

Second, the bill removes the obligation limitation from the Indian Reservation Roads program. This funding limitation was first applied to the IRR program in 1998 in TEA-21, and over the six years of TEA-21 the limitation will have cut about \$31 million per year in much-needed funding out of IRR. The IRR was not subject to any obligation limitation from 1983 to 1997, and my bill restores the program to the status it had before 1998.

Third, the bill restores the Indian Reservation Bridge Program with separate funding of \$90 million over six years. TEA-21 had eliminated separate funding for the Indian reservation bridge program in 1998. In addition, the bill streamlines the bridge program by expanding the allowable uses of bridge funding to include planning, design, engineering, construction, and inspection of Indian reservation road bridges.

Fourth, the bill increases the current limit for tribal transportation planning from 2 percent to 4 percent. These funds will be used by tribes to compile important transportation data and to forecast their future transportation needs and long-range plans. Many of the tribes have indicated they currently don't have funding for capacity building, and the additional planning funds in my bill would address this need.

Fifth, TEA-21 established a negotiated rule making for distribution of funds based on the relative needs of each tribe for transportation. To ensure the distribution is tied to actual needs, my bill requires the Secretary of Transportation to verify the existence of all roads that are part of the Indian reservation road system.

Sixth, I propose a new tribal transit program to provide direct funding to tribes from the Federal Transit Administration. The new program would parallel the existing Indian Reservation Roads program funded through FHWA. In general, while States may allocate to tribal areas some of their transit funding under the existing formula grant programs for transit for elderly and disabled, section 5210, and for non-urbanized areas, section 5311, they rarely do so. Because the tribes are at a disadvantage in having to compete for funding within the states, I believe we need a direct funding program to allow tribes to provide better transit services to young people, elderly, and others who lack access to private vehicles. The bill sets aside a very modest level of funding of \$120 million over six years for the new tribal transit program.

Seventh, the bill states the sense of Congress that the BIA should have sufficient funding to maintain all roads on the Indian Reservation Roads System. Federal funding for road maintenance is provided through the BIA's annual appropriation bill. Road maintenance has typically been funded at about \$25 million per year, about one-fifth of the level needed to protect the Federal investment in IRR roads.

Finally, the bill increases funding for the successful school bus route maintenance program for counties in Arizona, New Mexico, and Utah that maintain roads used by school buses on the Navajo Reservation. The funding over six years is \$24 million. Without this funding many of the children on the reservation would often not be able to get to school. I ask unanimous consent that a letter from Gallup McKinley County Public Schools describing this program be printed in the RECORD.

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

GALLUP MCKINLEY COUNTY
PUBLIC SCHOOLS,
Gallup, NM.

Hon. JEFF BINGAMAN,
U.S. Senate,
Washington, DC.

DEAR SENATOR BINGAMAN: The Gallup McKinley County Schools serve over 14 thousand students, of which 10,040 are bussed daily. Our District's school buses travel 9,235 miles daily. Several miles of these roads are primitive dirt roads with poor or no drainage, no guard rails, and some not maintained. The inability to safely negotiate school buses over these roads during wet, muddy and snowy conditions, greatly restricts our ability to provide adequate services for families living along these particular roadways. Continuing, and expanding, funding for school bus route maintenance is vital to providing safe and efficient transportation for thousands of students throughout our County.

The School bus route maintenance programs have helped tremendously. Our County Roads Division (McKinley County) has been tremendous in maintaining hundreds of miles of bus route roads. The bus route improvements made in the Bread Springs area have benefited families immensely. Along with graveling, they constructed a bus turnaround. Improvements have also been made and maintained in other areas in our County such as Rock Springs. This bus route was gravelled along with a gravelled bus turnaround. In Rock Springs, Mexican Springs, Coyote Canyon, and County Road 1 areas, similar improvements were made, allowing us to provide safe and efficient services for hundreds of families.

The School bus route program is a very important program, one that should continue and expand. The McKinley County Roads Division has worked diligently to provide safe access and passage for our School District's 160 school buses. Without the school bus route program, it will be impossible to maintain safe conditions on these roads. To insure the safety of our school children and families, the program must continue.

Your help in sponsoring bills in the past which address the unique situations with respect to school bus route roads have been greatly appreciated. Your continuing support of the school bus route program will enable our County Roads Division to improve and maintain hundreds of miles of school bus routes.

It is through these cooperative efforts that we are able to provide safe and efficient transportation for thousands of school children daily. Thank you for your continued efforts.

Sincerely,

BEN CHAVEZ,
GMCS Support Services.

Mr. BINGAMAN. The IRR system doesn't just serve Indian communities, but also visitors, including tourists,

recreational, commercial and industrial users of roads and transit throughout Indian country. For the tribes, transportation is an important contributor to economic development, self-determination, and employment for all Indian communities. This bill represents a very modest, but important step toward providing basic transportation services throughout Indian country.

The proposals in my bill are similar to many of the recommendations presented by Chairwoman Robyn Burdette of the Summit Lake Paiute Tribe of Nevada at the August 8 hearing of the Subcommittee on Transportation, Infrastructure, and Nuclear Safety of the Environment and Public Works Committee. In her testimony, Chairwoman Burdette specifically cited the need to remove the obligation limitation, increase funding for the IRR program, create new programs for transit and bridges, and increase funding for road maintenance in the Interior appropriations bill. All of these items are addressed in my bill.

In addition, my bill parallels most of the recommendations in the recent White Paper prepared by the National Congress of American Indians' TEA-21 Reauthorization Task Force.

I well appreciate that tribes in different regions of the country may have different views and proposals on how best to improve Indian transportation programs. I see my bill as just the first step in a yearlong process leading up to the reauthorization of the TEA-21. I do believe it is important that we start the process as soon as possible, and that is my goal in introducing this bill today. I hope that Chairman INOUE and Senator CAMPBELL of the Committee on Indian Affairs will soon hold hearings on the reauthorization of the Indian Reservation Roads Program. I look forward to working with them and the other members of the committee on developing a consensus proposal that is fair to all tribes.

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. 2971

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 "Tribal Transportation Program Improvement Act of 2002".

SEC. 2. INDIAN RESERVATION ROADS.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 1101(a)(8)(A) of the Transportation Equity Act for the 21st Century (112 Stat. 112) is amended by striking "of such title" and all that follows and inserting "of that title—

- “(i) \$225,000,000 for fiscal year 1998;
- “(ii) \$275,000,000 for each of fiscal years 1999 through 2003;
- “(iii) \$350,000,000 for fiscal year 2004;
- “(iv) \$425,000,000 for fiscal year 2005; and
- “(v) \$500,000,000 for each of fiscal years 2006 through 2009.”.

(b) OBLIGATION CEILING.—Section 1102(c)(1) of the Transportation Equity Act for the 21st Century (23 U.S.C. 104 note; 112 Stat. 116) is amended—

(1) by striking “distribute obligation” and inserting the following: “distribute—

“(A) obligation”;

(2) by inserting “and” after the semicolon at the end; and

(3) by adding at the end the following:

“(B) for any fiscal year after fiscal year 2003, any amount of obligation authority made available for Indian reservation road bridges under section 202(d)(4), and for Indian reservation roads under section 204, of title 23, United States Code;”.

(c) ADDITIONAL AUTHORIZATION OF CONTRACT AUTHORITY FOR STATES WITH INDIAN RESERVATIONS.—Section 1214(d)(5)(A) of the Transportation Equity Act for the 21st Century (23 U.S.C. 202 note; 112 Stat. 206) is amended by inserting before the period at the end the following: “, \$3,000,000 for each of fiscal years 2004 and 2005, \$4,000,000 for each of fiscal years 2006 and 2007, and \$5,000,000 for each of fiscal years 2008 and 2009”.

