government on programs undertaken by the General Services Administration to promote electronic Government and the efficient use of information technologies by Federal agencies.''.

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for the Federal

Property and Administrative Services Act of 1949 is amended by inserting after the item relating to section 112 the following:

''Sec. 113. Electronic Government and information technologies.''.

(b) MODIFICATION OF DEPUTY DIRECTOR FOR MANAGEMENT FUNCTIONS.—Section 503(b) of title 31, United States Code, is amended—

(1) by redesignating paragraphs (5), (6), (7), (8), and (9), as paragraphs (6), (7), (8), (9), and (10), respectively; and

(2) by inserting after paragraph (4) the following:

''(5) Chair the Chief Information Officers Council established under section 3603 of title 44.''.

(c) OFFICE OF ELECTRONIC GOVERNMENT.—

(1) IN GENERAL.—Chapter 5 of title 31, United States Code, is amended by inserting after section 506 the following:

''§ 507. Office of Electronic Government

''The Office of Electronic Government, established under section 3602 of title 44, is an office in the Office of Management and Budget.''.

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 5 of title 31, United States Code, is amended by inserting after the item relating to section 506 the following:

''507. Office of Electronic Government.''.

TITLE II—FEDERAL MANAGEMENT AND PROMOTION OF ELECTRONIC GOVERNMENT SERVICES

SEC. 201. DEFINITIONS.

Except as otherwise provided, in this title the definitions under sections 3502 and 3601 of title 44, United States Code, shall apply.

SEC. 202. FEDERAL AGENCY RESPONSIBILITIES.

(a) IN GENERAL.—The head of each agency shall be responsible for—

(1) complying with the requirements of this Act (including the amendments made by this Act), the related information resource management policies and guidance established by the Director of the Office of Management and Budget, and the related information technology standards promulgated by the Secretary of Commerce;

(2) ensuring that the information resource management policies and guidance established under this Act by the Director, and the information technology standards promulgated under this Act by the Secretary of Commerce are communicated promptly and effectively to all relevant officials within their agency; and

(3) supporting the efforts of the Director and the Administrator of the General Services Administration to develop, maintain, and promote an integrated Internet-based system of delivering Federal Government information and services to the public under section 204.

(b) PERFORMANCE INTEGRATION.—

(1) Agencies shall develop performance measures that demonstrate how electronic government enables progress toward agency objectives, strategic goals, and statutory mandates.

(2) In measuring performance under this section, agencies shall rely on existing data collections to the extent practicable.

(3) Areas of performance measurement that agencies should consider include—

(A) customer service;

(B) agency productivity; and

(C) adoption of innovative information technology, including the appropriate use of commercial best practices.

(4) Agencies shall link their performance goals to key groups, including citizens, businesses, and other governments, and to internal Federal Government operations.

(5) As appropriate, agencies shall work collectively in linking their performance goals to groups identified under paragraph (4) and shall use information technology in delivering Government information and services to those groups.

(c) AVOIDING DIMINISHED ACCESS.—When promulgating policies and implementing programs regarding the provision of Government information and services over the Internet, agency heads shall consider the impact on persons without access to the Internet, and shall, to the extent practicable—

(1) ensure that the availability of Government information and services has not been diminished for individuals who lack access to the Internet; and

(2) pursue alternate modes of delivery that make Government information and services more accessible to individuals who do not own computers or lack access to the Internet.

(d) ACCESSIBILITY TO PEOPLE WITH DISABILITIES.—All actions taken by Federal departments and agencies under this Act shall be in compliance with section 508 of the Rehabilitation Act of 1973 (29 U.S.C. 794d).

(e) SPONSORED ACTIVITIES.—Agencies shall sponsor activities that use information technology to engage the public in the development and implementation of policies and programs.

(f) CHIEF INFORMATION OFFICERS.—The Chief Information Officer of each of the agencies designated under chapter 36 of title 44, United States Code (as added by this Act) shall be responsible for—

(1) participating in the functions of the Chief Information Officers Council; and

(2) monitoring the implementation, within their respective agencies, of information technology standards promulgated under this Act by the Secretary of Commerce, including common standards for interconnectivity and interoperability, categorization of Federal Government electronic information, and computer system efficiency and security.

(g) E-GOVERNMENT STATUS REPORT.—

(1) IN GENERAL.—Each agency shall compile and submit to the Director an annual E-Government Status Report on—

(A) the status of the implementation by the agency of electronic government initiatives;

(B) compliance by the agency with this Act; and

(C) how electronic Government initiatives of the agency improve performance in delivering programs to constituencies.

(2) SUBMISSION.—Each agency shall submit an annual report under this subsection—

(A) to the Director at such time and in such manner as the Director requires;

(B) consistent with related reporting requirements; and

(C) which addresses any section in this title relevant to that agency.

(h) USE OF TECHNOLOGY.—Nothing in this Act supersedes the responsibility of an agency to use or manage information technology to deliver Government information and services that fulfill the statutory mission and programs of the agency.

(i) NATIONAL SECURITY SYSTEMS.—

(1) INAPPLICABILITY.—Except as provided under paragraph (2), this title does not apply to national security systems as defined in section 5142 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1452).

(2) APPLICABILITY.—Sections 202, 203, 210, and 214 of this title do apply to national security systems to the extent practicable and consistent with law.

SEC. 203. COMPATIBILITY OF EXECUTIVE AGENCY METHODS FOR USE AND ACCEPTANCE OF ELECTRONIC SIGNATURES.

(a) PURPOSE.—The purpose of this section is to achieve interoperable implementation of electronic signatures for appropriately secure electronic transactions with Government.

(b) ELECTRONIC SIGNATURES.—In order to fulfill the objectives of the Government Paperwork Elimination Act (Public Law 105–277; 112 Stat. 2681–749 through 2681–751), each Executive agency (as defined under section 105 of title 5, United States Code) shall ensure that its methods for use and acceptance of electronic signatures are compatible with the relevant policies and procedures issued by the Director.

(c) AUTHORITY FOR ELECTRONIC SIGNATURES.—The Administrator of General Services shall support the Director by establishing a framework to allow efficient interoperability among Executive agencies when using electronic signatures, including processing of digital signatures.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the General Services Administration, to ensure the development and operation of a Federal bridge certification authority for digital signature compatibility, or for other activities consistent with this section, $8,000,000 in fiscal year 2003, and such sums as are necessary for each fiscal year thereafter.

SEC. 204. FEDERAL INTERNET PORTAL.

(a) IN GENERAL.—

(1) PUBLIC ACCESS.—The Director shall work with the Administrator of the General Services Administration and other agencies to maintain and promote an integrated Internet-based system of providing the public with access to Government information and services.

(2) CRITERIA.—To the extent practicable, the integrated system shall be designed and operated according to the following criteria:

(A) The provision of Internet-based Government information and services directed to key groups, including citizens, business, and other governments, and integrated according to function or topic rather than separated according to the boundaries of agency jurisdiction.

(B) An ongoing effort to ensure that Internet-based Government services relevant to a given citizen activity are available from a single point.

(C) Access to Federal Government information and services consolidated, as appropriate, with Internet-based information and services provided by State, local, and tribal governments.

(D) Access to Federal Government information held by 1 or more agencies shall be made available in a manner that protects privacy, consistent with law.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the General Services Administration $15,000,000 for the maintenance, improvement, and promotion of the integrated Internet-based system for fiscal year 2003, and such sums as are necessary for fiscal years 2004 through 2007.

SEC. 205. FEDERAL COURTS.

(a) INDIVIDUAL COURT WEBSITES.—The Chief Justice of the United States, the chief judge of each circuit and district, and the chief bankruptcy judge of each district shall establish with respect to the Supreme Court or the respective court of appeals, district, or bankruptcy court of a district, a website that contains the following information or links to websites with the following information:

(1) Location and contact information for the courthouse, including the telephone numbers and contact names for the clerk's office and justices' or judges' chambers.

(2) Local rules and standing or general orders of the court.

(3) Individual rules, if in existence, of each justice or judge in that court.

(4) Access to docket information for each case.

(5) Access to the substance of all written opinions issued by the court, regardless of whether such opinions are to be published in the official court reporter, in a text searchable format.

(6) Access to all documents filed with the courthouse in electronic form, described under subsection (c).

(7) Any other information (including forms in a format that can be downloaded) that the court determines useful to the public.

(b) MAINTENANCE OF DATA ONLINE.—

(1) UPDATE OF INFORMATION.—The information and rules on each website shall be updated regularly and kept reasonably current.

(2) CLOSED CASES.—Electronic files and docket information for cases closed for more than 1 year are not required to be made available online, except all written opinions with a date of issuance after the effective date of this section shall remain available online.

(c) ELECTRONIC FILINGS.—

(1) IN GENERAL.—Except as provided under paragraph (2), each court shall make any document that is filed electronically publicly available online. A court may convert any document that is filed in paper form to electronic form. To the extent such conversions are made, all such electronic versions of the document shall be made available online.

(2) EXCEPTIONS.—Documents that are filed that are not otherwise available to the public, such as documents filed under seal, shall not be made available online.

(3) PRIVACY AND SECURITY CONCERNS.—The Judicial Conference of the United States may promulgate rules under this subsection to protect important privacy and security concerns.

(d) DOCKETS WITH LINKS TO DOCUMENTS.—The Judicial Conference of the United States shall explore the feasibility of technology to post online dockets with links allowing all filings, decisions, and rulings in each case to be obtained from the docket sheet of that case.

(e) COST OF PROVIDING ELECTRONIC DOCKETING INFORMATION.—Section 303(a) of the Judiciary Appropriations Act, 1992 (28 U.S.C. 1913 note) is amended in the first sentence by striking ''shall hereafter'' and inserting ''may, only to the extent necessary,''.

(f) TIME REQUIREMENTS.—Not later than 2 years after the effective date of this title, the websites under subsection (a) shall be established, except that access to documents filed in electronic form shall be established not later than 4 years after that effective date.

(g) DEFERRAL.—

(1) IN GENERAL.—

(A) ELECTION.—

(i) NOTIFICATION.—The Chief Justice of the United States, a chief judge, or chief bankruptcy judge may submit a notification to the Administrative Office of the United States Courts to defer compliance with any requirement of this section with respect to the Supreme Court, a court of appeals, district, or the bankruptcy court of a district.

(ii) CONTENTS.—A notification submitted under this subparagraph shall state—

(I) the reasons for the deferral; and

(II) the online methods, if any, or any alternative methods, such court or district is using to provide greater public access to information.

(B) EXCEPTION.—To the extent that the Supreme Court, a court of appeals, district, or bankruptcy court of a district maintains a website under subsection (a), the Supreme Court or that court of appeals or district shall comply with subsection (b)(1).

(2) REPORT.—Not later than 1 year after the effective date of this title, and every year thereafter, the Judicial Conference of the United States shall submit a report to the Committees on Governmental Affairs and the Judiciary of the Senate and the Committees on Government Reform and the Judiciary of the House of Representatives that—

(A) contains all notifications submitted to the Administrative Office of the United States Courts under this subsection; and

(B) summarizes and evaluates all notifications.

SEC. 206. REGULATORY AGENCIES.

(a) PURPOSES.—The purposes of this section are to—

(1) improve performance in the development and issuance of agency regulations by using information technology to increase access, accountability, and transparency; and

(2) enhance public participation in Government by electronic means, consistent with requirements under subchapter II of chapter 5 of title 5, United States Code, (commonly referred to as the Administrative Procedures Act).

(b) INFORMATION PROVIDED BY AGENCIES ONLINE.—To the extent practicable as determined by the agency in consultation with the Director, each agency (as defined under section 551 of title 5, United States Code) shall ensure that a publicly accessible Federal Government website includes all information about that agency required to be published in the Federal Register under section 552(a)(1) of title 5, United States Code.

(c) SUBMISSIONS BY ELECTRONIC MEANS.—To the extent practicable, agencies shall accept submissions under section 553(c) of title 5, United States Code, by electronic means.

(d) ELECTRONIC DOCKETING.—

(1) IN GENERAL.—To the extent practicable, as determined by the agency in consultation with the Director, agencies shall ensure that a publicly accessible Federal Government website contains electronic dockets for rulemakings under section 553 of title 5, United States Code.

(2) INFORMATION AVAILABLE.—Agency electronic dockets shall make publicly available online to the extent practicable, as determined by the agency in consultation with the Director—

(A) all submissions under section 553(c) of title 5, United States Code; and

(B) other materials that by agency rule or practice are included in the rulemaking docket under section 553(c) of title 5, United States Code, whether or not submitted electronically.

(e) TIME LIMITATION.—Agencies shall implement the requirements of this section consistent with a timetable established by the Director and reported to Congress in the first annual report under section 3605 of title 44 (as added by this Act).

SEC. 207. ACCESSIBILITY, USABILITY, AND PRESERVATION OF GOVERNMENT INFORMATION.

(a) PURPOSE.—The purpose of this section is to improve the methods by which Government information, including information on the Internet, is organized, preserved, and made accessible to the public.

(b) DEFINITIONS.—In this section, the term—

(1) ''Committee'' means the Interagency Committee on Government Information established under subsection (c); and

(2) ''directory'' means a taxonomy of subjects linked to websites that—

(A) organizes Government information on the Internet according to subject matter; and

(B) may be created with the participation of human editors.

(c) INTERAGENCY COMMITTEE.—

(1) ESTABLISHMENT.—Not later than 90 days after the date of enactment of this title, the Director shall establish the Interagency Committee on Government Information.

(2) MEMBERSHIP.—The Committee shall be chaired by the Director or the designee of the Director and—

(A) shall include representatives from—

(i) the National Archives and Records Administration;

(ii) the offices of the Chief Information Officers from Federal agencies; and

(iii) other relevant officers from the executive branch; and

(B) may include representatives from the Federal legislative and judicial branches.

(3) FUNCTIONS.—The Committee shall—

(A) engage in public consultation to the maximum extent feasible, including consultation with interested communities such as public advocacy organizations;

(B) conduct studies and submit recommendations, as provided under this section, to the Director and Congress; and

(C) share effective practices for access to, dissemination of, and retention of Federal information.

(4) TERMINATION.—The Committee may be terminated on a date determined by the Director, except the Committee may not terminate before the Committee submits all recommendations required under this section.

(d) CATEGORIZING OF INFORMATION.—

(1) COMMITTEE FUNCTIONS.—Not later than 1 year after the date of enactment of this Act, the Committee shall submit recommendations to the Director on—

(A) the adoption of standards, which are open to the maximum extent feasible, to enable the organization and categorization of Government information—

(i) in a way that is searchable electronically, including by searchable identifiers; and

(ii) in ways that are interoperable across agencies;

(B) the definition of categories of Government information which should be classified under the standards; and

(C) determining priorities and developing schedules for the initial implementation of the standards by agencies.

(2) FUNCTIONS OF THE DIRECTOR.—Not later than 180 days after the submission of recommendations under paragraph (1), the Director shall issue policies—

(A) requiring that agencies use standards, which are open to the maximum extent feasible, to enable the organization and categorization of Government information—

(i) in a way that is searchable electronically, including by searchable identifiers;

(ii) in ways that are interoperable across agencies; and

(iii) that are, as appropriate, consistent with the standards promulgated by the Secretary of Commerce under section 3602(f)(8) of title 44, United States Code;

(B) defining categories of Government information which shall be required to be classified under the standards; and

(C) determining priorities and developing schedules for the initial implementation of the standards by agencies.

(3) MODIFICATION OF POLICIES.—After the submission of agency reports under paragraph (4), the Director shall modify the policies, as needed, in consultation with the Committee and interested parties.

(4) AGENCY FUNCTIONS.—Each agency shall report annually to the Director, in the report established under section 202(g), on compliance of that agency with the policies issued under paragraph (2)(A).

(e) PUBLIC ACCESS TO ELECTRONIC INFORMATION.—

(1) COMMITTEE FUNCTIONS.—Not later than 1 year after the date of enactment of this Act,

the Committee shall submit recommendations to the Director and the Archivist of the United States on—

(A) the adoption by agencies of policies and procedures to ensure that chapters 21, 25, 27, 29, and 31 of title 44, United States Code, are applied effectively and comprehensively to Government information on the Internet and to other electronic records; and

(B) the imposition of timetables for the implementation of the policies and procedures by agencies.

(2) FUNCTIONS OF THE ARCHIVIST.—Not later than 180 days after the submission of recommendations by the Committee under paragraph (1), the Archivist of the United States shall issue policies—

(A) requiring the adoption by agencies of policies and procedures to ensure that chapters 21, 25, 27, 29, and 31 of title 44, United States Code, are applied effectively and comprehensively to Government information on the Internet and to other electronic records; and

(B) imposing timetables for the implementation of the policies, procedures, and technologies by agencies.

(3) MODIFICATION OF POLICIES.—After the submission of agency reports under paragraph (4), the Archivist of the United States shall modify the policies, as needed, in consultation with the Committee and interested parties.

(4) AGENCY FUNCTIONS.—Each agency shall report annually to the Director, in the report established under section 202(g), on compliance of that agency with the policies issued under paragraph (2)(A).

(f) AVAILABILITY OF GOVERNMENT INFORMATION ON THE INTERNET.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, each agency shall—

(A) consult with the Committee and solicit public comment;

(B) determine which Government information the agency intends to make available and accessible to the public on the Internet and by other means;

(C) develop priorities and schedules for making that Government information available and accessible;

(D) make such final determinations, priorities, and schedules available for public comment;

(E) post such final determinations, priorities, and schedules on the Internet; and

(F) submit such final determinations, priorities, and schedules to the Director, in the report established under section 202(g).

(2) UPDATE.—Each agency shall update determinations, priorities, and schedules of the agency, as needed, after consulting with the Committee and soliciting public comment, if appropriate.

(g) ACCESS TO FEDERALLY FUNDED RESEARCH AND DEVELOPMENT.—

(1) DEVELOPMENT AND MAINTENANCE OF GOVERNMENTWIDE REPOSITORY AND WEBSITE.—

(A) REPOSITORY AND WEBSITE.—The Director of the National Science Foundation, working with the Director of the Office of Science and Technology Policy and other relevant agencies, shall ensure the development and maintenance of—

(i) a repository that fully integrates, to the maximum extent feasible, information about research and development funded by the Federal Government, and the repository shall—

(I) include information about research and development funded by the Federal Government and performed by—

(aa) institutions not a part of the Federal Government, including State, local, and foreign governments; industrial firms; educational institutions; not-for-profit organizations; federally funded research and development center; and private individuals; and

(bb) entities of the Federal Government, including research and development laboratories, centers, and offices; and

(II) integrate information about each separate research and development task or award, including—

(aa) the dates upon which the task or award is expected to start and end;

(bb) a brief summary describing the objective and the scientific and technical focus of the task or award;

(cc) the entity or institution performing the task or award and its contact information;

(dd) the total amount of Federal funds expected to be provided to the task or award over its lifetime and the amount of funds expected to be provided in each fiscal year in which the work of the task or award is ongoing;

(ee) any restrictions attached to the task or award that would prevent the sharing with the general public of any or all of the information required by this subsection, and the reasons for such restrictions; and

(ff) such other information as may be determined to be appropriate; and

(ii) 1 or more websites upon which all or part of the repository of Federal research and development shall be made available to and searchable by Federal agencies and non-Federal entities, including the general public, to facilitate—

(I) the coordination of Federal research and development activities;

(II) collaboration among those conducting Federal research and development;

(III) the transfer of technology among Federal agencies and between Federal agencies and non-Federal entities; and

(IV) access by policymakers and the public to information concerning Federal research and development activities.

(B) OVERSIGHT.—The Director of the Office of Management and Budget shall issue any guidance determined necessary to ensure that agencies provide all information requested under this subsection.

(2) AGENCY FUNCTIONS.—Any agency that funds Federal research and development under this subsection shall provide the information required to populate the repository in the manner prescribed by the Director of the Office of Management and Budget.

(3) COMMITTEE FUNCTIONS.—Not later than 18 months after the date of enactment of this Act, working with the Director of the Office of Science and Technology Policy, and after consultation with interested parties, the Committee shall submit recommendations to the Director on—

(A) policies to improve agency reporting of information for the repository established under this subsection; and

(B) policies to improve dissemination of the results of research performed by Federal agencies and federally funded research and development centers.

(4) FUNCTIONS OF THE DIRECTOR.—After submission of recommendations by the Committee under paragraph (3), the Director shall report on the recommendations of the Committee and Director to Congress, in the E-Government report under section 3605 of title 44 (as added by this Act).

(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the National Science Foundation for the development, maintenance, and operation of the Governmentwide repository and website under this subsection—

(A) $2,000,000 in each of the fiscal years 2003 through 2005; and

(B) such sums as are necessary in each of the fiscal years 2006 and 2007.

(h) PUBLIC DOMAIN DIRECTORY OF PUBLIC FEDERAL GOVERNMENT WEBSITES.—

(1) ESTABLISHMENT.—Not later than 2 years after the effective date of this title, the Director and each agency shall—

(A) develop and establish a public domain directory of public Federal Government websites; and

(B) post the directory on the Internet with a link to the integrated Internet-based system established under section 204.

(2) DEVELOPMENT.—With the assistance of each agency, the Director shall—

(A) direct the development of the directory through a collaborative effort, including input from—

(i) agency librarians;

(ii) information technology managers;

(iii) program managers;

(iv) records managers;

(v) Federal depository librarians; and

(vi) other interested parties; and

(B) develop a public domain taxonomy of subjects used to review and categorize public Federal Government websites.

(3) UPDATE.—With the assistance of each agency, the Administrator of the Office of Electronic Government shall—

(A) update the directory as necessary, but not less than every 6 months; and

(B) solicit interested persons for improvements to the directory.

(i) STANDARDS FOR AGENCY WEBSITES.—Not later than 18 months after the effective date of this title, the Director shall promulgate guidance for agency websites that include—

(1) requirements that websites include direct links to—

(A) descriptions of the mission and statutory authority of the agency;

(B) the electronic reading rooms of the agency relating to the disclosure of information under section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act);

(C) information about the organizational structure of the agency; and

(D) the strategic plan of the agency developed under section 306 of title 5, United States Code; and

(2) minimum agency goals to assist public users to navigate agency websites, including—

(A) speed of retrieval of search results;

(B) the relevance of the results;

(C) tools to aggregate and disaggregate data; and

(D) security protocols to protect information.

SEC. 208. PRIVACY PROVISIONS.

(a) PURPOSE.—The purpose of this section is to ensure sufficient protections for the privacy of personal information as agencies implement citizen-centered electronic Government.

(b) PRIVACY IMPACT ASSESSMENTS.—

(1) RESPONSIBILITIES OF AGENCIES.—

(A) IN GENERAL.—An agency shall take actions described under subparagraph (B) before—

(i) developing or procuring information technology that collects, maintains, or disseminates information that includes any identifier permitting the physical or online contacting of a specific individual; or

(ii) initiating a new collection of information that—

(I) will be collected, maintained, or disseminated using information technology; and

(II) includes any identifier permitting the physical or online contacting of a specific individual, if the information concerns 10 or more persons.

(B) AGENCY ACTIVITIES.—To the extent required under subparagraph (A), each agency shall—

(i) conduct a privacy impact assessment;

(ii) ensure the review of the privacy impact assessment by the Chief Information Officer,

or equivalent official, as determined by the head of the agency; and

(iii) if practicable, after completion of the review under clause (ii), make the privacy impact assessment publicly available through the website of the agency, publication in the Federal Register, or other means.

(C) SENSITIVE INFORMATION.—Subparagraph (B)(iii) may be modified or waived for security reasons, or to protect classified, sensitive, or private information contained in an assessment.

(D) COPY TO DIRECTOR.—Agencies shall provide the Director with a copy of the privacy impact assessment for each system for which funding is requested.

(2) CONTENTS OF A PRIVACY IMPACT ASSESSMENT.—

(A) IN GENERAL.—The Director shall issue guidance to agencies specifying the required contents of a privacy impact assessment.

(B) GUIDANCE.—The guidance shall—

(i) ensure that a privacy impact assessment is commensurate with the size of the information system being assessed, the sensitivity of personally identifiable information in that system, and the risk of harm from unauthorized release of that information; and

(ii) require that a privacy impact assessment address—

(I) what information is to be collected;

(II) why the information is being collected;

(III) the intended use of the agency of the information;

(IV) with whom the information will be shared;

(V) what notice or opportunities for consent would be provided to individuals regarding what information is collected and how that information is shared;

(VI) how the information will be secured; and

(VII) whether a system of records is being created under section 552a of title 5, United States Code, (commonly referred to as the Privacy Act).

(3) RESPONSIBILITIES OF THE DIRECTOR.—The Director shall—

(A) develop policies and guidelines for agencies on the conduct of privacy impact assessments;

(B) oversee the implementation of the privacy impact assessment process throughout the Government; and

(C) require agencies to conduct privacy impact assessments of existing information systems or ongoing collections of personally identifiable information as the Director determines appropriate.

(c) PRIVACY PROTECTIONS ON AGENCY WEBSITES.—

(1) PRIVACY POLICIES ON WEBSITES.—

(A) GUIDELINES FOR NOTICES.—The Director shall develop guidance for privacy notices on agency websites used by the public.

(B) CONTENTS.—The guidance shall require that a privacy notice address, consistent with section 552a of title 5, United States Code—

(i) what information is to be collected;

(ii) why the information is being collected;

(iii) the intended use of the agency of the information;

(iv) with whom the information will be shared;

(v) what notice or opportunities for consent would be provided to individuals regarding what information is collected and how that information is shared;

(vi) how the information will be secured; and

(vii) the rights of the individual under section 552a of title 5, United States Code (commonly referred to as the Privacy Act), and other laws relevant to the protection of the privacy of an individual.

(2) PRIVACY POLICIES IN MACHINE-READABLE FORMATS.—The Director shall issue guidance requiring agencies to translate privacy policies into a standardized machine-readable format.

