United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 107th CONGRESS, SECOND SESSION

Vol. 148 WASHINGTON, TUESDAY, OCTOBER 15, 2002 No. 135

House of Representatives

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

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
October 15, 2002.

I hereby appoint the Honorable MIKE PENCE to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

MESSAGE FROM THE SENATE

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

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

MORNING HOUR DEBATES

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

RECESS

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

Accordingly (at 12 o'clock and 33 minutes p.m.) the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. PENCE) at 2 p.m.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God of land and seas, as well as the heavens and the earth, You sustain us in troublesome times. You guide the destiny of this Nation and companion each of us in the journey of life.

The Columbus holiday reminds us, Lord, of the determination and great courage You gave the great navigator and explorer, Christopher Columbus. His four voyages to the new world continue to inspire hope.

Ward off any hesitation and remove all obstacles, O Lord, that prevent us from realizing our dreams and making great discoveries in our times.

Enable the Members of Congress and all Americans whom they represent in government to look beyond the familiar and the comfortable so to move into the future unafraid.

Grant all the humility to place their trust in You, O God, and ready themselves to embrace the surprises You have prepared for our discovery today, tomorrow and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

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

Mr. CULBERSON led the Pledge of Allegiance as follows:

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

DISPENSING WITH CALL OF PRIVATE CALENDAR ON TODAY

Mr. CULBERSON. Mr. Speaker, I ask unanimous consent to dispense with the call of the Private Calendar.

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

There was no objection.

WHY NOT PEACE?

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

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

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

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

Why not peace? Why not a discussion?

COMMUNICATION FROM THE CLERK OF THE HOUSE

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

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, October 11, 2002.

Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives, Washington, DC.

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

That the Senate agreed to conference report H.R. 5011;

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

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

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

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

With best wishes, I am

Sincerely,

JEFF TRANDAHL,
Clerk of the House.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

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

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Any record votes on postponed questions will be taken tomorrow.

PER-PUPIL EXPENDITURE REQUIREMENTS FOR HEAVILY IMPACTED LOCAL EDUCATIONAL AGENCIES

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

The Clerk read as follows:

H.R. 5599

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

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

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

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

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

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

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

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

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

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

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

GENERAL LEAVE

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

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

There was no objection.

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

Mr. Speaker, it is my privilege today to rise in support of H.R. 5599, which is a noncontroversial and very straightforward piece of legislation to make technical amendments to the Impact Aid program. I want to thank the gentleman from South Dakota (Mr. THUNE) for sponsoring this legislation and for his diligence in bringing this bill before the House today.

This legislation makes three technical and, as I say, very noncontroversial corrections to the Education Code. First, the bill will correct a drafting error that occurred during the reauthorization of the Impact Aid program. This technical correction will allow the Department of Education to continue to use their current methodology in interpreting regulations, the process by which they determine which small school districts qualify for heavily impacted status.

Secondly, the bill will allow the Bonesteel-Fairfax School District in South Dakota to continue to remain eligible to receive Impact Aid funding for 1 year, to allow them to resolve a financing issue at the local level that would otherwise have a significant impact on their budget. Districts such as this one have a great deal of federally or nonprivately owned property. Therefore, this Impact Aid funding is essential for them to continue to operate at funding levels that they have already budgeted for. So this is a very, very important correction that is vitally necessary.

Finally, Mr. Speaker, this legislation requires the Department of Education to accept as timely filed a late application from a school district in Oklahoma that will allow them to continue to receive their Impact Aid funding on time.

This legislation is very simple and straightforward, Mr. Speaker. It is a technical bill that contains technical corrections to the Education Code. We on the Committee on Education and the Workforce wanted to be certain that any errors that occurred during the drafting process were corrected and any school district that might suffer as a result of changes or potential misinterpretation of the Impact Aid formulas would be corrected by this legislation.

I again want to thank the gentleman from South Dakota for offering this legislation, and I want to urge my colleagues in the House to support it.

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

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

Mr. Speaker, I rise in support of H.R. 5599. This legislation makes several technical fixes to the Impact Aid program.

First, the bill clarifies Department of Education policy that small school districts can use other local school districts to determine their eligibility for

heavily impacted payments. This corrects a technical error in the 2000 reauthorization of Impact Aid.

Second, the bill maintains the eligibility of a school district in South Dakota for heavily impacted status for 1 year.

Third, H.R. 5599 permits Central School District in Oklahoma to file their fiscal year 2002 Impact Aid application despite having not filed this application before the deadline.

This legislation is similar to other bills this House has passed when technical fixes to the Impact Aid statute were needed in the past. I urge all Members to support this legislation.

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

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

I urge support for this important legislation by the Members of the House. It is noncontroversial and simply technical corrections.

Mr. THUNE. Mr. Speaker, as a member of the Impact Aid Coalition Steering Committee, I want to thank Chairman BOEHNER for supporting this bill to make technical corrections to Impact Aid as it applies to two small local education agencies in South Dakota.

My state places a high emphasis on quality public schools, and South Dakotans know the value of a quality education. The federal Impact Aid Program plays a big role in improving schools on or near Federal lands in my state.

South Dakota is proud to be home of the Mt. Rushmore National Memorial Black Hills National Forest, Buffalo Gap and Fort Pierre National Grasslands, Badlands National Park, and nine Sioux Indian reservations. In fact, nearly 17 percent of South Dakota is Federal land—we rank 13th in the nation.

Thirty-four school districts throughout South Dakota rely heavily on Impact Aid funding to provide education to children on or near the Federal lands in my state. In all, this program in South Dakota impacts over 32,000 students.

While H.R. 5599 makes only small technical corrections, the impact of this bill on the Isabel and Bonesteel-Fairfax School Districts in South Dakota will be significant.

The Isabel School District is located in the Cheyenne River Sioux Reservation in north-central South Dakota. H.R. 5599 will ensure that the Impact Aid Program Office correctly follows the methodology for determining comparable per pupil expenditure levels for heavily impacted school districts as provided in current regulations. This will guarantee placement in the correct ''heavily impacted'' category where they belong.

The Bonesteel-Fairfax School District in south-central South Dakota will lose one-third of their total budget unless H.R. 5599 provides a waiver that allows them to correct a mistake made when calculating their local funding request.

These provisions within H.R. 5599 will have a real impact on hundreds of students in some of the poorest, most heavily impacted school districts in America.

Mr. Speaker, I want to again than Chairman BOEHNER and his staff for their help to ensure that these students will receive adequate Impact Aid funding.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. CULBERSON) that the House suspend the rules and pass the bill, H.R. 5599.

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

A motion to reconsider was laid on the table.

□ 1415

PERSIAN GULF WAR POW/MIA ACCOUNTABILITY ACT OF 2002

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1339) to amend the Bring Them Home Alive Act of 2000 to provide an asylum program with regard to American Persian Gulf War POW/MIAs, and for other purposes.

The Clerk read as follows:

S. 1339

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 ''Persian Gulf War POW/MIA Accountability Act of 2002''.

SEC. 2. AMERICAN PERSIAN GULF WAR POW/MIA ASYLUM PROGRAM.

(a) ASYLUM PROGRAM.—The Bring Them Home Alive Act of 2000 (Public Law 106–484; 114 Stat. 2195; 8 U.S.C. 1157 note) is amended by inserting after section 3 the following new section:

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

''(a) ASYLUM FOR ELIGIBLE ALIENS.—Notwithstanding any other provision of law, the Attorney General shall grant refugee status in the United States to any alien described in subsection (b), upon the application of that alien.

''(b) ELIGIBILITY.—

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

''(A) any alien who—

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

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

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

''(2) EXCEPTIONS.—An alien described in this subsection does not include a terrorist, a persecutor, a person who has been convicted of a serious criminal offense, or a person who presents a danger to the security of the United States, as set forth in clauses (i) through (v) of section 208(b)(2)(A) of the Immigration and Nationality Act (8 U.S.C. 1158(b)(2)(A)).

''(c) DEFINITIONS.—In this section:

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

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

''(i) who is a member of a uniformed service (within the meaning of section 101(3) of title 37, United States Code) in a missing status (as defined in section 551(2) of such title and this subsection) as a result of the Persian Gulf War, or any successor conflict, operation, or action; or

''(ii) who is an employee (as defined in section 5561(2) of title 5, United States Code) in a missing status (as defined in section 5561(5) of such title) as a result of the Persian Gulf War, or any successor conflict, operation, or action.

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

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

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

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

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

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

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

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

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

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

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

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

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on S. 1339, the Senate bill currently under consideration.

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

There was no objection.

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

Mr. Speaker, in the 106th Congress, the Bring Them Home Alive Act was enacted as Public Law 106–484. This law, sponsored by Senator BEN NIGHTHORSE CAMPBELL and the gentleman from Colorado (Mr. HEFLEY), offers refugee status to any national of Vietnam, Cambodia, Laos, China, or any of the independent states of the former Soviet Union, who personally delivers into the custody of the United States Government a living American prisoner of war from the Vietnam War. It grants similar status to any national

of North Korea, China, or states of the former Soviet Union who differs delivers a living American prisoner of war from the Korean War. Information regarding the act is broadcast by the International Broadcasting Bureau over the Voice of America and other broadcast services.

The Bring Them Home Alive Act signals our continuing dedication to all the Americans who served in the Vietnam and Korean wars. It shall be needed until all of our soldiers are accounted for. This bill amends the Bring Them Home Alive Act to broaden its coverage for the Persian Gulf War and any future hostilities in Iraq. There have been recent reports that Michael Speicher, a Navy pilot shot down over Iraq in 1991, may still be in Iraqi hands. We owe it to him and to all those who may be called to serve in the coming months to pass this bill.

The bill provides refugee status to a national of Iraq or a nation in the greater Middle East who personally delivers into the custody of the United States Government a living American prisoner of war from the Persian Gulf War or any successor conflict. To receive refugee status, the alien cannot be eligible for asylum on account of being a criminal, a terrorist, or a danger to the security of the United States. I urge my colleagues to support this bill.

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

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

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

His status was changed from dead to MIA, and as well it was based upon last year's intelligence information that he survived his plane crash and is in prison in Bagdad, Iraq. Recently, he was reclassified as missing and captured. The amendment could also be used to encourage a return of POWs and MIAs if President Bush initiates a war against Iraq, as he currently plans to do.

A few years ago as a member of the Houston City Council, I was very proud to raise the first flag above Houston City Hall to recognize POWs and MIAs. This is an important component to recognizing but also dealing specifically with an individual now still lost. This bill will provide refugee status to the United States to any national of Iraq or certain other Middle Eastern countries if they safely return an American POW/MIA from the Gulf War into the custody of the U.S. Government. The bill amends the Bring Them Home Alive Act of 2000, which provides the same benefits to citizens of Asian and former Soviet countries who safely return POW/MIAs from the Vietnam and Korean wars. The Senate Judiciary Committee already made an important amendment to the original language offered by Senator BEN NIGHTHORSE CAMPBELL to exempt alien terrorists, persecutors, and people who have been convicted of a serious offense and people who present a danger to the security of the United States from these benefits.

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

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

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

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

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

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

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the Senate bill, S. 1339.

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

A motion to reconsider was laid on the table.

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

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

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

There was no objection.

SOBER BORDERS ACT

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

The Clerk read as follows:

H.R. 2155

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

SECTION 1. MAKING IT ILLEGAL TO OPERATE A MOTOR VEHICLE WITH A DRUG OR ALCOHOL IN THE BODY OF THE DRIVER AT LAND BORDER PORTS OF ENTRY.

Section 13(a) of title 18, United States Code, is amended—

(1) by inserting "(1)" after "(a)"; and

(2) by adding at the end the following:

"(2) Whoever with a drug or alcohol in his or her body operates a motor vehicle at a land border port of entry in a manner that is punishable, because of the presence of the drug or alcohol, if committed within the jurisdiction of the State in which that land border port of entry is located (under the laws of that State in force at the time of the act) shall be guilty of a like offense and subject to a like punishment.

"(3) Any individual who operates a motor vehicle at a land border port of entry is deemed to have given consent to submit to a chemical or other test of the blood, breath, or urine of the driver by an officer or employee of the Immigration and Naturalization Service authorized under section 287(h) of the Immigration and Nationality Act (8 U.S.C. 1357(h)) for the purpose of determining the presence or concentration of a drug or alcohol in such blood, breath, or urine.

"(4) If an individual refuses to submit to such a test after being advised by the officer or employee that the refusal will result in notification under this paragraph, the Attorney General shall give notice of the refusal to—

"(A) the State or foreign state that issued the license permitting the individual to operate a motor vehicle; or

"(B) if the individual has no such license, the State or foreign state in which the individual is a resident.

"(5) The Attorney General shall give notice of a conviction of an individual under this section for operation of a motor vehicle at a land border port of entry with a drug or alcohol in the body of the individual, to—

"(A) the State or foreign state that issued the license permitting the individual to operate a motor vehicle; or

"(B) if the individual has no such license, the State or foreign state in which the individual is a resident.

''(6) For purposes of this subsection, the term 'land border port of entry' means any land border port of entry (as defined in section 287(h)(3) of the Immigration and Nationality Act (8 U.S.C. 1357(h)(3))) that was not reserved or acquired as provided in section 7 of this title.''.

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

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

''(h)(1) If an officer or employee of the Service authorized under regulations prescribed by the Attorney General is inspecting a driver at a land border port of entry and has reasonable grounds to believe that, because of alcohol in the body of the driver, operation of a motor vehicle by the driver is an offense under section 13 of title 18, United States Code, the officer or employee may require the driver to submit to a test of the breath of the driver to determine the presence or concentration of the alcohol.

''(2) If an officer or employee of the Service authorized under regulations prescribed by the Attorney General arrests a driver under this section for operation of a motor vehicle in violation of section 13 of title 18, United States Code, because of a drug or alcohol in the body of the driver, the officer or employee may require the driver to submit to a chemical or other test to determine the presence or concentration of the drug or alcohol in the blood, breath, or urine of the driver.

''(3) For purposes of this subsection:

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

''(B) The term 'land border port of entry' means any immigration checkpoint operated by the Immigration and Naturalization Service at a land border between a State (as that term is used in section 13 of title 18, United States Code) and a foreign state.''.

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

(a) IN GENERAL.—The Immigration and Nationality Act is amended by inserting after section 294 (8 U.S.C. 1363a) the following:

''NOTICE AT LAND BORDER PORTS OF ENTRY REGARDING OPERATION OF A MOTOR VEHICLE AND DRUGS AND ALCOHOL

''SEC. 295. At each point where motor vehicles regularly enter a land border port of entry (as defined in section 287(h)(3)), the Attorney General shall post a notice that operation of a motor vehicle with a drug or alcohol in the body of the driver at a land border port of entry is an offense under Federal law.''.

(b) CLERICAL AMENDMENT.—The first section of the Immigration and Nationality Act is amended in the table of contents by inserting after the item relating to section 294 the following:

''Sec. 295. Notice at land border ports of entry regarding operation of a motor vehicle and drugs and alcohol.''.

SEC. 4. IMPOUNDMENT OF VEHICLE FOR REFUSAL TO SUBMIT TO TEST FOR DRUG OR ALCOHOL.

Not more than 180 days after the date of the enactment of this Act, the Attorney General shall issue regulations authorizing an officer or employee of the Immigration and Naturalization Service to impound a vehicle operated at a land border port of entry, if—

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

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

SEC. 5. EFFECTIVE DATE.

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

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

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

GENERAL LEAVE

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

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

There was no objection.

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

Mr. Speaker, H.R. 2155 helps prevent drunk driving at and around our borders. The bill authorizes INS inspectors at the border to take drunk or drugged drivers into custody based on their impaired state. Currently, border inspectors do not have the authority to do so other than as private citizens making arrests. Typically, inspectors now have to alert State or local law enforcement that an impaired driver is headed their way, wave impaired drivers through the port of entry, and hope that State or local law enforcement will pick them up before the driver does any harm.

This bill makes it a Federal crime for a person to operate a motor vehicle at a land border patrol entry in an impaired manner because of the presence or drugs or alcohol. The bill deems any such driver to have given consent to submit to a chemical test by the INS to determine the presence or concentration of alcohol or drug in the driver's body. The bill authorizes INS inspectors at land border ports of entry to perform chemical tests upon drivers if the INS has reasonable grounds to believe that a driver is dangerous because of a drug or alcohol in the driver's body.

If the individual refuses to submit to such a test, the bill requires the Attorney General to notify the driver's State or foreign state of the driver's refusal to submit to the test. The Attorney General is also required to notify the driver's government of a conviction of the driver for impaired driving. The bill requires the Attorney General to issue regulations authorizing INS officers and employees to impound a vehicle if the driver refuses to submit to a chemical or other test.

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

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

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

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

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

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

The major problem with this proposal is a matter of policy and procedure. At the time when their workload is heavy and the lines and waits for border traffic are already causing huge burdens to border economies, this legislation will impose new duties unrelated to terrorism on immigration inspectors at the border. Essentially, H.R. 2155 is enlisting INS officers to enforce State law. Furthermore, 18 U.S.C. section 13, the Assimilative Crimes Act, currently incorporates State criminal law into Federal law for issues for which there is no applicable Federal criminal law in places in Federal jurisdiction such as military bases and, no doubt, ports of entry. So a criminal offense such as a DUI under State law is already also a Federal criminal offense in a Federal area, areas not in State jurisdiction. This law would extend that by incorporating noncriminal sanctions, examples, suspension of license or failure to agree to a drug test, into Federal law. It also seems a questionable use of the admittedly broad authority the INS has at the border to conduct searches to expand this to blood, breath, or urine testing.

Finally, during the subcommittee markup and the full committee markup of this legislation, after being assured that the majority would work with the minority on concerns with the legislation, an amendment was offered that would require the General Accounting Office to conduct an annual study concerning the exercise of the new authorities by officers and employees of the INS. It is well taken by this Congress, Mr. Speaker, that the GAO is an independent body. Republicans and Democrats alike have been known to ask and use the GAO for studies and to include such studies as language in legislation. This is not, if the Members will, a killer of the bill. The study would assemble and analyze the numbers of times the officers exercise this authority; the race, gender, and national origin of the driver involved; and the results of the exercise of this new authority.

Mr. Speaker, the border is used not only by noncitizens, but it is used by American citizens and we have stood on this floor of the House just last week to talk but our freedoms and our values and the justice and equality that we render. Then why not, why not, make sure that any legislative initiative that we pass has the ability to serve all Americans fairly, and those who may be unfairly stopped should be addressed as well while we also are committed to protecting the lives of our frontline officers at the border. A GAO study, simple, precise, and efficient, could have made this amendment of this legislation more effective.

The amendment further directed the General Accounting Office to submit a report to Congress no later than March 31 of each year. It was important to include this amendment because the legislation raises the potential for abuse of authority to stop and detain individuals at the border. The amendment would have ensured that the new authorities granted the officers and employees of the INS to test for the use of alcohol and drugs by a driver at the border is carried out in an efficient, fair, and equitable manner without targeting any group of people specifically pertaining to prevent racial profiling. It could have been an instructive tool.

Mr. Speaker, I have been to the borders of our country; and I have seen the very fine workers who are there. They want to do the right thing, and they want to do it well and efficiently. This information could have given them guidance on how to be effective and, of course, successful in doing the job.

□ 1430

Racial profiling occurs when the police target someone for investigation on the basis of that person's race, national origin, or ethnicity. Examples of profiling are the use of race to determine which drivers are stopped for minor traffic violations, often referred to ''driving while black and brown,'' and the use of race to determine which motorists or pedestrians are searched for contraband.

Racial profiling is still prevalent in America; and as I indicated, the borders are used by immigrants and citizens alike. Why could we not consider this as reasonable on behalf of the citizens of this country? In large cities across the country, African Americans and Hispanics and other people of color still move about with the fear that at any time they can be stopped and detained simply because they fit a broad profile characterized by little more than the color of a person's skin. Today, skin color makes one a suspect in America. It makes one more likely to be stopped, more likely to be searched, more likely to be arrested and imprisoned.

In a recent General Accounting Office study of March 2000, it found that persons of particular races and genders were generally more likely than others to be subjected to more intrusive searches. For example, black women were nine times more likely to be searched than white women. Based on x-ray searches, however, the black women were less than half as likely to be caught carrying contraband than white women.

During the debate on H.R. 3129, the Customs Border Security Act, authorizing appropriations for fiscal year 2002, detailed the story of Yvette Bradley, a 33-year-old advertising executive and her sister who arrived at Newark Airport from a vacation in Jamaica, and she is an African American woman, and a United States citizen to my knowledge. Upon encountering Customs agent, Ms. Bradley recalled that she, along with most of the other women on the flight, were singled out for searches and interrogation where she experienced one of the most humiliating moments of her life. Ms. Bradley was searched throughout her body, including her private parts. Mr. Speaker, no drugs or contraband were found.

I happen to be a strong supporter of our INS, Customs, and other border security agents and the responsibilities that they have. I happen to be a strong supporter of adhering to the laws of this Nation. But I also believe that civil justice and civil liberties are important for those noncitizens and citizens alike. We have the responsibility of adhering to the values and the laws of this land.

This bill, however, adds substantial provisions so that they already have all they need to ensure the safety of this Nation. To take away, to give a pass or a bye on the Bill of Rights and the Constitution, the understanding of unreasonable search and seizures is unfair.

This bill, without protection against racial profiling, at least a study, is unfair and is not a solution.

Organizations like the ACLU have conducted reports that one of the ACLU's highest priority issues is the fight against the outrageous practice of racial profiling. In its report ''Driving While Black, Racial Profiling on Our Nation's Highways,'' the ACLU documents the practice of substituting skin color for evidence as grounds for suspicion by law enforcement officials. Tens of thousands of innocent motorists on highways across the country are victims of racial profiling. It could be happening at our borders as well.

These discriminatory stops have reached epidemic proportions in some recent years, fueled by the war on drugs and potentially fueled by bills like this.

We want to make sure that our good police officers have the skills and tools to do the job. A study would provide them that instruction.

We put an end to the practice of racial profiling with my amendment. My amendment, most importantly, through the collection of data, would, in fact, assist the agency in being instructive and constructive. Is that not why we are here, Mr. Speaker, to be constructive and instructive? Unfortunately, after vigorous debate, we were not able to include such an amendment. I am disappointed, Mr. Speaker; and for these reasons, among many others, I rise to oppose this legislation.

I rise in opposition to the measure on the floor today H.R. 2155, the Sober Borders Act. This bill authorizes officers and employees of the INS to conduct tests for drug or alcohol consumption when they have reasonable grounds to believe that a driver is operating a motor vehicle while under the influence.

Second, to ensure travelers are fully aware of this new policy, the bill further requires the INS to post notices at each land border port of entry informing motorists that operating a vehicle while under the influence is an offense under federal law.

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

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

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

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

''Racial profiling'' occurs when the police target someone for investigation on the basis of that person's race, national origin, or ethnicity. Examples of profiling are the use of race to

determine which drivers to stop for minor traffic violations (''often referred to driving while black'') and the use of race to determine which motorists or pedestrians to search for contraband.

Racial profiling is still prevalent in America. In large cities across the country, African Americans and other people of color still move about with the fear that at any time, they can be stopped and detained simply because they fit a broad profile characterized by little more than the color of a person's skin. Today skin color makes you a suspect in America. It makes you more likely to be stopped, more likely to be searched, and more likely to searched, and more likely to be arrested and imprisoned.

In a recent General Accounting Office study of March, 2000 ''found that persons of a particular races and genders were generally more likely than others to be subjected to more intrusive searches. For example, black women were 9 times more likely to be searched than white women. Based on x-ray searches, however, the black women were less than half as likely to be caught carrying contraband than white women.

During the Debate on H.R. 3129, the Customs Border Security Act authorizing appropriations for fiscal year 2002, I detailed the story of Yvette Bradley a 33-year-old advertising executive and her sister who arrived at Newark Airport from a vacation in Jamaica, and African American woman. Upon encountering Customs agents, Ms. Bradley recalled that she, along with most of the other black women on the flight, were singled out for searches and interrogation, where she experienced one of the most humiliating moments of her life. Ms. Bradley was searched throughout her body including her private parts. Mr. Speaker no drugs or contraband was found.

I happen to be a strong supporter of our INS, Customs and other border security agents and the responsibilities that they have. This bill, however, adds to substantial provisions they already have all that they need to ensure the safety of this Nation. To take away—to give them a bye, a pass, on the Bill of Rights and the Constitution, the understanding of unreasonable search and seizures, is unfair. This bill without protection against racial profiling is unfair and it is not a solution.

Organizations like the ACLU have conducted reports that ne of the ACLU's highest priority issues is the fight against the outrageous practice of racial profiling. In its report Driving While Black: Racial Profiling On Our Nation's Highways, the ACLU documents the practice of substituting skin color for evidence as a grounds for suspicion by law enforcement officials.

Tens of thousands of innocent motorists on highways across the country are victims of racial profiling. And these discriminatory police stops have reached epidemic proportions in recent years—fueled by the ''Wars on Drugs'' and potentially fueled by bills like this bad police officers have been given a pretext to target people who they think fit a profile. We must put an end to the practice of racial profiling. My Amendment, most importantly, through the collection of data, the amendment by its very nature would curb any tendency toward this abuse and help prevent this legislation from being used as a tool for racial profiling.

Unfortunately, after a vigorous debate during the markup, however, the majority refused to accept the amendment arguing that the measure would place an extreme burden on the officers carrying out the provisions of the amendment. My attempts to have something in the bill to address this problem have been ignored.

While I firmly believe something must be done to lower the rate of alcohol-related car accidents that take place on our nation's highways and in close proximity to our nation's borders there are concerns raised by the bill. It is unfortunate because it had minimal efforts to make the bill acceptable to the Democrats as the majority had committed to doing during the Committee process this bill could have passed without opposition.

Mr, Speaker, in its current form, I must urge my colleagues to oppose H.R. 2155.

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

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

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

The gentlewoman from Texas complains about the fact that people might be unduly targeted for stops. Everybody who crosses the border between the United States and Mexico and Canada has to be stopped. Mr. Speaker, 100 percent of the people do, regardless of what their race is or their national origin. I do not understand what the gentlewoman's complaints are because she should know that one must stop for inspection and the law requires it.

Now, finally, during the markup of the Committee on the Judiciary, as chairman, I gave the gentlewoman from Texas my commitment to ask for a GAO study once this bill is signed into law. The gentlewoman from Texas should know that any Member of the House can ask for a GAO study. It does not have to be an amendment adopted by the committee; it does not have to be legislation on the floor of the House. She can ask for one, I can ask for one, and anyone of the other 433 Members of the House of Representatives can ask for one. So nobody is preventing a GAO study from being done should this bill be passed by both Houses and signed into law by the President.

The issue is very simple, and that is that if somebody comes to a land border crossing at the United States who is drunk or who is under the influence of drugs and is not capable of safely operating a motor vehicle, should the immigration inspector who stops that individual be allowed to detain them and to administer a chemical test. We cannot do that now, but this bill does give the immigration inspectors the authority to do that. And if this bill fails and this hole in the law is not plugged, then the drunk driver or the impaired driver will go on his or her merry way at a border crossing which is, of necessity, crowded by people who are stopping and submitting to inspection as required by Federal law and vulnerable to injury or death simply because the INS inspector had to call up the local police and it is only when the local police arrive on the scene can there be a stop.

This is a good bill. The arguments of the gentlewoman from Texas are complete red herrings. It should be passed.

Mr. Speaker, I yield 5 minutes to the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. Mr. Speaker, I thank the gentleman for yielding me this time. I want to thank and pay tribute to the chairman for bringing this bill to the floor and for working it through the committee in such a deliberative fashion. We debated this at the subcommittee level, at the committee level; and we had a great debate on it. Many Members shared their support for the bill.

As mentioned, this is simply closing a glaring loophole in the law that allows someone in a border port of entry, at a land port of entry to drive totally intoxicated, and INS officers are powerless to stop them, unless they want to do it as a citizen for which they risk liability that they are unwilling to assume. We asked INS officers what happens when someone who is visibly drunk crosses a border. They said, we let them go on a wing and a prayer and just hope that somebody, hope that a law enforcement officer at the municipal or State level is able to stop them.

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

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

As the chairman mentioned, we have offered and are more than willing to have a letter to the GAO. This need not be in statute as they are asking. We

can do the same by a letter to the GAO. But let us get this bill passed. We need it. There is a glaring loophole now. Lives are being lost on the border in my State and others. I would ask for support of this bill.

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

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

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

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

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

Mr. FLAKE. Mr. Speaker, I too fear that this bill will be imperiled, but I fear it if we attach such language. That is why we had a debate in the committee. The chairman is correct. That is where we debate bills like this. We had the debate in committee, we put that amendment up to a vote and it failed. Were we to accept the unanimous consent request or to amend this on the floor, we would be going and stepping over the committee. That is not the process. That is the relevant process we have to follow.

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

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

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

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

□ 1445

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

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

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

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

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

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

The reason I will not yield is because the chairman controls all the time on the gentleman's side.

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

Mr. FLAKE. Mr. Speaker, I thank the gentleman for yielding time to me.

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

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

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

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

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

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

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

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

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

I notice that there was some discussion that no one seems to understand racial profiling. There is a bill that we wish had moved through this House with some 95 or more cosponsors that if

we could have gotten a hearing on it in the Committee on the Judiciary, maybe we could have educated our colleagues about this issue.

The fact is that we have to live the way we live, many of us who come from different walks of life, to understand racial profiling. One has to live in our skin as an American and be able to acknowledge this is the best country we could ever live in, but every day we work to improve that country. So I think it is important for those who do not live as many of us do to recognize that, as legislators, we try to work together.

In this instance, I think it is important to note that the INS border inspectors, by State law that is already codified, in complete disagreement with my colleagues, have the authority to stop those whom they might feel are impaired. This study only allows instruction, giving them the ability to do their job better, and to be able to recognize that all of us have the right to be treated fairly, no matter who we are, and that this Nation is founded on those who escaped persecution so they could be treated fairly.

I am sorry that my colleagues believe this to be frivolous and a laughing matter, and refuse to exercise the comity of this House and work with those of us who are sincere in promoting legislation that works for everyone. It is a great disappointment to me. In fact, Mr. Speaker, it is hurting, because I have constituents who have felt the abuse of this process.

So I would offer to say that a letter does not equate to legislation. Mr. Speaker, I would simply say, we have been fighting to pass racial profiling legislation in this House. Of course, as a minority, we have not been successful.

Mr. Speaker, I would like to pose a question to the ranking member, the gentleman from Michigan (Mr. CONYERS). It really goes to the legislation that he has had filed in this House for a period of time.

I recall traveling with the gentleman throughout the Nation on a series of racial profiling hearings. I think the persons appearing came from all walks of life, if I am correct; and I know that it was a searing issue to the extent that we had sponsors and supporters of legislation in the Senate, the other body, because it was so clear that this Nation needed to address this question.

I would ask the gentleman simply to expand on that point. There seems to be some question of the seriousness and the need for having at least an instructive amendment that allows us to be instructed by a study that will give guidance to having us do our jobs better.

I know the gentleman has spent a lot of time on this issue, so I would ask him to speak on this point, on this legislation that he filed and the need for its hearing; but more importantly, the work that he did in coming to the point of drafting this legislation.

Mr. CONYERS. Mr. Speaker, will the gentlewoman yield?

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

Mr. CONYERS. Mr. Speaker, I thank the ranking member, the gentlewoman from Texas (Ms. JACKSON-LEE), of the Subcommittee on Immigration, Border Security, and Claims of the Committee on the Judiciary, for yielding to me.

Mr. Speaker, racial profiling cannot be considered irrelevant anywhere in the country, but particularly in a circumstance where we are giving additional powers to law enforcement agents on the border. For us not to include a study is sending a very dangerous signal to them, especially after this debate.

I frankly do not see how a measure like this, after this kind of discussion, could possibly clear the House of Representatives in consideration of the times and the problems with law enforcement and the minority community that plague the criminal justice system and law enforcement all over the country. I plead with my colleagues to please withdraw this measure until we can work out some rapprochement.

I can say that the gentlewoman from Texas (Ms. JACKSON-LEE) has been totally willing to cooperate, and I think, up until the day of the hearing, I would have said the same thing about the subcommittee chairman; or if he is not the subcommittee chairman, the gentleman from Arizona (Mr. FLAKE). He has been totally cooperative, as well.

I know that the gentleman from Wisconsin (Chairman SENSENBRENNER) and I have been working together in a very fine spirit to try to resolve this, and maybe the leadership of the House would schedule another session for suspensions, which would give us the time to at least bring this one back to the floor.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman from Michigan for his comments.

I would just simply close by saying that there is a throng of legislation passed on racial profiling. What we tried to do here is work in a bipartisan manner to enhance our Border Patrol agents, and, as well, protect the liberties of all of our people.

I would simply ask that my colleagues vote against this legislation, for it stands for nothing as it relates to being able to protect our Border Patrol agents and enhance their lives in contrast to diminishing the lives of others. I ask for a no vote on this legislation.

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

Mr. Speaker, I think it is regrettable that my two colleagues, the gentleman from Michigan (Mr. CONYERS) and the gentlewoman from Texas (Ms. JACKSON-LEE) have decided to make this very meritorious bill into a debate on racial profiling.

I have offered, as has the gentleman from Arizona (Mr. FLAKE), to send a letter to the Comptroller General asking for the precise study that the gentleman from Michigan and the gentlewoman from Texas have asked for.

As I said previously, every Member of Congress can get GAO studies on any relevant issue that they desire. We do not need to clutter up the statute books by requiring the Comptroller General to do a study on this subject or on any other subject. It merely requires sending a letter signed by a Member of Congress.

Now, if the gentleman from Michigan (Mr. CONYERS), who represents a border community, and the gentlewoman from Texas (Ms. JACKSON-LEE), who represents a district which is pretty close to the other border, if their idea becomes law, I am afraid that every immigration inspector who has to stop everybody who is legally crossing the border and ask them questions, they are going to have to compile this data for the GAO study, and the lines behind the border are going to get longer and longer, and people are going to be more frustrated, whether they are coming across the border to go to school, which we are going to talk about in a few minutes, or to further commerce, or just to visit the United States of America as a tourist, which is something that I think we encourage, as well, because we like foreigners spending their money here.

I am going to work with the gentleman from Michigan and the gentlewoman from Texas. But that is no reason, just because the issue of racial profiling is brought up, and a process where everybody has to be stopped and detained and questioned as they cross the border, that this very meritorious bill should be voted down.

Anybody in law enforcement will tell us that the quicker a drunk driver or a driver whose ability is impaired by drugs is stopped, the fewer people are placed at risk; so why not stop them on the border, and if they are drunk or impaired, do the appropriate chemical tests?

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

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

□ 1500

The SPEAKER pro tempore (Mr. PENCE). The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 2155, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Ms. JACKSON-LEE of Texas. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the

Chair's prior announcement, further proceedings on this motion will be postponed.

BORDER COMMUTER STUDENT ACT OF 2002

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

The Clerk read as follows:

H.R. 4967

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Border Commuter Student Act of 2002''.

SEC. 2. ESTABLISHMENT OF BORDER COMMUTER NONIMMIGRANT CLASS.

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

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

(c) LIMITATION.—Section 214(m) of the Immigration and Nationality Act (8 U.S.C. 1184(m); as redesignated by section 107(e)(2)(A) of P.L. 106–386) is amended by striking ''section 101(a)(15)(F)(i)'' both places it appears and inserting ''clause (i) or (iii) of section 101(a)(15)(F)''.

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

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

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 4967, the bill currently under consideration.

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

There was no objection.

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

Mr. Speaker, the Immigration and Nationality Act permits foreign students to study in the United States on nonimmigrant student visas. Aliens must be full-time students to be eligible for F visas, which is academic or language studies, or M visas, which are vocational or non-academic studies, nonimmigrant student visas. However, some INS districts have paroled commuter students from Canada and Mexico into the United States as visitors to bypass this statutory requirement because no visa category exists for part-time commuter students.

Since September 11, 2001, the INS has issued memoranda regarding its intent to end this practice of accommodating part-time commuter students but permits its continuance through the end of this year for students already enrolled in border schools. On August 27, 2002, the INS issued an interim rule to expand the F and M student visa categories to permit Mexican and Canadian commuter students to obtain student visas.

However, such a rule is open to differing interpretations across administrations. By passing H.R. 4967, this bill would make Congress' intent clearer that the Canadian and Mexican students should be able to obtain student visas and attend U.S. schools along our borders.

The bill amends the F and M student categories of the Immigration and Nationality Act to expand student visa authorization only for nationals of Canada or Mexico who maintain actual residence and place of abode in the country of nationality, whose course of study may either be full- or part-time, and who commute to the U.S. institution or place of study from Canada or Mexico. These part-time students will be tracked in the Student and Exchange Visitor Information System, or SEVIS; and I would point out that if this bill is not passed, and they continue to be paroled in as visitors, they will not be tracked under SEVIS because they do not have student visas.

In practice, the INS has been allowing the students in for years but without proper authority to do so. This bill gives the INS that proper authority, and I urge my colleagues to vote for it.

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

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

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, I am pleased to join my colleagues in support of making part-time commuter students who are nationals of either Canada or Mexico and attend school in the United States eligible for special student visas. I especially congratulate the gentleman from Arizona (Mr. KOLBE) for his untiring efforts to move this legislation forward.

Thousands of Canadian and Mexican nationals commute to attend schools part-time in the United States. According to the Institute of International Education, 25,769 Canadian students and 10,679 Mexican students are enrolled at U.S. colleges on a full-time basis. There are thousands of additional students that are part-time students.

Texas has a significant portion of students who commute to schools in Texas. For years now, border points like El Paso and Laredo have made exceptions for part-time Mexican students who enter on a daily visitor and travel visa. Schools in Texas, such as Texas A&M International, will benefit from this legislation. Texas A&M International University has approximately 50 to 60 students that benefit from this legislation. At the University of Texas Pan-American in Edinburgh, Texas, 14 of the 425 international students are part-time.

According to university officials at both institutions, many more students would attend if they could be able to cross the border easily. Unfortunately, current law does not establish an appropriate visa for those part-time commuter students who, in fact, are coming to learn and then returning home to contribute to their communities.

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

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

We do know that we live in different times since the horrific acts of 9–11. We do know our responsibilities for border security; and of course, as I have mentioned earlier, my commitment to such in cosponsorship of several bills, recognizing the balance, a balance in the previous bill to add a study on racial profiling, this bill is a balance. It recognizes that these students are coming to learn, to contribute, and to make a difference not only in their lives but in their communities.

It also recognizes the economic aspect of it, and these students will be contributing to the economy of the regions of which they participate in those academic institutions.

Fortunately, the agency recently postponed enforcement of the policy

until August 15, 2002, while administrative and legislative remedies are considered. I consider that a balanced perspective on the part of the INS.

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

Again, I believe that we have an enormous responsibility to ensure the security of our communities, but I think this is a balanced and forthright legislative initiative to help all.

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

I ask my colleagues to support this balanced initiative and support this legislation.

Mr. Speaker, I am pleased to join my colleagues in support of making part-time commuter students who are nationals of either Canada or Mexico and attend school in the United States eligible for special student visas. I especially congratulate Mr. KOLBE for moving this legislation forward.

Thousands of Canadian and Mexican nationals commute to attend schools part time in the United States. According to the Institute of International Education, 25,769 Canadian students and 10,679 Mexican students are enrolled at U.S. Colleges on a full time basis. There are thousands of additional students that are part-time students. Texas has a significant portion of students who commute to schools in Texas. For years now Border points like El Paso and Laredo Texas have made exceptions for part-time Mexican students who entered on a daily visitor and travel visas. Schools in Texas such as Texas A&M International will benefit from this legislation. Texas A&M International University has approximately 50 to 60 students that would benefit from this legislation. At the University of Texas Pan American in Edinburg, Texas, 14 of the 425 international students are part-time students. According to university officials at both institutions many more students would attend if they could cross the border easily. Unfortunately, current law does not establish an appropriate visa for these part-time commuter students.

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

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

Fortunately, the agency recently postponed enforcement of the policy until August 15, 2002, while administrative and legislative remedies are considered.

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

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

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

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

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

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

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

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

The people of Mexico and Canada who live and work in their home country but who want to attend a night class, such as business English for Mexicans, in the United States should be allowed to do this. Every day citizens of Mexico and Canada cross back and forth to shop, to do business, to visit relatives. They should also be able to further their education. On that, I think most of us agree.

Current law provides for two student nonimmigration categories. The F1 category is for academic studies and the M1 category is for nonacademic or vocational studies. These categories by law require that a student be enrolled full-time; but here is the loophole, or I should say the gaping hole, for commuting students.

A person can enter the United States only to study full-time; and if they enter for business or for pleasure, the law explicitly states that they cannot be enrolled in a study.

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

I commend the INS for expanding the number of students that can enter the U.S. as full-time students to include these quasi-full-time students. Although the INS did what they could

under the law that limits students entering the country to full-time status, this simply is not enough.

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

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

It is in the interest of the United States to allow our neighbors to take courses in English and history and mathematics and philosophy or business or nursing or any other kind of vocation or profession at our Nation's colleges and schools along the border. In addition, it is in the interest of Mexico and Canada to allow their citizens access to an expanded area of educational opportunities.

I am very proud today that the House of Representatives is doing its part to help these schools and these students. I believe our neighbors to the south and the north deserve special treatment and the Border Commuter Student Act adds another option to enter the United States for Canadians and Mexicans who live along the border.

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

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

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

Let me just conclude by simply saying what we want in this legislation is to help our commuter students from Canada and Mexico come in, be trained, and contribute to their communities and societies. This is a balanced legislative initiative, and I ask my colleagues to support it.

Mr. REYES. Mr. Speaker, I rise today in strong support of H.R. 4967, the Border Commuter Student Act. I applaud my colleague, Mr. KOLBE, for his hard work at addressing in issue that is critical along the U.S.-Mexico and Canada borders.

As you know, the situation on the U.S.-Mexico and Canada borders is unique in regard to foreign students who reside in their homelands and who cross at our Ports-of-Entries (POEs) to use American colleges and universities. Many of these students attend classes on a part-time basis. In the past, the interpretation of the meaning of part-time student varied from POE to POE resulting in inconsistent policy. Immigration and Naturalization Service (INS) District Directors used their discretion in allowing part-time students to cross at many POEs.

Recently, the INS began to enforce laws by stating that "aliens who seek to enter the United States regularly but primarily to pursue less than a full course of study are neither visitors nor students and are ineligible for student visa or visitor status." INS Commissioner Ziglar further clarified policy by stating that "the POEs are not to admit visitors for business or pleasure whose purpose for entering the United States is to pursue a part-time course of study at a college or university."

As we continue with our efforts to secure our homeland, I will be the first to admit that priority must be placed on improving the ability of the INS to enforce our laws and deploy technology necessary to secure our nation's borders. Having worked for many years in the U.S. Border Patrol, I understand the importance of increasing security at our nation's POEs and I also understand the need to carefully monitor student visas.

However, as you can imagine Mr. Speaker, this situation would have created a great deal of confusion in my district and in many other districts along the U.S.-Mexico and Canadian borders and would have penalized law-abiding people who were taking steps to educate and improve themselves. In fact, there are over 2,000 studends in my district alone who would have been adversely impacted by the implementation of this policy. Some of these students included professionals who work full-time in Mexico border cities and who cross regularly to attend colleges and universities part-time in pursuit of graduate degrees. Such individuals include skilled workers in maquiladoras, educators, and engineers. Many of these individuals contribute to the improvement and quality of life for sister cities along our borders.

The Border Commuter Student Act, of which I am an original cosponsor, creates two new non-immigrant student visa categories for Canadian and Mexican students who study part-time in the United States but who live in their home country. This legislation only applies to schools located within 75 miles of the border. Mr. Speaker, this is good, common-sense legislation that closes a loophole and allows students from the U.S.-Mexico and Canada borders to attend classes in the United States on a part-time basis. I urge my colleagues to support it.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield back the balance of my time.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 4967.

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

A motion to reconsider was laid on the table.

□ 1515

OUR LADY OF PEACE ACT

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4757) to improve the national instant criminal background check system, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4757

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 "Our Lady of Peace Act".

SEC. 2. FINDINGS.

The Congress finds the following:

(1) Since 1994, more than 689,000 individuals have been denied a gun for failing a background check.

(2) States that fail to computerize their criminal and mental illness records are the primary cause of delays for background checks. Helping States automate their records will reduce delays for law-abiding gun owners.

(3) 25 States have automated less than 60 percent of their felony criminal conviction records.

(4) 33 States do not automate or share disqualifying mental health records.

(5) In 13 States, domestic violence restraining orders are not automated or accessible by the national instant criminal background check system.

(6) In 15 States, no domestic violence misdemeanor records are automated or accessible by the national instant criminal background check system.

TITLE I—TRANSMITTAL OF RECORDS

SEC. 101. ENHANCEMENT OF REQUIREMENT THAT FEDERAL DEPARTMENTS AND AGENCIES PROVIDE RELEVANT INFORMATION TO THE NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM.

(a) IN GENERAL.—Section 103(e)(1) of the Brady Handgun Violence Prevention Act (18 U.S.C. 922 note) is amended—

(1) by inserting "electronically" before "furnish"; and

(2) by adding at the end the following: "The head of each department or agency shall ascertain whether the department or agency has any records relating to any person described in subsection (g) or (n) of section 922 of title 18, United States Code and on being made aware that the department or agency has such a record, shall make the record available to the Attorney General for inclusion in the system to the extent the Attorney General deems appropriate. The head of each department or agency, on being made aware that the basis under which a record was made available under this section does not apply or no longer applies, shall transmit a certification identifying the record (and any name or other relevant identifying information) to the Attorney General for removal from the system. The Attorney General shall notify the Congress on an annual basis as to whether the Attorney General has obtained from each such department or agency the information requested by the Attorney General under this subsection.".

(b) IMMIGRATION RECORDS.—The Commissioner of the Immigration and Naturalization Service shall cooperate in providing information regarding all relevant records of persons disqualified from acquiring a firearm under Federal law, including but not limited to, illegal aliens, visitors to the United States on student visas, and visitors to the United States on tourist visas, to the Attorney General for inclusion in the national instant criminal background check system.

SEC. 102. REQUIREMENTS TO OBTAIN WAIVER.

(a) IN GENERAL.—Beginning 5 years after the date of the enactment of this Act, a State shall be eligible to receive a waiver of the 10 percent matching requirement for National Criminal History Improvement Grants under the Crime Identification Technology Act of 1988 if the State provides at least 95 percent of the information described in subsection (b). The length of such a waiver shall not exceed 5 years.

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

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

(A) The name of and other relevant identifying information relating to each person disqualified from acquiring a firearm under subsection (g) or (n) of section 922 of title 18, United States Code, and each person disqualified from acquiring a firearm under applicable State law.

(B) The State, on being made aware that the basis under which a record was made available under subparagraph (A) does not apply or no longer applies, shall transmit a certification identifying the record (and any name or other relevant identifying information) to the Attorney General for removal from the system.

(C) Any information provided to the Attorney General under subparagraph (A) may be accessed only for background check purposes under section 922(t) of title 18, United States Code.

(D) The State shall certify to the Attorney General that at least 95 percent of all information descibed in subparagraph (A) has been provided to the Attorney General in accordance with subparagraph (A).

(2) APPLICATION TO PERSONS CONVICTED OF MISDEMEANOR CRIMES OF DOMESTIC VIOLENCE.—(A) For purposes of paragraph (1), a person disqualified from acquiring a firearm as referred to in that paragraph includes a person who has been convicted in any court of any Federal, State, or local offense that—

(i) is a misdemeanor under Federal or State law or, in a State that does not classify offenses as misdemeanors, is an offense punishable by imprisonment for a term of 1 year or less (or punishable by only a fine);

(ii) has, as an element of the offense, the use or attempted use of physical force (for example, assault and battery), or the threatened use of a deadly weapon; and

(iii) was committed by a current or former spouse, parent, or guardian of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, parent, or guardian, (for example, the equivalent of ''common-law marriage'' even if such relationship is not recognized under the law), or a person similarly situated to a spouse, parent, or guardian of the victim (for example, two persons who are residing at the same location in an intimate relationship with the intent to make that place their home would be similarly situated to a spouse).

(B) A person shall not be considered to have been convicted of such an offense for purposes of subparagraph (A) unless—

(i) the person is considered to have been convicted by the jurisdiction in which the proceeding was held;

(ii) the person was represented by counsel in the case, or knowingly and intelligently waived the right to counsel in the case; and

(iii) in the case of a prosecution for which a person was entitled to a jury trial in the jurisdiction in which the case was tried—

(I) the case was tried by a jury; or

(II) the person knowingly and intelligently waived the right to have the case tried by a jury, by guilty plea, or otherwise.

(C) A person shall not be considered to have been convicted of such an offense for purposes of subparagraph (A) if the conviction has been expunged or set aside, or is an offense for which the person has been pardoned or has had civil rights restored (if the law of the jurisdiction in which the proceedings were held provides for the loss of civil rights upon conviction of such an offense) unless the pardon, expungement, or restoration of civil rights expressly provides that the person may not ship, transport, possess, or receive firearms, and the person is not otherwise prohibited by the law of the jurisdiction in which the proceedings were held from receiving or possessing any firearms.

(3) APPLICATION TO PERSONS WHO HAVE BEEN ADJUDICATED AS A MENTAL DEFECTIVE OR COMMITTED TO A MENTAL INSTITUTION.—

(A) For purposes of paragraph (1), an adjudication as a mental defective occurs when a court, board, commission, or other government entity determines that a person, as a result of marked subnormal intelligence, or mental illness, incompetency, condition, or disease—

(i) is a danger to himself or to others; or

(ii) lacks the mental capacity to contract or manage his own affairs.

(B) The term ''adjudicated as a mental defective'' includes—

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

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

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

(i) a person—

(I) in a mental institution for observation; or

(II) voluntarily committed to a mental institution; or

(ii) information protected by doctor-patient privilege.

(4) PRIVACY PROTECTIONS.—For any information provided under the national instant criminal background check system, the Attorney General shall work with States and local law enforcement and the mental health community to establish regulations and protocols for protecting the privacy of information provided to the system. In the event of a conflict between a provision of this Act and a provision of State law relating to privacy protection, the provision of State law shall control.

(5) STATE AUTHORITY.—Notwithstanding any other provision of this subsection, a State may designate that records transmitted under this subsection shall be used only to determine eligibility to purchase or possess a firearm.

(c) ATTORNEY GENERAL REPORT.—Not later than January 31 of each year, the Attorney General shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report on the progress of States in automating the databases containing the information described in subsection (b) and in providing that information pursuant to the requirements of such subsection.

SEC. 103. IMPLEMENTATION GRANTS TO STATES.

(a) IN GENERAL.—From amounts made available to carry out this section, the Attorney General shall make grants to each State, in a manner consistent with the national criminal history improvement program, which shall be used by the State, in conjunction with units of local government and State and local courts, to establish or upgrade information and identification technologies for firearms eligibility determinations.

(b) USE OF GRANT AMOUNTS.—Grants under this section may only be awarded for the following purposes:

(1) Building databases that are directly related to checks under the national instant criminal background check system (NICS), including court disposition and corrections records.

(2) Assisting States in establishing or enhancing their own capacities to perform NICS background checks.

(3) Improving final dispositions of criminal records.

(4) Supplying mental health records to NICS.

(5) Supplying court-ordered domestic restraining orders and records of domestic violence misdemeanors (as defined in section 102 of this Act) for inclusion in NICS.

(c) CONDITION.—As a condition of receiving a grant under this section, a State shall specify the projects for which grant amounts will be used, and shall use such amounts only as specified. A State that violates this section shall be liable to the Attorney General for the full amount granted.

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

(e) The Federal Bureau of Investigation shall not charge a user fee for background checks pursuant to section 922(t) of title 18, United States Code.

TITLE II—FOCUSING FEDERAL ASSISTANCE ON THE IMPROVEMENT OF RELEVANT RECORDS

SEC. 201. CONTINUING EVALUATIONS.

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

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

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

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

SEC. 301. GRANTS AUTHORIZED.

(a) IN GENERAL.—From amounts made available to carry out this section, the Attorney General shall make grants to each State for use by the chief judicial officer of the State to improve the handling of proceedings related to criminal history dispositions and restraining orders.

(b) USE OF FUNDS.—Amounts granted under this section shall be used by the chief judicial officer only as follows:

(1) For fiscal year 2004, such amounts shall be used to carry out assessments of the capabilities of the courts of the State for the automation and transmission to State and Federal record repositories the arrest and conviction records of such courts.

(2) For fiscal years after 2004, such amounts shall be used to implement policies, systems, and procedures for the automation and transmission to State and Federal record repositories the arrest and conviction records of such courts.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Attorney General to carry out this section $125,000,000 for each of fiscal years 2004, 2005, and 2006.

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

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

GENERAL LEAVE

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

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

There was no objection.

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

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

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

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

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

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

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

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

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

In a March 12, 2002, letter to the FBI, the Maryland State Archives informed the FBI, ''We can no longer provide the research and assistance your program requires without reimbursement for the work.'' The letter indicated that the annual cost of providing this research to support NICS would cost about $45,000 annually. It was not until August 27, 2002, that the Maryland Department of Public Safety reaffirmed its commitment to NICS. Then, on October 3, 2002, the Maryland Archives informed the FBI that it will provide NICS research assistance so long as NCHIP funding is available, thereby leaving the door open to once again discontinue cooperation.

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

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

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

It is my understanding that the State of Maryland was the only State in the country to refuse to assist the FBI with NICS checks. Practically every State in the Union has a financial problem, but they have continued working with the FBI because they felt it was important. Only Maryland said no. Maryland is now, apparently, providing that assistance, but only if Federal funding is available, and this is not tolerable because of the amount of NCHIP and other Federal criminal justice assistance provided Maryland and the importance of keeping guns out of the hands of convicted felons and adjudicated mental incompetents.

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

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

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

In 1998, the Brady Act required Federal Firearms Licensees (FFL) to initiate a background check on all persons who attempt to purchase a firearm. The Brady Act is intended to keep firearms out of the hands of individuals who are prohibited by Federal or state law from possessing them. The Attorney General established the National Instant Criminal Background Check System (NICS) operation center to enforce the provisions of the Brady Act.

The NICS mission is to ensure the timely sale of firearms to individuals who are not prohibited under Federal law and deny a sale to those individuals who are prohibited from possessing or receiving a firearm. However, background checks can only be as effective as the records available to be checked. The NICS system cannot keep guns out of the hands of criminals and other dangerous individuals without receiving the most current records from the states.

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

Although NICS will attempt to obtain information for any missing record, Federal law provides that if a delayed background check is still pending after three business days, the firearms dealer may proceed with the sale. The NCHIP program has helped increase the records available for a search by NICS by as much as 60%; however, some states and local governments have failed to automate their records or otherwise make them available to NICS. I am particularly troubled by states that fail to join the federal government as partners to keep guns out of the hands of criminals and others who should not have them.

Mr. Speaker, I am deeply concerned about Maryland's refusal to assist the FBI with these NICS checks, and I will enter four letters in the record which highlight this problem. In a March 12, 2002 letter to the FBI, the Maryland State Archives informed the FBI that "we can no longer provide the research and assistance your program requires without reimbursement for the work."

The letter indicated that the annual cost of providing this research to support NICS would cost about $45,000 annually. It was not until Aug. 27, 2002, that the Maryland Dept. of Public Safety affirmed its commitment to NICS. Then, on October 3, 2002, the Maryland Archives informed the FBI that it will provide NICS research assistance so long as NCHIP funding is available, thereby leaving the door open to again discontinue cooperation. Mr. Speaker, it is outrageous that Maryland would let almost 7 months go by without assisting the FBI with these critical NICS checks.

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

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

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

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

MARYLAND STATE ARCHIVES,
March 12, 2002.

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

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

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

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

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

Sincerely yours.

CHRISTOPHER N. ALAN,
Deputy State Archivist.

MARYLAND STATE ARCHIVES,
Federal Bureau of Investigation,
National Instant Criminal Background Check System, Clarksburg, WV

Please note that the Maryland State Archives that as of March 18 the Archives is no longer providing remote criminal research for the National Instant Criminal Background Check System. You are invited to conduct this and any future criminal background research in the Archives' public Search Room. Please note that many criminal files or necessary indices may still be in the custody of the courts.

The public search room is open Tuesday through Friday, 8:00 a.m. to 4:30 p.m. and Saturday, 8:30 a.m. to 12:00 p.m. and 1:00 p.m. to 4:30 p.m. The Archives is Closed on Mondays. On weekdays the search room remains open at lunchtime (12:00 p.m. to 1:00 p.m.) with reduced services. The Archives is closed on state holidays. The state holiday closings for 2002 are: Tuesday, January 1; Thursday, July 4; Tuesday, November 5; Thursday, Friday and Saturday, November 28, 29 & 30; Wednesday, December 25. The Maryland State Archives is located at 350 Rowe Boulevard, Annapolis, MD 21401.

Sincerely,

R.J. ROCKEFELLER, PHD,
Director, Reference Services.

STATE OF MARYLAND, DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES, INFORMATION TECHNOLOGY AND COMMUNICATIONS DIVISION,

Pikesville, Maryland, August 27, 2002.

Re National Instant Check System (NICS)—FBI Letter (May 9, 2002) to Maryland State Archives and Response (May 31, 2002) from Maryland State Archives.

KIMBERLY DEL GRECO,

Acting Section Chief, NICS Program Office, Clarksburg, WV

DEAR MS. DEL GRECO: I am writing on behalf of the Criminal Justice Information System (CJIS) Central Repository in response to the letter dated May 9, 2002, from Mr. Timothy Munson, NICS Program Office, to Mr. Christopher Allan, Deputy State Archivist of the Maryland State Archives. Mr. Munson's letter detailed some of the frustrations he was experiencing in obtaining Maryland criminal history record information on subjects under the purview of the NICS operations. I am also in receipt of the response from Mr. Allan.

The Secretary of Public Safety and Correctional Services and the Chief Judge of the Maryland Court of Appeals jointly oversee Maryland's Criminal Justice Information System (CJIS). It is established under the authority of the Criminal Procedure Article, §§10–201–10–234, Annotated Code of Maryland. The enabling statute is implemented by executive Code of Maryland Regulations (COMAR 12.15.01) and by judicial rules (Maryland Rules §§16–308 and 16–508). The CJIS Central Repository is housed for administrative purposes in the Information Technology and Communications Division of the Department of Public Safety and Correctional Services.

The policy issues raised in both letters referenced above are of genuine concern to Maryland, and in particular to this Department. I apologize for the long delay in responding to the original letter. I felt it was important to first identify what created the issues identified by Mr. Munson and then, in consultation with NICS staff, to take immediate steps to reach a mutually agreed-upon resolution.

I think resolution has been reached, the result of several conference calls between our respective staffs. Consensus on procedural issues included, among others, the following:

Installation of a dedicated fax machine by the FBI,

Faxing completed response to the FBI within 24 hours of receipt of inquiry,

Use of standardized verbiage re: sources of dispositions,

Development of holiday/weekend work schedules, and

Identification of points-of-contact at the respective agencies.

I should also point out that, because Maryland was a ''day-forward'' participant when it joined the Interstate Identification Index (III) in March 1998, this State has not been able to electronically supply criminal history record information prior to March 1998. However, this Department is supporting the efforts of CJIS Central Repository to make these the pre-March 1998 records available for NICS investigations as soon as may be possible.

I am committed not merely to maintaining Maryland's criminal history record information in the CJIS Central Repository in a timely, complete, and accurate fashion, but also to utilizing procedures that will provide this information to authorized users in an efficient and effective manner. Please let me know if the attempt to improve our response with respect to NICS operations develops further problems or does not in any way satisfy the needs of NICS.

Sincerely,

JUDITH A. WOOD

Chief Information Officer.

MARYLAND STATE ARCHIVES,

October 3, 2002.

Gary Wick,

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

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

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

You might occasionally receive contradictory reports when a first search yields nothing, but when further information provided by your agents or our own quality assurance steps locate a record at first not found. This happens rarely, but is not due to multiple staff member seeking the same record and passing by one another. I am pleased when we can follow up and report comprehensively, even if after the initial 72 business hours.

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

Sincerely,

R.J. ROCKEFELLER, PH.D.,

Director, Reference Services.

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

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

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

The gentlewoman from New York is joined, of course, by the dean of the House, the gentleman from Michigan (Mr. DINGELL), who has shown the kind of diplomacy and openness to sharing in this legislation to get to the final point, and that is to save lives. So I rise with enthusiastic support and in appreciation of their leadership in support of the Our Lady of Peace Act, H.R. 4757.

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

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

This is an important legislative initiative, and I would expand the request of the distinguished chairman and ask for an investigation or a requirement of a report from all the States, in addition to Maryland, to be able to determine the assessment that is so important. So that that could be a part of this legislation, we should join in asking for reports from all the 50 States.

□ 1530

Let me simply say because Federal law requires that a gun sale proceed after 3 business days, even a background check is inconclusive. A number of felons, fugitives, and stalkers received guns that we later have to retrieve. And while 95 percent of all background checks are completed within 24 hours, because of incomplete records the remaining 5 percent take more time. Those 5 percent are 20 times more like to be a felon, fugitive, or stalker.

In fact, we learned from a recent GAO study requested by the gentleman from Michigan (Mr. CONYERS) to look into the problem of domestic violence, it was determined that nearly 3,000 convicted domestic batterers and child abusers were able to purchase firearms between 1998 and 2001. Despite Federal laws designed to prevent this, nearly 10 percent of the annual homicides involving the killing of a spouse or partner, almost all the victims were women, and most were done by using a firearm. We must do better.

One part of the solution is to allow more time for background checks, and this would allow us to more fully investigate purchasers whose records raise a red flag. It would also allow a cooling-off period which has proven to be effective to deter heat-of-passion crimes.

Another part of the solution is this bill, and I am delighted to rise in support of this bill which will provide incentive for States to provide more complete records to the Federal Government. This will result in faster and smarter background checks.

So in conclusion, Mr. Speaker, I congratulate the proponents of this bill. And as well, I would hope that we would support this bill enthusiastically.

I strongly support this legislation. A major problem with the instant check system has been the incomplete records of state and local governments. Because federal law requires that a gun sale proceed after three business days even if a background check is inconclusive, a number of felons, fugitives and stalkers receive guns that we later have to retrieve.

Ninety-five percent of all background checks are completed within 24 hours. Because of incomplete records, the remaining five percent

take more time. Those five percent are twenty times more likely to be a felon, fugitive or stalker. This also will help keep guns out of the hands of those that would harm others such as the mentally disabled.

In fact, in a recent GAO study I requested looked at this problem in the area of domestic violence. I was extremely disturbed to learn that nearly 3,000 convicted batterers and child abusers were able to purchase firearms between 1998–2001, despite federal laws designed to prevent this. Nearly 10 percent of the annual homicides involving the killing of a spouse or partner, almost all the victims were women and most were killed using a firearm. We must do better!

One part of the solution is to allow more time for background checks. This would allow us to more fully investigate purchasers whose records raise a red flag. It would also allow a "cooling off" period, which has been proven effective to deter heat of passion crimes.

Another part of the solution is this bill. It will provide incentives for states to provide more complete records to the federal government. This will result in faster and smarter background checks.

Finally, I want to thank and congratulate my colleagues, Congresswoman MCCARTHY and the Dean of the House, JOHN DINGELL, for their work on this bill and their willingness to take constructive suggestions along the way, to make this an even better bill.

Mr. Speaker, I ask unanimous consent to yield the balance of my time to the gentlewoman from New York (Mrs. MCCARTHY) for the purposes of control.

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

There was no objection.

Mr. SENSENBRENNER. Mr. Speaker, I yield 3 minutes to the gentlewoman from Maryland (Mrs. MORELLA).

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

Also, I want to point out the fact that Americans for Gun Safety, the Brady Campaign, and many other organizations have worked for its passage and applaud this time on the House floor.

This bill is long overdue. In 1993, Congress passed the Brady Act, which I strongly supported. The Brady Act gives the FBI 4 years to create a national instant background check system for purchasing a firearm. But unfortunately, 8 years after the passage of the Brady Act, the national background check system is still not instant or up to date, as on average, only 58 percent of the felony background check records have been computerized. This means felons, domestic abusers, and mentally infirm have been able to walk into a gun store and buy a firearm because of incomplete government records. In fact, nationwide because of poor record keeping by the government, 10,000 convicted felons and other prohibited buyers have been able to purchase guns.

In my home State of Maryland, 283 illegal buyers were able to buy guns because of incomplete background check records over a 30-month period. Overall, Maryland has the 15th worst record in the Nation of illegal buyers obtaining guns due to faulty records. Moreover, Maryland does not check the records of individuals with a history of severe mental illness when doing a background check.

This is incredible; but it is not unusual, as 33 States do not bother to do a mental illness background check. And it gets even worse. In 15 States, those convicted of a domestic violence misdemeanor can slip through a background check, because those States do not supply any of those records to the FBI. This bill will fix those gaping holes.

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

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

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

Mr. Speaker, I rise in strong support of H.R. 4757, Our Lady of Peace Act, and the assistance it offers States for automating their criminal history records. I would like to thank the gentleman from Wisconsin (Mr. SENSENBRENNER) for working with me from the beginning and giving suggestions on how to make this a better bill.

I also thank the gentleman from Michigan (Mr. CONYERS), the distinguished ranking member, for working with me in helping pass this bipartisan bill through the Committee on the Judiciary.

I also thank the gentleman from Michigan (Mr. DINGELL) for all his hard work throughout this process. He and I actually started talking about this kind of legislation quite a long time ago, and I am glad to see that it is on the floor today.

It is not every day that the gentleman from Michigan (Mr. DINGELL) and I are on the same side of a gun debate, but we believe that this legislation helps close a loophole in our law that allows disqualified individuals to obtain a firearm.

In March of this year, a priest and a parishioner in my district at the Lady of Peace Church were fatally shot during mass by a disturbed gunman with a history of mental health problems and a restraining order issued by his mother. However, he was able to purchase a firearm 2 days before the attack because most States do not provide mental health and other disqualifying records to the FBI NICS database. The 1968 Gun Control Act bars nine categories of individuals, including those who are deemed mentally ill, from having a firearm. However, when a Federal background check is performed, only Federal databases are addressed. That means that the Federal background check is only as good as the records in it; and since many of these records are kept by the States and rarely provided to the FBI, the Federal background check may never spot the disqualifying factor, therefore allowing the purchase to proceed.

Right now, 35 million records of people who are prohibited by law from owning a firearm are missing from the various databases that make up the NICS system. That means it is nearly impossible to stop those under a restraining order, the severely mentally ill, and illegal aliens from passing a background check and obtaining a firearm.

The Our Lady of Peace Act seeks to enforce the 1968 Gun Control Act by providing States an incentive to automatic and shared disqualifying records with the FBI. In addition, it authorize grants to help States automate and improve criminal history records, mental health records, restraining orders and records of domestic violence misdemeanors.

It also requires Federal agencies, like the INS, to provide the FBI with records of individuals disqualified from purchasing a firearm. This legislation helps make the instant background check system truly the instant system we are looking for.

Whether a gun owner or not, this legislation will appeal to everyone who believes we should enforce our current gun laws and keep firearms out of the wrong hands. What I will say is what we have been seeing, especially in the last week or so in the vicinity of our area, we should be doing more to enforce the laws on the books. That is something I have been trying to do since elected to Congress. It has been my privilege and my honor to work with all Members bipartisanly to get this done. I think it is important, and I hope that we can all work together in the future to do more because there is more to be done. The bottom line is as long as we keep guns out of the hands of those that should not have them, we will be saving lives; and that is what we are all here about. That is what we all care about. I urge support of this bill.

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

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

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

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

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

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

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

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

Today, because of the leadership of the gentlewoman from Maryland (Mrs. MORELLA) and the gentlewoman from New York (Mrs. MCCARTHY), we rise in this institution to do something. We rise today to bring forth in Our Lady of Peace Act legislation which will provide States with the tools to comply with the 1968 Gun Control Act by providing additional funds to automate and share criminal mental health and domestic violence restraining order records with the FBI's NICS database.

This legislation, since its conception, was always designed to provide that instant background check, just like we are used to at the gasoline station pump, to know immediately who has a background that is consistent with the ownership of firearms and who does not. Under this legislation, all Federal agencies would transmit relevant records relating to persons disqualified from acquiring a firearm to the Attorney General for inclusion in the NICS database. To comply with the grants under this legislation, States also would provide more thorough and updated information, and there is a grant program to assist State courts to assess and improve the handling of proceedings related to criminal history.

Mr. Speaker, there is something we can do. As Americans and as family people, we can pray for justice in this case; and we can support our law enforcement as they seek to leave no stone unturned. Lastly, we can pass this critical and important legislation that will speed resources to the NICS database and make sure that those who possess firearms in America are only law-abiding Americans.

□ 1545

Mrs. MCCARTHY of New York. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan (Mr. DINGELL).

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

Mr. DINGELL. Mr. Speaker, I rise in strong support of H.R. 4757. I thank the distinguished gentlewoman from New York for yielding me this time, and I commend her for her leadership and effort in this matter. It has been a privilege and a pleasure for me to work with her as a cosponsor of this legislation.

I want to note that this legislation is supported in a bipartisan fashion. On both sides, Members support this. The leadership on both sides of the aisle supports this legislation. And the leadership on both ends of the Capitol supports this legislation. It is supported by the NRA and by gun control groups. I want to commend my good friend, the chairman of the committee, the gentleman from Wisconsin (Mr. SENSENBRENNER) and also the ranking minority member, the gentleman from Michigan (Mr. CONYERS) for their leadership and their support of this legislation.

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

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

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

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

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

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

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

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

Mr. FLAKE. Mr. Speaker, I thank the gentleman for yielding me this time. I want to thank the chairman of the Committee on the Judiciary for bringing this forward and also the gentlewoman from Maryland for her hard

work on this subject; also the gentlewoman from New York and the gentleman from Michigan for their hard work on fashioning legislation here that protects the second amendment rights of all Americans, but also ensures that criminals cannot more easily get their hands on guns. And also, as the gentleman from Michigan mentioned, that law-abiding citizens are not denied or delayed their right simply because State officials have not the resources or the inclination to move ahead on this.

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

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

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

Again, people have to understand that we are not picking on one particular group. Anyone that is denied access to getting permission for a gun only comes up as denied, so we do not go pinpointing, especially on mental illness or other things. They are just plainly denied. I think that is an important part because I think people out there are misunderstanding, and they actually thought we were targeting people with mental illness. We are not. We just want to make sure that people that should not own guns do not get their guns and people that should be able to have guns have the right to own guns. We will continue to work together on this.

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

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

Mr. Speaker, I too would like to add my thanks to the gentlewoman from New York and the gentlewoman from Maryland for putting together this bill. I have been in the Congress for 24 years. This is the first bill on the subject of firearms that I can remember that is supported by both the NRA and most of the major gun control groups. That means we ought to seize this moment and pass this bill right away before this coalition unravels. I urge the Members to do that.

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

H.R. 4757, the Our Lady of Peace Act, would amend the Brady Handgun Violence Prevention Act to require the Attorney General to secure directly from any U.S. department or agency information on persons who are prohibited by federal or state law from having a firearm, such as a convicted felon criminal or mental incompetent. In effect, to make the record collection system work more efficiently than it currently does. The measure provides more money to the States to make their information available to the federal government, making the partnership of the two governmental systems a better working arrangement.

Specifically, H.R. 4757 requires the Attorney General to make grants to each State: (1) to establish or upgrade information and identification technologies for firearms eligibility determinations; and (2) for use by the State's chief judicial officer to improve the handling of proceedings related to criminal history dispositions and temporary restraining orders as they relate to disqualification from firearms ownership under State and Federal laws. And the measure requires the Director of the Bureau of Justice Statistics to study and evaluate the operations of the System and to report on grants and on best practices of States.

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

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

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

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

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

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

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

Mr. Speaker, instant background checks serve little purpose if they are based on incomplete or inaccurate criminal history records. Today, we strive for accuracy, for completeness. H.R. 4757 goes a long way toward making the NICS system work the way we intended it to work, and I urge my colleagues to join me in supporting it.

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

The SPEAKER pro tempore (Mr. PENCE). The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 4757, as amended.

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

A motion to reconsider was laid on the table.

ARMED FORCES DOMESTIC SECURITY ACT

Mr. HAYES. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5590) to amend title 10, United States Code, to provide for the enforcement and effectiveness of civilian orders of protection on military installations.

The Clerk read as follows:

H.R. 5590

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 ''Armed Forces Domestic Security Act''.

SEC. 2. FORCE AND EFFECT OF PROTECTIVE ORDERS ON MILITARY INSTALLATIONS.

(a) IN GENERAL.—Chapter 80 of title 10, United States Code, is amended by inserting after section 1561 the following new section:

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

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

''(b) CIVILIAN ORDER OF PROTECTION DEFINED.—In this section, the term 'civilian order of protection' has the meaning given the term 'protection order' in section 2266(5) of title 18.

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

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1561 the following new item:

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

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina (Mr. HAYES) and the gentlewoman from California (Mrs. TAUSCHER) each will control 20 minutes.

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

GENERAL LEAVE

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

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

There was no objection.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

□ 1600

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

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

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

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

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

Mr. Speaker, it would be irresponsible to allow a loophole like this to continue. I urge my colleagues to support the Armed Forces Domestic Security Act.

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

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

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

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

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

In response, again as we have heard, Mr. Speaker, on September 30 the Subcommittee on Military Personnel of the Committee on Armed Services traveled with five of its members to try to learn a bit more firsthand about this tragic series of events. I want to pay particular respect and thanks and appreciation to the gentleman from North Carolina (Mr. HAYES) who, along with the gentleman from North Carolina (Mr. MCINTYRE) who also joined us that day, represent the Cumberland County, Fort Bragg, and Fayetteville community; the gentlewoman from California (Mrs. TAUSCHER), who has been a very early and very staunch proponent of addressing the demands of domestic violence in the military, who spoke so eloquently on this measure just moments ago; and also the gentleman from Florida (Mr. JEFF MILLER), who traveled with us that day, giving up their personal time for this extracurricular event that all of them collectively felt was so demanding and so deserving of our attention.

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

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

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

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

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

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

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

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

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

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

And with that I urge my colleagues to support the Armed Forces Domestic Security Act.

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

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

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

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

I should also note, as she did, that we had more spouses show up that day than had been scheduled. It was a very tight schedule. It began at 6:30 in the morning with the first event that some of us were scheduled to do and went through until we left that early evening. She was very insistent and very appropriately so that we stay and listen to all of those spouses who again as she had noted had made the very painful decision to come and to share with us their stories that were so emotional. I have rarely, in my much older life including that recent birthday, spent a more moving, more emotional 3 hours. And thanks to her, we were able to hear all of them. So I just wanted to rise again and to underscore my deep admiration for her and to underscore as well the fact that military families have a real hero in the gentlewoman from California (Mrs. TAUSCHER).

Mr. HAYES. Madam Speaker, I yield myself 1 minute for closing remarks.

Let me again thank the gentlewoman from California (Mrs. TAUSCHER) for her very well put, meaningful words; and I identify myself with her remarks. I would too like to take a brief moment to identify with and to thank personally the gentleman from North Carolina (Mr. MCINTYRE), my geographic Congress mate in the seventh, and myself in the eighth, for his participation and his consistent and constant service on behalf of our military in our State of North Carolina.

□ 1615

The moving testimony of these women, I cannot begin to tell my colleagues how heartwarming, but also how moving this testimony was. As I recall, one lady came on her own expense all the way from Kansas City. And in particular, one lady, Laura Sandler, I would like to pay particular tribute and thanks to her, whose written testimony I think burned a real moving, heartfelt impression on all of our hearts as she had the courage, along with her other colleagues, to come forward and bring us into a much clearer understanding of this problem.

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

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

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from North Carolina (Mr. HAYES) that the House suspend the rules and pass the bill, H.R. 5590.

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

A motion to reconsider was laid on the table.

HOUR OF MEETING ON TOMORROW

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

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

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

SPECIAL ORDERS

The SPEAKER pro tempore (Mrs. BIGGERT). Under the Speaker's announced policy of January 3, 2001, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from the District of Columbia (Ms. NORTON) is recognized for 5 minutes.

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

RECESS

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

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

□ 1857

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. LINDER) at 6 o'clock and 57 minutes p.m.

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

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

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

Mr. HASTINGS of Washington, from the Committee on Rules, submitted a privileged report (Rept. No. 107–756) on the resolution (H. Res. 586) waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules, which was referred to the House Calendar and ordered to be printed.

RECESS

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

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

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized for speaker-authorized offical travel during the third quarter of 2002, pursuant to Public Law 95–384 are as follows:

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON FINANCIAL SERVICES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2002

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Michael Oxley	3/23	3/26	England						4,769.38		4,769.38
Committee total									4,769.38		4,769.38

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

MICHAEL G. OXLEY, Chairman, Oct. 3, 2002.

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON GOVERNMENT REFORM, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2002

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Kevin Long	4/20	4/21	Japan		872,00		7,129.28				
Sharon Pinkerton	4/19	4/21	Japan		1,308.00		6,783.78				
Nicholas Coleman	4/19	4/21	Japan		1,308.00		7,129.28				
Julian Haywood	4/19	4/21	Japan		1,308.00		7,355.78				
Christopher Donesa	4/19	4/21	Japan		1,308.00		7,129.28				
Brian Cohen	5/15	5/17	England		722.00		647.22		1,027.59		
J. Vincent Chase	5/26	5/30	Russia		1,470.00						
	5/30	5/31	Germany		234.00						
Christopher Shays	5/26	5/30	Russia		1,470.00						
	5/30	5/31	Germany		234.00						
Christopher Donesa	5/29	6/1	Canada		715.00		2,243.24				
Roland Foster	5/29	6/1	Canada		715.00		2,243.24				
Nicholas Coleman	5/29	6/1	Canada		715.00		2,243.24				
Mark Souder	5/29	5/30	Canada		258.00						
Stephen Horn	5/25	5/27	Russia		687.00						
	5/27	5/28	Uzbekistan		333.00						
	5/28	6/1	China		1,104.00						
	6/1	6/3	South Korea		536.00						
Christopher Shays	6/16	6/20	England		1,667.03		6,315.92				
Adam Putnam	6/16	6/19	England		763.60		5,136.33				
Bernard Sanders	6/16	6/19	England		747.46		5,136.33				
Kristine McElroy	6/16	6/19	England		759.38		5,136.33				
Larry Halloran	6/16	6/20	England		1,924.88		5,136.33				
Sharon Pinkerton	5/26	5/27	France		760.24		5,958.57				
	5/27	5/29	Italy		486.00						
	5/29	5/30	Greece		240.43						
	5/30	5/31	Slovakia		180.00						
Tom Davis	5/26	5/27	Lebanon		132.00						
Committee total					22,957.99		75,724.15		1,027.59		

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

DAN BURTON, Chairman, Oct. 3, 2002.

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

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Christopher Smith	7/5	7/8	Germany		924.00		([3])				924.00
Hon. Steny Hoyer	7/5	7/8	Germany		924.00		([3])				924.00
Hon. Benjamin Cardin	7/5	7/8	Germany		924.00		([3])				924.00
Hon. Alcee Hastings	7/5	7/8	Germany		924.00		([3])				924.00
Hon. Robert B. Aderholt	7/5	7/8	Germany		924.00		([3])				924.00
Hon. Joseph Pitts	7/5	7/8	Germany		924.00		([3])				924.00
Hon. Joseph Hoeffel	7/5	7/8	Germany		924.00		([3])				924.00
Hon. Jan Schakowski	7/5	7/8	Germany		924.00		([3])				924.00
Hon. Thomas Tancredo	7/5	7/8	Germany		924.00		([3])				924.00
Hon. Jo Ann Davis	7/3	7/8	Germany		1,520.50		([4])				
							702.82				2,223.32
Ronald McNamara	7/5	7/8	Germany		889.00		([3])				889.00
Dorothy Taft	7/5	7/8	Germany		795.00		([3])				795.00
Donald Kursch	7/5	7/8	Germany		829.00		([3])				829.00
Charwick Gore	7/5	7/11	Germany		1,635.00		4,692.08				6,327.08
Ben Anderson	7/5	7/8	Germany		924.00		([3])				924.00
Marlene Kaufman	7/5	7/10	Germany		1,525.00		([3])				1,525.00
Michael Ochs	7/5	7/8	Germany		824.00		([3])				824.00
Janice Helwig	7/5	7/10	Germany		1,340.00		([3])				1,340.00
Marilyn Owen	7/5	7/8	Germany		924.00		([3])				924.00
David Killion	7/5	7/8	Germany		924.00		([3])				924.00
Patrick Prisco	7/5	7/8	Germany		924.00		([3])				924.00
Kathleen May	7/5	7/8	Germany		924.00		([3])				924.00
Delegation Expenses									23,612.50		23,612.50
Committee total					22,293.00		5,394.90		23,612.50		51,300.90

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

CHRISTOPHER SMITH, Chairman, Sept. 5, 2002.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, HON. DONNA M. CHRISTENSEN, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 4 AND JULY 9, 2002

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Donna M. Christensen	7/5	7/9	Spain				1,767.70		273.00		
Committee total							1,767.00		273.00		

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

DONNA M. CHRISTENSEN, Chairman, July 30, 2002.

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

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Peggy Demon	8/5	8/8	Turkey		804.00						804.00
	8/8	8/12	United Arab Emirates		1,112.00						1,112.00
	8/12	8/14	Morocco		248.00						248.00
Committee total					2,164.00						2,164.00

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

PEGGY DEMON, Sept. 13, 2002.

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

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Derek J. Miller	8/6	8/7	South Africa		134.00						134.00
	8/7	8/9	Zambia		151.00						302.00
	8/9	8/10	Blantyre, Malowi		187.00						187.00
	8/10	8/11	Lilongwe, Malowi		220.00						220.00
Committee total					692.00						843.00

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

DEREK J. MILLER, Aug. 21, 2002.

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

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Paula Scheil	8/6	8/11	Lithuania		602.00						602.00
	8/11	8/13	Latvia		514.00						514.00
	8/13	8/15	Estonia		238.00						238.00
	8/15	8/17	Russia		617.00						617.00
							6,978.47				6,978.47
Committee total					1,971.00		6,978.47				8,949.47

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

PAULA SCHEIL, Sept. 4, 2002.

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

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Father Daniel Coughlin	8/13	8/15	Portugal		404.00						404.00
	8/15	8/16	France		236.00						236.00
	8/16	8/18	Austria		494.00						494.00
	8/18	8/20	Slovenia		496.00						496.00
	8/20	8/22	Russia		688.00						688.00
	8/22	8/23	Scotland		356.00		(3)				356.00
Committee total					2,674.00						2,674.00

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

REV. DANIEL COUGHLIN, Oct. 3, 2002.

