amendment to the Constitution. The Civil War was over, but African Americans still were not guaranteed the rights of citizens. The 13th amendment had banned slavery, but many States were still refusing basic rights to black people.

In 1868, Thaddeus Stevens of Lancaster, Pennsylvania introduced the 14th amendment to fix that. His amendment guaranteed that all persons born in the United States were citizens, not just of this country, but also of the State where they lived. Thaddeus Stevens fought hard for the 14th amendment.

However, the 14th amendment was not enough for him. He wanted full equality among the races, but that was too much for his contemporaries. Disappointed, Stevens said that he would ''Take all I can get in the cause of humanity and leave it to be perfected by better men in better times.''

Stevens died soon afterwards and was buried in the only cemetery in Lancaster that did not discriminate. His tombstone reads this way: ''I repose in this quiet and secluded spot, that I might illustrate in my death the principes which I advocated through a long life: equality of man before his Creator.''

Mr. Speaker, Thaddeus Stevens was a great man indeed.

## THE GIRL SCOUTS ARE A FIRST CLASS ORGANIZATION

(Mr. COBLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COBLE. Mr. Speaker, when the Girl Scouts came to call on me for their annual visit to give me Girl Scout cookies, I said to them, I never hear from you all except at cookie time. They said, well, why not talk about us from time to time. So today I am going to talk about the Girl Scouts, Mr. Speaker.

Mr. Speaker, the Girl Scouts of the USA is the world's preeminent organization dedicated solely to girls, all girls where, in an accepting and nurturing environment, they build character and skills for success in the real world. In partnership with committed adult volunteers, girls develop qualities that will serve them all of their lives, like leadership, strong values, social conscience and conviction about their own potential and self-worth. Today, there are 3.7 million Girl Scouts, 2.7 million girl members, and 915 adult members.

Mr. Speaker, I encourage my colleagues to continue to purchase and consume Girl Scout cookies, but let us promote them year-round. The Girl Scouts are, indeed, a first-class organization.

## TAINTED WATER SUPPLY AT YUCCA MOUNTAIN

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, on such a beautiful sunny day here in the Nation's Capitol, do we not think it might be refreshing to once in a while have a drink from a glass of cool refreshing water? Would we trust that water if it was from a well in southern Nevada 20 years from now?

Well, Mr. Speaker, are my colleagues aware that Yucca Mountain, Nevada, the space designated for the world's high-level nuclear waste dump, sits on a water reservoir? And are my colleagues aware that the Department of Energy has admitted that the rate of water infiltration into Yucca Mountain is 100 times higher than that which the Federal Government originally intended for the site? And did my colleagues know that even the smallest earthquake at Yucca Mountain could jar the repository, could break the casks that hold this high-level nuclear waste? If my colleagues knew that this glass of water may contain radioactive nuclides from spent fuel, they would not drink it.

Well, Mr. Speaker, Nevadans will not either. Storing spent fuel at Yucca Mountain, Nevada is a dangerous endeavor and needs to be stopped, for Nevada and for every American.

## NATO EXPANSION SHOULD INCLUDE ROMANIA

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, I rise to express my strong support for Romania's membership into NATO. I was warmly welcomed to Cluj-Napoca, the sister city of Columbia, South Carolina, and I have seen firsthand as the roots of democracy flourish in Romania.

A recent article in The Washington Post cited the successful reform efforts of Romania, as well as the cooperation that Romania has offered to America to fight the war on terrorism. Romania has unconditionally opened its airspace to its allies with 20 NATO military flights daily. Its brave young men and women serve as peacekeepers in Kabul, and the Romanian government has offered a specialized mountain unit for service in the rugged terrain in Afghanistan.

I commend the efforts of Ambassador Sorin Ducaru, Foreign Minister Mircea Geoana, and Deputy Chief of Mission Stelian Stoian for their continuing important reforms and for joining the war on terrorism. Romania is proving itself as a trustworthy ally and should be granted membership to NATO with its neighbor, Bulgaria.

## TANF REAUTHORIZATION

(Mr. DAVIS of Illinois asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DAVIS of Illinois. Mr. Speaker, as we approach the reauthorization of TANF, let us be mindful of the fact that 75 percent of all new jobs are created in suburban communities, outside large inner cities. If we are to be successful with moving people from welfare to work, then we must make sure that there is adequate money, resources for transportation, so that the people can get from where there are virtually no jobs to where the jobs are.

Mr. Speaker, let us make sure that transportation is a part of TANF reauthorization so that people can get from welfare to where the jobs are.

## 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 each motion 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 after debate has concluded on motions to suspend the rules, but not before 6:30 p.m. today.

## NOTIFICATION AND FEDERAL EMPLOYEE ANTIDISCRIMINATION AND RETALIATION ACT OF 2001

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and concur in the Senate amendments to the bill (H.R. 169) to require that Federal agencies be accountable for violations of antidiscrimination and whistleblower protection laws; to require that each Federal agency post quarterly on its public Web site, certain statistical data relating to Federal sector equal employment opportunity complaints filed with such agency; and for other purposes.

The Clerk read as follows:

*Senate Amendments:*

Page 2, line 6, strike out ''2001'' and insert ''2002''.