(d) INDIAN RESERVATION ROAD BRIDGES.—Section 202(d)(4) of title 23, United States Code, is amended—

(1) in subparagraph (B)—

(A) by striking “(B) RESERVATION.—Of the amounts” and all that follows through “to replace,” and inserting the following:

“(B) FUNDING.—

“(i) RESERVATION OF FUNDS.—Notwithstanding any other provision of law, there is authorized to be appropriated from the Highway Trust Fund \$15,000,000 for each of fiscal years 2004 through 2009 to carry out planning, design, engineering, construction, and inspection of projects to replace;” and

(B) by adding at the end the following:

“(ii) AVAILABILITY.—Funds made available to carry out this subparagraph shall be available for obligation in the same manner as if the funds were apportioned under chapter 1.”; and

(2) in subparagraph (D)—

(A) by striking “(D) APPROVAL REQUIREMENT.—” and inserting the following:

“(D) APPROVAL AND NEED REQUIREMENTS.—”;

(B) by striking “only on approval of the plans, specifications, and estimates by the Secretary.” and inserting “only—

“(i) on approval by the Secretary of plans, specifications, and estimates relating to the projects; and

“(ii) in amounts directly proportional to the actual need of each Indian reservation, as determined by the Secretary based on the number of deficient bridges on each reservation and the projected cost of rehabilitation of those bridges.”.

(e) FAIR AND EQUITABLE DISTRIBUTION.—Section 202(d) of title 23, United States Code, is amended by adding at the end the following:

“(5) FAIR AND EQUITABLE DISTRIBUTION.—To ensure that the distribution of funds to an Indian tribe under this subsection is fair, equitable, and based on valid transportation needs of the Indian tribe, the Secretary shall—

“(A) verify the existence, as of the date of the distribution, of all roads that are part of the Indian reservation road system; and

“(B) distribute funds based only on those roads.”.

(f) INDIAN RESERVATION ROADS PLANNING.—Section 204(j) of title 23, United States Code, is amended in the first sentence by striking “2 percent” and inserting “4 percent”.

SEC. 3. INDIAN RESERVATION RURAL TRANSIT PROGRAM.

Section 5311 of title 49, United States Code, is amended by adding at the end the following:

“(k) INDIAN RESERVATION RURAL TRANSIT PROGRAM.—

“(1) DEFINITION OF INDIAN TRIBE.—In this subsection, the term ‘Indian tribe’ has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

“(2) PROGRAM.—

“(A) IN GENERAL.—The Secretary of Transportation shall establish and carry out a program to provide competitive grants to Indian tribes to establish rural transit programs on reservations or other land under the jurisdiction of the Indian tribes.

“(B) AMOUNT OF GRANTS.—The amount of a grant provided to an Indian tribe under subparagraph (A) shall be based on the need of the Indian tribe, as determined by the Secretary of Transportation.

“(3) FUNDING.—Notwithstanding any other provision of law, for each fiscal year, of the amount made available to carry out this section under section 5338 for the fiscal year, the Secretary of Transportation shall use \$20,000,000 to carry out this subsection.”.

SEC. 4. SENSE OF CONGRESS REGARDING INDIAN RESERVATION ROADS.

(a) FINDINGS.—Congress finds that—

(1) the maintenance of roads on Indian reservations is a responsibility of the Bureau of Indian Affairs;

(2) amounts made available by the Federal Government as of the date of enactment of this Act for maintenance of roads on Indian reservations under section 204(c) of title 23, United States Code, comprise only 30 percent of the annual amount of funding needed for maintenance of roads on Indian reservations in the United States; and

(3) any amounts made available for construction of roads on Indian reservations will be wasted if those roads are not properly maintained.

(b) SENSE OF CONGRESS.—It is the sense of Congress that Congress should annually provide to the Bureau of Indian Affairs such funding as is necessary to carry out all maintenance of roads on Indian reservations in the United States.

By Mrs. SNOWE (for herself and Ms. COLLINS):

S. 2972. A bill to amend the Magnuson-Stevens Fishery Conservation and Management Act to provide for a cooperative research and management program, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Ms. SNOWE. Madam President, I rise today to introduce a bill which would help restore credibility in the National Oceanic and Atmospheric Administration, NOAA, and the National Marine Fisheries Service’s, NMFS, data collection programs and improve their cooperative research and management programs.

I am introducing this bill today because of recent events in New England in which a commercial fisherman noticed that the trawl warps on the NOAA research vessel, Albatross IV, were improperly marked. As a result of this mis-calibration, the groundfish stock assessment data gathered since February 2000 may be inaccurate and its usability for management purposes is questionable. This fish-counting error could not have come at a worse time for NMFS, which is under a federal judge’s order to impose some of New England’s strictest fishing restrictions by next August.

This revelation and the possibility of other discrepancies is severely eroding the credibility of NMFS’s stock assessments. These stock assessments form the foundation for all of our fisheries regulations and determine how many fish our fishermen can harvest. When these stock assessments are flawed and lack credibility, the entire process is adversely affected. We must act now to restore this credibility in the process and ensure that our stock assessments are as accurate as possible.

My bill would require the National Research Council to conduct an independent review of NMFS’ data collection techniques; its protocols through which stock assessment equipment is calibrated, operated, inspected, and maintained; the frequency and financial cost of these quality control checks; how the accuracy and validity of data collected with sampling equipment is verified; and how measurement error is accounted for in stock assessment modeling and analysis based on these data. The National Research Council completed a report on the Northeast Fishery stock assessment process in 1998, so this new study would build upon the previous one. This assessment will provide us with an independent baseline to determine the extent of NMFS’ data collection discrepancies.

Additionally, my bill will require NMFS to implement a national cooperative research program to facilitate industry involvement in data collection and stock assessments. I have also included a section that authorizes \$3 million to enable cooperative comparative trawl research between the NMFS and fishing industry participants in the Northeast multi-species groundfish fishery. The fishing industry has been calling for a commercial vessel to trawl alongside the NOAA’s vessels and this provision would require it. Nothing will help restore NMFS’s credibility more than having commercial fishermen verifying its data.

The third section of this bill would address a flexibility concern for fisheries management. Earlier this year NMFS came out with new biological targets for groundfish. In other words, NMFS increased how many fish there have to be in order for the fishery to be considered recovered. The law is not clear on whether or not a change in the biological targets means the time-line for recovery changes as well. NMFS has interpreted the law to mean that despite a change in the biological targets, the fish must be recovered in the same amount of time. Accordingly, I have drafted language which allows, but does not require, the Secretary to adjust the time allowed for recovery if the biological targets have changed in the middle of the rebuilding plan. This provision would clarify existing law and make Congress’ intent clearer.

As Ranking Member of the Subcommittee on Oceans, Atmosphere, and Fisheries, I am dedicated to ensuring that our stock assessments are as accurate as possible and the process we use

is transparent to all the stakeholders. This bill will allow us to take a critical step forward in ensuring that we can restore credibility and faith in this important process. I urge my colleagues to join me and support this bill.

I ask unanimous consent that the text of the bill be printed in the RECORD.

S. 2972

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 "Fisheries Research Improvement Act".

SEC. 2. INDEPENDENT PEER REVIEW OF DATA COLLECTION PROCEDURES.

The Magnuson-Stevens Fishery Conservation and Management Act is amended by adding at the end of Title IV the following: "**SEC. 408. PEER REVIEW.**

"The National Academy of Sciences shall review and recommend measures for improving National Marine Fisheries Service's procedures for ensuring data quality in the data collection phase of the stock assessment program. In this review, they shall address the quality control protocols through which stock assessment equipment is calibrated, operated, inspected, and maintained; the frequency and financial cost of these quality control checks; how the accuracy and validity of data collected with sampling equipment is verified; and how measurement error is accounted for in stock assessment modeling and analysis based on these data. This review shall apply to all activities that affect stock assessment data quality, whether conducted by the National Marine Fisheries Service or by National Marine Fisheries Service contractors."

SEC. 3. COOPERATIVE RESEARCH AND MANAGEMENT.

The Magnuson-Stevens Fishery Conservation and Management Act is amended by adding at the end the following:

"TITLE V—COOPERATIVE RESEARCH AND MANAGEMENT

"SEC. 501. ESTABLISHMENT OF PROGRAM.

"(a) IN GENERAL.—The Secretary shall establish a national cooperative research and management program to be administered by the National Marine Fisheries Service, based on recommendations by the Councils. The program shall consist of cooperative research and management activities between fishing industry participants, the affected States, and the Service.

"(b) RESEARCH AWARDS.—Each research project under this program shall be awarded on a standard competitive basis established by the Service, in consultation with the Councils. Each Council shall establish a research steering committee to carry out this subsection.