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

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Erich Pfuehler	8/23	9/1	South Africa	Rand	588.00		4,018.17				4,606.17

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

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Committee total					588.00		4,018.17				4,606.17

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

ERICH PFUEHLER, Sept. 12, 2002.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO IRELAND AND NORTHERN IRELAND, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JUNE 28 AND JULY 3, 2002

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. James T. Walsh	6/28	6/30	Ireland		658.00						658.00
	6/30	7/1	Northern Ireland		296.00						296.00
	7/1	7/3	Ireland		658.00						658.00
Hon. John J. Duncan	6/28	6/30	Ireland		658.00						658.00
	6/30	7/1	Northern Ireland		296.00						296.00
	7/1	7/3	Ireland		658.00						658.00
Hon. Jerry F. Costello	6/28	6/30	Ireland		658.00						658.00
	6/30	7/1	Northern Ireland		296.00						296.00
	7/1	7/3	Ireland		658.00						658.00
Hon. Michael R. McNulty	6/28	6/30	Ireland		658.00						658.00
	6/30	7/1	Northern Ireland		296.00						296.00
	7/1	7/3	Ireland		658.00						658.00
Hon. Paul E. Kanjorski	6/28	6/30	Ireland		658.00						658.00
	6/30	7/1	Northern Ireland		296.00						296.00
	7/1	7/3	Ireland		658.00						658.00
Hon. Alan B. Mollohan	6/28	6/30	Ireland		658.00						658.00
	6/30	7/1	Northern Ireland		296.00						296.00
	7/1	7/3	Ireland		658.00						658.00
Hon. Joseph Crowley	6/28	6/30	Ireland		658.00						658.00
	6/30	7/1	Northern Ireland		296.00						296.00
	7/1	7/3	Ireland		658.00						658.00
Charles Johnson	6/28	6/30	Ireland		658.00						658.00
	6/30	7/1	Northern Ireland		296.00						296.00
	7/1	7/3	Ireland		658.00						658.00
Siobhan Abell	6/28	6/30	Ireland		658.00						658.00
	6/30	7/1	Northern Ireland		296.00						296.00
	7/1	7/3	Ireland		658.00						658.00
John Feehery	6/28	6/30	Ireland		658.00						658.00
	6/30	7/1	Northern Ireland		296.00						296.00
	7/1	7/3	Ireland		658.00						658.00
Daniel Gage	6/28	6/30	Ireland		658.00						658.00
	6/30	7/1	Northern Ireland		296.00						296.00
	7/1	7/3	Ireland		658.00						658.00
Bryan Gubbins	6/28	6/30	Ireland		658.00						658.00
	6/30	7/1	Northern Ireland		296.00						296.00
	7/1	7/3	Ireland		658.00						658.00
John Mackey	6/28	6/30	Ireland		658.00						658.00
	6/30	7/1	Northern Ireland		296.00						296.00
	7/1	7/3	Ireland		658.00						658.00
Shanti Ochs	6/28	6/30	Ireland		658.00						658.00
	6/30	7/1	Northern Ireland		296.00						296.00
	7/1	7/3	Ireland		658.00						658.00
Scott Palmer	6/28	6/30	Ireeland		658.00						658.00
	6/30	7/1	Northern Ireland		296.00						296.00
	7/1	7/3	Ireland		658.00						658.00
William Tranghese	6/28	6/30	Ireland		658.00						658.00
	6/30	7/1	Northern Ireland		296.00						296.00
	7/1	7/3	Ireland		658.00						658.00
Committee total					1,612.00						1,612.00

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

JAMES T. WALSH, Chairman, July 11, 2002.

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

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Travel to Uzbekistan, Oman, and Italy, June 29–July 3, 2002:											
Hon. Duncan Hunter	6/29	7/1	Uzbekistan		666.00						666.00
	7/1	7/2	Oman		255.00						255.00
	7/2	7/3	Italy		243.00						243.00
Hon. Bob Etheridge	6/29	7/1	Uzbekistan		666.00						666.00
	7/1	7/2	Oman		255.00						255.00
	7/2	7/3	Italy		243.00						243.00
Hon. Silvestre Reyes	6/29	7/1	Uzbekistan		666.00						666.00
	7/1	7/2	Oman		255.00						255.00
	7/2	7/3	Italy		243.00						243.00
Hon. Bob Schaffer	6/29	7/1	Uzbekistan		666.00						666.00
	7/1	7/2	Oman		255.00						255.00
	7/2	7/3	Italy		243.00						243.00
Hon. Shelley Moore Capito	6/29	7/1	Uzbekistan		666.00						666.00
	7/1	7/2	Oman		255.00						255.00
	7/2	7/3	Italy		243.00						243.00
Hon. Jo Ann Davis	6/29	7/1	Uzbekistan		666.00						666.00
	7/1	7/2	Oman		255.00						255.00
	7/2	7/3	Italy		243.00						243.00
Hon. Susan Davis	6/29	7/1	Uzbekistan		666.00						666.00
	7/1	7/2	Oman		255.00						255.00

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

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
	7/2	7/3	Italy		243.00						243.00
Hon. Darrell E. Issa	6/29	7/1	Uzbekistan		666.00						666.00
	7/1	7/2	Oman		255.00						255.00
	7/2	7/3	Italy		243.00						243.00
Peter M. Steffes	6/29	7/1	Uzbekistan		666.00						666.00
	7/1	7/2	Oman		255.00						255.00
	7/2	7/3	Italy		243.00						243.00
Dudley L. Tademy	6/29	7/1	Uzbekistan		666.00						666.00
	7/1	7/2	Oman		255.00						255.00
	7/2	7/3	Italy		243.00						243.00
Mark T. Esper	6/29	7/1	Uzbekistan		666.00						666.00
	7/1	7/2	Oman		255.00						255.00
	7/2	7/3	Italy		243.00						243.00
Committee total					12,804.00						12,804.00

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

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

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO BELGIUM, GERMANY, RUSSIA, AND THE UNITED KINGDOM, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND JULY 9, 2002

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Richard A. Gephardt	7/1	7/3	Belgium		498.00						498.00
	7/3	7/5	Germany		514.00						514.00
	7/5	7/7	Russia		688.00						688.00
	7/7	7/9	United Kingdom		668.00						668.00
Hon. Charles Rangel	7/1	7/3	Belgium		498.00						498.00
	7/3	7/5	Germany		514.00						514.00
	7/5	7/7	Russia		688.00						688.00
	7/7	7/9	United Kingdom		668.00						668.00
Hon. Edward J. Markey	7/1	7/3	Belgium		498.00						498.00
	7/3	7/5	Germany		514.00						514.00
	7/5	7/7	Russia		688.00						688.00
	7/7	7/9	United Kingdom		668.00						668.00
Hon. Howard Berman	7/1	7/3	Belgium		498.00						498.00
	7/3	7/5	Germany		514.00						514.00
	7/5	7/7	Russia		688.00						688.00
	7/7	7/9	United Kingdom		668.00						668.00
Hon. Jane Harman	7/1	7/3	Belgium		498.00						498.00
	7/3	7/5	Germany		514.00						514.00
	7/5	7/7	Russia		688.00						688.00
	7/7	7/9	United Kingdom		668.00						668.00
Hon. Baron Hill	7/1	7/3	Belgium		498.00						498.00
	7/3	7/5	Germany		514.00						514.00
	7/5	7/7	Russia		688.00						688.00
	7/7	7/9	United Kingdom		668.00						668.00
Hon. Hilda Solis	7/1	7/3	Belgium		498.00						498.00
	7/3	7/5	Germany		514.00						514.00
	7/5	7/7	Russia		688.00						688.00
	7/7	7/9	United Kingdom		668.00						668.00
Hon. JoAnn Emerson	7/1	7/3	Belgium		498.00						498.00
	7/3	7/5	Germany		514.00						514.00
	7/5	7/6	Russia		344.00						344.00
Hon. Barbara Lee	7/1	7/3	Belgium		498.00						498.00
	7/3	7/5	Germany		514.00						514.00
	7/5	7/7	Russia		688.00						688.00
Steve Elmendorf	7/1	7/3	Belgium		498.00						498.00
	7/3	7/5	Germany		514.00						514.00
	7/5	7/7	Russia		688.00						688.00
	7/7	7/9	United Kingdom		668.00						668.00
Lloyd Smith	7/1	7/3	Belgium		498.00						498.00
	7/3	7/5	Germany		514.00						514.00
	7/5	7/7	Russia		658.00						688.00
	7/7	7/9	United Kingdom		668.00						668.00
Moses Mercado	7/1	7/3	Belgium		498.00						498.00
	7/3	7/5	Germany		514.00						514.00
	7/5	7/7	Russia		688.00						688.00
	7/7	7/9	United Kindgom		668.00						668.00
Brett O'Brien	7/1	7/3	Belgium		498.00						498.00
	7/3	7/5	Germany		514.00						514.00
	7/5	7/7	Russia		688.00						668.00
	7/7	7/9	United Kingdom		668.00						668.00
Erik Smith	7/1	7/3	Belgium		498.00						498.00
	7/3	7/5	Germany		514.00						514.00
	7/5	7/7	Russia		688.00						688.00
	7/7	7/9	United Kingdom		668.00						668.00
Michael Messmer	7/1	7/3	Belgium		498.00						498.00
	7/3	7/5	Germany		514.00						514.00
	7/5	7/7	Russia		688.00						688.00
	7/7	7/9	United Kingdom		668.00						668.00
John F. Eisold	7/1	7/3	Belgium		498.00						498.00
	7/3	7/5	Germany		514.00						514.00
	7/5	7/7	Russia		688.00						688.00
	7/7	7/9	United Kingdom		668.00						668.00
Committee total											

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

RICHARD A. GEPHARDT, Minority Leader, May 8, 2002.

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

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Christopher Smith	7/5	7/8	Germany		924.00		(3)				924.00
Hon. Steny Hoyer	7/5	7/8	Germany		924.00		(3)				924.00
Hon. Benjamin Cardin	7/5	7/8	Germany		924.00		(3)				924.00
Hon. Alcee Hastings	7/5	7/8	Germany		924.00		(3)				924.00
Hon. Robert B. Aderholt	7/5	7/8	Germany		924.00		(3)				924.00
Hon. Joseph Pitts	7/5	7/8	Germany		924.00		(3)				924.00
Hon. Joseph Hoeffel	7/5	7/8	Germany		924.00		(3)				924.00
Hon. Jan Schakowsky	7/5	7/8	Germany		924.00		(3)				924.00
Hon. Thomas Tancredo	7/5	7/8	Germany		924.00		(3)				924.00
Hon. Jo Ann Davis	7/3	7/8	Germany		1,520.00		(4)				
							702.82				2,223.32
Ronald McNamara	7/5	7/8	Germany		889.00		(3)				889.00
Dorothy Taft	7/5	7/8	Germany		795.00		(3)				795.00
Donald Kursch	7/5	7/8	Germany		829.00		(3)				829.00
Chadwick Gore	7/5	7/11	Germany		1,635.00		4,692.08				6,327.08
Ben Anderson	7/5	7/8	Germany		924.00		(3)				924.00
Marlene Kaufman	7/5	7/10	Germany		1,525.00		(3)				1,525.00
Michael Ochs	7/5	7/8	Germany		824.00		(3)				824.00
Janice Helwig	7/5	7/10	Germany		1,340.00		(3)				924.00
Marilyn Owen	7/5	7/8	Germany		924.00		(3)				924.00
David Killion	7/5	7/8	Germany		924.00		(3)				924.00
Patrick Prisco	7/5	7/8	Germany		924.00		(3)				924.00
Kathleen May	7/5	7/8	Germany		924.00		(3)				924.00
Delegation Expenses									26,800.00		26,800.00
Committee total					22,293.50		5,394.90		26,800.00		54,488.40

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

CHRISTOPHER SMITH, Chairman, Aug. 10, 2002.

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

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. J. Dennis Hastert	9/8	9/10	Canada		350.00		(3)				
Hon. Charlie Johnson	9/8	9/10	Canada		350.00		(3)				
Scott Palmer	9/8	9/10	Canada		350.00		(3)				
Hon. Bill Livingood	9/8	9/10	Canada		350.00		(3)				
John Feehery	9/8	9/10	Canada		350.00		(3)				
Chris Walker	9/8	9/10	Canada		350.00		(3)				
Committee total					2,100.00						

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

DENNIS J. HASTERT, Speaker of the House, Sept. 25, 2002.

EXECUTIVE COMMUNICATIONS, ETC.

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

9639. A letter from the Administrator, Rural Business-Cooperative Service, Department of Agriculture, transmitting the Department's final rule — Rural Business Enterprise Grants and Television Demonstration Grants (RIN: 0570-AA32) received October 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9640. A letter from the Administrator, Rural Business-Cooperative Service, Department of Agriculture, transmitting the Department's final rule — Rural Business Opportunity Grants; Definition of ''rural and rural area'' (RIN: 0570-AA37) received October 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9641. A letter from the Under Secretary, Department of Defense, transmitting the Department's report for purchases from foreign entities in Fiscal Year 2001; to the Committee on Armed Services.

9642. A letter from the Under Secretary, Department of Defense, transmitting a report required pursuant to title 10, United States Code, section 12302(d), relating to those units of the Ready Reserve of the Armed Forces that remained on active duty under the provisions of section 12302 as of January 1, 2002, and as of July 1, 2002; to the Committee on Armed Services.

9643. A letter from the Assistant Secretary — Indian Affairs, Department of the Interior, transmitting the Department's final rule — Indian School Equalization Program (RIN: 1076-AE14) received July 19, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

9644. A letter from the Deputy Assistant Administrator, Office of Diversion Control, Department of Justice, transmitting the Department's final rule — Registration and Reregistration Application Fees [DEA-140F] (RIN: 1117-AA34) received October 15, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9645. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's Affirmative Employment Program for Minorities and Women Annual Affirmative Employment Program Accomplishments Report for the period of October 1, 2000 to October 1, 2001, pursuant to 22 U.S.C. 3905(d)(2); to the Committee on Government Reform.

9646. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Air Transportation Excise Tax; Amount Paid for the Right to Award Miles (Notice 2002-63) received October 8, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9647. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Settlement Initiative for Section 302/318 Basis-Shifting Transactions (Announcement 2002-97) received October 8, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9648. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Interest Rates and Appropriate Foreign Loss Payment Patterns For Determining the Qualified Insurance Income of Certain Controlled Corporations under Section 954(i) (Notice 2002-69) received October 8, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9649. A letter from the Chairman, United States International Trade Commission, transmitting the eighth annual report entitled ''The Impact of the Andean Trade Preference Act,'' pursuant to 19 U.S.C. 3204; to the Committee on Ways and Means.

N O T I C E

Incomplete record of House proceedings.
Today's House proceedings will be continued in the next issue of the Record.

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 107th CONGRESS, SECOND SESSION

Vol. 148 WASHINGTON, TUESDAY, OCTOBER 15, 2002 No. 135

Senate

The Senate met at 10 a.m. and was called to order by the Honorable HARRY REID, a Senator from the State of Nevada.

PRAYER

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

Almighty God, Lord and Sovereign of the United States, we come to you in prayer with two things gripping our minds. We have a new realization of the force of evil in our world. We are stunned by the continued evil acts of the cowardly, but cunning sniper who has taken the lives of nine people in our area. Dear God, intervene and bring this person or persons to justice. Comfort and sustain the victims' families. Reading the news and watching on televison the aftermath of the massive attack of terrorism in Bali, further convinces us of our battle against an evil, world-wide terrorist movement. Lord, help us to deal with this insidious treachery. At the same time, Pakistan boils with anti-American sentiment. And we seem to have made little progress in negotiation with Iraq.

All this brings us to a deeper reliance on You. Quiet our turbulent hearts; renew our dependence on You. Thank You for the great women and men of this Senate. Strengthen them, give them courage, inspire their discernment, guide their decisions. With them we fall on the knees of our hearts and commit our lives to You. Reign supreme in this chamber and in the mind and soul of every Senator. You are our Lord and Saviour and are greater than evil. Amen.

PLEDGE OF ALLEGIANCE

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

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

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

To the Senate:

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

ROBERT C. BYRD,
President pro tempore.

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

MORNING BUSINESS

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

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

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

ORDER OF PROCEDURE

The ACTING PRESIDENT pro tempore. In my capacity as the Senator from Nevada, I ask consent that the order with respect to the consideration of H.R. 3295, the Election Reform legislation, be modified to reflect consideration of the conference report beginning at 3 p.m., Tuesday, October, today, under the same conditions as the previous order, with all other aspects of this order remaining in effect.

There being no objection, that is the order.

I also ask consent, in my capacity as a Senator from Nevada, the Senate stand in recess until 1 p.m. today; and at 1 p.m. the Senate proceed to a period of morning business until 2 p.m., with Senators permitted to speak for up to 10 minutes each, and at 2 p.m. the Senate stand in recess until 3 p.m.

There being no objection, the Senate, at 10:34 a.m., recessed until 1:05 p.m. and reassembled when called to order by the Presiding Officer (Mr. BENNETT).

The PRESIDING OFFICER. In my capacity as a Senator from Utah, I suggest the absence of a quorum. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

ORDER OF PROCEDURE

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

The PRESIDING OFFICER. That is correct.

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

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

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

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

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

The PRESIDING OFFICER. The clerk will call the roll.

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

Printed on recycled paper.

The assistant legislative clerk proceeded to call the roll.

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

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

ESTABLISHING PRIORITIES

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

First, let me say that certainly we find ourselves in a difficult position as we close this session. I think we have brought ourselves into that position by not moving more quickly on some of the issues that have been out there and that now we desire to have passed.

It is very difficult to resolve some of these issues in the ending moments of a session. Certainly, we are not going to be here much longer. Clearly, we are going to go into a recess before the election. Particularly those who are running are very anxious to do that. And, indeed, to be fair to voters, people who are running should be out in the country talking about their positions.

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

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

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

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

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

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

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

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

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

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

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

We have gotten ourselves into the position of importing nearly 60 percent of our energy. And that situation is very iffy because of the condition we are now facing. So we do have to do some things.

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

So we have to devise a plan where we can take advantage of those resources and, at the same time, of course, take care of the environment. We can do that. And we have shown we can do that.

We are particularly interested in coal as being a source of energy that we pursue more. People are in favor of that. We have to do more about clean air. We have to do some research on coal. We have to do what is necessary to provide clean-coal energy. More than 55 percent of electricity is now produced from coal. And 95 percent of our fossil fuel is coal. So coal is very important to our energy use.

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

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

Oil has been a controversial issue, of course. The idea that you open up less than 2,000 acres out of millions has seemed not to be acceptable by environmentalists. Another opportunity would be, perhaps, to go from private land to cross some of the ANWR with a right-of-way. I don't know whether that will be acceptable.

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

Along with this, we have to continue to look at conservation: conservation in homes, conservation in the kinds of equipment that we have in our homes. We have to also take a look at automobiles to do something with CAFE standards to reduce energy use. But there are many things we can do in terms of conservation, and indeed we should.

One of the areas in which I have been particularly interested and one that is now under debate—and I don't know where we are in terms of the timing—is the electrical provisions. That is very important. All of us, obviously, depend on electricity in our homes and in our businesses. We have had electricity very reliably for a good long time. We found last year in the California experience some difficulties in reliability brought about for various reasons. Nevertheless, it raised the specter of unreliable electric service. So we deal with that in the bill, some reliability provisions.

We are changing the way we do electricity. In the past, you had an electric company that served an area in terms of its customers and also generated its own power and did its own distribution. Now we are moving to a situation where you have generators that are not in the distribution business and sell their energy where it is needed. It is probably a very efficient way to do things, but it is a change. During the process of that change, there have to be some changes in the rules as well—access to transportation and transmission, probably over time a transmission system that is made up of regional distribution organizations off nationwide transmission lines, for example.

As there is more market in the sale of electricity, there has to be transparency so we avoid some of the kinds of issues that allegedly occurred in California, and we can do that. There are things we need to do there, as well as in conservation, in terms of being able to renovate generation plants to make them more efficient without having to go back and redo the whole generator.

We are talking about mergers, doing away with some of the old laws with respect to mergers and dealing with energy as it exists now in the more modern phase and many of the things with which we need to deal. I hope we are able to do that.

One of them is Indian energy. There is a proposition in the bill that allows for easier access to Indian lands, should they want to do that, which is good for them economically as well as providing more energy for the country.

I mentioned clean coal. We have been doing a good deal more research so that coal can be used that way. We have talked about nuclear power. Nuclear power certainly is one of the cleaner powers we have, and indeed nearly 20 percent of the energy in Illinois, for example, is nuclear. So it is an opportunity for us to do many of the things we need to do and can do in a way that is acceptable, particularly to the environment.

Renewables have been one of the real areas of controversy. Renewables now, not including hydro, produce about 1 percent of our energy, our electric energy. So it is very small. But the opportunity to grow, of course, whether it be wind energy, whether it be Sun energy, whether it be other kinds of renewables, is out there. The question is, Do you mandate renewables that cause the consumers to have to pay more at this time or do you give incentives so that we can go forward in that way?

I always remember years ago—of course, Wyoming is an energy-oriented State. We had a meeting there. I believe the speaker was from Europe, but he made the point—and I think it is an excellent point—that through time we have never run out of a fuel; we move from one fuel to another as we find new, more efficient fuel. We used to have wood. Now we don't use wood. Then we had coal. Then we had gas. And we will continue to do that as science looks for new ways to provide energy. We need to do that.

Ethanol has been one of the issues as well: How much requirement is included in the ethanol and what percentage of it is in gas and so on. Those are the kinds of issues we have talked about a great deal.

Part of the bill also has to do with the pipeline from Alaska for natural gas so we can have that kind of resource available to us.

Many of these things are being considered in the tax title where there will be incentives for the kinds of production we need for the kinds of research we need and the things that can happen.

So we are down to, frankly, a stressful point in terms of timing. We have worked on this energy policy now for the better part of 2 years. We have worked on it here in the committee for a long time. Finally, unfortunately, it was pulled from the committee and put on the floor without a committee bill. I think we were 4 weeks here on the floor talking about energy. So we spent a good deal of time on it.

Obviously, different parts of the country have different points of view as to how energy bills ought to be structured and how they impact different parts of the country. Some States are more production oriented; others are more user oriented. And there are some differences there.

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

Also, there are always some difficulties, of course, between the municipals and co-ops as opposed to investor-owned utilities. It is not an easy project, but it is one that is very important to our comfort, very important to our economy, very important to our security, and one that has had a great deal of work on it this year.

I guess we will probably know tomorrow whether that committee that has been dealing with trying to bring together the House and the Senate will be able to put forth a bill. We are hopeful that indeed they will. Of course, it may lap over into a lame duck session, but that is fine. I suppose in the worst instance—at least I think it is the worst instance—if we don't do anything, then we can take this work and put it back into next year's efforts. But we do need to be more aware of doing the things in this body that need to be done. And, of course, we don't all agree, but we need to find ways to move forward.

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

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

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

ECONOMIC NEWS

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

I was not planning to talk about this, but when I was on my way to lunch, I checked and discovered that at that time, at least, the Dow was at 8200, whereas it was down in the low 7000s just a week ago.

I know this will come as something of a disappointment to those who are hoping in the election that the economy will be seen as terribly under water and will do their very best to try to stir up a sense of blame for the lousy economy and blame it on one party or the other.

I am encouraged by the wisdom of the American people. According to the latest polls, the majority of the American people, who have a view on the economy and where it is, understand that we are not in a recession anymore. We are, in fact, in a recovery; all of the rhetoric is to the contrary here on the floor of the Senate.

Secondly, the recession that preceded this recovery was caused primarily by the business cycle and was not caused

by President Bush's election or any other political event. As I have said here on the floor before, the business cycle has not been repealed. We would like to think we could repeal the business cycle. Indeed, if we knew how, both parties would do it because neither party wants to go into an election situation where the economy appears soft. So both parties—if they understood how to repeal the business cycle—would quickly take the steps to do that.

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

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

As we look at our last recession, we know now pretty clearly what caused it. It was the bubble of speculation that surrounded the high-tech industry, and people got carried away with their conviction that the bull market was never going to turn to a bear; that we were always going to be going up, up, and up—as Lucy wanted to in the Charlie Brown cartoon. Charlie said, ''Life has its ups and downs.'' She said, ''I want nothing but ups.'' There were plenty of people in the 1990s looking at the market and the economy and saying: We want nothing but ups.

Sometimes that cannot be accomplished. We got out ahead of ourselves—there was too much capacity. The business cycle kicked in, as it always does, and there we were in a recession. The slowdown began—we now know—in the midyear of 2000. I remember, with some interest, because there was an election going on, there were those who criticized then-Governor Bush, who was saying that we were going into a slowdown. They said: No, no, we are not going into a slowdown. You are trying to pretend that it is for political purposes, and isn't it terrible for you to be saying there is a slowdown underway when, indeed, we are still having ups, ups, and ups.

We now know that then-Governor Bush was right; we were going into a slowdown in the last half of 2000. It turned into a recession that lasted for three quarters—the last three quarters of 2001. Then we started coming out of it. Well, those numbers don't add up. The recession started in the beginning of 2001. We have now had five quarters of growth—admittedly, not as strong as we would like to have. Admittedly, there are sectors of the economy that are still mired in recession. Talk to the people in the hospitality industry. Travel has not come back since September 11 to the degree that it was there before—particularly business travel. Airplanes are full, but the airplanes are not making any money because in order to get them full, the airlines are heavily discounting fares. So that portion of the economy is not doing well.

Housing has done extremely well. Consumer spending stays up because household income has held. The sense of wealth has held because people's houses are worth more. They have lost money in the stock market, but they have seen equity increases in housing, primarily because of lower interest rates. I think the lesson is that we can get carried away with our economic analysis. We can look back and say the economy boomed in the nineties because Bill Clinton was elected President or we can say, no, the economy boomed because Newt Gingrich was the elected Speaker.

The fact is, we need more humility as politicians and we need to understand the economy boomed because the American entrepreneurs and business people did a good job. Those of us in Congress and those in the White House contributed to it basically to the extent that we got out of the way and let it happen. Now, we need to have some of that same understanding.

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

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

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

JOBS FOR AMERICAN FAMILIES

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

The economic statistics are most troubling. Business investment is down. The annual growth of business investment is 7.6 percent, the weakest business investment trend under any administration in the past 50 years. Consumer confidence is down. Between January of 2001 and August of 2002, consumer confidence dropped by nearly one-fifth. The stock market is down, as everyone knows. Between January 2001 and September 2002, stocks listed on the New York stock market exchange and the Nasdaq markets lost $5.2 trillion in market value, a loss of more than 35 percent, or more than $9 billion per day.

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

The Congressional Budget Office said last Friday the Federal Government 2002 deficit will hit $157 billion. This onslaught of red ink is truly remarkable. It is being driven by the largest percentage drop in individual tax revenues since 1947. That is over 50 years ago.

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

With all of this, I was stunned to receive a letter from the Congressional Budget Office late Friday which indicates even more layoffs of American

workers may be around the corner. These layoffs can be attributed to the lack of commitment from the administration to fully fund our Federal highway program. The CBO letter made clear that the continuing resolution, which the other body is working on now, will have the effect of cutting future spending on highway construction jobs by over $4.1 billion and cutting current spending by $1.1 billion.

I quote the letter of October 11, 2002, from the Director of CBO regarding the amendment being proposed by the other body:

> With the amendment, CBO would reduce its estimate of 2003 obligations and outlays under a full-year continuing resolution by $4.1 billion and $1.1 billion, respectively.

I am convinced that we need more leadership from the White House on the issue of jobs for American families. Our attention is constantly being diverted by the White House talk of war. Unemployment in September stood at 8.1 million Americans. This does not count those who have given up hunting for work. That is 1 million more unemployed as compared to a year ago. Families whose unemployment benefits have long since run out are focused on how they will pay their rent or make their mortgage payments or, even worse, where they will get their very next meal.

Construction jobs are good jobs. Each $1 billion spent on highway projects creates 47,500 full-time jobs. These jobs help the entire economy, not just the transportation sector. The cut in funding highlighted by the CBO letter means nearly 200,000 Americans will not find gainful employment, which they could find if it was better handled.

According to the Department of Transportation, our network of highways contributes, on an average, one-quarter of the yearly productive growth rate in the United States.

To quote the Department of Transportation:

> This highlights the highway network's importance to maintaining economic growth.

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

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

As chairman of the Environment and Public Works Committee, I will work with the congressional leadership to assure maximum funding possible for the reauthorization of the transportation bill.

I feel sad today when I look at the economy and think what it could be or should be; yet we are spending all our time on an important issue, no question, about the status of Iraq. But I hope this body will turn its attention now to economics and the problems we are having and those that will lie ahead if we do not take action now.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

THE ECONOMY

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

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

Here is what that means to a person with $100,000 in a 401(k) invested in the Standard & Poor's 500 Index when President Bush took office. The value of their investment has now decreased by $35,000. Many who were invested more aggressively have lost much more. If you had $100,000 in January of 2001, you now have $65,000 in September of 2002.

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

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

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

This chart shows what has happened. In 1992, 1.4 million workers had exhausted their unemployment benefits. Now, in the year 2002, we expect that number to be exceeded by 800,000—the number of people who will experience the expiration of their unemployment benefits.

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

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

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

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

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

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

> There's a lot of good news out there. We have challenges as well. But given those challenges, I think the economy is doing very, very well.

On September 24, we learned that the poverty rate increased for the first time in 8 years with 1.3 million more Americans falling into poverty. We also learned that median household income fell for the first time in a decade.

The next day, Treasury Secretary Paul O'Neill told us:

The latest indicators are good.

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

Two days later, the President said:

I think the economy is strong. There are some rough spots, but we will deal with it.

Last Thursday, Secretary O'Neill and Secretary Evans had a joint press conference. Secretary O'Neill said:

We are on a bumpy road to recovery, but the direction is still up.

Secretary Evans added:

I am one that is pleased with the recovery that is now underway.

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

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

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

A couple of weeks ago, the President said:

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

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

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

Unfortunately, not only are the President and his advisers out of touch with our economic problem, but they are out of step when it comes to solutions. They have seemingly pursued ideological goals at the expense of sound economics, and the American people will pay the price.

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

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

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

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

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

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

That was the advice we received.

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

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

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

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

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

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

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

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

Now, as our markets plummet and people are losing their savings, their

jobs, and their confidence, this administration is again proposing the wrong remedies. Even now, they are calling to make the tax cut permanent. Regardless of how you feel about that as a policy proposal, everyone should be able to agree that new tax cuts in the year 2011 will have no immediate effect on our economy. In fact, by piling on another $4 trillion in debt during the next decade, it could hurt our economy in the short term by pushing up long-term interest rates.

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

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

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

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

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

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

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

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

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

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

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

Last Friday, Senator DORGAN and others hosted a bipartisan economic forum. Unlike the White House economic summit this summer, we heard from people across the political and ideological spectrum. It was a shame the White House decided not only to decline our invitation to participate but to dismiss the forum as a publicity stunt because there were a number of interesting ideas discussed.

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

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

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

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

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

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

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

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

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

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

I yield the floor.

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

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

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

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

I am wondering, as you were talking about the President—now going on a 14-day trip in terms of campaigning—if you might agree that even just picking up the phone and asking the House of Representatives to take up the bill that we passed, S. 812, which would create more lower-cost drugs through generics and open the border to Canada and do a variety of things that would lower the prices, wouldn't be something we could call upon the President to do? And wouldn't it be true if we were simply to have the House pass

that bill we passed this year, the bill that would create more competition and lower prices, we could help our families and businesses tremendously by lowering the prices of prescription drugs, which are one of the main explosions of cost to our families?

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

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

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

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

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

I thank the Senator for asking the question.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

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

The PRESIDING OFFICER. The Senator is correct.

BALANCING THE RECORD

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

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

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

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

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

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

The Washington Post on October 25 said:

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

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

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

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

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

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

If you are going to waive it by declaring things an emergency, or waive it and say it doesn't count, we basically had no budget. So as a result, we had Federal spending climbing and climbing dramatically. Total outlays increased, in the year we just completed, 2002, the fiscal year, by $148 billion. That is the largest percentage growth in spending programs in 20 years.

Defense grew by 13 percent. I agree with that. We underfunded defense for many years. Unemployment comp grew by a staggering 72 percent. Medicaid grew by 13.2 percent, the fastest since 1992. Total outlays grew by 7.9 percent in fiscal year 2002. But if you exclude the decrease for net interest, spending grew by 11 percent last year, about 3 times the rate of inflation. And then I look at some of the other things Congress did that affect spending. Now, we can control that. We control how much money we spend. We had a farm bill that was billions of dollars over what was budgeted. The trade adjustment assistance bill had $11 billion of new entitlement spending. We had an emergency supplemental bill that was $4 billion over the President's request. I could go on and on.

There was $6 billion in drought assistance that—when we passed the farm bill that was so expensive, the proponents said we won't need to do drought assistance every year. Then we came back and, sure enough, Congress passes billions of dollars more. So my complaint is against Congress because, for the first time, we didn't pass a budget. Then because we didn't pass a budget, we didn't pass appropriations bills.

This is embarrassing. Here we are in the new fiscal year and we have not sent the President any appropriations bills. By the end of this week, I think we will have sent the President two appropriations bills—2 out of 13, all of which are supposed to be done by the end of September. And here we are in the middle of October. Congress, on appropriations bills, deserves an ''F'' this year because we have not done a budget, and Congress deserves an ''F'' because we have not done one of our constitutional responsibilities, which is to pass appropriations bills on time.

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

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

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

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

Some people say, no, let's increase taxes. Let's change the law. I don't think that is the remedy being advocated by many, but I don't think that is a very good solution.

Then I heard our colleagues say we didn't pass a prescription drug bill. That is not our fault. The majority leader and the chairman of the Finance Committee never even had a markup on prescription drugs in the Finance Committee, which has jurisdiction over that issue. They pulled the bill up on the floor and we debated it for weeks, but we didn't pass a comprehensive bill to add prescription drugs as a benefit for Medicare because we didn't let the Senate work its will. We didn't have it marked up in committee. We didn't allow Members to proceed as we should.

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

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

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

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

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

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

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

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

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

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

The PRESIDING OFFICER. The Senator is correct.

Mr. REID. Mr. President, I ask unanimous consent that these bills receive a second reading, and I object to any further consideration of this legislation.

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

The clerk will report the bills by title.

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

A bill (S. 3099) to provide emergency disaster assistance to agricultural producers.

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

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

EXTENSION OF MORNING BUSINESS

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

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

The Senator from Massachusetts is recognized.

UNANIMOUS CONSENT REQUEST

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 619, S. 3009, a bill to provide for a 13-week extension of unemployment compensation; that the bill be read the third time, passed, and motion to reconsider be laid upon the table, without intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. NICKLES. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from Oklahoma.

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

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

The PRESIDING OFFICER. The Senator from Oklahoma.

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

Mr. NICKLES. I object.

The PRESIDING OFFICER. There is objection.

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

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

The point of unemployment compensation is, unless you have paid in, you do not receive. So these are funds that have already been paid by workers with the purpose in mind that if the economic conditions are such as at present, that if there is a temporary period where they cannot find jobs, this would help those families during those valleys. That was always the thought behind unemployment compensation. The fund is in surplus, and still there is an objection to the extension. It will make an enormous difference to close to 2 million families in this country by the end of the year and 3 million by the early part of February.

There was one comment my friend from Oklahoma stressed, and that is: Where are the appropriations bills? Congress has not done its work; we have only considered 2 out of the 13 appropriations bills. The last time I read the Constitution, the appropriations bills originated in the House of Representatives, and that happens to be under Republican leadership. Do you understand? That is under Republican leadership. So when the good Senator said Congress is at fault, we know where the fault lies in terms of the appropriations bills which he mentioned.

THE UNFINISHED BUSINESS OF AMERICA'S WORKING FAMILIES

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

I heard earlier today: We did not have a prescription drug bill because the Finance Committee could not do one. For 5 of the last 6 years, the Republicans have been in charge of the Senate, and when they were in charge, we never had a prescription drug bill. The American people ought to understand that. Before one cries crocodile tears at the pleading of my friend from Oklahoma, the fact is the Senate never considered a bill because the Finance Committee could not complete a bill, and the Democratic leader brought a bill to the floor of the Senate.

We passed a good bill, not the bill I would have liked to have seen, a program that would have been built upon the Medicare system. I thought we had guaranteed that in 1965 when we committed to the seniors of this country: Play by the rules and pay into the Medicare system, and your health care needs are going to be attended to. We did not say ''with the exception of prescription drugs.''

That is what has happened, Mr. President. Every day we fail our seniors, we break that commitment and pledge to them. The Republicans had 5 years to report out a bill, and they failed to do so. Thank you, TOM DASCHLE, and thank you, DEBBIE STABENOW, for standing up, and thank you for the bipartisan effort we had to support a program that would have done something about lowering the cost of prescription drugs and, as the Senator from Michigan has pointed out, as well as our leader, that is being held hostage by the Republican leadership in the House of Representatives.

Make no mistake about it, the Democrats happen to be on the side of seniors. We were on their side in the early 1960s when we fought for Medicare. If our Republican friends are against the Medicare Program, why don't they just come out and say it? They at least used to have the courage to do so. They do not now. They just say they differ with it or there is some other procedure or failure of some committee meeting. They used to at least have the courage to say they oppose it. They do not say that anymore. They try to give some other excuse. We are strongly committed, as the Senator from Michigan and the Senator from South Dakota have pointed out.

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

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

We have double-digit inflation in health care, and we still say: It is not

robbing the pockets of working families. We see the tuition of our great universities increasing by more than three times the rate of inflation. No, no, that is not really our fault.

Why is it all those factors are coming in to place now under a Republican administration? Why? It still has not been answered. We are not just saying why, as the leader, TOM DASCHLE, has pointed out, we are making recommendations and suggestions trying to do something about it.

I heard this comment about how the Republicans are against minimum wage. I know they are. I know they have opposed it. They have opposed it since I have been in the Senate, and they opposed it before I came to the Senate.

This is basically an issue of dignity of men and women who work hard cleaning the buildings of this country, working as teachers' aides, working in nursing homes—men and women of dignity. They take the tough jobs. Perhaps they can be easily dismissed by Members in the Senate, but we take them seriously.

It is an issue involving women because the majority of the minimum wage recipients are women. It is a women's issue. It is the children because most of the women have children. How are those children going to grow up?

Talk about family values. What do we have when there is a family who needs a minimum wage increase and is working two jobs? How much time do they have to spend with their children? We hear a great deal about family values. The minimum wage is a family value issue, and it is a fairness issue.

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

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

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

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

Going back to the last serious recession we had in this country, look at the number of Americans, 1.4 million, who are out of benefits, and now in 2002 there are 2.2 million out of benefits, which is a continuation of the earlier point.

We have asked for and we have tried to get the extension of unemployment compensation that can make some difference, and we are going to continue to fight to do it. If we can get an increase in the minimum wage, we are prepared to do that as well.

The other issue we want to address is the issue we have in terms of pension reforms. We are not just satisfied with the House bill that is going to permit the various financial institutions to give the workers their information and make the decisions about how they are going to invest their pensions. Imagine that. Talk about putting the fox in the chicken coop. That is what the House bill does.

In the last hour, we heard somebody in this Chamber say: Let's pass that House bill. That will solve our problem in terms of the pensions. We are going to let the financial institutions that have a direct financial interest give the advice to the workers about how to do that.

Well, we hope we have learned something. We certainly have learned something over on this side. But that is basically the Boehner bill. He is a good friend. We worked with him on the education bill, but he is wrong about this.

Why is it important? It is important because we have seen the workers' retirement savings wiped out. There has been over $1 billion lost, but the executives have cashed out at $1 billion in gains. Look at what has happened to these companies. We are asked why we are fighting to get something meaningful done. The heads of these companies and corporations, such as the Enrons—Mr. Lay is going to receive a pension that is worth half a million dollars a year for life, and Bernie Ebbers of WorldCom will receive $1.5 million a year for life, and the list goes on. They have been taken care of, but the workers have not.

We want to do something meaningful. We want to do something on unemployment compensation. We have to do something on minimum wage. We have to do something to protect America's workers in terms of pensions.

So even in the final hours that we have, we are going to be serious about dealing with the issue of the economy because in our part of the country people are hurting. Real families are hurting. Working families are hurting.

There are many, including myself, since September 11, who say we ought to put everything on the table in terms of our economy—put on the table future tax cuts for the wealthiest individuals. There are those on the other side of the aisle who do not want to do it. They would rather cut back on the education programs in terms of the future.

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

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

The PRESIDING OFFICER. The Senator from Oklahoma.

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

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

I want to make sure people understand the facts. I do not mind debating facts, but I think we ought to be factual. The fact is he is trying to double the Federal program, and that is very expensive. A simple extension costs about $6 billion or $7 billion. The bill that people have tried to pass now for the third or fourth time by unanimous consent would cost $17 billion.

If my colleagues want to be responsible, I will work with them, but we are not going to pass something like this. This is more of a political statement so they can say, we are trying to pass unemployment compensation, and they can have Senator NICKLES coming out objecting—those Republicans will not allow this to pass.

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

I have article 1, section 7:

All Bills for raising Revenue shall originate in the House of Representatives; but the Senate may propose or concur with Amendments as on other Bills.

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

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

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

My good friend from Massachusetts discussed minimum wage. Senator NICKLES is opposed. Not all Republicans are. This Republican is opposed to increasing the minimum wage from $5.15 to $6.65 in 14 months. That is a $1.50 increase in 14 months. A lot of people are paying in the neighborhood of $5.15 or $5.50. If they have to pay an extra $1.50 in the next year, many will say, I cannot do that, thank you very much. A small business in Delaware or Oklahoma—maybe it is a McDonald's—cannot always afford to pass the $1.50 on and some employees will lose a job. Maybe it is pumping gas, sacking groceries, or sweeping floors.

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

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

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

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

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

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

CONCLUSION OF MORNING BUSINESS

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

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

Mr. REID. The two managers are here for the conference report. They originally had 2 hours for the conference report, and I ask unanimous consent that if they need 2 hours, the time be from now until 5:30.

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

HELP AMERICA VOTE ACT OF 2002—CONFERENCE REPORT

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

The legislative clerk read as follows:

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

The PRESIDING OFFICER. The Senate will proceed to the consideration of the conference report.

(The report is printed in the House proceedings of the RECORD of October 8, 2002.)

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

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

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

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

our country that galvanized the attention, not only of the people of this country but those throughout the world. For more than a month, every single news program, day in and day out, 24 hours a day, was of eyes peering through hanging chads and people bellowing at each other in a voting precinct in Florida, with courtrooms packed, around the corner from here, in the United States Supreme Court.

The irony is all of that turmoil provoked us to step up and find out whether our election laws could do with some changing—not that it all occurred in Florida or in just the 2000 election—but today, as we approach the second anniversary of that election, we find ourselves in a quiet Chamber with a couple of Members talking about something that both of us believe is a rather historic piece of legislation.

When you consider that unlike other matters that come before this body, despite the fact that our colleagues may claim expertise in every subject matter that comes before them, this is truly one in which each Member who serves here is an expert because they would not have arrived here had they not been elected. To that extent, we have an appreciation of elections beyond the awareness of the average citizen in this country. So the fact that we—as Democrats and Republicans, in a time when people question whether or not we can come to terms about some of the major issues of the day, can take a subject matter so rife with partisanship as an election, with all of the scars, the wounds, the admonitions, the rhetoric, the demagoguery, use whatever words you want—were able in this Congress to craft legislation that passed the other body by a substantial margin, and passed this body 99 to 1, and then the conference report passed the House by a vote of 357–48, and we hope a substantial vote will occur here as well, is a tribute to the membership of this body, to the leadership of this body, and the other body as well—that we were able to get this done.

If I may say so, I have been here 21 years. I have had proud moments when I have been involved in other legislative efforts. None exceeds the sense of pride I have over this particular accomplishment. Again, no one can ever claim that they were responsible in a legislative process for the final result. A lot of people can take legitimate credit for helping us achieve what we are asking our colleagues to support tomorrow when we vote before noon.

This agreement, as it said, represents many mouths of effort. That effort took place amid a steady stream of news reports that predicted the demise of election reform. While those reports bewailed the lack of progress in conference negotiations, they overlooked the fact that, instead of a lack of progress, conferees were making progress. Working quietly during early mornings, late nights, and long weekends, we crafted the conference agreement that is before the Senate this afternoon.

It is a bipartisan and bicameral agreement. It is one that, I believe, merits the support of our colleges in the Senate.

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

Twenty-three months ago, our Nation was thrown into turmoil because we learned a painful reality: that our democracy does not work as well as we thought it did, or as it should. More than 100 million citizens went to the polls on election day 2000—November 7. Four to six million of them—for a variety of reasons—never had their votes counted. Some were thwarted by faulty machinery. Some were victims of wrongful and illegal purges from voter lists. Others fell victim to poorly designed ballots. But all of them—all—were denied the right to effectively exercise their most fundamental right as American citizens: the right to vote.

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

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

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

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

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

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

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

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

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

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

The right of all voters to cast a private and independent ballot. Today, millions of disabled Americans face two options on election day, both of them bad: they either vote with the assistance of a stranger, or they do not vote at all. In the 2000 elections alone, some 20 million of them took the second option—because the barriers to the ballot box were just too daunting.

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

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

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

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

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

To address concerns about fraud, voters seeking to vote for the first time in a state will be responsible for producing some form of identification. Senator BOND was particularly instrumental in crafting these provisions. We thank him.

States will be responsible for producing statewide computerized lists of registered voters. Once these lists are up and running, it is our hope and expectation that the risk that individuals

may be voting multiple times in multiple jurisdictions will be minimized if not eliminated altogether.

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

That is not an insignificant burden we are lifting for many people in this country who move. If they are renters who can't afford homes and who want to participate in the process, every time they move from one precinct to the next, they have to register to vote. That will be over with, under state law providing for state-wide registration once provisions on the statewide voter registration requirements of this bill become effective.

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

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

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

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

This legislation provides $3.9 billion—some that will flow immediately, and others subject to development of state plans and submission of applications. I will not go into all the details this afternoon. But the idea is that the Federal Government is going to become a real partner financially in the conduct of these elections. It does not mean the conduct of elections is going to be fully supported by the Federal Government. Obviously, States, communities, and municipalities have to allocate resources for every election. But with these changes we are talking about, the costs, by and large, are going to be borne by the Federal Government. This is the first time we will become such an active participate in improving the election systems of our country.

Lastly, this legislation establishes a new commission—the Election Assistance Commission—to assist states and voters. I want to acknowledge Senator MCCONNELL's pivotal role in conceiving of this commission. In coming years, it will serve as an important source of new ideas and support for states as they take steps to improve the caliber of their elections.

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

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

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

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

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

This legislation has the support of many individuals and organizations that have been critical to its success.

They include former Presidents Ford and Carter. We thank them for their work on the National Commission on Federal Election Reform. They met early on and crafted some recommendations and ideas. They held hearings around the country. Once again, it is a great tribute to President Ford and President Carter for their ongoing commitment to this country and for the allocation of time from their schedules to dedicate efforts to make recommendations on how we might improve the election process. I thank them.

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

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

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

Secretary of State Kathy Cox of Georgia—I want to commend Georgia, by the way, one of the three States that made significant changes on their own in the election laws of their own States. They did a tremendous job. And Kathy Cox deserves a lot of credit for stepping up and doing things early on.

I thank Secretary of State Chet Culver of Iowa, the youngest secretary of state in the country and the son of a former colleague of ours who is doing a fantastic job, for his input. Ninety-two percent of the people of Iowa are registered to vote. It is one of the highest in the country. They have 300,000 new registered voters in the last 3½ or 4 years in Iowa. Seventy-two percent of the people of that State voted in the last election. It is really a remarkable result, and a lot of it, again, is the result of the creative work of the secretary of state of Iowa.

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

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

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

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

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

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

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

WASHINGTON BUREAU,
NAACP,
Washington, DC, October 8, 2002.

Re Conference Report to H.R. 3295, the Help America Vote Act (election reform)

Members,
U.S. Senate,
Washington, DC.

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

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

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

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

Again, on behalf of the NAACP and our more than 500,000 members nation-wide, I urge you to support the swift enactment of the conference report on H.R. 3295, the Help America Vote Act. Thank you in advance for your attention to this matter; if you have any questions or comments I hope that you will feel free to contact me at (202) 638–2269.

Sincerely,

HILARY O. SHELTON,
Director.

AMERICAN FEDERATION OF LABOR AND CONGRESS OF INDUSTRIAL ORGANIZATIONS
Washington, DC, October 8, 2002.

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

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

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

Sincerely,

WILLIAM SAMUEL,
Director, Department of Legislation.

PARALYZED VETERANS OF AMERICA,
Washington, DC, October 15, 2002.

Chairman
CHRISTOPHER J. DODD,
Ranking Member MITCH MCCONNELL,
Senate Rules and Administration Committee, Russell Senate Office Building, Washington, DC.

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

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

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

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

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

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

Sincerely,

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

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

Hon. ROBERT NEY, Chairman,
Hon. STENY H. HOYER, Ranking Minority Member,
Committee on House Administration, House of Representatives, Washington, DC.

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

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

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

Sincerely,

JAMES GASHEL,
Director of Governmental Affairs.

UNITED CEREBRAL PALSY ASSOCIATIONS,
Washington, DC, October 9, 2002.

DEAR SENATOR DODD: United Cerebral Palsy Association and affiliates support the conference report on H.R. 3295, the Help America Vote Act. We also take this opportunity to commend you for the work you did to ensure that all people with disabilities have equal access under this act.

This legislation, while not perfect, will go a long way in improving the ability of people with disabilities to exercise their constitutional right and responsibility to vote. The funding allocated for the multiple provisions of H.R. 3295 is critical, and we pledge to work with Congress to ensure that this funding is made available.

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

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

Sincerely,

PATRICIA SANDUSKY,
Interim Executive Director.

AMERICAN FOUNDATION FOR THE BLIND, GOVERNMENTAL RELATIONS GROUP,
Washington, DC, October 9, 2002.

The Hon. CHRISTOPHER DODD,
U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATOR DODD: The American Foundation for the Blind supports the conference report for S. 565 and H.R. 3295. We are pleased that the conference report contains the disability provisions of the Senate bill.

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

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

Sincerely,

PAUL W. SCHROEDER,
Vice President, Governmental Relations.

AARP,
NATIONAL HEADQUARTERS,
Washington, DC, October 10, 2002.

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

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

DEAR SENATORS: We are writing to express our support for the bipartisan election reform conference report on H.R. 3295. AARP recognizes that significant compromise was required by all parties to produce an agreement that would advance the process of effective and fair election reform. The Senate-House conference report contains a mix of provisions that both strengthen and hinder citizen ability to exercise the legal right to vote and have that vote counted. Despite its shortcomings, however, we believe the overall effect of the compromise agreement will be to reform and enhance the nation's voting system.

AARP is pleased that the compromise:

Requires states to develop and maintain centralized polling lists;

Requires polling sites in each jurisdiction to meet accessibility standards and provide user-friendly voting equipment for persons with disabilities;

Makes provisional ballots available to voters whose names may be erroneously absent from registration lists;

Permits voters to verify and correct their voting preferences before casting them;

Provides Federal funds to encourage state & local reforms; and

Provides for training of elections administration staff and polling site workers.

Unfortunately, the H.R. 3295 compromise report weakens some existing voting rights and contains certain provisions that AARP believes will increase the chances of a recurrence of the problems that plagued the 2000 Presidential Elections. The report:

Imposes voter identification requirements that discourage participation by low income, minority and foreign-born citizens;

Encourages purging of voter registration lists without current law assurances to prevent illegal purging of legal voters;

Permits the denial of registration if the registrant possesses either a driver's license or social security number but fails to write it on the registration form; and

Denies legal recourse for improper election administration, while lacking adequate enforcement provisions to ensure that the ballots of all legal voters are counted.

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

Ultimately, the success of this legislation in affording all eligible citizens the opportunity to vote and have that vote accurately counted depends on implementation by the states. AARP—through the advocacy and voter education efforts of our national and state offices—will work with states, election officials and other civil rights organizations to ensure that election reform implementation is fair and does not discourage citizen voter participation. We appreciate your leadership in bringing about these critically important advances. And, we look forward to working with you to further our most basic right as citizens—the vote. If you have any questions, please feel free to call me or have your staff contact Larry White of our Federal Affairs staff at (202) 434–3800.

Sincerely,

CHRISTOPHER HANSEN,
Director of Advocacy.

NATIONAL ASSOCIATION OF PROTECTION & ADVOCACY SYSTEMS,
October 9, 2002.

The Hon. CHRIS DODD,
U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATOR DODD: The Protection and Advocacy System (P&A) and the Client Assistance Programs (CAPs) comprise a federally mandated, nationwide network of disability rights agencies. Each year these agencies provide education, information and referral services to hundreds of thousands of people with disabilities and their families. They also provide individual advocacy and/or legal representation to tens of thousands of people in all the states and territories. The National Association for Protection and Advocacy Systems (NAPAS) is the membership organization for the P&A network. In that capacity, NAPAS want to offer its support for the passage of ''The Help America Vote Act of 2002'' (H.R. 3295).

NAPAS believes that the disability provisions in the bill go far to ensure that people with all types of disabilities—physical, mental, cognitive, or sensory—will have much improved opportunities to exercise their right to vote. Not only does this bill offer individuals with disabilities better access to voting places and voting machines, but it also will help provide election workers and others with the skills to ensure that the voting place is a welcome environment for people with disabilities. NAPAS is very pleased that P&A network will play an active role in helping implement the disability provisions in this bill.

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

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

Sincerely,

BERNADETTE FRANKS-ONGOY,
President.

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

COMMON CAUSE PRESIDENT PRAISES ELECTION REFORM AGREEMENT

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

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

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

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

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

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

''These far-reaching changes will not come easily. The bill's enforcement provisions are

not as strong as the 1993 Motor Voter law or the 1965 Voter Rights Act. Some states may lag behind and fail to implement these changes properly; some polling places will experience problems like in Florida this year; others may have problems implementing the new identification provisions.

''Common Cause and our state chapters will work with civil rights groups and other to ensure that states fully and fairly implement the new requirements. We will help serve as the voters' watchdogs: citizen vigilance can protect voters from non-compliant states.

''Voters can now look to marked improvements at the polls in the years ahead, thanks to the bipartisan leadership of the bill's sponsors.''

NATIONAL ASSOCIATION
OF SECRETARIES OF STATE,
Washington, DC, October 9, 2002.

COMMITTEE ON HOUSE ADMINISTRATION,
Longworth Building,
Washington, DC.

DEAR CHAIRMAN NEY AND RANKING MEMBER HOYER: The National Association of Secretaries of State (NASS) congratulates you on the completion of H.R. 3295, the ''Help America Vote Act.'' The bill is a landmark piece of bipartisan legislation, and we want to express our sincere thanks for your leadership during the conference negotiations. We also commend your Senate colleagues: Senators Chris Dodd, Mitch McConnell and Kit Bond.

The nation's secretaries of state, particularly those who serve as chief state election officials, consider this bill an opportunity to reinvigorate the election reform process. The ''Help America Vote Act'' serves as a federal response that stretches across party lines and provides a substantial infusion of federal money to help purchase new voting equipment and improve the legal, administrative and educational aspects of elections. In fact, our association endorsed the original draft of H.R. 3295 in November 2001.

Specifically, the National Association of Secretaries of State (NASS) is confident that passage of the final version of H.R. 3295 will authorize significant funding to help states achieve the following reforms:

Upgrades to, or replacement of, voting equipment and related technology;

Creation of statewide voter registration databases to manage and update voter registration rolls;

Improvement of poll worker training programs and new resources to recruit more poll workers throughout the states;

Increases in the quality and scope of voter education programs in the states and localities;

Improvement of ballot procedures, whereby voters would be allowed to review ballots and correct errors before casting their votes;

Improved access for voters with physical disabilities, who will be allowed to vote privately and independently for the first time in many states and localities;

Creation of provisional ballots for voters who are not listed on registration rolls, but claim to be registered and qualified to vote.

We want to make sure the states will get the funding levels they've been promised, and that Congress will provide adequate time to enact the most substantial reforms. Please be assured that the nation's secretaries of state are ready to move forward once Congress passes H.R. 3295 and the President signs it.

If we can be of further assistance to you, your staff members, or your colleagues in the U.S. House of Representatives, please contact our office.

Best regards,

DAN GWADOSKY,
NASS President,
Maine Secretary of State.

NATIONAL CONFERENCE
OF STATE LEGISLATURES,
Washington, DC, October 7, 2002.

Hon. ROBERT BYRD,
Chairman, Senate Appropriations Committee,
Washington, DC.

Hon. BILL YOUNG,
Chairman, House Appropriations Committee,
Washington, DC.

DEAR CHAIRMEN BYRD AND YOUNG: On behalf of the nation's state legislators, we urge you to make reform of our nation's election processes a reality by providing sufficient funding to implement H.R. 3295. The conference agreement announced today will provide an effective means for states and counties to update their election processes without federalizing election administration. NCSL worked closely with the conferees in the development of this legislation and is satisfied that it keeps election administration at the state and local level, limits the role of the U.S. Justice Department to enforcement, does not create a federal private right of action, and establishes an advisory commission that will include two state legislators to assist with implementation. NCSL commends the conferees for their work on this landmark legislation and is committed to implementing the provisions of H.R. 3295 to ensure every voter's right to a fair and accurate election.

To ensure proper implementation and avoid imposing expensive unfunded mandates on the states, it is critical that the federal government immediately deliver sufficient funding for states to implement the requirements of this bill. Neither of the existing versions of appropriations legislation provides sufficient funding for election reform. We urge you to fully fund H.R. 3295 at the authorized level of $2.16 billion for FY 2003.

The Congressional Budget Office has estimated that it may cost states up to $3.19 billion in one-time costs to begin implementing the provisions of this legislation. In this current fiscal environment, it will be extraordinarily difficult for states to implement the minimum standards in the bill without immediate federal financial support. States are already facing budget shortfalls for FY 2003 of approximately $58 billion. Thirteen states have reported budget gaps in excess of 10 percent of their general fund budgets. To satisfy their balanced budget requirements, states are being forced to draw down their reserves, cut budgets, and even raise taxes.

We look forward to working with you to keep the commitment of the states and the federal government to implementing H.R. 3295. If we can be of assistance in this or any other matter, please contact Susan Parnas Frederick (202–624–3566; susan.frederick@ncsl.org) or Alysoun McLaughlin (202–624–8691; alysoun.mclaughlin@ncsl.org) in NCSL's state-federal relations office in Washington, D.C.

Sincerely,

SENATOR ANGELA Z. MONSON,
Oklahoma, President, NCSL.

SPEAKER, MARTIN R. STEPHENS,
Utah, President-elect, NCSL.

NATIONAL ASSOCIATION
OF STATE ELECTION DIRECTORS,
Washington, DC, October 10, 2002.

Hon. BOB NEY,
Hon. STENY HOYER,
House Administration Committee,
Washington, DC.

DEAR CONGRESSMEN NEY AND HOYER: The National Association State Election Directors (NASED) congratulates you on the successful completion of the final conference report on H.R. 3295. This initiative will significantly affect the manner in which elections are conducted in the United States. On balance, H.R. 3295 represents improvements to the administration of elections. As administrators of elections in each state we express our appreciation to you and your staff for providing us access to the process and reaching out to seek our views and positions on how to efficiently and effectively administer elections.

As with all election legislation, H.R. 3295 is a compromise package, which places new challenges and opportunities before state and local election officials. We stand ready to implement H.R. 3295 once it is passed by Congress and signed into law by the President. Implementation of this bill will be impossible without the full $3.9 billion appropriation that is authorized. The success of this bold congressional initiative rests in large measure upon the appropriation of sufficient funds to bring the bill's objectives to reality.

We found the bipartisan approach to this legislation refreshing and beneficial. Thank you again for including NASED in the congressional consideration the bill.

If we can be of further assistance, please contact our office.

Sincerely,

BROOK THOMPSON,
President, NASED.

NATIONAL ASSOCIATION OF COUNTIES,
Washington, DC, October 9, 2002.

Hon. CHRISTOPHER DODD,
Chairman, Committee on Rules and Administration, U.S. Senate, Russell Senate Office Building, Washington, DC.

Hon. MITCH MCCONNELL,
Ranking Minority Member, Committee on Rules and Administration, U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR CHAIRMAN DODD AND SENATOR MCCONNELL: We would like to congratulate you and thank you for your leadership, perseverance and hard work in reaching agreement in the House-Senate conference on the ''Help American Vote Act of 2002.'' We believe the final bill is a balanced approach to reforming election laws and practices and to providing resources to help counties and states in improving and upgrading voting equipment. The National Association of Counties supports H.R. 3295 as it was approved by the House-Senate conference Committee.

We are very concerned about Congress providing the funds to implement the new law. While there is much confusion at this time about the appropriation process for FY2003, we strongly urge the leadership of the House and Senate and President Bush to support inclusion of $2.16 billion in a continuing resolution. This is the amount authorized for FY2003 by the ''Help American Vote Act.'' We believe that funding and improving voting practices in the United States is an important as our efforts to strengthen homeland security.

Thank you again for your continuing efforts to fund and implement this new law.

Sincerely,

LARRY E. NAAKE,
Executive Director.

Mr. DODD. Mr. President, I also would like to mention the tremendous assistance provided by the Leadership Conference on Civil Rights, the League of Women Voters, and People for the American Way.

Before I turn to my colleagues who wish to be heard, I would be remiss if I

did not publicly express my gratitude to my fellow conferees. I already mentioned Senator MCCONNELL, Senator BOND, Senator DURBIN, and Senator SCHUMER. I thank their staffs as well.

I want to take a moment as well to thank an individual I had never really met before—I may have met him before, but I did not certainly know him—and that is the chairman of the House Administration Committee, BOB NEY, from the State of Ohio, who serves in a tough job as chairman of that committee. He has been in the Congress, I think, about 8 or 10 years.

He worked very hard on this legislation. And I developed a great deal of respect and affection for BOB NEY. We are of different parties and, obviously, different States, not serving together in the House of Representatives.

But BOB NEY and his staff were tenacious, hard working, and determined to get a bill. I commend them for that. We were not sure we were going to be able to get it done in the end, as it appeared at several points this may not work. And because BOB NEY felt strongly that we had an obligation to try, we are here today with this product on which they had a successful vote in the other body. So I commend BOB NEY for his tremendous efforts and that of his staff.

STENY HOYER is the ranking Democrat on the House Administration Committee. I have known STENY for years. Unlike BOB NEY, STENY and I have been good friends for a long time. STENY HOYER has been as committed to election reform issues as anyone, as well as his commitment to the disabled.

He was one of the prime architects of legislation affecting the disabled. So while we talked about that a lot in this body during the consideration of our bill, we certainly need to extend credit to STENY HOYER for his commitment to those issues as well.

So the team of BOB NEY and STENY HOYER, putting together the product they did, deserves a great deal of credit and recognition for what we hope will be the adoption of this conference report tomorrow and the signing by the President of this, we think, historic piece of legislation.

On more occasions than I can recall, the three of us—STENY HOYER, BOB NEY, and myself—along with staffs, spent a lot of late nights. I am looking around the Chamber at faces who were with me in those rooms in the wee hours of the morning, and long weekends, going back and forth. And I appreciate all of their efforts. We had some tough moments, but in any good piece of legislation there will be tension. And if people are committed to try to work things out, you can produce results such as we have in this legislation. So without their persistence and the patience of all involved, we would not be here. And I thank them.

Last but far from least, I thank JOHN CONYERS, the dean of the Congressional Back Caucus, for his stalwart support. The day we introduced a bill, that is not unlike what we are asking our colleagues to support here, I stood in a room with two people, in front of a bank of cameras, as we laid out this particular idea. And the two individuals with me in that room were JOHN CONYERS and John Sweeney of the AFL–CIO. And I thank both of them.

But JOHN CONYERS has been tireless. He has never given up on this. He knew that compromises would have to be struck, and he insisted we reach those compromises even though he would prefer, in some instances, that provisions of the bill not be included. But a great legislator, a good legislator, understands that when people gather for a conference, unfortunately, they arrive with their opinions, and you are not going to be able to get your own way all the time. So JOHN CONYERS was tremendously helpful. I began this journey with him a long time ago. And I could not end these remarks without extending my deep sense of appreciation to him and to his staff for their tremendous help.

In closing, I would like to add only this: Of all the many important issues considered by this Senate in this Congress, I do not think any—others may argue this—but I do not think any are going to exceed this one in significance. I know we have had important debates on Iraq and other such questions, but I think what MITCH MCCONNELL, KIT BOND, and my other conferees, Senator DURBIN, Senator SCHUMER, and others who were involved in this—what we have achieved certainly ranks in the top echelons of accomplishments, I would say the best thing we have done in this Congress. We have not achieved a lot in this Congress, but I think this is one of the most significant things.

I think this is the kind of legislation you can talk to your grandchildren about or they will read about and say that even if we did not do anything else in this Congress, this is a significant accomplishment for the American people.

Thomas Paine, as I have quoted him over and over again over the last year and a half or so of this discussion, said 207 years ago:

> The right to vote . . . is the primary right by which other rights are protected. To take away this right is to reduce a man to slavery, for slavery consists in being subject to the will of another, and he that has not a vote . . . is in this case.

So, Mr. President, I thank again my colleagues; for the bedrock principle in our Republic is simply this: the consent of the governed. We are a nation where the people rule, and they rule not with a bullet but with a ballot. That sacred, central premise of our Republic is given new power by this conference agreement. It can make America a more free and democratic Nation. That kind of opportunity comes our way only rarely, at most maybe once in a generation, on average. It is an opportunity that has emerged out of adverse circumstances—a close and controversial election for the Presidency of the United States.

By seizing that opportunity and passing this conference agreement, we in this body can transform a national moment of adversity into the promise of a future with the right to vote that will have new resonance for every citizen of America. I urge adoption of this conference report.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. DAYTON). The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, first, let me say to my good friend from Connecticut, this is, indeed, something to celebrate on a bipartisan basis in a Congress that could use a celebration. This may have been the most unproductive and unsuccessful session of the Senate in my 18 years here: no energy bill; no terrorism insurance bill and—until tomorrow, at least—no appropriations bills; no budget; no homeland security bill; only 44 percent of President Bush's U.S. circuit court nominees confirmed.

A couple of items we did pass were—at least in this Senator's judgment—not very good: a flawed campaign finance reform bill and a bloated farm bill.

We could use a celebration. And the Senator from Connecticut and I would like to encourage all of our Senators to feel good about the piece of legislation that will be adopted tomorrow.

This is, indeed, a significant accomplishment, an important piece of legislation. Even if we had a very productive Congress, and a Senate that was passing landmark legislation on virtually a weekly basis—even if that had been the case this year—this legislation would have stood out as something important for the Nation and something well worth doing.

So, Mr. President, I rise today with a tremendous amount of pride and enthusiasm about this landmark legislation. Although the Senate, as I just suggested, has been mired in partisanship and virtually calcified over various pieces of legislation, and the confirmation of judges, the House-Senate conference committee on election reform has achieved an historic bipartisan, bicameral consensus.

Nearly 2 years ago, this Nation had a painful lesson on the complexities and complications State and local election officials face in conducting elections. In response, legislators on both sides of the Hill introduced legislation to address the problems exposed in the 2000 election. The various pieces of legislation ran the gamut in approach and emphasis, but all were unified in their goal of improving our Nation's election systems.

In December of 2000, Senator TORRICELLI and I introduced the first of what was to become four bipartisan compromise bills that I have sponsored or cosponsored. From the beginning, I have been committed to providing not

only financial assistance but also informational assistance to States and localities.

The best way to achieve both of these goals is by establishing an independent, bipartisan election commission. The commission will be a permanent repository for the best, unbiased, and objective election administration information for States and communities across America.

And that is really important because what happens—I used to be a local official early in my political career—is that you are confronted with vendors selling various kinds of election equipment, and there is really no way to make an objective analysis of what your needs are. On the other hand, this new commission will be a repository for expertise and unbiased advice to States and localities across America about what kind of equipment might best suit their situation.

This concept has been one of the cornerstones of each of the bills that I have sponsored. It was recommended by the Ford-Carter Commission, supported by the President, and has been perfected in this conference agreement. The commission will not micromanage the election process, but will instead serve as a tremendous resource for those across America who conduct elections.

This conference report will help make all elections more accurate, more accessible, and more honest, while respecting the primacy of States and localities in the administration of elections. For the first time ever, the Federal Government will invest significant resources to improve the process, roughly $3.9 billion. Every State will receive funds under this legislation, and the smaller States are guaranteed a share of the pot. The funds will be used by the States in a manner they determine best suits their needs, rather than the Federal Government prescribing a one-size-fits-all system. Whether it is by replacing a punchcard or a lever voting system or educating and training poll workers, States are provided the flexibility to address their specific needs.

The mantra of this legislation, coined by the distinguished senior Senator from Missouri, KIT BOND, has been to ''make it easier to vote and harder to cheat.'' We have achieved that balance in this conference agreement by setting standards for States to meet, standards which the Federal Government will pay 95 percent of the cost to implement. Voting systems will allow voters to verify their ballots and allow voters a second chance, if they make a mistake, while maintaining the sanctity of a private ballot.

Voting will become more accessible to people with disabilities, an issue admirably and vigorously championed by Senator DODD. Provisional ballots will be provided to all Americans who show up at polling sites only to learn their names are not on the poll books. Such a voter's eligibility will be verified, however, prior to the counting of the ballot to ensure that those who are legally entitled to vote are able to do so and do so only once; again, making it easier to vote and harder to cheat.

To protect the integrity of every election, this conference report makes significant advancements in rooting out vote fraud. Congress has acted properly to curtail fraudulent voting and reduce duplicate registrations, both interstate—found to be more than 720,000 nationwide—and intrastate. The provisions of this bill are carefully drafted to address this impediment to fair and honest elections, and we provided the States with the means and the resources to address this problem.

First, States will establish secure, computerized Statewide voter registration databases that contain the name and information of each registered voter. The accuracy of the voter registration list is paramount to a fair and accurate election. The motor voter bill of 1993 has done grievous harm to the integrity of the system by junking up the voter rolls and making it extremely difficult to systematically ensure that only eligible voters are registered.

Second, every new registrant will be required to provide their driver's license number, if they have been issued one, or the last four digits of their Social Security number. If they have neither, the State will assign them a unique identifier. This information will be matched with the department of motor vehicles which will in turn match their data with the Social Security Administration. States which use the full nine-digit Social Security number for voter registration are given the option to avail themselves of this important new provision. Contrary to the assertions of some, the only thing this provision impedes is vote fraud.

Third, first-time voters who register by mail will have to confirm their identity at some point in the process by photo identification or other permissible identification. This provision was championed by Senator BOND, and its importance was once again highlighted just this past week in South Dakota where there is an ongoing joint Federal and State investigation of fraudulent voter registrations.

According to press reports in South Dakota, people are registering weeks after they have died, and one eager voter even completed 150 voter registration cards. Is that an enthusiastic voter or what?

The South Dakota Attorney General succinctly summed up the problem:

> It's pretty easy to register under a false name, have the registration confirmation sent back to your home, then send in by mail an absentee ballot request, get it and vote under the false name, send it back and get it counted.

Under this legislation, that is not going to be possible any longer. That is a step in the right direction for our democracy.

These three provisions will ensure that dogs such as Ritzy Mekler, Holly Briscoe, and other stars of ''Animal Planet'' will no longer be able to register and vote. These provisions will ensure that our dearly departed will finally achieve everlasting peace and will not be troubled with exercising their franchise every 2 years. And importantly, the provisions will ensure that voter rolls will be cleansed and protected against fraudulent and duplicate registrations.

This conference report also provides remedial safeguards for every American's franchise. The Department of Justice will continue its traditional role of enforcing Federal law. In addition, each State will design and establish a grievance procedure available to any voter who believes a violation of law has occurred. States are best equipped to promptly address the concerns of its voters, and I compliment Senator DODD for his foresight on this issue.

This legislation also makes significant improvements to protect the votes of those who have committed themselves to protecting all Americans, and that is our men and women in uniform.

I have touched upon just a few of the highlights of this historic piece of legislation. After nearly 2 years of discussions, negotiations, introductions and reintroductions of election reform bills, we now stand ready to vote on the most important piece of legislation before Congress in many years.

I thank, again, Senator DODD for his steadfast leadership. He committed 110 percent of himself to this issue and worked tirelessly to bring us to this day. I also thank Senator BOND for all of his work to protect the integrity of the election process. I also congratulate my colleagues on the other side of the Hill for their significant achievement: Congressman BOB NEY of Ohio, chairman of the conference, did a superb job; and our good friend STENY HOYER, ranking member, who was outstanding as well.

And to the staff people involved in this, my own staff on the Rules Committee: Tam Somerville; I particularly commend Brian Lewis, who was there from beginning to end in this process—as far as I am concerned, this will be known as the Brian Lewis bill around my office—and his able right hand, Leon Sequeira, and Chris Moore and Hugh Farrish, all of the Rules Committee staff.

For Senator BOND, Julie Dammann and Jack Bartling of Senator BOND's staff were superb. And for Senator DODD, Kennie Gill, Shawn Maher, Ronnie Gillespie, we enjoyed working with them, and they, too, should feel about good about this. From Congressman NEY's staff, Paul Vinovich, Chet Kalis, Roman Buhler, Pat Leahy—they have a staffer named Pat Leahy, how about that—and Matt Petersen. And from Congressman HOYER's staff, Bob Cable, Keith Abouchar and Len Shambon.

This is indeed a happy day, not just for Senator BOND and myself, but for

all Members of the Congress. This is a remarkable achievement we can all feel good about. We look forward to seeing it pass tomorrow by an overwhelming margin. I am sure the President at some point will want to sign this with appropriate flourish down at the White House.

Again, I thank my colleague from Connecticut and yield the floor.

WEEKEND VOTING

• Mr. KOHL. I thank the distinguished chairman of the Rules Committee for clarifying a provision in the bill. As the Senator knows, I am the sponsor of legislation moving Federal elections from the first Tuesday in November to the first weekend in November. It is my hope that moving Federal elections to the weekend will increase voter turnout by giving all voters ample opportunity to get to the polls without creating a national holiday. My proposal would also have the polls open the same hours across the continental United States, addressing the challenge of keeping results on one side of the country, or even a state, from influencing voting in places where polls are still open.

The Senate version of the election reform legislation before us included a provision sponsored by Senator HOLLINGS and myself which directed the Election Administration Commission to study the viability of changing the day for congressional and presidential elections from the first Tuesday in November to a holiday or the weekend, with the possibility of looking at the first weekend in November. Unfortunately, during the conference on this bill, the studies section was refined to direct the Election Administration Commission to study the ''feasibility and advisability of conducting elections for Federal office on different days, at different places, and during different hours, including the advisability of establishing a uniform poll closing time'' with a legal public holiday mentioned as one option but no mention of weekend voting. Is it correct that there was no specific intent to leave out weekend voting as an option?

Mr. DODD. The Senator from Wisconsin is correct. The conferees intended that the new Election Administration Commission consider all options for election day, including the Senator's interesting proposal to move elections to the weekend. There was also no intent to limit the Election Administration Commission to considering just one day as an election day. It is my hope that the commission will examine all options, including the possibility of holding elections over two days as suggested in Senator KOHL's proposal.

Mr. KOHL. I thank the Senator from Connecticut for this clarification. I hope that the Election Administration Commission will seriously consider moving federal elections to the weekend. I will continue to advocate for weekend voting as a means of increasing voter turnout and addressing the need for uniform poll closing times in federal elections.•

Mr. DODD. Mr. President, I yield 15 minutes to my colleague from Oregon, Senator WYDEN.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, let me join in the extraordinarily important comments that have been made by Senator DODD and Senator MCCONNELL. This has been a huge and arduous task that had to be bipartisan. The fact is, you can't get anything done that really is important without it being bipartisan.

I take a moment to thank Senator DODD. He has been extraordinarily patient with me and with all of the Members of this body who come from States that have pioneered innovative approaches.

It is fair to say right now with millions of Americans essentially being early voters, there have been estimates that something along the lines of 15 percent of the American people are going to vote early.

The legislation that Senator DODD and Senator MCCONNELL brings to us today protects the wave of the future—this early voting—whether it be by absentee ballot or the pioneering vote-by-mail system.

What this legislation does is protect the early voters—the person we are seeing more and more of in the American political process—by, in effect, taking steps to discourage fraud at the front end when people register, and then making sure that people don't face unnecessary barriers and hassles when they actually participate in the fall of even-numbered years. So I commend Senators DODD and MCCONNELL for their work in this area.

Suffice it to say, at various stages in the discussion, I wasn't sure that we were going to make it. Look at how the debate began when this bill first came to the floor of the Senate. It seemed to me and others that millions of Americans would have been turned away from the polls because they didn't have with them a valid photo identification or a copy of a utility bill. It would have disenfranchised millions of Americans. I and others made that point to Chairman DODD and Senator MCCONNELL, and we began a very lengthy set of negotiations that involved Senators DODD, MCCONNELL, BOND, CANTWELL, SCHUMER, and I. Together we were able to work out an agreement with respect to the photo identification provision. It protects fully the vote-by-mail system. In fact, it protects all Americans who want to vote early, as I have mentioned. It is outlined in section 303 of the conference report.

I thought I would take a minute to describe how this provision would work. Beginning in January 2004, anyone who registers to vote for the first time, let's say in Oregon, has the choice of registering by providing a driver's license number, the last four digits of their Social Security number, a copy of a current utility bill, bank statement, government document, or a valid photo identification. When they cast their ballot by mail, Oregon's State elections officials will verify the voter's eligibility consistent with State law by signature verification. Under our Oregon election law, an elections official determines voter eligibility by matching the signature on the registration with the signature on the mail-in ballot. Oregon's signature match system would not change.

My primary concern throughout this discussion has, of course, been to support our pioneering vote-by-mail system, which I think is the wave of the future. But as we have seen in recent days it is not just Oregon but a variety of other States are going to see millions of people saying they want to take the time, essentially through the fall when people are considering the candidates, to look at the statements put out and reflect on them in a way that is convenient for them.

We said at the beginning of this discussion that we wanted to discourage fraud and encourage voters. I think that is what the Dodd-McConnell legislation does. I am particularly pleased that it does so in a way that protects Oregon's pioneering system and all of those around this country who are going to be voting by mail.

Senator MCCONNELL just mentioned that this is, in his view, just about as important as it gets for the Senate. I will reaffirm that statement. After all of the problems that we have seen in Florida, after you look at all of the challenges in terms of getting young people excited about politics and excited about the democratic process, what this legislation does is it reaches out and says: We understand those concerns. We understand that the American people feel more strongly about this subject than just about anything else because it is what we are about. It is about our values, our principles; it is what the Senate is all about. So I am very pleased that Senators DODD and MCCONNELL had the patience to work with some of us who, I am sure, were fairly prickly and difficult along the way. I don't know how many hours we had in negotiations just looking at the arcane details of some of the vote-by-mail States. But Senator DODD said we are just not going to give up. We understand that you are doing something very exciting in the Pacific Northwest, and we encourage it.

In effect, what Senator DODD has done is not just protect the Oregon system but allowed this country to build on something that I think is the wave of the future; that is, people voting essentially throughout the fall. We have seen—as reported recently in various States as they innovate with different kinds of systems—a variety of approaches that are being tried. My own sense is that it won't be very long before people start voting online in this country.

So what Senator DODD has done is made it clear that he is going to stand with all of us in the Senate who want to discourage fraud, and we are going to do it at the right time and in the right way, which is essentially at the front end when people come to sign up for the electoral process. But then, after we can ascertain they are who they say they are, they are not going to face innumerable hassles and barriers when they actually show up to vote.

So my thanks to Senator DODD and his staff, Carole Grunberg, who is here. She has championed for us the Oregon vote-by-mail system. But with Senator DODD in the Chamber, I want him to know how much I appreciate what he is doing. It means a tremendous amount to my constituents and also to this country and to the future of American voting.

I yield the floor.

Mr. DODD. Mr. President, before my colleague leaves the floor, I thank him and his staff as well for their tremendous contribution. One of the things we did in this bill—I say to my friend from Oregon that he is in large part responsible for this, I probably should give him more credit for this—we set Federal standards and rights that never have existed before in all Federal elections across the country, and we have enumerated the rights in this bill.

One of the things I fought very hard to preserve is that what constitutes a valid registration of a voter and what constitutes a valid vote is left up to the States. We don't federalize registration and we don't federalize how votes get counted. We have left that to the States. It would be overreaching to go that far.

I must say some of the most creative ideas on how to make this basic franchise accessible to the maximum number of people, the most creative ideas are occurring in our States across the country. There are differences in places, and States ought to have the flexibility of deciding what system works best for them.

I will tell my colleague, I have learned of some fascinating historical stories. Going back, people have said: Where in the Constitution does it say you have to be a citizen to vote? Well, it is the 14th and 15th amendments. The 14th amendment describes what a citizen is, and the 15th amendment says all citizens have the right to vote.

There was a time—and the Presiding Officer may find this interesting—when we discovered as part of our research that in the latter part of the 19th century, in certain areas of the upper Midwest, in efforts to attract immigrant populations to settle in some of the vast farmlands there, they actually said: We will allow you to vote in Federal elections—which they did. I cannot find the lawsuit that stopped it. I think it may have been by tradition, but it provided that the person who signed up made a promise that they would someday become a citizen. That was the condition that you had to fill out.

There are actually some jurisdictions in this country, by the way, not in Federal elections but local elections, where noncitizens, by municipal law, are allowed to vote.

The State of Oregon is, I think, on the cutting edge. I agree with my colleague on this. Maybe because I have a head of gray hair, but I like the idea of a community gathering at a polling place. There is a sense of community spirit about showing up.

In my town of East Haddam, CT—it is a small place with only a few thousand people and where I have lived for the last two decades—we all gather in the old townhall, literally around the potbellied stove. The folks I have known for the last two decades run the polling operations there. We like it that way. I am not suggesting there is a younger generation coming along who do not like the way they do it in Oregon—I suspect they might, and I suspect there will be States allowing people, in the not-too-distant future, to vote by Internet.

I thank him for bringing forward the Oregon and, we should add, the Washington experience, because they are similar experiences, to this debate. The fact we managed to accommodate the unique voting circumstances in their States gave rise to the idea there actually may be other States that may want to move in this direction. In fact, the provisions authored by my colleague and included in the conference report can be used by every state, and not just by Oregon and Washington. We thank Senator WYDEN for his contribution and for making this a stronger and a better bill, and one that does maintain its sensitivity to the unique requirements and needs of people across this vast country of ours. I thank the distinguished Senator from Oregon for his contribution.

I note as well—it is somewhat an irony—I recall vividly the day Senator MCCONNELL and I had announced we had reached an agreement, at least on the Senate version of this bill, our colleague who is now presiding over the Senate was presiding over the Senate that very day. He would not have known on that day a year and a half ago he would be presiding today as well. I thank him.

Mr. President, I wish to note because there are so many wonderful staff people and they do not get the credit they deserve—we get to stand here and give the speeches and our names go on the bills. There are literally dozens of people who work incredible hours to produce the kind of legislation we are endorsing today.

I mentioned already the Members on the House side, my colleagues, BOB NEY and STENY HOYER, the principal House advocates. There was a long list of conferees, by the way, in the House. A number of committees of jurisdiction touched on matters in this bill, from the Ways and Means Committee to the Armed Services Committee—I will forget some—a lot of committees. So there were a lot more conferees from the other body on the conference committee. I thank them.

I extend my special appreciation for the invaluable expertise and contributions in negotiating this bill to final passage to Paul Vinovich, one of the principal staff people for BOB NEY, and Chet Kalis, who is a wonderful individual. Both of these men are remarkable people and did a fantastic job, not just for BOB NEY and the Republican side, but they always had the sense they wanted to get a bill done, and that is a big difference when you are in a conference. If you are looking across the table at people and if the negotiating is to stop something or to make something happen, what a difference it is when you talk to people who give you the sense they want something to happen. I thank them.

I thank Roman Buhler, a tough negotiator; Matthew Petersen; and Pat Leahy.

From the office of STENY HOYER: Bill Cable—I have known Bill for all my years in Congress. When I served in the other body, Bill Cable was a terrific staff person then. He has a wonderful institutional memory about the Congress of the United States. STENY HOYER is truly fortunate to have Bill Cable with him. I thank him for the long hours he put in on this legislation.