SEC. 209. FEDERAL INFORMATION TECHNOLOGY WORKFORCE DEVELOPMENT.

(a) PURPOSE.—The purpose of this section is to improve the skills of the Federal workforce in using information technology to deliver Government information and services.

(b) IN GENERAL.—In consultation with the Director, the Chief Information Officers Council, and the Administrator of General Services, the Director of the Office of Personnel Management shall—

(1) analyze, on an ongoing basis, the personnel needs of the Federal Government related to information technology and information resource management;

(2) oversee the development of curricula, training methods, and training priorities that correspond to the projected personnel needs of the Federal Government related to information technology and information resource management; and

(3) assess the training of Federal employees in information technology disciplines, as necessary, in order to ensure that the information resource management needs of the Federal Government are addressed.

(c) EMPLOYEE PARTICIPATION.—Subject to information resource management needs and the limitations imposed by resource needs in other occupational areas, and consistent with their overall workforce development strategies, agencies shall encourage employees to participate in occupational information technology training.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Office of Personnel Management for the implementation of this section, $7,000,000 in fiscal year 2003, and such sums as are necessary for each fiscal year thereafter.

SEC. 210. COMMON PROTOCOLS FOR GEOGRAPHIC INFORMATION SYSTEMS.

(a) PURPOSES.—The purposes of this section are to—

(1) reduce redundant data collection and information; and

(2) promote collaboration and use of standards for government geographic information.

(b) DEFINITION.—In this section, the term ''geographic information'' means information systems that involve locational data, such as maps or other geospatial information resources.

(c) IN GENERAL.—

(1) COMMON PROTOCOLS.—The Secretary of the Interior, working with the Director and through an interagency group, and working with private sector experts, State, local, and tribal governments, commercial and international standards groups, and other interested parties, shall facilitate the development of common protocols for the development, acquisition, maintenance, distribution, and application of geographic information. If practicable, the Secretary of the Interior shall incorporate intergovernmental and public private geographic information partnerships into efforts under this subsection.

(2) INTERAGENCY GROUP.—The interagency group referred to under paragraph (1) shall include representatives of the National Institute of Standards and Technology and other agencies.

(d) DIRECTOR.—The Director shall oversee—

(1) the interagency initiative to develop common protocols;

(2) the coordination with State, local, and tribal governments, public private partnerships, and other interested persons on effective and efficient ways to align geographic information and develop common protocols; and

(3) the adoption of common standards relating to the protocols.

(e) COMMON PROTOCOLS.—The common protocols shall be designed to—

(1) maximize the degree to which unclassified geographic information from various sources can be made electronically compatible and accessible; and

(2) promote the development of interoperable geographic information systems technologies that shall—

(A) allow widespread, low-cost use and sharing of geographic data by Federal agencies, State, local, and tribal governments, and the public; and

(B) enable the enhancement of services using geographic data.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of the Interior such sums as are necessary to carry out this section, for each of the fiscal years 2003 through 2007.

SEC. 211. SHARE-IN-SAVINGS PROGRAM IMPROVEMENTS.

Section 5311 of the Clinger-Cohen Act of 1996 (divisions D and E of Public Law 104–106; 110 Stat. 692; 40 U.S.C. 1491) is amended—

(1) in subsection (a)—

(A) by striking ''the heads of two executive agencies to carry out'' and inserting ''heads of executive agencies to carry out a total of 5 projects under'';

(B) by striking ''and'' at the end of paragraph (1);

(C) by striking the period at the end of paragraph (2) and inserting ''; and''; and

(D) by adding at the end the following:

''(3) encouraging the use of the contracting and sharing approach described in paragraphs (1) and (2) by allowing the head of the executive agency conducting a project under the pilot program—

''(A) to retain, until expended, out of the appropriation accounts of the executive agency in which savings computed under paragraph (2) are realized as a result of the project, up to the amount equal to half of the excess of—

''(i) the total amount of the savings; over

''(ii) the total amount of the portion of the savings paid to the private sector source for such project under paragraph (2); and

''(B) to use the retained amount to acquire additional information technology.'';

(2) in subsection (b)—

(A) by inserting ''a project under'' after ''authorized to carry out''; and

(B) by striking ''carry out one project and''; and

(3) in subsection (c), by inserting before the period ''and the Administrator for the Office of Electronic Government''; and

(4) by inserting after subsection (c) the following:

''(d) REPORT.—

''(1) IN GENERAL.—After 5 pilot projects have been completed, but no later than 3 years after the effective date of this subsection, the Director shall submit a report on the results of the projects to the Committee on Governmental Affairs of the Senate and the Committee on Government Reform of the House of Representatives.

''(2) CONTENTS.—The report under paragraph (1) shall include—

''(A) a description of the reduced costs and other measurable benefits of the pilot projects;

''(B) a description of the ability of agencies to determine the baseline costs of a project against which savings would be measured; and

''(C) recommendations of the Director relating to whether Congress should provide general authority to the heads of executive agencies to use a share-in-savings contracting approach to the acquisition of information technology solutions for improving

mission-related or administrative processes of the Federal Government.''.

SEC. 212. INTEGRATED REPORTING STUDY AND PILOT PROJECTS.

(a) PURPOSES.—The purposes of this section are to—

(1) enhance the interoperability of Federal information systems;

(2) assist the public, including the regulated community, in electronically submitting information to agencies under Federal requirements, by reducing the burden of duplicate collection and ensuring the accuracy of submitted information; and

(3) enable any person to integrate and obtain similar information held by 1 or more agencies under 1 or more Federal requirements without violating the privacy rights of an individual.

(b) DEFINITIONS.—In this section, the term—

(1) ''agency'' means an Executive agency as defined under section 105 of title 5, United States Code; and

(2) ''person'' means any individual, trust, firm, joint stock company, corporation (including a government corporation), partnership, association, State, municipality, commission, political subdivision of a State, interstate body, or agency or component of the Federal Government.

(c) REPORT.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Director shall oversee a study, in consultation with agencies, the regulated community, public interest organizations, and the public, and submit a report to the Committee on Governmental Affairs of the Senate and the Committee on Government Reform of the House of Representatives on progress toward integrating Federal information systems across agencies.

(2) CONTENTS.—The report under this section shall—

(A) address the integration of data elements used in the electronic collection of information within databases established under Federal statute without reducing the quality, accessibility, scope, or utility of the information contained in each database;

(B) address the feasibility of developing, or enabling the development of, software, including Internet-based tools, for use by reporting persons in assembling, documenting, and validating the accuracy of information electronically submitted to agencies under nonvoluntary, statutory, and regulatory requirements;

(C) address the feasibility of developing a distributed information system involving, on a voluntary basis, at least 2 agencies, that—

(i) provides consistent, dependable, and timely public access to the information holdings of 1 or more agencies, or some portion of such holdings, including the underlying raw data, without requiring public users to know which agency holds the information; and

(ii) allows the integration of public information held by the participating agencies;

(D) address the feasibility of incorporating other elements related to the purposes of this section at the discretion of the Director; and

(E) make recommendations that Congress or the executive branch can implement, through the use of integrated reporting and information systems, to reduce the burden on reporting and strengthen public access to databases within and across agencies.

(d) PILOT PROJECTS TO ENCOURAGE INTEGRATED COLLECTION AND MANAGEMENT OF DATA AND INTEROPERABILITY OF FEDERAL INFORMATION SYSTEMS.—

(1) IN GENERAL.—In order to provide input to the study under subsection (c), the Director shall designate, in consultation with agencies, a series of no more than 5 pilot projects that integrate data elements. The Director shall consult with agencies, the regulated community, public interest organizations, and the public on the implementation of the pilot projects.

(2) GOALS OF PILOT PROJECTS.—

(A) IN GENERAL.—Each goal described under subparagraph (B) shall be addressed by at least 1 pilot project each.

(B) GOALS.—The goals under this paragraph are to—

(i) reduce information collection burdens by eliminating duplicative data elements within 2 or more reporting requirements;

(ii) create interoperability between or among public databases managed by 2 or more agencies using technologies and techniques that facilitate public access; and

(iii) develop, or enable the development of, software to reduce errors in electronically submitted information.

(3) INPUT.—Each pilot project shall seek input from users on the utility of the pilot project and areas for improvement. To the extent practicable, the Director shall consult with relevant agencies and State, tribal, and local governments in carrying out the report and pilot projects under this section.

(e) PRIVACY PROTECTIONS.—The activities authorized under this section shall afford protections for—

(1) confidential business information consistent with section 552(b)(4) of title 5, United States Code, and other relevant law;

(2) personal privacy information under sections 552(b) (6) and (7)(C) and 552a of title 5, United States Code, and other relevant law; and

(3) other information consistent with section 552(b)(3) of title 5, United States Code, and other relevant law.

SEC. 213. COMMUNITY TECHNOLOGY CENTERS.

(a) PURPOSES.—The purposes of this section are to—

(1) study and enhance the effectiveness of community technology centers, public libraries, and other institutions that provide computer and Internet access to the public; and

(2) promote awareness of the availability of on-line government information and services, to users of community technology centers, public libraries, and other public facilities that provide access to computer technology and Internet access to the public.

(b) STUDY AND REPORT.—Not later than 2 years after the effective date of this title, the Secretary of Education, in consultation with the Secretary of Housing and Urban Development, the Secretary of Commerce, the Director of the National Science Foundation, and the Director of the Institute of Museum and Library Services, shall—

(1) conduct a study to evaluate the best practices of community technology centers that have received Federal funds; and

(2) submit a report on the study to—

(A) the Committee on Governmental Affairs of the Senate;

(B) the Committee on Health, Education, Labor, and Pensions of the Senate;

(C) the Committee on Government Reform of the House of Representatives; and

(D) the Committee on Education and the Workforce of the House of Representatives.

(c) CONTENTS.—The report under subsection (b) may consider—

(1) an evaluation of the best practices being used by successful community technology centers;

(2) a strategy for—

(A) continuing the evaluation of best practices used by community technology centers; and

(B) establishing a network to share information and resources as community technology centers evolve;

(3) the identification of methods to expand the use of best practices to assist community technology centers, public libraries, and other institutions that provide computer and Internet access to the public;

(4) a database of all community technology centers that have received Federal funds, including—

(A) each center's name, location, services provided, director, other points of contact, number of individuals served; and

(B) other relevant information;

(5) an analysis of whether community technology centers have been deployed effectively in urban and rural areas throughout the Nation; and

(6) recommendations of how to—

(A) enhance the development of community technology centers; and

(B) establish a network to share information and resources.

(d) COOPERATION.—All agencies that fund community technology centers shall provide to the Department of Education any information and assistance necessary for the completion of the study and the report under this section.

(e) ASSISTANCE.—

(1) IN GENERAL.—The Secretary of the Department of Education shall work with other relevant Federal agencies, and other interested persons in the private and nonprofit sectors to—

(A) assist in the implementation of recommendations; and

(B) identify other ways to assist community technology centers, public libraries, and other institutions that provide computer and Internet access to the public.

(2) TYPES OF ASSISTANCE.—Assistance under this subsection may include—

(A) contribution of funds;

(B) donations of equipment, and training in the use and maintenance of the equipment; and

(C) the provision of basic instruction or training material in computer skills and Internet usage.

(f) ONLINE TUTORIAL.—

(1) IN GENERAL.—The Secretary of Education, in consultation with the Director of the Institute of Museum and Library Services, the Director of the National Science Foundation, other relevant agencies, and the public, shall develop an online tutorial that—

(A) explains how to access Government information and services on the Internet; and

(B) provides a guide to available online resources.

(2) DISTRIBUTION.—The Secretary of Education shall distribute information on the tutorial to community technology centers, public libraries, and other institutions that afford Internet access to the public.

(g) PROMOTION OF COMMUNITY TECHNOLOGY CENTERS.—In consultation with other agencies and organizations, the Department of Education shall promote the availability of community technology centers to raise awareness within each community where such a center is located.

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of Education for the study of best practices at community technology centers, for the development and dissemination of the online tutorial, and for the promotion of community technology centers under this section—

(1) $2,000,000 in fiscal year 2003;

(2) $2,000,000 in fiscal year 2004; and

(3) such sums as are necessary in fiscal years 2005 through 2007.

SEC. 214. ENHANCING CRISIS MANAGEMENT THROUGH ADVANCED INFORMATION TECHNOLOGY.

(a) PURPOSE.—The purpose of this section is to improve how information technology is

used in coordinating and facilitating information on disaster preparedness, response, and recovery, while ensuring the availability of such information across multiple access channels.

(b) IN GENERAL.—

(1) STUDY ON ENHANCEMENT OF CRISIS RESPONSE.—Not later than 90 days after the date of enactment of this Act, the Federal Emergency Management Agency shall enter into a contract to conduct a study on using information technology to enhance crisis preparedness, response, and consequence management of natural and manmade disasters.

(2) CONTENTS.—The study under this subsection shall address—

(A) a research and implementation strategy for effective use of information technology in crisis response and consequence management, including the more effective use of technologies, management of information technology research initiatives, and incorporation of research advances into the information and communications systems of—

(i) the Federal Emergency Management Agency; and

(ii) other Federal, State, and local agencies responsible for crisis preparedness, response, and consequence management; and

(B) opportunities for research and development on enhanced technologies into areas of potential improvement as determined during the course of the study.

(3) REPORT.—Not later than 2 years after the date on which a contract is entered into under paragraph (1), the Federal Emergency Management Agency shall submit a report on the study, including findings and recommendations to—

(A) the Committee on Governmental Affairs of the Senate; and

(B) the Committee on Government Reform of the House of Representatives.

(4) INTERAGENCY COOPERATION.—Other Federal departments and agencies with responsibility for disaster relief and emergency assistance shall fully cooperate with the Federal Emergency Management Agency in carrying out this section.

(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Federal Emergency Management Agency for research under this subsection, such sums as are necessary for fiscal year 2003.

(c) PILOT PROJECTS.—Based on the results of the research conducted under subsection (b), the Federal Emergency Management Agency shall initiate pilot projects or report to Congress on other activities that further the goal of maximizing the utility of information technology in disaster management. The Federal Emergency Management Agency shall cooperate with other relevant agencies, and, if appropriate, State, local, and tribal governments, in initiating such pilot projects.

SEC. 215. DISPARITIES IN ACCESS TO THE INTERNET.

(a) STUDY AND REPORT.—

(1) STUDY.—Not later than 90 days after the date of enactment of this Act, the Director of the National Science Foundation shall request that the National Academy of Sciences, acting through the National Research Council, enter into a contract to conduct a study on disparities in Internet access for online Government services.

(2) REPORT.—Not later than 2 years after the date of enactment of this Act, the Director of the National Science Foundation shall submit to the Committee on Governmental Affairs of the Senate and the Committee on Government Reform of the House of Representatives a final report of the study under this section, which shall set forth the findings, conclusions, and recommendations of the National Research Council.

(b) CONTENTS.—The report under subsection (a) shall include a study of—

(1) how disparities in Internet access influence the effectiveness of online Government services, including a review of—

(A) the nature of disparities in Internet access;

(B) the affordability of Internet service;

(C) the incidence of disparities among different groups within the population; and

(D) changes in the nature of personal and public Internet access that may alleviate or aggravate effective access to online Government services;

(2) how the increase in online Government services is influencing the disparities in Internet access and how technology development or diffusion trends may offset such adverse influences; and

(3) related societal effects arising from the interplay of disparities in Internet access and the increase in online Government services.

(c) RECOMMENDATIONS.—The report shall include recommendations on actions to ensure that online Government initiatives shall not have the unintended result of increasing any deficiency in public access to Government services.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the National Science Foundation $950,000 in fiscal year 2003 to carry out this section.

SEC. 216. NOTIFICATION OF OBSOLETE OR COUNTERPRODUCTIVE PROVISIONS.

If the Director of the Office of Management and Budget makes a determination that any provision of this Act (including any amendment made by this Act) is obsolete or counterproductive to the purposes of this Act, as a result of changes in technology or any other reason, the Director shall submit notification of that determination to—

(1) the Committee on Governmental Affairs of the Senate; and

(2) the Committee on Government Reform of the House of Representatives.

TITLE III—GOVERNMENT INFORMATION SECURITY

SEC. 301. INFORMATION SECURITY.

(a) ADDITION OF SHORT TITLE.—Subtitle G of title X of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–266) is amended by inserting after the heading for the subtitle the following new section:

"SEC. 1060. SHORT TITLE.

''This subtitle may be cited as the 'Government Information Security Reform Act'.''.

(b) CONTINUATION OF AUTHORITY.—

(1) IN GENERAL.—Section 3536 of title 44, United States Code, is repealed.

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 35 of title 44, United States Code, is amended by striking the item relating to section 3536.

TITLE IV—AUTHORIZATION OF APPROPRIATIONS AND EFFECTIVE DATES

SEC. 401. AUTHORIZATION OF APPROPRIATIONS.

Except for those purposes for which an authorization of appropriations is specifically provided in title I or II, including the amendments made by such titles, there are authorized to be appropriated such sums as are necessary to carry out titles I and II for each of fiscal years 2003 through 2007.

SEC. 402. EFFECTIVE DATES.

(a) TITLES I AND II.—

(1) IN GENERAL.—Except as provided under paragraph (2), titles I and II and the amendments made by such titles shall take effect 120 days after the date of enactment of this Act.

(2) IMMEDIATE ENACTMENT.—Sections 207, 214, 215, and 216 shall take effect on the date of enactment of this Act.

(b) TITLES III AND IV.—Title III and this title shall take effect on the date of enactment of this Act.

NOTICES OF HEARINGS/MEETINGS

JOINT COMMITTEE ON PRINTING

Mr. DAYTON. Mr. President, I wish to announce that the Joint Committee on Printing will meet in SR–301, Russell Senate Office Building, on Wednesday, July 10, 2002, at 11:00 a.m. The Committee will meet to hold a hearing to receive testimony from The Honorable Mitchell E. Daniels, Jr., Director, Office of Management and Budget; The Honorable Michael F. DiMario, Public Printer, United States Government Printing Office; Ms. Julia F. Wallace, Regional Depository Librarian, representing the American Library Association, the American Association of Law Libraries, the Association of Research Libraries, and the Medical Library Association; Mr. Benjamin Y. Cooper, Executive Vice President for Public Affairs, Printing Industries of America; and Mr. William J. Boarman, President, Printing, Publishing and Media Workers Sector, Communications Workers of America, on Federal Government printing and public access to government documents.

Individuals and organizations interested in submitting a statement for the hearing record are requested to call Mr. Matthew McGowan, Staff Director of the Joint Committee on Printing, on 224–3244. For further information regarding the hearing, please contact Mr. McGowan.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Thursday, June 27, 2002, at 10 a.m. to conduct an oversight hearing on ''The Preliminary Findings of the Commission on Affordable Housing and Health Facility Needs for Seniors in the 21st Century.''

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet on Thursday, June 27, 2002, at 9:30 a.m. to conduct a business meeting to consider the following: S. 351, the Mercury Reduction and Disposal Act of 2001; S. 556, the Clean Power Act of 2002; S. 2664, the First Responder Terrorism Preparedness Act of 2002; H.R. 3322, the Bear River Migratory Bird Refuge Visitor Center Act; H.R. 3958, the Bear River Migratory Bird Refuge Settlement Act of 2002; and Subpoena for new source review documentation to the Environmental Protection Agency.

The business meeting will be held in SD–406.

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

COMMITTEE ON FINANCE

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Thursday, June 27, 2002 at 10 a.m. to consider the Nomination of Charlotte A. Lane, of West Virginia, to be a member of the United States International Trade Commission.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, June 27, 2002 at 2:30 p.m. to hold a hearing relating to Human Rights in Central Asia.

Agenda

Witnesses

Panel 1: The Honorable Lorne Craner, Assistant Secretary for Democracy, Human Rights, and Labor, Department of State, Washington, DC; the Honorable J.D. Crouch, Assistant Secretary for International Security Policy, Department of Defense, Washington, DC; and Mr. Lynn Pascoe, Deputy Assistant Secretary for Central Asia, Department of State, Washington, DC.

Panel 2: Ms. Martha Brill Olcott, Senior Associate, Carnegie Endowment for International Peace, Washington, DC; and the Honorable William Courtney, Former U.S. Ambassador to Kazakhstan and Georgia, Former Senior Advisor to the National Security Council, Senior Vice President, National Security Programs, DynCorp, Washington, DC.

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

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Government Affairs be authorized to meet on Thursday, June 27, 2002 at 1 p.m. for the purpose of holding a hearing to ''Review the Relationship Between a Department of Homeland Security and the Intelligence Community.''

The PRESIDING OFFICER. Without objection, it is ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet for a hearing on ''Title IX: Building on 30 Years of Progress'' during the session of the Senate on Thursday, June 27, 2002, at 2:30 p.m. in SD–430.

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

COMMITTEE ON THE JUDICIARY

Mr. REID. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, June 27, 2002, at 10 a.m., in SD–226.

Agenda

Nominations

Lavenski R. Smith to be a U.S. Circuit Court Judge for the Eighth Circuit, and John M. Rogers to be a U.S. Circuit Court Judge for the Sixth Circuit.

Bills

S. 2134, Terrorism Victim's Access to Compensation Act of 2002 [Harkin/Allen];

H.R. 3375, Embassy Employee Compensation Act [Blunt];

S. 486, Innocent Protection Act [Leahy/Smith];

S. 2633, Reducing Americans' Vulnerability to Ecstasy Act [Biden/Grassley];

S. 862, State Criminal Alien Assistance Program Reauthorization Act of 2001 [Feinstein/Kyl/Durbin/Cantwell];

S. 1339, Persian Gulf POW/MIA Accountability Act of 2001 [Campbell/Kohl/Thurmond/Feinstein/Sessions/Schumer/McConnell/Durbin/Cantwell/Leahy];

S. 2395, Anticounterfeiting Amendments of 2002 [Biden]; and

S. 2513. DNA Sexual Assault Justice Act of 2002 [Biden/Cantwell//Clinton/Carper].

Resolutions

S. Res. 281, A resolution designating the week beginning August 25, 2002, as ''National Fraud Against Senior Citizens Awareness Week''. [Levin/Snowe];

S. Res. 284, A resolution expressing support for ''National Night Out'' and requesting that the President make neighborhood crime prevention, community policing, and reduction of school crime important priorities of the Administration. [Biden].

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

COMMITTEE ON THE JUDICIARY

Mr. REID. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on ''Judicial Nominations'' on Thursday, June 27, 2002 at 2 p.m. in Dirksen Room 226.

Agenda

Dennis Shedd, 4th Circuit; Terrence McVerry, Western District of Pennsylvania; and Arthur Schuab, Western District of Pennsylvania.

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

SUBCOMMITTEE ON SURFACE TRANSPORTATION AND MERCHANT MARINE AND THE APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION

Mr. REID. Mr. President, I ask unanimous consent that the Subcommittee on the Surface Transportation and Merchant Marine and the Appropriations Subcommittee on Transportation be authorized to meet on Thursday, June 27 2002, at 9:30 a.m. on Cross Border Trucking Issues.

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

PRIVILEGE OF THE FLOOR

Ms. LANDRIEU. Mr. President, I ask unanimous consent that privilege of the floor be granted to Cathy Haverstock, a legislative fellow in my office, for the remainder of the debate on this bill.

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

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations reported earlier today by the Armed Services Committee: Calendar Nos. 894 through 902 and all the nominations placed on the Secretary's desk.

I ask further that the nominations be confirmed, the motions to reconsider be laid on the table, any statements thereon be printed at the appropriate place in the RECORD as though read; that the President be immediately notified of the Senate's action; and that the Senate return to legislative session, with the preceding all occurring without any intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The nominations were considered and confirmed, as follows:

AIR FORCE

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be general

Gen. Ralph E. Eberhart, 7375

The following named officers for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

To be major general

Brigadier General Robert Damon Bishop, Jr., 9524
Brigadier General Robert W. Chedister, 3487
Brigadier General Trudy H. Clark, 2591
Brigadier General Richard L. Comer, 4255
Brigadier General Craig R. Cooning, 4416
Brigadier General Scott S. Custer, 2467
Brigadier General Felix Dupre, 5938
Brigadier General Edward R. Ellis, 9696
Brigadier General Leonard D. Fox, 1435
Brigadier General Terry L. Gabreski, 2941
Brigadier General Michael C. Gould, 3374
Brigadier General Jonathan S. Gration, 9630
Brigadier General William W. Hodges, 4545
Brigadier General Donald J. Hoffman, 5449
Brigadier General John L. Hudson, 5860
Brigadier General Claude R. Kehler, 6600
Brigadier General Christopher A. Kelly, 6369
Brigadier General Paul J. Lebras, 9625
Brigadier General John W. Rosa, Jr., 3351
Brigadier General Ronald F. Sams, 5888
Brigadier General Kevin J. Sullivan, 2930
Brigadier General Mark A. Welsh, III, 4911
Brigadier General Stephen G. Wood, 7553

ARMY

The following named officer for appointment in the United States Army to the grade indicated under title 10, U.S.C., section 624:

To be major general

Brig. Gen. John M. Urias, 6022

The following named officers for appointment in the Reserve of the Army to the

grades indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. George W. S. Read, 1278

To be brigadier general

Col. Larry Knightner, 5133

The following named officers for appointment in the Reserve of the Army to the grades indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. Edwin E. Spain, III, 8277

To be brigadier general

Col. Dennis E. Lutz, 9078

The following named officer for appointment as Assistant Surgeon General/Chief of the Dental Corps, United States Army and for appointment to the grade indicated under title 10, U.S.C., section 3039:

To be major general

Brig. Gen. Joseph G. Webb, Jr., 9082

The following named officers for appointment in the Reserve of the Army to the grades indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. Wayne M. Erck, 5508
Brig. Gen. Charles E. McCartney, Jr., 5546
Brig. Gen. Bruce E. Robinson, 2520

To be brigadier general

Col. David L. Evans, 3875
Col. William C. Kirkland, 4541
Col. James B. Mallory, III, 5088
Co. John P. McLaren, Jr., 4730

NAVY

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Rear Adm. Phillip M. Balisle, 3385

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Rear Adm. Robert F. Willard, 1564

NOMINATIONS PLACED ON THE SECRETARY'S DESK

AIR FORCE

PN1860 Air Force nomination of Sharon G. Harris, which was received by the Senate and appeared in the Congressional Record of June 7, 2002.