Page 2, in the table of contents, strike out

''TITLE I—GENERAL PROVISIONS''

''Sec. 101. Findings.''
''Sec. 102 Definitions.''
''Sec. 103 Effective date.''

and insert

TITLE I—GENERAL PROVISIONS

Sec. 101. Findings.
Sec. 102. Sense of Congress.
Sec. 103. Definitions.
Sec. 104. Effective date.

Page 2, in the table of contents, strike out

''Sec. 206 Study by the General Accounting Office regarding exhaustion of administrative remedies.''

and insert

''Sec. 206. Studies by General Accounting Office on exhaustion of remedies and certain Department of Justice costs.''

Page 2, strike out all after line 9 over to and including line 13 on page 4 and insert:

**SEC. 101. FINDINGS.**

Congress finds that—

(1) Federal agencies cannot be run effectively if those agencies practice or tolerate discrimination;

(2) Congress has heard testimony from individuals, including representatives of the National Association for the Advancement of Colored People and the American Federation of Government Employees, that point to chronic problems of discrimination and retaliation against Federal employees;

(3) in August 2000, a jury found that the Environmental Protection Agency had discriminated against a senior social scientist, and awarded that scientist $600,000;

(4) in October 2000, an Occupational Safety and Health Administration investigation found that the Environmental Protection Agency had retaliated against a senior scientist for disagreeing with that agency on a matter of science and for helping Congress to carry out its oversight responsibilities;

(5) there have been several recent class action suits based on discrimination brought against Federal agencies, including the Federal Bureau of Investigation, the Bureau of Alcohol, Tobacco, and Firearms, the Drug Enforcement Administration, the Immigration and Naturalization Service, the United States Marshals Service, the Department of Agriculture, the United States Information Agency, and the Social Security Administration;

(6) notifying Federal employees of their rights under discrimination and whistleblower laws should increase Federal agency compliance with the law;

(7) requiring annual reports to Congress on the number and severity of discrimination and whistleblower cases brought against each Federal agency should enable Congress to improve its oversight over compliance by agencies with the law; and

(8) requiring Federal agencies to pay for any discrimination or whistleblower judgment, award, or settlement should improve agency accountability with respect to discrimination and whistleblower laws.

**SEC. 102. SENSE OF CONGRESS.**

It is the sense of Congress that—

(1) Federal agencies should not retaliate for court judgments or settlements relating to discrimination and whistleblower laws by targeting the claimant or other employees with reductions in compensation, benefits, or workforce to pay for such judgments or settlements;

(2) the mission of the Federal agency and the employment security of employees who are blameless in a whistleblower incident should not be compromised;

(3) Federal agencies should not use a reduction in force or furloughs as means of funding a reimbursement under this Act;

(4)(A) accountability in the enforcement of employee rights is not furthered by terminating—

(i) the employment of other employees; or

(ii) the benefits to which those employees are entitled through statute or contract; and

(B) this Act is not intended to authorize those actions;

(5)(A) nor is accountability furthered if Federal agencies react to the increased accountability under this Act by taking unfounded disciplinary actions against managers or by violating the procedural rights of managers who have been accused of discrimination; and

(B) Federal agencies should ensure that managers have adequate training in the management of a diverse workforce and in dispute resolution and other essential communication skills; and

(6)(A) Federal agencies are expected to reimburse the General Fund of the Treasury within a reasonable time under this Act; and

(B) a Federal agency, particularly if the amount of reimbursement under this Act is large relative to annual appropriations for that agency, may need to extend reimbursement over several years in order to avoid—

(i) reductions in force;

(ii) furloughs;

(iii) other reductions in compensation or benefits for the workforce of the agency; or

(iv) an adverse effect on the mission of the agency.

Page 4, line 14, strike out ''102.'' and insert ''103''.

Page 4, line 18, strike out ''agency,'' and insert ''agency'';

Page 4, line 21, strike out ''303,'' and insert ''303'';

Page 4, line 25, strike out ''Commission,'' and insert ''Commission'';

Page 5, line 2, strike out ''agency,'' and insert ''agency'';

Page 5, line 5, strike out ''agency,'' and insert ''agency'';

Page 5, line 9, strike out ''103.'' and insert ''104''.

Page 6, line 3, strike out ''(c),'' and insert ''(c)'';

Page 6, line 19, strike out ''of the'' and insert '',''

Page 7, line 2, strike out ''of the'' and insert '',''

Page 7, strike out lines 3 and 4

Page 7, line 14, strike out ''law,'' and insert ''law'';

Page 7, line 15, strike out ''if to the extent that'' and insert ''if, or to the extent that'',

Page 8, line 8, after ''ate,'' insert ''the Committee on Governmental Affairs of the Senate, the Committee on Government Reform of the House of Representatives, each committee of Congress with jurisdiction relating to the agency,''

Page 8, line 14, strike out ''alleged,'' and insert ''alleged'';

Page 8, line 16, strike out ''(1),'' and insert ''(1)'';

Page 8, line 21, strike out ''any,'' and insert ''any'';

Page 8, line 25, strike out ''(1),'' and insert ''(1)'';

Page 9 , line 3, strike out '', and'' and insert ''.''