Keith Abouchar and Lenny Shambon were wonderful. They are knowledgeable people and have been very helpful on this. They understand the laws, and have a wonderful expertise in motor voter registration and how these proposals work.

I further thank JOHN CONYERS. I mentioned already my coauthor of this legislation initially, but I want to also thank his staff. I thank Perry Apelbaum, Ted Kalo, and Michone Johnson, who were just wonderful and tireless in their efforts. I thank them for their tremendous work. Along with JOHN, they were a great source of information and guidance during some very delicate moments on how we ought to proceed.

TOM DASCHLE, our leader in the Senate, has been tremendously helpful through all of this. He asked me how long the original bill would take on the floor of the Senate when it came up. We had gotten through this, worked out the agreement, and there were a lot of demands for time on the floor. He looked at me and said: How long do you think it will take to debate the election reform bill?

I said: Mr. Leader, I think we can do it in 2 days.

Mr. President, if you look around, you can see the smiles on the faces of some of the floor staff. I think we were on the floor 9 days, had 46 amendments, and there were a hundred more, at least, proposed. I took some very healthy ribbing from the majority leader and others on the staff when they would look at me day after day

and say: How long did you say this bill would take? It took a lot longer than we anticipated.

I thank Andrea LaRue, Jennifer Duck, Michelle Ballantyne, Mark Childress, and Mark Patterson from the majority leader's staff for their patience and assistance.

With regard to Senator MCCONNELL's staff, we spent a lot of time with Senator MCCONNELL's staff. We spent more time with Senator MCCONNELL's staff than with Senator MCCONNELL, and he would be the first to say that. Tam Somerville, Brian Lewis, and Leon Sequeira are also very fine and hard-working staff members. Brian Lewis—poor Brian got saddled with more responsibilities. With all of this coming together, committee staff had to deal with campaign finance reform and election reform all at once. There were demands on their time, pulling them in two different directions, as we were trying to get this bill completed in the Senate so we could get to conference because we knew we had a long conference ahead of us. I express my gratitude to Brian. He is knowledgeable, worked hard, and made a significant contribution. I appreciate it very much.

Senator SCHUMER's staff: Polly Trottenberg, Christine Parker, Cindy Bauerly, and Sharon Levin were very helpful. I thank them.

Senator BOND: Julie Dammann and Jack Bartling. We had some real go-rounds with Senator BOND's staff on some of the provisions in this bill. I thank both of them for a lot of effort. Jack Bartling spent a lot of time during the Senate consideration, going back months and months ago, sitting up late nights in my conference room and going through what we wanted to do and how it might work. I occasionally would run into Jack off the Hill. Even in off hours in restaurants, we would end up being seated next to each other unintentionally by the maitre d'. We spent all day working on this legislation, and when I went out for an evening with my wife and child, who ended up sitting next to me but Jack Bartling, and here we go again carrying on conversations. I thank Jack.

I thank Jennifer Leach and Sara Wills on Senator TORRICELLI's staff. Senator BOB TORRICELLI offered some of the earliest versions of election reform. Early on he thought we ought to do something about election reform and worked with Senator MCCONNELL and others to craft legislation. He agreed to work with us on our bill when we developed it. I thank Senator TORRICELLI for working very hard on campaign election reform.

Senator MCCAIN's staff: Ken LaSala. I offer a special appreciation for his invaluable expertise and contributions in negotiating and bringing this bill to final passage.

Senator DURBIN's staff: Bill Weber was tremendously helpful to us. I thank him.

I thank Beth Stein and Caroline Fredrickson from Senator CANTWELL's staff. I mentioned Oregon, Senator WYDEN and his State, and the Senator from the State of Washington, Ms. CANTWELL, had similar circumstances and were concerned about how the provisions of this bill would work in a State where a significant number of the people vote by mail. They wanted to be sure we were not doing anything here that was going to prohibit them from conducting their elections in the way they have done successfully for some time.

I mentioned Senator WYDEN. I thank Carol Grunberg for her work as well.

The floor staff, again, were tremendously patient with this Member. I tied up the cloakroom for hours one Friday trying to get holds lifted on this bill.

The floor staff was tremendously helpful. Marty Paone, Lula Davis, Gary Myrick, members of the cloakroom staff, were tremendously supportive.

I apologize for going through all of this and mentioning these names. I could just submit them for the RECORD, but I want to say their names because just putting their names in the RECORD does not do justice to the amount of time and effort people have put in. So I beg the indulgence of the Chair and others as I go through this.

This may sound mundane or boring to those who are watching it, but I am someone who believes very strongly we ought to give more recognition to the people whose names never appear much around this place and yet who make incredible contributions to a product like this.

I want to thank the Office of Legislative Counsel. Let me explain what legislative counsel does. These are the people who actually write these bills. We tell them what we are thinking, these grand ideas of ours. A Senator has a grand idea. The staff tries to put language around the grand idea and then they go to legislative counsel, who then has to write it in a legalistic way so it can actually mean something because words have specific meaning.

So the legislative counsel's office was instrumental—we asked them to work around the clock on a few instances. Literally, they were up all night producing language because we were running up against the clock to get this bill done. So to Jim Scott and Jim Fransen of the Office of Senate Legislative Counsel, and Noah Wofsy, from the House legislative counsel, I want to express my deep sense of gratitude to them for their work. They sat down very objectively. Noah Wolfsy is on the House side under the Republican leadership in the House. Jim Scott and Jim Fransen are in the Senate under the Democratic leadership of the Senate, but neither side was partisan in any way. I can honestly say if I sat them in a room and asked them for their views on how this ought to be written, I would never know from which party they had been chosen to do the job. They are that objective and that professional in how they do it.

Sometimes I wish America could watch this when they talk about laws. They could then see people such as these who are so dedicated and see to it that we can get it right. They did not bring political baggage to that discussion and debate.

I mentioned some history earlier about the upper Midwest and these other places. The Congressional Research Service, CRS, was the organization that provided me with some historical framework and background in the conduct of elections and also provided side-by-side versions of bills along the way. And we thank them: Kevin Coleman, who is an analyst in the American National Government; Eric Fischer, senior specialist in Science and Technology; L. Paige Whitaker, legislative attorney at the Congressional Research Service; David Huckabee, who is a specialist in American National Government; and Judith Fraizer, who is an information research specialist. They did a great job, and we are very grateful to them as well.

I wish to thank my own staff. Obviously, in my own heart and mind they come first, as one might expect, but my mother raised me to be polite so I mentioned other people first. I am particularly grateful to my own staff who worked very hard on this. Through my bellowing and barking, and doing all the things we do and wondering why we could not reach agreements earlier—I hope I was not too impatient with them—I want to thank Shawn Maher, who is my legislative director. He was tremendously patient and did a great job. Kennie Gill, who is the staff director and chief counsel of the Rules Committee, is just one of the most knowledgeable people about this institution I have ever met in my 27 years in Congress. I have met Members who have great respect for the institution, its history, its traditions, what these buildings mean, and what membership means in the other body or this body. I have never met anybody, Member or non-Member, who has as much reverence for this institution as Kennie Gill, and I thank her.

Ronnie Gillespie, who is a terrific individual as well, is our counsel on the Rules Committee. She did a terrific job and I am very grateful to her, as well as my own staff, Sheryl Cohen, Marvin Fast, Alex Swartsel and Tom Lenard. Sheryl Cohen is my staff director, chief of staff of my office, and has to manage all of these things going around. She does a wonderful job, and I am very grateful to her. From the Rules Committee, Carole Blessington, Beth Meagher, Hasan Mansori, and Sue Wright also deserve some very special recognition. Chris Shunk, Jennifer Cusick, and Sam Young are non-designated staff on the Rules Committee staff, who kept the vouchers going during this time and they do wonderful work. There are some former members who were part of this effort who had to leave for various reasons before the completion of this bill, but the fact they are not here does not mean they should not be recognized. Stacy Beck,

Candace Chin, and Laura Roubicek are three people I want to thank.

That is 60 individuals I have mentioned. There may be others I have missed. If I have missed them, I apologize, but I want them to know that all of us, regardless of political persuasion or ideology, thank them, and millions of Americans ought to as well because we never would have achieved this conference report, been able to write this bill, had it not been for these 60 individuals and many more like them.

I have not mentioned the individuals on the outside that worked on this, the NAACP, the National Association of Secretaries of State, the AFL–CIO, the various disability groups. There are literally hundreds of people who are involved in this journey over the last year and a half to produce this conference report. I know normally we do not take as much time to talk about all of this, but I think Senator MCCONNELL and I—and not because it is a pride of authorship, but we think we have done something very historically significant. We are changing America. We are changing the way America is going to be choosing its leadership. We want everyone to participate in this country. It is a source of significant embarrassment to me that there are individuals who cannot participate.

I served in the Peace Corps in Latin America back in the 1960s. So I am asked periodically to go and observe elections, particularly in Latin America, because I know the language and have knowledge of the area. I cannot say how moving it is to watch some of these desperately poor countries where the people who lack any formal education, or have very little of it, will literally stand in line all day, walk miles through blistering and difficult weather, intimidation, fear of literally being killed if they show up, and they vote. They look to us as a beacon of what it means as a free people to be able to choose who represents us, from the most insignificant office on the municipal or town level to the Presidency of the United States. The idea that each and every one of us can be a part of making those choices, and the fact that only 50 percent of our eligible population does so, ought to be a source of collective shame. While this bill is not going to eradicate all of that, when we consider how hard some people fight to be free, how blessed we are as a people and how little is asked of us to participate in the process which has historically distinguished us as a people, our sincere hope today, as we vote tomorrow on this bill, is we have made it easier for people to meet that obligation and made it more difficult for those who would like to scam it in some way. But the most important thing this legislation does is to make it easier for people to make that choice.

So all of those who have been involved in this have my profound sense of gratitude, and I am very confident that sense of gratitude is going to be expressed by millions of people for years to come because of what we have done in the wake of a tragedy in the year 2000, on November 7. We have responded to it with this legislation. Not in every sense, but on some of the core questions, this Congress has stepped up to the plate and responded to those issues. The leadership and Members of the other body, as well as the leadership here, can rightfully claim a proud moment when this bill passes the Senate tomorrow and President Bush signs this legislation as the permanent law of our land.

BUSINESS OF THE CONGRESS

Mr. DODD. Mr. President, my friend from Kentucky, in the opening of his remarks, talked about this Congress not being terribly successful. I would take some issue with that. This Senate has been successful, as I look down the list I have of more than three pages of legislation going back to the use of force resolution after September 11, responses to terrorist attacks, the Patriot Act, the airport security, Defense authorizations, homeland defense, antiterrorism bills, terrorism insurance—we are still working on the conference—access to affordable pharmaceuticals, prescription drugs, reimportation, patients' bill of rights. Again, conference reports have not been reached, but this Senate has had extensive debates where all sides have been heard on these matters.

I mentioned in the election reform bill more than 40 amendments were considered on the floor. With all due respect to the other body these days, it is not uncommon for legislation to be considered where only one or two amendments may be offered. It is regrettable we have not been able to reach agreement between the other body and this body on some of these matters, but the Senate over this last Congress has responded to incredible and unprecedented difficulties in this generation. In the wake of September 11, the anthrax attack, and the tremendous pressures that put on this institution, I am as disappointed as anyone that we do not have a prescription drug benefit, that we don't have a Patients' Bill of Rights, that we don't have a minimum wage, that we are not responding to the unemployment requests.

That is not because this Senate has not wanted to step up, time after time. I am proud to be a Daschle Democrat. I hear people suggesting that as a moniker of derision. Many think TOM DASCHLE has done a remarkable job in being the majority leader. It is disappointing we have not been able to do on the other matters what we were able to get done on the election reform, but that is not the fault of the majority leader.

I am proud of the election reform bill. I am proud of a lot of other things done in this Senate over the last number of months before we adjourn. I am disappointed we were not able to reach agreement on some of the other matters. The fault of that lies elsewhere.

I wanted to not let the afternoon close without this Senator expressing his strong feelings about some of the other matters that the American public desperately need. I did not engage in the debate earlier today about the economic conditions of our country, but it is what people are asking about as I go throughout my State, and other parts of the country. People are very worried about where we are headed economically. They are worried about the quality of education. They are worried about whether jobs will be there. They want to hear us engaging in ideas that will advance how we can improve the quality of education, extend health care benefits to people. They want to get a sense we are on their side. They know we cannot do it all ourselves. It takes cooperation between private and other governmental sectors, but they want to know we care as much about what they struggle with to make ends meet, to provide for families and provide for their future.

I think it is regrettable we will spend the last remaining days with people flying around the country attending fundraising events when we could be working on some of the economic problems afflicting people in this country. We see the deficits mounting again after the great hope the surpluses were going to provide, surpluses from the previous administration. It is sad we have come to this in our country. We ought to get our priorities straight and get back on the economic issues. The American people expect nothing less.

If we wonder why people do not participate as often as we would like in the election process, some has to do with people being too lazy. An awful lot has to do with people wondering whether the things they worry most about are even being considered by the people they elect to public office. People do not think of themselves as Democrats or Republicans every day. They think of themselves as being citizens of the country: Parents, children, neighbors, coworkers. That is how they define themselves. They want to know their elected representatives, regardless of party, are keeping their interests in mind.

This is a republic. They do not get the chance to vote. If 280 million Americans could be packed in the Chambers, the agenda would change. It would be about health care, it would be about prescription drugs, about a minimum wage, and improving the quality of elementary and secondary education. If they could stand here collectively, that is what they would ask us to do—to be leaders on those questions, to become forces in visions for improving the quality of life for people in the country.

That is what Senator DASCHLE has tried to do over the past 2 years in the wake and midst of all the other problems we face. I commend him for it, HARRY REID, BYRON DORGAN, and other

Members of the leadership here. I understand as well it is not easy for TRENT LOTT and DON NICKLES, the leadership on the other side.

My hope is when we come back here in January we get about the business of grappling with the underlying questions. We spent a lot of time on Iraq and the other questions. The American people want to know why we cannot spend a few days talking about the issues they worry most about. When they get up in the morning and they go to bed at night, they worry and they sit around talking about how they will lick these issues. They would like to know we would spend at least as much time on those questions as some of the other issues.

Mr. BURNS. Mr. President, I rise today to support the hard work of the conferees on the election reform conference report. I did not hesitate to vote against S. 565 because it unfairly disadvantaged rural States and did not fix the most grievous flaws with the current system. I am pleased to report that significant improvements have been made from the original bill, and I support this attempt to give greater integrity to the electoral process.

We can now ensure that the ballots from our servicemen and women overseas are properly handled. Their ballots cannot be refused based on early submission, and each will bear a postmark in order to avoid recent election debacles from occurring again.

All States will receive a minimum grant award, with the potential to apply for additional funds, an improvement over the Senate-passed version, which would have disadvantaged rural States with a solely competitive grant program. Most importantly, this report identifies remedies for election fraud. States may purge any individuals who do not vote in two consecutive Federal elections and are unresponsive to follow-up by State officials. We must clean up our voter rolls, and this provision gives States the vehicle to do so, should they choose to use it. This is by no means a perfect report, but I am sufficiently convinced that we have taken great strides to better our voting process.

ORDER OF PROCEDURE

Mr. DODD. I ask unanimous consent tomorrow's cloture vote be vitiated and that the Senate proceed to the consideration of S. Res. 304 immediately upon the disposition of H.R. 5010, the Defense appropriations bill. I further ask unanimous consent that tomorrow's order with respect to the election reform conference report, H.R. 3295, commence at 11:40 a.m. and tomorrow's order with respect to the Defense appropriations conference report commence at 2:15 p.m., with all other provisions of the above-mentioned orders remaining in effect.

I am told this is cleared by the minority as well.

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

Mr. DODD. I yield back all the remaining time on the conference report.

The PRESIDING OFFICER. Without objection, the time is yielded back.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

ONE-YEAR ANNIVERSARY OF SENATE ANTHRAX ATTACK

Mr. DASCHLE. Mr. President, one year ago today, a letter containing about two grams of anthrax was opened in my office. My staff, Senator FEINGOLD's staff, and the law enforcement and medical personnel who responded to the incident were suddenly thrown into a world of frightening uncertainty.

Twenty-eight people tested positive for exposure to multiple lethal doses of anthrax, and about 45 others were presumed to be significantly exposed.

They endured 100 to 120 days of antibiotics and the fear and anxiety that accompany the largest bioterrorist attack on U.S. soil. All the while, they continued to come to work and do their jobs—jobs that included trying to protect the rest of America from a similar fate.

Of course, the effects of this attacks were felt well beyond my office. Hundreds of others from the immediate area were placed on preventive antibiotics. House and Senate office buildings were closed for several days, and the Hart building was closed for 3 months.

Every member and employee of the Senate was affected, and I must say it was an inspiration to see how well our community pulled together to ensure that the Senate continued to address the business of the country.

In retrospect, we were very lucky. We knew exactly when and where people had been exposed, which gave us an advantage that others did not have—the opportunity to provide those who were exposed with immediate preventive care. And while there were some terrifying times, no one in the Senate community died as a result of their exposure to anthrax.

Sadly, others were not so lucky. Robert Stevens and Ernesto Blanco had no idea they had been exposed to anthrax when they fell ill. October 5 is the anniversary that Ernesto Blanco remembers; October 5 is the day his co-worker, Robert Stevens, died.

Next week America's postal workers will mark two more tragic anniversaries: October 21 is the day Thomas L. Morris, Jr. died of inhalation anthrax, and his colleague Joseph P. Curseen, Jr. succumbed the following day.

Because it was not yet understood that the deadly bacteria could escape through envelopes, Mary Morris, Celeste Curseen, and their families and friends have endured a terribly painful year.

Thomas Morris, Joseph Curseen, and all of America's postal workers continued to work even when they knew they could risk for exposure to anthrax or other biological or chemical agents. Postal workers accept those and other risks every day, and for their courage and dedication, they deserve a nation's gratitude.

Those who knew and loved Kathy Nguyen and Ottillie Lundgren have their own anniversaries approaching: October 31 and November 17. Exactly how these women were exposed remains a sad mystery.

Still others, including Ernesto Blanco, LeRoy Richmond, and Naomi Wallace, survived the disease. But many of them are suffering from debilitating often painful long-term health effects. They have no anniversary to mark the end of their ordeal, for it is ongoing.

All of these people, like the first responders and Senate employees exposed to anthrax, were innocent victims.

My staff and I feel a special kinship with the families of those who died and with those who continue to struggle with their health. On their behalf, and on behalf of the entire Senate, I extend our deepest sympathy to those to who lost friends and loved ones and our very best wishes for a full recovery to those who survived the disease.

What else shall we offer these families? They need more than our sympathy. They—and all Americans—need our absolute resolve to ensure that our country does everything it reasonably can to prevent and address the bioterrorist threat, so that others do not suffer what they have suffered. As tragic as the anthrax attacks of last fall were, they could have been much worse, and we must prepare ourselves for and defend against the possibility of far greater threats.

We must be vigilant in our effort to identify and neutralize terrorist cells. We must develop better ways to detect chemical and biological agents in the air, water, and food supplies. We must develop better vaccines. We must develop better treatments for those who are exposed to deadly viruses, bacteria, and agents. And we must develop better coordination between the various public health, intelligence and other government entities responsible for addressing the bioterrorist threat.

The victims and their families also need and deserve to know that the perpetrator or perpetrators of these terrible crimes will be brought to justice. We are all frustrated by the fact that the person or persons responsible are still out there, capable of striking again. This is a complex case, and I know the FBI has focused many resources on it. I am hopeful they will soon be in a position to bring the case to a successful close.

One year ago today, an anthrax-laden letter was opened in my office.

Let us mark this anniversary—and all the sad anniversaries since September 11—with a renewed sense of community, a renewed determination to protect each other, and a renewed resolve to preserve America's strength and spirit.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

AMENDING THE FISA LAW

Mr. KYL. Mr. President, I would like to speak in morning business for as long as I might consume to discuss some legislation Senator SCHUMER and I have introduced and to discuss my intention to seek to have that legislation added to the conference of the intelligence authorization bill which, hopefully, will come before this body for our deliberation and acceptance by the end of this week—again, hopefully.

This legislation not only will reauthorize the intelligence community activities that are funded by the Congress, but also, perhaps, will include an agreement on an outside commission that will later be established to look into the events prior to September 11.

So there are some important elements to this bill. One of the items I would like to add to it also deals with the subject of terrorism, the Schumer-Kyl bill—that I will describe in just a moment—which is a very small provision in the so-called FISA law that would be appropriately added in this conference as an additional way we can help win the war on terror.

Let me begin by discussing just a little bit what this legislation is and why it is necessary, and then I will discuss a little bit further how we would like to have it considered.

The bill number is S. 2568, called the Schumer-Kyl bill. It would add three words to the FISA legislation under which we are now able to gather information that is useful in conducting our war on terror.

The Foreign Intelligence Surveillance Act, or FISA, is a law which provides a special way of gathering this evidence against terrorists, and its origins are back in the 1970s. But it deals with a different situation today in terrorism than it did back then.

Let me just go back in time. The idea was if you were working for a foreign government, we ought to have a little better ability to investigate you than through the probable cause requirements of the 4th amendment that we would ordinarily apply in a title III court situation. So the FISA law was established to say if you have evidence someone is working for a foreign government or an international terrorist organization, then you can involve the FISA Court, the special court, to ask that court for a warrant to do a wiretap or to search a home or to search a computer, or whatever the case might be.

Back in the 1970s, when this was first started, it was a fairly straightforward proposition. If you thought, for example, you might be dealing with a foreign spy, somebody working for the then-Soviet Union, you could go to the FISA Court and get a warrant for the information you were seeking, and it was a little easier to obtain than through a regular court.

Secondly, the information was all classified, secret; it did not have to be shared with anyone else, and these judges were cleared to receive that information. So we were able to keep these kinds of investigations classified, and obviously that was a key element to be able to prosecute these counterterrorism types of cases. But back then the classical FISA target would be either a Soviet agent or perhaps one of the sort of hierarchical terrorist organizations such as the Bader-Meinhof gang in West Germany or the Red Army faction or a group of that sort. Today, as you know, the situation is very different.

We have in the world today amorphous terrorist groups that have spread throughout the entire world that are very loosely affiliated, sometimes not affiliated at all. It is not even clear frequently whether individual people are directly connected to the terrorist group or actually members of the terrorist group. And when we speak of ''members of,'' I am not even sure anybody can define a member of a terrorist organization. You do not pay dues and have a card that identifies you as a member of al-Qaida or Hamas or Hezbollah or the Islamic Jihad or any of these other organizations.

Now, it is true within the group there, you would have to be accepted as someone they could trust, but I do not necessarily think they look at the people with whom they work as members of the organization.

So we wrote a statute back in the 1970s for a different type of enemy than the enemy we face today. What we are finding is sometimes it is very difficult to connect up a particular terrorist either with a foreign country or with a particular terrorist organization. We know there are state sponsors of terrorism, and I suppose if we had evidence somebody here in the United States was planning to commit an act of terror, and they were employed by the Government of, let's say, Iran, we could probably get a FISA warrant because we could connect them pretty easily to a foreign country that has been known to conduct state terrorism. But it is a lot more difficult when you have somebody such as Zacarias Moussaoui, for example, the alleged 20th hijacker. His is an actual case in point used by many to demonstrate the fact that our law enforcement agencies did not act quickly enough in order to obtain a FISA warrant against him. The reason they did not is precisely because of the difficulty of connecting him to a foreign country or a particular international terrorist organization, which is what the FISA statute requires.

Now, bear in mind one of the rationales for being able to accelerate and short circuit the procedures here with a FISA warrant, as opposed to a regular title III type warrant, is you are dealing with a foreign country. You are not dealing with an American citizen. You are dealing with a threat from without or an international terrorist organization. So that is the theory.

But in the case of someone such as Zacarias Moussaoui, even though he was a foreign person—not a United States citizen—we could not connect him with Algeria or France or any of the other countries of the world. We thought his activities looked very suspicious and that they could be terrorist-type planning, but not connected to a particular country. Nor was it possible to connect him to al-Qaida. We did not have information connecting him to al-Qaida. We had some information that in an around-about way connected him to terrorists in a particular place but not an international terrorist organization.

So here you had a situation where he was talking to some terrorists, he looked to be interested in engaging in activity that could result in terrorism here in the United States, but the two requirements to get a warrant—either that he was involved in state-sponsored terror with a particular country or a particular international terror organization—could not be proved. And as a result, either legitimately or not legitimately, the FBI did not authorize a warrant to search his computer, notwithstanding the fact there were some in our law enforcement community who wished to do that. And, of course, his computer was not searched until after September 11.

What the Schumer-Kyl bill does is to correct this one little deficiency in the statute to bring it up to date, literally from the time it was created back in the cold war days, to today's environment in which you have amorphous terrorist groups floating around with individuals freely associating amongst them, or perhaps even not at all with them but engaged in terror.

What it does is to correct this problem with the statute by adding just three words—''or foreign person''—to the targets of the warrant. So an individual would be the subject of a warrant if you could show you had probable cause to believe the individual was engaged in or planning to engage in an act of terrorism and either was doing so on behalf of another country, an international terrorist organization, or the person himself is a foreign person.

So you have the connection of two things. You have a potential act of terror and a foreign person. And that is

basically the same rationale that exists with respect to the rationale for the original FISA law and warrants authorized thereunder.

By adding to the definition of ''foreign power,'' a ''foreign person,'' ''a foreign person,'' you include the kind of case Moussaoui presented to us where we knew we wanted to look into his affairs. We could not do so under FISA because we couldn't connect him to a foreign power or terrorist organization, and yet as the facts definitely indicated, it was somebody we should have been able to, whose computer we should have been able to search prior to September 11.

Let me be a little more specific about this case because there are those who will wonder whether or not maybe we are opening the FISA statute up to potential abuse of American citizens—the answer to that is no—by our definition, or that guests of the United States, foreign persons who were here on, let's say, a nonimmigrant visa, such as Moussaoui—that maybe their rights would be violated. I want to make it clear that that would not be the case.

We are familiar with the FBI special agent from Minneapolis, Coleen Rowley, who wrote the famous memo relating to Zacarias Moussaoui. She testified before the Intelligence and Judiciary Committees that she believed this kind of additional authority not only was warranted but was necessary for people like her in the field offices to do their work and she did not believe that would raise any additional questions; that it was an essential part of the tools the individuals in her position would need.

Director Mueller of the FBI, as well, indicated in testimony that he believed the current limited foreign power definition would have made it difficult for the FBI to secure a FISA warrant against any of the September 11 hijackers. And in fact he noted to the committee:

> Prior to September 11, of the 19 or 20 hijackers, we had very little information as to any one of the individuals being associated with a particular terrorist group.

So what this amendment does is deal with two situations. The first is where you literally have the lone wolf, a terrorist acting on his or her own behalf unconnected to an international terrorist organization or foreign power but who is a foreign person in this country planning to commit an act of terrorism against Americans. That is exactly what the FISA warrants are supposed to be getting at or are supposed to enable us to collect information on. Yet under the current statute that would not be possible. This solves the lone wolf problem.

It also solves the Moussaoui problem, which is the case of an individual who you think is associated with terrorists but you cannot prove that, but you definitely have the probable cause to think there is an act of terror being planned and, therefore, you seek the warrant. It would be authorized under the foreign persons provision we are adding, and you then could connect the individual to an international terrorist organization or foreign power. That is what eventually occurred with respect to Moussaoui.

The point is, we are no longer just looking at the FISA warrant to prosecute someone for a crime that has been committed. The entire effort of the Congress, the intelligence community, and the administration after September 11 was to add a mission as a superior mission to the law enforcement after-the-fact-prosecution-of-crime mission of the FBI, and that new mission was to try to prevent or preempt crimes from occurring in the first instance. So the FBI has been reorganized to go out and seek information on potential terrorists and be able to prevent the terrorist attack before it occurs.

If it occurs, they can still do the second function, which is to prosecute after the fact. But the first object of the game is to prevent it from happening in the first place. That is the way they have been reorganized.

What they are now going to try to do is, using statutes such as the FISA statute, to uncover information with respect to people about to commit acts of terror and stop it from occurring. But without the change in the Schumer-Kyl bill, we are leaving one great big loophole available to the terrorists. That is the terrorist who is either acting on his own or the terrorist who, while acting on behalf of an international terrorist organization or state, has not yet clearly signalled that to our law enforcement officials to the point that we can succeed in getting a FISA warrant.

Our change will enable us to get the warrant and then tie the individual to the international terrorist organization or foreign state, if that, in fact, is the state of information.

Let me go on with respect to the Moussaoui case to illustrate how this would work. The agent from the Minneapolis FBI office described to the Judiciary and Intelligence Committees how that office opened the investigation of Moussaoui on August 15, 2001. The dates are very important. This was a month before the attack on the World Trade Center and the Pentagon. The Minneapolis agents arrested Moussaoui on immigration charges at that time and applied for a FISA warrant to search his belongings.

But as the FBI's deputy general counsel stated before the two committees, although Moussaoui was found to have some association with Chechen terrorists, the evidence was inadequate to show that he served as an agent of that group or that he had any links whatsoever to al-Qaida.

So as the FBI deputy general counsel confirmed, it was the strength of Moussaoui's connection to the Chechens, not a misunderstanding of whether they constituted a recognized foreign power for FISA purposes, as the Washington Post originally suggested, that ultimately prevented the issuance of a warrant. As a result, for 3 weeks prior to the September 11 attack, the FBI was unable to search Moussaoui's computer or his papers.

After the trade center and Pentagon attacks, and largely because of them, the FBI received a criminal warrant to search Moussaoui. Among other things, the information in his effects linked him to two of the actual hijackers and to a high-level organizer of the attacks recently arrested in Pakistan.

Nobody can say whether this information necessarily would have allowed us to stop the September 11 conspiracy. But everyone would agree that access to this information would have been very helpful and could have enabled us to do more than we did. Once they had evidence that he was involved in international terrorism, the full FISA tools would have been available to them, regardless of whether they could be linked to a particular group. But instead, the outdated and unnecessary requirement in the statute to link him to a specific international group prevented the FBI agents from pursuing what turned out to be the very best lead they had prior to the September 11 attacks.

We have looked into this. We have had several people testify before our committee on behalf of the administration in support of this three-word change to the FISA statute. Yet it has been very difficult for us to get action.

It is true that the legislation has not been marked up in the Judiciary Committee, but, frankly, the chairman has not afforded us that opportunity. Notwithstanding the fact that we have had testimony in several different hearings of two different committees, we have not been able to get the bill as a freestanding bill to the floor for consideration by the Senate.

There is an opportunity for us to attach it as an amendment. As I said, the best opportunity is the authorization bill of the intelligence community. This is the perfect opportunity for us to do so.

There will be those who will say the bill has not gone through the regular order of the committees and, therefore, it should not be included on the authorization bill of the intelligence community.

The response to that is twofold: First of all, at this stage in the session, in these last few days, we will see hundreds of bills come through here, hotlined—the phrase we use—bills that will be put at the desk. Members will be asked whether they have any objection to these bills. If there are no objections, they will pass by unanimous consent bills that never saw a markup in committee. Some legislation will be brought over from the House of Representatives that was not even considered in a hearing in a Senate committee. That is the way at the end of the session a lot of legislation is dealt with. There would be no reason for

something such as this not to be dealt with in the same way.

The second reason I submit is, we are in a war. Certainly we should not put form above substance in these circumstances. If we all agree that it makes sense to do what the FBI and the Justice Department and the intelligence community are asking for—to add three words to the FISA statute so that we don't have another case like the Moussaoui case, so that we are able to look at the effects of someone who we believe is engaged in terrorism against Americans or is planning to be engaged in it, even though we can't connect them yet to a specific terrorist organization—if we believe that that is a good thing, then we should find the very first legislative vehicle we can to attach this amendment in order to effect that change.

Time is very short. We will have to get it over to the House of Representatives, which will have to act in the same truncated fashion in order to send the bill to the President. We can do that if it is part of the intelligence authorization conference report because both bodies can approve the legislation at the same time and have it sent to the President and signed in a matter of days. So this is the best opportunity for us to do that—unless we are going to put form over substance.

Let me make this sober point. A lot of our colleagues have pointed fingers at different people in the intelligence community. They have criticized procedures and policies of the intelligence community, and by that I mean our law enforcement community has been criticized, even by name.

It has been said there was a massive intelligence failure prior to September 11. I am part of a joint investigative committee looking into the events from an Senate Intelligence Committee standpoint—events prior to September 11—as a member of the Senate Intelligence Committee.

Almost every one of us has spoken at one time or another about what we believe were defects in the way our law enforcement and intelligence community approached events prior to September 11. There has been enough information uncovered by now to know that things could have been done better. A lot of different people could have done better than they did.

Could we have prevented September 11? Nobody has gone that far. We could have come a lot closer. The Zacarias Moussaoui case is a good example of it. Today, we are in a situation where the Moussaoui kind of case could easily be replicated tomorrow. It could be the situation that is underway right now. It could be that someone such as this plans an attack and, God forbid, even carries out an attack, and later people are going to ask the question: What could we have done about that?

If we don't find a way to make this change now, in the last very few days of this legislative session, we are going to be passing up an opportunity to save American lives. We would not be able to look at ourselves in the mirror if something similar to this happened again and we had failed to make this change. It is certainly not a preposterous thought that it could happen. It has already happened.

Our law enforcement community and intelligence community have told us this is a problem in today's environment. It is no longer the cold war, where you were just dealing with the Soviet Union or the Red Brigade. You are dealing now with people who have very loose affiliations—if any at all—but they are still terrorists. Our law didn't contemplate that when it was written. So now we have to fix the law.

There is no reason not to make this change. Violate American civil rights? No. By its definition, it only applies to foreign persons. It cannot possibly violate the constitutional rights of any American—by its definition, it cannot.

Are we concerned about the constitutional rights of a non-American?

Now, non-Americans do have certain rights in this country, but they do not have the right of the fourth amendment search and seizure prohibitions in the context of a statute such as the FISA statute, which has been upheld as constitutional.

So as long as there is the foreign nexus there, and you are not talking about a U.S. citizen, again, it is impossible to be violating somebody's rights. The warrant request still has to be made to a judge. The judge still has to sign off on it. You still have to have the evidence backing up your belief that the individual is planning to or is in the act of engaging in an act of terror. So this isn't just some two-bit street criminal you are talking about. It has to be somebody on whom you have some evidence with respect to terrorism. It has to be a foreign person. If that person is in the United States, and if the terrorist act is focused on Americans, then you should have the right under the FISA statute to look further.

That is all this statute does. It enables you to go to a judge and say: Judge, will you please issue a warrant so that we can open up this guy's computer and see whether he really is engaged in an act of terrorism against American citizens?

That is what we are talking about, and it is all we are talking about. I just ask any Member of this body who disagrees with me to please come down here, if not tonight, then tomorrow or the next day or approach me in the hallway or call my office and tell me why they would not support us.

What I don't want to happen is that there is some anonymous objection—a so-called hold—put on the bill, so that I have to try to track down who it is who anonymously objects to what we are trying to do. This is too important for the sake of America's security.

By the way, I have no idea that any one of my colleagues necessarily objects to what I am trying to accomplish. But what I am saying is that we don't have time now to fool around with this and go through the delays that sometimes accompany the consideration of legislation toward the end of a session. I need to know who, if anyone, really does have an objection so I can meet with that individual and try to assure her or him that there is no problem with this piece of legislation.

It has been vetted by the administration. The administration supports it. It has the support of those who have testified before our committees. The Office of Legal Counsel has confirmed that the amendment is well within the Constitution. I will quote that in a moment.

So if there is any objection, we need to know what it is. We intend to include it in the Intelligence Committee authorization bill, and, obviously, that is a bill that must pass the Senate and the House. We don't want it to be held up because of somebody's concern about our particular amendment.

With regard to this question of constitutionality, I direct your attention to a July 31, 2002, letter presenting the views of the U.S. Department of Justice on S. 2586. It announces the Department's support for the bill and provides ''a detailed analysis of the relevant fourth amendment case law in support of the Department's conclusion that the bill would satisfy constitutional requirements.''

So there is no reason for anyone to object to the bill on constitutional grounds, and, obviously, I can see no other grounds on which anyone would raise any questions. The Department of Justice, in particular, emphasized that ''anybody monitored pursuant to the bill would be someone who, at the very least, is involved in terrorist acts that transcend national boundaries in terms of the means by which they are accomplished, the persons they appear intended to coerce or intimidate, or the locale in which the perpetrators operate or seek asylum''—50 U.S.C., section 1801(c)(3).

As a result, the Department says:

> A FISA warrant would still be limited to collecting forward intelligence for the international responsibilities of the United States and the duties of the Federal Government to the States in matters involving foreign terrorists.

That is the test supplied by U.S. v. Duggan, a Second Circuit case, 1984, which presents the relevant test. Therefore:

> The same interests and considerations that support the constitutionality of FISA as it now stands would provide the constitutional justification for S. 2568.

Mr. President, I think there is no question of constitutionality, there is no question of need, and there is no question about the timing requirement that we act now. Therefore, I urge my colleagues to support the Schumer-Kyl legislation to enable us to include it as part of the authorization bill for our Intelligence Committee. If there is any question about whether or not their support would be there, bring that to

my attention at the earliest moment so that we won't have an issue.

I have assured Senator GRAHAM of Florida, chairman of the Select Committee on Intelligence, of my commitment to ensure that the authorization bill is passed and not to allow anything to interfere with that. At the same time, it seems to me our proposal here is so required, so commonsense, so timely, that it is appropriate to include it in the legislation and that the burden should be on someone who objects to demonstrate to us why they object, if in fact they do.

Mr. President, I ask unanimous consent to print in the RECORD at the conclusion of my remarks two documents: One is a Dear Colleague letter dated September 26, 2002, that was sent by Senator SCHUMER and I to our colleagues that describes in some detail S. 2586; and the other document is a statement for the RECORD of Marion E. ''Spike'' Bowman, Deputy General Counsel, the Federal Bureau of Investigation, in testimony before the Senate Select Committee on Intelligence, July 31, 2002.

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

(See exhibit 1.)

Mr. KYL. Mr. President, let me note a little bit what the second document is, and then I will conclude. What the Deputy General Counsel of the FBI testified before our committee was how terrorism has changed from the time the FISA statute was first enacted to what we see today. Let me quote a little bit from his statement:

> When FISA was enacted, terrorism was very different from what we see today. In the 1970s, terrorism more often targeted individuals, often carefully selected. This was the usual pattern of the Japanese Red Army, the Red Brigades and similar organizations listed by name in the legislative history of FISA. Today we see terrorism far more lethal and far more indiscriminate than could have been imagined in 1978. It takes only the events of September 11, 2001, to fully comprehend the difference of a couple of decades. But there is another difference as well. Where we once saw terrorism formed solely around organized groups, today we often see individuals willing to commit indiscriminate acts of terror. It may be that these individuals are affiliated with groups we do not see, but it may be that they are simply radicals who desire to bring about destruction.

Mr. President, he goes on then to relate that to the legislation that Senator SCHUMER and I introduced. Let me quote a little more. What he says is:

> . . . we are increasingly seeing terrorist suspects who appear to operate at a distance from these organizations. In perhaps an oversimplification, but illustrative nevertheless, what we see today are (1) agents of foreign powers in the traditional sense who are associated with some organization or discernible group (2) individuals who appear to have connections with multiple terrorist organizations but who do not appear to owe allegiance to any one of them, but rather owe allegiance to the International Jihad movement——

Parenthetically, Mr. President, which is not a terrorist organization——

> and (3) individuals who appear to be personally oriented toward terrorism but with whom there is no known connection to a foreign power.

Let me skip in the interest of time. Agent Bowman goes on to say:

> During the decade-long Soviet/Afghan conflict, anywhere from 10,000 to 25,000 Muslim fighters representing some forty-three countries put aside substantial cultural differences to fight alongside each other in Afghanistan. The force drawing them together was the Islamic concept of ''umma'' or Muslim community. In this concept, nationalism is secondary to the Muslim community as a whole. As a result, Muslims from disparate cultures trained together, formed relationships, sometimes assembled in groups that otherwise would have been at odds with one another and acquired common ideologies. . . .
>
> Following the withdrawal of the Soviet forces in Afghanistan, many of these fighters returned to their homelands, but they returned with new skills and dangerous ideas. They now had newly-acquired terrorist training as guerrilla warfare was the only way they could combat the more advanced Soviet forces.

These are the forces that after the Soviets were defeated in Afghanistan became a force that coalesced around, among others, Osama bin Laden, but not all of them associated specifically with Bin Laden. I quote further:

> Information from a variety of sources repeatedly carries the theme from Islamic radicals that expresses the opinion that we just don't get it. Terrorists world-wide speak of jihad and wonder why the western world is focused on groups rather than on concepts that make them a community.

This is the way we have organized our statutes. What he is telling us is we are not seeing it the way our enemies see it. They do not organize in groups. They do not have membership cards that say they are a member of al-Qaida. They have coalesced around an idea, not a group.

The agent concludes this way:

> The lesson to be taken from this is that al-Qaida is far less a large organization than a facilitator, sometimes orchestrator of Islamic militants around the globe. These militants are linked by ideas and goals, not by organizational structure.

He concludes by saying:

> The United States and its allies, to include law enforcement and intelligence components world-wide have had an impact on the terrorists, but they are adapting to changing circumstances. Speaking solely from an operational perspective, investigation of these individuals who have no clear connection to organized terrorism, or tenuous ties to multiple organizations, is becoming increasingly difficult.
>
> The current FISA statute has served the nation well, but the International Jihad Movement demonstrates the need to consider whether a different formulation is needed to address the contemporary terrorist problem.

That is the end of that quotation, Mr. President. Of course, he and others representing the Department of Justice went on to specifically endorse the Schumer-Kyl legislation to bring our current FISA statute up to date to conform to this new challenge about which Agent Bowan testified. That is the change we are trying to make.

To wrap this up, there are three words we would add to the FISA statute: ''or foreign person,'' so that if you can prove the terrorist is either a terrorist for an international terrorist organization or is a terrorist for another state, a country, or is acting for himself ''or foreign person'' are the words we use—in other words, he is a terrorist and a foreign person—any one of those three circumstances enable you to go to the judge and say: Here is our evidence that this individual is planning to engage in terrorism against people in the United States. Will you give us a warrant to search his computer, to search his personal effects, his home, or to put a wiretap on his telephone, whatever the case might be? The judge will then make a decision under the law, whether it is authorized or not.

If the court authorizes the issuance of the warrant, we can then look further to determine what this individual is seeking to do. We may find out it is an innocent situation or we may find out that the individual is just acting on his own but is a radical terrorist meaning to do harm to Americans or we may find, as in the case of Zacarias Moussaoui, that it turns out he is engaged as part of an international conspiracy with a specific organization, in this case al-Qaida, but we do not know that and cannot prove it going in. That is why the change we seek is so critical.

I ask my colleagues to support the inclusion of this amendment as part of the authorization bill for the intelligence community, and if there is any problem that anybody sees, to bring it to our attention so we can deal with that prior to that bill coming to the floor because we do not want to slow that bill down or stop it from being considered favorably on the Senate floor.

Mr. President, I urge my colleagues to support our amendment. It is for the good of the country, for our national security, and I say this in conclusion: If we fail to do this and it was our fault that someone utilized our legal system to plan an act of terror against Americans, and Americans are killed or injured as a result of our failure, then we would have nobody but ourselves to blame.

I am going to try as hard as I can to get this done, but anyone who stands in the way is going to have to stand accountable if, God forbid, something should happen and we are unable to get this accomplished before we close our session.

I urge my colleagues to please support Senator SCHUMER and me in ensuring we can get this important amendment accomplished before we adjourn for the year.

EXHIBIT 1

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, DC, September 26, 2002.

DEAR COLLEAGUE: We have introduced S. 2586—the Schumer/Kyl ''Moussaoui exception'' bill—as an amendment to the Homeland Security bill. S. 2586 would amend the

Foreign Intelligence Surveillance Act (FISA) to reach any foreign visitor to the United States who is believed to be involved in international terrorism, regardless of whether that person is known to be an agent of a foreign government or terror group. The bill is designed to make it easier for the FBI to monitor suspected lone-wolf terrorists such as alleged 20th hijacker Zaccarias Moussaoui.

The Senate Select Committee on Intelligence held a hearing on S. 2586 on July 31, 2002. The Department of Justice has endorsed the bill in a Statement of Administration Policy, which we have attached for your review. Below is our explanation of the workings of the bill and an examination of those facts that we believe show that this change is necessary. We hope that you will join us in supporting this important legislation.

The Foreign Intelligence Surveillance Act requires that in order for a warrant to issue under that law, a court must find probable cause to believe that the target of the warrant is either an agent of, or is himself, a ''foreign power''—a term that is currently defined to only include foreign governments or international terrorist organizations. Requiring a link to governments or established organizations may have made sense when FISA was enacted in 1978; in that year, the prototypical FISA target was a Soviet spy or a member of one of the hierarchical, military-style terror groups of that era, such as West Germany's Baader-Meinhof gang or the Red Army Faction. Today, however, the United States faces a much different threat. We are principally confronted not by a specific group or government, but by a movement. This movement—of Islamist extremists—does not maintain a fixed structure or membership list, and its adherents do not always advertise their affiliation with this cause.

S. 2586 will help the United States to meet this threat by expanding FISA's definition of ''foreign power.'' In addition to governments and organized groups, that term, under the bill, would also include ''any person, other than a United States person, or group that is engaged in international terrorism or activities in preparation therefor.'' With this change, U.S. intelligence agents would be able to secure a FISA warrant to monitor a foreign visitor to the United States who is involved in international terrorism—even if his links to foreign government or known terror groups remain obscure.

The role of the foreign-power requirement in obstructing pre-September 11 investigations of Zaccarias Moussaoui was confirmed in dramatic testimony before the House and Senate Intelligence Committees on Tuesday of this week. An agent from the Minneapolis FBI office described to the Committees how that office opened an investigation of Moussaoui on August 15, 2001. Minneapolis agents arrested Moussaoui on immigration charges and applied for a FISA warrant to search his belongings. But as the FBI's Deputy General Counsel stated on Tuesday before the Committees, although Moussaoui was found to have some associations with Chechen terrorists, the evidence was inadequate to show that he served as an agent of that group—or that he had any links to Al Qaeda. (Thus, as the FBI's Deputy General Counsel has confirmed, it was the strength of Moussaoui's connection to the Chechens—not a ''misunderstanding'' of whether the Chechens constitute a ''recognized'' foreign power for FISA purposes, as yesterday's Washington Post story suggested—that ultimately prevented the issuance of a warrant.) As a result, for three weeks prior to the September 11 attacks, the FBI was unable to search Moussaoui's computer or his papers.

After the Trade Center and Pentagon attacks—and largely because of them—the FBI received a criminal warrant to search Moussaoui. Among other things, the information in his effects linked Moussaoui to two of the actual hijackers, and to a high-level organizer of the attacks who was recently arrested in Pakistan.

No one can say whether this information would have allowed the FBI to stop the September 11 conspiracy. But all must agree that the FBI should have access to this information. Once U.S. agents had evidence that Moussaoui was involved in international terrorism, the full tools of FISA should have been available to them—*regardless* of whether Moussaoui could be linked to a particular group. Instead, this outdated and unnecessary requirement blocked U.S. intelligence agents from pursuing their best lead on the eve of the September 11 attacks. Indeed, according to FBI Director Mueller, the current standard probably would have prevented the FBI from using FISA against *any* of the September 11 hijackers. As the Director noted in his testimony before the Judiciary Committee earlier this year, ''prior to September 11, [of] the 19 or 20 hijackers, * * * we had very little information as to any one of the individuals being associated with * * * * a particular terrorist group.''

Several congressional Committees have now conducted investigations and held hearings examining why our intelligence services failed to prevent the September attacks. Those hearings and investigations uncovered a substantial defect in the current law—a defect that may have prevented the United States from stopping that conspiracy, and is likely to hinder future investigations. Simply put, our laws are no longer suited to the type of threat that we face. It is now incumbent on Congress to act on what it has learned.

We hope that you will join us in supporting our ''Moussaoui fix'' amendment to the Homeland Security bill, should a roll call vote on that amendment be required.

If you have any questions, please contact Jim Flood in Senator Schumer's office at 4–7425 or Joe Matal in Senator Kyl's office at 4–6791.

Sincerely,

CHARLES SCHUMER.
JON KYL.

U.S. DEPARTMENT OF JUSTICE,
OFFICE OF LEGISLATIVE AFFAIRS,
Washington, DC, July 31, 2002.

Hon. BOB GRAHAM,
Chairman, Select Committee on Intelligence, U.S. Senate, Washington, DC.

Hon. RICHARD C. SHELBY,
Vice-Chairman, Select Committee on Intelligence, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN AND MR. VICE CHAIRMAN: The letter presents the views of the Justice Department on S. 2586, a bill ''[t]o exclude United States persons from the definition of 'foreign power' under the Foreign Intelligence Surveillance Act of 1978 relating to international terrorism.'' The bill would extend the coverage of the Foreign Intelligence Surveillance Act (''FISA'') to individuals who engage in international terrorism or activities in preparation therefor without a showing of membership in or affiliation with an international terrorist group. The bill would limit this type of coverage to non-United States persons. The Department of Justice supports S. 2586.

We note that the proposed title of the bill is potentially misleading. The current title is ''To exclude United States persons from the definition of 'foreign power' under the Foreign Intelligence Surveillance Act of 1978 relating to international terrorism.'' A better title, in keeping with the function of the bill, would be something along the following lines: ''To expand the Foreign Intelligence Surveillance Act of 1978 ('FISA') to reach individuals other than United States persons who engage in international terrorism without affiliation with an international terrorist group.''

Additionally, we understand that a question has arisen as to whether S. 2586 would satisfy constitutional requirements. We believe that it would.

FISA allows a specially designated court to issue an order approving an electronic surveillance or physical search, where a significant purpose of the surveillance or search is ''to obtain foreign intelligence information.'' Id §§1804(a)(7)(B), 1805(a). Given this purpose, the court makes a determination about probable cause that differs in some respects from the determination ordinarily underlying a search warrant. The court need not find that there is probable cause to believe that the surveillance or search, in fact, will lead to foreign intelligence information, let alone evidence of a crime, and in many instances need not find probable cause to believe that the target has committed a criminal act. The court instead determines, in the case of electronic surveillance, whether there is probable cause to believe that ''the target of the electronic surveillance is a foreign power or an agent of a foreign power,'' id. §1805(a)(3)(A), and that each of the places at which the surveillance is directed ''is being used, or about to be used, by a foreign power or an agent of a foreign power,'' id. §1805(a)(3)(B). The court makes parallel determinations in the case of a physical search. Id. §1824(a)(3) (A), (B).

The terms ''foreign power'' and ''agent of a foreign power'' are defined at some length, id. §1801(a), (b), and specific parts of the definitions are especially applicable to surveillances or searches aimed at collecting intelligence about terrorism. As currently defined, ''foreign power'' includes ''a *group* engaged in international terrorism or activities in preparation therefor,'' id. §1801(a)(4) (emphasis added), and an ''agent of a foreign power'' includes any person who ''knowingly engages in sabotage or international terrorism or activities that are in preparation therefor, for or on behalf of a foreign power,'' id. §1801(b)(2)(C). ''International terrorism'' is defined to mean activities that

(1) involve violent acts or acts dangerous to human life that are a violation of the criminal laws of the United States or of any State, or that would be a criminal violation if committed within the justification of the United States or any State;

(2) appear to be intended—

(A) to intimidate or coerce a civilian population;

(B) to influence the policy of a government by intimidation or coercion; or

(C) to affect the conduct of a government by assassination or kidnapping; and

(3) occur totally outside the United States, or transcend national boundaries in terms of the means by which they are accomplished, the persons they appear intended to coerce or intimidate, or the locale in which their perpetrators operate or seek asylum.

Id. §1801(c).

S. 2586 would expand the definition of ''foreign power'' to reach persons who are involved in activities defined as ''international terrorism,'' even if these persons cannot be shown to be agents of a ''group'' engaged in international terrorism. To achieve this expansion, the bill would add the following italicized words to the current definition of ''foreign power'': ''*any person other than a United States person who is, or a group that is,* engaged in international terrorism or activities in preparation therefor.''

The courts repeatedly have upheld the constitutionality, under the Fourth Amendment, of the FISA provisions that permit

issuance of an order based on probable cause to believe that the target of a surveillance or search is a foreign power or agent of a foreign power. The question posed by S. 2586 would be whether the reasoning of those cases precludes expansion of the term ''foreign power'' to include individual international terrorists who are unconnected to a terrorist group.

The Second Circuit's decision in *United States* v. *Duggan*, 743 F. 2d 59 (2d Cir. 1984), sets out the fullest explanation of the ''governmental concerns'' that had led to the enactment of the procedures in FISA. To identify these concerns, the court first quoted from the Supreme Court's decision in *United States* v. *United States District Court*, 407 U.S. 297, 308 (1972) (''Keith''), which addressed ''domestic national security surveillance'' rather than surveillance of foreign powers and their agents, but which specified the particular difficulties in gathering ''security intelligence'' that might justify departures from the usual standards for warrants: ''[Such intelligence gathering] is often long range and involves the interrelation of various sources and types of information. The exact targets of such surveillance may be more difficult to identify than in surveillance operations against many types of crime specified in Title III [dealing with electronic surveillance in ordinary criminal cases]. Often, too, the emphasis of domestic intelligence gathering is on the prevention of unlawful activity or the enhancement of the government's preparedness for some possible future crisis or emergency. Thus the focus of domestic surveillance may be less precise than that directed against more conventional types of crime.'' *Duggan*, 743 F.2d at 72 (quoting *Keith*, 407 U.S. at 322). The Second Circuit then quoted a portion of the Senate Committee Report on FISA. ''[The] reasonableness [of FISA procedures] depends, in part, upon an assessment of the difficulties of investigating activities planned, directed, and supported from abroad by foreign intelligence services and foreign-based terrorist groups. . . Other factors include the international responsibilities of the United States, the duties of the Federal Government to the States in matters involving foreign terrorism, and the need to maintain the secrecy of lawful counterintelligence sources and methods.'' Id. at 73 (quoting S. Rep. No. 95–701, at 14–15, reprinted in 1978 (U.S.C.C.A.N. 3973, 3983) (''Senate Report''). The court concluded:

''Against this background, [FISA] requires that the FISA Judge find probable cause to believe that the target is a foreign power or an agent of a foreign power, and that the place at which the surveillance is to be directed is being used or is about to be used by a foreign power or an agent of a foreign power; and it requires him to find that the application meets the requirements of [FISA]. These requirements make it reasonable to dispense with a requirement that the FISA Judge find probable cause to believe that surveillance will in fact lead to the gathering of foreign intelligence information.''

Id. at 73. The court added that, a *fortiori*, it ''reject[ed] defendants' argument that a FISA order may not be issued consisted with the requirements of the Fourth Amendment unless there is a showing of probable cause to believe the target has committed a crime.'' *Id*. at n.5. See also, e.g., *United States* v. *Pelton*, 835 F.2d 1067, 1075 (4th Cir. 1987); *United States* v. *Cavanagh*, 807 F.2d 787, 790–91 (9th Cir. 1987) (per then-Circuit Judge Kennedy); *United States* v. *Nicholson*, 955 F. Supp. 588, 590-91 (E.D. Va. 1997).

We can conceive of a possible argument for distinguishing, under the Fourth Amendment, the proposed definition of ''foreign power'' from the definition approved by the courts as the basis for a determination of probable cause under FISA as now written. According to this argument, because the proposed definition would require no tie to a terrorist group, it would improperly allow the use of FISA where an ordinary probable cause determination would be feasible and appropriate—where a court could look at the activities of a single individual without having to assess ''the interrelation of various sources and types of information,'' see *Keith*, 407 U.S. at 322, or relationships with foreign-based groups, see *Duggan*, 743 F.2d at 73; where there need to be no inexactitude in the target or focus of the surveillance, see *Keith*, 407 U.S. at 322; and where the international activities of the United States are less likely to be implicated, see *Duggan*, 743 F.2d at 73. However, we believe that this argument would not be well-founded.

The expanded definition shall would be limited to collecting foreign intelligence for the ''international responsibilities of the United States, [and] the duties of the Federal Government to the States in matters involving foreign terrorism.'' *Id*. at 73 (quoting Senate Report at 14). The individuals covered by S. 2586 would not be United States persons, and the ''international terrorism'' in which they would be involved would continue to ''occur totally outside the United States, to transcend national boundaries in terms of the means by which they are accomplished, the persons they appear intended to coerce or intimidate, or the locale in which their perpetrators operate or seek asylum.'' 50 U.S.C. §1801(c)(3). These circumstances would implicate the ''difficulties of investigating activities planned, directed, and supported from abroad,'' just as current law implicates such difficulties in the case of foreign intelligence services and foreign-based terrorist groups. *Duggan*, 743 F.2d at 73 (quoting Senate Report at 14). To overcome those difficulties, a foreign intelligence investigation ''often [will be] long range and involved[] the interrelation of various sources and types of information.'' *Id*. at 72 (quoting *Keith*, 407 U.S. at 322). This information frequently will require special handling, as under the procedures of the FISA court, because of ''the need to maintain the secrecy of lawful counterintelligence sources and methods.'' *Id*. at 73 (quoting *Keith*, 407 U.S. at 322). Furthermore, because in foreign intelligence investigations under the expanded definition ''[o]ften . . . the emphasis . . . [will be] on the prevention of unlawful activity or the enhancement of the government's preparedness for some possible future crisis or emergency,'' the ''focus of . . . surveillance may be less precise than that directed against more conventional types of crime.'' *Id*. at 73 (quoting *Keith*, 407 U.S. at 322). Therefore, the same interests and considerations that support the constitutionality of FISA as it now stands would provide the constitutional justification for the S. 2586.

Indeed, S. 2586 would add only a modest increment to the existing coverage of the statute. As the House Committee Report on FISA suggested, a ''group' of terrorist covered by current law might be as small as two or three persons. H.R. Rep. No. 95–1283, at pt. 1, 74 and n. 38 (1978). The interest that the courts have found to justify the procedures of FISA are not likely to differ appreciably as between a case involving such a group of two or three persons and a case involving a single terrorist.

The events of the past few months point to one other consideration on which courts have not relied previously in upholding FISA procedures—the extraordinary level of harm that an international terrorist can do to our Nation. The touchstone for the constitutionality of searches under the Fourth Amendment is whether they are ''reasonable.'' As the Supreme Court has discussed in the context of ''special needs cases,'' whether a search is reasonable depends on whether the government's interests outweigh any intrusion into individual privacy interests. In light of the efforts of international terrorists to obtain weapons of mass destruction, it does not seem debatable that we could suffer terrible injury at the hands of a terrorist whose ties to an identified ''group'' remained obscure. Even in the criminal context, the Court has recognized the need for flexibility is cases of terrorism. See *Indianapolis* v. *Edmond*, 531 U.S. 32, 44 (2000) (''the Fourth Amendment would almost certainly permit an appropriately tailored roadblock set up to thwart an imminent terrorist attack''). Congress could legitimately judge that even a single international terrorist, who intends ''to intimidate or coerce a civilian population'' or ''to influence the policy of a government by intimidation or coercion'' or ''to affect the conduct of a government by assassination or kidnapping,'' 50 U.S.C. §1801(c)(2), acts with the power of a full terrorist group or foreign nation and should be treated as a ''foreign power'' subject to the procedures of FISA rather than those applicable to warrants in criminal cases.

Thank you for the opportunity to present our views. Please do not hesitate to call upon us if we may be additional assistance. The Office of Management and Budget has advised us that from the perspective of the Administration's program, there is no objection to submission of this letter.

Sincerely,

DANIEL J. BRYANT,
Assistant Attorney General.

STATEMENT FOR THE RECORD OF MARION E. (SPIKE) BOWMAN, DEPUTY GENERAL COUNSEL, FEDERAL BUREAU OF INVESTIGATION, BEFORE THE SENATE SELECT COMMITTEE ON INTELLIGENCE, JULY 31, 2002

Mr. Chairman and members of the Committee, thank you for inviting me here today to testify on the legislative proposals concerning the Foreign Intelligence Surveillance Act (FISA). Holding this hearing demonstrates your collective and individual commitment to improving the security of our Nation. The Federal Bureau of Investigation greatly appreciates your leadership, and that of your colleagues in other committees on this very important topic.

The Foreign Intelligence Surveillance Act was written more than two decades ago. When adopted, the Act brought a degree of closure to fifty years of discussion concerning constitutional limits on the President's power to order electronic surveillance for national security purposes. A subsequent amendment brought physical search under the Act. In keeping with our standards of public governance, the proposals for the Act were publicly debated over a substantial period of time, compromises were reached and a statute eventually adopted. In the final analysis the standards governing when and how foreign intelligence surveillance or search would be conducted was a political one because it involved weighting of important public policy concerns surrounding both personal liberty and national security. That is how it should be.

In the intervening years FISA has proved its worth on countless occasions in preventing the occurrence or the continuation of harm to the national security. It has been a very effective tool and time has proved that this cooperative effort of the three branches of government can serve to protect the public without eroding civil liberties. Indeed, the legislative history shows that Congress intended that the Executive Branch

keep a focus on civil liberties by giving great care and scrutiny every application before it is presented to a judge. We believe that intent has been fulfilled. The fact that an Article III judge is the final arbiter of compliance serves to give additional confidence to the public that the intent of the statute is fulfilled.

When FISA was enacted, terrorism was very different from what we see today. In the 1970s, terrorism more often targeted individuals, often carefully selected. This was the usual pattern of the Japanese Red Army, the Red Brigades and similar organizations listed by name in the legislative history of FISA. Today we see terrorism as far more lethal and far more indiscriminate than could have been imagined in 1978. It takes only the events of September 11, 2001 to fully comprehend the difference of a couple of decades. But there is another difference as well. Where we once saw terrorism formed solely around organized groups, today we often see individuals willing to commit indiscriminate acts of terror. It may be that these individuals are affiliated with groups we do not see, but it may be that they are simply radicals who desire to bring about destruction. That brings us to the legislation being considered today.

The FBI uses investigative tools to try to prevent acts of terrorism wherever we can, but particularly to prevent terrorism directed at Americans or American interests. Most of our investigations occur within the United States and, for the most part, focus on individuals. Historically, terrorism subjects of FBI investigation have been associated with terrorist organizations. As a result, FBI has usually been able to associate an individual with a terrorist organization pled, for FISA purposes, as a foreign power. To a substantial extent, that remains true today. However, we are increasingly seeing terrorist suspects who appear to operate at a distance from these organizations. In perhaps an oversimplification, but illustrative nevertheless, what we see today are (1) agents of foreign powers in the traditional sense who are associated with some organization or discernible group, (2) individuals who appear to have connections with multiple terrorist organizations but who do not appear to owe allegiance to any one of them, but rather owe allegiance to the international Jihad movement and (3) individuals who appear to be personally oriented toward terrorism but with whom there is no known connection to a foreign power.

This phenomenon, which we have seen to be growing for the past two or three years, appears to stem from a social movement that began at some imprecise time, but certainly more than a decade ago. It is a global phenomenon which the FBI refers to as the International Jihad Movement. By way of background we believe we can see the contemporary development of this movement, and its focus on terrorism, rooted in the Soviet invasion of Afghanistan.

BACKGROUND

During the decade-long Soviet/Afghan conflict, anywhere from 10,000 to 25,000 Muslim fighters representing some forty-three countries put aside substantial cultural differences to fight alongside each other in Afghanistan. The force drawing them together was the Islamic concept of ''umma'' or Muslim community. In this concept, nationalism is secondary to the Muslim community as a whole. As a result, Muslims from disparate cultures trained together, formed relationships, sometimes assembled in groups that otherwise would have been at odds with one another and acquired common ideologies. They were also influenced by radical spiritual and temporal leaders, one of whom has gained prominence on a global scale—Usama Bin Liden.

Following the withdrawal of the Soviet forces from Afghanistan, many of these fighters returned to their homelands, but they returned with new skills and dangerous ideas. They now had newly-acquired terrorist training as guerrilla warfare was the only way they could combat the more advanced Soviet forces. They also returned with new concepts of community that had little to do with nationalism. Those concepts of community fed naturally into opposition to the adoption, and toleration, of western culture. As a result, many of the Arab-Afghan returnees united, or reunited, with indigenous radical Islamic groups they had left behind when they went to Afghanistan. These Arab-Afghan mujahedin, equipped with extensive weapons and explosives training, infused radicals and already established terrorist groups, resulting in the creation of significantly better trained and more highly motivated cells dedicated to jihad.

Feeding the radical element was the social fact that this occurred in nations where there was widespread poverty and unemployment. The success of the Arab intervention in Afghanistan was readily apparent, so when the Arab-Afghan returnees came home they discovered populations of young Muslims who increasingly were ready and even eager to view radical Islam as the only viable means of improving conditions in their countries. Seizing on widespread dissatisfaction with regimes that were brimming with un-Islamic ways, regimes that hosted foreign business and foreign military, many young Muslim males became eager to adopt the successful terrorist-related activities that had been successfully used in Afghanistan in the name of Islam. It was only a matter of time before these young Muslin males began to seek out the military and explosives training that the Arab-Afghan returnees possessed.

USAMA BIN LADEN

Usama bin Laden gained prominence during the Afghan war in large measure for his logistical support to the resistance. He financed recruitment, transportation and training of Arab nations who volunteered to fight alongside the Afghan mujahedin. The Afghan war was clearly a defining experience in his life. In a May, 1996 interview with Time Magazine, UBL stated: ''in our religion there is a special place in the hereafter for those who participate in jihad. One day in Afghanistan was like 1,000 days in an ordinary mosque.''

Although bin Laden was merely one leader among many during the Soviet-Afghan conflict, he was a wealthy Saudi who fought alongside the mujahedin. In consequence, his statute with the fighters was high during the war and he continued to rise in prominence such that, by 1998, he was able to announce a ''fatwa'' (religious ruling) that would be respected by far-flung Islamic radicals. In short, he stated that it is the duty of all Muslims to kill Americans: ''in compliance with God's order, we issue the following fatwa to all Muslims: the ruling to kill the Americans and their allies, including civilians and military, is the individual duty for every Muslim who can do it in any country in which it is possible to do it.''

Bin Laden was not alone in issuing this fatwa. It was signed as well by a coalition of leading Islamic militants to include Ayman Al-Zawahiri (at the time the leader of the Egyptian Islamic Jihad), Abu Yasr Rifa'i Ahmad Taha (Islamic Group leader) and Sheikh Fazl Ur Rahman (Harakat Ul Ansar leader). The fawa was issued under the name of the International Islamic Front for Jihad on the Jews and Christians. This fawa was significant as it was the first public call for attacks on Americans, both civilian and military, and because it reflected a unified position among recognized leaders in the radical Sunni Islamic community. In essence, the fatwa reflected the globalization of radical Islam.

There is a terrorist network of extremists that has been evolving in the murky terrain of Southwest Asia that uses its extremist views of Islam to justify terrorism. His organization, al Qaeda is but one example of this network.

AL QAEDA

Although Al-Qaeda functions independent of other terrorist organizations, it also functions through some of the terrorist organizations that operate under its umbrella or with its support, including: the Al-Jihad, the Al-Gamma Al-Islamiyya (Islamic Group—led by Sheik Omar Abdel Rahman and later by Ahmed Refai Taha, a/k/a ''Abu Yasser al Masri,''), Egyptian Islamic Jihad, and a number of jihad groups in other countries, including the Sudan, Egypt, Saudi Arabia, Yemen, Somalia, Eritrea, Djibouti, Afghanistan, Pakistan, Bosnia, Croatia, Albania, Algeria, Tunisia, Lebanon, the Philippines, Tajikistan, Azerbaijan, the Kashmiri region of India, and the Chechen region of Russia. Al-Qaeda also maintained cells and personnel in a number of countries to facilitate its activities, including in Kenya, Tanzania, the United Kingdom, Canada, and the United States. By banding together, Al-Qaeda proposed to work together against the perceived common enemies in the West—particularly the United States which Al-Qaeda regards as an ''infidel'' state which provides essential support for other ''infidel'' governments. Al-Qaeda responded to the presence of United States armed forces in the Gulf and the arrest, conviction and imprisonment in the United States of persons belonging to Al-Qaeda by issuing fatwas indicating that attacks against U.S. interests, domestic and foreign, civilian and military, were both proper and necessary. Those fatwas resulted in attacks against U.S. nationals in locations around the world including Somalia, Kenya, Tanzania, Yemen, and now in the United States. Since 1993, thousands of people have died in those attacks.

THE TRAINING CAMPS

With the globalization of radical Islam now well begun, the next task was gain adherents and promote international jihad. A major tool selected for this purpose was the promotion of terrorism training camps that had long been established in Afghanistan. It is important to note, that while terrorist adherents to what we have come to know as al Qaeda trained in the camps, many others did as well. For example, according to the convicted terrorist Ahmed Ressam, representatives of the Algerian Armed Islamic Group (GIA) and its off-shoot the Salafi Groups for Call and Combat (GSPC), HAMAS, Hizballah, the Egyptian Islamic Jihad (EIJ) and various other terrorists trained at the camps.

Ressam also reports that cells were formed, dependent, in part, on the timing of the arrival of the trainees, rather than on any cohesive or pre-existing organizational structure. As part of the training, cleric and other authority figures advised the cells of the targets that are deemed valid and proper. The training they received included placing bombs in airports, attacks against U.S. military installations, U.S. warships, embassies and business interests of the United States and Israel. Specifically included were hotels holding conferences of VIPs, military barracks, petroleum targets and information/technology centers. As part of the training, scenarios were developed that included all of these targets.

Ressam, who a not a member of al Qaeda, has stated that the cells were independent, but were given lists of the types of targets that were approved and were initiated into the doctrine of the international Jihad. Ressam explicitly noted that his own terrorism attack did not have bin Laden's blessing or his money, but he believed it would have been given had he asked for it. He did state that bin Laden urged more operations within the United States.

THE INTERNATIONAL JIHAD

We believe the suicide hijackers of September 11, 2001 acted in support of the 1998 fatwa which, in turn describes what we believe is the international jihad. During 1997 UBL described the ''international jihad'' as follows:

''The influence of the Afghan jihad on the Islamic world was so great and it necessitates that people should rise above many of their differences and unite their efforts against their enemy. Today, the nation is interacting well by uniting their efforts through jihad against the U.S. which has in collaboration with the Israeli government led the ferocious campaign against the Islamic world in occupying the holy sites of the Muslims. . . . [A]ny act of aggression against any of this land of a span of the hand measure makes it a duty for Muslims to send a sufficient number of their sons to fight off that aggression.''

In May of 1988, UBL gave an interview in which he stated ''God willing, you will see our work on the news. . . .'' The following August the East African embassy bombings occurred. That was bin Laden speaking, but it should be remembered that the call to harm America is not limited to al Qaeda. Shortly after September 11 Mullah Omar said ''the plan [to destroy America] is going ahead and God willing it is being implemented. . . .'' Sheikh Ikrama Sabri, a Palestinian Mufti, said in a radio sermon in 1997, ''Oh Allah, destroy America, her agents, and her allies! Cast them into their own traps, and cover the White House with black!'' Ali Khameine'i, in 1998, said ''The American regime is the enemy of [Iran's] Islamic government and our revolution.'' There are many other examples, but the lesson to be drawn is that al Qaeda is but one faction of a larger and very amorphous radical anti-western network that uses al Qaeda members as well as others sympathetic to al Qaeda's ideas or that share common hatreds.

Information from a variety of sources repeatedly carries the theme from Islamic radicals that expresses the opinion that we just don't get it. Terrorists world-wide speak of jihad and wonder why the western world is focused on groups rather than on the concepts that make them a community. One place to look at the phenomenon of the ''international jihad'' is the web. Like many other groups, Muslim extremists have found the Internet to be a convenient tool for spreading propaganda and helpful hints for their followers around the world. Web sites calling for jihad, or holy war, against the West are not uncommon.

One of the larger jihad-related Internet offers primers including ''How Can I Train Myself for Jihad.'' Traffic on this site, which is available in more than a dozen languages, increased 10-fold following the attacks, according to a spokesman for the site.

The lesson to be taken from this is that al Qaeda is far less a large organization than a facilitator, sometimes orchestrator, of Islamic militants around the globe. These militants are linked by ideas and goals, not be organizational structure. The intent is establishment of a state, or states ruled by Islamic law and free of western influence. Bin Laden's contribution to the Islamic jihad is a creature of the modern world. He has spawned a global network of individuals with common, radical ideas, kept alive through modern communications and sustained through forged documents and money laundering activities on a global scale. While some may consider extremist Islam to be in retreat at the moment, its roots run deep and exceedingly wide. Those roots take many forms, one of which is the focus of this hearing.

In the final analysis, the International Jihad movement is comprised of dedicated individuals committed to establishing the umma through terrorist means. Many of these are persons who attended university together, trained in the camps together, traveled together. Al Qaeda and the international terrorists remain focused on the United States as their primary target. The United States and its allies, to include law enforcement and intelligence components worldwide have had an impact on the terrorists, but they are adapting to changing circumstances. Speaking solely from an operational perspective, investigation of these individuals who have no clear connection to organized terrorism, or tenuous ties to multiple organizations, is becoming increasingly difficult.

The current FISA statute has served the nation well, but the International Jihad Movement demonstrates the need to consider whether a different formulation is needed to address the contemporary terrorism problem. While I cannot discuss specific cases in a public hearing, the FBI has encountered individuals who cannot be sufficiently linked to a terrorist group or organization as required by FISA. The FBI greatly appreciates the Committee's consideration of this issue and looks forward to working with the Committee to find the best approach for appropriate investigation of such individuals.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

MORNING BUSINESS

Mr. DASCHLE. Mr. President, I ask unanimous consent that the Senate proceed to a period for morning business, with Senators permitted to speak for up to 10 minutes.

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

TRIBUTE TO SHEILA C. JOY

Mr. THURMOND. Mr. President, I rise today to pay tribute to my good friend Sheila C. Joy for her devoted service to the United States Department of Justice.

Sheila C. Joy was born in Springfield, MA, and graduated from the University of Massachusetts. After two years of civilian service in the United States Air Force, Mrs. Joy began her career with the United States Department of Justice. Beginning as a Staff Assistant, she successfully worked through the ranks and is presently a program manager responsible for reviewing judicial appointments in the Office of Policy Development. she has made great strides to ensure United States judges are fairly appointed to the bench, and I am honored to have had the opportunity to work so closely with here.

The Department of Justice is a better organization because of Mrs. Joy's hard work, and she can take great pride in all she has accomplished during her tenure. She is to be commended for her integrity, dedication, and fairness in reviewing judicial appointments. Mrs. Joy has been an outstanding model of excellence to the numerous men and women she has worked with during her thirty five years with the Department of Justice, and I am certain she will continue to set a fine example for others to follow as she continues her career. She is an excellent asset to the American justice system, and I applaud her for the positive impact she had made.

It has been a privilege to have worked with such an outstanding lady. Again, I want to thank Mrs. Joy for all of her tireless efforts and for the friendship she has provided me during our many years of working together. I wish Mrs. Joy and her three lovely children the best of luck in all future endeavors, and may the years to come bring good health and happiness.

MASSACHUSETTS MEMORIAL SERVICE

Mr. KENNEDY. Mr. President, I am honored to join all of you, the families of loved ones from across our Commonwealth who lost their lives last September 11.

We come to this birthplace of liberty to remember, to give honor, and to express our resolve.

All around us in this historic place are the images of famous leaders who brought life and nationhood to the ideals that were attacked a year ago, on a day whose dawn had seemed almost uniquely American in its sunny optimism.

Etched on the wall around this stage are the names of heroes who gave their lives for our country on September 11, 2001. The list is heartbreaking, and it goes on and on. These heroes were famous in a different way, famous to their friends for their fabled jumpshot in a neighborhood park, or prized in their firms for a brilliance tempered by laughter, or celebrated by their young children as super-heroes, able to launch them into the air with an easy toss, and always there to catch them. They expected to pass the ball again, to make another trade or tell another joke, to come home that night and read a bedtime story.

Then they were gone, in the darkness at mid-morning which succeeded that sunny dawn. We mourn them for the years that were too few and the hopes that were unfulfilled. We praise them for the way they lived, and in so many cases for the bravery in the way they

died. And we as a country, as a community, as friends and neighbors and family, hold them in our hearts.

I spoke with a member of almost every family in Massachusetts who lost a loved one on the planes, or at Ground Zero in New York, or at the Pentagon. To those left behind, I say on this sad day: I know something of what you feel. To lose someone you love, and to lose them so suddenly, so unexpectedly, so terribly, to see them torn out of the fabric of life, is almost more than one can bear.

And then, although we know the passage of a year cannot heal that memory, we move on, because we have to, because they would want us to, and because there is still light left in the world, including the love they left us.

In a different time of grief, my brother Robert Kennedy quoted the ancient poet Aeschylus: ''In our sleep, pain, which cannot forget, falls drop by drop upon the heart until, in our own despair, against our will, comes wisdom through the awful grace of God.''

May God, this year and every year and every day, grant that grace to you the families.

And for all of us, there is something else that comes from last September 11. From the pain that day have come both wisdom and will.

We have learned anew the wisdom that as Americans, we are many, but we are also one.

On Flight 93, there was a unity of purpose and a fierce pride. Passengers who had never met before became a band of brothers and sisters, sacrificing their lives so that others might live. Many other individual acts of courage saved more lives than we can know or count at Ground Zero and the Pentagon.

People all across the country and of all ages asked what they could do, from giving their blood, to clearing rubble at the World Trade Center, to giving their dollars, to lending a shoulder to their neighbor to cry on. In countless ways, we came together, and founded a new American spirit of service to others.

The terrorists taught us a lesson different from the one they expected. They acted with hate, but we reached out to comfort and support one another with love. No one asked whether the rescuer leading them down the packed stairwell of the World Trade Center was rich or poor, Anglo or African-American or Hispanic, gay or straight. We gained a new determination as Americans to reject discrimination in all its hateful forms.

Out of the pain that day, Americans understood more powerfully than perhaps ever before the pledge of ''liberty and justice for all.''

To help those in need;
To give hope;
To share what we have;
To see suffering and try to heal it—

That is our lesson from this tragedy, and it is wisdom that must guide us over time. The new American spirit of service can and must become a new era of commitment to the ideals of compassion, equality, opportunity, and concern for one another. We as a society seek to save a life when a terrorist strikes, and we as a society must do as much when the terror or a dread disease strikes, or the terror of poverty steals opportunity.

May that legacy of 9/11, that legacy of love and compassion and caring, become our enduring tribute to all those who were lost.

Out of that day also came a new sense of national resolve and will. We are at war today, with a terrorism that has plagued too many places for too many years, and that has finally struck at the heart of America.

This is a conflict we did not seek, but must win, not alone for ourselves, but for the cause of freedom, tolerance and human rights around the world.

The ideas and ideals created long ago in this great hall have shaped the dreams of countless millions yearning to be free.

Now, as the greatest power on earth, we have a responsibility. Our gifts of strength and wealth and values can decide that the future will belong to the forces of hope and onto of hate.

This brighter future depends on victory against terrorism. It demands that we then continue in a long, tireless endeavor to make the world not only safer for us, but better for all. In our determination to defeat those who have attacked our people and our principles, we truly are ''one nation under God, indivisible.''

How true that was, how deeply we felt it, a year ago today. Together that day, we hurt and feared and hoped and prayed. And together now, we will prevail.

God bless all who were lost and all who lost them. God give us strength, and the wisdom to use it well. God bless America.

TRIBUTE TO SENATOR FRED THOMPSON

Mr. SHELBY. Mr. President, I rise today to pay tribute to Tennessee Senator FRED THOMPSON, a stalwart conservative with a long and colorful career in both the private and public sectors. Senator THOMPSON has always been a vocal and active proponent of reducing the role of the federal government, lowering the tax burden on Americans and allowing individuals the freedom to make their own choices. His remarkable rise to a position of influence among his fellow lawmakers is a testament to the passion of his beliefs. Senator THOMPSON has been a valuable member of the Senate, and his presence will be missed when he retires at the end of the 107th Congress. I would like to take this opportunity to commend my fellow Southern colleague for his dedicated work on behalf of the people of Tennessee and wish him the best of luck as he leaves the Senate.

Born in my home state of Alabama, Senator THOMPSON grew up in Lawrenceburg, TN. He worked his way through undergraduate school at Memphis State University and then law school at Vanderbilt. Two years later, he was named an Assistant United States Attorney in Nashville, where his outstanding record brought him to the attention of then Senator Howard Baker, who tapped him to be the minority counsel to the Senate Watergate Committee. Following two years on the Committee, Senator THOMPSON continued his high profile law career when he was appointed by incoming Governor Lamar Alexander to investigate outgoing Governor Ray Blanton. Senator THOMPSON added to his growing reputation by uncovering a cash for clemency scheme that ultimately sent Governor Blanton to jail. Over the next several years, Senator THOMPSON continued to practice law in Nashville and in Washington. He also continued his work with Congress, working as Special Counsel to the Senate Committee on Intelligence and the Senate Committee on Foreign Relations.

With an open election looming to fill the last two years of former Sen. Al Gore's term in 1994, Senator THOMPSON decided to enter the race. He championed his Tennessee roots, conservative values and desire to reform the Federal Government. His message resonated with the voters, who overwhelmingly supported him in the general election in 1994. In 1996, Senator THOMPSON was elected to a full term in the Senate, receiving more votes than any previous candidate for any office in Tennessee history.

Since joining the Senate, Senator THOMPSON has tirelessly worked to promote his conservative values. A fierce critic of federal bureaucracy, he has introduced legislation and held hearings aimed at producing a smaller, more efficient, and more accountable government. Through his work on the Finance Committee, he has focused his energy on reducing taxes, reforming the tax code and restoring Social Security and Medicare programs to long-term solvency. Admirably, he has always remained thoroughly independent and committed to his beliefs.

I have truly enjoyed working with Senator THOMPSON here in the Senate. He is a tremendous asset to the people of Tennessee and valuable member of the Republican party. I thank him for his many years of service and wish him the best in all future endeavors.

SOMALIA

Mr. FEINGOLD. Mr. President, today I wish to express my strong support for the efforts underway to establish clear systems for effective regulation and monitoring of Somali remittance companies. Right now, the United Nations Development Program is working to build the capacity of the Somali financial sector and to bring Somalis together with key stakeholders in the international banking community so that clear expectations, shared high

standards, and meaningful enforcement mechanisms can be established. Somali remittance companies can survive, and can contribute the development of the Somali people, only if this effort is successful. I applaud this undertaking, and believe that the United States should provide assistance where appropriate.

As the chairman of the Senate Foreign Relations Committee's Subcommittee on African Affairs, I held a hearing on U.S. policy options in Somalia earlier this year. In the wake of the attacks on September 11, I wanted to explore the issue of weak states, where manifestations of lawlessness such as piracy, illicit air transport networks, and traffic in arms and gemstones and people, can make the region attractive to terrorists and international criminals. The United States can no longer pretend that we have no stake in the fate of countries in distress—the Afghanistans and Somalias of our world, and the United States can no longer pretend that we can insulate ourselves from the difficult problems confronting those countries. We cannot ignore them, we cannot simply condemn them. We must work to strengthen state capacity and curtail opportunities for terrorists and other international criminals.

It is my intention to introduce legislation at the beginning of the 108th Congress aimed at focusing more coordinated and consistent attention on Somalia. The U.S. must work harder at providing an alternative to the extremist influences in Somalia by vigorously pursuing small-scale health and education initiatives. And we must help Somalia's surprisingly vigorous private sector, to begin building regulated, legitimate financial institutions in Somalia, which will be essential to any economic recovery in the country in the future. Otherwise, we leave it to illegitimate, shadowy forces to step into the breach.