PN1861 Air Force nominations (3) beginning *Nicola A. Choate, and ending *Nicholas G. Viyouh, which nominations were received by the Senate and appeared in the Congressional Record of June 7, 2002.

PN1862 Air Force nominations (2) beginning Kathleen N. Echiverri, and ending Jeffrey E. Haymond, which nominations were received by the Senate and appeared in the Congressional Record of June 7, 2002.

ARMY

PN1809 Army nominations (14) beginning *Timothy C. Beaulieu, and ending William E. Wheeler, which nominations were received by the Senate and appeared in the Congressional Record of June 4, 2002.

PN1810 Army nominations (14) beginning Duane A. Belote, and ending *Neal E. Woollen, which nominations were received by the Senate and appeared in the Congressional Record of June 4, 2002.

PN1811 Army nominations (35) beginning John C. Aupke, and ending Steven R. Young, which nominations were received by the Senate and appeared in the Congressional Record of June 4, 2002.

PN1812 Army nominations (78) beginning Ann M. Altman, and ending *Angelia L. Wherry, which nominations were received by the Senate and appeared in the Congressional Record of June 4, 2002.

PN1813 Army nominations (123) beginning Ryo S. Chun, and ending John K. Zaugg, which nominations were received by the Senate and appeared in the Congressional Record of June 4, 2002.

PN1830 Army nomination of Michael J. Meese, which was received by the Senate and appeared in the Congressional Record of June 5, 2002.

PN1831 Army nominations (4) beginning Steven A. Beyer, and ending James F. Roth, which nominations were received by the Senate and appeared in the Congressional Record of June 5, 2002.

PN1832 Army nomination of Jay A. Jupiter, which were received by the Senate and appeared in the Congressional Record of June 5, 2002.

PN1833 Army nomination of Andrew D. Magnet, which were received by the Senate and appeared in the Congressional Record of June 5, 2002.

PN1834 Army nominations (9) beginning Bernard Coleman, and ending Michael A. Stone, which nominations were received by the Senate and appeared in the Congressional Record of June 5, 2002.

PN1865 Army nomination of Robert A. Mason, which was received by the Senate and appeared in the Congressional Record of June 7, 2002.

PN1866 Army nominations (3) beginning Richard E. Humston, and ending Dwight D. Riggs, which nominations were received by the Senate and appeared in the Congressional Record of June 7, 2002.

PN1889 Army nomination of Nanette S. Patton, which was received by the Senate and appeared in the Congressional Record of June 7, 2002.

MARINE CORPS

PN1814 Marine Corps nominations (1278) beginning Derek M. Abbey, and ending Mark D. Zimmer, which nominations were received by the Senate and appeared in the Congressional Record of June 4, 2002.

NOMINATION OF GEN. R.E. EBERHART

Mr. ALLARD. Mr. President, I would like to take this opportunity to congratulate General Ralph E. Eberhart, United States Air Force, on his appointment to serve as the first Commander-in-Chief of Northern Command as well as the commander of NORAD. General Eberhart's qualifications for this very important position are impeccible, and I have absolutely no doubt that he will bring the same success to Northern Command as he did to US Space Command.

Before General Eberhart departs US Space Command, I want to express my most sincere appreciation to him for his steadfast advocacy of military space capabilities over the past two years. His visionary leadership and dedication as the Commander-in-Chief of US Space Command and, until recently, Air Force Space Command, has truly brought military space into a new era. When he took command of US Space Command in February 2000, our country had just completed Operation Allied Force in Kosovo. At that time we recognized the value that space-based capabilities bring to the flight. GPS-guided weapons were the preferred munition and satellite communications provided double the bandwidth available in Desert Storm. Since Operation Allied Force, General Eberhart was able to increase the effectiveness of these very same capabilities by pressing for the integration of space capabilities with air, maritime and land assets. US Space Command's contributions are the hallmarks of Operation Enduring Freedom.

When military historians look back at Operation Enduring Freedom, they will note the extreme effectiveness bombs delivered with pinpoint accuracy within minutes of being requested by soldiers on the ground. They will note persistent survellience and near-real time threat information beamed to cockpits. These capabilties would not be possible if it weren't for US Space Command. Space-based capabilities are an enabler of not just the Air Force's transformation, but also the Navy and Army.

General Eberhart's leadership of NORAD during Operation Noble Eagle is equally impressive. After September 11, NORAD went from having 14 aircraft on alert to more than 100. General Eberhart faced the challenges of supporting continous combat air patrols, including all the supporting logistics such as tankers and integrating NATO AWACS. The change in focus of NORAD since Sept 11 is not, unfortunately, temporary and points our nation's need for a Unified Command to address threats to the United States as well as operations in North America.

North Command is crucial to our national security. I am very proud to host this command in Colorado and sincerely look forward to continue working with General Eberhart.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

MEASURE PLACED ON THE CALENDAR—H.R. 3937

Mr. REID. Mr. President, I understand that H.R. 3937 has been read for the first time and is now awaiting its second reading.

The PRESIDING OFFICER. The Senator is correct.

Mr. REID. I ask then, Mr. President, that H.R. 3937 be read for a second time, but I object to any further proceedings.

The PRESIDING OFFICER. The clerk will read the bill for the second time.

The legislative clerk read as follows:

A bill (H.R. 3937) to revoke a Public Land Order with respect to certain lands erroneously included in the Cibola National Wildlife Refuge, California.

The PRESIDING OFFICER. Objection having been heard, the bill will be placed on the calendar.

E-GOVERNMENT ACT OF 2002

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to Calendar No. 439, S. 803.

The PRESIDING OFFICER. The clerk will report the title.

The legislative clerk read as follows:

A bill (S. 803) to enhance the management and promotion of the electronic Government services and processes by establishing a Federal Chief Information Officer within the Office of Management and Budget, and by establishing a broad framework of measures that require using Internet-based information technology to enhance citizen access to Government information and services, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Governmental Affairs with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

[Omit the parts in black brackets and insert the parts printed in italic.]

S. 803

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

[SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

[(a) SHORT TITLE.—This Act may be cited as the ''E-Government Act of 2001''.

[(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

[Sec. 1. Short title; table of contents.
[Sec. 2. Findings and purposes.
[TITLE I—OFFICE OF MANAGEMENT AND BUDGET ELECTRONIC GOVERNMENT SERVICES
[Sec. 101. Federal Chief Information Officer.
[Sec. 102. Office of Information Policy and Office of Information and Regulatory Affairs.
[Sec. 103. Management and promotion of electronic Government services.
[TITLE II—FEDERAL MANAGEMENT AND PROMOTION OF ELECTRONIC GOVERNMENT SERVICES
[Sec. 201. Federal agency responsibilities.
[Sec. 202. Compatibility of executive agency methods for use and acceptance of electronic signatures.
[Sec. 203. Online Federal telephone directory.
[Sec. 204. Online National Library.
[Sec. 205. Federal courts.
[Sec. 206. Regulatory agencies.
[Sec. 207. Integrated reporting feasibility study and pilot projects.
[Sec. 208. Online access to federally funded research and development.
[Sec. 209. Common protocols for geographic information systems.
[Sec. 210. Share-In-Savings Program improvements.
[Sec. 211. Enhancing crisis management through advanced information technology.
[Sec. 212. Federal Information Technology Training Center.
[Sec. 213. Community technology centers.
[Sec. 214. Disparities in access to the Internet.
[Sec. 215. Accessibility, usability, and preservation of Government information.
[Sec. 216. Public domain directory of Federal Government websites.
[Sec. 217. Standards for agency websites.
[Sec. 218. Privacy protections.
[Sec. 219. Accessibility to people with disabilities.
[Sec. 220. Notification of obsolete or counterproductive provisions.
[TITLE III—AUTHORIZATION OF APPROPRIATIONS AND EFFECTIVE DATE
[Sec. 301. Authorization of appropriations.
[Sec. 302. Effective date.

[SEC. 2. FINDINGS AND PURPOSES.

[(a) FINDINGS.—Congress finds the following:

[(1) The use of computers and the Internet is rapidly transforming societal interactions and the relationships among citizens, private businesses, and the Government.

[(2) The Federal Government has had uneven success in applying advances in information technology to enhance Governmental functions and services, achieve more efficient performance, and increase access to Government information and citizen participation in Government.

[(3) Most Internet-based services of the Federal Government are developed and presented separately, according to the jurisdictional boundaries of an individual department or agency, rather than being integrated cooperatively according to function.

[(4) Internet-based Government services involving interagency cooperation are especially difficult to develop and promote, in part because of a lack of funding mechanisms to support such interagency cooperation.

[(5) To take full advantage of the improved Government performance that can be achieved through the use of Internet-based technology requires new leadership, better organization, improved interagency collaboration, and more focused oversight of agency compliance with statutes related to information resource management.

[(b) PURPOSES.—The purposes of this Act are the following:

[(1) To provide effective leadership of Federal Government efforts to develop and promote electronic Government services and processes by establishing a Federal Chief Information Officer within the Office of Management and Budget.

[(2) To establish measures that require using Internet-based information technology to enhance citizen access to Government information and services, improve Government efficiency and reduce Government operating costs, and increase opportunities for citizen participation in Government.

[(3) To promote interagency collaboration in providing electronic Government services, where this collaboration would improve the service to citizens by integrating related function.

[(4) To promote interagency collaboration in the use of internal electronic Government processes, where this collaboration would improve the efficiency and effectiveness of the processes.

[TITLE I—OFFICE OF MANAGEMENT AND BUDGET ELECTRONIC GOVERNMENT SERVICES

[SEC. 101. FEDERAL CHIEF INFORMATION OFFICER.

[(a) ESTABLISHMENT.—Section 502 of title 31, United States Code, is amended—

[(1) by redesignating subsections (d), (e), and (f), as subsections (e), (f), and (g), respectively; and

[(2) by inserting after subsection (c) the following:

[''(d) The Office has a Federal Chief Information Officer appointed by the President, by and with the advice and consent of the Senate. The Federal Chief Information Officer shall provide direction, coordination, and oversight of the development, application, and management of information resources by the Federal Government.''.

[(b) COMPENSATION.—Section 5313 of title 5, United States Code, is amended by adding at the end the following:

[''Federal Chief Information Officer.''.

[(c) MODIFICATION OF DEPUTY DIRECTOR FOR MANAGEMENT FUNCTIONS.—Section 503(b)(2)(D) of title 31, United States Code, is amended by striking ''and statistical policy'' and inserting ''collection review''.

[(d) OFFICE OF INFORMATION POLICY.—

[(1) IN GENERAL.—Chapter 5 of title 31, United States Code, is amended by inserting after section 506 the following:

[''§ 507. Office of Information Policy

[''The Office of Information Policy, established under section 3503 of title 44, is an office in the Office of Management and Budget.''.

[(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 5 of title 31, United States Code, is amended by inserting after the item relating to section 506 the following:

[''507. Office of Information Policy.''.

[(e) PRIVACY ACT FUNCTIONS.—

[Section 552a(v) of title 5, United States Code (commonly referred to as the Privacy Act) is amended to read as follows:

[''(v) OFFICE OF MANAGEMENT AND BUDGET RESPONSIBILITIES.—The Director of the Office of Management and Budget shall—

[''(1) develop and, after notice and opportunity for public comment, prescribe guidelines and regulations for the use of agencies in implementing the provisions of this section;

[''(2) provide continuing assistance to and oversight of the implementation of this section by agencies; and

[''(3) delegate all of the functions to be performed by the Director under this section to the Federal Chief Information Officer.''.

[(f) ACQUISITIONS OF INFORMATION TECHNOLOGY.—

[(1) RESPONSIBILITIES AND FUNCTIONS.—Section 5111 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1411) is amended—

[(A) by inserting ''(a) IN GENERAL.—'' before ''In fulfilling''; and

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

[''(b) DELEGATION.—The Director shall delegate all of the responsibilities and functions to be performed by the Director under this title to the Federal Chief Information Officer.''.

[(2) INFORMATION TECHNOLOGY ACQUISITION PILOT PROGRAMS.—Section 5301(a)(1) of the Clinger-Cohen Act of 1996 (40 U.S.C. 1471(a)(1)) is amended by striking ''Administrator for the Office of Information and Regulatory Affairs'' and inserting ''Federal Chief Information Officer''.

[(g) FEDERAL COMPUTER SYSTEMS STANDARDS AND GUIDELINES.—

[(1) PROMULGATION.—Section 5131 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1441) is amended—

[(A) by striking ''Secretary of Commerce'' each place it appears and inserting ''Federal Chief Information Officer'' in each such place; and

[(B) by striking ''Secretary'' each place it appears and inserting ''Federal Chief Information Officer'' in each such place.

[(2) SUBMISSION.—Section 20(a)(4) of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3(a)(4)) is amended by striking ''Secretary of Commerce'' and inserting ''Federal Chief Information Officer''.

[(h) INFORMATION TECHNOLOGY FUND.—Section 110(a) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 757(a)) is amended by adding at the end the following:

[''(3) The Administrator's decisions with regard to obligations of and expenditures from the Fund shall be made after consultation with the Federal Chief Information Officer, with respect to those programs that—

[''(A) promote the use of information technology to agencies; or

[''(B) are intended to facilitate the efficient management, coordination, operation, or use of those information technologies.''.

[(i) ELECTRONIC GOVERNMENT AND INFORMATION TECHNOLOGIES.—

[(1) IN GENERAL.—The Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.) is amended by inserting after section 112 the following:

["SEC. 113. ELECTRONIC GOVERNMENT AND INFORMATION TECHNOLOGIES.

['The Administrator of General Services shall consult with the Federal Chief Information Officer on programs undertaken by the General Services Administration to promote electronic Government and the efficient use of information technologies by Federal agencies.''.

[(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for the Federal Property and Administrative Services Act of 1949 is amended by inserting after the item relating to section 112 the following:

['Sec. 113. Electronic Government and information technologies.''.

[(j) GOVERNMENT PAPERWORK ELIMINATION.—The Government Paperwork Elimination Act (44 U.S.C. 3504 note) is amended—

[(1) by redesignating sections 1709 and 1710 as sections 1710 and 1711, respectively; and

[(2) by inserting after section 1708 the following:

["SEC. 1709. DELEGATION OF FUNCTIONS TO FEDERAL CHIEF INFORMATION OFFICER.

['The Director of the Office of Management and Budget shall delegate all of the functions to be performed by the Director under this title to the Federal Chief Information Officer.''.

[SEC. 102. OFFICE OF INFORMATION POLICY AND OFFICE OF INFORMATION AND REGULATORY AFFAIRS.

[(a) ESTABLISHMENT.—

[(1) IN GENERAL.—Section 3503 of title 44, United States Code, is amended to read as follows:

["§ 3503. Office of Information Policy and Office of Information and Regulatory Affairs

['(a)(1) There is established in the Office of Management and Budget an office to be known as the Office of Information Policy.

['(2) The Office shall be administered by the Federal Chief Information Officer established under section 502(d) of title 31. The Director shall delegate to the Federal Chief Information Officer the authority to administer all functions under this chapter, except those delegated to the Administrator of the Office of Information and Regulatory Affairs under subsection (b)(2). Any such delegation shall not relieve the Director of responsibility for the administration of such function.

['(b)(1) There is established in the Office of Management and Budget an office to be known as the Office of Information and Regulatory Affairs.

['(2) There shall be at the head of the Office an Administrator who shall be appointed by the President, by and with the advice and consent of the Senate. The Director shall delegate to the Administrator the authority to administer all functions under this chapter explicitly relating to information collection review. Any such delegation shall not relieve the Director of responsibility for the administration of such functions.''.

[(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 35 of title 44, United States Code, is amended by striking the item relating to section 3503 and inserting the following:

['3503. Office of Information Policy and Office of Information and Regulatory Affairs.''.

[(b) PROMOTION OF INFORMATION TECHNOLOGY.—Section 3504(h)(5) of title 44, United States Code, is amended by inserting ''direct the Federal Chief Information Officer and the Administrator of the Office of Information and Regulatory Affairs, acting jointly, to'' after ''(5)''.

[(c) COORDINATION OF INFORMATION COLLECTION REVIEWS.—

[(1) INFORMATION COLLECTION REVIEW.—Section 3502 of title 44, United States Code is amended—

[(A) by redesignating paragraphs (6) through (14) as paragraphs (7) through (15), respectively; and

[(B) by inserting after paragraph (5) the following:

['(6) the term 'information collection review' means those functions described under section 3504(c) and related functions;''.

[(2) COORDINATION.—Section 3504 of title 44, United States Code, is amended—

[(A) by redesignating paragraph (2) as paragraph (3); and

[(B) by inserting after paragraph (1) the following:

['(2) The Director shall ensure that the Office of Information Policy and the Office of Information and Regulatory Affairs coordinate their efforts in applying the principles developed and implemented under this section to information collection reviews.''.

[(d) REFERENCES.—Reference in any Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or relating to the Office of Information and Regulatory Affairs or the Administrator of the Office of Information and Regulatory Affairs, respectively, shall be deemed a reference to—

[(1) the Office of Information Policy or the Federal Chief Information Officer, respectively, with respect to functions described under section 3503(a) of title 44, United States Code (as amended by section 103 of this Act); and

[(2) the Office of Information and Regulatory Affairs or the Administrator of the Office of Information and Regulatory Affairs, respectively, with respect to functions described under section 3503(b) of such title (as amended by section 103 of this Act).

[(e) ADDITIONAL CONFORMING AMENDMENTS.—

[(1) RECOMMENDED LEGISLATION.—After consultation with the appropriate committees of Congress, the Director of the Office of Management and Budget shall prepare and submit to Congress recommended legislation containing technical and conforming amendments to reflect the changes made by this Act.

[(2) SUBMISSION TO CONGRESS.—Not later than 6 months after the effective date of this Act, the Director of the Office of Management and Budget shall submit the recommended legislation referred to under paragraph (1).

[SEC. 103. MANAGEMENT AND PROMOTION OF ELECTRONIC GOVERNMENT SERVICES.

[(a) IN GENERAL.—Title 44, United States Code, is amended by inserting after chapter 35 the following:

["CHAPTER 36—MANAGEMENT AND PROMOTION OF ELECTRONIC GOVERNMENT SERVICES

['Sec.

['3601. Definitions.

['3602. Federal Chief Information Officer functions.

['3603. Chief Information Officers Council.

['3604. E-Government Fund.

["§ 3601. Definitions

['In this chapter, the definitions under section 3502 shall apply, and the term—

['(1) 'Council' means the Chief Information Officers Council established under section 3603;

['(2) 'Cross-Sector Forum' means the Cross-Sector Forum on Information Resources Management established under section 3602(a)(10);

['(3) 'Fund' means the E-Government Fund established under section 3604;

['(4) 'interoperability' means the ability of different software systems, applications, and services to communicate and exchange data in an accurate, effective, and consistent manner; and

['(5) 'integrated service delivery' means the provision of Internet-based Federal Government information or services integrated according to function rather than separated according to the boundaries of agency jurisdiction.

["§ 3602. Federal Chief Information Officer functions

['(a) Subject to the direction and approval of the Director of the Office of Management Budget, and subject to requirements of this chapter, the Federal Chief Information Officer shall perform information resources management functions as follows:

['(1) Perform all functions of the Director, including all functions delegated by the President to the Director, relating to information resources management.

['(2) Perform the following functions with respect to information resources management:

['(A) Under section 5112 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1412), review agency budget requests related to information technology capital planning and investment.

['(B) Under section 5113 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1413), evaluate the investments referred to under subparagraph (A) with respect to performance and results.

['(C) Review legislative proposals related to information technology capital planning and investment.

['(D) Advise the Director on the resources required to develop and effectively operate and maintain Federal Government information systems.

['(E) Recommend to the Director changes relating to Governmentwide strategies and priorities for information resources management.

['(3) Provide overall leadership and direction to the executive branch on information policy by establishing information resources management policies and requirements, and by reviewing each agency's performance in acquiring, using, and managing information resources.

['(4) Promote innovative uses of information technology by agencies, particularly initiatives involving multiagency collaboration, through support of pilot projects, research, experimentation, and the use of innovative technologies.

['(5) Administer the distribution of funds from the E-Government Fund established under section 3604.

['(6) Consult with the Administrator of General Services regarding the use of the Information Technology Fund established under section 110 of the Federal Property and Administrative Coordinate Services Act of 1949 (40 U.S.C. 757), and coordinate with the Administrator of General Services regarding programs undertaken by the General Services Administration to promote electronic Government and the efficient use of information technologies by agencies.

['(7) Chair the Chief Information Officers Council established under section 3603.

['(8) Establish and promulgate information technology standards for the Federal Government under section 5131 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1441)

based on the recommendations of the National Institute of Standards and Technology, taking into account, if appropriate, recommendations of the Chief Information Officers Council, experts, and interested parties from the private and nonprofit sectors and State, local, and tribal governments, as follows:

[''(A) Standards and guidelines for interconnectivity and interoperability as described under section 3504.

[''(B) Standards and guidelines for categorizing and electronically labeling Federal Government electronic information, to enhance electronic search capabilities.

[''(C) Standards and guidelines for Federal Government computer system efficiency and security.

[''(9) Establish a regular forum for consulting and communicating with leaders in information resources management in the legislative and judicial branches to encourage collaboration and enhance understanding of best practices and innovative approaches in acquiring, using, and managing information resources.

[''(10) Establish a regular forum for consulting and communicating with leaders in information resources management in State, local, and tribal governments (including the National Association of State Information Resources Executives) to encourage collaboration and enhance understanding of best practices and innovative approaches in acquiring, using, and managing information resources.

[''(11) Establish a regular forum for consulting and communicating with program managers and leaders in information resources management in the regulatory executive branch agencies to encourage collaboration and enhance understanding of best practices and innovative approaches related to the acquisition, use, and management of information resources in regulatory applications.

[''(12) Establish a Cross-Sector Forum on Information Resources Management, subject to the Federal Advisory Committee Act (5 U.S.C. App.), as a periodic colloquium with representatives from Federal agencies (including Federal employees who are not supervisors or management officials as such terms are defined under section 7103(a) (10) and (11), respectively) and the private, nonprofit, and academic sectors, to encourage collaboration and enhance understanding of best practices and innovative approaches in acquiring, using, and managing information resources. The Cross-Sector Forum shall be used for the following:

[''(A) To develop innovative models for Government information resources management and for Government information technology contracts. These models may be developed through focused Cross-Sector Forum discussions or using separately sponsored research.

[''(B) To identify opportunities for performance-based shared-savings contracts as a means of increasing the quantity and quality of Government information and services available through the Internet.

[''(C) To identify opportunities for public-private collaboration in using Internet-based technology to increase the efficiency of Government-to-business transactions.

[''(D) To identify mechanisms for providing incentives to program managers and other Government employees to develop and implement innovative uses of information technologies.

[''(E) To identify opportunities for public-private collaboration in addressing the disparities in access to the Internet and information technology.

[''(F) To develop guidance to advise agencies and private companies on any relevant legal and ethical restrictions.

[''(13) Direct the establishment, maintenance, and promotion of an integrated Internet-based system of delivering Government information and services to the public. To the extent practicable, the integrated system shall be designed and operated according to the following criteria:

[''(A) The provision of Internet-based Government information and services integrated according to function rather than separated according to the boundaries of agency jurisdiction.

[''(B) An ongoing effort to ensure that all Internet-based Government services relevant to a given citizen activity are available from a single point.

[''(C) Standardized methods for navigating Internet-based Government information and services.

[''(D) The consolidation of Federal Government information and services with Internet-based information and services provided by State, local, and tribal governments.

[''(14) Coordinate with the Administrator of the Office of Federal Procurement Policy to ensure effective implementation of electronic procurement initiatives.

[''(15) Assist Federal agencies, the United States Access Board, the General Services Administration, and the Attorney General in—

[''(A) implementing accessibility standards under section 508 of the Rehabilitation Act of 1973 (29 U.S.C. section 794d); and

[''(B) ensuring compliance with those standards through the budget review process and other means.

[''(16) Administer the Office of Information Policy established under section 3503.

[''(b) The Director of the Office of Management and Budget shall consult with the Federal Chief Information Officer on each agency budget request and legislative proposal described under subsection (a)(2).

[''(c) The Federal Chief Information Officer shall appoint the employees of the Office. The Director of the Office of Management and Budget shall ensure that the Office of Information Policy has adequate employees and resources to properly fulfill all functions delegated to the Office and the Federal Chief Information Officer.

[''(d) There are authorized to be appropriated $15,000,000 for the establishment, maintenance, and promotion of the integrated Internet-based system established under subsection (a)(13) for fiscal year 2002, and such sums as are necessary for fiscal years 2003 through 2006.

["§ 3603. Chief Information Officers Council

[''(a) There is established in the executive branch a Chief Information Officers Council.

[''(b) The members of the Council shall be as follows:

[''(1) The chief information officer of each agency described under section 901(b) of title 31.

[''(2) The chief information officer of the Central Intelligence Agency.

[''(3) The chief information officer of the Department of the Army, the Department of the Navy, and the Department of the Air Force, if chief information officers have been designated for these departments under section 3506(a)(2)(B).

[''(4) Any other officers or employees of the United States designated by the Federal Chief Information Officer.

[''(c)(1) The Federal Chief Information Officer shall be the Chairman of the Council.

[''(2)(A) The Deputy Chairman of the Council shall be selected by the Council from among its members.

[''(B) The Deputy Chairman shall serve a 1-year term, and may serve multiple terms.