Page 9, strike out lines 4 through 14 and insert

(6) a detailed description of—

(A) the policy implemented by that agency relating to appropriate disciplinary actions against a Federal employee who—

(i) discriminated against any individual in violation of any of the laws cited under section 201(a) (1) or (2); or

(ii) committed another prohibited personnel practice that was revealed in the investigation of a complaint alleging a violation of any of the laws cited under section 201(a) (1) or (2); and

(B) with respect to each of such laws, the number of employees who are disciplined in accordance with such policy and the specific nature of the disciplinary action taken;

(7) an analysis of the information described under paragraphs (1) through (6) (in conjunction with data provided to the Equal Employment Opportunity Commission in compliance with part 1614 of title 29 of the Code of Federal Regulations) including—

(A) an examination of trends;

(B) causal analysis;

(C) practical knowledge gained through experience; and

(D) any actions planned or taken to improve complaint or civil rights programs of the agency; and

(8) any adjustment (to the extent the adjustment can be ascertained in the budget of the agency) to comply with the requirements under section 201.

Page 9, strike out lines 18 and 19 and insert ''years (or, if data are not available for all 5 fiscal years, for each of those 5 fiscal years for which data are available)''.

Page 9, line 23, strike out ''title,'' and insert ''title'';

Page 9, strike out all after line 23 over to and including line 6 on page 10 and insert

(2) rules to require that a comprehensive study be conducted in the executive branch to determine the best practices relating to the appropriate disciplinary actions against Federal employees who commit the actions described under clauses (i) and (ii) of section 203(a)(6)(A); and

Page 10, line 20, strike out ''guidelines,'' and insert ''guidelines'';

Page 10, lines 22 and 23, strike out ''guidelines,'' and insert ''guidelines'';

Page 11, strike out all after line 9 over to and including line 16 on page 12 and insert

**SEC. 206. STUDIES BY GENERAL ACCOUNTING OFFICE ON EXHAUSTION OF ADMINISTRATIVE REMEDIES AND ON ASCERTAINMENT OF CERTAIN DEPARTMENT OF JUSTICE COSTS.**

(a) STUDY ON EXHAUSTION OF ADMINISTRATIVE REMEDIES.—

(1) STUDY.—

(A) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the General Accounting Office shall conduct a study relating to the effects of eliminating the requirement that Federal employees aggrieved by violations of any of the laws specified under section 201(c) exhaust administrative remedies before filing complaints with the Equal Employment Opportunity Commission.

(B) CONTENTS.—The study shall include a detailed summary of matters investigated, information collected, and conclusions formulated that lead to determinations of how the elimination of such requirement will—

(i) expedite handling of allegations of such violations within Federal agencies and will streamline the complaint-filing process;

(ii) affect the workload of the Commission;

(iii) affect established alternative dispute resolution procedures in such agencies; and

(iv) affect any other matters determined by the General Accounting Office to be appropriate for consideration.

(2) REPORT.—Not later than 90 days after completion of the study required by paragraph (1), the General Accounting Office shall submit to the Speaker of the House of Representatives, the President pro tempore of the Senate, the Equal Employment Opportunity Commission, and the Attorney General a report containing the information required to be included in such study.

(b) STUDY ON ASCERTAINMENT OF CERTAIN COSTS OF THE DEPARTMENT OF JUSTICE IN DEFENDING DISCRIMINATION AND WHISTLEBLOWER CASES.—

(1) STUDY.—Not later than 180 days after the date of enactment of this Act, the General Accounting Office shall conduct a study of the methods that could be used for, and the extent of any administrative burden that would be imposed on, the Department of Justice to ascertain the personnel and administrative costs incurred in defending in each case arising from a proceeding identified under section 201(a) (1) and (2).

(2) REPORT.—Not later than 90 days after completion of the study required by paragraph (1), the General Accounting Office shall submit to the Speaker of the House of Representatives and the President pro tempore of the Senate a report containing the information required to be included in the study.

Page 12, after line 16, insert

(c) STUDIES ON STATUTORY EFFECTS ON AGENCY OPERATIONS.—

(1) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the General Accounting Office shall conduct—

(A) a study on the effects of section 201 on the operations of Federal agencies; and

(B) a study on the effects of section 13 of the Contract Disputes Act of 1978 (41 U.S.C. 612) on the operations of Federal agencies.

(2) CONTENTS.—Each study under paragraph (1) shall include, with respect to the applicable statutes of the study—

(A) a summary of the number of cases in which a payment was made in accordance with section 2414, 2517, 2672, or 2677 of title 28, United States Code, and under section 1304 of title 31, United States Code;

(B) a summary of the length of time Federal agencies used to complete reimbursements of payments described under subparagraph (A); and

(C) conclusions that assist in making determinations on how the reimbursements of payments described under subparagraph (A) will affect—

(i) the operations of Federal agencies;

(ii) funds appropriated on an annual basis;

(iii) employee relations and other human capital matters;

(iv) settlements; and

(v) any other matter determined by the General Accounting Office to be appropriate for consideration.