One has only to meet a few of the many dynamic and committed Somalis who are working every day to build a better future for their countrymen to conclude that Somalia is not hopeless. But helping to rebuild capacity in Somalia will certainly not be easy. These efforts are important, and they deserve our attention and our support.

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 February 2000 in Tucson, AZ. A gay man was beaten outside a bar. The assailant, Franchot Opela, 27, called the victim, Fabian Padilla, 23, a ''faggot'' and then beat Padilla to the ground with both fists. Padilla was treated for severe eye and head injuries resulting from the attack.

I believe that Government's first duty is to defend its citizens, to defend them against the harms that come 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.

SUPPORT OF S. 1739

Ms. SNOWE. Mr. President, I rise today in support of legislation introduced by Senator CLELAND, S. 1739, which seeks to improve security on motorcoaches and over-the-road buses nationwide. I became a cosponsor of S. 1739 in the wake of a September 30 attack in which two people were killed and more than two dozen others injured after a Greyhound bus skidded off a California highway. The bus driver had been stabbed in the throat by a passenger.

While it quickly became known that the incident had no links to terrorism, it served as a stark reminder that a significant part of America's transportation network remains vulnerable to attack. Every year, motorcoaches and over-the-road buses carried an estimated 800 million passengers to 4,000 communities nationwide, far in excess of the passenger load carried by the airlines or Amtrak.

I believe that it is vitally important that we address bus security concerns highlighted by the recent attack. A critical component in our fight against terrorism is protecting the security of our transportation system, including buses. We have to assume that any facet of our transportation system remains a target for violence. Terrorists in Israel have targeted buses with deadly effectiveness. So we have to take steps, like S. 1739, which will move us toward a more secure system across every mode of transportation and across our transportation infrastructure.

S. 1739 provides funding to the motorcoach industry to enhance security at a time when improved security is increasingly necessary but when the industry is least able to make new investments. Other forms of commercial passenger transportation including Amtrak, the airline and transit agencies have all received sizeable funding commitments from Congress for security upgrades, and the motorcoach industry should not be ignored when it comes to safety.

Specifically, this bipartisan legislation provides $400 million in grants to be made by the Secretary of the Treasury for over-the-road bus transportation security. The grants must be used for specified system-wide security upgrades, including the reimbursement of security-related costs incurred since September 11, 2001. The grants will allow bus operators to protect drivers, implement passenger screening programs, and construct or modify facilities. Grants could also be used to train employees in terrorist threat assessments, hire and train security officers, and install video surveillance and emergency communication equipment.

Many of these upgrades have already been undertaken by the industry since September 11. This bill will supplement and reimburse the industry for these efforts.

Since 9/11, Members of Congress have shown broad bipartisan support for addressing the issue of bus security. In April, S. 1739 was unanimously approved by the Senate Committee on Commerce, Science and Transportation, of which Senator CLELAND and I are members. In May, a companion measure passed the House Transportation and Infrastructure Committee, also unanimously, and is pending on the House floor. Also, this summer Congress provided $15 million for that purpose in the Fiscal Year 2002 Supplemental Appropriation bill.

Given the fact that the intercity bus system is a crucial link in America's transportation system, I believe that Congress must act to secure that system against further attacks, and I strongly urge my colleagues to join me in a show of support for this legislation.

CIVIL LIBERTIES IN HONG KONG

Mr. FEINGOLD. Mr. President, I'd like to take a few minutes this morning to call attention to recent disturbing trends with regard to democracy and civil liberties in Hong Kong.

As you know, Hong Kong recently marked 5 years under the sovereignty of the People's Republic of China. When the territory reverted from British to Chinese control in 1997, China's communist rulers in Beijing promised to respect its autonomy for a period of 50 years under the so-called ''One Country, Two Systems'' formula. They also agreed Hong Kong would move toward direct elections by 2007.

At the same time, however, Article 23 of the so-called Basic Law that became Hong Kong's new constitution required that the territory adopt legislation prohibitting ''treason, secession, sedition or subversion'' against the Chinese Government in Beijing, as well as ''theft of state secrets.''

The Hong Kong Bar Association, among others, did not believe new legislation was necessary, since existing Hong Kong laws were sufficient to deal with legitimate national security concerns. But Beijing felt otherwise.

When Chinese President Jiang Zemin and Vice Premier Qian Qichen traveled to Hong Kong in July to commemorate the fifth anniversary of the handover, they reportedly made clear to Tung Chee-Hwa, their hand-picked chief executive, that they wanted an anti-subversion statute adopted without further delay.

Three weeks ago, Tung's administration obliged, unveiling a plan for new legislation to implement Article 23. Tung called the plan ''both liberal and reasonable.'' But it contains a number of provisions that could potentially seriously undermine civil liberties in Hong Kong.

For example, Tung's plan makes it an offense to organize or support the activities of organizations deemed by Beijing to threaten national security. It allows the police to enter and search private residences without a warrant to investigate suspected treason, sedition and subversion. It creates a new offense of ''secession,'' presumably for advocating independence for Tibet or Taiwan. Citizens would be legally obliged to report on alleged ''subversive'' activities of friends, neighbors and colleagues. Meanwhile, Journalists could face criminal penalites simply for reporting information about relations between Hong Kong and Beijing.

Perhaps the most disturbing element of this legislative proposal is that it represents a further intrusion of Beijing's anti-democratic legal concepts and practices into Hong Kong. Definitions of offenses are vague, giving the government broad discretion to decide whom it wants to prosecute, or silence through the threat of prosecution. Although Tung says he will uphold human rights and civil liberties as the ''pillars of Hong Kong's success,'' his Secretary of Security, Regina Ip, admits that, under the proposed legislation, she would essentially defer to Beijing to determine which organizations to prohibit. Falun Gong leaps to mind. The Dalai Lama's followers might also take heed.

Journalists and scholars have good reason to be concerned if the new legislation similarly incorporates Beijing's extremely broad definition of what constitutes a ''state secret.'' Rabiya Kadir, a Muslim businesswoman once feted by Beijing as a ''model minority,'' is currently serving an eight-year sentence under Beijing's state secrets law for mailing newspaper clippings to her husband in the United States. More recently, a prominent AIDS activist, Wan Yanhai, was detained for a month by the Beijing Bureau of State Security for leaking ''state secrets.'' His alleged offense was revealing that hundreds of thousands of Chinese people might have been infected with HIV through unsafe blood transfusions, information the authorities didn't think people needed to have.

Regina Ip, who has been acting as Tung's point person for the new anti-subversion law, has attempted to reassure the plan's critics by saying Hong Kong's highly regarded independent courts will be responsible for interpreting and applying the new law. However, it was her government that undermined the integrity of those courts three years ago when it appealed a high-court decision on immigration that it didn't like to the National People's Congress Standing Committee in Beijing, as is its prerogative under the Basic Law. Beijing overturned Hong Kong's Final Court of Appeal in that case, setting a dangerous precedent in the eyes of Hong Kong's pro-democracy community.

Ultimately then, as a columnist recently pointed out in the Financial Times, the bulwark against erosion of civil liberties in Hong Kong may not be the territory's excellent judiciary but its executive, and that is not a comforting thought given the track record of Hong Kong's executive over the past five years. Tung Chee-Hwa has tightened controls on public demonstrations. His government turned away more than 100 people who sought to travel to Hong Kong to demonstrate at July's fifth anniversary ceremonies, so as not to embarrass his VIP guests from Beijing. After winning a second five-year term in March in a process in which exactly 800 people participated, he introduced a new system allowing him to fill his cabinet with hand-picked political appointees without the advice or consent of Hong Kong's legislature. There is no indication yet of any plans to make the process more democratic in 2007.

More recently, when democracy advocates suggested that the Government make a detailed version of its proposed anti-subversion legislation available for public comment before the bill is formally introduced in the Legislative Council, Regina Ip replied as follows:

> Will taxi drivers, Chinese restaurant waiters, service staff at McDonald's hold a copy of the bill to debate with me article by article?

Ms. Ip's remarks reveal contempt for the right of the general public to be consulted about matters that concern it. Unfortunately, this attitude is not uncommon among the economic elite that runs Hong Kong. The Chamber of Commerce representative on the Legislative Council has openly remarked that popularly elected representatives would spend money irresponsibly if given power. Another well-known tycoon is fond of saying ''no representation without taxation,'' turning the motto of the founders of our American democracy on its head. In other words, Hong Kong's is a government of the wealthy, by the wealthy and for the wealthy.

Of course, Hong Kong did not enjoy democracy under British rule, either. The business of Hong Kong has always been business. The difference now is that the territory's capitalist elite has decided that currying favor with the communist dictators in Beijing is good for business. If some civil liberties need to be sacrificed in the process, they appear willing to accept the bargain.

Many observers perceive this attitude being reflected in a growing tendency toward self-censorship within Hong Kong's major media. For example, two years ago the South China Morning Post, which aspires to enter the Mainland Chinese market, replaced its veteran, hard-hitting China editor, Willy Lam, with the former editor of the Beijing-controled China Daily. Then, in April of this year, the paper's veteran Beijing bureau chief, Jasper Becker, was fired for insubordination after complaining that the paper's China coverage was being ''watered down.'' I should add, however, that to its credit, the Post has been strongly critical of the government's recent legislative proposal.

Hong Kong today remains a vibrant and cosmopolitan city whose citizens enjoy a degree of civil and economic liberties far surpassing that of most other countries. But whereas the trend in much of the world is toward greater democracy, in Hong Kong things appear to be headed in the other direction.

China's President Jiang Zemin will visit the United States later this month. President Bush may want to raise the issue of autonomy and civil liberties in Hong Kong with him. That would be entirely appropriate. But, I think that we as a society can send a far more powerful message to the people who rule Hong Kong in a language they will understand. Those individuals fully appreciate that their future depends on their ability to perpetuate Hong Kong's status as a global financial center. Geography is no longer sufficient to maintain that status. Rather, what makes Hong Kong Hong Kong, what makes thousands of talented people from throughout the world eager to live and work there, is its spirit, its vitality, its spontanaeity, its brashness, its ''anything goes'' attitude and its creativity. In the eyes of many, those qualities make Hong Kong one of the most exciting places on Earth.

Hong Kong's current rulers are set on a path that risks killing the goose that laid that golden egg. That's a message they need to hear not only from foreign politicians but from the international business community, the techno cognoscenti, the investors and the economic and cultural globe-trotters, voting with their feet and their pocketbooks. I encourage all such people who care about Hong Kong and about freedom to tell the Hong Kong authorities that, if Hong Kong sacrifices those things that make it unique and worth living in, we may as well set up shop in Shanghai.

NOTICE OF STUDY ON LOCAL ALL-DAY KINDERGARTEN PROGRAM

Mr. KENNEDY. Mr. President, I would like to alert my colleagues to a recently released study that shows great promise for all kindergartners, based on achievement gains in Montgomery County, MD. On October 1st, the Washington Post published key findings from a 2-year study of Montgomery County's intensive all-day kindergarten program. For the past 2 years, Montgomery County has lengthened the school day, decreased class sizes, and implemented a revised curriculum in its 17 highest-poverty schools.

The article highlights the rise in reading achievement for all students involved in the program, with low-income students making the most progress. In these 17 schools, 51 percent of the most disadvantaged children met reading benchmarks at the end of first grade while only 45 percent of poor children in the rest of the county did. Students made gains of over 50 percentage points in all ethnic groups, also narrowing the achievement gap by as much as 11 percent on some measures. Superintendent Weast attributes the program's success to additional training for teachers and principals.

We must address the needs of our youngest students before our lack of attention compounds the disadvantages that many of them already bring to school. If children do not read fluently by the end of third grade, we know that many of them never will. We should do all we can to support further success. The results in Montgomery County show that we can make a difference to children's lives.

I ask unanimous consent that an article entitled ''All-Day Kindergarten Posts Big Gains in Montgomery'' be printed in the RECORD.

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

[From the Washington Post, Oct. 1, 2002]

ALL-DAY KINDERGARTEN POSTS BIG GAINS IN MONTGOMERY

(By a Washington Post Staff Writer)

An intensive and expensive all-day kindergarten program in Montgomery County has produced significant gains for poor children and helped them begin to catch up with higher-performing peers, a new study to be released today shows.

In tracking the reading progress made by 16,000 youngsters over two years in kindergarten and first grade, the report found that not only did achievement rise for all students involved in the program in high-poverty schools, but low-income students showed bigger gains.

Further, the report found that both poor and middle-class students in high-poverty schools—contrary to expectation—either matched or outperformed their peers in schools elsewhere in the county, many of whom were in half-day kindergarten programs.

The most significant exception was for children who do not speak English, a finding that has prompted Superintendent Jerry D. Weast to pledge intensive phonics instruction at schools with the most children living in poverty. ''We are getting some emerging success,'' said a cautious Weast. ''We're learning that you can attack poverty, that you don't have to have low expectations just because a child is poor.''

The findings come at a time when the General Assembly has mandated full-day kindergarten for all Maryland schools as part of a new state aid formula. Montgomery's ''kindergarten initiative'' combines the longer day with smaller class sizes, a revised curriculum and additional teacher training.

Weast, who has won both praise and criticism for implementing the program first in the county's high-poverty schools, said the report vindicated his strategy and could prove a model for schools across the nation dealing with a vexing achievement gap that divides students along racial and poverty lines.

Indeed, the report found that the gap between higher-scoring white and Asian students and their African American and Latino peers had narrowed by as much as 11 points on some measures.

Other county and national studies have found that the achievement gap that largely divides middle-class and poor or non-English-speaking students is apparent on the first day of kindergarten and generally widens through the years, with one group of students on track for rigorous, college-prep courses and others for lower-level or remedial course work.

The Montgomery study found that the kindergarten initiative appears to be working well for children who live in poverty. In the 17 highest-poverty schools, 51 percent of the children considered poor enough to qualify for a federal lunch subsidy met reading benchmarks by the end of first grade, and only 45 percent of poor children elsewhere in the county did.

Despite the progress, officials said the gap still exists. Nearly 70 percent of the middle-class students in those schools met the same benchmark—about the same levels as their peers in other county schools.

The most troubling finding, Weast said, was for the limited English speakers, whose reading scores actually dipped slightly over the two years. And some of their scores on a test last spring of oral language, hearing and associating sounds with letters were lower by half than their English-speaking classmates.

Weast today will announce plans to introduce intensive phonics instruction in 18 schools that receive federal Title I funding for low-income students, the first such instruction ever in Montgomery County.

''It won't be drill and kill,'' Weast said, referring to often-maligned, repetitive basic skills programs. ''But it makes a lot of sense for kids who are hearing a different language at home and hear the intonations and sounds of words differently. They need to be able to unlock words so they can pronounce them and then read them.''

The kindergarten initiative began in 17 of the poorest schools in the fall of 2000. Seventeen more schools with large numbers of poor students were added in the fall of 2001. The report found impressive gains in both groups. This year, 22 schools have been added.

Research has found that if a kindergartner meets foundational benchmarks—such as recognizing letters and the sounds they represent and identifying simple words—they will be on track to read text by the end of first grade and able to read fluently by the end of third. Scientists have found that if children do not read fluently by then, many never will.

''We believe that is the key to academic rigor as they go up the grades,'' Weast said. ''Reading.''

Beyond touting results for poor children—a national dilemma that provided much of the impetus behind the federal No Child Left Behind law that took effect July 1—Weast said his report addresses middle-class parents' worries that their children will suffer academically at higher-poverty schools. The report found that such children scored on par with middle- and upper-middle-class students throughout the county.

''The nice thing about the changes we made is, you don't have to leave those schools now,'' Weast said, referring to middle-class flight that has affected some schools in the county's more diverse eastern side. ''This ought to give comfort to those parents to stay with us.''

School officials said some of the progress made over the two years may have a lot to do with the ''practice effect,'' the fact that teachers and principals are becoming used to the new curriculum and training. Still, the results over time are key, and officials plan to follow these 16,000 students for several years.

Studies have found that gains made by children in Head Start, the federal program designed to help impoverished 4-year-olds, evaporate by the time the students are in third or fourth grade: They perform similarly to children who never had the benefit of such a program.

School officials in Montgomery say they want to change that with the kindergarten initiative and have followed up with smaller class sizes and a new, more focused curriculum this year for grades 1 and 2.

The report has already garnered interest from the national education community.

Michael Cohen, a former assistant secretary of education in the Clinton administration who has worked with large school districts throughout the country, said he was impressed not only that the studies were detailed and sophisticated, but that Weast was willing to make changes because of them.

''That has not been a common practice in education around the country,'' he said. ''So it's important to note, and note when it's being done well.''

Michael Ben-Avie, a researcher with the Yale Child Development Center, evaluated early drafts of the report and praised Montgomery leaders for their ''willingness to undergo major change and for their willingness to really address the needs for our most vulnerable students.'' He found that the fact that the kindergarten initiative was a systematic overhaul and not a series of ad hoc pieces was what made it a powerful reform.

''They have been willing to take a sober-eyed view of the data and not try to cover it up, which happens a great deal,'' he said. ''This is remarkable. And the results show they're well on their way.''

GAO REPORT: FEMA'S HAZARD MITIGATION PROGRAMS

Mr. AKAKA. Mr. President, I rise to discuss the Federal Government's commitment to disaster mitigation and helping communities minimize the impact of natural and man-made hazards. Currently, the Senate is locked in a debate on how to help State and local officials prevent, prepare for, and respond to acts of terrorism. Homeland security will benefit from the Federal Emergency Management Agency's, FEMA, years of experience because disaster mitigation and terrorism preparedness have the same goal, helping people prepare for the worst.

FEMA's two multi-hazard mitigation programs, the post-disaster Hazard Mitigation Grant Program, HMGP, and the pre-disaster Project Impact program, are aimed at helping States and communities identify and address natural hazard risks they deem most significant.

In March 2001 the administration proposed the elimination of all pre-disaster mitigation funding because Project Impact was ''ineffective.'' After learning that there had been no formal review of the effectiveness of this or any multi-hazard mitigation program, I requested that GAO review FEMA's disaster mitigation efforts. I am happy to announce the release of this comprehensive and timely report.

The parameters of this study have changed in the past year. In the aftermath of the September 11 terrorist attacks, and the subsequent and prudent focus on homeland security, the Nation began noticing the relationship of predisaster mitigation programs to proposed new preparedness efforts for homeland security. I asked GAO to expand its study to include an assessment of how the increased emphasis on preventing and preparing for terrorism events is affecting natural hazard mitigation.

In March 2002 the administration proposed to change fundamentally FEMA's disaster mitigation strategy again by eliminating the HMGP. Currently, HMGP funding is issued to States after a presidentially declared disaster as a percentage of total Federal assistance, a process deemed ineffective and not cost-efficient by the administration. The administration instead is seeking to fund all mitigation through an expanded Project Impact-like program on a nationally competitive grant basis. The administration believes that such a program will ensure that mitigation funding remains stable from year to year and that the most cost-beneficial projects receive funding. At that time, I asked GAO to include this latest proposal.

GAO interviewed hazard mitigation officials from 24 states to get their perspectives on current FEMA programs and the administration's proposals. The States range from large population States, such as Florida and Illinois, to smaller States, such as Nebraska and Utah. GAO purposely selected both small and large States, containing urban and rural communities, that have received both small and large amounts of mitigation funding. Despite geographic differences, emergency management officials view FEMA's mitigation programs as successful and effective.

Emergency management officials described how, in addition to traditional ''brick and mortar'' programs, such as retrofitting buildings and relocating properties, mitigation effects can be intangible. Mitigation includes outreach activities, such as increasing public awareness and support for mitigation, building public-private partnerships to pool mitigation resources, and ever-important planning and risk assessment.

We must listen to these officials, the end-users of mitigation programs, when determining program success or failure. These dedicated men and women have many concerns over the administration's proposal. They worry that FEMA will lose the window of opportunity that exists after a disaster strikes if HMGP funds are not included in Federal assistance. This is when public and community interest in mitigating against future disasters is highest. They worry that a competitive grant system might exclude some States entirely from mitigation funding.

GAO also interviewed FEMA officials. FEMA headquarters and regional office personnel identified several challenges in implementing a national competitive grant program. Chief among them is establishing a process for comparing the costs and benefits of projects. Emergency managers around the country share FEMA's concerns that the outreach and planning activities they feel are so important will be curtailed because of the difficulty associated with assigning cost-benefit to such programs. This issue will have ramifications in homeland security when the new Department of Homeland Security is told to determine the cost-benefit of terrorism preparedness efforts.

I was heartened to learn that FEMA is working to ensure and strengthen natural hazard mitigation, response, and recovery efforts while attending to homeland security needs. FEMA officials are identifying and correcting redundancies in reporting, planning, training, and other activities across mitigation and preparedness programs. FEMA mitigation experts are working to identify terrorism mitigation activities that are also ''all hazard'' and address natural hazard mitigation priorities.

The Disaster Mitigation Act of 2000, passed by Congress 2 years ago, emphasized involvement by all States, funding for planning activities, and increased post-disaster mitigation funding for States willing to undertake enhanced mitigation efforts. FEMA has taken our directive to heart and is implementing multi-hazard mitigation programs in coordination and cooperation with State and local officials. While a focus on obtaining the most cost-effective program is well intended, I share the concerns of the emergency management community and FEMA personnel that assigning a dollar amount to the benefit of doing mitigation, or the cost of not doing it, is a difficult and ill-defined task. I share their doubts that consolidating the HMGP and Project Impact programs will make disaster mitigation more effective or successful.

After reviewing the GAO report, FEMA Director Joseph Allbaugh wrote to GAO, '' I appreciate your support of my strongly held belief that funding and support of both pre- and post-disaster mitigation programs are critical to FEMA's success in leading the nation to reduce disaster losses.'' I agree with Director Allbaugh. We must continue to to support pre-disaster mitigation as an investment for the future. I commend GAO on their insightful report, and I thank JayEtta Hecker and her team at GAO for their work.

HISPANIC HERITAGE MONTH

Mr. LEVIN. Mr. President, each year between September 15 and October 15, we celebrate Hispanic Heritage Month. This tradition began in 1968 when Congress set aside a week to celebrate Hispanic culture, achievements, and contributions to American culture and society. In 1988, Congress expanded the week to a month-long commemoration.

Gil Coronado, founder and chairman of Heroes and Heritage: Saluting a Legacy of Hispanic Patriotism and Pride, was one of the driving forces behind the creation of Hispanic Heritage Month. Mr. Coronado enlisted with the Air Force when he was just 16. He served for 30 years in Vietnam, Panama, Germany, and Spain before he retired as a colonel. During his stellar career, he received over 35 awards, including the Legion of Merit and the Bronze Star. Like Colonel Coronado, countless numbers of Hispanic Americans have answered the call, defending our liberty and freedoms as members of our Armed Forces and in other capacities. Twelve Hispanic Americans were among the firefighters killed on September 11 as they tried to rescue their fellow Americans trapped in the World Trade Center's two towers.

Hispanic contributions to America date back nearly 500 years to Easter, March 27, 1513 when Juan Ponce de Leon sighted land, which he claimed for Spain and named ''La Florida,'' meaning ''Land of Flowers.'' De Leon and his fellow explorers such as Alvarez de Pinela and Cabeza de Vaca traversed most of what we now call America's sunbelt. Hernando de Soto was the first European to discover the Mississippi River, an event depicted in one of the great historical canvases which hang in the Rotunda of the Capitol Building. St. Augustine, FL, was founded in 1565, 42 years before the English colony at Jamestown, VA, and 55 years before the Pilgrims landed on Plymouth Rock in Massachusetts. St. Augustine is the oldest permanent European settlement on the North American continent. In 1787, St. Augustine had the first free, integrated public school.

America's diverse and vibrant Hispanic population has made enormous contributions to our Nation, its culture, and its economy. Former Senator Dennis Chavez, union organizers Antonia Pantoja and Caesar Chavez, entertainers Gloria Estefan and Jennifer Lopez, actor Martin Sheen, and baseball players Alex Rodriguez and Sammy Sosa are just a few of the Hispanics Americans who have done so much to enrich all Americans' lives.

My hometown, Detroit, has benefited greatly from Hispanic immigrants pursuing the American Dream. Southwest Detroit, known affectionately as Mexicantown by its residents, is the fastest growing part of the city. Hispanics from Mexico, El Salvador, Guatemala, Cuba, and other Caribbean nations have opened businesses, bought homes, and turned a once neglected urban neighborhood into a thriving community and one of the city's centers. Maria Elena Rodriguez, president of the Mexicantown Community Development Corporation, has been one of the primary catalysts of the turnaround.

Hispanic contributions to Michigan's businesses abound. The Kellogg Company, founded and headquartered in Battle Creek, is the world's leading cereal producer. It has millions of customers in over 160 countries. At present, the chief executive officer is Carlos Gutierrez, who started at Kellogg's as a sales representative in Mexico City over 25 years ago.

Other prominent Hispanics with ties to Michigan include Antonia Novello, who started her medical career at the University of Michigan. In 1990, she became the first woman U.S. Surgeon General, and the first Hispanic American to hold the post.

Grammy-winning musician Jose Feliciano, a native of Puerto Rico, made his professional debut at the Retort Coffee House in Detroit in 1963. He is, perhaps, most famous for his Latin-soul version of the Doors' hit, ''Light My Fire,'' a blues-rock rendition of the ''Star-Spangled Banner'' performed at a 1968 World Series game between Detroit and St. Louis, and the Christmas classic, ''Feliz Navidad.''

Rebecca Arenas received the ''Caesar Chavez Civil Rights Achievement Award'' in 2000 for her work to improve the lives of Hispanics generally, and migrant workers in particular. Rebecca's parents brought her to Michigan from Crystal City, TX, when she was 5. They were migrant workers who chose Michigan because they believed Rebecca would get a better education. Rebecca has passed this commitment to education on to her children, all seven of whom have received a postsecondary education. Rebecca has worked tirelessly to increase Hispanics' access to education and health care and to boost their voter registration.

Hispanic Americans constitute the fastest growing segment of our population. Right now, one in eight Americans is Hispanic—about 32 million Americans. By 2050, one in four Americans will be Hispanic. Hispanic Americans are the fastest growing small business owners nationwide. Hispanic Americans will purchase $580 billion in goods and services this year. By 2007, that purchasing power will increase by 315 percent to $926 billion.

Cities such as Los Angeles, San Antonio, New York, and Miami traditionally have been centers of Hispanic influence. Increasingly, however, Hispanics and Hispanic Americans are moving to other parts of the country, such as Arkansas, Georgia, and North Carolina. This shift in migration will spread Hispanic culture and influence throughout the country.

As we celebrate and commemorate Hispanic Heritage Month, we must also acknowledge the challenges facing the community—and the country—that lie ahead. Too many Hispanic American youth are incarcerated. Hispanic Americans have a lower rate of educational achievement than the national average. A higher than average number of Hispanic Americans live in poverty.

Congress can and must help Hispanic Americans by pursuing fair and meaningful immigration reforms; supporting Hispanic education programs, increasing access to higher education, helping the economy to create good jobs at decent wages, and restoring benefits to legal immigrants under the Medicaid and State Children's Health Insurance Program—SCHIP.

So, Hispanic Heritage Month is a time to celebrate what has been accomplished and recognize what still needs to be done. I congratulate Hispanic Americans in Michigan and across America for their wonderful contributions to our country. And I pledge my efforts to ensuring that more Hispanic Americans have access to the great opportunities our country has to offer.

FEMA FIRE ACT GRANT PROGRAM

Mr. FEINGOLD. Mr. President, I wish to offer a few remarks in support of the Assistance to Firefighters Grant Program, commonly known as FIRE Act grants. The FIRE Act grant program was established in fiscal year 2001, due in large part to the efforts of my distinguished colleague from Connecticut, Senator DODD.

Since its inception, the program has assisted firefighters across the Nation. I am especially pleased that this program has been a shining example of an effective partnership between local and Federal Governments. It provides Federal assistance to meet local objectives without imposing mandates or interfering with local prerogatives, and it provides Federal dollars directly to the fire departments. It also addresses critical needs, awarding grants for training, wellness and fitness programs, vehicles, firefighting equipment, personal protective equipment, and fire prevention.

FIRE Act grants have had a positive and very tangible impact on communities throughout the country, including in my home State of Wisconsin. In fiscal year 2002, as of October 1, 2002 my State received $2.445 million in grants awarded to 41 departments.

These grants help firefighters to do their job better, make our neighborhoods safer, and, very importantly, give residents peace of mind. Increasing the training and equipment available to firefighters fosters an environment of enhanced safety between firefighters and the communities they serve. Keeping our communities safe has been and should continue to be a top priority for all of us. As the tragic events of September 11 have shown our Nation, local firefighters play a vital role to protect and secure our communities. We should give them the support they need.

As I travel through Wisconsin and talk to local firefighters and emergency response personnel, I hear the same refrain, time after time: the FIRE Act grant program is vital to their work and has enabled them to get needed equipment and training that they would otherwise be unable to afford.

We have taken up funding for the FIRE Act grant program in this body numerous times since its inception. In the wake of the terrorist attacks in New York and Washington, D.C. on September 11, 2001, the Congress amended the fiscal year 2002 Department of Defense Authorization Act to provide increased authorization levels to allow up to $900 million per year to be allocated for the FIRE Act grant program. The program was also expanded to allow grant applicants to apply for equipment and training funds to help firefighters respond to terrorist attacks or attacks using weapons of mass destruction. Additionally, Congress, through both the fiscal year 2002 VA-HUD-Independent Agencies Appropriations bill and the Homeland Security package in the fiscal year 2002 Department of Defense Appropriations Act, appropriated $360 million to the FIRE Act grant program.

As we finalize our appropriations bills this year we should continue to allocate resources to this important program. Keeping our communities safe has been and should continue to be a top priority for all of us. As the tragic events of September 11 have shown our Nation, local firefighters play a vital role to protect and secure our communities. We should give them the support they need.

THE NATIONAL INTEGRATED BALLISTICS INFORMATION NETWORK

Mr. LEVIN. Mr. President, I wish to bring the National Integrated Ballistics Information Network or NIBIN to the attention of my colleagues. NIBIN is an interconnected, computer-assisted ballistics imaging system that allows forensic firearms examiners to obtain computerized images of the unique marking made on bullets and casings when a gun is fired. Through NIBIN, investigators can rapidly compare these markings with images in the database of Federal, State, and local law enforcement laboratories. Law enforcement officials can then link evidence from multiple crime scenes, identify patterns of criminal activity, and possibly lead investigators to the arrest of suspects.

As an investigative instrument, ballistics imaging complements crime gun tracing. Crime gun tracing consists of tracking the history of a gun used to commit a crime. By tracing crime guns, the Bureau of Alcohol, Tobacco, and Firearms helps State and local law enforcement agencies solve firearms-related crime by identifying suppliers of multiple-crime guns, and gun trafficking patterns. According to an ATF report, since March 2000, the NIBIN in coordination with crime gun tracing efforts has produced more than 8,800 ballistics matches, linking over 17,600 crime scenes. Some of these matches would not have been made without the use of a computer-assisted ballistics imaging system.

I believe that the NIBIN should be expanded, and that is why I have cosponsored the Ballistics, Law Assistance, and Safety Technology Act or BLAST which would require licensed firearms manufacturers to test fire firearms, prepare ballistics images of fired bullets and casings of new firearms. Expanding NIBIN to include these ballistics images would increase ATF's crime gun tracing capabilities. ATF agents could quickly identify firearms even when criminals had obliterated the serial number by using the ballistics images of cartridge cases and bullets recovered at crime scenes. In fact, they could identify the firearm used in the crime without actually recovering that firearm. This bill contains strict provisions stating that ballistics information of individual guns may not be used for prosecutorial purposes unless law enforcement officials have a reasonable belief that a crime has been committed and that ballistics information would assist in the investigation of that crime.

I believe this is sensible legislation that will strengthen law enforcement's ability to effectively track down criminals and I urge my colleagues to support it.

ADDITIONAL STATEMENT

TRIBUTE TO STEVE JORDAN

• Mr. SARBANES. Mr. President, I rise today to pay tribute to an outstanding public servant and marine scientist, Steve Jordan. Steve is retiring after a distinguished 28-year career with the Maryland Department of Natural Resources, in higher educational institutions in Maryland and with the U.S. Army Corps of Engineers. I want to extend my personal congratulations and thanks for his many years of service and contributions to improving our research and management capabilities in the Chesapeake Bay and one of the Bay's premier research laboratories, the Oxford Cooperative Lab.

Steve has dedicated nearly three decades of his life to solving some of the key living marine resource problems of the Chesapeake Bay, the diseases that have devastated the Bay's oyster populations, the loss of critical habitat, and the impacts of pollutants and low dissolved oxygen on the Bay's finfish and shellfish populations. A graduate of The American University, Steve worked his way through a master's degree in Biology at Morehead State College in Kentucky and a Ph.D. in marine, estuarine and environmental science from the University of Maryland. He was selected as a Sea Grant Fellow with the University of Maryland and Horn Point Environmental Laboratory and served as a faculty research associate with the University of Maryland Eastern Shore before being named to head up the Maryland Department of Natural Resources' Habitat Impacts Program which managed several aspects of Maryland's participation in the Chesapeake Bay Program.

I came to know Steve 10 years ago when he was appointed director of the Oxford Cooperative Laboratory in Oxford, MD. For those who are not familiar with the Oxford Lab, it is a unique partnership between the National Oceanic and Atmospheric Administration and the Maryland Department of Natural Resources. Located on a tidal tributary of the Chesapeake Bay, the lab has long been considered one of the preeminent centers in the Nation for its work in diagnosing all aspects of diseases, infectious and non-infectious, which affect living marine resources. At the time that Steve joined the facility, the laboratory was 33 years old and in great need of capital improvements. The poor physical condition of the facility was contributing significantly to low employee morale and a high staff attrition rate. Thanks to Steve's creative leadership, a major renovation and expansion of the laboratory was completed, leveraging a $750,000 Federal appropriation into a $2 million project through the use of DNR construction crews. The project not only served as a model for interagency cooperation, but provided substantial savings to the taxpayers as well. Steve also added new research programs, modern equipment, and helped bring about a renewed workplace atmosphere.

In addition to his management responsibilities and achievements, Steve has continued to conduct research that is vital to improving our understanding of the Bay's living marine resources. He has published or contributed to numerous studies and symposia on oyster diseases, lesions in fish, and other critical problems. He has chaired or participated in many work groups examining key living resource research needs and management strategies and is a member or leader of half a dozen professional associations including the American Fisheries Society, National Shellfisheries Association, Atlantic Estuarine Research Society, and National Association of Marine Laboratories. In recognition of his outstanding service, Steve has received numerous awards and commendations, including certificates of appreciation from both the Chesapeake Bay Program and the Maryland Department of Natural Resources and an excellence award from Maryland Governor Schaefer for the Chesapeake Executive Council.

The efforts of Steve Jordan throughout the past 28 years have earned him the respect and admiration of everyone with whom he has worked. The Chesapeake Bay restoration effort has been enhanced due to his labors and the Cooperative Oxford Laboratory has been renewed. I want to extend my personal congratulations and thanks for his many years of hard work and dedication and wish him the best in his future endeavors.•

FIFTIETH ANNIVERSARY OF THE PADUCAH GASEOUS DIFFUSION PLANT

• Mr. MCCONNELL. Mr. President, I rise today to pay tribute to the Paducah Gaseous Diffusion Plant and all its workers, past and present, on the occasion of the facility's upcoming 50th anniversary, which will be celebrated by the Paducah community on October 24th.

The Paducah Gaseous Diffusion Plant is currently the only operating uranium enrichment facility in the United States. Production of enriched uranium began in Paducah in 1952, and the plant has operated continuously since that time. Until 1964, the plant's output was almost entirely for the purposes of national defense as it produced fissionable material for our country's nuclear arsenal. The Paducah workers during that period played a vital role in securing our freedom and helped America prevail in the cold war. Unfortunately, the Federal Government didn't always do right by the workers, who were often exposed to hazardous conditions and materials which would later sicken and even kill some. Even today, we are still working to correct this shameful injustice.

After 1964, Paducah production began shifting to enriched uranium for commercial nuclear reactors; helping to provide the benefits of cleanly generated electric power to millions of people. After 1973, Paducah no longer enriched uranium for military purposes. However, the plant continues to help create a more secure world as the U.S. recipient for nuclear materials from the former Soviet arsenal. Under the Megatons to Megawatts program, nuclear weapons are dismantled in Russia and the nuclear material is shipped to Paducah where it is repackaged and shipped worldwide for civilian electric power production.

Over the last half century, a number of companies have operated the Paducah Gaseous Diffusion Plant. Carbide and Carbon Chemicals Company, (later Union Carbide) was the original operator of the plant. Successor operators included Martin Marietta Energy Systems, Lockheed Martin Energy Systems, and finally United States Enrichment Corporation, which took over direct operation of the plant in 1999, and continues as the operator today. Today 1,500 workers are employed at the Paducah Gaseous Diffusion Plant. What is remarkable is that despite the past sins of the Federal Government, these employees remain dedicated to their jobs and the important work they perform every day. It is a testament to those individuals in particular and this region in general.

In addition to the Paducah Gaseous Diffusion Plant itself, an entire complex of supporting plants were built to support enrichment activities at Paducah. Two electric generating plants were constructed to supply the large power demands of the Paducah Gaseous Diffusion Plant. These were the TVA

Shawnee Steam Plant in western McCracken County, Kentucky, and the EEI plant in Joppa, Illinois. Additionally, a uranium hexaflouride plant was constructed in Metropolis, IL. Together, these four facilities comprise the economic and industrial heart of the region.

In recent years, we have learned that there were often risks associated with work at Paducah, particularly during the earlier years of its operation. Some workers were exposed to cancer-causing chemicals and radiological hazards. Many of these workers have now benefited from the Energy Employees Occupational Illness Compensation Program, which I am proud to have helped bring into existence. Working alongside the union representing the workers, I have also fought to make sure that medical screening is available to all workers so that they may be tested and treated for any problems they incur as a result of working at the plant. We have also embarked upon the task of cleaning up some of the legacy waste materials left on the site. The Department of Energy's recently announced DUF6 conversion plant will be a huge step in this direction, as it will clean up thousands of cylinders of depleted uranium hexaflouride which have been stored on the site for decades. The conversion plant additionally will add new jobs to the Paducah Gaseous Diffusion Plant complex.

While significant challenges lie ahead for America's domestic uranium enrichment industry, it is appropriate to pause on this occasion to commemorate the Golden Anniversary of the Paducah Gaseous Diffusion Plant, and the dedicated service of all the employees over the last half century. The workers at Paducah today continue the fine tradition of service, commitment, and productivity. I am sure they are up to any future challenge to be met in keeping a viable domestic uranium enrichment capability.●

TRIBUTE TO SCARLOTTE DEUPREE

● Mr. SHELBY. Mr. President, I rise today to recognize Scarlotte Deupree, Miss Alabama 2002. Ms. Deupree was recently named First Runner Up in the 2003 Miss America Pageant.

The accomplishments of Ms. Deupree are many. She coordinated Alabama's first Women in Literacy Summit in July, 2001 and was awarded a National Daily Point of Light for her work to promote literacy. She is a Distinguished Partner of the Literacy Council of Central Alabama and has been a certified literacy tutor with the Laubach Literacy Council International.

Ms. Deupree is also a former co-chair of the Sylacauga Adult Literacy Council and an instructor with the Adult Literacy Education Resource, ALERT. She is a graduate of the Sylacauga High School Honors Program and is an English major at Samford University in Birmingham, AL.

Ms. Deupree is the daughter of James and Joy Deupree of Birmingham. Scarlotte Deupree is a remarkable young woman, and we are proud to have her serve as our Miss Alabama.●

IN HONOR OF THE SERVICE OF THE HONORABLE M.D. CROCKER, U.S. DISTRICT COURT JUDGE

● Mrs. BOXER. Mr. President, today I honor and bring to the Senate's attention the exceptional judicial career and service of Myron D. Crocker, U.S. District Court Judge for the Eastern District of California.

A graduate of California State University at Fresno and the University of California's Boalt Hall School of Law, he was appointed to the Federal bench by President Dwight D. Eisenhower in 1959. Judge Crocker continued to carry an active caseload after taking senior status in 1981. He is retiring after 43 years of dedicated service as a federal judge.

Judge Crocker served under 10 presidents, Eisenhower, Kennedy, Johnson, Nixon, Ford, Carter, Reagan, Bush, Clinton and George W. Bush. Our current, President George W. Bush, was just 13 years old when Judge Crocker was named to the bench.

He is believed to have served longer than any other sitting Federal judge in the Nation. He has presided over many high profile cases in the Fresno area and during his travels throughout the United States as a visiting judge.

Judge Crocker is well respected throughout the legal community. He has served California and the United States with great distinction. I am pleased to pay tribute to him today and I encourage my colleagues to join me in wishing Judge Crocker and his family the very best as he celebrates his retirement from the Eastern District.●

MESSAGES FROM THE HOUSE

Under the authority of the order of the Senate of January 3, 2001, the Secretary of the Senate, on October 5, 2001, during the recess of the Senate, received a message from the House of Representatives announcing that the House has passed the following bill, without amendment:

S. 2558. An act to amend the Public Health Service Act to provide for the collection of data on benign brain-related tumors through the national program of cancer registries.

At 1:05 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 669. An act to designate the facility of the United States Postal Service located at 127 Social Street in Woonsocket, Rhode Island, as the ''Alphonse F. Auclair Post Office Building''.

H.R. 670. An act to designate the facility of the United States Postal Service located at 7 Commercial Street in Newport, Rhode Island, as the ''Bruce F. Cotta Post Office Building''.

H.R. 5205. An act to amend the District of Columbia Retirement Protection Act of 1997 to permit the Secretary of the Treasury to use estimated amounts in determining the service longevity component of the Federal benefit payment required to be paid under such Act to certain retirees of the Metropolitan Police Department of the District of Columbia.

H.R. 5316. An act to establish a user fee system that provides for an equitable return to the Federal Government for the occupancy and use of National Forest System lands and facilities by organizational camps that serve the youth and disabled adults of America, and for other purposes.

H.R. 5349. An act to facilitate the use of a portion of the former O'Reilly General Hospital in Springfield, Missouri, by the local Boys and Girls Club through the release of the reversionary interest and other interests retained by the United States in 1955 when the land was conveyed to the State of Missouri.

H.R. 5361. An act to designate the facility of the United States Postal Service located at 1830 South Lake Drive in Lexington, South Carolina, as the ''Floyd Spence Post Office Building''.

H.R. 5400. An act to authorize the President of the United States to agree to certain amendments to the Agreement between the Government of the United States of America and the Government of the United Mexican States concerning the establishment of a Border Environment Cooperation Commission and a North American Development Bank, and for other purposes.

H.R. 5439. An act to designate the facility of the United States Postal Service located at 111 West Washington Street in Bowling Green, Ohio, as the ''Delbert L. Latta Post Office Building''.

H.R. 5574. An act to designate the facility of the United States Postal Service located at 206 South Main Street in Glenville, Georgia, as the ''Michael Lee Woodcock Post Office''.

H.R. 5598. An act to provide for improvement of Federal education research, statistics, evaluation, information, and dissemination, and for other purposes.

H.R. 5601. An act to amend the Child Abuse Prevention and Treatment Act to make improvements to and reauthorize programs under that Act, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 406. Concurrent resolution honoring and commending the Lao Veterans of America, Laotian and Hmong veterans of the Vietnam War, and their families, for their historic contributions to the United States.

H. Con. Res. 467. Concurrent resolution expressing the sense of Congress that Lionel Hampton should be honored for his contributions to American music.

H. Con. Res. 486. Concurrent resolution supporting the goals and ideals of Pancreatic Cancer Awareness Month.

H. Con. Res. 487. Concurrent resolution authorizing the printing as a House document of a volume consisting of the transcripts of the ceremonial meeting of the House of Representatives and Senate in New York City on September 6, 2002, and a collection of statements by Members of the House of Representatives and Senate from the Congressional Record on the terrorist attacks of September 11, 2001.

H. Con. Res. 504. Concurrent resolution congratulating the PONY League baseball

team of Norwalk, California, for winning the 2002 PONY League World Championship.

MEASURES PLACED ON THE CALENDAR

The following bills were read the second time, and placed on the calendar:

H.R. 4968. An act to provide for the exchange of certain lands in Utah.

S. 3099. A bill to provide emergency disaster assistance to agricultural producers.

S. 3100. A bill to amend title 18, United States Code, to limit the misuse of social security numbers, to establish criminal penalties for such misuse, and for the other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–9360. A communication from the Acting Assistant Secretary of State for Legislative Affairs, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed issuance of export licenses to Canada, Denmark, Italy, Norway, The Netherlands, Turkey and the United Kingdom; to the Committee on Foreign Relations.

EC–9361. A communication from Assistant Attorney General Office of Legislative Affairs, Department of Justice, transmitting, a draft of proposed legislation entitled ''Child Abduction and Sexual Abuse Prevention Act of 2002''; to the Committee on the Judiciary.

EC–9362. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, a report entitled ''Guidance for Submitting Requests for Threshold of Regulation (TOR) Decisions to the Office of Pesticide Programs''; to the Committee on Agriculture, Nutrition, and Forestry.

EC–9363. A communication from the Secretary of Agriculture, transmitting, a draft of proposed legislation ''Omnibus Marketing Enforcement Act of 2002''; to the Committee on Agriculture, Nutrition, and Forestry.

EC–9364. A communication from the Chief of the Regulation Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Substantially Equal Periodic Payments'' (Rev. Rul. 2002–62) received on October 7, 2002; to the Committee on Finance.

EC–9365. A communication from the Senior Regulations Analyst, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Procedures for Compensation of Air Carriers'' ((RIN2105–AD06)(2002–0004)) received on October 4, 2002; to the Committee on Commerce, Science, and Transportation.

EC–9366. a communication from Regulations Officer, Federal Motor Carrier Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision to Periodic Tire Check Requirement for Carriers Transporting Hazardous Materials'' (RIN 2126–AA74) received on October 10, 2002; to the Committee on Commerce, Science, and Transportation.

EC–9367. A communication from the Chairman of Surface Transportation Board, transmitting, pursuant to law, the report of a rule entitled ''Removal of Joint Rate Cancellation Regulations'' (Parte No.639) received on October 2, 2002; to the Committee on Commerce, Science, and Transportation.

EC–9368. A communication from the Chairman of the Surface Transportation Board, transmitting, pursuant to law, the report of a rule entitled ''Revision of Delegation of Authority Regulations'' (Parte No. 588) received on October 2, 2002; to the Committee on Commerce, Science, and Transportation.

EC–9369. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety/Security Zone Regulations; Passenger Vessels, Portland Maine, Captain of the Port Zone'' ((RIN2115–AA97)(2002–0190)) received on October 4, 2002; to the Committee on Commerce, Science, and Transportation.

EC–9370. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Regulations; Gasparilla Island Causeway Swingbridge, Gulf Intracoastal Waterway Boca Grande Charlotte County, FL'' ((RIN2115–AE47)(2002–0084)) received on October 4, 2002; to the Committee on Commerce, Science, and Transportation.

EC–9371. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety/Security Zone Regulations; Calvert Cliffs Nuclear Power Plant, Chesapeake Bay, Calvert County, Maryland'' ((RIN2115–AA97)(2002–0191)) received on October 4, 2002; to the Committee on Commerce, Science, and Transportation.

EC–9372. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Handling of Class 1 (Explosive) materials or Other Dangerous Cargoes Within or Contiguous to Waterfront Facilities'' (RIN 2115–AE22) received on October 4, 2002; to the Committee on Commerce, Science, and Transportation.

EC–9373. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety/Security Zone Regulations, Lower Mississippi River, Southwest Pass Sea Buoy to Mile Marker 96.0, New Orleans, LA'' ((RIN2115–AA97)(2002–0188)) received on October 4, 2002; to the Committee on Commerce, Science, and Transportation.

EC–9374. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety/Security Zone Regulations (Including 2 Regulations)'' ((RIN2115–AA97)(2002–0193)) received on October 4, 2002; to the Committee on Commerce, Science, and Transportation.

EC–9375. A communication from the Senior Legal Advisor, Media Bureau, Federal Communication Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments FM Broadcast Stations Paragould, Arkansas'' (Doc. No. 01–297) received on October 3, 2002; to the Committee on Commerce, Science, and Transportation.

EC–9376. A communication from the Senior Legal Advisor, Media Bureau, Federal Communication Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.622(b), Table of Allotments, DTV Broadcast Stations, Florence, SD'' (Doc. No. 02–102) received on October 3, 2002; to the Committee on Commerce, Science, and Transportation.

EC–9377. A communication from the Senior Legal Advisor, Media Bureau, Federal Communication Commission, transmitting, pursuant to law, the report of a rule entitled ''Implementation of the Cable Television Consumer Protection and Completion Act of 1992 and the Development of Competition and Diversity in Video Programming Distribution: Section 628(c)(5) of the Communication Act-Sunset of Exclusive Contract Prohibition'' (Doc. No. 01–290) received on October 3, 2002; to the Committee on Commerce, Science, and Transportation.

EC–9378. A communication from the Senior Legal Advisor, Media Bureau, Federal Communication Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations Benjamin, Texas'' (Doc. No. 01–280) received on October 3, 2002; to the Committee on Commerce, Science, and Transportation.

EC–9379. A communication from the Senior Legal Advisor, Media Bureau, Federal Communication Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations Rocksprings, Texas'' (Doc. No. 01–279) received on October 3, 2002; to the Committee on Commerce, Science, and Transportation.

EC–9380. A communication from the Senior Legal Advisor, Media Bureau, Federal Communication Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. Bethel Springs, Martin, Tiptonville, Trenton, and South Fulton, Tennessee'' (Doc. No. 99–196) received on October 3, 2002; to the Committee on Commerce, Science, and Transportation.

EC–9381. A communication from the Senior Legal Advisor, Media Bureau, Federal Communication Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.2002(b), Table of Allotments, FM Broadcast Stations Camp Wood, Texas'' (Doc. No. 01–307) received on October 3, 2002; to the Committee on Commerce, Science, and Transportation.

EC–9382. A communication from the Senior Legal Advisor, Media Bureau, Federal Communication Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Winslow, Camp Verde, Mayer and Sun City West, Arizona'' (Doc. No. 99–246) received on October 3, 2002; to the Committee on Commerce, Science, and Transportation.

EC–9383. A communication from the Senior Legal Advisor, Media Bureau, Federal Communication Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.622(b), Digital Television Table of Allotments, Ontario, CA'' (Doc. No. 01–23) received on October 3, 2002; to the Committee on Commerce, Science, and Transportation.

EC–9384. A communication from the Senior Legal Advisor, Media Bureau, Federal Communication Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Beverly Hills and Spring Hill, Florida'' (Doc. No. 02–25) received on October 3, 2002; to the Committee on Commerce, Science, and Transportation.

EC–9385. A communication from the Senior Legal Advisor, Media Bureau, Federal Communication Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Alva, Moorland, Tishomingo,Tuttle and Woodward, Oklahoma'' (Doc. No. 98–115) received on October 3, 2002; to the Committee on Commerce, Science, and Transportation.

EC–9386. A communication from the Senior Legal Advisor, Media Bureau, Federal Communication Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.622(b), Table of Allotments, DTV Broadcast Stations Dawson, Savannah, Pelham, Waycross, and Wrens, GA'' (Doc. No. 02–104) received on October 3, 2002; to the Committee on Commerce, Science, and Transportation.

EC–9387. A communication from the Senior Legal Advisor, Media Bureau, Federal Communication Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.622(b), Table of Allotments, DTV Broadcast Stations, Victoria, TX'' (Doc. No. 01–161) received on October 3, 2002; to the Committee on Commerce, Science, and Transportation.

EC–9388. A communication from the Senior Legal Advisor, Media Bureau, Federal Communication Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.622(b), Table of Allotments, DTV Broadcast Stations, Lynchburg, VA'' (Doc. No. 02–75) received on October 3, 2002; to the Committee on Commerce, Science, and Transportation.

EC–9389. A communication from the Senior Legal Advisor, Media Bureau, Federal Communication Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.622(b), Table of Allotments, DTV Broadcast Stations, Sacramento, CA'' (Doc. No. 02–93) received on October 3, 2002; to the Committee on Commerce, Science, and Transportation.

EC–9390. A communication from the Senior Legal Advisor, Media Bureau, Federal Communication Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.622(b), Table of Allotments, DTV Broadcasts Stations, Amarillo, TX'' (Doc. No. 02–96) received on October 3, 2002; to the Committee on Commerce, Science, and Transportation.

EC–9391. A communication from the Assistant Secretary for Fish and Wildlife and Parks, The Department of the Interior, transmitting, a draft of a joint resolution to approve the location of the Dwight D. Eisenhower Memorial in the Nation's Capital; to the Committee on Environment and Public Works.

EC–9392. A communication from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting, a draft joint resolution to approve the location of a Memorial to former President John Adams and his legacy in the Nation's Capital; to the Committee on Environment and Public Works.

EC–9393. A communication from Comptroller General, transmitting, pursuant to law, a report relative to the withdrawal of two deferrals of budget authority; to the Committees on Appropriations; the Budget; and Foreign Relations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JEFFORDS, from the Committee on Environment and Public Works, with an amendment in the nature of a substitute and an amendment to the title:

H.R. 1070: A bill to amend the Federal Water Pollution Control Act to authorize the Administrator of the Environmental Protection Agency to carry out projects and conduct research for remediation of sediment contamination in areas of concern in the Great Lakes, and for other purposes. (Rept. No. 107–312).

By Mr. INOUYE, from the Committee on Indian Affairs, without amendment:

S. 3059: A bill to provide for the distribution of judgment funds to the Assiniboine and Sioux Tribes of the Fort Peck Reservation. (Rept. No. 107–313).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources:

Report to accompany S. 2556, a bill to authorize the Secretary of the Interior to convey certain facilities to the Fremont-Madison Irrigation District in the State of Idaho. (Rept. No. 107–314).

By Mr. LIEBERMAN, from the Committee on Governmental Affairs, without amendment:

H.R. 3034: A bill to redesignate the facility of the United States Postal Service located at 89 River Street in Hoboken, New Jersey, as the ''Frank Sinatra Post Office Building''.

H.R. 3738: A bill to designate the facility of the United States Postal Service located at 1299 North 7th Street in Philadelphia, Pennsylvania, as the ''Herbert Arlene Post Office Building''.

H.R. 3739: A bill to designate the facility of the United States Postal Service located at 6150 North Broad Street in Philadelphia, Pennsylvania, as the ''Rev. Leon Sullivan Post Office Building''.

H.R. 3740: To designate the facility of the United States Postal Service located at 925 Dickinson Street in Philadelphia, Pennsylvania, as the ''William A. Cibotti Post Office Building''.

H.R. 4102: A bill to designate the facility of the United States Postal Service located at 120 North Maine Street in Fallon, Nevada, as the ''Rollan D. Melton Post Office Building''.

H.R. 4717: A bill to designate the facility of the United States Postal Service located at 1199 Pasadena Boulevard in Pasadena, Texas, as the ''Jim Fonteno Post Office Building''.

H.R. 4755: A bill to designate the facility of the United States Postal Service located at 204 South Broad Street in Lancaster, Ohio, as the ''Clarence Miller Post Office Building''.

H.R. 4794: A bill to designate the facility of the United States Postal Service located at 1895 Avenida Del Oro in Oceanside, California, as the ''Ronald C. Packard Post Office Building''.

H.R. 4797: A bill to redesignate the facility of the United States Postal Service located at 265 South Western Avenue, Los Angeles, California, as the ''Nat King Cole Post Office''.

H.R. 4878: To provide for estimates and reports of improper payments by Federal agencies.

H.R. 5308: A bill to designate the facility of the United States Postal Service located at 301 South Howes Street in Fort Collins, Colorado, as the ''Barney Apodaca Post Office''.

H.R. 5333: A bill to designate the facility of the United States Postal Service located at 4 East Central Street in Worcester, Massachusetts, as the ''Joseph D. Early Post Office Building''.

H.R. 5336: A bill to designate the facility of the United States Postal Service located at 380 Main Street in Farmingdale, New York, as the ''Peter J. Ganci, Jr. Post Office Building''.

By Mr. LIEBERMAN, from the Committee on Governmental Affairs, with an amendment in the nature of a substitute:

S. 1651: A bill to establish the United States Consensus Council to provide for a consensus building process in addressing national public policy issues, and for other purposes.

By Mr. SARBANES, from the Committee on Banking, Housing, and Urban Affairs, with amendments:

S. 2239: A bill to amend the National Housing Act to simplify the downpayment requirements for FHA mortgage insurance for single family homebuyers.

By Mr. LIEBERMAN, from the Committee on Governmental Affairs, without amendment:

S. 2527: A bill to provide for health benefits coverage under chapter 89 of title 5, United States Code, for individuals enrolled in a plan administered by the Overseas Private Investment Corporation, and for other purposes.

S. 2828: A bill to redesignate the facility of the United States Postal Service located at 6910 South Yorktown Avenue in Tulsa, Oklahoma, as the ''Robert Wayne Jenkins Station''.

S. 2840: A bill to designate the facility of the United States Postal Service located at 120 North Main Street in Fallon, Nevada, as the ''Rollan D. Melton Post Office Building''.

S. 2918: A bill to designate the facility of the United States Postal Service located at 380 Main Street in Farmingdale, New York, as the ''Peter J. Ganci, Jr. Post Office Building''.

S. 2929: A bill to designate the facility of the United States Postal Service located at 265 South Western Avenue, Los Angeles, California, as the ''Nat King Cole Post Office''.

S. 2931: A bill to designate the facility of the United States Postal Service located at 5805 White Oak Avenue in Encino, California, as the ''Francis Dayle 'Chick' Hearn Post Office''.

By Mr. LIEBERMAN, from the Committee on Governmental Affairs, with an amendment in the nature of a substitute and an amendment to the title:

S. 2936: A bill to amend chapter 84 of title 5, United States Code, to provide that certain Federal annuity computations are adjusted by 1 percent relating to periods of receiving disability payments, and for other purposes.

By Mr. LIEBERMAN, from the Committee on Governmental Affairs, without amendment:

S. 3044: A bill to authorize the Court Services and Offender Supervision Agency of the District of Columbia to provide for the interstate supervision of offenders on parole, probation, and supervised release.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BINGAMAN:

S. 3111. A bill to compensate agricultural producers in the State of New Mexico that suffered crop losses as a result of use of a herbicide by the Bureau of Land Management; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. McCAIN:

S. 3112. A bill to amend the Internal Revenue Code of 1986 to provide for a deferral of tax on gain from the sale of telecommunications businesses in specific circumstances or a tax credit and other incentives to promote diversity of ownership in telecommunications businesses; to the Committee on Finance.

By Mr. ENSIGN:

S. 3113. A bill to amend the Internal Revenue Code of 1986 to provide additional choice regarding unused health benefits in cafeteria plans and flexible spending arrangements; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. SANTORUM (for himself and Mr. BROWNBACK):

S. Res. 340. A resolution affirming the importance of a national day of prayer and fasting, and designating November 27, 2002, as a national day of prayer and fasting; to the Committee on the Judiciary.

By Mr. HATCH (for himself, Mr. REID, Mr. EDWARDS, Mr. INOUYE, Mr. KENNEDY, Ms. LANDRIEU, Mr. NELSON of Nebraska, Mr. SMITH of Oregon, Mr. WYDEN, Mr. WARNER, Mr. NICKLES, Ms. STABENOW, and Mrs. LINCOLN):

S. Res. 341. A resolution designating Thursday, November 21, 2002, as ''Feed America Thursday''; considered and agreed to.

By Ms. COLLINS (for herself and Mr. FEINGOLD):

S. Con. Res. 153. A concurrent resolution expressing the sense of the Congress that there should be established an annual National Visiting Nurse Associations Week; to the Committee on Health, Education, Labor, and Pensions.

ADDITIONAL COSPONSORS

S. 627

At the request of Mr. GRASSLEY, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 627, a bill to amend the Internal Revenue Code of 1986 to allow individuals a deduction for qualified long-term care insurance premiums, use of such insurance under cafeteria plans and flexible spending arrangements, and a credit for individuals with long-term care needs.

S. 1020

At the request of Mr. HARKIN, the names of the Senator from Colorado (Mr. CAMPBELL), the Senator from Hawaii (Mr. INOUYE), the Senator from Maine (Ms. COLLINS) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 1020, a bill to amend title XVIII of the Social Security Act to improve the provision of items and services provided to medicare beneficiaries residing in rural areas.

S. 2386

At the request of Mrs. LINCOLN, the names of the Senator from Nevada (Mr. ENSIGN) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 2386, a bill to amend title XVIII of the Social Security Act to authorize physical therapists to diagnose, evaluate, and treat medicare beneficiaries without a requirement for a physician referral, and for other purposes.

S. 2480

At the request of Mr. LEAHY, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 2480, a bill to amend title 18, United States Code, to exempt qualified current and former law enforcement officers from state laws prohibiting the carrying of concealed handguns.

S. 2577

At the request of Mr. FITZGERALD, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2577, a bill to repeal the sunset of the Economic Growth and Tax Relief Reconciliation Act of 2001 with respect to the exclusion from Federal income tax for restitution received by victims of the Nazi Regime.

S. 2582

At the request of Mr. LIEBERMAN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 2582, a bill to require a report to Congress on a national strategy for the deployment of high speed broadband Internet telecommunications services, and for other purposes.

S. 2655

At the request of Mr. ROCKEFELLER, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 2655, a bill to amend titles XVIII and XIX of the Social Security Act to improve access to long-term care services under the medicare and medicaid programs.

S. 2712

At the request of Mr. HAGEL, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 2712, a bill to authorize economic and democratic development assistance for Afghanistan and to authorize military assistance for Afghanistan and certain other foreign countries.

S. 2790

At the request of Ms. CANTWELL, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 2790, a bill to provide lasting protection for inventoried roadless areas within the National Forest System.

S. 2869

At the request of Mr. KERRY, the names of the Senator from Iowa (Mr. HARKIN) and the Senator from Colorado (Mr. ALLARD) were added as cosponsors of S. 2869, a bill to facilitate the ability of certain spectrum auction winners to pursue alternative measures required in the public interest to meet the needs of wireless telecommunications consumers.

S. 2884

At the request of Mr. BAUCUS, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 2884, a bill to improve transit service to rural areas, including for elderly and disabled.

S. 2935

At the request of Mr. GREGG, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 2935, a bill to amend the Public Health Service Act to provide grants for the operation of mosquito control programs to prevent and control mosquito-borne diseases.

S. 2935

At the request of Ms. LANDRIEU, the names of the Senator from Indiana (Mr. BAYH), the Senator from Arkansas (Mrs. LINCOLN) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 2935, supra.

S. 3054

At the request of Mr. LIEBERMAN, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 3054, a bill to provide for full voting representation in Congress for the citizens of the District of Columbia, and for other purposes.

S.J. RES. 49

At the request of Mr. AKAKA, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S.J. Res. 49, a joint resolution recognizing the contributions of Patsy Takemoto Mink.

S. RES. 307

At the request of Mr. TORRICELLI, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. Res. 307, a resolution reaffirming support of the Convention on the Prevention and Punishment of the Crime of Genocide and anticipating the commemoration of the 15th anniversary of the enactment of the Genocide Convention Implementation Act of 1987 (the Proxmire Act) on November 4, 2003.

S. RES. 322

At the request of Mrs. LINCOLN, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. Res. 322, a resolution designating November 2002, as ''National Epilepsy Awareness Month''.

S. CON. RES. 94

At the request of Mr. WYDEN, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. Con. Res. 94, A concurrent resolution expressing the sense of Congress that public awareness and education about the importance of health care coverage is of the utmost priority and that a National Importance of Health Care Coverage Month should be established to promote that awareness and education.

S. CON. RES. 138

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

S. CON. RES. 142

At the request of Mr. SMITH of Oregon, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. Con. Res. 142, a concurrent resolution expressing support for the goals and ideas of a day of tribute to all firefighters who have died in the line of duty and recognizing the important mission of the Fallen Firefighters Foundation in assisting family members to overcome the loss of their fallen heroes.

S. CON. RES. 148

At the request of Mr. BROWNBACK, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from North

Carolina (Mr. HELMS) were added as cosponsors of S. Con. Res. 148, a concurrent resolution recognizing the significance of bread in American history, culture, and daily diet.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BINGAMAN:

S. 3111. A bill to compensate agricultural producers in the State of New Mexico that suffered crop losses as a result of use of a herbicide by the Bureau of Land Management; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. BINGAMAN. Mr. President, I rise today to introduce a bill that I do believe should not be necessary, and I hope ultimately will not be needed. Unfortunately, the failure of the Federal Government to own up to its responsibility has left a small group of farmers in Southern New Mexico with no other option.

As I understand it, last July the Bureau of Land Management and the Natural Resources Conservation Service applied herbicide, Tebuthiuron, on a ranch in Southern Eddy County to help control woody brush. The brush control was part of an EQIP project under NRCS.

I have no reason to doubt the application was consistent with label requirements and normal practice. Unfortunately, as frequently happens in New Mexico in July, a heavy rainstorm struck the area and the pellets of herbicide were apparently washed into the Black River. The river is the source of irrigation water for a number of farmers in the vicinity of the town of Malaga.

Unaware of the contamination in the water, farmers irrigated their fields in the normal way. Almost immediately, damage to cotton, hay and other crops was observed. The Eddy County Extension Office of the Cooperative Extension Service at New Mexico State University was asked to investigate the damage to the crops.

Mr. Woods E. Houghton of the Eddy County Office conducted a thorough review of the evidence and in a report dated August 20, 2002, concluded that Tebuthiuron was the likely cause of the crop damage. The report noted levels of Tebuthiuron of over 2 parts per million in some samples. Later tests by the State Chemistry Laboratory found levels over 5 pm. I ask unanimous consent that the August 20th Cooperative Extension Service report be printed in the RECORD at the conclusion of my remarks, exhibit 1.

All the evidence seems to point to the government's application of Tebuthiuron as the most likely source of the poisoning of the crops in Malaga. Last month, I asked the heads of BLM and NRCS to look into the situation and to advise me what recourse is available to the farmers who have lost their crops. Unfortunately, the agencies have not assumed any responsibility for the contamination. Moreover, normal crop insurance doesn't cover damage caused by chemicals.

What are the farmers of Malaga, NM, to do? Through no fault of their own, they have lost their crops, and the Federal Government is not willing to take responsibility. For example, Mr. Oscar Vasquez and his family have lost 130 acres of cotton, 20 acres of hay and 1 acre of full-grown pecan trees. As Mr. Vasquez points out, his losses may persist for several years. He has asked for my assistance in securing compensation for his losses. I ask unanimous consent that a letter to me by Mr. Vasquez be printed in the RECORD at the conclusion of my remarks, exhibit 2. It appears that as many as nine farmers have suffered direct losses from the contamination of their crops and an additional thirteen farmers suffered losses when they couldn't irrigate because of the contamination in the water.

I have urged the heads of BLM and NRCS in the strongest terms possible to do what they can to assist the farmers of Malaga. Unfortunately, nobody wants to take responsibility. The Federal Government's response so far is to suggest the farmers sue the government, but that's a long, drawn-out process. It is also an unacceptable response if the Federal Government is found to be responsible.

The farmers of Malaga need help paying their bills now. These are not rich people, but hard working family farmers. Many have farmed the same land for many, many years. I ask unanimous consent that a recent article from the Carlsbad Current Argus describing the impact this event is having on a number of the farmers of Malaga be printed in the RECORD at the end of my remarks, exhibit 3.

At this point I don't see any other option than to ask that Congress provide some relief to the farmers of Malaga that have suffered losses because of this unfortunate situation. I note that last year Congress provided financial compensation to farmers in Idaho that suffered crop losses in a very similar situation and where BLM and NRCS refused to provide compensation. When a federal program was clearly the source of the contamination in the water, I do believe the government has a responsibility to come to the assistance of the people who have suffered losses.

It is my hope that the agencies involved will step forward, acknowledge their responsibility, and do what is right and necessary to compensate the farmers. Unfortunately, it now appears the agencies are not inclined to do the right thing. Instead, they tell us the affected farmers are free to file a tort claim; we all know what a costly and time-consuming process any legal action can be. However, the farmers need help right now. While it is not the best way, I do believe Congressional action may be the only way of getting these farmers the financial help they need in a timely manner.

The bill I am introducing today simply authorizes the Secretary of Agriculture, in consultation with the Secretary of the Interior, to use funds of the Commodity Credit Corporation to compensate the farmers for their losses. We are still working with the Cooperative Extension Service at New Mexico State University to determine the total amount of the losses, but in light of the small area affected, I fully expect the sums needed to be very modest, indeed.

Mr. President, I ask unanimous consent that a letter supporting this legislation from Frank DuBois, New Mexico's Secretary of Agriculture, exhibit 4, and a copy of the bill be printed in the RECORD.

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

S. 3111

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

SECTION 1. COMPENSATION OF NEW MEXICO PRODUCERS FOR CROP DAMAGE FROM BLM USE OF HERBICIDE.

(a) IN GENERAL.—The Secretary of Agriculture, in consultation with the Secretary of the Interior, may use such funds of the Commodity Credit Corporation as are necessary to compensate agricultural producers in the State of New Mexico that suffered crop losses as a result of the use of the herbicide tebuthiuron by the Bureau of Land Management during the 2002 calendar year.

(b) LIABILITY.—Nothing in this section constitutes an admission of liability by the United States arising from the use of the herbicide tebuthiuron by the Bureau of Land Management.

(c) REGULATIONS.—

(1) IN GENERAL.—The Secretary of Agriculture may promulgate such regulations as are necessary to implement this section.

(2) PROCEDURE.—The promulgation of the regulations and administration of this section shall be made without regard to—

(A) the notice and comment provisions of section 553 of title 5, United States Code;

(B) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804), relating to notices of proposed rulemaking and public participation in rulemaking; and

(C) chapter 35 of title 44, United States Code (commonly known as the ''Paperwork Reduction Act'').

(3) CONGRESSIONAL REVIEW OF AGENCY RULEMAKING.—In carrying out this subsection, the Secretary shall use the authority provided under section 808 of title 5, United States Code.

COOPERATIVE EXTENSION SERVICE,
NEW MEXICO STATE UNIVERSITY,
Las Cruces, NM, August 20, 2002.

Saturation report of cotton damage in the Malaga NM area approximately, 350 acres.

Background: Oscar Vasquez farm, and his landlords.

2001 crop year, cotton except 10 acres (Duarte); 23 acres on home place, which was in alfalfa.

Pre 15 January 2002 field were moldboard, disked to comply with pink bollworm regulations. They were also treated with 1 pint Trifluralin, 1 pint Caporal per acre. This was incorporated with a spring tooth harrow and disked one time. Watered on 15–30 January 2002 and first part of February 2002, with black river water.

15 March 2002 stale bed worked up.

21 April 2002 Planted with DG–206 NK seed.
25 June 2002 irrigated with CID water.
2 July 2002 Cultivated.
10–11 July 2002 sprayed for boll-worms (Heliothis zia) with 1.5 pint Lorsban and 1-pint Amigo surfactant per acre.
26 July 2002 Boll weevil control committee sprayed fields Malthion ULV.
20–23 July 2002 Irrigated with black river water.
18–19 July 2002 Rain floodwater on black river.
27 July 2002 Oscar noticed problems with cotton.
30 July 2002 Oscar called Woods E. Houghton county agent.
31 July 2002 Woods E. Houghton visited Oscar Vasquez farm, and concluded something in the water caused problems. Woods took soil and plant samples. Samples sent to Dr. Bob Flynn for Ecreading. Dr. Goldberg and Dr. McWilliams for diagnosis of disease or nutrition disorders if they occurred. Surface water bureau notified NM ED department Dr. Jim Davis. Suspected possible illegal disposal of produced water which is high in saline. High salt consternation could cause similar damage.
7 Aug 2002 Woods Houghton and Jim Ballard of Eddy County Sheriff Office, flew over and photographed. Talked with Oscar again. Recalled BLM treated a number of acres above on the black river with Spike (Tebuthiuron) 8 July 2002. Confirmed this with Mr. Mike Ramirez BLM. Reported possible off target effects to Ms. Margery Lewis NMDA and Mr. Russell Knight NMDA. Conferred with Mr. Tom Davis CID.
8 Aug 2002 Dr. Flynn reported that the unhealthy plants had a lower Ec value then the healthy plant soil samples. The problem most likely not salt or produced water.
16 Aug 2002 Received from Dr. Goldberg diagnosis record, which indicated that no plant pathogenic microorganisms were isolated from the sample submitted.
Symptoms: Plant Yellowing at top and then turned clororotic followed by necrosis between veins and on leaf edges with DG–206. On ACLA 1517–99 started from bottom to top but same symptoms. Fruit drop starts first. Plants die from top down. Some plants appear to recover set new flowers and attempting new growth. Most 90% or more die back almost completely. Symptoms atypical of Spike but consistent with chlorophyll inhibitors. Also the root hairs are dead and brittle do not stay attached to plant when pulled up.
Other Information: On contact with BLM and NRCS equip project on three mile draw area was treated with Tebuthiuron (Spike 20p) on 8 July 02. Approximately 2,300 acres were treated some at 0.5AI and some at 0.75 AI per acre. This draw drains in to the black river above the diversion. The diversion diverts water to the farms, which are reporting damage. M&M Air Service was the applicator. Laboratory results from Analytical Pesticide Technology Laboratories Wyamissing Pa. Reported results of soil 0.187 ppm, cotton 1 1.66ppm, cotton 2 2.03ppm, Elm collected at diversion 0.196ppm, Cottonwood collected at diversion 0.329ppm. These samples were collected by Mr. Tom Davis and submitted by Carisbad Irrigation District for analysis. Samples were also taken by Mr. Russell Knight and Mr. Woods Houghton on 09 Aug. 02. The hydrograph of blackriver at USGS gauging station above the diversion but below three-mile draw show the water flow on the 17 July at less then 4 CFS, on 18–19 July it peaked at greater the 100 CFS. This area experienced high intensity short duration storm in this time frame. There are older treatment areas in the vicinity as well.
Conclusion: Tebuthiuron Herbicide contamination of black river prior to irrigation has resulted in cotton crop losses. That flash flooding may have contributed to off target movement of products containing Tebuthiuron.

WOODS E. HOUGHTON,
Eddy County Agriculture Agent/
Acting Program Director.

SEPTEMBER 17, 2002.

Senator JEFF BINGAMAN,
Albuquerque, NM.

DEAR SENATOR BINGAMAN: I am writing this letter to ask for your help with a serious problem that has occurred on my own Farm, and my rented Farms.

My name is Oscar Vasquez, I farm approximately 320 acres of cotton, and alfalfa for 27 years. I own 145 acres, and share crop 175 acres from my neighbors, Mr. Damon Bond, Mrs. Catalina Carrasco, and Mr. Pedro Duarte.

On July 20, 2002, I began watering my cotton with Black River water as I would normally, and continued for 8 days. On July 27, 2002, I began to see wilting effects on the cotton fields I started watering first. I contacted Mr. Woods Houghton, our Eddy County Extension agent. He came and saw the damage on my cotton, it took us till August 7, 2002, to conclude that my cotton had received the damage thru the contaminated irrigation water. We also concluded that the BLM had applied herbicide called Tebuthiuron (Spike) to approximately 2400 acres on Three Mile Draw which is on the Gene & Kathy Hood Ranch, above the Black River Irrigation Diversion Dam.

The BLM and the NRCS (National Resource Conservation Services), applied this chemical to control brush on the Hood Ranch. The chemical was applied by airplane in pellet form on July 8, 9, & 12. The Hood Ranch received a 2½″ rain in 45 minutes on the 18th & 19th of July washing the chemical in the Black River. I began to irrigate my cotton on July 20, 2002. My cotton crop has since sustained severe damage, with the chemical terminating the crop before maturity, therefore my crop is totally ruined.

I have contacted my cotton buyer and he does not want to buy my cotton crop this year. I have sold him 23 consecutive cotton crops in the past. What am I to do with this damaged crop? Do I harvest it? If I do, who will buy it? Or do I destroy it, or graze it? I need answers to all these questions.

New Mexico Agriculture Department has not assumed the responsibility to let me know what to do. The BLM has not assumed the responsibility either. What are my Landlords going to do for income this year. Mr. & Mrs. Damon Bond are 86 years old, Mrs. Catalina Carrasco is 68 years old, and a widow, Mr. Pedro Duarte is a little better off, he is 47 years old and has a job. I am 53 years old with the last of 5 children attending NMSU. My wife and I do not hire any help on the Farm, we do all the tractor and manual labor work ourselves

We would appreciate an answer to all our problems, preferably our income problem. The long term damage of these chemical effect is 5 years, or longer. Thank you for your cooperation.

Sincerely yours,

OSCAR VASQUEZ

P.S. Please see attached evidence gathered by Woods Houghton NM Eddy County Extension Agent, and the test results on soil and foliage samples by N.M.A.D. Laboratories. The total acreage is 130 acres of Cotton, 20 acres of Hay, and 1 acre of full grown Pecan Trees, on the Oscar Vasquez Farm.

[From the Current Argus, Oct. 5, 2002]

FIGHTING FOR THE FARM: MALAGA FARMERS FACE UNCERTAIN FUTURE AFTER CROPS DAMAGED

(By Stella Davis)

MALAGA.—Oscar and Gloria Vasquez sit at the table in their dining room with a morning cup of coffee. But these days, the couple gets little pleasure in gazing out through the large dining room window facing their farm fields.

Where normally they would see healthy stands of cotton, all they see now are rows of small, leafless cotton stalks with stringy cotton bolls.

The couple farms about 320 acres—145 acres are owned by them and the 175 remaining acres they sharecrop for three other families who depend on the income from their shares.

Disaster struck Malaga farmers in late July when they watered their fields from the Black River diversion dam, unaware the water had been contaminated with the herbicide, tebuthiuron.

Later they discovered the Bureau of Land Management applied the herbicide on the ground just above the diversion dam to control woody vegetation on range and ranchland.

The chemical was applied in conjunction with a federal cost share program through the Natural Resource Conservation Service, an agency of the U.S. Department of Agriculture. The rancher and the federal agency share the cost of applying the chemical on private ranch land.

''This crop is our income. It's our living. We are losing money, and the bills are coming in,';' Oscar Vasquez said. ''I can survive this year, but there are other farmers who won't. They will be wiped out financially. I have two cousins, Tony and Mike Vasquez, who also have crop damage. They are in their sixties and the income loss will be devastating for them.''

Oscar Vasquez, 53, said he has always tried to meet his commitments and financial obligations and is proud that he and his wife have put five children and a daughter-in-law through college.

''My wife and I put them through college, and our youngest is ready to graduate. They all went into engineering and graduated from New Mexico State University. We worked hard on the farm to make the income to put them through college. It's expensive to put kids through college, but we managed. I feel it is a privilege to send my kids to school. The next few months are going to be tight in meeting our son's college expenses. This couldn't have come at a worse time. He's close to finishing.

''We will make it through this year financially, but I don't know what is going to happen next year,'' he said. ''We don't know how long the soil will stay contaminated. I have a payment coming due on a mechanical baler, and there are costs associated with planting cotton that I will have to cover without the income from the crops. I usually grow hay and cotton. But because water was scarce this year, I chose to grow cotton and put all the water on it. Now I don't have anything.''

In another farmhouse about a mile down the road, Dick Calderon worries how he is going to take care of his wife, twin 4-year-old daughters, a 6-year-old son and his elderly parents living next door, as well as meeting all his financial obligations.

Over half of his cotton crop is dying from water contamination, and his alfalfa died due to lack of water.

His Federal farm loans are coming due, as are his tractor and equipment loans.

Damon and Marie Bond, both 86, rely on income from the farm that the Vasquezes

sharecrop for them. This year they will have to live on less. Their cotton crop is also damaged.

The Vasquezes, Calderon and the Bondses are among 11 families that have fallen victim to the agriculture disaster.

They say they are frustrated they feel the state Department of Agriculture—the lead agency in the investigation of the crop kill—has not given them answers or direction on what they should do with their contaminated crops. Even worse, they said, no one has stepped up to the plate to take responsibility.

''I began watering my cotton with Black River water as I would normally and continued for eight days,'' Vasquez said. ''On July 27, I began to see wilting effects on the cottom fields that I started watering first.''

Alarmed, Vasquez contacted the county extension agent to identify the cause.

''I contacted Woods Houghton, and he worked with me to determine what caused the damage,'' Vasquez said. ''He's been the only one who has tried to help us and do right by us.''

Houghton's detective work, poring over books and data for many hours, revealed the cotton crop showed classic signs of chemical damage. More sleuthing on his part showed tebuthiuron was the cause.

After further investigation, farmers learned the chemical had been applied in the early part of July. On July 18 and 19, more than 2 inches of rain fell on the Black River area in a 45–minute period, and the chemical washed into the river.

Within days of Vasquez's report of crop losses, other farmers who irrigated shortly after the rain began reporting crop losses that ranged from cotton—the most susceptible to tebuthiuron-to alfalfa and pecan and cottonwood trees.

Calderon said the fear is ever present that the family farm could be lost.

''We are going into the third month, and we have not got any answers yet,'' Calderon said. ''The financial stress for me is pretty high right now. I planted 45 acres of cotton, and I've lost over half. I also lost my hay too. I had to stop watering because the water was contaminated. It's dried up, and farming has come to a dead stop for a lot of us. We need some answers. We don't know what to do with what we have in the ground.''

Vasquez said no one wants to buy the contaminated cotton. Harvesting it would be financial suicide, he said.

''The cotton market is down, which is bad enough, and then this,'' he said. ''We get about $50 per bale, but when you add up the cost to harvest one bale, it adds up to $135. No one wants to buy damaged cotton, so why would we go to the cost of harvesting it at $135 per bale.''

He said the state Department of Agriculture has agreed to one thing: Seed from the contaminated cotton cannot be fed to livestock.

''We sell the seed to the dairies in Roswell,'' Vasquez said. ''They use it to feed the cows. So there is another amrket loss for us.''

Vasquez's cousin, Mike Vasquez, said he has lost 25 acres of cotton, and the loss of income will be devastating.

''I have disaster insurance, but I've been told it does not cover manmade disasters,'' he said. 'I didn't cause this disaster. The federal government did. I may be poor, but I'm not stupid. Why would I damage my crop that is my livelihood? I'm not that dumb to put down a herbicide in our monsoon season. The BLM, which is the federal government, did that and look what it has brought us (farmers) financial ruin.

''We don't know what this stuff has done to the soil and we don't know for how long the soil will be contaminated. It could be several years. But no one is stepping up to take blame for what has happened. The cotton is still in the gound, and we don't know what to do with it.

Mike Vasquez, who retired after 30 years with the city of Carlsbad's water department, said farming supplements his modest retirement income from the city, and he has had many recent sleepless nights worrying how he is going to pay his farm loans.

''The worry is making me physically sick,'' he said. ''We need some answers, and nobody is giving them to us. We also need some financial relief. There has to be someone out there that can give us the answers we need.''

Marie Bond, 86, who lives near Oscar and Gloria Vasquez, said the loss of income this year is a blow, but she and her husband will just have to tighten their belts and make do with less.

''Anything that happens to Oscar happens to us,'' she said. ''My husband and I have weathered some rough times in our lives and, although the income from the farm is important, we will make, it. It's a lot harder on Oscar because he has the expenses that have to be paid and there is no money coming in right now,'' she said.

''This is something that should not have happened. It could have been avoided. It's just terrible.''