[''(3) The Administrator of General Services shall provide administrative and other support for the Council, including resources provided through the Information Technology Fund established under section 110 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 757).

[''(d) The Council is designated the principal interagency forum for improving agency practices related to the design, acquisition, development, modernization, use, operation, sharing, and performance of Federal Government information resources. The Council shall perform the following functions:

[''(1) Develop recommendations for the Federal Chief Information Officer on Government information resources management policies and requirements.

[''(2) Assist the Federal Chief Information Officer in developing and maintaining the Governmentwide strategic information resources management plan required under section 3506.

[''(3) Share experiences, ideas, best practices, and innovative approaches related to information resources management.

[''(4) Assist the Federal Chief Information Officer in the identification, development, and coordination of multiagency projects and other innovative initiatives to improve Government performance through the use of information technology.

[''(5) Provide recommendations to the Federal Chief Information Officer regarding the distribution of funds from the E-Government Fund established under section 3604.

[''(6) Coordinate the development and use of common performance measures for agency information resources management under section 5123 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1423).

[''(7) Work as appropriate with the National Institute of Standards and Technology to develop recommendations for the Federal Chief Information Officer on information technology standards developed under section 20 of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3) and promulgated under section 5131 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1441), as follows:

[''(A) Standards and guidelines for interconnectivity and interoperability as described under section 3504.

[''(B) Standards and guidelines for categorizing and electronically labeling Government electronic information, to enhance electronic search capabilities.

[''(C) Standards and guidelines for Federal Government computer system efficiency and security.

[''(8) Work with the Office of Personnel Management to assess and address the hiring, training, classification, and professional development needs of the Government related to information resources management.

["§ 3604. E-Government Fund

[''(a) There is established in the Treasury of the United States an E-Government Fund, which shall be available without fiscal year limitation.

[''(b) The Fund shall be used to fund interagency information technology projects, and other innovative uses of information technology. The Fund shall be operated as follows:

[''(1) Any member of the Council, including the Federal Chief Information Officer, may propose a project to be funded from the Fund.

[''(2) On a regular basis, an appropriate committee within the Council shall review candidate projects for funding eligibility, and make recommendations to the Federal Chief Information Officer on which projects should be funded from the Fund. The review committee shall consider the following:

[''(A) The relevance of this project in supporting the missions of the affected agencies and other statutory provisions.

[''(B) The usefulness of interagency collaboration on this project in supporting integrated service delivery.

[''(C) The usefulness of this project in illustrating a particular use of information technology that could have broader applicability within the Government.

[''(D) The extent to which privacy and information security will be provided in the implementation of the project.

[''(E) The willingness of the agencies affected by this project to provide matching funds.

[''(F) The availability of funds from other sources for this project.

[''(3) After considering the recommendations of the Council, the Federal Chief Information Officer shall have final authority to determine which of the candidate projects shall be funded from the Fund.

[''(c) The Fund may be used to fund the integrated Internet-based system under section 3602(a)(13).

[''(d) None of the funds provided from the Fund may be transferred to any agency until 15 days after the Federal Chief Information Officer has submitted to the Committees on Appropriations of the Senate and the House of Representatives, the Committee on Governmental Affairs of the Senate, the Committee on Government Reform of the House of Representatives, and the appropriate authorizing committees of the Senate and the House of Representatives, a notification and description of how the funds are to be allocated and how the expenditure will further the purposes of this chapter.

[''(e) The Federal Chief Information Officer shall submit an annual report to the President and Congress on the operation of the Fund. The report shall describe—

[''(1) all projects which the Federal Chief Information Officer has approved for funding from the Fund;

[''(2) the results that have been achieved to date for these funded projects; and

[''(3) any recommendations for changes to the amount of capital appropriated annually for the Fund, with a description of the basis for any such recommended change.

[''(f) There are authorized to be appropriated to the Fund $200,000,000 in each of the fiscal years 2002 through 2004, and such sums as may be necessary for fiscal years 2005 and 2006.''.

[(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of chapters for title 44, United States Code, is amended by inserting after the item relating to chapter 35 the following:

[''36. Management and Promotion of Electronic Government Services. 3601''.

[TITLE II—FEDERAL MANAGEMENT AND PROMOTION OF ELECTRONIC GOVERNMENT SERVICES

[SEC. 201. FEDERAL AGENCY RESPONSIBILITIES.

[(a) IN GENERAL.—The head of each agency shall be responsible for—

[(1) complying with the requirements of this Act (including the amendments made by this Act) and the related information resource management policies and information technology standards established by the Federal Chief Information Officer;

[(2) ensuring that the policies and standards established by the Federal Chief Information Officer and the Chief Information Officers Council are communicated promptly and effectively to all relevant managers with information resource management responsibilities within their agency; and

[(3) supporting the efforts of the Federal Chief Information Officer to develop, maintain, and promote an integrated Internet-based system of delivering Federal Government information and services to the public under chapter 36 of title 44, United States Code (as added by section 103 of this Act).

[(b) CHIEF INFORMATION OFFICERS.—The Chief Information Officer of each of the agencies designated under chapter 36 of title 44, United States Code (as added by section 103 of this Act), shall be responsible for—

[(1) participating in the functions of the Chief Information Officers Council; and

[(2) monitoring the implementation, within their respective agencies, of information technology standards established by the Federal Chief Information Officer, including common standards for interconnectivity and interoperability, categorization and labeling of Federal Government electronic information, and computer system efficiency and security.

[(c) E-GOVERNMENT STATUS REPORT.—

[(1) IN GENERAL.—Each agency shall compile and submit to the Federal Chief Information Officer an E-Government Status Report on the current status of agency information and agency services available online.

[(2) CONTENT.—Each report under this subsection shall contain—

[(A) a list and brief description of the agency services available online;

[(B) a list, by number and title, of the 25 most frequently requested agency forms available online, annotated to indicate which forms can be submitted to the agency electronically; and

[(C) a summary of the type, volume, general topical areas, and currency of agency information available online.

[(3) SUBMISSION.—Not later than March 1, of each year, each agency shall submit a report under this subsection to the Federal Chief Information Officer.

[(4) CONSOLIDATION OF REPORTS.—Section 3516(a)(2) of title 31, United States Code, is amended—

[(A) by redesignating subparagraph (C) as subparagraph (D); and

[(B) by inserting after subparagraph (B) the following:

[''(C) Any E-Government Status Report under section 201(c) of the E-Government Act of 2001.''.

[SEC. 202. COMPATIBILITY OF EXECUTIVE AGENCY METHODS FOR USE AND ACCEPTANCE OF ELECTRONIC SIGNATURES.

[(a) ELECTRONIC SIGNATURES.—In order to fulfill the objectives of the Government Paperwork Elimination Act (Public Law 105–277; 112 Stat. 2681–749 through 2681–751), each Executive agency (as defined under section 105 of title 5, United States Code) shall ensure that its methods for use and acceptance of electronic signatures are compatible with the relevant procedures and standards promulgated by the Director of the Office of Management and Budget.

[(b) BRIDGE AUTHORITY FOR DIGITAL SIGNATURES.—The Administrator of the General Services Administration shall support the Director of the Office of Management and Budget by establishing the Federal bridge certification authority which shall provide a central authority to allow efficient interoperability among Executive agencies when certifying digital signatures.

[(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the General Services Administration, to ensure the development and operation of a Federal bridge certification authority for digital signature compatibility, $7,000,000 in fiscal year 2002, and such sums as may be necessary for each fiscal year thereafter.

[SEC. 203. ONLINE FEDERAL TELEPHONE DIRECTORY.

[(a) IN GENERAL.—

[(1) DEVELOPMENT.—The Administrator of the General Services Administration, in coordination with the Chief Information Officers Council, shall develop and promulgate an online Federal telephone directory.

[(2) ORGANIZATION.—Information in the online Federal telephone directory shall be organized and retrievable both by function and by agency name.

[(3) TELEPHONE DIRECTORIES.—Information compiled for publication in the online Federal telephone directory shall be provided to local telephone book publishers, to encourage publication and dissemination of functionally arranged directories in local Federal blue pages.

[(b) EXECUTIVE AGENCIES.—

[(1) IN GENERAL.—Each Executive agency (as defined under section 105 of title 5, United States Code) shall publish an online agency directory, accessible by electronic link from the online Federal telephone directory.

[(2) CONTENT.—Each agency directory—

[(A) shall include telephone numbers and electronic mail addresses for principal departments and principal employees, subject to security restrictions and agency judgment; and

[(B) shall be electronically searchable.

[SEC. 204. ONLINE NATIONAL LIBRARY.

[(a) IN GENERAL.—The Director of the National Science Foundation, the Secretary of the Smithsonian Institution, the Director of the National Park Service, the Director of the Institute of Museum and Library Services, and the Librarian of Congress shall establish an Online National Library after consultation with—

[(1) the private sector;

[(2) public, research, and academic libraries;

[(3) historical societies;

[(4) archival institutions; and

[(5) other cultural and academic organizations.

[(b) FUNCTIONS.—The Online National Library—

[(1) shall provide public access to an expanding database of educational resource materials, including historical documents, photographs, audio recordings, films, and other media as appropriate, that are significant for education and research in United States history and culture;

[(2) shall be functionally integrated, so that a user may have access to the resources of the Library without regard to the boundaries of the contributing institutions; and

[(3) shall include educational resource materials across a broad spectrum of United States history and culture, including the fields of mathematics, science, technology, liberal arts, fine arts, and humanities.

[(c) AUTHORIZATION OF APPROPRIATIONS.—For the purposes of developing, expanding, and maintaining this Online National Library, there are authorized to be appropriated—

[(1) to the National Science Foundation $5,000,000 in fiscal year 2002, and such sums as may be necessary for each fiscal year thereafter; and

[(2) to the Library of Congress $5,000,000 in fiscal year 2002, and such sums as may be necessary for each fiscal year thereafter.

[SEC. 205. FEDERAL COURTS.

[(a) INDIVIDUAL COURT WEBSITES.—The Chief Justice of the United States and the chief judge of each circuit and district shall establish with respect to the Supreme Court or the respective court of appeal or district (including the bankruptcy court of that district) a website, that contains the following information or links to websites with the following information:

[(1) Location and contact information for the courthouse, including the telephone numbers and contact names for the clerk's office and justices' or judges' chambers.

[(2) Local rules and standing or general orders of the court.

[(3) Individual rules, if in existence, of each justice or judge in that court.

[(4) Access to docket information for each case.

[(5) Access to the substance of all written opinions issued by the court, regardless of whether such opinions are to be published in the official court reporter, in a text searchable format.

[(6) Access to all documents filed with the courthouse in electronic form, described under subsection (c)(2).

[(7) Any other information (including forms in a format that can be downloaded) that the court determines useful to the public.

[(b) MAINTENANCE OF DATA ONLINE.—

[(1) UPDATE OF INFORMATION.—The information and rules on each website shall be updated regularly and kept reasonably current.

[(2) CLOSED CASES.—Electronic files and docket information for cases closed for more than 1 year are not required to be made available online, except all written opinions with a date of issuance after the effective date of this section shall remain available online.

[(c) ELECTRONIC FILINGS.—

[(1) IN GENERAL.—Each court shall make any document that is filed electronically publicly available online. A court may convert any document that is filed in paper form to electronic form. To the extent such conversions are made, all such electronic versions of the document shall be made available online.

[(2) EXCEPTIONS.—

[(A) IN GENERAL.—Documents that are filed that are not otherwise available to the public, such as documents filed under seal, shall not be made available online.

[(B) LIMITATION.—

[(i) IN GENERAL.—A party, witness, or other person with an interest may file a motion with the court to redact any document that would be made available online under this section.

[(ii) REDACTION.—A redaction under this subparagraph shall be made only to—

[(I) the electronic form of the document made available online; and

[(II) the extent necessary to protect important privacy concerns.

[(C) PRIVACY CONCERNS.—The Judicial Conference of the United States may promulgate rules under this subsection to protect important privacy concerns.

[(d) DOCKETS WITH LINKS TO DOCUMENTS.—The Judicial Conference of the United States, in consultation with the Federal Chief Information Officer, shall explore the feasibility of technology to post online dockets with links allowing all filings, decisions, and rulings in each case to be obtained from the docket sheet of that case.

[(e) COST OF PROVIDING ELECTRONIC DOCKETING INFORMATION.—Section 503(a) of the Judiciary Appropriations Act, 1992 (28 U.S.C. 1913 note) is amended in the first sentence by striking ''shall hereafter'' and inserting ''may, only to the extent necessary,''.

[(f) TIME REQUIREMENTS.—Not later than 2 years after the effective date of this Act, the websites under subsection (a) shall be established, except that access to documents filed in electronic form shall be established not later than 4 years after that effective date.

[(g) OPT OUT.—

[(1) IN GENERAL.—

[(A) ELECTION.—

[(i) NOTIFICATION.—The Chief Justice of the United States or a chief judge may submit a notification to the Administrative Office of the United States Courts to elect not to comply with any requirement of this section with respect to the Supreme Court, a court of appeals, or district (including the bankruptcy court of that district).

[(ii) CONTENTS.—A notification submitted under this subparagraph shall state—

[(I) the reasons for the noncompliance; and

[(II) the online methods, if any, or any alternative methods, such court or district is using to provide greater public access to information.

[(B) EXCEPTION.—To the extent that the Supreme Court, a court of appeals, or district maintains a website under subsection (a), the Supreme Court or that court of appeals or district shall comply with subsection (b)(1).

[(2) REPORT.—Not later than 1 year after the effective date of this Act, the Judicial Conference of the United States shall submit a report to the Committees on Governmental Affairs and the Judiciary of the Senate and the Committees on Government Reform and the Judiciary of the House of Representatives that—

[(A) contains all notifications submitted to the Administrative Office of the United States Courts under this subsection; and

[(B) summarizes and evaluates all notifications.

[SEC. 206. REGULATORY AGENCIES.

[(a) INFORMATION PROVIDED BY AGENCIES ONLINE.—To the extent practicable, each agency (as defined under section 551 of title 5, United States Code) shall—

[(1) establish a website with information about that agency; and

[(2) post on the website all information—

[(A) required to be published in the Federal Register under section 552(a)(1) of title 5, United States Code; and

[(B) made available for public inspection and copying under section 552(a) (2) and (5) of title 5, United States Code, after the effective date of this section.

[(b) COMPLIANCE.—An agency may comply with subsection (a)(2) by providing hypertext links on a website directing users to other websites where such information may be found. To the extent that an agency provides hypertext links, the agency shall provide clear instructions to users on how to access the information sought within the external website to which the links direct users.

[(c) SUBMISSIONS BY ELECTRONIC MEANS.—To the extent practicable, agencies shall accept submissions under section 553(c) of title 5, United States Code, by electronic means, including e-mail and telefacsimile.

[(d) ELECTRONIC DOCKETING.—

[(1) IN GENERAL.—To the extent practicable, agencies shall, in consultation with the Federal Chief Information Officer, and in connection with the forum established under section 3602(a)(10) of title 44, United States Code (as added by section 103 of this Act), establish and maintain on their websites electronic dockets for rulemakings under section 553 of title 5, United States Code.

[(2) INFORMATION AVAILABLE.—Agency electronic dockets shall make publicly available online—

[(A) all agency notices, publications, or statements in connection with each rulemaking; and

[(B) to the extent practicable, all submissions under section 553(c) of title 5, United States Code, whether or not submitted electronically.

[(e) OPT OUT.—

[(1) IN GENERAL.—

[(A) NOTIFICATION.—An agency may submit a notification to the Federal Chief Information Officer to elect to not comply with any requirement of subsection (d).

[(B) CONTENTS.—A notification submitted under this paragraph shall state—

[(i) the reasons for the noncompliance; and

[(ii) the online methods, if any, or any alternative methods, the agency is using to provide greater public access to regulatory proceedings.

[(2) REPORT.—Not later than October 1, of each year, the Federal Chief Information Officer shall submit a report to the Committee on Governmental Affairs of the Senate and the Committee on Government Reform of the House of Representatives that—

[(A) contains all notifications submitted to the Federal Chief Information Officer under this subsection; and

[(B) summarizes and evaluates all notifications.

[(f) TIME LIMITATION.—To the extent practicable, agencies shall implement subsections (a) and (b) not later than 2 years after the effective date of this Act, and subsection (c) not later than 4 years after that effective date.

[SEC. 207. INTEGRATED REPORTING FEASIBILITY STUDY AND PILOT PROJECTS.

[(a) PURPOSES.—The purposes of this section are to—

[(1) enhance the interoperability of Federal information systems;

[(2) assist the public, including the regulated community, in electronically submitting information to agencies under Federal requirements, by reducing the burden of duplicate collection and ensuring the accuracy of submitted information; and

[(3) enable any person to integrate and obtain similar information held by 1 or more agencies under 1 or more Federal requirements without violating the privacy rights of an individual.

[(b) DEFINITIONS.—In this section, the term—

[(1) ''agency'' means an Executive agency as defined under section 105 of title 5, United States Code; and

[(2) ''person'' means any individual, trust, firm, joint stock company, corporation (including a government corporation), partnership, association, State, municipality, commission, political subdivision of a State, interstate body, or agency or component of the Federal Government.

[(c) REPORT.—

[(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Federal Chief Information Officer shall conduct a study and submit a report to the Committee on Governmental Affairs of the Senate and the Committee on Government Reform of the House of Representatives on the feasibility of integrating Federal information systems across agencies.

[(2) CONTENT.—The report under this section shall—

[(A) address the feasibility of integrating data elements used in the electronic collection of information within databases established under Federal statute without reducing the quality, accessibility, scope, or utility of the information contained in each database;

[(B) address the feasibility of developing, or enabling the development of, software, including Internet-based tools, for use by reporting persons in assembling, documenting, and validating the accuracy of information electronically submitted to agencies under nonvoluntary, statutory, and regulatory requirements; and

[(C) address the feasibility of developing a distributed information system involving, on a voluntary basis, at least 2 agencies, that—

[(i) provides consistent, dependable, and timely public access to the information holdings of 1 or more agencies, or some portion of such holdings, including the underlying raw data, without requiring public users to know which agency holds the information;

[(ii) provides methods for input on improving the quality and integrity of the data, including correcting errors in submission, consistent with the need to archive changes made to the data; and

[(iii) allows any person to integrate public information held by the participating agencies;

[(D) address the feasibility of incorporating other elements related to the purposes of this section at the discretion of the Federal Chief Information Officer; and

[(E) make recommendations that Congress or the executive branch can implement, through the use of integrated reporting and information systems, to reduce the burden on reporting and strengthen public access to databases within and across agencies.

[(d) PILOT PROJECTS TO ENCOURAGE INTEGRATED COLLECTION AND MANAGEMENT OF DATA AND INTEROPERABILITY OF FEDERAL INFORMATION SYSTEMS.—

[(1) IN GENERAL.—In order to provide input to the study under subsection (c) the Federal Chief Information Officer shall implement a series of no more than 5 pilot projects that integrate data elements. The Federal Chief Information Officer shall consult with agencies, the regulated community, public interest organizations, and the public on the implementation.

[(2) GOALS OF PILOT PROJECTS.—

[(A) IN GENERAL.—Each goal described under subparagraph (B) shall be addressed by at least 1 pilot project each.

[(B) GOALS.—The goals under this paragraph are to—

[(i) reduce information collection burdens by eliminating duplicative data elements within 2 or more reporting requirements;

[(ii) create interoperability between or among public databases managed by 2 or more agencies using technologies and techniques that facilitate public access; and

[(iii) develop, or enable the development, of software to reduce errors in electronically submitted information.

[(3) INPUT.—Each pilot project shall seek input from users on the utility of the pilot project and areas for improvement.

[(e) CONSULTATION IN PREPARING THE REPORT AND PILOT PROJECT.—The Federal Chief Information Officer shall coordinate with the Office of Information and Regulatory Affairs, and to the extent practicable, shall work with relevant agencies, and State, tribal, and local governments in carrying out the report and pilot projects under this section.

[(f) PRIVACY PROTECTIONS.—The activities authorized in this section shall afford protections for confidential business information consistent with section 552(b)(4) of title 5, United States Code and personal privacy information under section 552a of title 5, United States Code and other relevant law.

[SEC. 208. ONLINE ACCESS TO FEDERALLY FUNDED RESEARCH AND DEVELOPMENT.

[(a) DEFINITIONS.—In this section, the term—

[(1) ''essential information'' shall include—

[(A) information identifying any person performing research and development under an agreement and the agency providing the funding;

[(B) an abstract describing the research;

[(C) references to published results; and

[(D) other information determined appropriate by the interagency task force convened under this section; and

[(2) ''federally funded research and development''—

[(A) shall be defined by the interagency task force, with reference to applicable Office of Management and Budget circulars and Department of Defense regulations; and

[(B) shall include funds provided to—

[(i) institutions other than the Federal Government; and

[(ii) Federal research and development centers.

[(b) INTERAGENCY TASK FORCE.—The Federal Chief Information Officer shall—

[(1) convene an interagency task force to—

[(A) review databases, owned by the Federal Government and other entities, that collect and maintain data on federally funded research and development to—

[(i) determine areas of duplication; and

[(ii) identify data that is needed but is not being collected or efficiently disseminated to the public or throughout the Government;

[(B) develop recommendations for the Federal Chief Information Officer on standards for the collection and electronic dissemination of essential information about federally funded research and development that addresses public availability and agency coordination and collaboration; and

[(C) make recommendations to the Federal Chief Information Officer on—

[(i) which agency or agencies should develop and maintain databases and a website containing data on federally funded research and development;

[(ii) whether to continue using existing databases, to use modified versions of databases, or to develop another database;

[(iii) the appropriate system architecture to minimize duplication and use emerging technologies;

[(iv) criteria specifying what federally funded research and development projects should be included in the databases; and

[(v) standards for security of and public access to the data; and

[(2) not later than 1 year of the date of enactment of this Act, after offering an opportunity for public comment, promulgate standards and regulations based on the recommendations, including a determination as to which agency or agencies should develop and maintain databases and a website containing data on federally funded research and development.

[(c) MEMBERSHIPS.—The interagency task force shall consist of the Federal Chief Information Officer and representatives from—

[(1) the Department of Commerce;

[(2) the Department of Defense;

[(3) the Department of Energy;

[(4) the Department of Health and Human Services;

[(5) the National Aeronautics and Space Administration;

[(6) the National Archives and Records Administration;

[(7) the National Science Foundation;

[(8) the National Institute of Standards and Technology; and

[(9) any other agency determined by the Federal Chief Information Officer.

[(d) CONSULTATION.—The task force shall consult with—

[(1) Federal agencies supporting research and development;

[(2) members of the scientific community;

[(3) scientific publishers; and

[(4) interested persons in the private and nonprofit sectors.

[(e) DEVELOPMENT AND MAINTENANCE OF DATABASE AND WEBSITE.—

[(1) IN GENERAL.—

[(A) DATABASE AND WEBSITE.—The agency or agencies determined under subsection (b)(2), with the assistance of any other agency designated by the Federal Chief Information Officer, shall develop—

[(i) a database if determined to be necessary by the Federal Chief Information Officer; and

[(ii) a centralized, searchable website for the electronic dissemination of information reported under this section, with respect to information made available to the public and for agency coordination and collaboration.

[(B) CONFORMANCE TO STANDARDS.—The website and any necessary database shall conform to the standards promulgated by the Federal Chief Information Officer.

[(2) LINKS.—Where the results of the federally funded research have been published, the website shall contain links to the servers of the publishers if possible. The website may include links to other relevant websites containing information about the research.

[(3) OTHER RESEARCH.—The website may include information about published research not funded by the Federal Government, and links to the servers of the publishers.

[(4) DEVELOPMENT AND OPERATION.—The Federal Chief Information Officer shall oversee the development and operation of the website. The website shall be operational not later than 2 years after the date of enactment of this Act.

[(f) PROVISION OF INFORMATION.—Any agency that funds research and development meeting the criteria promulgated by the Federal Chief Information Officer shall provide the required information in the manner prescribed by the Federal Chief Information Officer. An agency may impose reporting requirements necessary for the implementation of this section on recipients of Federal funding as a condition of the funding.

[(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for the development and maintenance of the centralized website and any necessary database under this section, $1,000,000 in fiscal year 2002, $5,000,000 in fiscal year 2003, and such sums as may be necessary for fiscal years 2004 through 2006.

[SEC. 209. COMMON PROTOCOLS FOR GEOGRAPHIC INFORMATION SYSTEMS.

[(a) IN GENERAL.—The Secretary of the Interior, in consultation with the National Institute of Standards and Technology and other agencies, private sector experts, commercial and international standards groups, and other interested parties, shall facilitate the development of common protocols for the development, acquisition, maintenance, distribution, and application of geographic information.

[(b) FEDERAL CHIEF INFORMATION OFFICER.—The Federal Chief Information Officer shall—

[(1) oversee the interagency initiative to develop common protocols;

[(2) coordinate with State, local, and tribal governments and other interested persons on aligning geographic information; and

[(3) promulgate the standards relating to the protocols.

[(c) COMMON PROTOCOLS.—The common protocols shall be designed to—

[(1) maximize the degree to which unclassified geographic information from various sources can be made electronically compatible; and

[(2) promote the development of interoperable geographic information systems technologies that will allow widespread, low-cost use and sharing of geographic data by Federal agencies, State, local, and tribal governments, and the public.

[SEC. 210. SHARE-IN-SAVINGS PROGRAM IMPROVEMENTS.