(3) REPORTS.—Not later than 90 days after the completion of each study under paragraph (1), the General Accounting Office shall submit a report on each study, respectively, to the Speaker of the House of Representatives, the President pro tempore of the Senate, the Committee on Governmental Affairs of the Senate, the Committee on Government Reform of the House of Representatives, and the Attorney General.

Page 12, after line 16, insert

(d) STUDY ON ADMINISTRATIVE AND PERSONNEL COSTS INCURRED BY THE DEPARTMENT OF THE TREASURY.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the General Accounting Office shall conduct a study on the extent of any administrative and personnel costs incurred by the Department of the Treasury to account for payments made in accordance with section 2414, 2517, 2672, or 2677 of title 28, United States Code, and under section 1304 of title 31, United States Code, as a result of—

(A) this Act; and

(B) the Contracts Dispute Act of 1978 (41 U.S.C. 601 note; Public Law 95–563).

(2) REPORT.—Not later than 90 days after the completion of the study under paragraph (1), the General Accounting Office shall submit a report on the study to the Speaker of the House of Representatives, the President pro tempore of the Senate, the Committee on Governmental Affairs of the Senate, the Committee on Government Reform of the House of Representatives, and the Attorney General.

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. 169 now 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 Federal Government must be the role model for civil rights, not for civil rights violations. For far too long there has been little accountability which Federal agencies discriminate and retaliate against their employees. I am happy to say that this is about to change with the enactment of the No FEAR bill, a bill that I introduced, together with the gentlewoman from Texas (Ms. JACKSON-LEE), and the gentlewoman from Maryland (Mrs. MORELLA), after a year-long investigation.

That investigation, as well as several General Accounting Office investigations, indicated a serious problem in the Federal Government. The congressional investigation found evidence that a Federal agency was allowing discrimination and retaliation against its employees. This evidence was supported by the GAO reports that investigated discrimination in the Federal workforce during the 1990s and found that complaints of discrimination by Federal agencies grew tremendously.

In fact, by 1999, the number of such complaints to the EEOC increased by almost 130 percent over the number of complaints in 1991. The GAO reported that complaints alleging retaliation against employees who had participated in the complaint process also increased.

The problem in the Federal workforce is threefold. First, because of inadequate notification requirements, many employees are not aware of their rights and many managers are not aware of their responsibilities. Second, Federal agencies and Congress cannot assess the extent of the problem due to inadequate reporting. Third, Federal agencies are not accountable for the misdeeds of their employees, because they simply tap the general Treasury to pay for court judgments and settlements in discrimination cases.

The No FEAR Act targets these 3 problems. The bill will require agencies to pay for all court settlements and judgments for discrimination and retaliation cases, instead of allowing the agency to use a government-wide slush fund. This will make agencies more accountable.

The bill has a notification requirement aimed at improving workforce relations by increasing managers' and employees' knowledge of their respective rights and responsibilities.

The Act also has reporting requirements that will help determine if a pattern of misconduct exists within an agency and whether that agency is taking appropriate action to address the problem. The GAO testified on May 9 that such tracking of complaints, cases, and costs are not occurring, but that it is critical to understanding whether a problem exists.

As the National Taxpayers Union stated in urging Congress to enact the legislation, ''The No FEAR Act promotes the virtues of fiscal responsibility and accountability in government.'' And, as Jack White of Time Magazine stated, the No FEAR bill is the ''first new civil rights law of the 21st century.''

The No FEAR Act passed the House back in October of 2001 with a 420 to zero vote. The Senate, after 6 months, finally passed the bill and sent it back here with a few minor changes to the reporting requirements and 2 new GAO studies.

In closing, Mr. Speaker, this bill never would have happened without the hard work of Dr. Marsha Coleman-Adebayo, the Federal whistleblower who brought this issue to the forefront; Mr. Leroy Warren of the NAACP, and Steven Kohn of the National Whistle Blowers Center.

Mr. Speaker, the Federal Government should be a model of the best practices for a fair and open work environment. That was not the case in the 1990s, but must be the case in the 21st century. 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 such time as I may consume.

Mr. Speaker, though this might seem to be a little bit flowery, there are often times when we bring legislation to the floor of the House that has worked its will, and it makes a difference and it changes lives, and we are glad that it passed.

□ 1415

But sometimes we can call legislation a labor of love, and I would like to think that the work that the chairman of the Committee on the Judiciary has done symbolizes that.

I would like to personally thank the gentleman from Wisconsin (Chairman SENSENBRENNER) for having the stick-to-it-iveness to collaborate with me and to be responsive to issues that came to our attention when we were members of the Committee on Science. The gentleman from Wisconsin was chairman, and I was a member of that committee. I remain a member of that committee and the Committee on the Judiciary, and we remain colleagues working together. This legislation represents a challenge to all of us.

Finally, the story has a positive ending. It represents changing lives. Mr. Speaker, I might say, some lives were lost. This is an important initiative on the floor of the House today. Because of its importance, I took all necessary means from Texas to get here on time, and I am glad I just made it.

But let me speak to the No FEAR Act regarding the legislation that is now before us that has come to us from the United States Senate. This is a major step in our fight to end the insidious practice of discrimination and

retaliation in our Nation's Federal workforce.