"(c) GUIDELINES.—The Secretary, in consultation with the appropriate Council and the fishing industry, shall create guidelines so that participants in this program are not penalized for loss of catch history or unexpended days-at-sea as part of a limited entry system.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the National Marine Fisheries Service, in addition to amounts otherwise authorized by this Act, the following amounts, to remain available until expended, for the conduct of this program:

- "(1) \$25,000,000 for fiscal year 2003.
- "(2) \$30,000,000 for fiscal year 2004.
- "(3) \$35,000,000 for fiscal year 2005.
- "(4) \$40,000,000 for fiscal year 2006.
- "(5) \$45,000,000 for fiscal year 2007.

"(e) NEW ENGLAND TRAWL SURVEY.—Of the funds authorized in subsection (d) \$3,000,000 shall be authorized for the purpose of cooperative comparative trawl research between the National Marine Fisheries Service and fishing industry participants for the Northeast multispecies groundfish fishery, which the Secretary shall design and administer with input from fishing industry participants and other interested stakeholders."

SEC. 4. REGULATORY FLEXIBILITY.

Section 304(e)(4)(A)(ii) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1854(e)(4)(A)(ii)) is amended to read as follows:

"(ii) not exceed 10 years, except in the case where a rebuilding target is changed during the rebuilding period, the Council or the Secretary may extend the time period for the rebuilding to accommodate the new target;"

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. 2973. A bill to designate the Federal building located at Fifth and Richardson Avenues in Roswell, New Mexico, as the "Joe Skeen Federal Building"; to the Committee on Environment and Public Works.

Mr. DOMENICI. Madam President, I rise today to introduce a bill to rename the Federal courthouse in Roswell, New Mexico for my longtime friend and ally, Representative JOE SKEEN.

I have had the highest honor of serving the State of New Mexico with this amazing man for more than 20 years. JOE was first elected to the House of Representatives in 1980 as a write-in candidate. He is only the third man in the history of this country to achieve this feat.

As great an accomplishment as this was, history will show that it was among the least of his great achievements. As I'm sure you can imagine, the litany of successes that JOE has had in his work for New Mexico is much too long to go into here today. Suffice it to say that New Mexico is infinitely better for having had JOE SKEEN representing us in Congress; this country is better for having had JOE participate in making decisions that affect the entire nation.

JOE will be the first to tell you that he has not done it on his own, however. He has had a partner in his great adventure who has walked beside him every step of the way. Mary, his wife of 57 years, has been a calming influence in the storm that is the life of a Congressman. She has made it possible for JOE to continue to be a ranching Representative, running the family ranch while JOE has served in Washington.

JOE has decided that it is time to return to that ranch to spend time with the family and the land that he loves so much. I know that Washington will go on without the Skeens but there is no way that it will be as a good a place.

It is only a small token of the appreciation New Mexico and this country have for his many years of service, but I believe that renaming the Federal Courthouse in Roswell, New Mexico is a fitting tribute to this exceptional public servant.

I ask unanimous consent that the text of the bill be printed in the RECORD.

S. 2973

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

SECTION 1. DESIGNATION.

The Federal building located at Fifth and Richardson Avenues in Roswell, New Mexico, shall be known and designated as the "Joe Skeen Federal Building".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in section 1 shall be deemed to be a reference to the Joe Skeen Federal Building.

SEC. 3. EFFECTIVE DATE.

This Act shall take effect on January 1, 2003.

By Mr. BOND (for himself, Mr. DODD, Mr. FRIST, and Mr. KENNEDY):

S. 2980. A bill to revise and extend the Birth Defects Prevention Act of 1998; to the Committee on Health, Education, Labor, and Pensions.

Mr. BOND. Madam President, I rise today to introduce the Birth Defects and Developmental Disabilities Prevention Act of 2002. It is a pleasure to work, once again, on this important issue with Senators DODD, KENNEDY and FRIST.

My interest in birth defects prevention began while I was Governor. As Governor I had secured dollars to fund the neonate care units at our hospitals in Missouri. These remarkable institutions and the dedicated men and women who serve there do a tremendous job of saving low birth weight babies and babies with severe birth defects.

As I visited those hospitals and held those tiny babies, the doctors and nurses who staffed these units asked me, "Why don't we do something to reduce the incidents of birth defects and the problems that bring the tiniest of infants to these very high-tech, specialized care units."

Since I became a Senator I have been working with colleagues on both sides of the aisle and with the March of Dimes to deal with this serious and compelling health problem facing America. Many people are not aware that birth defects affect over 3 percent of all births in America, and they are the leading cause of infant death.

This year alone, an estimated 150,000 babies will be born with a birth defect. Among the babies who survive, birth defects often result in lifelong disability. Medical care, special education, and many other services are often required into adulthood, costing families thousands of dollars each year.

In 1992, due to a terrible tragedy in Texas when at least 30 infants were born without or with little brain tissue over a short period of time, I introduced the Birth Defects Prevention Act.

Because at the time Texas did not have a birth defects surveillance system, and because our country did not have a comprehensive birth defects prevention and surveillance strategy, the severity of the problem was not

recognized until the incidence of birth defects was so high that it was difficult to miss.

In 1998, we passed the Birth Defects Prevention Act, which created a federal birth defects prevention and surveillance strategy. That was followed by the Children's Health Act of 2000, which established the National Center on Birth Defects and Developmental Disabilities at CDC. With these two important pieces of legislation Congress for the first time recognized that birth defect and developmental disabilities are major threats to children's health.

As a result, CDC, through eight regional Centers for Birth Defects Research and Prevention are collaborating on the largest study on the causes of birth defects ever undertaken, the National Birth Defects Prevention Study. CDC is also assisting 28 States by providing 3-year grants to improve their surveillance systems. We have come a long way in the past 5 years toward preventing certain birth defects, but we face many challenges ahead.

There is still much work to be done to improve the health of all Americans by preventing birth defects and developmental disabilities in children, promoting optimal child development and ensuring health and wellness among child and adults living with disabilities.

Today, with the introduction of this bill we have the opportunity to renew our commitment to birth defects prevention and to improve the quality of life of those living with disabilities. I look forward to working with my colleagues to ensure and enhance the well-being of our Nation's children.

Mr. FRIST. Madam President, I am pleased to join Senators BOND and DODD in re-introducing the "Birth Defects and Developmental Disabilities Prevention Act of 2002". This bill reauthorizes the National Center on Birth Defects and Developmental Disabilities (NCBDD) at the Centers for Disease Control and Prevention to promote optimal fetal, infant, and child development and prevent birth defects and childhood developmental disabilities.

Birth defects are the leading cause of infant mortality in the United States, accounting for more than 20% of all infant deaths. Of the 150,000 babies born with a birth defect in the United States each year, 8000 will die during their first year of life. In addition, birth defects are the fifth-leading cause of years of potential life lost and contribute substantially to childhood morbidity and long-term disability.

Congress passed the "Birth Defects Prevention Act in 1998"—a bill to assist States in developing, implementing, or expanding community-based birth defects tracking systems, programs to prevent birth defects, and activities to improve access to health services for children with birth defects. The authorization for this important legislation for this important legislation expires at the end of this year, and

the legislation we are introducing today will strengthen those important programs.

In order to educate health professionals and the general public, this legislation requires NCBDD to provide information on the incidence and prevalence of individuals living with birth defects and disabilities, any health disparities, experienced by such individuals, and recommendations for improving the health and wellness and quality of life of such individuals. The Clearinghouse will also contain a summary of recommendations from all birth defects research conferences sponsored by the agency including conferences related to spina bifida.

This legislation also clarifies advisory committees, already in existence, that have expertise in birth defects, developmental disabilities, and disabilities and health will be transferred to the National Center for Birth Defects.

This piece of legislation also supports a National Spina Bifida Program to prevent and reduce suffering from the nation's most common permanently disabling birth defect.

I ask that this piece of important legislation be reauthorized. I want to thank my colleagues, Senators BOND, DODD, and others, for the introduction of this initial piece of legislation in 1998 and for their continued initiatives on birth defects and developmental disabilities.

By Mr. VOINOVICH:

S. 2981. A bill to exclude certain wire rods from the scope of any anti-dumping or countervailing duty order issued as a result of certain investigations relating to carbon and certain alloy steel rods; to the Committee on Finance.

Mr. VOINOVICH. Mr. President, 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. 2981

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

SECTION 1. EXCLUSION OF CERTAIN WIRE RODS FROM ANTIDUMPING AND COUNTERVAILING DUTY ORDERS.