[Section 5311 of the Clinger-Cohen Act of 1996 (divisions D and E of Public Law 104–106; 110 Stat. 692; 40 U.S.C. 1491) is amended—

[(1) in subsection (a)—

[(A) by striking ''the heads of two executive agencies to carry out'' and inserting ''heads of executive agencies to carry out a total of five projects under'';

[(B) by striking ''and'' at the end of paragraph (1);

[(C) by striking the period at the end of paragraph (2) and inserting ''; and''; and

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

[''(3) encouraging the use of the contracting and sharing approach described in paragraphs (1) and (2) by allowing the head of the executive agency conducting a project under the pilot program—

[''(A) to retain, out of the appropriation accounts of the executive agency in which savings computed under paragraph (2) are realized as a result of the project, up to the amount equal to half of the excess of—

[''(i) the total amount of the savings; over

[''(ii) the total amount of the portion of the savings paid to the private sector source for such project under paragraph (2); and

[''(B) to use the retained amount to acquire additional information technology.'';

[(2) in subsection (b)—

[(A) by inserting ''a project under'' after ''authorized to carry out''; and

[(B) by striking ''carry out one project and''; and

[(3) by striking subsection (c) and inserting the following:

[''(c) EVOLUTION BEYOND PILOT PROGRAM.—(1) The Administrator may provide general authority to the heads of executive agencies to use a share-in-savings contracting approach to the acquisition of information technology solutions for improving mission-related or administrative processes of the Federal Government if—

[''(A) after reviewing the experience under the five projects carried out under the pilot program under subsection (a), the Administrator finds that the approach offers the Federal Government an opportunity to improve its use of information technology and to reduce costs; and

[''(B) issues guidance for the exercise of that authority.

[''(2) For the purposes of paragraph (1), a share-in-savings contracting approach provides for contracting as described in paragraph (1) of subsection (a) together with the sharing and retention of amounts saved as described in paragraphs (2) and (3) of that subsection.

[''(3) In exercising the authority provided to the Administrator in paragraph (1), the Administrator shall consult with the Federal Chief Information Officer.

[''(d) AVAILABILITY OF RETAINED SAVINGS.—(1) Amounts retained by the head of an executive agency under subsection (a)(3) or (c) shall, without further appropriation, remain available until expended and may be used by the executive agency for any of the following purposes:

[''(A) The acquisition of information technology.

[''(B) Support for share-in-savings contracting approaches throughout the agency including—

[''(i) education and training programs for share-in-savings contracting;

[''(ii) any administrative costs associated with the share-in-savings contract from which the savings were realized; or

[''(iii) the cost of employees who specialize in share-in-savings contracts.

[''(2) Amounts so retained from any appropriation of the executive agency not otherwise available for the acquisition of information technology shall be transferred to any appropriation of the executive agency that is available for such purpose.''.

[SEC. 211. ENHANCING CRISIS MANAGEMENT THROUGH ADVANCED INFORMATION TECHNOLOGY.

[(a) IN GENERAL.—

[(1) STUDY ON ENHANCEMENT OF CRISIS RESPONSE.—Not later than 90 days after the date of enactment of this Act, the Federal Emergency Management Agency shall enter into a contract with the National Research Council of the National Academy of Sciences to conduct a study on using information technology to enhance crisis response and consequence management of natural and manmade disasters.

[(2) CONTENT.—The study under this subsection shall address—

[(A) a research and implementation strategy for effective use of information technology in crisis response and consequence management, including the more effective use of technologies, management of information technology research initiatives, and incorporation of research advances into the information and communications systems of—

[(i) the Federal Emergency Management Agency; and

[(ii) other Federal, State, and local agencies responsible for crisis response and consequence management; and

[(B) opportunities for research and development on enhanced technologies for—

[(i) improving communications with citizens at risk before and during a crisis;

[(ii) enhancing the use of remote sensor data and other information sources for planning, mitigation, response, and advance warning;

[(iii) building more robust and trustworthy systems for communications in crises;

[(iv) facilitating coordinated actions among responders through more interoperable communications and information systems; and

[(v) other areas of potential improvement as determined during the course of the study.

[(3) REPORT.—Not later than 2 years after the date on which a contract is entered into under paragraph (1), the National Research Council shall submit a report on the study, including findings and recommendations to—

[(A) the Committee on Governmental Affairs of the Senate;

[(B) the Committee on Government Reform of the House of Representatives; and

[(C) the Federal Emergency Management Agency.

[(4) INTERAGENCY COOPERATION.—The Federal Emergency Management Agency and other Federal departments and agencies with responsibility for disaster relief and emergency assistance shall fully cooperate with the National Research Council in carrying out this section.

[(5) EXPEDITED PROCESSING OF SECURITY CLEARANCES.—For the purpose of facilitating the commencement of the study under this section, the Federal Emergency Management Agency and other relevant agencies shall expedite to the fullest extent possible the processing of security clearances that are necessary for the National Research Council.

[(6) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Federal Emergency Management Agency for research under this subsection, $800,000 for fiscal year 2002.

[(b) PILOT PROJECTS.—Based on the results of the research conducted under subsection (a), the Federal Chief Information Officer shall initiate pilot projects with the goal of maximizing the utility of information technology in disaster management. The Federal Chief Information Officer shall cooperate with the Federal Emergency Management Agency, other relevant agencies, and, if appropriate, State, local, and tribal governments, in initiating such pilot projects.

[SEC. 212. FEDERAL INFORMATION TECHNOLOGY TRAINING CENTER.

[(a) IN GENERAL.—In consultation with the Federal Chief Information Officer, the Chief Information Officers Council, and the Administrator of General Services, the Director of the Office of Personnel Management shall establish and operate a Federal Information Technology Training Center (in this section referred to as the ''Training Center'').

[(b) FUNCTIONS.—The Training Center shall—

[(1) analyze, on an ongoing basis, the personnel needs of the Federal Government related to information technology and information resource management;

[(2) design curricula, training methods, and training schedules that correspond to the projected personnel needs of the Federal Government related to information technology and information resource management; and

[(3) recruit and train Federal employees in information technology disciplines, as necessary, at a rate that ensures that the Federal Government's information resource management needs are met.

[(c) CURRICULA.—The curricula of the Training Center—

[(1) shall cover a broad range of information technology disciplines corresponding to the specific needs of Federal agencies;

[(2) shall be adaptable to achieve varying levels of expertise, ranging from basic non-occupational computer training to expert occupational proficiency in specific information technology disciplines, depending on the specific information resource management needs of Federal agencies;

[(3) shall be developed and applied according to rigorous academic standards; and

[(4) shall be designed to maximize efficiency through the use of self-paced courses, online courses, on-the-job training, and the use of remote instructors, wherever such features can be applied without reducing training effectiveness or negatively impacting academic standards.

[(d) EMPLOYEE PARTICIPATION.—Subject to information resource management needs and the limitations imposed by resource needs in other occupational areas, agencies shall encourage their employees to participate in the occupational information technology curricula of the Training Center.

[(e) AGREEMENTS FOR SERVICE.—Employees who participate in full-time training at the Training Center for a period of 6 months or longer shall be subject to an agreement for service after training under section 4108 of title 5, United States Code.

[(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Office of Personnel Management for developing and operating the Training Center, $7,000,000 in fiscal year 2002, and such sums as may be necessary for each fiscal year thereafter.

[SEC. 213. COMMUNITY TECHNOLOGY CENTERS.

[(a) STUDY AND REPORT.—Not later than 2 years after the effective date of this Act, the Secretary of Education, in consultation with the Secretary of Agriculture, the Secretary of Housing and Urban Development, the National Telecommunications and Information Administration, and the Federal Chief Information Officer, shall—

[(1) conduct a study to evaluate the best practices of community technology centers that receive Federal funds; and

[(2) submit a report on the study to—

[(A) the Committee on Governmental Affairs of the Senate;

[(B) the Committee on Health, Education, Labor, and Pensions of the Senate;

[(C) the Committee on Government Reform of the House of Representatives; and

[(D) the Committee on Education and the Workforce of the House of Representatives.

[(b) CONTENT.—The report shall include—

[(1) an evaluation of the best practices being used by successful community technology centers;

[(2) a strategy for—

[(A) continuing the evaluation of best practices used by community technology centers; and

[(B) establishing a network to share information and resources as community technology centers evolve;

[(3) the identification of methods to expand the use of best practices to assist community technology centers, public libraries, and other institutions that provide computer and Internet access to the public;

[(4) a database of all community technology centers receiving Federal funds, including—

[(A) each center's name, location, services provided, director, other points of contact, number of individuals served; and

[(B) other relevant information;

[(5) an analysis of whether community technology centers have been deployed effectively in urban and rural areas throughout the Nation; and

[(6) recommendations of how to—

[(A) enhance the development of community technology centers; and

[(B) establish a network to share information and resources.

[(c) COOPERATION.—All agencies that fund community technology centers shall provide to the Department of Education any information and assistance necessary for the completion of the study and the report under this section.

[(d) ASSISTANCE.—

[(1) IN GENERAL.—The Federal Chief Information Officer shall work with the Department of Education, other relevant Federal agencies, and other interested persons in the private and nonprofit sectors to—

[(A) assist in the implementation of recommendations; and

[(B) identify other ways to assist community technology centers, public libraries, and other institutions that provide computer and Internet access to the public.

[(2) TYPES OF ASSISTANCE.—Assistance under this paragraph may include—

[(A) contribution of funds;

[(B) donations of equipment, and training in the use and maintenance of the equipment; and

[(C) the provision of basic instruction or training material in computer skills and Internet usage.

[(e) TRAINING CENTER.—The Federal Information Technology Training Center established under section 212 of this Act shall make applicable information technology curricula available to members of the public through the community technology centers.

[(f) ONLINE TUTORIAL.—

[(1) IN GENERAL.—The Secretary of Education, in consultation with the Federal Chief Information Officer, the National Science Foundation, and other interested persons, shall develop an online tutorial that—

[(A) explains how to access information and services on the Internet; and

[(B) provides a guide to available online resources.

[(2) DISTRIBUTION.—The Secretary of Education shall distribute information on the tutorial to community technology centers, public libraries, and other institutions that afford Internet access to the public.

[(g) PROMOTION OF COMMUNITY TECHNOLOGY CENTERS.—In consultation with other agencies and organizations, the Department of Education shall promote the availability of community technology centers to raise awareness within each community where such a center is located.

[(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of Education for the study of best practices at community technology centers, for the development and dissemination of the online tutorial, and for the promotion of community technology centers under this section $2,000,000 in fiscal year 2002, $2,000,000 in fiscal year 2003, and such sums as are necessary in fiscal years 2004 through 2006.

[SEC. 214. DISPARITIES IN ACCESS TO THE INTERNET.

[(a) STUDY AND REPORT.—Not later than 1 year after the effective date of this Act—

[(1) the Federal Chief Information Officer shall enter into an agreement with a nonprofit, nonpartisan organization to conduct a study on disparities in Internet access across various demographic distributions; and

[(2) the nonprofit, nonpartisan organization shall conduct the study and submit a report to—

[(A) the Committee on Governmental Affairs of the Senate; and

[(B) the Committee on Government Reform of the House of Representatives.

[(b) CONTENT.—The report shall include a study of—

[(1) how disparities in Internet access influence the effectiveness of online Government services;

[(2) how the increase in online Government services is influencing the disparities in Internet access; and

[(3) any related societal effects arising from the interplay of disparities in Internet access and the increase in online Government services.

[(c) RECOMMENDATIONS.—The report shall include recommendations on actions to ensure that online Government initiatives shall not have the unintended result of increasing any deficiency in public access to Government services.

[(d) POLICY CONSIDERATIONS.—When promulgating policies and implementing programs regarding the provision of services over the Internet, the Federal Chief Information Officer and agency heads shall—

[(1) consider the impact on persons without access to the Internet; and

[(2) ensure that the availability of Government services has not been diminished for individuals who lack access to the Internet.

[(e) TECHNOLOGY CONSIDERATIONS.—To the extent feasible, the Federal Chief Information Officer and agency heads shall pursue technologies that make Government services and information more accessible to individuals who do not own computers or have access to the Internet.

[(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $950,000 in fiscal year 2002 to carry out this section.

[SEC. 215. ACCESSIBILITY, USABILITY, AND PRESERVATION OF GOVERNMENT INFORMATION.

[(a) DEFINITIONS.—In this section, the term—

[(1) ''agency'' has the meaning given under section 3502(1) of title 44, United States Code;

[(2) ''Board'' means the Advisory Board on Government Information established under subsection (b);

[(3) ''Government information'' means information created, collected, processed, disseminated, or disposed of by or for the Federal Government;

[(4) ''information'' means any communication or representation of knowledge such as facts, data, or opinions, in any medium or form, including textual, numerical, graphic, cartographic, narrative, or audiovisual forms; and

[(5) ''permanent public access'' means the process by which applicable Government information that has been disseminated on the Internet is preserved for current, continuous, and future public access.

[(b) ADVISORY BOARD.—

[(1) ESTABLISHMENT.—There is established the Advisory Board on Government Information. The Board shall be subject to the Federal Advisory Committee Act (5 U.S.C. App.).

[(2) MEMBERS.—The Federal Chief Information Officer shall appoint the members of the Board who shall include representatives from appropriate agencies and interested persons from the public, private, and nonprofit sectors.

[(3) FUNCTIONS.—The Board shall conduct studies and submit recommendations as provided by this section to the Federal Chief Information Officer.

[(4) TERMINATION.—The Board shall terminate 3 years after the effective date of this Act.

[(c) CATALOGUING AND INDEXING STANDARDS.—

[(1) AGENCY FUNCTIONS.—

[(A) REPORTS.—Not later than 180 days after the effective date of this Act, each agency shall submit a report to the Board on all cataloguing and indexing standards used by that agency, including taxonomies being used to classify information.

[(B) PRIORITIES AND SCHEDULES.—Not later than 180 days after the issuance of a circular or the promulgation of proposed regulations under paragraph (3), each agency shall consult with interested persons and develop priorities and schedules for making the agency indexing and cataloguing standards fully interoperable with other standards in use in the Federal Government.

[(2) BOARD FUNCTIONS.—The Board shall—

[(A) not later than 1 year after the effective date of this Act—

[(i) review cataloguing and indexing standards used by agencies; and

[(ii) determine whether the systems using those standards are generally recognized, in the public domain, and interoperable; and

[(B) not later than 18 months after the effective date of this Act—

[(i) consult interested persons;

[(ii) analyze and determine agency public domain standards that are not fully interoperable with other standards; and

[(iii) recommend priorities and schedules for making such standards fully interoperable.

[(3) FEDERAL CHIEF INFORMATION OFFICER FUNCTIONS.—

[(A) PROHIBITION OF PROPRIETARY SYSTEMS.—

[(i) IN GENERAL.—After the submission of recommendations by the Board under paragraph (2) and public notice and opportunity for comment, the Federal Chief Information Officer shall prohibit agencies from using any system the Federal Chief Information Officer determines to be proprietary.

[(ii) WAIVER.—The Federal Chief Information Officer may waive the application of clause (i), if the Federal Chief Information Officer determines there is a compelling reason to continue the use of the system.

[(B) INTEROPERABILITY STANDARDS.—Not later than 18 months after the effective date of this Act and after public notice and opportunity for comment, the Office of Management and Budget, acting through the Federal Chief Information Officer, shall issue a circular or promulgate proposed and final regulations requiring the interoperability standards of cataloguing and indexing standards used by agencies.

[(d) PERMANENT PUBLIC ACCESS STANDARDS.—

[(1) AGENCY FUNCTIONS.—

[(A) REPORT TO BOARD.—Not later than 180 days after the effective date of this Act, each agency shall submit a report to the Board on any action taken by the agency to—

[(i) preserve public access to information disseminated by the Federal Government on the Internet; and

[(ii) set standards and develop policies to ensure permanent public access to information disseminated by the Federal Government on the Internet.

[(B) COMPLIANCE WITH REGULATIONS.—Not later than 1 year after the issuance of the circular or the promulgation of final regulations under paragraph (3), and on October 1, of each year thereafter, each agency shall submit a report on compliance of that agency with such regulations to—

[(i) the Federal Chief Information Officer;

[(ii) the Committee on Governmental Affairs of the Senate; and

[(iii) the Committee on Government Reform of the House of Representatives.

[(2) BOARD FUNCTIONS.—

[(A) RECOMMENDED STANDARDS.—Not later than 30 months after the effective date of this Act and after consultation with interested persons, the Board shall submit recommendations to the Federal Chief Information Officer on standards for permanent public access to information disseminated by the Federal Government on the Internet.

[(B) CONTENTS.—The recommendations under subparagraph (A) shall include—

[(i) a definition of the types of information to which the standards apply; and

[(ii) the process by which an agency—

[(I) applies that definition to information disseminated by the agency on the Internet; and

[(II) implements permanent public access.

[(3) FEDERAL CHIEF INFORMATION OFFICER FUNCTIONS.—

[(A) IN GENERAL.—After the submission of recommendations by the Board under paragraph (2) and public notice and opportunity for comment, the Office of Management and Budget, acting through the Federal Chief Information Officer, shall issue a circular or promulgate proposed and final regulations establishing permanent public access standards for agencies.

[(B) COMPLIANCE.—The Federal Chief Information Officer shall—

[(i) work with agencies to ensure timely and ongoing compliance with this subsection; and

[(ii) post agency reports on a centralized searchable database, with a link to the integrated Internet-based system established under section 3602(a)(13) of title 44, United States Code, as added by this Act.

[(e) INVENTORIES.—

[(1) AGENCY FUNCTIONS.—

[(A) IN GENERAL.—

[(i) INVENTORIES.—Not later than 180 days after the effective date of this Act, each agency shall inventory agency websites, including all directories and subdirectories of such websites established by the agency or contractors of the agency.

[(ii) INDIVIDUAL DOCUMENTS.—Nothing in this paragraph shall preclude an agency from inventorying individual documents on a website.

[(iii) ASSISTANCE.—The Federal Chief Information Officer and the General Services Administration shall assist agencies with inventories under this subsection.

[(B) COMPLETION OF INVENTORY.—Each agency shall complete inventories in accordance with the circular issued or regulations promulgated under paragraph (3) and post the inventories on the Internet.

[(2) BOARD FUNCTIONS.—Not later than 1 year after the effective date of this Act, the Board shall—

[(A) consult with interested parties;

[(B) identify for inventory purposes all classes of Government information, except classes of information—

[(i) the existence of which is classified; or

[(ii) is of such a sensitive nature, that disclosure would harm the public interest; and

[(C) make recommendations on—

[(i) the classes of information to be inventoried; and

[(ii) how the information within those classes should be inventoried.

[(3) FEDERAL CHIEF INFORMATION OFFICER FUNCTIONS.—

[(A) GUIDANCE.—After submission of recommendations by the Board under paragraph (2) and public notice and opportunity for comment, the Office of Management and Budget, acting through the Chief Information Officer, shall issue a circular or promulgate proposed and final regulations to provide guidance and requirements for inventorying under this subsection.

[(B) CONTENTS.—The circular or regulations under this paragraph shall include—

[(i) requirements for the completion of inventories of some portion of Government information identified by the Board;

[(ii) the scope of required inventories;

[(iii) a schedule for completion; and

[(iv) the classes of information required to be inventoried by law.

[(C) LINKING OF INVENTORIES.—The Federal Chief Information Officer shall link inventories posted by agencies under this subsection to the integrated Internet-based system established under section 3602(a)(13) of title 44, United States Code, as added by this Act.

[(f) STATUTORY AND REGULATORY REVIEW.—Not later than 180 days after the effective date of this Act, the General Accounting Office shall—

[(1) conduct a review of all statutory and regulatory requirements of agencies to list and describe Government information;

[(2) analyze the inconsistencies, redundancies, and inadequacies of such requirements; and

[(3) submit a report on the review and analysis to—

[(A) the Federal Chief Information Officer;

[(B) the Committee on Governmental Affairs of the Senate; and

[(C) the Committee on Government Reform of the House of Representatives.

[(g) CATALOGUING AND INDEXING DETERMINATIONS.—

[(1) AGENCY FUNCTIONS.—

[(A) PRIORITIES AND SCHEDULES.—Not later than 180 days after the issuance of a circular or the promulgation of proposed regulations under paragraph (3), each agency shall consult with interested persons and develop priorities and schedules for cataloguing and indexing Government information. Agency priorities and schedules shall be made available for public review and comment and shall be linked on the Internet to an agency's inventories.

[(B) COMPLIANCE WITH REGULATIONS.—Not later than 1 year after the issuance of the circular or the promulgation of final regulations under paragraph (3), and on October 1, of each year thereafter, each agency shall submit a report on compliance of that agency with such circular or regulations to—

[(i) the Federal Chief Information Officer;

[(ii) the Committee on Governmental Affairs of the Senate; and

[(iii) the Committee on Government Reform of the House of Representatives.

[(2) BOARD FUNCTIONS.—The Board shall—

[(A) not later than 1 year after the effective date of this Act—

[(i) review the report submitted by the General Accounting Office under subsection (f); and

[(ii) review the types of Government information not covered by cataloguing or indexing requirements; and

[(B) not later than 18 months after receipt of agency inventories—

[(i) consult interested persons;

[(ii) review agency inventories; and

[(iii) make recommendations on—

[(I) which Government information should be catalogued and indexed; and

[(II) the priorities for the cataloguing and indexing of that Government information, including priorities required by statute or regulation.

[(3) FEDERAL CHIEF INFORMATION OFFICER FUNCTIONS.—

[(A) IN GENERAL.—After the submission of recommendations by the Board under paragraph (2) and public notice and opportunity for comment, the Office of Management and Budget, acting through the Federal Chief Information Officer, shall issue a circular or promulgate proposed and final regulations that—

[(i) specify which Government information is required to be catalogued and indexed; and

[(ii) establish priorities for the cataloguing and indexing of that information.

[(B) COMPLIANCE.—The Federal Chief Information Officer shall—

[(i) work with agencies to ensure timely and ongoing compliance with this subsection; and

[(ii) post agency reports and indexes and catalogues on a centralized searchable database, with a link to the integrated Internet-based system established under section 3602(a)(13) of title 44, United States Code, as added by this Act.

[(h) AVAILABILITY OF GOVERNMENT INFORMATION ON THE INTERNET.—Not later than 1 year after the completion of the agency inventory referred to under subsection (e)(1)(B), each agency shall—

[(1) consult with the Board and interested persons;

[(2) determine which Government information the agency intends to make available and accessible to the public on the Internet and by other means;

[(3) develop priorities and schedules for making that Government information available and accessible;

[(4) make such final determinations, priorities, and schedules available for public comment; and

[(5) post such final determinations, priorities, and schedules on an agency website with a link to the integrated Internet-based system established under section 3602(a)(13) of title 44, United States Code, as added by this Act.

[SEC. 216. PUBLIC DOMAIN DIRECTORY OF FEDERAL GOVERNMENT WEBSITES.

[(a) DEFINITIONS.—In this section, the term—

[(1) ''agency'' has the meaning given under section 3502(1) of title 44, United States Code; and

[(2) ''directory'' means a taxonomy of subjects linked to websites that is created with the participation of human editors.

[(b) ESTABLISHMENT.—Not later than 2 years after the effective date of this Act, the Federal Chief Information Officer and each agency shall—

[(1) develop and establish a public domain directory of Federal Government websites; and

[(2) post the directory on the Internet with a link to the integrated Internet-based system established under section 3602(a)(13) of title 44, United States Code, as added by this Act.

[(c) DEVELOPMENT.—With the assistance of each agency, the Federal Chief Information Officer shall—

[(1) direct the development of the directory through a collaborative effort, including input from—

[(A) agency librarians;

[(B) Federal depository librarians; and

[(C) other interested parties; and

[(2) develop a public domain taxonomy of subjects used to review and categorize Federal Government websites.

[(d) UPDATE.—With the assistance of each agency, the Federal Chief Information Officer shall—

[(1) update the directory; and

[(2) solicit interested persons for improvements to the directory.

[SEC. 217. STANDARDS FOR AGENCY WEBSITES.

[Not later than 1 year after the effective date of this Act, the Federal Chief Information Officer shall promulgate standards and criteria for agency websites that include—

[(1) requirements that websites include direct links to—

[(A) privacy statements;

[(B) descriptions of the mission and statutory authority of the agency;

[(C) the electronic reading rooms of the agency relating to the disclosure of information under section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act);

[(D) agency regulations, rules, and rulemakings;

[(E) information about the organizational structure of the agency, with an outline linked to the agency on-line staff directory; and

[(F) the strategic plan of the agency developed under section 306 of title 5, United States Code; and

[(2) minimum agency goals to assist public users to navigate agency websites, including—

[(A) speed of retrieval of search results;

[(B) the relevance of the results; and

[(C) tools to aggregate and disaggregate data.

[SEC. 218. PRIVACY PROVISIONS.

[(a) DEFINITIONS.—In this section, the term—

[(1) ''agency'' has the meaning given under section 551(1) of title 5, United States Code;

[(2) ''information system'' means a discrete set of information resources organized for the collection, processing, maintenance, transmission, and dissemination of information, in accordance with defined procedures that—

[(A) electronically collects or maintains personally identifiable information on 10 or more individuals; or

[(B) makes personally identifiable information available to the public; and

[(3) ''personally identifiable information'' means individually identifiable information about an individual, including—

[(A) a first and last name;

[(B) a home or other physical address including street name and name of a city or town;

[(C) an e-mail address;

[(D) a telephone number;

[(E) a social security number;

[(F) a credit card number;

[(G) a birth date, birth certificate number, or a place of birth; and

[(H) any other identifier that the Federal Chief Information Officer determines permits the identification or physical or online contacting of a specific individual.

[(b) PRIVACY IMPACT ASSESSMENTS.—

[(1) RESPONSIBILITIES OF AGENCIES.—

[(A) IN GENERAL.—Before developing or procuring an information system, or initiating a new collection of personally identifiable information that will be collected, processed, maintained, or disseminated electronically, an agency shall—

[(i) conduct a privacy impact assessment;

[(ii) submit the assessment to the Federal Chief Information Officer; and

[(iii) after completion of any review conducted by the Federal Chief Information Officer, where practicable—

[(I) publish the assessment in the Federal Register; or

[(II) disseminate the assessment electronically.