Mr. Speaker, in the fiscal year 2000, Federal employees filed nearly 25,000 complaints against Federal agencies through the EEOC process. These complaints resulted in over $26 million in discrimination complaint settlements and judgments, with an average process time of 384 days per complaint in 1998, while a case traveling through the entire complaint process, from filing through appeal, could take up to 38 months.

Some would say that is a waste of money. Some would say that this legislation will, in fact, save the government money by creating an atmosphere of tolerance and nondiscrimination, as the chairman said, in the 21st century. These numbers and process times indicate that discrimination is pervasive now in our Federal workplace, and we must change it.

Under the Civil Rights Act of 1964, it is illegal to discriminate against Federal employees on the basis of race, color, sex, religion, national origin, age, or disability. These laws have taken us a long way towards ensuring equality, job security, and the rule of law in the Federal workplace by protecting Federal employees from retaliation when filing complaints against either the agency or other employees of the Federal Government who act in supervisory roles.

Currently, Federal whistleblowers may file reprisal complaints with the Office of Special Counsel, the Merit System Protection Board, the Department of Labor, the Occupation and Safety Health Administration, OSHA. Federal whistleblowers are protected under several Federal laws, the primary one being the Whistleblower Protection Act of 1989.

But the number of actions and extensive process times indicate that this legislation is greatly needed. The No FEAR Act is instructive and important. Since its introduction in the 106th Congress as H.R. 5516, the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2000, No FEAR, has stood for the principle that Federal employees should have no fear reporting discriminatory behavior by their Federal agency employers.

Like its predecessor, the legislation before us today, H.R. 169, demands that agencies be held accountable for their misdeeds, but H.R. 169 expands accountability through the entire Federal Government.

The American Federation of Government Employees have No FEAR because we are here to work with them. We know of the conscientious and well-meaning and hardworking Federal employees, and we affirm them today. The only thing this legislation attempts to do is to work with them to ensure that we have a Federal workplace that all of us can be proud of.

Let me put a face on this problem, Mr. Speaker. On October 2, 2000, the House Committee on Science held a hearing entitled ''Intolerance at EPA, Harming People, Harming Science.'' That is when our hero, Dr. Marsha Coleman-Adebayo, an EPA whistleblower, won a $600,000 jury decision against EPA for race and sex discrimination under Title VII of the Civil Rights Act of 1964.

During that hearing, then chairman of the Committee on Science, the gentleman from Wisconsin (Mr. SENSENBRENNER) illuminated the dangerous precedent set by the EPA, stating ''While EPA has a clear policy on dealing with employees who discriminate, harass, or retaliate against other EPA employees, no one apparently involved in the Coleman-Adebayo or Nolan cases have yet to be disciplined by EPA.''

Here is what we have: We have a situation where Dr. Coleman-Adebayo was faced with constant harassment and discrimination, and it did not change. Could Members imagine that in a subsequent report, those employees that discriminated against her were applauded and complimented for their work? Do Members realize that in the testimony, a number of those stories that were not able to be presented personally, a number of those stories resulted in illnesses that employees suffered. One employee lost his life because of the stress.

The No FEAR bill now responds to a workplace that can be safe and hospitable.

First, the bill requires accountability throughout our Federal workplace, and disturbingly, under current law, Federal agencies are not held liable when they lose judgments. The No FEAR Act recognizes that accountability is important.

The No FEAR Act, secondly, requires Federal agencies to notify employees about any applicable discrimination and whistleblower protection laws, and report to Congress. That is a big step. If they come as new or old employees, they do not know.

Third, No FEAR recognizes Congress' intent that such legislation is necessary, but should not otherwise limit the ability of Federal employees to exercise their other rights.

Finally, No FEAR requires each Federal agency to send in an annual report to Congress listing, among other things, the number of cases the agency is involved in.

Let me applaud the Senate, Mr. Speaker, and say that I am gratified at the amendments they offered, the one expressing the sense of Congress that we should not be punitive on one side to help another side. We should not use a reduction of workforce or forced furloughs in order to pay for settlements.

I am very gratified that they have an amendment that will allow the reports to go to all committees of jurisdiction, and their third amendment that will ask for a study to see how much the cost is.

Mr. Speaker, I believe this labor of love is long overdue, creating a hospitable workplace, but applauding the working people of the Federal Government, and at the same time weeding out and pushing out discrimination.

I'd like to thank Judiciary Chairman JAMES SENSENBRENNER, Ranking Member JOHN CONYERS, and all my colleagues from both sides of the aisle for supporting this important civil rights legislation. This bill before us today, a substitute to H.R. 169 (the No Fear Act), is a major step in our fight to end the insidious practice of discrimination and retaliation in our Nation's federal workplace.

My friends, in fiscal year 2000, federal employees filed nearly 25,000 complaints against federal agencies through the EEOC process. These complaints resulted in over $26 million in discrimination complaint settlements and judgements, with an average process time of 384 days per complaint in 1998, while a case traveling through the entire complaint process from filing through appeal could take up to 38 months. These numbers and process times indicate that discrimination is pervasive in our federal workplace.