(a) IN GENERAL.—Notwithstanding any other provision of law, any antidumping or countervailing duty order that is issued as a result of antidumping investigations A-351-832, A-122-840, A-428-832, A-560-815, A-201-830, A-841-805, A-274-804, and A-823-812, or countervailing duty investigations C-351-833, C-122-841, C-428-833, C-274-805, and C-489-809, relating to carbon and certain alloy steel rods, shall not include wire rods that meet the American Welding Society ER70S-6 classification and are used to produce Mig Wire.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of enactment of this Act.

By Mr. CORZINE (for himself, Mr. FITZGERALD, Mr. SARBANES, and Mr. AKAKA):

S. 2982. A bill to establish a grant program to enhance the financial and

retirement literacy of mid-life and older Americans and to reduce financial abuse and fraud among such Americans, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. CORZINE. Mr. President, I rise today with my colleagues, Senators FITZGERALD, SARBANES, and AKAKA to introduce the Education for Retirement Security Act of 2002. This bill will provide access to badly needed financial and retirement education for millions of mid-life and older Americans whose retirement security is at stake.

Improving financial literacy has been a top priority for me in Congress. I believe it is a critical and complex task for Americans of all ages, but it is especially crucial for Americans as they approach retirement. In fact, low levels of savings and high levels of personal and real estate debt are serious problems for many households nearing retirement. Although today's older Americans are generally thought to be doing well, nearly one-out-of five, 18 percent, were living below 125 percent of the poverty line in 1995, which was a year of tremendous economic prosperity in our nation. And, only 53 percent of working Americans have any form of pension coverage. In addition, financial exploitation is the largest single category of abuse against older individuals, and this population comprises more than one-half of all telemarketing victims in the United States.

While education alone cannot solve our Nation's retirement woes, financial education is vital to enabling individuals to avoid scams and bad investment, mortgage, and pension decisions, and to ensuring that they have access to the tools they need to make sound financial decisions and prepare appropriately for a secure future. Indeed, the more limited time frame that mid-life and older Americans have in which to assess the realities of their individual circumstances, recover from bad economic choices, and to benefit from more informed financial practices make this education all the more critical. Financial literacy is also particularly important for older women, who are more likely to live in poverty and be dependent upon Social Security.

The Education for Retirement Security Act would create a competitive grant program that would provide resources to State and area agencies on aging and nonprofit community based organizations to provide financial education programs to mid-life and older Americans. The goal of these programs is to enhance these individuals' financial and retirement knowledge and reduce their vulnerability to financial abuse and fraud, including telemarketing, mortgage, and pension fraud.

My legislation also authorizes the creation of a national technical assistance program that would designate at least one national nonprofit organization that has substantial experience in

the field of financial education to provide training and make available instructional materials and information that promotes financial education.

Over the next thirty years, the percentage of Americans aged 65 and older is expected to double, from 35 million to nearly 75 million. Ensuring that these individuals are better prepared for retirement and are more informed about the economic decisions they face during retirement will have an important impact on the long term economic and social well-being of our nation.

I hope that as the Senate moves to address pension reform, my colleagues will work to address the issues outlined in this legislation. The recent rash of corporate and accounting scandals and the declining stock market have jeopardized the retirement savings of millions of Americans, making the need for financial literacy even more clear.

In closing, I would like to acknowledge the expertise and assistance that AARP, the Older Women's League, OWL, and the Women's Institute for a Secure Economic Retirement, WISER, offered to me in drafting this legislation.

I also ask unanimous consent that the text of my legislation be printed in the RECORD.

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

S. 2982

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 "Education for Retirement Security Act of 2002".

SEC. 2. FINDINGS.

Congress finds the following:

(1) Improving financial literacy is a critical and complex task for Americans of all ages.

(2) Low levels of savings and high levels of personal and real estate debt are serious problems for many households nearing retirement.

(3) Only 53 percent of working Americans have any form of pension coverage. Three out of four women aged 65 or over receive no income from employer-provided pensions.

(4) The more limited timeframe that mid-life and older individuals and families have to assess the realities of their individual circumstances, to recover from counter-productive choices and decisionmaking processes, and to benefit from more informed financial practices, has immediate impact and near term consequences for Americans nearing or of retirement age.

(5) Research indicates that there are now 4 basic sources of retirement income security. Those sources are social security benefits, pensions and savings, healthcare insurance coverage, and, for an increasing number of older individuals, necessary earnings from working during one's "retirement" years.

(6) The \$5,000,000,000,000 loss in stock market equity values since 2000 has had a significantly negative effect on mid-life and older individuals and on their pension plans and retirement accounts, affecting both individuals with plans to retire and those who are already in retirement.

(7) Although today's older individuals are generally thought to be doing well, nearly 1/3 (18 percent) of such individuals were living

below 125 percent of the poverty line during a year of national prosperity, 1995.

(8) Over the next 30 years, the number of older individuals in the United States is expected to double, from 35,000,000 to nearly 75,000,000, and long-term care costs are expected to skyrocket.

(9) Financial exploitation is the largest single category of abuse against older individuals and this population comprises more than 1/2 of all telemarketing victims in the United States.

(10) The Federal Trade Commission (FTC) Identity Theft Data Clearinghouse has reported that incidents of identity theft targeting individuals over the age of 60 increased from 1,821 victims in 2000 to 5,802 victims in 2001, a threefold increase.

SEC. 3. GRANT PROGRAM TO ENHANCE FINANCIAL AND RETIREMENT LITERACY AND REDUCE FINANCIAL ABUSE AND FRAUD AMONG MID-LIFE AND OLDER AMERICANS.

(a) AUTHORITY.—The Secretary is authorized to award grants to eligible entities to provide financial education programs to mid-life and older individuals who reside in local communities in order to—

(1) enhance financial and retirement knowledge among such individuals; and

(2) reduce financial abuse and fraud, including telemarketing, mortgage, and pension fraud, among such individuals.

(b) ELIGIBLE ENTITIES.—An entity is eligible to receive a grant under this section if such entity is—

(1) a State agency or area agency on aging; or

(2) a nonprofit organization with a proven record of providing—

(A) services to mid-life and older individuals;

(B) consumer awareness programs; or

(C) supportive services to low-income families.

(c) APPLICATION.—An eligible entity desiring a grant under this section shall submit an application to the Secretary in such form and containing such information as the Secretary may require, including a plan for continuing the programs provided with grant funds under this section after the grant expires.

(d) LIMITATION ON ADMINISTRATIVE COSTS.—A recipient of a grant under this section may not use more than 4 percent of the total amount of the grant in each fiscal year for the administrative costs of carrying out the programs provided with grant funds under this section.

(e) EVALUATION AND REPORT.—

(1) ESTABLISHMENT OF PERFORMANCE MEASURES.—The Secretary shall develop measures to evaluate the programs provided with grant funds under this section.

(2) EVALUATION ACCORDING TO PERFORMANCE MEASURES.—Applying the performance measures developed under paragraph (1), the Secretary shall evaluate the programs provided with grant funds under this section in order to—

(A) judge the performance and effectiveness of such programs;

(B) identify which programs represent the best practices of entities developing such programs for mid-life and older individuals; and

(C) identify which programs may be replicated.

(3) ANNUAL REPORTS.—For each fiscal year in which a grant is awarded under this section, the Secretary shall submit a report to Congress containing a description of the status of the grant program under this section, a description of the programs provided with grant funds under this section, and the results of the evaluation of such programs under paragraph (2).

SEC. 4. NATIONAL TRAINING AND TECHNICAL ASSISTANCE PROGRAM.

(a) AUTHORITY.—The Secretary is authorized to award a grant to 1 or more eligible entities to—

(1) create and make available instructional materials and information that promote financial education; and

(2) provide training and other related assistance regarding the establishment of financial education programs to eligible entities awarded a grant under section 3.

(b) ELIGIBLE ENTITIES.—An entity is eligible to receive a grant under this section if such entity is a national nonprofit organization with substantial experience in the field of financial education.

(c) APPLICATION.—An eligible entity desiring a grant under this section shall submit an application to the Secretary in such form and containing such information as the Secretary may require.

(d) BASIS AND TERM.—The Secretary shall award a grant under this section on a competitive, merit basis for a term of 5 years.

SEC. 5. DEFINITIONS.

In this Act:

(1) FINANCIAL EDUCATION.—The term "financial education" means education that promotes an understanding of consumer, economic, and personal finance concepts, including saving for retirement, long-term care, and estate planning and education on predatory lending and financial abuse schemes.