DEPARTMENT OF AGRICULTURE,
STATE OF NEW MEXICO,
Las Cruces, NM, October 3, 2002.

Hon. JEFF BINGAMAN,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR BINGAMAN: We have received complaints from 22 farmers in the Carlsbad region indicating they have crop damage which appears to be from alleged movement of a herbicide from an area treated by the Bureau of Land Management (BLM) and the Natural Resource Conservation Service (NRCS). We are currently investigating the complaints to determine if there were violations of state or federal law. I seek your assistance in providing financial support for the individuals whose crops were damaged.

On August 7, 2002, the New Mexico Department of Agriculture (NMDA) received its first complaint regarding crop damage due to alleged movement from an area treated with Tebuthriuron (Spike) in the Three-Mile Draw area. Preliminary investigation indicates the BLM and the NRCS treated approximately 2,400 acres of rangeland. We also found evidence of significant precipitation which occurred after application in the approximate treated area.

NMDA has taken samples from the complainants' fields as part of the investigation. Some of the samples analyzed thus far have tested positive for Tebuthiuron. We will continue to analyze the remaining samples and will provide you with the results when they are complete.

It is my understanding that some of the complainants have crop insurance; however, chemical related damages are not covered. The affected individuals will suffer a severe financial hardship if assistance is not provided. It is also clear these individuals have suffered losses through no fault of their own. Many are small farmers and may not survive without direct financial assistance.

In 2001 Congress authorized the expenditure of not more than $5 million from the Commodity Credit Corporation to pay claims of crop damage that resulted from the BLM's use of herbicides during the 2001 calendar year in the state of Idaho Enclosed is a copy of Section 757 of Public Law 107–76, which provides the funding. Similar consideration should be given to the affected New Mexico farmers. Our investigation is not complete at this time, but I believe it is very important to bring this matter to your attention since the relevant appropriation bills have not been passed by Congress.

If you have any questions, please contact me.

Sincerely,

FRANK A. DUBOIS.

By Mr. McCAIN:

S. 3112. A bill to amend the Internal Revenue Code of 1986 to provide for a deferral of tax on gain from the sale of telecommunications businesses in specific circumstances or a tax credit and other incentives to promote diversity of ownership in telecommunications businesses; to the Committee on Finance.

Mr. McCAIN. Mr. President, today I am introducing The Telecommunications Ownership Diversity Act of 2002. This legislation is designed to ensure that new entrants and small businesses will have the chance to participate in today's telecommunications marketplace.

At a time when the telecommunications industry is economically depressed, this bill promotes the entry of new competitors and small businesses into the field by providing carefully limited changes to the tax law. Too often today, new entrants and small businesses lose out on opportunities to purchase telecom assets because they don't offer sellers the same tax treatment as their larger competitors. Specifically, a small purchaser's cash offer triggers tax liability, while a larger purchaser's cash offer triggers tax liability, while a larger purchaser's stock offer may be accepted effectively tax-free. When an entity chooses to sell a telecom business, our tax laws should not make one bidder more attractive than another.

This legislation would give sellers of telecommunications businesses a tax deferral when their assets are bought for cash by small business telecom companies. It would also encourage the entry of new players and the growth of existing small businesses by enabling the seller of a telecom business to claim a tax deferral on capital gains if it invests the proceeds of any sale of its business in purchasing an interest in an eligible small telecom business.

While large companies continue to merge into even larger companies, small businesses have faced substantial barriers in trying to become long-term players in the telecommunications market. These barriers can be even more formidable for members of minority groups and for women, for whom it has historically been more difficult to obtain necessary capital. Since new entry and the ability to grow existing businesses are key components of competition, and since competition is usually the most successful way to achieve the goals of better service and lower prices, restricting small business' ownership opportunities does not serve consumers' interests.

It's easy to forget that telecommunications industry transactions are routinely valued in the billions. Even radio, which has traditionally been a comparatively easier telecom segment to enter, has been priced out of range of most would-be entrants. In addition to these monetary barriers, the tax code makes cash sales less attractive to sellers than stock-swaps. So new entrants and smaller incumbents, which typically must finance telecom acquisitions with cash rather than stock, are less-preferred purchasers than large incumbents. As a result, telecom business sellers have little incentive to sell their businesses to new entrants and small incumbents.

But what should Congress do? Clamp down on merger activity? Insist that hopelessly-outdated ownership restrictions set by the Federal Communications Commission be retained? Rush to concoct new telecom ownership ''opportunities'' from government programs or regulations that, in the real world, present small business with only one real opportunity, the opportunity to fail? None of these proposals would succeed because all of them, like the Telecommunications Act of 1996, ignore marketplace realities instead of working with them.

One answer is to level the playing field and give established telecom industry players the same economic incentives to deal with new entrants and small businesses as they currently have with respect to larger companies. And that's what this legislation would do.

Specifically, the bill would amend the Internal Revenue Code by adding a new Section 1071 entitled ''Nonrecognition of gain on certain sales of telecommunications business.'' This new section of the tax code would allow a telecom business seller to elect to have capital gains deferred under the existing Section 1033 rules for any ''qualified telecommunications sale.'' The aggregate amount of any gain deferred under the qualified sale would be limited to $250 million per transaction, and less than $84 million per taxable year.

A qualified telecommunications sale would be defined in two ways. The first type of qualified sale would be sales to an ''eligible purchaser'' of either the assets of a telecom business or the stock that makes up a controlling interest in a corporation with substantially all of its assets in one or more telecom businesses. Eligible purchasers would include economically and socially disadvantaged businesses that qualify under a carefully drawn three-part test. The second type of qualified sale would be the sale of any telecom business to any purchaser, as long as the seller reinvests the proceeds in equity interests in eligible small telecom businesses.

To account for the variety of telecommunications services available today, the legislation would broadly define telecommunications businesses eligible for capital gains tax deferral to include not only radio, broadcast TV, DBS, and cable TV, but also wireline and wireless telephone service providers and resellers.

Some may be concerned that this legislation could potentially allow entities seeking to ''game the system'' to set up eligible purchasers to take advantage of the bill's provisions. In order to eliminate the potential for abuse, the bill would require the eligible purchaser to hold any property acquired for three years, during which time it could only so sold to an unrelated eligible purchaser. Moreover, the bill would require the General Accounting Office to thoroughly audit and report on the administration and effect of the law every two years.

By sharing with smaller companies a portion of the investment benefits our tax laws give to the major telecom companies we have a chance to make sure that, at the end of the day, we won't regret what ''might have been'' for small business. By enabling individuals and small businesses to use industry restructurings as opportunities for expansion, we will keep faith with those who have been, and remain, enduringly valuable contributors to our free-market system.

Over the next several months, I look forward to working with interested organizations to further improve this legislation. In particular, I welcome comments on how to further refine the concepts of ''qualified telecommunications business'' and ''eligible purchaser'' to ensure that this legislation can meet its goals in the most fair and effective manner.

Revolutionary developments in the telecommunications industry have been made by gifted individuals with small companies and unlimited vision. In this sense, the telecommunciaitons industry is a true microcosm of the American free-market system. New entrants and small businesses should have a fair chance to participate across the broad spectrum of industries that will make up the telecommunications industry in the Information Age. This legislation will help them do that.

I ask unanimous consent that 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. 3112

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Telecommunications Ownership Diversification Act of 2002''.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress makes the following findings:

(1) Current trends in the telecommunications industry show that there is increasing convergence among various media, including broadcasting, cable television, and Internet-based businesses, that provide news, information, and entertainment.

(2) This convergence will continue, and therefore, diversifying the ownership of telecommunications facilities remains a preeminent public interest concern that should be reflected in both telecommunications and tax policy.

(3) A market-based, voluntary system of investment incentives is a very effective, lawful, and economically sound means of facilitating entry and diversification of ownership in the telecommunications industry.

(4) Opportunities for new entrants to participate and grow in the telecommunications industry have substantially decreased since the end of the Federal Communications Commission's tax certificate policy in 1995, particularly in light of the increase in tax-free like-kind exchanges, despite the most robust period of transfers of radio and television stations in history. During this time, businesses owned or controlled by socially disadvantaged individuals, including, but not limited to, members of minority groups and women, have continued to be under represented as owners of telecommunications facilities.

(5) Businesses owned or controlled by socially disadvantaged individuals are and historically have been economically disadvantaged in the telecommunications industry. For these businesses, access to and cost of capital are and have been substantial obstacles to new entry and growth. Consequently, diversification of ownership in the telecommunications industry has been limited.

(6) Telecommunications facilities owned by new entrants may not be attractive to investors because their start-up costs are often high, their revenue streams are uncertain, and their profit margins are unknown.

(7) It is consistent with the public interest and with the pro-competition policies of the Telecommunications Act of 1996 to provide incentives that will facilitate investments in, and acquisition of telecommunications facilities by, socially and economically disadvantaged businesses, thereby diversifying the ownership of telecommunications facilities.

(8) Increased participation by socially and economically disadvantaged businesses in the ownership of telecommunications facilities will enhance competition in the telecommunications industry. Permitting sellers of telecommunications facilities to defer taxation of gains from transactions involving socially and economically disadvantaged businesses, and resulting from investments in designated capital funds that provide capital for such entities, will further the development of a competitive and diverse United States telecommunications industry without governmental intrusion in private investment decisions.

(9) The public interest would not be served by attempts to diversify the ownership of telecommunications; businesses through any approach that would involve the use of mandated set-asides or quotas.

(10) Today, the telecommunications industry is struggling to survive one of its most troubling times. Therefore, facilitating voluntary, pro-competitive transactions that will promote ownership of telecommunications facilities by economically and socially disadvantaged businesses will aid in providing the investment and capital that is crucial to this sector.

(b) PURPOSE.—The purpose of this Act is to facilitate voluntary, pro-competitive transactions that will promote ownership of telecommunications facilities by economically and socially disadvantaged businesses.

SEC. 3. NONRECOGNITION OF GAIN ON QUALIFIED SALES OF TELECOMMUNICATIONS BUSINESSES.

(a) IN GENERAL.—Subchapter O of chapter 1 of the Internal Revenue Code of 1986 (relating to gain or loss on disposition of property)

is amended by inserting after part IV the following new part:

''PART V—CERTAIN SALES OF TELECOMMUNICATIONS BUSINESSES

''Sec.
''1071. Nonrecognition of gain on certain sales of telecommunication businesses.

''SEC. 1071. NONRECOGNITION OF GAIN ON CERTAIN SALES OF TELECOMMUNICATION BUSINESSES.

''(a) IN GENERAL.—In case of any qualified telecommunications sale, at the election of the taxpayer, such sale shall be treated as an involuntary conversion of property within the meaning of section 1033.

''(b) LIMITATION ON AMOUNT OF GAIN ON WHICH TAX MAY BE DEFERRED.—The amount of gain on any qualified telecommunications sales which is not recognized by reason of this section shall not exceed $250,000,000 per transaction and shall not exceed $83,333,333 per taxable year. Excess amounts can be carried forward in future years subject to the annual limit.

''(c) QUALIFIED TELECOMMUNICATIONS SALE.—For purposes of this section, the term 'qualified telecommunications sale' means—

''(1) any sale to an eligible purchaser of—

''(A) the assets of a telecommunications business, or

''(B) stock in a corporation if, immediately after such sale—

''(i) the eligible purchaser controls (within the meaning of Section 368 (c)) such corporation, and

''(ii) substantially all of the assets of such corporation are assets of 1 or more telecommunications businesses; and

''(2) any sale of a telecommunications business, if the taxpayer purchases, within the replacement period specified in section 1033(a)(2)(b), 1 or more equity interests in an entity that is an eligible purchaser as defined in subsection (f)(1)(A) (the Telecommunications Development Fund.).

''(d) SPECIAL RULES.—

''(1) IN GENERAL.—In applying section 1033 for purposes of subsection (a) of this section, stock of a corporation operating a telecommunications business, whether or not representing control of such corporation, shall be treated as property similar or related in service or use to the property sold in the qualified telecommunications sale.

''(2) ELECTION TO REDUCE BASIS RATHER THAN RECOGNIZE REMAINDER OF GAIN.—If—

''(A) a taxpayer elects the treatment under subsection (a) with respect to any qualified telecommunications sale, and

''(B) an amount of gain would (but for this paragraph) be recognized on such sale other than by reason of subsection (b),

then the amount of gain described in subparagraph (B) shall not be recognized to the extent that the taxpayer elects to reduce the basis of depreciable property (as defined in section 1017(b)(3)) held by the taxpayer immediately after the sale or acquired in the same taxable year. The manner and amount of such reduction shall be determined under regulations prescribed by the Secretary.

''(3) BASIS.—For basis of property acquired on a sale or exchange treated as an involuntary conversion under subsection (a), see section 1033(b).

''(e) RECAPTURE OF TAX BENEFIT IF TELECOMMUNICATIONS BUSINESS RESOLD WITHIN 3 YEARS, ETC.—

''(1) IN GENERAL.—If, within 3 years after the date of any qualified telecommunications sale, there is a recapture event with respect to the property involved in such sale, then the purchaser's tax imposed by this chapter for taxable year in which such event occurs shall be increased by 20 percent of the lesser of the consideration furnished by the purchaser in such sale or the dollar amount specified in subsection (b).

''(2) EXCEPTION FOR REINVESTED AMOUNTS.—Paragraph (1) shall not apply to any recapture event which is a sale if—

''(A) the sale is a qualified telecommunications sale, or

''(B) during the 60-day period beginning on the date of such sale, the taxpayer is the purchaser in another qualified telecommunications sale in which the consideration furnished by the taxpayer is not less that the amount realized on the recapture event sale.

''(1) RECAPTURE EVENT.—For purpose of this subsection, the term 'recapture event' means with respect to any qualified telecommunications sale—

''(A) any sale or other disposition of the assets or stock referred to in subsection (c) which were acquired by the taxpayer in such sale, and

''(B) in the case of a qualified telecommunications sale described in subsection (c)(1)(B)—

''(i) any sale or other disposition of a telecommunications business by the corporation referred to in such subsection, or

''(ii) any other transaction which results in the eligible purchaser business not having control (as defined in subsection (c)(1)(B)(i)) of such corporation.

''(f) DEFINITIONS.—In this section:

''(1) ELIGIBLE PURCHASER.—The term 'eligible purchaser' means—

''(A) the Telecommunications Development Fund established under section 714 of the Communications Act of 1934 (47 U.S.C. 614), or any wholly-owned affiliate of that Fund;

''(B) an economically and socially disadvantaged business, as defined in paragraph (2) of this subsection; and

''(C) an entity qualified under section 851, if more than 50 percent of its gross income is derived from equity investment in an economically and socially disadvantaged business or businesses, as defined in paragraph (2) of this subsection, as determined by the Secretary.

''(2) ECONOMICALLY AND SOCIALLY DISADVANTAGED BUSINESS.—The term 'economically and socially disadvantaged business' means a person that is designated by the Secretary as an 'economically and socially disadvantaged business' based on a determination that the subject person—

''(A) meets the control requirements of paragraph (6);

''(B) will be a telecommunications business after the purchase for which the eligibility determination is sought; and

''(C) before the purchase for which the eligibility determination is sought does not have:

''(i) attributable ownership interests in television broadcast stations having an aggregate national audience reach of more than 5 percent as defined by the Federal Communications Commission under section 73.3555(e)(2)(i) of title 47 of the Code of Federal Regulations as in effect on January 1, 2001;

''(ii) attributable ownership interest in: (a) more than 50 radio stations nationally; and (b) radio stations with a combined market share exceeding 10 percent of radio advertising revenues in the relevant market as defined by the Federal Communications Commission; or

''(iii) attributable ownership interests in any other telecommunications business having more than 5 percent of national subscribers.

''(3) RELEVANT MARKET.—The term 'relevant market' means the local market served by the radio station or stations being purchased.

''(4) TELECOMMUNICATIONS BUSINESS.—The term 'telecommunications business' means a business which, as its primary purpose, engaged in electronic communications and is regulated by the Federal Communications Commission pursuant to the Communications Act, including a cable system (as defined in section 602(7) of the Communications Act of 1934 (47 U.S.C. 532(7)), a radio station (as defined in section 3(35) of that Act (47 U.S.C. 153(35)), a broadcasting station providing television service (as defined in section 3(49) of that Act (47 U.S.C. 153(49)), a provider of direct broadcast satellite service (as defined in section 335(b)(5) of that Act (47 U.S.C. 335(b)(5)), a provider of video programming (as defined in section 602(20) of that Act (47 U.S.C. 602(20)); a provider of commercial mobile services (as defined in section 332(d)(1) of that Act (47 U.S.C. 332(d)(1)), a telecommunications carrier (as defined in section 3(44), of that Act (47 U.S.C. 153(44)); a provider of fixed satellite service; a reseller of telecommunications service or commercial mobile service; or a provider of multichannel multipoint distribution service.

''(5) PURCHASE.—The taxpayer shall be considered to have purchased a property if, but for subsection (d)(2), the unadjusted basis of the property would be its cost within the meaning of section 1012.

''(6) CONTROL.—

''(A) INDIVIDUALS.—For purposes of paragraph (2)(A), an individual who meets the requirements of paragraph (7) also meets the requirements of this paragraph.

''(B) ENTITIES.—For purposes of paragraph (1)(B), an entity meets the requirement of this paragraph if the requirements of subparagraph (C), (D), or (E) are satisfied.

''(C) 30-PERCENT TEST.—The requirements of this subparagraph are satisfied if—

''(i) with respect to any entity which is a corporation, individuals who meet the requirements of paragraph (7) own 30 percent or more in value of the outstanding stock of the corporation, and more than 50 percent of the total combined voting power of all classes of stock entitled to vote of the corporation; and

''(ii) with respect to any entity which is a partnership, individuals who meet the requirements of paragraph (7) own 30 percent or more of the capital interest and the profits interest in the partnership, and more than 50 percent of the total combined voting power of all classes of partnership interests entitled to vote.

''(D) 15-PERCENT TEST.—The requirements of this subparagraph are satisfied if—

''(i) with respect to any entity which is a corporation—

''(I) individuals who meet the requirements of paragraph (7) own 15 percent or more in value of the outstanding stock of the corporation, and more than 50 percent of the total combined voting power of all classes of stock entitled to vote of the corporation; and

''(II) no other person owns more than 25 percent in value of the outstanding stock of the corporation; and

''(ii) with respect to any entity which is a partnership—

''(I) individuals who meet the requirements of paragraph (7) own 15 percent or more of the capital interest and profits interest of the partnership, and more than 50 percent of the total combined voting power of all classes of partnership interests entitled to vote; and

''(II) no other person owns more than 25 percent of the capital interest and profits interest of the partnership.

''(E) PUBLICLY-TRADED CORPORATION TEST.—The requirements of this subparagraph are satisfied if, with respect to a corporation the securities of which are traded on an established securities market—

''(i) individuals who meet the requirements of paragraph (7) own 50 percent or more of

the total combined voting power of all classes of stock entitled to vote of the corporation; and

''(ii) the stock owned by those individuals is not subject to any agreement, arrangement, or understanding which provides for, or relates to, the voting of the stock in any manner by, or at the direction of, any person other than an eligible individual who meets the requirements of paragraph (7), or the right of any person other than one of those individuals to acquire the voting power through purchase of shares or otherwise.

''(F) CONSTRUCTIVE OWNERSHIP.—In applying subparagraphs (C), (D), and (E), the following rules apply:

''(i) Stock or partnership interests owned, directly or indirectly, by or for a corporation, partnership, estate, or trust shall be considered as being owned proportionately by or for its shareholders, partners, or beneficiaries.

''(ii) An individual shall be considered as owning stock and partnership interests owned, directly or indirectly, by or for his family.

''(iii) An individual owning (otherwise than by the application of clause (ii)) any stock in corporation shall be considered as owning the stock or partnership interests owned, directly or indirectly, by or for his partner.

''(iv) An individual owning (otherwise than by the application of clause (ii)) any partnership interest in a partnership shall be considered as owning the stock or partnership interests owned, directly or indirectly, by or for his partner.

''(v) The family of an individual shall include only his brothers and sisters (whether by the whole or half blood), spouse, ancestors, and lineal descendants.

''(vi) Stock or partnership interests constructively owned by a person by reason of the application of clause (i) shall, for the purposes of applying clause (i), (ii), (iii), or (iv), he treated as actually owned by that person, but stock constructively owned by an individual by reason of the application of clause (ii), (iii), or (iv) shall not be treated as owned by that individual for the purpose of again applying any of those clauses in order to make another the constructive owner of the stock or partnership interests.

''(7) INDIVIDUALS.—An individual is described in this paragraph if that individual is

''(A) a United States citizen, and

''(B) a member of a socially or economically disadvantaged class determined by the Secretary of Treasury to be underrepresented in the ownership of the relevant telecommunications business.''.

SEC. 4. TELECOMMUNICATIONS BUSINESS CREDIT.

(a) IN GENERAL.—Subpart E of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to rules for computing investment credit) is amended by inserting after section 48 the following:

''SEC. 48A. TELECOMMUNICATIONS BUSINESS CREDIT.

''For purposes of section 46, there is allowed as a credit against the tax imposed by this chapter for any taxable year an amount equal to 10 percent of the taxable income of any taxpayer that at all times during that taxable year—

''(1) is a local exchange carrier (as defined in section 3(44) of the Communications Act of 1934 (47 U.S.C. 153(44)));

''(2) is not a Bell operating company (as defined in section 3(4) of that Act (47 U.S.C. 153(4))); and

''(3) is headquartered in an area designed as an empowerment zone by the Secretary of Housing and Urban Development.''.

(b) CONFORMING AMENDMENTS.—

(1) AMENDMENT OF SECTION 46.—Section 46 of such Code (relating to amount of credit) is amended by—

(A) striking ''and'' in paragraph (2);

(B) striking ''credit.'' in paragraph (3) and inserting ''credit; and''; and

(C) adding at the end the following: ''(4) the telecommunications business credit.''.

(2) CLERICAL AMENDMENTS.—

(A) The analysis for part III of subchapter 0 of chapter 1 of such Code is amended by adding at the end thereof the following:

''1071. Sale of telecommunications business.''.

(B) The table of sections for Subpart E of part IV of subchapter A of chapter 1 of such Code is amended by inserting after the item relating to section 48 the following:

''48A. Telecommunications business credit.''

SEC. 5. EXCLUSION OF 50 PERCENT OF GAIN.

Section 1202 of the Internal Revenue Code of 1986 (relating to 50 percent exclusion for gain from certain small business stock) is amended—

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

''(3) CERTAIN TELECOMMUNICATIONS INVESTMENTS BY CORPORATIONS AND INVESTMENT COMPANIES.—Gross income does not include 50 percent of any gain from the sale or exchange of stock in an eligible purchaser (as defined in section 1071(f)(1)) engaged in a telecommunications business (as defined in section 1071(f)(3)) held for more than 5 years.'';

(2) by striking subparagraphs (A) and (B) of subsection (b)(1) and inserting the following:

''(A) in the case of gain from the sale or exchange of qualified small business stock held for more than 5 years—

''(i) $10,000,000 reduced by the aggregate amount of eligible gain taken into account by the taxpayer under subsection (a) for prior taxable years and attributable to dispositions of stock issued by such corporations; or

''(ii) 10 times the aggregate adjusted bases of qualified small business stock issued by such corporations and disposed of by the taxpayer during the taxable year; and

''(B) in the case of gain from the sale or exchange of stock in an eligible purchaser engaged in a telecommunications business for more than 5 years—

''(i) $20,000,000 reduced by the aggregate amount of eligible gain taken into account by their taxpayer under subsection (a) for prior taxable years and attributable to dispositions of stock issued by the eligible purchaser engaged in a telecommunications business; or

''(ii) 15 times the aggregate adjusted bases of stock of an eligible purchaser engaged in a telecommunications business issued by such eligible purchaser and disposed of by the taxpayer during the taxable year.'';

(3) by striking ''years'' in subsection (b)(2) and inserting ''years or any gain from the sale or exchange of stock in an eligible purchaser engaged in a telecommunications business held for more than 5 years.''; and

(4) by striking '' '$10,000,000'.'' in subsection (b)(3)(!) and inserting '' '$10,000,000', and paragraph (1)(B) shall be applied by substituting '$10,000,000' for '$20,000,000'.''.

SEC. 6. EFFECTIVE DATE—TECHNICAL AND CONFORMING CHANGES.

(a) TAXABLE YEARS.—The amendments made by section 4 shall apply to taxable years ending after the date of enactment of this Act.

(b) SALES.—The amendments made by section 3 shall apply with respect to a sale described in section 1071(a) of the Internal Revenue Code of 1986 (as added by this section) of a telecommunications business or any equity interest on or after the date of enactment of this Act. The amendments made by section 5 shall apply to sales on or after the date of enactment of this Act.

(c) TECHNICAL AND CONFORMING CHANGES.—The Secretary of the Treasury shall, within 150 days after the date of enactment of this Act, submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate, a draft of any technical and conforming changes in the Internal Revenue Code of 1986 which are necessary to reflect throughout the Code the changes in the substantive provisions of the Code made by section 3(a).

SEC. 7. REGULATIONS.

The Secretary of the Treasury, in consultation with the Federal Communications Commission, shall promulgate regulations to implement this Act no later than 90 days after the effective date of this Act. The regulations shall provide for determination by the Secretary as to whether an applicant is an ''eligible purchaser'' as defined in new section 1071(f) of the IRC of 1986 (as added by section 3 of this Act). The regulations shall further provide that such determinations of eligibility shall be made not later than 45 calendar days after an application is filed with the Secretary. The regulations implementing section 1071(f)(7) of such Code (as added by section 3 of this Act) shall be updated on an ongoing basis no less frequently than every 5 years.

SEC. 8. BIENNIAL PROGRAM AUDITS BY GAO.

No later than January 1, 2004, and no less frequently than every 2 years thereafter, the Comptroller General shall audit the administration of sections of the Internal Revenue Code of 1986 added or amended by this Act, and issue a report on the results of that audit. The Comptroller General shall include in the report, notwithstanding any provision of section 6103 of the Internal Revenue Code of 1986 to the contrary—

(1) a list of eligible purchasers (as defined in section 1071(f)(1) of such Code) and any other taxpayer receiving a benefit from the operation of section 48A or 1202 of such Code as that section was added or amended by this Act; and

(2) an assessment of the effect the amendments made by this Act have on increasing new entry and growth in the telecommunications industry by socially and economically disadvantaged businesses, and the effect of this Act on enhancing the competitiveness of the telecommunications industry.

STATEMENTS ON SUBMITTED RESOLUTIONS

SENATE RESOLUTION 340—AFFIRMING THE IMPORTANCE OF A NATIONAL DAY OF PRAYER AND FASTING, AND DESIGNATING NOVEMBER 27, 2002, AS A NATIONAL DAY OF PRAYER AND FASTING

Mr. SANTORUM (for himself and Mr. BROWNBACK) submitted the following resolution; which was referred to the Committee on the Judiciary.

S. RES. 340

Whereas the President has sought the support of the international community in responding to the threat of terrorism, violent extremist organizations, and states that permit or host organizations that are opposed to democratic ideals;

Whereas a united stance against terrorism and terrorist regimes will likely lead to an increased threat to the armed forces and law enforcement personnel of those states that oppose these regimes of terror and that take an active role in rooting out these enemy forces;

Whereas Congress has aided and supported a united response to acts of terrorism and violence inflicted upon the United States, our allies, and peaceful individuals all over the world;

Whereas President Abraham Lincoln, at the outbreak of the Civil War, proclaimed that the last Thursday in September 1861 should be designated as a day of humility, prayer, and fasting for all people of the Nation;

Whereas it is appropriate and fitting to seek guidance, direction, and focus from God in times of conflict and in periods of turmoil;

Whereas it is through prayer, self-reflection, and fasting that we can better examine those elements of our lives that can benefit from God's wisdom and love;

Whereas prayer to God and the admission of human limitations and frailties begins the process of becoming both stronger and closer to God;

Whereas becoming closer to God helps provide direction, purpose, and conviction in those daily actions and decisions we must take;

Whereas our Nation, tested by civil war, military conflicts, and world wars, has always benefited from the grace and benevolence bestowed by God; and

Whereas dangers and threats to our Nation persist and in this time of peril, it is appropriate that the people of the United States, leaders and citizens alike, seek guidance, strength, and resolve through prayer and fasting: Now, therefore, be it

Resolved, That the Senate—

(1) designates November 27, 2002, as a day for humility, prayer, and fasting for all people of the United States; and

(2) recommends that all people of the United States—

(A) observe this day as a day of prayer and fasting;

(B) seek guidance from God to achieve greater understanding of our own failings;

(C) learn how we can do better in our everyday activities; and

(D) gain resolve in how to confront those challenges which we must confront.

SENATE RESOLUTION 341—DESIGNATING THURSDAY, NOVEMBER 21, 2002, AS ''FEED AMERICA THURSDAY''

Mr. HATCH (for himself, Mr. REID, Mr. EDWARDS, Mr. INOUYE, Mr. KENNEDY, Ms. LANDRIEU, Mr. NELSON of Nebraska, Mr. SMITH of Oregon, Mr. WYDEN, Mr. WARNER, Mr. NICKLES, Ms. STABENOW, and Mrs. LINCOLN) submitted the following resolution; which was considered and agreed to:

S. RES. 341

Whereas Thanksgiving Day celebrates the spirit of selfless giving and an appreciation for family and friends;

Whereas the spirit of Thanksgiving Day is a virtue upon which our Nation was founded;

Whereas 33,000,000 Americans, including 13,000,000 children, continue to live in households that do not have an adequate supply of food;

Whereas almost 3,000,000 of those children experience hunger; and

Whereas selfless sacrifice breeds a genuine spirit of Thanksgiving, both affirming and restoring fundamental principles in our society: Now, therefore, be it

Resolved, That the Senate

(1) designates Thursday, November 21, 2002, as ''Feed America Thursday''; and

(2) requests that the President issue a proclamation calling upon the people of the United States to sacrifice 2 meals on Thursday, November 21, 2002, and to donate the money that they would have spent on food to a religious or charitable organization of their choice for the purpose of feeding the hungry.

SENATE CONCURRENT RESOLUTION 153—EXPRESSING THE SENSE OF THE CONGRESS THAT THERE SHOULD BE ESTABLISHED AN ANNUAL NATIONAL VISITING NURSE ASSOCIATIONS WEEK

Ms. COLLINS (for herself and Mr. FEINGOLD) submitted the following concurrent resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. CON. RES. 153

Whereas visiting nurse associations are nonprofit home health agencies that, for over 120 years, have been united in their mission to provide cost-effective and compassionate home and community-based health care to individuals, regardless of the individuals' condition or ability to pay for services;

Whereas there are approximately 500 visiting nurse associations, which employ more than 90,000 clinicians, provide health care to more than 4,000,000 people each year, and provide a critical safety net in communities by developing a network of community support services that enable individuals to live independently at home;

Whereas visiting nurse associations have historically served as primary public health care providers in their communities, and are today one of the largest providers of mass immunizations in the medicare program (delivering over 2,500,000 influenza immunizations annually);

Whereas visiting nurse associations are often the home health providers of last resort, serving the most chronic of conditions (such as congestive heart failure, chronic obstructive pulmonary disease, AIDS, and quadriplegia) and individuals with the least ability to pay for services (more than 50 percent of all medicaid home health admissions are by visiting nurse associations);

Whereas any visiting nurse association budget surplus is reinvested in supporting the association's mission through services, including charity care, adult day care centers, wellness clinics, Meals-on-Wheels, and immunization programs;

Whereas visiting nurse associations and other nonprofit home health agencies care for the highest percentage of terminally ill and bedridden patients;

Whereas thousands of visiting nurse association volunteers across the Nation devote time serving as individual agency board members, raising funds, visiting patients in their homes, assisting in wellness clinics, and delivering meals to patients; and

Whereas the establishment of an annual National Visiting Nurse Associations Week for the second full week of every February would increase public awareness of the charity-based missions of visiting nurse associations and of their ability to meet the needs of chronically ill and disabled individuals who prefer to live at home rather than in a nursing home, and would spotlight preventive health clinics, adult day care programs, and other customized wellness programs that meet local community need: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that there should be established an annual National Visiting Nurse Associations Week.

Mr. COLLINS. Mr. President, I am pleased to join my colleague from Wisconsin, Senator RUSS FEINGOLD, in introducing a bill to establish an annual National Visiting Nurse Associations Week in honor of this army of health care heroes who are dedicated to service in the ultimate caring profession.

The Visiting Nurse Associations, VNAs, of today are founded on the principle that the sick, the disabled and the elderly benefit most from health care when it is offered in their own homes. Home care is an increasingly important part of our health care system today. The kinds of highly skilled, and often technically complex, services that the VNAs provide have enabled millions of our most frail and vulnerable patients to avoid hospitals and nursing homes and stay just where they want to be, in the comfort and security of their own homes.

Visiting Nurse Associations are nonprofit home health agencies that provide cost-effective and compassionate home and community-based health care to individuals, regardless of their condition or ability to pay for services. VNAs literally created the profession and practice of home health care more than one hundred years ago, at a time when there were no hospitals in many communities and patients were cared for at home by families who did the best they could. VNAs made a critical difference to these families, bringing professional skills into the home to care for the patient and support the family. They made a critical difference in the late 19th century, and are making a critical difference now as we embark upon the 21st.

VNAs were pioneers in the public health movement, and, in the late 1800s, VNA responsiveness meant milk banks, combating infectious diseases, and providing care for the poor during massive influenza epidemics. Today, that same responsiveness means caring for the dependent elderly, the chronically disabled, the terminally ill, and providing high-tech services previously provided in hospitals, such as ventilator care, blood transfusions, pain management and home chemotherapy.

Health care has gone full circle. Patients are spending less time in the hospital. More and more procedures are being done on an outpatient basis, and recovery and care for patients with chronic diseases and conditions has increasingly been taking place in the home. Moreover, the number of Americans who are chronically ill or disabled in some way continues to grow each year. Once again, VNAs are making a critical difference, providing comprehensive home health services and caring support to patients and their families across the country.

Through these exceptional organizations, 90,000 clinicians dedicate their lives to bringing health care into the homes of over four million Americans every year. VNAs are truly the heart of home care in this country today, and it is time for Congress to recognize the

vital services that visiting nurses provide to their patients and their families. I urge my colleagues to join Senator FEINGOLD and me in cosponsoring this resolution establishing an annual National Visiting Nurse Associations' Week.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4879. Mr. SPECTER submitted an amendment intended to be proposed to amendment SA 4738 proposed by Mr. GRAMM (for himself, Mr. MILLER, Mr. MCCONNELL, Mr. THOMPSON, Mr. STEVENS, Mr. HAGEL, Mr. HUTCHINSON, and Mr. BUNNING) to the amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table.

SA 4880. Mr. SPECTER submitted an amendment intended to be proposed to amendment SA 4738 proposed by Mr. GRAMM (for himself, Mr. MILLER, Mr. MCCONNELL, Mr. THOMPSON, Mr. STEVENS, Mr. HAGEL, Mr. HUTCHINSON, and Mr. BUNNING) to the amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, supra; which was ordered to lie on the table.

SA 4881. Mr. SPECTER submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, supra; which was ordered to lie on the table.

SA 4882. Mr. SPECTER submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, supra; which was ordered to lie on the table.

SA 4883. Mr. DASCHLE (for Mr. ROCKEFELLER) proposed an amendment to the bill H.R. 3253, To amend title 38, United States Code, to provide for the establishment within the Department of Veterans Affairs of improved emergency medical preparedness, research, and education programs to combat terrorism, and for other purposes.

SA 4884. Mr. DASCHLE (for Mr. ROCKEFELLER) proposed an amendment to the bill H.R. 4015, to amend title 38, United States Code, to revise and improve employment, training, and placement services furnished to veterans, and for other purposes.

SA 4885. Mr. DASCHLE (for Mr. KENNEDY (for himself, Mr. GREGG, Mr. EDWARDS, Mr. BINGAMAN, Mrs. MURRAY, Mr. REED, and Mr. ENZI)) proposed an amendment to the bill H.R. 3801, to provide for improvement of Federal education research, statistics, evaluation, information, and dissemination, and for other purposes.

TEXT OF AMENDMENTS

SA 4879. Mr. SPECTER submitted an amendment intended to be proposed to amendment SA 4738 proposed by Mr. GRAMM (for himself, Mr. MILLER, Mr. MCCONNELL, Mr. THOMPSON, Mr. STEVENS, Mr. HAGEL, Mr. HUTCHINSON, and Mr. BUNNING) to the amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

On page 24, strike line 4 and insert the following:

(19) On behalf of the Secretary, subject to disapproval by the President, to direct the agencies described under subsection (f)(1) to provide intelligence information, analyses of intelligence information, and such other intelligence-related information as the Assistant Secretary for Information Analysis determines necessary. The agencies described are: other elements of the Department; the Federal Bureau of Investigation; other elements of the intelligence community, as that term is defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4); such other elements of the Federal Government as the President considers appropriate.

(20) To perform such other duties relating to

SA 4880. Mr. SPECTER submitted an amendment intended to be proposed to amendment SA 4738 proposed by Mr. GRAMM (for himself, Mr. MILLER, Mr. MCCONNELL, Mr. THOMPSON, Mr. STEVENS, Mr. HAGEL, Mr. HUTCHINSON, and Mr. BUNNING) to the amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 24, strike line 6 and all that follows through line 14 on page 27 and insert the following:

SEC. 202. HOMELAND SECURITY ASSESSMENT CENTER.

(a) ESTABLISHMENT.—There is established in the Department the Homeland Security Assessment Center.

(b) HEAD.—The Assistant Secretary of Homeland Security for Information Analysis shall be the head of the Center.

(c) RESPONSIBILITIES.—The responsibilities of the Center shall be as follows:

(1) To assist the Under Secretary of Homeland Security for Information Analysis and Infrastructure Protection in discharging the responsibilities under section 201.

(2) To provide intelligence and information analysis and support to other elements of the Department.

(3) To perform such other duties as the Secretary shall provide.

(d) STAFF.—

(1) IN GENERAL.—The Secretary shall provide the Center with a staff of analysts having appropriate expertise and experience to assist the Center in discharging the responsibilities under this section.

(2) PRIVATE SECTOR ANALYSTS.—Analysts under this subsection may include analysts from the private sector.

(3) SECURITY CLEARANCES.—Analysts under this subsection shall possess security clearances appropriate for their work under this section.

(e) COOPERATION WITHIN DEPARTMENT.—The Secretary shall ensure that the Center cooperates closely with other officials of the Department having responsibility for infrastructure protection in order to provide the Secretary with a complete and comprehensive understanding of threats to homeland security and the actual or potential vulnerabilities of the United States in light of such threats.

(f) SUPPORT.—

(1) IN GENERAL.—The following elements of the Federal Government shall provide personnel and resource support to the Center:

(A) Other elements of the Department designated by the Secretary for that purpose.

(B) The Federal Bureau of Investigation.

(C) Other elements of the intelligence community, as that term is defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

(D) Such other elements of the Federal Government as the President considers appropriate.

(2) MEMORANDA OF UNDERSTANDING.—The Secretary may enter into one or more memoranda of understanding with the head of an element referred to in paragraph (1) regarding the provision of support to the Center under that paragraph.

(g) DETAIL OF PERSONNEL.—

(1) IN GENERAL.—In order to assist the Center in discharging the responsibilities under subsection (c), personnel of the agencies referred to in paragraph (2) may be detailed to the Department for the performance of analytic functions and related duties.

(2) COVERED AGENCIES.—The agencies referred to in this paragraph are as follows:

(A) The Department of State.

(B) The Central Intelligence Agency.

(C) The Federal Bureau of Investigation.

(D) The National Security Agency.

(E) The National Imagery and Mapping Agency.

(F) The Defense Intelligence Agency.

(G) Other elements of the intelligence community, as defined in this section.

(H) Any other agency of the Federal Government that the Secretary considers appropriate.

(3) COOPERATIVE AGREEMENTS.—Personnel shall be detailed under this subsection pursuant to cooperative agreements entered into for that purpose by the Secretary and the head of the agency concerned.

(4) BASIS.—The detail of personnel under this subsection may be on a reimbursable or non-reimbursable basis.

(h) FUNCTIONS TRANSFERRED.—In accordance with title VIII, there shall be transferred to the Secretary, for assignment to the Under Secretary for Information Analysis and Infrastructure Protection under this section, the functions, personnel, assets, and liabilities of the following:

(1) The National Infrastructure Protection Center of the Federal Bureau of Investigation (other than the Computer Investigations and Operations Section), including the functions of the Attorney General relating thereto.

(2) The National Communications System of the Department of Defense, including the functions of the Secretary of Defense relating thereto.

(3) The Critical Infrastructure Assurance Office of the Department of Commerce, including the functions of the Secretary of Commerce relating thereto.

(4) The Computer Security Division of the National Institute of Standards and Technology, including the functions of the Secretary of Commerce relating thereto.

(5) The National Infrastructure Simulation and Analysis Center of the Department of Energy and the energy security and assurance program and activities of the Department, including the functions of the Secretary of Energy relating thereto.

(6) The Federal Computer Incident Response Center of the General Services Administration, including the functions of the Administrator of General Services relating thereto.

(i) STUDY OF PLACEMENT WITHIN INTELLIGENCE COMMUNITY.—Not later than 90 days after the effective date of this Act, the President shall submit to the Committee on Governmental Affairs and the Select Committee on Intelligence of the Senate and the Committee on Government Reform and the Permanent Select Committee on Intelligence of the House of Representatives a report assessing the advisability of the following:

(1) Placing the elements of the Department concerned with the analysis of foreign intelligence information within the intelligence community under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

(2) Placing such elements within the National Foreign Intelligence Program for budgetary purposes.

SEC. 203. ACCESS TO INFORMATION.

SA 4881. Mr. SPECTER submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 59, between lines 20 and 21 insert the following:

(c) HOMELAND SECURITY ASSESSMENT CENTER.—

(1) ESTABLISHMENT.—There is established in the Department the Homeland Security Assessment Center.

(2) HEAD.—The Under Secretary of Homeland Security for Intelligence shall be the head of the Center.

(3) RESPONSIBILITIES.—The responsibilities of the Center shall be as follows:

(A) To assist the Directorate of Intelligence in discharging the responsibilities under subsection (b) of this section.

(B) To provide intelligence and information analysis and support to other elements of the Department.

(C) To perform such other duties as the Secretary shall provide.

(4) STAFF.—

(A) IN GENERAL.—The Secretary shall provide the Center with a staff of analysts having appropriate expertise and experience to assist the Center in discharging the responsibilities under this subsection.

(B) PRIVATE SECTOR ANALYSTS.—Analysts under this subsection may include analysts from the private sector.

(C) SECURITY CLEARANCES.—Analysts under this subsection shall possess security clearances appropriate for their work under this section.

(5) COOPERATION WITHIN DEPARTMENT.—The Secretary shall ensure that the Center cooperates closely with other officials of the Department having responsibility for infrastructure protection in order to provide the Secretary with a complete and comprehensive understanding of threats to homeland security and the actual or potential vulnerabilities of the United States in light of such threats.

(6) SUPPORT.—

(A) IN GENERAL.—The following elements of the Federal Government shall provide personnel and resource support to the Center:

(i) Other elements of the Department designated by the Secretary for that purpose.

(ii) The Federal Bureau of Investigation.

(iii) Other elements of the intelligence community, as defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

(iv) Such other elements of the Federal Government as the President considers appropriate.

(B) MEMORANDA OF UNDERSTANDING.—The Secretary may enter into one or more memoranda of understanding with the head of an element referred to in paragraph (1) regarding the provision of support to the Center under that paragraph.

(7) DETAIL OF PERSONNEL.—

(A) IN GENERAL.—In order to assist the Center in discharging the responsibilities under subsection (c), personnel of the agencies referred to in paragraph (2) may be detailed to the Department for the performance of analytic functions and related duties.

(B) COVERED AGENCIES.—The agencies referred to in this paragraph are as follows:

(i) The Department of State.

(ii) The Central Intelligence Agency.

(iii) The Federal Bureau of Investigation.

(iv) The National Security Agency.

(v) The National Imagery and Mapping Agency.

(vi) The Defense Intelligence Agency.

(vii) Other elements of the intelligence community, as defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 410a(4)).

(viii) Any other agency of the Federal Government that the Secretary considers appropriate.

(C) COOPERATIVE AGREEMENTS.—Personnel shall be detailed under this subsection pursuant to cooperative agreements entered into for that purpose by the Secretary and the head of the agency concerned.

(D) BASIS.—The detail of personnel under this subsection may be on a reimbursable or non-reimbursable basis.

On page 59, line 21, strike ''(c)'' and insert ''(d)''.

On page 61, line 1, strike ''(d)'' and insert ''(e)''.

On page 61, line 12, strike ''(e)'' and insert ''(f)''.

On page 62, line 5, strike ''(f)'' and insert ''(g)''.

On page 63, line 15, strike ''(g)'' and insert ''(h)''.

SA 4882. Mr. SPECTER submitted an amendment intended to be proposed to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

On page 59, between lines 20 and 21, insert the following:

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

SA 4883. Mr. DASCHLE (for Mr. ROCKEFELLER) proposed an amendment to the bill H.R. 3253, to amend title 38, United States Code, to provide for the establishment within the Department of Veterans Affairs of improved emergency medical preparedness, research, and education programs to combat terrorism, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Department of Veterans Affairs Emergency Preparedness Act of 2002''.

SEC. 2. ESTABLISHMENT OF MEDICAL EMERGENCY PREPAREDNESS CENTERS AT DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTERS.

(a) IN GENERAL.—(1) Subchapter II of chapter 73 of title 38, United States Code, is amended by adding at the end the following new section:

''§ 7325. Medical emergency preparedness centers

''(a) ESTABLISHMENT OF CENTERS.—(1) The Secretary shall establish four medical emergency preparedness centers in accordance with this section. Each such center shall be established at a Department medical center and shall be staffed by Department employees.

''(2) The Under Secretary for Health shall be responsible for supervising the operation of the centers established under this section. The Under Secretary shall provide for ongoing evaluation of the centers and their compliance with the requirements of this section.

''(3) The Under Secretary shall carry out the Under Secretary's functions under paragraph (2) in consultation with the Assistant Secretary of Veterans Affairs with responsibility for operations, preparedness, security, and law enforcement functions.

''(b) MISSION.—The mission of the centers shall be as follows:

''(1) To carry out research on, and to develop methods of detection, diagnosis, prevention, and treatment of injuries, diseases, and illnesses arising from the use of chemical, biological, radiological, incendiary or other explosive weapons or devices posing threats to the public health and safety.

''(2) To provide education, training, and advice to health care professionals, including health care professionals outside the Veterans Health Administration, through the National Disaster Medical System established pursuant to section 2811(b) of the Public Health Service Act (42 U.S.C. 300hh–11(b)) or through interagency agreements entered into by the Secretary for that purpose.

''(3) In the event of a disaster or emergency referred to in section 1785(b) of this title, to provide such laboratory, epidemiological, medical, or other assistance as the Secretary considers appropriate to Federal, State, and local health care agencies and personnel involved in or responding to the disaster or emergency.

''(c) SELECTION OF CENTERS.—(1) The Secretary shall select the sites for the centers on the basis of a competitive selection process. The Secretary may not designate a site as a location for a center under this section unless the Secretary makes a finding under paragraph (2) with respect to the proposal for the designation of such site. To the maximum extent practicable, the Secretary shall ensure the geographic dispersal of the sites throughout the United States. Any such center may be a consortium of efforts of more than one medical center.

''(2) A finding by the Secretary referred to in paragraph (1) with respect to a proposal for designation of a site as a location of a center under this section is a finding by the Secretary, upon the recommendations of the Under Secretary for Health and the Assistant Secretary with responsibility for operations, preparedness, security, and law enforcement functions, that the facility or facilities submitting the proposal have developed (or may reasonably be anticipated to develop) each of the following:

''(A) An arrangement with a qualifying medical school and a qualifying school of public health (or a consortium of such schools) under which physicians and other persons in the health field receive education and training through the participating Department medical facilities so as to provide those persons with training in the detection, diagnosis, prevention, and treatment of injuries, diseases, and illnesses induced by exposures to chemical and biological substances, radiation, and incendiary or other explosive weapons or devices.

''(B) An arrangement with a graduate school specializing in epidemiology under which students receive education and training in epidemiology through the participating Department facilities so as to provide such students with training in the epidemiology of contagious and infectious diseases and chemical and radiation poisoning in an exposed population.

''(C) An arrangement under which nursing, social work, counseling, or allied health personnel and students receive training and education in recognizing and caring for conditions associated with exposures to toxins through the participating Department facilities.

''(D) The ability to attract scientists who have made significant contributions to the development of innovative approaches to the detection, diagnosis, prevention, or treatment of injuries, diseases, and illnesses arising from the use of chemical, biological, radiological, incendiary or other explosive weapons or devices posing threats to the public health and safety.

''(3) For purposes of paragraph (2)(A)—

''(A) a qualifying medical school is an accredited medical school that provides education and training in toxicology and environmental health hazards and with which one or more of the participating Department medical centers is affiliated; and

''(B) a qualifying school of public health is an accredited school of public health that provides education and training in toxicology and environmental health hazards and with which one or more of the participating Department medical centers is affiliated.

''(d) RESEARCH ACTIVITIES.—Each center shall conduct research on improved medical preparedness to protect the Nation from threats in the area of that center's expertise. Each center may seek research funds from public and private sources for such purpose.

''(e) DISSEMINATION OF RESEARCH PRODUCTS.—(1) The Under Secretary for Health and the Assistant Secretary with responsibility for operations, preparedness, security, and law enforcement functions shall ensure that information produced by the research, education and training, and clinical activities of centers established under this section is made available, as appropriate, to healthcare providers in the United States. Dissemination of such information shall be made through publications, through programs of continuing medical and related education provided through regional medical education centers under subchapter VI of chapter 74 of this title, and through other means. Such programs of continuing medical education shall receive priority in the award of funding.

''(2) The Secretary shall ensure that the work of the centers is conducted in close coordination with other Federal departments and agencies and that research products or other information of the centers shall be coordinated and shared with other Federal departments and agencies.

''(f) COORDINATION OF ACTIVITIES.—The Secretary shall take appropriate actions to ensure that the work of each center is carried out—

''(1) in close coordination with the Department of Defense, the Department of Health and Human Services, and other departments, agencies, and elements of the Government charged with coordination of plans for United States homeland security; and

''(2) after taking into consideration applicable recommendations of the working group on the prevention, preparedness, and response to bioterrorism and other public health emergencies established under section 319F(a) of the Public Health Service Act (42 U.S.C. 247d–6(a)) or any other joint interagency advisory group or committee designated by the President or the President's designee to coordinate Federal research on weapons of mass destruction.

''(g) ASSISTANCE TO OTHER AGENCIES.—The Secretary may provide assistance requested by appropriate Federal, State, and local civil and criminal authorities in investigations, inquiries, and data analyses as necessary to protect the public safety and prevent or obviate biological, chemical, or radiological threats.

''(h) DETAIL OF EMPLOYEES FROM OTHER AGENCIES.—Upon approval by the Secretary, the Director of a center may request the temporary assignment or detail to the center, on a nonreimbursable basis, of employees from other departments and agencies of the United States who have expertise that would further the mission of the center. Any such employee may be so assigned or detailed on a nonreimbursable basis pursuant to such a request.

''(i) FUNDING.—(1) Amounts appropriated for the activities of the centers under this section shall be appropriated separately from amounts appropriated for the Department for medical care.

''(2) In addition to funds appropriated for a fiscal year specifically for the activities of the centers pursuant to paragraph (1), the Under Secretary for Health shall allocate to such centers from other funds appropriated for that fiscal year generally for the Department medical care account and the Department medical and prosthetics research account such amounts as the Under Secretary determines appropriate to carry out the purposes of this section. Any determination by the Under Secretary under the preceding sentence shall be made in consultation with the Assistant Secretary with responsibility for operations, preparedness, security, and law enforcement functions.

''(3) There are authorized to be appropriated for the centers under this section $20,000,000 for each of fiscal years 2003 through 2007.''.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 7324 the following new item:

''7325. Medical emergency preparedness centers.''.

(b) PEER REVIEW FOR DESIGNATION OF CENTERS.—(1) In order to assist the Secretary of Veterans Affairs and the Under Secretary of Veterans Affairs for Health in selecting sites for centers under section 7325 of title 38, United States Code, as added by subsection (a), the Under Secretary shall establish a peer review panel to assess the scientific and clinical merit of proposals that are submitted to the Secretary for the designation of such centers. The peer review panel shall be established in consultation with the Assistant Secretary of Veterans Affairs with responsibility for operations, preparedness, security, and law enforcement functions.

(2) The peer review panel shall include experts in the fields of toxicological research, infectious diseases, radiology, clinical care of patients exposed to such hazards, and other persons as determined appropriate by the Secretary. Members of the panel shall serve as consultants to the Department of Veterans Affairs.

(3) The panel shall review each proposal submitted to the panel by the officials referred to in paragraph (1) and shall submit to the Under Secretary for Health its views on the relative scientific and clinical merit of each such proposal. The panel shall specifically determine with respect to each such proposal whether that proposal is among those proposals which have met the highest competitive standards of scientific and clinical merit.

(4) The panel shall not be subject to the Federal Advisory Committee Act (5 U.S.C. App.).

SEC. 3. EDUCATION AND TRAINING PROGRAMS ON MEDICAL RESPONSES TO CONSEQUENCES OF TERRORIST ACTIVITIES.

(a) IN GENERAL.—(1) Subchapter II of chapter 73 of title 38, United States Code, is amended by adding after section 7325, as added by section 2(a)(1), the following new section:

''§ 7326. Education and training programs on medical response to consequences of terrorist activities

''(a) EDUCATION PROGRAM.—The Secretary shall carry out a program to develop and disseminate a series of model education and training programs on the medical responses to the consequences of terrorist activities.

''(b) IMPLEMENTING OFFICIAL.—The program shall be carried out through the Under Secretary for Health, in consultation with the Assistant Secretary of Veterans Affairs with responsibility for operations, preparedness, security, and law enforcement functions.

''(c) CONTENT OF PROGRAMS.—The education and training programs developed under the program shall be modelled after programs established at the F. Edward Hebert School of Medicine of the Uniformed Services University of the Health Sciences and shall include, at a minimum, training for health care professionals in the following:

''(1) Recognition of chemical, biological, radiological, incendiary, or other explosive agents, weapons, or devices that may be used in terrorist activities.

''(2) Identification of the potential symptoms of exposure to those agents.

''(3) Understanding of the potential long-term health consequences, including psychological effects, resulting from exposure to those agents, weapons, or devices.

''(4) Emergency treatment for exposure to those agents, weapons, or devices.

''(5) An appropriate course of followup treatment, supportive care, and referral.

''(6) Actions that can be taken while providing care for exposure to those agents, weapons, or devices to protect against contamination, injury, or other hazards from such exposure.

''(7) Information on how to seek consultative support and to report suspected or actual use of those agents.

''(d) POTENTIAL TRAINEES.—In designing the education and training programs under this section, the Secretary shall ensure that different programs are designed for healthcare professionals in Department medical centers. The programs shall be designed to be disseminated to health professions students, graduate health and medical education trainees, and health practitioners in a variety of fields.

''(e) CONSULTATION.—In establishing education and training programs under this section, the Secretary shall consult with appropriate representatives of accrediting, certifying, and coordinating organizations in the field of health professions education.''.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 7325, as added by section 2(a)(2), the following new item:

''7326. Education and training programs on medical response to consequences of terrorist activities.''.

(b) EFFECTIVE DATE.—The Secretary of Veterans Affairs shall implement section 7326 of title 38, United States Code, as added by subsection (a), not later than the end of the 90-day period beginning on the date of the enactment of this Act.

SEC. 4. AUTHORITY TO FURNISH HEALTH CARE DURING MAJOR DISASTERS AND MEDICAL EMERGENCIES.

(a) IN GENERAL.—(1) Subchapter VIII of chapter 17 of title 38, United States Code, is amended by adding at the end the following new section:

''§ 1785. Care and services during certain disasters and emergencies

''(a) AUTHORITY TO PROVIDE HOSPITAL CARE AND MEDICAL SERVICES.—During and immediately following a disaster or emergency referred to in subsection (b), the Secretary may furnish hospital care and medical services to individuals responding to, involved in, or otherwise affected by that disaster or emergency.

''(b) COVERED DISASTERS AND EMERGENCIES.—A disaster or emergency referred to in this subsection is any disaster or emergency as follows:

''(1) A major disaster or emergency declared by the President under the Robert B. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

''(2) A disaster or emergency in which the National Disaster Medical System established pursuant to section 2811(b) of the Public Health Service Act (42 U.S.C. 300hh–11(b)) is activated by the Secretary of Health and Human Services under paragraph (3)(A) of that section or as otherwise authorized by law.

''(c) APPLICABILITY TO ELIGIBLE INDIVIDUALS WHO ARE VETERANS.—The Secretary may furnish care and services under this section to an individual described in subsection (a) who is a veteran without regard to whether that individual is enrolled in the system of patient enrollment under section 1705 of this title.

''(d) REIMBURSEMENT FROM OTHER FEDERAL DEPARTMENTS AND AGENCIES.—(1) The cost of any care or services furnished under this section to an officer or employee of a department or agency of the United States other than the Department or to a member of the Armed Forces shall be reimbursed at such rates as may be agreed upon by the Secretary and the head of such department or agency or the Secretary concerned, in the case of a member of the Armed Forces, based on the cost of the care or service furnished.

''(2) Amounts received by the Department under this subsection shall be credited to the Medical Care Collections Fund under section 1729A of this title.

''(e) REPORT TO CONGRESSIONAL COMMITTEES.—Within 60 days of the commencement of a disaster or emergency referred to in subsection (b) in which the Secretary furnishes care and services under this section (or as soon thereafter as is practicable), the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives a report on the Secretary's allocation of facilities and personnel in order to furnish such care and services.

''(f) REGULATIONS.—The Secretary shall prescribe regulations governing the exercise of the authority of the Secretary under this section.''.

(2) The table of sections at the beginning of that chapter is amended by adding at the end the following new item:

''1785. Care and services during certain disasters and emergencies.''.

(b) MEMBERS OF THE ARMED FORCES ON ACTIVE DUTY.—Section 8111A(a) of such title is amended—

(1) by redesignating paragraph (2) as paragraph (4);

(2) by designating the second sentence of paragraph (1) as paragraph (3); and

(3) by inserting between paragraph (1) and paragraph (3), as designated by paragraph (2) of this subsection, the following new paragraph:

''(2)(A) During and immediately following a disaster or emergency referred to in subparagraph (B), the Secretary may furnish hospital care and medical services to members of the Armed Forces on active duty responding to or involved in that disaster or emergency.

''(B) A disaster or emergency referred to in this subparagraph is any disaster or emergency as follows:

''(i) A major disaster or emergency declared by the President under the Robert B. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

''(ii) A disaster or emergency in which the National Disaster Medical System established pursuant to section 2811(b) of the Public Health Service Act (42 U.S.C. 300hh–11(b)) is activated by the Secretary of Health and Human Services under paragraph (3)(A) of that section or as otherwise authorized by law.''.

SEC. 5. INCREASE IN NUMBER OF ASSISTANT SECRETARIES OF VETERANS AFFAIRS.

(a) INCREASE.—Subsection (a) of section 308 of title 38, United States Code, is amended by striking ''six'' in the first sentence and inserting ''seven''.

(b) FUNCTIONS.—Subsection (b) of such section is amended by adding at the end the following new paragraph:

''(11) Operations, preparedness, security, and law enforcement functions.''.

(c) NUMBER OF DEPUTY ASSISTANT SECRETARIES.—Subsection (d)(1) of such section is amended by striking ''18'' and inserting ''19''.

(d) CONFORMING AMENDMENT.—Section 5315 of title 5, United States Code, is amended by striking ''(6)'' after ''Assistant Secretaries, Department of Veterans Affairs'' and inserting ''(7)''.

SEC. 6. CODIFICATION OF DUTIES OF SECRETARY OF VETERANS AFFAIRS RELATING TO EMERGENCY PREPAREDNESS.

(a) IN GENERAL.—(1) Subchapter I of chapter 81 of title 38, United States Code, is amended by adding at the end the following new section:

''§ 8117. Emergency preparedness

''(a) READINESS OF DEPARTMENT MEDICAL CENTERS.—(1) The Secretary shall take appropriate actions to provide for the readiness of Department medical centers to protect the patients and staff of such centers from chemical or biological attack or otherwise to respond to such an attack so as to enable such centers to fulfill their obligations as part of the Federal response to public health emergencies.

''(2) Actions under paragraph (1) shall include—

''(A) the provision of decontamination equipment and personal protection equipment at Department medical centers; and

''(B) the provision of training in the use of such equipment to staff of such centers.

''(b) SECURITY AT DEPARTMENT MEDICAL AND RESEARCH FACILITIES.—(1) The Secretary shall take appropriate actions to provide for the security of Department medical centers and research facilities, including staff and patients at such centers and facilities.

''(2) In taking actions under paragraph (1), the Secretary shall take into account the results of the evaluation of the security needs at Department medical centers and research facilities required by section 154(b)(1) of the Public Health Security and Bioterrorism Preparedness and Response Act of 2002 (Public Law 107–188; 116 Stat. 631), including the results of such evaluation relating to the following needs:

''(A) Needs for the protection of patients and medical staff during emergencies, including a chemical or biological attack or other terrorist attack.

''(B) Needs, if any, for screening personnel engaged in research relating to biological pathogens or agents, including work associated with such research.

''(C) Needs for securing laboratories or other facilities engaged in research relating to biological pathogens or agents.

''(c) TRACKING OF PHARMACEUTICALS AND MEDICAL SUPPLIES AND EQUIPMENT.—The Secretary shall develop and maintain a centralized system for tracking the current location and availability of pharmaceuticals, medical supplies, and medical equipment throughout the Department health care system in order to permit the ready identification and utilization of such pharmaceuticals, supplies, and equipment for a variety of purposes, including response to a chemical or biological attack or other terrorist attack.

''(d) TRAINING.—The Secretary shall ensure that the Department medical centers, in consultation with the accredited medical school affiliates of such medical centers, develop and implement curricula to train resident physicians and health care personnel in medical matters relating to biological, chemical, or radiological attacks or attacks from an incendiary or other explosive weapon.

''(e) PARTICIPATION IN NATIONAL DISASTER MEDICAL SYSTEM.—(1) The Secretary shall establish and maintain a training program to facilitate the participation of the staff of Department medical centers, and of the community partners of such centers, in the National Disaster Medical System established pursuant to section 2811(b) of the Public Health Service Act (42 U.S.C. 300hh–11(b)).

''(2) The Secretary shall establish and maintain the training program under paragraph (1) in accordance with the recommendations of the working group on the prevention, preparedness, and response to bioterrorism and other public health emergencies established under section 319F(a) of the Public Health Service Act (42 U.S.C. 247d–6(a)).

''(3) The Secretary shall establish and maintain the training program under paragraph (1) in consultation with the following:

''(A) The Secretary of Defense.

''(B) The Secretary of Health and Human Services.

''(C) The Director of the Federal Emergency Management Agency.

''(f) MENTAL HEALTH COUNSELING.—(1) With respect to activities conducted by personnel serving at Department medical centers, the Secretary shall develop and maintain various strategies for providing mental health counseling and assistance, including counseling and assistance for post-traumatic stress disorder, following a bioterrorist attack or other public health emergency to the following persons:

''(A) Veterans.

''(B) Local and community emergency response providers.

''(C) Active duty military personnel.

''(D) Individuals seeking care at Department medical centers.

''(2) The strategies under paragraph (1) shall include the following:

''(A) Training and certification of providers of mental health counseling and assistance.

''(B) Mechanisms for coordinating the provision of mental health counseling and assistance to emergency response providers referred to in paragraph (1).

''(3) The Secretary shall develop and maintain the strategies under paragraph (1) in consultation with the Secretary of Health and Human Services, the American Red Cross, and the working group referred to in subsection (e)(2).''.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 8116 the following new item:

''8117. Emergency preparedness.''.

(b) REPEAL OF CODIFIED PROVISIONS.—Subsections (a), (b)(2), (c), (d), (e), and (f) of section 154 of the Public Health Security and Bioterrorism Preparedness and Response Act of 2002 (Public Law 107–188; 38 U.S.C. note prec. 8101) are repealed.

(c) CONFORMING AMENDMENTS.—Subsection (g) of such section is amended—

(1) in paragraph (1), by inserting ''of section 8117 of title 38, United States Code'' after ''subsection (a)''; and

(2) in paragraph (2), by striking ''subsections (b) through (f)'' and inserting ''subsection (b)(1) of this section and subsections

(b) through (f) of section 8117 of title 38, United States Code''.

SA 4884. Mr. DASCHLE (for Mr. ROCKEFELLER) proposed an amendment to the bill H.R. 4015, to amend title 38, United States Code, to revise and improve employment, training, and placement services furnished to veterans, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; REFERENCES TO TITLE 38, UNITED STATES CODE.

(a) SHORT TITLE.—This Act may be cited as the ''Jobs for Veterans Act''.

(b) REFERENCES TO TITLE 38, UNITED STATES CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

SEC. 2. PRIORITY OF SERVICE FOR VETERANS IN DEPARTMENT OF LABOR JOB TRAINING PROGRAMS.

(a) VETERANS' JOB TRAINING ASSISTANCE.—(1) Chapter 42 is amended by adding at the end the following new section:

''§ 4215. Priority of service for veterans in Department of Labor job training programs

''(a) DEFINITIONS.—In this section:

''(1) The term 'covered person' means any of the following individuals:

''(A) A veteran.

''(B) The spouse of any of the following individuals:

''(i) Any veteran who died of a service-connected disability.

''(ii) Any member of the Armed Forces serving on active duty who, at the time of application for assistance under this section, is listed, pursuant to section 556 of title 37 and regulations issued thereunder, by the Secretary concerned in one or more of the following categories and has been so listed for a total of more than 90 days: (I) missing in action, (II) captured in line of duty by a hostile force, or (III) forcibly detained or interned in line of duty by a foreign government or power.

''(iii) Any veteran who has a total disability resulting from a service-connected disability.

''(iv) Any veteran who died while a disability so evaluated was in existence.

''(2) The term 'qualified job training program' means any workforce preparation, development, or delivery program or service that is directly funded, in whole or in part, by the Department of Labor and includes the following:

''(A) Any such program or service that uses technology to assist individuals to access workforce development programs (such as job and training opportunities, labor market information, career assessment tools, and related support services).

''(B) Any such program or service under the public employment service system, one-stop career centers, the Workforce Investment Act of 1998, a demonstration or other temporary program, and those programs implemented by States or local service providers based on Federal block grants administered by the Department of Labor.

''(C) Any such program or service that is a workforce development program targeted to specific groups.

''(3) The term 'priority of service' means, with respect to any qualified job training program, that a covered person shall be given priority over nonveterans for the receipt of employment, training, and placement services provided under that program, notwithstanding any other provision of law.

''(b) ENTITLEMENT TO PRIORITY OF SERVICE.—(1) A covered person is entitled to priority of service under any qualified job training program if the person otherwise meets the eligibility requirements for participation in such program.

''(2) The Secretary of Labor may establish priorities among covered persons for purposes of this section to take into account the needs of disabled veterans and special disabled veterans, and such other factors as the Secretary determines appropriate.

''(c) ADMINISTRATION OF PROGRAMS AT STATE AND LOCAL LEVELS.—An entity of a State or a political subdivision of the State that administers or delivers services under a qualified job training program shall—

''(1) provide information and priority of service to covered persons regarding benefits and services that may be obtained through other entities or service providers; and

''(2) ensure that each covered person who applies to or who is assisted by such a program is informed of the employment-related rights and benefits to which the person is entitled under this section.

''(d) ADDITION TO ANNUAL REPORT.—In the annual report required under section 4107(c) of this title for the program year beginning in 2003 and each subsequent program year, the Secretary of Labor shall evaluate whether covered persons are receiving priority of service and are being fully served by qualified job training programs, and whether the representation of veterans in such programs is in proportion to the incidence of representation of veterans in the labor market, including within groups that the Secretary may designate for priority under such programs, if any.''.

(2) The table of sections at the beginning of chapter 42 is amended by inserting after the item relating to section 4214 the following new item:

''4215. Priority of service for veterans in Department of Labor job training programs.''.

(b) EMPLOYMENT OF VETERANS WITH RESPECT TO FEDERAL CONTRACTS.—(1) Section 4212(a) is amended to read as follows:

''(a)(1) Any contract in the amount of $100,000 or more entered into by any department or agency of the United States for the procurement of personal property and nonpersonal services (including construction) for the United States, shall contain a provision requiring that the party contracting with the United States take affirmative action to employ and advance in employment qualified covered veterans. This section applies to any subcontract in the amount of $100,000 or more entered into by a prime contractor in carrying out any such contract.

''(2) In addition to requiring affirmative action to employ such qualified covered veterans under such contracts and subcontracts and in order to promote the implementation of such requirement, the Secretary of Labor shall prescribe regulations requiring that—

''(A) each such contractor for each such contract shall immediately list all of its employment openings with the appropriate employment service delivery system (as defined in section 4101(7) of this title), and may also list such openings with one-stop career centers under the Workforce Investment Act of 1998, other appropriate service delivery points, or America's Job Bank (or any additional or subsequent national electronic job bank established by the Department of Labor), except that the contractor may exclude openings for executive and senior management positions and positions which are to be filled from within the contractor's organization and positions lasting three days or less;

''(B) each such employment service delivery system shall give such qualified covered veterans priority in referral to such employment openings; and

''(C) each such employment service delivery system shall provide a list of such employment openings to States, political subdivisions of States, or any private entities or organizations under contract to carry out employment, training, and placement services under chapter 41 of this title.

''(3) In this section:

''(A) The term 'covered veteran' means any of the following veterans:

''(i) Disabled veterans.

''(ii) Veterans who served on active duty in the Armed Forces during a war or in a campaign or expedition for which a campaign badge has been authorized.

''(iii) Veterans who, while serving on active duty in the Armed Forces, participated in a United States military operation for which an Armed Forces service medal was awarded pursuant to Executive Order 12985 (61 Fed. Reg. 1209).

''(iv) Recently separated veterans.

''(B) The term 'qualified', with respect to an employment position, means having the ability to perform the essential functions of the position with or without reasonable accommodation for an individual with a disability.''.

(2)(A) Section 4212(c) is amended—

(i) by striking ''suitable''; and

(ii) by striking ''subsection (a)(2) of this section'' and inserting ''subsection (a)(2)(B)''.

(B) Section 4212(d)(1) is amended—

(i) in the matter preceding subparagraph (A), by striking ''of this section'' after ''subsection (a)''; and

(ii) by amending subparagraphs (A) and (B) to read as follows:

''(A) the number of employees in the workforce of such contractor, by job category and hiring location, and the number of such employees, by job category and hiring location, who are qualified covered veterans;

''(B) the total number of new employees hired by the contractor during the period covered by the report and the number of such employees who are qualified covered veterans; and''.

(C) Section 4212(d)(2) is amended by striking ''of this subsection'' after ''paragraph (1)''.

(D) Section 4211(6) is amended by striking ''one-year period'' and inserting ''three-year period''.

(3) The amendments made by this subsection shall apply with respect to contracts entered into on or after the first day of the first month that begins 12 months after the date of the enactment of this Act.

(c) EMPLOYMENT WITHIN THE FEDERAL GOVERNMENT.—(1) Section 4214(a)(1) is amended—

(A) in the first sentence, by striking ''life'' and all that follows and inserting ''life.''; and

(B) in the second sentence, by striking ''major'' and inserting ''uniquely qualified''.

(2) Section 4214(b) is amended—

(A) in paragraph (1), by striking ''readjustment'' and inserting ''recruitment'';

(B) in paragraph (2), by striking ''to—'' and all that follows through the period at the end and inserting ''to qualified covered veterans.'';

(C) in paragraph (3), to read as follows:

''(3) A qualified covered veteran may receive such an appointment at any time.''.

(3)(A) Section 4214(a) is amended—

(i) in the third sentence of paragraph (1), by striking ''disabled veterans and certain veterans of the Vietnam era and of the post-Vietnam era'' and inserting ''qualified covered veterans (as defined in paragraph (2)(B))''; and

(ii) in paragraph (2), to read as follows:

''(2) In this section:

''(A) The term 'agency' has the meaning given the term 'department or agency' in section 4211(5) of this title.

''(B) The term 'qualified covered veteran' means a veteran described in section 4212(a)(3) of this title.''.

(B) Clause (i) of section 4214(e)(2)(B) is amended by striking ''of the Vietnam era''.

(C) Section 4214(g) is amended—

(i) by striking ''qualified'' the first place it occurs and all that follows through ''era'' the first place it occurs and inserting ''qualified covered veterans''; and

(ii) by striking ''under section 1712A of this title'' and all that follows and inserting ''under section 1712A of this title.''.

(4) The amendments made by this subsection shall apply to qualified covered veterans without regard to any limitation relating to the date of the veteran's last discharge or release from active duty that may have otherwise applied under section 4214(b)(3) as in effect on the date before the date of the enactment of this Act.

SEC. 3. FINANCIAL AND NON-FINANCIAL PERFORMANCE INCENTIVE AWARDS FOR QUALITY VETERANS EMPLOYMENT, TRAINING, AND PLACEMENT SERVICES.

(a) PERFORMANCE INCENTIVE AWARDS FOR QUALITY EMPLOYMENT, TRAINING, AND PLACEMENT SERVICES.—Chapter 41 is amended by adding at the end the following new section:

''§ 4112. Performance incentive awards for quality employment, training, and placement services

''(a) CRITERIA FOR PERFORMANCE INCENTIVE AWARDS.—(1) For purposes of carrying out a program of performance incentive awards under section 4102A(c)(2)(A)(i)(III) of this title, the Secretary, acting through the Assistant Secretary of Labor for Veterans' Employment and Training, shall establish criteria for performance incentive awards programs to be administered by States to—

''(A) encourage the improvement and modernization of employment, training, and placement services provided under this chapter; and

''(B) recognize eligible employees for excellence in the provision of such services or for having made demonstrable improvements in the provision of such services.

''(2) The Secretary shall establish such criteria in consultation with representatives of States, political subdivisions of States, and other providers of employment, training, and placement services under the Workforce Investment Act of 1998 consistent with the performance measures established under section 4102A(b)(7) of this title.

''(b) FORM OF AWARDS.—Under the criteria established by the Secretary for performance incentive awards to be administered by States, an award under such criteria may be a cash award or such other nonfinancial awards as the Secretary may specify.

''(c) RELATIONSHIP OF AWARD TO GRANT PROGRAM AND EMPLOYEE COMPENSATION.—Performance incentive cash awards under this section—

''(1) shall be made from amounts allocated from the grant or contract amount for a State for a program year under section 4102A(c)(7) of this title; and

''(2) is in addition to the regular pay of the recipient.

''(d) ELIGIBLE EMPLOYEE DEFINED.—In this section, the term 'eligible employee' means any of the following:

''(1) A disabled veterans' outreach program specialist.

''(2) A local veterans' employment representative.

''(3) An individual providing employment, training, and placement services to veterans under the Workforce Investment Act of 1998 or through an employment service delivery system (as defined in section 4101(7) of this title).''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 41 is amended by adding at the end the following new item:

''4112. Performance incentive awards for quality employment, training, and placement services.''.

SEC. 4. REFINEMENT OF JOB TRAINING AND PLACEMENT FUNCTIONS OF THE DEPARTMENT.

(a) REVISION OF DEPARTMENT LEVEL SENIOR OFFICIALS AND FUNCTIONS.—(1) Sections 4102A and 4103 are amended to read as follows:

''§ 4102A. Assistant Secretary of Labor for Veterans' Employment and Training; program functions; Regional Administrators

''(a) ESTABLISHMENT OF POSITION OF ASSISTANT SECRETARY OF LABOR FOR VETERANS' EMPLOYMENT AND TRAINING.—(1) There is established within the Department of Labor an Assistant Secretary of Labor for Veterans' Employment and Training, appointed by the President by and with the advice and consent of the Senate, who shall formulate and implement all departmental policies and procedures to carry out (A) the purposes of this chapter, chapter 42, and chapter 43 of this title, and (B) all other Department of Labor employment, unemployment, and training programs to the extent they affect veterans.

''(2) The employees of the Department of Labor administering chapter 43 of this title shall be administratively and functionally responsible to the Assistant Secretary of Labor for Veterans' Employment and Training.

''(3)(A) There shall be within the Department of Labor a Deputy Assistant Secretary of Labor for Veterans' Employment and Training. The Deputy Assistant Secretary shall perform such functions as the Assistant Secretary of Labor for Veterans' Employment and Training prescribes.

''(B) No individual may be appointed as a Deputy Assistant Secretary of Labor for Veterans' Employment and Training unless the individual has at least five years of service in a management position as an employee of the Federal civil service or comparable service in a management position in the Armed Forces. For purposes of determining such service of an individual, there shall be excluded any service described in subparagraphs (A), (B), and (C) of section 308(d)(2) of this title.

''(b) PROGRAM FUNCTIONS.—The Secretary shall carry out the following functions:

''(1) Except as expressly provided otherwise, carry out all provisions of this chapter and chapter 43 of this title through the Assistant Secretary of Labor for Veterans' Employment and Training and administer through such Assistant Secretary all programs under the jurisdiction of the Secretary for the provision of employment and training services designed to meet the needs of all veterans and persons eligible for services furnished under this chapter.

''(2) In order to make maximum use of available resources in meeting such needs, encourage all such programs, and all grantees and contractors under such programs to enter into cooperative arrangements with private industry and business concerns (including small business concerns owned by veterans or disabled veterans), educational institutions, trade associations, and labor unions.

''(3) Ensure that maximum effectiveness and efficiency are achieved in providing services and assistance to eligible veterans under all such programs by coordinating and consulting with the Secretary of Veterans Affairs with respect to (A) programs conducted under other provisions of this title, with particular emphasis on coordination of such programs with readjustment counseling activities carried out under section 1712A of this title, apprenticeship or other on-the-job training programs carried out under section 3687 of this title, and rehabilitation and training activities carried out under chapter 31 of this title and (B) determinations covering veteran population in a State.

''(4) Ensure that employment, training, and placement activities are carried out in coordination and cooperation with appropriate State public employment service officials.

''(5) Subject to subsection (c), make available for use in each State by grant or contract such funds as may be necessary to support—

''(A) disabled veterans' outreach program specialists appointed under section 4103A(a)(1) of this title,

''(B) local veterans' employment representatives assigned under section 4104(b) of this title, and

''(C) the reasonable expenses of such specialists and representatives described in subparagraphs (A) and (B), respectively, for training, travel, supplies, and other business expenses, including travel expenses and per diem for attendance at the National Veterans' Employment and Training Services Institute established under section 4109 of this title.

''(6) Monitor and supervise on a continuing basis the distribution and use of funds provided for use in the States under paragraph (5).

''(7) Establish, and update as appropriate, a comprehensive performance accountability system (as described in subsection (f)) and carry out annual performance reviews of veterans employment, training, and placement services provided through employment service delivery systems, including through disabled veterans' outreach program specialists and through local veterans' employment representatives in States receiving grants, contracts, or awards under this chapter.

''(c) CONDITIONS FOR RECEIPT OF FUNDS.—(1) The distribution and use of funds under subsection (b)(5) in order to carry out sections 4103A(a) and 4104(a) of this title shall be subject to the continuing supervision and monitoring of the Secretary and shall not be governed by the provisions of any other law, or any regulations prescribed thereunder, that are inconsistent with this section or section 4103A or 4104 of this title.

''(2)(A) A State shall submit to the Secretary an application for a grant or contract under subsection (b)(5). The application shall contain the following information:

''(i) A plan that describes the manner in which the State shall furnish employment, training, and placement services required under this chapter for the program year, including a description of—

''(I) duties assigned by the State to disabled veterans' outreach program specialists and local veterans' employment representatives consistent with the requirements of sections 4103A and 4104 of this title;

''(II) the manner in which such specialists and representatives are integrated in the employment service delivery systems in the State; and

''(III) the program of performance incentive awards described in section 4112 of this title in the State for the program year.

''(ii) The veteran population to be served.

''(iii) Such additional information as the Secretary may require to make a determination with respect to awarding a grant or contract to the State.

''(B)(i) Subject to the succeeding provisions of this subparagraph, of the amount available under subsection (b)(5) for a fiscal year, the Secretary shall make available to each State with an application approved by

the Secretary an amount of funding in proportion to the number of veterans seeking employment using such criteria as the Secretary may establish in regulation, including civilian labor force and unemployment data, for the State on an annual basis. The proportion of funding shall reflect the ratio of—

''(I) the total number of veterans residing in the State that are seeking employment; to

''(II) the total number of veterans seeking employment in all States.

''(ii) The Secretary shall phase in over the three fiscal-year period that begins on October 1, 2002, the manner in which amounts are made available to States under subsection (b)(5) and this subsection, as amended by the Jobs for Veterans Act.

''(iii) In carrying out this paragraph, the Secretary may establish minimum funding levels and hold-harmless criteria for States.

''(3)(A)(i) As a condition of a grant or contract under this section for a program year, in the case of a State that the Secretary determines has an entered-employment rate for veterans that is deficient for the preceding program year, the State shall develop a corrective action plan to improve that rate for veterans in the State.

''(ii) The State shall submit the corrective action plan to the Secretary for approval, and if approved, shall expeditiously implement the plan.

''(iii) If the Secretary does not approve a corrective action plan submitted by the State under clause (i), the Secretary shall take such steps as may be necessary to implement corrective actions in the State to improve the entered-employment rate for veterans in that State.

''(B) To carry out subparagraph (A), the Secretary shall establish in regulations a uniform national threshold entered-employment rate for veterans for a program year by which determinations of deficiency may be made under subparagraph (A).

''(C) In making a determination with respect to a deficiency under subparagraph (A), the Secretary shall take into account the applicable annual unemployment data for the State and consider other factors, such as prevailing economic conditions, that affect performance of individuals providing employment, training, and placement services in the State.

''(4) In determining the terms and conditions of a grant or contract under which funds are made available to a State in order to carry out section 4103A or 4104 of this title, the Secretary shall take into account—

''(A) the results of reviews, carried out pursuant to subsection (b)(7), of the performance of the employment, training, and placement service delivery system in the State, and

''(B) the monitoring carried out under this section.

''(5) Each grant or contract by which funds are made available to a State shall contain a provision requiring the recipient of the funds—

''(A) to comply with the provisions of this chapter; and

''(B) on an annual basis, to notify the Secretary of, and provide supporting rationale for, each nonveteran who is employed as a disabled veterans' outreach program specialist and local veterans' employment representative for a period in excess of 6 months.

''(6) Each State shall coordinate employment, training, and placement services furnished to veterans and eligible persons under this chapter with such services furnished with respect to such veterans and persons under the Workforce Investment Act of 1998 and the Wagner-Peyser Act.

''(7) With respect to program years beginning during or after fiscal year 2004, one percent of the amount of a grant or contract under which funds are made available to a State in order to carry out section 4103A or 4104 of this title for the program year shall be for the purposes of making cash awards under the program of performance incentive awards described in section 4112 of this title in the State.

''(d) PARTICIPATION IN OTHER FEDERALLY FUNDED JOB TRAINING PROGRAMS.—The Assistant Secretary of Labor for Veterans' Employment and Training shall promote and monitor participation of qualified veterans and eligible persons in employment and training opportunities under title I of the Workforce Investment Act of 1998 and other federally funded employment and training programs.