Under the Civil Rights Act of 1964, it is illegal to discriminate against federal employees on the basis of race, color, sex, religion, national origin, age, or disability. These laws have taken us a long way towards ensuring equality, job security, and the rule of law in the federal workplace by protecting federal employees from retaliation for filing complaints against either the agency or other employees of the federal government who act in supervisory roles.

Currently, federal whistleblowers may file reprisal complaints with the Office of Special Counsel (''OSC''), the Merit Systems Protection Board (''MSPB''), and the Department of Labor's Occupational Safety and Health Administration (''OSHA''). Federal whistleblowers are protected under several federal laws, the primary one being the Whistleblower Protection Act of 1989. But the numbers of actions and extensive process times indicate that further legislation is greatly needed.

Since its introduction in the 106th Congress as H.R. 5516, the Notification and Federal Employee Anti-discrimination And Retaliation Act of 2000 (No FEAR Act), has stood for the principle that federal employees should have ''no fear'' in reporting discriminatory behavior by their federal agency employers. Like its predecessor, the legislation before us today, H.R. 169, demands that agencies be held accountable for their misdeeds, but H.R. 169 expands accountability throughout the entire Federal Government.

Let me put a face on this problem. On October 2, 2000, the House Science Committee held a hearing entitled ''Intolerance at EPA—Harming People, Harming Science?'' Dr. Marshal Coleman-Adebayo, an EPA whistleblower, won a $600,000 jury decision against EPA for race and sex discrimination under Title VII of the Civil Rights Act of 1964. During that hearing, then Chairman of the Science Committee Sensenbrenner illuminated the dangerous precedent set by the EPA, stating, ''While EPA has a clear policy on dealing with employees that discriminate, harass and retaliate against other EPA employees, no one apparently involved in the Coleman-Adebayo or Nolan cases have yet to be disciplined by EPA.''

I note with concern that an internal EPA memo dated August 2, 2001 praised the managers named in Dr. Coleman-Adebayo's case

as environmental leaders without a single mention of their role in violating her civil rights. When coupled with the high profile nature of the Dr. Coleman-Adebayo's case, I believe these actions send the wrong message to EPA and federal employees.

No FEAR contains four major provisions which address this problem. First, the bill requires accountability throughout our federal workplace. Disturbingly, under current law, federal agencies are not held liable when they lose judgements, awards or compromise settlements in whistleblower and discrimination cases. This has the effect of discouraging accountability because the Federal Government pays such awards out of a government-wide judgement fund. The No FEAR Act recognizes that accountability is the cornerstone of good management policy, and as such requires that when agencies lose judgments, awards, or compromise settlements in whistleblower and discrimination cases, the responsible agency must pay for the judgment out of its own budget, rather than out of a general federal judgment fund as currently occurs.

Second, No FEAR requires Federal agencies to notify employees about any applicable discrimination and whistleblower protection laws and report to Congress and the Attorney General on the number of discrimination and whistleblower cases within each agency.

Third, No FEAR recognizes Congress' intent that such legislation is necessary but should not otherwise limit the ability of federal employees to exercise other rights available to them under federal law.

Finally, No FEAR requires each federal agency to send an annual report to Congress listing, among other things: (a) The number of cases in which an agency was alleged to have violated any of the discrimination and whistleblower statues; (b) the disposition of each of these cases; (c) the total of all monetary awards charged against the agency from these cases; and (d) the number of agency employees disciplined for discrimination or harassment.

The Senate Amendments added a new section expressing the sense of the Congress that agencies should not use a reduction in force or furloughs as a means of funding a reimbursement under the Act. This amendment also ensures that managers have adequate training in the management of a diverse workforce and in communication skills.

The Senate amendment also strengthens the bill's reporting requirements specifying that the reports must be sent to the Government Affairs Committee, the House Governmental Reform Committee and other committees of jurisdiction; requiring agencies to report on their policies relating to disciplining employees who commit prohibited personnel practices revealed in the investigation of a discrimination complaint.

Finally, The Senate amendment requires GAO to study the methods that could be used by the DOJ to determine its costs of defending each discrimination and whistleblower case, and the extent of any administrative burden that making such determination would entail.

In all, No FEAR makes our agencies more accountable by creating incentives for them to monitor themselves.

Mr. Speaker, we have come a long way towards eliminating the culture of discrimination and harassment that exists in our federal workplace. As Members of Congress, we must make every effort possible to ensure that those victims and heroes who come forward to warn us of the violations existing in the federal workplace are protected from retaliation, treated with the respect and dignity, and are afforded the due process to which they are entitled to under the law.

Our federal employees cannot and must not live in fear. This bi-partisan legislation will ensure that they do not. I urge my colleagues to support it.

Finally, I would like to express my appreciation to Dr. Marsha Coleman. Adebayo, all the employees that I met with on this issue the entire workplace task force, the NAACP, the Chicago branch of the NAACP and President of the NAACP Kweisi Mfume for their leadership, help, persistence and commitment to the passage of the No FEAR legislation.

Mr. Speaker, it is my pleasure to yield 3 minutes to the gentleman from Illinois (Mr. DAVIS), the distinguished ranking member of the Committee on Government Reform's Subcommittee on Civil Service and Agency Organization.