(2) MID-LIFE INDIVIDUAL.—The term "mid-life individual" means an individual aged 45 to 64 years.

(3) OLDER INDIVIDUAL.—The term "older individual" means an individual aged 65 or older.

(4) SECRETARY.—The term "Secretary" means the Secretary of Health and Human Services.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION.—There are authorized to be appropriated to carry out this Act, \$100,000,000 for each of the fiscal years 2003 through 2007.

(b) LIMITATION ON FUNDS FOR EVALUATION AND REPORT.—The Secretary may not use more than \$200,000 of the amounts appropriated under subsection (a) for each fiscal year to carry out section 3(e).

(c) LIMITATION ON FUNDS FOR TRAINING AND TECHNICAL ASSISTANCE.—The Secretary may not use less than 5 percent or more than 10 percent of amounts appropriated under subsection (a) for each fiscal year to carry out section 4.

STATEMENTS ON SUBMITTED RESOLUTIONS

SENATE RESOLUTION 328—DESIGNATING THE WEEK ON SEPTEMBER 22 THROUGH SEPTEMBER 28, 2002, AS "NATIONAL PARENTS WEEK"

Mr. DEWINE (for himself and Mr. VOINOVICH) submitted the following resolution, which was referred to the Committee on the Judiciary:

S. RES. 328

Whereas parents play an indispensable role in the rearing of their children;

Whereas good parenting is a time consuming, emotionally demanding task that is essential not only to the health of a household but to the well-being of our Nation;

Whereas without question, the future of our Nation depends largely upon the willingness of mothers and fathers, however busy or

distracted, to embrace their parental responsibilities and to vigilantly watch over and guide the lives of their children;

Whereas mothers and fathers must strive tirelessly to raise children in an atmosphere of decency, discipline, and devotion, where encouragement abounds and where kindness, affection, and cooperation are in plentiful supply;

Whereas the journey into adulthood can be perilous and lonely for a child without stability, direction, and emotional support;

Whereas children benefit enormously from parents with whom they feel safe, secure, and valued, and in an environment where parent and child alike can help one another achieve joy and fulfillment on a variety of levels; and

Whereas a safe and secure domestic climate contributes significantly to a child's development into a healthy, well-adjusted adult, and it is imperative that the general population not underestimate the favorable impact that positive parenting can have on society as a whole: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week of September 22 through September 28, 2002, as "National Parents Week"; and

(2) requests that the President issue a proclamation calling upon the people of the United States to observe that week with appropriate ceremonies and activities.

Mr. DEWINE. Madam President, I rise today to join my friend and colleague from Ohio, Senator VOINOVICH, to submit a resolution designating September 22 through September 28, as "National Parents Week."

As proud parents of eight children and now seven grandchildren, my wife, Fran, and I know that our Nation's future is in the hands of all children. To safeguard this future, parents must fulfill many demanding responsibilities. They must teach their children values, participate in their education, encourage their dreams, and comfort them in times of need. As any parent knows, this is not easy. It takes dedication, constant attention, and unconditional love. This resolution serves as a "thank you" to all parents across the nation working hard, day after day, to provide for their children emotionally, physically, spiritually, and materially.

It is very common today for a single parent to be solely tasked with the responsibility for raising his or her children. This month we have all remembered the over 100 babies who were born to widowed mothers after the tragic events of September 11, babies who will never know their fathers. We've also remembered the countless children who have been left fatherless or motherless due these events. Indeed, these single parents have an extremely challenging job ahead.

Studies indicate that children in families maintained by one parent face more challenges and are more likely than children raised in two-parent homes to do poorly in school, have emotional and behavioral problems, become teenage parents, and have poverty-level incomes as adults. These frightening facts, once again, show us that strong parental involvement is vital to children's development and long-term success.

Knowing the many risks kids face today, parents are increasingly getting involved in their children's lives from talking with them about drugs to making sure their homework is done to getting to know their child's friends and teachers. This resolution is important to let parents know that we are grateful to them and support them in their tasks. Parenthood is, at minimum, an eighteen-year full-time job, and takes unending commitment to ensure a bright and promising future for our country's children. And so today, I thank parents on behalf of a grateful Nation.

SENATE CONCURRENT RESOLUTION 142—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 THE FALLEN HEROES

Mr. SMITH of Oregon submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 142

Whereas for over 350 years the Nation's firefighters have dedicated their lives to the safety of their fellow Americans;

Whereas throughout the Nation's history many firefighters have fallen in the line of duty, leaving behind family members and friends who have grieved their untimely losses;

Whereas these individuals served with pride and honor as volunteer and career firefighters;

Whereas until 1980 there was not a tribute to honor these heroes for their acts of valor or a support system to help the families of these heroes rebuild their lives;

Whereas in 1992 Congress created the National Fallen Firefighters Foundation to lead a nationwide effort to remember the Nation's fallen firefighters through a variety of activities;

Whereas each year the National Fallen Firefighters Foundation hosts an annual memorial service to honor the memory of all firefighters who die in the line of duty and to bring support and counseling to their families;

Whereas in 2002 the memorial service will take place on October 5 and 6;

Whereas 445 fallen firefighters, including firefighters from nearly every State, will be honored in 2002; and

Whereas many of the family members of these firefighters are expected to attend the memorial service: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress supports the goals and ideas of a day of tribute to all firefighters who have died in the line of duty and recognizes the important mission of the Fallen Firefighters Foundation in assisting family members to overcome the loss of their fallen heroes.

SENATE CONCURRENT RESOLUTION 143—DESIGNATING OCTOBER 6, 2002, THROUGH OCTOBER 12, 2002, AS "NATIONAL 4-H YOUTH DEVELOPMENT PROGRAM WEEK"

Mr. INHOFE (for himself, Mrs. CARNAHAN, Mrs. CLINTON, Ms. LANDRIEU, Mr. BREAUX, Mrs. LINCOLN, Mr. LIEBERMAN, Ms. STABENOW, Mr. BIDEN, Mr. CLELAND, Mr. JOHNSON, Mr. MILLER, Mr. NELSON of Nebraska, Mr. EDWARDS, Mr. BAUCUS, Mr. REED, Mrs. MURRAY, Mr. BAYH, Mr. BOND, Mr. HAGEL, Mr. THURMOND, Mr. HELMS, Mr. BROWNBACK, Mr. ALLEN, Ms. COLLINS, Mr. STEVENS, Mr. ALLARD, Mr. THOMAS, Mr. CRAIG, Mr. MURKOWSKI, Mr. LUGAR, Mr. FRIST, Mr. NICKLES, Mr. BUNNING, Mrs. HUTCHISON, Mr. FITZGERALD, Mr. WARNER, Mr. ROBERTS, Mr. SHELBY, Mr. LOTT, Mr. CRAPO, Mr. GRASSLEY, Mr. SESSIONS, Mr. DEWINE, and Mr. COCHRAN) submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 143

Whereas the 4-H Youth Development Program celebrates its 100th anniversary in 2002;

Whereas members of the 4-H Youth Development Program pledge their Heads to clearer thinking, their Hearts to greater loyalty, their Hands to larger service, and their Health to better living for the club, the community, the country, and the world;

Whereas the 4-H Youth Development Program sponsors clubs in rural and urban areas throughout the world;

Whereas 4-H Clubs have grown to over 5,600,000 annual participants ranging from 5 to 19 years of age;

Whereas 4-H Clubs strengthen families and communities;

Whereas 4-H Clubs foster leadership and volunteerism for youth and adults;

Whereas 4-H Clubs build internal and external partnerships for programming and resource development;

Whereas today's 4-H Clubs are very diverse, offering projects relating to citizenship and civic education, communications and expressive arts, consumer and family sciences, environmental education and earth sciences, healthy lifestyle education, personal development and leadership, plants, animals, and science and technology; and

Whereas the 4-H Youth Development Program continues to make great contributions toward the development of well-rounded youth: Now, therefore, be it

Resolved, By the Senate (the House of Representatives concurring),

(1) recognizes the 100th anniversary of the 4-H Youth Development Program;

(2) commends such program for service to the youth of the world;

(3) designates October 6, 2002, through October 12, 2002, as "National 4-H Youth Development Program Week"; and

(4) requests that the President issue a proclamation calling on the people of the United States to observe "National 4-H Youth Development Program Week" with appropriate ceremonies and activities.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4679. Mr. INOUE (for himself, Mr. FEINGOLD, Ms. COLLINS, and Mr. CARPER) submitted an amendment intended to be proposed to amendment SA 4565 submitted by Mr. FEINGOLD (for himself, Ms. COLLINS, and Mr. CARPER) and intended to be proposed 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 4680. Mr. LEVIN (for himself, Mr. GRASSLEY, Mr. AKAKA, and Mr. LEAHY) submitted an amendment intended to be proposed by him to the bill H.R. 5005, supra; which was ordered to lie on the table.