''(e) REGIONAL ADMINISTRATORS.—(1) The Secretary shall assign to each region for which the Secretary operates a regional office a representative of the Veterans' Employment and Training Service to serve as the Regional Administrator for Veterans' Employment and Training in such region.

''(2) Each such Regional Administrator shall carry out such duties as the Secretary may require to promote veterans employment and reemployment within the region that the Administrator serves.

''(f) ESTABLISHMENT OF PERFORMANCE STANDARDS AND OUTCOMES MEASURES.—(1) By not later than 6 months after the date of the enactment of this section, the Assistant Secretary of Labor for Veterans' Employment and Training shall establish and implement a comprehensive performance accountability system to measure the performance of employment service delivery systems, including disabled veterans' outreach program specialists and local veterans' employment representatives providing employment, training, and placement services under this chapter in a State to provide accountability of that State to the Secretary for purposes of subsection (c).

''(2) Such standards and measures shall—

''(A) be consistent with State performance measures applicable under section 136(b) of the Workforce Investment Act of 1998; and

''(B) be appropriately weighted to provide special consideration for placement of (i) veterans requiring intensive services (as defined in section 4101(9) of this title), such as special disabled veterans and disabled veterans, and (ii) veterans who enroll in readjustment counseling under section 1712A of this title.

''(g) AUTHORITY TO PROVIDE TECHNICAL ASSISTANCE TO STATES.—The Secretary may provide such technical assistance as the Secretary determines appropriate to any State that the Secretary determines has, or may have, an entered-employment rate in the State that is deficient, as determined under subsection (c)(3) with respect to a program year, including assistance in the development of a corrective action plan under that subsection.

''§ 4103. Directors and Assistant Directors for Veterans' Employment and Training; additional Federal personnel

''(a) DIRECTORS AND ASSISTANT DIRECTORS.—(1) The Secretary shall assign to each State a representative of the Veterans' Employment and Training Service to serve as the Director for Veterans' Employment and Training, and shall assign full-time Federal clerical or other support personnel to each such Director.

''(2) Each Director for Veterans' Employment and Training for a State shall, at the time of appointment, have been a bona fide resident of the State for at least two years.

''(3) Full-time Federal clerical or other support personnel assigned to Directors for Veterans' Employment and Training shall be appointed in accordance with the provisions of title 5 governing appointments in the competitive service and shall be paid in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of title 5.

''(b) ADDITIONAL FEDERAL PERSONNEL.—The Secretary may also assign as supervisory personnel such representatives of the Veterans' Employment and Training Service as the Secretary determines appropriate to carry out the employment, training, and placement services required under this chapter, including Assistant Directors for Veterans' Employment and Training.''.

(2) The items relating to sections 4102A and 4103, respectively, in the table of sections at the beginning of chapter 41 are amended to read as follows:

''4102A. Assistant Secretary of Labor for Veterans' Employment and Training; program functions; Regional Administrators.

''4103. Directors and Assistant Directors for Veterans' Employment and Training; additional Federal personnel.''.

(3)(A)(i) Section 4104A is repealed.

(ii) The table of sections at the beginning of chapter 41 is amended by striking the item relating to section 4104A.

(B) Section 4107(b) is amended by striking ''The Secretary shall establish definitive performance standards'' and inserting ''The Secretary shall apply performance standards established under section 4102A(f) of this title''.

(4) The amendments made by this subsection shall take effect on the date of the enactment of this Act, and apply for program and fiscal years under chapter 41 of title 38, United States Code, beginning on or after such date.

(b) REVISION OF STATUTORILY DEFINED DUTIES OF DISABLED VETERANS' OUTREACH PROGRAM SPECIALISTS AND LOCAL VETERANS' EMPLOYMENT REPRESENTATIVES.—(1) Section 4103A is amended by striking all after the heading and inserting the following:

''(a) REQUIREMENT FOR EMPLOYMENT BY STATES OF A SUFFICIENT NUMBER OF SPECIALISTS.—(1) Subject to approval by the Secretary, a State shall employ such full- or part-time disabled veterans' outreach program specialists as the State determines appropriate and efficient to carry out intensive services under this chapter to meet the employment needs of eligible veterans with the following priority in the provision of services:

''(A) Special disabled veterans.

''(B) Other disabled veterans.

''(C) Other eligible veterans in accordance with priorities determined by the Secretary taking into account applicable rates of unemployment and the employment emphases set forth in chapter 42 of this title.

''(2) In the provision of services in accordance with this subsection, maximum emphasis in meeting the employment needs of veterans shall be placed on assisting economically or educationally disadvantaged veterans.

''(b) REQUIREMENT FOR QUALIFIED VETERANS.—A State shall, to the maximum extent practicable, employ qualified veterans to carry out the services referred to in subsection (a). Preference shall be given in the appointment of such specialists to qualified disabled veterans.''.

(2) Section 4104 is amended by striking all after the heading and inserting the following:

''(a) REQUIREMENT FOR EMPLOYMENT BY STATES OF A SUFFICIENT NUMBER OF REPRESENTATIVES.—Subject to approval by the Secretary, a State shall employ such full- and part-time local veterans' employment

representatives as the State determines appropriate and efficient to carry out employment, training, and placement services under this chapter.

''(b) PRINCIPAL DUTIES.—As principal duties, local veterans' employment representatives shall—

''(1) conduct outreach to employers in the area to assist veterans in gaining employment, including conducting seminars for employers and, in conjunction with employers, conducting job search workshops and establishing job search groups; and

''(2) facilitate employment, training, and placement services furnished to veterans in a State under the applicable State employment service delivery systems.

''(c) REQUIREMENT FOR QUALIFIED VETERANS AND ELIGIBLE PERSONS.—A State shall, to the maximum extent practicable, employ qualified veterans or eligible persons to carry out the services referred to in subsection (a). Preference shall be accorded in the following order:

''(1) To qualified service-connected disabled veterans.

''(2) If no veteran described in paragraph (1) is available, to qualified eligible veterans.

''(3) If no veteran described in paragraph (1) or (2) is available, then to qualified eligible persons.

''(d) REPORTING.—Each local veterans' employment representative shall be administratively responsible to the manager of the employment service delivery system and shall provide reports, not less frequently than quarterly, to the manager of such office and to the Director for Veterans' Employment and Training for the State regarding compliance with Federal law and regulations with respect to special services and priorities for eligible veterans and eligible persons.''.

(3) The amendments made by this subsection shall take effect on the date of the enactment of this Act, and apply for program years under chapter 41 of title 38, United States Code, beginning on or after such date.

(c) REQUIREMENT TO PROMPTLY ESTABLISH ONE-STOP EMPLOYMENT SERVICES.—By not later than 18 months after the date of the enactment of this Act, the Secretary of Labor shall provide one-stop services and assistance to covered persons electronically by means of the Internet, as defined in section 231(e)(3) of the Communications Act of 1934, and such other electronic means to enhance the delivery of such services and assistance.

(d) REQUIREMENT FOR BUDGET LINE ITEM FOR TRAINING SERVICES INSTITUTE.—(1) The last sentence of section 4106(a) is amended to read as follows: ''Each budget submission with respect to such funds shall include a separate listing of the amount for the National Veterans' Employment and Training Services Institute together with information demonstrating the compliance of such budget submission with the funding requirements specified in the preceding sentence.''.

(2) The amendment made by paragraph (1) shall take effect on the date of the enactment of this Act, and apply to budget submissions for fiscal year 2004 and each subsequent fiscal year.

(e) CONFORMING AMENDMENTS.—(1) Section 4107(c)(5) is amended by striking ''(including the need'' and all that follows through ''representatives)''.

(2) Section 3117(a)(2)(B) is amended to read as follows:

''(B) utilization of employment, training, and placement services under chapter 41 of this title; and''.

SEC. 5. ADDITIONAL IMPROVEMENTS IN VETERANS EMPLOYMENT AND TRAINING SERVICES.

(a) INCLUSION OF INTENSIVE SERVICES.—(1)(A) Section 4101 is amended by adding at the end the following new paragraph:

''(9) The term 'intensive services' means local employment and training services of the type described in section 134(d)(3) of the Workforce Investment Act of 1998.''.

(B) Section 4102 is amended by striking ''job and job training counseling service program,'' and inserting ''job and job training intensive services program,''.

(C) Section 4106(a) is amended by striking ''proper counseling'' and inserting ''proper intensive services''.

(D) Section 4107(a) is amended by striking ''employment counseling services'' and inserting ''intensive services''.

(E) Section 4107(c)(1) is amended by striking ''the number counseled'' and inserting ''the number who received intensive services''.

(F) Section 4109(a) is amended by striking ''counseling,'' each place it appears and inserting ''intensive services,''.

(2) The amendments made by paragraph (1) shall take effect on the date of the enactment of this Act.

(b) ADDITIONAL VETS DUTY TO IMPLEMENT TRANSITIONS TO CIVILIAN CAREERS.—(1)(A) Section 4102 is amended by striking the period and inserting '', including programs carried out by the Veterans' Employment and Training Service to implement all efforts to ease the transition of servicemembers to civilian careers that are consistent with, or an outgrowth of, the military experience of the servicemembers.''.

(B) Such section is further amended by striking ''and veterans of the Vietnam era'' and inserting ''and veterans who served on active duty during a war or in a campaign or expedition for which a campaign badge has been authorized''.

(2) The amendments made by paragraph (1) shall take effect on the date of the enactment of this Act.

(c) MODERNIZATION OF EMPLOYMENT SERVICE DELIVERY POINTS TO INCLUDE TECHNOLOGICAL INNOVATIONS.—(1) Section 4101(7) is amended to read as follows:

''(7) The term 'employment service delivery system' means a service delivery system at which or through which labor exchange services, including employment, training, and placement services, are offered in accordance with the Wagner-Peyser Act.''.

(2) The amendments made by paragraph (1) shall take effect on the date of the enactment of this Act.

(d) INCREASE IN ACCURACY OF REPORTING SERVICES FURNISHED TO VETERANS.—(1)(A) Section 4107(c)(1) is amended—

(i) by striking ''veterans of the Vietnam era,''; and

(ii) by striking ''and eligible persons who registered for assistance with'' and inserting ''eligible persons, recently separated veterans (as defined in section 4211(6) of this title), and servicemembers transitioning to civilian careers who registered for assistance with, or who are identified as veterans by,''.

(B) Section 4107(c)(2) is amended—

(i) by striking ''the job placement rate'' the first place it appears and inserting ''the rate of entered employment (as determined in a manner consistent with State performance measures applicable under section 136(b) of the Workforce Investment Act of 1998)''; and

(ii) by striking ''the job placement rate'' the second place it appears and inserting ''such rate of entered employment (as so determined)''.

(C) Section 4107(c)(4) is amended by striking ''sections 4103A and 4104'' and inserting ''section 4212(d)''.

(D) Section 4107(c) is amended—

(i) by striking ''and'' at the end of paragraph (4);

(ii) by striking the period at the end of paragraph (5) and inserting ''; and''; and

(iii) by adding at the end the following new paragraph:

''(6) a report on the operation during the preceding program year of the program of performance incentive awards for quality employment services under section 4112 of this title.''.

(E) Section 4107(b), as amended by section 4(a)(3)(B), is further amended by striking the second sentence and inserting the following: ''Not later than February 1 of each year, the Secretary shall report to the Committees on Veterans' Affairs of the Senate and the House of Representatives on the performance of States and organizations and entities carrying out employment, training, and placement services under this chapter, as measured under subsection (b)(7) of section 4102A of this title. In the case of a State that the Secretary determines has not met the minimum standard of performance (established by the Secretary under subsection (f) of such section), the Secretary shall include an analysis of the extent and reasons for the State's failure to meet that minimum standard, together with the State's plan for corrective action during the succeeding year.''.

(2) The amendments made by paragraph (1) shall apply to reports for program years beginning on or after July 1, 2003.

(e) CLARIFICATION OF AUTHORITY OF NVETSI TO PROVIDE TRAINING FOR PERSONNEL OF OTHER DEPARTMENTS AND AGENCIES.—Section 4109 is amended by adding at the end the following new subsection:

''(c)(1) Nothing in this section shall be construed as preventing the Institute to enter into contracts or agreements with departments or agencies of the United States or of a State, or with other organizations, to carry out training of personnel of such departments, agencies, or organizations in the provision of services referred to in subsection (a).

''(2) All proceeds collected by the Institute under a contract or agreement referred to in paragraph (1) shall be applied to the applicable appropriation.''.

SEC. 6. COMMITTEE TO RAISE EMPLOYER AWARENESS OF SKILLS OF VETERANS AND BENEFITS OF HIRING VETERANS.

(a) ESTABLISHMENT OF COMMITTEE.—There is established within the Department of Labor a committee to be known as the President's National Hire Veterans Committee (hereinafter in this section referred to as the ''Committee'').

(b) DUTIES.—The Committee shall establish and carry out a national program to do the following:

(1) To furnish information to employers with respect to the training and skills of veterans and disabled veterans, and the advantages afforded employers by hiring veterans with such training and skills.

(2) To facilitate employment of veterans and disabled veterans through participation in America's Career Kit national labor exchange, and other means.

(c) MEMBERSHIP.—(1) The Secretary of Labor shall appoint 15 individuals to serve as members of the Committee, of whom one shall be appointed from among representatives nominated by each organization described in subparagraph (A) and of whom eight shall be appointed from among representatives nominated by organizations described in subparagraph (B).

(A) Organizations described in this subparagraph are the following:

(i) The Ad Council.

(ii) The National Committee for Employer Support of the Guard and Reserve.

(iii) Veterans' service organizations that have a national employment program.

(iv) State employment security agencies.

(v) One-stop career centers.

(vi) State departments of veterans affairs.

(vii) Military service organizations.

(B) Organizations described in this subparagraph are such businesses, small businesses, industries, companies in the private sector that furnish placement services, civic groups, workforce investment boards, and labor unions as the Secretary of Labor determines appropriate.

(2) The following shall be ex officio, nonvoting members of the Committee:

(A) The Secretary of Veterans Affairs.

(B) The Secretary of Defense.

(C) The Assistant Secretary of Labor for Veterans' Employment and Training.

(D) The Administrator of the Small Business Administration.

(E) The Postmaster General.

(F) The Director of the Office of Personnel Management.

(3) A vacancy in the Committee shall be filled in the manner in which the original appointment was made.

(d) ADMINISTRATIVE MATTERS.—(1) The Committee shall meet not less frequently than once each calendar quarter.

(2) The Secretary of Labor shall appoint the chairman of the Committee.

(3)(A) Members of the Committee shall serve without compensation.

(B) Members of the Committee shall be allowed reasonable and necessary travel expenses, including per diem in lieu of subsistence, at rates authorized for persons serving intermittently in the Government service in accordance with the provisions of subchapter I of chapter 57 of title 5 while away from their homes or regular places of business in the performance of the responsibilities of the Committee.

(4) The Secretary of Labor shall provide staff and administrative support to the Committee to assist it in carrying out its duties under this section. The Secretary shall assure positions on the staff of the Committee include positions that are filled by individuals that are now, or have ever been, employed as one of the following:

(A) Staff of the Assistant Secretary of Labor for Veterans' Employment and Training under section 4102A of title 38, United States Code as in effect on the date of the enactment of this Act.

(B) Directors for Veterans' Employment and Training under section 4103 of such title as in effect on such date.

(C) Assistant Director for Veterans' Employment and Training under such section as in effect on such date.

(D) Disabled veterans' outreach program specialists under section 4103A of such title as in effect on such date.

(E) Local veterans' employment representatives under section 4104 of such title as in effect on such date.

(5) Upon request of the Committee, the head of any Federal department or agency may detail, on a nonreimbursable basis, any of the personnel of that department or agency to the Committee to assist it in carrying out its duties.

(6) The Committee may contract with and compensate government and private agencies or persons to furnish information to employers under subsection (b)(1) without regard to section 3709 of the Revised Statutes (41 U.S.C. 5).

(e) REPORT.—Not later than December 31, 2003, 2004, and 2005, the Secretary of Labor shall submit to Congress a report on the activities of the Committee under this section during the previous fiscal year, and shall include in such report data with respect to placement and retention of veterans in jobs attributable to the activities of the Committee.

(f) TERMINATION.—The Committee shall terminate 60 days after submitting the report that is due on December 31, 2005.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Labor from the employment security administration account (established in section 901 of the Social Security Act (42 U.S.C. 1101)) in the Unemployment Trust Fund $3,000,000 for each of fiscal years 2003 through 2005 to carry out this section.

SEC. 7. REPORT ON IMPLEMENTATION OF EMPLOYMENT REFORMS.

(a) STUDY.—The Comptroller General of the United States shall conduct a study on the implementation by the Secretary of Labor of the provisions of this Act during the program years that begin during fiscal years 2003 and 2004. The study shall include an assessment of the modifications under sections 2 through 5 of this Act of the provisions of title 38, United States Code, and an evaluation of the impact of those modifications, and of the actions of the President's National Hire Veterans Committee under section 6 of this Act, to the provision of employment, training, and placement services provided to veterans under that title.

(b) REPORT.—Not later than 6 months after the conclusion of the program year that begins during fiscal year 2004, the Comptroller General shall submit to Congress a report on the study conducted under subsection (a). The report shall include such recommendations as the Comptroller General determines appropriate, including recommendations for legislation or administrative action.

SA 4885. Mr. DASCHLE (for Mr. KENNEDY (for himself, Mr. GREGG, Mr. EDWARDS, Mr. BINGAMAN, Mrs. MURRAY, Mr. REED, and Mr. ENZI) proposed an amendment to the bill H.R. 3801, to provide for improvement of Federal education research, statistics, evaluation, information, and dissemination, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

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TITLE I—EDUCATION SCIENCES REFORM

SEC. 101. SHORT TITLE.

This title may be cited as the ''Education Sciences Reform Act of 2002''.

SEC. 102. DEFINITIONS.

In this title:

(1) IN GENERAL.—The terms ''elementary school'', ''secondary school'', ''local educational agency'', and ''State educational agency'' have the meanings given those terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801) and the terms ''freely associated states'' and ''outlying area'' have the meanings given those terms in section 1121(c) of such Act (20 U.S.C. 6331(c)).

(2) APPLIED RESEARCH.—The term ''applied research'' means research—

(A) to gain knowledge or understanding necessary for determining the means by which a recognized and specific need may be met; and

(B) that is specifically directed to the advancement of practice in the field of education.

(3) BASIC RESEARCH.—The term ''basic research'' means research—

(A) to gain fundamental knowledge or understanding of phenomena and observable facts, without specific application toward processes or products; and

(B) for the advancement of knowledge in the field of education.

(4) BOARD.—The term ''Board'' means the National Board for Education Sciences established under section 116.

(5) BUREAU.—The term ''Bureau'' means the Bureau of Indian Affairs.

(6) COMPREHENSIVE CENTER.—The term ''comprehensive center'' means an entity established under section 203 of the Educational Technical Assistance Act of 2002.

(7) DEPARTMENT.—The term ''Department'' means the Department of Education.

(8) DEVELOPMENT.—The term ''development'' means the systematic use of knowledge or understanding gained from the findings of scientifically valid research and the shaping of that knowledge or understanding into products or processes that can be applied and evaluated and may prove useful in areas such as the preparation of materials and new methods of instruction and practices in teaching, that lead to the improvement of the academic skills of students, and that are replicable in different educational settings.

(9) DIRECTOR.—The term ''Director'' means the Director of the Institute of Education Sciences.

(10) DISSEMINATION.—The term ''dissemination'' means the communication and transfer of the results of scientifically valid research, statistics, and evaluations, in forms that are understandable, easily accessible, and usable, or adaptable for use in, the improvement of educational practice by teachers, administrators, librarians, other practitioners, researchers, parents, policymakers, and the public, through technical assistance, publications, electronic transfer, and other means.

(11) EARLY CHILDHOOD EDUCATOR.—The term ''early childhood educator'' means a person providing, or employed by a provider of, nonresidential child care services (including center-based, family-based, and in-home child care services) that is legally operating under State law, and that complies with applicable State and local requirements for the provision of child care services to children at any age from birth through the age at which a child may start kindergarten in that State.

(12) FIELD-INITIATED RESEARCH.—The term ''field-initiated research'' means basic research or applied research in which specific questions and methods of study are generated by investigators (including teachers and other practitioners) and that conforms to standards of scientifically valid research.

(13) HISTORICALLY BLACK COLLEGE OR UNIVERSITY.—The term ''historically Black college or university'' means a part B institution as defined in section 322 of the Higher Education Act of 1965 (20 U.S.C. 1061).

(14) INSTITUTE.—The term ''Institute'' means the Institute of Education Sciences established under section 111.

(15) INSTITUTION OF HIGHER EDUCATION.—The term ''institution of higher education'' has the meaning given that term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

(16) NATIONAL RESEARCH AND DEVELOPMENT CENTER.—The term ''national research and development center'' means a research and development center supported under section 133(c).

(17) PROVIDER OF EARLY CHILDHOOD SERVICES.—The term ''provider of early childhood services'' means a public or private entity that serves young children, including—

(A) child care providers;

(B) Head Start agencies operating Head Start programs, and entities carrying out Early Head Start programs, under the Head Start Act (42 U.S.C. 9831 et seq.);

(C) preschools;

(D) kindergartens; and

(E) libraries.

(18) SCIENTIFICALLY BASED RESEARCH STANDARDS.—(A) The term ''scientifically based research standards'' means research standards that—

(i) apply rigorous, systematic, and objective methodology to obtain reliable and valid knowledge relevant to education activities and programs; and

(ii) present findings and make claims that are appropriate to and supported by the methods that have been employed.

(B) The term includes, appropriate to the research being conducted—

(i) employing systematic, empirical methods that draw on observation or experiment;

(ii) involving data analyses that are adequate to support the general findings;

(iii) relying on measurements or observational methods that provide reliable data;

(iv) making claims of causal relationships only in random assignment experiments or other designs (to the extent such designs substantially eliminate plausible competing explanations for the obtained results);

(v) ensuring that studies and methods are presented in sufficient detail and clarity to allow for replication or, at a minimum, to offer the opportunity to build systematically on the findings of the research;

(vi) obtaining acceptance by a peer-reviewed journal or approval by a panel of independent experts through a comparably rigorous, objective, and scientific review; and

(vii) using research designs and methods appropriate to the research question posed.

(19) SCIENTIFICALLY VALID EDUCATION EVALUATION.—The term ''scientifically valid education evaluation'' means an evaluation that—

(A) adheres to the highest possible standards of quality with respect to research design and statistical analysis;

(B) provides an adequate description of the programs evaluated and, to the extent possible, examines the relationship between program implementation and program impacts;

(C) provides an analysis of the results achieved by the program with respect to its projected effects;

(D) employs experimental designs using random assignment, when feasible, and other research methodologies that allow for the strongest possible causal inferences when random assignment is not feasible; and

(E) may study program implementation through a combination of scientifically valid and reliable methods.

(20) SCIENTIFICALLY VALID RESEARCH.—The term ''scientifically valid research'' includes applied research, basic research, and field-initiated research in which the rationale, design, and interpretation are soundly developed in accordance with scientifically based research standards.

(21) SECRETARY.—The term ''Secretary'' means the Secretary of Education.

(22) STATE.—The term ''State'' includes (except as provided in section 158) each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the freely associated states, and the outlying areas.

(23) TECHNICAL ASSISTANCE.—The term ''technical assistance'' means—

(A) assistance in identifying, selecting, or designing solutions based on research, including professional development and high-quality training to implement solutions leading to—

(i) improved educational and other practices and classroom instruction based on scientifically valid research; and

(ii) improved planning, design, and administration of programs;

(B) assistance in interpreting, analyzing, and utilizing statistics and evaluations; and

(C) other assistance necessary to encourage the improvement of teaching and learning through the applications of techniques supported by scientifically valid research.

PART A—THE INSTITUTE OF EDUCATION SCIENCES

SEC. 111. ESTABLISHMENT.

(a) ESTABLISHMENT.—There shall be in the Department the Institute of Education Sciences, to be administered by a Director (as described in section 114) and, to the extent set forth in section 116, a board of directors.

(b) MISSION.—

(1) IN GENERAL.—The mission of the Institute is to provide national leadership in expanding fundamental knowledge and understanding of education from early childhood through postsecondary study, in order to provide parents, educators, students, researchers, policymakers, and the general public with reliable information about—

(A) the condition and progress of education in the United States, including early childhood education;

(B) educational practices that support learning and improve academic achievement and access to educational opportunities for all students; and

(C) the effectiveness of Federal and other education programs.

(2) CARRYING OUT MISSION.—In carrying out the mission described in paragraph (1), the Institute shall compile statistics, develop products, and conduct research, evaluations, and wide dissemination activities in areas of demonstrated national need (including in technology areas) that are supported by Federal funds appropriated to the Institute and ensure that such activities—

(A) conform to high standards of quality, integrity, and accuracy; and

(B) are objective, secular, neutral, and nonideological and are free of partisan political influence and racial, cultural, gender, or regional bias.

(c) ORGANIZATION.—The Institute shall consist of the following:

(1) The Office of the Director (as described in section 114).

(2) The National Board for Education Sciences (as described in section 116).

(3) The National Education Centers, which include—

(A) the National Center for Education Research (as described in part B);

(B) the National Center for Education Statistics (as described in part C); and

(C) the National Center for Education Evaluation and Regional Assistance (as described in part D).

SEC. 112. FUNCTIONS.

From funds appropriated under section 194, the Institute, directly or through grants, contracts, or cooperative agreements, shall—

(1) conduct and support scientifically valid research activities, including basic research and applied research, statistics activities, scientifically valid education evaluation, development, and wide dissemination;

(2) widely disseminate the findings and results of scientifically valid research in education;

(3) promote the use, development, and application of knowledge gained from scientifically valid research activities;

(4) strengthen the national capacity to conduct, develop, and widely disseminate scientifically valid research in education;

(5) promote the coordination, development, and dissemination of scientifically valid research in education within the Department and the Federal Government; and

(6) promote the use and application of research and development to improve practice in the classroom.

SEC. 113. DELEGATION.

(a) DELEGATION OF AUTHORITY.—Notwithstanding section 412 of the Department of Education Organization Act (20 U.S.C. 3472), the Secretary shall delegate to the Director all functions for carrying out this title (other than administrative and support functions), except that—

(1) nothing in this title or in the National Assessment of Educational Progress Authorization Act (except section 302(e)(1)(J) of such Act) shall be construed to alter or diminish the role, responsibilities, or authority of the National Assessment Governing Board with respect to the National Assessment of Educational Progress (including with respect to the methodologies of the National Assessment of Educational Progress described in section 302(e)(1)(E)) from those authorized by the National Education Statistics Act of 1994 (20 U.S.C. 9001 et seq.) on the day before the date of enactment of this Act;

(2) members of the National Assessment Governing Board shall continue to be appointed by the Secretary;

(3) section 302(f)(1) of the National Assessment of Educational Progress Authorization Act shall apply to the National Assessment Governing Board in the exercise of its responsibilities under this Act;

(4) sections 115 and 116 shall not apply to the National Assessment of Educational Progress; and

(5) sections 115 and 116 shall not apply to the National Assessment Governing Board.

(b) OTHER ACTIVITIES.—The Secretary may assign the Institute responsibility for administering other activities, if those activities are consistent with—

(1) the Institute's priorities, as approved by the National Board for Education Sciences under section 116, and the Institute's mission, as described in section 111(b); or

(2) the Institute's mission, but only if those activities do not divert the Institute from its priorities.

SEC. 114. OFFICE OF THE DIRECTOR.

(a) APPOINTMENT.—Except as provided in subsection (b)(2), the President, by and with the advice and consent of the Senate, shall appoint the Director of the Institute.

(b) TERM.—

(1) IN GENERAL.—The Director shall serve for a term of 6 years, beginning on the date of appointment of the Director.

(2) FIRST DIRECTOR.—The President, without the advice and consent of the Senate, may appoint the Assistant Secretary for the Office of Educational Research and Improvement (as such office existed on the day before the date of enactment of this Act) to serve as the first Director of the Institute.

(3) SUBSEQUENT DIRECTORS.—The Board may make recommendations to the President with respect to the appointment of a Director under subsection (a), other than a Director appointed under paragraph (2).

(c) PAY.—The Director shall receive the rate of basic pay for level II of the Executive Schedule.

(d) QUALIFICATIONS.—The Director shall be selected from individuals who are highly qualified authorities in the fields of scientifically valid research, statistics, or evaluation in education, as well as management within such areas, and have a demonstrated capacity for sustained productivity and leadership in these areas.

(e) ADMINISTRATION.—The Director shall—

(1) administer, oversee, and coordinate the activities carried out under the Institute, including the activities of the National Education Centers; and

(2) coordinate and approve budgets and operating plans for each of the National Education Centers for submission to the Secretary.

(f) DUTIES.—The duties of the Director shall include the following:

(1) To propose to the Board priorities for the Institute, in accordance with section 115(a).

(2) To ensure the methodology applied in conducting research, development, evaluation, and statistical analysis is consistent with the standards for such activities under this title.

(3) To coordinate education research and related activities carried out by the Institute with such research and activities carried out by other agencies within the Department and the Federal Government.

(4) To advise the Secretary on research, evaluation, and statistics activities relevant to the activities of the Department.

(5) To establish necessary procedures for technical and scientific peer review of the activities of the Institute, consistent with section 116(b)(3).

(6) To ensure that all participants in research conducted or supported by the Institute are afforded their privacy rights and other relevant protections as research subjects, in accordance with section 183 of this title, section 552a of title 5, United States Code, and sections 444 and 445 of the General Education Provisions Act (20 U.S.C. 1232g, 1232h).

(7) To ensure that activities conducted or supported by the Institute are objective, secular, neutral, and nonideological and are free of partisan political influence and racial, cultural, gender, or regional bias.

(8) To undertake initiatives and programs to increase the participation of researchers and institutions that have been historically underutilized in Federal education research activities of the Institute, including historically Black colleges or universities or other institutions of higher education with large numbers of minority students.

(9) To coordinate with the Secretary to promote and provide for the coordination of research and development activities and technical assistance activities between the Institute and comprehensive centers.

(10) To solicit and consider the recommendations of education stakeholders, in order to ensure that there is broad and regular public and professional input from the educational field in the planning and carrying out of the Institute's activities.

(11) To coordinate the wide dissemination of information on scientifically valid research.

(12) To carry out and support other activities consistent with the priorities and mission of the Institute.

(g) EXPERT GUIDANCE AND ASSISTANCE.—The Director may establish technical and scientific peer-review groups and scientific program advisory committees for research and evaluations that the Director determines are necessary to carry out the requirements of this title. The Director shall appoint such personnel, except that officers and employees of the United States shall comprise no more than ¼ of the members of any such group or committee and shall not receive additional compensation for their service as members of such a group or committee. The Director shall ensure that reviewers are highly qualified and capable to appraise education research and development projects. The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to a peer-review group or an advisory committee established under this subsection.

(h) REVIEW.—The Director may, when requested by other officers of the Department, and shall, when directed by the Secretary, review the products and publications of other offices of the Department to certify that evidence-based claims about those products and publications are scientifically valid.

SEC. 115. PRIORITIES.

(a) PROPOSAL.—The Director shall propose to the Board priorities for the Institute (taking into consideration long-term research and development on core issues conducted through the national research and development centers). The Director shall identify topics that may require long-term research and topics that are focused on understanding and solving particular education problems and issues, including those associated with the goals and requirements established in the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) and the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), such as—

(1) closing the achievement gap between high-performing and low-performing children, especially achievement gaps between minority and nonminority children and between disadvantaged children and such children's more advantaged peers; and

(2) ensuring—

(A) that all children have the ability to obtain a high-quality education (from early childhood through postsecondary education) and reach, at a minimum, proficiency on challenging State academic achievement standards and State academic assessments, particularly in mathematics, science, and reading or language arts;

(B) access to, and opportunities for, postsecondary education; and

(C) the efficacy, impact on academic achievement, and cost-effectiveness of technology use within the Nation's schools.

(b) APPROVAL.—The Board shall approve or disapprove the priorities for the Institute proposed by the Director, including any necessary revision of those priorities. The Board shall transmit any priorities so approved to the appropriate congressional committees.

(c) CONSISTENCY.—The Board shall ensure that priorities of the Institute and the National Education Centers are consistent with the mission of the Institute.

(d) PUBLIC AVAILABILITY AND COMMENT.—

(1) PRIORITIES.—Before submitting to the Board proposed priorities for the Institute, the Director shall make such priorities available to the public for comment for not less than 60 days (including by means of the Internet and through publishing such priorities in the Federal Register). The Director shall provide to the Board a copy of each such comment submitted.

(2) PLAN.—Upon approval of such priorities, the Director shall make the Institute's plan for addressing such priorities available for public comment in the same manner as under paragraph (1).

SEC. 116. NATIONAL BOARD FOR EDUCATION SCIENCES.

(a) ESTABLISHMENT.—The Institute shall have a board of directors, which shall be known as the National Board for Education Sciences.

(b) DUTIES.—The duties of the Board shall be the following:

(1) To advise and consult with the Director on the policies of the Institute.

(2) To consider and approve priorities proposed by the Director under section 115 to guide the work of the Institute.

(3) To review and approve procedures for technical and scientific peer review of the activities of the Institute.

(4) To advise the Director on the establishment of activities to be supported by the Institute, including the general areas of research to be carried out by the National Center for Education Research.

(5) To present to the Director such recommendations as it may find appropriate for—

(A) the strengthening of education research; and

(B) the funding of the Institute.

(6) To advise the Director on the funding of applications for grants, contracts, and cooperative agreements for research, after the completion of peer review.

(7) To review and regularly evaluate the work of the Institute, to ensure that scientifically valid research, development, evaluation, and statistical analysis are consistent with the standards for such activities under this title.

(8) To advise the Director on ensuring that activities conducted or supported by the Institute are objective, secular, neutral, and nonideological and are free of partisan political influence and racial, cultural, gender, or regional bias.

(9) To solicit advice and information from those in the educational field, particularly practitioners and researchers, to recommend to the Director topics that require long-term, sustained, systematic, programmatic, and integrated research efforts, including knowledge utilization and wide dissemination of research, consistent with the priorities and mission of the Institute.

(10) To advise the Director on opportunities for the participation in, and the advancement of, women, minorities, and persons with disabilities in education research, statistics, and evaluation activities of the Institute.

(11) To recommend to the Director ways to enhance strategic partnerships and collaborative efforts among other Federal and State research agencies.

(12) To recommend to the Director individuals to serve as Commissioners of the National Education Centers.

(c) COMPOSITION.—

(1) VOTING MEMBERS.—The Board shall have 15 voting members appointed by the President, by and with the advice and consent of the Senate.

(2) ADVICE.—The President shall solicit advice regarding individuals to serve on the Board from the National Academy of Sciences, the National Science Board, and the National Science Advisor.

(3) NONVOTING EX OFFICIO MEMBERS.—The Board shall have the following nonvoting ex officio members:

(A) The Director of the Institute of Education Sciences.

(B) Each of the Commissioners of the National Education Centers.

(C) The Director of the National Institute of Child Health and Human Development.

(D) The Director of the Census.

(E) The Commissioner of Labor Statistics.

(F) The Director of the National Science Foundation.

(4) APPOINTED MEMBERSHIP.—

(A) QUALIFICATIONS.—Members appointed under paragraph (1) shall be highly qualified to appraise education research, statistics, evaluations, or development, and shall include the following individuals:

(i) Not fewer than 8 researchers in the field of statistics, evaluation, social sciences, or physical and biological sciences, which may include those researchers recommended by the National Academy of Sciences.

(ii) Individuals who are knowledgeable about the educational needs of the United States, who may include school-based professional educators, parents (including parents with experience in promoting parental involvement in education), Chief State School Officers, State postsecondary education executives, presidents of institutions of higher education, local educational agency superintendents, early childhood experts, principals, members of State or local boards of education or Bureau-funded school boards, and individuals from business and industry with experience in promoting private sector involvement in education.

(B) TERMS.—Each member appointed under paragraph (1) shall serve for a term of 4 years, except that—

(i) the terms of the initial members appointed under such paragraph shall (as determined by a random selection process at the time of appointment) be for staggered terms of—

(I) 4 years for each of 5 members;

(II) 3 years for each of 5 members; and

(III) 2 years for each of 5 members; and

(ii) no member appointed under such paragraph shall serve for more than 2 consecutive terms.

(C) UNEXPIRED TERMS.—Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of that term.

(D) CONFLICT OF INTEREST.—A voting member of the Board shall be considered a special Government employee for the purposes of the Ethics in Government Act of 1978.

(5) CHAIR.—The Board shall elect a chair from among the members of the Board.

(6) COMPENSATION.—Members of the Board shall serve without pay for such service. Members of the Board who are officers or employees of the United States may not receive additional pay, allowances, or benefits by reason of their service on the Board.

(7) TRAVEL EXPENSES.—The members of the Board shall receive travel expenses, including per diem in lieu of subsistence, in accordance with subchapter I of chapter 57 of title 5, United States Code.

(8) POWERS OF THE BOARD.—

(A) EXECUTIVE DIRECTOR.—The Board shall have an Executive Director who shall be appointed by the Board.

(B) ADDITIONAL STAFF.—The Board shall utilize such additional staff as may be appointed or assigned by the Director, in consultation with the Chair and the Executive Director.

(C) DETAIL OF PERSONNEL.—The Board may use the services and facilities of any department or agency of the Federal Government. Upon the request of the Board, the head of any Federal department or agency may detail any of the personnel of that department or agency to the Board to assist the Board in carrying out this Act.

(D) CONTRACTS.—The Board may enter into contracts or make other arrangements as may be necessary to carry out its functions.

(E) INFORMATION.—The Board may, to the extent otherwise permitted by law, obtain directly from any executive department or agency of the Federal Government such information as the Board determines necessary to carry out its functions.

(9) MEETINGS.—The Board shall meet not less than 3 times each year. The Board shall hold additional meetings at the call of the Chair or upon the written request of not less than 6 voting members of the Board. Meetings of the Board shall be open to the public.

(10) QUORUM.—A majority of the voting members of the Board serving at the time of the meeting shall constitute a quorum.

(d) STANDING COMMITTEES.—

(1) ESTABLISHMENT.—The Board may establish standing committees—

(A) that will each serve 1 of the National Education Centers; and

(B) to advise, consult with, and make recommendations to the Director and the Commissioner of the appropriate National Education Center.

(2) MEMBERSHIP.—A majority of the members of each standing committee shall be voting members of the Board whose expertise is needed for the functioning of the committee. In addition, the membership of each standing committee may include, as appropriate—

(A) experts and scientists in research, statistics, evaluation, or development who are recognized in their discipline as highly qualified to represent such discipline and who are not members of the Board, but who may have been recommended by the Commissioner of the appropriate National Education Center and approved by the Board;

(B) ex officio members of the Board; and

(C) policymakers and expert practitioners with knowledge of, and experience using, the results of research, evaluation, and statistics who are not members of the Board, but who may have been recommended by the Commissioner of the appropriate National Education Center and approved by the Board.

(3) DUTIES.—Each standing committee shall—

(A) review and comment, at the discretion of the Board or the standing committee, on any grant, contract, or cooperative agreement entered into (or proposed to be entered into) by the applicable National Education Center;

(B) prepare for, and submit to, the Board an annual evaluation of the operations of the applicable National Education Center;

(C) review and comment on the relevant plan for activities to be undertaken by the applicable National Education Center for each fiscal year; and

(D) report periodically to the Board regarding the activities of the committee and the applicable National Education Center.

(e) ANNUAL REPORT.—The Board shall submit to the Director, the Secretary, and the appropriate congressional committees, not later than July 1 of each year, a report that assesses the effectiveness of the Institute in carrying out its priorities and mission, especially as such priorities and mission relate to carrying out scientifically valid research, conducting unbiased evaluations, collecting and reporting accurate education statistics, and translating research into practice.

(f) RECOMMENDATIONS.—The Board shall submit to the Director, the Secretary, and the appropriate congressional committees a report that includes any recommendations regarding any actions that may be taken to enhance the ability of the Institute to carry out its priorities and mission. The Board shall submit an interim report not later than 3 years after the date of enactment of this Act and a final report not later than 5 years after such date of enactment.

SEC. 117. COMMISSIONERS OF THE NATIONAL EDUCATION CENTERS.

(a) APPOINTMENT OF COMMISSIONERS.—

(1) IN GENERAL.—Except as provided in subsection (b), each of the National Education Centers shall be headed by a Commissioner appointed by the Director. In appointing Commissioners, the Director shall seek to promote continuity in leadership of the National Education Centers and shall consider individuals recommended by the Board. The Director may appoint a Commissioner to carry out the functions of a National Education Center without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(2) PAY AND QUALIFICATIONS.—Except as provided in subsection (b), each Commissioner shall—

(A) receive the rate of basic pay for level IV of the Executive Schedule; and

(B) be highly qualified in the field of education research or evaluation.

(3) SERVICE.—Except as provided in subsection (b), each Commissioner shall report to the Director. A Commissioner shall serve

for a period of not more than 6 years, except that a Commissioner—

(A) may be reappointed by the Director; and

(B) may serve after the expiration of that Commissioner's term, until a successor has been appointed, for a period not to exceed 1 additional year.

(b) APPOINTMENT OF COMMISSIONER FOR EDUCATION STATISTICS.—The National Center for Education Statistics shall be headed by a Commissioner for Education Statistics who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall—

(1) have substantial knowledge of programs assisted by the National Center for Education Statistics;

(2) receive the rate of basic pay for level IV of the Executive Schedule; and

(3) serve for a term of 6 years, with the term to expire every sixth June 21, beginning in 2003.

(c) COORDINATION.—Each Commissioner of a National Education Center shall coordinate with each of the other Commissioners of the National Education Centers in carrying out such Commissioner's duties under this title.

(d) SUPERVISION AND APPROVAL.—Each Commissioner, except the Commissioner for Education Statistics, shall carry out such Commissioner's duties under this title under the supervision and subject to the approval of the Director.

SEC. 118. AGREEMENTS.

The Institute may carry out research projects of common interest with entities such as the National Science Foundation and the National Institute of Child Health and Human Development through agreements with such entities that are in accordance with section 430 of the General Education Provisions Act (20 U.S.C. 1231).

SEC. 119. BIENNIAL REPORT.

The Director shall, on a biennial basis, transmit to the President, the Board, and the appropriate congressional committees, and make widely available to the public (including by means of the Internet), a report containing the following:

(1) A description of the activities carried out by and through the National Education Centers during the prior fiscal years.

(2) A summary of each grant, contract, and cooperative agreement in excess of $100,000 funded through the National Education Centers during the prior fiscal years, including, at a minimum, the amount, duration, recipient, purpose of the award, and the relationship, if any, to the priorities and mission of the Institute, which shall be available in a user-friendly electronic database.

(3) A description of how the activities of the National Education Centers are consistent with the principles of scientifically valid research and the priorities and mission of the Institute.

(4) Such additional comments, recommendations, and materials as the Director considers appropriate.

SEC. 120. COMPETITIVE AWARDS.

Activities carried out under this Act through grants, contracts, or cooperative agreements, at a minimum, shall be awarded on a competitive basis and, when practicable, through a process of peer review.

PART B—NATIONAL CENTER FOR EDUCATION RESEARCH

SEC. 131. ESTABLISHMENT.

(a) ESTABLISHMENT.—There is established in the Institute a National Center for Education Research (in this part referred to as the ''Research Center'').

(b) MISSION.—The mission of the Research Center is—

(1) to sponsor sustained research that will lead to the accumulation of knowledge and understanding of education, to—

(A) ensure that all children have access to a high-quality education;

(B) improve student academic achievement, including through the use of educational technology;

(C) close the achievement gap between high-performing and low-performing students through the improvement of teaching and learning of reading, writing, mathematics, science, and other academic subjects; and

(D) improve access to, and opportunity for, postsecondary education;

(2) to support the synthesis and, as appropriate, the integration of education research;

(3) to promote quality and integrity through the use of accepted practices of scientific inquiry to obtain knowledge and understanding of the validity of education theories, practices, or conditions; and

(4) to promote scientifically valid research findings that can provide the basis for improving academic instruction and lifelong learning.

SEC. 132. COMMISSIONER FOR EDUCATION RESEARCH.

The Research Center shall be headed by a Commissioner for Education Research (in this part referred to as the ''Research Commissioner'') who shall have substantial knowledge of the activities of the Research Center, including a high level of expertise in the fields of research and research management.

SEC. 133. DUTIES.

(a) GENERAL DUTIES.—The Research Center shall—

(1) maintain published peer-review standards and standards for the conduct and evaluation of all research and development carried out under the auspices of the Research Center in accordance with this part;

(2) propose to the Director a research plan that—

(A) is consistent with the priorities and mission of the Institute and the mission of the Research Center and includes the activities described in paragraph (3); and

(B) shall be carried out pursuant to paragraph (4) and, as appropriate, be updated and modified;

(3) carry out specific, long-term research activities that are consistent with the priorities and mission of the Institute, and are approved by the Director;

(4) implement the plan proposed under paragraph (2) to carry out scientifically valid research that—

(A) uses objective and measurable indicators, including timelines, that are used to assess the progress and results of such research;

(B) meets the procedures for peer review established by the Director under section 114(f)(5) and the standards of research described in section 134; and

(C) includes both basic research and applied research, which shall include research conducted through field-initiated research and ongoing research initiatives;

(5) promote the use of scientifically valid research within the Federal Government, including active participation in interagency research projects described in section 118;

(6) ensure that research conducted under the direction of the Research Center is relevant to education practice and policy;

(7) synthesize and disseminate, through the National Center for Education Evaluation and Regional Assistance, the findings and results of education research conducted or supported by the Research Center;

(8) assist the Director in the preparation of a biennial report, as described in section 119;

(9) carry out research on successful State and local education reform activities, including those that result in increased academic achievement and in closing the achievement gap, as approved by the Director;

(10) carry out research initiatives regarding the impact of technology, including—

(A) research into how technology affects student achievement;

(B) long-term research into cognition and learning issues as they relate to the uses of technology;

(C) rigorous, peer-reviewed, large-scale, long-term, and broadly applicable empirical research that is designed to determine which approaches to the use of technology are most effective and cost-efficient in practice and under what conditions; and

(D) field-based research on how teachers implement technology and Internet-based resources in the classroom, including an understanding how these resources are being accessed, put to use, and the effectiveness of such resources; and

(11) carry out research that is rigorous, peer-reviewed, and large scale to determine which methods of mathematics and science teaching are most effective, cost efficient, and able to be applied, duplicated, and scaled up for use in elementary and secondary classrooms, including in low-performing schools, to improve the teaching of, and student achievement in, mathematics and science as required under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.).

(b) ELIGIBILITY.—Research carried out under subsection (a) through contracts, grants, or cooperative agreements shall be carried out only by recipients with the ability and capacity to conduct scientifically valid research.

(c) NATIONAL RESEARCH AND DEVELOPMENT CENTERS.—

(1) SUPPORT.—In carrying out activities under subsection (a)(3), the Research Commissioner shall support not less than 8 national research and development centers. The Research Commissioner shall assign each of the 8 national research and development centers not less than 1 of the topics described in paragraph (2). In addition, the Research Commissioner may assign each of the 8 national research and development centers additional topics of research consistent with the mission and priorities of the Institute and the mission of the Research Center.

(2) TOPICS OF RESEARCH.—The Research Commissioner shall support the following topics of research, through national research and development centers or through other means:

(A) Adult literacy.

(B) Assessment, standards, and accountability research.

(C) Early childhood development and education.

(D) English language learners research.

(E) Improving low achieving schools.

(F) Innovation in education reform.

(G) State and local policy.

(H) Postsecondary education and training.

(I) Rural education.

(J) Teacher quality.

(K) Reading and literacy.

(3) DUTIES OF CENTERS.—The national research and development centers shall address areas of national need, including in educational technology areas. The Research Commissioner may support additional national research and development centers to address topics of research not described in paragraph (2) if such topics are consistent with the priorities and mission of the Institute and the mission of the Research Center. The research carried out by the centers shall incorporate the potential or existing role of

educational technology, where appropriate, in achieving the goals of each center.

(4) SCOPE.—Support for a national research and development center shall be for a period of not more than 5 years, shall be of sufficient size and scope to be effective, and notwithstanding section 134(b), may be renewed without competition for not more than 5 additional years if the Director, in consultation with the Research Commissioner and the Board, determines that the research of the national research and development center—

(A) continues to address priorities of the Institute; and

(B) merits renewal (applying the procedures and standards established in section 134).

(5) LIMIT.—No national research and development center may be supported under this subsection for a period of more than 10 years without submitting to a competitive process for the award of the support.

(6) CONTINUATION OF AWARDS.—The Director shall continue awards made to the national research and development centers that are in effect on the day before the date of enactment of this Act in accordance with the terms of those awards and may renew them in accordance with paragraphs (4) and (5).

(7) DISAGGREGATION.—To the extent feasible, research conducted under this subsection shall be disaggregated by age, race, gender, and socioeconomic background.

SEC. 134. STANDARDS FOR CONDUCT AND EVALUATION OF RESEARCH.

(a) IN GENERAL.—In carrying out this part, the Research Commissioner shall—

(1) ensure that all research conducted under the direction of the Research Center follows scientifically based research standards;

(2) develop such other standards as may be necessary to govern the conduct and evaluation of all research, development, and wide dissemination activities carried out by the Research Center to assure that such activities meet the highest standards of professional excellence;

(3) review the procedures utilized by the National Institutes of Health, the National Science Foundation, and other Federal departments or agencies engaged in research and development, and actively solicit recommendations from research organizations and members of the general public in the development of the standards described in paragraph (2); and

(4) ensure that all research complies with Federal guidelines relating to research misconduct.

(b) PEER REVIEW.—

(1) IN GENERAL.—The Director shall establish a peer review system, involving highly qualified individuals with an in-depth knowledge of the subject to be investigated, for reviewing and evaluating all applications for grants and cooperative agreements that exceed $100,000, and for evaluating and assessing the products of research by all recipients of grants and cooperative agreements under this Act.

(2) EVALUATION.—The Research Commissioner shall—

(A) develop the procedures to be used in evaluating applications for research grants, cooperative agreements, and contracts, and specify the criteria and factors (including, as applicable, the use of longitudinal data linking test scores, enrollment, and graduation rates over time) which shall be considered in making such evaluations; and

(B) evaluate the performance of each recipient of an award of a research grant, contract, or cooperative agreement at the conclusion of the award.

(c) LONG-TERM RESEARCH.—The Research Commissioner shall ensure that not less than 50 percent of the funds made available for research for each fiscal year shall be used to fund long-term research programs of not less than 5 years, which support the priorities and mission of the Institute and the mission of the Research Center.

PART C—NATIONAL CENTER FOR EDUCATION STATISTICS

SEC. 151. ESTABLISHMENT.

(a) ESTABLISHMENT.—There is established in the Institute a National Center for Education Statistics (in this part referred to as the ''Statistics Center'').

(b) MISSION.—The mission of the Statistics Center shall be—

(1) to collect and analyze education information and statistics in a manner that meets the highest methodological standards;

(2) to report education information and statistics in a timely manner; and

(3) to collect, analyze, and report education information and statistics in a manner that—

(A) is objective, secular, neutral, and nonideological and is free of partisan political influence and racial, cultural, gender, or regional bias; and

(B) is relevant and useful to practitioners, researchers, policymakers, and the public.

SEC. 152. COMMISSIONER FOR EDUCATION STATISTICS.

The Statistics Center shall be headed by a Commissioner for Education Statistics (in this part referred to as the ''Statistics Commissioner'') who shall be highly qualified and have substantial knowledge of statistical methodologies and activities undertaken by the Statistics Center.

SEC. 153. DUTIES.

(a) GENERAL DUTIES.—The Statistics Center shall collect, report, analyze, and disseminate statistical data related to education in the United States and in other nations, including—

(1) collecting, acquiring, compiling (where appropriate, on a State-by-State basis), and disseminating full and complete statistics (disaggregated by the population characteristics described in paragraph (3)) on the condition and progress of education, at the preschool, elementary, secondary, postsecondary, and adult levels in the United States, including data on—

(A) State and local education reform activities;

(B) State and local early childhood school readiness activities;

(C) student achievement in, at a minimum, the core academic areas of reading, mathematics, and science at all levels of education;

(D) secondary school completions, dropouts, and adult literacy and reading skills;

(E) access to, and opportunity for, postsecondary education, including data on financial aid to postsecondary students;

(F) teaching, including—

(i) data on in-service professional development, including a comparison of courses taken in the core academic areas of reading, mathematics, and science with courses in noncore academic areas, including technology courses; and

(ii) the percentage of teachers who are highly qualified (as such term is defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)) in each State and, where feasible, in each local educational agency and school;

(G) instruction, the conditions of the education workplace, and the supply of, and demand for, teachers;

(H) the incidence, frequency, seriousness, and nature of violence affecting students, school personnel, and other individuals participating in school activities, as well as other indices of school safety, including information regarding—

(i) the relationship between victims and perpetrators;

(ii) demographic characteristics of the victims and perpetrators; and

(iii) the type of weapons used in incidents, as classified in the Uniform Crime Reports of the Federal Bureau of Investigation;

(I) the financing and management of education, including data on revenues and expenditures;

(J) the social and economic status of children, including their academic achievement;

(K) the existence and use of educational technology and access to the Internet by students and teachers in elementary schools and secondary schools;

(L) access to, and opportunity for, early childhood education;

(M) the availability of, and access to, before-school and after-school programs (including such programs during school recesses);

(N) student participation in and completion of secondary and postsecondary vocational and technical education programs by specific program area; and

(O) the existence and use of school libraries;

(2) conducting and publishing reports on the meaning and significance of the statistics described in paragraph (1);

(3) collecting, analyzing, cross-tabulating, and reporting, to the extent feasible, information by gender, race, ethnicity, socioeconomic status, limited English proficiency, mobility, disability, urban, rural, suburban districts, and other population characteristics, when such disaggregated information will facilitate educational and policy decisionmaking;

(4) assisting public and private educational agencies, organizations, and institutions in improving and automating statistical and data collection activities, which may include assisting State educational agencies and local educational agencies with the disaggregation of data and with the development of longitudinal student data systems;

(5) determining voluntary standards and guidelines to assist State educational agencies in developing statewide longitudinal data systems that link individual student data consistent with the requirements of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.), promote linkages across States, and protect student privacy consistent with section 183, to improve student academic achievement and close achievement gaps;

(6) acquiring and disseminating data on educational activities and student achievement (such as the Third International Math and Science Study) in the United States compared with foreign nations;

(7) conducting longitudinal and special data collections necessary to report on the condition and progress of education;

(8) assisting the Director in the preparation of a biennial report, as described in section 119; and

(9) determining, in consultation with the National Research Council of the National Academies, methodology by which States may accurately measure graduation rates (defined as the percentage of students who graduate from secondary school with a regular diploma in the standard number of years), school completion rates, and dropout rates.

(b) TRAINING PROGRAM.—The Statistics Commissioner may establish a program to train employees of public and private educational agencies, organizations, and institutions in the use of standard statistical procedures and concepts, and may establish a fellowship program to appoint such employees

as temporary fellows at the Statistics Center, in order to assist the Statistics Center in carrying out its duties.

SEC. 154. PERFORMANCE OF DUTIES.

(a) GRANTS, CONTRACTS, AND COOPERATIVE AGREEMENTS.—In carrying out the duties under this part, the Statistics Commissioner, may award grants, enter into contracts and cooperative agreements, and provide technical assistance.

(b) GATHERING INFORMATION.—

(1) SAMPLING.—The Statistics Commissioner may use the statistical method known as sampling (including random sampling) to carry out this part.

(2) SOURCE OF INFORMATION.—The Statistics Commissioner may, as appropriate, use information collected—

(A) from States, local educational agencies, public and private schools, preschools, institutions of higher education, vocational and adult education programs, libraries, administrators, teachers, students, the general public, and other individuals, organizations, agencies, and institutions (including information collected by States and local educational agencies for their own use); and

(B) by other offices within the Institute and by other Federal departments, agencies, and instrumentalities.

(3) COLLECTION.—The Statistics Commissioner may—

(A) enter into interagency agreements for the collection of statistics;

(B) arrange with any agency, organization, or institution for the collection of statistics; and

(C) assign employees of the Statistics Center to any such agency, organization, or institution to assist in such collection.

(4) TECHNICAL ASSISTANCE AND COORDINATION.—In order to maximize the effectiveness of Department efforts to serve the educational needs of children and youth, the Statistics Commissioner shall—

(A) provide technical assistance to the Department offices that gather data for statistical purposes; and

(B) coordinate with other Department offices in the collection of data.

(c) DURATION.—Notwithstanding any other provision of law, the grants, contracts, and cooperative agreements under this section may be awarded, on a competitive basis, for a period of not more than 5 years, and may be renewed at the discretion of the Statistics Commissioner for an additional period of not more than 5 years.

SEC. 155. REPORTS.

(a) PROCEDURES FOR ISSUANCE OF REPORTS.—The Statistics Commissioner, shall establish procedures, in accordance with section 186, to ensure that the reports issued under this section are relevant, of high quality, useful to customers, subject to rigorous peer review, produced in a timely fashion, and free from any partisan political influence.

(b) REPORT ON CONDITION AND PROGRESS OF EDUCATION.—Not later than June 1, 2003, and each June 1 thereafter, the Statistics Commissioner, shall submit to the President and the appropriate congressional committees a statistical report on the condition and progress of education in the United States.

(c) STATISTICAL REPORTS.—The Statistics Commissioner shall issue regular and, as necessary, special statistical reports on education topics, particularly in the core academic areas of reading, mathematics, and science, consistent with the priorities and the mission of the Statistics Center.

SEC. 156. DISSEMINATION.

(a) GENERAL REQUESTS.—

(1) IN GENERAL.—The Statistics Center may furnish transcripts or copies of tables and other statistical records and make special statistical compilations and surveys for State and local officials, public and private organizations, and individuals.

(2) COMPILATIONS.—The Statistics Center shall provide State educational agencies, local educational agencies, and institutions of higher education with opportunities to suggest the establishment of particular compilations of statistics, surveys, and analyses that will assist those educational agencies.

(b) CONGRESSIONAL REQUESTS.—The Statistics Center shall furnish such special statistical compilations and surveys as the relevant congressional committees may request.

(c) JOINT STATISTICAL PROJECTS.—The Statistics Center may engage in joint statistical projects related to the mission of the Center, or other statistical purposes authorized by law, with nonprofit organizations or agencies, and the cost of such projects shall be shared equitably as determined by the Secretary.

(d) FEES.—

(1) IN GENERAL.—Statistical compilations and surveys under this section, other than those carried out pursuant to subsections (b) and (c), may be made subject to the payment of the actual or estimated cost of such work.

(2) FUNDS RECEIVED.—All funds received in payment for work or services described in this subsection may be used to pay directly the costs of such work or services, to repay appropriations that initially bore all or part of such costs, or to refund excess sums when necessary.

(e) ACCESS.—

(1) OTHER AGENCIES.—The Statistics Center shall, consistent with section 183, cooperate with other Federal agencies having a need for educational data in providing access to educational data received by the Statistics Center.

(2) INTERESTED PARTIES.—The Statistics Center shall, in accordance with such terms and conditions as the Center may prescribe, provide all interested parties, including public and private agencies, parents, and other individuals, direct access, in the most appropriate form (including, where possible, electronically), to data collected by the Statistics Center for the purposes of research and acquiring statistical information.

SEC. 157. COOPERATIVE EDUCATION STATISTICS SYSTEMS.

The Statistics Center may establish 1 or more national cooperative education statistics systems for the purpose of producing and maintaining, with the cooperation of the States, comparable and uniform information and data on early childhood education, elementary and secondary education, postsecondary education, adult education, and libraries, that are useful for policymaking at the Federal, State, and local levels.

SEC. 158. STATE DEFINED.

In this part, the term ''State'' means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

PART D—NATIONAL CENTER FOR EDUCATION EVALUATION AND REGIONAL ASSISTANCE

SEC. 171. ESTABLISHMENT.

(a) ESTABLISHMENT.—There is established in the Institute a National Center for Education Evaluation and Regional Assistance.

(b) MISSION.—The mission of the National Center for Education Evaluation and Regional Assistance shall be—

(1) to provide technical assistance;

(2) to conduct evaluations of Federal education programs administered by the Secretary (and as time and resources allow, other education programs) to determine the impact of such programs (especially on student academic achievement in the core academic areas of reading, mathematics, and science);

(3) to support synthesis and wide dissemination of results of evaluation, research, and products developed; and

(4) to encourage the use of scientifically valid education research and evaluation throughout the United States.

(c) GRANTS, CONTRACTS, AND COOPERATIVE AGREEMENTS.—In carrying out the duties under this part, the Director may award grants, enter into contracts and cooperative agreements, and provide technical assistance.

SEC. 172. COMMISSIONER FOR EDUCATION EVALUATION AND REGIONAL ASSISTANCE.

(a) IN GENERAL.—The National Center for Education Evaluation and Regional Assistance shall be headed by a Commissioner for Education Evaluation and Regional Assistance (in this part referred to as the ''Evaluation and Regional Assistance Commissioner'') who is highly qualified and has demonstrated a capacity to carry out the mission of the Center and shall—

(1) conduct evaluations pursuant to section 173;

(2) widely disseminate information on scientifically valid research, statistics, and evaluation on education, particularly to State educational agencies and local educational agencies, to institutions of higher education, to the public, the media, voluntary organizations, professional associations, and other constituencies, especially with respect to information relating to, at a minimum—

(A) the core academic areas of reading, mathematics, and science;

(B) closing the achievement gap between high-performing students and low-performing students;

(C) educational practices that improve academic achievement and promote learning;

(D) education technology, including software; and

(E) those topics covered by the Educational Resources Information Center Clearinghouses (established under section 941(f) of the Educational Research, Development, Dissemination, and Improvement Act of 1994 (20 U.S.C. 6041(f)) (as such provision was in effect on the day before the date of enactment of this Act);

(3) make such information accessible in a user-friendly, timely, and efficient manner (including through use of a searchable Internet-based online database that shall include all topics covered in paragraph (2)(E)) to schools, institutions of higher education, educators (including early childhood educators), parents, administrators, policymakers, researchers, public and private entities (including providers of early childhood services), entities responsible for carrying out technical assistance through the Department, and the general public;

(4) support the regional educational laboratories in conducting applied research, the development and dissemination of educational research, products and processes, the provision of technical assistance, and other activities to serve the educational needs of such laboratories' regions;

(5) manage the National Library of Education described in subsection (d), and other sources of digital information on education research;

(6) assist the Director in the preparation of a biennial report, described in section 119; and

(7) award a contract for a prekindergarten through grade 12 mathematics and science teacher clearinghouse.

(b) ADDITIONAL DUTIES.—In carrying out subsection (a), the Evaluation and Regional Assistance Commissioner shall—

(1) ensure that information disseminated under this section is provided in a cost-effective, nonduplicative manner that includes the most current research findings, which may include through the continuation of individual clearinghouses authorized under the Educational Research, Development, Dissemination, and Improvement Act of 1994 (title IX of the Goals 2000: Educate America Act; 20 U.S.C. 6001 et seq.) (as such Act existed on the day before the date of enactment of this Act);

(2) describe prominently the type of scientific evidence that is used to support the findings that are disseminated;

(3) explain clearly the scientifically appropriate and inappropriate uses of—

(A) the findings that are disseminated; and

(B) the types of evidence used to support those findings; and

(4) respond, as appropriate, to inquiries from schools, educators, parents, administrators, policymakers, researchers, public and private entities, and entities responsible for carrying out technical assistance.

(c) CONTINUATION.—The Director shall continue awards for the support of the Educational Resources Information Center Clearinghouses and contracts for regional educational laboratories (established under subsections (f) and (h) of section 941 of the Educational Research, Development, Dissemination, and Improvement Act of 1994 (20 U.S.C. 6041(f) and (h)) (as such awards were in effect on the day before the date of enactment of this Act)) for the duration of those awards, in accordance with the terms and agreements of such awards.

(d) NATIONAL LIBRARY OF EDUCATION.—

(1) ESTABLISHMENT.—There is established within the National Center for Education Evaluation and Regional Assistance a National Library of Education that shall—

(A) be headed by an individual who is highly qualified in library science;

(B) collect and archive information;

(C) provide a central location within the Federal Government for information about education;

(D) provide comprehensive reference services on matters related to education to employees of the Department of Education and its contractors and grantees, other Federal employees, and members of the public; and

(E) promote greater cooperation and resource sharing among providers and repositories of education information in the United States.

(2) INFORMATION.—The information collected and archived by the National Library of Education shall include—

(A) products and publications developed through, or supported by, the Institute; and

(B) other relevant and useful education-related research, statistics, and evaluation materials and other information, projects, and publications that are—

(i) consistent with—

(I) scientifically valid research; or

(II) the priorities and mission of the Institute; and

(ii) developed by the Department, other Federal agencies, or entities (including entities supported under the Educational Technical Assistance Act of 2002 and the Educational Resources Information Center Clearinghouses (established under section 941(f) of the Educational Research, Development, Dissemination, and Improvement Act of 1994 (20 U.S.C. 6041(f)) (as such provision was in effect on the day before the date of enactment of this Act))).

SEC. 173. EVALUATIONS.

(a) IN GENERAL.—

(1) REQUIREMENTS.—In carrying out its missions, the National Center for Education Evaluation and Regional Assistance may—

(A) conduct or support evaluations consistent with the Center's mission as described in section 171(b);

(B) evaluate programs under title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.);

(C) to the extent practicable, examine evaluations conducted or supported by others in order to determine the quality and relevance of the evidence of effectiveness generated by those evaluations, with the approval of the Director;

(D) coordinate the activities of the National Center for Education Evaluation and Regional Assistance with other evaluation activities in the Department;

(E) review and, where feasible, supplement Federal education program evaluations, particularly those by the Department, to determine or enhance the quality and relevance of the evidence generated by those evaluations;

(F) establish evaluation methodology; and

(G) assist the Director in the preparation of the biennial report, as described in section 119.

(2) ADDITIONAL REQUIREMENTS.—Each evaluation conducted by the National Center for Education Evaluation and Regional Assistance pursuant to paragraph (1) shall—

(A) adhere to the highest possible standards of quality for conducting scientifically valid education evaluation; and

(B) be subject to rigorous peer-review.

(b) ADMINISTRATION OF EVALUATIONS UNDER TITLE I OF THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965.—The Evaluation and Regional Assistance Commissioner, consistent with the mission of the National Center for Education Evaluation and Regional Assistance under section 171(b), shall administer all operations and contracts associated with evaluations authorized by part E of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6491 et seq.) and administered by the Department as of the date of enactment of this Act.

SEC. 174. REGIONAL EDUCATIONAL LABORATORIES FOR RESEARCH, DEVELOPMENT, DISSEMINATION, AND TECHNICAL ASSISTANCE.

(a) REGIONAL EDUCATIONAL LABORATORIES.—The Director shall enter into contracts with entities to establish a networked system of 10 regional educational laboratories that serve the needs of each region of the United States in accordance with the provisions of this section. The amount of assistance allocated to each laboratory by the Evaluation and Regional Assistance Commissioner shall reflect the number of local educational agencies and the number of school-age children within the region served by such laboratory, as well as the cost of providing services within the geographic area encompassed by the region.

(b) REGIONS.—The regions served by the regional educational laboratories shall be the 10 geographic regions served by the regional educational laboratories established under section 941(h) of the Educational Research, Development, Dissemination, and Improvement Act of 1994 (as such provision existed on the day before the date of enactment of this Act).

(c) ELIGIBLE APPLICANTS.—The Director may enter into contracts under this section with research organizations, institutions, agencies, institutions of higher education, or partnerships among such entities, or individuals, with the demonstrated ability or capacity to carry out the activities described in this section, including regional entities that carried out activities under the Educational Research, Development, Dissemination, and Improvement Act of 1994 (as such Act existed on the day before the date of enactment of this Act) and title XIII of the Elementary and Secondary Education Act of 1965 (as such title existed on the day before the date of enactment of the No Child Left Behind Act of 2001 (Public Law 107–110)).

(d) APPLICATIONS.—

(1) SUBMISSION.—Each applicant desiring a contract under this section shall submit an application at such time, in such manner, and containing such information as the Director may reasonably require.

(2) PLAN.—Each application submitted under paragraph (1) shall contain a 5-year plan for carrying out the activities described in this section in a manner that addresses the priorities established under section 207 and addresses the needs of all States (and to the extent practicable, of local educational agencies) within the region to be served by the regional educational laboratory, on an ongoing basis.

(e) ENTERING INTO CONTRACTS.—

(1) IN GENERAL.—In entering into contracts under this section, the Director shall—

(A) enter into contracts for a 5-year period; and

(B) ensure that regional educational laboratories established under this section have strong and effective governance, organization, management, and administration, and employ qualified staff.

(2) COORDINATION.—In order to ensure coordination and prevent unnecessary duplication of activities among the regions, the Evaluation and Regional Assistance Commissioner shall—

(A) share information about the activities of each regional educational laboratory awarded a contract under this section with each other regional educational laboratory awarded a contract under this section and with the Department of Education, including the Director and the Board;

(B) oversee a strategic plan for ensuring that each regional educational laboratory awarded a contract under this section increases collaboration and resource-sharing in such activities;

(C) ensure, where appropriate, that the activities of each regional educational laboratory awarded a contract under this section also serve national interests; and

(D) ensure that each regional educational laboratory awarded a contract under this section coordinates such laboratory's activities with the activities of each other regional technical assistance provider.

(3) OUTREACH.—In conducting competitions for contracts under this section, the Director shall—

(A) actively encourage eligible entities to compete for such awards by making information and technical assistance relating to the competition widely available; and

(B) seek input from the chief executive officers of States, chief State school officers, educators, and parents regarding the need for applied research, wide dissemination, training, technical assistance, and development activities authorized by this title in the regions to be served by the regional educational laboratories and how those educational needs could be addressed most effectively.

(4) OBJECTIVES AND INDICATORS.—Before entering into a contract under this section, the Director shall design specific objectives and measurable indicators to be used to assess the particular programs or initiatives, and ongoing progress and performance, of the regional educational laboratories, in order to ensure that the educational needs of the region are being met and that the latest and best research and proven practices are being carried out as part of school improvement efforts.

(5) STANDARDS.—The Evaluation and Regional Assistance Commissioner shall establish a system for technical and peer review

to ensure that applied research activities, research-based reports, and products of the regional educational laboratories are consistent with the research standards described in section 134 and the evaluation standards adhered to pursuant to section 173(a)(2)(A).

(f) CENTRAL MISSION AND PRIMARY FUNCTION.—Each regional educational laboratory awarded a contract under this section shall support applied research, development, wide dissemination, and technical assistance activities by—

(1) providing training (which may include supporting internships and fellowships and providing stipends) and technical assistance to State educational agencies, local educational agencies, school boards, schools funded by the Bureau as appropriate, and State boards of education regarding, at a minimum—

(A) the administration and implementation of programs under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.);

(B) scientifically valid research in education on teaching methods, assessment tools, and high quality, challenging curriculum frameworks for use by teachers and administrators in, at a minimum—

(i) the core academic subjects of mathematics, science, and reading;

(ii) English language acquisition;

(iii) education technology; and

(iv) the replication and adaption of exemplary and promising practices and new educational methods, including professional development strategies and the use of educational technology to improve teaching and learning; and

(C) the facilitation of communication between educational experts, school officials, and teachers, parents, and librarians, to enable such individuals to assist schools to develop a plan to meet the State education goals;

(2) developing and widely disseminating, including through Internet-based means, scientifically valid research, information, reports, and publications that are usable for improving academic achievement, closing achievement gaps, and encouraging and sustaining school improvement, to—

(A) schools, districts, institutions of higher education, educators (including early childhood educators and librarians), parents, policymakers, and other constituencies, as appropriate, within the region in which the regional educational laboratory is located; and

(B) the National Center for Education Evaluation and Regional Assistance;

(3) developing a plan for identifying and serving the needs of the region by conducting a continuing survey of the educational needs, strengths, and weaknesses within the region, including a process of open hearings to solicit the views of schools, teachers, administrators, parents, local educational agencies, librarians, and State educational agencies within the region;

(4) in the event such quality applied research does not exist as determined by the regional educational laboratory or the Department, carrying out applied research projects that are designed to serve the particular educational needs (in prekindergarten through grade 16) of the region in which the regional educational laboratory is located, that reflect findings from scientifically valid research, and that result in user-friendly, replicable school-based classroom applications geared toward promoting increased student achievement, including using applied research to assist in solving site-specific problems and assisting in development activities (including high-quality and on-going professional development and effective parental involvement strategies);

(5) supporting and serving the educational development activities and needs of the region by providing educational applied research in usable forms to promote school-improvement, academic achievement, and the closing of achievement gaps and contributing to the current base of education knowledge by addressing enduring problems in elementary and secondary education and access to postsecondary education;

(6) collaborating and coordinating services with other technical assistance providers funded by the Department of Education;

(7) assisting in gathering information on school finance systems to promote improved access to educational opportunities and to better serve all public school students;

(8) assisting in gathering information on alternative administrative structures that are more conducive to planning, implementing, and sustaining school reform and improved academic achievement;

(9) bringing teams of experts together to develop and implement school improvement plans and strategies, especially in low-performing or high poverty schools; and

(10) developing innovative approaches to the application of technology in education that are unlikely to originate from within the private sector, but which could result in the development of new forms of education software, education content, and technology-enabled pedagogy.

(g) ACTIVITIES.—Each regional educational laboratory awarded a contract under this section shall carry out the following activities:

(1) Collaborate with the National Education Centers in order to—

(A) maximize the use of research conducted through the National Education Centers in the work of such laboratory;

(B) keep the National Education Centers apprised of the work of the regional educational laboratory in the field; and

(C) inform the National Education Centers about additional research needs identified in the field.

(2) Consult with the State educational agencies and local educational agencies in the region in developing the plan for serving the region.

(3) Develop strategies to utilize schools as critical components in reforming education and revitalizing rural communities in the United States.

(4) Report and disseminate information on overcoming the obstacles faced by educators and schools in high poverty, urban, and rural areas.

(5) Identify successful educational programs that have either been developed by such laboratory in carrying out such laboratory's functions or that have been developed or used by others within the region served by the laboratory and make such information available to the Secretary and the network of regional educational laboratories so that such programs may be considered for inclusion in the national education dissemination system.

(h) GOVERNING BOARD AND ALLOCATION.—

(1) IN GENERAL.—In carrying out its responsibilities, each regional educational laboratory awarded a contract under this section, in keeping with the terms and conditions of such laboratory's contract, shall—

(A) establish a governing board that—

(i) reflects a balanced representation of—

(I) the States in the region;

(II) the interests and concerns of regional constituencies; and

(III) technical expertise;

(ii) includes the chief State school officer or such officer's designee of each State represented in such board's region;

(iii) includes—

(I) representatives nominated by chief executive officers of States and State organizations of superintendents, principals, institutions of higher education, teachers, parents, businesses, and researchers; or

(II) other representatives of the organizations described in subclause (I), as required by State law in effect on the day before the date of enactment of this Act;

(iv) is the sole entity that—

(I) guides and directs the laboratory in carrying out the provisions of this subsection and satisfying the terms and conditions of the contract award;

(II) determines the regional agenda of the laboratory;

(III) engages in an ongoing dialogue with the Evaluation and Regional Assistance Commissioner concerning the laboratory's goals, activities, and priorities; and

(IV) determines at the start of the contract period, subject to the requirements of this section and in consultation with the Evaluation and Regional Assistance Commissioner, the mission of the regional educational laboratory for the duration of the contract period;

(v) ensures that the regional educational laboratory attains and maintains a high level of quality in the laboratory's work and products;

(vi) establishes standards to ensure that the regional educational laboratory has strong and effective governance, organization, management, and administration, and employs qualified staff;

(vii) directs the regional educational laboratory to carry out the laboratory's duties in a manner that will make progress toward achieving the State education goals and reforming schools and educational systems; and

(viii) conducts a continuing survey of the educational needs, strengths, and weaknesses within the region, including a process of open hearings to solicit the views of schools and teachers; and

(B) allocate the regional educational laboratory's resources to and within each State in a manner which reflects the need for assistance, taking into account such factors as the proportion of economically disadvantaged students, the increased cost burden of service delivery in areas of sparse populations, and any special initiatives being undertaken by State, intermediate, local educational agencies, or Bureau-funded schools, as appropriate, which may require special assistance from the laboratory.

(2) SPECIAL RULE.—If a regional educational laboratory needs flexibility in order to meet the requirements of paragraph (1)(A)(i), the regional educational laboratory may select not more than 10 percent of the governing board from individuals outside those representatives nominated in accordance with paragraph (1)(A)(iii).

(i) DUTIES OF GOVERNING BOARD.—In order to improve the efficiency and effectiveness of the regional educational laboratories, the governing boards of the regional educational laboratories shall establish and maintain a network to—

(1) share information about the activities each laboratory is carrying out;

(2) plan joint activities that would meet the needs of multiple regions;

(3) create a strategic plan for the development of activities undertaken by the laboratories to reduce redundancy and increase collaboration and resource-sharing in such activities; and

(4) otherwise devise means by which the work of the individual laboratories could serve national, as well as regional, needs.

(j) EVALUATIONS.—The Evaluation and Regional Assistance Commissioner shall provide for independent evaluations of each of

the regional educational laboratories in carrying out the duties described in this section in the third year that such laboratory receives assistance under this section in accordance with the standards developed by the Evaluation and Regional Assistance Commissioner and approved by the Board and shall transmit the results of such evaluations to the relevant committees of Congress, the Board, and the appropriate regional educational laboratory governing board.

(k) RULE OF CONSTRUCTION.—No regional educational laboratory receiving assistance under this section shall, by reason of the receipt of that assistance, be ineligible to receive any other assistance from the Department of Education as authorized by law or be prohibited from engaging in activities involving international projects or endeavors.

(l) ADVANCE PAYMENT SYSTEM.—Each regional educational laboratory awarded a contract under this section shall participate in the advance payment system at the Department of Education.

(m) ADDITIONAL PROJECTS.—In addition to activities authorized under this section, the Director is authorized to enter into contracts or agreements with a regional educational laboratory for the purpose of carrying out additional projects to enable such regional educational laboratory to assist in efforts to achieve State education goals and for other purposes.

(n) ANNUAL REPORT AND PLAN.—Not later than July 1 of each year, each regional educational laboratory awarded a contract under this section shall submit to the Evaluation and Regional Assistance Commissioner—

(1) a plan covering the succeeding fiscal year, in which such laboratory's mission, activities, and scope of work are described, including a general description of the plans such laboratory expects to submit in the remaining years of such laboratory's contract; and

(2) a report of how well such laboratory is meeting the needs of the region, including a summary of activities during the preceding year, a list of entities served, a list of products, and any other information that the regional educational laboratory may consider relevant or the Evaluation and Regional Assistance Commissioner may require.

(o) CONSTRUCTION.—Nothing in this section shall be construed to require any modifications in a regional educational laboratory contract in effect on the day before the date of enactment of this Act.

PART E—GENERAL PROVISIONS

SEC. 181. INTERAGENCY DATA SOURCES AND FORMATS.

The Secretary, in consultation with the Director, shall ensure that the Department and the Institute use common sources of data in standardized formats.

SEC. 182. PROHIBITIONS.

(a) NATIONAL DATABASE.—Nothing in this title may be construed to authorize the establishment of a nationwide database of individually identifiable information on individuals involved in studies or other collections of data under this title.

(b) FEDERAL GOVERNMENT AND USE OF FEDERAL FUNDS.—Nothing in this title may be construed to authorize an officer or employee of the Federal Government to mandate, direct, or control the curriculum, program of instruction, or allocation of State or local resources of a State, local educational agency, or school, or to mandate a State, or any subdivision thereof, to spend any funds or incur any costs not provided for under this title.

(c) ENDORSEMENT OF CURRICULUM.—Notwithstanding any other provision of Federal law, no funds provided under this title to the Institute, including any office, board, committee, or center of the Institute, may be used by the Institute to endorse, approve, or sanction any curriculum designed to be used in an elementary school or secondary school.

(d) FEDERALLY SPONSORED TESTING.—

(1) IN GENERAL.—Subject to paragraph (2), no funds provided under this title to the Secretary or to the recipient of any award may be used to develop, pilot test, field test, implement, administer, or distribute any federally sponsored national test in reading, mathematics, or any other subject, unless specifically and explicitly authorized by law.

(2) EXCEPTIONS.—Subsection (a) shall not apply to international comparative assessments developed under the authority of section 153(a)(6) of this title or section 404(a)(6) of the National Education Statistics Act of 1994 (20 U.S.C. 9003(a)(6)) (as such section was in effect on the day before the date of enactment of this Act) and administered to only a representative sample of pupils in the United States and in foreign nations.

SEC. 183. CONFIDENTIALITY.

(a) IN GENERAL.—All collection, maintenance, use, and wide dissemination of data by the Institute, including each office, board, committee, and center of the Institute, shall conform with the requirements of section 552a of title 5, United States Code, the confidentiality standards of subsection (c) of this section, and sections 444 and 445 of the General Education Provisions Act (20 U.S.C. 1232g, 1232h).

(b) STUDENT INFORMATION.—The Director shall ensure that all individually identifiable information about students, their academic achievements, their families, and information with respect to individual schools, shall remain confidential in accordance with section 552a of title 5, United States Code, the confidentiality standards of subsection (c) of this section, and sections 444 and 445 of the General Education Provisions Act (20 U.S.C. 1232g, 1232h).

SEC. 184. AVAILABILITY OF DATA.

Subject to section 183, data collected by the Institute, including any office, board, committee, or center of the Institute, in carrying out the priorities and mission of the Institute, shall be made available to the public, including through use of the Internet.

SEC. 185. PERFORMANCE MANAGEMENT.

The Director shall ensure that all activities conducted or supported by the Institute or a National Education Center make customer service a priority. The Director shall ensure a high level of customer satisfaction through the following methods:

(1) Establishing and improving feedback mechanisms in order to anticipate customer needs.

(2) Disseminating information in a timely fashion and in formats that are easily accessible and usable by researchers, practitioners, and the general public.

(3) Utilizing the most modern technology and other methods available, including arrangements to use data collected electronically by States and local educational agencies, to ensure the efficient collection and timely distribution of information, including data and reports.

(4) Establishing and measuring performance against a set of indicators for the quality of data collected, analyzed, and reported.

(5) Continuously improving management strategies and practices.

(6) Making information available to the public in an expeditious fashion.

SEC. 186. AUTHORITY TO PUBLISH.

(a) PUBLICATION.—The Director may prepare and publish (including through oral presentation) such research, statistics (consistent with part C), and evaluation information and reports from any office, board, committee, and center of the Institute, as needed to carry out the priorities and mission of the Institute without the approval of the Secretary or any other office of the Department.

(b) ADVANCE COPIES.—The Director shall provide the Secretary and other relevant offices with an advance copy of any information to be published under this section before publication.

(c) PEER REVIEW.—All research, statistics, and evaluation reports conducted by, or supported through, the Institute shall be subjected to rigorous peer review before being published or otherwise made available to the public.

(d) ITEMS NOT COVERED.—Nothing in subsections (a), (b), or (c) shall be construed to apply to—

(1) information on current or proposed budgets, appropriations, or legislation;

(2) information prohibited from disclosure by law or the Constitution, classified national security information, or information described in section 552(b) of title 5, United States Code; and

(3) review by officers of the United States in order to prevent the unauthorized disclosure of information described in paragraph (1) or (2).

SEC. 187. VACANCIES.