[(B) SENSITIVE INFORMATION.—Subparagraph (A)(iii) may be modified or waived to protect classified, sensitive, or private information contained in an assessment.

[(2) CONTENTS OF A PRIVACY IMPACT ASSESSMENT.—A privacy impact assessment shall include—

[(A) a description of—

[(i) the information to be collected;

[(ii) the purpose for the collection of the information and the reason each item of information is necessary and relevant;

[(iii)(I) any notice that will be provided to persons from whom information is collected; and

[(II) any choice that an individual who is the subject of the collection of information shall have to decline to provide information;

[(iv) the intended uses of the information and proposed limits on other uses of the information;

[(v) the intended recipients or users of the information and any limitations on access to or reuse or redisclosure of the information;

[(vi) the period for which the information will be retained;

[(vii) whether and by what means the individual who is the subject of the collection of information—

[(I) shall have access to the information about that individual; or

[(II) may exercise other rights under section 552a of title 5, United States Code; and

[(viii) security measures that will protect the information;

[(B) an assessment of the potential impact on privacy relating to risks and mitigation of risks; and

[(C) other information and analysis required under guidance issued by the Federal Chief Information Officer.

[(3) RESPONSIBILITIES OF THE FEDERAL CHIEF INFORMATION OFFICER.—The Federal Chief Information Officer shall—

[(A)(i) develop policies and guidelines for agencies on the conduct of privacy impact assessments; and

[(ii) oversee the implementation of the privacy impact assessment process throughout the Government;

[(B) require agencies to conduct privacy impact assessments in—

[(i) developing or procuring an information system; or

[(ii) planning for the initiation of a new collection of personally identifiable information;

[(C) require agencies to conduct privacy impact assessments of existing information systems or ongoing collections of personally identifiable information as the Federal Chief Information Officer determines appropriate;

[(D) assist agencies in developing privacy impact assessment policies; and

[(E) encourage officers and employees of an agency to consult with privacy officers of that agency in completing privacy impact assessments.

[(c) PRIVACY PROTECTIONS ON AGENCY WEBSITES.—

[(1) PRIVACY POLICIES ON WEBSITES.—

[(A) GUIDELINES FOR NOTICES.—The Federal Chief Information Officer shall develop guidelines for privacy notices on agency websites.

[(B) CONTENTS.—The guidelines shall require that a privacy notice include a description of—

[(i) information collected about visitors to the agency's website;

[(ii) the intended uses of the information collected;

[(iii) the choices that an individual may have in controlling collection or disclosure of information relating to that individual;

[(iv) the means by which an individual may be able to—

[(I) access personally identifiable information relating to that individual that is held by the agency; and

[(II) correct any inaccuracy in that information;

[(v) security procedures to protect information collected online;

[(vi) the period for which information will be retained; and

[(vii) the rights of an individual under statutes and regulations relating to the protection of individual privacy, including section 552a of title 5, United States Code (commonly referred to as the Privacy Act of 1974) and section 552 of that title (commonly referred to as the Freedom of Information Act).

[(2) PRIVACY POLICIES IN MACHINE-READABLE FORMATS.—

[(A) IN GENERAL.—The Federal Chief Information Officer shall promulgate guidelines and standards requiring agencies to translate privacy policies into a standardized machine-readable format.

[(B) WAIVER OR MODIFICATION.—The Federal Chief Information Officer may waive or modify the application of subparagraph (A), if the Federal Chief Information Officer determines that—

[(i) such application is impracticable; or

[(ii) a more practicable alternative shall be implemented.

[(C) NOTIFICATION.—Not later than 30 days after granting a waiver or modification under subparagraph (B), the Federal Chief Information Officer shall notify the Committee on Governmental Affairs of the Senate and the Committee on Government Reform of the House of Representatives of the reasons for the waiver or modification.

[SEC. 219. ACCESSIBILITY TO PEOPLE WITH DISABILITIES.

[All actions taken by Federal departments and agencies under this Act shall be in compliance with section 508 of the Rehabilitation Act of 1973 (29 U.S.C. 794d).

[SEC. 220. NOTIFICATION OF OBSOLETE OR COUNTERPRODUCTIVE PROVISIONS.

[If the Federal Chief Information Officer makes a determination that any provision of this Act (including any amendment made by this Act) is obsolete or counterproductive to the purposes of this Act, as a result of changes in technology or any other reason, the Federal Chief Information Officer shall submit notification of that determination to—

[(1) the Committee on Governmental Affairs of the Senate; and

[(2) the Committee on Government Reform of the House of Representatives.

[TITLE III—AUTHORIZATION OF APPROPRIATIONS AND EFFECTIVE DATE

[SEC. 301. AUTHORIZATION OF APPROPRIATIONS.

[Except for those purposes for which an authorization of appropriations is specifically provided in this Act, including the amendments made by this Act, there are authorized to be appropriated such sums as may be necessary to carry out this Act for each of fiscal years 2002 through 2006.

[SEC. 302. EFFECTIVE DATE.

[This Act and the amendments made by this Act shall take effect 120 days after the date of enactment of this Act.]

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''E-Government Act of 2002''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Findings and purposes.
TITLE I—OFFICE OF MANAGEMENT AND BUDGET ELECTRONIC GOVERNMENT SERVICES
Sec. 101. Management and promotion of Electronic Government services.
Sec. 102. Conforming amendments.
TITLE II—FEDERAL MANAGEMENT AND PROMOTION OF ELECTRONIC GOVERNMENT SERVICES
Sec. 201. Definitions.

Sec. 202. Federal agency responsibilities.
Sec. 203. Compatibility of Executive agency methods for use and acceptance of electronic signatures.
Sec. 204. Federal Internet portal.
Sec. 205. Federal courts.
Sec. 206. Regulatory agencies.
Sec. 207. Accessibility, usability, and preservation of Government information.
Sec. 208. Privacy provisions.
Sec. 209. Federal Information Technology workforce development.
Sec. 210. Common protocols for geographic information systems.
Sec. 211. Share-in-savings program improvements.
Sec. 212. Integrated reporting study and pilot projects.
Sec. 213. Community technology centers.
Sec. 214. Enhancing crisis management through advanced information technology.
Sec. 215. Disparities in access to the Internet.
Sec. 216. Notification of obsolete or counterproductive provisions.

TITLE III—GOVERNMENT INFORMATION SECURITY

Sec. 301. Information security.

TITLE IV—AUTHORIZATION OF APPROPRIATIONS AND EFFECTIVE DATES

Sec. 401. Authorization of appropriations.
Sec. 402. Effective dates.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds the following:

(1) The use of computers and the Internet is rapidly transforming societal interactions and the relationships among citizens, private businesses, and the Government.

(2) The Federal Government has had uneven success in applying advances in information technology to enhance governmental functions and services, achieve more efficient performance, increase access to Government information, and citizen participation in Government.

(3) Most Internet-based services of the Federal Government are developed and presented separately, according to the jurisdictional boundaries of an individual department or agency, rather than being integrated cooperatively according to function.

(4) Internet-based Government services involving interagency cooperation are especially difficult to develop and promote, in part because of a lack of sufficient funding mechanisms to support such interagency cooperation.

(5) Electronic Government has its impact through improved Government performance and outcomes within and across agencies.

(6) Electronic Government is a critical element in the management of Government, to be implemented as part of a management framework that also addresses finance, procurement, human capital, and other challenges to improve the performance of Government.

(7) To take full advantage of the improved Government performance that can be achieved through the use of Internet-based technology requires new leadership, better organization, improved interagency collaboration, and more focused oversight of agency compliance with statutes related to information resource management.

(b) PURPOSES.—The purposes of this Act are the following:

(1) To provide effective leadership of Federal Government efforts to develop and promote electronic Government services and processes by establishing an Administrator of a new Office of Electronic Government within the Office of Management and Budget.

(2) To promote use of the Internet and other information technologies to provide increased opportunities for citizen participation in Government.

(3) To promote interagency collaboration in providing electronic Government services, where this collaboration would improve the service to citizens by integrating related functions, and in the use of internal electronic Government processes, where this collaboration would improve the efficiency and effectiveness of the processes.

(4) To improve the ability of the Government to achieve agency missions and program performance goals.

(5) To promote the use of the Internet and emerging technologies within and across Government agencies to provide citizen-centric services.

(6) To reduce costs and burdens for businesses and other Government entities.

(7) To promote better informed decisionmaking by policy makers.

(8) To promote access to high quality information and services across multiple channels, available to customers through the channels which are preferred by the customer.

(9) To make the Federal Government more transparent and accountable.

(10) To transform agency operations by utilizing, where appropriate, best practices from public and private sector organizations.

TITLE I—OFFICE OF MANAGEMENT AND BUDGET ELECTRONIC GOVERNMENT SERVICES

SEC. 101. MANAGEMENT AND PROMOTION OF ELECTRONIC GOVERNMENT SERVICES.

(a) IN GENERAL.—Title 44, United States Code, is amended by inserting after chapter 35 the following:

"CHAPTER 36—MANAGEMENT AND PROMOTION OF ELECTRONIC GOVERNMENT SERVICES

''Sec.
''3601. Definitions.
''3602. Office of Electronic Government.
''3603. Chief Information Officers Council.
''3604. E-Government Fund.
''3605. E-Government report.

"§3601. Definitions

''In this chapter, the definitions under section 3502 shall apply, and the term—

''(1) 'Administrator' means the Administrator of the Office of Electronic Government established under section 3602;

''(2) 'Council' means the Chief Information Officers Council established under section 3603;

''(3) 'electronic Government' means the use by the Government of web-based Internet applications and other digital technologies, combined with processes that implement these technologies, to—

''(A) enhance the access to and delivery of Government information and services to the public, other agencies, and other Government entities; or

''(B) bring about improvements in Government operations that may include effectiveness, efficiency, service quality, or transformation;

''(4) 'enterprise architecture' means a framework for incorporating business processes, information flows, applications, and infrastructure to support agency and interagency goals;

''(5) 'Fund' means the E-Government Fund established under section 3604;

''(6) 'interoperability' means the ability of different software systems, applications, and services to communicate and exchange data in an accurate, effective, and consistent manner; and

''(7) 'integrated service delivery' means the provision of Internet-based Federal Government information or services integrated according to function rather than separated according to the boundaries of agency jurisdiction.

"§3602. Office of Electronic Government

''(a) There is established in the Office of Management and Budget an Office of Electronic Government.

''(b) There shall be at the head of the Office an Administrator who shall be appointed by the President, by and with the advice and consent of the Senate.

''(c) The Administrator shall assist the Director in carrying out—

''(1) all functions under this chapter;

''(2) all of the functions assigned to the Director under title II of the E-Government Act of 2002; and

''(3) other electronic government initiatives, consistent with other statutes.

''(d) The Administrator shall assist the Director and the Deputy Director for Management and work with the Administrator of the Office of Information and Regulatory Affairs in setting strategic direction for implementing electronic Government, under relevant statutes, including—

''(1) chapter 35;

''(2) division E of the Clinger-Cohen Act of 1996 (division E of Public Law 104–106; 40 U.S.C. 1401 et seq.);

''(3) section 552a of title 5 (commonly referred to as the Privacy Act);

''(4) the Government Paperwork Elimination Act (44 U.S.C. 3504 note);

''(5) the Government Information Security Reform Act; and

''(6) the Computer Security Act of 1987 (40 U.S.C. 759 note).

''(e) The Administrator shall work with the Administrator of the Office of Information and Regulatory Affairs and with other offices within the Office of Management and Budget to oversee implementation of electronic Government under this chapter, chapter 35, the E-Government Act of 2002, and other relevant statutes relating to—

''(1) capital planning and investment control for information technology;

''(2) the development of enterprise architectures;

''(3) information security;

''(4) privacy;

''(5) access to, dissemination of, and preservation of Government information; and

''(6) other areas of electronic Government.

''(f) Subject to requirements of this chapter, the Administrator shall assist the Director by performing electronic Government functions as follows:

''(1) Advise the Director on the resources required to develop and effectively operate and maintain Federal Government information systems.

''(2) Recommend to the Director changes relating to Governmentwide strategies and priorities for electronic Government.

''(3) Provide overall leadership and direction to the executive branch on electronic Government by working with authorized officials to establish information resources management policies and requirements, and by reviewing performance of each agency in acquiring, using, and managing information resources.

''(4) Promote innovative uses of information technology by agencies, particularly initiatives involving multiagency collaboration, through support of pilot projects, research, experimentation, and the use of innovative technologies.

''(5) Oversee the distribution of funds from, and ensure appropriate administration of, the E-Government Fund established under section 3604.

''(6) Coordinate with the Administrator of General Services regarding programs undertaken by the General Services Administration to promote electronic government and the efficient use of information technologies by agencies.

''(7) Lead the activities of the Chief Information Officers Council established under section 3603 on behalf of the Deputy Director for Management, who shall chair the council.

''(8) Assist the Director in establishing policies which shall set the framework for information technology standards for the Federal Government under section 5131 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1441), to be developed by the National Institute of Standards and Technology and promulgated by the Secretary of Commerce, taking into account, if appropriate, recommendations of the Chief Information Officers Council, experts, and interested parties

from the private and nonprofit sectors and State, local, and tribal governments, and maximizing the use of commercial standards as appropriate, as follows:

''(A) Standards and guidelines for interconnectivity and interoperability as described under section 3504.

''(B) Standards and guidelines for categorizing Federal Government electronic information to enable efficient use of technologies, such as through the use of extensible markup language.

''(C) Standards and guidelines for Federal Government computer system efficiency and security.

''(9) Sponsor ongoing dialogue that—

''(A) shall be conducted among Federal, State, local, and tribal government leaders on electronic Government in the executive, legislative, and judicial branches to encourage collaboration and enhance understanding of best practices and innovative approaches in acquiring, using, and managing information resources;

''(B) is intended to improve the performance of governments in collaborating on the use of information technology to improve the delivery of information and services; and

''(C) may include—

''(i) development of innovative models—

''(I) for electronic Government management and Government information technology contracts; and

''(II) that may be developed through focused discussions or using separately sponsored research;

''(ii) identification of opportunities for public-private collaboration in using Internet-based technology to increase the efficiency of Government-to-business transactions;

''(iii) identification of mechanisms for providing incentives to program managers and other Government employees to develop and implement innovative uses of information technologies; and

''(iv) identification of opportunities for public, private, and intergovernmental collaboration in addressing the disparities in access to the Internet and information technology.

''(10) Oversee the work of the General Services Administration and other agencies in developing the integrated Internet-based system under section 204 of the E-Government Act of 2002.

''(11) Coordinate with the Administrator of the Office of Federal Procurement Policy to ensure effective implementation of electronic procurement initiatives.

''(12) Assist Federal agencies, including the General Services Administration and the Department of Justice, and the Unites States Access Board in—

''(A) implementing accessibility standards under section 508 of the Rehabilitation Act of 1973 (29 U.S.C. 794d); and

''(B) ensuring compliance with those standards through the budget review process and other means.

''(13) Oversee the development of enterprise architectures within and across agencies.

''(14) Administer the Office of Electronic Government established under section 3602.

''(15) Assist the Director in preparing the E-Government report established under section 3605.

''(g) The Director shall ensure that the Office of Management and Budget, including the Office of Electronic Government, the Office of Information and Regulatory Affairs, and other relevant offices, have adequate staff and resources to properly fulfill all functions under the E-Government Act of 2002.

''§ 3603. Chief Information Officers Council

''(a) There is established in the executive branch a Chief Information Officers Council.

''(b) The members of the Council shall be as follows:

''(1) The Deputy Director for Management of the Office of Management and Budget, who shall act as chairperson of the Council.

''(2) The Administrator of the Office of Electronic Government.

''(3) The Administrator of the Office of Information and Regulatory Affairs.

''(4) The chief information officer of each agency described under section 901(b) of title 31.

''(5) The chief information officer of the Central Intelligence Agency.

''(6) The chief information officer of the Department of the Army, the Department of the Navy, and the Department of the Air Force, if chief information officers have been designated for such departments under section 3506(a)(2)(B).

''(7) Any other officer or employee of the United States designated by the chairperson.

''(c)(1) The Administrator of the Office of Electronic Government shall lead the activities of the Council on behalf of the Deputy Director for Management.

''(2)(A) The Vice Chairman of the Council shall be selected by the Council from among its members.

''(B) The Vice Chairman shall serve a 1-year term, and may serve multiple terms.

''(3) The Administrator of General Services shall provide administrative and other support for the Council.

''(d) The Council is designated the principal interagency forum for improving agency practices related to the design, acquisition, development, modernization, use, operation, sharing, and performance of Federal Government information resources.

''(e) The Council shall perform the following functions:

''(1) Develop recommendations for the Director on Government information resources management policies and requirements.

''(2) Share experiences, ideas, best practices, and innovative approaches related to information resources management.

''(3) Assist the Administrator in the identification, development, and coordination of multiagency projects and other innovative initiatives to improve Government performance through the use of information technology.

''(4) Promote the development and use of common performance measures for agency information resources management under this chapter and title II of the E-Government Act of 2002.

''(5) Work as appropriate with the National Institute of Standards and Technology and the Administrator to develop recommendations on information technology standards developed under section 20 of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3) and promulgated under section 5131 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1441), as follows:

''(A) Standards and guidelines for interconnectivity and interoperability as described under section 3504.

''(B) Standards and guidelines for categorizing Federal Government electronic information to enable efficient use of technologies, such as through the use of extensible markup language.

''(C) Standards and guidelines for Federal Government computer system efficiency and security.

''(6) Work with the Office of Personnel Management to assess and address the hiring, training, classification, and professional development needs of the Government related to information resources management.

''§ 3604. E-Government Fund

''(a)(1) There is established in the General Services Administration the E-Government Fund.

''(2) The Fund shall be administered by the Administrator of the General Services Administration to support projects approved by the Director, assisted by the Administrator of the Office of Electronic Government, that enable the Federal Government to expand its ability, through the development and implementation of innovative uses of the Internet or other electronic methods, to conduct activities electronically.

''(3) Projects under this subsection may include efforts to—

''(A) make Federal information and services more readily available to members of the public (including individuals, businesses, grantees, and State and local governments);

''(B) make it easier for the public to apply for benefits, receive services, pursue business opportunities, submit information, and otherwise conduct transactions with the Federal Government; and

''(C) enable Federal agencies to take advantage of information technology in sharing information and conducting transactions with each other and with State and local governments.

''(b)(1) The Administrator shall—

''(A) establish procedures for accepting and reviewing proposals for funding; and

''(B) consult with interagency councils, including the Chief Information Officers Council, the Chief Financial Officers Council, and other interagency management councils, in establishing procedures and reviewing proposals.

''(2) When reviewing proposals and managing the Fund, the Administrator shall observe and incorporate the following procedures:

''(A) A project requiring substantial involvement or funding from an agency shall be approved by a senior official with agencywide authority on behalf of the head of the agency, who shall report directly to the head of the agency.

''(B) Projects shall adhere to fundamental capital planning and investment control processes.

''(C) Agencies shall assess the results of funded projects.

''(D) Agencies shall identify in their proposals resource commitments from the agencies involved, and include plans for potential continuation of projects after all funds made available from the Fund are expended.

''(E) After considering the recommendations of the interagency councils, the Director, assisted by the Administrator, shall have final authority to determine which of the candidate projects shall be funded from the Fund.

''(c) In determining which proposals to recommend for funding, the Administrator—

''(1) shall consider criteria that include whether a proposal—

''(A) identifies the customer group to be served, including citizens, businesses, the Federal Government, or other governments;

''(B) indicates what service or information the project will provide that meets needs of customers;

''(C) directly delivers services to the public or provides the infrastructure for delivery;

''(D) ensures proper security and protects privacy;

''(E) is interagency in scope, including projects implemented by a primary or single agency that—

''(i) could confer benefits on multiple agencies; and

''(ii) have the support of other agencies;

''(F) supports integrated service delivery;

''(G) describes how business processes across agencies will reflect appropriate transformation simultaneous to technology implementation;

''(H) has performance objectives that tie to agency missions and strategic goals, and interim results that relate to the objectives; and

''(I) is new or innovative and does not supplant existing funding streams within agencies; and

''(2) may also rank proposals based on criteria that include whether a proposal—

''(A) has Governmentwide application or implications;

''(B) has demonstrated support by the customers to be served;

''(C) integrates Federal with State, local, or tribal approaches to service delivery;

''(D) identifies resource commitments from nongovernmental sectors;

''(E) identifies resource commitments from the agencies involved; and

''(F) uses web-based technologies to achieve objectives.

''(d) The Fund may be used to fund the integrated Internet-based system under section 204 of the E-Government Act of 2002.

''(e) None of the funds provided from the Fund may be transferred to any agency until 15 days after the Administrator of the General Services Administration has submitted to the Committees on Appropriations of the Senate and the House of Representatives, the Committee on Governmental Affairs of the Senate, the Committee on Government Reform of the House of Representatives, and the appropriate authorizing committees of the Senate and the House of Representatives, a notification and description of how the funds are to be allocated and how the expenditure will further the purposes of this chapter.

''(f)(1) The Director shall report annually to Congress on the operation of the Fund, through the report established under section 3605.

''(2) The report shall describe—

''(A) all projects which the Director has approved for funding from the Fund; and

''(B) the results that have been achieved to date for these funded projects.

''(g)(1) There are authorized to be appropriated to the Fund—

''(A) $45,000,000 for fiscal year 2003;

''(B) $50,000,000 for fiscal year 2004;

''(C) $100,000,000 for fiscal year 2005;

''(D) $150,000,000 for fiscal year 2006; and

''(E) such sums as are necessary for fiscal year 2007.

''(2) Funds appropriated under this subsection shall remain available until expended.

''§ 3605. E-Government report

''(a) Not later than March 1 of each year, the Director shall submit an E-Government status report to the Committee on Governmental Affairs of the Senate and the Committee on Government Reform of the House of Representatives.

''(b) The report shall contain—

''(1) a summary of the information reported by agencies under section 202 (f) of the E-Government Act of 2002;

''(2) the information required to be reported by section 3604(f); and

''(3) a description of compliance by the Federal Government with other goals and provisions of the E-Government Act of 2002.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of chapters for title 44, United States Code, is amended by inserting after the item relating to chapter 35 the following:

''36. Management and Promotion of Electronic Government Services ... 3601''.

SEC. 102. CONFORMING AMENDMENTS.

(a) ELECTRONIC GOVERNMENT AND INFORMATION TECHNOLOGIES.—

(1) IN GENERAL.—The Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.) is amended by inserting after section 112 the following:

''SEC. 113. ELECTRONIC GOVERNMENT AND INFORMATION TECHNOLOGIES.

''The Administrator of General Services shall consult with the Administrator of the Office of Electronic Government on programs undertaken by the General Services Administration to promote electronic Government and the efficient use of information technologies by Federal agencies.''.

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for the Federal Property and Administrative Services Act of 1949 is amended by inserting after the item relating to section 112 the following:

''Sec. 113. Electronic Government and information technologies.''.

(b) MODIFICATION OF DEPUTY DIRECTOR FOR MANAGEMENT FUNCTIONS.—Section 503(b) of title 31, United States Code, is amended—

(1) by redesignating paragraphs (5), (6), (7), (8), and (9), as paragraphs (6), (7), (8), (9), and (10), respectively; and

(2) by inserting after paragraph (4) the following:

''(5) Chair the Chief Information Officers Council established under section 3603 of title 44.''.

(c) OFFICE OF ELECTRONIC GOVERNMENT.—

(1) IN GENERAL.—Chapter 5 of title 31, United States Code, is amended by inserting after section 506 the following:

''§ 507. Office of Electronic Government

''The Office of Electronic Government, established under section 3602 of title 44, is an office in the Office of Management and Budget.''.

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 5 of title 31, United States Code, is amended by inserting after the item relating to section 506 the following:

''507. Office of Electronic Government.''.

TITLE II—FEDERAL MANAGEMENT AND PROMOTION OF ELECTRONIC GOVERNMENT SERVICES

SEC. 201. DEFINITIONS.

Except as otherwise provided, in this title the definitions under sections 3502 and 3601 of title 44, United States Code, shall apply.

SEC. 202. FEDERAL AGENCY RESPONSIBILITIES.

(a) IN GENERAL.—The head of each agency shall be responsible for—

(1) complying with the requirements of this Act (including the amendments made by this Act), the related information resource management policies and guidance established by the Director of the Office of Management and Budget, and the related information technology standards promulgated by the Secretary of Commerce;

(2) ensuring that the information resource management policies and guidance established under this Act by the Director, and the information technology standards promulgated under this Act by the Secretary of Commerce are communicated promptly and effectively to all relevant officials within their agency; and

(3) supporting the efforts of the Director and the Administrator of the General Services Administration to develop, maintain, and promote an integrated Internet-based system of delivering Federal Government information and services to the public under section 204.

(b) PERFORMANCE INTEGRATION.—

(1) Agencies shall develop performance measures that demonstrate how electronic government enables progress toward agency objectives and strategic goals.

(2) In measuring performance under this section, agencies shall rely on existing data collections to the extent practicable.

(3) Areas of performance measurement that agencies should consider include—

(A) customer service;

(B) agency productivity; and

(C) adoption of innovative information technology, including the appropriate use of commercial best practices.

(4) Agencies shall link their performance goals to key customer segments, including citizens, businesses, and other governments, and to internal Federal Government operations.

(5) As appropriate, agencies shall work collectively in linking their performance goals to key customer segments and shall use information technology in delivering information and services to common customer groups.

(c) AVOIDING DIMINISHED ACCESS.—When promulgating policies and implementing programs regarding the provision of information and services over the Internet, agency heads shall consider the impact on persons without access to the Internet, and shall, to the extent practicable—

(1) ensure that the availability of Government services and information has not been diminished for individuals who lack access to the Internet; and

(2) pursue alternate modes of delivery that make Government services and information more accessible to individuals who do not own computers or lack access to the Internet.