Mr. DAVIS of Illinois. Mr. Speaker, I thank the gentlewoman from Texas for yielding time to me.

Mr. Speaker, I rise in strong support of what is being commonly called the No FEAR Act. I want to commend the gentleman from Wisconsin (Chairman SENSENBRENNER) and the gentlewoman from Texas (Ms. JACKSON-LEE) for their hard work, diligence, and tenacity in pursuing this legislation to get it to the floor today. They both have done outstanding work, and I appreciate their efforts.

Mr. Speaker, our goal should be to always have in place the most open and responsive workplace that can be created. This means that employees must feel free, uninhibited, and able to operate without fear. They must be able to operate knowing that should they reveal information, that should they bring to the surface what they have seen, and should they report what they know, that there will be no reprisals, there will be no retaliation, and there will be nothing that anybody will ever be able to do that will cause them grief.

I think the day is great because it means that the Federal Government is exercising the kind of leadership that we ought to provide. The Federal Government should be the barometer, the leader in causing our country to function a certain way. I have always been told that you cannot lead where you do not go. So if we expect the private sector to come on line, then it is only apt that the Federal Government lead the way, lead the way in tolerance, nondiscrimination, and no retaliation against those who would exercise the right to be responsible.

So again, Mr. Speaker, I commend the gentleman from Wisconsin (Chairman SENSENBRENNER) and the gentlewoman from Texas (Ms. JACKSON-LEE) for their leadership on this issue, and urge strong support. I look forward to its passage.

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

Mr. Speaker, let me again thank the gentleman for this long journey that we took, and mention my thanks to the other body in the framework that I am allowed to do so in accordance with the rules of the House.

Let me conclude by simply saying that we are our brothers' and sisters' keepers. I appreciate the distinguished gentleman from Illinois because of his leadership on civil service issues. His support on this is, of course, making it a bill that responds to all of our concerns.

Mr. Speaker, I would simply say that this bill helps the government to do its work. Part of the problem with the Environmental Protection Agency is that sociologists could not do science work, but they could do good sociologists work. The problems is that they were mistreated such that they were forced to do a certain kind of work that they were not prepared for, and therefore resulted in a whole series of inhospitable working conditions.

So this legislation is good for the government because it creates an atmosphere where we can do our maximum best work, and work collectively together without discrimination.

Mr. Speaker, I ask my colleagues to enthusiastically support H.R. 165, the No FEAR Act.

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

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

Mr. Speaker, this bill is now reaching its final legislative consideration, and when the Senate amendments are concurred in, it will go to the White House for the President's signature. This shows that our system of representative government works.

All too often we hear complaints that elected officials never listen, or, ''My speaking out does not make any difference.'' I think this bill shows that elected officials do listen, and a few people speaking out when they have right on their side can bring about a change in the laws of the United States of America, which I hope will have a far-reaching impact in preventing discrimination and retaliation within the Federal workforce.

If it were not for the work of Dr. Marsha Coleman-Abebayo and the NAACP Federal Workforce Task Force, I do not think that the Congress could ever have known about how bad the situation was in the EPA. But they did speak out, they did present a convincing case. They convinced both the Committee on Science in the last Congress and the Committee on the Judiciary in this Congress, as well as this House and the other body, that we needed to change the law to try to clean up some of these abusive practices.

I hope that this legislation will go a long way to doing this by making the

agency financially accountable for settlements and judgments caused by the misdeeds of their supervisors. The system does work, Mr. Speaker.

Ms. JACKSON-LEE of Texas. Will the gentleman yield?

Mr. SENSENBRENNER. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman for yielding to me.

I just wanted to add my appreciation to the NAACP and to all of the employees and the task force, and particularly acknowledge Mr. Kweisi Mfume, who was one of our witnesses, for his leadership and interest on this issue. I want to express my appreciation to all who were engaged in helping with this legislation.

Mrs. MORELLA. Mr. Speaker, I rise today in strong support of H.R. 169, the NO FEAR legislation. This bill provides essential help to whistleblowers and those that suffer discrimination, and it penalizes agencies that attempt to practice discrimination or punish whistleblowers. Under current law, most judgments or awards against the federal government, including federal agencies, are paid out of a general judgment fund and are not attributed to, or accounted for, by the agency responsible for the claim. This bill requires federal agencies to reimburse the government's judgment fund for amounts paid out in response to a court settlement, award or judgment against an agency in a discrimination or whistleblower protection lawsuit. Hopefully, by making agencies responsible for their actions, we can further decrease the reprehensible practice of discrimination and the needless punishing of whistleblowers.

This bill has several other important provisions which my colleague from Wisconsin has mentioned and so I would just like to take this opportunity to point out and recognize two individuals, Dr. Marsha Coleman-Adebayo and Mr. Leroy Warren, Jr. Both of these individuals live in my district, Montgomery County, Maryland and played an instrumental role in helping this legislation come to the floor today.

Mr. Warren is Chairman of the NAACP Federal Sector Task Force and was asked to investigate and address the ever-growing number of complaints of discrimination within the federal government. Mr. Warren's task force did an admirable job in bringing to light much of the discrimination that federal employees faced.

Dr. Coleman-Adebayo has become well known for her courageous fight against discrimination by the EPA.