SA 4681. Mr. LEVIN (for himself and Mr. MCCONNELL) submitted an amendment intended to be proposed by him to the bill H.R. 5005, supra; which was ordered to lie on the table.

SA 4682. Mr. GREGG (for himself, Mr. HOLINGS, Mr. SHELBY, Mr. HARKIN, Mr. STEVENS, Mr. INOUE, Mr. COCHRAN, Mr. HELMS, Mr. JOHNSON, Mr. SESSIONS, Mr. BINGAMAN, Mr. GRASSLEY, Ms. LANDRIEU, and Mrs. FEINSTEIN) submitted an amendment intended to be proposed by him to the bill H.R. 5005, supra; which was ordered to lie on the table.

SA 4683. Mr. GREGG (for himself, Mr. HOLINGS, Mr. SHELBY, Mr. HARKIN, Mr. STEVENS, Mr. INOUE, Mr. COCHRAN, Mr. HELMS, Mr. JOHNSON, Mr. SESSIONS, Mr. BINGAMAN, Mr. GRASSLEY, Ms. LANDRIEU, and Mrs. FEINSTEIN) submitted an amendment intended to be proposed by him to the bill H.R. 5005, supra; which was ordered to lie on the table.

SA 4684. Mr. GREGG (for himself, Mr. HOLINGS, Mr. SHELBY, Mr. HARKIN, Mr. STEVENS, Mr. INOUE, Mr. COCHRAN, Mr. HELMS, Mr. JOHNSON, Mr. SESSIONS, Mr. BINGAMAN, Mr. GRASSLEY, Ms. LANDRIEU, and Mrs. FEINSTEIN) submitted an amendment intended to be proposed by him to the bill H.R. 5005, supra; which was ordered to lie on the table.

SA 4685. Mr. BINGAMAN (for himself and Mr. DASCHLE) submitted an amendment intended to be proposed by him to the bill H.R. 5093, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table.

SA 4686. Mr. WELLSTONE submitted an amendment intended to be proposed by him to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table.

SA 4687. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 5005, supra; which was ordered to lie on the table.

SA 4688. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 5005, supra; which was ordered to lie on the table.

SA 4689. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill H.R. 5005, supra; which was ordered to lie on the table.

SA 4690. Mrs. CLINTON submitted an amendment intended to be proposed to amendment SA 4619 submitted by Mr. JEFFORDS (for himself, Mr. SMITH of New Hampshire, and Ms. SNOWE) and intended to be proposed 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 4691. Mrs. CLINTON submitted an amendment intended to be proposed to amendment SA 4619 submitted by Mr. JEFFORDS (for himself, Mr. SMITH of New Hampshire, and Ms. SNOWE) and intended to be proposed 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 4692. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill H.R. 5005, supra; which was ordered to lie on the table.

SA 4693. Mr. HATCH proposed an amendment to amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, supra.

SA 4694. Mr. LIEBERMAN (for himself and Mr. MCCAIN) proposed an amendment to

amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, supra.

TEXT OF AMENDMENTS

SA 4679. Mr. INOUE (for himself, Mr. FEINGOLD, Ms. COLLINS, and Mr. CARPER) submitted an amendment intended to be proposed to amendment SA 4565 submitted by Mr. FEINGOLD (for himself, Ms. COLLINS, and Mr. CARPER) and intended to be proposed 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 1, line 3, insert "TRIBAL," after "STATE".

On page 1, line 6, insert "Tribal," after "State".

On page 1, line 9, insert "tribal," after "State".

On page 2, line 4, strike "State and local government" and insert "State, tribal, and local governments".

On page 2, line 6, strike "State and local government" and insert "State, tribal, and local governments".

On page 2, line 8, strike "State and local government" and insert "State, tribal, and local governments".

On page 2, line 12, strike "State and local government" and insert "State, tribal, and local governments".

On page 2, line 16, insert "tribal," after "State".

On page 2, line 17, insert "and in each regional office of the Bureau of Indian Affairs" after "States".

On page 2, line 24, insert "tribal," after "State".

On page 3, line 2, insert "tribal," after "State".

On page 3, line 5, insert "tribal," after "State".

On page 3, strike lines 9 and 10 and insert the following:

of Department priorities—

(i) within each State and Indian tribe;

(ii) between States;

(iii) between Indian tribes; and

(iv) between States and Indian tribes.

On page 3, line 13, insert "and for each regional office of the Bureau of Indian Affairs" after "Columbia".

On page 3, line 16, insert "or for Indian tribes covered by that regional office of the Bureau of Indian Affairs, as the case may be" after "District".

On page 3, line 19, insert "tribal," after "State".

On page 3, line 24, insert "tribal," after "State".

On page 4, line 6, insert "tribal," after "State".

On page 4, line 10, insert "tribal," after "State".

On page 4, line 14, insert "tribal," after "State".

On page 4, line 16, insert "tribal," after "State".

On page 4, line 23, insert "tribal," after "State".

On page 5, line 2, insert "tribal," after "State".

On page 5, line 4, insert "tribal," after "State".

On page 5, line 8, insert "and Indian tribes" after "States".

On page 5, line 13, insert "TRIBAL," after "STATE".

On page 5, line 17, insert "Tribal," after "State".

On page 5, line 23, insert "tribal," after "State".

On page 6, line 1, insert "tribal," after "State".

On page 6, line 21, insert "Tribal," after "State".

On page 9, line 14, insert "tribal," after "State".

SA 4680. Mr. LEVIN (for himself, Mr. GRASSLEY, Mr. AKAKA, and Mr. LEAHY) submitted an amendment intended to be proposed by him to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment insert the following:

TITLE VI—PROTECTION OF CERTAIN DISCLOSURES OF INFORMATION BY FEDERAL EMPLOYEES

SEC. 601. PROTECTION OF CERTAIN DISCLOSURES OF INFORMATION BY FEDERAL EMPLOYEES.

(a) CLARIFICATION OF DISCLOSURES COVERED.—Section 2302(b)(8) of title 5, United States Code, is amended—

(1) in subparagraph (A)—

(A) by striking "which the employee or applicant reasonably believes evidences" and inserting "without restriction to time, place, form, motive, context, or prior disclosure made to any person by an employee or applicant, including a disclosure made in the ordinary course of an employee's duties, that the employee or applicant reasonably believes is evidence of"; and

(B) in clause (i), by striking "a violation" and inserting "any violation";

(2) in subparagraph (B)—

(A) by striking "which the employee or applicant reasonably believes evidences" and inserting "without restriction to time, place, form, motive, context, or prior disclosure made to any person by an employee or applicant, including a disclosure made in the ordinary course of an employee's duties, to the Special Counsel, or to the Inspector General of an agency or another employee designated by the head of the agency to receive such disclosures, of information that the employee or applicant reasonably believes is evidence of"; and

(B) in clause (i), by striking "a violation" and inserting "any violation (other than a violation of this section)"; and

(3) by adding at the end the following:

"(C) a disclosure that—

"(i) is made by an employee or applicant of information required by law or Executive order to be kept secret in the interest of national defense or the conduct of foreign affairs that the employee or applicant reasonably believes is evidence of—

"(I) any violation of any law, rule, or regulation;

"(II) gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety; or

"(III) a false statement to Congress on an issue of material fact; and

"(ii) is made to—

"(I) a member of a committee of Congress having a primary responsibility for oversight of a department, agency, or element of the Federal Government to which the disclosed information relates and who is authorized to receive information of the type disclosed;

"(II) any other Member of Congress who is authorized to receive information of the type disclosed; or

"(III) an employee of the executive branch or Congress who has the appropriate security

clearance for access to the information disclosed.”.