(d) ACCESSIBILITY TO PEOPLE WITH DISABILITIES.—All actions taken by Federal departments and agencies under this Act shall be in compliance with section 508 of the Rehabilitation Act of 1973 (29 U.S.C. 794d).

(e) CHIEF INFORMATION OFFICERS.—The Chief Information Officer of each of the agencies designated under chapter 36 of title 44, United States Code (as added by this Act) shall be responsible for—

(1) participating in the functions of the Chief Information Officers Council; and

(2) monitoring the implementation, within their respective agencies, of information technology standards promulgated under this Act by the Secretary of Commerce, including common standards for interconnectivity and interoperability, categorization of Federal Government electronic information, and computer system efficiency and security.

(f) E-GOVERNMENT STATUS REPORT.—

(1) IN GENERAL.—Each agency shall compile and submit to the Director an E-Government Status Report on—

(A) the status of the implementation by the agency of electronic government initiatives;

(B) compliance by the agency with this Act; and

(C) how electronic Government initiatives of the agency improve performance in delivering programs to constituencies.

(2) SUBMISSION.—Each agency shall submit a report under this subsection—

(A) to the Director at such time and in such manner as the Director requires; and

(B) consistent with related reporting requirements.

(g) USE OF TECHNOLOGY.—Nothing in this Act supersedes the responsibility of an agency to use information technology to deliver information and services that fulfill the statutory mission and programs of the agency.

SEC. 203. COMPATIBILITY OF EXECUTIVE AGENCY METHODS FOR USE AND ACCEPTANCE OF ELECTRONIC SIGNATURES.

(a) PURPOSE.—The purpose of this section is to achieve interoperable implementation of electronic signatures for secure electronic government.

(b) ELECTRONIC SIGNATURES.—In order to fulfill the objectives of the Government Paperwork Elimination Act (Public Law 105–277; 112 Stat. 2681–749 through 2681–751), each Executive agency (as defined under section 105 of title 5, United States Code) shall ensure that its methods for use and acceptance of electronic signatures are compatible with the relevant procedures and standards promulgated by the Director.

(c) AUTHORITY FOR ELECTRONIC SIGNATURES.—The Administrator of General Services shall support the Director by establishing a framework to allow efficient interoperability among Executive agencies when using electronic signatures, including certification of digital signatures.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the General Services Administration, to ensure the development and operation of a Federal bridge certification authority for digital signature compatibility, or for other activities consistent with this section, $8,000,000 in fiscal year 2003, and such sums as are necessary for each fiscal year thereafter.

SEC. 204. FEDERAL INTERNET PORTAL.

(a) IN GENERAL.—

(1) PUBLIC ACCESS.—The Director shall work with the Administrator of the General Services Administration and other agencies to maintain and promote an integrated Internet-based system of providing the public with access to Government information and services.

(2) CRITERIA.—To the extent practicable, the integrated system shall be designed and operated according to the following criteria:

(A) The provision of Internet-based Government information and services directed to key customer groups, including citizens, business, and other governments, and integrated according to function rather than separated according to the boundaries of agency jurisdiction.

(B) An ongoing effort to ensure that Internet-based Government services relevant to a given citizen activity are available from a single point.

(C) Access to Federal Government information and services consolidated, as appropriate, with Internet-based information and services provided by State, local, and tribal governments.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the General Services Administration $15,000,000 for the maintenance, improvement, and promotion of the integrated Internet-based system for fiscal year 2003, and such sums as are necessary for fiscal years 2004 through 2007.

SEC. 205. FEDERAL COURTS.

(a) INDIVIDUAL COURT WEBSITES.—The Chief Justice of the United States, the chief judge of each circuit and district, and the chief bankruptcy judge of each district shall establish with respect to the Supreme Court or the respective court of appeals, district, or bankruptcy court of a district, a website that contains the following information or links to websites with the following information:

(1) Location and contact information for the courthouse, including the telephone numbers and contact names for the clerk's office and justices' or judges' chambers.

(2) Local rules and standing or general orders of the court.

(3) Individual rules, if in existence, of each justice or judge in that court.

(4) Access to docket information for each case.

(5) Access to the substance of all written opinions issued by the court, regardless of whether such opinions are to be published in the official court reporter, in a text searchable format.

(6) Access to all documents filed with the courthouse in electronic form, described under subsection (c).

(7) Any other information (including forms in a format that can be downloaded) that the court determines useful to the public.

(b) MAINTENANCE OF DATA ONLINE.—

(1) UPDATE OF INFORMATION.—The information and rules on each website shall be updated regularly and kept reasonably current.

(2) CLOSED CASES.—Electronic files and docket information for cases closed for more than 1 year are not required to be made available online, except all written opinions with a date of issuance after the effective date of this section shall remain available online.

(c) ELECTRONIC FILINGS.—

(1) IN GENERAL.—Except as provided under paragraph (2), each court shall make any document that is filed electronically publicly available online. A court may convert any document that is filed in paper form to electronic form. To the extent such conversions are made, all such electronic versions of the document shall be made available online.

(2) EXCEPTIONS.—

(A) IN GENERAL.—Documents that are filed that are not otherwise available to the public, such as documents filed under seal, shall not be made available online.

(B) LIMITATION.—

(i) IN GENERAL.—A party, witness, or other person with an interest may file a motion with the court to redact any document that would be made available online under this section.

(ii) REDACTION.—A redaction under this subparagraph shall be made only to—

(I) the electronic form of the document made available online; and

(II) the extent necessary to protect important privacy concerns.

(3) PRIVACY AND SECURITY CONCERNS.—The Judicial Conference of the United States may promulgate rules under this subsection to protect important privacy and security concerns.

(d) DOCKETS WITH LINKS TO DOCUMENTS.—The Judicial Conference of the United States shall explore the feasibility of technology to post online dockets with links allowing all filings, decisions, and rulings in each case to be obtained from the docket sheet of that case.

(e) COST OF PROVIDING ELECTRONIC DOCKETING INFORMATION.—Section 303(a) of the Judiciary Appropriations Act, 1992 (28 U.S.C. 1913 note) is amended in the first sentence by striking ''shall hereafter'' and inserting ''may, only to the extent necessary,''.

(f) TIME REQUIREMENTS.—Not later than 2 years after the effective date of this title, the websites under subsection (a) shall be established, except that access to documents filed in electronic form shall be established not later than 4 years after that effective date.

(g) DEFERRAL.—

(1) IN GENERAL.—

(A) ELECTION.—

(i) NOTIFICATION.—The Chief Justice of the United States, a chief judge, or chief bankruptcy judge may submit a notification to the Administrative Office of the United States Courts to defer compliance with any requirement of this section with respect to the Supreme Court, a court of appeals, district, or the bankruptcy court of a district.

(ii) CONTENTS.—A notification submitted under this subparagraph shall state—

(I) the reasons for the deferral; and

(II) the online methods, if any, or any alternative methods, such court or district is using to provide greater public access to information.

(B) EXCEPTION.—To the extent that the Supreme Court, a court of appeals, district, or bankruptcy court of a district maintains a website under subsection (a), the Supreme Court or that court of appeals or district shall comply with subsection (b)(1).

(2) REPORT.—Not later than 1 year after the effective date of this title, and every year thereafter, the Judicial Conference of the United States shall submit a report to the Committees on Governmental Affairs and the Judiciary of the Senate and the Committees on Government Reform and the Judiciary of the House of Representatives that—

(A) contains all notifications submitted to the Administrative Office of the United States Courts under this subsection; and

(B) summarizes and evaluates all notifications.

SEC. 206. REGULATORY AGENCIES.

(a) PURPOSES.—The purposes of this section are to—

(1) improve performance in the development and issuance of agency regulations by using information technology to increase access, accountability, and transparency; and

(2) enhance public participation in Government by electronic means, consistent with requirements under subchapter II of chapter 5 of title 5, United States Code, (commonly referred to as the Administrative Procedures Act).

(b) INFORMATION PROVIDED BY AGENCIES ONLINE.—To the extent practicable as determined by the agency in consultation with the Director, each agency (as defined under section 551 of title 5, United States Code) shall ensure that a publicly accessible Federal Government website includes all information about that agency required to be published in the Federal Register under section 552(a)(1) of title 5, United States Code.

(c) SUBMISSIONS BY ELECTRONIC MEANS.—To the extent practicable, agencies shall accept submissions under section 553(c) of title 5, United States Code, by electronic means, including e-mail and telefacsimile.

(d) ELECTRONIC DOCKETING.—

(1) IN GENERAL.—To the extent practicable, as determined by the agency in consultation with the Director, agencies shall ensure that a publicly accessible Federal Government website contains electronic dockets for rulemakings under section 553 of title 5, United States Code.

(2) INFORMATION AVAILABLE.—Agency electronic dockets shall make publicly available online to the extent practicable, as determined by the agency in consultation with the Director—

(A) all submissions under section 553(c) of title 5, United States Code; and

(B) other materials that by agency rule or practice are included in the rulemaking docket under section 553(c) of title 5, United States Code, whether or not submitted electronically.

(e) TIME LIMITATION.—Agencies shall implement the requirements of this section consistent with a timetable established by the Director and reported to Congress in the first annual report under section 3605 of title 44 (as added by this Act).

SEC. 207. ACCESSIBILITY, USABILITY, AND PRESERVATION OF GOVERNMENT INFORMATION.

(a) PURPOSE.—The purpose of this section is to improve the methods by which Government information, including information on the Internet, is organized, preserved, and made accessible to the public.

(b) DEFINITIONS.—In this section, the term—

(1) ''agency'' has the meaning given under section 3502(1) of title 44, United States Code;

(2) ''Committee'' means the Interagency Committee on Government Information established under subsection (c);

(3) ''directory'' means a taxonomy of subjects linked to websites that—

(A) organizes Government information on the Internet according to subject matter; and

(B) may be created with the participation of human editors;

(4) ''Government information'' means information created, collected, processed, disseminated, or disposed of by or for the Federal Government; and

(5) ''information'' means any communication or representation of knowledge such as facts, data, or opinions, in any medium or form, including textual, numerical, graphic, cartographic, narrative, or audiovisual forms.

(c) INTERAGENCY COMMITTEE.—

(1) ESTABLISHMENT.—Not later than 90 days after the date of enactment of this title, the Director shall establish the Interagency Committee on Government Information.

(2) MEMBERSHIP.—The Committee shall be chaired by the Director or the designee of the Director and—

(A) shall include representatives from—

(i) the National Archives and Records Administration;

(ii) the offices of the Chief Information Officers from Federal agencies; and

(iii) other relevant officers from the executive branch; and

(B) may include representatives from the Federal legislative and judicial branches.

(3) FUNCTIONS.—The Committee shall—

(A) engage in public consultation to the maximum extent feasible, including consultation with interested communities such as public advocacy organizations;

(B) conduct studies and submit recommendations, as provided under this section, to the Director and Congress;

(C) act as a resource to assist agencies in the effective implementation of policies derived from this Act; and

(D) share effective practices for access to, dissemination of, and retention of Federal information.

(4) TERMINATION.—The Committee shall terminate on a date determined by the Director, except the Committee may not terminate before the Committee submits all recommendations required under this section.

(d) CATEGORIZING OF INFORMATION.—

(1) COMMITTEE FUNCTIONS.—Not later than 1 year after the date of enactment of this Act, the

Committee shall submit recommendations to the Director on—

(A) the adoption of standards, which are open to the maximum extent feasible, to enable the organization and categorization of Government information—

(i) in a way that is searchable electronically, including by searchable identifiers; and

(iii) in ways that are interoperable across agencies;

(B) the definition of categories of Government information which should be classified under the standards; and

(C) determining priorities and developing schedules for the initial implementation of the standards by agencies.

(2) FUNCTIONS OF THE DIRECTOR.—Not later than 180 days after the submission of recommendations under paragraph (1), the Director shall issue policies—

(A) requiring the adoption of standards, which are open to the maximum extent feasible, to enable the organization and categorization of Government information—

(i) in a way that is searchable electronically, including by searchable identifiers; and

(ii) in ways that are interoperable across agencies;

(B) defining categories of Government information which shall be required to be classified under the standards; and

(C) determining priorities and developing schedules for the initial implementation of the standards by agencies.

(3) COMPLIANCE REPORT.—After the submission of agency reports under paragraph (4), the Director shall—

(A) annually report to Congress on compliance with this subsection in the E-Government report under section 3605 of title 44, United States Code (as added by this Act); and

(B) modify the policies, as needed, in consultation with the Committee and interested parties.

(4) AGENCY FUNCTIONS.—Each agency shall report annually to the Director, in the report established under section 202(f), on compliance of that agency with the policies issued under paragraph (2)(A).

(e) PUBLIC ACCESS TO ELECTRONIC INFORMATION.—

(1) COMMITTEE FUNCTIONS.—Not later than 1 year after the date of enactment of this Act, the Committee shall submit recommendations to the Director and the Archivist of the United States on—

(A) the adoption by agencies of policies and procedures to ensure that chapters 21, 25, 27, 29, and 31 of title 44, United States Code, are applied effectively and comprehensively to Government information on the Internet and to other electronic records; and

(B) the imposition of timetables for the implementation of the policies and procedures by agencies.

(2) FUNCTIONS OF THE ARCHIVIST.—Not later than 180 days after the submission of recommendations by the Committee under paragraph (1), the Archivist of the United States shall issue policies—

(A) requiring the adoption by agencies of policies and procedures to ensure that chapters 21, 25, 27, 29, and 31 of title 44, United States Code, are applied effectively and comprehensively to Government information on the Internet and to other electronic records; and

(B) imposing timetables for the implementation of the policies, procedures, and technologies by agencies.

(3) MODIFICATION OF POLICIES.—After the submission of agency reports under paragraph (4), the Archivist of the United States shall modify the policies, as needed, in consultation with the Committee and interested parties.

(4) AGENCY FUNCTIONS.—Each agency shall report annually to the Director, in the report established under section 202(f), on compliance of that agency with the policies issued under paragraph (2)(A).

(5) FUNCTIONS OF THE DIRECTOR.—After the submission of agency reports under paragraph (4), the Director shall annually report to Congress on compliance with this subsection in the E-Government report under section 3605 of title 44 (as added by this Act).

(f) EDUCATIONAL RESOURCE MATERIALS.—

(1) COMMITTEE FUNCTIONS.—

(A) IDENTIFICATION OF AGENCIES.—Not later than 90 days after the date of enactment of this Act, the Committee shall identify agencies involved in disseminating educational resources materials.

(B) RECOMMENDATIONS.—Not later than 15 months after the date of enactment of this Act, working with the Librarian of Congress, the Archivist of the United States, the Director or the Institute of Museum and Library Services, and the agencies previously identified by the Committee, and after consultation with interested parties, including libraries, historical societies, archival institutions, and other cultural and academic organizations, the Committee shall submit recommendations to the Director on—

(i) policies to promote coordinated access to educational resources materials on the Internet; and

(ii) the imposition of timetables for the implementation of the policies by agencies, where appropriate.

(2) FUNCTIONS OF THE DIRECTOR.—

(A) Not later than 180 days after the submission of recommendations by the Committee under paragraph (1)(B), the Director shall issue policies—

(i) promoting coordinated access to educational resources materials on the Internet; and

(ii) imposing timetables for the implementation of the policies by agencies, as appropriate.

(B) After the submission of agency reports under paragraph (3), the Director shall—

(i) annually report to Congress on compliance with this subsection in the E-Government report under section 3605 of title 44 (as added by this Act); and

(ii) refine the policies, as needed, in consultation with the Committee and interested parties.

(3) AGENCY FUNCTIONS.—Each agency shall report annually to the Director, in the report established in section 202(f), on compliance of that agency with the policies issued under paragraph (2)(A).

(g) AVAILABILITY OF GOVERNMENT INFORMATION ON THE INTERNET.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, each agency shall—

(A) consult with the Committee and solicit public comment;

(B) determine which Government information the agency intends to make available and accessible to the public on the Internet and by other means;

(C) develop priorities and schedules for making that Government information available and accessible;

(D) make such final determinations, priorities, and schedules available for public comment;

(E) post such final determinations, priorities, and schedules on the Internet; and

(F) submit such final determinations, priorities, and schedules to the Director, in the report established under section 202(f).

(2) UPDATE.—Each agency shall update determinations, priorities, and schedules of the agency, as needed, after consulting with the Committee and soliciting public comment, if appropriate.

(h) ACCESS TO FEDERALLY FUNDED RESEARCH AND DEVELOPMENT.—

(1) DEFINITIONS.—In this subsection, the term—

(A) ''essential information'' shall include—

(i) the name, mission, and annual budget authority for research and development of all Federal agencies, constituent bureaus of agencies, the constituent programs of such bureaus, and the constituent projects of such programs; and

(ii) details on every separable research and development task performed intramurally within the Federal entities described under clause (i) on every extramural research and development award made by the Federal entities described under clause (i), and on every individual research and development task or award, including field work proposals, made by a federally funded research and development center, including—

(I) the unique identifying number of the task or award;

(II) the dates upon which the research and development task or award is expected to start and end;

(III) an abstract describing the objective and the scientific and technical focus of the research and development task or award;

(IV) the name of the principal person or persons performing the research and development, their contact information and institutional affiliations, and the geographic location of the institution;

(V) the total amount of Federal funds expected to be provided to the research and development task or award over its lifetime and the amount of funds expected to be provided in each fiscal year in which the work of the research and development task or award is ongoing;

(VI) the type of legal instrument under which the research and development funds were transferred to the recipient;

(VII) the name and location of any industrial partner formally involved in the performance of the research and development task or award;

(VIII) any restrictions attached to the task or award that would prevent the sharing with the general public of any or all of the information determined to be essential information, and the reasons for such restrictions; and

(IX) such other information as may be determined to be appropriate; and

(B) ''Federal research and development''—

(i) means those activities which constitute basic research, applied research, and development as defined by the Director; and

(ii) shall include all funds spent on Federal research and development that are provided to—

(I) institutions and entities not a part of the Federal Government, including—

(aa) State, local, and foreign governments;

(bb) industrial firms;

(cc) educational institutions;

(dd) not-for-profit organizations;

(ee) federally funded research and development centers; and

(ff) private individuals; and

(II) entities of the Federal Government, including research and development laboratories, centers, and offices.

(2) DEVELOPMENT AND MAINTENANCE OF GOVERNMENTWIDE DATABASE AND WEBSITE.—

(A) DATABASE AND WEBSITE.—The Director of the National Science Foundation, working with the Director of the Office of Management and Budget and the Director of the Office of Science and Technology Policy, shall develop and maintain—

(i) a database that fully integrates, to the maximum extent feasible, all essential information on Federal research and development that is gathered and maintained by Federal agencies; and

(ii) 1 or more websites upon which all or part of the database of Federal research and development shall be made available to and searchable by Federal agencies and non-Federal entities, including the general public, to facilitate—

(I) the coordination of Federal research and development activities;

(II) collaboration among those conducting Federal research and development;

(III) the transfer of technology among Federal agencies and between Federal agencies and non-Federal entities; and

(IV) access by policymakers and the public to information concerning Federal research and development activities.

(B) OVERSIGHT.—The Director of the Office of Management and Budget shall oversee the development and operation of the database and website and issue any guidance determined necessary to ensure that agencies provide all essential information requested under this subsection.

(3) AGENCY FUNCTIONS.—

(A) IN GENERAL.—Any agency that funds Federal research and development of this subsection shall—

(i) provide the information required to populate the database in the manner prescribed by the Director of the Office of Management and Budget; and

(ii) report annually to the Director, in the report established under section 202(f), on compliance of that agency with the requirements established under this subsection.

(B) REQUIREMENTS.—An agency may impose reporting requirements necessary for the implementation of this section on recipients of Federal research and development funding as a condition of receiving the funding.

(4) COMMITTEE FUNCTIONS.—Not later than 1 year after the date of enactment of this Act, working with the Director of the Office of Science and Technology Policy, and after consultation with interested parties, the Committee shall submit recommendations to the Director on—

(A) policies to improve agency reporting of information for the database established under this subsection; and

(B) policies to improve dissemination of the results of research performed by Federal agencies and federally funded research and development centers.

(5) FUNCTIONS OF THE DIRECTOR.—

(A) RECOMMENDATIONS.—After submission of recommendations by the Committee under paragraph (4), the Director shall report on the recommendations of the Committee and Director to Congress, in the E-Government report under section 3605 of title 44 (as added by this Act).

(B) COMPLIANCE.—The Director shall annually report to Congress on agency compliance with the requirements established under paragraph (3).

(6) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the National Science Foundation for the development, maintenance, and operation of the governmentwide database and website under this subsection—

(A) $2,000,000 in each of the fiscal years 2003 through 2005; and

(B) such sums as are necessary in each of the fiscal years 2006 and 2007.

(i) PUBLIC DOMAIN DIRECTORY OF FEDERAL GOVERNMENT WEBSITES.—

(1) ESTABLISHMENT.—Not later than 2 years after the effective date of this title, the Director and each agency shall—

(A) develop and establish a public domain directory of Federal Government websites; and

(B) post the directory on the Internet with a link to the integrated Internet-based system established under section 204.

(2) DEVELOPMENT.—With the assistance of each agency, the Director shall—

(A) direct the development of the directory through a collaborative effort, including input from—

(i) agency librarians;

(ii) information technology managers;

(iii) program managers;

(iv) records managers;

(v) Federal depository librarians; and

(vi) other interested parties; and

(B) develop a public domain taxonomy of subjects used to review and categorize Federal Government websites.

(3) UPDATE.—With the assistance of each agency, the Administrator of the Office of Electronic Government shall—

(A) update the directory as necessary, but not less than every 6 months; and

(B) solicit interested persons for improvements to the directory.

(j) STANDARDS FOR AGENCY WEBSITES.—Not later than 1 year after the effective date of this title, the Director shall promulgate guidance for agency websites that include—

(1) requirements that websites include direct links to—

(A) descriptions of the mission and statutory authority of the agency;

(B) the electronic reading rooms of the agency relating to the disclosure of information under section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act);

(C) information about the organizational structure of the agency, with an outline linked to the agency online staff directory; and

(D) the strategic plan of the agency developed under section 306 of title 5, United States Code; and

(2) minimum agency goals to assist public users to navigate agency websites, including—

(A) speed of retrieval of search results;

(B) the relevance of the results; and

(C) tools to aggregate and disaggregate data.

SEC. 208. PRIVACY PROVISIONS.

(a) PURPOSE.—The purpose of this section is to ensure sufficient protections for the privacy of personal information as agencies implement citizen-centered electronic Government.

(b) PRIVACY IMPACT ASSESSMENTS.—

(1) RESPONSIBILITIES OF AGENCIES.—

(A) IN GENERAL.—An agency shall take actions described under subparagraph (B) in subsection (b)(1)(B), before—

(i) developing or procuring information technology that collects, maintains, or disseminates information that includes any identifier permitting the physical or online contacting of a specific individual; or

(ii) initiating a new collection of information that—

(I) will be collected, maintained, or disseminated electronically; and

(II) includes any identifier permitting the physical or online contacting of a specific individual, if the information concerns 10 or more persons.

(B) AGENCY ACTIVITIES.—To the extent required under subparagraph (A), each agency shall—

(i) conduct a privacy impact assessment;

(ii) ensure the review of the privacy impact assessment by the Chief Information Officer, or equivalent official, as determined by the head of the agency; and

(iii) if practicable, after completion of the review under clause (ii), make the privacy impact assessment publicly available, through the website of the agency, publication in the Federal Register, or other means.

(C) SENSITIVE INFORMATION.—Subparagraph (B)(iii) may be modified or waived to protect classified, sensitive, or private information contained in an assessment.

(D) COPY TO DIRECTOR.—Agencies shall provide the Director with a copy of the privacy impact assessment for each system for which funding is requested.

(2) CONTENTS OF A PRIVACY IMPACT ASSESSMENT.—

(A) IN GENERAL.—The Director shall issue guidance to agencies specifying the required contents of a privacy impact assessment.

(B) GUIDANCE.—The guidance shall—

(i) ensure that a privacy impact assessment is commensurate with the size of the information system being assessed, the sensitivity of personally identifiable information in that system, and the risk of harm from unauthorized release of that information; and

(ii) require that a privacy impact assessment address—

(I) what information is to be collected;

(II) why the information is being collected;

(III) the intended use of the agency of the information;

(IV) with whom the information will be shared;

(V) what notice or opportunities for consent would be provided to individuals regarding what information is collected and how that information is shared;

(VI) how the information will be secured; and

(VII) whether a system of records is being created under section 552a of title 5, United States Code, (commonly referred to as the Privacy Act).

(3) RESPONSIBILITIES OF THE DIRECTOR.—The Director shall—

(A) develop policies and guidelines for agencies on the conduct of privacy impact assessments;

(B) oversee the implementation of the privacy impact assessment process throughout the Government; and

(C) require agencies to conduct privacy impact assessments of existing information systems or ongoing collections of personally identifiable information as the Director determines appropriate.

(c) PRIVACY PROTECTIONS ON AGENCY WEBSITES.—

(1) PRIVACY POLICIES ON WEBSITES.—

(A) GUIDELINES FOR NOTICES.—The Director shall develop guidance for privacy notices on agency websites.

(B) CONTENTS.—The guidance shall require that a privacy notice address—

(i) what information is to be collected;

(ii) why the information is being collected;

(iii) the intended use of the agency of the information;

(iv) with whom the information will be shared;

(v) what notice or opportunities for consent would be provided to individuals regarding what information is collected and how that information is shared;

(vi) how the information will be secured; and

(vii) a statement of the rights of the individual under section 552a of title 5, United States Code (commonly referred to as the Privacy Act), and other laws relevant to the protection of the privacy of an individual.

(2) PRIVACY POLICIES IN MACHINE-READABLE FORMATS.—The Director shall issue guidance requiring agencies to translate privacy policies into a standardized machine-readable format.

SEC. 209. FEDERAL INFORMATION TECHNOLOGY WORKFORCE DEVELOPMENT.