Any member appointed to fill a vacancy on the Board occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of that term. A vacancy in an office, board, committee, or center of the Institute shall be filled in the manner in which the original appointment was made. This section does not apply to employees appointed under section 188.

SEC. 188. SCIENTIFIC OR TECHNICAL EMPLOYEES.

(a) IN GENERAL.—The Director may appoint, for terms not to exceed 6 years (without regard to the provisions of title 5, United States Code, governing appointment in the competitive service) and may compensate (without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates) such scientific or technical employees to carry out the functions of the Institute or the office, board, committee, or center, respectively, if—

(1) at least 30 days prior to the appointment of any such employee, public notice is given of the availability of such position and an opportunity is provided for qualified individuals to apply and compete for such position;

(2) the rate of basic pay for such employees does not exceed the maximum rate of basic pay payable for positions at GS–15, as determined in accordance with section 5376 of title 5, United States Code, except that not more than 7 individuals appointed under this section may be paid at a rate that does not exceed the rate of basic pay for level III of the Executive Schedule;

(3) the appointment of such employee is necessary (as determined by the Director on the basis of clear and convincing evidence) to provide the Institute or the office, board, committee, or center with scientific or technical expertise which could not otherwise be obtained by the Institute or the office, board, committee, or center through the competitive service; and

(4) the total number of such employees does not exceed 40 individuals or ⅕ of the number of full-time, regular scientific or professional employees of the Institute, whichever is greater.

(b) DUTIES OF EMPLOYEES.—All employees described in subsection (a) shall work on activities of the Institute or the office, board,

committee, or center, and shall not be reassigned to other duties outside the Institute or the office, board, committee, or center during their term.

SEC. 189. FELLOWSHIPS.

In order to strengthen the national capacity to carry out high-quality research, evaluation, and statistics related to education, the Director shall establish and maintain research, evaluation, and statistics fellowships in institutions of higher education (which may include the establishment of such fellowships in historically Black colleges and universities and other institutions of higher education with large numbers of minority students) that support graduate and postdoctoral study onsite at the Institute or at the institution of higher education. In establishing the fellowships, the Director shall ensure that women and minorities are actively recruited for participation.

SEC. 190. VOLUNTARY SERVICE.

The Director may accept voluntary and uncompensated services to carry out and support activities that are consistent with the priorities and mission of the Institute.

SEC. 191. RULEMAKING.

Notwithstanding section 437(d) of the General Education Provisions Act (20 U.S.C. 1232(d)), the exemption for public property, loans, grants, and benefits in section 553(a)(2) of title 5, United States Code, shall apply to the Institute.

SEC. 192. COPYRIGHT.

Nothing in this Act shall be construed to affect the rights, remedies, limitations, or defense under title 17, United States Code.

SEC. 193. REMOVAL.

(a) PRESIDENTIAL.—The Director, each member of the Board, and the Commissioner for Education Statistics may be removed by the President prior to the expiration of the term of each such appointee.

(b) DIRECTOR.—Each Commissioner appointed by the Director pursuant to section 117 may be removed by the Director prior to the expiration of the term of each such Commissioner.

SEC. 194. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to administer and carry out this title (except section 174) $400,000,000 for fiscal year 2003 and such sums as may be necessary for each of the 5 succeeding fiscal years, of which—

(1) not less than the amount provided to the National Center for Education Statistics (as such Center was in existence on the day before the date of enactment of this Act) for fiscal year 2002 shall be provided to the National Center for Education Statistics, as authorized under part C; and

(2) not more than the lesser of 2 percent of such funds or $1,000,000 shall be made available to carry out section 116 (relating to the National Board for Education Sciences).

(b) REGIONAL EDUCATIONAL LABORATORIES.—There are authorized to be appropriated to carry out section 174 $100,000,000 for fiscal year 2003 and such sums as may be necessary for each of the 5 succeeding fiscal years. Of the amounts appropriated under the preceding sentence for a fiscal year, the Director shall obligate not less than 25 percent to carry out such purpose with respect to rural areas (including schools funded by the Bureau which are located in rural areas).

(c) AVAILABILITY.—Amounts made available under this section shall remain available until expended.

TITLE II—EDUCATIONAL TECHNICAL ASSISTANCE

SEC. 201. SHORT TITLE.

This title may be cited as the ''Educational Technical Assistance Act of 2002''.

SEC. 202. DEFINITIONS.

In this title:

(1) IN GENERAL.—The terms ''local educational agency'' and ''State educational agency'' have the meanings given those terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Education.

SEC. 203. COMPREHENSIVE CENTERS.

(a) AUTHORIZATION.—

(1) IN GENERAL.—Subject to paragraph (2), beginning in fiscal year 2004, the Secretary is authorized to award not less than 20 grants to local entities, or consortia of such entities, with demonstrated expertise in providing technical assistance and professional development in reading, mathematics, science, and technology, especially to low-performing schools and districts, to establish comprehensive centers.

(2) REGIONS.—In awarding grants under paragraph (1), the Secretary—

(A) shall ensure that not less than 1 comprehensive center is established in each of the 10 geographic regions served by the regional educational laboratories established under section 941(h) of the Educational Research, Development, Dissemination, and Improvement Act of 1994 (as such provision existed on the day before the date of enactment of this Act); and

(B) after meeting the requirements of subparagraph (A), shall consider, in awarding the remainder of the grants, the school-age population, proportion of economically disadvantaged students, the increased cost burdens of service delivery in areas of sparse population, and the number of schools identified for school improvement (as described in section 1116(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316(b)) in the population served by the local entity or consortium of such entities.

(b) ELIGIBLE APPLICANTS.—

(1) IN GENERAL.—Grants under this section may be made with research organizations, institutions, agencies, institutions of higher education, or partnerships among such entities, or individuals, with the demonstrated ability or capacity to carry out the activities described in subsection (f), including regional entities that carried out activities under the Educational Research, Development, Dissemination, and Improvement Act of 1994 (as such Act existed on the day before the date of enactment of this Act) and title XIII of the Elementary and Secondary Education Act of 1965 (as such title existed on the day before the date of enactment of the No Child Left Behind Act of 2001 (Public Law 107–110)).

(2) OUTREACH.—In conducting competitions for grants under this section, the Secretary shall actively encourage potential applicants to compete for such awards by making widely available information and technical assistance relating to the competition.

(3) OBJECTIVES AND INDICATORS.—Before awarding a grant under this section, the Secretary shall design specific objectives and measurable indicators, using the results of the assessment conducted under section 206, to be used to assess the particular programs or initiatives, and ongoing progress and performance, of the regional entities, in order to ensure that the educational needs of the region are being met and that the latest and best research and proven practices are being carried out as part of school improvement efforts.

(c) APPLICATION.—

(1) SUBMISSION.—Each local entity, or consortium of such entities, seeking a grant under this section shall submit an application at such time, in such manner, and containing such additional information as the Secretary may reasonably require.

(2) PLAN.—Each application submitted under paragraph (1) shall contain a 5-year plan for carrying out the activities described in this section in a manner that addresses the priorities established under section 207 and addresses the needs of all States (and to the extent practicable, of local educational agencies) within the region to be served by the comprehensive center, on an ongoing basis.

(d) ALLOCATION.—Each comprehensive center established under this section shall allocate such center's resources to and within each State in a manner which reflects the need for assistance, taking into account such factors as the proportion of economically disadvantaged students, the increased cost burden of service delivery in areas of sparse populations, and any special initiatives being undertaken by State, intermediate, local educational agencies, or Bureau-funded schools, as appropriate, which may require special assistance from the center.

(e) SCOPE OF WORK.—Each comprehensive center established under this section shall work with State educational agencies, local educational agencies, regional educational agencies, and schools in the region where such center is located on school improvement activities that take into account factors such as the proportion of economically disadvantaged students in the region, and give priority to—

(1) schools in the region with high percentages or numbers of students from low-income families, as determined under section 1113(a)(5) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6313(a)(5)), including such schools in rural and urban areas, and schools receiving assistance under title I of that Act (20 U.S.C. 6301 et seq.);

(2) local educational agencies in the region in which high percentages or numbers of school-age children are from low-income families, as determined under section 1124(c)(1)(A) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6333(c)(1)(A)), including such local educational agencies in rural and urban areas; and

(3) schools in the region that have been identified for school improvement under section 1116(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316(b)).

(f) ACTIVITIES.—

(1) IN GENERAL.—A comprehensive center established under this section shall support dissemination and technical assistance activities by—

(A) providing training, professional development, and technical assistance regarding, at a minimum—

(i) the administration and implementation of programs under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.);

(ii) the use of scientifically valid teaching methods and assessment tools for use by teachers and administrators in, at a minimum—

(I) the core academic subjects of mathematics, science, and reading or language arts;

(II) English language acquisition; and

(III) education technology; and

(iii) the facilitation of communication between education experts, school officials, teachers, parents, and librarians, as appropriate; and

(B) disseminating and providing information, reports, and publications that are usable for improving academic achievement, closing achievement gaps, and encouraging and sustaining school improvement (as described in section 1116(b) of the Elementary and Secondary Education Act of 1965 (20

U.S.C. 6316(b))), to schools, educators, parents, and policymakers within the region in which the center is located; and

(C) developing teacher and school leader inservice and preservice training models that illustrate best practices in the use of technology in different content areas.

(2) COORDINATION AND COLLABORATION.—Each comprehensive center established under this section shall coordinate its activities, collaborate, and regularly exchange information with the regional educational laboratory in the region in which the center is located, the National Center for Education Evaluation and Regional Assistance, the Office of the Secretary, the State service agency, and other technical assistance providers in the region.

(g) COMPREHENSIVE CENTER ADVISORY BOARD.—

(1) ESTABLISHMENT.—Each comprehensive center established under this section shall have an advisory board that shall support the priorities of such center.

(2) DUTIES.—Each advisory board established under paragraph (1) shall advise the comprehensive center—

(A) concerning the activities described in subsection (d);

(B) on strategies for monitoring and addressing the educational needs of the region, on an ongoing basis;

(C) on maintaining a high standard of quality in the performance of the center's activities; and

(D) on carrying out the center's duties in a manner that promotes progress toward improving student academic achievement.

(3) COMPOSITION.—

(A) IN GENERAL.—Each advisory board shall be composed of—

(i) the chief State school officers, or such officers' designees or other State officials, in each State served by the comprehensive center who have primary responsibility under State law for elementary and secondary education in the State; and

(ii) not more than 15 other members who are representative of the educational interests in the region served by the comprehensive center and are selected jointly by the officials specified in clause (i) and the chief executive officer of each State served by the comprehensive center, including the following:

(I) Representatives of local educational agencies and regional educational agencies, including representatives of local educational agencies serving urban and rural areas.

(II) Representatives of institutions of higher education.

(III) Parents.

(IV) Practicing educators, including classroom teachers, principals, and administrators.

(V) Representatives of business.

(VI) Policymakers, expert practitioners, and researchers with knowledge of, and experience using, the results of research, evaluation, and statistics.

(B) SPECIAL RULE.—In the case of a State in which the chief executive officer has the primary responsibility under State law for elementary and secondary education in the State, the chief executive officer shall consult, to the extent permitted by State law, with the State educational agency in selecting additional members of the board under subparagraph (A)(i).

(h) REPORT TO SECRETARY.—Each comprehensive center established under this section shall submit to the Secretary an annual report, at such time, in such manner, and containing such information as the Secretary may require, which shall include the following:

(1) A summary of the comprehensive center's activities during the preceding year

(2) A listing of the States, local educational agencies, and schools the comprehensive center assisted during the preceding year.

SEC. 204. EVALUATIONS.

The Secretary shall provide for ongoing independent evaluations by the National Center for Education Evaluation and Regional Assistance of the comprehensive centers receiving assistance under this title, the results of which shall be transmitted to the appropriate congressional committees and the Director of the Institute of Education Sciences. Such evaluations shall include an analysis of the services provided under this title, the extent to which each of the comprehensive centers meets the objectives of its respective plan, and whether such services meet the educational needs of State educational agencies, local educational agencies, and schools in the region.

SEC. 205. EXISTING TECHNICAL ASSISTANCE PROVIDERS.

The Secretary shall continue awards for the support of the Eisenhower Regional Mathematics and Science Education Consortia established under part M of the Educational Research, Development, Dissemination, and Improvement Act of 1994 (as such part existed on the day before the date of enactment of this Act), the Regional Technology in Education Consortia under section 3141 of the Elementary and Secondary Education Act of 1965 (as such section existed on the day before the date of enactment of the No Child Left Behind Act of 2001 (Public Law 107–110)), and the Comprehensive Regional Assistance Centers established under part K of the Educational Research, Development, Dissemination, and Improvement Act of 1994 (as such part existed on the day before the date of enactment of this Act), in accordance with the terms of such awards, until the comprehensive centers authorized under section 203 are established.

SEC. 206. REGIONAL ADVISORY COMMITTEES.

(a) ESTABLISHMENT.—Beginning in 2004, the Secretary shall establish a regional advisory committee for each region described in section 174(b) of the Education Sciences Reform Act of 2002.

(b) MEMBERSHIP.—

(1) COMPOSITION.—The membership of each regional advisory committee shall—

(A) not exceed 25 members;

(B) contain a balanced representation of States in the region; and

(C) include not more than one representative of each State educational agency geographically located in the region.

(2) ELIGIBILITY.—The membership of each regional advisory committee may include the following:

(A) Representatives of local educational agencies, including rural and urban local educational agencies.

(B) Representatives of institutions of higher education, including individuals representing university-based education research and university-based research on subjects other than education.

(C) Parents.

(D) Practicing educators, including classroom teachers, principals, administrators, school board members, and other local school officials.

(E) Representatives of business.

(F) Researchers.

(3) RECOMMENDATIONS.—In choosing individuals for membership on a regional advisory committee, the Secretary shall consult with, and solicit recommendations from, the chief executive officers of States, chief State school officers, and education stakeholders within the applicable region.

(4) SPECIAL RULE.—

(A) TOTAL NUMBER.—The total number of members on each committee who are selected under subparagraphs (A), (C), and (D) of paragraph (2), collectively, shall exceed the total number of members who are selected under paragraph (1)(C) and subparagraphs (B), (E), and (F) of paragraph (2), collectively.

(B) DISSOLUTION.—Each regional advisory committee shall be dissolved by the Secretary after submission of such committee's report described in subsection (c)(2) to the Secretary, but each such committee may be reconvened at the discretion of the Secretary.

(c) DUTIES.—Each regional advisory committee shall advise the Secretary on the following:

(1) An educational needs assessment of its region (using the results of the assessment conducted under subsection (d)), in order to assist in making decisions regarding the regional educational priorities.

(2) Not later than 6 months after the committee is first convened, a report based on the assessment conducted under subsection (d).

(d) REGIONAL ASSESSMENTS.—Each regional advisory committee shall—

(1) assess the educational needs within the region to be served;

(2) in conducting the assessment under paragraph (1), seek input from chief executive officers of States, chief State school officers, educators, and parents (including through a process of open hearings to solicit the views and needs of schools (including public charter schools), teachers, administrators, members of the regional educational laboratory governing board, parents, local educational agencies, librarians, businesses, State educational agencies, and other customers (such as adult education programs) within the region) regarding the need for the activities described in section 174 of the Education Sciences Reform Act of 2002 and section 203 of this title and how those needs would be most effectively addressed; and

(3) submit the assessment to the Secretary and to the Director of the Academy of Education Sciences, at such time, in such manner, and containing such information as the Secretary may require.

SEC. 207. PRIORITIES.

The Secretary shall establish priorities for the regional educational laboratories (established under section 174 of the Education Sciences Reform Act of 2002) and comprehensive centers (established under section 203 of this title) to address, taking onto account the regional assessments conducted under section 206 and other relevant regional surveys of educational needs, to the extent the Secretary deems appropriate.

SEC. 208. GRANT PROGRAM FOR STATEWIDE, LONGITUDINAL DATA SYSTEMS.

(a) GRANTS AUTHORIZED.—The Secretary is authorized to award grants, on a competitive basis, to State educational agencies to enable such agencies to design, develop, and implement statewide, longitudinal data systems to efficiently and accurately manage, analyze, disaggregate, and use individual student data, consistent with the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.).

(b) APPLICATIONS.—Each State educational agency desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

(c) AWARDING OF GRANTS.—In awarding grants under this section, the Secretary shall use a peer review process that—

(1) ensures technical quality (including validity and reliability), promotes linkages

across States, and protects student privacy consistent with section 183;

(2) promotes the generation and accurate and timely use of data that is needed—

(A) for States and local educational agencies to comply with the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) and other reporting requirements and close achievement gaps; and

(B) to facilitate research to improve student academic achievement and close achievement gaps; and

(3) gives priority to applications that meet the voluntary standards and guidelines described in section 153(a)(5).

(d) SUPPLEMENT NOT SUPPLANT.—Funds made available under this section shall be used to supplement, and not supplant, other State or local funds used for developing State data systems.

(e) REPORT.—Not later than 1 year after the date of enactment of the Educational Technical Assistance Act of 2002, and again 3 years after such date of enactment, the Secretary, in consultation with the National Academies Committee on National Statistics, shall make publicly available a report on the implementation and effectiveness of Federal, State, and local efforts related to the goals of this section, including—

(1) identifying and analyzing State practices regarding the development and use of statewide, longitudinal data systems;

(2) evaluating the ability of such systems to manage individual student data consistent with the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.), promote linkages across States, and protect student privacy consistent with section 183; and

(3) identifying best practices and areas for improvement.

SEC. 209. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this title $80,000,000 for fiscal year 2003 and such sums as may be necessary for each of the 5 succeeding fiscal years.

TITLE III—NATIONAL ASSESSMENT OF EDUCATIONAL PROGRESS

SEC. 301. SHORT TITLE.

This title may be referred to as the ''National Assessment of Educational Progress Authorization Act''.

SEC. 302. DEFINITIONS.

In this title:

(1) The term ''Director'' means the Director of the Institute of Education Sciences.

(2) The term ''State'' means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

SEC. 303. AUTHORIZATION OF APPROPRIATIONS.

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

(1) for fiscal year 2003—

(A) $4,600,000 to carry out section 302, as amended by section 401 of this Act (relating to the National Assessment Governing Board); and

(B) $107,500,000 to carry out section 303, as amended by section 401 of this Act (relating to the National Assessment of Educational Progress); and

(2) such sums as may be necessary for each of the 5 succeeding fiscal years to carry out sections 302 and 303, as amended by section 401 of this Act.

(b) AVAILABILITY.—Amounts made available under this section shall remain available until expended.

TITLE IV—AMENDATORY PROVISIONS

SEC. 401. REDESIGNATIONS.

(a) CONFIDENTIALITY.—Section 408 of the National Education Statistics Act of 1994 (20 U.S.C. 9007) is amended—

(1) by striking ''center'', ''Center'', and ''Commissioner'' each place any such term appears and inserting ''Director'';

(2) in subsection (a)(2)(A), by striking ''statistical purpose'' and inserting ''research, statistics, or evaluation purpose under this title'';

(3) by striking subsection (b)(1) and inserting the following:

''(1) IN GENERAL.—

''(A) DISCLOSURE.—No Federal department, bureau, agency, officer, or employee and no recipient of a Federal grant, contract, or cooperative agreement may, for any reason, require the Director, any Commissioner of a National Education Center, or any other employee of the Institute to disclose individually identifiable information that has been collected or retained under this title.

''(B) IMMUNITY.—Individually identifiable information collected or retained under this title shall be immune from legal process and shall not, without the consent of the individual concerned, be admitted as evidence or used for any purpose in any action, suit, or other judicial or administrative proceeding.

''(C) APPLICATION.—This paragraph does not apply to requests for individually identifiable information submitted by or on behalf of the individual identified in the information.'';

(4) in paragraphs (2) and (6) of subsection (b), by striking ''subsection (a)(2)'' each place such term appears and inserting ''subsection (c)(2)'';

(5) in paragraphs (3) and (7) of subsection (b), by striking ''Center's'' each place such term appears and inserting ''Director's''; and

(6) by striking the section heading and transferring all the subsections (including subsections (a) through (c)) and redesignating such subsections as subsections (c) through (e), respectively, at the end of section 183 of this Act.

(b) CONFORMING AMENDMENT.—Sections 302 and 303 of this Act are redesignated as sections 304 and 305, respectively.

(c) NATIONAL ASSESSMENT GOVERNING BOARD.—Section 412 of the National Education Statistics Act of 1994 (20 U.S.C. 9011) is amended—

(1) in subsection (a)—

(A) by striking ''referred to as the 'Board' '' and inserting ''referred to as the 'Assessment Board' ''; and

(B) by inserting ''(carried out under section 303)'' after ''for the National Assessment'';

(2) by striking ''Board'' each place such term appears (other than in subsection (a)) and inserting ''Assessment Board'';

(3) by striking ''Commissioner'' each place such term appears and inserting ''Commissioner for Education Statistics'';

(4) in subsection (b)(2)—

(A) by striking ''ASSISTANT SECRETARY FOR EDUCATIONAL RESEARCH'' in the heading and inserting ''DIRECTOR OF THE INSTITUTE OF EDUCATION SCIENCES''; and

(B) by striking ''Assistant Secretary for Educational Research and Improvement'' and inserting ''Director of the Institute of Education Sciences'';

(5) in subsection (e)—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking ''section 411(b)'' and inserting ''section 303(b)'';

(ii) in subparagraph (B), by striking ''section 411(e)'' and inserting ''section 303(e)'';

(iii) in subparagraph (E), by striking '', including the Advisory Council established under section 407'';

(iv) in subparagraphs (F) and (I), by striking ''section 411'' each place such term appears and inserting ''section 303'';

(v) in subparagraph (H), by striking ''and'' after the semicolon;

(vi) in subparagraph (I), by striking the period at the end and inserting ''; and''; and

(vii) by inserting at the end the following:

''(J) plan and execute the initial public release of National Assessment of Educational Progress reports.

The National Assessment of Educational Progress data shall not be released prior to the release of the reports described in subparagraph (J).'';

(B) in paragraph (5), by striking ''and the Advisory Council on Education Statistics''; and

(C) in paragraph (6), by striking ''section 411(e)'' and inserting ''section 303(e)''; and

(6) by transferring and redesignating the section as section 302 (following section 301) of title III of this Act.

(d) NATIONAL ASSESSMENT OF EDUCATIONAL PROGRESS.—Section 411 of the National Education Statistics Act of 1994 (20 U.S.C. 9010) is amended—

(1) by striking ''Commissioner'' each place such term appears and inserting ''Commissioner for Education Statistics'';

(2) by striking ''National Assessment Governing Board'' and ''National Board'' each place either such term appears and inserting ''Assessment Board'';

(3) in subsection (a)—

(A) by striking ''section 412'' and inserting ''section 302''; and

(B) by striking ''and with the technical assistance of the Advisory Council established under section 407,'';

(4) in subsection (b)—

(A) in paragraph (1), by inserting ''of'' after ''academic achievement and reporting'';

(B) in paragraph (3)(A)—

(i) in clause (i), by striking ''paragraphs (1)(B) and (1)(E)'' and inserting ''paragraphs (2)(B) and (2)(E)'';

(ii) in clause (ii), by striking ''paragraph (1)(C)'' and inserting ''paragraph (2)(C)''; and

(iii) in clause (iii), by striking ''paragraph (1)(D)'' and inserting ''paragraph (2)(D)''; and

(C) in paragraph (5), by striking ''(c)(2)'' and inserting ''(c)(3)'';

(5) in subsection (c)(2)(D), by striking ''subparagraph (B)'' and inserting ''subparagraph (C)'';

(6) in subsection (e)(4), by striking ''subparagraph (2)(C)'' and inserting ''paragraph (2)(C) of such subsection'';

(7) in subsection (f)(1)(B)(iv), by striking ''section 412(e)(4)'' and inserting ''section 302(e)(4)''; and

(8) by transferring and redesignating the section as section 303 (following section 302) of title III of this Act.

(e) TABLE OF CONTENTS AMENDMENT.—The items relating to title III in the table of contents of this Act, as amended by section 401 of this Act, are amended to read as follows:

''TITLE III—NATIONAL ASSESSMENT OF EDUCATIONAL PROGRESS

''Sec. 301. Short title.
''Sec. 302. National Assessment Governing Board.
''Sec. 303. National Assessment of Educational Progress.
''Sec. 304. Definitions.
''Sec. 305. Authorization of appropriations.''.

SEC. 402. AMENDMENTS TO DEPARTMENT OF EDUCATION ORGANIZATION ACT.

The Department of Education Organization Act (20 U.S.C. 3401 et seq.) is amended—

(1) by striking section 202(b)(4) and inserting the following:

''(4) There shall be in the Department a Director of the Institute of Education Sciences who shall be appointed in accordance with section 114(a) of the Education Sciences Reform Act of 2002 and perform the duties described in that Act.'';

(2) by striking section 208 and inserting the following:

''INSTITUTE OF EDUCATION SCIENCES

''SEC. 208. There shall be in the Department of Education the Institute of Education Sciences, which shall be administered

in accordance with the Education Sciences Reform Act of 2002 by the Director appointed under section 114(a) of that Act.''; and

(3) by striking the item relating to section 208 in the table of contents in section 1 and inserting the following:

''Sec. 208. Institute of Education Sciences.''.

SEC. 403. REPEALS.

The following provisions of law are repealed:

(1) The National Education Statistics Act of 1994 (20 U.S.C. 9001 et seq.).

(2) Parts A through E and K through N of the Educational Research, Development, Dissemination, and Improvement Act of 1994 (title IX of the Goals 2000: Educate America Act) (20 U.S.C. 6001 et seq.).

(3) Section 401(b)(2) of the Department of Education Organization Act (20 U.S.C. 3461(b)(2)).

SEC. 404. CONFORMING AND TECHNICAL AMENDMENTS.

(a) GOALS 2000: EDUCATE AMERICA ACT.—The table of contents in section 1(b) of the Goals 2000: Educate America Act (20 U.S.C. 5801 note) is amended by striking the items relating to parts A through E of title IX (including the items relating to sections within those parts).

(b) TITLE 5, UNITED STATES CODE.—Section 5315 of title 5, United States Code, is amended by striking the following:

''Commissioner, National Center for Education Statistics.''.

(c) GENERAL EDUCATION PROVISIONS ACT.—Section 447(b) of the General Education Provisions Act (20 U.S.C. 1232j(b)) is amended by striking ''section 404(a)(6) of the National Education Statistics Act of 1994 (20 U.S.C. 9003(a)(6))'' and inserting ''section 153(a)(6) of the Education Sciences Reform Act of 2002''.

(d) ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965.—The Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) is amended as follows:

(1) Section 1111(c)(2) is amended by striking ''section 411(b)(2) of the National Education Statistics Act of 1994'' and inserting ''section 303(b)(2) of the National Assessment of Educational Progress Authorization Act''.

(2) Section 1112(b)(1)(F) is amended by striking ''section 411(b)(2) of the National Education Statistics Act of 1994'' and inserting ''section 303(b)(2) of the National Assessment of Educational Progress Authorization Act''.

(3) Section 1117(a)(3) is amended—

(A) by inserting ''(as such section existed on the day before the date of enactment of the Education Sciences Reform Act of 2002)'' after ''Act of 1994''; and

(B) by inserting ''regional educational laboratories established under part E of the Education Sciences Reform Act of 2002 and comprehensive centers established under the Educational Technical Assistance Act of 2002 and'' after ''assistance from''.

(4) Section 1501(a)(3) is amended by striking ''section 411 of the National Education Statistics Act of 1994'' and inserting ''section 303 of the National Assessment of Educational Progress Authorization Act''.

(5) The following provisions are each amended by striking ''Office of Educational Research and Improvement'' and inserting ''Institute of Education Sciences'':

(A) Section 3222(a) (20 U.S.C. 6932(a)).

(B) Section 3303(1) (20 U.S.C. 7013(1)).

(C) Section 5464(e)(1) (20 U.S.C. 7253c(e)(1)).

(D) Paragraphs (1) and (2) of section 5615(d) (20 U.S.C. 7283d(d)).

(E) Paragraphs (1) and (2) of section 7131(c) (20 U.S.C. 7451(c)).

(6) Paragraphs (1) and (2) of section 5464(e) (20 U.S.C. 7253c(e)) are each amended by striking ''such Office'' and inserting ''such Institute''.

(7) Section 5613 (20 U.S.C. 7283b) is amended—

(A) in subsection (a)(5), by striking ''Assistant Secretary of the Office of Educational Research and Improvement'' and inserting ''Director of the Institute of Education Sciences''; and

(B) in subsection (b)(2)(B), by striking ''research institutes of the Office of Educational Research and Improvement'' and inserting ''National Education Centers of the Institute of Education Sciences''.

(8) Sections 5615(d)(1) and 7131(c)(1) (20 U.S.C. 7283d(d)(1), 7451(c)(1)) are each amended by striking ''by the Office'' and inserting ''by the Institute''.

(9) Section 9529(b) is amended by striking ''section 404(a)(6) of the National Education Statistics Act of 1994'' and inserting ''section 153(a)(5) of the Education Sciences Reform Act of 2002''.

(e) SCHOOL-TO-WORK OPPORTUNITIES ACT OF 1994.—Section 404 of the School-to-Work Opportunities Act of 1994 (20 U.S.C. 6194) is amended by inserting ''(as such Act existed on the day before the date of enactment of the Education Sciences Reform Act of 2002)'' after ''Act of 1994''.

SEC. 405. ORDERLY TRANSITION.

The Secretary of Education shall take such steps as are necessary to provide for the orderly transition to, and implementation of, the offices, boards, committees, and centers (and their various functions and responsibilities) established or authorized by this Act, and by the amendments made by this Act, from those established or authorized by the Educational Research, Development, Dissemination, and Improvement Act of 1994 (20 U.S.C. 6001 et seq.) and the National Education Statistics Act of 1994 (20 U.S.C. 9001 et seq.).

SEC. 406. IMPACT AID.

(a) PAYMENTS FOR FEDERALLY CONNECTED CHILDREN.—Section 8003(b)(2)(C)(i)(II)(bb) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(B)(2)(c)(i)(II)(bb)) is amended to read as follows:

''(bb) for a local educational agency that has a total student enrollment of less than 350 students, has a per-pupil expenditure that is less than the average per-pupil expenditure of a comparable local education agency or three comparable local educational agencies in the State in which the local educational agency is located; and''.

(b) EFFECTIVE DATE.—The amendment made by Section 406(a) shall be effective on September 30, 2000, and shall apply with respect to fiscal year 2001, and all subsequent fiscal years.

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

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

UNANIMOUS CONSENT AGREEMENT—H.R. 3295

Mr. DASCHLE. Mr. President, I ask unanimous consent that with respect to H.R. 3295, the Senate recede from its remaining amendment.

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

FEED AMERICA THURSDAY

Mr. DASCHLE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 341, which was submitted earlier today by Senators HATCH, REID, and others.

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

The legislative clerk read as follows:

A resolution (S. Res. 341) designating Thursday, November 21, 2002, as ''Feed America Thursday.''

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

Mr. DASCHLE. I ask unanimous consent that the resolution and preamble be agreed to; 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. 341) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 341

Whereas Thanksgiving Day celebrates the spirit of selfless giving and an appreciation for family and friends;

Whereas the spirit of Thanksgiving Day is a virtue upon which our Nation was founded;

Whereas 33,000,000 Americans, including 13,000,000 children, continue to live in households that do not have an adequate supply of food;

Whereas almost 3,000,000 of those children experience hunger; and

Whereas selfless sacrifice breeds a genuine spirit of Thanksgiving, both affirming and restoring fundamental principles in our society: Now, therefore, be it

Resolved, That the Senate

(1) designates Thursday, November 21, 2002, as ''Feed America Thursday''; and

(2) requests that the President issue a proclamation calling upon the people of the United States to sacrifice 2 meals on Thursday, November 21, 2002, and to donate the money that they would have spent on food to a religious or charitable organization of their choice for the purpose of feeding the hungry.

ROBERT T. STAFFORD DISASTER RELIEF AND EMERGENCY ASSISTANCE ACT

Mr. DASCHLE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 284, S. 1632.

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

The legislative clerk read as follows:

A bill (S. 1632) to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to extend the deadline for submission of State recommendations of local

governments to receive assistance for predisaster hazard mitigation and to authorize the President to provide additional repair assistance to individuals and households.

There being no objection, the Senate proceeded to the consideration of the bill.

Mr. DASCHLE. I ask unanimous consent that the bill be read the third time, passed, 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.

Mr. DASCHLE. I congratulate the Chair on the passage of his bill.

The bill (S. 1632) was read the third time and passed, as follows:

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

SECTION 1. DEADLINE FOR SUBMISSION OF STATE RECOMMENDATIONS FOR PREDISASTER HAZARD MITIGATION.

Section 203(d)(1)(B) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5133(d)(1)(B)) is amended by striking ''not later than'' and all that follows and inserting the following: ''not later than—

''(i) in the case of fiscal year 2002, 60 days after the date on which funds are made available to carry out the program established under this section; and

''(ii) in the case of each fiscal year thereafter, October 1 or such later date as the President may determine.''.

SEC. 2. ADDITIONAL REPAIR ASSISTANCE FOR INDIVIDUALS AND HOUSEHOLDS.

Section 408(c)(2) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174(c)(2)) is amended by striking subparagraphs (B) and (C) and inserting the following:

''(B) INITIAL ASSISTANCE.—

''(i) RELATIONSHIP TO OTHER ASSISTANCE.—A recipient of initial assistance described in subparagraph (A) shall not be required to show that the need for the initial assistance cannot be met through other means, except that a recipient shall be required to show that the need cannot be met through insurance proceeds.

''(ii) MAXIMUM AMOUNT OF INITIAL ASSISTANCE.—The amount of initial assistance provided to a household under this subparagraph shall not exceed $5,000, as adjusted annually to reflect changes in the Consumer Price Index for All Urban Consumers published by the Department of Labor.

''(C) ADDITIONAL ASSISTANCE.—Subject to subsection (h), the President may provide additional repair assistance to an individual or household that is unable to complete the repairs described in subparagraph (A)(i) through use of insurance proceeds, loans, or other means, including assistance from the Small Business Administration.''.

DEPARTMENT OF VETERANS AFFAIRS EMERGENCY PREPAREDNESS ACT OF 2002

Mr. DASCHLE. Mr. President, I ask that the Chair lay before the Senate a message from the House on H.R. 3253.

The Presiding Officer laid before the Senate the following message from the House of Representatives:

House amendment to Senate amendments:

In lieu of the matter proposed to be inserted by the amendment of the Senate to the text of the bill, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Department of Veterans Affairs Emergency Preparedness Act of 2002''.

SEC. 2. ESTABLISHMENT OF MEDICAL EMERGENCY PREPAREDNESS CENTERS AT DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTERS.

(a) IN GENERAL.—(1) Subchapter II of chapter 73 of title 38, United States Code, is amended by adding at the end the following new section:

''§ 7325. Medical emergency preparedness centers

''(a) ESTABLISHMENT OF CENTERS.—(1) The Secretary shall establish four medical emergency preparedness centers in accordance with this section. Each such center shall be established at a Department medical center and shall be staffed by Department employees.

''(2) The Under Secretary for Health shall be responsible for supervising the operation of the centers established under this section. The Under Secretary shall provide for ongoing evaluation of the centers and their compliance with the requirements of this section.

''(3) The Under Secretary shall carry out the Under Secretary's functions under paragraph (2) in consultation with the Assistant Secretary of Veterans Affairs with responsibility for operations, preparedness, security, and law enforcement functions.

''(b) MISSION.—The mission of the centers shall be as follows:

''(1) To carry out research on, and to develop methods of detection, diagnosis, prevention, and treatment of injuries, diseases, and illnesses arising from the use of chemical, biological, radiological, incendiary or other explosive weapons or devices posing threats to the public health and safety.

''(2) To provide education, training, and advice to health care professionals, including health care professionals outside the Veterans Health Administration, through the National Disaster Medical System established pursuant to section 2811(b) of the Public Health Service Act (42 U.S.C. 300hh–11(b)) or through interagency agreements entered into by the Secretary for that purpose.

''(3) In the event of a disaster or emergency referred to in section 1785(b) of this title, to provide such laboratory, epidemiological, medical, or other assistance as the Secretary considers appropriate to Federal, State, and local health care agencies and personnel involved in or responding to the disaster or emergency.

''(c) SELECTION OF CENTERS.—(1) The Secretary shall select the sites for the centers on the basis of a competitive selection process. The Secretary may not designate a site as a location for a center under this section unless the Secretary makes a finding under paragraph (2) with respect to the proposal for the designation of such site. To the maximum extent practicable, the Secretary shall ensure the geographic dispersal of the sites throughout the United States. Any such center may be a consortium of efforts of more than one medical center.

''(2) A finding by the Secretary referred to in paragraph (1) with respect to a proposal for designation of a site as a location of a center under this section is a finding by the Secretary, upon the recommendations of the Under Secretary for Health and the Assistant Secretary with responsibility for operations, preparedness, security, and law enforcement functions, that the facility or facilities submitting the proposal have developed (or may reasonably be anticipated to develop) each of the following:

''(A) An arrangement with a qualifying medical school and a qualifying school of public health (or a consortium of such schools) under which physicians and other persons in the health field receive education and training through the participating Department medical facilities so as to provide those persons with training in the detection, diagnosis, prevention, and treatment of injuries, diseases, and illnesses induced by exposures to chemical and biological substances, radiation, and incendiary or other explosive weapons or devices.

''(B) An arrangement with a graduate school specializing in epidemiology under which students receive education and training in epidemiology through the participating Department facilities so as to provide such students with training in the epidemiology of contagious and infectious diseases and chemical and radiation poisoning in an exposed population.

''(C) An arrangement under which nursing, social work, counseling, or allied health personnel and students receive training and education in recognizing and caring for conditions associated with exposures to toxins through the participating Department facilities.

''(D) The ability to attract scientists who have made significant contributions to the development of innovative approaches to the detection, diagnosis, prevention, or treatment of injuries, diseases, and illnesses arising from the use of chemical, biological, radiological, incendiary or other explosive weapons or devices posing threats to the public health and safety.

''(3) For purposes of paragraph (2)(A)—

''(A) a qualifying medical school is an accredited medical school that provides education and training in toxicology and environmental health hazards and with which one or more of the participating Department medical centers is affiliated; and

''(B) a qualifying school of public health is an accredited school of public health that provides education and training in toxicology and environmental health hazards and with which one or more of the participating Department medical centers is affiliated.

''(d) RESEARCH ACTIVITIES.—Each center shall conduct research on improved medical preparedness to protect the Nation from threats in the area of that center's expertise. Each center may seek research funds from public and private sources for such purpose.

''(e) DISSEMINATION OF RESEARCH PRODUCTS.—(1) The Under Secretary for Health and the Assistant Secretary with responsibility for operations, preparedness, security, and law enforcement functions shall ensure that information produced by the research, education and training, and clinical activities of centers established under this section is made available, as appropriate, to health-care providers in the United States. Dissemination of such information shall be made through publications, through programs of continuing medical and related education provided through regional medical education centers under subchapter VI of chapter 74 of this title, and through other means. Such programs of continuing medical education shall receive priority in the award of funding.

''(2) The Secretary shall ensure that the work of the centers is conducted in close coordination with other Federal departments and agencies and that research products or other information of the centers shall be coordinated and shared with other Federal departments and agencies.

''(f) COORDINATION OF ACTIVITIES.—The Secretary shall take appropriate actions to ensure that the work of each center is carried out—

''(1) in close coordination with the Department of Defense, the Department of Health and Human Services, and other departments, agencies, and elements of the Government charged with coordination of plans for United States homeland security; and

''(2) after taking into consideration applicable recommendations of the working group on the prevention, preparedness, and response to bioterrorism and other public health emergencies established under section 319F(a) of the Public Health Service Act (42 U.S.C. 247d–6(a)) or any other joint interagency advisory group or committee designated by the President or the President's designee to coordinate Federal research on weapons of mass destruction.

''(g) ASSISTANCE TO OTHER AGENCIES.—The Secretary may provide assistance requested by appropriate Federal, State, and local civil and criminal authorities in investigations, inquiries, and data analyses as necessary to protect the public safety and prevent or obviate biological, chemical, or radiological threats.

''(h) DETAIL OF EMPLOYEES FROM OTHER AGENCIES.—Upon approval by the Secretary, the Director of a center may request the temporary assignment or detail to the center, on a nonreimbursable basis, of employees from other departments and agencies of the United States who have expertise that would further the mission of the center. Any such employee may be so assigned or detailed on a nonreimbursable basis pursuant to such a request.

''(i) FUNDING.—(1) Amounts appropriated for the activities of the centers under this section shall be appropriated separately from amounts appropriated for the Department for medical care.

''(2) In addition to funds appropriated for a fiscal year specifically for the activities of the centers pursuant to paragraph (1), the Under Secretary for Health shall allocate to such centers from other funds appropriated for that fiscal year generally for the Department medical care account and the Department medical and prosthetics research account such amounts as the Under Secretary determines appropriate to carry out the purposes of this section. Any determination by the Under Secretary under the preceding sentence shall be made in consultation with the Assistant Secretary with responsibility for operations, preparedness, security, and law enforcement functions.

''(3) There are authorized to be appropriated for the centers under this section $20,000,000 for each of fiscal years 2003 through 2007.''.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 7324 the following new item:

''7325. Medical emergency preparedness centers.''.

(b) PEER REVIEW FOR DESIGNATION OF CENTERS.—(1) In order to assist the Secretary of Veterans Affairs and the Under Secretary of Veterans Affairs for Health in selecting sites for centers under section 7325 of title 38, United States Code, as added by subsection (a), the Under Secretary shall establish a peer review panel to assess the scientific and clinical merit of proposals that are submitted to the Secretary for the designation of such centers. The peer review panel shall be established in consultation with the Assistant Secretary of Veterans Affairs with responsibility for operations, preparedness, security, and law enforcement functions.

(2) The peer review panel shall include experts in the fields of toxicological research, infectious diseases, radiology, clinical care of patients exposed to such hazards, and other persons as determined appropriate by the Secretary. Members of the panel shall serve as consultants to the Department of Veterans Affairs.

(3) The panel shall review each proposal submitted to the panel by the officials referred to in paragraph (1) and shall submit to the Under Secretary for Health its views on the relative scientific and clinical merit of each such proposal. The panel shall specifically determine with respect to each such proposal whether that proposal is among those proposals which have met the highest competitive standards of scientific and clinical merit.

(4) The panel shall not be subject to the Federal Advisory Committee Act (5 U.S.C. App.).

SEC. 3. EDUCATION AND TRAINING PROGRAMS ON MEDICAL RESPONSES TO CONSEQUENCES OF TERRORIST ACTIVITIES.

(a) IN GENERAL.—(1) Subchapter II of chapter 73 of title 38, United States Code, is amended by adding after section 7325, as added by section 2(a)(1), the following new section:

''§ 7326. Education and training programs on medical response to consequences of terrorist activities

''(a) EDUCATION PROGRAM.—The Secretary shall carry out a program to develop and disseminate a series of model education and training programs on the medical responses to the consequences of terrorist activities.

''(b) IMPLEMENTING OFFICIAL.—The program shall be carried out through the Under Secretary for Health, in consultation with the Assistant Secretary of Veterans Affairs with responsibility for operations, preparedness, security, and law enforcement functions.

''(c) CONTENT OF PROGRAMS.—The education and training programs developed under the program shall be modelled after programs established at the F. Edward Hebert School of Medicine of the Uniformed Services University of the Health Sciences and shall include, at a minimum, training for health care professionals in the following:

''(1) Recognition of chemical, biological, radiological, incendiary, or other explosive agents, weapons, or devices that may be used in terrorist activities.

''(2) Identification of the potential symptoms of exposure to those agents.

''(3) Understanding of the potential long-term health consequences, including psychological effects, resulting from exposure to those agents, weapons, or devices.

''(4) Emergency treatment for exposure to those agents, weapons, or devices.

''(5) An appropriate course of followup treatment, supportive care, and referral.

''(6) Actions that can be taken while providing care for exposure to those agents, weapons, or devices to protect against contamination, injury, or other hazards from such exposure.

''(7) Information on how to seek consultative support and to report suspected or actual use of those agents.

''(d) POTENTIAL TRAINEES.—In designing the education and training programs under this section, the Secretary shall ensure that different programs are designed for health-care professionals in Department medical centers. The programs shall be designed to be disseminated to health professions students, graduate health and medical education trainees, and health practitioners in a variety of fields.

''(e) CONSULTATION.—In establishing education and training programs under this section, the Secretary shall consult with appropriate representatives of accrediting, certifying, and coordinating organizations in the field of health professions education.''.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 7325, as added by section 2(a)(2), the following new item:

''7326. Education and training programs on medical response to consequences of terrorist activities.''.

(b) EFFECTIVE DATE.—The Secretary of Veterans Affairs shall implement section 7326 of title 38, United States Code, as added by subsection (a), not later than the end of the 90-day period beginning on the date of the enactment of this Act.

SEC. 4. AUTHORITY TO FURNISH HEALTH CARE DURING MAJOR DISASTERS AND MEDICAL EMERGENCIES.

(a) IN GENERAL.—(1) Subchapter VIII of chapter 17 of title 38, United States Code, is amended by adding at the end the following new section:

''§ 1785. Care and services during certain disasters and emergencies

''(a) AUTHORITY TO PROVIDE HOSPITAL CARE AND MEDICAL SERVICES.—During and immediately following a disaster or emergency referred to in subsection (b), the Secretary may furnish hospital care and medical services to individuals responding to, involved in, or otherwise affected by that disaster or emergency.

''(b) COVERED DISASTERS AND EMERGENCIES.—A disaster or emergency referred to in this subsection is any disaster or emergency as follows:

''(1) A major disaster or emergency declared by the President under the Robert B. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

''(2) A disaster or emergency in which the National Disaster Medical System established pursuant to section 2811(b) of the Public Health Service Act (42 U.S.C. 300hh–11(b)) is activated by the Secretary of Health and Human Services under paragraph (3)(A) of that section or as otherwise authorized by law.

''(c) APPLICABILITY TO ELIGIBLE INDIVIDUALS WHO ARE VETERANS.—The Secretary may furnish care and services under this section to an individual described in subsection (a) who is a veteran without regard to whether that individual is enrolled in the system of patient enrollment under section 1705 of this title.

''(d) REIMBURSEMENT FROM OTHER FEDERAL DEPARTMENTS AND AGENCIES.—(1) The cost of any care or services furnished under this section to an officer or employee of a department or agency of the United States other than the Department or to a member of the Armed Forces shall be reimbursed at such rates as may be agreed upon by the Secretary and the head of such department or agency or the Secretary concerned, in the case of a member of the Armed Forces, based on the cost of the care or service furnished.

''(2) Amounts received by the Department under this subsection shall be credited to the Medical Care Collections Fund under section 1729A of this title.

''(e) REPORT TO CONGRESSIONAL COMMITTEES.—Within 60 days of the commencement of a disaster or emergency referred to in subsection (b) in which the Secretary furnishes care and services under this section (or as soon thereafter as is practicable), the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives a report on the Secretary's allocation of facilities and personnel in order to furnish such care and services.

''(f) REGULATIONS.—The Secretary shall prescribe regulations governing the exercise of the authority of the Secretary under this section.''.

(2) The table of sections at the beginning of that chapter is amended by adding at the end the following new item:

''1785. Care and services during certain disasters and emergencies.''.

(b) MEMBERS OF THE ARMED FORCES ON ACTIVE DUTY.—Section 8111A(a) of such title is amended—

(1) by redesignating paragraph (2) as paragraph (4);

(2) by designating the second sentence of paragraph (1) as paragraph (3); and

(3) by inserting between paragraph (1) and paragraph (3), as designated by paragraph (2) of this subsection, the following new paragraph:

''(2)(A) During and immediately following a disaster or emergency referred to in subparagraph (B), the Secretary may furnish hospital care and medical services to members of the Armed Forces on active duty responding to or involved in that disaster or emergency.

''(B) A disaster or emergency referred to in this subparagraph is any disaster or emergency as follows:

''(i) A major disaster or emergency declared by the President under the Robert B. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

''(ii) A disaster or emergency in which the National Disaster Medical System established pursuant to section 2811(b) of the Public Health Service Act (42 U.S.C. 300hh–11(b)) is activated by the Secretary of Health and Human Services under paragraph (3)(A) of that section or as otherwise authorized by law.''.

SEC. 5. 10-YEAR EXTENSION OF EXPIRED AUTHORITY.

Effective September 30, 2002, subsection (d) of section 1722A of title 38, United States Code, is amended by striking ''September 30, 2002'' and inserting ''September 30, 2012''.

SEC. 6. INCREASE IN NUMBER OF ASSISTANT SECRETARIES OF VETERANS AFFAIRS.

(a) INCREASE.—Subsection (a) of section 308 of title 38, United States Code, is amended by striking ''six'' in the first sentence and inserting ''seven''.

(b) FUNCTIONS.—Subsection (b) of such section is amended by adding at the end the following new paragraph:

''(11) Operations, preparedness, security, and law enforcement functions.''.

(c) NUMBER OF DEPUTY ASSISTANT SECRETARIES.—Subsection (d)(1) of such section is amended by striking ''18'' and inserting ''19''.

(d) CONFORMING AMENDMENT.—Section 5315 of title 5, United States Code, is amended by striking ''(6)'' after ''Assistant Secretaries, Department of Veterans Affairs'' and inserting ''(7)''.

SEC. 7. CODIFICATION OF DUTIES OF SECRETARY OF VETERANS AFFAIRS RELATING TO EMERGENCY PREPAREDNESS.

(a) IN GENERAL.—(1) Subchapter I of chapter 81 of title 38, United States Code, is amended by adding at the end the following new section:

''§ 8117. Emergency preparedness

''(a) READINESS OF DEPARTMENT MEDICAL CENTERS.—(1) The Secretary shall take appropriate actions to provide for the readiness of Department medical centers to protect the patients and staff of such centers from chemical or biological attack or otherwise to respond to such an attack so as to enable such centers to fulfill their obligations as part of the Federal response to public health emergencies.

''(2) Actions under paragraph (1) shall include—

''(A) the provision of decontamination equipment and personal protection equipment at Department medical centers; and

''(B) the provision of training in the use of such equipment to staff of such centers.

''(b) SECURITY AT DEPARTMENT MEDICAL AND RESEARCH FACILITIES.—(1) The Secretary shall take appropriate actions to provide for the security of Department medical centers and research facilities, including staff and patients at such centers and facilities.

''(2) In taking actions under paragraph (1), the Secretary shall take into account the results of the evaluation of the security needs at Department medical centers and research facilities required by section 154(b)(1) of the Public Health Security and Bioterrorism Preparedness and Response Act of 2002 (Public Law 107–188; 116 Stat. 631), including the results of such evaluation relating to the following needs:

''(A) Needs for the protection of patients and medical staff during emergencies, including a chemical or biological attack or other terrorist attack.

''(B) Needs, if any, for screening personnel engaged in research relating to biological pathogens or agents, including work associated with such research.

''(C) Needs for securing laboratories or other facilities engaged in research relating to biological pathogens or agents.

''(c) TRACKING OF PHARMACEUTICALS AND MEDICAL SUPPLIES AND EQUIPMENT.—The Secretary shall develop and maintain a centralized system for tracking the current location and availability of pharmaceuticals, medical supplies, and medical equipment throughout the Department health care system in order to permit the ready identification and utilization of such pharmaceuticals, supplies, and equipment for a variety of purposes, including response to a chemical or biological attack or other terrorist attack.

''(d) TRAINING.—The Secretary shall ensure that the Department medical centers, in consultation with the accredited medical school affiliates of such medical centers, develop and implement curricula to train resident physicians and health care personnel in medical matters relating to biological, chemical, or radiological attacks or attacks from an incendiary or other explosive weapon.

''(e) PARTICIPATION IN NATIONAL DISASTER MEDICAL SYSTEM.—(1) The Secretary shall establish and maintain a training program to facilitate the participation of the staff of Department medical centers, and of the community partners of such centers, in the National Disaster Medical System established pursuant to section 2811(b) of the Public Health Service Act (42 U.S.C. 300hh–11(b)).

''(2) The Secretary shall establish and maintain the training program under paragraph (1) in accordance with the recommendations of the working group on the prevention, preparedness, and response to bioterrorism and other public health emergencies established under section 319F(a) of the Public Health Service Act (42 U.S.C. 247d–6(a)).

''(3) The Secretary shall establish and maintain the training program under paragraph (1) in consultation with the following:

''(A) The Secretary of Defense.

''(B) The Secretary of Health and Human Services.

''(C) The Director of the Federal Emergency Management Agency.

''(f) MENTAL HEALTH COUNSELING.—(1) With respect to activities conducted by personnel serving at Department medical centers, the Secretary shall develop and maintain various strategies for providing mental health counseling and assistance, including counseling and assistance for post-traumatic stress disorder, following a bioterrorist attack or other public health emergency to the following persons:

''(A) Veterans.

''(B) Local and community emergency response providers.

''(C) Active duty military personnel.

''(D) Individuals seeking care at Department medical centers.

''(2) The strategies under paragraph (1) shall include the following:

''(A) Training and certification of providers of mental health counseling and assistance.

''(B) Mechanisms for coordinating the provision of mental health counseling and assistance to emergency response providers referred to in paragraph (1).

''(3) The Secretary shall develop and maintain the strategies under paragraph (1) in consultation with the Secretary of Health and Human Services, the American Red Cross, and the working group referred to in subsection (e)(2).''.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 8116 the following new item:

''8117. Emergency preparedness.''.

(b) REPEAL OF CODIFIED PROVISIONS.—Subsections (a), (b)(2), (c), (d), (e), and (f) of section 154 of the Public Health Security and Bioterrorism Preparedness and Response Act of 2002 (Public Law 107–188; 38 U.S.C. note prec. 8101) are repealed.

(c) CONFORMING AMENDMENTS.—Subsection (g) of such section is amended—

(1) in paragraph (1), by inserting ''of section 8117 of title 38, United States Code'' after ''subsection (a)''; and

(2) in paragraph (2), by striking ''subsections (b) through (f)'' and inserting ''subsection (b)(1) of this section and subsections (b) through (f) of section 8117 of title 38, United States Code''.

Mr. ROCKEFELLER. Mr. President, as Chairman of the Committee on Veterans Affairs, I urge my colleagues to pass H.R. 3253, the proposed ''Department of Veterans Affairs Emergency Preparedness Act,'' as it will be modified by a manager's amendment.

The pending measure represents a compromise agreement on an omnibus bill that would ensure that VA can capably fulfill its obligations to veterans, the military, and the entire Nation during disasters. H.R. 3253 would not only preserve veterans services during national emergencies, but would take advantage of VA's expertise in the medical consequences of weapons of mass destruction to protect all Americans.

This legislation would establish four medical emergency preparedness research centers within the VA health care system. Although my colleagues may not be surprised to learn about VA's research expertise in the long-term health consequences of biological, chemical, and radiological exposures, fewer may be aware of VA's unparalleled clinical management research program. The centers authorized by H.R. 3253 would allow VA's experts to develop practices for managing or preventing mass casualties resulting from the use of terrorist weapons, and to do so within our evolving National strategy for homeland security research.

H.R. 3253, as amended, would also authorize a new Assistant Secretary, requested by the administration, to coordinate VA's internal and interagency operations, security, preparedness, and law enforcement activities. This measure would also clarify the Secretary's preparedness duties, which would include ensuring that VA's 105,000 healthcare professionals—and the additional 81,000 providers trained in VA facilities each year—receive the education and training that they need to protect themselves and their patients during disasters.

Finally, this measure would recognize the role that VA—the largest integrated healthcare system in the Nation already plays during disasters. In 1982, Public Law 97–174 assigned a new duty to VA: serving as the contingency medical system to the Department of Defense during conflicts and emergencies, which Congress assumed would mean caring for wounded troops as they returned home from war. In 1982, no one anticipated that VA might be called upon to care for active duty military casualties during a domestic disaster.

H.R. 3253 as amended acknowledges that we no longer have the luxury of ignoring that possibility, and authorizes VA to extend care to active duty military casualties injured while fulfilling their duties during a conflict or disaster on American soil as well as abroad.

The legislation would also acknowledge VA's role in protecting public health during emergencies. As part of the Federal Response Plan for disasters and a cornerstone of the National Disaster Medical System, VA caregivers have aided overwhelmed communities during every major domestic disaster of the last two decades. After the Oklahoma City attack, after Hurricanes Andrew and Floyd, during Houston's disastrous floods, and in New York City

on September 11 of last year, VA medical professionals stepped up to care for victims—not only veterans, but anyone in need.

VA medical centers are more than just the backbone of the Federal clinical infrastructure, they are integral parts of communities, and those communities turn to them during crises. The compromise agreement highlights this mission, authorizing VA to provide medical care to those affected by or responding to declared disasters, or following activation of the National Disaster Medical System. I wish to stress to my colleagues that this reflects VA's already enormous contribution to public safety, a mission that VA will carry out in the future as part of the Nation's homeland security strategy.

Following last year's attacks, Congress sought new tools and new strategies to protect the American people from the suddenly evident threat posed by terrorists wielding weapons of mass destruction. We learned—at the price of five lives lost and months of fear, confusion, and the disruption of the Senate that our public health resources and our scientific expertise could be overwhelmed by a biological assault aimed at a handful of public figures.

We must do more than bemoan the slow starvation of our public health care system, the chronic underfunding of the laboratories that detect outbreaks, and the managed care principles that have stripped away our hospitals' surge capacity. We must use the resources at hand as efficiently as possible to ready ourselves for whatever disasters may come.

In conclusion, I want to thank Senator SPECTER and his staff Bill Tuerk, Bill Cahill, and David Goetz for diligently working with me and my staff Kim Lipsky and Julie Fischer to craft this legislation. I would also like to thank my colleagues on the House Committee on Veterans Affairs, particularly Chairman Christopher Smith and his staff Pat Ryan, Kingston Smith, Jeannie McNally, Peter Dickinson, Kathleen Greve, and John Bradley and Ranking Member Lane Evans and his staff, Michael Durishin and Susan Edgerton, for their essential contributions to this legislation.

I urge my colleagues to support these preparedness improvements for veterans and VA. This bipartisan measure represents a vital step in ensuring VA's preparedness, with a potentially enormous pay-off in public safety.

Mr. DASCHLE. I ask unanimous consent that the Senate concur in the House amendment with a further amendment, which is at the desk, that the amendment be agreed to and the motion to reconsider be laid upon the table, with no intervening action.

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

The amendment (No. 4883) was agreed to.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

JOBS FOR VETERANS ACT

Mr. DASCHLE. I ask unanimous consent that the Veterans Affairs Committee be discharged from further consideration of H.R. 4015, and the Senate proceed to its immediate consideration.

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

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4015) to amend title 38, of the United States Code, to revise and improve employment, training and placement services furnished to veterans, and for other purposes.

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

Mr. ROCKEFELLER. Mr. President, as Chairman of the Committee on Veterans' Affairs, I am pleased the Senate supports H.R. 4015, the proposed ''Jobs for Veterans Act,'' as modified by a Manager's Amendment which reflects a final compromise developed by the House and Senate Veterans' Affairs Committees. This legislation would improve the employment, training and placement services furnished to the men and women who have served our Nation.

At the conclusion of World War II, Congress made job placement for veterans a national priority. Legislation passed then created special employment services for returning troops, establishing hiring priorities for veterans in federal employment and giving them early notice of jobs in the private sector.

Later, Congress provided grants to states to hire experts with experience in placing veterans into civilian jobs. These experts, called Local Veterans' Employment Representatives and Disabled Veterans Outreach Program Specialists, serve veterans through state employment service offices and one-stop centers. Currently, the funding to hire these specialists is provided by a rigid formula that affords states little flexibility in allocating personnel for veterans' employment services.

The Jobs for Veterans Act would change this formula, and would remove restrictions on how states can employ these experts in veterans' employment. I expect that these changes will enable the Department of Labor to rise above the criticism the veterans employment programs have recently drawn. These necessary changes would allow states to tailor their employment services to better serve our Nation's veterans.

Mr. President, the ''Jobs for Veterans Act'' would additionally restore priority of service to veterans, and spouses of certain veterans, for employment, training and placement and extend it to any job training program administered by the Department of Labor. Additionally, the Secretary of Labor would be authorized to set priorities among eligible veterans and spouses by taking into account their special needs.

H.R. 4015 would also modify the threshold that determines when Federal contractors and subcontractors must take affirmative action to employ—and to advance in employment—qualified veterans, including immediately listing employment openings for such contracts. This modified threshhold keeps pace with inflation, and provides the Office of Contract Compliance with a manageable amount of contracts to oversee and assure that contractors are meeting their obligations.

This legislation would also provide special financial and nonfinancial incentives to state employees to encourage them to develop improved and modern employment services for veterans. The awards would be administered through the states, based on criteria established by the Secretary of Labor in consultation with the states.

In some states, certain economic obstacles may create serious challenges to finding appropriate job placements for veterans. The ''Jobs for Veterans Act'' would allow the Secretary of Labor to give technical assistance to states that might need help in finding solutions, and would mandate that the state develop and implement a corrective plan to be approved by the Secretary.

As we ask the young men and women of this Nation to prepare themselves to take up arms in its defense, we must ensure that we will be able to help them find productive careers upon their return as we did for the previous generations that defended our freedoms. I am pleased colleagues have joined in supporting this bill on behalf of those who have served, and those who will serve in the future.

Mr. President, I ask unanimous consent that the accompanying joint explanatory statement be printed in the RECORD following this statement.

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

SUMMARY OF H.R. 4015, AS AMENDED BY A MANAGER'S AMENDMENT

JOBS FOR VETERANS ACT

Revises and improves employment, training and placement services furnished to veterans.

Provides priority of service (over non-veterans) to veterans and spouses of certain veterans in job training programs funded by the Department of Labor.

Revises the current formula for funding veterans employment service providers in State employment offices, and removes restrictions on how they are used by the State. This is to give States greater flexibility in how they provide employment, training and placement services to veterans.

Modifies the threshold for when Federal contractors and subcontractors must take affirmative action to employ and advance in employment qualified veterans, including immediately listing employment openings for such contracts.

Promotes employment and job advancement opportunities within the Federal government for disabled veterans, veterans who served in a military operation for which a service medal was awarded, and recently separated veterans by removing an eligibility restriction that allowed only Vietnam veterans to participate in these opportunities.

Establishes financial and non-financial incentive awards for state employees who furnish quality employment, training and placement services to veterans.

Requires the Department of Labor to set performance standards for states and when those standards are not met for a corrective action plan be submitted to the Secretary for approval. Authorizes the Secretary to have on-going authority to furnish technical assistance to any State that the Secretary determines to have a deficient entered-employment rate, including assessment in developing a corrective action plan.

Establishes the President's National Hire Veterans Committee that would furnish information to employers regarding the advantages afforded employers by hiring veterans.

JOINT EXPLANATORY STATEMENT ON SENATE AMENDMENTS TO HOUSE AMENDMENTS TO H.R. 4015

H.R. 4015, as amended, the Jobs for Veterans Act, reflects a Compromise Agreement the House and Senate Committees on Veterans' Affairs have reached on H.R. 4015, as amended, (''House Bill''). H.R. 4015, as amended, passed the House of Representatives on May 21, 2002. There is no comparable Senate bill.

The House and Senate Committees on Veterans' Affairs have prepared the following explanation of H.R. 4015, as amended, (''Compromise Agreement''). Clerical corrections, conforming changes, and minor drafting, technical, and clarifying changes are not noted in this document.

PRIORITY OF SERVICE FOR VETERANS IN DEPARTMENT OF LABOR JOB TRAINING PROGRAMS

Current law

Section 4212 of title 38, United States Code, requires that for certain Federal contracts of $25,000 or more, contractors and subcontractors take affirmative action to employ and advance in employment ''special disabled veterans'' (veterans with serious employment handicaps or disability ratings of 30 percent or higher), Vietnam-era veterans, recently-separated veterans, and other veterans who are ''preference eligible.'' Preference eligible veterans generally are veterans who have served during wartime or in a campaign or expedition for which a campaign badge has been authorized.

Under section 4214 of title 38, United States Code, the Office of Personnel Management administers the Veterans Readjustment Appointment (''VRA'') authority program to promote employment and job advancement opportunities within the Federal government for disabled veterans, certain veterans of the Vietnam era, and veterans of the post-Vietnam era who are qualified for such employment and advancement. In general: (1) such appointments may be made up to and including the GS–11 level or its equivalent; (2) a veteran shall be eligible for such an appointment without regard to the veteran's number of years of education; (3) a veteran who receives VA disability compensation shall be given preference for a VRA appointment over other veterans; (4) upon receipt of a VRA appointment, a veteran may receive training or education if the veteran has less than 15 years of education; and (5) upon successful completion of the prescribed probation period, a veteran may acquire competitive status. Except for a veteran who has a service-connected disability rated at 30 percent or more, a veteran of the Vietnam era may receive a VRA appointment only during the period ending 10 years after the date of the veteran's last separation from active duty or December 31, 1995, whichever is later.

House bill

Section 2 of H.R. 4015 would create a new section 4215 within chapter 42 of title 38, United States Code, to provide priority of service (over non-veterans) to veterans and spouses of certain veterans for the receipt of employment, training, and placement services in any qualified job training program directly funded, in whole or in part, by the Department of Labor, notwithstanding any other provision of law. The Secretary of Labor would be authorized to establish priorities among such covered persons to take into account the needs of disabled veterans and such other factors as the Secretary determines appropriate.

With respect to Federal contracts and subcontracts in the amount of $100,000 or more, section 2 would provide that a contractor and any subcontractor take affirmative action to employ and advance in employment qualified veterans. This would include immediate listing of employment openings for such contracts through the appropriate employment delivery system.

Section 2 would also change the Veterans Readjustment Appointment (''VRA'') to the ''Veterans Recruitment Appointment'' authority and change eligibility for these appointments from Vietnam era and post-Vietnam era veterans to qualified covered veterans (see below) within the 10-year period that begins on the date of the veteran's last discharge, the 10-year period would not apply to a veteran with a service-connected disability of 30 percent or more.

Finally, section 2 would make eligible as ''covered veterans'' for Federal contracts and subcontracts and the Veterans Recruitment Appointment authority: disabled veterans; veterans who served on active duty during a war or in a campaign or expedition for which a campaign badge has been authorized; veterans who, while serving on active duty in the Armed Forces, participated in a United States military operation for which an Armed Forces service medal was awarded; or veterans discharged or released from military service within the past three years.

Compromise agreement

Section 2 of the Compromise Agreement follows the House language with amendments.

The agreement would delete the 10-year eligibility period for a VRA appointment, in light of the broader Veterans Recruitment (not ''Readjustment'') Appointment authority embodied in the Compromise Agreement.

The Committees note that the definition of the term ''covered person'' for priority of service in Department of Labor veterans job training programs includes both veterans and certain spouses and surviving spouses of deceased veterans. Specifically, the provision would include a surviving spouse of a veteran who died as a result of a service-connected disability, including the surviving spouse of a veteran who died in the active military, naval or air service, and the surviving spouse of a veteran who was totally disabled at the time of death. The provision would also apply to spouses of active duty servicemembers who have for a period of at least 90 days been missing in action, captured by a hostile force or forcibly detained or interned in line of duty by a foreign government and the spouses of veterans who are totally disabled due to a service-connected disability.

FINANCIAL AND NON-FINANCIAL PERFORMANCE INCENTIVE AWARDS FOR QUALITY VETERANS EMPLOYMENT, TRAINING, AND PLACEMENT SERVICES

Current law

No provision.

House bill

Section 3 of H.R. 4015 would create a new section 4112 within chapter 41 of title 38, United States Code, to require the Secretary to carry out a program of performance incentive awards to States to encourage improvement and modernization of employment, training and placement services to veterans. The Secretary would provide greater amounts to States that furnish the highest quality of services, but also would provide awards to States that have made significant improvements in services. States could use such awards to States that have made significant improvements in services. States could use such awards to hire additional State veterans' employment and training staff for such other purposes relating to these services that the Secretary may approve. Awards would be obligated by the State during the program year in which the award was received and the subsequent program year.

Section 3 also would authorize additional funds to be appropriated for the Secretary to carry out the program of performance incentive awards in the following amounts: $10 million for the program year beginning in fiscal year 2004; $25 million for the program year beginning in fiscal year 2005; $50 million for the program year beginning in fiscal year 2006; $75 million for the program year beginning in fiscal year 2007; and $100 million for the program year beginning in fiscal year 2008.

Compromise agreement

Section 3 of the Compromise Agreement would establish a system of financial and non-financial incentive awards to be administered by the States, based on criteria established by the Secretary in consultation with the States. Disabled Veterans Outreach Program Specialists (''DVOP''), Local Veterans Employment Representatives (''LVER''), Workforce Investment Act (''WIA''), and Wagner-Peyser staffs would be eligible for each award. Beginning in program years during or after fiscal year 2004, the Secretary would be required to identify and assign one percent of the annual grant to each State for the State to use as a performance incentive financial award (see section 4). Under this section, each State would be required to describe how it would administer this award in its annual grant application to the Secretary (see section 4). States would also administer the non-financial performance incentive award program based on criteria established by the Secretary.

The Committees intend that the Secretary's criteria be broad in order to give States maximum flexibility in the manner chosen to recognize employees for excellence in service delivery to veterans or improvements thereto. The Committees also intend that States use Salary and Expense (S&E) funds to pay for such items as employee recognition plaques and other modest forms of recognition, as part of the non-financial performance incentive awards program.

REFINEMENT OF JOB TRAINING AND PLACEMENT FUNCTIONS OF THE DEPARTMENT

Current law

Chapter 41 of title 38, United States Code, establishes policies governing the administration of veterans' employment and training services by the States, as funded by Department of Labor funds.

Section 4101 of title 38, United States Code, defines terms used in the chapter, such as ''disabled veteran,'' ''eligible person,'' and ''local employment service office.''

In section 4102, Congress declares as its intent and purpose that there shall be an effective: (1) job and training counseling service program; (2) employment placement service program; and (3) job training placement service program for eligible veterans and eligible persons.

Section 4102A specifies the job duties of the Assistant Secretary of Labor for Veterans'

Employment and Training (''ASVET'') and Regional Administrators for Veterans' Employment and Training (''RAVET''). The RAVET is required to be a veteran. The Deputy Assistant Secretary for Veterans Employment and Training (''DASVET'') is also required to be a veteran. The ASVET need not be a veteran.

Section 4103 prescribes in detail the 15 job duties of Directors (''DVET'') and Assistant Directors (''ADVET'') of Veterans' Employment and Training. It also requires that the Secretary of Labor assign to each State one ADVET for every 250,000 veterans and eligible persons in the State veteran's population.

Section 4103A prescribes the appointment of one DVOP for every 7,400 veterans who are between the ages of 20 and 64 residing in each State. This section also requires that each DVOP be a veteran and specifies that preference be given to qualified disabled veterans in filling these positions. It prescribes where a DVOP is to be stationed in furnishing services and the specific functions that DVOPs perform.

Section 4104 requires that in any fiscal year funding be available to the States to employ 1,600 full-time LVERs. This section prescribes that funding furnished to the States for LVERs shall be assigned in each States on January 1, 1987, plus one additional LVER per State. This section also specifies in detail the manner in which the 1,600 LVERs shall be allocated to the States, and the manner in which the States shall assign LVERs to local employment service offices based on the number of veterans and eligible persons who register for assistance. This section also requires that in appointing LVERs, preference shall be given to qualified eligible veterans or eligible persons. Preference is accorded first to qualified eligible veterans, and then to qualified eligible persons. Lastly, this section prescribes the specific functions that LVERs shall perform.

Section 4104A requires that each State employment agency develop and apply DVOP and LVER programs. It requires the Secretary to furnish prototype standards to the States. This section also requires DVETs and ADVETs to furnish appropriate assistance to States in developing and implementing such standards.

Section 4106 requires the Secretary to estimate the funds necessary for the proper and efficient administration of chapters 41, 42, and 43 of title 38, United States Code. This section authorizes such sums as may be necessary for administration of chapter 41 services, including the National Veterans' Employment and Training Services Institute (''NVETSI'').

In general, section 4107 of title 38, United States Code, requires the Secretary of Labor to establish and carry out various administrative controls to ensure veterans and eligible persons receive job placement, job training, or some other form of assistance such as individual job development or employment counseling services. This section also requires the Secretary to submit to the Committees on Veterans' Affairs of the House and Senate not later than February 1 of each year, a report on the success during the previous program year of the Department of Labor (''DOL'') and State employment service agencies in furnishing veterans' employment and training services.

Section 4109 requires that the Secretary make available such funds as may be necessary to operate a NVETSI for training DVOP, LVER, DVET, ADVET, and RAVET personnel.

House bill

Section 4 of H.R. 4015 would amend sections 4102A, 4103, 4103A, 4104, and 4109 of title 38, United States Code.

Section 4 of H.R. 4015 would amend current law section 4102A, of title 38, United States Code. The ASVET would be required to be a veteran. It also would impose new qualifications for the position of DASVET. In doing so, it would make this position a career federal civil service position. The individual appointed to this position would be required to have at least five years of continuous Federal service in the executive branch immediately preceding appointment as Deputy Assistant Secretary, and to be a veteran.

This section would set forth conditions for receipt of funding by States to include a requirement that a State submit an application for a grant or contract describing the manner in which the State would furnish employment, training, and placement services. A service delivery plan would include a description of the DVOP and LVER duties assigned by the State and other matters.

Section 4 would revise the methods by which the Secretary furnishes funds to a State. It would require the Secretary to make funds available for a fiscal year to each State in proportion to the number of veterans seeking employment using such criteria as the Secretary may establish in regulations. Under this section, the proportion of funding would reflect the ratio of the total number of veterans residing in the State who are seeking employment to the total number of veterans seeking employment in all States.

Section 4 also would require:

1. A state to annually submit to the Secretary of Labor an application for a grant or contract that includes a plan describing the manner in which the State would furnish employment, training, and placement services, with a description of DVOP and LVER duties assigned by the State. The plan would also be required to describe the manner in which DVOPs and LVERs would be integrated into the employment service delivery systems in the State, the veteran population to be served, and additional information the Secretary might require;

2. The Secretary to make available to each State based on an application approved by the Secretary, an amount of funding in proportion to the number of veterans seeking employment using such criteria as the Secretary might establish in regulation, including civilian labor force and unemployment data;

3. The Secretary to phase-in such annual funding over the three fiscal year-periods that begin on October 1, 2002;

4. The Secretary to establish minimum funding levels and hold-harmless criteria in administering funding to the States;

5. The State to develop and implement a corrective action plan to be submitted to the Secretary when a State has an entered-employment rate that the Secretary determines is deficient for the proceeding year;

6. The Secretary to establish by regulation a uniform national threshold entered-employment rate for a program year by which determinations of deficiency might be made. The Secretary would be required to take into account applicable annual unemployment data for the State and consider other factors, such as prevailing economic conditions, that affect performance of individuals providing employment, training, and placement services in the State;

7. The State to notify the Secretary on an annual basis of, and provide a supporting rationale for, each non-veteran who is employed as a DVOP and LVER for a period in excess of six months;

8. The Secretary to assign to each region a representative of the Veterans' Employment and Training Service (''VETS'') to serve as RAVET. The RAVET would be required to be a veteran; and

9. The ASVET to establish and implement a comprehensive accountability system to measure the performance of delivery systems in a State. The accountability system would be required to be (1) consistent with State performance measures applicable under section 136(b) of the Workforce Investment Act of 1998, and (2) appropriately weighted to provide special consideration for veterans requiring intensive services and for veterans who enroll in readjustment counseling services furnished by the Department of Veterans Affairs.

Supervisory Personnel. Section 4 would also amend current section 4103 of title 38, United States Code, to authorize the Secretary to assign as supervisory personnel such representatives of VETS as the Secretary determines appropriate. It would also replace the specific requirements for appointment of ADVET with a more flexible authority to appoint supervisory personnel.

Disabled Veterans Outreach Program Specialist. This section would amend current section 4103A of title 38, United States Code, to require, subject to approval by the Secretary, that States employ a sufficient number of full or parttime DVOPs to carry out intensive services to meet the employment needs of special disabled veterans, other disabled veterans and other eligible veterans. It would require to the maximum extent practicable, that such employees be qualified veterans. Preference would be given to qualified disabled veterans.

Local Veterans Employment Specialists. Section 4 would amend current law section 4104 of title 38, United States Code, by requiring, subject to approval by the Secretary, that a State employ such full and part-time LVERs as the State determines appropriate and efficient to carry out employment, training, and placement services. It would require, to the maximum extent practicable, that such employees be qualified veterans.

This section would require that each LVER be administratively responsible to the manager of the employment service delivery system. Under this section, the LVER would provide reports, not less frequently than quarterly, to the manager of such office and to the DVET for the State regarding compliance with Federal law and regulations with respect to special services and priorities for eligible veterans and eligible persons.

National Veterans' Employment and Training Services Institute. Additionally, section 4 would amend current section 4109 of title 38, United States Code, to clarify the authority of the NVETSI to enter into contracts or agreements with departments or agencies of the United States or of a State, or with other organizations, to carry out training in providing veterans' employment, training, and placement services. Further, it would require that each annual budget submission include a separate listing of the amount of funding proposed for NVETSI.

Finally, section 4 would require that the Secretary, within 18 months of enactment, enhance the delivery of services by providing ''one-stop'' services and assistance to covered persons by way of the Internet and by other electronic means.

Compromise agreement

Section 4 of the Compromise Agreement follows the House language with amendments.

Under this section, the individual appointed as DASVET would be required to have at least five years of service in a management position as a Federal civil service employee or comparable service in a management position in the Armed Forces preceding appointment as DASVET.

The annual grant application plan submitted by the States would have an additional requirement to describe the manner in

which the respective States would administer the performance incentives established in section 3. The Committees note that other aspects of the State plan and grant application requirements contained in the House-passed bill, such as describing DVOP and LVER duties, are retained.

The Compromise Agreement clarifies that State corrective action plans would be submitted to the Secretary for approval, and if approved, would be expeditiously implemented. If the Secretary disapproves a corrective action plan, the Secretary would be required to take such steps as would be necessary for the State to implement corrective actions.

The Secretary would also be required to identify and assign one percent of the funding grant to each State to establish financial performance incentive awards. Further, the Secretary would have on-going authority to furnish technical assistance to any State that the Secretary determines has, or may have, a deficient entered-employment rate, including assistance in developing a corrective action plan.

The Committees intend that the Secretary should offer technical assistance in an anticipatory way, so as to avoid deficient performance.

The Compromise Agreement would require that the DVET be a bona fide resident of the State for two years to qualify for such a position.

Lastly, the Compromise Agreement does not require that the ASVET, DASVET, RVET, DVET, or ADVET be veterans. The Committees encourage the appointment of veterans to these positions but do not believe a statutory requirement is necessary.

The amendments made by subsection (a) revising department level senior officials and functions, and subsection (b) revising statutorily-defined duties of DVOP and LVERs, would take effect on the date of enactment of this Act, and apply to program and fiscal years under chapter 41 of title 38, United States Code, beginning on or after such date.

ADDITIONAL IMPROVEMENTS IN VETERANS' EMPLOYMENT AND TRAINING SERVICES

Current law

Sections 4102, 4106(a), 4107(a), 4107(c)(1), and section 4109(a) of title 38, United States Code, refer to terms such as ''job and job training counseling service program'' ''proper counseling,'' ''employment counseling services,'' ''the number counseled,'' and ''counseling,'' respectively, in describing services available to veterans and eligible persons under this chapter.

Section 4101(7) of title 38, United States Code, defines the term ''local employment service office'' as a service delivery point which has an intrinsic management structure and at which employment services are offered in accordance with the Wagner-Peyser Act.

Section 4107(c)(1) of title 38, United States Code, defines ''veterans of the Vietnam era'' as a group which the Secretary must address with respect to various employment and training services in the annual report to the Committees on Veterans' Affairs. Section 4107(c)(2) requires submission in the report of data on the ''job placement rate'' for veterans and eligible persons.

House bill

Section 5 of H.R. 4015 would substitute the words ''intensive services'' for the word ''counseling'' throughout chapter 41 of title 38, United States Code, so as to make the chapter consistent with section 134(d)(3) of the Workforce Investment Act of 1998, Public Law 105–220. This section would also add programs carried out by the VETS to ease transition of servicemembers to civilian careers as a new program the Secretary would administer.

This section of the bill would make a definitional change so as to replace ''local employment service office'' and its current-law definition with ''employment service delivery system.'' The latter term would be redefined as a service delivery system at which or through which labor exchange services, including employment, training and placement services, are offered in accordance with the Wagner-Peyser Act.

This section also would replace ''job placement rate'' with ''the rate of entered employment (as determined in a manner consistent with State performance measures applicable under section 136(b) of the Workforce Investment Act of 1998).'' Further, with respect to the Secretary's annual report, it would replace ''veterans of the Vietnam era'' and ''eligible persons registered for assistance'' with ''eligible persons, recently separated veterans (as defined in section 4211(6) of title 38), and servicemembers transitioning to civilian careers who are registered for assistance.''

Lastly, section 5 would add two additional requirements to the Secretary's annual report submitted to the Committees on Veterans' Affairs of the House and Senate. First, the report must include information on the operation during the preceding program year of the program of performance incentive awards for quality employment services under section 4112 of this title, including an analysis of the amount of incentives distributed to each State and the rationale for such distribution. Second, a report would be required on the ''performance of States and organizations and entities carrying out employment, training, and placement services under this chapter, as measured by revised performance criteria. In the case of a State that the Secretary determines has not met the minimum standard of performance established by the Secretary, the Secretary would be required to include an analysis of the extent and reasons for the State's failure to meet that minimum standard, together with the State's plan for corrective action during the succeeding year.''

Compromise agreement

Section 5 of the Compromise Agreement follows the House language with an amendment. The Secretary's annual report to the Committees on Veterans' Affairs of the House and Senate would be required to include information on the operation during the preceding program year of performance incentive awards for quality employment services administered through the States. The report would not require an analysis of the amount of incentives distributed to each State and the rationale for such distribution because each State's DVOP/LVER grant would identify and assign one percent of the grant for use by State for the financial incentive awards.

COMMITTEE TO RAISE EMPLOYER AWARENESS OF SKILLS OF VETERANS AND BENEFITS OF HIRING VETERANS

Current law

No provision.

House bill

Section 6 of H.R. 4015 would authorize $3 million to be appropriated to the Secretary of Labor from the Employment Security Administration account in the Unemployment Trust Fund for each of fiscal years 2003 through 2005 to establish within the Department of Labor the President's National Hire Veterans Committee. The Committee would furnish information to employers with respect to the training and skills of veterans and disabled veterans, and with respect to the advantages afforded employers by hiring veterans. The Secretary of Labor would provide staff and administrative support to the Committee to assist it in carrying out its duties under this section. Upon request of the Committee, the head of any Federal department or agency would be authorized to detail staff on a non-reimbursable basis. The Committee would also have the authority to contract with government and private agencies to furnish information to employers. The Committee would terminate on December 31, 2005.

Compromise agreement

Section 6 of the Compromise Agreement contains the House language.

SENSE OF CONGRESS COMMENDING VETERANS AND MILITARY SERVICE ORGANIZATIONS

Current law

No provision.

House bill

Section 7 of the H.R. 4015 would express the sense of Congress commending veterans and military service organizations, and encouraging them to provide job placement assistance to veterans who are job-ready by making personal computers available to them with access to electronic job placement services and programs.

Compromise agreement

The Compromise Agreement does not include this section.

REPORT ON IMPLEMENTATION OF EMPLOYMENT REFORMS

Current law

No provision.