She is someone who suffered terribly from her battle but persevered and won her case against the EPA. She has testified in front of both the Science and Judiciary Committees to alert all of us to the seriousness of what transpired in her case. And now, hopefully, because of the NO FEAR bill, the first civil rights bill of the 21st Century, victims of racial, sexual, and hostile work environments, and whistleblowers, will not have to suffer the pain and abuse that Dr. Coleman-Adebayo endured. Let us hope instead that H.R. 169 will push federal agencies to spend their time devising effective plans to address all forms of discrimination in the workplace.

I urge my colleagues to support this bill.

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

The SPEAKER pro tempore (Mr. CULBERSON). The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and concur in the Senate amendments to the bill, H.R. 169.

The question was taken.

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

Mr. SENSENBRENNER. 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.

□ 1430

## YOSEMITE NATIONAL PARK EDUCATION IMPROVEMENT ACT

Mr. RADANOVICH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3421) to provide adequate school facilities within Yosemite National Park, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3421

*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 ''Yosemite National Park Education Improvement Act''.*

***SEC. 2. FINDINGS AND PURPOSE.***

*(a) FINDINGS.—Congress finds the following:*

*(1) The three elementary schools serving the children of employees of Yosemite National Park are served by the Bass Lake Joint Union Elementary School District and the Mariposa Unified School District.*

*(2) The schools are in remote mountainous areas and long distances from other educational and administrative facilities of the two local educational agencies.*

*(3) Because of their remote locations and relatively small number of students, schools serving the children of employees of the Park provide fewer services in more basic facilities than the educational services and facilities provided to students that attend other schools served by the two local educational agencies.*

*(4) Because of the long distances involved and adverse weather and road conditions that occur during much of the school year, it is impractical for the children of employees of the Park who live within or near the Park to attend other schools served by the two local educational agencies.*

*(b) PURPOSE.—The purpose of this Act is to authorize the Secretary of the Interior to provide supplemental funding and other services that are necessary to assist the State of California or local educational agencies in California in providing educational services for students attending schools located within the Park.*

***SEC. 3. PAYMENTS FOR EDUCATIONAL SERVICES.***

*(a) AUTHORITY TO PROVIDE FUNDS.—For fiscal years 2003 through 2007, the Secretary may provide funds to the Bass Lake Joint Union Elementary School District and the Mariposa Unified School District for educational services to students who are dependents of persons engaged in the administration, operation, and maintenance of the Park or students who live at or near the Park upon real property of the United States.*

*(b) LIMITATION ON USE OF FUNDS.—Payments made by the Secretary under this section may not be used for new construction, construction contracts, or major capital improvements, and may be used only to pay public employees for services otherwise authorized by this Act.*

*(c) LIMITATION ON AMOUNT OF FUNDS.—Payments made under this section shall not exceed the lesser of $750,000 in any fiscal year or the amount necessary to provide students described in subsection (a) with educational services that are normally provided and generally available to students who attend public schools elsewhere in the State of California.*

*(d) ADJUSTMENT OF PAYMENTS.—Subject to subsection (c), the Secretary is authorized to adjust payments made under this section if the State of California or the appropriate local educational agencies do not continue to provide funding for educational services at Park schools at per student levels that are equivalent to or greater than those provided in the fiscal year prior to the date of enactment of this Act.*

*(e) SOURCE OF PAYMENTS.—*

*(1) AUTHORIZED SOURCES.—Except as provided in paragraph (2), in order to make payments under this section, the Secretary may use funds available to the National Park Service from appropriations, donations, or fees.*

*(2) EXCEPTIONS.—Funds from the following sources may not be used to make payments under this section:*

*(A) Fees authorized and collected under the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–4 et seq.).*

*(B) The recreational fee demonstration program under section 315 of the Department of the Interior and Related Agencies Appropriations Act, 1996 (as contained in section 101(c) of Public Law 104–134; 16 U.S.C. 460l–6a note).*

*(C) The national park passport program established under section 602 of the National Parks Omnibus Management Act of 1998 (16 U.S.C. 5992).*

*(D) Emergency appropriations for Yosemite flood recovery.*

*(f) DEFINITIONS.—For the purposes of this Act, the following definitions apply:*

*(1) LOCAL EDUCATIONAL AGENCIES.—The term ''local educational agencies'' has the meaning given that term in section 9101(26) of the Elementary and Secondary Education Act of 1965.*

*(2) EDUCATIONAL SERVICES.—The term ''educational services'' means services that may include maintenance and minor upgrades of facilities and transportation to and from school.*

*(3) PARK.—The term ''Park'' means Yosemite National Park.*

*(4) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.*

The SPEAKER pro tempore (Mr. CULBERSON). Pursuant to the rule, the gentleman from California (Mr. RADANOVICH) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. RADANOVICH).

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

Mr. Speaker, H.R. 3421, which I introduced, would authorize the Secretary of the Interior to provide supplemental funding and other services necessary to assist local school districts in providing educational services for students attending three schools located within Yosemite National Park.

The three schools in question are Yosemite Valley, which serves 46 students in K through eighth grades; El Portel Elementary, which serves 50 students