(b) COVERED DISCLOSURES.—Section 2302(b) of title 5, United States Code, is amended—

(1) in the matter following paragraph (12), by striking “This subsection” and inserting the following:

“This subsection”; and

(2) by adding at the end the following:

“In this subsection, the term ‘disclosure’ means a formal or informal communication or transmission.”.

(c) REBUTTABLE PRESUMPTION.—Section 2302(b) of title 5, United States Code, is amended by adding after the matter following paragraph (12) (as amended by subsection (b) of this section) the following:

“For purposes of paragraph (8), any presumption relating to the performance of a duty by an employee who has authority to take, direct others to take, recommend, or approve any personnel action may be rebutted by substantial evidence.”.

(d) NONDISCLOSURE POLICIES, FORMS, AND AGREEMENTS; SECURITY CLEARANCES; AND RETALIATORY INVESTIGATIONS.—

(1) PERSONNEL ACTION.—Section 2302(a)(2)(A) of title 5, United States Code, is amended—

(A) in clause (x), by striking “and” after the semicolon; and

(B) by redesignating clause (xi) as clause (xiv) and inserting after clause (x) the following:

“(xi) the implementation or enforcement of any nondisclosure policy, form, or agreement;

“(xii) a suspension, revocation, or determination relating to a security clearance;

“(xiii) an investigation of an employee or applicant for employment because of any activity protected under this section; and”.

(2) PROHIBITED PERSONNEL PRACTICE.—Section 2302(b) of title 5, United States Code, is amended—

(A) in paragraph (11), by striking “or” at the end;

(B) in paragraph (12), by striking the period and inserting a semicolon; and

(C) by inserting after paragraph (12) the following:

“(13) implement or enforce any nondisclosure policy, form, or agreement, if such policy, form, or agreement does not contain the following statement:

“These provisions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by Executive Order No. 12958; section 7211 of title 5, United States Code (governing disclosures to Congress); section 1034 of title 10, United States Code (governing disclosure to Congress by members of the military); section 2302(b)(8) of title 5, United States Code (governing disclosures of illegality, waste, fraud, abuse, or public health or safety threats); the Intelligence Identities Protection Act of 1982 (50 U.S.C. 421 et seq.) (governing disclosures that could expose confidential Government agents); and the statutes which protect against disclosures that could compromise national security, including sections 641, 793, 794, 798, and 952 of title 18, United States Code, and section 4(b) of the Subversive Activities Control Act of 1950 (50 U.S.C. 783(b)). The definitions, requirements, obligations, rights, sanctions, and liabilities created by such Executive order and such statutory provisions are incorporated into this agreement and are controlling.”; or

“(14) conduct, or cause to be conducted, an investigation of an employee or applicant for employment because of any activity protected under this section.”.

(3) BOARD AND COURT REVIEW OF ACTIONS RELATING TO SECURITY CLEARANCES.—

(A) IN GENERAL.—Chapter 77 of title 5, United States Code, is amended by inserting after section 7702 the following:

“§ 7702a. Actions relating to security clearances

“(a) In any appeal relating to the suspension, revocation, or other determination relating to a security clearance, the Merit Systems Protection Board or a court—

“(1) shall determine whether section 2302 was violated;

“(2) may not order the President to restore a security clearance; and

“(3) subject to paragraph (2), may issue declaratory relief and any other appropriate relief.

“(b)(1) If, in any final judgment, the Board or court declares that any suspension, revocation, or other determination with regards to a security clearance was made in violation of section 2302, the affected agency shall conduct a review of that suspension, revocation, or other determination, giving great weight to the Board or court judgment.

“(2) Not later than 30 days after any Board or court judgment declaring that a security clearance suspension, revocation, or other determination was made in violation of section 2302, the affected agency shall issue an unclassified report to the congressional committees of jurisdiction (with a classified annex if necessary), detailing the circumstances of the agency’s security clearance suspension, revocation, or other determination. A report under this paragraph shall include any proposed agency action with regards to the security clearance.

“(c) An allegation that a security clearance was revoked or suspended in retaliation for a protected disclosure shall receive expedited review by the Office of Special Counsel, the Merit Systems Protection Board, and any reviewing court.”.

(B) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 77 of title 5, United States Code, is amended by inserting after the item relating to section 7702 the following:

“7702a. Actions relating to security clearances.”.

(e) EXCLUSION OF AGENCIES BY THE PRESIDENT.—Section 2302(a)(2)(C) of title 5, United States Code, is amended by striking clause (ii) and inserting the following:

“(ii)(I) the Federal Bureau of Investigation, the Central Intelligence Agency, the Defense Intelligence Agency, the National Imagery and Mapping Agency, the National Security Agency; and

“(II) as determined by the President, any Executive agency or unit thereof the principal function of which is the conduct of foreign intelligence or counterintelligence activities, if the determination (as that determination relates to a personnel action) is made before that personnel action; or”.

(f) ATTORNEY FEES.—Section 1204(m)(1) of title 5, United States Code, is amended by striking “agency involved” and inserting “agency where the prevailing party is employed or has applied for employment”.

(g) COMPENSATORY DAMAGES.—Section 1214(g)(2) of title 5, United States Code, is amended by inserting “compensatory or” after “foreseeable”.

(h) DISCIPLINARY ACTION.—Section 1215 of title 5, United States Code, is amended in subsection (a), by striking paragraph (3) and inserting the following:

“(3)(A) A final order of the Board may impose disciplinary action consisting of removal, reduction in grade, debarment from Federal employment for a period not to exceed 5 years, suspension, reprimand, or an assessment of a civil penalty not to exceed \$1000.

“(B) In any case in which the Board finds that an employee has committed a prohib-

ited personnel practice under section 2303(b) (8) or (9), the Board shall impose disciplinary action if the Board finds that protected activity was a significant motivating factor in the decision to take, fail to take, or threaten to take or fail to take a personnel action, unless that employee demonstrates, by preponderance of evidence, that the employee would have taken, failed to take, or threatened to take or fail to take the same personnel action, in the absence of such protected activity.”.

(i) DISCLOSURES TO CONGRESS.—Section 2302 of title 5, United States Code, is amended by adding at the end the following:

“(f) Each agency shall establish a process that provides confidential advice to employees on making a lawful disclosure to Congress of information that is specifically required by Executive order to be kept secret in the interest of national defense or the conduct of foreign affairs.”.

(j) AUTHORITY OF SPECIAL COUNSEL RELATING TO CIVIL ACTIONS.—

(1) REPRESENTATION OF SPECIAL COUNSEL.—Section 1212 of title 5, United States Code, is amended by adding at the end the following:

“(h) Except as provided in section 518 of title 28, relating to litigation before the Supreme Court, attorneys designated by the Special Counsel may appear for the Special Counsel and represent the Special Counsel in any civil action brought in connection with section 2302(b)(8) or subchapter III of chapter 73, or as otherwise authorized by law.”.

(2) JUDICIAL REVIEW OF MERIT SYSTEMS PROTECTION BOARD DECISIONS.—Section 7703 of title 5, United States Code, is amended by adding at the end the following:

“(e)(1) Except as provided under paragraph (2), this paragraph shall apply to any review obtained by the Special Counsel. The Special Counsel may obtain review of any final order or decision of the Board by filing a petition for judicial review in the United States Court of Appeals for the Federal Circuit if the Special Counsel determines, in the discretion of the Special Counsel, that the Board erred in deciding a case arising under section 2302(b)(8) or subchapter III of chapter 73 and that the Board’s decision will have a substantial impact on the enforcement of section 2302(b)(8) or subchapter III of chapter 73. If the Special Counsel was not a party or did not intervene in a matter before the Board, the Special Counsel may not petition for review of a Board decision under this section unless the Special Counsel first petitions the Board for reconsideration of its decision, and such petition is denied. In addition to the named respondent, the Board and all other parties to the proceedings before the Board shall have the right to appear in the proceedings before the Court of Appeals. The granting of the petition for judicial review shall be at the discretion of the Court of Appeals.