(a) PURPOSE.—The purpose of this section is to improve the skills of the Federal workforce in using information technology to deliver information and services.

(b) IN GENERAL.—In consultation with the Director, the Chief Information Officers Council, and the Administrator of General Services, the Director of the Office of Personnel Management shall oversee the development and operation of a Federal Information Technology Training Center (in this section referred to as the ''Training Center'').

(c) FUNCTIONS.—The Training Center shall—

(1) analyze, on an ongoing basis, the personnel needs of the Federal Government related to information technology and information resource management;

(2) oversee the development of curricula, training methods, and training schedules that correspond to the projected personnel needs of the Federal Government related to information technology and information resource management; and

(3) oversee the training of Federal employees in information technology disciplines, as necessary, at a rate that ensures that the information resource management needs of the Federal Government are met.

(d) EMPLOYEE PARTICIPATION.—Subject to information resource management needs and the limitations imposed by resource needs in other occupational areas, and consistent with their overall workforce development strategies, agencies shall encourage employees to participate in the occupational information technology curricula of the Training Center.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the

Office of Personnel Management for overseeing the development and operation of the Training Center, $7,000,000 in fiscal year 2003, and such sums as are necessary for each fiscal year thereafter.

SEC. 210. COMMON PROTOCOLS FOR GEOGRAPHIC INFORMATION SYSTEMS.

(a) PURPOSES.—The purposes of this section are to—

(1) reduce redundant data collection and information; and

(2) promote collaboration and use of standards for government geographic information.

(b) DEFINITION.—In this section, the term ''geographic information'' means information systems that involve locational data, such as maps or other geospatial information resources.

(c) IN GENERAL.—

(1) COMMON PROTOCOLS.—The Secretary of the Interior, working with the Director and through an interagency group, and working with private sector experts, State, local, and tribal governments, commercial and international standards groups, and other interested parties, shall facilitate the development of common protocols for the development, acquisition, maintenance, distribution, and application of geographic information. If practicable, the Secretary of the Interior shall incorporate intergovernmental and public private geographic information partnerships into efforts under this subsection.

(2) INTERAGENCY GROUP.—The interagency group referred to under paragraph (1) shall include representatives of the National Institute of Standards and Technology and other agencies.

(d) DIRECTOR.—The Director shall—

(1) oversee the interagency initiative to develop common protocols;

(2) oversee the coordination with State, local, and tribal governments, public private partnerships, and other interested persons on effective and efficient ways to align geographic information and develop common protocols; and

(3) oversee the adoption of common standards relating to the protocols.

(e) COMMON PROTOCOLS.—The common protocols shall be designed to—

(1) maximize the degree to which unclassified geographic information from various sources can be made electronically compatible and accessible; and

(2) promote the development of interoperable geographic information systems technologies that shall—

(A) allow widespread, low-cost use and sharing of geographic data by Federal agencies, State, local, and tribal governments, and the public; and

(B) enable the enhancement of services using geographic data.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of the Interior such sums as are necessary to carry out this section, for each of the fiscal years 2003 through 2007.

SEC. 211. SHARE-IN-SAVINGS PROGRAM IMPROVEMENTS.

Section 5311 of the Clinger-Cohen Act of 1996 (divisions D and E of Public Law 104–106; 110 Stat. 692; 40 U.S.C. 1491) is amended—

(1) in subsection (a)—

(A) by striking ''the heads of two executive agencies to carry out'' and inserting ''heads of executive agencies to carry out a total of 5 projects under'';

(B) by striking ''and'' at the end of paragraph (1);

(C) by striking the period at the end of paragraph (2) and inserting ''; and''; and

(D) by adding at the end the following:

''(3) encouraging the use of the contracting and sharing approach described in paragraphs (1) and (2) by allowing the head of the executive agency conducting a project under the pilot program—

''(A) to retain, out of the appropriation accounts of the executive agency in which savings computed under paragraph (2) are realized as a result of the project, up to the amount equal to half of the excess of—

''(i) the total amount of the savings; over

''(ii) the total amount of the portion of the savings paid to the private sector source for such project under paragraph (2); and

''(B) to use the retained amount to acquire additional information technology.'';

(2) in subsection (b)—

(A) by inserting ''a project under'' after ''authorized to carry out''; and

(B) by striking ''carry out one project and''; and

(3) in subsection (c), by inserting before the period ''and the Administrator for the Office of Electronic Government''; and

(4) by inserting after subsection (c) the following:

''(d) REPORT.—

''(1) IN GENERAL.—After 5 pilot projects have been completed, but no later than 3 years after the effective date of this subsection, the Director shall submit a report on the results of the projects to the Committee on Governmental Affairs of the Senate and the Committee on Government Reform of the House of Representatives.

''(2) CONTENTS.—The report shall include—

''(A) a description of the reduced costs and other measurable benefits of the pilot projects;

''(B) a description of the ability of agencies to determine the baseline costs of a project against which savings would be measured; and

''(C) recommendations of the Director relating to whether Congress should provide general authority to the heads of executive agencies to use a share-in-savings contracting approach to the acquisition of information technology solutions for improving mission-related or administrative processes of the Federal Government.''.

SEC. 212. INTEGRATED REPORTING STUDY AND PILOT PROJECTS.

(a) PURPOSES.—The purposes of this section are to—

(1) enhance the interoperability of Federal information systems;

(2) assist the public, including the regulated community, in electronically submitting information to agencies under Federal requirements, by reducing the burden of duplicate collection and ensuring the accuracy of submitted information; and

(3) enable any person to integrate and obtain similar information held by 1 or more agencies under 1 or more Federal requirements without violating the privacy rights of an individual.

(b) DEFINITIONS.—In this section, the term—

(1) ''agency'' means an Executive agency as defined under section 105 of title 5, United States Code; and

(2) ''person'' means any individual, trust, firm, joint stock company, corporation (including a government corporation), partnership, association, State, municipality, commission, political subdivision of a State, interstate body, or agency or component of the Federal Government.

(c) REPORT.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Director shall conduct a study and submit a report to the Committee on Governmental Affairs of the Senate and the Committee on Government Reform of the House of Representatives on progress toward integrating Federal information systems across agencies.

(2) CONTENTS.—The report under this section shall—

(A) address the integration of data elements used in the electronic collection of information within databases established under Federal statute without reducing the quality, accessibility, scope, or utility of the information contained in each database;

(B) address the feasibility of developing, or enabling the development of, software, including Internet-based tools, for use by reporting persons in assembling, documenting, and validating the accuracy of information electronically submitted to agencies under nonvoluntary, statutory, and regulatory requirements; and

(C) address the feasibility of developing a distributed information system involving, on a voluntary basis, at least 2 agencies, that—

(i) provides consistent, dependable, and timely public access to the information holdings of 1 or more agencies, or some portion of such holdings, including the underlying raw data, without requiring public users to know which agency holds the information; and

(ii) allows the integration of public information held by the participating agencies;

(D) address the feasibility of incorporating other elements related to the purposes of this section at the discretion of the Director; and

(E) make recommendations that Congress or the executive branch can implement, through the use of integrated reporting and information systems, to reduce the burden on reporting and strengthen public access to databases within and across agencies.

(d) PILOT PROJECTS TO ENCOURAGE INTEGRATED COLLECTION AND MANAGEMENT OF DATA AND INTEROPERABILITY OF FEDERAL INFORMATION SYSTEMS.—

(1) IN GENERAL.—In order to provide input to the study under subsection (c), the Director shall designate a series of no more than 5 pilot projects that integrate data elements. The Director shall consult with agencies, the regulated community, public interest organizations, and the public on the implementation.

(2) GOALS OF PILOT PROJECTS.—

(A) IN GENERAL.—Each goal described under subparagraph (B) shall be addressed by at least 1 pilot project each.

(B) GOALS.—The goals under this paragraph are to—

(i) reduce information collection burdens by eliminating duplicative data elements within 2 or more reporting requirements;

(ii) create interoperability between or among public databases managed by 2 or more agencies using technologies and techniques that facilitate public access; and

(iii) develop, or enable the development, of software to reduce errors in electronically submitted information.

(3) INPUT.—Each pilot project shall seek input from users on the utility of the pilot project and areas for improvement. To the extent practicable, the Director shall consult with relevant agencies and State, tribal, and local governments in carrying out the report and pilot projects under this section.

(e) PRIVACY PROTECTIONS.—The activities authorized under this section shall afford protections for—

(1) confidential business information consistent with section 552(b)(4) of title 5, United States Code, and other relevant law; and

(2) personal privacy information under section 552a of title 5, United States Code, and other relevant law.

SEC. 213. COMMUNITY TECHNOLOGY CENTERS.

(a) PURPOSES.—The purposes of this section are to—

(1) study and enhance the effectiveness of community technology centers, public libraries, and other institutions that provide computer and Internet access to the public; and

(2) promote awareness of the availability of on-line government information and services, to users of community technology centers, public libraries, and other public facilities that provide access to computer technology and Internet access to the public.

(b) STUDY AND REPORT.—Not later than 2 years after the effective date of this title, the Secretary of Education, in consultation with the Secretary of Housing and Urban Development, the Secretary of Commerce, the Director of the National Science Foundation, and the Director of the Office of Management and Budget, shall—

(1) conduct a study to evaluate the best practices of community technology centers that receive Federal funds; and

(2) submit a report on the study to—

(A) the Committee on Governmental Affairs of the Senate;

(B) the Committee on Health, Education, Labor, and Pensions of the Senate;

(C) the Committee on Government Reform of the House of Representatives; and

(D) the Committee on Education and the Workforce of the House of Representatives.

(c) CONTENTS.—The report may consider—

(1) an evaluation of the best practices being used by successful community technology centers;

(2) a strategy for—

(A) continuing the evaluation of best practices used by community technology centers; and

(B) establishing a network to share information and resources as community technology centers evolve;

(3) the identification of methods to expand the use of best practices to assist community technology centers, public libraries, and other institutions that provide computer and Internet access to the public;

(4) a database of all community technology centers receiving Federal funds, including—

(A) each center's name, location, services provided, director, other points of contact, number of individuals served; and

(B) other relevant information;

(5) an analysis of whether community technology centers have been deployed effectively in urban and rural areas throughout the Nation; and

(6) recommendations of how to—

(A) enhance the development of community technology centers; and

(B) establish a network to share information and resources.

(d) COOPERATION.—All agencies that fund community technology centers shall provide to the Department of Education any information and assistance necessary for the completion of the study and the report under this section.

(e) ASSISTANCE.—

(1) IN GENERAL.—The Director of the Office of Management and Budget shall work with the Secretary of the Department of Education, other relevant Federal agencies, and other interested persons in the private and nonprofit sectors to—

(A) assist in the implementation of recommendations; and

(B) identify other ways to assist community technology centers, public libraries, and other institutions that provide computer and Internet access to the public.

(2) TYPES OF ASSISTANCE.—Assistance under this paragraph may include—

(A) contribution of funds;

(B) donations of equipment, and training in the use and maintenance of the equipment; and

(C) the provision of basic instruction or training material in computer skills and Internet usage.

(f) ONLINE TUTORIAL.—

(1) IN GENERAL.—The Secretary of Education, in consultation with the Director of the Office of Management and Budget, the Director of the National Science Foundation, other relevant agencies, and the public, shall develop an online tutorial that—

(A) explains how to access Government information and services on the Internet; and

(B) provides a guide to available online resources.

(2) DISTRIBUTION.—The Secretary of Education shall distribute information on the tutorial to community technology centers, public libraries, and other institutions that afford Internet access to the public.

(g) PROMOTION OF COMMUNITY TECHNOLOGY CENTERS.—In consultation with other agencies and organizations, the Department of Education shall promote the availability of community technology centers to raise awareness within each community where such a center is located.

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of Education for the study of best practices at community technology centers, for the development and dissemination of the online tutorial, and for the promotion of community technology centers under this section—

(1) $2,000,000 in fiscal year 2003;

(2) $2,000,000 in fiscal year 2004; and

(3) such sums as are necessary in fiscal years 2005 through 2007.

SEC. 214. ENHANCING CRISIS MANAGEMENT THROUGH ADVANCED INFORMATION TECHNOLOGY.

(a) PURPOSE.—The purpose of this section is to improve how information technology is used in coordinating and facilitating information on disaster preparedness and response while ensuring the availability of such information across multiple access channels.

(b) IN GENERAL.—

(1) STUDY ON ENHANCEMENT OF CRISIS RESPONSE.—Not later than 90 days after the date of enactment of this Act, the Federal Emergency Management Agency shall enter into a contract to conduct a study on using information technology to enhance crisis response and consequence management of natural and manmade disasters.

(2) CONTENTS.—The study under this subsection shall address—

(A) a research and implementation strategy for effective use of information technology in crisis response and consequence management, including the more effective use of technologies, management of information technology research initiatives, and incorporation of research advances into the information and communications systems of—

(i) the Federal Emergency Management Agency; and

(ii) other Federal, State, and local agencies responsible for crisis response and consequence management; and

(B) opportunities for research and development on enhanced technologies into areas of potential improvement as determined during the course of the study.

(3) REPORT.—Not later than 2 years after the date on which a contract is entered into under paragraph (1), the Federal Emergency Management Agency shall submit a report on the study, including findings and recommendations to—

(A) the Committee on Governmental Affairs of the Senate; and

(B) the Committee on Government Reform of the House of Representatives.

(4) INTERAGENCY COOPERATION.—Other Federal departments and agencies with responsibility for disaster relief and emergency assistance shall fully cooperate with the Federal Emergency Management Agency in carrying out this section.

(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Federal Emergency Management Agency for research under this subsection, such sums as are necessary for fiscal year 2003.

(c) PILOT PROJECTS.—Based on the results of the research conducted under subsection (a), the Federal Emergency Management Agency shall initiate pilot projects or report to Congress on other activities that further the goal of maximizing the utility of information technology in disaster management. The Federal Emergency Management Agency shall cooperate with other relevant agencies, and, if appropriate, State, local, and tribal governments, in initiating such pilot projects.

SEC. 215. DISPARITIES IN ACCESS TO THE INTERNET.

(a) STUDY AND REPORT.—

(1) STUDY.—Not later than 90 days after the date of enactment of this Act, the Director of the National Science Foundation shall request that the National Academy of Sciences, acting through the National Research Council, enter into a contract to conduct a study on disparities in Internet access for online Government services.

(2) REPORT.—Not later than 2 years after the date of enactment of this Act, the Director of the National Science Foundation shall submit to the Committee on Governmental Affairs of the Senate and the Committee on Government Reform of the House of Representatives a final report of the study under this section, which shall set forth the findings, conclusions, and recommendations of the Council.

(b) CONTENTS.—The report shall include a study of—

(1) how disparities in Internet access influence the effectiveness of online Government services, including a review of—

(A) the nature of disparities in Internet access;

(B) the affordability of Internet service;

(C) the incidence of disparities among different groups within the population; and

(D) changes in the nature of personal and public Internet access that may alleviate or aggravate effective access to online Government services;

(2) how the increase in online Government services is influencing the disparities in Internet access and how technology development or diffusion trends may offset such adverse influences; and

(3) related societal effects arising from the interplay of disparities in Internet access and the increase in online Government services.

(c) RECOMMENDATIONS.—The report shall include recommendations on actions to ensure that online Government initiatives shall not have the unintended result of increasing any deficiency in public access to Government services.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the National Science Foundation $950,000 in fiscal year 2003 to carry out this section.

SEC. 216. NOTIFICATION OF OBSOLETE OR COUNTERPRODUCTIVE PROVISIONS.

If the Director of the Office of Management and Budget makes a determination that any provision of this Act (including any amendment made by this Act) is obsolete or counterproductive to the purposes of this Act, as a result of changes in technology or any other reason, the Director shall submit notification of that determination to—

(1) the Committee on Governmental Affairs of the Senate; and

(2) the Committee on Government Reform of the House of Representatives.

TITLE III—GOVERNMENT INFORMATION SECURITY

SEC. 301. INFORMATION SECURITY.

(a) ADDITION OF SHORT TITLE.—Subtitle G of title X of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–266) is amended by inserting after the heading for the subtitle the following new section:

"SEC. 1060. SHORT TITLE.

''This subtitle may be cited as the 'Government Information Security Reform Act'.''.

(b) CONTINUATION OF AUTHORITY.—

(1) IN GENERAL.—Section 3536 of title 44, United States Code, is repealed.

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 35 of title 44, United States Code, is amended by striking the item relating to section 3536.

TITLE IV—AUTHORIZATION OF APPROPRIATIONS AND EFFECTIVE DATES

SEC. 401. AUTHORIZATION OF APPROPRIATIONS.

Except for those purposes for which an authorization of appropriations is specifically provided in title I or II, including the amendments made by such titles, there are authorized to be appropriated such sums as are necessary to carry out titles I and II for each of fiscal years 2003 through 2007.

SEC. 402. EFFECTIVE DATES.

(a) TITLES I AND II.—

(1) IN GENERAL.—Except as provided under paragraph (2), titles I and II and the amendments made by such titles shall take effect 120 days after the date of enactment of this Act.

(2) IMMEDIATE ENACTMENT.—Sections 207, 214, 215, and 216 shall take effect on the date of enactment of this Act.

(b) TITLES III AND IV.—Title III and this title shall take effect on the date of enactment of this Act.

Amend the title so as to read: ''A bill to enhance the management and promotion of electronic Government services and processes by establishing an Office of Electronic Government within the Office of Management and Budget, and by establishing a broad framework of measures that require using Internet-based information technology to enhance citizen access to Government information and services, and for other purposes.''.

Mr. MCCAIN. Mr. President, I urge my colleagues to pass S. 803, the E-Government Act of 2002. I believe that this bill will play an important role in making the Federal Government more responsive to our citizens.

The Internet would seem to be an ideal way for our constituents, especially those farthest from Washington, to get information and contact the government. However, many of our constituents complain that it is hard to access information from the government because the various agencies are not all prepared to deal with the advancements of the ''digital age.'' Meanwhile, some agencies are using the Internet in groundbreaking ways to improve their processes. In addition, the public has found that ''e-government'' programs have made interactions with the Federal Government more friendly and time-efficient. Today, it is easier for American citizens to find out about a government program, look up a regulation, apply for a grant, or download educational materials by using the Internet than by contacting a distant Federal agency.

This legislation has a number of provisions to promote innovative thinking in the field of ''e-government,'' while also assisting Federal departments and agencies in crossing into the 21st Century. The legislation establishes an Office of Electronic Government, headed by a Senate-confirmed administrator, within the Office of Management and Budget. This new administrator will sponsor a dialogue between government agencies, the public, and private and non-profit entities to spur creative new ideas for ''e-government.'' In addition the administrator will direct ''e-government'' initiatives, and oversee an interagency ''e-government'' fund to invest in cross-cutting projects with government-wide application. The bill also promotes the use of the Internet and other technologies to provide more information and better services to Americans through Internet strategies, such as the Federal ''FirstGov'' portal. Finally, the bill includes a number of provisions that should make it easier for the public to access information about Federal scientific research, the Federal courts, and other areas of interest.

I would like especially to commend my friends, Senators LIEBERMAN and THOMPSON, the chairman and ranking member of the Government Affairs Committee, for their hard work on this legislation. This legislation addresses a complex issue that effects many agencies throughout government and its development required persistence and careful thought. The result of their efforts will improve Federal Government operations, and make the Government more responsive to the citizens we represent.

Mr. REID. Mr. President, it is my understanding Senators LIEBERMAN and THOMPSON have a substitute amendment that is at the desk. I ask unanimous consent that the amendment be considered and agreed to; that the motion to reconsider be laid upon the table; that the committee substitute amendment, as amended, be agreed to; that the bill, as amended, be read a third time and passed; that the motion to reconsider be laid upon the table, without intervening action or debate; that the title amendment be agreed to; that 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 amendment (No. 4172) was agreed to.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

The committee amendment, in the nature of a substitute, as amended, was agreed to.

The bill (S. 803), as amended, was read the third time and passed.

(The bill will be printed in a future edition of the RECORD.)

The title was amended so as to read: ''A bill to enhance the management and promotion of electronic Government services and processes by establishing an Office of Electronic Government within the Office of Management and Budget, and by establishing a broad framework of measures that require using Internet-based information technology to enhance citizen access to Government information and services, and for other purposes.''.

ORDER FOR BILL TO BE PRINTED—S. 2514

Mr. REID. Mr. President, I ask unanimous consent that S. 2514, as passed by the Senate, be printed.

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

NATIONAL FRAUD AGAINST SENIOR CITIZENS AWARENESS WEEK

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to Calendar No. 454, S. Res. 281.

The PRESIDING OFFICER. The clerk will report the title.

The legislative clerk read as follows:

A resolution (S. Res. 281) designating the week beginning August 25, 2002, as ''National Fraud Against Senior Citizens Awareness Week.''

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

Mr. REID. Mr. President, I ask unanimous consent that the resolution and preamble be agreed to, en bloc; that the motion to reconsider be laid upon the table; and that any statements relating to the resolution be printed in the RECORD.

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

The resolution (S. Res. 281) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 281

Whereas perpetrators of mail, telemarketing, and Internet fraud frequently target their schemes at senior citizens because seniors are often vulnerable and trusting people;

Whereas, as victims of such schemes, many senior citizens have been robbed of their hard-earned life savings and frequently pay an emotional cost, losing not only their money, but also their self-respect and dignity;

Whereas perpetrators of fraudulent schemes against American seniors often operate outside the United States, reaching their victims through the mail, telephone lines, and the Internet;

Whereas the Deceptive Mail Prevention and Enforcement Act increased the power of the United States Postal Service to protect consumers against those who use deceptive mailings featuring games of chance, sweepstakes, skill contests, and facsimile checks;

Whereas the Postal Inspection Service responded to 66,000 mail fraud complaints, arrested 1,691 mail fraud offenders, convicted 1,477 such offenders, and initiated 642 civil or administrative actions in fiscal year 2001;

Whereas mail fraud investigations by the Postal Inspection Service in fiscal year 2001 resulted in over $1,200,000,000 in court-ordered and voluntary restitution payments;

Whereas the Postal Inspection Service, in an effort to curb cross-border fraud, is involved in 3 major fraud task forces with law enforcement officials in Canada, namely, Project Colt in Montreal, The Strategic Partnership in Toronto, and Project Emptor in Vancouver;

Whereas consumer awareness is the best protection from fraudulent schemes; and

Whereas it is vital to increase public awareness of the enormous impact that fraud has on senior citizens in the United States, and to educate the public, senior citizens, their families, and their caregivers about the signs of fraudulent activities and how to report suspected fraudulent activities to the appropriate authorities: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week beginning August 25, 2002, as ''National Fraud Against Senior Citizens Awareness Week''; and

(2) requests the President to issue a proclamation calling on the people of the United States to observe the week with appropriate activities and programs to—

(A) prevent the purveyors of fraud from victimizing senior citizens in the United States; and

(B) educate and inform the public, senior citizens, their families, and their caregivers

about fraud perpetrated through mail, telemarketing, and the Internet.

HISTORICAL SIGNIFICANCE OF 100TH ANNIVERSARY OF KOREAN IMMIGRATION TO UNITED STATES

Mr. REID. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 185 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 185) recognizing the historical significance of the 100th anniversary of Korean immigration to the United States.

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

Mr. REID. I ask unanimous consent that the resolution and preamble be agreed; that the motion to reconsider be laid upon the table; and that any statements relating thereto be printed in the RECORD.

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

The resolution (S. Res. 185) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 185

Whereas missionaries from the United States played a central role in nurturing the political and religious evolution of modern Korea, and directly influenced the early Korean immigration to the United States;

Whereas in December 1902, 56 men, 21 women, and 25 children left Korea and traveled across the Pacific Ocean on the S.S. Gaelic and landed in Honolulu, Hawaii on January 13, 1903;

Whereas the early Korean-American community was united around the common goal of attaining freedom and independence for their colonized mother country;

Whereas members of the early Korean-American community served with distinction in the Armed Forces of the United States during World War I, World War II, and the Korean Conflict;

Whereas on June 25, 1950, Communist North Korea invaded South Korea with approximately 135,000 troops, thereby initiating the involvement of approximately 5,720,000 personnel of the United States Armed Forces who served during the Korean Conflict to defeat the spread of communism in Korea and throughout the world;

Whereas casualties in the United States Armed Forces during the Korean Conflict included 54,260 dead (of whom 33,665 were battle deaths), 92,134 wounded, and 8,176 listed as missing in action or prisoners of war;

Whereas in the early 1950s, thousands of Koreans, fleeing from war, poverty, and desolation, came to the United States seeking opportunities;

Whereas Korean-Americans, like waves of immigrants to the United States before them, have taken root and thrived in the United States through strong family ties, robust community support, and countless hours of hard work;

Whereas Korean immigration to the United States has invigorated business, church, and academic communities in the United States;

Whereas according to the 2000 United States Census, Korean-Americans own and operate 135,571 businesses across the United States that have gross sales and receipts of $46,000,000,000 and employ 333,649 individuals with an annual payroll of $5,800,000,000;

Whereas the contributions of Korean-Americans to the United States include, the invention of the first beating heart operation for coronary artery heart disease, the development of the nectarine, a 4-time Olympic gold medalist, and achievements in engineering, architecture, medicine, acting, singing, sculpture, and writing;

Whereas Korean-Americans play a crucial role in maintaining the strength and vitality of the United States-Korean partnership;

Whereas the United States-Korean partnership helps undergird peace and stability in the Asia-Pacific region and provides economic benefits to the people of the United States and Korea and to the rest of the world; and

Whereas beginning in 2003, more than 100 communities throughout the United States will celebrate the 100th anniversary of Korean immigration to the United States: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the achievements and contributions of Korean-Americans to the United States over the past 100 years; and

(2) requests that the President issue a proclamation calling on the people of the United States and interested organizations to observe the anniversary with appropriate programs, ceremonies, and activities.