House bill

Section 8 of H.R. 4015 would authorize $1 million for the Secretary of Labor to enter into a contract with an appropriate organization or entity to conduct an 18-month study to quantify the economic benefit to the United States attributable to the provision of employment and training services provided under chapter 41 of title 38, United States Code, in helping veterans to attain long-term, sustained employment.

Compromise agreement

Section 7 of the Compromise Agreement would direct the Comptroller General of the United States to conduct a study on the implementation by the Secretary of Labor of the provisions of this title during the program years that begin during fiscal years 2003 and 2004. The study would include an assessment of the effect of this title on employment, training, and placement services furnished to veterans. Not later than six months after the conclusion of the program year that begins during fiscal year 2004, the Comptroller General would submit to Congress a report on the conducted study. Under this section, the report would include recommendations for legislation or administrative action.

Mr. DASCHLE. I ask unanimous consent that the Rockefeller substitute amendment at the desk be agreed to, the bill be read the third time and passed, and the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements be printed in the RECORD.

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

The amendment (No. 4884) was agreed to.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

The bill (H.R. 4015), as amended, was read the third time and passed.

EDUCATION SCIENCES REFORM ACT OF 2002

Mr. DASCHLE. Mr. President, I ask unanimous consent that the HELP committee be discharged from further consideration of H.R. 3801, the Education Sciences Reform Act of 2002, and that the Senate proceed to its immediate consideration.

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

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 3801) to provide for improvement of Federal education research, statistics, evaluation, information, and dissemination, and for other purposes.

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

Mr. KENNEDY. Mr. President, I welcome this bipartisan agreement on the reauthorization of the Office of Education Research. The new Institute of Education Sciences created by this legislation will improve the capacity of the Department to conduct high quality research to improve educational opportunities for all students.

We know that research can make a difference in teaching and learning by providing high quality technical assistance and professional development, reliable data, and wide dissemination of research and best practices.

We all agree that education research has to be high quality. It also needs to be directly related to the needs of the professionals in the field. Schools, teachers, principals and child care providers all must have access to the best practices in education if our schools are to be the best they can be.

States, schools and teachers have to face the challenge of preparing students for assessments and dealing with schools that fail to make adequate progress. Regional technical assistance providers can help them meet this challenge. Our bill reauthorizes the regional education laboratories, and provides a smooth transition from the current system of technical assistance providers to a new, streamlined system of comprehensive centers. We know that our teachers need this support and we intend to provide it.

The Federal Government has a distinguished history of investment in education research. What began many years ago as data collection has evolved into a current approach that collects, analyzes and disseminates important information. It enables researchers to bring their analyses to the people who need this information and can use it best. Our bill also maintains the autonomy of the National Center on Statistics, and makes sure that the National Assessment of Education Progress stays out of the political arena.

Our goals are to raise the quality of research conducted at the new Institute, to link its research with other research, and to make it available to the teachers who use it.

We want to be able to look to this Institute when we have education questions in the same way that we look to the NIH when we have medical questions. This bill provides a sound foundation to do so.

I commend the Committee staff who worked long and hard and effectively on this bill: Alex Nock, Denise Forte, Doug Mesecar, Bob Sweet and Sally Lovejoy of the House Committee; Lloyd Horwich with Senator DODD, Elyse Wasch and Kathleen Fitzgerald with Senator REED, Bethany Little with Senator MURRAY, Carmel Martin with Senator BINGAMAN, Rebecca Litt with Senator MIKULSKI, Eric Fatemi with Senator HARKIN, David Sewell with Senator EDWARDS, Jill Morningstar with Senator WELLSTONE, Katherine Brown with Senator CLINTON and Sherry Kaiman with Senator JEFFORDS, Tracy Locklin with Senator GREGG, Amanda Farris with Senator ENZI, Kristin Bannerman with Senator DEWINE, Jennifer Swenson with Senator ROBERTS, Andrea Becker with Senator FRIST and Jane Oates and Emma Vadehra of my own staff. I thank Amy Gaynor of Legislative Counsel and the floor staff for working with us to complete the process.

Mr. GREGG. Mr. President, first let me say that I believe that this Substitute Amendment to H.R. 3801, The Education Sciences Reform Act of 2002, represents a significant step toward achieving our common goal of improving the quality of education research. I thank Assistant Secretary Whitehurst and his staff for the assistance they provided in crafting this legislation. I am especially gratified to see this bill come together in the same spirit of bipartisanship in which we crafted the No Child Left Behind Act.

Though significant Federal involvement in education research dates back to the 1950's, we are still without a strong body of high quality education research to guide education policymaking. Yet the need for sound, rigorous education research that is free of political bias and useful to educators has never been more important. With passage of the bipartisan No Child Left Behind Act, we have made it our mission as a Nation to make sure every student is well-educated. By renewing our efforts to master the science of how children learn best, this bill will help tremendously in achieving that mission.

Specifically, the bill:

No. 1, reconstitutes the Office of Education Research and Improvement as the ''Institute of Education Sciences'' to provide a more rational, streamlined infrastructure for the Department of Education's research, development, statistics, evaluation, and dissemination functions;

No. 2, establishes more rigorous research standards, which all Institute-funded education research will have to meet. Education fads that masquerade as science will no longer be acceptable;

No. 3, establishes Research and Development Centers to cover such important topics as standards, assessment and accountability, improving low achieving schools, innovation in education reform, rural education, teacher quality, and postsecondary education;

No. 4, contributes to the creation of a ''culture of science'' within the new Institute by giving the Director the hiring flexibility necessary to attract and retain the best researchers, evaluators, and statisticians to the Institute;

No. 5, makes technical assistance to schools, school districts, and states more efficient and user-friendly, particularly the assistance needed in order to effectively implement the No Child Left Behind Act. The current patchwork of regional technical assistance entities will be replaced by a single set of technical assistance providers;

No. 6, increases the independence of the research and evaluation functions of the Department, while preserving the independence and quality of the current National Center for Education Statistics;

No. 7, further insulates the National Assessment of Educational Progress from political interference by giving the independent National Assessment Governing Board the authority to release NAEP results to the public; and

No 8, requires that grants and contracts with regional education laboratories, national research and development centers, and technical assistance providers are awarded on the basis of open competition.

It is my hope that the significant reforms made by this legislation will mark the beginning of a new era in the field of education research—an era in which policymaking will be based on sound science, to the benefit of our Nation's students.

Mr. REED. Mr. President, I support the Education Sciences Reform Act of 2002.

This legislation reauthorizes and renames the current Office of Educational Research and Improvement at the Department of Education, now to be called the Institute of Education Sciences. The bill will increase the quality of educational research and statistics, improve dissemination, technical assistance, educational product development, evaluation, and other research efforts, and minimize the effect of politics on education research.

As States begin to implement the No Child Left Behind Act, the need for a responsive, relevant, high quality, and rigorous education knowledge enterprise is greater than ever.

Mr. President, I am particularly pleased about the bill's provisions to retain and strengthen the regional educational laboratories. The regional educational laboratories, like the Northeast and Islands Regional Educational Laboratory at Brown University, conduct applied research, develop educational products and materials, provide technical assistance, and disseminate information in order to improve teaching, increase student achievement, and promote effective

school reform. The Education Sciences Reform Act enhances the regional educational laboratories work to put research into practice and focuses their efforts on helping states and districts meet their specific educational needs.

I thank Chairman KENNEDY, Senator GREGG, Senator ENZI, and members of the House Education and the Workforce Committee for working closely with me on many aspects of this legislation. This is important legislation, and I am pleased to support it.

Mr. DASCHLE. I understand Senators KENNEDY, GREGG, and others have a substitute amendment at the desk, and I ask the amendment be considered and agreed to, and the motion to reconsider be laid upon the table; that the bill, as amended, be read three times, passed, and the motion to reconsider be laid upon the table, and that any statements related thereto be printed in the RECORD, without intervening action or debate.

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

The amendment (No. 4885) was agreed to.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

The bill (H.R. 3801), as amended, was read the third time and passed.

ORDERS FOR WEDNESDAY, OCTOBER 16, 2002

Mr. DASCHLE. I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10:40 a.m., Wednesday, October 16; that following the prayer and the pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and there be a period of morning business until 11:40 a.m., with the Senators permitted to speak for up to 10 minutes each, with the first half under the control of the Republican leader or his designee, and the second half of the time under the control of the Democratic leader or his designee; that at 11:40 a.m. the Senate resume consideration of the conference report to accompany H.R. 3295, the Election Reform Act, under the previous order; further, that the Senate recess from 12:30 to 2:15 p.m. for the weekly party conferences.

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

PROGRAM

Mr. DASCHLE. The next rollcall vote will occur on Wednesday, October 16, at 12 noon, on adoption of the election reform conference report.

ADJOURNMENT UNTIL 10:40 A.M. TOMORROW

Mr. DASCHLE. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 5:57 p.m., adjourned until Wednesday, October 16, 2002, at 10:40 a.m.

EXTENSIONS OF REMARKS

COUNCIL OF KHALISTAN MARKS 15 YEARS OF SERVICE

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 15, 2002

Mr. BURTON of Indiana. Mr. Speaker, this week the Council of Khalistan, which leads the fight to free the Sikhs from the repression of India, marked its fifteenth anniversary. It was founded on October 7, 1987, when the Sikh Nation declared its independence and named their new country Khalistan.

The repression that has been inflicted on the Sikhs and other minorities in India before and after that declaration is well documented. The Indian regime has murdered over 250,000 Sikhs since 1984, according to the book ''The Politics of Genocide'' by Inderjit Singh Jaijee. A report from the Movement Against State Repression notes that over 52,000 remain in Indian jails as political prisoners without charge or trial. Some of them have been held since 1984. Another 50,000 have simply been made to ''disappear.''

Sikhs are not the only ones. Christians, Muslims, Bodos, Assamese, Manipuris, and others have felt the brunt of Indian oppression, with tens of thousands of them losing their lives. That is why there are seventeen freedom movements in India. The Council of Khalistan, while it focuses on the Sikh struggle, has spoken out for freedom and an end to the repression for all these peoples and nations.

Mr. Speaker, I would just like to take the occasion to congratulate the Council of Khalistan on its 15 years of service.

AUTHORIZATION FOR USE OF MILITARY FORCE AGAINST IRAQ RESOLUTION OF 2002

SPEECH OF

HON. JOHN CULBERSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 10, 2002

Mr. CULBERSON. Mr. Speaker, I rise today in strong support of our President and this resolution that will authorize him to use the United States Armed Forces to confront the threat posed by Iraqi dictator Saddam Hussein. I believe that this is a vote about trust. As many of my colleagues have stated, the Constitution of the United States grants Congress the power to declare war, and designate the President as the Commander in Chief. I trust President Bush and his Administration to make the right decisions with our armed forces. He has shown that he is a thoughtful and deliberate wartime president, and Congress should give him the authority to continue performing his duty on behalf of all Americans. This vote is our expression of trust in the President, and I hope that all Americans will express their trust in the President when they go to vote in November.

Mr. Speaker, this resolution gives the President the necessary flexibility to confront the threat posed by Saddam Hussein through diplomatic or military means. I will support any diplomatic efforts taken by the Administration, but I am convinced that military action will be necessary in the end. In the past, Saddam Hussein and his regime have only responded to military force, and this resolution will guarantee that option to the United States.

Mr. Speaker, we must not wait until Saddam Hussein or terrorists that he has supported have the capability to attack the United States with weapons of mass destruction. Today, with this vote, Congress will give the President the discretion and the freedom to act whenever he thinks it is necessary to protect all Americans. At this critical point in history, inaction is not an option. We must destroy the capability of this evil dictator to hold his own people and the people of the world hostage. He must be stopped, and he must be stopped now. I would encourage all of my colleagues to join me in voting for his historic resolution. The safety of the United States hands in the balance.

MOTION TO INSTRUCT CONFEREES ON H.R. 4546, BOB STUMP NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2003

SPEECH OF

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 10, 2002

Ms. DELAURO. Mr. Speaker, I rise in strong support of this motion to instruct, and I thank my friend from Mississippi for offering it tonight. This motion would call on the House conferees to support a Senate provision in the defense authorization bill to allow disabled military retirees to receive concurrent payment of retired pay and disability compensation.

This is truly an issue of basic fairness. We owe our veterans a debt that we can never repay. They did not hesitate to answer their country's call, and stand up to defend our freedom. But current law ignores that sacrifice, and requires disabled military retirees to actually fund their own disability compensation by waiving a portion of their retiree benefits. 400,000 veterans sacrifice their retirement pay every month.

Earlier today, this House voted to allow the President to use military force in Iraq. Now is our chance to tell the men and women who may very well serve in Iraq that we appreciate their service, that we will never forget their sacrifice. Now is our chance to show through actions, not just words, that we honor the work they do for our country.

We owe our veterans a debt of gratitude, but more than that we owe them our unwavering support. I urge my colleagues to support this motion to instruct so that veterans can collect their full retirement pay and their disability compensation. They have certainly earned it.

HONORING HOLLIS BIDDLE OF WACO, TX

HON. CHET EDWARDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 15, 2002

Mr. EDWARDS. Mr. Speaker, we live in a time when Americans change jobs as frequently as every five years. The kind of loyalty that used to be commonplace between employers and employees, when people more often than not spent their entire career with one organization, is rare today. That fact makes today's observance of Mr. Hollis Biddle's fifty years with the Waco Tribune-Herald indeed remarkable.

The Waco Tribune-Herald is my hometown daily newspaper in Waco, Texas, a member of Cox newspapers and the largest publication in the 11th Congressional District.

Following a high school class in journalism, Mr. Biddle, a native of Waco, began his career in 1952 as a copy boy with the morning newspaper, the News-Tribune, and the afternoon Times-Herald. He worked hard and won a Fentress Foundation Scholarship to Baylor University, where he majored in Journalism. Biddle worked as a reporter and went to school, earning a Bachelor's Degree in Journalism in 1958.

Hollis Biddle worked his way into the Sports Department, eventually becoming Assistant Sports Editor. Traveling to small towns across Central Texas, he wrote about the teams, the bands, the cheerleaders. In Small Town Texas then and now, youth sports are a major source of pride for any community, and Hollis Biddle became very well known through his coverage. He wrote about high school and college football, baseball, basketball and any other athletic competition.

He became best known, however, as an advocate and promoter for Little League Baseball. As the organization was just beginning to grow, his stories excited interest across Central Texas, from youngsters who wanted to play, from the parents and from community leaders who learned from Biddle's stories about the benefits of such healthy competition.

Biddle worked to establish the state's Little League headquarters in Waco, and the Tribune-Herald was the official ''paper of record'' for Little League results for two decades. Grown men stop him on the street today to tell him, ''You took pictures of me playing Little League Baseball years ago and I still have that newspaper.''

Hollis finally gave up sports reporting, and is now an integral part of the Trib's Marketing Department. He is in charge of special newspaper sections and promotions, including weekly publication of the Baylor Insider in cooperation with the Baylor Foundation.

For half a century today, Hollis Biddle has been involved in making the Waco Tribune-Herald a valuable daily record of area accomplishments. And, for half a century today, Hollis Biddle has been working to make Waco a better community.

Mr. Speaker, I ask my colleagues in the House of Representatives to join me in honoring and celebrating Hollis Biddle's fifty years of service to his employer and to the people of Central Texas.

INABILITY OF CONGRESS TO CONDUCT ITS REGULAR BUSINESS

HON. MAX SANDLIN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 15, 2002

Mr. SANDLIN. Mr. Speaker, yesterday, the House of Representatives passed yet another continuing resolution to keep the federal government running through October 18, 2002. Once again, Congress was forced to pass a continuing resolution funding the federal government because this body has failed to do its most basic work.

Instead, the majority party has decided to abrogate our constitutional responsibilities and go home and leave the people's business unfinished. I voted against this resolution because we need to be here working and solving the vast economic problems facing this country. I supported a continuing resolution that would have funded the federal government for one additional day. This would have forced us to remain here and address the critical issues facing our nation. Our domestic problems are not insurmountable. I will not accept the fact that this Republican-controlled Congress cannot simultaneously address national security needs while also addressing pressing domestic problems. When united in action, we can solve the problems facing everyday citizens.

In the course of the last two weeks, the stock market has plummeted to a five-year low, another 417,000 Americans filed unemployment claims at the end of last month, and consumer confidence fell to a nine year low. In addition to the hundreds of thousands on new unemployment claims, hundreds of thousands of out-of-work Americans have or will soon exhaust their unemployment compensation. The Republican majority has not brought any legislation to the floor to extend unemployment insurance for those who desperately need these benefits. Because the majority has failed to do its job, countless individuals will not be able to feed their families, seek new employment, or pay their upcoming winter heating bills.

In addition to not addressing legislation to assist unemployed workers, the House has failed to fund important initiatives in education, healthcare, and veterans—leaving society's most vulnerable members at risk. The lack of action means schools cannot plan for next year, hospitals wonder if they will have funds to remain open, seniors will go without a comprehensive prescription drug plan, and veterans will continue to see unacceptably long waits for access to care.

By ignoring the situation, the majority pretends that this Administration's failed economic policies have not had devastating consequences for average Americans. This Congress just has addressed the most compelling national security issue facing the nation. It is time that we face the economic crisis facing America—rising unemployment, increasing job insecurity, growing budget deficits, and the lack of affordable health care.

By postponing action on passing the remaining eleven appropriations bills, the majority undermines the ability of the government to carry out its basic missions. By adopting continuing resolution after continuing resolution, we undermine our law enforcement agencies to combat terrorism, prevent the Immigration and Naturalization Service from increasing inspections and patrols, threaten efforts to improve homeland security, prevent new grants to first responders, weaken our ability to respond to bio-terrorism, provide basic services to our veterans, increase enforcement of our securities law to catch corporate misdeeds, and force state and local governments from making critical public infrastructure investment.

Because the majority has failed to its job, average Americans pay the price of our inaction. Republican economic policies have been bad for this country—ignoring those policies will not make them better. Congress' inaction touches every part of our daily lives. Yet, Congress will take another week off—leaving millions of Americans without hope that we will address the problems they face every day. It is for this reason that I in good conscience could not support another weeklong continuing resolution.

A PROCLAMATION HONORING FRANKIE LEE CARNES

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 15, 2002

Mr. NEY. Mr. Speaker, Whereas, Frankie Lee Carnes is celebrating her 60th Birthday today October 8, 2002; and

Whereas, Frankie Lee Carnes is a member of First Christian Church; and

Whereas, Frankie Lee Carnes has six children and nine grandchildren;

Whereas, Frankie Lee Carnes must be commended for her service to the community serving as Chair of the Belmont County Election Board and actively participating in the Miracle of Life Group, and the Girl Scouts; and

Therefore, I join with the residents of St. Clairsville and the entire 18th Congressional District in congratulating Frankie Lee Carnes as she celebrates her 60th Birthday.

HONORING KAREN OSTDIEK

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 15, 2002

Mr. RADANOVICH. Mr. Speaker, I rise today to honor an outstanding teacher who has exemplified the ideal of assuring that ''No Child is Left Behind.'' Karen Ostdiek, a second grade teacher at St. Anthony's school in Fresno, California, went above and beyond the call of duty for Hunter Jameson, a student in her class, when he was diagnosed with cancer in early September 2001.

Hunter's parents, Mike and Catherine Jameson, and St. Anthony's principal, Shawn Carey, credit Ms. Ostdiek with keeping Hunter up to date with his work even though he was out of the classroom for the majority of the school year. Thanks to Karen's extra effort and commitment to her students, Hunter will be able to go on to third grade in the fall.

Karen made sure Hunter was included in all classroom activities, posting his work in the classroom alongside the other students' and delivering him personal pizzas when the class earned a party. Hunter was able to return to school on May 6 and was warmly greeted by his fellow second-graders in Ms. Ostdiek's class. Karen was awarded an Angel on Earth award, for her work with Hunter, at a teacher appreciation luncheon. The praise is well deserved, although she does not see that she has done anything special, just her job. Her humility only serves to underline why Karen is so deserving of the appreciation and honor she has received.

Mr. Speaker, I rise today to recognize Karen Ostdiek for her dedication to the education of our young people and her commitment to excellence. I invite my colleagues to join me in thanking Karen for her outstanding service and compassionate response to Hunter Jameson and his family.

H.R. 5400

SPEECH OF

HON. EDWARD R. ROYCE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 10, 2002

Mr. ROYCE. Mr. Speaker, I rise today in support of the unanimous consent request to pass H.R. 5400, a bill authored by my friend and colleague from Nebraska, the chairman of the Subcommittee on International Monetary Policy, Congressman DOUG BEREUTER. This legislation is a well-crafted, thoughtful and bipartisan bill that is certainly worthy of passage by unanimous consent.

This legislation will help the North American Development (NAD) Bank to accomplish its stated goal of improving the potable water supply, wastewater treatment and municipal solid waste management services within America's Mexico border region more efficiently. Addressing the problem of an inadequate water supply along our nation's southern border is a laudable goal, and one that is certainly worthy of the support of every member of Congress.

I would also like to acknowledge my gratitude to Chairman BEREUTER for allowing me to include in this legislation an amendment that recognizes the particular difficulty that southern California has in meeting its potable water needs, and directs the NAD Bank to support:

(1) The development of qualified water conservation projects in southern California and other eligible areas in the four United States border States, including the conjunctive use and storage of surface and ground water, delivery system conservation, the re-regulation of reservoirs, improved irrigation practices, wastewater reclamation, regional water management modeling, operational and optimization studies to improve water conservation, and cross-border water exchanges consistent with treaties; and,

(2) New water supply research and projects along the Mexico border in southern California

and other eligible areas in the four United States border States to desalinate ocean seawater and brackish surface and groundwater, and dispose of or manage the brines resulting from desalination.

In California, over the last two decades the population has grown by more than 30 percent while the water supply has increased by only 2 percent. But as California's need for water increases, the number of available sources for drinking water are shrinking. For example, Lake Mead (on the Colorado River), has dropped 28 feet in the last two years and is on track to soon be at a 30 year low, a situation that has been exacerbated by the recent drought.

Mr. Speaker, I strongly support the North American Development Bank's mission of providing clean and safe water to all of America's southern border areas, especially southern California. By passing this legislation by unanimous consent, Congress has acknowledged southern California's dire need for ensuring an adequate water supply and the important role that the North American Development Bank can play in accomplishing this objective.

PAYING TRIBUTE TO JACK VALLELY

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 15, 2002

Mr. McINNIS. Mr. Speaker, I rise today to pay tribute to Jack Vallely of Newton, Massachusetts—a man who lives his life with a selflessness and unmatched dedication that have made him an inspiration to countless others. As Jack celebrates his eighty-third birthday later this month, I would like to join with his friends, family and former players in congratulating him on this milestone and in wishing him all the best in the many years to come.

Jack was born on Halloween Day back in 1919 in Waltham, Massachusetts—one year after his beloved Red Sox last won the World Series! The oldest of seven children, Jack learned responsibility at a young age, making sacrifices to help his mother Mary take care of his brothers and sisters after the tragic death of their father from an illness brought on by his work in the local watch factory. Holding odd jobs to help replace his father's lost income, Jack found recreation on Waltham's local basketball courts and baseball diamonds. He was an avid participant in many sports back then, a passion that he would eventually turn into his life's work.

In 1948, Jack took a job as the head baseball coach at Curry College in Milton, Massachusetts, a position he would hold for the next fifty-one years. Over that time, Vallely would build an impressive record of accomplishments, with over 700 wins and nearly a .730 winning percentage. However, with Coach Vallely it was never about the game's statistics; the only statistic that mattered to him was that in all of his 51 years at Curry College virtually all of Coach Vallely's players have graduated. As Jack likes to say, ''the people are what I remember . . . The yardstick isn't numbers, it's how much the kids have improved, how much have you helped them physically and mentally. How much good have you done.'' It is for this attitude, and his impressive record of accomplishments, that Collegiate Baseball recognized Vallely as the NCAA Division III ''Coach of the Century'' in 1998. And it is for this approach to sports, and life, that I wish to bring Jack Vallely to the attention of my colleagues here today.

In February of 1999, on the eve of his record fifty-second season at the helm of the Curry College Colonels, Jack was struck with a major stroke that paralyzed his right side and hindered his speech. The hard work and dedication that Vallely exhibited throughout his coaching career—never missing a game or practice in over 51 years—has carried over into his stirring recovery effort. The progress he has made in regaining the functionality lost due to the stroke has been significant. The determination with which Jack has tackled this challenge so late in life has been inspirational.

Mr. Speaker, I am proud to bring the powerful example of Jack Vallely to the attention of this body of Congress and our nation. Jack Vallely's grandson, Jason Reese, serves as one of my legislative assistants, and it is through their devoted relationship that I have learned of the obvious character, compassion and love with which Jack has led his life. I am proud to join with family, friends and generations of former players in wishing Coach Vallely a very happy 83rd birthday.

TRIBUTE TO ZENAIDA MELGOZA ON BEING AWARDED THE 2002 ST. MADELEINE SOPHIE BARAT AWARD

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 15, 2002

Ms. ESHOO. Mr. Speaker, I rise today to honor Mrs. Zenaida Melgoza, a distinguished citizen and a resident of San Mateo County, who is being honored on October 16, 2002, by the Sacred Heart Schools of Atherton, California, with the 2002 St. Madeleine Sophie Barat Award.

Zenaida came to the United States from Aguililla Michoac[aacute]n, Mexico, when she was just thirteen years old, moving with her family to Redwood City, California. In 1978 when she first began working at what was then known as Convent of the Sacred Heart, Menlo, she was already a young wife and the mother of two. Zenaida worked with and for the Religious, helping in the boarding school, the cafeteria, and with general housekeeping for the growing community of Sisters and students. She loved the children at the school and developed warm relationships with everyone she met. When graduates stop by to visit the campus today, Zenaida recognizes and remembers them, often surprising them when she calls them by name after 15, 20, or almost 25 years. She still visits regularly with the Religious she has known so well who are now in the retirement home on the campus.

Sacred Heart is Zenaida's second home and she embraces everyone at the Schools as her family, as they do her. She has brought many of her relatives to the campus to work, finding someone to help the Sisters with whatever was needed. Her uncle and four of her cousins have worked at Sacred Heart over the years and some still do. Zenaida and her husband Rafael still live in Redwood City where they have raised their family of four children. Their youngest daughter Cristina just graduated from the grade school last year. Their oldest grandchild Rafael is in the first grade, and his sister Jocelyn is in the preschool. Zenaida's relationship with Sacred Heart is a story of love and dedication that is rare indeed.

Mr. Speaker, it is a great privilege to honor Mrs. Zenaida Melgoza as she receives the 2002 St. Madeleine Sophie Barat Award. I ask my colleagues to join me in saluting her and thanking her for her extraordinary service to the Sacred Heart community and for strengthening our country through her countless contributions.

HONORING THE HEROISM OF MR. KENNETH W. MERRERO OF HERSHEY, PENNSYLVANIA

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 15, 2002

Mr. GEKAS. Mr. Speaker, it is my pleasure today to recognize Mr. Kenneth W. Merrero, a constituent of mine from Hershey, Pennsylvania, for his bravery and heroism. Mr. Merrero saved the life of his co-worker, Mr. Michael F. Tomlin, on July 30, 2001.

Mr. Tomlin was seated in a pickup truck parked on the shoulder of a highway when another vehicle struck it from behind. The impact forced Mr. Tomlin's truck into a drill rig parked in front. Fires broke out at the front and rear ends of Mr. Tomlin's truck. The collision caused Mr. Tomlin to strike his head. He sat in the truck dazed and surrounded by fire.

Fearlessly, Mr. Merrero approached the pickup truck to look for Mr. Tomlin, but because of the dense smoke, he could not see Mr. Tomlin. Mr. Merrero opened the passenger door of the truck, climbed inside, and attempted to pull Mr. Tomlin across the seat. However, Mr. Tomlin was caught in the wreckage and Mr. Merrero had to re-enter the truck to free him. Finally, Mr. Tomlin was pulled to safety as the fire engulfed the truck.

Mr. Tomlin was hospitalized but soon recovered.

For his astonishing heroism, Mr. Merrero was recognized recently by the Carnegie Hero Fund Commission. The Commission awards the Carnegie Medal to those individuals who have risked their lives to an extraordinary degree while saving or attempting to save the lives of others.

Mr. Speaker, I wish to recognize Mr. Merrero for his great courage and on behalf of the U.S. House of Representatives, congratulate him for being awarded the Carnegie Medal. Just as Mr. Tomlin is a blessed man for having Mr. Merrero so close that day, so too is the entire Central Pennsylvania community for having their own noble and exemplary hero.

THE NATIONAL SOLEMN ASSEMBLY

HON. ROBIN HAYES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 15, 2002

Mr. HAYES. Mr. Speaker, I would like to bring to your attention to an important event that took place earlier this week here in our Nation's Capital. On October 8 & 9th, the Center for Spiritual Renewal hosted the National Solemn Assembly at Constitution Hall. During these two days, church, governmental, military and business leaders from around the nation, including many from the D.C. area, came together for a time of prayer and fasting in support of our nation's leaders. Special sessions of prayer were conducted for the President, White House staff, Members of the U.S. House of Representatives and Senate, the U.S. Supreme Court and our Governors and state and local leaders. The Assembly, based on the scriptural admonition of Joel 2 and 2 Chronicles 7:14, is to return the Nation's spiritual focus on repentance, reconciliation and revival. Most notably, this meeting and its purpose were scheduled and established before the events of September 11, 2001, and well before any House debate of the Iraqi war resolution was scheduled for these same two days.

The Center for Spiritual Renewal, under the leadership of Dr. Robert E. Fisher, has been established to bring before the Church on a continuing basis the primary need for revival and renewal, both personal and corporate. The Center is a non-profit organization that works with all denominations, as well as non-affiliated local churches and ministry agencies to promote an understanding of the need to respond to the move of God through humility, worship and the embodiment of three sequential elements: spiritual integrity, scriptural unity and social responsibility.

Mr. Speaker, I wish to commend Dr. Fisher and the Center for Spiritual Renewal for their leadership in the establishment of the National Solemn Assembly, and for their prayerful support of the Members of this body and the many others in positions of leadership within our government.

TRIBUTE TO S. PHILIP CABIBI

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 15, 2002

Mr. McINNIS. Mr. Speaker, it is with deep respect that I recognize the life and passing of S. Philip Cabibi of Pueblo, Colorado. Mr. Cabibi recently passed away and, as his family mourns his loss, I would like to pay tribute to his life and the contributions he has made throughout the years.

Mr. Cabibi was born in Pueblo on August 12, 1914, and graduated from Central High School. He served in the United States Navy during World War II and then returned to Pueblo after the war. Philip Cabibi served as Pueblo's District Judge from 1955 to 1973 and was well respected throughout the community for honesty and integrity. Mr. Cabibi made many significant decisions as District Judge, including approving the creation of the Southeastern Colorado Conservancy District, which aided in the passage of the Fryingpan-Arkansas water project. After his tenure on the bench, Mr. Cabibi went into private practice until his retirement in the 1980s.

Despite a busy career, Mr. Cabibi always found the time for his friends and family. Along with his wife Margaret, Philip would often travel to California to visit his grandchildren, and loved playing gin rummy with his friends.

Throughout Pueblo, everyone seemed to know Mr. Cabibi and he could seldom enter a store or a restaurant without being recognized by someone in the neighborhood. No one could resist the genuine interest and affection that he bestowed upon everyone throughout the community.

Mr. Speaker, it is with great admiration that I recognize the life and passing of Philip Cabibi and all his contributions to the community of Pueblo, Colorado. I extend my sincere condolences to his wife Margaret, his daughter Marilyn, sister Virginia, and his grandchildren, John and Michelle. Mr. Cabibi lived his life with honor and distinction, and his love for his fellow citizens won him the respect of all who knew him. Philip Cabibi's loss will be deeply felt throughout the Pueblo community and all of Colorado.

TRIBUTE TO MARILYN LUOTTO ON BEING AWARDED THE 2002 ST. MADELEINE SOPHIE BARAT AWARD

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 15, 2002

Ms. ESHOO. Mr. Speaker, I rise today to honor Mrs. Marilyn Luotto, a distinguished citizen and a resident of Santa Clara County, who is being honored on October 16, 2002, by the Sacred Heart Schools of Atherton, California, with the 2002 St. Madeleine Sophie Barat Award.

Marilyn is a native of Chicago, Illinois, where she received her bachelor's degree in Psychology from Mundelein College and her master's degree in Clinical Psychology from Loyola University. In 1967, she came to California with her husband and their five children, and soon after. Marilyn began working at Sacred Heart Preparatory. She taught English, Psychology, and a course in Marriage and the Family through the Religion Department at the school. She also acted as a school counselor, at the high school and the elementary school. After five years of dividing her time between her family and the schools, Marilyn began spending more of her work time as a counselor at St. Joseph's School, continuing to teach at least one psychology course at the high school because she enjoyed her involvement with students of all ages. During this time, Marilyn also began pursuing her second master's degree in Marriage and Family Counseling at the University of Santa Clara. With that degree she received her M.F.T. license as a Marriage and Family Therapist in the State of California.

Throughout her tenure at Sacred Heart Schools, Marilyn shared her time and her talents with the entire community of faculty, staff, and students. Last year she retired after 25 years of extraordinary service to the Sacred Heart Schools. With her characteristic spirit of generosity, she thanked everyone for their support and all that they had contributed to her personal and professional growth. She promised to find a way to share the love that she had received with others as she embarks on a new phase of her life.

Mr. Speaker, it is a great privilege to honor Mrs. Marilyn Luotto as she receives the 2002 St. Madeleine Sophie Barat Award. I ask my colleagues to join me in saluting her and thanking her for her extraordinary service to our community which has made us a better country.

HONORING BENJAMIN BLUSTEIN AND HEBREW UNIVERSITY

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 15, 2002

Mr. GEKAS. Mr. Speaker, on July 31, 2002, a Palestinian terrorist left a 22-pound hate bomb hidden in a bag on a table at Hebrew University's Frank Sinatra International Student Center cafeteria. The bomber and those who assisted him had two objectives.

By placing the bomb in an area popular with young people, students from around the world and renowned scholars in many disciplines of academic study, the terrorist hoped to kill and injure as many people as possible, without regard to their nationalities, religion or political persuasion. In this, those responsible for this heinous attack were successful. Ultimately, the blast killed nine people, including five Americans, and injured approximately 80 others.

But the attackers had more far reaching motives. They wished to send a message that they had no interest in legitimate efforts to resolve Israel's conflicts with Palestinians. In addition, by selecting this particular university as their target, the terrorists also wanted to send the message that they believed that academic discourse, scientific research, and medical care provided to people of all ethnic and religious backgrounds are not legitimate endeavors in Israel.

Let there be no mistake about this. On this second point, the terrorists are wrong. President George W. Bush immediately condemned this attack, and expressed his ''fury'' at the attack on this particular university that had killed five American students. He stated, ''I'm just as angry as Israel is right now. . . . I'm furious about innocent life lost. However, through my fury, even though I am mad, I still believe peace is possible.''

I believe the President's words were exactly correct-to condemn this act of terrorism, just as he had condemned the over 70 homicide bombings aimed at Israel since September 2000. But, despite expressing anger and vowing to find and punish those responsible, the President also restated his quest for an eventual lasting peace between Israelis and Palestinians.

While I am equally angry and upset at all such attacks, this one touched me personally in a way than none had before. One of the five American victims, Benjamin Blustein, was my constituent.

Benjamin Blustein was only 25 years old when this bomb took his life. He came from

Harrisburg, Pennsylvania, the heart of my Congressional district. At the time of his death, he was in a two-year study program designed so that he could earn a Master's degree from Hebrew University's Rothberg International School's Division of Graduate Studies and was also enrolled in the Educator's Program at the Pardes Institute for Jewish Studies.

He had previously earned his B.A. in Religion and Judaic Studies from Dickinson College in Carlisle, Pennsylvania. I mention this with pride, as Dickinson is also my alma mater.

Benjamin was more than a good student. He enriched all those around him, both those who knew him well and those with whom he had only limited contacts. He had assisted the entire Jewish Community throughout Central Pennsylvania through his work with the United Jewish Communities. In Israel, he enlivened the lives of many as a disc jockey at local dance clubs.

It is impossible to adequately verbalize the tragedy that occurred when Benjamin Blustein was randomly killed. I still find it hard to accept the loss of this vibrant, dedicated, passionate young man with such a wonderful sense of humor and caring for others.

Immediately following this hateful attack I sent a letter to President Bush, supporting his condemnation of the attacks. A copy of that letter follows these remarks.

As a result of Benjamin's death, I was motivated to learn more about the Hebrew University, the institution that drew Benjamin and so many others to study there.

It is important for all Members of Congress, as well as all Americans, to know that Hebrew University is the oldest comprehensive institution of higher learning in Israel and is considered to be among the world's truly great universities. The Hebrew University of Jerusalem has stood for understanding, tolerance, open discourse and academic excellence since it opened its doors in 1925.

Albert Einstein was one of its earliest supporters. From the very beginning, the university has carried on the dream of its founders, namely academic excellence, culture, science, learning and, most important, inclusion rather than exclusion of people from many religions, nations and ethnic backgrounds. Its students come from diverse cultural, religious, and geographic backgrounds with 10 percent of the student body of Arab descent. This diversity is what contributes to the university's strength and purpose.

It is sad, and ironic, to note that the unconscionable acts of inhumanity that took place at Hebrew University marked the second time that this remarkable academic institution has been devastated by a violent attack. In 1948, Arabs massacred a group of doctors and nurses in a bus going to the Hebrew University Medical School Hospital campus, perhaps a half-mile away from where this most recent bombing occurred.

Yet, despite the violence in 1948 and despite the fact that its original campus was cut off from the rest of Jerusalem until the city was united in 1967, the University continued to grow, to prosper and to gain international recognition for the high quality of its researches, teachers and physicians.

One of the most remarkable aspects of this institution is its efforts to reach out to Israel's neighbors, including the Palestinians. It is important to stress Hebrew University's regional cooperative programs with Palestinians and Arab countries in health, agriculture, water, environment, marine sciences, and the search for peace.

Rather than discuss its many programs, it would be symbolic to mention just one as the paradigm of the entire University.

I thought it worthwhile to detail the Sanford Kuvin Center for the Study of Infectious and Tropical Diseases at the Hebrew University's Medical School, because of my direct linkage to medical research through the many medical facilities located in Central Pennsylvania, especially the Penn State University Hershey Medical Center, and the Congressional Biomedical Research Caucus, which I helped found and now co-chair.

The Kuvin Center currently has more health programs with surrounding Arab countries then any other university in Israel. It addresses diseases that affect public health and its physicians and scientists are currently working with Arab scientists from Al-Quds, the Palestinian University in the eastern part of Jerusalem; Ain Shams University, in Cairo, as well as with scientists from universities in Jordan, Tunisia and Morocco.

The Congress fully recognizes and supports these types of cooperative Israeli-Palestinian health initiatives. The Foreign Operations bill for fiscal year 2003, which has passed through the Appropriations Committee includes, language on the Kuvin Center/Al Quds cooperation. I am pleased that the Committee included the following paragraph in the report accompanying this bill:

The Committee acknowledges that one of the primary objectives of the West Bank and Gaza program is to create viable infrastructure in Palestinian Authority-controlled areas to ensure the health and welfare of the Palestinian people. Al Quds University, in cooperation with the Kuvin Center for Infectious Diseases of the Hebrew University of Jerusalem, has proposed the establishment of a regional health and disease program, which would work to build an effective infrastructure to deal with serious health and disease problems among the Palestinian people. The Committee understands that cooperative programs of this nature are rare in the current environment, and urges AID to work, through the West Bank and Gaza program, to help Al Quds and the Kuvin Center begin this initiative.

This project is designed to enable the United States to provide $15 million over five years to this cooperative effort to deal with infectious diseases.

Let me add that this program does not require any additional appropriations. The proposed expenditure of these funds is an indication of Congressional intent on just how American money that has already been allocated can best be used in a productive capacity for Israel, the West Bank and Gaza. Thus, the Kuvin Center-Hebrew University/Al Quds University cooperative effort will serve as a model of how the United States, Israel and the Palestinians can work together on projects that will benefit the entire region.

It is key to mention that such efforts will absolutely continue despite the terrorists' murderous intent, and, in fact, it underscores both Israel's and America's conviction not to let the terrorists succeed.

The murders on the Hebrew University campus shocked all decent people.

This is not a University problem, nor is it a Jewish problem or a territorial problem. This is a threat to all civilization. These events cannot be allowed to go on, and can only be dealt with when good people stand up and speak out against this inhumanity.

We must not only remember those who were killed and injured, but we must all be proactive in favor of the Hebrew University of Jerusalem as a beacon of light unto all nations, peoples and universities around the world.

Hebrew University sets a standard of excellence for the nation of Israel of the Jewish people all over the world. The clouds of hatred and violence against Israel, the Jewish people and the West are clearly spreading. Certainly those who want to prevent discourse and coexistence at the Hebrew University will not and must not succeed.

In the aftermath of the murders at Hebrew University, the school's President, Menachem Magidor, said, ''We must not let them kill our dream of peace''. This same sentiment was stated by President Bush in his response to this attack when he concluded that ''we must keep the vision of peace in mind.''

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, August 2, 2002.

President GEORGE W. BUSH,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: We sadly learned recently that a valued member of a community in my congressional district was taken from us. Benjamin Blustein, of Susquehanna Township, Pennsylvania, a young scholar studying abroad in Israel, was killed in the latest homicide bombing in Israel. Benjamin was in the midst of a two year course in Jewish studies at Hebrew University. Benjamin died along with other Americans and several other people when Hamas brutally targeted another group of innocent victims in Israel.

Benjamin was a dedicated, passionate young man with a sense of humor that all who knew him will greatly miss. He was active at school, my old alma mater, Dickinson College, and at his synagogue. With great commitment he assisted the United Jewish Communities to advance their good work throughout Central Pennsylvania. Benjamin enriched many lives during his life. All those who were touched by him will count themselves fortunate for sharing in his life.

I commend you for your strong condemnation of this latest homicide bombing. I support your decision to list Hamas and Hizbollah as terrorist organizations, and your firm support of Israel. Since September 2000, there have been 70 homicide bombings aimed at Israelis, taking the lives of countless innocent people. These attacks are unjustifiable and clearly unproductive. Israelis, free peoples living in a democracy, have not been cowed by the last two years of extremist acts of terror. Peace can only come to the Holy Land through dialogue and mutual understanding. I join with you in your quest for a lasting peace between Israelis and Palestinians.

Very truly yours,

GEORGE W. GEKAS,
Member of Congress.

TRIBUTE TO PAUL LINN, EARL CANTOR JR., AND JAMES DAUGHERTY

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 15, 2002

Mr. MCINNIS. Mr. Speaker, it is with great enthusiasm that I recognize Paul Linn, Earl Cantor Jr. and James Daugherty before this body of Congress and this nation. Paul, Earl, and James are all brothers who, due to unfortunate circumstances early on in their lives, have not seen one another in over sixty years. As the three brothers celebrate their reunion, I would like pay tribute to their dedication and resilience in reuniting to once again become a family.

The three brothers were born into a family along with nine other siblings in Boulder, Colorado during the 1930s. After their mother Georgia was abandoned by her husband, her children were separated and placed in foster care because she no longer had the means to support them. Paul was adopted by Arthur and Dorothy Linn, ranchers from Collbran, Colorado. James was placed with another family who owned a ranch just outside of Craig, Colorado. As the elder of the three, Earl remained in Boulder, determined to reunite with his brothers as quickly as possible.

Unfortunately, due to the confidentiality with which adoption records are held, Earl soon lost track of his brothers and did not have the resources to relocate them. Paul was able to locate Earl after finding his name in a Boulder phone book in 1955, but it took the work of Bobbi McKevitt, a professional who tracks down this type of information, for James to locate his two older brothers. Today, the three brothers are determined to find the rest of their siblings and rejoice in yet another family reunion.

Mr. Speaker, I am delighted to recognize Paul Linn, Earl Cantor Jr., and James Daugherty before the body of Congress and this nation for their profound determination and resilience in their mission to reunite their family. Their story is one of great satisfaction and inspiration, and I wish them all the best in their mission to reunite the rest of their family.

DEPARTMENT OF LABOR'S EFFORTS TO INTEGRATE FAITH-BASED AND COMMUNITY ORGANIZATIONS INTO EMPLOYMENT AND TRAINING SERVICES

HON. ROBIN HAYES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 15, 2002

Mr. HAYES. Mr. Speaker, I want to recognize the Department of Labor's efforts to integrate faith-based and community organizations into employment and training services and encourage the department to continue and expand this initiative.

In order to most effectively deliver services, especially in the hardest to reach communities, it is essential that the federal government partner with groups that have credibility in needy neighborhoods. Small community and faith-based organizations have a long-term, personal investment in the community, and are known and trusted to effectively deliver results.

This approach is a necessity because for many of our most needy neighborhoods, faith-based and community organizations are frequently the strongest and most dynamic institutions available. Often, in the most distressed neighborhoods, they are not just the best partner, they may be the only partner available to us.

I want to recognize the work that has already taken place at the Department of Labor. The Department has created several pilot programs and innovative grant programs designed to better utilize the unique skills of community and faith-based organizations in its employment and training efforts. I urge the Department to continue and expand these efforts and I call on the Senate to pass H.R. 7 to ensure that the Federal government no longer ignores this critical partnership.

DR. MICHAEL W. PARKER

HON. EARL F. HILLIARD

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 15, 2002

Mr. HILLIARD. Mr. Speaker, I rise today to share with my colleagues in the United States House of Representatives a story of Dr. Michael W. Parker, Sr., a citizen of the state of Alabama who has served our country with bravery, commitment, and distinction in the armed services and continues to serve us with his work as a professor and researcher at the University of Alabama at Birmingham.

Members of our military are unique individuals who put their lives on the line to protect the very freedoms that many of us take for granted. Since September 11, 2001, we have been reminded of the perils of war and the dedication of those who fight to protect us. I want to remind the House that many of our veterans return to civilian life and do great deeds for our country in various professions.

Mr. Speaker, Dr. Parker, LTCR, DSW, BCD (Board Certified Diplomate) has been named a John A. Hartford Foundation Faculty Scholar in Geriatric Social Work and serves our community in many ways. He is a National Institute on Aging (NIA) Post Doctoral Fellow from the University of Michigan. He is currently on faculty at the University of Alabama Medical School, Center for Aging, Department of Geriatrics and Gerontology & the University of Alabama, School of Social Work. He is a research scientist with the U.S. Air War College in Montgomery, AL. Dr. Parker is the founding Chair of Aging Veterans and their Families which is part of The Gerontological Society of America, and serves as the Primary Investigator on NIA and Department of Defense funded research related to health promotion, successful aging, and spirituality.

Dr. Parker has also been recognized for his classroom abilities and is a recent recipient of the University of Alabama's Frank R. Egan Award for teaching and exemplary practice. His military honors include the Order of Military Medical Merit and the Legion of Merit. Dr. Parker is dedicating his civilian career to addressing the long-term care needs of our society.

Today, I would like to discuss the Military Parent Care Project on which Dr. Parker and his colleagues are working. I want to describe the family care plans that the United States military uses to assist surviving family members, a modification of that plan that Dr. Parker is researching to include older and disabled loved ones, and how this may lead to better planning for caregiving for all American families.

Mr. Speaker, all military personnel with dependent family members are required to complete, prior to deployment, a family care plan that makes provision for the medical, legal, and spiritual welfare of surviving family members in the event the service member—soldier, sailor, airman, or Marine—does not return. Dr. Parker believes that the composition of the family care plan must be expanded to make it an intergenerational family care plan to assist in the care of the aging parents of military personnel who do not return from service to our country.

We know that the demographic changes in the U.S. population have significant implications for all of us, including military families. Women, the traditional caregivers, have increasingly entered the military. It is my understanding that women—wives, daughters, and daughters-in-law—provide seventy percent of home care. Forty percent of women providing care to aging relatives are also providing care to children at the same time because of delayed childbearing. In addition, nowhere are the effects of parent care more apparent than with senior military members and their families because they typically live long distances from their aging parents.

Mr. Speaker, I think most of our colleagues would agree that it is imperative that we all work with our aging and disabled loved ones to plan for future care needs. This is particularly important for at-risk military personnel. Otherwise, care might not be provided the way we would like.

Under the sponsorship of the John A. Hartford Foundation and The Gerontological Society of America, Dr. Parker and his team have developed tools to help active duty military careerists complete a family care plan that includes aging parents. They have used focus groups of military personnel and experts from the fields of medicine, law, theology, and caregiving to create and test a Parent Care Readiness Assessment Instrument. This tool assists a family in identifying and prioritizing specific tasks associated with providing care to their aging family members.

As you know, Mr. Speaker, this Congress has conducted many hearings exploring the long-term care crisis in this nation. A long-term care crisis at the family level can thrust military and civilian family members into a bureaucratic maze of trying to make successive care arrangements in a badly fragmented long-term-care system. The nation's patchwork of nursing homes, foster homes, adult day centers and home health care agencies offer a dizzying array of often-unsatisfactory options. Practical help is needed so that a formal family care plan can be developed that could be put into place even if an adult son/daughter was not present to help execute the plan. Our Parent Care Readiness Assessment Instrument can serve as the first step toward this end.

They have also developed a two-hour educational workshop covering four key aspects of preparing an intergenerational family care plan. They are medical, legal/financial, social/

familial, and spiritual/emotional plans. Families are also given access to an interactive Website with caregiver information, and compact disks with caregiving information and additional resource material.

Mr. Speaker, we do not have the all the results yet, but Dr. Parker's project has tested these products and workshop on military careerists and spouses at midlife. This research includes the use of a control group and a post-assessment of the test and control groups. Many of these tools have the potential for assisting millions of American families prepare for unforeseen events.

It is impossible to fully prepare for the consequences of an act of terrorism like 9/11. However, military families have already taken steps through our family care plans to reduce the long term consequences of any trauma, whether it is a result of military service, auto accidents, or other health crises. The civilian population could adopt this approach. Planning for such contingencies with the addition of the intergenerational component could become one of our individual contributions to homeland security and our family's security.

Mr. Speaker, helping civilian families take the same precautions as military personnel who enter harm's way has great potential for millions of American families. I believe that this good work taking place in the great state of Alabama will lead to better preparation for those unforeseen events in our lives and to protecting the future of our aging parents. I am proud to bring this important development in the field of aging and the distinguished work of Dr Michael Parker to the attention of my colleagues in the House.

TRIBUTE TO KEVIN WAGNER

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 15, 2002

Mr. McINNIS. Mr. Speaker, it is with great admiration that I recognize Kevin Wagner of Grand Junction, Colorado for his courage, optimism and generosity in the face of some of life's most disheartening circumstances. Kevin has been battling cancer for several years but remains determined to overcome his illness and refuses to let it interfere with his daily life. While Kevin continues his fight toward recovery, I would like to pay tribute to this dynamic individual and to the irreplaceable contributions he has made to the community of Grand Junction.

Kevin moved to Grand Junction in 1967, where he attended St. Joseph's Elementary School and Fruita Monument High School. He graduated from Mesa State College in 1983 and got his masters degree from Colorado State University in 1985. Throughout his childhood, Kevin always remained active in sports and, like a true Coloradan, is one of the Denver Broncos' biggest fans.

Besides being a devoted Broncos fan, Kevin also remains loyal to his fellow citizens and community through active civic participation. Kevin joined the Grand Junction Lions Club in 1997, which is a volunteer organization that raises money for local community programs. In his first year in the organization, he was named the top fundraiser among all of the club's new members. Since then, Kevin has been the leading fundraiser for the entire organization for the last five years, and has served on the club's board of directors and on many committees.

Mr. Speaker, it is with deep respect that I recognize Kevin Wagner before this body of Congress and this nation for the unrelenting commitment he has displayed toward the betterment of his fellow citizens and community. Even amid the most challenging of personal circumstances, Kevin has never been deterred from putting others before himself, and has never demanded or expected any personal rewards or recognition. Courage and generosity are Kevin's hallmark—he lives his life with unusual determination. I wish Kevin the very best of luck in his treatment and recovery.

TRIBUTE TO SISTER JOAN McKENNA, RSCJ ON BEING AWARDED THE 2002 ST. MADELEINE SOPHIE BARAT AWARD

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 15, 2002

Ms. ESHOO. Mr. Speaker, I rise today to honor Sister Joan McKenna, a member of the Religious of the Sacred Heart and a distinguished educator and citizen. Sister McKenna is being honored on October 16, 2002, by the Sacred Heart Schools of Atherton, California, with the prestigious 2002 St. Madeleine Sophie Barat Award.

Sister McKenna is a truly remarkable woman who has given much to education in ways almost too numerous to recount. She was born and raised in San Francisco and educated in a parish school. As a high school student she was given a full scholarship to Sacred Heart Schools Broadway where she continued to excel and where she developed her deep respect for the Religious of the Sacred Heart and their dedication to educating the ''whole child.''

Sister McKenna received her B.A. and her M.A. in History from the San Francisco College for Women. She later received her M.A. in Theology and her J.D. from the University of San Francisco. From each of these institutions she received training that developed her inborn talents, and to each of them she returned what she received tenfold, or more.

After joining the Religious of the Sacred Heart, Sister McKenna taught history and religious studies at Sacred Heart Schools in El Cajon, San Francisco and Atherton. In addition to her teaching, she was Dean of Students and Assistant to the President at the San Francisco College for Women. After receiving her law degree she spent three years working as a legal assistant for the San Francisco City Attorney's Office in the Juvenile Court. She served as Principal at Sacred Heart Broadway and Director of Schools at Sacred Heart Atherton. Over the years she has served tirelessly on the Boards at each of these institutions, as well as the Oakwood retirement home for the Religious and for Catholic Charities of San Francisco. She is currently a lecturer in theology and religious studies at the University of San Francisco. Hers has been a life of learning and helping others to learn, in a tradition of values-based education that she treasures.

Mr. Speaker, it is a great privilege to honor Sister Joan McKenna as she receives the 2002 St. Madeleine Sophie Barat Award. I ask my colleagues to join me in saluting her and thanking her for her extraordinary service to our community which has made us a stronger and better nation.

TRIBUTE TO ANGELINE LOUISE SAMUELSON

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 15, 2002

Mr. McINNIS. Mr. Speaker, it is with deep sadness that I recognize the life and passing of Angeline Louise Samuelson of Glenwood Springs, Colorado. Mrs. Samuelson recently passed away in October and, as her family mourns their loss, I would like to pay tribute to her life and the exceptional way in which she lived it.

Angie Samuelson was born in Osage City, Kansas, where she spent her childhood days living on her family's cattle ranch. She attended Osage City High School where she was a cheerleader and a member of the drama club. In 1940, Mrs. Samuelson graduated from nursing school and began working at Children's Hospital in Kansas City and at the University of Kansas Clinic. In 1944, she enlisted into the Naval Nursing Corps, and served in Coronado Island in San Diego, California through the duration of World War II.

In 1947, Mrs. Samuelson, along with her husband John Samuelson, began publishing the Glenwood Post newspaper. Mr. and Mrs. Samuelson were co-owners of the paper until they sold it in 1970, but Angeline stayed on with the paper until her retirement in 1982. Outside of work, Angie Samuelson stayed busy participating in a variety of volunteer activities. She was a member of the American Legion Auxiliary, the Valley View Hospital Auxiliary, and was a volunteer at the Frontier Historical Museum. She also liked to spend her free time in the company of friends and family, skiing, playing golf, and traveling. With a personality befitting a nurse, Mrs. Samuelson was constantly helping people and freely gave her time and energy to those she in need.

Mr. Speaker, it is with great admiration that I recognize the life and passing of Angeline Louise Samuelson before this body of Congress and this nation for the outstanding contributions she made to the Glenwood Springs community throughout her life. I extend my sincere condolences to her husband John and their children Lauraine, Chris, David, Paul, and Glen. Angie Samuelson lived her life with enormous energy and passion, and her goodwill and optimism are an inspiration to all who knew her.

RECOGNIZING COACH BOB BENNETT

HON. CALVIN M. DOOLEY

OF CALIFORNIA

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 15, 2002

Mr. DOOLEY of California. Mr. Speaker, I rise today to ask my fellow colleagues to join

me in recognizing Coach Bob Bennett on his retirement as the head coach of the Fresno State baseball team.

Coach Bennett has served as the head coach of the Fresno State Bulldogs since 1970, and he recently joined an exclusive club by becoming only the seventh coach in NCAA Division I history to win more than 1,300 games in his career. Prior to his appointment as head coach in 1970, Coach Bennett spent 11 years coaching high school baseball and was a standout catcher for Fresno State from 1952–1955.

During his coaching career, Bob Bennett enjoyed consistent success. This past season marked his 26th straight winning season as head coach. His teams have won or shared 17 divisional titles, advanced to the NCAA regionals 21 times and have gone to the College World Series twice, in 1988 and 1991. In 1988, the Fresno State Bulldogs were the top ranked team in the nation after a 32-game winning streak. Bennett has earned conference Coach of the Year honors 14 times and was named NCAA Coach of the Year by the Sporting News in 1988.

Beyond coaching success, Coach Bennett has helped build Pete Beiden Field into a well-respected venue for college sports. Under Coach Bennett's leadership Fresno State has become a consistent national leader in attendance and fan support.

Coach Bennett's service to Fresno State and the greater community has been outstanding. He is a role model that all coaches should look up too.

Mr. Speaker, I ask my colleagues to join me in honoring Coach Bob Bennett of the Fresno State Bulldogs, and congratulate him on his 45 years of service as a head coach in my community.

TRIBUTE TO JOHN H. TRIMBLE

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 15, 2002

Mr. McINNIS. Mr. Speaker, it is with deep respect that I recognize the life and passing of John H. Trimble of Fruita, Colorado. Mr. Trimble recently passed away in September and, as his family mourns their loss, I would like to pay tribute to the many contributions he has made to his community and to his country.

Mr. Trimble was born and raised in Pine Ridge, South Dakota where he lived on his family's farm. At age 17, John enlisted into the United States Army and eventually served in both the European and Pacific Theaters. He remained on active duty as part of the Occupational Forces in Germany until November 1946. The patriotism and valor of veterans like John have given our country's military a reputation for honor, distinction, and courage.

After the war, John returned to South Dakota and worked in farming and construction. In 1954, John began working for the National Park Service at Badlands National Park and then, in 1968, moved to Colorado where he would spend the next 21 years assigned to the Colorado National Monument. Outside of his job, John spent his free time working on cars, traveling and spending time with his wife and ten children. He was a lifetime member of the Veterans of Foreign Wars, the Fruita Town Council from 1986 until 1989, and the Public Works Commission from 1986 to 1996.

Mr. Speaker, it is with great admiration that I recognize the life and passing of Mr. John H. Trimble before this body of Congress for the service he has given to his country. My sincere condolences go out to the Trimble family, his wife Eva, their children Jerry, Larry, David, Karen, Steve, Tim, Mitch, Judy, John, and Betty, and all of their grandchildren and great grandchildren. Mr. Trimble served his country in a time of great need and uncertainty, and then continued to serve it as an outstanding steward of our National Parks; his loss will be deeply felt and our grateful nation will be forever in his debt.

HONORING CENTERPOINT ENERGY

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 15, 2002

Mr. BENTSEN. Mr. Speaker, the La Porte-Bayshore Chamber of Commerce will present CenterPoint Energy with the 2002 Industry of the Year Award at their Annual Salute to Industry. CenterPoint Energy and its employees have been faithfully serving the La Porte community for nearly 77 years, providing residents, businesses and industries with safe and reliable energy services.

The Industry of the Year Award, the highest honor presented by the La Porte-Bayshore Chamber of Commerce, is awarded each year to an area business whose mission emphasizes a strong commitment to the community.

CenterPoint Energy was first organized in 1882 as Houston Electric Lighting & Power. It was reorganized and renamed Houston Lighting and Power Company in 1905. In 1999, Reliant Energy HL&P/Entex, a division of Reliant Energy, was formed, and is the electricity and natural gas provider for the Houston metropolitan area. In 2001, Reliant Energy HL&P/Entex was renamed CenterPoint Energy in recognition of the vital role the company plays in the center of the energy chain between producers and the consumers. CenterPoint Energy is one of the largest electric utilities in the U.S. in terms of kilowatt-hour sales. It serves more than 1.6 million electricity customers over a 5,000 square mile area in and around Houston and more than 730,000 natural gas customers in the Houston area.

A true connection exists between CenterPoint and the La Porte-Bayshore community. Demonstrating their generosity and connection to community, the company's employees have logged more than 5,000 volunteer hours on projects in the La Porte-Bayshore area, including the Trash Bash at the San Jacinto Monument, Boy Scout's Osprey Project, and the Bayport Container Port Expansion Project. CenterPoint Energy has been a major sponsor of the Bay Day Festival held at Sylvan Beach in La Porte. Every year employees assemble Reliant Energy Village, a wetland project, in an effort to provide participants with hands on learning about the importance of habitat restoration, and habitat education.

CenterPoint employees' active involvement in the La Porte community can be traced through its participation in a wide variety of civic organizations, including the Citizen Advisory Group, La Porte Chamber of Commerce, and several community-based nonprofit organizations.

Mr. Speaker, I congratulate the employees of CenterPoint Energy on being named the La Porte-Bayshore Chamber of Commerce 2002 Industry of the Year. This honor is well-deserved for their work in expanding business and job opportunities, establishing safer conditions for workers, and initiatives to protect the environment. This award indicates that CenterPoint has demonstrated a commitment to strengthening community relations by supporting employees volunteer activities and making contributions to deserving sectors of the community.

TRIBUTE TO JENNIE MARQUEZ

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 15, 2002

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to honor an outstanding woman who has dedicated her life to caring for the elderly. Jennie Marquez of Alamosa, Colorado has given countless hours of devoted service to the people of her community as a Certified Nurse Aide, and it is my privilege to pay tribute to her before this body of Congress and this nation.

Jennie has worked as a restorative nurse aide in Alamosa for three years and been selected recently as the Certified Nurse Aide of the Year for the Pike's Peak Region of Colorado. Her endless smiles encourage residents of the Evergreen Nursing Home to listen to Jennie as she carefully explains their therapy program and its purpose. Her personable attentiveness to each resident has helped Jennie cultivate a reputation as a sincere and capable nurse aide. The positive demeanor Jennie possesses is visible whether she helps to buy much needed gowns for one resident or simply pauses to give an encouraging word to another.

Jennie, along with her husband of 16 years, Rafael, enjoys spending time with their son Jose and daughter Yesenia. Together they enjoy many Colorado outdoor activities, like fishing, hiking, and camping. Jennie's positive attitude is a credit to her personality as much as it is a testament to the dedication she displays to those around her.

Mr. Speaker, I stand today to honor Jennie Marquez for her outstanding service and excellent performance as a certified nurse aide. Jennie's efforts stand out as she brings comfort to her residents, gives them needed support, and helps them through their therapy. I am always glad to recognize Coloradans who continue to make this country great, and I am happy to count Jennie Marquez among them.

HONORING THE COUNCIL OF WOMEN FARMERS OF UKRAINE ON WORLD RURAL WOMEN'S DAY

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 15, 2002

Mr. SCHAFFER. Mr. Speaker, today, October 15th, is World Rural Women's Day. I rise

before the House on this occasion to honor the Council of Women Farmers of Ukraine and its contribution to Ukraine's agricultural and democratic development. During one of my visits to Ukraine, I was fortunate to visit leaders of this extraordinary organization to learn firsthand their remarkable unity and drive for success within Ukraine's expanding free market.

This organization began as a small group of women farmers in Ukraine who were willing to take on a male-dominated culture and industry. The challenges of an unstable economy, and, an agricultural sector in complete disarray only inspired and energized these enterprising farmers. Although this council developed with international aid, its origin represents a spontaneous indigenous grassroots quest for democracy.

As the council provided every level of assistance necessary for women farmers to succeed, it grew into a nationwide assistance network improving the status of rural Ukrainian women, raising their quality of life, and cultivating their managerial and entrepreneurial skills. Responding to the rapid growth of women in the industry, the council has opened several branch offices throughout the country, serving as information centers in 14 of the 24 oblasts throughout Ukraine and the autonomous Republic of Crimea in Ukraine.

The Council of Women Farmers of Ukraine provides assistance on a variety of issues, including legislation, financial management of farms, accounting, marketing, human resources management, business planning and business ethics, as well as scientific and specialized training. The council has also built an information and telecommunications network between its branch office information centers, training its members in the use of computers, email and the Internet. This assistance and training has enabled Ukraine's women farmers to build private enterprises, thereby empowering rural women to effectively influence the governmental processes.

In recognition of the Council's tremendous success thus far, I urge my colleagues to support similar programs with the intention of empowering rural women throughout the world, and in doing so, promote education, democratic development and financial and social stability.

Mr. Speaker, I congratulate the Council of Women Farmers of Ukraine on its success, I commend it for its courage and perseverance on this important commemorative day. Furthermore, I urge our friends in the Ukrainian Verkhovna Rada to recognize October 15th as Women Farmers of Ukraine on World Rural Women's Day.

TRIBUTE TO REY MOTORS

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 15, 2002

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to pay tribute to a family business that has become an integral part of the West Glenwood, Colorado community. Through their commitment to friendly service and exceptional quality, Rey Motors, owned by Jeanne Rey and her son Allyn Rey, has evolved with the community into a successful and proud business. It is my privilege to honor them today before this body of Congress and this nation for the hard work that has gone into building a successful dealership.

Originally established under other owners in the 1950s, Rey Motors now celebrates 25 years within the Rey family. Jeanne's late husband, Ernie, was a part of the business almost from the very start, working his way up under the different owners until finally buying the company in 1977. When Vail was still only a pasture, Ernie was taking cars out for farmers and ranchers to test drive at their homes.

The same commitment to Colorado values that Ernie incorporated into the Rey Motors lives on in the second generation of the Rey family. The tradition of molding the business to fit the community lives on as Jeanne and Allyn offer daily specials, as well as a casual sales floor atmosphere. Allyn has been a local volunteer fireman as well as a ski patrol volunteer at nearby Sunlight Mountain Resort. He and his wife of 20 years, Barbara, are raising a third generation of Reys through their children, Chris and Rachel.

Mr. Speaker, I stand today to pay tribute to Rey Motors and all the men and women who have made it a success. The Rey family, with the help of their knowledgeable employees and traditional friendly service, illustrate the values that keep our communities strong. I wish the entire crew at Rey Motors many more years of success.

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S10401–S10481

Measures Introduced: Three bills and three resolutions were introduced, as follows: S. 3111–3113, S. Res. 340–341, and S. Con. Res. 153. **Pages S10442–43**

Measures Reported:

H.R. 1070, to amend the Federal Water Pollution Control Act to authorize the Administrator of the Environmental Protection Agency to carry out projects and conduct research for remediation of sediment contamination in areas of concern in the Great Lakes, with an amendment in the nature of a substitute. (S. Rept. No. 107–312)

S. 3059, to provide for the distribution of judgment funds to the Assiniboine and Sioux Tribes of the Fort Peck Reservation. (S. Rept. No. 107–313)

Report to accompany S. 2556, to authorize the Secretary of the Interior to convey certain facilities to the Fremont-Madison Irrigation District in the State of Idaho. (S. Rept. No. 107–314)

H.R. 3034, to redesignate the facility of the United States Postal Service located at 89 River Street in Hoboken, New Jersey, as the ''Frank Sinatra Post Office Building''.

H.R. 3738, to designate the facility of the United States Postal Service located at 1299 North 7th Street in Philadelphia, Pennsylvania, as the ''Herbert Arlene Post Office Building''.

H.R. 3739, to designate the facility of the United States Postal Service located at 6150 North Broad Street in Philadelphia, Pennsylvania, as the ''Rev. Leon Sullivan Post Office Building''.

H.R. 3740, To designate the facility of the United States Postal Service located at 925 Dickinson Street in Philadelphia, Pennsylvania, as the ''William A. Cibotti Post Office Building''.

H.R. 4102, to designate the facility of the United States Postal Service located at 120 North Maine Street in Fallon, Nevada, as the ''Rollan D. Melton Post Office Building''.

H.R. 4717, to designate the facility of the United States Postal Service located at 1199 Pasadena Boulevard in Pasadena, Texas, as the ''Jim Fonteno Post Office Building''.

H.R. 4755, to designate the facility of the United States Postal Service located at 204 South Broad Street in Lancaster, Ohio, as the ''Clarence Miller Post Office Building''.

H.R. 4794, to designate the facility of the United States Postal Service located at 1895 Avenida Del Oro in Oceanside, California, as the ''Ronald C. Packard Post Office Building''.

H.R. 4797, to redesignate the facility of the United States Postal Service located at 265 South Western Avenue, Los Angeles, California, as the ''Nat King Cole Post Office''.

H.R. 4878, to provide for estimates and reports of improper payments by Federal agencies.

H.R. 5308, to designate the facility of the United States Postal Service located at 301 South Howes Street in Fort Collins, Colorado, as the ''Barney Apodaca Post Office''.

H.R. 5333, to designate the facility of the United States Postal Service located at 4 East Central Street in Worcester, Massachusetts, as the ''Joseph D. Early Post Office Building''.

H.R. 5336, to designate the facility of the United States Postal Service located at 380 Main Street in Farmingdale, New York, as the ''Peter J. Ganci, Jr. Post Office Building''.

S. 1651, to establish the United States Consensus Council to provide for a consensus building process in addressing national public policy issues, with an amendment in the nature of a substitute.

S. 2239, to amend the National Housing Act to simplify the downpayment requirements for FHA mortgage insurance for single family homebuyers, with amendments.

S. 2527, to provide for health benefits coverage under chapter 89 of title 5, United States Code, for individuals enrolled in a plan administered by the Overseas Private Investment Corporation.

S. 2828, to redesignate the facility of the United States Postal Service located at 6910 South Yorktown Avenue in Tulsa, Oklahoma, as the ''Robert Wayne Jenkins Station''.

S. 2840, to designate the facility of the United States Postal Service located at 120 North Main Street in Fallon, Nevada, as the ''Rollan D. Melton Post Office Building''.

S. 2918, to designate the facility of the United States Postal Service located at 380 Main Street in Farmingdale, New York, as the ''Peter J. Ganci, Jr. Post Office Building''.

S. 2929, to designate the facility of the United States Postal Service located at 265 South Western Avenue, Los Angeles, California, as the ''Nat King Cole Post Office''.

S. 2931, to designate the facility of the United States Postal Service located at 5805 White Oak Avenue in Encino, California, as the ''Francis Dayle 'Chick' Hearn Post Office''.

S. 2936, to amend chapter 84 of title 5, United States Code, to provide that certain Federal annuity computations are adjusted by 1 percent relating to periods of receiving disability payments, with an amendment in the nature of a substitute.

S. 3044, to authorize the Court Services and Offender Supervision Agency of the District of Columbia to provide for the interstate supervision of offenders on parole, probation, and supervised release. **Page S10442**

Measures Passed:

Feed America Thursday: Senate agreed to S. Res. 341, designating Thursday, November 21, 2002, as ''Feed America Thursday''. **Page S10472**

Robert T. Stafford Disaster Relief Extension: Senate passed S. 1632, to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to extend the deadline for submission of State recommendations of local governments to receive assistance for predisaster hazard mitigation and to authorize the President to provide additional repair assistance to individuals and households. **Pages S10472–73**

Jobs for Veterans Act: Committee on Veterans' Affairs was discharged from further consideration of H.R. 4015, to amend title 38, United States Code, to revise and improve employment, training, and placement services furnished to veterans, and the bill was then passed, after agreeing to the following amendment proposed thereto: **Pages S10476–79**

Daschle (for Rockefeller) Amendment No. 4884, in the nature of a substitute. **Page S10479**

National Assessment of Educational Progress Authorization: Committee on Health, Education, Labor, and Pensions was discharged from further consideration of H.R. 3801, to provide for improvement of Federal education research, statistics, evaluation, information, and dissemination, and the bill was then passed, after agreeing to the following amendment proposed thereto: **Pages S10480–81**

Daschle (for Kennedy) Amendment No. 4885, in the nature of a substitute. **Page S10481**

Election Reform Conference Report: Senate began consideration of the conference report on H.R. 3295, to require States and localities to meet uniform and nondiscriminatory election technology and administration requirements applicable to Federal elections, to establish grant programs to provide assistance to States and localities to meet those requirements and to improve election technology and the administration of Federal elections, to establish the Election Administration Commission. **Pages S10412–23**

A unanimous-consent agreement was reached amending the order of October 11, 2002, with respect to the conference report; that the Senate will continue consideration of the conference report at 11:40 a.m., on Wednesday, October 16, 2002. **Pages S10424, S10481**

By unanimous consent, Senate receded from its amendment to the title. **Page S10472**

A unanimous-consent agreement was reached providing that at 12 noon, on Wednesday, October 16, 2002, Senate will vote on the adoption of the conference report.

Reporting of Appropriation Bills—Agreement: By unanimous consent, Senate vitiated the pending cloture vote on the motion to proceed to consideration of S. Res. 304, encouraging the Senate Committee on Appropriations to report therein, fiscally responsible, bipartisan appropriations bills to the Senate not later than July 31, 2002, which was scheduled to occur at 12 noon, on Wednesday, October 16, 2002; that the Senate proceed to the consideration of the resolution upon the disposition of the conference report to accompany H.R. 5010, Department of Defense Appropriations Act. **Page S10424**

Defense Appropriations Conference Report—Agreement: A unanimous-consent agreement was reached amending the order of October 11, 2002, with respect to the consideration of H.R. 5010, making appropriations for the Department of Defense for the fiscal year ending September 30, 2003; that the Senate will begin consideration of the conference report at 2:15 p.m., on Wednesday, October 16, 2002. **Page S10424**

Department of Veterans Affairs Emergency Preparedness Act: Senate concurred in the amendment of the House to the amendment of the Senate to H.R. 3253, to amend title 38, United States Code, to provide for the establishment within the Department of Veterans Affairs of improved emergency medical preparedness, research, and education programs to combat terrorism, with a further amendment as follows: **Pages S10473–76**

Daschle (for Rockefeller) Amendment No. 4883, in the nature of a substitute. **Page S10476**

Messages From the House: **Pages S10440–41**

Measures Placed on Calendar: Page S10441
Executive Communications: Pages S10441–42
Additional Cosponsors: Pages S10443–44
Statements on Introduced Bills/Resolutions: Pages S10444–51
Additional Statements: Pages S10439–40
Amendments Submitted: Pages S10451–72

Adjournment: Senate met at 10 a.m., and adjourned at 5:57 p.m., until 10:40 a.m., on Wednesday, October 16, 2002. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S10481).

Committee Meetings

(Committees not listed did not meet)

NOMINATION

Committee on Armed Services: On Friday, October 12, Committee met in closed session to consider certain pending nominations, but did not take final action thereon, and recessed subject to call.

House of Representatives

Chamber Action:

Measures Introduced: Measures introduced will be found in the next issue.

Reports Filed: Reports were filed today as follows:

Filed on Friday, Oct. 11, H.R. 464, to establish the Kate Mullany National Historic Site in the State of New York (H. Rept. 107–743);

Filed on Friday, Oct. 11, H.R. 3148, to amend the Alaska Native Claims Settlement Act to provide equitable treatment of Alaska Native Vietnam Veterans, amended (H. Rept. 107–744);

Filed on Friday, Oct. 11, H.R. 4734, to expand Alaska Native contracting of Federal land management functions and activities and to promote hiring of Alaska Natives by the Federal Government within the State of Alaska, amended (H. Rept. 107–745);

Filed on Friday, Oct. 11, H.R. 4749, to reauthorize the Magnuson-Stevens Fishery Conservation and Management Act, amended (H. Rept. 107–746);

Filed on Friday, Oct. 11, H.R. 4844, to enhance ecosystem protection and the range of outdoor opportunities protected by statute in the Skykomish River valley of the State of Washington by designating certain lower-elevation Federal lands as wilderness, amended (H. Rept. 107–747);

H.R. 4757, to improve the national instant criminal background check system, and for other purposes, amended (H. Rept. 107–748);

S. 1339, to amend the Bring Them Home Alive Act of 2000 to provide an asylum program with regard to American Persian Gulf War POW/MIAs (H. Rept. 107–749, Pt. 1);

H.R. 5200, to establish wilderness areas, promote conservation, improve public land, and provide for high quality development in Clark County, Nevada, amended (H. Rept. 107–750);

H.R. 4840, to amend the Endangered Species Act of 1973 to ensure the use of sound science in the implementation of that Act, amended (H. Rept. 107–751);

H.R. 2386, to establish terms and conditions for use of certain Federal lands by outfitters and to facilitate public opportunities for the recreational use and enjoyment of such lands (H. Rept. 107–752, Pt. 1);

H.R. 4967, to establish new nonimmigrant classes for border commuter students (H. Rept. 107–753);

H.R. 2155, to amend title 18, United States Code, to make it illegal to operate a motor vehicle with a drug or alcohol in the body of the driver at a land border port of entry, amended (H. Rept. 107–754);

H. Res. 585, providing for consideration of H.J. Res. 123, making further continuing appropriations for the fiscal year 2003 (H. Rept. 107–755); and

H. Res. 586, waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules (H. Rept. 107–756); (See next issue.)

Speaker Pro Tempore: Read a letter from the Speaker wherein he appointed Representative Pence to act as Speaker pro tempore for today. Page H7899

Private Calendar: Agreed to dispense with the call of the Private Calendar. Page H7899

Recess: The House recessed at 12:33 p.m. and reconvened at 2 p.m. Page H7899

Suspensions: The House agreed to suspend the rules and pass the following measures:

Per-Pupil Expenditure Requirements: H.R. 5599, to apply guidelines for the determination of

per-pupil expenditure requirements for heavily impacted local educational agencies; **Pages H7900–01**

Persian Gulf War POW/MIA Accountability Act: S. 1339, to amend the Bring Them Home Alive Act of 2000 to provide an asylum program with regard to American Persian Gulf War POW/MIAs—clearing the measure for the President; **Pages H7901–02**

Border Commuter Student Act: H.R. 4967, to establish new nonimmigrant classes for border commuter students; **Pages H7908–10**

Our Lady of Peace Act: H.R. 4757, amended, to improve the national instant criminal background check system; and **Pages H7910–17**

Armed Forces Domestic Security Act: H.R. 5590, to amend title 10, United States Code, to provide for the enforcement and effectiveness of civilian orders of protection on military installations. **Pages H7917–20**

Suspension—Proceedings Postponed on Sober Borders Act: The House completed debate on the motion to suspend the rules and pass H.R. 2155, amended, to amend title 18, United States Code, to make it illegal to operate a motor vehicle with a drug or alcohol in the body of the driver at a land border port of entry. Further proceedings were postponed until Oct. 16. **Pages H7902–08**

Recess: The House recessed at 4:20 p.m. and reconvened at 6:57 p.m. **Page H7920**

Meeting Hour—Wednesday, Oct. 16: Agreed that when the House adjourns today, it adjourn to meet at noon on Wednesday, Oct. 16. **Page H7920**

Senate Messages: Message received from the Senate today appears on page H7899.

Quorum Calls—Votes: No quorum calls or recorded votes developed during the proceedings of the House today.

Adjournment: The House met at 12:30 p.m. and at 6:59 p.m. stands in recess subject to the call of the Chair.

Committee Meetings

FURTHER CONTINUING APPROPRIATIONS FISCAL YEAR 2003

Committee on Rules: Committee granted, by voice vote, a closed rule providing 1 hour of debate in the House on H.J. Res. 123, making further continuing appropriations for fiscal year 2003, equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. The rule waives all points of order against consideration of the joint resolution. The rule provides one motion to recommit. Finally, the rule provides that House Resolutions 550, 551, and 577 are laid on the table. Testimony was heard from Representative Obey.

SAME DAY CONSIDERATION OF RESOLUTION REPORTED BY COMMITTEE ON RULES

Committee on Rules: Committee granted, by voice vote, a resolution waiving clause 6(a) of rule XIII (requiring a two-thirds vote to consider a rule on the same day it is reported from the Rules Committee) against certain resolutions reported from the Rules Committee. The resolution applies the waiver to any special rule reported on the legislative day of Wednesday, October 16, 2002, providing for the consideration or disposition of a joint resolution making further continuing appropriations for the fiscal year 2003.

NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST, *October 10, 2002, p. D1078)*

S. 238, to authorize the Secretary of the Interior to conduct feasibility studies on water optimization in the Burnt River basin, Malheur River basin, Owyhee River basin, and Powder River Basin, Oregon. Signed on October 11, 2002. (Public Law 107–237)

S. 1175, to modify the boundary of Vicksburg National Military Park to include the property known as Pemberton's Headquarters. Signed on October 11, 2002. (Public Law 107–238)

S. 1325, to ratify an agreement between the Aleut Corporation and the United States of America to exchange land rights received under the Alaska Native Claims Settlement Act for certain land interests on Adak Island. Signed on October 11, 2002. (Public Law 107–239)

H.J. Res. 122, making further continuing appropriations for the fiscal year 2003. (Public Law 107–240)

COMMITTEE MEETINGS FOR WEDNESDAY, OCTOBER 16, 2002

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Appropriations: Subcommittee on Treasury and General Government, to hold hearings to examine the appropriateness of U.S. companies moving their headquarters to offshore tax havens, 10 a.m., SD–192.

Committee on Armed Services: to hold closed hearings to examine the nomination of Maj. Gen. Robert T. Clark, USA, for appointment to the grade of lieutenant general

and to be Commanding General, Fifth United States Army, 2 p.m., SR–222.

Committee on Banking, Housing, and Urban Affairs: Subcommittee on International Trade and Finance, to hold hearings to examine U.S. policy and the role of the international community concerning instability in Latin America, 10 a.m., SD–538.

Committee on Foreign Relations: to hold hearings to examine the current situation in Angola, 10 a.m., SD–419.

Full Committee, to hold hearings to examine the nominations of Collister Johnson, Jr., of Virginia, and John L. Morrison, of Minnesota, each to be a Member of the Board of Directors of the Overseas Private Investment Corporation, 2:30 p.m., SD–419.

Select Committee on Intelligence: closed business meeting to consider the nomination of Scott W. Muller, of Maryland, to be General Counsel of the Central Intelligence Agency, 12 noon, S–216, Capitol.

House

Committee on the Judiciary, Subcommittee on Immigration, Border Security, and Claims, oversight hearing on ''The United States and Canada Safe Third Country Agreement,'' 2 p.m., 2237 Rayburn.

Committee on Veterans' Affairs, hearing to review the Department of Veterans Affairs report on the National Cemetery system, 1 p.m., 334 Cannon.

Joint Meetings

Conference: meeting of conferees on H.R. 4546, to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, 5 p.m., S–207, Capitol.

Next Meeting of the SENATE

10:40 a.m., Wednesday, October 16

Senate Chamber

Program for Wednesday: After the transaction of any morning business (not to extend beyond 11:40 a.m.), Senate will continue consideration of the conference report on H.R. 3295, Election Reform, with a vote on the adoption of the conference report to occur at 12 noon.

At 2:15 p.m., Senate will consider the conference report on H.R. 5010, Department of Defense Appropriations Act, with a vote to occur on the adoption of the conference report.

(Senate will recess from 12:30 p.m. until 2:15 p.m., for their respective party conferences.)

Next Meeting of the HOUSE OF REPRESENTATIVES

12 noon, Wednesday, October 16

House Chamber

Program for Wednesday: Consideration of H.J. Res. 123, making further continuing appropriations (closed rule, one hour of debate).

Extensions of Remarks, as inserted in this issue

HOUSE

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(House proceedings for today will be continued in the next issue of the Record.)

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