“(2) During the 5-year period beginning on February 1, 2003, this paragraph shall apply to any review obtained by the Special Counsel. The Special Counsel may obtain review of any final order or decision of the Board by filing a petition for judicial review in the United States Court of Appeals for the Federal Circuit or any court of appeals of competent jurisdiction if the Special Counsel determines, in the discretion of the Special Counsel, that the Board erred in deciding a case arising under section 2302(b)(8) or subchapter III of chapter 73 and that the Board’s decision will have a substantial impact on the enforcement of section 2302(b)(8) or subchapter III of chapter 73. If the Special Counsel was not a party or did not intervene in a matter before the Board, the Special Counsel may not petition for review of a Board decision under this section unless the Special Counsel first petitions the Board for reconsideration of its decision, and such petition

is denied. In addition to the named respondent, the Board and all other parties to the proceedings before the Board shall have the right to appear in the proceedings before the court of appeals. The granting of the petition for judicial review shall be at the discretion of the court of appeals."

(k) JUDICIAL REVIEW.—

(1) IN GENERAL.—Section 7703(b) of title 5, United States Code, is amended by striking paragraph (1) and inserting the following:

"(b)(1)(A) Except as provided in subparagraph (B) and paragraph (2) of this subsection, a petition to review a final order or final decision of the Board shall be filed in the United States Court of Appeals for the Federal Circuit. Notwithstanding any other provision of law, any petition for review must be filed within 60 days after the date the petitioner received notice of the final order or decision of the Board.

"(B) During the 5-year period beginning on February 1, 2003, a petition to review a final order or final decision of the Board shall be filed in the United States Court of Appeals for the Federal Circuit or the United States Court of Appeals for the circuit in which the petitioner resides. Notwithstanding any other provision of law, any petition for review must be filed within 60 days after the date the petitioner received notice of the final order or decision of the Board."

(2) REVIEW OBTAINED BY OFFICE OF PERSONNEL MANAGEMENT.—Section 7703 of title 5, United States Code, is amended by striking subsection (d) and inserting the following:

"(d)(1) Except as provided under paragraph (2), this paragraph shall apply to any review obtained by the Director of the Office of Personnel Management. The Director of the Office of Personnel Management may obtain review of any final order or decision of the Board by filing, within 60 days after the date the Director received notice of the final order or decision of the Board, a petition for judicial review in the United States Court of Appeals for the Federal Circuit if the Director determines, in his discretion, that the Board erred in interpreting a civil service law, rule, or regulation affecting personnel management and that the Board's decision will have a substantial impact on a civil service law, rule, regulation, or policy directive. If the Director did not intervene in a matter before the Board, the Director may not petition for review of a Board decision under this section unless the Director first petitions the Board for a reconsideration of its decision, and such petition is denied. In addition to the named respondent, the Board and all other parties to the proceedings before the Board shall have the right to appear in the proceeding before the Court of Appeals. The granting of the petition for judicial review shall be at the discretion of the Court of Appeals.

"(2) During the 5-year period beginning on February 1, 2003, this paragraph shall apply to any review obtained by the Director of the Office of Personnel Management. The Director of the Office of Personnel Management may obtain review of any final order or decision of the Board by filing, within 60 days after the date the Director received notice of the final order or decision of the Board, a petition for judicial review in any appellate court of competent jurisdiction as provided under subsection (b)(2) if the Director determines, in his discretion, that the Board erred in interpreting a civil service law, rule, or regulation affecting personnel management and that the Board's decision will have a substantial impact on a civil service law, rule, regulation, or policy directive. If the Director did not intervene in a matter before the Board, the Director may not petition for review of a Board decision under this section unless the Director first petitions the Board

for a reconsideration of its decision, and such petition is denied. In addition to the named respondent, the Board and all other parties to the proceedings before the Board shall have the right to appear in the proceeding before the court of appeals. The granting of the petition for judicial review shall be at the discretion of the Court of Appeals."

(l) NONDISCLOSURE POLICIES, FORMS, AND AGREEMENTS.—

(1) IN GENERAL.—

(A) REQUIREMENT.—Each agreement in Standard Forms 312 and 414 of the Government and any other nondisclosure policy, form, or agreement of the Government shall contain the following statement: "These restrictions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by Executive Order No. 12958; section 7211 of title 5, United States Code (governing disclosures to Congress); section 1034 of title 10, United States Code (governing disclosure to Congress by members of the military); section 2302(b)(8) of title 5, United States Code (governing disclosures of illegality, waste, fraud, abuse or public health or safety threats); the Intelligence Identities Protection Act of 1982 (50 U.S.C. 421 et seq.) (governing disclosures that could expose confidential Government agents); and the statutes which protect against disclosure that may compromise the national security, including sections 641, 793, 794, 798, and 952 of title 18, United States Code, and section 4(b) of the Subversive Activities Act of 1950 (50 U.S.C. 783(b)). The definitions, requirements, obligations, rights, sanctions, and liabilities created by such Executive order and such statutory provisions are incorporated into this agreement and are controlling."

(B) ENFORCEABILITY.—Any nondisclosure policy, form, or agreement described under subparagraph (A) that does not contain the statement required under subparagraph (A) may not be implemented or enforced to the extent such policy, form, or agreement is inconsistent with that statement.

(2) PERSONS OTHER THAN FEDERAL EMPLOYEES.—Notwithstanding paragraph (1), a nondisclosure policy, form, or agreement that is to be executed by a person connected with the conduct of an intelligence or intelligence-related activity, other than an employee or officer of the United States Government, may contain provisions appropriate to the particular activity for which such document is to be used. Such form or agreement shall, at a minimum, require that the person will not disclose any classified information received in the course of such activity unless specifically authorized to do so by the United States Government. Such nondisclosure forms shall also make it clear that such forms do not bar disclosures to Congress or to an authorized official of an executive agency or the Department of Justice that are essential to reporting a substantial violation of law.

SA 4681. Mr. LEVIN (for himself and Mr. MCCONNELL) submitted an amendment intended to be proposed by him to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . . . PRIVATE SECURITY OFFICERS RECORD REVIEWS.

(a) FINDINGS.—Congress finds that—

(1) employment of private security officers in the United States is growing rapidly;

(2) private security officers function as an adjunct to, but not a replacement for, public

law enforcement by helping to reduce and prevent crime;

(3) such private security officers protect individuals, property, and proprietary information, and provide protection to such diverse operations as banks, hospitals, research and development centers, manufacturing facilities, defense and aerospace contractors, high technology businesses, nuclear power plants, chemical companies, oil and gas refineries, airports, communication facilities and operations, office complexes, schools, residential properties, apartment complexes, gated communities, and others;

(4) sworn law enforcement officers provide significant services to the citizens of the United States in its public areas, and are supplemented by private security officers;

(5) the threat of additional terrorist attacks requires cooperation between public and private sectors and demands professional, reliable, and responsible security officers for the protection of people, facilities, and institutions;

(6) the trend in the Nation toward growth in such security services has accelerated rapidly;

(7) such growth makes available more public sector law enforcement officers to combat serious and violent crimes, including terrorism;

(8) the American public deserves the employment of qualified, well-trained private security personnel as an adjunct to sworn law enforcement officers; and

(9) private security officers and applicants for private security officer positions should be thoroughly screened and trained.

(b) DEFINITIONS.—In this section:

(1) EMPLOYEE.—The term "employee" includes both a current employee and an applicant for employment as a private security officer.

(2) AUTHORIZED EMPLOYER.—The term "authorized employer" means any person that—

(A) employs private security officers; and

(B) is authorized by regulations promulgated by the Attorney General to request a criminal history record information search of an employee through a State identification bureau pursuant to this section.

(3) PRIVATE SECURITY OFFICER.—The term "private security officer"—

(A) means an individual other than an employee of a Federal, State, or local government, whose primary duty is to perform security services, full- or part-time, for consideration, whether armed or unarmed and in uniform or plain clothes; but

(B) does not include—

(i) employees whose duties are primarily internal audit or credit functions;

(ii) employees of electronic security system companies acting as technicians or monitors; or

(iii) employees whose duties primarily involve the secure movement of prisoners.

(4) SECURITY SERVICES.—The term "security services" means acts to protect people or property as defined by regulations promulgated by the Attorney General.

(5) STATE IDENTIFICATION BUREAU.—The term "State identification bureau" means the State entity designated by the Attorney General for the submission and receipt of criminal history record information.

(c) CRIMINAL HISTORY RECORD INFORMATION SEARCH.—

(1) IN GENERAL.—

(A) SUBMISSION OF FINGERPRINTS.—An authorized employer may submit to the State identification bureau of a participating State, fingerprints or other means of positive identification, as determined by the Attorney General, of an employee of such employer for purposes of a criminal history record information search pursuant to this section.